

BEYOND BLOOD MOBILES

There are no simple solutions for the DRC



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I would like to say thanks to all the people who have helped during the research. The ones who have helped me with the content of the research but also those who have helped me mentally to bring this project to an end. Special thanks to Marijn van Blom and Ank Willems who have helped me to get a better understanding of the situation in the DRC, but certainly also the Great Lakes region. Their critical look often brought new insights. Bert Bomert, who has listened to my many undefined and chaotic ideas, and brought me back on track when needed. Also, and not unimportantly, I am very grateful to my family, Michiels family and my friends for their interest and support. But most importantly of all I want to thank Michiel for all his support and the push I sometimes (if not many times) needed.

Humanity should learn to think. Values without thinking are dangerous and, throughout history, have given rise to wars, persecutions. [...] When you're dealing with people, people are not predictable and people change. If you develop your skill of thinking, some confidence in your thinking then you can make a difference. – Edward de Bono

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Executive Summary

In the summer of 2008 violence flared up again in the eastern part of the Democratic Republic of Congo (DRC). The media and political attention for the problems in the DRC were at an all-time high. There were two global simplified explanations for the eruption of the violence: it was either an ethnic problem, or a resource problem. It is widely believed, however, that resources are the main cause of the conflict in the DRC. Special attention was being paid for the role of coltan, which is won in the DRC and is used in electronics, for instance in mobile phones. This example was used to draw attention to the problems caused by natural resources the DRC. This issue had already been raised in 2001 when the price of coltan was so extremely high that a 'black gold rush' overrun the country. This has also had its impact on society; different militant parties fought over the resources, and many people were drawn to the mines where they found work under slavery-like conditions. In 2008 the role of coltan was much smaller than it was in 2001; now cassiterite (tin) was the most important export product of the DRC. The 'coltan issue' seemed to be outdated and the importance of the mineral on the global market was slim, according to many. But still, different possible solutions for the influence of natural resources on the conflict were posed, and one of those solutions was the so-called Certification of Trading Chains.

The Certification of Trading Chains (CTC) is a project proposed by the Bundesanstalt für Geowissenschaften und Rohstoffe (BGR), an institute that does research for the German government. The BGR has started two initiatives, both related to coltan: fingerprinting coltan and the CTC. The technique of fingerprinting could be used to trace a mineral back to its mine by geochemical means. This fingerprinting can be used in the CTC, which aims to certify the mineral from its origin to its end user. The goal of this certification process is to make it possible for merchants and manufacturers to see if the mineral they buy is in any way related to conflict. But the CTC does not only look at

the relationship between the mineral and a certain conflict. It also looks at work conditions, security, human rights and social economic and institutional development and environmental performance. The CTC is still in its pilot phase, which is held in Rwanda and will probably start in the DRC in 2009.

The question of this research is whether the Certification of Trading Chains can contribute to a decrease in conflict in the eastern part of the DRC. In order to answer this question, three questions are posed:

- What is the role of natural resources in the conflict in North and South Kivu?
- What problems do trade networks in North and South Kivu cause?
- Which actors can contribute to the solution of the conflict and how?

These questions have resulted in sometimes surprising, sometimes unsurprising outcomes:

- The DRC has a long history (since its independence) of conflict. These conflicts were often the result of failure of the state as a stabilising factor. The size of the country has made it impossible for the government to be of great influence in the periphery.
- Natural resources certainly play a role in conflict, but it must not be forgotten that there are underlying factors which are sometimes more important.
- Underlying factors which are causes of conflicts are (among others): ethnic hatred, economic inequality, the transition from a repressive to a democratic regime, and government economic incompetence.
- Another problem is the overall failing nature of the government. The problem of corruption and the bad state of the security apparatus undermine the chances for peace.
- The illegal trade networks in the eastern part of the DRC are very influential and cause great problems
 - The earnings made by the extraction and trade are not

used for the development of the local population.

- The lootability of the resources attract different warring parties; rebel armies but also neighbouring countries.
- The continuation of the networks has become a reason for conflict.
- There is no substitution for the money made by the local population in mining and trade.

- The CTC cannot solve all these problems without a functioning state.
- The emphasis of donors and stakeholders should be on institution building, the improvement of governmental structures and control and the improvement of the security apparatus. CTC can only have a chance for success in a comprehensive framework of measures.

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1 Introduction

10 Million people (16%) of the Congolese population are directly or indirectly dependent on small scale mining. In the 1980s, the mining sector contributed 25% of total tax receipts, 75% of total exports and 25% of GDP.[...] DRC is an often cited example of the so-called "paradox of plenty." Extremely rich in natural resources (80% of world wide resources of Coltan, 10% of world wide resources of copper), the population suffers of extreme poverty (80% of the Congolese population lives of less than us\$ 0.20 a day).ⁱ

1.1 BLOOD MOBILES

During the summer of 2008 violence in the eastern part of the Democratic Republic of Congo (DRC) erupted again and the media were full of it. Possibly in reaction to this media attention, in November 2008 the *Partij van de Arbeid* (Dutch labour party) submitted a motion in parliament which pleads for an international investigation into instruments that could prevent different parties from making profit from the extraction and trade in natural resources (minerals) from the eastern part of the Democratic Republic of Congo.ⁱⁱ In response to this motion, the Dutch minister of International Aid, Bert Koenders, agreed to a meeting with Dutch telecom companies to discuss chain responsibility and their (possible) role as buyers of 'conflict minerals'. In addition, there has also been a meeting of the ministers of Foreign Affairs from all EU countries. There is agreement on the forming of a commission that will investigate the effects of the illegal trade in natural resources on the situation in the DRC.

Telecom companies were chosen because mobile phones are appealing to the bigger public. The *Partij van de Arbeid* picked coltan (which is also won in the DRC) in mobile phones as an example of consumer goods that can contribute to the continuation of a conflict.ⁱⁱⁱ A few years earlier there were concerns about the use of coltan from the DRC and the influence of its trade on the conflict. Telecom companies were asked to review their responsibility and more transparency in the chain was the goal.

Some years ago, when specific concerns were raised about tantalum being illegally mined in the Democratic Republic of Congo we also took the additional action of requiring all of our suppliers NOT to source tantalum material from here. We check this and receive written confirmation from them that this is the case.^{iv}

This statement from Nokia indicates that this company is effectively dealing with the 'coltan-issue', but it is the question whether written statements from suppliers are sufficient proof that coltan is not being used in mobile phones. Do companies take sufficient measures to prevent the use of conflict minerals in their products? This is one of the questions that was raised.

Coltan is won in the DRC but most of the mineral is exported illegally and there is no official figure of the share coltan from the DRC has in the world market. In other words, how big is the chance that there is really 'conflict coltan' in your mobile phone? And what could be done about it? Would a boycott of the material not harm the miners who need the work? Coltan is not only used in the telecom sector, but has more possible applications. More companies should thus be invited to discuss the 'coltan issues'. One important question is if a discussion on coltan really could make a difference in the DRC; there are more mineral resources in the DRC that were at least as important as coltan. So addressing the role of coltan in the conflict in the DRC would also mean addressing the other mineral resources.

In short, talking to telecom companies has no use if there is no clear picture of what resources are important in the DRC, who are the buyers and what are the possible solutions and whether or not they work.

Background information is needed. This has been gathered by the Sub-Sahara Africa section of the Dutch Ministry of Foreign Affairs. This thesis is an extension of the information that was gathered during my internship at the Ministry of Foreign Affairs. It looks at one possible instrument that has been developed to make the trade in mineral resources from conflict areas more transparent. This thesis looks at the influence of the extraction and trade in natural resources

on the conflict in the eastern part of the DRC (North and South Kivu) and whether it is useful to implement a program like the Certification of Trading Chains (CTC) with the expectation that it would reduce conflict. This is done in three steps; *firstly*, on the basis of the current academic debate, the question of the role of natural resources in the conflict in the DRC will be answered. *Secondly*, the exploitation and trade in mineral resources in the DRC will be described, resulting in the formulation of four problems surrounding the exploitation and trade. *Thirdly*, the role of international players on the current situation and the possible role of some key players and possible solutions will be dealt with. Before this, Chapter 2 will first draw a clearer picture of the history in the DRC and the influence this has had on the situation.

In this first chapter some more explanation is needed on the issue; the role of coltan and what the CTC project is. This will be explained in the next paragraphs.

1.2 COLTAN

Coltan is a local African nickname for columbo-tantalite. Minerals containing tantalum are usually called tantalite. Columbite contains columbium, which is also called niobium. Tantalum is not only extracted in central Africa, but also Australia, Canada, Brazil and China are important suppliers of tantalum.^v

Niobium is mainly used in the steel industry, only a small part is used for the production of electronic products. Niobium is mainly produced in Brazil and very little is actually retrieved from African countries, unlike tantalum.

Tantalum is used for different applications in the electronics, chemical and metal industry. About 55% of all tantalum is used in electronic products like mobile phones, game computers, laptops, LCD screens, DVD players, etc. Tantalum is also used in air and spacecraft industry and nuclear reactors.

In November 2008 Talison, an Australian mining company, decided to close an important mine for the extraction of tantalum. The reason was, according to

Talison, the declining demand for tantalum and the tendency of electronics producers to buy tantalum from suppliers from the DRC (or indirectly from surrounding countries).^{vi}

Forecast primary production of Ta₂O₅ in 2008 is 4.3Mlbs. About 30% of this production will come from Talison's Wodgina operation in Australia and nearly 40% from Africa. Brazil and China combined will contribute more than 20% of primary supply.^{vii}

This statement of Talison contradicts the United States Geological Survey (USGS) data. According to data from 2009 only a small proportion is coming from mines in Africa, with Ethiopia and Rwanda as the main African tantalum export countries.^{viii} How is it possible that the USGS contradicts the part of the DRC in the tantalum industry? The reason for this is a discrepancy between official trade statistics and the estimated trade figures. DRC trade statistics are usually unreliable because a very large part of the trade is not recorded by the government. This means that trade (export) statistics of the DRC are much lower than the actual trade.

Even a brief glance at the DRC's official trade statistics clearly shows that this is an area fraught with misinformation, gaps, inconsistencies and every possible challenge for the analyst. In the African context, the DRC stands out as being one of the most problematic countries for establishing reliable trade statistics due to the widely acknowledged substantial amounts of estimated and unrecorded trade and the lack of institutional statistical gathering capacity.^{ix}

The absence of reliable statistics makes it difficult to determine the role of the DRC in the world trade and therefore the scope of the problems surrounding this trade.

One could question the importance of the position of the DRC in the world tantalum trade. Different telecom companies stress that tantalum from the DRC is only a small proportion of all tantalum and therefore state that the chances that tantalum from the DRC is being used in mobile phones are extremely small. In other words, it is

not a problem for telecom companies. But whose problem is it?

The problem, as stated by the Partij van de Arbeid, is that mineral resources (in particular coltan) play a large part in the financing of the conflict in the DRC. Mineral resources finance conflict parties and can be a motivator for conflict. What does this have to do with telecom companies? It is unclear whether these companies are right. It could be that they are using tantalum from the DRC because it is difficult to trace it to the source. If the electronic companies say that they are not able to control the whole supply chain and thus are not responsible, then how can this problem be solved?

1.3 CERTIFICATION OF TRADING CHAINS

One solution is proposed by the *Bundesanstalt für Geowissenschaften und Rohstoffe* (BGR). The BGR is an institute that does provide information to the German government on geo-scientific issues and is subordinate to the German Federal Ministry of Economics and Technology (BMWi). BGR has started initiatives to make the trade in mineral resources in Rwanda – and in the future in the DRC – more transparent. BGR has two projects, both related to coltan.^x These projects are a response to the findings of the UN Expert Group on the illegal exploitation of natural resources in the DRC in 2002 and 2006 and the outcomes of the G8 summit of 2007 in Heiligendamm (Germany).

One project looks at the possibility of making coltan traceable to its source; or in other words, the possibility to *fingerprint* coltan. The study has proved that it is possible to fingerprint coltan if certain conditions are met. If the raw material is not treated with chemical means, it is possible to trace the material back to its original source. Because the mineral and chemical compositions of columbite-tantalite ores are so complex and diverse it is possible to give columbite-tantalite from different regions and mines a specific signature. These signatures are registered in a database. With this database it is

possible to look at suspicious coltan ores and trace them back to their mine and prove that this ore is or is not related to armed groups.

Fingerprinting can also be of use in the second project of BGR, which is the *Certification of Trading Chains* (CTC). Fingerprinting of coltan is only useful if it is used to make trading chains of tantalum and niobium transparent from the beginning of the chain to the end (the consumer product). The goal of certification is to make it possible for merchants and manufacturers to see if the ore or materials they are buying are in any way related to armed groups and therefore support the duration of conflicts. Different companies claim that they can only be responsible for the last part of the trading chain because the trading chain is difficult to control. By adding this instrument of certification to the chain, it would be possible in the future to hold these companies accountable for their resources.^{xi}

CTC consists of a set of standards which are based on the *Guidelines for Multinational Enterprises* (2000) from the Organisation for Economic Co-operation and Development (OECD), the *Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones* (2006) and the *International Finance Corporation's Performance Standards* and the *Voluntary Principles on Security and Human Rights*. For each standard an independent certifier must judge whether and to what extent the company complies to this standard. The standards are related to transparency, work conditions, security, human rights and social, economic and institutional development and environmental performance. So CTC does not only look at transparency of the chain, but also at all of these different aspects. CTC makes an overall picture of each company (especially in the first part of the trading chain) available and so makes the chain more transparent.^{xii}

A CTC pilot project has started in collaboration with the Rwandan government and different companies that volunteered for this project. The pilot is taking place in Rwanda at the moment and the goal is to start a pilot project in the DRC

in the future. The reason Rwanda was chosen for the pilot study has to do with the role Rwanda plays in the Great Lakes Region. A lot of natural resources from the DRC are (illegally) exported to and through Rwanda. For this and other reasons Rwanda plays a role in the DRC conflicts. Rwanda is also chosen because it is a small country, with a limited number of companies in the sector. This makes facilitation of the project by companies possible.^{xiii}

Fingerprinting can be a useful controlling tool which can look at the (to be) certified ores and trace them back to their source. But is this tool applicable in the DRC and would it solve conflict?

1.4 METHODS

The *research objective* of this thesis is to analyse the role of natural resources in the conflict in eastern DRC and by this make a judgement about the effectiveness of the Certification of Trading Chains in eastern DRC. This will lead to recommendations for the different actors involved. This research is both theoretical and practice oriented. It aims to contribute to the theoretical debate about the role of natural resources, which has taken a switch from the greed and grievance debate into different new views on this issue. This thesis contributes by giving a different view on the often assumed role of natural resources in conflict of DRC.

The practical contribution is directed at policy making of different governments, supra-governmental and nongovernmental organisations. Just like the so-called Kimberly process, the Certification of Trading Chains could be a very interesting tool at first sight, especially since it is practical and it offers donors a practical programme to fund. This thesis will hopefully contribute with its recommendations to these donors who need a good analysis of the problem. This can also be seen as the social relevance of this thesis. Its contribution to good policymaking could help give the peace-building activities in eastern Congo a push in the right direction.

The research objective has been divided in three ways: a theoretical debate, a description of the trading network in the eastern part of the DRC, and a review of possible solutions and actors. The main questions are:

- What is the role of natural resources in the conflict in North and South Kivu (eastern DRC)?
- What problems do the trade networks in North and South Kivu cause?
- Which actors can contribute to the solution of the conflict and how?

These questions were used to answer one main question: To what extent can the Certification of Trading Chains contribute to a decrease of conflict in the eastern part of the DRC?

1.4.1 Concepts

- The **eastern part of the DRC** was translated in North and South Kivu because, at the moment, it is the region where the warring parties are most active.
- Based on research, it turns out that at the moment cassiterite is the most important export mineral in the eastern DRC as well as that the illegal trade networks mostly concentrate on the cassiterite trade and exploitation. Another consideration to use cassiterite as an example of natural resources is that it is an important product in the electronics industry and therefore it is possible that cassiterite from the DRC ends up in the houses of people all over the world. The issue of blood mobiles started as an awareness raising campaign for so-called 'conflict coltan', but the same can be said for cassiterite. Although there are many more natural resources in the DRC, it is impossible to deal with all of these in a short timeframe. It is also not necessary to include them all, since cassiterite and coltan can be seen as examples of how trade networks work and the impact this has on conflict. So in the framework of this thesis **natural**

resources are seen as cassiterite and coltan.

- **Conflict** in this thesis is used as substitution for armed conflict between different armed groups. This can be governmental forces but also rebel organisations.
- **Actors** in this thesis are the most important groups; organisations and governments that have a stake in the conflict or the solution of the conflict.

1.4.2 *Research material and strategy*

This thesis is primarily the result of a desk research. Different materials were used: reports from non-governmental organisations and different governments, academic publications and newspaper articles, information from internet sites. During my internship at the Ministry of Foreign Affairs there has been communication (by e-mail or in person) with some non-governmental organisations specialised in conflict, natural resources and the DRC. A visit to the DRC could not be realised in the time span of the research. It would have been interesting to compare the data collected at the desk to the reality on the ground. It was not essential for this thesis, however, because there is a lot of recent information available. It would be doubtful that on the basis of such a limited research, I would have found reliable and valid new insights. However, it would have been a good orientation method before the start of the research. This was therefore a limit in this research. The information in this thesis provides a view of the situation on the ground which cannot be checked or supported with a thorough field research. But the many different reports and media and academic sources, backed up by the knowledge of experts of nongovernmental organisations and the Ministry of Foreign Affairs, can give a reliable insight into the situation in the DRC and the role the international community plays.

This research certainly has some more limitations. The situation in the DRC is still very insecure and changes from day to day. It is hard to keep up with all new developments, so it is possible that some of the information is already outdated.

Another limitation is the technical part of the CTC project. There has been some informal criticism that the possibility of fingerprinting is not really reliable. Since it is still a very novel approach, it is not possible to support this with reliable data. Therefore I did not pay attention to the technical possibilities of the CTC.

In the next chapters the findings of the research are presented. Firstly a short history of the DRC will be outlined. This is important for the understanding of the conflict(s) in the DRC. It is important to understand that the latest conflict has not been the only conflict in the DRC and that different conflicts existed in different contexts. It is impossible to ascribe all these conflicts to natural resources and so a more complex image has to be presented. This chapter gives background information, but also shows that the explanation of conflict in the DRC solely by natural resources and related issues cannot be supported.

Next, the three sub-questions will be answered. Each question has its own chapter. Chapter 3 deals with the academic debate surrounding the first question: the role of natural resources in the DRC. This is done by presenting theoretical debates concerning the role of natural resources that are confronted with the situation in the DRC. The most important theoretical debate is the so-called greed versus grievance debate. Does greed or grievance result into conflict? Greed is often translated into the presence of natural resources in an area. Collier has taken four grievances and has tried to prove that grievances were not reasons for conflict – where, on the other hand, greed was. I have used these four grievances and related them to the conflict in the DRC. In the process I came to an opposite conclusion: in the case of the DRC grievances are important; natural resources do play a role, but are not the sole motivator for conflict. The current debate also looks at natural resources from different angles like the role of natural resources on the severity of conflict. Because these debates are relatively novel and there is not yet much proof for these theories, it is difficult to situate the DRC in these debates. However, they can

be very interesting angles for further research. To show that resources play a more complex role in conflicts than just as motivators for conflict, I briefly deal with these theories in the end of the chapter. Chapter 4 our looks at the trade networks in the DRC and gives an image of the role of natural resources in the eastern DRC. At the end of chapter 4 I will summarise the problems the networks cause. In Chapter 5 the ability of the CTC to solve these problems will be compared to the problems. I will look at the capacity of the CTC to solve these problems. Other possible solutions are presented as well and national and international players are reviewed. This will lead to a conclusion and recommendations in the last chapter. In this conclusion the three questions will be joined together to see whether the CTC process would be able to reduce conflict in the DRC.

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<http://www.dfid.gov.uk/Documents/publications/trading-for-peace-reform-agenda-en.pdf>. p. 7

^x Information retrieved in December, 2008 from personal communication with BGR researchers.

^{xi} *Ibid.*

^{xii} *Ibid.*

^{xiii} *Ibid.*

2 HISTORY OF THE CONGO

It can be said that the Democratic Republic of Congo (previously known as Congo Free State or Zaire) has always had troubles with containing its borders. The enormous size of the country combined with its artificial borders and state weakness has made it in the past and present difficult to maintain its territorial integrity. The borders are not so much borders of a nation state, but can be seen like frontiers.ⁱ The central governmental force has much less impact on the border regions than in the centre of the country. The border regions are more influenced by neighbouring countries.

2.1 THE TURBULENT YEARS AFTER INDEPENDENCE (1960-1965)

The Congo Free State originates from a colony founded by the Belgian King Leopold II in the 1880s. The control over the colony was transferred to the Belgian government in 1908. In 1960 Congo achieved its independence and a turbulent period of power struggles fuelled by Cold War tensions followed.ⁱⁱ The first president Joseph Kasavubu was elected on an ethnic ticket; he had his power base among the Kikongo-speaking people from Bas-Congo, Kinshasa and Southern Bandundu.ⁱⁱⁱ This created unrest in the rest of the country, and regionalist tendencies emerged. Katanga and South Kasai were the central stage for secessionist movements which shook the whole country. These secessions eventually ended in bloodshed and Katangans assassinated Prime Minister Lumumba.^{iv} The UN got involved in the disarmament of rebels in the province of Katanga in the south-eastern part of the country. A shadow government ruled large parts of the East throughout 1961. Without strong governmental power in the periphery of the country, regionalist movements and political opponents of the Kinshasa regime found their bases for guerrilla wars in these areas.^v

In 1964 the United States and Belgium sent military assistance in order to put down a bloody uprising which was called the 'Simba rebellion'.^{vi} Multiple internal power struggles and bloody uprisings in the country and government finally resulted in the replacement of President Joseph Kasavubu by colonel Joseph Desire Mobutu as new president in 1965.

2.2 THE MOBUTU REGIME (1965-1997)

President Mobutu changed the country's name into Zaire and ruled for 32 years. The beginning years were relatively calm. In 1977/1978, however, Zaire was invaded from Angola by Soviet-backed Katangan rebels. Out of fear for the spreading of Soviet influence in Africa and because of the economic importance of the Katangan copper belt, Morocco, France, Belgium and the United States saved the Kinshasa regime with a military intervention.^{vii}

After the end of the Cold War Western allies of the Mobutu regime broke off political and military support. State control eroded by corrupt practices and incompetence. In 1991 Mobutu reinstated, under international and internal pressure, multiparty politics which were manipulated by Mobutu in order to retain in power. The Zairean state evaporated with a speed that was still unexpected, and was fired by the Hutu-Tutsi conflict in Rwanda. The conflict in Rwanda spread to the Kivu provinces in 1994 and in 1996/1997 a war broke out as a consequence.^{viii} In 1997 Laurent Kabila, backed by Rwanda and Uganda, came into power.

2.3 LAURENT AND JOSEPH KABILA IN POWER (1997-PRESENT)

Only a year after gaining power, president Kabila tried to eliminate all Rwandans from the government. This resulted in an invasion by Rwandan troops, backed by Congolese Tutsi rebels.^{ix} Fear raged, especially in the eastern and northern parts of the country, and different rebel movements carved up these parts with the help of neighbouring countries Rwanda

and Uganda in the 1998-2002 war. The invasion of Rwanda led to a massive war in which an estimated four million people died between 1998-2004, mostly from war-related diseases and starvation. The Lusaka ceasefire was signed in July 1999 and a peacekeeping mission (MONUC) was authorised in 2000.

Rwandan and Ugandan forces withdrew after the peace negotiations. A transitional government was ushered in; President Joseph Kabila, who succeeded his father after his assassination in 2001, had to share power with four vice-presidents.^x

Current situation

The Katanga province is now relatively calm and is the power base of President Joseph Kabila. The rebellion in North Kivu and South Kivu provinces still continues. Tutsi rebels, supposedly backed by Rwanda, are fighting different Hutu militias. In 2005 a Uganda rebel group, the Lord's Resistance Army (LRA), settled in the north east. This resulted in tensions between Uganda and the DRC.

On 30 July 2006 presidential elections were held accompanied with violent clashes in Kinshasa. Kabila was elected president in the second round; the elections were seen by outside observers as relatively free and fair. The situation in North Kivu deteriorated nevertheless. The national army (FARDC) and the National Congress for the Defence of the People (CNDP), a Tutsi militant and political organisation, from General Laurent Nkunda, were still raising arms at each other. An agreement was signed in Nairobi which should have led to the repatriation of the Democratic Forces for the Liberation of Rwanda (FDLR), a movement started by (among others) Hutu refugees who committed genocide in Rwanda. This, however, has still not happened sufficiently or not at all.^{xi} In June 2008 the FDLR attacked civilian camps in North Kivu and is still active in the area. In the same year the so-called 'Actes d'Engagement' were signed in Goma. This agreement was intended as a ceasefire and voluntary demobilisation of combatants in the east. This 'Amani' peace process has resulted in negotiations between the government, (Hutu) Mai Mai militias and the CNDP. The

start was hopeful, but clashes between the different warring parties in 2008 destroyed hope for the moment. The CNDP took control over the area surrounding the North Kivu capital Goma and with that consolidation the position of the CNDP in the province. The fights have caused enormous flows of internally displaced people.

International and regional diplomatic pressure to come to an agreement has started in late October. African leaders, together with UN Secretary General Ban Ki-moon, held an emergency summit of the African Union. In November new mediators convinced General Nkunda (CNDP) to agree to a ceasefire in November of 2008. Soon after, fighting started again, however. The CNDP claims to fight for the protection of the Congolese Tutsi, who, they say, are threatened by the Mai Mai militias, but also by the FDLR. As a result of the deteriorating situation and international pressure, the DRC government has agreed to work with the Rwandese government and the CNDP to arrest FDLR leaders. Ironically it resulted in the arrest of CNDP leader general Laurent Nkunda. In 2009, efforts of the different parties have led to more unrest and civilian casualties.^{xii xiii}

ⁱ ECORYS (2008). *Democratic Republic of Congo; Power and Change Analysis*. Rotterdam: ECORYS Nederland BV.

p. 9

ⁱⁱ International Crisis Group (2008). *Conflict History: DR Congo*. Retrieved 14 April, 2009 from

http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=37

ⁱⁱⁱ ECORYS (2008). *Democratic Republic of Congo; Power and Change Analysis*. Rotterdam: ECORYS Nederland BV.

p. 9

^{iv} *Ibid.*

^v *Ibid.* p. 9-10

^{vi} *Ibid.* p. 10

^{vii} *Ibid.*

^{viii} *Ibid.*

^{ix} International Crisis Group (2008). *Conflict History: DR Congo*. Retrieved 14 April, 2009 from

http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=37

^x *Ibid.*

^{xi} *Ibid.*

^{xii} *Ibid.*

^{xiii} Bavier J. (2009). *Some Congo civilians return, others flee rebels*. Retrieved 5 April, 2009 from http://www.reuters.com/article/homepageCrisis/idUSL276520._CH_.2400

3 Theoretical debate

3.1 MOTIVATIONS FOR CONFLICT: NOT ONLY RESOURCES

Since the end of the Cold War, wars have gotten a new meaning. Wars were viewed to be less about power block struggles and ideology and more about... what? This question was asked by different scholars. The end of the Cold War caused a vacuum in the way conflicts were viewed. A need for the development of conflict theory arose. One can wonder whether conflicts were really of different origin or if they were just looked at differently. This different way of viewing wars was not only confined to the difference in scale; old wars in the sense of wars between states and new wars as civil wars. Civil wars also occurred during the Cold War era but got less attention. A difference was seen between old and new civil wars. Old wars and new wars were found different in three related dimensions: (1) causes and motivation, (2) support, (3) violence. According to some, civil wars were motivated (1) by political and noble causes and new civil wars have a criminal character and are motivated by greed. These greed motivated civil wars lack, according to Kalyvas, any popular support (2), which old civil wars did have. In old civil wars violence was also controlled and disciplined. In new wars gratuitous and senseless violence (3) is conducted by undisciplined militias, private armies and independent warlords.ⁱ Kalyvas' analysis of old and new civil wars is too simplistic, however. It is hard to believe that all civil wars that have occurred (and still do occur) since the end of the Cold War are greed motivated and lack any popular support. In this chapter this view will be contested by the situation in the DRC. The main course of thinking with regard to the DRC is that the civil war in the DRC is fought over resources only. This chapter will point out that this is not the case; not only by looking at the situation on the ground in the DRC but also based on the theoretical debate. Different scholars admit that the situation is more complex

and that a rigid division between old and new wars cannot be made.

The demise of the cold war potentially affected the way in which civil wars were fought, if not their frequency. Clearly, the disappearance of external sources of legitimation and funding provided by competing superpowers puts a premium on local resources. Yet, the exact mechanisms that link funding and war – from diasporas to lootable resources and how they affect the ways in which civil wars are fought remain inadequately specified.ⁱⁱ

Although the Cold War probably has had an influence on conflicts, it is unclear what that influence exactly is. During the Cold War it was not unusual that different rebel groups were funded by the United States or the Soviet Union and were used to fight a war between 'capitalism' and 'socialism'. A lot of this funding fell away with the ending of the Cold War. It could be that during this time rebels also fought because they received this funding. So this could also be greed motivated war. It is difficult to say whether this funding was just used to finance the war. The same can be said for the role of (for example) natural resources in wars. The natural resources can be a motivation for the war but also a means to keep war going. It is not possible to make a clear distinction in greed motivated wars and war fought over ideologies. It can be said that private gain is not in all cases the source of war but can be an important motivator to be able to keep a war going and in the process make money of it. The original motivators of war can be forgotten and used only to motivate, for instance, lower ranking rebels.

Why is this distinction important for the analysis of the conflict if the outcome is the same? It can matter if resources are seen as the ONLY motivators in a conflict. A conflict can have started for different reasons. Taking away resources as a motivator (in a peace process for instance) would probably not lead to peace if this is not the sole motivator. It could weaken one or more parties in the conflict, if one party does not have the means anymore to fight because the ability to profit of natural resources is taken away. This

could be a good thing, but it also could shift the balance. Would it actually reduce conflict? It is therefore important that it is examined what the motivations for the conflict are. From an academic point of view there are different ways of viewing a conflict. In this chapter different views will be discussed and complemented with information of the DRC situation. The most important angle is the 'greed versus grievance' debate. As has been remarked before, in the DRC situation it is often said that greed is the main motivation. If this is true, it is best to look at solutions which aim at taking away resources as an actor in the conflict. If not, then all effort put into this kind of project can be wasted. Therefore this chapter looks at the motivations for conflict; greed *and* grievances, and compares this to the situation in the DRC. Is the conflict in the eastern part of the DRC motivated only by greed or do different factors play a role?

3.2 GREED VERSUS GRIEVANCE

[However,] at least two distinct schools of thought are emerging on the issue of natural resources and armed conflict. The first sees the criminal agendas as a primary driving force of civil conflict, where the availability of natural resources acts as a catalyst for violence. These analysts suggest that rebellion is driven by the desire for loot – thus violence is motivated by rapacity. The other, more celebrated, argument suggests that it is the scarcity of natural resources that causes conflict. Thus, violence results from paucity and want.ⁱⁱⁱ

De Soysa points out that after the Cold War, Third World conflicts still existed and that the collapse of ideology and superpower rivalry did not result in the ending of these conflicts. But, as De Soysa states, "It is also apparent that the nature of internal war looks very different from that witnessed during the Cold War."^{iv} Conflicts were looked at in a different way. One result of this turn in academic thinking was the attention for economic causes for conflict and the role of resources. Two schools of thought emerged. As De Soysa (2000) calls it:

conflicts that are motivated by rapacity (greed) and conflicts motivated by paucity and want (grievance). According to De Soysa Paul Collier was one of the first academics who "systematically challenges well-established theories that see civil war as a manifestation of grievance by gauging the relative significance of variables that proxy grievance and greed."^v Theories of grievances as cause of war seem to be dominating the discourse. But what is greed and what is grievance? Collier (2000) explains it as follows:

At one extreme rebellions might arise because the rebels aspire to wealth by capturing resources extralegally. At the other extreme they might arise because rebels aspire to rid the nation, or the group of people with which they identify, of an unjust regime.^{vi}

So at one end there is rebellion inspired by personal gain and there is rebellion inspired by discontent with the status quo or a regime. As Collier points out, there is not always a clear division between the two. Rebel organisations will not always (or not at all) admit that they are motivated by greed. "Successful rebel organizations place considerable emphasis on good public relations with the international community. Narratives of grievance play much better with this community than narratives of greed."^{vii} Not only is it important for good public relations to place emphasis on grievances, it can also be important for the cohesion of the rebel organisation and motivation of members. Grievances can be important for the recruitment of new members. Playing into the grievances of people in society might convince people to join a rebel group. So, as rebel organisations will not easily confess to be greed motivated, is it possible to make a clear distinction? Collier has picked four patterns of observed behaviour to look at the actual behaviour of rebel groups instead of the ideology they proclaim. The four patterns are (1) ethnic or religious hatred,, (2) economic inequality, (3) lack of political rights, and (4) government economic incompetence. These four patterns of behaviour will be compared to the situation

in the DRC. The occurrence of these patterns in the DRC will be proof of whether the civil war is mainly motivated by the four grievances presented above or by greed.

3.2.1 *Ethnic and religious hatred*

Ethnic and religious hatred is often portrayed in the media as a cause for civil war. Whether this is truly so is something Collier (2000) has tried to find out. He does this by measuring the extent to which the society is fractionalized by ethnicity and by religion.

Specifically, I use indices constructed from historical work by anthropologists that show society are from different ethnic and religious groups.^{viii}

The problem with this approach, as Collier admits, is that ethnic and religious identities are not given, fixed phenomena. They are social constructions. One must keep in mind that these identities as described by anthropologists are interpretations of reality. These methods are vulnerable to manipulation (aware or unaware) from external voices and opinions. The outcome of the research was that *religious and ethnic fractionalisation did actually reduce the risk of conflict*. The conclusion drawn from this is that fractionalized societies are safer than homogenous societies.

Does ethnic and religious hatred play a role in the DRC? Although the media attention for the DRC was directed at resources and ethnicity, on an academic level there was not a big role for ethnicity as a conflict cause for the DRC.

[This portrayal matches accounts that,] since the 1990s, have explained the conflict in the DR Congo as a consequence of various actors trying to accumulate wealth, often through the exploitation of natural resources and control over informal trading activities. The three 'T' metals (tantalum [coltan], tungsten [wolframite], and tin [cassiterite]), as well as gold, have all been portrayed as being at the root of conflict dynamics. Yet, even if a rational economic profit motive goes far in explaining the behaviour of political and military elites, placing it at the centre of the analysis neglects the complexity of Eastern DR Congo's war economy and ignores a

number of critical issues. It is therefore questionable as a solid base for developing adequate policies for engagement.^{ix}

Garrett & Mitchell (2009) see the trade in the DRC as a possibility for development and also indicate that minerals in the DRC play a role in the conflict. But as is presented above, they also point out that the discourse of natural resources being the major cause of conflict in the DRC is incomplete. This way of thought has dominated the discourse since the 1990s and only recently some scholars have tried to look at a more complete picture. It is strange that the media, who also present a simplified picture of the conflict, *do* pay more attention to ethnicity and politics.

These groups include Congolese Tutsi rebels led by renegade General Laurent Nkunda, who has justified his own five-year-old rebellion in east Congo by saying he is fighting to protect the Tutsi minority against their FDLR Hutu ethnic enemies.^x

This is a quote from an article published by Reuters (press). Is this emphasis on ethnicity popular in the media because it sells good or is there some truth to it? Following Collier's conclusion, the role of ethnicity as a cause in the DRC must be small. There are apparently around 200 ethnic groups in the DRC, most of which are Bantu. Besides different ethnic groups there are different religions: Roman Catholic 50%, Protestant 20%, Kimbanguist 10%, Muslim 10% and 10% consists of other indigenous beliefs.^{xi} The society of the DRC is so complex that, according to Collier, the chances of rebellion as a result of ethnic strife, should be small. Is the media then fooled by the ideology different warring parties are spreading? Looking at biggest warring parties (FARDC excluded) like the CNDP and the FDLR, both have an ideology which is spread not only locally but also globally on the internet. Of both organisations it is even known that they have an extensive global network with divisions in different African but also American and European countries. For both the CNDP and FDLR international opinion is obviously important.^{xii} For example, the CNDP has two websites which both feature updates

on military and political developments in the Congo “with a strong slant in favour of CNDP and against the Government.”^{xiii} The websites are used to contest the allegations of the United Nations, that they CNDP abuses human rights. The websites are also imported for presenting the CNDP ideology.^{xiv}

International support is important for different reasons. International support is important for the financing of the organisation and for the manipulation of public opinion which can give an organisation more opportunity to put pressure on the government. This can result in more room to manoeuvre and obtain a powerbase within the country. It is also important to recruit new members in the diaspora community around the world. This recruitment is directed at certain ethnic groups; Congolese Tutsi (CNDP) and Rwandese and Congolese Hutu (FDLR).

CNDP has a political and financial support network that is active throughout the Great Lakes region and spans several continents. [...] Most contribute voluntarily for ideological reasons. CNDP has a particularly strong appeal for the Congolese Tutsi diaspora.^{xv}

The CNDP thus has most appeal for the Congolese Tutsi diaspora, according to the United Nations. This clashes with the ideology of the CNDP, which claims to be an organisation which fights for all Congolese and promotes nationalism, meaning that all Congolese must fight for a good Congolese state and unity. But the CNDP also admits that a part of the CNDP only fights for the protection and rights of the Banyarwanda, which originally are of Tutsi origin. The CNDP has protested against the government that, according to them, positions the Banyarwanda people in the Congolese nation against the other Congolese people. The CNDP calls this an ethnic discourse. So, in short, they rebel against the ethnic boundaries the government has posed upon them.^{xvi}

The problem is that it is unclear who really belongs to the CNDP and who does not. This has certain advantages for the organization. Some actions can be

apologized for by saying it was not the CNDP but a group claiming they are. The appeal to a certain group of Tutsi diaspora or Tutsi Congolese stays intact but also the international community is confused to what are the true intentions in the group. So it is difficult to say what the true ideology of the group is and whether it is truly a Tutsi organization or not.

The CNDP and FARDC have joined forces in the beginning of 2009 in a fight against the FDLR, which is still seen as an “anti-Tutsi” organization. The collaboration between the FARDC and the CNDP could be seen as convenient to both parties. The FARDC, which was ill-equipped and badly motivated, was no match for the CNDP who won terrain quickly at the end of 2008. This way the CNDP, together with the international community, forced the DRC government to take other than military action. This action also showed that the CNDP found it more important to hunt the FDLR than oppose the government. How long this collaboration will last is unknown. The same can be said for the outcome. Until now little is achieved in the hunt for the FDLR. There have been results for the disbandment of the CNDP. Several CNDP leaders had been captured, among others general Laurent Nkunda, who was arrested on Rwandese soil.

This military cooperation between the FARDC and the CNDP is an example of how fast loyalties can shift in eastern DRC. The FARDC has, just like the CNDP and the FDLR, control over some mines and transport routes; taxing and extortion is not unusual. The control over these mines and transport routes has resulted in collaboration with the FDLR, CNDP, FARDC and Mai Mai groups (small self defense militias).^{xvii} Whether this means that ethnicity is less important than control over areas and gaining power is the question, however. Shifting loyalties means that the different armed groups do whatever to hold their position or gain power. What is truly the agenda of the organization is difficult to say. But it can be said that ethnic differences play a big role in the ideology as portrayed by the CNDP.

In eastern Congo, many denied that even long-resident Rwandans were entitled to

the perquisites of citizenship, an issue that remains unresolved.^{xviii}

DRC politics has used ethnicity on different occasions to get and stay into power. For example, Laurent Kabila had in his first period of power mainly Tutsi officers in his armed forces. When criticism arose and Kabila wanted to lift the hold of the Rwandan government on his politics, he expelled Tutsi officers and began an anti-Tutsi campaign.^{xix} Fear arose among Tutsi residents and even the Banyarwanda in eastern DRC, whose Tutsi origin was long forgotten. This could explain the rise of militias who claimed to protect Tutsi civilians in the east.

One could say that ethnicity is certainly used as a reason to rebel. *So it would be very difficult to conclude*, as Collier does, *that religious and ethnic fractionalisation reduces the risk of conflict*. It can be argued that the ethnicity card is only played for recruitment purposes. This might be true, but it is also working and it raises ethnic tensions. So if it was not true already, it becomes true. Ethnicity is a motivation for the conflict in the eastern DRC and thus it cannot be said that the conflict is only motivated by greed.

3.2.2 Economic inequality

Economic inequality is the second grievance Collier brings to attention. It is measured by looking at ownership of land. Inequality can also be measured by unequal incomes or by unequal ownership of assets. For many development countries this information is not available. But according to Collier (2000), "[However], in low-income countries, land is the major single asset and so inequalities in its ownership should be a good proxy for overall asset inequality."^{xx} As there are little official statistics for the DRC regarding income inequalities, and especially for eastern Congo, it is interesting to look at landownership. Landownership seems to be a factor of conflict in the DRC, but is it also a cause for the conflict?

Land is at the root of many quarrels between Congolese returnees and those who never left the DRC, as well as between

refugees and internally displaced persons (IDPs), [...].^{xxi}

Conflict over landownership, according to the UN, is being aggravated by the refugees and internally displaced persons. Refugees who come from instable areas into stable areas can destabilize the situation. The growth of the population a certain area has to sustain can be problematic. Not only does it put pressure on the supply of basic consumption goods as food and water, it can also cause people to feel deprived of goods and land which they feel entitled to. Another problem that can occur is that the people that stayed behind during hard times of conflict feel they have suffered more and feel they are more entitled to the land and resources because they did not 'betray' their land.

Conflict is producing new competition for land, as part of a wider renegotiation of the local economic space and re-drawing of ethnic, class, and other 'boundaries' between groups. This is especially the case because land was turned from a 'source' into a 'resource' for the perpetuation of conflict.^{xxii}

Besides the refugee problem, landownership in the eastern part of DRC has more structural problems. Firstly, marginalisation is the result for thousands of rural people because of insecure or insufficient access to land. This has been an important stimulus for the formation of militia in many parts of eastern DRC.^{xxiii} Secondly, the purchase and expansion of agricultural and ranching concessions are contested and have been identified as one of the causes of violence.^{xxiv} This can be explained by the double land system in the DRC. The DRC has two recognised land tenure systems. The first is the modern system, in which the government owns all the land. The right to use land is assigned by the government. The customary land tenure system, however, means that land ownership is collective. Groups of clans hold land; the land is assigned through its appointee to its members. Land that is used by a family over a long period of time belongs to that family. This is decided by the clan to which the family belongs. The

land stays property of the government and so the family or the clan cannot sell the land. In places where strong chieftaincy exists, the land is owned by the traditional king who divides the land among his subjects. This is done by a system of reward and punishment.^{xxv}

In the eastern parts of the DRC the customary land system is still very much in use, while land in these parts is also bought from the state by, for example, immigrants. A lot of these immigrants are of Rwandese descent and have been there since the 1950's. There has been a lot of confusion about ownership of land and so uncertainty is the result. But not only immigrants have bought land in places they do not originate from. Members of different clans have moved and bought land in different parts of the country. According to the customary land tenure system these do not belong to these persons. During different political regimes this has been used to raise ethnic tension for different reasons.

In 1990, just after the announcement of the democratisation process, the local competition for land intensified political competition and eventually led to violent conflict. Local politicians needed to build a strong power base by exploiting popular sentiments by focusing on ethnic division.

In North Kivu, a wave of interethnic violence erupted for the first time in March 1993. Poor Hutu farmers from Masisi had lost their land because the local customary chiefs had sold it to rural capitalists of Banyarwanda origin. Fearing a growing influence of these newly arrived Hutu-Banyarwanda, the local population and their chiefs supported the formation of local militias.^{xxvi}

Democratisation did not lead to a more secure and stable situation. It only inflamed violence because of the power struggle that erupted. Politicians had used the grievances and fears of the local population in order to stay or get in power. The ethnic card was used in this struggle and has since played a role in the fight for land and power.

The role of landownership as a conflict issue in the DRC has been neglected. The cause for this can be the excessive

interest of western countries for mineral resources as a cause for conflict. Collier (2000) could not find inequality as a significant cause of conflict. The difficulty is whether in this case landownership as a cause for conflict is because of inequality or whether it is a case of ethnicity and the way this can be used in power struggles. Land pressure and the ownership of land have a long history in the DRC. Political leaders have used it as a way to tie followers to them.

However, it cannot be denied that landownership in one way or another has had an impact on the explosive situation in the eastern part of the DRC. The problem with research like Collier's is that it makes it necessary to choose indicators and decide whether a situation belongs to one indicator or another. In true life the division between these indicators is not so rigid and a situation cannot be described by independent indicators. The situation is made up by different coexisting and connected and strongly interwoven events and processes. Landownership is in the case of the DRC one of the indicators for inequality. In the eastern DRC the discontent caused by newly arrived refugees that put pressure on the ownership of land has led to the formation of militias and ethnic fractionalisation. Inequality is thus one of the grievances that have led to conflict.

3.2.3 *Lack of political rights*

A lack of political rights is the third form of grievance according to Collier. A repressive regime could lead to protest against the regime.

If the government is autocratic and repressive people will have a natural and justifiable desire to overthrow it in the pursuit of democracy.^{xxvii}

But it is also said that acknowledging political rights in a country that is not used to it could lead to violence. Democracy is something that needs time to develop. The population but also the political regime needs to be educated about the principles of democracy and institutions must be put in place to supervise the democratisation process. If not it is possible that politicians

misuse the democratic process to gain power. Those who are already in power might manipulate the result of the elections by fraud, pressure or violence.

According to Collier *a full democracy leads to less risk of conflict but a partial democracy has more risk for inducing conflict then severe political repression.*

The real danger for conflict seems to lie in the transition from one type of political regime to another.^{xxviii} So the thesis that political repression leads to conflict cannot be proven, according to Collier.

In 2006 the presidential elections raised hope for stability. But since the decision that the first presidential elections in 40 years were going to be held, violence arose. Three years after the elections the stability that was hoped for by many is still not achieved. The situation is worsened by the disturbing signs that the newly elected government is brutally restricting democratic space.^{xxix} "The government of President Joseph Kabila has used violence and intimidation to eliminate its political opponents".^{xxx} The first democratic elections in 2006, for as far as they could be called democratic, were joined with violence. The power struggle between different parties was a direct cause for escalation of violence between opposing political parties, or in this case, the party in power against the opposing party.

In the 2006 more then 175,000 people in North Kivu fled their homes because of renewed fighting. This could have had an influence on the electoral results. Many internally displaced persons were not able to vote because they could not return to their home villages where they were registered. If many people are unable to vote, the legitimacy of the elections can be questioned.^{xxxi}

In the light of the elections Laurent Nkunda established a new political and military movement, the National Congress for the People's Defense. "Nkunda, a member of the Tutsi minority [...] said his movement would react to any attempt to exclude minority groups from the new government."^{xxxii} Was this for the protection and the rights of his people or were the elections an opportunity to increase his power basis? Probably it is a combination of both. The formation of

political parties with an ethnic undertone was a response to the regime of president Kabila, who probably did benefit from these ethnic tensions. Playing the ethnic card would be a way to easily score with the Hutu population groups who were discontent with the current situation.

Congolese politicians have not helped. There must be efforts to reconcile communities on a local level but, it being election season, no one wants to appear pro-Tutsi.^{xxxiii}

Stearns questions if political leaders (in particular president Kabila) are willing to end the fighting. The role of president Kabila as a factor which led to the increase in violent outbursts is implied but difficult to prove. Detailed research is necessary to answer the question whether a change of political systems leads to more violence. For this research it is important to see what kind of political system the DRC has had in the past and whether this really changed since the elections. Is it still a repressive system or not? Another question is whether the people in remote areas which are further away from the centre of the state, experience the same level of repression as in the main cities. Especially with regard to the violence in the east this could be interesting. It is obvious that this would be a whole other research in itself and cannot be answered here.

Is Collier right and is there no evidence to find that supports the proposition that state repression causes violence? It is plausible that repression of minority rights in particular could cause insecurity and violence in the DRC. But it is also clear that the transition from a repressive regime to a democratic regime is very problematic. This could have different reasons. Firstly the population does not understand the principles of democracy, which makes it easy for local politicians to abuse the elections for their own personal gain. Secondly, in the case of the DRC the transition to a democratic regime was pressured for by the international community. Politicians in power had nothing to gain by this, so tried to manipulate the elections. Third, there were

still too many tensions between different groups of people. Power struggles only led to rising ethnic tensions. So it can be said that more political rights have also led to violence. It must be noted, however, that the democratization process in the DRC has not by definition led to the extension of political rights and on a local level could even have led to more repression.

3.2.4 Government economic incompetence

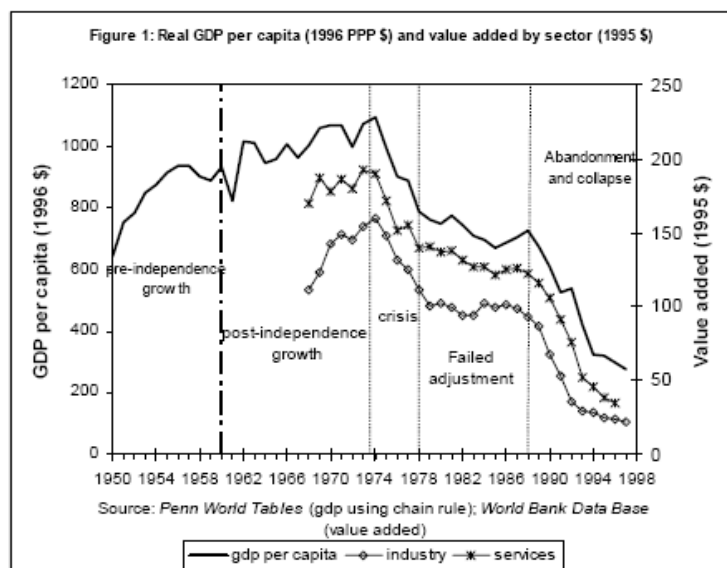
“Other things equal, an economy that had experienced rapid decline might be more prone to rebellion than one that had experienced rapid growth [...].”^{xxxiv} Collier (2000) has measured this theory by looking at the rate of growth of per capita income. Collier does assume here (maybe rightfully) that economic misery is inflicted by the governance on its people. This can be the result of corruption within the government, but also mismanagement of economic resources. Of course there are also causes for economic misery which are not directly the result of the government. For instance, an decreasing global climate can be one of these causes. Of the four grievances Collier has examined, this is the only grievance that did have a positive outcome.

The only result that supports the grievance approach to conflict is that a prior period of rapid economic decline increases the risk of conflict. [...] Presumably, growth gives hope, whereas rapid decline may galvanize the people into action.^{xxxv}

Economic growth thus has influence on the risk of conflict. Leonce Ndikumana and Kisangani Emizet (2003) confirm this finding. Ndikumana and Emizet have used the Collier-Hoeffler model and applied this to the case of the DRC.^{xxxvi} They have looked at the wars in the DRC since 1960:

- the Katanga secession war (11 July 1960-14 January 1963)
- the Kasai secession war (8 August 1960-2 February 1962)

- the Kwilu rebellion (22 January 1964-31 December 1965)
- the Eastern rebellion (15 April 1964-1 July 1966)
- Shaba I (8 March-1977) and Shaba II (13 May-3 June 1978)
- the Kabila-led rebellion (17 October 1996-17 May 1997)
- the anti-Kabila rebellion (2 August 1998-ongoing).¹



They have compared the time and reasons for the wars with the development of the per capita income. The outcome was that in the DRC income, growth rate and dependence on primary commodities play a central role in causing conflict.

Low income and low expected economic growth reduce employment and profit expectations, which not only decrease the opportunity cost of joining a rebellion, but also weaken the government's ability to counteract the rebellion.^{xxxvii}

So if there is less economic growth, there is less employment and less profit to go around. This lowers the expectations of people to be able to provide income by employment. There is less to lose by joining a rebel organisation than when there was some kind of certainty for income. The balance of costs and benefits shift and there is more incentive to join a rebel organisation. The case-study has

¹ This thesis deals with the last war.

proven that income is an important factor and that the Collier-Hoeffler model can predict the occurrence of rebellion. However Ndikumana and Emizet do demonstrate that this model does leave out important factors that influence the war in the DRC: (1) the identity and nationality laws targeted at Congolese of Rwandan descent fuelled ethnic tensions; (2) the influx of Rwandan Hutu refugees in eastern Congo disrupted the ethnic balance; (3) the monolithic nature of the Tutsi-dominated regimes in Burundi and Rwanda and the pro-Tutsi orientation of the Uganda regime.^{xxxviii} So in short, it leaves out the context of the specific country. This is exactly the problem with these models: it does not look at a specific country and can therefore not be precise. The model of Collier is just one example of many.

Although there are a lot of models which try to explain conflicts, the model of Collier has been one of the leading in the greed-grievance debate. That natural resources are important and that rebellions can become greed motivated and wars self-sustaining, is not denied in this piece. But all of the four grievances described above apply to the situation in the DRC. All four grievances are related with each other. Democratisation can lead to deepening of ethnic cleavages. Ethnic cleavages can lead to mismanagement in spreading of wealth of the country, ruling out a certain group of people, which leads to inequality. The economic incompetence of the government leads to a wrong division of wealth and often to decreasing economic growth. The uncertainty this brings makes it a more rational choice to join a rebel organisation. It can also lead to increasing ethnic cleavages because people want to put the blame for the worsening situation on someone. This can be a certain ethnic group.

As the above discussion has shown, grievances do play a role in the conflict in the DRC. It would therefore be inaccurate to look at the DRC and see it just as a greed-motivated conflict, however appealing this can be. It would be very easy to blame the conflict on the greed of the government. If this was the case, removing the cause of conflict would lead

to reducing conflict in the DRC. Unfortunately the situation is more complex and there is no quick solution for the conflict.

Until now the greed and grievance discussion is the most important academic discussion with regard to the role of resources in conflict. Although there is criticism towards this discussion, saying, for instance, that it is too much oriented towards motivations only, there is still sense in analysing conflicts this way. By looking at motivations it is possible to apply the right kind of countermeasures that can reduce conflict. In the next paragraph some other schools of thought are briefly presented. They can supplement the discussion about the role of resources in conflict.

3.3 IMPORTANT AND INTERESTING SCHOOLS OF THOUGHT

Although the greed versus grievance debate is the most important debate, it is not the only debate. For Collier greed was the main motivation for conflict. After analysing the grievance narratives it seems that for the DRC this is not the case. Unlike popular thought the four grievances are contributing to conflict. In what measure which grievances cause conflict is not clear. It is clear, however, that grievances do have an impact. Collier has evolved his theory into a theory that looks more at the circumstances which make financial and military rebellion more feasible. This is called the 'feasibility hypotheses'.

Collier, Hoeffler and Rohner (2009) lay the emphasis on the feasibility of civil war, which is dependent on different variables that look at the possibility for civil war. Key indicators for this view are GDP per capita, social fractionalization, the proportion of young men in society and land area (mountainous or not). This view does not differ much from the greed and grievance discourse. Both are directed at a global view, which compares different countries with certain indicators. The problem with this is that it is difficult to predict whether a conflict is to occur because all conflicts have their own specific properties. Which

indicators are important is different for each country. However, these indicators can be interesting as possible contributors to the start and the continuation of the conflict.

In the next paragraphs a short explanation will be given of different discourses and theories which can supplement the greed and grievance discourse.

3.3.1 *Scarcity versus abundance*

What is in the end better for a country, scarcity or abundance of natural resources? One would say that this is the same discussion as greed versus grievance, if scarcity is seen as grievance and abundance as greed. Or in other words: scarcity can lead to grievances because people cannot sustain themselves and greed is caused by abundance; it attracts people who want a piece of the cake. But what happens if abundance leads to grievances and this causes conflict? That resources do not lead to development but to underdevelopment is called the 'resource curse'. There is no bulletproof empirical support that natural resources are a curse for a country. There seems to be no overlap in countries that have large natural resource endowments and the countries that have high levels of GDP (Gross Domestic Product). So there is no correlation between an abundance of resources and economic wealth and development.^{xxxix}

Sachs and Warner (2001) have shown that there is a negative relationship between an abundance of natural resources and low GDP levels. How can the resource curse be explained? In short, the resource curse points to non-renewable resources like fuels (oil) and minerals. The presence of natural resources leads to a decline in competitiveness of other economic sectors because of a rising exchange rate, which is caused by the export of natural resources. Because of the higher exchange rate it is less attractive for other countries to import manufactured goods (for instance) because the prices are higher. The abundant presence of natural resources also causes a 'honey-pot' effect, which means that it attracts a lot of parties

into the extraction and sale of the resources. This can lead to conflicts, mismanagement and corruption, also by the government. This all can lead to the economic downfall of a country.^{xi}

In conclusion, this study finds that rapacity encouraged by an abundance of natural resources tends to fuel civil conflict. Paucity of natural resources, on the other hand, does not seem to be such a strong factor in determining the likelihood of civil strife, [...].^{xli}

What is interesting about this theory is that it looks more specific at the role of natural resources on a conflict and the negative effects they can have in addition to greedy rebels. It does not present a simplistic look at natural resources, but oversees the role of resources in the national economy. For this thesis it supplements a view of the role of natural resources in the economy and the influence on the exchange rate, changing the nature of the economy. In the DRC export of natural resources is very important for the economy. When trying to find a solution for the conflict in the DRC, it should also be looked at the economy and the promotion of other sectors in the economy as a way to bring development and equality.

3.3.2 *Natural resources and severity of conflict*

Lujala (2009) has empirically examined how natural resources affect the severity of a civil conflict. He finds that drug cultivation is associated with less severe conflicts than gemstone mining and oil and gas. Lujala finds that the availability of natural resources affects the severity of armed civil conflict. The second finding is that the location of resources is crucial to the impact of the resources on conflict. Thirdly, the type of resource affects conflicts severity by altering incentives for rebel groups and the state.^{xlii} Lujala came to this conclusion by examining the effect natural resources have on the total number of combat deaths and the average combat death rate (intensity) of armed conflict. What is interesting about this research is that until now there has been very little research on the intensity of conflict and the role of natural resources.

Other researchers have looked at the prevalence of conflict and if natural resources are a cause for this. This kind of research can be very important for a good analysis of the conflict. There are many natural resources in the DRC and therefore it would be important to see which resource influences the conflict the most and what impact it has on the severity of the conflict. There is a gap of knowledge with regard to the exact influence of each kind of resource on the conflict in the DRC. More research on this topic is needed to come to a conclusion.

3.3.1 *Dependence, conflictuality and lootability*

Lujala pays attention to the type of resources and the location. Gems for instant increase the number of battle-related deaths.

The results show that lootable gemstones in the conflict zone more than double the number of battle-related deaths. At least partly, if not entirely, this is because these conflicts tend to be longer. In any case, I do not find evidence that these conflicts are less intensive when it comes to battle-related deaths.

Why is it that certain natural resources can prolong a conflict or intensify it? Where is the difference? Le Billon (2001) has made a division in three variables which can change or form a conflict: (1) dependence, (2) conflictuality and (3) lootability.

In a situation of *resource dependence* a country relies on its resources (these can be natural resources but also international aid). In this case the economy of a country is mainly directed at this resource. As is explained earlier, this can lead to the *Dutch disease* (the appreciation of the national currency which negatively affects the other sectors), whereby the resource sector pulls away all talent and investments towards its own sector. Resource dependent countries often have predatory governments because of the tight control they often hold over natural resources. Persons outside the state system have little chance of accumulating wealth by resource extraction. The power and wealth gap between the ruling and the

ruled gets bigger, and so chances for rebellion increase.^{xliii}

Resource conflictuality is dependent on the construction of social relations and the quality and democracy or legitimacy of institutions.

Access to the commodity value chain is often closely linked to social identities, articulating in particular entitlements and horizontal inequalities along ethnicity, class, or religion with the political economy of a resource. In the former Zaire, the Kivutien discourse of (armed) resistance against the 'international bandits from Rwanda, Uganda and some sons of the D.R. Congo to rape the country' radically transforms the view of the informal economy by exacerbating ethnic divisions and the risk of physical violence against Tutsi-run businesses.^{xliv}

The extraction of natural resources in a country thus does not affect all inhabitants in the same one. It is closely related with the status of that person in society. The extraction of resources can also change a lot in the status of persons. These changes, fears and chances can cause conflict. The nature of the violence may change, dependent on whether resources involve production or extraction. According to Le Billon, the extraction of resources causes violence that is most likely aimed at achieving territorial or state control. Produced resources mostly cause violence which is more structural, like coercive forms of labour and controls over trade.^{xlv} This however, is not always the case. In the next chapter it will be clear that coercive forms of labour also occur in the DRC context.

Natural resources are in particular very lootable. It is relatively easy to tax and loot these resources and their profits because they are easily accessible to governments and rebels. Another reason why natural resources (in this case non-renewable resources) are so easily accessible for rebels is because they are fixed to a certain space. They must be extracted from a certain mine and must be transported by certain routes. "As natural resources gain in importance for belligerents, so the focus of military activities becomes centred on areas of economic significance."^{xlvi} This is also true

for the DRC. FARDC has become a conflict party not only because it represents the government, but also because of its own interest in the loot. The fact that the soldiers are not paid enough and on time does not help. Therefore the government can be tempted to send military units to parts of the country where the soldiers can enrich themselves and the state.

Dependence, lootability and conflictuality are very useful concepts to look at the actual practice in the DRC. The more recent theories are more directed at the context of certain countries than the earlier texts of for example Collier. The concepts from these articles are therefore more applicable for a case study like this. This will not say that the 'grand' model theories are not interesting and do not pose interesting questions. In the next chapter some of the concepts from the theory of Collier can be found, more or less visible.

3.4 CONCLUSION

This chapter has looked at different theoretical debates. Although it is often said that the conflict in the DRC is a resource war, it does hold many characteristics of a war fought over grievances. Four grievances were presented: (1) ethnic and religious hatred, (2) economic inequality, (3) lack of political rights, (4) government economic incompetence. All of these seemed to be true for the DRC and so it can be concluded that grievances play a very important role in the conflict in the DRC. But it can not be denied that resources play an important role as well. There is need for a closer examination of the exact nature of the role of different resources on the conflict in the DRC. The measure of dependence on natural resources, the conflictuality and lootability of resources, are important analytical tools. When thinking of possible solutions for the conflict, it must be kept in mind that it is a very complex situation and can only be solved when looking at all possible reasons for conflict, not only taking away resources as a motivation for conflict. And, if so, taking away resources as a motivation should be done in an integrated

approach which looks at the role of resources in society and politics. This can only be successful if there is a very extensive analysis of the role of the resources.

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ⁱⁱ *Ibid.* p. 117

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^{iv} *Ibid.*

^v *Ibid.* p. 115

^{vi} Collier, P. (2000). Doing Well out of War: An Economic Perspective. in Berdal, M. & Malone, D.M.. *Greed & Grievance, Economic Agenda's in Civil Wars*. p. 92-135. Lynne Rienner Publisher: Colorado. p. 92

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4 Small scale mining in the DRC

The DRC is known to have a rich resource base. This, combined with the advantage of its geographical position in the middle of Africa, with its many neighbours (potential markets) and the sheer size of the country could make it a very prosperous country. But this fortune has not struck the DRC.

[This report acknowledges that] - except for the growth periods of the 1960s and 1970s – natural resources have historically brought little benefit to the Congolese people.ⁱ

This chapter will try to give an insight into the problems the DRC encounters in making it impossible to get on the path of economic and social development. Special attention will be paid to the problems in the two Kivu provinces because this is the region which is overrun with violence for more than a decade. In order to get a good picture of the problems in the two Kivu provinces, it is important to give a good description of the trade networks and small scale mining for this is the main economic sector in the Kivu's and also the sector which is most plagued by violent groups.

4.1 NETWORK WAR

A big part of the strive for natural resources in the DRC takes place in informal channels. This strive is fought over in underground 'elite networks' of individual army officers, warlords and international businesses. The UN Panel of Experts (2002) has given a description of these networks in the DRC. The networks:

- consist of a *core of political, military and business elite* and sometimes (in occupied areas) rebel leaders.
- have members that *cooperate to generate revenue*.
- *control military and other security forces* to ensure the viability of economic activities.

- *monopolize all production activities, commerce and fiscal functions in their area*
- *maintain the façade of rebel administrations* in the occupied areas; the public revenues made in this areas are diverted into the private treasury, and by doing so extorting the public treasury
- get their *financial benefits through criminal activities* like theft, embezzlement and the diversion of public funds, bribery, smuggling, not paying of taxes and undervaluation of goods
- *establish business companies and joint ventures* that serve as fronts for members to carry out their commercial activities
- *draw support* for economic activities by the use of networks and services *from transnational criminal groups*ⁱⁱ

According to this definition, these elite networks do not only function in the illegal circuit. Not all chains in this network are illegal. A large part of the chain consists of people from the government who bring government money into these networks. Also companies and joint venture pose as fronts for these networks. Besides that many people and companies have double functions, it is also very difficult to define criminality in a country like the DRC. The scope of lawlessness, corruption and underdeveloped judicial structures makes it almost impossible to act legally. The criminality of the networks does not have to be a problem in itself.

The illicit character of products or services involved, as well as the illegitimate violence deployed in the informal economy has been interpreted as a 'criminalisation' of the South [...]. While this paradigm holds some truth, it is worth noting that many of these informal economies are orally benign and socio-economically profitable. In fact millions of people in the South depend on these.ⁱⁱⁱ

Hence, criminality of the informal economy does not have to be a problem as such. The problem in the eastern part of the DRC is that these networks undermine the

governance and the population. The networks are destabilising the DRC and the whole Great Lakes region in different ways:

- Taxing of the local population and administrative structures by these networks undermine state authority.
- Local and international laws are ignored; natural resources are smuggled and embargos for the trade of weapons are breached.
- The population is limited in its movements by the treat of violence.
- Maintaining small scale mining forms an important barrier for sustainable development. The mining in itself causes severe damage to the environment.^{iv}
- The networks are a breach in the monopoly of violence of the state. The networks use violence as a means to reassure their economical activities. Violence is not only used for security reasons; what is the reason of existence for the security apparatus.

different factors, rose quickly to heights never seen before. Prices rose and different armed groups have earned much money with this 'black gold'. In 2001 the demand on the world market fell and with that also the price. Earnings were much less and after 2004 coltan was replaced by the extraction of cassiterite, of which the demand and prices rose in that year. As is shown by the picture below cassiterite is extracted from the same mines as coltan by small scale mining.

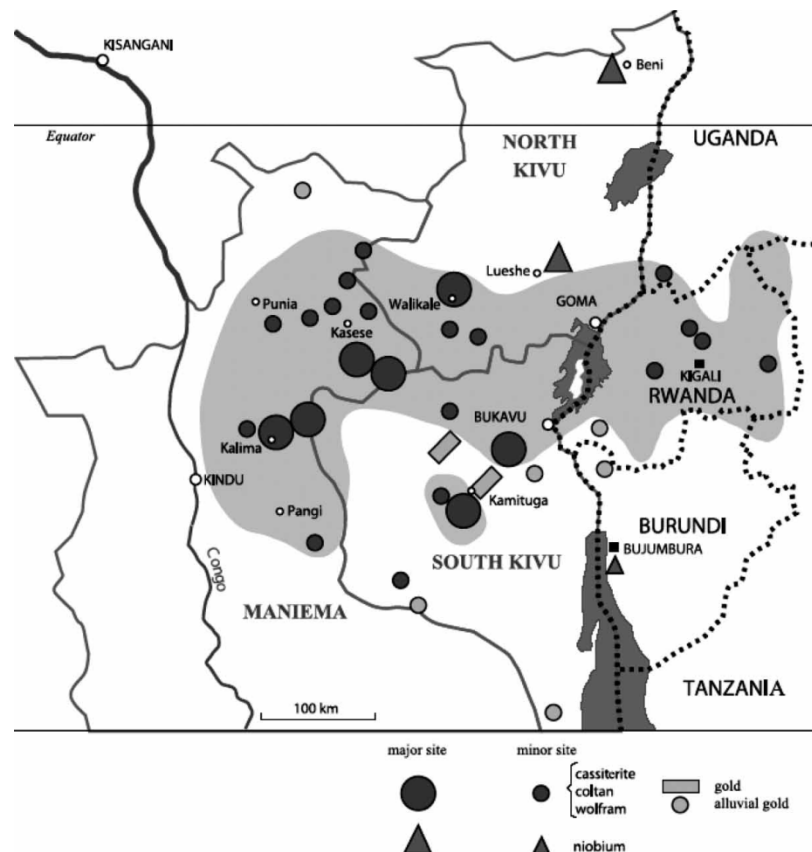


Image 1: Mineral deposits in the Kivus^v

This is only a grasp of the problems the elite networks produce. It must be understood that these informal networks are not new, they already existed before the wars. During the conflicts these networks changed because society changed and the networks were used to sustain conflicts and the conflicts were used to sustain the networks. It is difficult to describe the different actors within the network because the networks are fluid and always changing. The focus will be on coltan and cassiterite (tin) because coltan has played a large role in 2000 when the demand of coltan, due to

This has made it possible to use the same networks and trade routes for cassiterite as for coltan. Because of the importance of these two minerals in the past and present, the trade in minerals will be described by coltan and cassiterite.^{vi} It must be noted, however, that the situation described below is an impression of a situation at a certain point in time. The situation is always shifting and after the outbreak of violence in 2008 it is difficult to get a clear picture of the situation. So the picture that is described below must be

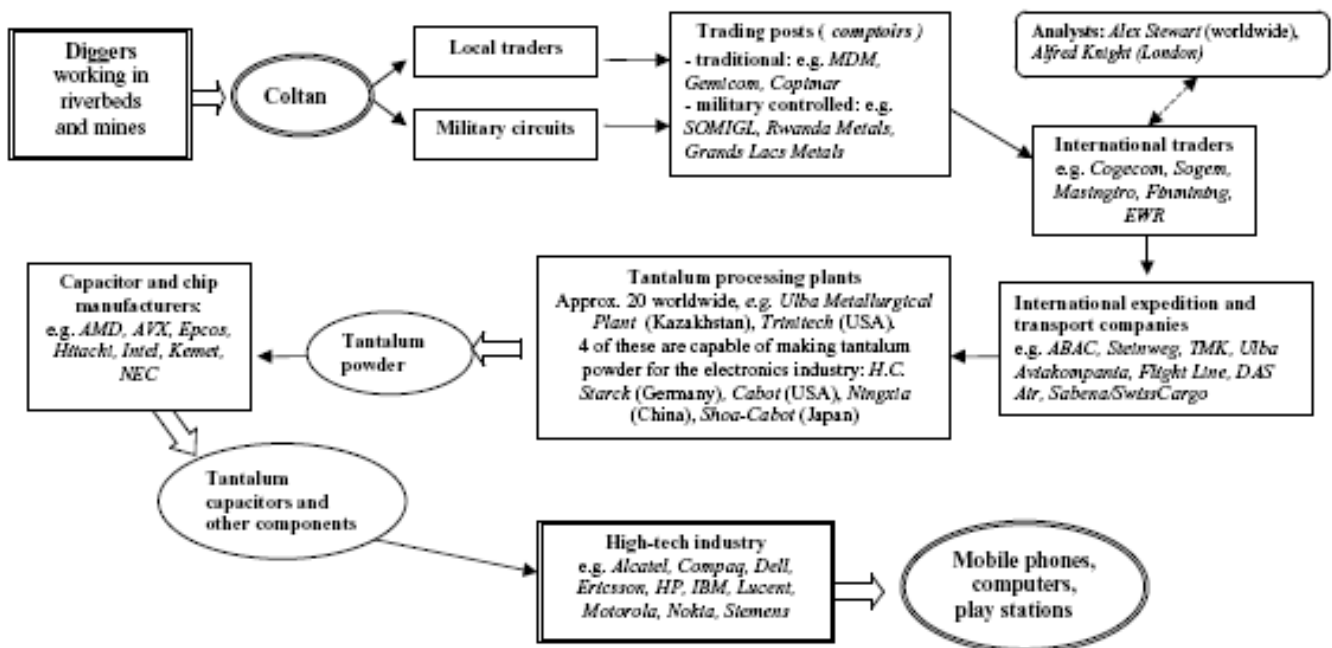
seen as an illustration of trade networks in eastern DRC. This illustration should give a better insight in the situation on the ground in the DRC and the problems that arise from this trade and networks. Small scale mining is described in the first paragraph. After this, light will be shed on the role of traders and the trade in the DRC.

- International traders
- Manufacturers

In the next paragraphs these parts of the chain, except for manufacturers, will be dealt with. The manufacturers are in the context of this chapter less important, since this chapter deals with the situation

European companies and the coltan trade: supporting the war economy in the DRC

Coltan: from the Congolese war zones to your mobile phone



Sources: Kristi Essick, A call to arms, The Industry Standard Magazine, 11/6/01; E. Bruylant, Bloed aan uw GSM?, Trends, 19/4/01; Tantalum-Niobium International Study Center (www.tnib.org); Didier de Failly, Coltan, pour comprendre..., in L. Annuaire des Grands Lacs, Antwerp, November 2001.

Image 2: Coltan: from the Congolese war zones to your mobile phone^{vii}

This figure illustrates the extraction of, and the trade in coltan. This figure is from 2001 and some information regarding companies can be outdated, but it is useful to take this figure and simplify it so it can be used for all mined natural resources in the DRC. The trade in natural resources consists of many different traders and different phases in a trading chain. Simplified the chain consists of the following parts:

- Diggers
- Local traders (*petit negociants and negociants*)
- Trading posts (*comptoirs*)

in the DRC. More information about the international players will be given in the next chapter.

4.2 THE FIRST STEP: SMALL SCALE MINING

The mining sector in the Kivu provinces of the DRC consists mainly (if not completely) of small scale mining. From 1976 the mining activities in North and South Kivu were in the possession of the state led company Société de Minière du Kivu (Sominki). After the economic crisis in the DRC in 1980 and the fall of the prices of cassiterite in the world market, Sominki was forced to close down many mines.

This caused the exploitation of mines by small scale mining. In 1995 Sominki was sold to the American company Cluff Mining and the Canadian company Banro Corporation. A year later Banro took over the shares of Cluff Mining and created the Congolese daughter company Sakima. The contracts were signed during the reign of Mobutu (who sold mining companies in the whole country for the financing of military expenditures). President Laurent Kabila dissolved the contracts, which caused Sakima not to be under the control of Banro anymore. Since then the mines were controlled by informal networks and mining found place on a small scale.^{viii}

4.2.1 Coltan

Coltan is won in both of the Kivu provinces and in the province Maniema. The 'coltan belt' stretches from Bunia until Goma, Bukavu and Kindi. Bunia, Kalima and Lugushwa are important locations for the winning of coltan. Coltan as well as cassiterite is won on the surface of mines. There are no special instruments needed for this. The winning of coltan (and cassiterite) lends itself perfectly for small scale mining. The top layer of earth is scraped before the coltan can be extracted in tubs of water. A mineworker can find 1 kg of coltan per day. Depending on the price of the mineral, this can lead to an income of \$10 to \$50 a week. In comparison to an average Congolese who earns about \$10 a month, this is a huge amount. With this lucrative image in mind, many Congolese have left agriculture or pastoral activities or took children out of school to become artisanal (small scale) miners.^{ix}

4.2.2 Cassiterite

Most of the cassiterite in North Kivu comes from Walikale territory. All cassiterite is won by small scale mining. Local authorities count ten cassiterite mines, each of those mines consist of different pits. The most important mine is the Bisie mine, with 57 different pits. Other mines, like Matamba, Idambo, Ibondo, Bukombe, terrain de Mines Bakondjo, Loba Lisusu, Bolindo en Lichacha are near the border between North and South Kivu and near

the boundary of Kahuzi-Biega national park.

Before 2001 the Bisie mine was an important coltan mine. After 2001 cassiterite became important. Bisie mine has about 1,000 employees, 15 to 17 persons a pit. At the mines mineworkers trade cassiterite for goods from 'petite negociants', small traders. For 1 kg of cassiterite miners could get (January 2007) 1 kg of flour, rice or beans, 200 grams of sugar or two bottles of palm oil. For 2 kg of cassiterite they could get one bottle of Primus beer and for 3 kg of cassiterite 1 kg of beef. The maximum production capacity of all pits in total is 29.7 tons a day, 890 ton a month and more then 10,600 ton a year.

The exploitation of the mine is strongly militarised and there have been many conflicts about the control over the mine. In 2003 there seemed to be an agreement between the Mai-Mai fighters and RDC-Goma. In December of 2004 the FARDC took control over the mine and ever since the majority of the trade in cassiterite in North Kivu is under control of FARDC and the FDLR. This has might have changed with recent changes in the region and the collaboration of the CNDP and FARDC against the FDLR. These developments, however, are too recent in order to give conclusions about the situation at this moment.^{x xi}

4.3 WHAT HAPPENS AFTER THE MINE: NEGOCIANTS AND COMPTOIRS

After the miner has sold his profits to the 'petit negociant', the 'petit negociant' sells it to a 'negociant' who collects the minerals of different 'petit negociants' and brings it to a 'comptoir' (a trading post). This trading post sells to national but also international buyers. The Panel of Experts of the UN^{xii} has estimated that the FDLR possibly earns millions of dollars on the trade in minerals in the DRC, especially from cassiterite, gold, coltan and wolframite. The trade in resources is a high priority for the FDLR; it detaches units to collect taxes and control the trade of mineral resources. According to the Panel of Experts the FDLR controls

(or controlled) the majority of the artisanal mines in South-Kivu, mainly cassiterite, gold and coltan mines. In North Kivu the FDLR controls many gold mines in the west of the city of Lubero and is involved in the transport of resources on the way to Walikale.^{xiii}

4.3.1 Coltan

The CNDP has the control over the coltan mine Bibatama in the Masisi territory. This mine has caused conflicts between FARDC, PARECO and the CNDP but eventually is stayed in under the control of the CNDP. Edouard Mwangachuchu, a national senator, has since 2001 a licence to exploit this mine. He exports coltan via his 'comptoir' MH1. General Nkunda has, according to the Panel of Experts (2008), permitted Mwangachuchu to exploit the mine in exchange for a part of the profits. Mwangachuchu has even paid \$16,000 in taxes to the state and \$0.20 per kg to a checkpoint which he thinks is related to the CNDP.^{xiv}

The Bibatama mine produces hundreds of kilos of coltan a week of which the 'comptoir' MUNSAD sells a part. MUNSAD has started to export coltan in 2008. In 2008 MUNSAD has exported eight tons of coltan and is managed by Damien Munyarugerero which supposedly has close connections with the CNDP. Munyarugerero has, after a conflict with Mwangachuchu, permission to exploit a part of the Bibatama mine. The Belgian company Trademet buys coltan from MUNSAD. Besides the control and taxation by the CNDP, it is said that Mai-Mai militia also taxes the coltan miners in the area around Ntoto in the Masisi area (North Kivu).^{xv}

4.3.2 Cassiterite

As described earlier, minerals (also cassiterite) are traded and sold by artisanal miners who sell it to 'petit negociants'; who sell it to 'negociants'; who sell it to 'comptoirs'. But not all minerals are traded this way. It happens more and more that minerals are traded directly from the mine to neighbouring countries by airplanes. In addition, more resources are mined under the control of rebel movements; these resources are

often collected by the rebel movement without the intervention of 'negociants'. With the changing military control over Bisie of RDC-Goma to the FARDC and the FDLR, also the trade route has changed. Before December 1994, cassiterite was transported by airplane from Walikale to Goma, which was under control of RDC-Goma. The Panel of Experts discovered that with these flights about 22 to 40 ton of cassiterite, with the value of \$50,000 a day, was leaving from Walikale. When the FARDC took over the city in 2004 it was a major financial blow for RDC-Goma. Since December 2004 there has been, according to Global Witness, less transport through Goma, while there have been more flights to Bukavu in South Kivu, was controlled by FARDC.^{xvi} According to official statistics from 2007 from the Division Provinciale des Mines et Geologie, Province du Nord Kivu, cassiterite was transported mainly through Goma, and coltan mainly through South Kivu.^{xvii}

Export cassiterite and coltan from North and South Kivu

Exports 2007 (in tons)	cassiterite	coltan
North Kivu (Goma)	10.172,1	74,2
South Kivu	4.730,0	354,0
Total	14.902,1	428,2

^{xviii}

In the South Kivu a number of mines and economic networks are controlled by the FDLR. Since FARDC is deployed to the Kivu provinces, FARDC is also involved in mining activities and trade in South Kivu. The majority of FARDC soldiers are underpaid, or not paid at all, and they use this trade to supplement their income. FARDC, as well as the FDLR, are selling their minerals in Lemera, which are sold to companies from Europe (also the Netherlands), Asia, Canada and the Middle East. The minerals are exported through Dar es Salaam and Mombasa.^{xix}

The Panel of Experts (2008) has identified different 'comptoirs' in Bukavu as accessory to the financing 'negociants' who collaborate with the FDLR. These companies are Groupe Olive,

of the North Kivu still remains under the control of the pro- Rwandan group, RCD-G. [...]

South Kivu is supposedly under the control of the transitional government and the FARDC army. However, with the army receiving low and erratic pay, many of the soldiers illegally tax the miners to supplement their income. [...]

Rwanda, through which most of the minerals transit, is currently exporting five times more cassiterite than it produces. This report demonstrates that Rwanda may have imported a substantial quantity of cassiterite during each of the last five years, [...]. It is highly likely that these imports derived predominantly from eastern DRC, including conflict areas, [...].^{xxiii}

These warring parties are not only rebels but also other countries and even government troops. That these groups sometimes cooperate with each other, while they are at war at the same time, gives an impression of the goals and consistency of these groups. It looks as if the networks are kept in place no matter what happens on the political and military level. So sustaining of the networks is becoming a goal in itself. This is a problem, because the networks are undermining all other forms of development. If so many parties are trying to sustain this network, who is going to undermine the network? The current cooperation between Rwanda, the DRC and the CNDP will probably not result in peace, just in another balance in the network. But the network remains and presses away any chance on a working governmental structure.

So the *third problem* is the network itself and the impossibility of a healthy governmental structure in the eastern part of the DRC because of this structure. Because the network is becoming a goal in itself and overlapping all layers in society, it is difficult to find a 'peacemaker', an actor that will have the destruction of this undermining network as a goal.

The *fourth problem* is that there is no substitution for the networks. Where do people get their income from. The DRC has potential for agriculture but because so many people abandoned this for the search for wealth in the mines, it is difficult to go back to agriculture. Also, because the

area is so insecure, it is also a possibility that people will look for 'fast cash' instead of waiting for crop harvests to collect income. A lot of children are missing elementary schooling because they are working in the mines and do not have alternatives. The working situations in the mines are unhealthy and can look like slavery at times. So, alternatives can be very welcome. In the next chapter will also be looked at these four problems and how and if the CTC can contribute to the solution of these problems.

ⁱ Garrett, N. & Mitchell, H. (2009) *Trading Conflict for Development; utilising the trade in minerals from the eastern DR Congo for development*. Retrieved 3 June, 2009 from http://www.psw.ugent.be/crg/publications/rapport_rcs_def.pdf. p. 5

ⁱⁱ United Nations (2002). *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*. Retrieved 3 June, 2009 from <http://www.undemocracy.com/S-2002-1146.pdf>. p. 6-7

ⁱⁱⁱ Le Billon, P. (2001). The political ecology of war: natural resources and armed conflicts. in *Political geography*, 20, p. 576

^{iv} United Nations (2002). *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*. Retrieved 3 June, 2009 from <http://www.undemocracy.com/S-2002-1146.pdf>. p. 15

^v Ibid.

^{vi} Global Witness (2005). *Under-Mining Peace; Tin: The Explosive Trade in Cassiterite in Eastern DRC*. Washington: Global Witness Publishing Inc. p. 16

^{vii} IPIS (2002). Supporting the war economy in the DRC: European companies and the coltan trade. Retrieved 3 June, 2009 from <http://www.ipisresearch.be/natural-resources.php>. p. 9

^{viii} Pole Institute (2007). *Rules for Sale; Formal and informal cross-border trade in Eastern DRC*. Retrieved 8 May, 2009 from http://www.pole-institute.org/documents/regard19_anglais.pdf. p. 14-21

^{ix} Ibid.

^x Global Witness (2005). *Under-Mining Peace. Tin: The Explosive Trade in Cassiterite in*

Eastern DRC. Washington: Global Witness Publishing Inc. p. 14

^{xi} IPIS (2008). *Map Eastern DR Congo*. Retrieved 3 June, 2009 from <http://www.ipisresearch.be/maps/Oost-Congo/web/index.html>

^{xii} ^{xii} United Nations (2008). *Final report of the Group of Experts on the Democratic Republic of Congo*.

^{xiii} Ibid.

^{xiv} Ibid.

^{xv} Ibid.

^{xvi} Global Witness (2005). *Under-Mining Peace; Tin: The Explosive Trade in Cassiterite in Eastern DRC*. Washington: Global Witness Publishing Inc. p. 16

^{xvii} Pole Institute (2007). *Rules for sale: Formal and informal cross-border trade in Eastern DRC*. Retrieved 8 May, 2009 from http://www.pole-institute.org/documents/regard19_anglais.pdf. p. 27

^{xviii} Figures from the Centre d’Evaluation, d’Expertise et de Certification in United Nations (2008). *Final report of the Group of Experts on the Democratic Republic of Congo*. Retrieved 3 June, 2009 from <http://www.undemocracy.com/S-2002-1146.pdf>

^{xix} United Nations (2008). *Final report of the Group of Experts on the Democratic Republic of Congo*. Retrieved 3 June, 2009 from <http://www.undemocracy.com/S-2002-1146.pdf>. p. 15-17

^{xx} Ibid.

^{xxi} Figures retrieved from United Nations (2008). *Final report of the Group of Experts on the Democratic Republic of Congo*. Retrieved 3 June, 2009 from <http://www.undemocracy.com/S-2002-1146.pdf>. and DFID (2007). *Trading for Peace; Achieving security and poverty reduction through trade in natural resources in the Great Lakes area*. Retrieved 5 February, 2009 from <http://www.dfid.gov.uk/Documents/publications/trading-for-peace-reform-agenda-en.pdf>

^{xxii} Central Intelligence Agency (2009). *The World Factbook; Democratic Republic of Congo*. Retrieved 8 June, 2009 from <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>

^{xxiii} Global Witness (2005). *Under-Mining Peace. Tin: The Explosive Trade in Cassiterite in Eastern DRC*. Washington: Global Witness Publishing Inc. p. 4

5 International interference

The last section of this chapter deals with the idea of Certification of Trading Chains (CTC) (as explained in the first chapter). Since this idea has very much in common with the Kimberly process which is implemented in different African countries, it will be interesting to look at the lessons learned from this process. This will result in an outline of the possible problems and possibilities of the implementation of the CTC project. One must understand that the CTC project is still in its starting phase, however, and no real implications have been known yet. This is only an impression of the future possibilities.

Problems in developing countries are often handled by different international actors. These actors are involved because of altruistic reasons, but also because some have geopolitical interests or both. These geopolitical interests can be based on earlier colonial relations, strategic interests in the area, development cooperation, need for resources, economic interests, etc. Major donors for the DRC are the World Bank, the European Union, the United States, the United Kingdom, France, Germany, Belgium and The Netherlands. The main areas in which these donors are active are infrastructure, security sector reform and macro-economic management.ⁱ In addition different governmental and supra-governmental actors, there are also non-governmental organisations that have examined the situation in the DRC and that have tried to establish frameworks and give recommendations to governments. This chapter firstly looks at the frameworks already in place to counter the conflict in the DRC. After this, the chapter gives an outline of recommendations and possible solutions from different actors and non-governmental organisations. This will be weight against the CTC project. What are the advantages and disadvantages of possible solutions in comparison to the CTC project? The last section pays attention to the possibility of the CTC project to be worked in frameworks already in place and what extra institutions

would be needed to make, if possible, CTC a success.

5.1 COLTAN ON THE GLOBAL MARKET

In 2007 the Belgian company Traxys and British Afrimex were they only buyers of cassiterite and coltan from the companies (comptoirs) Olive, Muyeye, WMC and MDM. These companies buy from negociants who are involved with armed groups (FDLR). Traxys (a mineral merchant) has, in 2007, bought 832 tons of cassiterite from Muyeye.ⁱⁱ

The U.N. report said Traxys purchased in 2007 1,631 tonnes of the tin ore cassiterite and 226 tonnes of coltan, both used to manufacture electronics devices, such as mobile phones and video games consoles, from four Congolese companies which systematically buy from FDLR-controlled mines.ⁱⁱⁱ

Afrimex and Traxys were indirectly guilty of supporting armed groups. Because Afrimex had broken the rules of the Organisation for Economic Co-operation and Development (OECD), it has declared not to trade in minerals anymore.^{iv} Traxys has declared not to buy minerals from the DRC anymore. The United Nations (UN), however, has stated that it never asked Traxys to stop buying minerals from the DRC, as there is no export ban on minerals from the DRC. The UN has said to want more research on due diligence from mineral trading companies and whether companies buy minerals from (mines controlled by) non-state armed groups.^v It seems to be quite hard to find out whether companies knowingly buy natural resources which are related to armed groups. A lot of companies seem to be reluctant to share information about the origin of their resources or claim not to be able to know exactly where their suppliers buy their resources from. They say they cannot be held responsible because there is so little transparency in the trading chain.^{vi} Besides this there is another problem; the unreliable export figures of the DRC. Because of the discrepancy between the official export figures and the

estimated figures, it is assumed that a large part of the exports are not declared at official institutes. High taxes and the many different official tax offices make it very attractive to export illegally.^{vii}

Another indication of the general business climate faced by the enterprise sector in the various countries of the region is the complexity of procedures needed to pay taxes and the rates applied to businesses. It may also be a proxy for formal enterprises incentive to undervalue business transactions. The two highest tax rates as a percentage of profits are 287 percent for Burundi and 235 percent for DRC. The lowest are 22 percent for Zambia and 32 percent for Uganda. With such prohibitive tax rates, companies have a high incentive to do business fraudulently as operating in line with regulations can make it difficult to survive.^{viii}

The big proportion of illegal trade in the DRC results in an unclear picture of the part that minerals from the DRC play on the world market. According to the United States Geology Survey (USGS) the part of tantalum, in 2007 and 2008, which originates from the DRC is very small; it's not even in the top six of mining countries.^{ix} But in 2008 the Australian company Talison Minerals has closed its most important tantalum mine, the Wodgina mine, because of declining demand on the world market and because the low prices in central African countries.

Talison's actions are driven by two factors. Most importantly, the recent global financial crisis has seen a severe downturn in worldwide demand for consumer electronics, resulting in lower demand for tantalum. As a consequence, Talison's customers have sufficient tantalum for the near future and have not needed to extend their current contracts.

The second factor is a long-term and increasing trend to reduce material costs in the electronics supply chain, which strongly encourages increased tantalum supply from Central Africa, and particularly from the Democratic Republic of Congo (DRC).^x

If it is true that one of the reasons Talison had to close its biggest mine (which was responsible for 30% of global tantalum production) because of among others the

mining in the DRC, then it is very unlikely that the production from the DRC was so little. There is a big chance that the statistics of the USGS are also incorrect.

World Tantalum Production

	Mine production	
	2006	2007
United States	-	-
Australia	850	850
Brazil	250	250
Canada	68	70
Ethiopia	70	70
Mozambique	70	70
Rwanda	62	60
Other countries	32	30
World total	1.400	1.400

^{xi}

This example does not only show that the statistics from the DRC are very unreliable, but also how difficult it is to get transparency in the trading chain. Unreliable figures make it difficult to call on the responsibility of companies because they can always fall back on the small chance that the tantalum used in mobile phones, for instance, is extracted from coltan from conflict areas. This is the reason why more research is necessary but also why one should look at other natural resources from the DRC like cobalt, gold, cassiterite, timber and diamonds. Of all of these resources it is unclear what the actual contribution of the DRC to the world market is.

As long as this is unclear, it cannot with certainty be said how big the responsibility (if there is any) of western countries (consumers and companies) is. But it is known that international trading companies buy from the eastern Congo and there is a big chance that these are conflict resources.^{xii} International non-governmental organisations (NGOs) claim that responsibility should be taken by these companies and consumers and they hope to change something in this pattern. Many NGOs therefore have done research and have given recommendations to different actors including international traders and governments. In the next paragraph an outline of the most important recommendations and possible solutions are given.

5.2 POSSIBLE SOLUTIONS

5.2.1 *A export ban on 'conflict resources' from the DRC*

Niza^{xiii} has talked about an export ban on 'conflict resources' from the DRC. Some local (DRC) partners of Niza have opted for this solution. The benefits would be that it would no longer be possible for companies to import 'conflict resources' and thereby to be freed of all responsibility. With a good working export ban, the warring parties would have less to little income and continuing the war would be difficult. There would also be less incentive to go to war (if resources are the main reason) and thus (according to this reasoning) there would be less war.

But there are also problems with this idea. Even Niza admits that this is not a realistic option for different reasons. The first reason is that the DRC is too big and the length of its borders is so huge that it is almost impossible to control the whole area. Besides this, there is little state control in the eastern part of the DRC, where most conflict resources come from, so little chance that it is possible to control which resources are conflict related. This means that an export ban should be not only against conflict resources, but against all resources originating from the DRC. An export ban for the DRC would also mean an export ban for neighbouring countries. Resources are smuggled over all borders into neighbouring countries. So a ban would only mean that more resources are smuggled and exported from neighbouring countries. Another problem is that if resources cannot be sold anymore a lot of artisanal miner (among others) would be without labour. Seeing that natural resources create a lot of employment in eastern DRC, this could be catastrophic for the livelihood of many.

In short, a resource ban would clean out the international trading chain and release many of guilt. It could even deny armed groups their income. However it is not achievable and would damage many poor people in the DRC. Besides all of this it would be questionable if the whole international community could agree on a ban. If not, there would always be a

loophole to import resources through other countries.

5.2.2 *Increased control over exports and mining areas*

The control over exports is lacking. Border controls are absent or in many cases corrupt. There are many state export and import organisations that also lack control. Smuggling and bribery are day to day realities. This means that exporting without state consent (smuggling) is very easy, and in fact it can be quite hard to do everything according the rules because of the long bureaucratic route to follow. Increased control over export routes and mining sites is very important. The question is who is going to provide this control? The governmental army (FARDC) has no control over the eastern area of the DRC. And where FARDC does have control, it acts not much better than the rebel groups in the area. FARDC is also guilty of extortion, illegal mining activities and illegal trade, human right violations, etc. So who then?^{xiv} Outside intervention is probably the only solution.

The United Nations and the European Union both have missions in the area. Where the European Union with EUSEC and EUPOL directed itself towards security sector reform (SSR), the United Nations, with MONUC took the responsibility "to assist the DRC government to establish a stable security environment contributing to regional stability and in close cooperation with the Congolese authorities, the UN country team and donors, to support the strengthening of democratic institutions and rule of law."^{xv} But the mandate of MONUC was too small and both the UN and the EU had troubles with implementation because of the DRC government who reluctantly cooperated. The mandate of MONUC is recently extended. It now also contains the monitoring of the trade in natural resources. Since the renewed violence in the summer of 2008 there has come more attention for increasing MONUC capacity with personnel and material. It is questionable that MONUC has enough capacity to monitor the trade in resources. A special (effectively working) division should be developed which looks at the trade in natural resources. Seeing the

scope of the problem of illegal mining and trade, this would mean much more personnel and equipment. With more than 18,000 personnel and so little result it is realistic to think that some Security Council members have doubts about sending more personnel or even the very existence of MONUC.^{xvi}

These solutions can be very useful if implemented the right way. There will always be a discrepancy between what should be and what can be implemented with the willingness of parties but also in practical possibilities. Therefore a combination of these solutions would be more useful. Transparency can only be reached if there is control, which can only be implemented by a strong consistent force. This can be MONUC (if sufficiently equipped) but also the DRC government in a couple of decades. This government needs training, guidance and support from different actors.

5.2.3 A juridical framework

The world is missing a binding jurisdiction on an international level for companies that buy resources in conflict areas, according to some NGOs.^{xvii} On this moment a company only has to obey the rules in the country it is operating in. A law against the import of conflict resources from the DRC could give governments more possibilities to handle companies that trade in conflict resources. The DRC has not very strict rules and has problems implementing the existing rules.. International jurisdiction could be a solution for this. The OECD (Organisation for Economic Cooperation and Development) has guidelines for multinational companies. These guidelines are voluntary principles for responsible business conduct. The guidelines range from bribery, consumer interests to human rights.^{xviii} Making the guidelines like that of the OECD into laws is difficult because there must be consensus over the definitions of each guideline. Another initiative is the EITI (Extractive Industries Transparency Initiative) which aims to let the population profit from incomes from the extraction of natural resources. The EITI is also a voluntary initiative and its implementation is dependent on the

transparency of governments with regard to the earnings made by the extraction of natural resources. The DRC is a candidate and has until 2010 to meet the conditions of EITI.

The OECD guidelines and the EITI are initiatives that raise awareness for the problems surrounding industries. The EITI, which is more directed at natural resources and developing countries could be a good initiative to get more transparency on the side of governments. However, there is not much incentive for companies to be transparent. A way to get this would be to make some guidelines of the OECD and EITI a juridical law. This should be developed by supra-governmental organs like the European Union, African Union, United Nations, etc. This could be difficult because there is a possibility that it raises production costs of companies, which is bad for the competitiveness of these companies. So how is transparency achieved?

5.2.4 Transparency and due diligence in the trading chain

As it is been said in this thesis a few times before, transparency in the trading chain is important. If there is no transparency, it is impossible to eliminate conflict resources from trading chains. Due diligence means that companies should ask proof of the origin of the minerals; were they were mined and under what conditions? Companies should refuse to buy minerals if this information is not available or when there is suspicion that the minerals are contributing financially to armed groups. This also means that checks must be carried out to see whether suppliers do not buy conflict minerals.^{xix} This results in more transparency in the supply chain. Besides this, it is also important that producers of consumer products are more open in the origin of there resources. If they apply due diligence with regard to there suppliers, it will be easier to do this. Companies can prove that they do not buy conflict minerals and so do not have to be afraid for critics who say that their products are not 'clean'.

More transparency in the trading chain is dependent on the goodwill of companies to do so. Pressure from NGOs and public

opinion can motivate companies to promote their products as 'conflict clean' products. In the European Union it is not possible to make transparency a law. At the moment the EU has decided not to put more legislation regarding transparency on companies.^{xx} But some companies like Nokia do already look at corporate responsibility in trading chains, but also say it is very hard to actually find out where their raw materials come from. It seems this is still hard to do. "Also, because of the complexity in the way that metals are produced and sold, sometimes ores from many different sources are combined to make the final materials with no or limited traceability."^{xxi} This is the reason why Nokia has decided to become an EITI member. Nokia hopes with this, in the future, to be able to determine the precise origin of their resources. Of course this will help to improve Nokia's image.

There is some goodwill from different companies to get more clarity in the trading chain. This is still very difficult because of the complexity of the chain. Public opinion and pressure is the key. It makes companies realise they have to be responsible in the buying of their supplies. There is some potential in this idea, but it may take decades to actually implement this successfully. But a good start with different stakeholders has been made.

5.2.5 *Certification of natural resources: the Kimberley Process and CTC*

One way to make the trading chain in natural resources more transparent is the certification of natural resources so that they can be traced back to their source. The certification of coltan is not the first time this idea is presented. The Kimberley Process was established to see if there was a solution to the problem of conflict diamonds. Diamonds have played a big part in several conflicts in Africa. Conflict diamonds had a role in conflicts in Angola, the DRC, Liberia and Sierra Leone. Not only warlords and rebel armies were engaged in the diamond trade; it was said also terrorists like Al Qaeda were involved.^{xxii} In 2000 the United Nations adopted a resolution supporting the creation of an international certification scheme for rough diamonds. The Kimberley

Process was set into force in 2003.^{xxiii} The Kimberley Process has 49 members, which account for approximately 99.8% of the global production of rough diamonds.

How should the Kimberley Process Work?

The Kimberley Process requires that its members may only trade with other member countries. Participants must establish national import and export control to keep conflict diamonds out of the legitimate trade. Each diamond must be certified by the producing countries as conflict-free. "The certification scheme relies upon each individual participant to implement an effective diamond control system in order to ensure that no conflict diamonds are imported or exported."^{xxiv} The participating countries must meet several conditions before they can participate in the process.

- Pass legislation to implement the scheme and keep out conflict diamonds.
- Ensure that exports and imports of rough diamonds are enclosed in tamper resistant containers.
- Collect, maintain and exchange official data on their trade.
- Produce a Kimberly Process certificate which includes carat weight, value, tamper and forgery resistance, and country of origin.

How does this work out in practice?

The DRC is a member of the Kimberly Process since 2003. It is said that the DRC has the biggest artisanal mining sector in the world. In 2006 it was estimated that about one million people work in the artisanal mining sector in the DRC. They work in bad hazardous circumstances.

These workers have millions of dependants who also rely on this trade to survive. Diamond diggers may earn less than US\$ 1 a day, working in dirty, dangerous conditions. Many live in extreme poverty. In addition, artisanal diamond diggers entering the mining concession of MIBA, the parasitical diamond mining company, have been shot and killed, often caught in crossfire between "suicidaires", armed military deserters illegally entering the concession, and MIBA Mining Guards.^{xxv}

Besides artisanal mining there is also industrial mining, but the share of industrial mining in the total diamond sector is decreasing. The big proportion of artisanal mining in the DRC is making it very difficult to implement the Kimberly Process.

There are two major problems with the implementation of the Kimberly Process in the DRC. The first is *weak controls* and the second is *too little international aid*. The Kimberly Process stands or falls with the control over the certification process. The internal controls over mining and trade are poorly enforced. The diamonds cannot be traced back from mine to exports. The Centre of Evaluation, Expertise and Certification (CEEC), which is a government agency, is responsible for the implementation of the Kimberly Process in the DRC. Diamonds are smuggled into the DRC and diamonds are smuggled out. The corruption in the DRC takes on such big proportions that it is also possible that conflict diamonds are certified as 'fair' diamonds. The artisanal diamond sector makes it especially difficult because there are so many traders in the chain that it is really difficult to track the diamonds back to its source. The DRC was removed from the Kimberly Process in July 2004 because it was exporting diamonds mined in the DRC and other countries.^{xxvi}

The second problem is that, although the DRC receives a lot of donor money, the donors do little to put in place institutions to control where the money is used for. Attention is paid to the problems of corruption but little is done to tackle these problems. If donor money that is meant for the implementation of the Kimberly Process is not put into good use, it is difficult to actually make it work as it should.

Kimberly and CTC, the same problems?

The CTC project would look a lot like the Kimberly Process. It also relies on the certification of minerals to make them traceable to their source of origin (the mine). When the mine or trade is seen as 'infected' by conflict, the resource is a 'conflict mineral' and therefore can not get a certification for legal trade. Also it applies certain standards for miners and

traders which they must meet. Not only does CTC pay attention to whether the mineral is conflict related, it also looks at social and ecological standards. The standards are:

1. Origin and volumes of produced and traded goods as well as company payments to host government are transparent.
2. The company does not use child labour and ensures fair remuneration and work conditions as well as continual improvement of health and safety measures for all employees.
3. The company ensures security on company sites whilst respecting human rights.
4. The company consults communities in which it operates and contributes to their social, economic and institutional development taking into account gender sensitive aspects.
5. The company seeks continual improvement of its environmental performance.^{xxvii}

CTC aims not only at governments, but companies and traders. Being part of the CTC project, and the ability to prove to international buyers that they sell 'fair' minerals, could give them a better competitive position in relation to the other companies in the same country. This could be an extra incentive to agree with this project. However, it could also have negative effects for artisanal miners because they have less means as industrial miners to actually be able to meet the standards of the CTC.

The most important question is, can CTC deal with the problems surrounding the Kimberly Process? The Kimberly Process has two big problems with its implementation in the DRC: weak control and international aid. The implementation of the CTC does also heavily depend on the control of imports and exports. The idea for the CTC is that there is going to be a National Certification Unit which will check the companies on demand of the industrial consumers.^{xxviii} Control is still in the hands of governmental agencies.

Seeing that governmental agencies were unable to control the Kimberly Process, they will probably be unable to control CTC. For this it will be necessary to control all border posts, which is impossible in a country the size of the DRC and especially in a part of the country where the government has little power. The government does also lack good, dependable law enforcers who will be able to do so. The same networks that trade in minerals will probably also find a way to get certificates for 'conflict minerals'. The second problem of international donors who do not put in place institutions which deal with corruption and lawlessness and which do not look at the directions the donor money take, will not change over night. This will also cause the CTC to collect too little donor money and thus cannot be implemented as it should be.

Is CTC a solution for the problems in the DRC?

In the previous chapter four problems for the mining sector in the DRC were presented. Can CTC (partly) solve the four problems surrounding trade networks in the DRC? The *first problem* of money earned by the trade in minerals, of which the government receives little to nothing (also taxes), can be partly solved by CTC if it is working right. Legalisation of minerals and reliable export numbers will increase the taxes the government earnings from mineral exports. This money can put back in the building of society; that is if the government is not as corrupt as it is now. The *second problem*, that the lootability of the resources attracts different parties of which none has a desire to promote peace, is difficult to solve. The problem is that the minerals are still easy to steal and many parties want a piece of the pie. The networks which sustain themselves will probably find a way to get uncertified minerals into the legal trade. This undermines the CTC project and its creditability. So does not solve the *third problem* of networks sustaining themselves. The networks will use institutions put in place for the supervision over the certifications project. With bribery and violence it would be quite easy for the

networks to find a way to abuse this situation and let their minerals find a way into legal networks.

The *fourth problem*, that there is no substitution for bad working conditions. The bad working conditions are improved by the CTC project. Miners can work for the companies who are in the CTC project. It does not give them an alternative in another sector and it is questionable that all these workers can work in these few companies.

CTC can partly solve little parts of the problems and better the situation a little. But only if there is a functioning government. CTC and the Kimberly Process both depend on good governance. If there is no control, the project will probably fail.

[...] trade militarisation is a symptom of conflict rather than its cause, and therefore asks policy makers to address the real causes of insecurity in Eastern DR Congo. These are identified as the ubiquitous governance weaknesses, and the inability of the Congolese state to maintain the monopoly of violence. [...]^{xxix}

5.3 ACTORS

5.3.1 DRC actors

The DRC has multiple actors that have a stake in the conflict. These actors can all have, one way or another, a stake in the solution of the conflict. The different actors are armed groups, the business community, government and civil society (including NGOs). The emphasis in this thesis has been laid on the role of the government and armed groups, less on civil society. This does not mean that civil society cannot play an important role; it just means that they do not have a direct interest in the conflict. The previous chapters were more directed at the causes of conflict and how to eliminate them. This chapter looks at the solutions and civil society can be a part of this.

Armed groups

In the eastern part of the DRC different armed groups are and have been active. At the moment the whole world is watching the FDLR and the CNDP; and to a lesser

extent the Mai-Mai groups. Two different peace processes were started to get the different parties to stop the fighting. The Goma and the Nairobi peace processes were both different in character.

The Goma conference (that started in January 2008) was a Congolese event, which meant that Rwandan Hutu rebels (the FDLR) and the Kigali government were not invited. Six armed groups were invited, including the CNDP. The outcome of the conference was a pledge from the Kinshasa government to give amnesty to all rebels, with the exception of those that have committed war crimes or crimes against humanity. In return for this, all invited armed groups declared to demobilize or integrate their fighters. This meant renewing the DDR programme and army integration. This has not worked successfully because after the agreement fighting broke out again. The cooperation of the CNDP with FARDC could be seen as a first step in integration but the future has to point this out. In the past this mixture of the CNDP and the FARDC was not successful.^{xxx}

The Nairobi process started in November 2007 and aimed to find a solution for the presence of the FDLR in the DRC. The conference was set up by the UN as a negotiation between the DRC and the Rwandan governments. The outcome of the conference was an agreement that the DRC government would, with force, disarm the FDLR and that the Rwandan government would stop the CNDP from crossing the state borders. This process was not a success until the beginning of 2009, when the international community started pushing governments to start working together. The result was an agreement between the Rwandan government and the DRC government for military cooperation in order to disarm the FDLR.^{xxxii} For so far this has resulted in the arrest of the CNDP leader Laurent Nkunda, on Rwandan territory.

So there are incentives to disarm, demobilize and reintegrate armed groups. There is a constant movement in this process but at the same time it is standing still because most forms of cooperation have short life expectancies. Most armed groups in the eastern DRC blame their

fighting on the presence of the FDLR and Rwandan troops on DRC territory. Maybe if the FDLR are disarmed, there would be more incentive to have peace in the area.

The willingness of the armed groups to disarm is very important for the peace process. If they cooperate with the DDR programmes, there could be a chance for peace. Until now there has been little success. But there could be a window of opportunity with the two peace processes on the table. The DDR process can be very important if the CTC is implemented. If rebels are disarmed, there is more room for legal extraction of mines and trade in natural resources. Former rebels can be reintegrated into the government army or police, but it must carefully look at where former rebels are stationed. If they are stationed in the same areas they were active before, it is very likely they will take the same position in the trade. This will make it hard to certificate the minerals because the corruption and smuggling will remain. If rebels are not integrated into the governmental forces and police, there must be given an alternative. It would be insensible to place these rebels in mines or in the trade because the same networks would stay into place. So a good DDR program is very important and the CTC project should play into this by taking up an advising role in DDR. CTC could also provide reliable information on the trade in minerals and the actors in the process. The CTC and DDR could reinforce each other, enhance the outcome.

DRC government

The DRC government has been a major (absent) actor in conflict. Because it has not behaved as a government, it has given room to armed groups to fill the holes the government has left open. The government has little representation in the eastern DRC. It must be said that also the rest of the DRC is badly, or not at all, governed, but the logistical problems of the east (the few roads and infrastructure that lead to the area) have resulted in an absent government. Besides this, also the presence of mineral resources does only lead to corruption of state actors who are present.^{xxxiii} Armed groups have filled up gaps that were supposed to be filled by

the government and so the state monopoly on violence and taxing has been left into the hands of those who are not hold responsible for their actions.

The role of the government in the peace process can (and must be) big. However, it is not possible there is going to be a responsible good working government over night. Taking away the incentive of enrichment by the mineral trade can change the attitude of government officials. The improving relationship with Rwanda, the disarmament of the FDLR and CNDP, and the legalisation of the mineral trade seem to be good ingredients for peace in the DRC. CTC is heavily dependent on the government to make exports more transparent. This could be achieved by less bureaucracy for the export of minerals and more legislature on the mineral trade enforced by a good security apparatus. For this donor money and guidance is necessary. On a local level workshops could be arranged which can help government officials to have a better understanding of what good governance on a local level means. It would take time, but the government can certainly play a role in decreasing illegal mineral trade. The CTC can contribute to better governance on a local level getting more transparency in the trading chain and with this taking away state corruption and illegal participation in the mineral trade.

Civil society

Civil society in the DRC consists of very few NGOs and a large church community. NGOs are constrained by conditions and forms for funding arrangements opposed by the state. NGOs need these funding arrangements in order to survive. This state control is the reason why many NGOs often hold tight relationships with politicians and therefore one can wonder how reliable and free these organisations are.^{xxxiii} These NGOs cannot play a big role in supporting the CTC project.

The Catholic Church is the largest church in the DRC and gets a lot of funding from the Belgian government. The networks of the Catholic Church seem to be extensive. Together with the three other churches in the DRC, the Church of Christ in Congo

and two Pentecostal churches, the churches dominate development work and deliver many social services. The churches are very active in arranging “a concerted CSO/NGO front to deal with policy and planning by the government.”^{xxxiv} The church can contribute to the CTC by awareness raising for the project and promoting legal mining and working conditions. But of course this has to fit into the goal of the churches and whether it fits into their programme.

Business community

At the moment there are very little small local businesses. The businesses that are there are often internationals or big companies set up by Congolese elite. A significant proportion of the commercial class is of non-Congolese origin, often Indian, Greek and Pakistani.^{xxxv} For CTC the development of small business could be opportune. These small businesses can be controlled better with regard to bad working conditions. These businesses can be an alternative for those who lost their job because of decreasing illegal trade (if this happens) after disarmament of armed groups or better legislation and controls by the government. Microcredit can be a useful tool to make it possible for the local population to set up small businesses. This way the profits made by the mining are returned to the local population instead of international companies.

For the CTC to gain support in the DRC it has to have cooperation from the local government but also the other stakeholders. If all stakeholders are involved CTC can eventually be a success. To get stakeholders willing to be involved there must be something to gain or to be in line with their goals. Workshops can help to explain the advantages for stakeholders. Much donor funding will be needed. International support is therefore important. The support of international donors makes it possible for local stakeholders to be involved.

5.3.2 Foreign donors and stakeholders

The involvement of international donors and stakeholders has come to a high during the crisis in eastern DRC in October-

November 2008. The pressure put on the DRC and Rwandan governments has bore its fruit. There have been made serious steps towards disarmament and reintegration. Also the improving relationship between the DRC and Rwandan government is a positive outcome of the political pressure of the international community.^{xxxvi} It shows that the dedication of international partners can make a difference. This is exactly what the DRC government needs, pressure to act on earlier made agreements.

It must be noticed that the success of the negotiations can also be ascribed to the leading role of former Nigerian president Obasanjo. His role has been important because he was accepted by the CNDP as a negotiator.^{xxxvii} Besides this it is important that the initiative for the negotiations was set by African countries. In addition to the European Union and UN, the African Union was also an important player in the negotiations surrounding the crisis in the eastern Congo in 2008. 'An African solution to African problems' can be just the right thing for this crisis.

But the African Union is not there yet. It lacks funding and is still in its starting stage. The European Union is looking at a common security policy and has therefore an EU (police) mission in the DRC. It does not have much experience and the UN is the only body that is willing and able to send a military force to the area. Why was the EU present at the conference? Belgian and France have old colonial ties with the area. The Netherlands and the United Kingdom are relatively new players in the area but give aid. The European Union is therefore interested in the area.

The United States, Canada, South Africa, China and Angola are other important players. Especially China is a significant influence on the DRC government. China gives military assistance, invests in major infrastructure projects and buys mining concessions.^{xxxviii} This results in an increasing influence of China and decreasing influence of the European Union on DRC policy.^{xxxix} The reasons for interest in the DRC vary between different countries. Some have purely economic interests, other (geo)political and other development related. The reasons for

interest are not very important. Although this is contested by some who say that countries with only economic interests can make the situation worse, because the relationship is defined by extortion of the DRC. There is no doubt that the DRC should take a more careful look at its policy regarding the extraction of natural resources by other countries. But even when motivated only by economic interests, these countries can still contribute to the development of the DRC. What is important is that the investments are directed in ways that contribute to the development of the population. These countries can even invest in the CTC project or other certification schemes. If legislation and control become stricter, companies may have no other choice.

In addition to political pressure and economic investments, aid that is directed at institution building and peace building is also crucial. This aid could be given by individual donors but also by the UN, EU and maybe AU. Donors should carefully look at their input and look at control systems that should be put in place also. This means independent NGOs, government institutions and working security apparatus. So in short, donors should:

1. Give more support to the European Union and UN missions and improve and enlarge their capacity,
2. Donate to institution building programs,
3. Look closely at the improvement of the extraction of mineral resources (this can also mean setting up codes of conduct).

5.4 CONCLUSION: BRINGING SOLUTIONS AND ACOTRS TOGETHER

This chapter has presented the five most important solutions for the enduring conflict in the eastern Congo (and the role of natural resources in this conflict), as recommended by different NGOs and governments. Not all of these solutions are feasible to work in practice. A ban on export of natural resources seems not to be realistic or desirable, for it can have negative implications for the local population. The second solution is better

control over mines and trade routes. This is difficult because of enormous capacity problems with FARDC and MONUC. For this a lot of support is needed from the international community.

The third advice, the development of a judicial framework, which would make it possible to prosecute those international companies that trade in resources related to conflicts. It could be desirable to set this up, but it is unclear whether this is a realistic option for the future.

Transparency in the trading chain would be a good start but is still very difficult to accomplish because it is difficult to oversee where the minerals come from. The certification of trading chains could make it possible to find the origin of the resources and make the chain more transparent. This fourth and fifth option could work hand in hand with each other. The international community can contribute to these solutions. The development of an international framework can be achieved by time. For example, the European Union could make legislation for all member countries that companies in the EU are forbidden to trade in conflict minerals. Transparency can be achieved with cooperation of different donors: DRC government for the implementation in the DRC and the supervision over the process, NGOs to check the government agencies, international companies have to show their goodwill to contribute to this process. International donors have to contribute to institution building and the bettering of the security apparatus so that the process can be verified.

In short, all actors are important in the different possible solutions. Three of the four solutions can reinforce each other if all donors are in line. But this is not as easy as it seems. To get all donors in line according to a certain plan is almost impossible. All actors have their own agendas and so do not profit from the same incentives. The CTC falls into the category of transparency initiatives. More control over the mines and trade routes could help the CTC project as does the bettering of legislation. Legislation could force companies to make the chain transparent. So, the five solutions could,

with the help of all donors improve the situation in the DRC.

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6 Conclusion

This conclusion tries to answer the main question: *'To what extent can the Certification of Trading Chains contribute to the decrease of conflict in the eastern part of the DRC?'* Before answering this question, first three sub-questions are answered. After this some recommendations are made regarding the possible implementation of the CTC project in the DRC.

What is the role of natural resources in the conflict in North and South Kivu? This was the first question that was asked. The answer to this question could partly explain why the CTC project would or would not have a positive impact on reducing the conflict in the DRC. Because if natural resources were not the main motivator of conflict, how would taking away natural resources as a motivator reduce conflict? This question was answered by looking at the greed and grievance debate. In the case of the DRC, it is often assumed that the greed for natural resources is the main motivator for conflict. This research shows that not only greed plays a big part in the conflict in the eastern part of the DRC but that also other factors play a major role in the start and continuation of the conflict. These factors are ethnic and religious hatred, economic inequality, lack of political rights, and government economic incompetence. All of these seem to be valid motivations for the conflict in the eastern DRC. It must be noted however that as there is still a lack of political rights in the DRC, also the transitional process from a repressive towards a democratic regime seems to trigger violent outburst.

By some academics the idea was raised to go beyond the greed and grievance debate which mainly looked at motivations. It was questioned whether motivations were so important and whether one should look at the feasibility of conflict and the impact natural resources have on the severity of the conflict. These are very valid points, because sometimes motivations are not the main thing that drives a conflict.

Sometimes the circumstances can fire or change conflict. For this thesis it was not of influence because this chapter aimed at proving that other factors in addition to natural resources contribute to the conflict in the DRC. Whether these are motivations or circumstances is not the point. These critical supplements to the greed and grievance debate did create a better insight in the working of the trade networks in the DRC. So what is the role of natural resources in the conflict in the North and South Kivu? Although natural resources have an influence on the conflict, it is by far not the only reason why conflict has erupted. Many other reasons are just as important or even more important.

The second question looked at *the problems that the trade networks in North and South Kivu cause*. The identification of these problems are important. Without a good understanding of the problems it is difficult to see what solution would fit best for the situation. *Four* main problems were found. The first problem was that the earnings made by the extraction and trade in natural resources are not used for the development of the local population. It results in an incapability of the government to actually challenge the problem of violence against its population and it can lead to more inequality which can fire ethnic hatred. This is not only caused by the trade and exploitation of natural resources, but it aggravates these problems. The second problem is the lootability of the resources that attracts different warring parties which can also be neighbouring countries. This increases insecurity and fear. The third problem is the networks itself. These networks sustain themselves and are very adaptable and fluid. The conservation of these networks can be a cause for conflict. This problem is hard to fight, because countermeasures like the CTC can be worked around easily by these networks. The fourth problem is that there is no substitution for the networks. There are not many sources of income and fighting these networks will make them lose their income. An alternative should be created in fighting these networks. The question is

whether these problems are solved with the CTC.

In the last chapter this question has also been answered. The conclusion was that CTC can contribute to the solution of some of these problems but only when there is a functioning government.

The third question that was raised was *which actors can contribute to the solution of the conflict and how?* The answer to this question could decide whether there are alternatives and donors for the CTC. Five important solutions were proposed: an export ban on natural resources, the development of a judicial framework, transparency in the trading chain, better control over mines and trade routes, and the CTC. An export ban seemed to be impossible to execute for different reasons. It could have negative effects for the local population. A judicial framework would make it possible to enforce transparency from companies. These initiatives need the consent of a lot of actors and this makes it very problematic to implement. There is not enough political will to do so. Better control over mines and trade routes is impossible because of capacity problems of the security apparatus in the DRC and MONUC. The international community could play a role in these three solutions. NGOs could lobby with companies for more transparency. The goodwill of companies could contribute to these processes. The main thing international donors can contribute to is institution building in all layers of society, especially reinforcing the government and the bettering of the security apparatus.

So can the Certification of Trading Chains contribute to the decrease of conflict in the eastern part of the DRC? It can, but only when there is also attention paid to institution building, bettering government structures and the security apparatus. This does not have to part of the CTC but it are necessary conditions for the project to succeed. So if actors do want to support CTC they should also look at other initiatives. Also there is an incentive needed from international companies to cooperate within this project. The failing of government over all layers in society is still

one of the biggest problems in the DRC. Without a functioning government this project will likely fail.

Recommendations

Different actors can play different roles in bringing peace to the DRC. This thesis has painted a grim picture at times but that does not mean that there is no possibility to bring peace to the DRC. It takes time and good coordination of different activities of different donors. First of all it is important that a good state apparatus is put in place. This can be done by stimulating the building of institutions. These institutions must look at a good judicial system which can provide more opportunities to bring to trial those who abuse state incomes but also violence committed by governmental forces. At this moment the state has not a good image because of the lawlessness that exists under its employees. Reducing corruption and the abuse of state violence will provide a feeling of security under the population and this reduces the need for civilians to take arms.

Secondly, investment in other areas than mine extraction is needed. Agriculture could provide an income for the local population and investment in the service delivery sector and consumer goods could make the country less dependable on its natural resources. This could provide a boost in the economy of the DRC. Also governmental income is less dependent on one sector which makes it possible to take strict measures against the illegal exploitation of mines.

Thirdly, stricter measures should be taken against companies that buy conflict related minerals. More transparency in the trading chain is needed for this. International legislation which obliges companies to provide more transparency is needed. This also means that more initiatives should be developed which make it possible that natural resources are traced back to its mine. CTC could be one of those initiatives.

Most importantly of all are the peace initiatives taken and platforms for different actors to talk about measures that can be taken against the conflict. This means that

all actors should be able to be present to talk about all different areas. This does not only mean disarmament, but also attention must be paid to the economic, political and social sides of the conflict. For this reason it is important that more attention is paid (also on an academic level) to all issues that can lead to conflict and not only take one problem and magnify one problem

(like natural resources) because it makes the problem more simplistic and counter measures can be more focused. In the case of the DRC this only means that a lot of problems are just not addressed. Peace cannot be brought by over-simplifying the conflict but by endless talking about all possible little steps that can contribute to peace.

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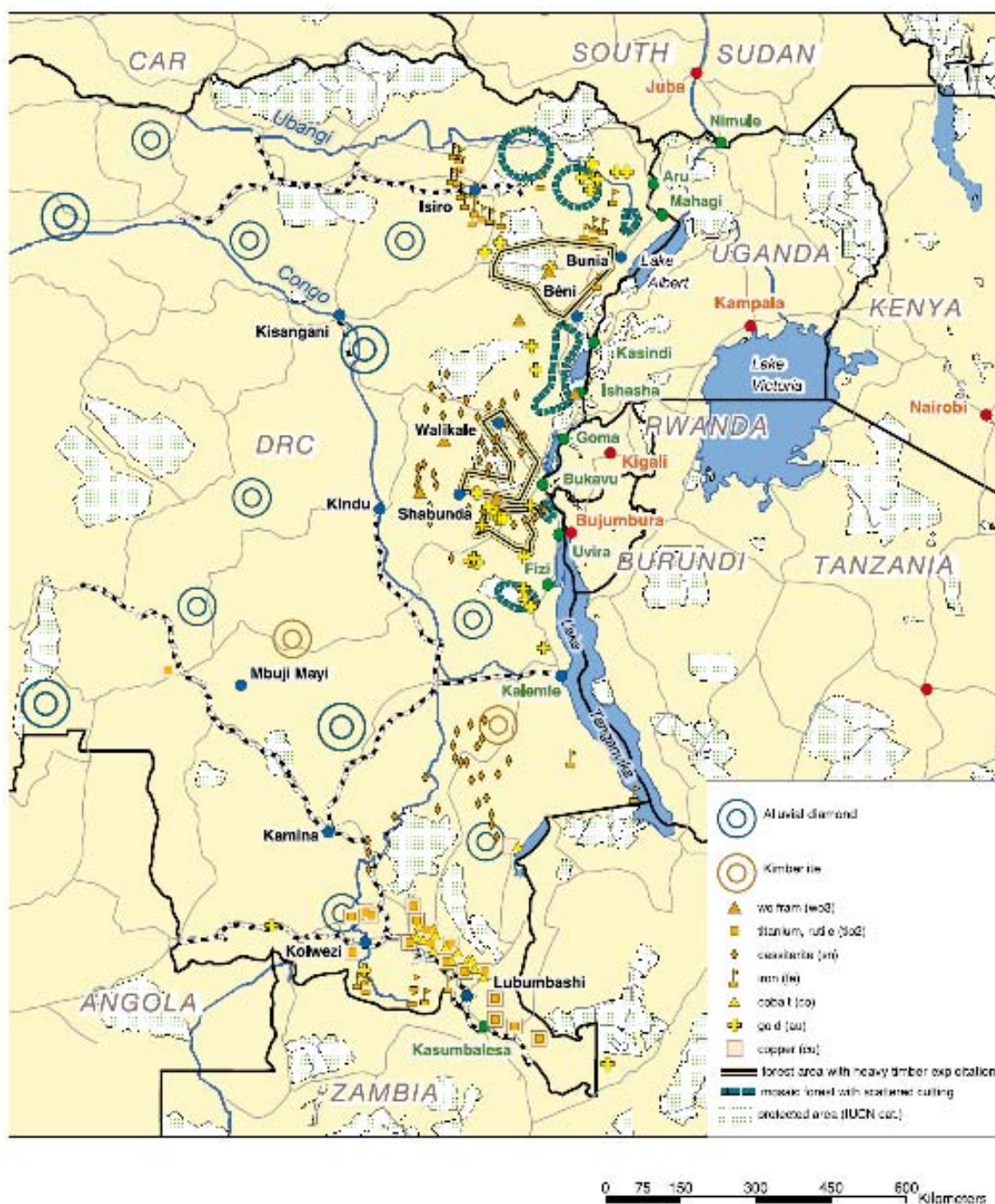
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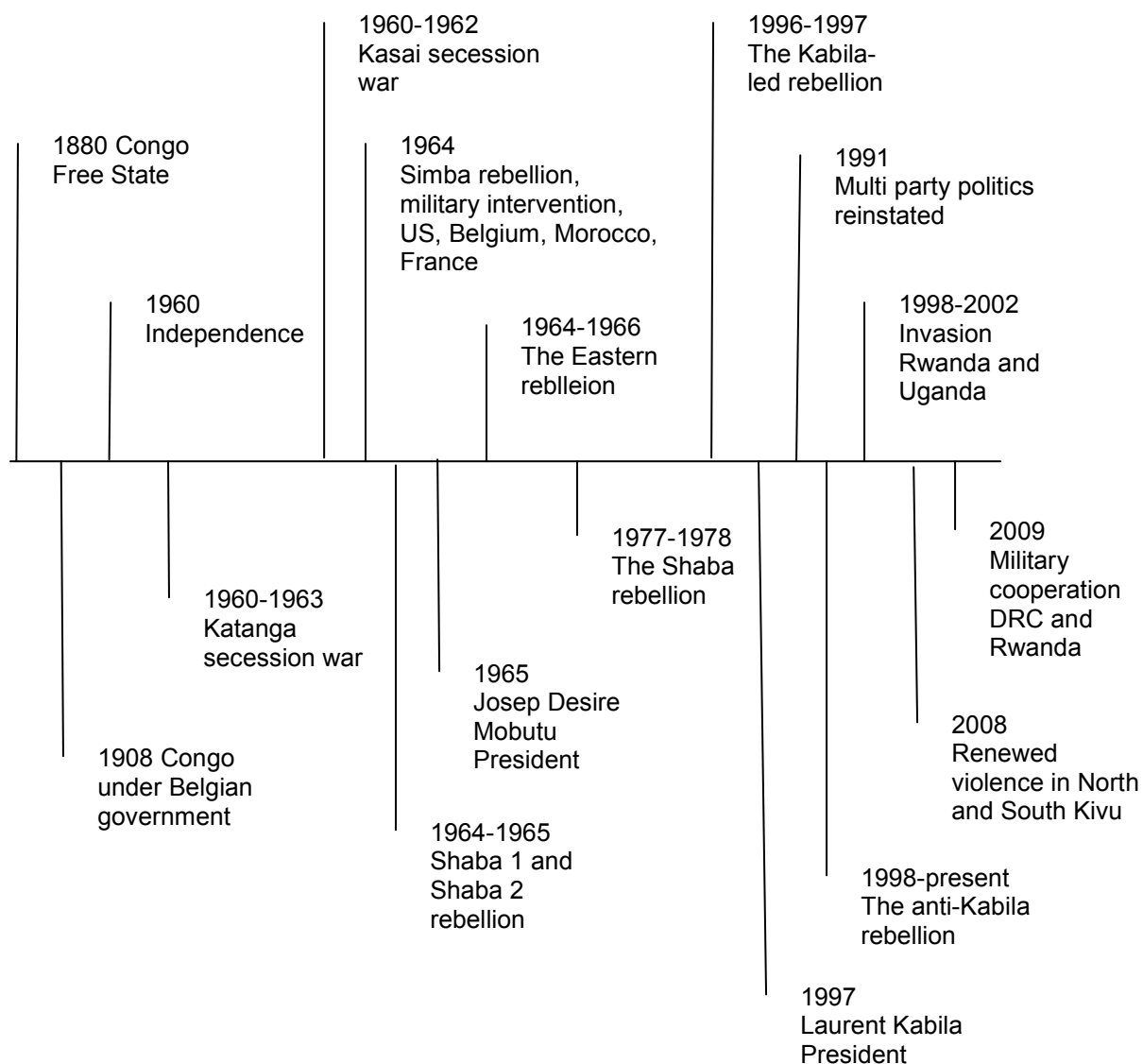
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Appendix 1 – Resource map eastern DRC



Appendix 2 – Timeline DRC



Appendix 3 – CTC standard

Principle	Standard
1. Origin and volumes of produced and traded goods as well as company payments to host government are transparent.	<p>1.1 Origin and production volume of minerals from the pilot mine site throughout the trading chain are traceable.</p> <p>1.2 Meet fiscal obligations required by host government law.</p> <p>1.3 Publish all payments made to government in accordance with the standards of the Extractive Industries Transparency Initiative (EITI).</p> <p>1.4 Actively oppose bribery and fraudulent payments.</p>
2. The company does not use child labour and ensures fair remuneration and work conditions as well as continual improvement of health and safety measures for all employees.	<p>2.1 Maintain salary or payment levels equal to or greater than those in comparable enterprises within Rwanda.</p> <p>2.2 Ensure that no child labourers work on company sites.</p> <p>2.3 Support workers' organizations and collective bargaining.</p> <p>2.4 Provide essential protective and production services to support the work of artisanal miners.</p> <p>2.5 Ensure occupational health in all company operations.</p> <p>2.6 Provide training for employees and contractors on safety, health and effective use of on-site facilities.</p>
3. The company ensures security on company sites whilst respecting human rights.	<p>3.1 Provide sufficient and adequately trained security forces, also in ways that protect and promote human rights.</p> <p>3.2 Undertake security risk assessments.</p>
4. The company consults communities in which it operates and contributes to their social, economic and institutional development taking into account gender sensitive aspects.	<p>4.1 Interact regularly with communities and local governments to address grievances and other common concerns.</p> <p>4.2 Support local enterprises to supply company operations.</p> <p>4.3 Implement integrated development programs in nearby communities for livelihood security, social and physical infrastructure and capacity building.</p> <p>4.4 Obtain free, prior and informed consent before acquiring land or property.</p> <p>4.5 Understand the situation and perspectives of the women in the company's area of influence and design and implement company's operations in a gender sensitive way.</p> <p>4.6 Carry out an assessment on human migratory streams created by company operations and develop an influx migration action plan.</p>
5. The company seeks continual improvement of its environmental performance	<p>5.1 Carry out an environment impact assessment as the basis for developing an environmental management and protection plan and strategy.</p> <p>5.2 Properly treat or dispose of hazardous material and waste from its site(s).</p> <p>5.3 Makes provision for the full cost of rehabilitation upon closure.</p>

Appendix 4 – Map DRC

