



Mineral Concessions: Avoiding Conflict in DR Congo's Mining Heartland

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Principal Findings

What's new? Competition between industrial and artisanal miners is a source of tension in the Democratic Republic of Congo. In the mineral-rich provinces of Haut-Katanga and Lualaba, state security forces intervened in 2019 to expel over 10,000 artisanal miners who were encroaching on two of the country's largest industrial mining sites.

Why did it happen? Artisanal miners lack economic opportunities. They are often denied access to industrial sites, even for purposes of exploiting commercially non-viable deposits, and the region lacks artisanal mining zones. Local politicians sometimes seek to advance their own interests by encouraging artisanal miners to take confrontational actions.

Why does it matter? President Félix Tshisekedi faces the twin challenges of defusing mining sector tensions and working within the fragile political coalition he has formed with his rival, former President Joseph Kabila. Whether or not he succeeds will bear on the country's stability and prosperity, as well as on his political future.

What should be done? To create economic opportunities for artisanal miners, the DRC government should create artisanal mining zones and remove impediments to industrial subcontracting of artisanal miners. Mining companies should meet their legal obligations to support community development, and standard-setting organisations should make clear that they see industrial-artisanal cooperation as responsible corporate behaviour.

Executive Summary

In June and July 2019, the Democratic Republic of Congo's security forces evicted artisanal miners encroaching on two of the country's largest industrial mining sites in Haut-Katanga and Lualaba provinces. In addition to deaths and injuries, the expulsions caused more than 10,000 artisanal miners to lose their only means of generating income. Avoiding violence around mining sites while reforming this vital sector of the DRC's economy to improve citizens' livelihoods is an important challenge for President Félix Tshisekedi. A central goal should be to foster economic opportunities for the artisanal miners. Together, the government and the private sector should create viable new artisanal mining zones. Companies should work to reduce the risk of flare-ups by subcontracting artisanal miners to exploit deposits not central to company operations. The government should ensure that its decrees do not undermine the legal basis for such arrangements, and industry standard setters should make clear that subcontracting does not violate precepts of corporate social responsibility.

Tensions between industrial and artisanal miners in Haut-Katanga and Lualaba are partly economic in nature. Artisanal miners and other mining heartland residents express frustration at the lack of opportunity industrial mining provides – whether in the form of jobs, investments in community development projects or commercial relationships with local merchants. In addition, the DRC government has over time extended industrial mining permits to cover virtually all land where mineral deposits have been found, leaving almost no space for artisanal mining zones.

The government enacted a new mining law in 2018 that might help relieve some of these tensions. It compels industrial mining companies to spend part of their revenue on community projects and allows them to subcontract work to artisanal mining cooperatives. The planned creation of a new state entity with exclusive rights to purchase artisanally mined cobalt could, however, undercut the ability to subcontract and the economic opportunities that come with it.

Much as economic frustration fuels tensions around mining in Haut-Katanga and Lualaba, the sector is potentially explosive for other reasons as well. Artisanal mining attracts workers from elsewhere in the DRC, which helps spin a narrative that “migrants”, in particular from nearby Kasai province, are “stealing” the Katanga region's mineral wealth. Both Katangese nationalism and anti-Kasaian sentiment have led to violence in the past. These tensions shoot through the governing coalition that Tshisekedi, whose family hails from Kasai, has formed with his predecessor Joseph Kabila, whose power base was Katanga. The coalition's internal frictions resonate especially keenly in Haut-Katanga and Lualaba.

Case studies of three different mining sites in Haut-Katanga and Lualaba, two of which have experienced violence, highlight local factors that can exacerbate bad relations between artisanal and industrial mining operations, and offer clues about steps that might help with de-escalation. They indicate that artisanal miners have tended to become especially frustrated in cases where industrial site deposits were both highly attractive and highly inaccessible. Efforts by local politicians to manipu-

late miners to further their own interests, sometimes at the risk of provoking confrontation, were also important factors in stoking potential violence.

To diminish tensions between industrial and artisanal miners, and the corresponding risk of violence, the DRC government should help artisanal miners earn livelihoods by carving out new artisanal mining zones, working with industrial companies to do initial groundwork to prepare sites within these zones for artisanal mining, and protect these new sites from being taken over by industrial mining companies. The government should also protect the right of industrial companies to subcontract with artisanal cooperatives by carving these arrangements out of the decree directing a newly established (but not yet stood up) government entity to purchase all artisanally mined cobalt. For their part, mining companies should subcontract artisanal miners to exploit deposits they cannot profitably mine – conditional on artisanal miners upholding basic safety, labour and environmental standards – and comply with provisions in the recently enacted iteration of the mining law that require mining companies to contribute a set percentage of their revenue directly to local development.

Organisations setting due diligence standards for mining also have a role to play. These organisations used to consider artisanal mining to be exclusively a channel for funding armed groups and reflected this view in their due diligence requirements. More recently, they have recognised its potential as a source of livelihoods. They should adapt their formal standards to convey that industrial mining companies can harm local development efforts and increase the potential for violence if they fail to adopt policies that take into account the needs of artisanal miners and the communities where they live.

It will not be easy for President Tshisekedi to make headway on the fraught issue of artisanal mining. But while the need to work in a fraying coalition with Kabila no doubt constrains Tshisekedi's capacity to make many of the above changes, he can still press for them, seek to harness the support of political allies and begin generating momentum for their achievement. Even if the effort fails to achieve all of its goals in the near term, it can only improve prospects for peace and prosperity in the DRC's mining heartland.

Lubumbashi/Nairobi/New York/Brussels, 30 June 2020

Mineral Concessions: Avoiding Conflict in DR Congo's Mining Heartland

I. Introduction

In June and July 2019, soldiers entered the two largest industrial mining sites in the Democratic Republic of Congo (DRC).¹ Their mission was to remove more than 10,000 artisanal miners, men and women who had been encroaching on these sites, individually or in small groups, in order to dig for cobalt and copper ore with little to no mechanisation.² The troops torched the artisanal miners' homes and drove them out.³

One of the sites where the soldiers intervened was the Tenke Fungurume Mine (TFM), located in the Tenke and Fungurume localities in the country's south east. Mining has radically changed life in this region, starting in 1972 with the first industrial operation. The company running TFM advertised over 20,000 jobs when it first opened, and attracted almost twice as many job hopefuls to the area. The region's population trebled virtually overnight. The industrial mining operation was short-lived, however, and its new hires soon found themselves unemployed. Some turned to artisanal mining, digging up ore with shovels and storing it in sacks to be transported to buying houses. When this work proved remunerative, more people joined in. These included "locals", as well as in-migrants from nearby towns and other DRC provinces.⁴

When industrial operations at TFM recommenced in the late 1990s, the new operator found thousands (20,000 by some accounts) of artisanal miners on the site covered by its licence.⁵ It was a recipe for over two decades of tense and intermittently violent relations among artisanal miners, the mining police and the army. The mining police periodically expelled artisanal miners from parts of TFM, but proved unable to keep them off the site consistently.⁶ The miners kept encroaching on the site, protesting and at times rioting over their expulsion.⁷ The army was present at the site for long periods and appeared to alternate between allowing artisanal miners access to TFM – to the point of fighting the mining police over the matter – and driving them off.⁸ In the early months of 2019, artisanal miners, cued by the sound

¹TFM and the Kamoto Copper Company mine are the DRC's largest as measured by government revenue in 2015. "Democratic Republic of Congo", Extractive Industries Transparency Initiative (EITI), 10 June 2020.

²Thomas Hentschel, Felix Hruschka and Michael Priester, "Global Report on Artisanal and Small-Scale Mining", Mining, Minerals and Sustainable Development, January 2002.

³Aaron Ross, "Send in the troops: Congo raises the stakes on illegal mining", Reuters, 17 July 2019.

⁴Crisis Group interviews, local officials, civil society representatives, Fungurume, September 2019.

⁵Crisis Group interviews, local civil society representatives, artisanal miners, Fungurume, September 2019.

⁶"China Moly struggles with artisanal mining in DRC", *American Metal Market*, 23 November 2016.

⁷"Congo police clash with illegal miners at Tenke Fungurume mine", Dow Jones Business News, 28 October 2009.

⁸"DR Congo troops exchange fire with police guarding mines in Katanga province", BBC, 28 December 2005. "Tenke Fungurume 'de-militarised'", *Africa Mining Intelligence*, 19 October 2005. Raf

of industrial explosives, invaded the site en masse and carried off tonnes of dislodged ore.

Several months later, the military returned in force. To the inhabitants of the nearby village of Kamfwa, the army's June-July 2019 intervention differed from past ones because, for the first time, soldiers moved beyond the mining sites to burn the houses of miners and farmers alike.⁹ Within a week of the evictions at TFM, the army removed thousands of artisanal miners from the Kamoto Copper Company mine, less than 160km to the west, leading to three deaths according to some sources.¹⁰

Direct and sometimes violent competition between artisanal and industrial miners is pervasive in the DRC. A 2015 survey of artisanal mining sites in the country's east and south east found that 63 per cent of them were located on lands where industrial companies held mining permits. According to that survey, less than 1 per cent of artisanal mining was taking place in zones that the government had designated for that purpose.¹¹

This report explores what stokes and ignites tensions between industrial and artisanal miners, and how those tensions might be defused. It examines the challenges that President Félix Tshisekedi and his government face in making changes to the mining sector and, against this backdrop, considers the circumstances at three individual mines. It is based on field observations from visits to areas around mining operations, interviews with local residents, community leaders and civil society figures, news reports on the mining sector, data sets recording violent events (see Appendix B) and other publicly available information. Crisis Group was unable to obtain formal comment on this research and analysis from either the state mining company Gécamines or the privately owned companies operating the mines discussed below, despite multiple efforts to contact local representatives and official headquarters.¹² This report is the first in a series of Crisis Group writings about extractive industries and conflict.

Custers and Sara Nordbrand, "Risky Business: The Lundin Group's Involvement in the Tenke Fungurume Mining Project in the Democratic Republic of Congo", Diakonia, SwedWatch and International Peace Information Services (IPIS), 19 February 2008. Crisis Group interviews, local officials and civil society representative, Fungurume, September 2019.

⁹ Ross, "Send in the troops", op. cit. Crisis Group interviews, local officials, civil society representatives, Fungurume, September 2019.

¹⁰ Aaron Ross, "Congo army evicts illegal miners from Glencore project, sparks protest", Reuters, 4 July 2019.

¹¹ "Analysis of the Interactive Map of Artisanal Mining Areas in Eastern DR Congo", IPIS, October 2016.

¹² Crisis Group consultants attempted to contact the staff at all three mines that are the subject of this study (Kipushi, Luiswishi and TFM). The Kipushi mine community outreach office deferred questions to the main office, operating outside the DRC, which did not respond to subsequent Crisis Group inquiries. At Luiswishi mine, Crisis Group consultants could not locate a point of contact at either the mining site or an office of the operating company in Lubumbashi. At TFM, Crisis Group consultants were referred to the community liaison office, which declined to participate in the research. Prior to this report's publication, Crisis Group also contacted the headquarters of the owners of all three sites, using public contact details, but received no response.

II. Tshisekedi's Challenge: The National Political Minefield

When President Tshisekedi assumed office in January 2019, he vowed to combat poverty and stabilise the country. In order to deliver on that promise and have a successful presidency, it will be important for him to make clear progress toward converting the DRC's vast mineral wealth into tangible benefits for its citizens. He could start with those who eke out a living through artisanal mining and others who reside, impoverished, in the vicinity of industrial mines.

Tshisekedi is playing an imperfect hand. Artisanal mining is a difficult, dangerous and under-regulated business presenting a wide range of challenges, from work site safety to environmental dangers to child labour exploitation.¹³ In considering which tasks he can take on, Tshisekedi must weigh constraints imposed by political reality and also consider how he can best work within a mix of old and new laws and decrees that in some cases operate at cross-purposes.

Moreover, the global economic downturn caused by the COVID-19 outbreak is already affecting the mining sector and will complicate Tshisekedi's ambitions to use the country's mineral wealth to benefit a greater portion of its population. According to the mining ministry, falling global demand and world prices for major mining products will translate into revenues that fall short of the government's targets.¹⁴ Copper and cobalt prices have already significantly dropped over the past few months. South Africa's lockdown measures have reduced commerce at its ports, through which the DRC ships minerals to China (its primary customer) and other destinations.¹⁵ With the mining sector, which is the main driver of the DRC's economic growth, in recession, the central bank has already predicted that the country's GDP will shrink by 1.9 per cent in 2020, compared to 4.4 per cent growth the previous year.¹⁶

Still, for all these challenges, there is room for the government to offer greater opportunities and protections for the country's roughly two million artisanal miners.¹⁷

¹³ Artisanal miners face especially hazardous working conditions when they encroach on sites of industrial operations. As discussed below, for example, a landslide cost 43 artisanal miners their lives while they were working without authorisation at the Kamoto Copper Company mine in June 2019. "Death toll at DRC mine rises to 43", *Financial Times*, 28 June 2019. Célestin Banza Lubaba Nkulu et al., "Sustainability of Artisanal Mining of Cobalt in DR Congo", *Nature Sustainability*, vol. 1, no. 9 (2018), pp. 495-504. One study estimates that children are working at one in four DRC artisanal mining sites. "Interconnected Supply Chains: A Comprehensive Look at Due Diligence Challenges and Opportunities Sourcing Cobalt and Copper from the Democratic Republic of Congo", OECD Working Paper, 2019.

¹⁴ Jean Pierre Okenda, "How the DRC Can Defend Its Mining Interests during the Pandemic", Natural Resource Governance Institute, 30 April 2020.

¹⁵ Document published by the DRC mining ministry, "Analyse de l'impact de la pandémie du COVID-19 sur le secteur minier de la République Démocratique du Congo", 13 April 2020; Okenda, "How the DRC Can Defend Its Mining Interests during the Pandemic", op. cit.

¹⁶ "Congo GDP to shrink for first time since war, central bank says", Bloomberg, 1 May 2020.

¹⁷ See the Delve database.

A. *The Political Battle*

The contrast between the size of the DRC's mineral wealth and the poverty of its citizens is jarring. The DRC has a large share of world reserves of highly sought-after minerals like cobalt, which is a key raw material for rechargeable batteries (see Appendix A). Its mining sector sits at the heart of the economy, constituting over 90 per cent of exports (see Appendix F).¹⁸ Taxes paid by the extractives sector stood at \$1.57 billion in 2018, a near-doubling compared to 2019.¹⁹ Yet visible benefits to Congolese citizens are few: the latest World Bank estimates put the extreme poverty rate in the DRC at 72 per cent.²⁰

President Tshisekedi faces significant challenges in effectively controlling the mining sector, and has been criticised for doing little to employ mining revenue to help DRC citizens.²¹ One of the main problems has been the extent to which he must share power with his predecessor's political network, members of which occupy government positions key to the mining sector. Tshisekedi's *Cap pour le Changement* (CACH) coalition is obliged to work with former President Joseph Kabila's *Front Commun pour le Congo* (FCC), which controls the majority of seats in the national assembly. The dynamics of the FCC-CACH coalition have started to shift since the beginning of 2020, as Tshisekedi has slowly increased his autonomy by expanding his control over the security forces, fighting corruption harder and trying to sideline figures from the Kabila era.²² Nevertheless, coalition dynamics continue to pose a significant obstacle to change in the mining sector.

Key positions in the coalition government, national institutions and state-owned companies are still occupied by Kabila allies, including Prime Minister Sylvestre Ilunga Ilunkamba, Minister of Mines Willy Kitobo Samsoni, Minister of Portfolio Clément Kwete Nymi Bemuna (who is responsible for public companies) and Minister of Finance José Sele Yalaghuli.²³ Another important figure, Albert Yuma, has since November 2010 presided over the state mining company, Gécamines, and is a long-time Kabila ally. With Kabila's supporters firmly in place throughout the govern-

¹⁸ Rapport Annuel 2016, Banque Centrale du Congo, 7 November 2017, p. 122.

¹⁹ "Congo's public revenues from mining sector nearly double in 2018", Reuters, 3 April 2019; "Democratic Republic of Congo: Overview", World Bank, 20 April 2019.

²⁰ "Democratic Republic of Congo: Overview", World Bank, 4 May 2020.

²¹ Romain Gras and Stanis Bujakera Shiamala, "DRC: One year in and Félix Tshisekedi is yet to make his mark", *The Africa Report*, 27 January 2020.

²² Crisis Group interviews, diplomats, UN mission officials and government officials, Kinshasa, February 2020; Crisis Group telephone interviews, diplomats, former army insider and member of Tshisekedi's inner circle, April and May 2020.

²³ Many of these officials have particular clout in the mining industry because they were born in the former Katanga, the DRC's mining heartland. Katanga was a province before it was split into four new provinces (Tanganyika, Haut-Katanga, Lualaba and Haut-Lomami) in 2015. This report refers to those four provinces as the "Katanga region" and to people native to any these four provinces as "Katangese". Despite Katanga's disappearance as a province, "Katangese" identity is still important to some inhabitants of the region. Prime Minister Ilunga was born in Haut-Katanga, Minister Kitobo in Kipushi, Haut-Katanga and Yuma in Tanganyika. Ministers Sele and Kwete are from Sud-Ubangi and Kasai provinces, respectively.

ment, Tshisekedi will find it hard to realise his ambition of gaining greater control over mining revenues and thus improving citizens' socio-economic conditions.²⁴

Although Tshisekedi has attempted to dismantle much of his predecessor's network, he has had limited impact in dislodging Kabila's supporters from positions of influence, including at Gécamines.²⁵ In May 2019, Kabila reportedly pushed for Yuma to be nominated as prime minister, but Tshisekedi resisted, agreeing instead that he remain chair of Gécamines as part of a political horse trade.²⁶ To counterbalance Yuma, Tshisekedi appointed his ally, Sama Lukonde Kyenge, as the company's new managing director. Kabila allies long blocked this appointment, but the public portfolio minister eventually approved Kyenge's nomination in late June 2020.²⁷ Having his own allies at the top of Gécamines will likely allow Tshisekedi to exert more influence over the state mining company, though the extent of this leverage is as of yet unclear.

At the end of 2019, Tshisekedi made an unsuccessful push to get rid of Yuma by calling the Congolese public's attention to a prosecutorial investigation into Gécamines.²⁸ The underlying facts date to 2017, when Gécamines accepted a controversial €128 million loan from businessman Dan Gertler, a close Kabila associate who is sanctioned by the U.S. treasury department.²⁹ Human rights and anti-corruption organisations have questioned whether this loan was a front for money laundering.³⁰ Though these claims are unproven, the prosecutor's office requested that Yuma and other senior Gécamines officials remain at its disposal to participate in the investigation. Immigration authorities banned Yuma from travelling outside Kinshasa.³¹ There has been no apparent movement on the file since, with Kabila seemingly protecting Yuma, and justice authorities preoccupied with other high-profile cases.³² Yuma's travel restrictions could potentially be lifted after Kyenge's appointment, allowing Yuma to travel to Lubumbashi to see Kyenge take his new position.³³

²⁴ "Discours-programme du gouvernement devant l'Assemblée Nationale présenté par son Excellence Monsieur le Premier Ministre Ilunga Ilunkamba", 4 September 2019.

²⁵ Stanis Bujakera Tshiamala, "Albert Yuma, pris entre deux feux", *Jeune Afrique*, 26 January 2020.

²⁶ Tshiamala, "Albert Yuma, pris entre deux feux", op. cit.

²⁷ Stanis Bujakera Tshiamala, "DRC appointments to Gécamines and the SNCC still blocked", *The Africa Report*, 28 June 2019; Aaron Ross, "Congo president wins approval for nominees at state mining company", *Reuters*, 26 June 2020.

²⁸ "Congo prosecutors probe Israeli billionaire's loan to state mining company", *Reuters*, 23 December 2019; Tshiamala, "Albert Yuma, pris entre deux feux", op. cit.

²⁹ "Treasury Sanctions Fourteen Entities Affiliated with Corrupt Businessman Dan Gertler under Global Magnitsky", U.S. Department of Treasury, 15 June 2018.

³⁰ Stanis Bujakera Tshiamala, "DRC: Albert Yuma and Dan Gertler in complex Gécamines loan dispute", *The Africa Report*, 7 January 2020.

³¹ Tshiamala, "Albert Yuma, pris entre deux feux", op. cit.

³² Crisis Group telephone interview, Kinshasa-based lawyer, May 2020.

³³ "RDC: Gécamines, l'Assemblée Générale entérine la nomination des membres du Conseil d'administration", *Zoom Eco*, 26 June 2020.

B. *Legal Developments*

The Congolese legislature recently changed the national mining code. The amended code, approved in 2018 under Kabila, significantly raised the level of tax for companies mining “strategic minerals” – including cobalt – and placed several additional demands and restrictions on companies, relative to the previous 2002 code. The government felt emboldened to make such changes because the high international demand for its minerals, especially cobalt, was generating significant profits for industrial mining companies. It presented these new measures primarily as an important step toward raising internal revenues for the state. The measures received backing from both national and international civil society organisations monitoring extractive activities but incurred mining companies’ displeasure.³⁴ Tshisekedi has stated his support for the code, and therefore seems unlikely to work with the legislature to change it, at least in the medium term.³⁵

The code contains three key provisions that have the potential to shape relations among mining companies, artisanal miners and local communities.³⁶

First, it requires that companies pay 0.3 per cent of their revenues to “community development projects”. The 2002 code required no such contribution. Civil society organisations welcomed the change, because it means that residents of mining areas will directly receive a (small) percentage of mining revenue and do not have to rely on funding trickling down from federal administrative entities. The provision has been unevenly applied, however, as discussed below.

Secondly, the code requires artisanal miners to be members of a cooperative and allows industrial miners to subcontract mining activities to cooperatives. This change, too, is significant because it gives mining companies and artisanal miners a legal basis for collaboration. Companies benefit in that they can subcontract with a cooperative to monetise deposits for which they hold a licence but that they cannot profitably exploit using industrial methods. Artisanal miners benefit in that, at least in theory, they can subcontract to mine legally on land under industrial licence and deal directly with mining companies. Subcontracting generally allows them to charge companies higher prices for the ore they extract than they could if selling through buying houses.

This reform, however, has been less than fully successful. To begin with, not all DRC artisanal mining cooperatives represent their members’ interests. Some are owned by representatives of the political elite and demand unofficial payments from their members that can amount to 20 per cent of their production.³⁷ Moreover, the

³⁴ Fabien Myani, “Réforme de la législation minière de la République Démocratique du Congo : Regards sur la contribution des organisations de la société civile”, Cordaid, September 2018. Although officials consulted the private sector in developing the new legislation, many companies feel that the tax rates it imposes on their activities are excessive. Daniel Mulé, “Understanding DRC’s New Mining Law Power Play: Will the Congolese People Benefit?”, Oxfam America, 19 April 2018; Crisis Group interview, senior ministry of mines official, Kinshasa, February 2020.

³⁵ “Discours du président de la République sur l’état de la Nation en 2019 (intégral)”, 13 December 2019.

³⁶ “Code Minière”, *Journal Officiel de la République Démocratique du Congo*, 28 March 2018.

³⁷ “Interconnected Supply Chains”, op. cit., p. 13.

government recently created a new entity, discussed below, whose mandate is at cross-purposes with the 2018 mining code.

Finally, the 2018 code – like its 2002 predecessor – provides rules governing both the creation and closure of artisanal mining zones. In theory, these zones should allow artisanal mining to take place legally. In practice, only a very small fraction of artisanal mining takes place in formal artisanal mining zones – a mere fifteen of over 2,000 mines visited in a 2015 study.³⁸ There are several reasons why. As a threshold matter, potentially mineral-bearing land in the DRC is already covered almost entirely by industrial mining permits (see Appendix B). Moreover, the mining code prohibits the government's conversion of an industrial site into an artisanal mining zone. By contrast, the minister of mines is permitted by law to close any artisanal mining zone with 60 days' notice if a deposit that can only be exploited by industrial means is discovered. Hence, the likelihood that a mineral-rich property will be designated and remain an artisanal mining zone is very slim.

In November 2019, the prime minister issued two decrees that foreshadow both further complications and some opportunities for helping artisanal miners share in the country's mineral wealth.³⁹ One creates a new body – *Autorité de Régulation et de Contrôle des Marchés des Substances Minérales Stratégiques (ARECOMS)* – intended to oversee cooperatives and ensure that they function correctly. This body could help counter the predatory activity by owners of artisanal cooperatives described above.

The other decree authorises Gécamines to set up a subsidiary, *Entreprise Générale du Cobalt*, which will have a monopoly on purchases of artisanal cobalt – artisanal production constitutes over 20 per cent of the national production of this mineral. According to the latter decree, the subsidiary was to start operations in early 2020, but in practice Gécamines is still looking for ways to finance its activities.⁴⁰ Despite both Gécamines' and the authorities' lack of financial resources, the mining minister announced in June that the state-controlled buying of artisanal cobalt by *Entreprise Générale du Cobalt* would start in September 2020.⁴¹

Although the creation of *Entreprise Générale du Cobalt* is ostensibly aimed, at least in part, at ensuring artisanal miners a fair price, there are reasons to fear that not all of them will get one.⁴² First, the measure that creates the new entity also prohibits industrial miners from buying directly from artisanal cooperatives, which would seem to directly undermine the new provisions in the 2018 mining code enabling companies to subcontract to artisanal miners. Secondly, in addition to questions about how

³⁸ "Analysis of the Interactive Map of Artisanal Mining Areas in Eastern DR Congo", *op. cit.*

³⁹ Décret N°19/16 du 05 Nov. 2019 portant création, organisation et fonctionnement de l'autorité de régulation et de contrôle des marchés des substances minérales stratégiques. Décret N°19/15 du 5 Nov. 2019 portant sauvegarde des activités relatives aux substances minérales stratégiques d'exploitation artisanale. See also "RDC : un monopole d'État pour le cobalt artisanal", RFI, 6 February 2020.

⁴⁰ Michael Kavanagh, "Trader Trafigura in talks with Congo over financing cobalt buyer", Bloomberg, 13 February 2020; Crisis Group phone interview, mining expert, Kinshasa, June 2020.

⁴¹ "Congo aims to launch state cobalt monopoly in two months, mines minister says", Reuters, 25 June 2020.

⁴² Crisis Group interview, Congolese official, Kinshasa, February 2020.

the new subsidiary will finance purchases, it is unclear whether it will be in a position to offer higher prices to artisanal miners than those offered by buying houses.

The creation and management of *Entreprise Générale du Cobalt* could result in renewed tensions between Tshisekedi's and Kabila's factions. By decree the subsidiary is to include presidential and provincial representatives on its board, alongside those of the prime minister and the minister of mines. Though the dispute over Gécamines' management was largely solved in June with the approval of Kyenge's nomination as the company's director-general, these *Entreprise Générale du Cobalt* appointments will likely be mired in power struggles similar to those seen for Gécamines positions. Some analysts who follow the DRC mining sector fear that, given the large financial stakes that would be involved in the subsidiary's transactions, there is a substantial risk of funds being misappropriated.⁴³

⁴³ Crisis Group interview, mining expert, Kinshasa, January 2020. "Que pensez-vous de la création par la Gécamines d'une société pour encadrer l'artisanat minier ?", Radio Okapi, 20 December 2019.

III. Haut-Katanga and Lualaba: The DRC's Mining Heartland

Alongside political rivalries at the national level, Tshisekedi has to navigate tensions in the key mining provinces of Lualaba and Haut-Katanga. His main challenge is to avoid clashes between locally rooted Katangese in mining areas and a large population that has relocated to the region from nearby Kasai province to try to make a living from artisanal mining. Haut-Katanga and Lualaba have a history of anti-Kasaian violence, and recent demonstrations have scapegoated Kasaians for crime and lack of economic opportunities in the area.⁴⁴ In the near term, it may be difficult to reduce frictions if, as seems likely, unemployment rises further in the face of COVID-19.⁴⁵ Over the longer term, however, strengthening economic prospects for artisanal miners in Haut-Katanga and Lualaba, regardless of whether they are locals or migrants, could be a useful strategy for Tshisekedi to decrease competition between the two groups.

Tshisekedi must strike a delicate local balance. While virtually all copper and cobalt revenue, representing over 80 per cent of DRC exports (see Appendix F), comes from the provinces of the Katanga region, his political party has close ties to the Kasai region. Indeed, his political support in Haut-Katanga and Lualaba lies mostly with the large population of Kasaian descent. By contrast, Joseph Kabila and main opposition leader Moïse Katumbi, who both come from Katanga, enjoy the support of distinct sections of its non-Kasaian population.⁴⁶ To be sure, Tshisekedi received an unexpected boost when Antoine Gabriel Kyungu Wa Kumwanza, former governor of Katanga and current member of Haut-Katanga's provincial assembly, whose party is firmly anchored in the Katanga region, became the first major Katangese voice to accept his victory; although originally in the Katumbi camp, Kyungu has supported Tshisekedi since.⁴⁷

Still, ethnic dynamics in the region remain a challenge for Tshisekedi. Tensions in the coalition that Tshisekedi formed with Kabila are keenly felt in Katanga. In November 2019, Kabila supporters in Lualaba burnt Tshisekedi posters in response to

⁴⁴ "Insécurité à Lubumbashi : des jeunes s'en prennent aux 'Kasaïens'", Congo Durable, n.d. Crisis Group observation, Lubumbashi, 5 March 2020. Miles Larmer and Erik Kennes, "Katanga's Secessionism in the Democratic Republic of Congo", in Lotje de Vries, Pierre Englebort and Mareike Schomerus (eds.), *Secessionism in African Politics* (London, 2019), pp. 371-401.

⁴⁵ Some companies in the Katanga region have already suspended their activities because of the fall in commodity prices and the Chinese economic slowdown, which has hurt the market for Congolese minerals. For instance, Mutanda mining, a Glencore subsidiary, Sicomin and Kamo Copper are not exploiting their mines at present. See Denise Maheho, "Coronavirus : le secteur minier quasi à l'arrêt en RDC", RFI, 4 May 2020. On 22 June, Lualaba province registered its first two COVID-19 cases, after which the province's governor halted artisanal cobalt trade for a week. See Michael Kavanagh, "Congo halts artisanal cobalt trade in key province on virus", Bloomberg, 26 June 2020.

⁴⁶ See Crisis Group Statement, "A Nuanced but Firm Political Approach for DR Congo's Decisive Autumn", 15 September 2016.

⁴⁷ Marie-France Cros, "Kyungu se rallie à Tshisekedi: l'opposition Lamuka est divisée", *La Libre Afrique*, 28 January 2019 ; In June 2020, the public portfolio minister approved Kyungu's appointment as head of the board of directors of the state railway company, which had been pending for a year, in the same set of actions that saw Kyenge become Gécamines' managing director. See: "SNCC : Kyungu wa Kumwanza notifié de sa nomination", Mediacongo, 25 June 2020.

similar destruction of Kabila placards in Kinshasa.⁴⁸ In March, demonstrators in Haut-Katanga's capital, Lubumbashi, sought to blame the Kasaians for insecurity caused by armed bands who frequently rob, extort and shoot civilians in the city.⁴⁹

Katangese nationalist politicians, including Kyungu Wa Kumwanza, have in the past referred to mining to stoke ethnic grievances.⁵⁰ In particular, they have spread the narrative that "outsiders" – referring to both migrant workers from the Kasai region and power holders in Kinshasa – are stealing "Katanga's" mineral wealth.⁵¹ In the early 1990s, this perception led to widespread violence targeting tens of thousands of people originating from Kasai.⁵²

These anti-Kasai narratives tend to find more resonance when livelihoods in Haut-Katanga and Lualaba are under pressure.⁵³ For this reason, the combined effects of the June-July 2019 army intervention that deprived over 10,000 artisanal miners of their jobs and the economic downturn due to the COVID-19 outbreak are cause for concern.⁵⁴ Reforms that help secure safer, more stable and higher-earning livelihoods for artisanal miners, both those born in Katanga and those who have come from elsewhere in the DRC, could contribute to easing competition and tensions between the two groups. They could also benefit a significant number of people, as artisanal miners' earnings support between 10 and 12 per cent of the region's population.⁵⁵ As set out below, such reforms could include establishment of new artisanal mining zones and measures to support cooperation between industrial concerns and artisanal miners.⁵⁶

⁴⁸ Crisis Group WhatsApp communication, local journalist, October 2019; "RDC : inquiétude face aux tensions entre communautés kasaienne et katangaise", RFI, 21 November 2019.

⁴⁹ "Insécurité à Lubumbashi : des jeunes s'en prennent aux 'Kasaiens'", op. cit. Crisis Group observation, Lubumbashi, 5 March 2020.

⁵⁰ "Zaire: Inciting Hatred – Violence against Kasaiens in Shaba", Human Rights Watch, June 1993.

⁵¹ Larmer and Kennes, "Katanga's Secessionism in the Democratic Republic of Congo", op. cit.

⁵² Ibid.

⁵³ "Insécurité à Lubumbashi : des jeunes s'en prennent aux 'Kasaiens'", op. cit. Crisis Group observation, Lubumbashi, 5 March 2020.

⁵⁴ Okenda, "How the DRC Can Defend Its Mining Interests during the Pandemic", op. cit.

⁵⁵ Haut-Katanga and Lualaba are home to an estimated 140,000-200,000 artisanal miners, representing roughly 2 per cent of the region's population. Crisis Group interview, Catholic Church representative, 10 July 2019; "DRC: Statistiques des populations par zones de santé", UN Office for the Coordination of Humanitarian Affairs, 13 September 2019. Because each artisanal miner is estimated to have four to five dependents, a further 8-10 per cent of the population may depend on artisanal miners' earnings indirectly. Ruben de Koning, "Conflict between Industrial and Artisanal Mining in the Democratic Republic of Congo: Case Studies from Katanga, Ituri and Kivu", in Sandra Evers, Caroline Seagle and Froukje Krijtenburg (eds.), *Africa for Sale?* (Leiden, 2013), pp. 181-200.

⁵⁶ In June 2020, Lualaba's provincial governor stated that all minerals produced through small-scale artisanal mining, including cobalt, should be tested and sold at a centralised trade hub starting 29 June. According to the governor this should limit mining fraud and increase state revenues, but the impact and enforceability of the governor's order are uncertain. See: "Cobalt-rich Congo province to centralise mineral sales", *Reuters*, 25 June 2020.

IV. A Tale of Three Sites

Case studies of three mining sites – TFM, Kipushi and Luiswishi – illustrate the dynamics among industrial mining companies, artisanal miners and residents of the areas where mining occurs, sometimes with intervening Congolese security forces as well. All three sites sit atop copper and cobalt deposits in the south-eastern DRC, the first in Lualaba and the other two in Haut-Katanga. But each has experienced different levels of violence, owing in part to differences in the opportunities they afford artisanal miners to pursue livelihoods on their respective premises.

A. Tenke Fungurume Mining

TFM has experienced the highest level of violence among the three mining sites examined here.

Located in Lualaba province, TFM is a joint venture between the DRC's state mining company Gécamines and China Molybdenum (CMOC). Industrial production of copper and cobalt at the site goes back to the early 1970s, when Gécamines started a short-lived pilot operation in the area.

The current joint venture dates from 1996, when majority ownership was held by Lundin Holdings, a Swedish-Canadian company.⁵⁷ CMOC entered the joint venture by acquiring a majority share in 2016 and now owns 80 per cent of the operation.⁵⁸ According to the latest reported figures, TFM has grown to become the DRC's largest mine in terms of government revenue generation.⁵⁹ In October 2018, the last month of available data, TFM accounted for more than a quarter of government mining revenue from Haut-Katanga and Lualaba.⁶⁰

Artisanal and industrial mining at the TFM site led to a large influx of migrants from other provinces. The population of the Tenke and Fungurume localities has grown more than tenfold since mining started in the area.⁶¹ Population growth began with a mass hiring campaign by Gécamines in 1972, which attracted more than 40,000 prospective employees hailing mostly from Haut-Katanga and Kasai.⁶² Over the years, artisanal mining prospects drew additional migrants from other provinces, including artisanal miners expelled from sites in Haut-Katanga and Kasaians fleeing violence in their home region. Today, hundreds of people reportedly arrive daily from Kasai alone, and Kasaians make up the majority of artisanal miners in the area.⁶³

From TFM's inception, violent conflict and periodic army intervention have marred relations between the company operating the site and artisanal miners. After Géca-

⁵⁷ Custers and Nordbrand, "Risky Business: The Lundin Group's Involvement in the Tenke Fungurume Mining Project in the Democratic Republic of Congo", *op. cit.*

⁵⁸ "China Moly to increase stake in Congo's Tenke copper mine to 80 percent", Reuters, 18 January 2019.

⁵⁹ "Democratic Republic of Congo", EITI, *op. cit.*

⁶⁰ "Statistiques de la Redevance Minière par Quotité Emises pour la Période d'Octobre 2018", Division Provinciale Des Mines/Katanga-Sud Lumumbashi.

⁶¹ Crisis Group interviews, local officials, civil society representatives, Fungurume, September 2019.

⁶² *Ibid.*

⁶³ Crisis Group interviews, local civil society representatives, local traditional chiefs, Fungurume, September 2019.

mines' pilot operation in the 1970s, the site was non-operational for more than two decades because the company was experiencing financial difficulties. Both migrants who had hoped to be employed by the failed venture and locals took to artisanal mining on the site. Hence, when the new joint venture was born in the late 1990s, it was confronted with thousands of artisanal miners present on the land it was licensed to exploit. In addition to artisanal miners, a reserve contingent of Congolese soldiers was housed at the site during the second Congo war (1998-2003); Lundin, then a joint venture partner, accused the troops of digging for ore at the site alongside artisanal miners.⁶⁴ Citing Gécamines' and DRC authorities' inability to stop such mining, among other reasons, Lundin froze operations in 1999.⁶⁵

When the joint venture restarted operations in 2005, large numbers of artisanal miners and soldiers remained at TFM. The result was intermittent violence, as the mining police and company security forces removed artisanal miners from the site yet proved unable to prevent them from re-entering.⁶⁶ TFM's size – some of its pits measure tens of kilometres in diameter – hindered removal efforts. News reports also suggest that soldiers were still involved in artisanal mining themselves, clashing with the mining police.⁶⁷

In 2005, the army and mining police exchanged fire on several occasions, and the army tore down roadblocks police had erected to stop artisanally mined minerals from exiting the area.⁶⁸ Some members of the police and artisanal miners died in these clashes.⁶⁹ Local civil society representatives and traditional chiefs report that the armed forces were involved in both the expulsion of artisanal miners and (re)allowing them access to the TFM site, and human rights activists have alleged that soldiers participated in illegal mining at the site alongside artisanal miners for the benefit of high-ranking officers.⁷⁰

After the 2005 clashes, the military temporarily pulled out of the TFM site, but the encroachment of artisanal miners on the site and associated violence continued. Miners often entered the site at night (sometimes cued by the sound of explosions used to loosen large amounts of ore) to mine or steal ore dislodged by industrial operations.⁷¹ In 2009, artisanal miners and the mining police clashed after a group of artisanal miners was once more expelled from the TFM site.⁷² In subsequent years, artisanal miners, whose ranks reportedly include demobilised combatants from regional conflicts and residents of nearby villages, staged repeated violent demon-

⁶⁴ Custers and Nordbrand, "Risky Business", op. cit.

⁶⁵ Ibid.

⁶⁶ Crisis Group interviews, local officials, civil society representatives, Fungurume, September 2019.

⁶⁷ "Tenke Fungurume 'de-militarised'", op. cit.

⁶⁸ "DR Congo troops exchange fire with police guarding mines in Katanga province", BBC, 28 December 2005.

⁶⁹ "Katanga : des confrontations sanglantes signalées dans la concession de la société minière Tenke-Fungurume Mining", Radio Okapi, 28 September 2005; "Accrochages entre éléments des FARDC et police des mines à Fungurume", Radio Okapi, 27 December 2005.

⁷⁰ Crisis Group interviews, local civil society representatives, traditional chiefs, September 2019. Custers and Nordbrand, "Risky Business", op. cit.

⁷¹ "Tenke Fungurume 'de-militarised'", op. cit.

⁷² "Congo police clash with illegal miners at Tenke Fungurume mine", op. cit.

strations demanding access to parts of the site.⁷³ The scale of ore theft sharply increased in 2019. The increase may have been facilitated by another round of demilitarisation of mining sites that April, which removed even the selective barrier to entry the military provided and left private security forces with the nearly impossible task of keeping the artisanal miners out.⁷⁴

It is against this backdrop that, in June 2019, the army staged its largest intervention since 2005, forcibly expelling thousands of artisanal miners, killing at least one person, and burning miners' houses built on land licensed to TFM and houses in nearby villages.⁷⁵ Yet even this intervention failed to stop the artisanal miners' encroachment at TFM. Artisanal miners report that soldiers remained at TFM, either to engage in mining themselves or to use their control over access to extort entry fees or confiscate the miners' work product, often physically abusing them.⁷⁶

There are some possible structural explanations for these recurrent phenomena. High among them is that there are no artisanal mining zones within 50km of the TFM site. Those that once existed have been placed under industrial licences or are now owned privately by politically well-connected individuals.⁷⁷ The authorities appear to understand that this lack of alternative mining sites contributes to frustration. After protests demanding the establishment of new artisanal mining zones, provincial authorities in Lualaba promised in September 2019 to establish three such zones, but no location has yet been disclosed.⁷⁸ Given how much land is covered by industrial licences in Lualaba, creating such zones would likely require a licence-holder voluntarily to relinquish rights over an industrial production or exploration site (see Appendix B). Even that might not solve the problem. Artisanal miners at TFM worry that such sites might not have enough ore underground to provide them livelihoods, and in any case they cannot afford the up-front costs of groundworks to prepare a new site for mining.⁷⁹

It might help if industrial mining companies were to chip in. Sicominex, a consortium of several China-registered mining companies including TFM's CMOC, separately claims to have earmarked \$2.5 million for the formation of new artisanal mining zones, which could cover the costs of groundworks.⁸⁰ Up to this point, however, traditional authorities and area residents complain that CMOC has done precious little to contribute to local development, which further contributes to tensions surrounding TFM. Chiefs from villages around TFM mention that CMOC hires little local labour

⁷³ Crisis Group interviews, civil society representatives, Lualaba and Fungurume; mineral buyers and artisanal miners, Kolwezi, Tenke and Fungurume, September 2019.

⁷⁴ "L'envahissement des sites miniers des industriels et la problématique de leur sécurisation", Rapport de la 32^{ème} plénière, Cadre de dialogue pour les investissements durables au Katanga, July 2019.

⁷⁵ Ross, "Send in the troops", *op. cit.*

⁷⁶ Crisis Group interviews, local civil society representatives, artisanal miners, September 2019.

⁷⁷ Crisis Group interviews, artisanal miners, community leaders, Kolwezi, Tenke and Fungurume, 14-19 September 2019.

⁷⁸ Richard Muyej, "Mot de son Excellence Monsieur Le Gouverneur à l'occasion du lancement du Projet social Cobalt pour le Développement", Cabinet du Gouverneur, September 2019.

⁷⁹ Crisis Group interviews, local civil society representatives, artisanal miners, September 2019.

⁸⁰ Muyej, "Mot de son Excellence Monsieur Le Gouverneur à l'occasion du lancement du Projet social Cobalt pour le Développement", *op. cit.*

and that it terminated one of the few contracts that put money into the area's economy (a contract to purchase food locally) when it acquired a stake in TFM.⁸¹

The villages have also had disputes with CMOC regarding TFM's social fund. Ostensibly dedicated to local development efforts, it should, according to the 2018 mining code, be financed by the venture through an 0.3 per cent contribution of its revenue. In the past, funds provided by the company have been used to build a school and dig water wells, but village chiefs reported that money is no longer being disbursed.⁸²

Tensions relating to the social fund and other disputes between local residents and TFM are further aggravated by the absence of contact between the mining company and the population. The site does not have a community outreach office and chiefs claim to have no means of getting in touch with CMOC.⁸³

Residents also suggest that local politicians and businessmen with personal interests in artisanal mining may contribute to the level of unrest at TFM. As described in a 2019 Organisation for Economic Co-operation and Development (OECD) working paper, politically connected persons are closely involved in the artisanal mining sector throughout Haut-Katanga and Lualaba. According to the paper, these individuals sometimes control both buying houses for artisanal minerals and the "cooperatives" that are supposed to help the miners organise and work together.⁸⁴

Much as politicians in Kinshasa vie for control over industrial mining activities because of the economic and political stakes, local figures around TFM do the same with respect to artisanal mining. Sometimes, their interests lead them to exploit volatile situations for personal gain. For example, after the artisanal miners were expelled from the TFM commercial sites, some relocated to alternative sites controlled by a well-connected individual who demanded they give him a share of production and sell exclusively to one buyer.⁸⁵ Some artisanal miners also report that a local politician encouraged them to enter a commercial site, using force if necessary.⁸⁶ Yet, although this politician urged what could have been a violent encounter, he and others have cited unrest at TFM in attacking their political rivals and advancing public narratives that Kasaian "immigrants" are exclusively responsible for any nuisance caused by artisanal miners.⁸⁷ Without a formal artisanal mining zone, artisanal miners are vulnerable to exploitation by powerful actors, who create instability when it benefits their political or economic agenda.

Finally, TFM's sheer size may have contributed to the tensions that the region has seen. Elsewhere in the DRC's mining heartland, many people – particularly native residents – rely on farming for sustenance at least part of the year. Because TFM is so big, however, it holds the prospect of year-round livelihoods for a large number of

⁸¹ Crisis Group interviews, civil society and church representatives, Lubumbashi, Luiswishi and Kipushi, July 2019; Kolwezi, Tenke and Fungurume, September 2019.

⁸² Crisis Group interview, local chiefs, September 2019. The company did not respond to Crisis Group requests for comment.

⁸³ Crisis Group interviews, local chiefs, September 2019. A Crisis Group analyst attempted to get access to a community outreach office at the site, but was told there was none.

⁸⁴ "Interconnected Supply Chains", *op. cit.*

⁸⁵ Crisis Group interviews, artisanal miners, community leaders, Kolwezi, Tenke and Fungurume, 14-19 September 2019.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

artisanal miners. Thus, it has drawn a substantial cohort that need not rely at all on agriculture to sustain itself. It seems likely that this group is particularly motivated to maintain continuous access to the mines for economic reasons. This cohort of full-time miners may be emboldened by its numbers – and perhaps by the presence of demobilised combatants in its midst – to continue doing so even at the risk of violent confrontation.⁸⁸

B. *Luiswishi Mine*

Although lack of artisanal mining zones and resulting competition between industrial and artisanal miners is a common feature across Haut-Katanga and Lualaba, the Luiswishi and Kipushi mining sites illustrate that these tensions need not inevitably lead to violence.

Luiswishi is a medium-sized open pit mine close to Haut-Katanga's capital of Lubumbashi. The company operating it is wholly owned by a Chinese mining company, Congo Dongfang International Mining, which acquired it in 2015.⁸⁹ Prior to the acquisition, a Belgian company – the Forrest Group – owned a controlling stake.

Historically, Luiswishi had been the site of violent confrontation between industrial and artisanal miners. Amnesty International detailed how, in 2009, in response to a large influx of artisanal miners onto the Luiswishi mining site, the Forrest Group requested assistance from state security forces.⁹⁰ Members of the mining police, local police and armed forces demolished hundreds of dwellings inhabited by artisanal miners. Similar to what happened at TFM, miners' dwellings, as well as houses from non-mining nearby residents, were destroyed.⁹¹

Since the 2009 demolitions, however, no further violence has been reported in Luiswishi. There appear to be a number of contributing factors. Chief among them is that mineral deposits at Luiswishi are simultaneously less attractive and more accessible to artisanal miners. They are less attractive because the ore at Luiswishi is somewhat radioactive, leading to increasing health concerns on the miners' part, although people engage in artisanal mining during the agricultural off-season nevertheless.⁹² They are more accessible because since 2009, miners have been able to exploit at least some low-grade mineral deposits and "slag heaps" (ie, leftover material from past smelting that still contains mineral content) for ore. After the 2009 violence and prior to the mine changing hands in 2015, the then-owner appears to have informally permitted some extraction from low-grade deposits on the mining site.⁹³ Although

⁸⁸ Crisis Group interviews, civil society representatives, Lualaba and Fungurume; mineral buyers and artisanal miners, Kolwezi, Tenke and Fungurume, September 2019.

⁸⁹ This company is a subsidiary of Zhejiang Huayou Cobalt.

⁹⁰ "Bulldozed: How a Mining Company Buried the Truth about Forced Evictions in the Democratic Republic of Congo", Amnesty International, 24 November 2014.

⁹¹ Ibid. The Forrest Group has stated that only temporary structures belonging to artisanal miners were destroyed, that it believes those demolitions were legal, and that it was not responsible for the demolition of homes in Kawama. Amnesty judges these statements to be untrue. See also Ross, "Send in the troops", op. cit.

⁹² "Radiation levels at the Luiswishi mine", Democratic Republic of Congo Kinshasa cable, 11 July 2007, as made public by WikiLeaks (07KINSHASA796_a).

⁹³ Crisis Group interview, local village chief, Luiswishi, 16 July 2019.

the current owner does not allow it, there are still some off-site slag heaps and low-grade deposits where artisanal miners can prospect.⁹⁴

The profile of the artisanal miners at Luiswishi also differs from that at TFM. Artisanal mining around Luiswishi is a seasonal activity that occurs during the agricultural off-season, and miners are only partially reliant on it for their livelihoods.⁹⁵ Also, unlike at TFM, Crisis Group research uncovered no evidence of presence of demobilised combatants among artisanal miners, nor evidence of manipulation of artisanal miners by local power holders.

That said, circumstances facing artisanal miners at Luiswishi overlap with those at TFM in certain key respects, all of which create friction (if not violence) within the community. There are virtually no viable artisanal mining zones in the region, Haut-Katanga, given the breadth of licencing for industrial concerns (see Appendix B). Nor would many miners be willing to risk their livelihoods by moving to a new site should one appear, especially if it lacked the groundworks and proven reserves.⁹⁶ Moreover, as in the case of TFM, inhabitants of villages close to Luiswishi mine resent the lack of benefits flowing to them. They complain that the operating company hires scarcely any labour locally (except for occasional, low-paid day labourers), that it is incommunicative and that it is not investing (to the best of their knowledge) in local villages.⁹⁷ Residents also protest diminished access to agricultural land, and damage to buildings caused by the use of explosives.⁹⁸

The Luiswishi mine illustrates that locals' grievances do not inevitably lead to violence. What distinguishes Luiswishi from TFM is the combination of better access to livelihood opportunities for artisanal miners, in the form of access to slag heaps and low-grade deposits, and the lower demand for access, both because Luiswishi is smaller and its deposits less attractive to artisanal miners and because artisanal mining at Luiswishi is a part-time activity.

C. *Kipushi Mine*

The Kipushi mine shares certain characteristics with both TFM and Luiswishi. These include a dearth of artisanal mining zones in its surroundings and frustrations among inhabitants of nearby villages about the environmental consequences of mining. Like elsewhere in Haut-Katanga and Lualaba, the mining industry around Kipushi has over time also attracted numerous migrants from other regions of the DRC. Many have come from the Kasai region. As early as the 1950s, the majority of the population in the Kipushi region was born elsewhere.⁹⁹

⁹⁴ Crisis Group interviews, local chief, Luiswishi, 16 July 2019; local civil society representative, Lubumbashi, 11 July 2019.

⁹⁵ Crisis Group interview, local civil society representative, Lubumbashi, 11 July 2019.

⁹⁶ "L'envahissement des sites miniers des industriels et la problématique de leur sécurisation", op. cit.

⁹⁷ Crisis Group interviews, local village chief, local leader, Luiswishi, 16 July 2019.

⁹⁸ Crisis Group interview, local village chief, Luiswishi, 16 July 2019.

⁹⁹ Jean Omasombo Tshonda (ed.), *Haut-Katanga : Lorsque richesses économiques et pouvoirs politiques forcent une identité régionale – Tome 2 : bassin du cuivre: matrice et horizon*, 2018, pp. 16, 21.

Yet the mine has no history of violence. There are several possible explanations. Large portions of Kipushi's mineral deposits can only be mined by industrial means, limiting the scope for competition between industrial and artisanal miners. At the same time, artisanal miners enjoy better access to the small share of deposits they can mine due to company practices. Furthermore, the Kipushi mine's operator contributes more to alternative livelihood opportunities for the local population.¹⁰⁰

Several distinct mining-related activities take place on or near the Kipushi site. Its largest operation is an underground mine, a joint venture between Gécamines and a Canadian mining company, Ivanhoe, which acquired a majority stake in 2011.¹⁰¹ This mine has a long history, having operated under state ownership in colonial times. As for other mining-related activities, Gécamines operates an ore concentrator at Kipushi, which processes ore mined at a separate nearby site. In addition, a third company operates near the site to reprocess copper-cobalt slag.

Kipushi's underground resources are not physically accessible to artisanal miners, limiting the potential for direct confrontation. At the same time, artisanal miners have better access to those surface deposits that they could feasibly mine. Artisanal miners can exploit slag heaps in the vicinity, and various site operators tolerate artisanal mining of low-grade deposits near the site. These deposits are mainly a source of livelihood for artisanal miners during the agricultural off-season; as a result, artisanal miners' demands for access are less constant, for example, than those of their counterparts at TFM.¹⁰²

Ivanhoe has also invested in livelihood projects and community outreach. Projects promoting alternative livelihoods include a textiles workshop for women, which also produces garments purchased by the company, and programs to increase the area's agricultural productivity.¹⁰³ The company also runs a community outreach office that the local population can contact to raise concerns. Inhabitants of the area near Kipushi seem pleased with the community outreach office and the access to Ivanhoe that it affords them, although they consider the livelihood projects to be largely symbolic.¹⁰⁴ Ivanhoe's production operations have yet to start, and there is hope among the local population that jobs will follow once it does.¹⁰⁵ The number of new jobs could be disappointing, however, as underground mining operations in Kipushi are not labour-intensive and require skills that most local miners lack.

The population around Kipushi harbours noticeable frustrations with industrial mining, particularly regarding its environmental and health consequences.¹⁰⁶ Past Gécamines mining practices in Kipushi, and the concentrator it still operates at the site, are responsible for polluting a water body that runs through a heavily populated area.¹⁰⁷ To date, however, these frustrations have not led to violence.

¹⁰⁰ Crisis Group interview, company representative, Kipushi, 19 July 2019. Crisis Group interviews, local civil society representatives, Kipushi, 18 July 2019.

¹⁰¹ "Kipushi Zn-Cu Project: Preliminary Economic Assessment", Ivanhoe Mines, May 2016.

¹⁰² Crisis Group interviews, local civil society representatives, Kipushi, 18 July 2019.

¹⁰³ Crisis Group interview, company representative, Kipushi, 19 July 2019.

¹⁰⁴ Crisis Group interviews, local civil society representatives, Kipushi, 18 July 2019.

¹⁰⁵ Ibid.

¹⁰⁶ Crisis Group interviews, civil society and church representatives, Lubumbashi, Luiswishi and Kipushi, July 2019; Kolwezi, Tenke and Fungurume, July 2019.

¹⁰⁷ Crisis Group interviews, local civil society representatives, Kipushi, 18 July 2019.

V. Dynamics Sparking Conflict

At each of the three mining sites discussed above, the lack of artisanal mining zones in the region puts artisanal miners in direct competition with industrial miners. The sites also resemble each other in that local chiefs and populations are frustrated with the fact that industrial mining companies have contributed little to local development. At each site, addressing these frustrations is very important, as they fuel near-constant tensions between industrial mining companies, on one hand, and artisanal miners and inhabitants of nearby villages, on the other. That said, these sites have not had the same experience with tensions boiling over into violence. There appear to be important differences that have both made TFM more prone to violence and, at certain moments, pushed it over the brink.

A. Denial of Access to Attractive Deposits

As noted above, a significant difference between TFM, where tensions recently triggered large-scale violence, and Kipushi and Luiswishi, is that deposits at TFM are simultaneously more attractive and less accessible to artisanal miners.

The operating company at the TFM site, CMOC, leaves on its site exposed veins with lower-grade ore deposits that are attractive to artisanal miners. The company has no apparent intention to exploit these veins, but does not allow artisanal miners access to them.¹⁰⁸ Artisanal miners thus have an incentive to encroach on the mining site – either to exploit the deposits themselves or to steal minerals already extracted by the company – setting the stage for the kind of confrontations that occurred in June-July 2019.

Residents have made clear their frustrations with the company's approach. Over the past years, artisanal miners and other locals have staged repeated, sometimes violent, demonstrations demanding that CMOC give them access to areas with low-grade deposits, without success. The company similarly has rebuffed requests to allow artisanal mining at slag heaps, likely because such access would prompt more theft of company-mined minerals.¹⁰⁹

By contrast, at Kipushi and Luiswishi, the two mines experiencing lower levels of violence, deposits are less attractive to miners because they are underground or (in the Luiswishi case) potentially somewhat radioactive, although the possible danger has not completely deterred artisanal mining. Simultaneously, miners at both sites have access to slag heaps and low-grade deposits.

The notion that the attractiveness of mineral deposits to artisanal miners affects risks of violence around mining sites finds partial support when one compares the incidence of violence around regional mines containing both cobalt *and* copper, on one hand, to that occurring around mines where copper alone is present, on the other.¹¹⁰

¹⁰⁸ Crisis Group interviews, civil society representatives, Lubumbashi, Kolwezi and Fungurume, July and September 2019. The company did not respond to Crisis Group requests for comment.

¹⁰⁹ Crisis Group interviews, civil society representatives, Lualaba and Fungurume; mineral buyers and artisanal miners, Kolwezi, Tenke and Fungurume, September 2019.

¹¹⁰ This comparison speaks to the attractiveness of deposits, although not to artisanal miners' (lack of) access to them, which is harder to measure.

Although a handful of these mines facilitate semi-formal access for artisanal miners to part of the site, the industrial mining companies' standard position is to refuse cooperation with artisanal miners.¹¹¹

While artisanal miners are interested in both copper and cobalt, cobalt is a bigger draw because of its higher value-to-weight ratio and because efficient copper mining requires large-scale operations.¹¹² Consistent with the theory that economically attractive deposits to which artisanal miners are categorically denied access can drive up tensions, dozens of violent incidents have taken place yearly over the past decade within a 5km radius of mines containing cobalt and copper, and many fewer around mines containing only copper (see Appendix E).

B. Capacity for Manipulation

Another key difference between TFM and the other two mines is that at TFM, some local businessmen and politicians acting out of personal interests appear to be encouraging artisanal miners to behave in ways that could lead to confrontation or violence, and to be scapegoating the Kasaian immigrants among the miners in ways that could contribute to unrest.

As noted above, economic interests in controlling local artisanal mining activities can be substantial and, when combined with pre-existing political rivalries, can create perverse incentives to exploit the volatile situations at industrial sites to generate profits and sow discord. As artisanal miners lack legal protections or access to the state's pledged specialised mining zones, they are particularly vulnerable to manipulation by power holders who see financial and political benefits to generating local conflict. In TFM's case, while underlying social tensions and the site's economic scale contribute to a fragile situation, the opportunity for power holders to personally benefit by using their influence to generate instability seems to have contributed to increasing volatility that culminated in a significant military intervention.

Crisis Group research uncovered no similar recent examples of manipulation by local politicians at Kipushi and Luiswishi mines. Mineral deposits at these mines are less attractive to artisanal miners, and artisanal mining is a part-time activity, so potential rewards for such activities would be lower there.

¹¹¹ "Interconnected Supply Chains", op. cit.

¹¹² "Summary of Key Trafficking in Persons Risk Factors in Copper Production", Verité, n.d.

VI. Opportunities for De-escalation

Tensions created by the encroachment of artisanal miners on industrial mining sites in Haut-Katanga and Lualaba could continue to prompt violence and even threaten provincial stability. President Tshisekedi, private-sector actors and civil society should have a mutual interest in de-escalating these tensions.

A. *A Political Push by President Tshisekedi*

Tshisekedi has been torn between the need, on one hand, to make good on his political commitment to spread the benefits of mining to a wider group of Congolese citizens, particularly as the 2023 elections draw closer, and, on the other, to maintain the strained political coalition on which his government is based – even though his coalition partners have impeded his efforts to gain control over the mining sector.¹¹³ This lack of progress presents a particularly worrying prospect for Haut-Katanga and Lualaba provinces, where protesters blame poor living conditions on migrant Kasai workers, feeding ethnic tensions.¹¹⁴ Still, even though Minister of Mines Willy Kitobo Samsoni, a Kabila ally, has legal responsibility for implementing the mining code, Tshisekedi could use his political clout to steer the government toward carrying out the law for the benefit of the nation's two million artisanal miners.

First, the government could push for enforcement of the code's requirement that industrial mining companies contribute 0.3 percent of revenue to local development funds – a step that might help address communities' frustration with companies' lack of investment in local development to date. Although his allies do not control the ministry of mines, Tshisekedi could insist that the ministry formally investigate companies for failing to meet their social obligations. Public pressure of this nature may help create higher expectations for enforcement by the ministry and could also be a vehicle for naming and shaming companies that have thus far fallen short of compliance.¹¹⁵

As for helping secure better livelihoods for artisanal miners, the government should focus on its promise to establish new zones reserved for artisanal mining, protecting these areas from being closed and subsequently covered by commercial licences.

Here again, Tshisekedi needs cooperation from the minister of mines, but he could enlist the support of provincial governors and authorities at the head of decentralised territorial entities. Because the mining code contemplates that these figures will all be involved in the creation of artisanal zones, they have a ready-made springboard for lobbying the ministry of mines. They may also have the motivation to do so, as

¹¹³ Crisis Group telephone interviews, Congolese politicians, diplomats and UN staff, April and May 2020. See also Elliott O'Carroll, "DRC: marriages of convenience rarely last a lifetime", *Africa Practice*, 24 February 2020; and "RDC: ce que Joseph Kabila et Félix Tshisekedi se sont dit", *Jeune Afrique*, 23 April 2020.

¹¹⁴ "Insécurité à Lubumbashi: des jeunes s'en prennent aux 'Kasaïens'", *op. cit.*

¹¹⁵ Under the 2018 mining code, such an investigation is conducted by the Congolese Environmental Agency (Agence Congolaise de l'Environnement) in consultation with the local communities concerned. As such an investigation need not involve the prime minister, minister of mines or Gécamines, Tshisekedi would be less hampered in triggering such an investigation than he might otherwise be.

several (including, as noted, the provincial authorities in Lualaba) have already promised artisanal miners the creation of more such zones.

Although the space for new artisanal mining zones is arguably limited, given the density of industrial licences, the government can create them out of areas covered by a Gécamines or state-held exploration permit, or an industrial mining company can voluntarily relinquish a portion of its licence not viable for industrial operations. The key will be to identify zones that have sufficient ore deposits and to raise the up-front investment, perhaps working with private-sector consortia like Sicominés that have pledged to help create artisanal zones, to do the necessary groundworks by clearing overgrowth and topsoil and making the zone suitable for mining.¹¹⁶

Once established, such mining zones should be protected from conversion into industrial mining licences. Closing an artisanal mining zone happens largely at the ministry of mines' discretion, and Tshisekedi can again mobilise artisanal miners' political allies against such action.

Finally, although new artisanal mining zones could draw artisanal miners and relieve encroachment on industrial mining sites, it is unlikely that they can be created at a scale sufficient to accommodate all, or even most of, Haut-Katanga and Lualaba's existing artisanal miners. Therefore, it is crucial that Tshisekedi and his government simultaneously promote ways for artisanal miners to work legally on land covered by industrial licences through subcontracting. Here, as discussed, the 2018 law creates an opening for artisanal cooperatives to act as subcontractors, but the recent decree establishing the *Entreprise Générale du Cobalt* could undercut this by requiring the cooperatives to sell to the new entity.

While it is not clear how much leverage Tshisekedi might have to change the decree (which was issued by the prime minister), he could call on the ministry of mines to issue guidance to mitigate any negative impact. Such guidance might, for example, clarify that ore sold under subcontract to a mining company is exempt from the decree's requirements, or provide for *Entreprise Générale du Cobalt* to function as a middleman in the subcontracting arrangements.

To start loosening the hold politicians and politically connected businessmen have on the artisanal mining sector – particularly those who own buying houses or land suitable for mining – the Tshisekedi government should seek to ensure that partners to such subcontracting arrangements are genuine cooperatives that will act on the miners' behalf. Through the yet-to-be-established watchdog ARECOMS, the government should seek to ensure that these cooperatives are owned by artisanal miners, and not part of networks of politicians and businessmen that may exploit artisanal miners.¹¹⁷

With neither ARECOMS nor *Entreprise Générale du Cobalt* yet stood up, Tshisekedi ought to do what he can to ensure that they are led by individuals seeking to advance the interests of artisanal miners and, more broadly, the Congolese people. To that end, he should work on ensuring their boards include individuals with technical expertise in the mining sector and who are committed to advancing the interests of

¹¹⁶ Muyej, "Mot de son Excellence Monsieur Le Gouverneur à l'occasion du lancement du Projet social Cobalt pour le Développement", op. cit.

¹¹⁷ "Interconnected Supply Chains", op. cit.

artisanal miners. If Tshisekedi's experience in trying to appoint new members of Gécamines' senior leadership serves as precedent, achieving such appointments will involve substantial political arm wrestling with Kabila's coalition.¹¹⁸ Because these organisations are new, however, there are somewhat fewer vested interests to contend with and Tshisekedi might be more successful. He also should commit to making these organisations subject to regular audits and publicising their decisions.

B. *Cooperation between Industrial and Artisanal Miners*

The private sector can and should help DRC authorities meet the challenges related to artisanal mining. As noted, for industrial mining companies, encroachment by artisanal miners can be costly and difficult to prevent. Large open-pit operations, which contain huge mineral deposits, are highly attractive to artisanal miners, invite profiteering by local power holders and are at particular risk. As the TFM case study demonstrates, private security forces can prove insufficient to guard big open-pit mines, and when the army is called in, it may continue to allow artisanal miners access in exchange for payment. The unregulated presence of artisanal miners on industrial sites exposes companies throughout the supply chain to reputational risks. In 2019, for example, an accident killed 43 artisanal miners – reportedly including children – who were encroaching on a Congolese industrial site.¹¹⁹ On behalf of victims' families, a human rights organisation filed a high-profile lawsuit against two mining companies and several tech giants that allegedly used minerals from these sites in their supply chain.¹²⁰

To regularise arrangements with artisanal miners – reducing the risk of both violence and terrible accidents like the 2019 incident – mining companies should take advantage of the 2018 mining code to contract with artisanal miner cooperatives to exploit deposits that they themselves cannot profitably mine, including both low-grade deposits and slag heaps. Such access should be conditional on artisanal miners upholding basic safety rules, environmental guidelines and child labour standards. Furthermore, companies should ensure that the cooperatives they subcontract to are acting in the interest of the constituent artisanal miners, not a local power holder.

There are precedents for such arrangements in the DRC. Indeed, there are five instances of an industrial mining company contracting an artisanal mining cooperative to work on land licensed to it in Haut-Katanga and Lualaba. An OECD paper reports that such arrangements generally lead to more oversight over miners' working conditions, health and safety.¹²¹ Whether they deliver better livelihoods to artisanal miners appears to depend on the cooperative representing the artisanal miners. Some seem genuinely to represent the miners' interests, whereas others seem to be vehicles for the cooperatives' leaders and organisers to extract irregular payments from the

¹¹⁸ Stanis Bujakera Tshiamala, "RCD : pourquoi les nominations à la tête de la Gécamines et de la SNCC sont toujours bloquées", *Jeune Afrique*, 17 June 2019; Tshiamala, "Albert Yuma, pris entre deux feux", *op. cit.*

¹¹⁹ "Death toll at DRC mine rises to 43", *op. cit.*

¹²⁰ "Top tech firms sued over DRC cobalt mining deaths", BBC, 16 December 2019.

¹²¹ "Interconnected Supply Chains", *op. cit.*

membership.¹²² The Mongbwalu Gold Mine in Ituri province has set a good example. It allows partnered artisanal miners' cooperatives access to low-grade deposits on its site, monitors them and buys their product at higher prices than the buying houses.¹²³

Subcontracting to artisanal miners would come with some costs to industrial mining companies, as they would need to undertake due diligence to ensure that artisanal miners meet the minimum standards described above. Such arrangements may also invite additional scrutiny from mining industry watchdogs. Still, mining companies should weigh these costs against the risks presented by the status quo – including operations disrupted due to flaring violence, production losses and reputational risks that come with continued artisanal encroachment or large-scale expulsion of artisanal miners.

For similar reasons, industrial mining companies should contribute to the establishment of new artisanal mining zones. Companies could relinquish sections of areas for which they hold a licence but that cannot be viably mined for commercial purposes, or donate funds toward clearance of overgrowth and topsoil needed in new artisanal mining zones.

C. *Revisiting Best Practices*

Organisations setting and monitoring standards for mining companies, such as the OECD (which issues a publication called “Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas”) should revisit their guidance relating to cooperation between industrial and artisanal miners. Currently, these guidelines mainly present the downsides of mining company collaboration with artisanal miners, informed primarily by the legitimate concern that artisanal mining can fund armed groups.¹²⁴ Although expert thinking has since widened to acknowledge the contribution of artisanal mining to livelihoods, watchdog groups still tend to highlight the importance of scrutiny or risk mitigation relating to potential armed group ties when advising investors in, and customers of, industrial mining companies.¹²⁵

Such cautions feature in corporate decision-making and in mining companies' assessment of reputational risks. They may dissuade mining companies that want to be seen as exercising corporate social responsibility from entering into formal cooperation with artisanal miners.¹²⁶ These concerns should therefore be balanced by guidance that recognises the importance of artisanal mining to local employment and

¹²² Ibid.

¹²³ “Congo gold mine innovates to solve illegal mining dilemma”, Reuters, 16 December 2016.

¹²⁴ Fidel Bafilemba and Sasha Lezhnev, “Congo's Conflict Gold: Bringing Gold into the Legal Trade in the Democratic Republic of Congo”, The Enough Project, April 2015.

¹²⁵ Reports such as “Mining Together: Large-Scale Mining Meets Artisanal Mining”, World Bank, March 2019, have helped move thinking forward, along with work by projects such as the Delve database. See “OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition”, OECD, 2016, pp. 20 and 22 for more on reasons for scrutiny of artisanal mining.

¹²⁶ Experts on mining in the DRC highlight reputational risk as an important barrier to formalising cooperation between industrial and artisanal miners. Crisis Group interview, DRC mining expert, 21 January 2020.

development. In addition to the emphasis on due diligence, guidelines should name cooperation between artisanal and industrial miners as a best practice and a conflict mitigation strategy when conducted in accordance with the safeguards described above.¹²⁷

¹²⁷ As an example, the OECD Due Diligence Guidance referenced above does not mention such co-operation in the main document, merely in an appendix.

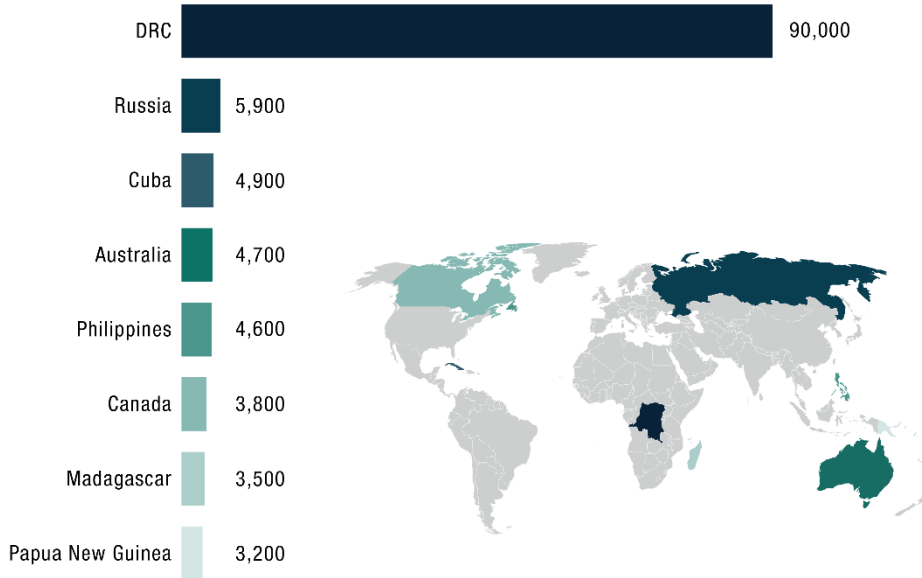
VII. Conclusion

President Félix Tshisekedi, mining companies and civil society should work together to decrease tensions between industrial and artisanal miners in Lualaba and Haut-Katanga. Steps they could take include promoting creation of new artisanal zones with functional groundworks on viable land, and ensuring that miners have access to at least some low-yield deposits on company-owned land. They also include increasing private-sector compliance with the mining code's new revenue contribution requirement so that artisanal miners and their families and neighbours can share more of the benefits of industrial mining. Removing obstacles impeding mining companies from entering contracts that could provide artisanal miners with both a source of work and a fair price for their work product also makes sense. Absent such steps, tensions will almost surely continue unabated, to the detriment of the miners, Tshisekedi's agenda and the fragile stability of the DRC's mining heartland.

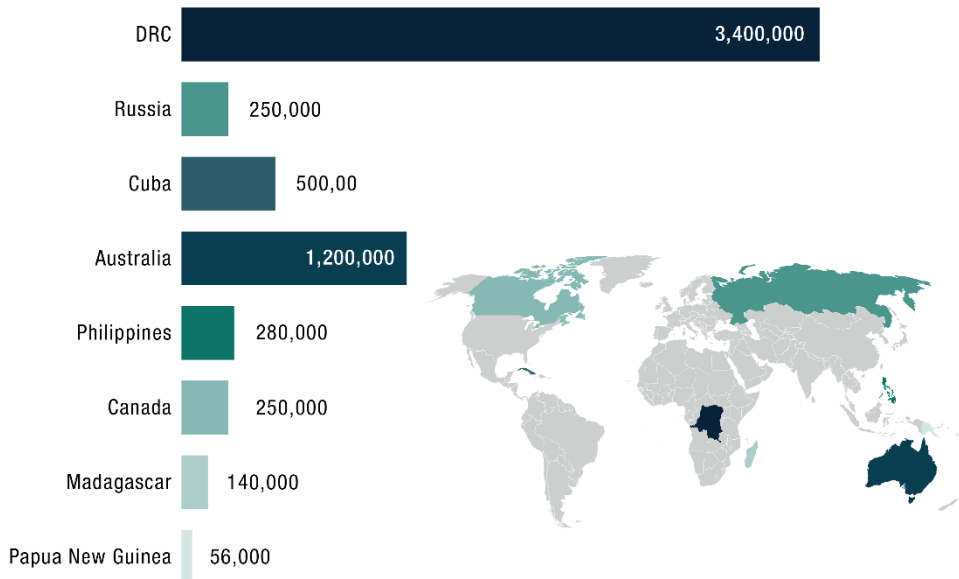
Lubumbashi/Nairobi/New York/Brussels, 30 June 2020

Appendix A: World Cobalt and Copper Production and Reserves

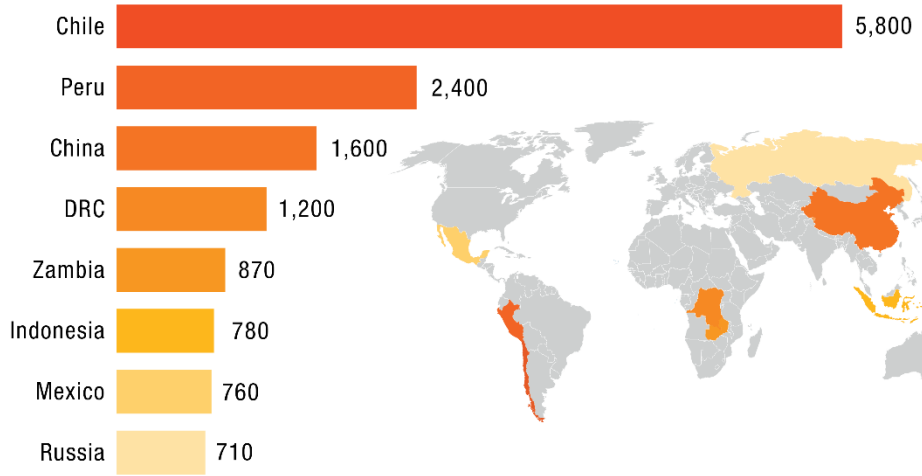
1. Cobalt production in metric tonnes, 2018



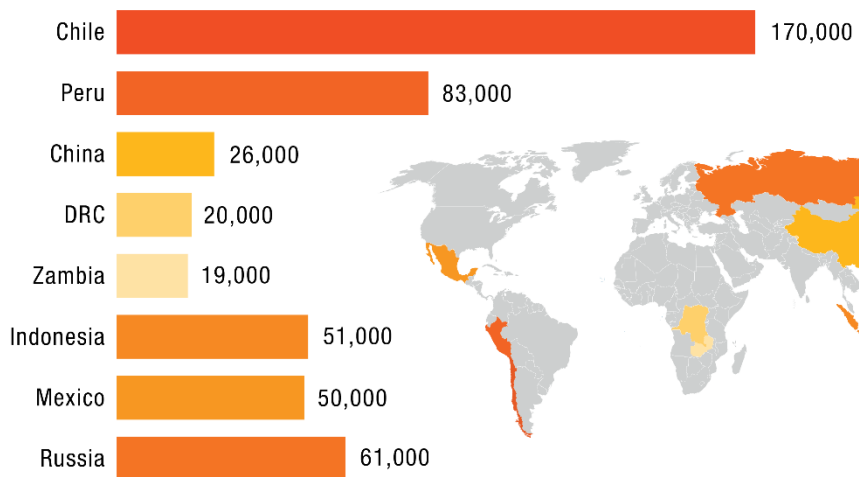
2. Cobalt reserves in metric tonnes, 2018



3. Copper production in metric tonnes, 2018

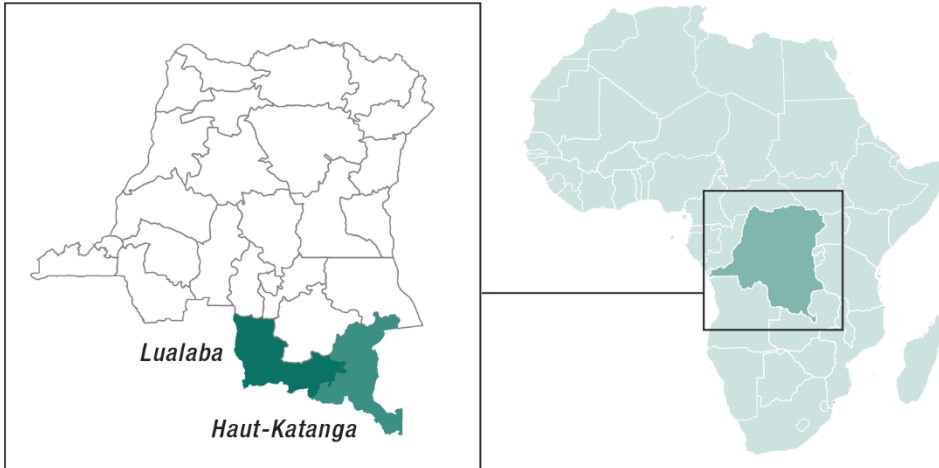


4. Copper reserves in metric tonnes, 2018

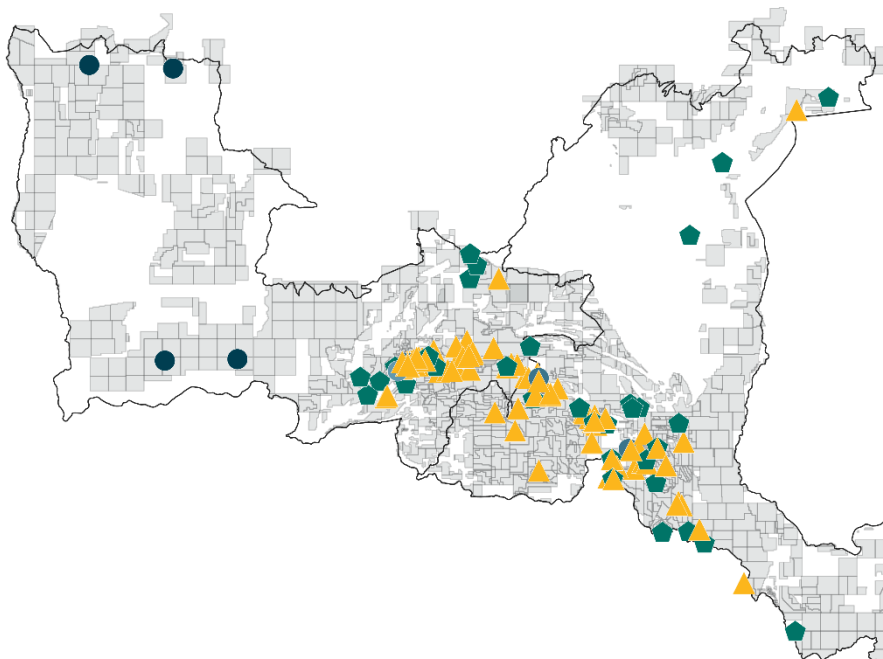


Appendix B: Industrial Mining Sites and Violence in Lualaba and Haut-Katanga

1. Location of Lualaba and Haut-Katanga provinces

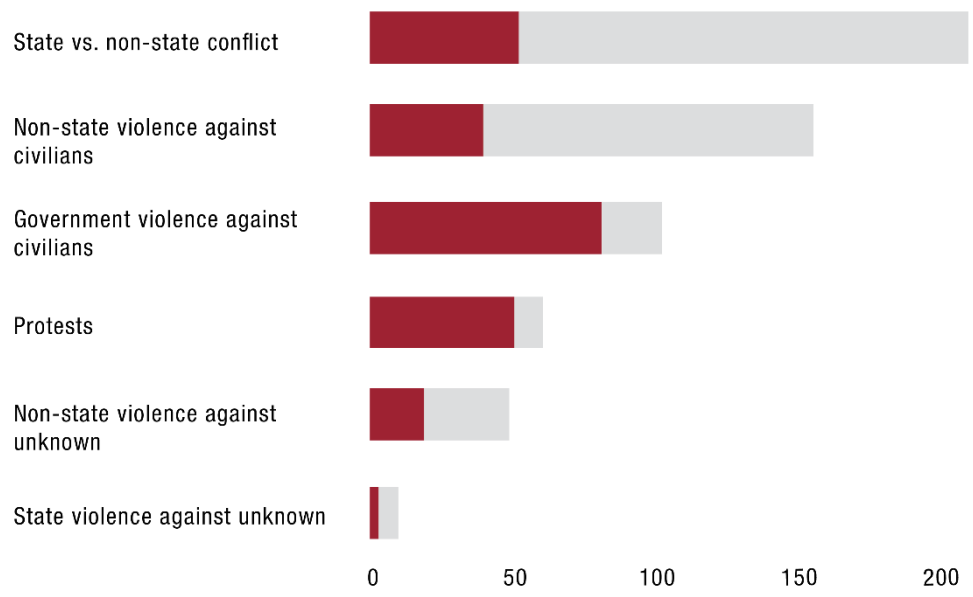


2. Industrial mining sites by type of commodity



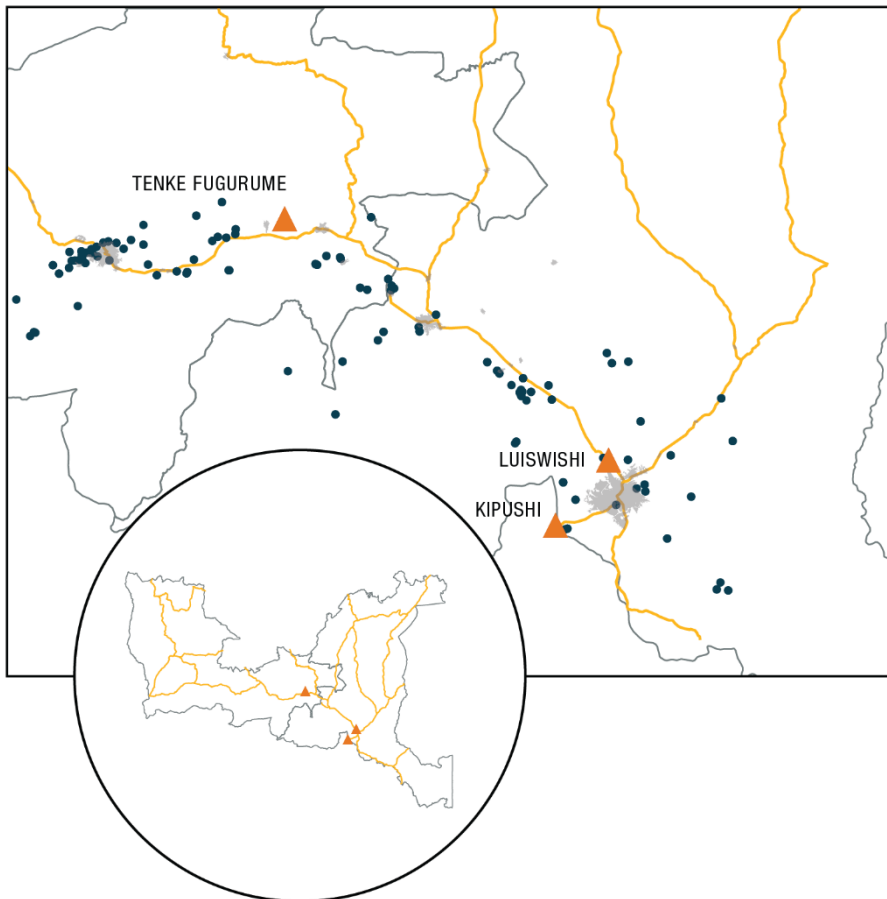
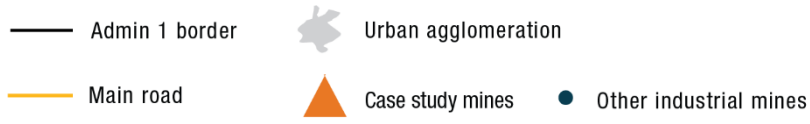
3. Protests and violent events 1989-2018

This graph portrays protests and violent events as defined by the Armed Conflict Location and Event Data Project (ACLED). ACLED defines event types as follows. "State vs. non-state conflict" is a battle between two armed groups, one of which is associated with the government (ie, classified by ACLED as "Military Forces of DRC", "Police Forces of DRC" or "Government of DRC") and one of which is not. "Government (or non-state) violence against civilians" is an instance of use of force against those unarmed and not engaged in political violence by an armed group associated (or not) with the government. "Protests" are non-violent group public demonstrations. "State (or non-state) violence against unknown" is an instance of use of force by an armed group associated (or not) with the government against an un-known actor.



Crisis Group / JL-C / KO / CB-G. Data sources: S&P, Ministry of Mines, CAMI, Natural Earth, ACLED, UCDP.

Appendix C: Case Study of Mining Sites



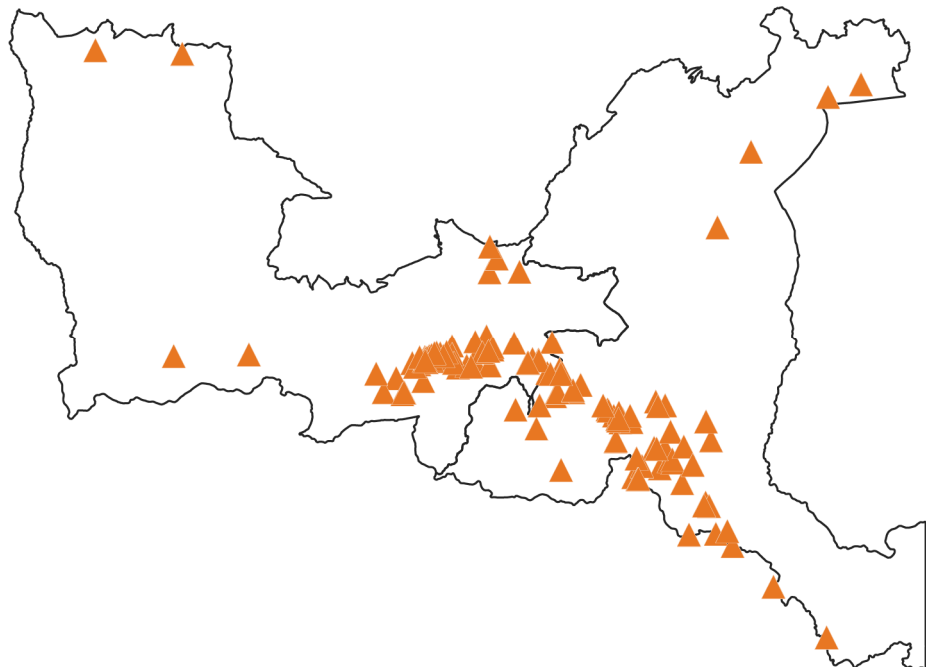
Crisis Group / JL-C / CB-G. Data sources: S&P, CAMI, Natural Earth, WFP, OECD.

Appendix D: Industrial and Artisanal Mining in Lualaba and Haut-Katanga

1. Industrial mining sites



2. Artisanal mining sites

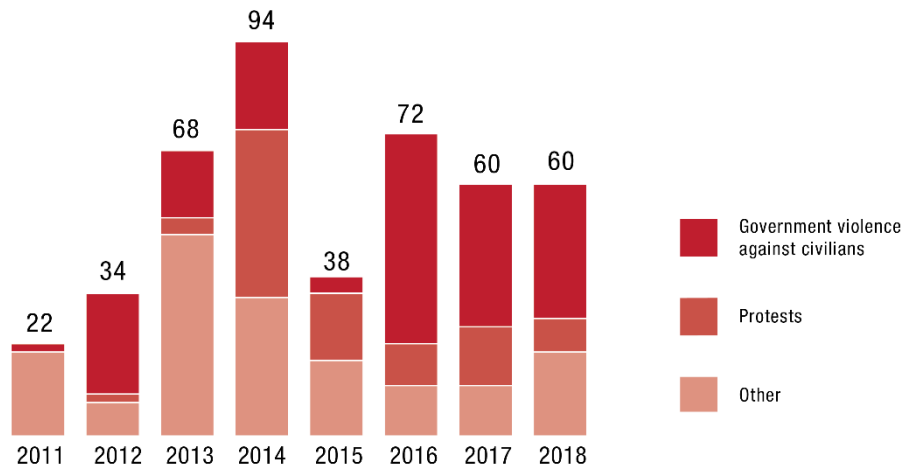


Appendix E: Protests and Violent Events around Copper Mines and Copper-Cobalt Mines

These graphs portray protests and violent events as defined by the Armed Conflict Location and Event Data Project (ACLED). ACLED defines "Protests" as non-violent group public demonstrations. "Government violence against civilians" is an instance of force against those unarmed and not engaged in political violence by an actor that ACLED classifies as "Military Forces of DRC", "Police Forces of DRC" or "Government of DRC".

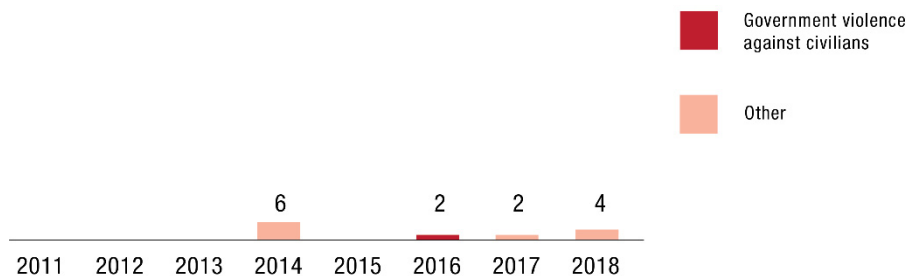
1. Protests and violent events near copper-cobalt mines by type

Count of events in 5km radius of a cobalt mine



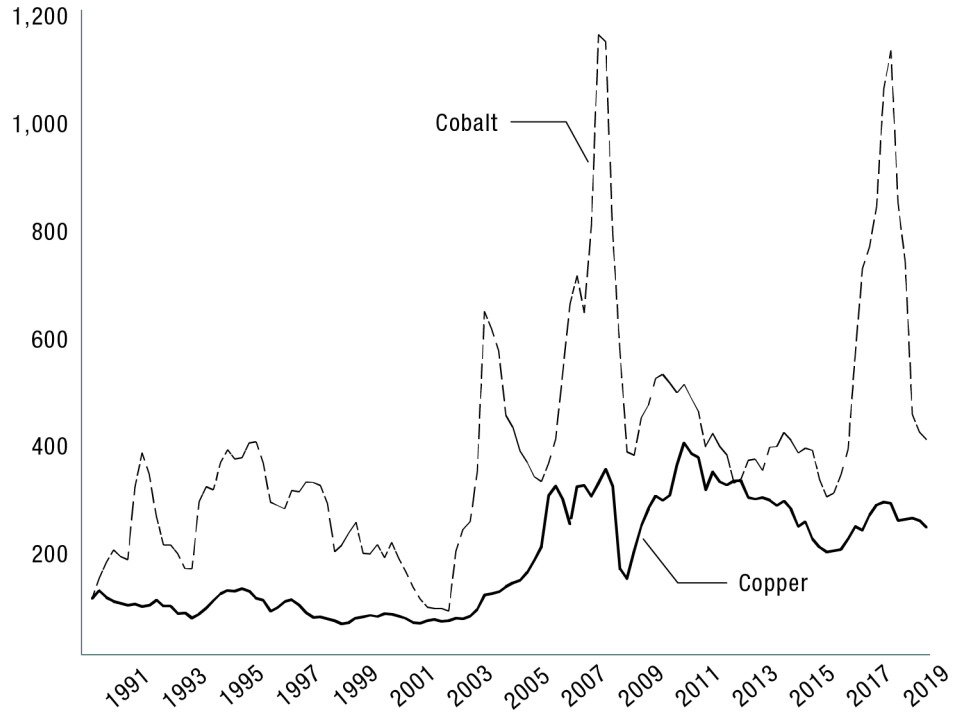
2. Protests and violent events near copper mines by type

Count of events in 5km radius of a copper mine



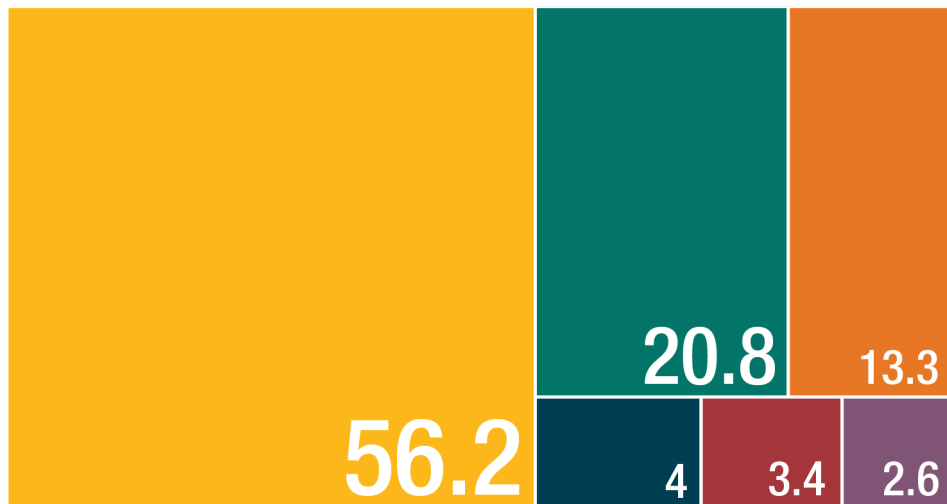
Appendix F: Copper and Cobalt – World Price and DRC Exports

1. World price (1990 = 100)



2. DRC exports: percentage share of total, 2016

■ Copper ■ Cobalt ■ Gold ■ Other ■ Oil ■ Diamond



Crisis Group / JL-C / CB-G. Data sources: IMF, DRC Ministry of Mines, DRC Central Bank

Appendix G: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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June 2020

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Council of Despair? The Fragmentation of UN Diplomacy, Special Briefing N°1, 30 April 2019.

Seven Opportunities for the UN in 2019-2020, Special Briefing N°2, 12 September 2019.

Seven Priorities for the New EU High Representative, Special Briefing N°3, 12 December 2019.

COVID-19 and Conflict: Seven Trends to Watch, Special Briefing N°4, 24 March 2020 (also available in French and Spanish).

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A Tale of Two Councils: Strengthening AU-UN Cooperation, Africa Report N°279, 25 June 2019.

The Price of Peace: Securing UN Financing for AU Peace Operations, Africa Report N°286, 31 January 2020.

Eight Priorities for the African Union in 2020, Africa Briefing N°151, 7 February 2020 (also available in French).

Central Africa

Fighting Boko Haram in Chad: Beyond Military Measures, Africa Report N°246, 8 March 2017 (also available in French).

Burundi: The Army in Crisis, Africa Report N°247, 5 April 2017 (also available in French).

Cameroon's Anglophone Crisis at the Crossroads, Africa Report N°250, 2 August 2017 (also available in French).

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Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures, Africa Briefing N°130, 19 October 2017 (also available in French).

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Cameroon's Far North: A New Chapter in the Fight Against Boko Haram, Africa Report N°263, 14 August 2018 (also available in French).

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Cameroon: Divisions Widen Ahead of Presidential Vote, Africa Briefing N°142, 3 October 2018 (also available in French).

Chad: Defusing Tensions in the Sahel, Africa Report N°266, 5 December 2018 (also available in French).

Cameroon's Anglophone Crisis: How to Get to Talks?, Africa Report N°272, 2 May 2019 (also available in French).

Chad: Avoiding Confrontation in Miski, Africa Report N°274, 17 May 2019 (only available in French).

Making the Central African Republic's Latest Peace Agreement Stick, Africa Report N°277, 18 June 2019 (also available in French).

Running Out of Options in Burundi, Africa Report N°278, 20 June 2019 (also available in French).

A New Approach for the UN to Stabilise the DR Congo, Africa Briefing N°148, 4 December 2019.

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Averting Proxy Wars in the Eastern DdR Congo and Great Lakes, Africa Briefing N°150, 23 January 2020 (also available in French).

A First Step Toward Reform: Ending Burundi's Forced Contribution System, Africa Briefing N°153, 8 April 2020 (also available in French).

Horn of Africa

Instruments of Pain (II): Conflict and Famine in South Sudan, Africa Briefing N°124, 26 April 2017.

Instruments of Pain (III): Conflict and Famine in Somalia, Africa Briefing N°125, 9 May 2017.

Instruments of Pain (IV): The Food Crisis in North East Nigeria, Africa Briefing N°126, 18 May 2017.

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