

# Down to earth

Governance dynamics and social change  
in artisanal and small-scale mining in DRC



# Down to earth

Governance dynamics and social change in artisanal and  
small-scale mining in DRC

Dorothea Hilhorst, Jeroen Cuvelier, Marie-Rose Bashwira,  
Jose Diemel, Claude Iguma Wakenge

2016

**RESEARCH BRIEF #16 (NOVEMBER 2016)**

Wageningen University and Research  
ISDR-BUKAVU Institut Supérieur de Développement Rural  
Netherlands Organisation for Scientific Research

## ***Down to earth***

### ***Governance dynamics and social change in artisanal and small-scale mining in DRC***

*An in-depth understanding of how international mining reform initiatives for transparency affect governance, local institutions, livelihoods and the roles of women in artisanal mining in DRC.*

RESEARCH BRIEF #16

# Down to earth

Governance dynamics and social change in  
artisanal and small-scale mining in DRC

Dorothea Hilhorst, Jeroen Cuvelier, Marie-Rose Bashwira,  
Jose Diemel, Claude Iguma Wakenge

2016



The Democratic Republic of Congo (DRC) has vast mineral wealth, including large reserves of copper, cobalt in Katanga's copper belt; diamonds in Kasai; gold and diamonds in the provinces of Orientale and Equateur; and cassiterite, coltan and gold in the Kivus, Katanga and Maniema. Until the 1980s, these resources were mainly exploited through state-owned industrial mining. After a period of privatisation and mismanagement, the sector became dominated by informal, artisanal mining. During the wars taking place 1998–2004, artisanal mining became deeply embedded in the dynamics of conflict, with rebel groups fighting over and seizing mining sites. At the same time, throughout the conflict, and until today mining continued to be a primary livelihood for thousands of families, including large numbers of internally displaced people.

The awareness that the mining products from Congo used in phones and other consumer items in the West were also feeding the violent conflict in that country triggered a number of international initiatives to support the Congolese government in breaking through the cycles of resource-related conflicts. These initiatives aim to make the Congolese artisanal mining sector more transparent and to prevent 'conflict minerals' from entering the international market. In 2014, 13 reform initiatives – 10 focusing on 3T<sup>1</sup> and three on gold – were operational in eastern DRC.<sup>2</sup> Among them is the Dodd-Frank Act, which obliges US manufacturers to verify the origin of the minerals used in their production. The Organisation for Economic Co-operation and Development (OECD) has formulated voluntary due diligence guidance on responsible mineral sourcing and there are several industry-led traceability schemes.

The 'Down to earth: Governance dynamics and social change in artisanal and small-scale mining in DRC' research programme aimed to understand the ordering processes in mining sites in Katanga and South Kivu and how these have been affected by initiatives to reform artisanal mining. From its beginning, the programme opposed the image of anarchy that dominated the writing on artisanal mining at that time. Instead, it started from the point of view that artisanal mining was to some extent ordered and that these ordering mechanisms would affect how the reforms worked out in practice. The research programme also put a central focus on the millions of people depending on artisanal mining in DRC and living in marginal, poor and often violent livelihood conditions.

The main questions addressed by the programme were how mining reform initiatives in eastern DRC were organised from local to global levels; what key ordering practices in artisanal mining existed and how these interacted with the reforms; what the effects of the reforms were, especially for populations who depend on artisanal mining; and how the roles of women in mining and local governance were affected by the political and economic transformations of the sector. 'Down to earth' had a special focus on an initiative designed by the International Tin Research Institute (ITRI) in 2009 – the ITRI Tin Supply Chain Initiative (iTSCi). iTSCi is a mechanism that works by 'tagging and bagging' loads from the mineworkers' shafts to the export points, with the purpose of determining the origin of 3T minerals.

'Down to earth' was implemented from 2012 to 2016 and consisted of four related postdoctoral/PhD research projects. The programme was funded by the WOTRO Science for Global Development programme of the Netherlands Organisation for Scientific Research and was a collaboration between Wageningen University and the Institut Supérieur de Développement Rural in Bukavu, DRC.

- 
- 1 The abbreviation 3T refers to three types of minerals extracted in DRC: tin (cassiterite), tantalum (coltan) and tungsten (wolframite). Coltan is an abbreviation of columbite-tantalite, which is commonly used in eastern DRC. It is a mixture of two mineral ores – namely, niobium and tantalum, and is used in high-tech industries. See: Nest, M. (2011). *Coltan*. Cambridge: Polity Press, pp. 3–30.
  - 2 Cuvelier, J., van Bockstael, S., Vlassenroot, K. and Iguma, C. (2014). *Analyzing the impact of the Dodd-Frank Act on Congolese livelihoods*. Social Science Research Council Conflict Prevention and Peace Forum, New York, November; 5

The main researchers involved in the programme were as follows:

- Dorothea Hilhorst, academic director and coordinator
- Jeroen Cuvelier, postdoctoral researcher on international initiatives for mining reform in DRC
- Jose Diemel, PhD researcher on the governance of artisanal mining, especially the interface between international initiatives, the Congolese state and other governance actors.
- Claude Iguma Wakenge, PhD researcher on the governance of artisanal mining, with a special focus on the interaction between reforms and local institutions and the effects for the livelihoods of traders and mine workers
- Marie-Rose Bashwira, PhD researcher on the changing roles of women in and around mining and how these are affected by the ongoing reform initiatives
- Gemma van der Haar (Wageningen University), Koen Vlassenroot (Ghent University) and Dennis Dijkzeul (Bochum University) have contributed to the supervision of the projects.

During the years of the 'Down to earth' research implementation, other research has also looked into artisanal mining, seeking to establish the effects of the reforms. These effects have been difficult to measure because of the interference of a temporary total ban on artisanal mining by the Congolese government that aimed to strengthen government control over the sector. The ban had a dramatic impact on livelihoods.<sup>3</sup> Evidence has been found of reduced militarisation of cassiterite and coltan mines in North and South Kivu,<sup>4</sup> but these findings have been qualified in different ways: Military involvement continued in indirect ways or shifted to other areas. Claims about the effectiveness of conflict mineral policy remain disputed. Only a very small fraction of Congolese cassiterite and coltan mining sites have been incorporated into traceability and certification schemes, and reform happens at a slow pace.<sup>5</sup>

The 'Down to earth' programme viewed policy interventions such as iTSCi from an actor-oriented perspective. Even though the examined mining reforms consist predominantly of 'readymade' techniques such as iTSCi's 'tagging and bagging', they gain social meaning in practice. Actors in and around these chains strategically seek to advance their interests, and institutions that are formed in the wake of the reforms blend with the existing ordering mechanisms, leading to altered 'negotiated' arrangements on the ground. Outcomes emerge from the interactions between the regulations, how civil servants understand and implement the new regulations, the practices of traders, and the ways in which men and women use their agency to make the best of the changing socioeconomic and political realities of DRC. We were thus interested in the 'real' governance of artisanal mining as it unfolded in a 'down to earth' way.

The research programme drew on the fieldwork of the different projects, carried out between 2013 and 2015. Data collection was mainly qualitative and consisted of participant observation and open-ended interviews with numerous actors in the administrative hubs of mining areas, mineral trading houses, local institutions such as mining companies and cooperatives, groups of mineworkers and men and women living in the communities around the mines. The fieldwork also included interviews with key stakeholders in Kinshasa and at international meetings of the OECD and the European Union. The fieldwork was concentrated in Katanga and South Kivu. One theme that ran through all of the projects was curiosity about all of the changes we observed. Where

3 Geenen, S. (2012). A dangerous bet: The challenges of formalizing artisanal mining in the Democratic Republic of Congo. In: *Resources Policy* 37:322–330

4 Enough Project (2014). *The Impact of Dodd-Frank and Conflict Minerals Reforms on Eastern Congo's Conflict*. Washington, DC: Enough Project. IPIS, 2015, Mineral supply chains and conflict links in eastern DRC: 5 years on. International Peace Information Service (IPIS).

5 Cuvelier et al. 2014; Diemel, J.A. and Cuvelier, J. (2015). Explaining the uneven distribution of conflict-mineral policy implementation in the Democratic Republic of the Congo: The role of the Katanga policy network (2009–2011). In: *Resources Policy* 46:151–160; Vogel, C. and Raeymaekers, T. (2016) Terr(it)or(ies) of peace? The Congolese mining frontier and the fight against 'Conflict Minerals.' In: *Antipode* 48(4):1102–1121

changes corresponded with the objectives of the reforms – in a country where policy success is far from certain – this required as much explanation as when changes deviated from the goals of the reforms.

## Main findings

Each of the research components of ‘Down to earth’ stands alone and has yielded a number of in-depth insights on the working of the reforms and surrounding social processes. Together, a number of these findings produce crosscutting meta-findings, which are presented here. For each of the findings, some of the main examples are given.

***The reforms have triggered many forms of institutional change – often adding layers and altering existing institutional arrangements – that have acquired social dynamics of their own and enabled elites to advance their interests.***

- Congolese state presence, in the form of local mining authorities has increased. However, this increased local state presence is not matched by increased state oversight of the artisanal mining sector. Mining governance as a result has become more complex, with the co-existence of centralised and devolved structures of governance and taxation. The extended presence of state authorities ( some gaining and some losing influence over the years), also means more salaries need to be paid through taxation of the mineral transactions. There is substantial transfer of tax revenues to higher government, leaving local civil servants to complement their income through levying additional, non- or semi-legal taxes. *(From the work of Jose Diemel)*
- The involvement of private actors, such as mineral buying houses in the reforms has effectively meant that those actors also take on governance tasks. Some of those buying houses cover local civil servants’ salaries, provide technical assistance to miners and initiate poverty alleviation programming in mining communities. This involvement of private actors distorts the emergence of a ‘natural’ legitimate relationship between communities and state authorities and leads to further disengagement of the state authorities from local governance and the population at large. *(From the work of Jose Diemel)*
- As part of the reforms, mining cooperatives have been created with the objective of improving mining governance. These cooperatives did not take into account the pre-existing local cooperatives that played a major role in ordering mining governance. The new top-down cooperatives were urban creations and came to be controlled by ‘big men’ with large economic interests in artisanal mining. Rather than breaking with ‘big man’ politics, the new cooperatives enhance the influence of higher-level elites in institutional formation. The majority of mineworkers do not view the cooperatives as representing their interests, and these people have lost the bargaining possibilities they used to have with the local elites who dominated the old cooperatives. *(From the work of Claude Iguma)*

***The reforms have led to a reduction in small-trade traders, men and women in the mines: Some actors have improved their positions and livelihoods, but large numbers of people are excluded from artisanal mining and trade.***

- In Northern Katanga, the reforms were implemented alongside the introduction of a large Indian company (MMR) that was granted all rights to mining. MMR has entered contractual relations with mineworkers, who – in exchange for material or assistance – are obliged to sell their minerals at prices fixed by the company. This public–private collaboration has created

a network-like construction that has significantly benefitted MMR, iTSCi and the Katangese government. Although trade has become more transparent, this also means that the number of mineworkers in one case examined (Kisengo) has been reduced by 50% from 2009 to 2014, with only 3000 workers left at the end of this period. In the same period, the number of traders (*négociants*) was reduced from 64 to 21. *(From the work of Claude Iguma)*

- As a result of the reforms, mineral buyers are now closer to mining areas. This has rendered the mineral trade more transparent, but the process by which some actors have increased their access to the chain while others have been excluded remains opaque. The local and provincial renegotiation of access arrangements and the lack of both public disclosure and central registration of these arrangements seriously obscures information about who benefits from which mining area or mineral trade in Katanga. *(From the work of Jose Diemel)*
- For women to obtain access to the mines, they need permission from authorities that are torn between mainstreaming policies that aim to advance women's involvement in mining on the one hand and persistent discourses portraying women as victims of sexual violence and traditional ideologies that hinder women's involvement on the other. Only a few women manage to overcome these hurdles, often because they are directly or indirectly related to the officials. The large majority of women are unable to gain formal access to livelihood opportunities in the mining sites. *(From the work of Marie-Rose Bashwira)*

***The research brings out the large role played by women in and around mining and highlights the diversity among women. The mining reforms add to the differentiation among women.***

- Women are involved in multiple activities related to mining exploitation either directly (digging, washing, transporting, owning pits, trading) or indirectly (agriculture, restoration, business, prostitution). Most women at the mining sites lead a marginal existence (heavy and exploitative jobs, heavy and uneven work schedules, low incomes, little time for family, etc.), although some are more comfortable and have more options and strategic opportunities. Women may use the same strategies for different means. For example, women who are relatively comfortable use transactional sex as a strategic option to improve their networks, whereas marginalised women use it as a survival strategy to gain access to mining activities or to supplement their incomes. *(From the work of Marie-Rose Bashwira)*
- Women in mining centres are differentiated by how they combine livelihoods depending on their social and economic assets, their access to institutional structures and their choice of coping strategies. Factors such as previous position, family ties, level of vulnerability in relation to the conflict, role of 'husbands' and belonging to a social network are important in determining which women will be very poor and which women will be better off. *(From the work of Marie-Rose Bashwira)*
- The reform initiatives have allowed the creation of new forms of power by widening the gap between formal and customary (informal) institutions and thus inducing differentiation between these institutions. Some women have become influential 'big women'. They develop strategies to take advantage of these changes by relying more on the formal institutions and creating strong networks with officials, putting those who remain more traditional at a disadvantage. In general, however, the reform process may increase forms of marginalisation in the mining labour regime, because the reforms have no explicit objective to mainstream women's involvement. *(From the work of Marie-Rose Bashwira)*

***The reforms have largely taken place in areas not immediately affected by violent conflict, and, where they have been implemented, they have led to new forms of social tension, disenchantment and dispute.***

- The sense of urgency and the top-down, mandatory implementation of conflict mineral policy in DRC resulted in a rapidly changing mineral trade landscape from 2010 to 2011. However, whereas all 43 mining areas in Katanga were included in the iTSCi scheme within a year, North and South Kivu together only managed to include three mining areas in more than three years. *(Diemel and Cuvelier 2015, see note 4)*
- Ongoing reforms have caused new conflicts around property rights and access to coltan. The evolving monopoly network comprising the provincial government, international mining companies and the imposed cooperatives excludes many miners from the profitable exploitation of minerals. Miners have lost their bargaining position regarding mineral prices, and this has affected their livelihoods. All of this leads to a great deal of resentment and occasionally to open and violent disputes. *(From the work of Claude Iguma)*
- Many traders and mineworkers feel disenchanting with the terms of the reforms or find themselves excluded, and a significant number of them have resorted to the continuation of smuggling practices. Smuggling remains a deeply rooted practice. The social networks of miners and local traders enable them to circumvent the compulsory monopoly of selling points and protect these local actors in their dealings with large-scale smugglers. *(From the work of Claude Iguma)*

***International discourse and policy have a single focus on transparency and turn a blind eye to the limited scope of the reforms and changing realities on the ground, providing a false sense of control to international consumers.***

- Representation of the reforms internationally does not fully recognise their limited scope or acknowledge that the upstream part of the mineral chain continues to be weak or that the paper trail of transparency does not completely match the more nuanced and 'grey' realities on the ground. *(From the work of Jeroen Cuvelier)*
- The reforms give consumers a false sense of security and leave them with the erroneous impression that minerals from DRC are now conflict-free and that the exploitation and trade of the minerals has taken place in accordance with internationally agreed standards. *(From the work of Jeroen Cuvelier)*
- The single focus on conflict results in turning a blind eye to patterns of economic exploitation of mine workers and the increasing influence and interest of international mining companies in eastern DRC. *(From the different research projects)*

## **Conclusion**

The mining reforms in eastern DRC have had – and continue to have – a noticeable impact on the political economy of artisanal mining. The single focus on transparency with the objective of breaking through cycles of conflict has meant that other dynamics continue to be obscured. These include the emergence of an increasing number of state authorities funded by mineral taxation, the growing impact of international mining companies, the intrusion of urban elites in local mineral arrangements, an increasing differentiation among men and women in the mines



– with a smaller group gaining access and improving their livelihoods while the majority become more marginalised, and the resulting increase in social tensions.

If the reforms are to contribute to just and sustainable development in DRC, it is important that stakeholders look beyond the effect on conflict and monitor and adjust the impact of the reforms on governance and socioeconomic relations.

**Dorothea Hilhorst** has done the overall coordination of the programme. She is professor of humanitarian aid and reconstruction at the International Institute of Social Studies of the Erasmus University Rotterdam. In her previous position at Wageningen University, she was the academic director of the ‘Down to Earth. Governance dynamics and social change in artisanal and small-scale mining in DRC’ research programme.

**Jeroen Cuvelier** has done the International Governance research component. He is a postdoctoral fellow at the Department of Conflict and Development Studies of Ghent University. Before October 2016, he coordinated and took part in the ‘Down to Earth’ research programme at Wageningen University.

**Marie Rose Bashwira** has done the Governance and Women’s Role research component. She is a PhD candidate at the Humanitarian Aid and Reconstruction research group of Wageningen University (Netherlands), and she is connected to the Université Catholique de Bukavu (DRC).

**Jose Diemel** has done the Governance, State and Institutions research component. She is a PhD candidate at the Humanitarian Aid and Reconstruction research group of Wageningen University (Netherlands). She currently works on sustainable mining, CSR projects and engagement with communities in Northern Katanga.

**Claude Iguma Wakenge** has done the Governance, Local Institutions and Livelihoods research component. He is a PhD candidate at the Humanitarian Aid and Reconstruction research group of Wageningen University (Netherlands), and he is connected to the Institut Supérieur de Développement Rural in Bukavu, DRC.

