



# **Bisie. A one-year snapshot of the DRC's principal cassiterite mine**

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28 November, 2011

Much has happened in the mining sector of Eastern DRC over the last year. President Kabila imposed a ban on all mining activities last fall, during which production fell considerably. As soon as the suspension was lifted in the spring of this year, the major global electronic companies stopped buying minerals from the region, provoking a de facto embargo on Congo's minerals with detrimental effects on the sector. At the same time, the Congolese government has taken major steps to restructure its army in the east of the country. These different decisions in the mining and security sectors have affected the nature and volume of minerals production and export and have reconfigured the security situation in the region. The consequences of these actions are discussed and illustrated with the use of the most important and well-known cassiterite mine in North Kivu called Bisie.

Bisie shows first that production fell significantly during the ban, but mining activities unquestionably continued, as satellite imagery indicates. Second, despite the ban's focus on ending the involvement of military and civil authorities in the illicit exploitation and trade of minerals, certain military units strengthened their grip. Third, while the regular army withdrew from many mining sites as a result of military restructuring, armed groups sometimes filled the void, increasing widespread insecurity. Fourth, the de facto embargo has decreased the potential profit for armed groups and corrupt military units, but it has also left many miners unemployed, increased smuggling, and undermined the continuation of important government and industry-led due diligence initiatives.

## The mining site of Bisie

Bisie is the most important and well-known mining site in the province of North Kivu in the east of the vast country of the Democratic Republic of Congo. Despite its importance and fame, little is known about Bisie. The remoteness of the site and especially the prevailing insecurity of the area have precluded most observers from venturing there. Bisie's significance comes from its size and the amount of mineral ore it produces: it is the biggest cassiterite<sup>1</sup> mine in the country, producing around 70% of all cassiterite exports from North Kivu.<sup>2</sup>

Bisie is located in the western part of Walikale, the largest territory of North Kivu. Walikale is rich in many mineral ores, cassiterite, but also gold, wolframite, coltan, diamonds, and bauxite. Its terrain is mountainous and mostly covered with forest. Bisie is named after the river that runs at the foot of the Mpama hill, where the minerals are extracted. The site lies around 180 km northwest of Goma, the capital of North Kivu, a main export point for Bisie's cassiterite, and about 60 km northwest of Walikale centre. While these distances do not sound particularly far, there are no passable roads leading from Goma to Walikale.

The only way of getting to Walikale from Goma is by cargo plane that goes to Kilambo where it lands on a stretch of asphalt road. The planes transport food and other necessities to Walikale territory and cassiterite back to Goma. The next 18 km to Ndjingala, one of the two main trading centres for Bisie's cassiterite<sup>3</sup>, can be undertaken by road. From Ndjingala to Bisie, however, there are no suitable dirt tracks and the 27 km through the forest has to be done by foot.<sup>4</sup>

Mining at Bisie started in 2003 and is completely artisanal. The working site consists of two areas, site 15 and site 45, the latter of which is also known as 'Gécamines'. They take their names from the walking minutes it takes to get there from Bisie's principal support village Manoiré.<sup>5</sup> Site 15 is an alluvial and open pit mining site; Gécamines is an alluvial, open pit, and hard rock mining site. Alluvial and open pit mining are conducted on the surface; hard rock mining is done underground in tunnels. The length of the tunnels varies between 100 and 600 meters.<sup>6</sup> Collapses in the tunnels are not uncommon; other safety hazards are mudslides and naturally occurring CO<sub>2</sub> underground.<sup>7</sup>

Before the major changes in the mining sector since the fall of 2010, Bisie was home to about 13,000 people. Work was highly organised between diggers, supervisors of the tunnels and pits, those clearing the mining sites of rocks and soil, constructors of woodwork to support the tunnels, traders, and shop owners selling food and other goods.<sup>8</sup> There were about 3,000 miners, men ranging from 19 to 35 years of age,<sup>9</sup> working in shifts day and night.<sup>10</sup> Those who worked in the tunnels often stayed underground for several days.<sup>11</sup> Diggers were able to retain 50% of the quantity of cassiterite mined, with the other half going to one of the several mine supervisors. Most miners sold or bartered the cassiterite for food and other necessities, alcohol, as well as prostitutes.<sup>12</sup>

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<sup>1</sup> Cassiterite is the principal ore of tin and is used in electronic consumer products.

<sup>2</sup> Enough Project, Field Dispatch: Behind the Band - An Update from Congo, October 2010; A. Tegera, Mining companies resume operations in Eastern DR Congo: the issues at stake and the challenges, in: Pole Institute, *The North Kivu Mining Sector: Report on the Reopening of the Mines*, April 2011, p. 13.

<sup>3</sup> Mubi, at 8 km from Kilambo, is the other major trading centre for cassiterite from Bisie.

<sup>4</sup> P.P. Rudahigwa, Seventy-two hours at the mining sites of Bisie (January 2010) in: Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 12.

<sup>5</sup> Ibidem, p. 14.

<sup>6</sup> Ibidem.

<sup>7</sup> N. Garrett, Walikale. Artisanal Cassiterite Mining and Trade in North Kivu, CASM, June 2008, pp. 38 and 40.

<sup>8</sup> Ibidem, p. 37.

<sup>9</sup> There are also reports of child labour/soldiers at Bisie. See Free the Slaves, *The Congo Report. Slavery in Conflict Minerals*, June 2011, pp. 20-21.

<sup>10</sup> In the Bisie mine and in other mining areas of DRC, traditional authorities do not allow women on the mining sites. See N. Garrett, Walikale. Artisanal Cassiterite Mining and Trade in North Kivu, CASM, June 2008, p. 65.

<sup>11</sup> P.P. Rudahigwa, Seventy-two hours at the mining sites of Bisie (January 2010) in: Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 15.

<sup>12</sup> Ibidem, pp. 14-15; N. Garrett, Walikale. Artisanal Cassiterite Mining and Trade in North Kivu, CASM, June 2008, p. 45.

The major support village Manoiré<sup>13</sup> used to be a noisy place where people lived in canvas-roofed shacks next to shops, restaurants, and bars. There were plenty of hair salons, churches, as well as four so-called hotels of ill repute, but no amenities, schools<sup>14</sup> or hospitals, just three health centres. Natural streams supplied the village with water and a few generators provided electricity.<sup>15</sup> While the numbers of diggers and other workers and their dependents changed drastically over the course of last year, the working and living conditions remained largely the same.

## Walikale



Compiled by IPIS (Sources: IPIS, Référentiel Géographique Commun)

Map of Walikale territory with the places mentioned in this article

<sup>13</sup> There is another, smaller support village called Marougé (or Marojé).

<sup>14</sup> Around 25% of artisanal mine workers were married and their families were living in one of the mine's two support villages. See N. Garrett, *Walikale. Artisanal Cassiterite Mining and Trade in North Kivu*, CASM, June 2008, p. 65.

<sup>15</sup> P.P. Rudahigwa, Seventy-two hours at the mining sites of Bisie (January 2010) in: Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, pp. 13-15; Agence France-Press (AFP), A thriving mine lost in the heart of the DR Congo forest, 22 April 2010.

## Lawlessness in Walikale

Due to the remoteness of Walikale, state authority is weak in the territory and hence several armed groups have flourished in the area. The FDLR, the Democratic Forces for the Liberation of Rwanda,<sup>16</sup> and Mayi-Mayi<sup>17</sup> Cheka, a local rebel group of ethnic Nyanga, are the most influential armed groups in the region. They have set up several bases in Walikale; the former in southern and the latter in northern parts of the territory.

While mining exploration and exploitation concessions have been officially granted to industrial companies,<sup>18</sup> mining in the territory remains artisanal and strongly controlled by armed groups and by units of the Congolese army, the FARDC.

Congolese army officers, many of whom members of the ex-CNDP rebel group,<sup>19</sup> oversee most of the mining activities. Ex-CNDP officers have been able to establish their domination over mining operations through the various military offensives aimed at the regional armed groups, which pushed the FDLR and Mayi-Mayi groups to more remote and smaller, less lucrative mines since the beginning of 2009.<sup>20</sup> At the same time, however, FARDC units have started to increasingly collaborate with various armed groups in order to increase their profits from extracting, taxing, transporting, and trading minerals.<sup>21</sup>

In carrying out their illicit mining activities, these FARDC elements commit serious abuses against the population, including murder, rape, assault, use of forced labour, and extortion.<sup>22</sup> The revenues from the illicit mining activities have also incentivised the army to create a violent and unstable environment that ensures their continued presence in the area. At the same time, disputes over deployment to lucrative areas have led commanders and officers to ignore orders, which has adversely affected the troops' ability to effectively protect the population. This prioritisation of personal, economic interests over military orders has led to competing chains of command, seriously undermining security sector reforms.<sup>23</sup>

The FDLR, which is the militarily strongest armed group in Eastern DRC,<sup>24</sup> also illegally tax, extort, plunder, and commit armed robberies, rapes and murders. Since the start of the military operations against them in early 2009, the FDLR have been making reprisal against the Congolese population, accusing them of treason. FDLR activity has caused civilian displacement not just in Walikale, but across both North and South Kivu.<sup>25</sup> FDLR units have also started to increasingly cooperate with other armed groups, such as the Mayi-Mayi Cheka, in their attacks against civilians and the military.<sup>26</sup>

<sup>16</sup> They are a politico-military movement originating from ex-'Forces Armées Rwandaises' (FAR) soldiers, ex-Interahamwe militiamen, and Hutu civilians who fled the offensive of the 'Rwandan Patriotic Front' (RPF) in neighbouring Rwanda in 1994.

<sup>17</sup> Mayi-Mayi is used as a common denominator for all self-defence groups that operate in the Kivus and beyond. Traditionally, Mayi-Mayi are often organised along ethnic lines.

<sup>18</sup> The Anglo-South African consortium Mining and Processing Congo, MPC, holds the exploration permit for the Bisie mine. Other mining companies are present in Walikale and hold mining and/or exploration concessions in the neighbourhood of Bisie, including the companies Sakima, Socagrmines, Geminaco. Cf. *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 8.

<sup>19</sup> 'Congrès National pour la Défense du Peuple' or CNDP was a Tutsi-based politico-military movement led by General Nkunda until it integrated into the national army and became a political party in early 2009.

<sup>20</sup> The same is true for whole North Kivu as well as South Kivu.

<sup>21</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 8; Enough Project, *Why a Certification Process for Conflict Minerals is Urgent*, February 2011, pp. 3-4, 6; UN Group of Experts on the Democratic Republic of the Congo, *Final report*, November 2010, p. 3.

<sup>22</sup> Global Witness, *Congo's Minerals Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, pp. 8-9.

<sup>23</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 9; Enough Project, *Why a Certification Process for Conflict Minerals is Urgent*, February 2011, pp. 3-4; UN Group of Experts on the Democratic Republic of the Congo, *Final report*, November 2010, p. 3; IPIS/International Alert, *The complexity of resource governance in a context of state fragility: the case of eastern DRC*, November 2010, p. 10; Radio Okapi, *Walikale : la 212e brigade FARDC indésirable*, 22 May 2010.

<sup>24</sup> UN Group of Experts on the Democratic Republic of the Congo, *Interim report*, June 2011, p. 9, point 32.

<sup>25</sup> UN Group of Experts on the Democratic Republic of the Congo, *Final report*, November 2010, p. 27, point 91.

<sup>26</sup> International Crisis Group, *Congo: No Stability in Kivu Despite a Rapprochement with Rwanda*, November 2010, p. 7; UN Group of Experts on the Democratic Republic of the Congo, *Final report*, November 2009, p. 55 and *Final report*, November 2010, p. 3.

The military capacity of Mayi-Mayi Cheka, which until recently never exceeded 70 combatants, has grown through an operational coalition with the FDLR.<sup>27</sup> In a mixed group of at least 200 fighters, including some elements of Lt. Colonel Emmanuel Nsengiyumva, they committed the notorious attack of 13 villages along the Mpofi-Kibua axis in Walikale from 30 July to 2 August 2010.<sup>28</sup> At least 387 civilians were raped, 923 houses and 42 shops looted, and 116 people reportedly abducted and subjected to forced labour.<sup>29</sup> The military failed to prevent this systematic attack mainly because of their absence from the axis as a consequence of a deployment dispute between the 211<sup>th</sup> and 212<sup>th</sup> Brigades.<sup>30</sup>

## Military grip on Bisie

For a long time, the area of Bisie was controlled by the 85<sup>th</sup> FARDC Brigade commanded by Colonel Samy Matumo and mostly composed of ex-Mayi-Mayi fighters. They controlled access to the camp and a large part of the mining activities, and they maintained checkpoints between the working sites and the support villages as well as along the trail between Bisie and Ndjingala. At the entrance to the camp, soldiers levied fixed taxes on goods brought in and out of the mine, and a per person tax.<sup>31</sup> They also stole from artisanal miners, tortured, raped, and forced people to work for them.<sup>32</sup>

In March 2009, the 85<sup>th</sup> Brigade was replaced by the 1<sup>st</sup> Brigade of ex-CNDP members, commanded by Lt. Colonel Antoine Manzi, then renamed 212<sup>th</sup> Brigade and put under the command of Lt. Colonel Yusuf Mboneza in September of the same year<sup>33</sup>. Bisie was subsequently occupied by a company-sized unit led by Captain Sharushako.<sup>34</sup> Allowing ex-CNDP officers to take control over Bisie was largely understood as a way to encourage a rapid integration into the national army.<sup>35</sup> Mboneza's troops continued to tax mineral extraction and transport to Ndjingala.<sup>36</sup> Besides the 212<sup>th</sup> Brigade, some soldiers of the withdrawn 85<sup>th</sup> Bri-

### Box 2: *Illegality of military involvement in Congo's mineral sector*

The involvement of the military in mining and trading minerals is illegal in the DRC. First, article 27 of the Mining Code prohibits public officials, including members of the armed forces, to engage in mining. Second, President Kabila and a number of senior FARDC officers have explicitly ordered members of the military to stay out of mining. And third, the Congolese Military Penal Code prohibits members of the military to loot or to violate orders in the presence of the enemy, during war-time or under special circumstances.<sup>1</sup>

<sup>1</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, pp. 47-48, point 176.

<sup>27</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, p. 16, point 39.

<sup>28</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 6

<sup>29</sup> *Ibidem*, pp. 13-14.

<sup>30</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 9.

<sup>31</sup> N. Garrett, *Walikale. Artisanal Cassiterite Mining and Trade in North Kivu*, CASM, June 2008, p. 32.

<sup>32</sup> FinnWatch, *Connecting Components Dividing Communities*, December 2007, pp. 27-28.

<sup>33</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2009, pp. 50 ss.; S. Spittaels – F. Hilgert, *Interactive map of militarised mining areas in the Kivus* (<http://www.ipisresearch.be/maps/MiMiKi/Areas/web/index.html>).

<sup>34</sup> Lt. Colonel Yusuf Mboneza's 212<sup>th</sup> Brigade was deployed to the gold mining site of Omate and to the road between the two trading centres, Mubi and Ndjingala. See UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, pp. 51-52 and 53-54, box 4.

<sup>35</sup> Global Witness, *The Hill Belongs to Them: the need for international action on Congo's conflict minerals trade*, December 2010, p. 3.

<sup>36</sup> Diggers were obliged to provide a kilo of cassiterite to FARDC each time they left a pit. Diggers also had to pay \$20 to work at night and \$15 on weekends. In addition, Mboneza's troops maintained four separate roadblocks between Bisie and Ndjingala where they levied illegal taxes as well. See UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, p. 52, point 191.

gade remained at Bisie and many other soldiers from the 8<sup>th</sup> Military Region of North Kivu spent some time there as well to make a personal profit.<sup>37</sup>

While some elements of the 85<sup>th</sup> Brigade remained in Bisie, others joined the newly created Mayi-Mayi group of Ntabo Ntaberi Cheka. Cheka, who used to work in Bisie's mining,<sup>38</sup> mobilised deserters of the 85<sup>th</sup> FARDC Brigade and soldiers of the close-by military base at Biruwe to create Mayi-Mayi Cheka. Cheka has publicly stated that he is fighting to end the militarisation by FARDC soldiers of the mining business in Walikale.<sup>39</sup> From the beginning, their attacks have been targeted at the principal mines of western Walikale, Bisie, Obaye, and Omate,<sup>40</sup> as well as at the trading centres and routes.

Colonel Balumisa Chuma, commander of Zone 2,<sup>41</sup> who lost revenues as a result of the change in control of Bisie, in early July 2010 ordered the 212<sup>th</sup> Brigade to move from the area towards the east along the Mpopfi-Kibua axis. The 211<sup>th</sup> Brigade was given orders to replace them. Mbhoneza opposed the rotation, disobeyed and the 212<sup>th</sup> Brigade refused to depart from Bisie. To consolidate his control over the mine and to push out the remaining companies of the 212<sup>th</sup> Brigade, Chuma deployed a reserve battalion of five companies under Lt. Colonel Bony Matiti.<sup>42</sup> Soon thereafter, Mbhoneza was arrested on 12 August 2010 by the Military Prosecutor's Office in Goma for insubordination and for failing to stop the above-mentioned major rebel assault on the Mpopfi-Kibua axis from 30 July to 2 August, but he was freed by 50 ex-CNDP FARDC soldiers the same day. In October, he was relieved of the 212<sup>th</sup> Brigade command.<sup>43</sup>

## Kabila's mining ban

Given the close link between the illicit mining activities and insecurity in the area, some observers believe that the just-mentioned 4-day mass rape of last summer was the trigger for President Kabila's imposition of an outright mining ban on the east of the country. Kabila had visited Walikale on 9 September and ordered the stop of mining activities in the territory the same day. Two days later, he suspended all exploitation and export of minerals from North Kivu and the neighbouring two provinces of South Kivu and Maniema, until further notice.<sup>44</sup> Alongside the ban, Kabila also called for the redeployment of the brigades of the 8<sup>th</sup> Military Region, including those units comprised primarily of ex-CNDP members.<sup>45</sup>

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<sup>37</sup> P.P. Rudahigwa, Seventy-two hours at the mining sites of Bisie (January 2010) in: Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 15.

<sup>38</sup> Cheka worked first with the Bisie-based diggers cooperative, COMIMPA, and later with the mining company Mineral and Processing Congo, which holds the official exploration rights to the Bisie mine. See UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2009, pp. 55-56 and Final report, November 2010, p. 15, point 36.

<sup>39</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, pp. 15-16, points 36-39 and Interim report, June 2011, p. 12, point 45.

<sup>40</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2009, pp. 55-56 and Final report, November 2010, p.15, point 36.

<sup>41</sup> The military operation 'Amani Leo' in North Kivu is divided into 2 zones (1 and 2). The town of Walikale and the area of Bisie are part of zone 2.

<sup>42</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, pp. 51-52, points 190-191, and pp. 53-54, box 4; *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpopfi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 9, points 12-13.

<sup>43</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpopfi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 10, point 14 and pp. 17-18, point 42; UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, p. 17, point 43; Enough Project, Field Dispatch: Behind the Ban - An Update from Congo, 22 October 2010.

<sup>44</sup> Communiqué du Ministre des Mines en rapport avec la décision du Président de la République sur la suspension de l'exploitation minière, 11 September 2010; Radio Okapi, Walikale : Joseph Kabila suspend l'exploitation minière, 10 September 2010; Rwanda News Agency, Congo mining ban extended to three troubled provinces, 11 September 2010.

<sup>45</sup> Enough Project, Field Dispatch: Behind the Band - An Update from Congo, October 2010.

The imposition of the ban is widely understood as a response to the growing international pressure to end the financing of Congo's conflict through minerals. The most influential action was taken by the United States in July last year, when it imposed restrictions on what they call 'conflict minerals' from the Great Lakes region of Africa. The legislation<sup>46</sup> requires US-listed companies sourcing 'conflict minerals' from the DRC and adjoining countries to implement due diligence measures.<sup>47</sup> The legislation catalysed other international and regional initiatives aimed at increasing accountability of companies sourcing minerals from Eastern DRC and the wider region.<sup>48</sup>

Officially, the ban was intended to put an end to the illicit exploitation and trade of natural resources in Eastern DRC. Kabila explained that he wanted to bring an end to the 'mafia groups' involved in the minerals exploitation,<sup>49</sup> recognising the problematic link between the illicit activities in the mining sector and the insecurity in the region.<sup>50</sup> Another rationale put forward by several is Kabila's attempt to secure large, industrial investments in the mining sector in the Kivu provinces.<sup>51</sup>

Production and trade in cassiterite, as well as coltan and wolframite, significantly slowed during the ban, but did not cease. The suspension was ignored and bypassed in different ways and places. The Congolese state institutions monitoring the ban lacked the capacity and will to stop mining activities and trading. No action was in fact taken against the so-called mafia-like military and civil elements the ban set out to dismantle.<sup>52</sup> Instead of dealing with the undisciplined, often ex-CNDP FARDC elements and redeploying them outside the Kivus, the period of the ban has ironically allowed the ex-CNDP and other units to consolidate their control of mining in the region.<sup>53</sup>

According to the UN Group of Experts, during the presidential ban the ex-CNDP significantly strengthened its control over the FARDC units deployed in Walikale. Officers loyal to ICC-indicted Bosco Ntaganda<sup>54</sup> took over three quarters of the command posts in Walikale. As a result of this high CNDP concentration, former non-CNDP government forces of the 212<sup>th</sup> Brigade deserted early October 2010, only to be replaced by non-integrated CNDP elements.<sup>55</sup> Moreover, Colonel Balumisa Chuma, commander of Zone 2, was replaced with the ex-CNDP and Ntaganda-loyal Colonel Baudouin Ngaruye.<sup>56</sup>

Their strengthened position in Walikale allowed ex-CNDP units to tighten their grip on mining activities, in spite of President Kabila's ban. But also other army units continued to be involved in the mining business. FARDC members confiscated minerals, levied illegal taxes, and even resorted to forced labour.<sup>57</sup> In the context of an arrest in November 2010 of six people in Binakwa, southern Walikale, who were in possession of an important stock of minerals, members of the Military Prosecutor's Office confirmed

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<sup>46</sup> 'Conflict minerals' are covered under Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which mainly concerns financial reform in the US.

<sup>47</sup> Companies are required to disclose yearly whether the minerals - tantalum, tin, tungsten, and gold - they source originate in the DRC or its neighbouring countries. If they do, companies have to report to the Security and Exchange Commission (SEC) what measures have been taken to exercise due diligence on the supply chain of such 'conflict minerals.'

<sup>48</sup> For more information, consult IPIS, *Guide to Current Mining Reform Initiatives in Eastern DRC*, April 2011.

<sup>49</sup> Communiqué du Ministre des Mines en rapport avec la décision du Président de la République sur la suspension de l'exploitation minière, 11 September 2010; Rwanda News Agency, Congo mining ban extended to three troubled provinces, 11 September 2010.

<sup>50</sup> Communiqué du Ministre des Mines en rapport avec la décision du Président de la République sur la suspension de l'exploitation minière, 11 September 2010; Radio Okapi, L'exploitation minière dans l'ancien Kivu suspendue jusqu'à nouvel ordre, 13 September 2010.

<sup>51</sup> Congo Siasa, The Making of Bosco, May 2011; Enough Project, Field Dispatch: Behind the Ban - An Update from Congo, 22 October 2010.

<sup>52</sup> Global Witness, *Congo's Minerals Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, p. 16; Enough Project, Field Dispatch: Behind the Band - An Update from Congo, October 2010.

<sup>53</sup> Enough Project, Why a Certification Process for Conflict Minerals is Urgent, February 2011, p. 8.

<sup>54</sup> Bosco Ntaganda was indicted by the ICC in 2006 for crimes committed in Ituri, northeastern DRC, between 2002 and 2004. Nevertheless, he became the leader of CNDP and was made general and deputy commander of the Congolese military operations against armed groups in the east of the country.

<sup>55</sup> UN Group of Experts on the Democratic Republic of the Congo, Final report, November 2010, pp. 45-46, points 167-168.

<sup>56</sup> Ibidem, pp. 45-46, point 167.

<sup>57</sup> UN Group of Experts on the Democratic Republic of the Congo, Interim report, June 2011, pp. 17-18, points 67-68.

that 'certain military and police authorities continue to exploit minerals in certain mines of Walikale in an illicit manner.'<sup>58</sup>

In Bisie, in addition to a reserve battalion of the CNDP-dominated 212<sup>th</sup> Brigade<sup>59</sup>, also Lt. Colonel Bony Matiti and his soldiers reportedly remained.<sup>60</sup> The military became miners themselves<sup>61</sup> and forced civilians to assist them in exploiting the minerals—a form of forced labour known as 'salongo'.<sup>62</sup> Both the UN Group of Experts and Congolese human rights groups reported of the widespread use of forced labour at mines, in particular at Bisie.<sup>63</sup> Civilians forced into 'salongo' were recruited by the military in the two trading towns of Mubi and Ndjingala.<sup>64</sup> Around 1200 miners from Bisie had arrived in Ndjingala two days after the imposition of the ban already,<sup>65</sup> while most other miners had left by October 2010 as well.<sup>66</sup> State services, the mining police, and FARDC units also extorted from former miners who found their way from surrounding mines to Ndjingala<sup>67</sup>. By September, there were around 6500 of them.<sup>68</sup> Overall, military involvement at Bisie had become so institutionalised that civilians purchased weapons and military uniforms to facilitate their involvement in mining activities.<sup>69</sup>

Other non-ex-CNDP FARDC commanders also controlled Bisie through their intermediaries: Commander of the Land Forces, General Gabriel Amisi Kumba, 8<sup>th</sup> Military Region's Commander, General Vainqueur Mayala, Deputy Commander, Colonel Etienne Bindu, and Colonel Chuma all had investments in Bisie. Bindu's investment for example was overseen by his younger brother, Major Morgan, a Battalion Commander in the 212<sup>th</sup> Brigade. Commanders, including Colonel Bindu, were also important buyers of Bisie's cassiterite.<sup>70</sup>

The clearest sign of continued mining activities at Bisie is a set of satellite images that are presented here for the first time.<sup>71</sup> They show beyond doubt that the mining area of 'Gécamines', the bigger of the two working sites, increased considerably. The two satellite images were taken on 8 September 2010, right before the ban was imposed, and on the day the ban was lifted on 10 March 2011. The change detection shows that the actual mining area expanded by about 0.74 ha. As comparison, the area increased by about double that amount during the six months preceding the mining suspension.<sup>72</sup> In the image below, the zoom windows give a detailed view of the area where major change could be observed. This information is an undisputable indication that mining activities, at least at Bisie, did not stop during the ban.

<sup>58</sup> Radio Okapi, Walikale : exploitation illégale des minerais, la Cour militaire promet des poursuites contre les militaires indexés, 4 November 2010.

<sup>59</sup> Written confidential MONUSCO source.

<sup>60</sup> *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 17, note 37.

<sup>61</sup> This was clearly illustrated when during a night in September 2010, about 30 soldiers, together with some civilians, were killed in a tunnel collapse at Bisie: A. Tegera, *The impact of the suspension of artisanal mining in eastern DRC (October 2010)* in Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 50.

<sup>62</sup> A. Tegera, *The impact of the suspension of artisanal mining in eastern DRC (October 2010)* in Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 50; Le Soir, *La révolte des creuseurs gronde*, 2 December 2010.

<sup>63</sup> Enough Project, *Field Dispatch: Behind the Band - An Update from Congo*, October 2010; CREDDHO, *Le secteur minier du Kivu dans la réforme : défis et perspectives*, April 2011, pp. 3-4; *Final report of the fact-finding missions of the United Nations Joint Human Rights Office into the mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi axis in Walikale territory, North Kivu, from 30 July to 2 August 2010*, July 2011, p. 17, note 37.

<sup>64</sup> Radio Okapi, Walikale : les militaires des FARDC continuent d'exploiter des minerais, 29 September 2010.

<sup>65</sup> Written confidential MONUSCO source, August 2011.

<sup>66</sup> A. Tegera, *The impact of the suspension of artisanal mining in eastern DRC (October 2010)* in Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 45.

<sup>67</sup> For an overview of miners' daily payments to FARDC, police and civil services in and around Bisie, see Enough Project, *Field Dispatch: Behind the Band - An Update from Congo*, October 2010, Appendix 2.

<sup>68</sup> Written confidential MONUSCO source, August 2011.

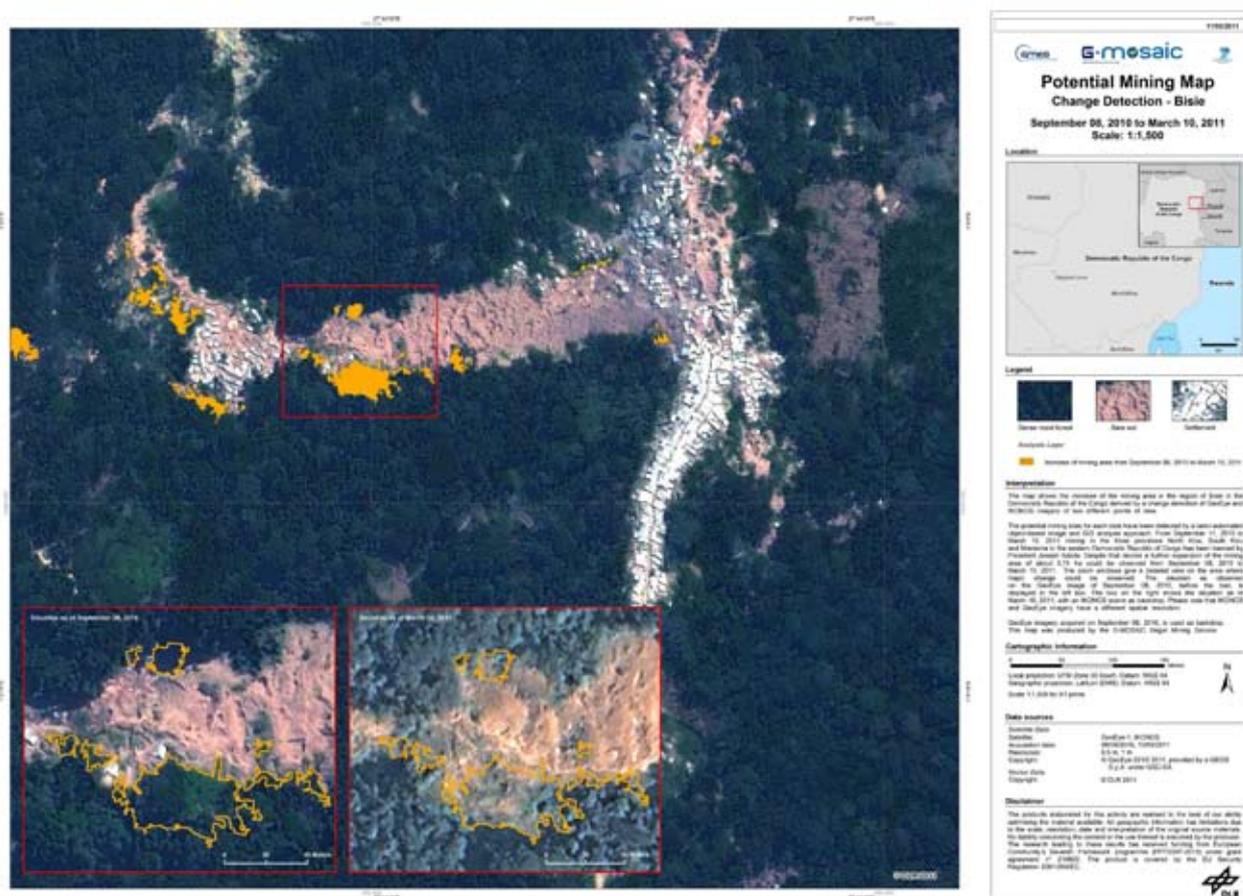
<sup>69</sup> UN Group of Experts on the Democratic Republic of the Congo, *Final report*, November 2010, p. 53, point 196.

<sup>70</sup> *Ibidem*, pp. 52-53, points 195-196; cf. *Idem*, *Final report*, November 2009, p. 55, points 218-222.

<sup>71</sup> Satellite images analysed by the German Aerospace Center (DLR), September 2010 and March 2011. EO data provided by the ESA managed GSC-DA, funded by the European Community's Seventh Framework Programme (FP7/2007-2013) under EC – ESA Grant Agreement No 223001.

<sup>72</sup> Satellite image analyses (April and September 2010 and March 2011) have been conducted by the German Aerospace Center (DLR) under the framework of the European Community's 7th Framework Programme project G-MOSAIC (Contract No. 218822).

Minerals were not only mined, but also traded during the ban. There are indications that traders worked under cover during the ban at the major trading centre of Mubi, for example.<sup>73</sup> Figures from the Division of Mines in North Kivu show that 1,148,302 kg of cassiterite was exported from Goma right after the ban was lifted, from 10 to 31 March 2011. The stockpile of cassiterite that had not been sold by October 2010, shortly after the imposition of the ban, was estimated at 1,019,936 kg.<sup>74</sup> The difference of 128,366 kg could likely have been mined after the lifting of the ban, since the amount is much smaller than the pre-ban, 2010 monthly average of 790,236 kg export volume.<sup>75</sup> The cassiterite mined during the ban, therefore, must either be stored somewhere secretly or, more likely, have been smuggled out of the country.



The map shows the increase of the mining area at Bisie's 'Gécamines' site, derived from a change detection of GeoEye and IKONOS imagery in two different points of time.

The potential mining sites for each date have been detected by a semi-automated object-based image and GIS analysis approach. The situation as observed on the GeoEye image of 8 September 2010, three days before the ban, is displayed in the left box. The box on the right shows the situation as of 10 March 2011, with an IKONOS scene as backdrop. Please note that IKONOS and GeoEye imagery have a different spatial resolution.

GeoEye imagery acquired on 8 September 2010, is used as backdrop. This map was produced by the G-MOSAIC Illegal Mining Service.

<sup>73</sup> Radio Okapi, Walikale : les militaires des FARDC continuent d'exploiter des minerais, 29 September 2010.

<sup>74</sup> A. Tegera, The impact of the suspension of artisanal mining in eastern DRC (October 2010) in Pole Institute, *Blood Minerals. The Criminalization of the Mining Industry in Eastern DRC*, November 2010, p. 45.

<sup>75</sup> A. Tegera, Mining companies resume operations in Eastern DR Congo: the issue at stake and the challenges, in Pole Institute, *The North Kivu Mining Sector: Report on the Reopening of the Mines*, April 2011, p. 10.

## Military out — Mayi-Mayi Cheka in

The ban was finally lifted on 10 March 2011. At the same time, a substantial restructuring of the military in the Kivus went under way, consisting of a process in which the several brigades get pulled together in training centres to be redeployed in regiments. In this process, brigades have been withdrawn from their bases, including around mines.<sup>76</sup> The control of the major mining sites, including Bisie, as well as the two trading centres, Ndjingala and Mubi, was taken over by the legitimate mining police.<sup>77</sup> Around 30 to 40 mining police are currently present at Bisie.<sup>78</sup>

Formalising the mining sector has though been hampered by the security void left behind by the withdrawn FARDC brigades and the delayed redeployment. The FDLR and Mayi-Mayi groups have taken advantage of the opening up of unsecured territories,<sup>79</sup> increasing insecurity in both North and South Kivu.

In western Walikale, Mayi-Mayi Cheka increased their presence and activity. Early January of this year, the Mayi-Mayi Cheka moved towards Ndjingala from the eastern villages of Pinga and Irameso.<sup>80</sup> On 23 April, they attacked, together with FDLR elements, a police patrol in Kembe, Cheka's home village. It was the first incident on the Mpofi-Kibua road stretch since the mass rape in the summer of 2010.<sup>81</sup> On 26 April, the same coalition temporarily occupied the working sites of Bisie, where they extorted money from people and the chief of police. Apparently, the rebels were able to occupy the site without any resistance from the mining police, who retreated from the scene. The local police authority at Bisie stated that the mining police do not have the required means to secure the area properly.<sup>82</sup>

In June, Mayi-Mayi Cheka fought the rebel group APCLS over control of Misoke, a cassiterite-rich area at the border between Walikale and Masisi territories, for several days, resulting in several deaths and population displacement.<sup>83</sup>

The security situation at Bisie became especially precarious by August.<sup>84</sup> Cheka arrived at Bisie with 37 combatants on 6 August. A week later, on 14 August, he kidnapped the mining police commissioner, Mr. Hassan Asumani, his deputy, Dunia, and a policeman. The latter two were released the next day, while Asumani was held hostage in Omate, a gold mining site now controlled by Cheka. Cheka used the kidnapping of Asumani to demand the release of four of his relatives in FARDC custody.<sup>85</sup> Reportedly, he also threatened to attack the airstrip of Kilambo, and the two trading towns, Ndjingala and Mubi, if his relatives and other cadres were not released by the FARDC.<sup>86</sup>

In an unexpected turn during the same month, Cheka registered as independent candidate for the upcoming parliamentary elections scheduled for 28 November 2011.<sup>87</sup> Cheka recently also sent one of his officers to meet Congolese authorities in Walikale centre to discuss a possible integration of his

<sup>76</sup> UN Secretary-General, *Report on MONUSCO in DRC*, May 2011, p. 3, point 13; Global Witness, *Congo's Minerals Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, p. 8.

<sup>77</sup> P.P. Rudahigwa, Mining resumes hesitantly in Walikale Territory, in: Pole Institute, *The North Kivu Mining Sector: Report on the Re-opening of the Mines*, April 2011, p. 20; Radio Okapi, Walikale : les FDLR se retirent de la carrière minière de Bisiye, 28 April 2011.

<sup>78</sup> Interview IPIS with Search for Common Ground, Goma, October 2011. Cf. Global Witness, *Congo's Minerals Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, p. 8.

<sup>79</sup> UN Secretary-General, *Report on MONUSCO in DRC*, May 2011, p. 3, point 13.

<sup>80</sup> Correspondence with MONUSCO, August 2011.

<sup>81</sup> Radio Okapi, Walikale : la police repousse une attaque d'hommes armés à Kembe, 24 April 2011.

<sup>82</sup> Radio Okapi, Walikale : les FDLR se retirent de la carrière minière de Bisiye, 28 April 2011.

<sup>83</sup> Radio Okapi, Walikale : sept morts et des villages désertés, bilan des affrontements entre deux milices, 19 June 2011.

<sup>84</sup> Correspondence with MONUSCO, August 2011.

<sup>85</sup> Written confidential MONUSCO source, August 2011; Radio Okapi, Walikale : le chef rebelle Cheka retient en otage un policier des mines, 18 August 2011; ASSODIP, *Les ressources naturelles et les violations des droits humains au Nord-Kivu : triste réalité à la veille des élections*, p. 8.

<sup>86</sup> Written confidential MONUSCO source, August 2011.

<sup>87</sup> Ntabo Ntaberi Cheka is running for political office despite the fact that he is under arrest warrant (as of 6 January, 2011) for his role in the Mpofi-Kibua mass rapes in the summer of 2010. Under Congo's law, persons charged with a crime are eligible to run for office, and if elected, they become immune from prosecution. Congolese authorities have tried to arrest Cheka only once so far. Human Rights Watch, *DR Congo: Arrest Candidate Wanted for Mass Rape*, 2 November 2011.

According to MONUSCO, he is campaigning in areas where there is no FARDC presence out of fear that he could be arrested: written confidential MONUSCO source, November 2011.

troops into the FARDC. The negotiations led to the creation of a buffer zone between Bisie and Ndjingala, but in this supposed neutral area several violent confrontations between FARDC and Mayi-Mayi Cheka have since been reported.<sup>88</sup> Moreover, on 22 October, Marougé, one of Bisie's support villages, was looted by men in uniform and a civilian was shot in the arm; both Mayi-Mayi Cheka and FARDC rejected responsibility for the incident.<sup>89</sup> According to a surrendered Mayi-Mayi Cheka cadre, interviewed by MONUSCO on 12 November, Cheka's troupes now number 500 to 700 fighters.<sup>90</sup> They are organised into four battalions, with headquarters at Bisie, where the 1<sup>st</sup> Battalion is based.<sup>91</sup>

Mayi-Mayi Cheka continue to use forced labour and extort taxes from the mineral exploitation and trade around Bisie and Omate, forcing the mining police at Bisie to cooperate in this.<sup>92</sup> At Omate, Mayi-Mayi Cheka have reportedly detained employees of the official concession holder, GEMINACO, in late September.<sup>93</sup> In a latest development, Cheka surrendered himself to FARDC in Walikale town on 23 November, only to escape again the following day.<sup>94</sup>

Although the army has been withdrawn from major mining sites, military control of mining activities has not stopped completely. With the recent deployment of the new regiments, the military have not returned to Bisie, but they control the trading route between the mine and the trading town of Ndjingala, where they extort, pillage, and intimidate people.<sup>95</sup> In addition, an illegal "traceability tax" is collected outside Ndjingala by an association that calls itself AIM (*Association des intervenants miniers*). This tax is divided between the provincial government, the mining police, FARDC, and the intelligence service (ANR).<sup>96</sup>

It remains to be seen whether the increased insecurity created by Mayi-Mayi Cheka and other armed groups will be used by the criminal networks within the FARDC to argue in favour of their redeployment close to mines, which would seriously undermine the progress towards the demilitarisation of mining sites.<sup>97</sup>

## Obstacles to cleaning up the mess

The deteriorating security situation has negatively affected the internationally advanced measures — traceability schemes — to render the mineral supply chain more transparent and 'clean' of conflict minerals. The UN peacekeeping force in the Congo, MONUSCO,<sup>98</sup> for instance, has postponed the validation of Bisie<sup>99</sup> to be included as a 'clean' mine in its traceability scheme.<sup>100</sup> If Bisie was clean, it would be allowed to supply minerals to the *centre de négoce*, or trading centre, in Isanga, which is located around 2 km from the trading town of Ndjingala. Isanga and the other planned *centres de négoce* in North and South Kivu, will be administered by the Congolese government and MONUSCO and offer a place where

<sup>88</sup> Field research by ASSODIP, November 2011.

<sup>89</sup> *Ibidem*.

<sup>90</sup> This number includes FDLR members as well. Mayi-Mayi Cheka proper fighters are estimated at between 100 and 150. Interview IPIS with MONUSCO, November 2011.

<sup>91</sup> This 1<sup>st</sup> Battalion is led by Major Guwangu. The 2<sup>nd</sup> Battalion ("Dragon") is located at Moriba, the 3<sup>rd</sup> ("Mazimbe") – led by Major Matete – at Omate, the 4<sup>th</sup> ("Delta") – commanded by Lt. Colonel Ndume – at Angoa. Written confidential MONUSCO source, November 2011.

<sup>92</sup> Field research by ASSODIP, November 2011; CREDDHO, *Traçabilité des minerais de l'Est de la RDC: A qui profite la transition*, October 2011, pp. 2-3; Written confidential MONUSCO source, October 2011.

<sup>93</sup> Written confidential MONUSCO source, October 2011.

<sup>94</sup> Interview IPIS with MONUSCO, November 2011.

<sup>95</sup> Field research by ASSODIP, November 2011. Reportedly, the regiment based in Ndjingala is the 813<sup>th</sup>, led by Colonel Ilunga. He reports to the commander of the new 84<sup>th</sup> Sector, the above-mentioned Colonel Balumisa Chuma, previously commander of Zone2, who is based in Walikale centre. Field research by ASSODIP, November 2011.

<sup>96</sup> CREDDHO, *Traçabilité des minerais de l'Est de la RDC: A qui profite la transition*, October 2011, pp. 2-5. The tax amounts to 2000 Congolese francs per sack of 50 kg of cassiterite.

<sup>97</sup> UN Group of Experts on the Democratic Republic of the Congo, Interim report, June 2011, p. 12, point 45.

<sup>98</sup> MONUSCO stands for 'United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.'

<sup>99</sup> On 18 April 2011, the Minister of Mines of the DRC published terms of reference for mixed teams to "validate" mining sites within a 25 km radius around the planned *centres de négoce* as free of armed groups or military (and not employing children under 15 or pregnant women). UN Group of Experts on the Democratic Republic of the Congo, Interim report, June 2011, p. 20.

<sup>100</sup> Correspondence with MONUSCO, August 2011; UN Group of Experts on the Democratic Republic of the Congo, Interim report, June 2011, p. 20.

'clean' minerals from mining sites within a 25 km radius can be traded.<sup>101</sup> The increased insecurity created by Mayi-Mayi Cheka is seriously undermining the efforts of validating the mines in Walikale.<sup>102</sup>

The International Tin Research Institute (ITRI), a UK-based industry association of tin smelters and producers, has also put its Tin Supply Chain Initiative (iTSCi) in the Kivus on hold. iTSCi is a tagging and bagging traceability system that has established itself in Rwanda. While it had started its pilots in South Kivu and was planning to extend its operations to Bisie last year, it withdrew from the Kivus as a result of the ban. It has become active south of the Kivus, in northern and central Katanga, since then.<sup>103</sup> ITRI is also awaiting the identification of conflict-free areas in the Kivus, in particular Bisie, before it restarts its pilots there again.<sup>104</sup>

## From real to de facto ban

A week before the lifting of the ban on 10 March 2011, a major population movement of diggers, traders, and other workers to the territory of Walikale was observed.<sup>105</sup> People had high hopes that mining activities and production would return to normalcy once the ban was over. The ban had disastrous economic consequences for the region. Artisanal miners, mineral buyers, and other mine workers had financial shortcomings, as did farmers who could no longer supply the mining areas with food products.<sup>106</sup> Other necessities that used to be flown in with the cargo planes that transported minerals out of remote areas were in short supply as well. The provincial governments also lost out a significant amount of tax revenues.<sup>107</sup>

Hopes that economic activities would pick up again were quickly subdued. The reason was the anticipation of the promulgation of the rules of the US law on 'conflict minerals' on 1 April 2010, indirectly leading to a de facto embargo. Even though the issuance of the rules was delayed, the US-based main lobbying body of 45 global electronic companies,<sup>108</sup> the Electronic Industry Citizenship Coalition (EICC), and the Brussels-based equivalent, the Global e-Sustainability Initiative (GeSI),<sup>109</sup> stopped buying minerals from smelters who could not prove through an acceptable traceability system that they did not source minerals that fund conflict in Congo and in neighbouring Rwanda and Burundi.<sup>110</sup> The EICC and GeSI are developing a Conflict-Free Smelter assessment program (CFS) to enable companies to source conflict-free minerals and to satisfy the reporting requirement of the Dodd-Frank legislation.<sup>111</sup> Their withdrawal has produced a de facto embargo of minerals from the whole region.

The consequences of this de facto embargo for Congo's mineral production and export were felt immediately, as the following numbers for April illustrate. Cassiterite exports from Goma only amounted to 21,000 kg,<sup>112</sup> as compared to the monthly average of 790,236 kg during pre-ban 2010. Only 812 diggers and workers, especially economic traders, were counted in Bisie,<sup>113</sup> whereas before the ban they numbered around 3000. Production volume of cassiterite in Bisie was on average around 1526 kg a day.<sup>114</sup> As production plunged, so did recorded trade of cassiterite within and out of the Congo. The number

<sup>101</sup> UN Group of Experts on the Democratic Republic of the Congo, Interim report, June 2011, p. 20. For more information on MONUSCO's traceability scheme, see *ibidem* or IPIS, *Guide to Current Mining Reform Initiatives in Eastern DRC*, April 2011, p. 20.

<sup>102</sup> Correspondence with MONUSCO, August 2011.

<sup>103</sup> For more information, consult IPIS, *Guide to Current Mining Reform Initiatives in Eastern DRC*, April 2011, pp. 24-25.

<sup>104</sup> ITRI, iTSCi News Bulletin: 14, May 2011.

<sup>105</sup> P.P. Rudahigwa, Mining resumes hesitantly in Walikale Territory, in: Pole Institute, *The North Kivu Mining Sector: Report on the Reopening of the Mines*, April 2011, p. 18.

<sup>106</sup> IPIS, *Guide to Current Mining Reform Initiatives in Eastern DRC*, April 2011, p. 19.

<sup>107</sup> Global Witness, *Congo's Mineral Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, p. 16.

<sup>108</sup> Including leading hi-tech companies like Apple, HP, Dell, or Microsoft.

<sup>109</sup> It includes major companies such as Motorola or Nokia.

<sup>110</sup> Reuters, Conflict mineral rules to pressure Congo miners, 1 April 2011; Global Witness, *Congo's Mineral Trade in the Balance. Opportunities and obstacles to demilitarisation*, May 2011, p. 17.

<sup>111</sup> For more information, see EICC-GeSI Conflict-Free Smelter (CFS) Assessment Program, Frequently Asked Questions, 25 May 2011: <http://www.eicc.info/documents/Conflict-FreeSmelterFAQ.pdf>

<sup>112</sup> Reuters, DR Congo says mineral exports hit by tracing rules, 21 May 2011.

<sup>113</sup> P.P. Rudahigwa, Mining resumes hesitantly in Walikale Territory, in: Pole Institute, *The North Kivu Mining Sector: Report on the Reopening of the Mines*, April 2011, p. 19, Radio Okapi, Walikale : les FDLR se retirent de la carrière minière de Bisiye, 28 April 2011.

<sup>114</sup> North Kivu Division of Mines, production data for 14 days in April 2011.

of traders of Walikale's cassiterite was estimated in the thousands before the ban, while in April, only 2 to 3 traders were active in the trading centre of Mubi, for example.<sup>115</sup>

The situation continues grim. According to the North Kivu Mining Division, average monthly export of cassiterite from April to August was 71,439 kg,<sup>116</sup> which is a decrease of 91% from pre-ban levels. According to the Head of the Division of Mines in Goma, Bisie is currently producing 90,000-100,000 kg a month, which represents around 15% of pre-ban times.<sup>117</sup> Field research by local NGOs resulted in somewhat different figures. According to CREDDHO, in September 5000 to 7500 kg of cassiterite was produced in Bisie a day, thus between 150,000 and 225,000 kg a month.<sup>118</sup> In November, Assodip reported more or less 8000 kg a day, so around 240,000 kg a month.<sup>119</sup>

The de facto embargo has ramifications for the local economy,<sup>120</sup> similar to the mining suspension, but it has also decreased the profit of illicit groups and individuals, including army commanders, who partake in the mineral trade.<sup>121</sup> This reduction in revenues for illegitimate groups and individuals should not be discounted, while safeguards for affected communities should be put in place.

In addition to the de facto embargo, Bisie has also been hit by flooding, further inhibiting its ability to produce. Since mining activities have gone down during the mining suspension and the current de facto embargo, rainwater has not been pumped out of the pits in adequate ways. The money to keep the generators or pumps operating has been insufficient due the lower production volumes.<sup>122</sup> By May, just at the end of the rainy season, several of its open pits, some estimates go up to 90%,<sup>123</sup> had been flooded.<sup>124</sup> It remains unclear what the exact situation at Bisie is at the moment, but the flooding might only get worse with the current rainy season.

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<sup>115</sup> P.P. Rudahigwa, Mining resumes hesitantly in Walikale Territory, in: Pole Institute, *The North Kivu Mining Sector: Report on the Re-opening of the Mines*, April 2011, p. 19.

<sup>116</sup> Statistics from North Kivu Division of Mines.

<sup>117</sup> Interview IPIS, Goma, September 2011.

<sup>118</sup> Interview IPIS, Goma, October 2011.

<sup>119</sup> Field research by ASSODIP, November 2011.

<sup>120</sup> BEDEWA, So that conflict minerals become minerals of peace, development, and life, and not of death!, August 2011: <http://www.business-humanrights.org/Links/Repository/1008372>

<sup>121</sup> S. Lezhnev/Enough Project, What Conflict Minerals Legislation is Actually Accomplishing in Congo, Huffington Post, 9 August 2011.

<sup>122</sup> Correspondence with ITRI representative, August 2011.

<sup>123</sup> ITRI, iTSCi News Bulletin: 14, May 2011 and 16, July 2011.

<sup>124</sup> Generally, open pits are most severely affected by flooding, while alluvial sites can even benefit from rain as it alleviates the water shortages during the dry seasons. See N. Garrett, *Walikale. Artisanal Cassiterite Mining and Trade in North Kivu*, CASM, June 2008, p. 40.

## Conclusion

The effectiveness and impact of the mining ban on production and on the security situation in Walikale in general and Bisie in particular are clear. Mining activities continued, production volume went down considerably, and the military, often ex-CNDP units, increased their control of mineral exploitation and trade, with continued severe consequences for human rights.

The end of the ban has come with a major change in the security situation on the ground. The military was withdrawn from major mining sites and trading centres, and from the whole of Walikale, for the regimentation process, while the mining police have been installed as the security providers at mines. The security void left behind by the withdrawn military units and the under-staffed and -financed mining police have led to increased activity by armed groups, particularly Mayi-Mayi Cheka, in and around mining areas. Their presence is inhibiting various international initiatives to develop a clean supply chain.

Since the de facto embargo, mineral production and export volumes have remained low after a short export increase with the lifting of the ban in March. The local economy continues to be depressed as a result, while at the same time, the de facto embargo has diminished the revenues of armed groups and military units partaking in the illicit mineral trade.

It is important that disciplined regiments are deployed to secure the territory from increased rebel activity, while the mining police must be strengthened in order to be able to provide the necessary security at mines. The remaining mines and trading routes still under the control of the military need to be demilitarised as well. With the necessary security provided, mining sites can be verified as 'clean', enabling the various international traceability schemes to proceed. In the meantime, safeguards for the local population affected by the de facto embargo have to be put in place. With the eventual operability of traceability schemes, global electronic firms will hopefully be back buying minerals from the DRC and the larger region, alleviating the economic burden their current de facto embargo creates.