

# Addressing conflicts and **engaging** **meaningfully** with artisanal miners

In Kibali's Concession in the DRC



# Contents

<b>Introduction</b>	<b>4</b>
<b>History and context</b>	<b>6</b>
<b>Legal status and legitimacy of artisanal miners in Kibali's concession</b>	<b>9</b>
<b>Tensions and conflict</b>	<b>11</b>
<b>International standards and suggested steps</b>	<b>12</b>
<b>Annex</b>	<b>15</b>

# Introduction



**In the Faradje administrative territory in the northeastern Democratic Republic of Congo's Haut-Uélé province, more than 5,000 people rely on artisanal gold mining to earn a living and support their families. Poverty levels in the area are high, and apart from subsistence agriculture, there are few economic alternatives available to local residents. They work on artisanal mining sites which are largely situated inside mining permits owned by Kibali Goldmines (Kibali). Kibali is a joint venture company that owns the industrial Kibali gold mine and is headquartered in the neighboring Watsa territory.**

In the Faradje administrative territory in the northeastern Democratic Republic of Congo's Haut-Uélé province, more than 5,000 people rely on artisanal gold mining to earn a living and support their families. Poverty levels in the area are high, and apart from subsistence agriculture, there are few economic alternatives available to local residents. They work on artisanal mining sites which are largely situated inside mining permits owned by Kibali Goldmines (Kibali). Kibali is a joint venture company that owns the industrial Kibali gold mine and is headquartered in the neighboring Watsa territory.

Since 2014, the Congolese authorities have periodically attempted to evict artisanal miners from sites in southern Faradje. Artisanal miners living in Kibali's concession area lack access to legal artisanal mining zones, which prevents them from formalizing their activities. This further exposes them to unsafe working conditions, abuses, and extortion by state agents and security forces. In interviews with PAX and during focus group discussions, community members decried the lack of dialogue with the industrial company and the Congolese authorities. Many artisanal miners in Faradje said that they were worse off financially compared to before Kibali's arrival, when many of them were working under subcontracting arrangements with the parastatal mining company SOKIMO.

In 2024, the Antwerp-based International Peace Information Service (IPIS) and the Dutch peace

organization PAX partnered to conduct field research in Faradje, mapping artisanal mining sites in Kibali's concession and surveying local workers. The information and arguments presented here are based on this research and on PAX's earlier research on Kibali and artisanal mining, which has been conducted since 2014.

PAX sent an advanced draft of this advocacy paper to Kibali and Barrick, the company which operates the mine, on 4 September 2025. The written response of the companies, dated 13 October 2025, is included as an appendix to this report.

PAX calls on Kibali to meaningfully engage with artisanal miners, upholding international standards and best practices, with the aim of avoiding, minimizing, and compensating for the impacts on these stakeholders linked to the industrial mine's operations. Kibali should also address grievances from artisanal miners resulting from poor engagement with these stakeholders in the past. This could pave the way for a more dignified future for these local communities.

In recent years, Chinese miners and their Congolese partners have illegally operated in Kibali's concession and other parts of Haut-Uélé province, using heavy machinery. These Chinese miners have no historical roots in the region, and their operations are widely perceived as illegitimate. Their activities have caused extensive environmental damage and harmed local communities. They have also displaced artisanal miners from sites where they had been active. It is important to note that these Chinese-led operations therefor differ in various ways from the artisanal mining activities discussed in this paper. In a recently published report, PAX called upon the Congolese government to make these illegal, semi-industrial operations cease.<sup>1</sup>

<sup>1</sup> See PAX, "Illegal Gold Rush Has Devastated Rivers, Harmed Communities in DRC's Haut-Uélé Province", 17 September 2025, <https://paxforpeace.nl/news/illegal-gold-rush-devastated-rivers-harmed-communities-in-haut-uele-province/>.

# History and context

## Historical gold mining in the moto area

At the beginning of the 20th century, the Congo Free State, under the rule of King Leopold II, sent two Australian geologists to the northeast of the country. There, they encountered people washing small stones for gold<sup>2</sup>—in essence, *artisanal gold miners*. Indeed, the inhabitants of this region have “artisanally exploited the bountiful gold deposits there for centuries.”<sup>3</sup> In their wake, the Western prospectors conducted successful gold exploration in the “Kilo” and “Moto” areas, which are now part of Congo’s Ituri and Haut-Uélé provinces, respectively. It is in the Moto area that the Kibali gold mine would be developed, a century later.

Industrial gold mining operations soon followed this successful gold exploration, taking various forms over time. In 1926, the *Société des mines d’or de Kilo-Moto* was

established under the Belgian colonial administration. According to historians, “For decades, [the] Kilo-Moto [company] made do with ridiculous equipment, compensated by an abundant labor force. By the early 1930s, the company employed 26,000 people in 50 camps.”<sup>4</sup> Congolese miners regularly complained about their working conditions.

Congo gained independence in 1960. In 1966, the government nationalized the Kilo-Moto mines and established the *Office des mines d’or de Kilo-Moto* (OKIMO). In 1981, President Mobutu Sese Seko liberalized the mining sector—opening it to partnerships with the private sector, including foreign mining companies. By then, OKIMO’s mining infrastructure was in poor condition and its output had declined. Although artisanal mining had been legalized by the government, it remained illegal in OKIMO’s concession areas without an agreement with the company.<sup>5</sup> However, many people “interpreted Mobutu’s liberalisation announcement as

2 Barrick, “Technical Report on the Kibali Gold Mine, Democratic Republic of the Congo”, 18 March 2022 (effective date: 31 December 2021), [https://s25.q4cdn.com/322814910/files/doc\\_downloads/operations/kibali/Barrick\\_Kibali\\_Technical\\_Report\\_2022.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/operations/kibali/Barrick_Kibali_Technical_Report_2022.pdf) (accessed 21 May 2025), p. 3.

3 Gregory Mthembu-Salter, *Baseline Study Three: Production, trade and export of gold in Orientale Province, Democratic Republic of Congo*, OECD, 2015, p. 9.

4 Jean Omasombo Tshonda (dir.), *Haut-Uele: Trésor touristique*, Éditions Le Cri, Musée royal de l’Afrique centrale, Afrique Édition, 2011, <https://www.africamuseum.be/sites/default/files/media/docs/research/publications/rmca/online/monographies-provinces/haut-uele-pdf.pdf>, p. 249.

5 Dan Fahey, *Le Fleuve d’Or : The Production and Trade of Gold from Mongbwalu, DRC, L’Afrique des Grands Lacs Annuaire, 2007-2008*, <https://medialibrary.uantwerpen.be/oldcontent/container2143/files/Publications/Annuaire/2007-2008/17-Fahey.pdf>, p. 359.

a presidential green light to start digging.”<sup>6</sup> Artisanal mining increased on OKIMO’s permits. From 1986 onward, OKIMO began signing contracts with local artisanal mining entrepreneurs, authorizing them to mine portions of OKIMO’s permits.<sup>7</sup>

Between 1998 and 2002, during the Second Congo War, Ugandan troops occupied the Moto area and plundered its gold. Human rights abuses carried out both by the Ugandans and by non-state armed groups in the area were linked to the control of mineral resources.<sup>8</sup>

Although the organization of gold mining in the Moto area has evolved over time, one constant has long been that this activity—including in its industrial forms—required a large labor force. This meant first massive forced labor and later massive jobs. This situation would change radically with the arrival of Kibali, which has become one of the world’s “most automated mines.”<sup>9</sup>

## The Kibali Gold Project

The Kibali joint venture was established in 2009. It comprises three companies: Barrick Mining Corporation (Barrick), headquartered in Toronto, Canada<sup>10</sup>; AngloGold Ashanti, based in the United Kingdom; and the Congolese parastatal *Société minière de Kilo-Moto* (SOKIMO), formerly OKIMO until 2010. Barrick and AngloGold Ashanti each own a 45 percent stake in Kibali, while SOKIMO owns the remaining 10 percent. Barrick is the operator of Kibali for both mining and exploration.<sup>11</sup> The Kibali mine has become one of the most productive gold mines in Africa.

Kibali was granted ten mining exploitation licenses in the Moto area. Some are valid until 2029, and others until 2030.<sup>12</sup> Together, the licenses cover approximately 1,836 km<sup>2</sup>,<sup>13</sup> an area about three times the size of Toronto. Kibali only mines in a small portion of its permit area—mostly in fenced “exclusion zones” near the town of

Durba, in Watsa territory. Kibali also conducts exploration in other parts of its concession, in the Watsa and Faradje territories.

## Artisanal mining in southern faradje

In 2024, IPIS and PAX mapped 18 artisanal mining sites within Kibali’s concession, in the southern part of Faradje territory. These appeared to be all the main artisanal mining sites in Faradje within Kibali’s concession at the time.<sup>14</sup> It was estimated that almost 5,500 artisanal miners were involved in gold production at these sites. Additionally, many others worked various jobs at these sites, such as at local shops or restaurants.<sup>15</sup>

To gain a better understanding of the individuals working at these artisanal mining sites, IPIS and PAX also conducted a survey with 170 of them.<sup>16</sup> Nearly 80 percent of the respondents were born in Haut-Uélé, and about 20 percent came from the neighboring Ituri province, which is seriously affected by armed conflict since 2017.

The artisanal miners in southern Faradje include people who used to work on sites in the Watsa territory that closed around 2010, when Kibali began operating there. Ten percent of all respondents in the IPIS-PAX survey indicated that they were previously among those involuntarily resettled by Kibali to “host sites” in Watsa; however, they had since migrated to work in artisanal mining sites in Faradje.

More than 70 percent of all respondents said they had at least one parent who worked or used to work in gold mining, and over 40 percent said they had at least one grandparent who had worked in the sector. These figures highlight the deep-seated nature of gold mining in local communities. An artisanal miner from Faradje further illustrated this point when he told PAX:

6 Gregory Mthemba-Salter, *Baseline Study Three*, p. 30.

7 Ibid.

8 Human Rights Watch, “The Curse of Gold,” 2 June 2005, <https://www.hrw.org/report/2005/06/01/curse-gold>.

9 “Barrick Reports Solid Q1 Results and Progress on Strategic Growth Objectives,” Barrick press release, 7 May 2025, <https://www.barrick.com/English/news/news-details/2025/q1-2025-results/default.aspx> (accessed 22 May 2025).

10 This company was known until early May 2025 as “Barrick Gold Corporation.”

11 Barrick, “Technical Report,” p. 2.

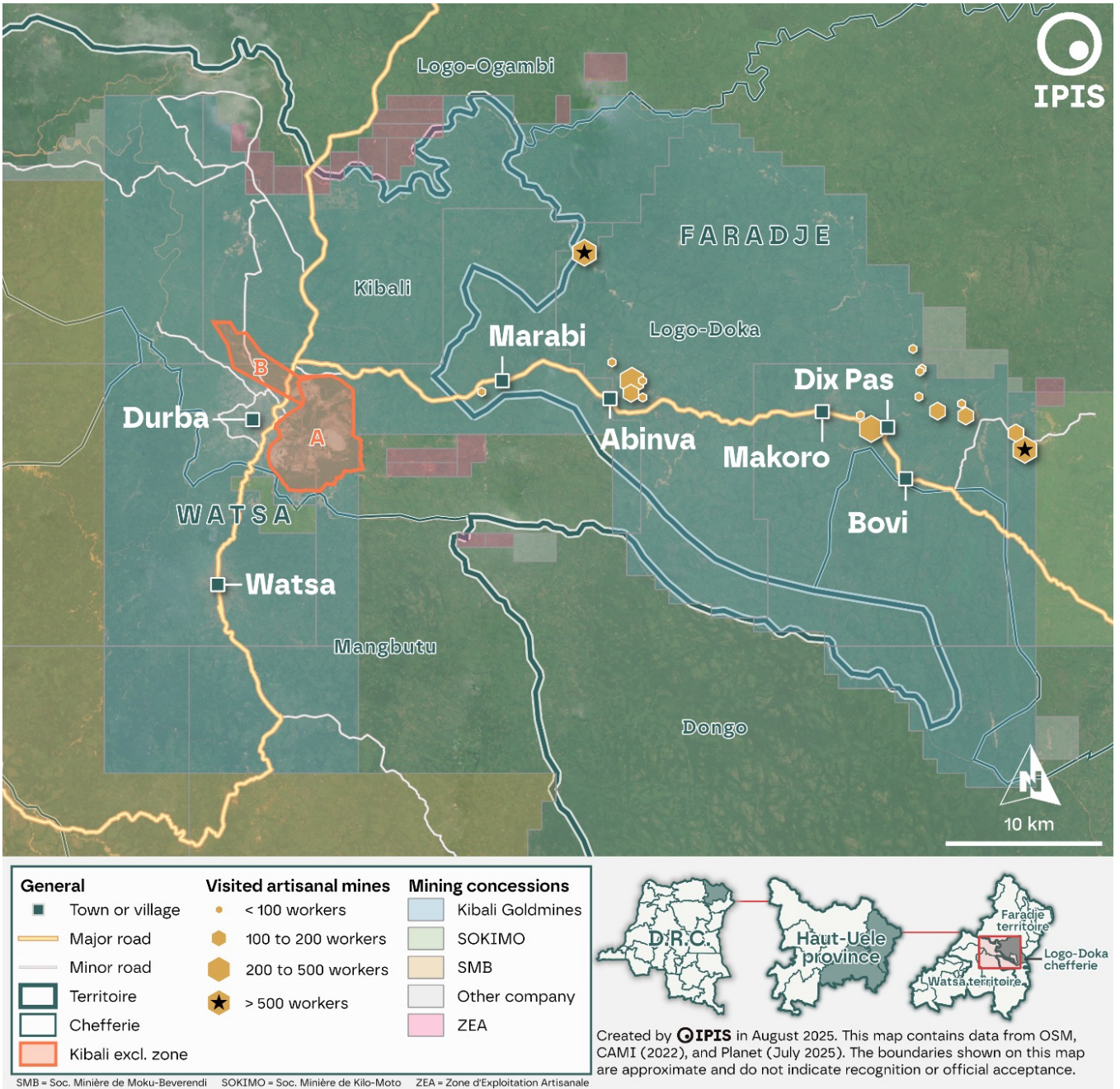
12 Kibali’s exploitation permit numbers are: 11447, 11467, 11468, 11469, 11470, 11471, 11472, 5052, 5073, and 5088.

13 Barrick, “Technical Report,” p. 39.

14 There are reportedly still also artisanal mining sites in the parts of Kibali’s concession in Watsa territory but these fall outside of the scope of this research.

15 For a more detailed overview of the findings of the IPIS-PAX mapping of artisanal mining sites, see the fact sheet prepared by IPIS: <https://ipisresearch.be/publication/mapping-artisanal-mining-sites-in-the-kibali-gold-mine-concession-in-faradje-territory-haut-uele-drc/>

16 Surveyors interviewed 10 randomly-selected individuals at each of 17 visited mines. (The surveyors also visited the Drikilimbi mine, but did not carry out any individual surveys there.) While providing interesting qualitative insights, this small sample does not statistically represent all artisanal mining in southern Faradje.



This is a gold-mining area. The grandparents did it, then the parents, and now the children. All we know is artisanal gold mining.... Three quarters of the population of Makoro [a village in southern Faradje] are gold miners. Apart from those in the public sector, such as in education, it's artisanal gold mining takes precedence here. Fields and other activities come second. It's more the [migrants] who cultivate the fields; the locals not so much.<sup>17</sup>

Another miner said:

We've been living off artisanal gold mining since we were children, even [to pay for] our education. Our parents were gold miners.... Artisanal gold mining began around 1980. Before that, it was [the] Kilo-Moto [company]; and even our grandparents worked for Kilo-Moto.<sup>18</sup>

17 PAX interview with artisanal miner, Makoro, Faradje territory, June 2023.

18 PAX interview with artisanal miner, Abimva, Faradje territory, June 2023.

# Legal status and legitimacy of artisanal miners in Kibali's concession

According to the Congolese Mining Code, artisanal mining is only permitted in designated “artisanal mining zones” (“*zones d'exploitation artisanale*,” or ZEAs), which are demarcated by the national Ministry of Mines. Since there are no ZEAs within Kibali's concession, artisanal mining is technically illegal in this area.

More broadly, it is important to note here that the Congolese state has largely favored industrial companies over artisanal cooperatives when granting mining licenses. ZEAs, especially viable ones, are scarce in the country. This has contributed to tensions between industrial and artisanal miners in various regions of the country.<sup>19</sup>

In 16 out of the 18 artisanal mining sites mapped by PAX and IPIS, respondents indicated that these sites were mined under subcontracting agreements with OKIMO/SOKIMO—the parastatal company which is part of the Kibali joint venture—until around 2014. These agreements were not renewed after that time. Under these agreements, SOKIMO typically received 30 percent of a site's gold production. The remaining two

sites were not previously linked to SOKIMO agreements because they are more recent.

After 2014, state officials remained involved with artisanal mining there. They helped develop and maintain a *parallel system* of artisanal mining governance. Under this system, a person known as an “*administrateur de foyer minier*” (AFM, or “mining site manager”) is typically authorized by a local customary chief and provincial mining agents to oversee artisanal mining at a specific site. The “AFM system” also exists in other parts of Haut-Uélé, outside of Kibali's concession. Although it is not recognized by the Congolese Mining Code and directly conflicts with some of its provisions, this parallel system has become firmly established in local mining governance.

In 2024, respondents indicated to IPIS and PAX that state officials frequently visited many of these mining sites, primarily to collect unofficial “taxes.” These officials included representatives from the national Ministry of Mines; SAEMAPE (*Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et de*

<sup>19</sup> For a more in-depth analysis of the tensions between industrial and artisanal miners, as well as the barriers to establishing ZEAs in the DRC, please see the following reports: International Crisis Group, “Mineral Concessions: Avoiding Conflict in DR Congo's Mining Heartland”, June 2020, <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/290-mineral-concessions-avoiding-conflict-dr-congos-mining-heartland>; and IIED, “Islands of responsibility? Corporate sourcing of artisanal cobalt in the Democratic Republic of Congo”, September 2021, <https://www.iied.org/20436iied>. Although these two reports focus primarily on copper and cobalt mining in the southeastern Katanga region of the DRC, the situation with gold mining in the northeastern part of the country bears many similarities.

*Petite Échelle*), a government agency responsible for supporting and overseeing artisanal mining; and the local administration (*chefferie* and *groupement*).

This state of affairs sheds light on the “legitimacy” of artisanal mining in southern Faradje. In its Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, the Organisation for Economic Co-operation and Development (OECD) considers the legitimacy of artisanal mining to be a broader issue than consistency with applicable laws. The OECD notes that:

When the applicable legal framework is not enforced, or in the absence of such a framework, the assessment of the legitimacy of artisanal and small-scale mining will take into account the good faith efforts of artisanal and small-scale miners and enterprises to operate within the applicable legal framework (where it exists) as well as their engagement in opportunities for formalisation as they become available (bearing in mind that in most cases, artisanal and small-scale miners have very limited or no capacity, technical ability or sufficient financial resources to do so).<sup>20</sup>

Given the “AFM system” in place in southern Faradje, PAX argues that the applicable legal framework—the Congolese Mining Code—is not effectively enforced. Rather than operating in secrecy, the artisanal miners in southern Faradje largely seek to comply with the requirements imposed on them by customary chiefs and local officials under the “AFM system,” the closest form of formalization available to them. These efforts should be interpreted as signs of good faith. It is also important to note that, to the best of PAX’s knowledge, artisanal mining in Kibali’s concession is not affiliated with financing armed conflict; this is significant because the OECD considers artisanal mining to be illegitimate when it contributes to conflict or serious abuses associated with the extraction, transport, or trade of minerals.<sup>21</sup> These factors lend a significant degree of legitimacy to these artisanal mining operations.

## The option to cede parts of a concession to create space for legal artisanal mining

Artisanal mining in Kibali’s concession is technically illegal because it does not take place in official ZEAs; as explained, it is not illegal due to its intrinsic nature. It is important to point out that Kibali has the ability to help legalize artisanal mining operations in southern Faradje. Indeed, according to the Congolese Mining Code, industrial mining permit owners can relinquish parts of their concessions, which the state can then turn into ZEAs.<sup>22</sup>

Interestingly, Barrick, which operates the Kibali mine, states the following in its 2024 Sustainability Report: “Where ASM [artisanal and small-scale mining] serves as a legitimate subsistence or supplementary income generator, Barrick supports efforts to formalize and regulate ASM responsibly.” For the company, this includes, “Where appropriate, relinquishing certain areas to facilitate formalized ASM operations that meet regulatory and environmental standards.”<sup>23</sup>

In 2021, Mark Bristow, the former CEO of Barrick, seemingly endorsed an approach towards legalizing artisanal mining on Kibali’s concession. According to a Reuters article, he said that Kibali was “working with the government to create an ‘exclusion zone’ on its concession where artisanal mining would be authorised, and [would] help identify gold deposits for mining by local communities.” Bristow reportedly added: “They mine little veins of gold that we would never mine; it’s high grade, it’s easily recoverable. We’re prepared to put capital in there, but then we want it to be licensed and shepherded.”<sup>24</sup>

While these plans seemed promising, PAX has no knowledge of Barrick ever following through. Consequently, artisanal miners living and working in Kibali’s concession have been unable to legalize their operations.

20 OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition,, <http://dx.doi.org/10.1787/9789264252479-en>, p. 69.

21 Ibidem.

22 Please find relevant provisions in Article 30 (e) of the Congolese Mining Code, available here:

[https://web.archive.org/web/20240304151348/https://congominer.org/system/attachments/assets/000/001/943/original/Code\\_minier\\_annotate%CC%81.pdf.pdf?1594890178](https://web.archive.org/web/20240304151348/https://congominer.org/system/attachments/assets/000/001/943/original/Code_minier_annotate%CC%81.pdf.pdf?1594890178).

23 Barrick, Sustainability Report 2024, [https://s25.q4cdn.com/322814910/files/doc\\_downloads/sustainability/Barrick\\_Sustainability\\_Report\\_2024.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/sustainability/Barrick_Sustainability_Report_2024.pdf), p. 40.

24 Hereward Holland, “In Congo, Barrick sees gold reserves extending Kibali mine to 2040,” Reuters, 13 October 2021, <https://www.reuters.com/business/energy/congo-barrick-sees-gold-reserves-extending-kibali-mine-2040-2021-10-13/>.

# Tensions and conflict



For over a decade, tensions and conflicts have existed between Kibali and the Congolese authorities, on the one hand, and the artisanal miners of Faradje territory, on the other. Since 2014, the Congolese government has periodically tried to stop artisanal mining in parts of southern Faradje within the Kibali concession without offering assistance or support to help the miners transition to other occupations. In an effort to shut down artisanal mining sites, Congolese security forces have occasionally used excessive force.<sup>25</sup>

PAX and its partners previously documented several security incidents in the Watsa and Faradje territories in 2010, 2014, and 2015, some of which were linked to attempted evictions from artisanal mining sites.<sup>26</sup> In July 2020, confrontations between artisanal miners and state security forces over the closure of mining sites reportedly injured at least ten people in Watsa.<sup>27</sup>

Although the government has not succeeded in shutting down artisanal mining in southern Faradje, it has imposed several restrictions on these operations. In accordance with the Congolese Mining Code,

the authorities have effectively prohibited the use of excavators at these sites. Additionally, artisanal miners have been blocked from accessing parts of the sites known to contain large quantities of gold. Some pits that the miners had started and invested heavily in were filled in and are guarded by Congolese army officers.

Furthermore, Kibali has not meaningfully engaged with the artisanal mining communities in southern Faradje. This has created a climate of fear and uncertainty about the future for these miners, as well as grievances and distrust toward the Kibali project.

<sup>25</sup> For more details on the situation in 2014, see PAX and CERN RDC, “The Kibali Mining Giant: Removing Impurities to Obtain Pure Gold” (“Géant minier Kibali: Ôter les impuretés pour que l’or soit pur”), July 2015, <https://paxforpeace.nl/wp-content/uploads/sites/2/import/import/pax-geant-minier-kibali-online.pdf>.

<sup>26</sup> Ibid., pp. 23-38.

<sup>27</sup> Héritier Mungumiyo, “RDC : des heurts entre creuseurs artisanaux et forces de l’ordre à Watsa et Durba, plusieurs blessés signalés,” Actualité.cd, 29 July 2020, <https://actualite.cd/index.php/2020/07/29/rdc-des-heurts-entre-creuseurs-artisanaux-et-forces-de-lordre-watsa-et-durba-plusieurs>.

# International standards and suggested steps

Although Kibali has not yet begun producing gold in southern Faradje—its activities in this area are limited to exploration—the Kibali project has *already* had adverse impacts on artisanal miners in the area. Kibali’s exclusive ownership of mining licenses, coupled with the end of subcontracting arrangements with artisanal miners, has made legal artisanal mining in its concession impossible. This has then led to periodic attempts by the Congolese government to violently ban these activities. Without a change in approach, the Kibali project risks having more adverse effects on artisanal miners and their families in the future, especially if Kibali transitions from exploration to production in southern Faradje.

Given the significant legitimacy of artisanal mining communities in southern Faradje, Kibali should have engaged with these stakeholders in a meaningful way. The company should prioritize respecting the dignity and fundamental rights of artisanal miners. Kibali should adhere to all relevant international standards related to human rights, security, and social responsibility in the context of the relationship between industrial and artisanal mining.

Kibali should also apply lessons learned and best practices. In 2022, the World Gold Council—whose

members include Barrick and AngloGold Ashanti—published a major study on this topic that discusses relevant international standards and case studies.<sup>28</sup> To adequately manage its interactions with communities of artisanal miners, Kibali should allocate the necessary human resources, expertise, and other means to design and implement coexistence strategies.

As forced evictions inherently pose a high risk of human rights abuses, Kibali should publicly oppose any mass evictions from artisanal mining sites. The joint venture should also fully apply the Voluntary Principles on Security and Human Rights, which are designed to help companies manage security in a way that respects human rights. In light of past grievances and sentiments of injustice regarding how artisanal miners have been treated, Kibali should also take steps to address past harm.

## Identifying and evaluating social risks and impacts, disclosing information

Kibali’s approach should be largely guided by the International Finance Corporation’s (IFC) Performance

<sup>28</sup> World Gold Council, “Lessons learned on managing the interface between large-scale and artisanal and small-scale gold mining,” March 2022.

Standards on Environmental and Social Responsibility.<sup>29</sup> IFC Performance Standard 1 outlines the following objective: “To identify and evaluate the environmental and social risks and impacts of the project.” The standard explicitly covers disruption of access to mineral deposits by artisanal miners, among other impacts.<sup>30</sup>

Although Kibali has produced several Environmental and Social Impact Assessments (ESIAs), the company has not made them available to affected communities or the general public. According to IFC Performance Standard 1, however, disclosure of project-related information is essential to effective community engagement.<sup>31</sup> Moreover, Kibali’s known assessments cover the area in Watsa where the industrial mine has established its main mining infrastructure and open pits. However, it is unclear to PAX whether such assessments have also been conducted in southern Faradje. If not, Kibali should remedy this situation immediately.

Kibali should promptly make up-to-date social and environmental impact assessments accessible, or at the very least provide detailed summaries of these documents. Kibali should do the same for any future such documents that are developed.

## **Avoiding, minimizing, and compensating for impacts and risks to artisanal miners**

Kibali’s social impact assessments in southern Faradje should pay particular attention to artisanal miners. Indeed, according to the OECD Guidance for Meaningful Stakeholder Engagement in the Extractive Sector, companies must ensure that artisanal miners impacted by their operations are “appropriately identified and prioritized.”<sup>32</sup> One way to accomplish this would be through a baseline study on artisanal mining in southern Faradje, as a base to compensate artisanal miners in a reasonable way or provide alternative livelihood opportunities.

In line with Performance Standard 1, Kibali should address how it will avoid, minimize, mitigate, or compensate for the social impacts and risks of its activities on artisanal miners once these have been identified.

The technical illegality of artisanal mining in Kibali’s concession under the Congolese Mining Code does not negate the importance of engaging with these stakeholders. Indeed, the OECD noted in its Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas that:

Where there are challenges regarding illegal mining on mining concessions, all stakeholders concerned are encouraged to facilitate constructive dialogue between title holders and artisanal and small-scale producers, where those parties are acting in good faith. In case of title disputes, mediated solutions should be sought through cooperation with government and other stakeholders.<sup>33</sup>

Furthermore, in its Guidance for Meaningful Stakeholder Engagement, the OECD further noted that:

Depending on the nature and context of the ASM activity ... , a decision will have to be made on whether and to what extent engagement will focus on co-operation around continued ASM activity or engagement on how ASM activity can be ceased without causing adverse impacts to communities reliant on the activity.<sup>34</sup>

While the cessation of artisanal mining can be part of the discussions, the OECD guidance explicitly cautions that this should not cause adverse impacts to communities that rely on ASM.

Meaningful engagement with artisanal miners in southern Faradje could cover several options for avoiding, minimizing, and compensating for the impacts and risks they face. Here, we will explore a few possible options that could be discussed, though this is not an exhaustive list. For these options to be successful, the constructive involvement of Kibali and the Congolese government is essential. It is important to give each

29 International Finance Corporation, “Performance Standards on Environmental and Social Sustainability,” 1 January 2012, <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-en.pdf>.

30 See IFC, “Guidance Notes to Performance Standards on Environmental and Social Sustainability,” 1 January 2012, <https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-guidance-note-en.pdf>, Guidance Note 5, p. 6, footnote 10.

31 IFC, “Performance Standards on Environmental and Social Sustainability,” i.

32 OECD (2017), OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252462-en>, p. 109.

33 OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, p. 116.

34 OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector, p. 111.

miner the opportunity to make his or her own decision. Displacement should be minimized; when certain options entail displacement, adequate resettlement support should be provided to the artisanal miners and their households.

Possible options for managing the impacts and risks faced by artisanal miners:

### **Supporting sustainable ASM in the nearby area.**

Kibali and the government could help support ASM that meets regulatory and environmental standards. This step can be initiated in multiple ways:

- *ZEAs could be created within Kibali's concession.*  
As described above, Kibali would need to relinquish parts of its concession for the government to create official ZEAs.
- *ZEAs could be created outside of Kibali's concession.*  
Kibali could lend its expertise to the government to explore the creation of ZEAs just outside its concession. However, it is unclear if there are viable mining sites near Kibali's concession, because most of the gold deposits are already covered by the industrial mine's permits.
- *Kibali could subcontract with artisanal miners.*  
While this is not explicitly provided for in the Mining Code, the Ministry of Mines has reportedly already allowed exceptions (dérogations) for subcontracting schemes in other parts of Congo.<sup>35</sup>

### **Supporting the employment of former artisanal miners at the Kibali mine.**

Kibali and subcontracting companies could provide these people with vocational training and on-the-job training.

### **Establishing alternative livelihood programs.**

These programs should be at a large enough scale to include a significant number of former artisanal miners.

### **Supporting the voluntary return of migrant miners to their place of origin.**

This measure, which may include a monetary payout and assistance with transport, only applies to a small part of the miners, who have recently migrated from other regions. Since most of these come from Ituri province, an area affected by armed conflict, such a measure should only be considered if the place of origin is deemed safe.

35 See IIED, "Islands of responsibility? Corporate sourcing of artisanal cobalt in the Democratic Republic of Congo", p. 20.

# Annex



**KIBALI GOLDMINES SA**  
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13 October 2025

Mr. [REDACTED]  
PAX & IPIS  
Sint Jacobstraat 12  
3511 BS Utrecht  
Netherlands

Dear [REDACTED] and [REDACTED],

## RE: ARTISINAL MINERS IN KIBALI'S CONCESSION

We refer to your correspondence on 4 September 2025, which requested a written response to the documents ("*Fact Sheet*" and "*Advocacy Paper*") submitted to Kibali regarding exploration concessions in the Faradje Region, approximately 70km north from the Kibali mine.

Artisanal and small-scale mining (ASM) is a widespread reality in many regions where Barrick operates, including Kibali. As noted in our Sustainability Report (2024) (link: [https://s25.q4cdn.com/322814910/files/doc\\_downloads/sustainability/Barrick\\_Sustainability\\_Report\\_2024.pdf](https://s25.q4cdn.com/322814910/files/doc_downloads/sustainability/Barrick_Sustainability_Report_2024.pdf)) "*ASM takes both legal and illegal forms, presenting complex challenges for responsible mining companies and host communities*".

### **Artisanal and Small-Scale Miners vs Illegal Miners**

ASM provides an income to communities and households be it as a full-time occupation or to supplement their needs from other occupations like farming. There is a clear distinction, however, between legal and illegal ASM. In a combined paper by the International Finance Corporation (IFC), World Bank and the International Council for Mining and Metals (ICMM) (link: <https://www.icmm.com/en-gb/guidance/social-performance/2010/artisanal-and-small-scale-miners>) it is recognised that the majority of "ASM operators" are deemed illegal. Illegal ASM miners are defined as those who do not own mining concessions, mine illegally on other parties' mining or exploration concessions, and / or are selling their product through black-market channels and may have other nefarious activities such as money laundering.

As pointed out in PAX's paper (pg. 6 of "*Kibali and Artisanal Miners – Advocacy Paper*" document), "*artisanal mining in Kibali's concession is technically illegal*". That is, none of the mining activities in the Faradje Region, be it local Congolese operators or expatriate operators such as the Chinese, have any legitimate government approved concessions. By consequence, these activities within Kibali's concessions are illegal mining operations. We regularly bring this to governments attention in order for them to address this responsibly. Consequently, the remainder of our response refers to these activities as illegal ASM operators.

### **Challenges of Illegal Mining Operations**

As raised by PAX, illegal mining has several adverse safety, social and environmental impacts. We share this view. This is particularly evident where such mining has become mechanized, funded and linked to other illicit activities including money laundering. While illegal mining may have existed in the past, it is quite different from the size and level of illegal mining activities currently taking place in the

Authorised Share Capital: USD 10 000 000

Issued Share Capital: USD 10 000 000

a Barrick Mining Corporation, AngloGold Ashanti Limited and the State of the Democratic Republic of the Congo joint venture company  
une société de joint-venture de Barrick Mining Corporation, AngloGold Ashanti Limited et l'état de la République démocratique du Congo

area. This has had a significant negative impact on the legal activities of registered ASM operators, which do exist in the area.

Moreover, activities from illegal ASM operators on social and environmental aspects include for example the use of mercury, leading to human and environmental exposure. Uncontrolled diversion of rivers and mining/dredging within the riverbed resulting in water quality issues as well as water shortage making it difficult to sustain wildlife, ecosystems and the communities that rely on those water sources, amongst other significant impacts. These consequences from illegal and unregulated mining often leave vulnerable groups, such as women and children, most exposed.

Kibali does not support any illegal activities and the consequences, be it safety, social or environmental. Despite Kibali and PAX both agreeing that the negative consequences of illegal mining are significant, it is troubling to see that PAX is suggesting these risks are “justified” and should be expanded on the basis that these activities are a defensible livelihood.

#### ***Barrick's Approach***

Barrick operates on three basic principles, as guided by the ICMM:

- We support engagement with government and local communities to manage ASM-related challenges;
- ASM activities and illegal miners may not encroach our legally permitted mining areas; and
- Gold mined and processed by our own operations only, ensuring transparent and responsible supply chains as per the OECD Guidelines and responsible mining principles. We do not and will not source ore or gold from any third parties.

Where regulated, legal ASM can contribute to growing the local economy. The responsibility and regulation of these activities falls with the government.

In-country investment of \$6.3billion over the past 15 years has been invested in local contractors and suppliers, royalties and taxes to government, salaries to employees and infrastructure & community support. Our community support of \$241million has led to the establishment of 28 health care centres and clinics, supporting over 500,000 people. Over 30 schools have been built to giving opportunity for school children to be educated. 34 local businesses have been trained to formalize their business plans to be eligible for micro loans. Although this investment has been focused around the Kibali mine, where our operations are, we have seen significant improvement in the livelihoods of our local communities, evident by the significant influx to the surroundings in comparison to adjacent rural areas in the region.

While the intentions of your letter are unclear, it appears that PAX and IPIS are suggesting Kibali participate in supporting illegal ASM operations. We believe the recommendations contained in your documents are irresponsible and will not benefit the broader community. We do not support these suggestions. Instead, we believe it would be best for PAX and IPIS to participate in projects focused on community development and strengthening regulatory capacity, where real tangible benefit can be realised, as demonstrated by the investment that Kibali has funded to date.

Kind regards,

*Thomas Wilson*

Thomas Wilson

AME Head of Sustainability

# Colophon

November 2025

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## **PAX Netherlands Peace Foundation (PAX)**

PAX has been working on peace for over 75 years. We work on building inclusive peace, protecting civilians from the violence of war, and ending armed conflict. We do this both in the Netherlands and in conflict areas worldwide. And we do this together with local partners and people who, like us, believe that everyone has the right to a dignified life in a peaceful society.

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Ministry of Foreign Affairs of the  
Netherlands



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**Make peace work.**

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