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A Window for Reform in Eastern Congo

November's Elections and Three Achievable Steps on Conflict Minerals

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Executive summary

The final lead-up to Congo's elections marks a pivotal moment for reform and conflict prevention in eastern Congo. Before the November 28 scheduled vote, the Congolese government is desperate to deliver services to eastern Congo, a region that strongly supported President Joseph Kabila in the 2006 election but where his support has waned because of continued war. The Congolese government can help boost public opinion in the East and prevent the outbreak of violence by initiating reforms that would have a lasting impact on ending the conflict. The legislation U.S. President Barack Obama signed in July 2010 addressing the war's financial driver, conflict minerals, has further opened the window for reform, and the Obama administration must follow up on it with additional action.

For peace and stability to take hold in Congo, reform must happen on multiple fronts. There is an inherent connectivity between good governance, security-sector reform, and accountability. But the economic issues connected to the illegal exploitation of conflict minerals are the catalytic issue that, if addressed properly, can unlock the door to progress in these other critical areas and hasten peace in Congo. Enough's recent five-part proposal on U.S.-Congo policy addressed this issue.¹ The focus of the following report is on the potential for policy change on conflict minerals and conflict prevention. The upcoming election presents a moment to highlight, for Congolese leaders, the timely need to follow up on existing legislation and reforms occurring on the ground.

Progress in tackling the economic fuel of the conflict is occurring through reforms spurred by the Dodd-Frank legislation on conflict minerals. But success will require increased involvement from the Obama administration, the Congolese government, and corporations, all pushing for monitoring, mine security, and community protection. Measurable progress is occurring in seven different areas:

- Attacks in several mineral-rich areas are decreasing, and armed commanders are starting to lose their grip on the minerals trade.
- Prosecutions and arrests of armed commanders for rape and illicit minerals trafficking are proceeding more rapidly.
- Investors have begun responsible minerals sourcing programs in Katanga province, in the Southeast, and additional traceability programs in Rwanda and Maniema province, in the East.
- Validation of mines is beginning in the Kivu provinces, which would enable responsible sourcing.
- A regional government framework through the International Conference on the Great Lakes Region, or ICGLR, is now in place to deal with the issue of regional trade and monitoring.
- Congolese civil society is speaking out openly on the issue following years of harassment and intimidation.
- The Obama administration has launched a technical, public-private aid project to support regional schemes.

The current hodgepodge of initiatives, however, lacks a monitoring system to evaluate whether industry systems exclude exploitation from Congolese army commanders, and companies are not yet investing in the region in big enough numbers. The initiatives also lack consensus on how audits should be conducted as well as incentives to invest, which is hurting some miners that were made jobless during President Kabila's mining ban. Impunity for human-rights abusers is only beginning to be addressed, and gold is being smuggled in ever larger volumes and traded for arms.

The Obama administration should use this opportunity to pressure the Congolese government to choose governance reform, not armed force, to secure votes in the East, and then to take three key steps toward fostering reform, in partnership with the United Nations and European donors:

- As a key step to certification, ensure that the new Public-Private Alliance stands up a regional monitoring mechanism to verify whether mines and traders are conflict-free. This mechanism should be housed in the ICGLR to guarantee regional legitimacy and enforcement of penalties, and the first monitors should be deployed by February 2012 so that companies may begin responsible, verifiable sourcing as soon as possible.

- Ensure United Nations observers and Congolese mining police are deployed at perimeters of mine sites as a key step to demilitarize mines.
- Support civil society and mining communities through protection, livelihood funds, and the promotion of responsible investment.

These critical steps would contribute to progress on the ground in eastern Congo. Army commanders' financial calculations are only starting to change, so there is still a need for further work on conflict minerals to open the door to broader political, economic, and security reforms.

Seven measures of progress: Impacting the trade and opening space for civil society

“Minerals are like a curse... But the [Congolese] government is moving towards a solution. Before, they denied there was a link between minerals and conflict entirely. Now, there is more pressure, and they are building trading centers and recognizing that there is a need to change. But the pressure needs to be kept up on them.”

– Delly Mawazo Sesete, former director of CREDDHO, a Congolese human-rights organization



Child miners as young as 11 continue to work in eastern Congo's gold mines today.
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The global spotlight on eastern Congo is finally starting to diminish the ability of army commanders to illegally profit from the minerals trade, and it is causing rebel groups that previously preyed upon mining communities for profit to retreat from mining areas.² The Dodd-Frank legislation is also helping drive multiple initiatives on the ground from the tin industry, electronics industry, German government, and regional governments. The U.N. Group of Experts is now calling the bill “an important catalyst for traceability and certification initiatives and due diligence implementation.”³

Reform is moving in seven different areas on the ground:

1. **Mine validation.** Following years of industry turning a blind eye to minerals sourcing in eastern Congo, the region's mines are finally being examined, mine-by-mine, for the



The Congolese army has pulled out of several mines, and commanders are starting to be prosecuted for sexual violence and minerals crimes. This must go further.

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involvement of armed groups, child labor, and slavery. A multi-stakeholder group made up of the German government, local minerals dealers, the Congolese government, and the United Nations, with limited civil-society participation, is in the process of evaluating hundreds of mines throughout North and South Kivu. The first two rounds of visits were to 59 mines in the regions of Rubaya and Mugogo from July to September, classifying the mines as either conflict-free, moderately satisfactory, or conflict-full. The validation report should be published, and the process must still be improved and regularized through a standing monitoring mechanism with penalties, but it is a helpful start.

- 2. Responsible investment.** Companies are beginning to invest in the region based on the due-diligence guidelines put forth by the Organisation for Economic Co-operation and Development, or OECD. Motorola Solutions launched “Solutions for Hope” in the Katanga province of Congo in August 2011, through which consumers can track back batches of tantalum in their products to two mines in Congo that process material separately through a four-company closed-pipeline supply chain. Intel and HP have now joined the program, and several companies are reported to be working on similar programs to both source conflict-free minerals and help Congolese miners. These initiatives must go further.
- 3. Demilitarization.** Attacks have decreased in several mining areas, including the Walikale territory in North Kivu, as the Congolese army has been under pressure because of the intense focus on the illegal exploitation of minerals. Major attacks in Walikale have decreased by more than half in 2011 as the army withdrew from

several mining areas. Congolese mining police, newly trained by the United Nations, have replaced the Congolese army at several mines over the past six months. Bisie, Nyabibwe, Omate, and western Walungu, all in the Kivus, are areas with decreased Congolese army presence. These areas could be open to investment and responsible sourcing soon, provided companies take proper due diligence, bagging and tagging, and independent monitoring, and the Congolese government and other international donors continue to increase support and training for the mining police units.

4. **Tracing and due diligence.** The tin industry association, ITRI, has piloted a “bag and tag” system of tracing tin and tantalum ore from mines to smelters in Katanga and Rwanda. Rwanda’s minerals are now reported to be 98 percent tagged, and 75 percent of Katanga’s minerals are to be tagged by the end of 2011. Chinese traders will now be required to conduct due diligence as well, following the Congolese government’s October requirement that all companies conduct tracing and due diligence on minerals exports. These are important steps but must be accompanied by transparency reform, including ITRI’s publishing of disaggregated export data and risk assessments.⁴
5. **Arrests.** Congolese army commanders are now being arrested and prosecuted for minerals smuggling and sexual violence crimes. Congolese army Col. Balumisa Chuma was arrested in August for minerals crimes, Gen. Jerome Kakwavu is on trial for rape crimes, and several midlevel commanders were convicted of mass rape in 2011.
6. **Space for civil society.** The growing global attention on eastern Congo has also opened critical space for dealing with long-standing systemic problems there. In contrast with just two years ago, there is now open recognition of conflict minerals by the Congolese government and business community, and Congolese civil society is now able to be increasingly open about conflict minerals following years of harassment and intimidation. The formation in March 2011 of the 12-NGO “Support Group for Traceability and Transparency in the Management of Natural Resources,” known by its French acronym, GATT-RN, was a major step in this direction. This coalition is establishing itself as a civil-society watchdog on government and industry actions in the region.⁵
7. **Regional framework.** Through the ICGLR, Congo and its neighbors have developed a binding, intergovernmental framework for dealing with conflict minerals. Signed by 11 heads of state in December 2010, the ICGLR has a certification protocol in which all tin, tantalum, tungsten, and gold from the region should be traced and certified. Congo and Rwanda are due to issue their first certificates by the end of the year.

Risks: Election-related violence and black market minerals

Despite the progress on reforms, eastern Congo now faces risks of election-related violence and black market minerals.

Elections in the East

Easterners came out in droves in 2006 to vote for President Kabila during the last election, but a similar turnout is highly unlikely this November. Insecurity is rising in areas from Shabunda, in South Kivu — where Democratic Forces for the Liberation of Rwanda, or FDLR, troops are taking over villages — to Walikale — where Mai Mai groups are fighting over mines — to northern South Kivu — where the ex-National Congress for the Defense of the People, or ex-CNDP, is increasing its sphere of influence under Gen. Bosco Ntaganda, causing serious resentment. Displacement is at over 1.7 million people⁶, and very few health or other social services have been delivered to the population despite high-level promises from government officials.

As a result, the government will either try to enact last-minute reforms to get votes or quash opposition through intimidation and violence. There have been growing reports of the CNDP expanding deployments in advance of the elections.

As independent Congo analyst Tony Gambino noted:

There is a potential for significant violence before, during, and after the elections throughout the Congo, including in the East. Some worry that there may be a deal between President Kabila and the CNDP: if the CNDP delivers votes in the southern part of North Kivu (Masisi and Rutshuru), then they can continue to dominate this sub-region. But the populations there aren't quiescent. They won't simply go to the polls and vote for Kabila because some CNDP colonel told them to. I'm very concerned about violence.⁷

Support for the opposition is even stronger in South Kivu, where opposition leader Vital Kamerhe is from, and the potential for violence is therefore high. In order to prevent this violence, the United States must warn Kinshasa and Kigali of consequences if the CNDP, now officially integrated in the national army, violently quells opposition, or shows signs of taking orders from Kigali as opposed to Kinshasa. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, or MONUSCO, and the international community must also deploy observers and concentrate security in the Kivus as soon as possible.

Smuggling and China

Without proper checks, minerals were smuggled out of Congo during the six-month export ban and continue to be smuggled today, although in lower volumes.⁸ While pressure has been put on armed groups, some military officers continued to engage in mining, albeit with fewer minerals.

As a Congolese customs agent told us on condition of anonymity:

People are smuggling up to 500 kilos [of minerals] in Land Cruisers. I see it myself as an agent at the border. Training us won't change this. The comp-toirs [exporters] must pay the Anti-Fraud Brigade of Customs. If they don't pay, we bust them. We under-report the larger trucks. Our bosses frequently get calls from the local politicians to allow the minerals to go to Rwanda, even if they don't pay taxes. This happens frequently.⁹

While the ban has been lifted, the risk of a growing black market for conflict minerals remains as long as an effective monitoring system is not put in place. Alternative buyers to the mainstream electronics industry from the former Soviet Union, China, and India are starting to purchase minerals in small volumes from the Kivus. Local traders have not fully engaged these companies to date, because they reportedly pay at least 20 percent less than major electronics suppliers and are thought to be less trustworthy because of their black-market connections. The sudden Chinese pullout of Katanga in 2009, in which 300,000 Congolese workers lost their jobs overnight, also weighs heavily on the minds of local traders. But the black market risk remains, as conflict minerals traders are desperate to sell their commodities.

Despite the challenges, the window for reform is still open. Chinese companies will now be required to use the OECD due-diligence guidelines following the Congolese government's requirement for all minerals traders to do so by September 2011.¹⁰ Business and government officials in the region told us repeatedly that they would prefer to work with the international community on traceability and achieve higher minerals prices with western electronics companies.

While "wildcat" minerals traders exist, the electronics industry coalition represents enormous market power beyond U.S. companies: The Dodd-Frank legislation covers all publicly traded companies, including hundreds of foreign firms, and will affect all suppliers to these companies — a market space worth trillions of dollars. These forces and the willingness of Congolese traders to go forward with reforms create a tremendous opportunity for the coming months.



Double bazookas in mining communities? It is time to replace officers like this at mines with mining police and UN observers.

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Mining communities

The transition from a mafia-like trade to legitimate business must be accompanied by mining community assistance in the short term. Some tantalum and tin mines in the Kivus are reportedly operating at around one-quarter of capacity, resulting in fewer opportunities for diggers in the short term. But thousands of miners restarted mining in Northern Katanga and Maniema, where minerals exports are dramatically on the rise and armed groups are at minimum. Others have gone to gold mines, which are producing in record volumes because of skyrocketing gold prices. Nevertheless, some tantalum and tin buyers and exporters in the Kivus are panicking, and companies and governments must be more active, as outlined below.

Opportunities in the East today: Elections, market forces, and certification

A worsening of the crisis and a regression to a black market flood of blood minerals can be avoided if the Obama administration and end-user companies take advantage of opportunities this year. The Congolese elections slated for November 28 create a window for reform in the East because of the government's need to secure votes in that critical region, making the Kivus a key political battleground. Rather than quell opposition violently, it can win back Easterners' votes with real reforms and service delivery, and the United States should push to make this happen.

Kinshasa is now scrambling to build roads in the East to show that it can deliver results, but if it wants to make a lasting impact and prove to Easterners that it can put an end to violence and instability, the newly elected government must undertake more serious reform.

One critical aspect is through conflict-minerals reform. The minerals trade inherently affects the political landscape in the East, and citizens are able to speak more freely about the connections between the war and minerals. Thousands of people lost their jobs and livelihoods during President Kabila's recent mining ban, and as a result, politicians and civil-society groups are increasingly raising the conflict minerals issue in public debates and in the media.

As local activist Justine Masika told us:

The link between conflict minerals and sexual violence here in Congo is crystal clear... So the first and foremost priority for ending the war here in Congo is to set up a system to regulate the minerals trade. It would help stop the sexual violence. The upcoming election is the critical window to push the government of Congo on this issue, since it will try harder to please the population before the vote.¹¹

Further, global market forces from the Dodd-Frank legislation have now sharply focused the attention of governments and businesses in the region on what they must do to reform. The message that has been sent is clear: Government and business must take further steps to trace and audit if they want to have access to global markets.

Three achievable steps for the remainder of 2011

1. An inspector general for minerals: A monitoring mechanism with penalties

“If someone brings me ten tons of minerals, how do I know they don’t come from armed groups? Even the FDLR has SAESSCAM traceability documents.”

– Jean, a minerals exporter

“A system to monitor the trade is the best thing that could happen to us. It would allow us to make the most out of our own business.”

– Pascal, miner

The Dodd-Frank legislation’s impact will be minimized on the ground in Congo if an independent monitoring system is not put into place. Monitoring is a critical gap in regional tracing and certification efforts. Without independent checks and penalties for noncompliance, the regional ICGLR and ITRI systems will not have the credibility that consumers need to prove that their products are conflict-free. The government officials, upon whom the implementation of those systems rests, are extremely vulnerable to fraud and intimidation.

The good news is that the outlines of an independent monitoring body have already been devised and approved by regional governments through the ICGLR: the Independent Mineral Chain Auditor, or IMCA. Endorsed by the ICGLR in December 2010 and followed up with a concept note in September 2011, the IMCA concept has been developed, but it is not yet operational. The IMCA is mandated to investigate mines and traders in all 11 member countries of the region and to penalize noncompliant exporters by taking away their licenses for six months. Without strong U.S. political backing and adequate funding from outside sources, however, the IMCA mechanism will founder under lack of both funding and political will to implement the system.

With an estimated cost of \$2 million to \$3 million per year, the IMCA monitoring team should be composed of 20 to 30 local and international minerals experts to be based in the Great Lakes region. While the U.N. Group of Experts has done this type of work, it has limited resources — usually just one expert on minerals. A much more comprehensive assessment is needed. By incorporating local experts, the system would also help build the capacity of the region to monitor the minerals trade.

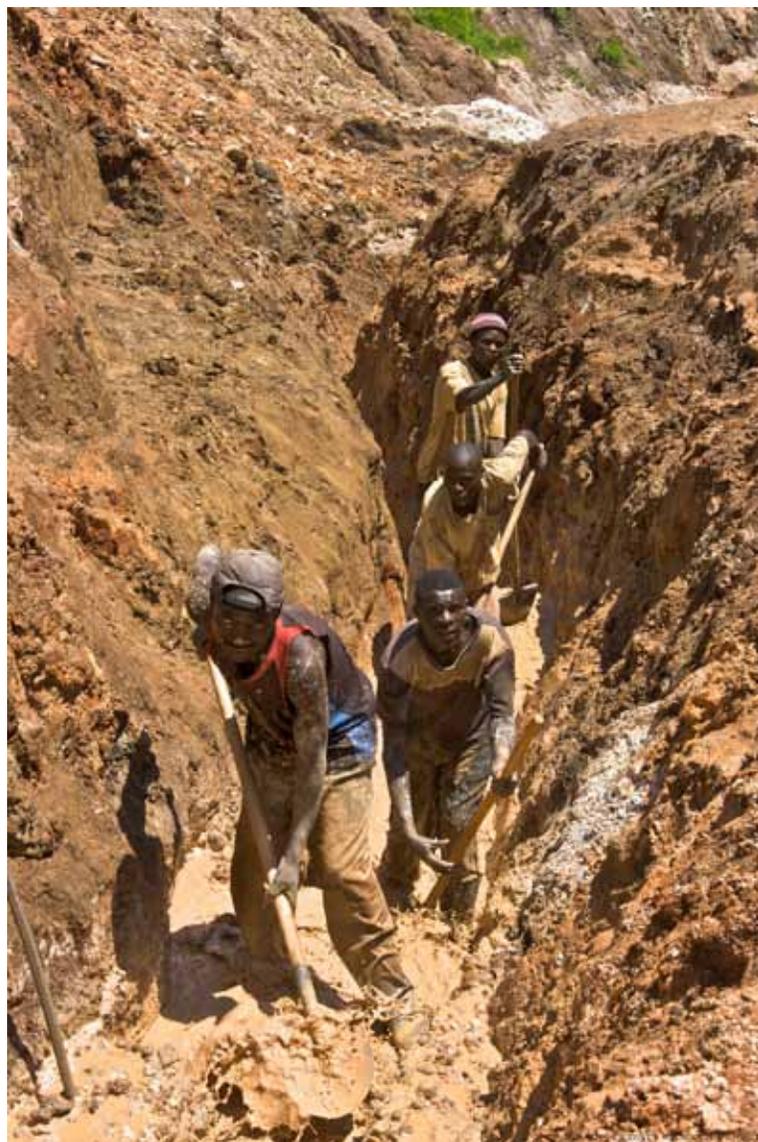
The Obama administration should ensure that the IMCA maintain three main functions:

1. **Conduct spot checks on mines and traders to investigate the links between armed actors and the minerals trade.** The mechanism would establish a norm together with the ICGLR governments that would provide a definition of illegal trade in minerals, and investigators would ascertain which traders are violating this norm.
2. **Investigate mines and trading routes used by in-region sourcing and traceability schemes to check for involvement of armed groups.**
3. **Penalize exporters and traders who are caught trading conflict minerals.** The minimum penalty would involve administrative fines, and at a minimum, temporary suspension of an export license. These penalties should be buttressed by criminal investigations and penalties on a national level.

Having the monitoring mechanism housed in the ICGLR gives it regional legitimacy and the ability to influence local commercial actors through penalties. Respect for state sovereignty is important in the region, but the ICGLR is an intergovernmental entity that has strong regional buy-in. An alternative monitoring option of enhancing the U.N. Group of Experts would not have the regional legitimacy or the ability to carry out administrative sanctions in the region.

The penalties aspect of the monitoring system is critical. To date, there has only been a single arrest case of a commander for involvement in the conflict minerals trade, and the majority of officers and traders continue to operate with impunity. Minerals exporters in Congo told us repeatedly that they believe certification must include a penalties regime, or else it will not be seen in the region as having teeth. Congolese NGOs recently further supported sanctions against those who illegally continued to mine.¹²

Military justice must also be part of the equation, and the United States should redouble efforts to support prosecution of military officers for involvement in conflict-minerals trade, a sanctionable offense under Congolese military code. As one minerals exporter



Mining communities should be aided through a targeted livelihood initiative.

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told us, “A system can only work if it has accountability, if the commanders see that they will be prosecuted if they trade in minerals.”¹³

The Obama administration has a key role to play in influencing this situation because of the power of the commanders. As a senior Congolese mining official told us, “Senior commanders can only be influenced by the United States. Kabila can’t control them.”¹⁴ The administration should have senior, regular engagement with President Kabila himself on making sure senior-level commanders responsible for human-rights abuses face trial.

As a matter of urgency, the United States and the Public-Private Alliance should help operationalize the Independent Mineral Chain Auditor mechanism together with the ICGLR and end-user companies so that the first monitors can be deployed by February 2012. The administration should regularly and actively engage the ICGLR Secretariat and key Steering Committee members to swiftly get the IMCA functioning, and utilize the Public-Private Alliance to help fund the IMCA. The Congolese government should accompany the IMCA with a full registration of minerals traders and the hiring of new minerals inspectors, aided by the Public-Private Alliance.

Link to certification

The monitoring mechanism should be a key step on the way to setting up a multi-stakeholder certification scheme for conflict minerals. Like schemes for blood diamonds and fair labor, a credible certification scheme for conflict minerals would lead to the creation of a legitimate market for central Africa’s minerals.¹⁵ This would negate the need for black markets for traders, make these markets difficult to access because of greater transparency in the trade, and push traders toward clean mines and trading routes free of armed groups.

A certification scheme should incorporate, not replace, the existing initiatives. But work toward this scheme should begin now, as the current initiatives disagree on standards, allowing for serious loopholes. They also do not set up incentives for companies to invest in a clean Congolese minerals trade, and each initiative operates independently, controlled by its own governing body. Until common standards are agreed on, minerals smuggling will continue, and the people of eastern Congo will continue to suffer.

Resolving this requires a diplomatic consensus-building process launched by a senior “conductor,” and Secretary of State Hillary Clinton and the Department of State should play this role. Separate from technical initiatives such as the Public-Private Alliance, this role requires negotiating tough issues such as how regional officials may get penalized for conflict-minerals involvement or how the Rwandan minerals sector will get audited. It will require senior diplomacy.

Secretary Clinton and end-user companies should convene a high-level partnership on certification with Congolese President Joseph Kabila and regional governments. This would be aimed at building consensus among the industry and regional initiatives

around standards for auditing, transparency, and incentives for purchasing from the region and at unifying the different initiatives into a common certification scheme for conflict minerals from mines to end products. This scheme should have multi-stakeholder governance and a democratic voting procedure. Large aid projects could buttress the reforms, with the World Bank's \$90 million Promines program to build the capacity of Congo's mining ministry likely to come online before the end of the year.¹⁶

2. Security at mines: Building on MONUSCO's new mandate

A second achievable step is security reform at key mine sites. While mine demilitarization has been hampered in previous years, new opportunities in 2011 are allowing space for additional progress. The rebel FDLR and abusive military units such as the 85th Brigade of the Congolese army were chased out of many mines, but the CNDP section of the army consolidated vast stretches of mineral-rich territory in 2010.¹⁷ Still, the army is reported to have temporarily vacated major mines at Bisie and Omate, in the North Kivu province, in favor of mining police.

The mining police, however, have a long way to go as a security force. Continued training, monitoring, and funding from international partners, in conjunction with continued professionalization of national army units, will be critical to the success of the police force. There is now widespread recognition that this must continue in the medium term, with the end goal being full civilian control of the mines.

Two intermediate reforms enacted in 2011 would help achieve civilian control over the long term.

First, the Obama administration and United Nations should work to deploy MONUSCO units at perimeters around key mine sites and work with the Congolese government and army to move military units from mines themselves to perimeter areas. MONUSCO's mandate was amended in June 2011 to include "spot checks and regular visits to mine sites, trading routes, and markets," and this should be followed up to include deployments around key mines.¹⁸

Second, Congolese mining police should be deployed directly at mine sites with international military observers from MONUSCO. MONUSCO's primary mission is civilian protection, but addressing the role of the conflict-minerals trade is also in the MONUSCO mandate. With increased security in certain areas in the East, it is possible to redeploy certain units to key mining sites. MONUSCO could choose up to ten key large mines in the East, such as Bisie, Minembwe, and Lugushwa, to act as a pilot initiative. Mining police are already being deployed in place of military units at mines such as Bibatama, and several units of new mining police were trained earlier this year. While mining police carry their own risks, as many are former militia fighters, their deploy-



Tracing is good, but it's time for monitoring. That way, companies can distinguish tin ore like this one from a clean mine from tin ore from a militarized mine.

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ment to mine sites together with international observers at the perimeters of mines would be a step forward from the direct military control of mines that currently exists.

To this end, the Obama administration and other U.N. Security Council members should urge MONUSCO to deploy units at the perimeter of key mine sites and work with the Congolese government to redeploy military units to perimeter zones in favor of mining police.

3. Civil society protection and community livelihoods

As conflict-minerals initiatives move ahead, local Congolese communities in mining areas are in greater need during this transition period.

First, as Congolese civil society groups become increasingly vocal on conflict minerals, they are also receiving threats that will jeopardize their work as time goes on. For example, Rashidi Tumbula, then mayor of Goma, stated openly in March 2011 that he would “track down” NGOs that wrote letters to Secretary of State Hillary Clinton asking

for timely implementation of the Dodd-Frank law. As John, a civil society representative from Walikale, told us, “With the lifting of the ban, miners are starting a new battle with civil society. They have threatened us already. We are ready to die for this cause.”¹⁹

Local civil society involvement is critical to the solution to conflict minerals, as government and industry tracing efforts need independent eyes and ears on the ground to verify the veracity of their claims. Additionally, mining communities that have suffered greatly for years during the war must be represented at the table and their voices allowed to be heard in crafting the solution to this important issue. “Bosco,” another local NGO leader, stated to us on condition of anonymity, “The Congolese government wants to crush anyone who disagrees with its way of making money. They feel we’re delving into a sensitive matter. This is money and everyone wants it. They believe the Dodd-Frank Act will threaten their businesses. They want to harm the NGO campaign and show that NGOs are against the development of North Kivu.”²⁰

The administration should urge MONUSCO to have its human-rights units pay extra attention to local conflict-minerals NGOs and have protection strategies in place. Second, the U.S. embassy should have rapid protection strategies in place when threats arise. Because of the links to Dodd-Frank, the U.S. embassy may be best placed to handle these threats.

Second, mining communities should be assisted immediately through two main measures: a donor-company livelihoods program aimed at economic diversification through support for agriculture, small business, and access to markets; and responsible mining investment.²¹ As one miner told us, “We know that minerals are not going to last forever. I would certainly do farming and give up the minerals trade. I could farm quinquina, which is the most profitable, or coffee or beans. I did farming during the mining ban, but I need more tools for this.”²² USAID announced a \$20 million livelihoods fund in September, but only a small portion of this may be devoted to mining communities. USAID should follow this up with a specific mining-community livelihoods fund.

Further, responsible investment should be done in a transparent manner and with independent monitoring and community support. Companies should now build on the mine-validation initiative by beginning “bag and tag” systems and sourcing from key mines in the region, starting with Maniema and North Katanga — where armed groups are at a minimum — and then moving on to key areas in the Kivus that have decreased presence of armed groups, such as Nyabibwe or western Walungu. Companies must use the OECD due-diligence guidelines, use transparency risk mitigation, and build further on the traceable Motorola Solutions program in Katanga.²³

Conclusion

The war in eastern Congo is not yet over, but because of elections and legislation the remainder of 2011 presents a window for change on one of the conflict's primary drivers. If the Obama administration and end-user companies focus beyond the current audits and public-private alliance over the coming months, the outlines of credible certification and real-time solutions for people in eastern Congo can be achieved. A monitoring mechanism, improved mine security, and civil society and mining community protection are concrete steps that can be taken this year, alongside a diplomatic initiative toward certification.

But time is running out: We must utilize this year's windows of the election and the post-Dodd-Frank market forces for conflict-free electronics. The choice is now the administration's to make.

Endnotes

- 1 Aaron Hall and Sasha Lezhnev, "U.S. Congo Policy: Matching Deeds to Words to End the World's Deadliest War," Enough Project, October 4, 2011, available at <http://www.enoughproject.org/publications/us-congo-policy-matching-deeds-words-end-world%E2%80%99s-deadliest-war>
- 2 Army commanders have reportedly pulled their troops out of two major mines in the East, Bisie and Omate. Minerals exports from the Kivus have decreased by approximately 75 percent, and the lowered exports are directly threatening commanders' multi-million dollar profits. For more information, see Sasha Lezhnev, "What Conflict Minerals Legislation is actually accomplishing in Congo," Huffington Post, August 9, 2011, available at http://www.huffingtonpost.com/sasha-lezhnev/what-conflict-minerals-le_b_922566.html
- 3 Regional governments and industry are speeding up projects to trace minerals to their mines of origin, with 50 percent to 75 percent of Katanga's tin and tantalum ore and 95 percent of Rwanda's ore to be tagged by year's end as part of the ITSCI program; the German BGR is ramping up audits of mines; and the U.S. government and electronics companies are drafting a public-private alliance to aid regional initiatives. See United Nations Group of Experts, "Report on Congo," June 7, 2011, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/345. See also, ITSCI, "Status and Budgets," (June 2011), available at www.itri.co.uk
- 4 Without this transparency in the ITSCI projects, it will be difficult to tell whether the industry's tagged bags are supporting armed groups or not. Further, the German BGR should publish the full data and audits of its mine sites. The international community is aiding this work with technical assistance. The United Nations has built four minerals trading centers, locally referred to as "centres de negoce," to facilitate the transparency of the minerals trade near major mines in the East. These are located at Murgogo, Rubaya, Isanga, and Itebero (construction was not yet complete at Itebero as of May). A fifth is planned at Numbi. The U.S. government has committed \$11 million to support traceability projects around the trading centers, build roads around a limited number of mines, train border and mining police, and support a small community-development fund in mining areas. The bulk of the funds will likely be used to support bag-and-tag projects. The administration is now also drafting a public-private alliance with end-user companies to support traceability and potentially monitoring.
- 5 For more detail, see Fidel Bafilemba, "Field Dispatch: Congo Civil Society Engages on Conflict Minerals," Enough Project, June 27, 2011, available at <http://www.enoughproject.org/blogs/field-dispatch-congo-civil-society-engages-conflict-minerals>
- 6 OCHA, "Democratic Republic of the Congo: Insecurity and Displacement," (April 20, 2011), available at http://reliefweb.int/sites/reliefweb.int/files/resources/SS_2011_COD_0420.pdf
- 7 Phone interview, October 21, 2011.
- 8 Most of the trade in eastern Congo's minerals in recent years has taken place in the "gray market," whereby minerals are exported officially from Congo but have their weights or prices underdeclared or mislabeled as different minerals. Some shipments have been wholly smuggled out of the country, but the majority has gone out in recent years through these semiofficial channels, as large truckloads of tin or tantalum ore have been simply too hard to hide with the increased attention on the region. Tracking of these shipments is reported to have improved in recent years, with the increase in minerals prices, international focus, and traceability.
- 9 Interview with Congolese Customs official, Goma, March 12, 2011.
- 10 Congo Ministry of Mines, "Note Circulaire 002/CAB.MIN/MINES/01/2011," September 9, 2011.
- 11 Interview with Justine Masika Bihamba, executive director, Synergie, a platform of 35 women's rights organizations, Goma, March 8, 2011.
- 12 Radio Okapi, "RDC : la suspension de l'exploitation minière n'a pas atteint ses objectifs, selon l'Asadho," March 11, 2011, available at <http://bit.ly/hpX8nF>
- 13 Interview with minerals exporter, Goma, March 12, 2011.
- 14 Interview with Congolese mining ministry official, Goma, March 17, 2011.
- 15 For more information, see Sasha Lezhnev and David Sullivan, "Certification: The Path to Conflict-Free Minerals from Congo," Enough Project, May 5, 2011, available at <http://www.enoughproject.org/certification>.
- 16 The Canadian government had protested going forward with aid projects for the DRC at the bank's board level, following the government's renegeing on its agreement with Canadian mining company First Quantum in 2010.
- 17 See John Prendergast and Fidel Bafilemba, "Why a Certification Process for Conflict Minerals is Urgent: A View from North Kivu," Enough Project, January 24, 2011, available at http://www.enoughproject.org/files/view_from_kivu.pdf
- 18 The June 2011 MONUSCO mandates states that "The Security Council... calls upon MONUSCO to support the relevant Congolese authorities in preventing the provision of support to armed groups from illicit economic activities and illicit trade and natural resources, including to carry out spot checks and regular visits to mining sites, trade routes and markets." U.N. Resolution 1991 (2011). Available at www.un.org
- 19 Interview with civil society leader, Goma, March 9, 2011.
- 20 Ibid
- 21 For further information on these two programs, see Sasha Lezhnev, "Facts and Opportunities on Conflict Minerals and Livelihoods," Enough Project, August 12, 2011, available at <http://www.enoughproject.org/blogs/facts-and-opportunities-conflict-minerals-and-livelihoods>.
- 22 Interview with miner in Kalehe, South Kivu, March 10, 2011.
- 23 For further information, see Sasha Lezhnev, "Facts and Opportunities."

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, South Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough conducts intensive field research, develops practical policies to address these crises, and shares sensible tools to empower citizens and groups working for change. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

