

# CONFLICT TRANSFORMATION AND THE ROLE OF RESPONSIBLE ARTISANAL AND SMALL-SCALE MINING

## Supporting peace through supply chain due diligence



Please cite as: OECD/United Nations (2023), *Conflict transformation and the role of responsible artisanal and small-scale mining: Supporting peace through supply chain due diligence*. OECD Business and Finance Policy Papers, OECD Publishing, Paris, <https://doi.org/10.1787/cdbd61d1-en>.

The informal extractive sector is a major source of employment in most countries affected by conflict but has up until now been largely left aside when identifying reinsertion opportunities for ex-combatants. This paper identifies synergies between disarmament, demobilisation, and reintegration (DDR) programmes implemented in conflict-affected and high-risk areas and existing supply chain due diligence initiatives fostering the integration of artisanal and small-scale miners (ASM) in global supply chains in these areas. The report highlights the role that OECD-led initiatives to support ASM formalisation in conflict zones can play to support DDR programmes.

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# Foreword

## Organisation for Economic Co-operation and Development (OECD)

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

## The OECD Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas

The OECD Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Guidance) provides practical due diligence recommendations to assist companies in avoiding contributing to serious human rights, conflict and financial crimes through their mineral purchasing decisions and practices. This Guidance is for use by any company in the mineral supply chain potentially sourcing minerals or metals from conflict-affected and high-risk areas. The OECD Guidance is global in scope, and applies to all mineral supply chains. More information on [the Guidance](#) and [OECD Responsible Minerals Implementation Programme](#) can be found on their respective webpages.

## The Department of Peace Operations (DPO) of the United Nations

The Department of Peace Operations (DPO) is dedicated to assisting the Member States and the Secretary-General in their efforts to maintain international peace and security.

DPO provides political and executive direction to [UN peacekeeping operations](#) around the world and maintains contact with the Security Council, troop and financial contributors, and parties to the conflict in the implementation of Security Council mandates.

Peacekeeping is political and its ultimate success depends on active and sustainable political processes or the real prospect of a peace process. The Department works to integrate the efforts of UN, governmental and non-governmental entities in the context of peacekeeping operations. DPO also provides guidance and support on [military](#), [police](#), [mine action](#) and other [relevant issues](#) to other UN political and peacebuilding missions.

## Notes on this study

This report was prepared by [HIVE](#) under the supervision of the OECD Secretariat through qualitative research methods including a literature review, desk-based research, and semi-structured interviews. A fieldwork in eastern DRC took place between March and April 2022. HIVE and their partner organisations (*Justice Plus* and *Initiative Des Femmes Entrepreneurs Pour le Développement Durable* (IFEDD))

conducted individual and focus group interviews with ex-combatants, local authorities, civil society members and representatives of ASM communities that are the host or home to ex-combatants, both *in situ* by partner organisations and in Bukavu, Goma, and Bunia. HIVE also interviewed provincial mining authorities; DDR practitioners from the United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the government; non-governmental organisations involved in DDR, supply chain initiatives and security analysis; mining co-operatives; mineral exporters; and private security companies. Additional interviews were held with experts and practitioners in both fields globally.

# Acknowledgements

This report was prepared by Ruben de Koning and H el ene Helbig de Balzac with the support of Luc Lafreniere and Gregory Mthembu-Salter (HIVE), under the direction of Louis Mar echal and Benjamin Katz (OECD Centre for Responsible Business Conduct). This report was also partially drafted and benefited from comments submitted by Kwame Poku, with contributions from Ntagahoraho Burihabwa; Thomas Kontogeorgos, and Barbra Lukunka, in the Office of Rule of Law and Security Institutions, in the Department of Peace Operations (OROLSI-DPO) of the United Nations.

# Table of contents

Foreword	3
Acknowledgements	5
Abbreviations	8
Executive summary	9
1 An introduction to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risks Areas and the new United Nations Approach to Disarmament, Demobilization and Reintegration	11
1.1. The OECD Due Diligence Guidance for responsible supply chains of minerals from conflict affected and high-risk areas	11
1.2. An introduction to the new United Nations approach to Disarmament, Demobilization and Reintegration	14
2 Context	16
2.1. DDR and ASM in the eastern DRC	16
3 Factors for the successful reintegration of ex combatants into the ASM sector in the DRC	22
3.1. Previous work on drivers of (re) mobilisation in eastern DRC	22
3.2. Factors considered through the lens of ASM mining	23
3.3. Security-based analyses per mining zone	23
3.4. Economic factor: ASM livelihood viability	31
3.5. Social Factor: Community and family acceptance	34
3.6. Psychological Factor: Ex-combatant mindset	36
3.7. Opportunities and risks for reintegration in companies and co-operatives across the value chain/ responsible supply chain actors	36
4 Opportunities in the security and the ASM sector for DDR and CVR programming	39
4.1. Integration of ex-combatants into security services	39
4.2. Reintegrating into the ASM sector	41
4.3. Orienting CVR to the ASM sector	42
5 Opportunities for multi-stakeholder responsible supply chain initiatives to contribute to DDR/CVR	43
5.1. Introduction to responsible minerals supply chains programs in the DRC	43

5.2. Responsible supply chain initiatives working towards conflict prevention and resolution through multi-stakeholder monitoring committees	44
5.3. Responsible supply chain initiatives supporting reintegration	45
6 Lessons from and relevance to other contexts	47
7 Conclusions	50
References	53
Annex A. Background on the Rubaya context	58
Annex B. Background on the UPC/FNI conflict and the current conflict between the CODECO/URDPC and Zaire in the Mongbwalu area	59
Annex C. Background on the FRPI armed group and peace process	61
Glossary	62
<b>FIGURES</b>	
Figure 1. Five-Step Framework for Risk-Based Due Diligence in the Minerals Supply Chain	12
Figure 2. Actions to be undertaken by upstream and downstream companies as set out in the Five Step Framework for Risk-Based Due Diligence in the Minerals Supply Chain	13
Figure 3. Summary of the factors for the successful reintegration of ex combatants into the ASM sector	52

# Abbreviations

3T	Tin, Tungsten, Tantalum
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo
AML/CFT	Anti-Money Laundering/Combating the Financing of Terrorism
APCLS	L'Alliance des Patriotes pour un Congo Libre et Souverain
ARM	Alliance for Responsible Mining
ASM	Artisanal and Small-scale Mining
CAR	Central African Republic
CEMADECO	Société Co-opérative des Exploitants Miniers Artisansaux pour le Développement Communautaire
CFSP	Conflict Free Smelter Program
CKOKOP	Coopérative Minière Konji Obi Kosi Pkanga
CLS	Comité Local du Suivi des activités minières
CMA	Coordination des Mouvements de l'Azawad
CNDP	Congrès National pour la Défense du Peuple
COMALOBANI	Coopérative Minière Artisanale des Orpailleurs de Lopa, Barrière et de Nizi
COMID	Coopérative Minière pour le Développement
COMIDI	Coopérative minière pour le développement intégral
CONADER	The National Commission for Disarmament, Demobilisation and Reinsertion
COOMIKI	Coopérative Minière de Kimbi
COOMOI	Coopérative Minière des Orpailleurs de l'Ituri
COOPERAMMA	Coopérative des Exploitants Miniers de Masisi
CPS	Comité Provincial de Suivi de l'application des recommandations, résolutions et engagements des acteurs du secteur minier
CTS	Comité Territorial du Suivi des activités minières
CVR	Community Violence Reduction
DDR	Disarmament, Demobilization, and Reintegration
DRC	The Democratic Republic of the Congo
FARDC	The Armed Forces of the Democratic Republic of the Congo
FDLR	Forces démocratiques de libération du Rwanda
FNI	Front des Nationalistes et Intégrationnistes
FPPH	Front pour la Protection du Peuple Hutu
FRPI	Forces de Résistance Patriotique de l'Ituri
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ISGS	Islamic State in the Greater Sahara
INPP	National Institute for Professional Preparation
ITA	International Tin Association
ITSCI	International Tin Supply Chain Initiative
MAA	Mouvement Arab de l'Azawad
MHPSS	Mental Health and Psychosocial Support
MONUSCO	The United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo
OCDE	Organisation for Economic Co-operation and Development Organisation for Economic Co-operation and Development
PBF	Peacebuilding Fund
P-DDRCS	Disarmament, Demobilization, Community Reintegration and Stabilization Program
PEP	Politically Exposed Persons
RCD-G	Rally For Congolese Democracy – Goma
RCM	Regional Certification Mechanism
RMI	Responsible Minerals Initiative
SAEMAPE	Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Echelle

# Executive summary

This report examines linkages between two fields, due diligence of mineral supply chains and disarmament, demobilisation and reintegration (DDR) of ex-combatants from armed groups in eastern Democratic Republic of the Congo, as well as related Community Violence Reduction (CVR) (CVR) programming. The report looks at how these linkages can be strengthened to improve outcomes in each area of work, within the context of artisanal and small-scale mining (ASM) being a potential outlet for ex-combatants' return to civilian life. While there had been little formal effort to identify such linkages prior to this study – and even a lack of mutual awareness by practitioners in each field of overlapping activities in the other - the two fields are intrinsically linked. Besides sharing many core objectives, the same key actors and local dynamics also influence the effectiveness of both DDR and due diligence programmes.

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (hereafter the “OECD Guidance” or the “Guidance”) provides recommendations for companies to help companies respect human rights and avoid contributing to conflict through their sourcing decisions. The aim of the Guidance is to enhance the contribution to peace and development of trade in minerals, including by fostering responsible investment in and engagement of the largely informal artisanal and small-scale mining (ASM) sector. However, a complex set of factors spanning governance, conflict dynamics and the local policy environment may influence the extent to which due diligence contributes to peace and development in practice.

DDR and CVR programming loom large in this context, with clear implications for local stability in mineral-producing areas. DDR and CVR outcomes may support or impede industry efforts to mitigate conflict financing and human rights risks in their supply chains in line with the OECD Guidance. Due diligence programmes, including joint industry schemes aiming to implement the Guidance, likewise can play a role in strengthening DDR and CVR programming through regular risk monitoring and mitigation activities involving local authorities and civil society organisations.

Besides the untapped synergies between minerals due diligence and DDR that this report has identified, the study has found that ex-combatants are already transitioning into ASM due to its income-generating potential - a significant finding as a persistent challenge in DDR programming is a paucity of socio-economic opportunities leading ex-combatants to take up arms again. In short, this intersection of policy areas is already a reality, but one that warrants more deliberate, evidence-based approaches. This report, therefore, focusses primarily on factors and conditions likely to influence positive outcomes for DDR in the ASM value chain, and the role due diligence can play in contributing to such outcomes.

The research identified factors relevant to successful DDR outcomes across five dimensions, spanning security, economic, social and psychosocial factors, and the role of actors and opportunities along the minerals supply chain. On the security front, unresolved conflicts over land and other resources, often defined along ethnic lines, are a major challenge to DDR processes, including in and around mine sites. A key, if unsurprising, finding is that the level of armed group activity in ASM locations and the extent of armed group leaders' control over ex-combatant ASM miners are important factors in DDR outcomes in the sector. However, in recent years, economic conditions have surpassed ethnic and security-related factors as reasons for (re)mobilisation. The research confirmed that lack of employment is a principal

reason for ex-combatants to take up arms again, highlighting the importance of ASM as a source of income. The report provides detailed findings on household- and site-specific factors like income diversification, productivity, access to credit, prices, taxation, benefit sharing and site access.

On the social dimension, the research found that the seriousness of the abuses committed by ex-combatants against the home mining community appears to be the principal factor explaining whether their return is welcomed or opposed. Where ex-combatants are perceived by their communities to have championed their interests, home reintegration is more feasible. The degree of psychological vulnerability and other psychosocial factors of combatants is another important factor influencing the success of reintegration.

Within the supply chain, the research suggests that there are better opportunities to reintegrate ex-combatants into mining than in trade and export. When integrating ex-combatants into mining co-operatives, attention should be given to factors including: the resulting numerical balance between them and non-ex-combatants members (ie wider civilian population and community members); the co-operatives' owners and beneficiaries; the legal status and community legitimacy of the co-operative; and the internal governance of the entity.

In addition, as the new Congolese DDR strategy does not include the option to integrate ex-combatants into national security and defence forces, the option for them to enrol in private security companies (PSCs) is a potential alternative that corresponds to ex-combatants' previous experience and sense of status, albeit with the need to institute proper controls.

Bringing together the evidence across these five dimensions, the research has identified a set of suitable ASM sites and types of DDR or CVR to pilot. A case-by-case approach, supported by thorough political economy and sociological analysis, will be critical to success in reintegrating ex-combatants into civilian life through ASM.

To further enhance reintegration and prevent recruitment to armed groups, the research suggests that CVR programming should be designed to (1) support ASM formalisation (e.g. through co-operatives); (2) engage youth at risk in labour-intensive public works in ASM areas; (3) pro-actively prepare ASM communities for the reintegration of ex-combatants; (4) provide ex-combatants with mental health and psychosocial support (MHPSS activities) and (5) promote social cohesion, conflict prevention and rights clarification in mining communities.

Due diligence programmes developed over the past decade to support implementation of the OECD Guidance have a key role to play in promoting the effectiveness and sustainability of DDR and CVR programming in the ASM context and, in turn, help enhance their own impact. This extends foremost to the provincial and local monitoring committees that due diligence programmes help convene, as well as the systems such programmes have established for identifying and mitigating risks in the supply chain from mine to export. Furthermore, the report has identified topics and modalities for practitioners in both fields to consult and exchange information on in ways that promise to enhance the effectiveness of each, in particular by incorporating the factors spanning the five dimensions above into ongoing programming.

While these fields may have operated independently of one another to date, the mandates of the leading programmes in each, including the new donor-funded Disarmament, Demobilization, Community Recovery and Stabilization Programme (P-DDRCS) in the DRC, are fully compatible with the ASM-focussed interventions recommended by this study, poised to unlock new synergies between DDR, CVR and mineral supply chain due diligence.

# **1** An introduction to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risks Areas and the new United Nations Approach to Disarmament, Demobilization and Reintegration

## **1.1. The OECD Due Diligence Guidance for responsible supply chains of minerals from conflict affected and high-risk areas**

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (hereafter the “OECD Guidance” or the “Guidance”) provides practical due diligence recommendations to assist companies in avoiding contributing to serious human rights, conflict and financial crimes through their mineral purchasing decisions and practices. This Guidance is for use by any company in the mineral supply chain potentially sourcing minerals or metals from conflict-affected and high-risk areas. The objective of the Guidance is ultimately to promote responsible private sector engagement in post-conflict fragile states.

The Guidance is global in scope and applies to all mineral supply chains (OECD, 2016a). In order to support its implementation, the OECD Council adopted on 25 May 2011 the Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas [[OECD/LEGAL/0386](#)] (hereafter the “Due Diligence Recommendation”), calling on OECD Member and non-Member countries having adhered to it (hereafter “Adhering countries”) to take appropriate measures to ensure that companies are aware of the OECD Guidance and observe it.

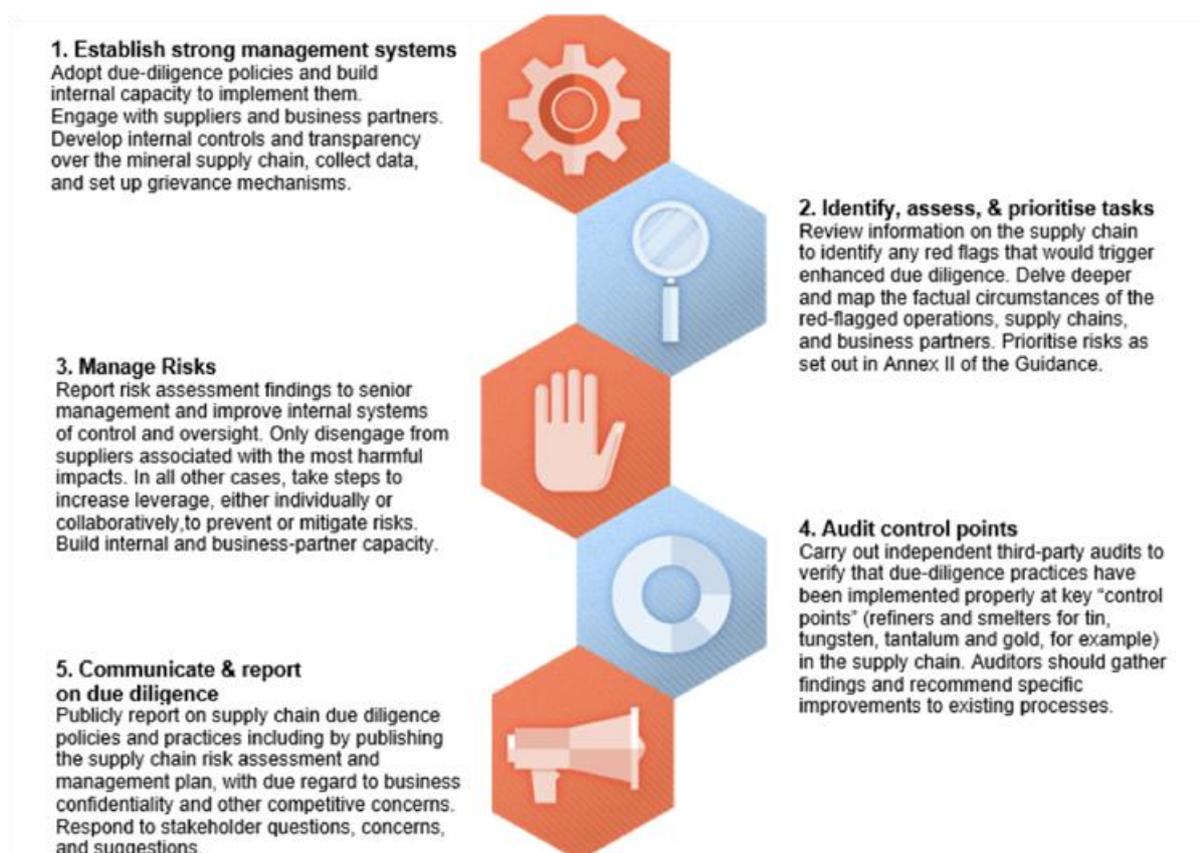
The Guidance is now referenced in domestic regulations on mineral supply chain due diligence in the United States (US), in Europe, in the United Arab Emirates and in several countries in central Africa.

Since 2010, several UN Security Council (UNSC) Resolutions on DRC,<sup>1</sup> Côte d'Ivoire<sup>2</sup> and the Central African Republic (CAR)<sup>3</sup> have promoted due diligence in mineral supply chains to avoid financing sanctioned entities and illegal armed groups. These Resolutions are the only chapter VII Resolutions of the UNSC ever to reference and support work of the OECD, highlighting the value of the Guidance as a tool to support peace and security (OECD, 2016b).

The OECD Guidance has also been endorsed by the 11 member states of the International Conference on the Great Lakes Region (ICGLR) in the Lusaka Declaration, adopted on 15 December 2010. One of the main pillars is the Regional Certification Mechanism (RCM).

### Figure 1. Five-Step Framework for Risk-Based Due Diligence in the Minerals Supply Chain

As set out in Annex I of the OECD Guidance



Source: OECD (n.d.), OECD Due Diligence Guidance, <https://www.duediligenceguidance.org>.

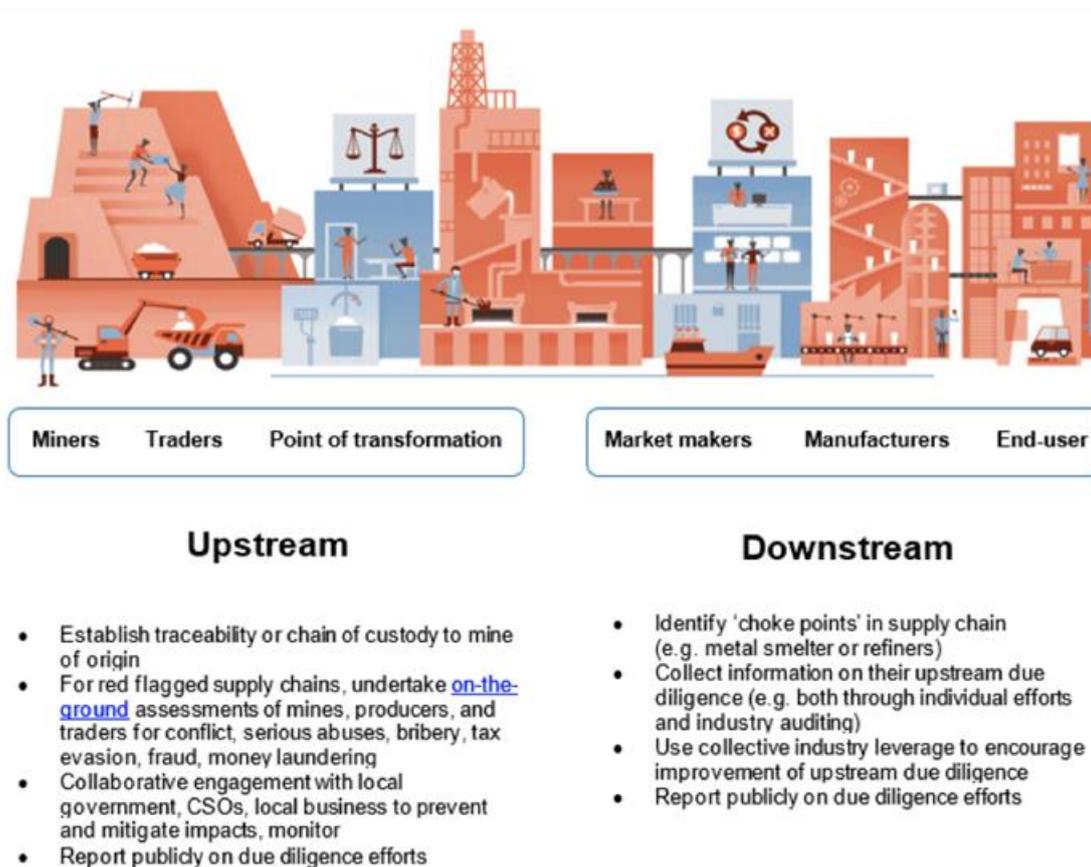
<sup>1</sup> United Nations Security Council (UNSC) resolution 1 952 (2010), 29 November 2010

<sup>2</sup> UNSC resolution 2 219 (2015), 28 April 2015.

<sup>3</sup> UNSC resolution 2 399 (2017), 27 January 2017.

**Figure 2. Actions to be undertaken by upstream and downstream companies as set out in the Five Step Framework for Risk-Based Due Diligence in the Minerals Supply Chain**

As provided for in Annex I of the OECD Guidance



Source: OECD (n.d.), OECD Due Diligence Guidance, <https://www.duediligenceguidance.org>

### Box 1. Risks in Annex II of the OECD Guidance

Annex II of the OECD Guidance provides a model supply chain policy for a responsible global supply chain of minerals from conflict-affected and high-risk areas, which companies commit to adopt, widely disseminate and incorporate in contracts and/or agreements in order to minimise the risks of significant adverse impacts which may be associated with extracting, trading, handling and exporting minerals from conflict-affected and high-risk areas. The scope of risks in Annex II of the OECD Guidance covers the following:

- Serious abuses of human rights associated with the extraction, transport or trade of minerals, such as, for example, worst forms of child labour, forced labour, forms of torture, cruel, inhuman and degrading treatment, and widespread sexual violence.
- Direct or indirect support to non-state armed groups, public or private security forces: for example, in cases where such groups control mine sites or transportation routes or points where minerals are traded, or illicitly tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded. Regarding public or private security forces specifically, the OECD Due Diligence Guidance specifies that their role should be solely to maintain the rule of law, including safeguarding human rights and providing security to mine workers, equipment and facilities, and protecting the mine site or transportation routes from interference with legitimate extraction and trade.
- Bribery and fraudulent misrepresentation of the origin of minerals: Bribery or fraud occurs when supply chain actors offer, promise, give, or demand a bribe or other undue advantage to obtain or retain business or any other improper advantage, for example to secure mine site concessions, to facilitate smuggling, or to fraudulently misrepresent the origin of minerals. Bribes can take the form of money or other pecuniary advantages (e.g. sub-contracting firms linked to public officials) or non-pecuniary advantages (e.g. favourable publicity). Corruption, the abuse of entrusted power for private gain, can take the form of grand corruption (when a public official causes the State or any of its people a loss greater than 100 times the annual minimum subsistence income of its people as a result of bribery, embezzlement or other corruption offences) or petty corruption (everyday abuse of entrusted power by public officials in their interactions with citizens in places like mine sites, mineral transport routes, security checkpoints, trading houses, airports and ports).
- Tax evasion, under the Guidance, in addition to paying taxes, fees and royalties due to governments, companies are expected to disclose payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).

## 1.2. An introduction to the new United Nations approach to Disarmament, Demobilization and Reintegration

The global landscape of armed conflict has changed over the last decade. Armed conflicts have become increasingly protracted, and, in many conflict-affected countries, peace agreements are precarious, fragile, or in some settings entirely absent. Armed groups are now also increasingly fragmented, continuously proliferating as they identify new objectives, develop new capabilities, and acquire new recruits. At the same time, localised violence between armed groups is often as pervasive as armed violence directed against central governments resulting in protection concerns at community level. Lastly, some armed groups also have links to transnational organised crime and/or terrorism.

Because the very nature of armed groups and their behaviour has evolved, the United Nations has adapted its approach to Disarmament, Demobilization and Reintegration (DDR). Today, DDR programmes implemented after peace agreements remain an integral part of peacebuilding efforts because they aim to address the security problem that arises when combatants are left without livelihoods and support networks during the vital period stretching from conflict to peace, recovery and development. However, owing to the changing nature of armed conflict, DDR has also become synonymous with a much broader cluster of activities. They include pre-DDR, transitional weapons and ammunition management, community violence reduction (CVR), initiatives to prevent individuals from joining armed groups designated as terrorist organisations, DDR support to mediation, and DDR support to transitional security arrangements. The specific aims of these DDR-related tools vary according to the context and can contribute to broader political and peacebuilding efforts.

The United Nations' revised approach to DDR, outlined in the integrated disarmament, demobilisation and reintegration standards (IDDRS), therefore recognises that, at its core, DDR is a process through which members of armed forces and groups are supported to lay down their weapons and return to civilian life. These new tools and principles are now reflected in MONUSCO's mandate and therefore affords DDR practitioners – and their partners – working in DRC a wide range of programmatic options in support of the sustainable and effective reintegration of combatants.

## 2 Context

Artisanal and small-scale mining (ASM) of tin, tantalum, tungsten and gold (3TG) minerals in the eastern Democratic Republic of the Congo (DRC) has been and still is a driver of violent conflict, but also has the potential to contribute to peacebuilding. The sector is one of the principal sources of livelihoods for ex-combatants and, if properly managed, can help prevent recruitment of youth at risk. This potential has increased in recent years, in part because of responsible sourcing initiatives in the 3T sector that have reduced illicit rent seeking by armed actors and improved overall working conditions. Going forward, the peaceful employment of ex-combatants would make these supply chains more responsible.

DDR/CVR and responsible business conduct/supply chain due diligence can converge and complement each other, but the two have been largely disconnected to date. DDR/CVR programming rarely considers opportunities in the ASM sector, while most responsible supply chain initiatives focus on the presence or absence of armed groups and on supply chain integrity and have historically largely excluded gold mines. While these initiatives increasingly address broader governance issues and include gold mine sites, they continue to ignore ex-combatant reintegration and recruitment prevention.

Meanwhile, in the field of DDR, the search for durable and worthwhile ex-combatant reintegration and livelihood solutions that are in line with economic realities remains a challenge. National authorities across various settings, including DRC, still struggle to break incentive structures that often see ex-combatants return to military life due to the paucity of socio-economic reintegration opportunities available to them.

This study examines the factors and conditions influencing whether and how ex-combatants remain peacefully engaged in ASM, followed by recommendations on how to capitalise on the convergence and complementarity between responsible sourcing and DDR. To do so, the research looked beyond ASM production to evaluate opportunities for reintegration along the whole extractive value chain, and in private and public security provision around mining sites.

### 2.1. DDR and ASM in the eastern DRC

#### 2.1.1. Past DDR process

Between 2002 and 2018, there were three DDR programmes in eastern DRC, estimated to have processed over 124 000 combatants (MONUSCO, 2022). Former combatants were offered two options: reintegration into civilian life or integration into the newly formed police or military, the *Forces Armées de la République Démocratique du Congo* (FARDC). About a fifth of these combatants joined the FARDC and police, with the majority re-entering civilian life.

The first DDR programme started in Ituri in 2002. It was later rolled out to all eastern DRC between 2004 and 2007 by the National Disarmament and Reinsertion Commission (CONADER). The programme frustrated many ex-combatants choosing civilian reintegration because it only provided a reinsertion kit and did not differentiate between ex-combatants with different ranks in armed groups (Vlassenroot et al. 2020). The handout of kits also added to the perception that DDR rewarded violence, thus encouraging

new mobilisation for opportunist reasons, while receiving communities were not engaged and did not benefit in any way. These shortcomings largely continued during the second DDR phase (2008-11).<sup>4</sup>

The third DDR phase (2015-18) sought to overcome some of these shortcomings, in part by investing in professional training and ongoing support during the community reintegration phase. Underfunding and mismanagement, however, caused poor living conditions in Katangan camps. Ex-combatants protested, resulting in further tension and conflict, and discouraging further demobilisation (Tunda, 2016). Only about 5 000 combatants were demobilised or integrated into the Congolese army during this phase (Vlassenroot, 2020). Continued military operations against armed groups, and the insufficient involvement of national and local authorities and other interested parties also discouraged demobilisation (Vogel and Musamba, 2016).

Like the civilian reintegration process, military integration suffered many shortcomings during the first two phases.<sup>5</sup> During the first phase in particular, armed group units were rapidly and almost collectively recycled into the FARDC with inadequate vetting and the breaking of chains of command. Poorly paid and equipped, many of the newly integrated soldiers deserted and joined other armed groups, while those who remained in the FARDC became known for preying on local communities and abusing human rights (Zena, 2013).

Donors funded national DDR during its first phase, but gradually disengaged during PNDDR III, apparently due to their concerns about the effectiveness of the programme. Donors have since returned to fund the new iteration of the Disarmament, Demobilization, Community Reintegration and Stabilization Program (P-DDRCS). The World Bank has a USD 250-million project, and other donors have indicated that resources could be made available should certain fiduciary safeguards and red-lines be respected (meeting with UN DDR specialist, June 2022).

### **2.1.2. Community based DDR**

In 2015, MONUSCO changed its approach, introducing its second-generation DDR strategy, which it branded Community Violence Reduction (CVR). Instead of only focusing on security challenges and military actors, CVR works towards a community-based response that addresses the variables favouring remobilisation and recruitment of youth at risk and demobilised elements and their recourse to violence and crime more generally. While targeting ex-combatants and youth at risk in reintegration and recruitment prevention projects, CVR projects at the same time intend to build social cohesion and accountability within communities and reinforce their capacity to address marginalisation driving (re) mobilisation (MONUSCO, 2016 and 2022).

MONUSCO's changed approach inspired the government's latest national DDR strategy. This strategy was piloted in eastern DRC after President Felix Tshisekedi's visit to Bukavu (South Kivu Province) in October 2019. Following the visit, the governors of North and South Kivu established the Interprovincial Commission to Support the Awareness, Disarmament, Demobilization, and Community Reintegration Process (CIAP-DDRC). The Ituri governor signed up in August 2020.<sup>6</sup> CIAP-DDRC was intended to achieve community-based DDR, avoiding the previous, and problematic confinement of ex-combatants in military camps in Kamina and Kitona (Katanga province) and ruled out collective ex-combatant reintegration into the FARDC. MONUSCO provided logistical support to government CIAP-DDRC

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<sup>4</sup> Executed by the Execution Unit-Disarmament, Demobilisation and Reinsertion (UE-PNDDR), which in 2007 had replaced CONADER.

<sup>5</sup> The integration was not an explicit nor official part of PNDDR III. Fast-track integration emerged in the absence of a functional DDR programme.

<sup>6</sup> DRC Government (2020), "Le processus DDR à l'est de la RDC: Nouvelle approche communautaire et perspectives d'avenir", Kinshasa, 17 August 2020.

sensitisation missions, receiving weapons handed in as part of the DDR process and carrying out CVR projects in targeted communities and in support of professional training.

The P-DDRCS, established in July 2021, has its roots in these two provincial-level DDR attempts. Falling directly under the presidency, the P-DDRCS fused the Stabilization Program for Eastern DRC (STAREC) and the national DDR programme (the UEPNDDR) that fell under the Planning and Defence ministries respectively.

DRC's main donors and MONUSCO requested the government to develop a P-DDRCS strategy before pledging their financial support. The first draft was shared with partners in January 2022 for comments and validated by the government early April after MONUSCO pledged its support. This new strategy entails: a community dimension; individual rather than collective integration into the FARDC following regular recruitment procedures; no amnesty for perpetrators of grave violations of international criminal and humanitarian law; and an apparently decentralised process (interview with DDR practitioners March 2022). While intended to be decentralised, some NGOs perceive the process in reality to be top-down, not giving enough power to the provinces to design strategy and adapt it to local circumstances (interview with NGO (SFCG), March 2022).

### **2.1.3. Current DDR caseloads**

New caseloads of demobilised ex-combatants processed under the CIAP-DDRC are currently awaiting full (biometric) identification and verification, and professional training.<sup>7</sup> The process is furthest advanced in South Kivu where provisional identification has been conducted and some ex-combatants have already enrolled in professional training.

By the end of 2019, 627 ex-combatants in South Kivu were demobilised and disarmed under the CIAP-DDRC in co-operation with MONUSCO and had obtained provisional identity cards (interview with P-DDRCS South Kivu officers, March 2022). Some 150 are currently undergoing professional training in Bunyakiri, provided by a national NGO<sup>8</sup> and supported by a MONUSCO CVR project (interview with NGO representative, March 2022). The majority was sent back to their communities, where they are awaiting full biometric identification and training under the P-DDRCS.

The South Kivu caseload includes significant portions of the Mai Mai Raia Mutomboki factions under command of Maheshe and Ndarumanga in Walungu and Shabunda territories, as well as Mai Mai and Nyatura groups in Kalehe territory (interview with armed group representative, March 2022). An unknown additional number, including those from the 'Donat' faction of Raia Mutomboki, have surrendered directly to the FARDC without MONUSCO involvement. A lack of identification and weapons registration in these cases may subsequently cause problems once ex-combatants from these groups start claiming enrolment in the formal DDR programme under the P-DDRCS framework (interview with DDR practitioners, March 2022).

The latest collective surrender under the P-DDRCS framework comes from the Mai Mai of Kirikicho in Kalehe territory, South Kivu. 161 combatants surrendered to the FARDC in mid-December 2021, with MONUSCO receiving 19 weapons (interview with DDR practitioners, March 2022). MONUSCO advised their return to the community to await formal training, but P-DDRCS in South Kivu instead kept them in a transition camp in Ziralo, accompanied by UEFA, an NGO.

In North Kivu, and in contrast to South Kivu, CIAP-DDRC has not taken charge of any ex-combatants. MONUSCO has disarmed some, who were all sent back to their home communities (interviews with DDR practitioners, March 2022). Meanwhile, over 2 000 ex-combatants have since 2019 surrendered and

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<sup>7</sup> MONUSCO has already provided technical support in terms of identification of cantoned ex-combatants who were demobilised since 2019

<sup>8</sup> Union pour l'Emancipation de la Femme Autochtone (UEFA)

handed in weapons directly to the FARDC. Most, if not all these weapons cannot be accounted for today (interview with MONUSCO, March 2022).<sup>9</sup> Civil society sources allege the reselling and distribution of weapons to FARDC proxy groups (interviews with CSOs, March 2022). Such practices risk causing some armed groups to pull-out of the DDR process and reducing the willingness of others to enter in the first place.

Instead of being sent back to their communities with provisional ID cards, the North Kivu caseload is awaiting formal identification at Mubambiro camp, near Sake (close to the town of Goma), the process having only started in February 2022.<sup>10</sup> Ex-combatants in Mubambiro include 1 726 ex-combatants (20 women), mostly individual surrenders from multiple armed groups in both North and South Kivu (interview with FARDC, March 2022).<sup>11</sup> These surrenders have often followed clashes with the FARDC and/or were born from hardship (interview with ex-combatants, March 2022). Surrenders were mostly not authorised by the respective armed group leadership, unlike the largely collective surrenders processed in South Kivu that were negotiated with armed group leaders. Surrendered combatants in Mubambiro cannot be sent back to their home communities because of the risk of repercussions if identified by their former armed groups.

Numbers of ex-combatants in Mubambiro fluctuate because many leave the camp due to poor living conditions either temporarily or permanently (interview with ex-combatants and FARDC, March 2022). Only the FARDC provides food, since no external support has been forthcoming, pending the formulation and approval of and financial commitments to a national strategy.<sup>12</sup> In the absence of formal training and faced with economic hardship, many ex-combatants in Mubambiro work as day labourer on farms in the vicinity, or travel to the mining area of Rubaya to work as mineral transporters, returning to the camp afterwards. This is not what these ex-combatants had hoped for. An estimated 80% wanted to be reintegrated into national security forces, and, lacking this option, the majority of them preferred to be employed in urban-based professions (interviews with FARDC and ex-combatants, March 2022).

In a separate effort already initiated in 2017 but following the same approach, the peace process with the Force de Résistance Patriotique d'Ituri (FRPI) in Ituri resulted in cantonment of more than 1 000 combatants early 2020. This process was the first experiment in eastern DRC of community-based DDR based on political dialogue rather than military operations. The DDR process in Ituri, however, stalled because of unresolved debates between stakeholders on the terms for amnesty and army integration,<sup>13</sup> and due to renewed clashes between the FRPI and the FARDC. The government is now reluctant to support pre-cantonment, and with the situation having dragged on unresolved for nearly two years, the risk is growing that combatants will simply opt out, as happened in Mubambiro.

Many ex-combatants probably also self-demobilised following the 2018 presidential elections. There is precedent for this. An estimated 1 000 combatants self-demobilised in Itebero territory, North Kivu after the 2012 elections, the large majority of whom apparently entered the ASM sector (interview with local researcher, March 2022). During the DDR III phase, the evidence suggests that most of the combatants

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<sup>9</sup> According to MONUSCO the FARDC cannot account for 931 arms supposedly handed in. MONUSCO insists on accountability of these arms prior to rendering further support to the national strategy.

<sup>10</sup> In addition to Mubambiro, some 600 ex-combatants, largely drawn from the Union des patriotes pour la libération du Congo (ULPC), a Mai-Mai group in Beni territory, are awaiting DDR in Kalunguta.

<sup>11</sup> When Nyamunyuni started processing ex-combatants in early 2020, surrenders from South Kivu stopped being transferred to Mubambiro. More than half of the ex-combatants in Mubambiro were transferred from Rumangabo military camp in Rutshuru territory in January 2022, following M23 attacks in the area.

<sup>12</sup> No CVR project was used to support the camp, which has supposedly been due to poor co-ordination between FARDC and DDR MONUSCO (interview with DDR practitioners, March 2022).

<sup>13</sup> The February 2020 peace Agreement includes clauses on military integration and amnesty on an individual rather than collective basis, and limited to the crime of insurrection. Nonetheless, some in the DRC Government believe this goes against the logic of its latest DDR strategy, which does not include negotiating separate terms with each armed group.

self-demobilised, in large part due to the deplorable conditions in Kitona and Kamina, the inadequacy of reintegration kits (Van Lierde et al., 2021), and poor follow-up support in home communities (interview with P-DDRCS South Kivu officers, March 2022).

A mission in DRC in March 2022 by the United Nations Office of Rule of Law and Security Institutions (DDR section) heard from interlocutors who estimated that the total potential caseload of combatants seeking to engage with the P-DDRC is 17-20 000, 15% of whom are children associated with armed groups. The World Bank Stabilization and recovery project in Eastern DRC is supporting the P-DDRCS with financing livelihood and reintegration support to up to 120 000 people and providing technical assistance to the co-ordination and management of the DDRCS process. This further points to the magnitude of the potential caseload.

#### **2.1.4. De-facto reintegration in the ASM sector**

Agriculture and mining contribute an estimated 20% (US ITA, 2021) and 30% (IMF, 2019) respectively to national GDP of around USD 38 billion, and are the sectors ex-combatants are most likely to work in following demobilisation (Lamb et al. 2012), particularly when lacking other options due to inadequate or postponed reintegration support, as the cases of Mubambiro and Itebero illustrate. Ex-combatants, and rural dwellers more generally, appear to prefer ASM to farming (Verpoorten et al. 2016, Kelly 2014). In the words of one civil society representative, “ex-combatants prefer mining over farming because they make money fast” (interview with CSO, February 2022). A community representative in Rubaya commented that:

“Once demobilised or deserted, they easily choose to work in the mining sector because they have the facility to integrate without prior funds. This is in contrast with other activities which do not only require start-up capital but also professional experience.” (Interview with community representative, Rubaya, March 2022).

Unlike ASM, a return on labour and investment in agriculture can only be expected over the medium to long term and is also often highly insecure due to displacement and the fear of haphazard violence (Kelly 2014), making it difficult to access fields and markets beyond village parameters. In ASM sites, armed actors also engage in violence but usually the local security arrangement continues to allow miners’ access, with the security risks associated with transporting goods to market transferred to negociants. This does not mean that agriculture is completely abandoned in mining zones. It is rather downscaled to subsistence farming at the household level (Karakı 2018). Household-level diversification of activity between ASM and farming allows combatants viable engagement in the mining sector (see Section 3).

There are no figures showing the relative importance of the agriculture and ASM mining and related services in the absorption of ex-combatants. Nonetheless, the high representation of ex-combatants in many mining areas points to their preference for ASM. A case study for Mongbwalu found that that 90% of the members of the Ituri motorbike taxi association, who transport miners from Mongbwalu (Djugu territory) to Bunia and back were ex-combatants of the predominantly Lendu FNI and the predominantly Hema UPC, and so too were a large proportion of the artisanal gold miners in Mongbwalu (Lamb, et al. 2012 and interview with the president of the moto taxi association in Mongbwalu, March 2022). In Rubaya, community representatives estimated that 30% of the ASM workforce were ex-combatants (interviews with community representatives, March 2022).

In other areas, the proportion of ex-combatants to miners is closer to what would be expected considering overall enrolment in armed groups. In Kamituga, for example, based on a large sample of interviewed combatants, Verpoorten et al. (2016) estimated the proportion of ex combatants among artisanal miners to be 3-6%. Respondents, however, estimated that previously, a higher proportion of at least one-in-five miners were ex-combatants. This could mean that either that ex-combatant miners relocated or that they were no longer identified as such.

### 2.1.5. DDR and CVR disconnect with real economic opportunities

Research has shown the limited usefulness of individual-centred training programs for ex-combatants in previous rounds of DDR in DRC (e.g. in agriculture, auto mechanics, and carpentry, as well as in literacy, financial management, and entrepreneurship). This was either because programs were not in line with ex-combatant preferences or because ex-combatants lacked skills, networks and start-up capital to engage in business (Thill, 2021).

Ex-combatant artisanal miners interviewed for this research supported this:

“In 2006, I was trained for nine months under the CONADER programme to be a car mechanic at the CTT (centre technique Tuendeleye) in Panzi. But to get employment in a garage in Bukavu one must pay the owner first. I did not have that kind of cash. Having no relatives there (Bukavu), I could not sustain myself in town. Later that year, I was back home in the village of Chondo, taking up my former work in the mining pits” (interview with ex-combatant, Bukavu, March 2022).

Like the professional training offered to ex-combatants, interviews conducted and on-the-ground research have shown that reintegration kits have often proven not useful and have been converted into money or otherwise exchanged to serve more promising livelihood opportunities. One miner in Rubaya for example used the donated livestock to purchase his place in a productive mining pit:

“In 2018, I surrendered to the FARDC and entered a DDR programme in Kibabi, Masisi territory. I was sent off with four goats, a bike and USD 310. I started farming in 2019 but earned almost nothing so decided to take up artisanal mining in Luwowo. I donated a goat to the chief of one pit so he would give me a job in his team” (interview with ex-combatant, Rubaya, March 2022).

Apart from for farming, little or no training and support has been provided to ex-combatants for the more available and sought-after occupations of transportation and artisanal mining (BICC/DPO 2021). Indeed, a World Bank (2020) survey of ex-combatants suggested that fewer than 10% were working in their chosen jobs via DDR, with the rest either in unrelated jobs or unemployed.

ASM has historically been disregarded in DDR because of its association with conflict. In addition, DDR practitioners interviewed generally believe that any physically apt person can work as a digger, and thus failed to recognise the potential and necessity of support. In discussion with MONUSCO DDR practitioners, only one project was identified that specifically targeted ex-combatants and vulnerable youths, in the gold ASM area of Mukungwe in Walungu territory, South Kivu (interview with MONUSCO DDR practitioners, March 2022). The aim of this project, however, was to draw people away from artisanal mining and into carpentry, rather than support them in their existing activity.<sup>14</sup>

The orientation of professional training currently foreseen for the current caseloads in North and south Kivu is the same as previously, focused on carpentry, mechanics, plumbing, IT and commerce, to be offered at various NGO-ran training centres<sup>15</sup> and by the National Institute of Professional Preparation (INPP).<sup>16</sup> Agricultural training at farms in Vuyinga in Lubera territory (Caritas) and in Shasha, near Goma, (Don Bosco) – is also considered (interviews with DDR practitioners in Bukavu and Goma, March 2022).

The new DDR strategy, however, intends to offer reintegration support to any legal activity deemed to provide substantial revenue, and this could include ASM. However, when listing community development projects based on natural resources exploitation, reference has thus far only been made to agropastoral projects. The strategy does mention ASM, but only in its relation to governance, and not as a sector targeted to employ ex-combatants.

<sup>14</sup> The illegal status of artisanal mining in the area would have made support to mining activities complicated here.

<sup>15</sup> Including in Kalehe, Bunyakiri and Bukavu in South Kivu and Ngangi, Nyarogongo and Goma in North Kivu.

<sup>16</sup> INPP is represented in Goma, Bukavu, Kalemie, Uvira and Baraka

# 3 Factors for the successful reintegration of ex combatants into the ASM sector in the DRC

## 3.1. Previous work on drivers of (re) mobilisation in eastern DRC

To explore factors and conditions influencing whether ex-combatants working in ASM remain there or remobilise, the drivers of (re)mobilisation more generally should be considered. These factors and conditions are often framed in terms of ongoing security challenges coupled with failed DDR<sup>17</sup> (Vogel and Musamba, 2016).

These security challenges include unresolved conflicts over local power, land and other resources, often defined along ethnic lines, and the continued presence of foreign-armed groups, which continue to feed the community self-defence narrative of armed actors (Vlassenroot et al., 2020). This narrative is often cultivated and exploited by ‘Big Men’, meaning politicians, military officials, and businesspeople who reap power and financial benefit from armed group mobilisation at national, provincial or local level (Utas, 2012). This has been a driver in the multiplication and fragmentation of local rooted armed groups, which number around 120 today (Kivu Security Tracker, 2021).

Interestingly, a 2017/18 survey among 279 ex-combatants in eastern DRC found that security issues – the need to defend oneself, one’s family and community – are frequently mentioned as reasons for joining armed groups but did not seem to influence much the probability of ex-combatants taking up arms again (Lorenzo et al., 2020).

Analysis uniquely focused on security is limited and needs to also consider combatants’ incentives and capacity to move in or out of armed groups (Vlassenroot et al. 2020). Armed groups offer combatants livelihoods, a sense of identity and perks such as the occasional ‘right’ to plunder, with which civilian life must compete. Even where security factors have waned, combatants’ economic survival and the preservation of such perks often result in the persistence of armed groups. There is relative appeal to both combatant and civilian life, between which combatants typically alternate or simultaneously operate within, something Vlassenroot et al. (2020) call “circular return” (Ibid).

That said, combatants’ options can be severely constrained by security challenges; the pressure exercised by their communities and commanders is almost impossible to ignore. Themnér (2013) found that remobilisation is more likely when active commanders re-establish contact with ex-combatants previously under their command. Conversely, it has been argued that breaking the link with former commanders

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<sup>17</sup> Overall, participation in a DDR programme is associated with a reduced likelihood of re-joining an armed group (FBA, 2021). However, this does not rule out that negative experiences can motivate remobilisation.

through DDR can increase ex-combatants' vulnerability, making (re)recruitment into a different group more probable (Zyk, 2009).

Even where there is space to leave combatant life, other non-security related factors typically come into play, including those concerning ex-combatants' individual and family circumstances and relationships. Studies on rebel recidivism in other contexts have pointed to the significant effects of poverty, unemployment, educational attainment and economic opportunities; family ties and acceptance by family and community; antisocial personality traits often associated with trauma; and the presence of criminal bands in the near environment<sup>18</sup> (Hill et al. 2008; Kaplan and Nussio 2018, cited in Lorenzo et al., 2021).

### 3.2. Factors considered through the lens of ASM mining

Artisanal mining zones are affected by and at the same time perpetuate the security challenges cited above. ASM can raise the stakes, aggravating local power struggles and conflicts, particularly over land, and is a driver of armed group (including foreign armed group) interference. Largely informal and lucrative, ASM is vulnerable to elite capture and violent manipulation via armed groups.

The level of armed group activity in ASM locations and the extent of influence or control of these groups over ex-combatant ASM miners largely determines whether a mining site is a potential enabling environment for demobilisation and reintegration.

Low levels of activity and control point to greater opportunities for collective demobilisation. Often, however, militia commanders only send part of their group for demobilisation, so they can test whether it is worthwhile keeping some forces mobilised and at hand, to enforce a better deal for remaining combatants and to safeguard against ongoing threats. The level of disarmament is thus an indicator of a group's willingness to demobilise collectively. Where there are high levels of armed group activity and control, desertion from the area of operation is the only option ex-combatants have, but carries with it a high risk of detection and punishment and limited possibilities for return.

Commanders and rank-and-file soldiers often have different incentives, for example where commanders are unhappy with the lack of differentiation by rank in the demobilisation package (Richards 2012) and/or they run a higher risk of facing a judicial process. Ordinary combatants who joined an armed group for economic reasons and social status, for instance by controlling ASM activities, may not follow leadership decisions to enter a DDR they judge to be less lucrative. Yet if DDR is perceived as a reward for having fought, it risks triggering further recruitment. DDR must find the right balance between providing short term benefits (for reinsertion) and long-term livelihoods (for reintegration), and at the same time differentiate incentives according to the military hierarchy. ASM appears best fitted to accommodate the rank and file, while ex-combatant reintegration in security provision around mine sites has the potential to accommodate the command level (see Section 4).

### 3.3. Security-based analyses per mining zone

The following sections consider security factors in five mining zones: Misisi (South Kivu), Rubaya (North Kivu), Mongbwalu (Ituri), Nzibira (South Kivu) and South Irumu (Ituri). The potential for ex-combatant demobilisation in the ASM sector is extremely limited in two of the main gold mining areas Misisi and Mongbwalu, and there are significant challenges in Rubaya, but mining zones in Nzibira and South Irumu

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<sup>18</sup> In the Colombian context those who joined armed combat for personal reasons, spent more time in the organisation and those without children were also more likely to engage in criminal violence

are more promising. Thereafter, non-security related factors are considered, drawing on examples from all these mining zones.

### **3.3.1. Mai Mai Yakutumba in Misisi, Fizi territory**

The case of Misisi and Mai Mai Yakutumba, where there is a high level of militarisation of mining sites and strong control by the militia leadership over combatants, is an example of security factors reaching such a high level of risk that they do not allow a peaceful integration of ex-combatants into ASM. Yakutumba's narrative presents the threat from foreign and other local armed groups as the militia's *raison d'être*. While there is some plausibility to this for associated Mai Mai groups in the middle and high plateaus of Uvira and Fizi territories, Mai Mai Yakutumba is far from any such threat, suggesting economic factors are more important. Complicating matters, Yakutumba wants to demobilise personally on separate terms for his group, and to be appointed as an FARDC general, commanding the 10th military region covering South Kivu (interview with a FARDC civil agent, Goma, March 2022). This option will not be possible unless the rules are broken under the P-DDRCS strategy.

Yakutumba's militia was formed in 2007 in opposition to an earlier round of DDR and integration into the FARDC of armed groups, which saw Congolese Rwandophone ex-combatants assume some important command positions. To mobilise his Babembe community, Yakutumba alleged a threat from these troops when they were deployed in Fizi, and another from the Rwandophone Banyamulenge militia, despite their being far from the Babembe heartland. Yakutumba's anti-foreigner rhetoric at times extends to Bashi traders from Bukavu, whom he accuses of maintaining close relations, though trade, with Rwanda (interview with a FARDC civil agent, Goma, March 2022).

The real rationale for Yakutumba's continued mobilisation and military activity is economic. Over the past decade, the militia has established an elaborate taxation and profit-sharing system over an estimated 2-3 tons of annual gold production (Monusco, 2019 and Max Impact, 2019). The militia's tax collection is conducted in an almost administrative manner, with fixed rates and civilian collectors, requiring little coercion. The militia deploys force or the threat of force in cases of disagreement between operators and when resisting investments in large-scale mining.<sup>19</sup>

Yakutumba's grip on the area and his forced preservation of the ASM status quo benefits not only his armed group, but allegedly also the state authorities, security and defence forces in the area, which have established their own taxation and profit-sharing system in agreement with the militia. Local agents reportedly share revenues upward in their respective hierarchies, as a necessary condition for keeping their lucrative posts. In return, beneficiary provincial and national political and military figures are claimed to sponsor and protect the militia. It is for this reason that during 2017-19, when there was combat between the FARDC and mai-mai groups in Uvira and Fizi territories (2017-19), momentarily united under Yakutumba, clashes spared the mining zone.

Yakutumba combatants working in mining can be called for duty at any time and may be deployed away from mining operations for some time before returning. Ex-combatants from other armed groups working in ASM typically try to disguise their past to avoid being forced to join Yakutumba. Many of these are nonetheless forcibly recruited.

Several older ex-combatants who served under Yakutumba's predecessor General Dunia and went through DDR in 2000 and 2007 – have become pit-owners, site foremen or suppliers of machinery and other material. They are not forced to re-join the militia. Instead, they pay their dues, for example by

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<sup>19</sup> An LSM exploration company, CASA/LEDA Mining, attempted to exploit its concession covering areas of the Misisi site, but this was vigorously resisted by Mai Mai Yakutumba and local political figures who have built their careers and consolidated power through populist opposition to foreign, LSM mining interests.

providing the produce of one 24-hour shift to the militia or paying levies on their machinery (interview with local researcher, March 2022).

There are few individually surrendered ex-combatants; most of them move away for fear of repercussions. In January 2022, 22 Yakutumba ex-combatants presented themselves to MONUSCO and the FARDC in Lulenge, where they are reportedly still waiting to be taken into care (interview with local authority in Misisi, March 2022). Previously, the FARDC moved some surrendered combatants to Mubambiro, North Kivu. Much of the voluntary demobilisation outside areas under Yakutumba's control happens on the initiative of ex-combatants, usually by their moving to Baraka to farm, fish or work in transport, or to work in mine sites outside Yakutumba's control.

"I had enough of the militia so I decided to go to the Kitumba mine site which is controlled by Mai Mai of Biloze Bishambuke. However, I was unable to earn anything and they wanted me to join that group. Thereafter, I went to Baraka to work as a bicycle taxi driver where I have remained since. In Baraka the militia is far away" (Interview with ex-combatant in Fizi territory, March 2022).

Some deserters have relocated as far as Salambila in Maniema Province, where there is also gold ASM, but where armed group pressure is absent or much diminished. Some ex-combatants, however, say they have been able to demobilise and remain within Yakutumba's area of control without facing repercussions or pressure to re-join. They conceded, however, that they needed "a good reason" to decline remobilisation, such as family circumstances or health reasons (interview with ex-combatants from Fizi, March 2022).

### **3.3.2. CNDP and Mai Mai Nyatura in Rubaya**

Security risk factors in Rubaya remain substantial, weakening the prospects for peaceful ex-combatant reintegration. Rubaya's population is predominantly Rwandophone Hutu and Tutsi, and the area has endured a coming and going of opposing armed groups for many years. Roughly a third of miners are ex-combatants, who face pressure to remobilise or contribute financially to armed groups, and particularly the mainly Hutu Mai Mai Nyatura. The perceived threat to Hutus from Tutsi based armed groups is no longer imminent, but land and mining-based conflicts continue to drive armed group activity, including from the Hunde population that believes its customary land rights have been trampled. Intense economic competition between a semi-industrial coltan miner and the leadership of an ASM co-operative is also a significant conflict driver.

Rubaya<sup>20</sup> contains one of the world's richest coltan deposits, estimated to account for 15% of the global supply (UN Group of Experts, 2021). The Société Minière de Bisunzu (SMB) does mechanical mining at one mine site (D2 Bibatama) within its concession (PE 4 731), while the ASM co-operative the Co-opérative des exploitants artisanaux miniers de Masisi (COOPERAMMA), controls most other sites in the concession. Since the signing of a MOU in 2013, all COOPERAMMA production should in theory be sold to SMB (UN Group of Experts, 2019).<sup>21</sup>

During 2008-09, the concession was occupied by the Tutsi-led Congrès national pour la défense du peuple (CNDP),<sup>22</sup> which financially benefited from mining (Mthembu-Salter, 2013). The CNDP later vacated the concession, enabling it to be validated green (equivalent to "conflict-free") by a joint validation mission in

<sup>20</sup> See Annex A for more background on Rubaya context

<sup>21</sup> The 2013 agreement ended on 2 May 2018. From 12 June 2018 a further agreement was applied, which expired on 12 September 2019 (see S/2019/974, para. 47).

<sup>22</sup> The CNDP political wing was presided by Mwangachuchu

September 2011.<sup>23</sup> By this time, however, several Nyatura factions<sup>24</sup> had emerged from among Hutu populations in Masisi in opposition to the CNDP, including in Rubaya's mining sites.<sup>25</sup>

In 2012, the CNDP effectively morphed into the M23. Nyatura's opposition to the M23 aligns with that of the Hunde-dominated Alliance des Patriotes pour un Congo Libre et Souverain (APCLS). Hunde chiefs have customary ownership over several mine sites and receive taxes from pit owners/operators.<sup>26</sup> However, Hunde populations hold grievances over perceived encroachment by Hutu and Tutsi people on their ancestral lands, which continue to fuel armed group mobilisation in Rubaya and Masisi territory as a whole.

Most of the ex-combatants working in Rubaya are from Nyatura, but former CNDP and APCLS militia members are also active. Until 2013, former CNDP members faced persecution for their decision to surrender, including those settled in Rubaya. Some Nyatura factions are lenient towards demobilisation, but others actively persecute surrendered members. Some interviewed ex-combatants feel forced to stay permanently in the mining pits in the hills where they work to avoid detection in town. Others pay up to half their salary via mobile money to their former militia to spare their lives (interviews with ex-combatants, March 2022). Without having to be present at mine sites, armed groups in these ways exercise control over ex-combatant miners in Rubaya, reaping financial benefits.

The presence of miners from formerly opposing armed groups does not in itself fuel tensions in Rubaya. However, continued conflict between SMB and COOPERAMMA has led to the instrumentalisation by the latter of Nyatura factions (Just Results, 2020). SMB and COOPERAMMA's conflict principally concerns non-respect of their MOU: COOPERAMMA by illegal minerals sales to parties other than SMB; and SMB by its delayed payments to the co-operative.<sup>27</sup> Enforcement efforts by mining police on behalf of SMB have led to repeated clashes with armed Nyatura combatants apparently working for COOPERAMMA (UN Group of Experts, 2021; Global Witness 2022).

In a bid to calm the situation, a senior Nyatura ex-combatant has been appointed chief of mining police,<sup>28</sup> having enrolled in the service after his military integration. Much of his entourage are not formally part of the mining police but act as if they are, and are drawn from Nyatura militia (interview with civil society organisation, March 2022). The instrumentalisation of Nyatura factions further fragments the militia but also preserves its relevance, and increases the risk of the (re) mobilisation of artisanal miners.

### **3.3.3. Raia Mutomboki (Maheshe) in Nzibira**

Raia Mutomboki (Maheshe) in Nzibira (Walungu territory) illustrates a case where there is good potential for a peaceful reintegration of ex-combatants into 3T ASM. Previously part of a wider Raia Mutomboki alliance in Shabunda territory, ex-combatants from this faction returned to their home areas when the

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<sup>23</sup> See more details about the multi-stakeholder mine site qualification and validation missions to facilitate supply chain due diligence in Section 5

<sup>24</sup> Nyatura groups have their roots in the armed mobilisation of the early 1990s, including the Mutuelle agricole des Virunga (MAGRIVI) combatants, the Mongols and later the Hutu branch of the Patriotes résistants congolais (PARECO).

<sup>25</sup> A similar dynamic is in motion in Kalehe territory, South Kivu and its principal 3T mine sites at Numbi.

<sup>26</sup> Rubaya was turned into a rural commune recently with an elected mayor, which is likely to reduce the influence of the Hunde tribal chief, or Mwami (interview with civil society, March 2022).

<sup>27</sup> The MOU ended on 2 May 2018 and a further agreement expired on 12 September 2019 (UN, 2021). Since then tension continues as SMB tries to assert its control over sites in its concession while COOPERAMMA members launder production from these sites in the neighbouring SAKIMA concession (UN, 2021; Global Witness 2022).

<sup>28</sup> Civil society sources reported that he received a small contribution from Nyatura miners (interview, March 2022).

FDLR threat waned. After going through a provisional DDR process, the majority of demobilised personnel began working in ASM, many of which had previous experience. Their old militia command structures provided mutual support and organisation for diggers, with a low risk of their being re-recruited. This case suggests that there may be similar prospects for the peaceful reintegration into ASM of Raia Mutomboki groups in Shabunda that are yet to demobilise.

The Raia Mutomboki of Kahasha Maheshe has its origins in Ngweshe chiefdom, Walungu territory in south Kivu, where the mining sites of Nzibira are located. Mobilization dates back to 2007-09, and was largely driven by a desire for defense from the *Forces démocratiques de libération du Rwanda* (FDLR) incursions. Unable to fight the FDLR locally, youths from the area, including artisanal miners, relocated to Shabunda where the Raia Mutomboki had emerged around 2005 from communal self-defense groups, also mobilised against the FDLR.

Maheshe's group split from the Raia Mutomboki faction of Daniel Meshe in 2015 to return to Walungu. This was partly because of diminished FDLR activity, but ex-combatants also said they disagreed with other factions' pillaging of local populations and feared that these factions would next loot their home communities in Ngweshe (interview with ex-combatant miners, March 2022). Maheshe's group largely consists of Shi while Raia Mutomboki groups in Shabunda draw mostly from Rega and Tembo communities, but ethnic identities do not define antagonisms between or within factions.

Following talks with MONUSCO and national authorities, 135 members of Maheshe's group (out of about 450) surrendered in May 2020. Most are presently working in government validated mining sites in Nzibira.<sup>29</sup> In the absence of a formal reintegration programme, Maheshe's deputy commander played a key role in facilitating their community reintegration in Nzibira's mine sites, where he used to work before joining Maheshe and where he now owns three pits. Besides the 55 ex-combatants working for Maheshe directly, additional surrenders are randomly spread between the pits exploited by PDGs without armed group affiliation. The majority had previous experience in mining while others learned on the job.

With many ex-combatants originating from the Nzibira artisanal mining community, the desire to return played an important role in the group's motivation to (partially) demobilise. Because Nzibira's mine sites are validated, installation of part of Maheshe's group would only be possible after demobilisation, so as not to jeopardise the site's status.

Though part of Maheshe's group demobilised, the larger portion did not, and its command structure has largely remained intact. In 2019, people from Mulamba denounced exactions committed by the group to the UN, and military justice authorities opened an inquiry in 2020. The inquiry was opposed by the group's ex-combatants and there is still no verdict (Elongo, 2022). Meanwhile, a rival Raia Mutomboki faction called Ndarumanga has occupied positions vacated by the Maheshe group, exploiting non-validated gold mine sites, and levying illegal taxes.

These remaining security challenges have not thus far motivated ex-combatants who have found secure employment in Nzibira mining zones to remobilise or engage in violent activity (interview with community representatives, March 2022). The peacefulness and sustainability of reintegration will instead be determined by non-security related factors that impact on mining livelihoods, potentially motivating individuals' to return to armed groups.

### **3.3.4. Former FNI, UPC and current Zaire and CODECO/URDPC in Mongbwalu**

Mongbwalu is a mining town in the Djugu territory of Ituri Province. This gold mining area has for many years attracted foreigners and Congolese from all around the country to its productive sites, notably in Concession 40. Historically, the presence of the state-owned mining company *Société des Mines d'Or de*

<sup>29</sup> This is in line with the Regional Certification Mechanism (RCM) of the International Conference of the Great Lakes Region (ICGLR). See Section 5.

*Kilo Moto* (SOKIMO) resulted in the emergence of a complex ethnic mosaic at local level and a relatively balanced sharing of resources. But this fragile balance tends to disappear in periods of conflict.

Mongbwalu experienced extremely violent conflict during the Second Congolese War (1998-2003), largely because of its gold deposits. Control over gold sites has been a major source of income for non-state armed groups, including the Hema-led *Union des Patriotes Congolais* (UPC) and the Lendu *Front des Nationalistes et Intégrationnistes* (FNI). After the end of this conflict and first DDR phase, most of the demobilised in Mongbwalu went to work as artisanal gold miners.

In 2007, several security factors might have favoured ex-combatant reintegration into ASM. The DDR process (under CONADER) had been relatively effective, and that, plus the arrest of key leaders, greatly diminished the control of the leadership over the combatants. At the same time, a large proportion of ex-combatants began working independently as artisanal miners in the gold sites around Mongbwalu. In 2008, it was estimated that between 50 000 and 60 000 artisanal miners were working there (Fahey, 2008). Ex-combatants from the two communities were living and working in close proximity, often at the same mine site, seemingly in peaceful co-existence.

Currently, two main armed groups are highly active in the region, the Lendu militia CODECO/URDPC and the predominantly Hema militia, Zaire. Both are deeply involved in the mining sector in different ways, while access to land and the control of natural resources remain key causes of conflict, driving combatant mobilisation.

The motivation for joining CODECO/URDPC and Zaire was initially self-defence but has quickly transformed into the pursuit of economic gain. Ex-combatants say they are motivated by a lack of employment, which is in part due to prevailing insecurity (interview with ex-combatant; interview with SFCG, Bunia, March 2022). The risk for re-mobilisation is currently extremely high. Similar to what is happening in Misisi, ex-combatants working in the gold mines of Mongbwalu are in a high state of alert, expecting a call for their mobilisation into CODECO/URDPC and Zaire at any moment.

The leadership of the CODECO/URDPC and Zaire seems to exercise less control over their combatants than their predecessors (interview with FARDC, February 2022; interview with P-DDRCS Ituri officer, March 2022). In addition, the leaders of these groups tend to keep a low profile, for fear of international judicial proceedings.<sup>30</sup> Nevertheless, CODECO/URDPC and Zaire are currently engaged in intensifying combat and it is anticipated that commanders' level of control over their combatants will grow in parallel. Preconditions for a DDR programme are not present and combatants seeking to self-demobilise need mechanisms to be put in place to ensure that they are independent from their former group once they leave it.

Today, CODECO/URDPC and Zaire generate significant revenues through the direct control of gold mine sites, forced labour and illegal taxation of the production at sites or checkpoints around the sites. In addition to the militia presence, FARDC soldiers are also involved in the sites (interview with FARDC, February 2022) and a significant arms traffic between CODECO/URDPC and the FARDC has been reported (interview with MONUSCO, March 2022).

Tensions over land access persist throughout Djugu, and particularly around Mongbwalu. are still predominant in Djugu territory and around Mongbwalu. These tensions are being instrumentalised by the two militia, which works against the peaceful reintegration there of ex-combatants into the extractive sector.

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<sup>30</sup> The conviction by the ICC of previous leaders like Thomas Lubanga and Bosco Ntaganda is in the mind of current militia leaders

### 3.3.5. FRPI in South Irumu

South Irumu territory in Ituri has suffered from years of conflict. Currently, the Lendu Ngiti Patriotic Resistance Front of Ituri (FRPI/Forces de Résistance Patriotique de l'Ituri),<sup>31</sup> led by Colonel Mbadhu Adirodhu is the main armed group operating in the region, particularly in the chiefdom of Walendu Bindi. MONUSCO estimates their number between 1 300 and 1 400 combatants (interview with DDR practitioners, Bunia, March 2022). The territory is also known for its numerous productive ASM gold sites.<sup>32</sup>

South Irumu illustrates a case where, while the situation is complex, some factors seem favourable for the reintegration of ex-combatants into the ASM gold sector. FRPI was formed on an ethnic basis, but economic reasons have become the most important motivation to join the group in recent years.

“Many young people told me that by joining the group they will be able to loot and steal goods” (interview with local authority, March 2022).

This creates the prospect of peaceful reintegration into the ASM sector if it can be coupled with community-based conflict management and reconciliation efforts that successfully address ethnic antagonisms. Helpfully, the level of militarisation of mine sites in the area under the control of FRPI is relatively low. Many interlocutors report that in mine sites, it is difficult to differentiate who are FRPI combatants and who are civilians. “FRPI combatants when they work they are just normal miners” (interview with local authority, co-operative and former combatant, March 2022).

In contrast to other groups like the CODECO (see section above) where desertion appears almost impossible, it seems that it is possible to leave the FRPI if some financial support is provided to the leadership (like cash or a cow) (interview with co-operative, March 2022).

The militia’s leadership, however, still has a certain level of control over its combatants, even though this level is lower than with other armed groups in Ituri. A co-operative member from Bavi reports that two FRPI “colonels” continue to control “their” combatant-miners. (interview, March 2022). Some miners sleep at the “colonel’s” place or are requested to do a daily check with them. In addition, combatants must leave their weapons at the colonel’s house when they go working at the mine (interview with co-operative, March 2022). Clearly there is still a need to further weaken the links between the FRPI leadership and its rank-and-file to create a more favourable environment for the peaceful reintegration of ex-combatants into the extractive sector.

Also contributing to this favourable environment is the relatively low level of tension over land access in South Irumu compared to neighbouring Djugu, due to its relatively homogeneous, predominantly Ngiti population. This is also likely to assist peaceful reintegration.<sup>33</sup> However, there is contestation related to land access between two chiefdoms that if unresolved could raise tensions between the Ngiti and the Hema communities and might lead to violence.<sup>34</sup> A dialogue process supported by the CVR was initiated three years ago but the problem has not been resolved. A priority for the Ituri representative of the P-DDRCS will be to continue the process to avoid any conflict (interview with P-DDRCS Ituri officer, March 2022).

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<sup>31</sup> See Annex C for more background on the FRPI

<sup>32</sup> The CSO based in Bunia, Justice Plus reports that the mine site Main dans La Main located in South Irumu can produce more than 3kg per month (Source:@Datastake)

<sup>33</sup> Ngiti ethnic group is a subgroup of the Lendu community who is largely present in neighbouring territory of Djugu

<sup>34</sup> Two chiefdoms respectively Bahema South led by the Hema community and Walendu Bindi led by the Ngiti community claim the ownership of three villages namely Lagabo, Lokpa and Nombe (composed of a majority of Ngiti but with the presence of some Hema landowners who own large land concessions).

### Box 2. Story from an Ex FRPI combatant (interview, March 2022)

A former “colonel” of the FRPI from the Ngiti community, decided to join a group led by Germain Katanga in 2002 to avenge the death of his brother who was killed by the FNI.

Based in the village of Bavi, between 2004 and 2016, he was chief of operations under the command of Colonel Mbadhu. The group was highly active during this period and around 2 000 combatants were spread across different units. They generated significant revenues from different sources, notably from illegal taxation at checkpoints close to mine sites and local markets, direct control of gold mine sites and illegal taxation of passengers travelling to Uganda by boat across the lake Albert. The ASM gold sector was a key source of revenue for the group and for the combatants. Numerous combatants with ASM experience were, in addition, directly involved as miners in gold sites. The leaders of the group earned significant revenues by owning several gold pits. At that time, the “colonel” too gained direct revenue from the ASM sector by renting out his generator and crusher. He did not have to pay any taxes to the group.

In 2006, following several injuries, the “colonel” decided to demobilise along with 300 other combatants who went to Bunia to surrender to the FARDC. However, it was not easy to leave the group while some of its leaders were still fighting and threatened combatants that wanted to leave. The government gave the ex-combatants a brief training and offered them to work in economic sectors they considered insufficiently lucrative, including breeding, farming and fishing, leading many to remobilise. The “colonel” spent six months in Bunia and then returned to the village of Gety (in South Irumu, Province of Ituri) to start a small business, before he was taken by force to rejoin the FRPI. He then stayed as chief of operations until 2016.

In 2016, the “colonel” was demobilised again along with 450 combatants and sent for a year to the Kamina camp where he and the others received military training but no other support. Deeply frustrated, nearly all the 450 rejoined the FRPI, but the “colonel” refused.

Today, the FRPI is relatively inactive and the majority of the combatants, including the “colonel”, work in gold ASM. The group continues to tax the miners (around 10 000 Congolese Francs per week or the equivalent in gold). The “colonel” processes tailings, from which he extracts around 350 g of gold per year, and rents out his crusher. He reports that being an ex-combatant in one’s own community is not easy, and that he needs to be extremely humble and able to say sorry in a context where no transitional justice exists. Despite the circumstances he says he still has a good relationship with Colonel Mbadhu.

In 2020, most FRPI combatants went to work as miners in the ASM gold sector and today many leaders of the group own gold pits, generating significant revenue. Local stakeholders remark that the number of security incidents has decreased since combatants began working intensively in the gold sites (interview with former local authority; interview with co-operative, March 2022).

Today, the incentive for the FRPI combatants and their leaders to disarm is unclear. Some argue that given the low activity of the group and the previous DDR discussions, they could disarm and continue their collective demobilisation process, on the condition that a solution is provided for the integration of the leaders (interview with DDR practitioner, March 2022). But for others, the growing insecurity in neighbouring Djugu and around Beni (North Kivu) creates a disincentive to disarm, because of the risk of a spill over of insecurity into South Irumu (interview with co-operative, Bunia, March 2022).

Apparently for this reason, the FPRI leadership has begun threatening combatants willing to continue their demobilisation (Bouvy et al. 2021). Meanwhile, government pressure on the leadership has been weakened by allies of the militia who are deputies in the Ituri Provincial Assembly. This has allowed FRPI

combatants to circulate freely without fear of arrest, and exercise their influence over combatants (interview with CSO; P-DDRCS Ituri officer, March 2022).

### 3.4. Economic factor: ASM livelihood viability

Employment generally helps dissuade ex-combatants from re-mobilising, though younger people are more prone to rejoin even if employed (Lorenzo et al., 2020). The large majority of ex-combatants interviewed said the lack of employment was their principal reason for rejoining an armed group.<sup>35</sup> Ex-combatants and community representatives interviewed for this study also said that a stable income is the main safeguard against rejoining armed groups.

Formal employment in ASM mining is rare. ASM employment should rather be understood as a viable livelihood in that deployment of assets (including both material and social resources) and capabilities results in income generating activities that are sustained over time (Baffou and Matsuda 2015).

#### 3.4.1. Individual and household level

For ex-combatants and other youth at risk to attain a viable livelihood in the ASM sector, their socio-economic circumstances prior to entering the sector are of great importance at both individual and household levels.

Workers in artisanal and small-scale mining are often differentiated between those who work in a team of diggers under a “PDG”<sup>36</sup> and casual day workers. The latter might more typically transport material or process tailings. The PDG sustains his diggers until his pit starts producing, whereupon miners share in its production. This can be expensive and the PDG usually relies to an extent on pre-financing from a trader.

Start-up costs for the PDG are variable and depend on multiple factors (e.g. type of minerals, depth of the pits, rainy or dry season etc.). A representative of a gold mining co-operative reported having paid around USD 600 for a pit of around 6 metres of depth (interview with a co-operative representative, May 2022). Working under PDG is generally more secure than working alone but requires some initial investment. Diggers may have to purchase a digger’s card or even make donations to the PDG to secure their place in a pit.

Diggers often have to draw upon their own savings and support from friends and relatives to purchase and keep their place in a team of diggers during periods of hardship. Several ex-combatant miners mentioned the importance of their own or their spouses or wider family activities in agriculture and small commerce around the mining site to earn additional income to sustain them during these periods of scarcity. For example, for an interviewed ex-combatant from Burhinyi in Mwenga territory (South Kivu), the need to diversify income prompted the family to leave mine sites around Nyakiliba in Shabunda territory, to settle in Chondo:

“In Nyakiliba the gold production was better than at home in Chondo, but I was alone providing for my wife and first-born child. We decided to return to Chondo though because it’s our home and we have a garden. So even though I earn less, we grow our own crops and spend less on food” (interview with ex-combatant miner from Chondo, March 2022).

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<sup>35</sup> Other stated reasons mentioned by a much fewer ex-combatants were unfulfilled promises for reintegration, suffering and the inability to access housing and being accustomed to the military life or the inability to adapt to civilian life.

<sup>36</sup> Président Directeur Général (a mine shaft manager or pit boss)

Securing access to agricultural land can be difficult when mining far from home. Miners in Rubaya generally have no customary title to land and are obliged to rent from (predominantly Tutsi) titleholders at around USD 500 per hectare per year (interview with civil society representative, March 2022).

According to PDG operating in Nzibira:

“We can start with 20-30 diggers but half will drop out because work is too hard and provisions are limited. They are obliged and turn to day labour to earn some money as mineral transporter or farm worker to meet the needs of their families” (interview with ex-combatant PDG from Nzibira, March 2022).

Aspirant diggers can also start out as so-called “bon-hommes”, allowed by the PDG to extract any residual minerals left in the tailings of a productive pit. Newcomers, ex-combatant or not, often start out this way or as transporters, before being integrated into a team of diggers. This is especially true for aspirant diggers with no prior professional experience.

However, upward mobility is not guaranteed, and aspirant diggers can be stuck into casual day-labour jobs for long periods. An ex-combatant interviewed in Rubaya has been a mineral transporter for many years and said that many fellow ex-combatants are stuck in this work because, with daily earnings of 500-700 FC (USD 0.25-0.35) they are not able to save enough money to pay 5 000 FC (USD 2.5) for their diggers card (interviews, March 2022). In comparison, artisanal miners from Rubaya working in a productive pit say they earn USD 2-3 a day, which is in line with other research on the average earnings of ASM miners in eastern DRC.<sup>37</sup> According to the PDG from Nzibira, casual ex-combatant labourers like the “bon hommes” are at risk of remobilising again.

The testimonies cited above show that although ASM requires less money upfront and professional experience than other occupations such as agriculture, it still requires a degree of both and that those without are at a disadvantage to those that have.

### **3.4.2. Site and value chain-specific considerations**

#### *Production capacity*

For a site to be viable there must be sufficient and stable production. ASM miners typically shift from one location to another within a mining zone, in search of veins where mineral occurrence is high. To identify these, adequate equipment and knowledge of the geology are important, especially in the much unexplored artisanal mining zones (ZEA). ASM miners typically lack these items, relying instead on trial and error. Professionalization in ASM is limited, but some co-operatives have started to make the necessary investments.

CEMADECO, for example, recently started production in the mine site Ifari-Fari in Walikale territory. The co-operative did a thorough geological survey, taking and analysing samples from different sites. Based on this analysis, CEMADECO was able to estimate the mineral potential, weekly production and return on investment, allowing the co-operative to engage workers to construct the mining pit and to pay them adequately (interview with co-operative, March 2022).

Such examples are few, but much needed because many argue that in the long term, semi-mechanised activity is more likely than ASM to optimise production and sustainably employ increasing numbers of (ex-combatant) miners.

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<sup>37</sup> According to an IPIS study from 2020 ASM miners in eastern DRC earn between USD 2.7 and 3.3 per day, which is above the average of the general population 73% of which earns less than USD 1.9 per day (Jaillon et al. 2020).

### *Capital investment and financial management*

When asked to identify what prevents ASM from employing more people permanently and securely, interviewed respondents all referred to the lack of financing. Investment in production typically trickles down via pre-financing from exporter to local trader (*négociant*) to PDG and then to artisanal miners. However, this pre-financing is erratic and opaque. CEMADECO was able to mobilise funds to invest in a professional geological survey, but this is unusual.

Access to legitimate sources of finance is key, but for many years, financial institutions have been reluctant to have ASM mining clients. Trust Merchant Bank (TMB), a Congolese bank, is currently working to support ASM financial inclusion through the development of a Standard for Mining and Minerals Trade. This is intended to enable TMB to offer a range of financial products to these riskier customers, while at the same time respecting international responsible sourcing standards.

### *The value chain and minerals price paid to miners*

Diggers tend to sell smaller quantities locally and for a lower price than they receive for bigger quantities, which are generally sold in larger trading centres. It makes sense for miners to team up in a co-operative to boost their mineral volumes and sell in trading centres. The difference in price can be significant. In Ituri, the USAID-funded Zahabu Safi project partner BetterChain reports that a gramme of gold was last year sold at USD 39 in the mining village, but at USD 48.5 in Bunia, 45 kilometres away (BetterChain, 2021).

Taxation levels make a difference too for pricing. The Zahabu Safi project reports that in Ituri, “illegal traders who will smuggle their gold” pay around USD 4 more per gramme than legal traders who pay export taxes. Other costs paid by buyers also impact the price of minerals, including other trading costs and due diligence costs.

Co-operatives often cannot be relied on to get the best prices for their members, particularly when their management is in the hands of the buyers (*négociants*). These buyers frequently try to use their monopoly on particular mine sites to keep pit prices as low as possible and boost their own profits. According to Bahalaokwibuye (2015) this is why the price for their gold received by miners in Nzibira went down after they joined the COMIDEA co-operative. As mentioned later, COMIDEA has many ex-combatant members.

Miners are often highly critical of co-operatives for their impact on pricing and for alleged failures to support their members. An ex-combatant miner in Kibindibindo in Walikale territory said:

“To be a member of the Co-opérative Minière pour le Développement (COMID) I had to pay 10 000 FC (USD 4.87). The co-operative takes 20% of my weekly production of 10kgs but provides no material support, and neither does SAEMAPE. We have no equipment to exploit and protect ourselves. Also, the selling price went down to 22 000–26 000 FC per kilo (USD 10.71-12.66), compared to around 30 000 before. I would like to quit mining and learn carpentry or mechanics” (interview with ex-combatant, April 2022).

### *Taxation and sharing arrangement*

The level of informal or illegal taxation to which ASM miners are subjected is a major determinant of their overall earnings. In some mining areas, such as Misisi, the level of informal and illicit taxation and the confiscation of miners’ production is extreme and can only be sustained because of the mineral richness of the area. Largely because of these high taxation and predation rates, with payments demanded by the customary authorities and a host of state agents, Misisi pit owners take 60% of the production, leaving only

40% to be divided between the PDG and the miners. On top of this, government services each requisition 12 or 24 hrs of pit production every other month or so, as does Mai Mai Yakutumba.<sup>38</sup>

The CEMADECO co-operative has managed to negotiate a more benign arrangement, where pit owners take only 30% of production, and the co-operative and miners take 40% and 15% respectively, with the co-operative responsible for miners' housing, food, health, equipment etc. The remaining 15% goes on taxes.

In addition to taxation, royalties to formal mine title holders can also be expensive. For example, in Iga barrière and in Mongbwalu, companies holding the mining titles collect royalties of 20-35%. The remainder is shared between the *Administrateur de Foyer Minier* (AFM) – which compares to what is elsewhere called the PDG – the pit owner and the miners.

### *Physical access to the mining area*

Illicit taxation and the confiscation of production by armed and criminal actors tend to be worst in remote locations where surveillance by state and civil society actors is weak. For example, Mongbwalu is currently only reachable from Bunia by motorbike, the journey taking around eight hours on a poor road. This adds greatly to the risk of gold transporters being intercepted and increases the cost of transport and thus the price of food and other supplies.

Mining areas like Rubaya and Iga Barrière are more accessible, which makes ASM more profitable and less risky. Rubaya is around 2 hours by motorbike from Goma. The journey between Iga Barrière and Bunia takes 45 minutes on a relatively secure road.

## **3.5. Social factor: Community and family acceptance**

The degree to which receiving communities do or do not welcome back ex-combatants has a significant impact on their re-recruitment levels (Lorenzo et al., 2021). Ex-combatants in the cited survey blamed their experiences of exclusion on their lack of financial means, being perceived as thieves or bandits and being feared by the population. The community not knowing the past as ex-combatants was mentioned as contributing to community acceptance, but this was seldom the case.

Ex-combatant miners interviewed for this study expressed similar experiences of exclusion, but the fact that the receiving mining communities are often not the ex-combatants' home community – and their past is therefore not (fully) known – is likely to make acceptance easier. Mining boomtowns with a highly diverse population are particularly attractive to ex-combatants looking to start a new life (Buscher and Mathys, 2018).

Rubaya is a mining boomtown where interviewed ex-combatants and community representatives all emphasised there is a mostly peaceful cohabitation of ex-combatants different groups and of different ethnicities. Tensions between SMB and COOPERAMMA, however, disturbs this, as two ex-combatants explained:

“Ex-combatants live in harmony, no matter from which group or ethnic background. This is because they are in the mines for work and not to cause problems. However, when tensions rise, mostly due to the conflict between SMB and COOPERAMMA, they don't recognise each other anymore.”

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<sup>38</sup> DAGRI also is involved in the sale and taxation of mining explosives, at 350.000 FC per explosion. These take place approximately every 12 hrs in each pit. FARDC is also levying roadside taxes on bicycles, motorcycles and vehicles at 12 checkpoints between Fizi and Baraka.

“In those cases, they are afraid of each other, because nobody knows who is who and who was who in the past.” (Interviews with ex-combatant miners from Rubaya, March 2022).

Another factor that may explain the high level of acceptance of ex-combatants in Rubaya is that most ex-combatant miners, at least among those interviewed, were forcefully recruited at a very young age and are not (fully) held responsible for possible crimes committed against the receiving community. In addition, it appears that their areas of operations did not cover Rubaya but were elsewhere in Masisi territory or beyond.

The situation in Ituri is different, because there, the FRPI and CODECO/URDPC have committed crimes against their own communities (Bouvy, 2021 and interview with co-operative, March 2022). This has soured local sentiment and many Lendu leaders have disassociated themselves from CODECO because of its predations (ICG, 2020).

Community representatives from Irumu report that the community knows who among the FRPI were the perpetrators and who were their victims (interview with local leader from South Irumu, March 2022). Ex-combatants said they try to keep a low profile in their community, and some said they wanted to be integrated into the FARDC to avoid the vengeance of their peers. (interviews with former FRPI combatants, March 2022).

The UPC, by contrast, is largely perceived as having been a genuine community defence militia and its combatants have not experienced the same difficulties in reintegrating with their communities. While admitting that they sometimes robbed their community when they were starving, ex-combatants say that more typically, local leaders provided them with food to support the war effort (interview with ex-combatant, March 2022). Another UPC combatant mentioned “we had no problem to be reintegrated in our village, our population was proud of us, they were proud that we defended our community” (interview with ex-combatant, March 2022).

In Burhinyi groupement, Mwenga territory, the serious crimes that combatants had previously committed against their home mining community was the main reason for its unwelcoming reception. Ex-combatants feel discriminated against when pit owners and managers refuse to work with them and when local customary authorities levy increased taxes for them to access mines. In these cases, ex-combatants could be offered reinsertion opportunities into mining in other part of the province, or country.

Another factor making their return to Burhinyi unpopular was that many ex-combatants returned with few means. According to one:

“My family and friends were disappointed when I came back because I had not opted for army integration and returned home without bringing anything, asking for their assistance instead.” (Interview with ex-combatant miner from Chondo, March 2022).

The ex-combatant moved to another mining area to look for work. He was even tempted to rejoin another armed group, being held back by the fact that he was raising a family.

According to some interviewees, many families have sent their children into an armed group for them to enrol in the army afterwards to provide a relatively stable revenue to support the needs of the family. Communities tend to be disappointed when these ex-combatants return as civilians, generating frustration and resentment. Because the current batch of demobilised combatants will not be integrated into the FARDC (see Section 2 on Mubambiro camp), one can anticipate limited family acceptance and possible rejection on return to the community.

The relative anonymity and ethnic diversity of mining boomtowns like Rubaya seems to favour community acceptance, while in smaller, more remote mining locations like Chondo that overlap with or are in the vicinity of the home community, community acceptance often appears problematic.

### 3.6. Psychological factor: Ex-combatant mindset

The degree of ex-combatants' psychological vulnerabilities is an important factor determining the extent to which they successfully reintegrate with their communities. Community representatives in mine sites said that ex-combatants engage more frequently than others in crimes, abuse drugs and alcohol and resort to violence in mining-related disputes. Particularly when traumatised, the combatant mindset takes over on such occasions, aggravating disputes. In the words of a former UPC combatant “the war has left me with many bad things in my head” (interview, March 2022).

“When they were combatants, they used to easily earn money and goods through robbery and looting”, argues a co-operative manager when explaining problematic behaviour in ex-combatants (interview, Walikale, April 2022). The president of the moto taxi association in Mongbwalu said that its ex-combatant drivers are particularly difficult to manage, but that he uses his “neutral status” as a member of the Lukele ethnic group from Kisangani to moderate their behaviour and create some cohesion between Hema and Lendu, arguing that the most important thing is to provide them with a stable job (interview, March 2022).

Civil society representatives and state agents complain that individual trauma healing was rarely undertaken with ex-combatants as part of DDR. Search For Common Ground (SFCG), an American NGO working on peacebuilding, provides community trauma healing in communities affected by the conflict. While these sessions are helpful to support social cohesion, they are not a substitute for individual trauma counselling sessions with ex-combatants (interview with SFCG, March 2022).

### 3.7. Opportunities and risks for reintegration in companies and co-operatives across the value chain/ responsible supply chain actors

Opportunities to reintegrate ex-combatants into commercial entities involved at the mineral extraction level are more apparent than are work opportunities in trade and export. The work of minerals traders or exporters requires specific expertise, business networks and significant capital that ex-combatants usually do not possess. Moreover, mineral traders often depend on an opaque network of actors to fund their activities. This network, especially for gold, is often related to other criminal activities like trade-based money laundering and tax fraud, and is thus not the ideal environment for ex-combatants.

Strikingly, no ex-combatants were identified during the fieldwork for this study acting even as first tier traders – the négociants – operating between the mine site and the trading centre. Many ex-combatants are members of cooperatives, but mostly as diggers or exceptionally as PDG as in Nzibira. Management is often in the hands of negociants (Bahalaokwibuye, 2015) or local political and economic elites (Geenen and de Haan, 2015). There is one co-operative run by ex-combatants from southern Katanga – Co-opérative Minière d'Encadrement des Démobilisés et Ex-combattants Mai Mai (COMEDCOM) – which is supposedly also active in Kamituga in South-Kivu.<sup>39</sup>

Interviewed co-operative representatives said they have no objection to integrating ex-combatants in their workforce, but some wish to ensure a balance between ex-combatants and non-combatants (interviews with co-operatives, March 2022). The representatives said they considered the main risk to be the challenge of managing such volatile workers, especially when disarmament has not been fully achieved. One co-operative manager said “I would be afraid to have a majority of ex-combatants among my members because in general it is a more difficult population that often has heavy trauma and a rebel mentality”. (Interview with co-operative, March 2022).

<sup>39</sup> Authors were unable to contact this co-operative as part of this study. See also Africa Intelligence (2019).

In Ituri, a co-operative president explained that a large proportion of his miners are ex-combatants and that he does not fully know who is and who is not. For him, having a majority of ex-combatants as co-operative members is not an issue (interview with co-operative, March 2022).

COMIDEA in Nzibira has a high number of ex-combatants. Co-operative representatives said that the fact that their former commander was their PDG was an advantage, as he could keep the diggers in check. One civil society commentator argued that it is important to replicate the armed group hierarchy in ASM pit teams where miners are largely drawn from this group (interview with civil society actor, March 2022).

Reintegration into a co-operative as digger can be beneficial to ex-combatants, but not all co-operatives offer safe business environments in which to reintegrate. Where owners and the beneficiaries are politically exposed persons (PEP),<sup>40</sup> there is a risk that they mobilise members for their own benefit to the detriment of the collective. Many co-operative owners and beneficiaries are involved in smuggling.

The legal status and legitimacy of the (co-operative) mining operator is also an element that needs to be taken into consideration, as contested legal claims can lead to tensions with different stakeholders, to the detriment of miners. Scenarios to be avoided include:

- A mining operator that is in conflict with another mining operator over the control of the mine site. The state mining advisor in Goma reports that in North Kivu there are many conflicts between co-operatives over access to mining permits (interview, Goma, March 2022). Co-operatives typically try to secure monopolies over particular mining zones, which can lead to clashes with rival co-operatives and armed group instrumentalisation. The case of Omate gold mine back in 2010 is a case in point (Group of Experts, 2011).
- A mining operator with no legitimacy among key local stakeholders. For example, in Mukera in Fizi territory, contested legitimacy of the Co-opérative minière pour le développement intégral (COMIDI), operating in partnership with a Chinese investor (Bayond Mining), spiralled out of control in November 2021 when armed elements abducted Chinese workers. Bayond's failure to honour the local development commitments it made to the population and its customary authorities are believed to be at the origin of the abduction (interview with local researcher, March 2022).

To avoid these scenarios, the rights of stakeholders need to be clarified and local consultations with the parties concerned conducted until the requisite level of agreement is reached. Co-operatives' rights can be clarified through the allocation of specific artisanal mining areas (ZEAs) or through a formal agreement with the mine titleholder. In the mining area of Iga barrière (in Ituri), the co-operative COMALOBANI has signed a Memorandum of Understanding with the mine titleholder of the mining concession (MGM) to legalise its right to operate in the concession.<sup>41</sup> The legal status of the mining operator is also important, but care should be taken that it does not unduly slow or block the process to integrate ex combatants, since the process to legalise a co-operative in the DRC can take some time.

Finally, professional governance of the co-operative from policy formulation through to the execution of work and financial management increases the chances of a successful integration of ex-combatants. "Co-operatives must be properly organised before being able to integrate ex combatants" (interview with government mining advisor, March 2022).

CEMADECO is a good illustration of a well-organised co-operative with the ability to integrate ex-combatants while mitigating potential risk. Since 2020, CEMADECO has been active in Walikale (North Kivu) in a gold site (Mika Fari Fari) located in ZEA 205, to which it has been allocated by the government. 48 miners are members of the co-operative and work from Monday to Saturday. The co-operative provides

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<sup>40</sup> PEPs are persons who are exposed to particular risks because of the (political, judicial or administrative) prominent public functions they hold or have held.

<sup>41</sup> The MoU between COMALOBANI and MGM was signed in September 2021

them with adequate equipment, health care and food to support their work. CEMADECO pays everyone in cash, but to promote saving and sending remittances to family members, the co-operative is moving toward mobile payment (mobile money). When an issue rises at the sites, the co-operative organises a consultation and a local mediation with the parties concerned.

The profile of the leadership, legitimacy of the operation and professionalism can thus be seen as important preconditions for the successful integration of ex-combatants into co-operatives. For these co-operatives then to secure a responsible supply chain for their output, they will need to carry out due diligence as recommended by applicable international standards, including the OECD Due Diligence Guidance (OECD, 2016a).

# 4 Opportunities in the security and the ASM sector for DDR and CVR programming

## 4.1. Integration of ex-combatants into security services

The issue of security in ASM mining in eastern DRC is complex, involving a multitude of state and non-state security actors, including the National Police, Mining Police, National Intelligence Service and the Directorate General of Migration. Private security companies (PSCs) were in the past limited to guarding industrial concessions and properties, but some semi-industrial mining, mineral treatment companies and co-operatives operating in the ASM chain have also started using PSCs. Co-operatives more commonly rely on informal control systems, involving lightly armed guards, particularly in remote mine sites where the state and PSC have limited access.<sup>42</sup>

All these categories can potentially include ex-combatants. However, the guiding principles and red lines established by the national and international community for the current Congolese Disarmament, Demobilization, Community Reintegration and Stabilization Program (P-DDRCS), mean that there is no longer the option of collective ex-combatant integration into state security institutions. Integration can only happen on an individual basis, following regular recruitment processes. There are, however, cases of informal incorporation of young men from the local mining population, including ex-combatants, into the mining police. This has occurred in Rubaya under the current chief of mining police, himself an ex-combatant (see Section 3). Such informal integration is obviously not desirable.

With the mining sector professionalising, and the new DDR strategy no longer allowing collective integration into national security and defence forces, the option to enrol in PSCs in general, and those dedicated to the protection of mining properties in particular, seems an appealing alternative, connecting as it does to ex-combatants' previous experience and status.

There is not much information available about ex-combatant integration in PSCs. No data are available about the scale of enrolment during previous DDR cycles and, apart from one case of facilitated enrolment of a small number of ex-combatants in one PSC, no specific programming seems to have ever been undertaken (De Goede, 2008). One challenge is that the Congolese Government has concerns about private security companies becoming recruitment agencies for rebel movements, but this could potentially be mitigated by appropriate government engagement in screening of personnel.

One PSC that employs ex-combatants was identified during the fieldwork. The company employs 300 guards, about 10% of which are ex-combatants. These are mostly involved in guarding urban private and

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<sup>42</sup> For example, in Kalimbi, South Kivu, Bashizi and Geenen (2014) observed that co-operatives had created their own guarding services occupied with maintaining order, intervening in mining related disputes, controlling laundering of minerals from elsewhere and observing OECD due diligence standards.

business properties, but the company has started guarding ASM mining and treatment sites on behalf of two exporters, and is in discussion with an industrial gold concession holder to guard its perimeters together with an international PSC (interview with PSC director, 2022).

The PSC director previously served in the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL) when it was a rebel movement, and in the national security services thereafter, and regards the company's employment of ex-combatants as his duty. The director additionally considers that the employment of ex-combatants and youth at risk as PSC guards tempers potential local resentment towards international mining investors, and facilitates the collection of intelligence about potential threats from the local artisanal mining community. The director further suggested that the rotation of employed ex-combatants, bringing them from a rural to an urban environment, would help to distance them from their former lives:

“Ex-combatants with a certain grade think about one thing only, that is quick money. Integration in private security provides this, definitely compared to public security services. After a first job close to home, we can send them elsewhere. This will build their professionalism and change their mind, forgetting about their combatant's life.”

Mitigating potential risks associated with hiring ex-combatants, aspirant guards are vetted with input from the national security services and once they are enrolled, the company's legal advisor instructs them on the Voluntary Principles on Security and Human Rights.<sup>43</sup> The legal advisor has participated in training offered by the Swedish Folke Bernadotte Academy. This case well illustrates the opportunity of ex-combatant reintegration through PSCs providing security in the ASM sector. The only caveat is that at least one client who sources from the PSC secured mine property is alleged to be involved in illicit gold trafficking.

An example of a co-operative that uses a PSC is COOMIKI in Misisi. The COOMIKI founder and president is the customary chief of the locality Katombo, and has his own PSC called Fizi Luxe. Some 50 local youths, possibly including ex-combatants, have been trained and are working at industrial concession holder Leda Mining Congo Sarl (interview with local mine operator, March 2022). In 2014, Leda Mining attempted to exploit its concession, which includes several productive ASM sites, but Mai Mai Yakutumba and local political figures that have built their careers and consolidated power through populist opposition to large-scale mining interests vigorously resisted this. As a result, Katombo was suspended as customary chief for about three years, during which an informal security arrangement, termed “Groupe de Ronde” was in charge of policing the Misisi mine sites. This arrangement was conceived by Yakutumba and his close ally, retired FARDC General Sikatenda.

ASM companies in eastern DRC also engage the police, often operating next to in-house or private security, since private security guards are unarmed and are unable to respond to emergencies like armed robbery. These arrangements can be informal, such as in Mambasa, Ituri, where Chinese companies pay police officers USD 150 a month to secure gold sites. In Rubaya, the concession holder, SMB, formally contracts and pays the mining police to guard its perimeters alongside the company's own industrial guards (SMB, 2019). Alphamin in Bisie also engages mining police officers to secure the LSM site, in collaboration with security agents from a PSC.

The commercialisation of public security is common in DRC,<sup>44</sup> rendering opaque the division of roles and responsibilities between private and public security. Legislation was passed in 2003 intended to clarify their

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<sup>43</sup> The Voluntary Principles are the result of a dialogue between the governments of the US, the UK, the Netherlands and Norway, companies in the extractive and energy sectors, and NGOs. They have developed a set of voluntary principles to guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. Available at [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org).

<sup>44</sup> In the Congolese police there is also a special guard brigade meant to secure VIPs and government officials. This has actually become the unit that is directly engaged by private sector actors, but this is mainly happening in urban

respective roles, with police deployment in the private domain supposed to happen through the incorporation of police officers in the work of PSCs via hybrid patrols and joint guarding and response.<sup>45</sup> It is supposed to be the PSC and not the client that makes the arrangement with the police, and payment is not allowed.

There is good reason to explore further the possibilities for integrating ex-combatants in PSCs, and particularly those working for ASM operators. PSCs are legally supposed to lead security provision in the private domain, including mining concessions, calling in public security in case of necessity. PSCs could recruit from unauthorised lightly armed informal security actors in remote mine sites, once a formal operator wanting PSC security provision starts engagement there. The legal possibility, and in fact desirability, of hybrid private-public security provisions in general, could serve as a basis for discussion between DDR practitioners, mining operators, PSCs and Congolese police services about PSC-led mine site security arrangements that incorporate ex combatants as part of the new DDR programme.

## 4.2. Reintegrating into the ASM sector

As the report argues above, the economic potential of the ASM sector has not yet been adequately considered in DDR programming. Besides associating artisanal mining with instability, and their perception of the exploitation of natural resources as a driver of conflict, a common view among DDR practitioners is that artisanal mining requires no support, since it does not appear to require much prior experience or training. They therefore see little need for specialised training and support from DDR programmes. In reality, however, the provision of skills, equipment and start-up capital within a DDR framework would be hugely beneficial for ex-combatants looking to find permanent peaceful engagement in ASM mining.

While it does not mention explicitly ASM, the new P-DDRCS strategy nonetheless gives sufficient room to include the sector, since it is intended to provide professional orientation towards preferred income generating activities available in chosen areas of return. In addition, as part of an exploratory mission undertaken by the DPO/OROLSI/DDRS, the possibility of reintegration of ex-combatants in the ASM sector was raised by the National Co-ordinator of the P-DDRCS, Tommy Tabwe, during an interview (March, 2022), indicating that such an approach may be welcome by the national authorities if properly framed to manage political sensitivities.

To date no ASM professional training exists, but this could change. The National Institute for Professional Preparation (INPP), which is providing professional training to ex-combatants in eastern DRC, has in Katanga started to develop training in mining sector professions with GIZ financing (INPP, 2021). This experience could be drawn upon to provide a curriculum in eastern DRC in the framework of its future DDR implementation phase.

Ideally, ASM professional training should go beyond technical skills and include knowledge of formal rights and duties, financial management and organisation skills, including to set up or enter co-operatives. Reinsertion kits could include basic tools, protective clothing as well as a modest start up-capital to acquire legal documentation and bridge periods of scarcity in the production cycle, as mentioned earlier (interviews with civil society and mining operators, March 2022).

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areas. DÉCRET-LOI N° 002-2002 portant institution, organisation et fonctionnement de la police nationale congolaise, 26 janvier 2002. <https://www.leganet.cd/Legislation/Droit%20Public/Divers/DL.002.2002.26.01.2002.htm>

<sup>45</sup> Ordre Ops no 1560, 2003 and Directive no 1538, 2003, cited in De Goede (2008)

### 4.3. Orienting CVR to the ASM sector

CVR can be used before, after, and even during a DDR programme. Awaiting formal DDR to start, CVR projects in eastern DRC have mainly functioned to date as a stop-gap measure, mainly engaging ex-combatants and at-risk youth in labour intensive public works for short periods.<sup>46</sup> CVR projects are implemented over a period of a year at the most, but usually less because of lengthy administrative procedures. Such projects could equally be implemented in ASM communities to improve access and basic infrastructure around mining sites, and to temporarily employ ex-combatant and high-risk youth in ASM. This should be followed, however, by more sustainable DDR support for reintegration in ASM.

CVR projects can also be used to create a more enabling environment for reinsertion and to prevent recruitment in ASM communities. Mining authorities and civil society actors interviewed recommended the roll-out of CVR projects to support ASM formalisation (e.g. through co-operatives), to prepare the ASM community for the arrival of ex-combatants, to provide ex-combatants with mental health and psychosocial support (MHPSS activities) and to promote social cohesion in ASM communities.<sup>47</sup> Support for ASM formalisation, however, would require building additional expertise in MONUSCO.

A remaining question, however, is how the short-term nature of CVR projects fits with the longer-term stabilisation engagement in the ASM communities proposed above. CVR may better be seen as piloting or kickstarting a process that can subsequently maintain itself after the project ends or is taken over by other actors. Such CVR projects could, for example, be financed through MONUSCO's CVR budget, or through the catalytic funding provided by the Peacebuilding Fund (PBF).

A suggestion frequently voiced in relation to ASM communities is that CVR projects could capacitate and build upon the local mining monitoring committee, established by the Congolese Government to help assure responsible mineral supply chains, enabling them to facilitate ex-combatant reintegration in the sector and prevent the recruitment into armed groups of youths in ASM. These local monitoring committees, as is further discussed below, can become the point of convergence between CVR/community reintegration and supply chain initiatives.

The role of the household must not be forgotten in DDR/CVR programming. Ex-combatant spouses often play an important role in diversifying family income, helping to sustain their activities in the ASM sector. Recognising this, male ex-combatant-focused ASM training can be coupled with training and support activities in the agricultural sector and small-scale trade in which their spouses, mostly women, can enrol. A CVR that seeks to clarify mining rights and manage disputes around them could also address questions of land tenure in mining communities, ensuring that proper consideration is afforded to women's access.

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<sup>46</sup> Mostly serving as a stop-gap measure, it has been observed that many CVR public works projects were not tied to income generation or maintenance activities to sustain the projects and/or its beneficiaries, see UN Office of Internal Oversight Services (2018).

<sup>47</sup> These suggestions are in line with the new P-DDRCS strategy which in its stabilisation segment includes land and mining governance. In addition, its social and economic development segment proposes community-based projects around local resources exploitation, microcredit and value chain creation, all of which apply to ASM. The same applies for intended initiatives towards transparent and inclusive local governance, conflict resolution and social cohesion.

# 5 Opportunities for multi-stakeholder responsible supply chain initiatives to contribute to DDR/CVR

## 5.1. Introduction to responsible minerals supply chains programs in the DRC

Following the Lusaka declaration (see Section 1), the Congolese Government in 2012 passed legislation<sup>48</sup> to implement the Regional Certification Mechanism, introducing a system of state-led, multi-stakeholder mine site qualification and validation missions to facilitate supply chain due diligence.<sup>49</sup> The government also set up local, territorial and provincial monitoring committees – *comités locaux de suivi* (CLS), *comités territoriaux de suivi* (CTS) and *comités provinciaux de suivi* (CPS) – which bring together relevant state services, public security providers, private actors and civil society representatives, with a mandate to address risks highlighted in Annex II of the OECD guidance such as illegal involvement of public security forces, human rights violations and child labour in mining areas. Comprising the highest sub-national office,<sup>50</sup> these committees' authority transcends the mining sector and have a mandate, and the standing, to engage state services not directly responsible with the sector's governance, including the FARDC.<sup>51</sup>

On the industry side, two electronics industry organisations initiated a downstream conflict-free smelter programme (CFSP) which, in turn, relied on the upstream traceability initiative of the International Tin Association (ITA), both implementing the OECD Guidance. The CFSP was transformed into the Responsible Minerals Initiative (RMI), which recognises the International Tin Supply Chain Initiative (ITSCI), now covering 95% of 3T exports in the Great Lakes region across approximately 2 500 validated sites (Levin, 2021), and a second, smaller upstream due diligence programme, Better Mining (formerly the

<sup>48</sup> Arrêté Ministériel N° 0 057 CAB.MIN/MINES/01/2012 of 29 February 2012

<sup>49</sup> Due to government capacity issues, mine site validation missions are lagging behind demand. Of an estimated 2 824 ASM sites in DRC only 529 were inspected and validated between 2012 and 2017 (Levin 2021). To fast-track validation, the DRC in November 2021 introduced a new status for the qualification /validation of artisanal mining sites: Blue Status, allowing a registered mine site to exploit and export minerals while officially waiting for its qualification / validation status. The exporter will be responsible for writing and publishing a risk assessment of the mining site associated to the OECD Annex II Risks. See IPIS (2021).

<sup>50</sup> The governor at provincial level, the territorial administrator at territorial level and the and the chefs de poste d'encadrement administrative at the groupement level.

<sup>51</sup> The provincial monitoring committees also came to play a role in the management of so-called basket funds derived from fixed contributions from private operators (co-operatives, mineral traders, transporters and exporters) and destined for community development around mine sites of origin. Mismanagement and alleged embezzlement led the national Ministry of Mines to put an end to the basket fund in 2019 (Wakenge and Kitungano 2021). Provincial committees remain with operational funds to execute their initial monitoring mandate (interview with South Kivu mining authorities, March 2022)

Better Sourcing Program) implemented by RCS Global. ITSCI has helped to kick-start several local level multi-stakeholder monitoring committees in the vicinity of 3T sites as part of the program's risk mitigation.

Some gold mining sites have been validated and local monitoring committees have been functioning in their vicinity, but there has been little progress in establishing responsible ASM gold supply chains. Armed group interference is disproportionately high in gold mine sites compared to 3T mines and the bulk of domestic trade and exports remains illegal. The little gold that is officially exported is certified but does not give assurances of responsible origin required by the RCM, suggesting corrupt practices in the delivery certificates (Levin, 2021). An experiment to export diligently sourced gold by Just Gold project proved unprofitable, apparently because of excessive taxation.<sup>52</sup>

## 5.2. Responsible supply chain initiatives working towards conflict prevention and resolution through multi-stakeholder monitoring committees

There is ample evidence of convergence between supply chain initiatives and CVR. First, CLS and CPS increasingly manage conflicts that are directly and indirectly related to the mining sector, and cause security incidents. A representative of South Kivu's provincial monitoring committee detailed both raised best practices and some limitations:

"In Kigulube, the local committee intervened in a conflict between two rival clans in December 2021 over access to a newly discovered mining site that had turned violent. One of the clans had established a co-operative and intended to enter the zone with the mining police, which the other clan disputed, calling in Raia Mutomboki militia. The case was referred to the provincial committee, which decided to suspend all activity. The FARDC enforced the suspension and stakeholders are currently working on a solution that provides both clans with legal access."

"However, there are also instances where local committees appeared to have been biased in cases of conflict, favouring customary titleholders in revenue and tax disputes with the artisanal mining community. Often local committees lack resources and technical knowledge, for instance about the applicable laws and regulations, to arrive at a fair and well-informed mediation. This can equally be the case at the provincial level, for instance when it concerns overlapping titles issued in Kinshasa". (Interview with South Kivu mining authorities, March 2022).

In the past few years, there have been two important donor-driven initiatives that seek to leverage the conflict management potential of the monitoring committees. One is driven by DCAF/Geneva Centre for Security Governance, which in 2018 established a multi-stakeholder working group in South Kivu to promote and reinforce the local implementation of the Voluntary Principles on Security and Human Rights (DCAF, 2021). In partnership with local committees, the working group intervened in conflicts between competing co-operatives in two 3T mine sites, as well as between an industrial gold miner and local communities. The working group also mediated discussions between the FARDC and Mai Mai Maheshe, a group that had created tensions around extractive sites concerning its demobilisation (see Section 4). In 2020, the working group was formally recognised as a technical working group to the provincial monitoring committee.

In 2020, the Madini Project<sup>53</sup> was launched with funding from the Dutch Ministry of Foreign Affairs to support supply chain integrity, with a focus on improving security and mining governance issues in 'red'

<sup>52</sup> The Just Gold project produced 24 kilogrammes of gold from 2017-19, after which it came to a halt, at a rate of just over one kilogramme of traceable, responsible DRC ASM-mined gold per month, unfortunately lower than the monthly 5.5 kilogrammes of production the project required for commercial viability.

<sup>53</sup> Implementing organisations are International Alert, International Peace Information Service (IPIS), Observatoire Gouvernance et Paix (OGP), European Network for Central Africa (EurAc) et Justice Plus.

sites, which have up until now been largely excluded from supply chain interventions focused on yellow and green sites. Red sites are mainly gold mines but also include 3T mines that have been found to ‘contaminate’ production from green and yellow sites (Global Witness, 2022). The project seeks to address security and governance issues going beyond the mining sector per se, such as ethnic tensions that foster division and rivalry over mining activities and the manipulation of these tensions by local leaders. Like ITSCI and the DCAF working group, the project works through and reinvigorates local monitoring committees (Madini project, 2021).

This latter project recognises the potential of supply chain initiatives to become a tool for conflict prevention, addressing root causes rather than merely responding to security incidents. The challenge remains, however, that monitoring committees may prove unable to address root causes, particularly when high-level political interests are involved, as in Rubaya (interview with civil society representative, March 2022, see also Section 4).

### 5.3. Responsible supply chain initiatives supporting reintegration

Supply chain due diligence-driven conflict prevention measures have the potential to reduce the mobilisation of youth at risk and to make mining areas more favourable environments for the reintegration of ex-combatants. Thus far, however, none of the supply chain initiatives have considered embracing this issue. One supply chain due diligence expert commented:

“Is it worth linking DDR and natural resource governance? That is a good question. We already have a difficult time persuading the world to engage with responsible supply chains in the DRC. If we add in ex-combatants, that makes it an even tougher sell, frankly. It means that ex-combatants are in supply chains, which will definitely discourage the market. You must remember what the market expects. It wants 100% legality, 100% legitimacy. The bar is already too high.” (Interview with mineral supply chain expert, March 2022).

The same expert pointed to the risk that any initiative that is focused on accommodating individual mostly male ex-combatants in the mining sector will provoke resentment in receiving mining communities, and ignores the critical role of women in conflict prevention.

Both are valid points. The first suggests that natural resource governance and DDR/CVR should not converge in the sense of supply chain due diligence schemes like iTSCI or BSP directly taking on DDR objectives. But that is not what is argued here. It is rather argued that such schemes, donor-funded projects like Madini and the CLS they support have the potential to support DDR and CVR programming, and that due diligence and DDR programmes can be mutually reinforcing if properly co-ordinated. Ex-combatants are already engaged in ASM or are present in ASM communities, so it makes sense to foster these synergies.

This synergy could start with the provision of guidance to dedicated national authorities in identifying ex-combatant *de facto* presence in mine sites. For example, under a USAID-funded Sustainable Mine Site Validation (SMSV) project, implemented by the NGO Pact, DRC Mining inspectors and local multi-stakeholder committees (CLS) are capacitated in conducting mine site qualification and validation missions. Collection of information about ex-combatant presence and needs could be part of this, with data then shared with P-DDRCS provincial offices. The same may apply to recently conducted mapping of potential “blue mines” by the International Peace Information Service (IPIS) (see Footnote 40) as part of the Madini project.

Moreover, drawing on experience in working with ASM communities in eastern DRC in general, supply chain initiatives are well placed to advise on and help implement DDR/CVR programming aimed at rights formalisation and resource-based conflict management. These initiatives can also help to ensure continuation after DDR project cycles end. Capacity building of multi-stakeholder committees to proactively

engage on these issues can substantially enhance DDR sustainability. Due to the multiple sensitivities involved, there will need to be extensive consultations with downstream actors to ensure that the entire supply chain understands the issues and accepts this new engagement with DDR/CVR.

Other recommendations which are listed below seek to address critical gender-themed, related issues, such as the strengthening of household livelihoods including women's income generating activities, as part of ASM-based reintegration and violence reduction programming.

## 6 Lessons from and relevance to other contexts

A DDR/CVR strategy that seeks to utilise opportunities in ASM is truly novel. In most countries with comparable histories of ex-combatant involvement, the sector has been ignored. In Sierra Leone, the momentum seems to have passed to pilot a similar approach, but it would still be highly relevant in Central African Republic and Côte d'Ivoire. The situation in the Sahel countries – Mali, Niger and Burkina Faso – is different, since miners are mostly non-combatants or are non-national combatants, while leaders of present and former rebel groups are more involved at the trade and investment levels.

In Sierra Leone, the Revolutionary the United Front rebels continued to control diamond rich areas in the east during the DDR process (Solomon and Ginifer, 2008). Ongoing violence and instability negatively impacted ASM, and by the time security conditions had improved, the DDR process that lasted between 1999 and 2004 had ended, while levels of alluvial production in some areas had dwindled due to over-exploitation (Fanthrope and Moconarchie, 2010). As a result, ex-combatants were more open to returning to agriculture (Box 3), which seems a more promising sector to support ex-combatant reintegration today.

### Box 3. Ex-combatants shifting back from mining to farming in Sierra Leone

Sierra Leone's conflict is typically explained as a crisis of marginalised rural youth fighting against and emancipating from patronage networks governing access to land and other resources at national state and local levels. The country's urban slums and ASM camps offered spaces of refuge and self-realisation away from the customary rules governing agrarian society. Accommodating many marginalised youths, combatants, and ex combatants for this reason before, during and immediately after the war (1991-2002), the attraction of ASM later dwindled. As a result, ex-combatants in areas like Kayima returned to farming in home communities, which was in part enabled by a rapprochement with local chiefs (Fanthrope and Moconarchie, 2010). Ex-combatants' disenchantment with ASM was due to the rise of industrial mining at the expense of ASM, the depletion of alluvial deposits and poor access rights. Rising food prices further encouraged the revival of family-based commercial agriculture. Arguably, the increased self-reliance returnees gained during the war and associational life helped them to overcome their previous deference vis-a-vis customary chiefs and elders, who were themselves considered less predatory and focused on rent-seeking compared to before the war.

Outside the formal DDR process, NGOs in Sierra Leone have recognised the potential of reintegration of ex-combatants in motorcycle transport, which is in high demand in diamond mining areas, and have sought to formalise associations and manage their conflicts with local authorities in places like Bo (Dallas, 2015). In places like Mongbwalu, in the DRC, where there is a similar density of ex-combatants among motorbike riders, such type of activities could be a target for CVR and DDR programming once the security situation allows.

In the CAR, ASM plays an important role in the rural economy, absorbing many ex-combatants and youth at risk, as it does in eastern DRC. ASM was, however, largely neglected in the DDR programming cycle of

2011 (Lamb et al., 2012). It might have been a challenge to include ASM, however, since armed groups that were not included in the DDR process controlled or operated near major diamond fields in the country's east.

The most recent DDR process started in October 2015 and ended in June 2017. The process included only short-term (three month) vocational training in trades including commerce, sewing, agro-pastoralism, carpentry, masonry and IT, again excluding ASM. The continuing suspension by the Kimberley Process of diamond exports from the east of the country, which has been in place since May 2013, currently limits opportunities for reintegration to the CAR's western diamond areas. Diamond zones in western CAR have been progressively readmitted to the Kimberley Process since June 2015 and official exports increased in recent years capturing over half of the production from the west. Western CAR has also seen increasing activity of mining co-operatives. These have been allowed to export. CVR-type support activities involving co-operatives, such as those proposed for the eastern DRC context, could potentially be rolled out in western CAR too.

CVR-type projects aimed at community cohesion will also be needed to facilitate the peaceful return of Muslim diamond collectors, who were often accused to having sided with Seleka rebels in 2013 and largely fled western CAR in early 2014 following the Christian Anti-Balaka militia uprising. These dealers are critical providers of finance for ASM diamond mining, but risk meeting hostility from the local, mostly Christian mining population, that includes former anti-Balaka combatants. Measures that prove capable of reconciling these groups, including through re-established interdependencies in the local diamond sector between majority Muslim collectors and majority Christian pit-workers, would be essential to preventing the re-emergence of ethnic-based conflict and remobilisation.

In the Sahel, Tuareg and to a lesser extent Toubou ex-combatants work in Niger's ASM gold sector, but in trade and investment rather than as diggers. Their working in ASM arguably prevented these ex-combatants from joining violent extremist groups elsewhere in the region. Many of these had been involved in migrant and other forms of trafficking. A simultaneous crackdown on migrant trafficking and the closure of gold mining in the Djado plateau in the central north of the country in 2017 shifted most ASM activities to Tchibarakaten on the border with Algeria. To prevent another uprising, the Niger Government's strategy seems in the north to be to leave intact and untouched ASM gold production and illicit trafficking of all sorts, allowing former armed group leaders to continue to wield power. Some of these leaders also hold political positions.<sup>54</sup> Unlike in the DRC, armed group leaders are from communities that have historically controlled the gold trade and are thus themselves inclined to work in the trade themselves. There was no formal DDR programme in Niger.

Most ASM workers in northern Niger are from Sudan, which has a longer history of ASM mining, particularly in Darfur. These workers include many former combatants from the Beri ethnic group that fought in Darfur, but also in Chad (Tubania and Gramizzi, 2018). Defected Chadian soldiers deployed to fight Boko Haram in Chad, Mali or Niger (to fight Boko Haram) were reportedly also among the ASM population in Djado (Ibid.). Niger expelled some Chadian defectors and combatants at the Chadian Government's request in 2014, but there has been no formal repatriation.

Northern Mali's gold boom started in 2018. It is controlled by a mix of Tuareg and Arab-dominated armed groups adhering to the 2015 Peace Agreement, as well as violent extremist groups. Gold mining is driving the expansion of Kidal-based, Tuareg-dominated Co-ordination des Mouvements de l'Azawad (CMA) southwards in the Gao region (UN, 2020a). It has also fuelled violent competition between Al-Qaida and Islamic State affiliated terrorists. Some leaders from the Mouvement Arab de l'Azawad (MAA) are complicit with terrorists and involved in organised crime, and particularly narcotics trafficking, which has resulted in

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<sup>54</sup> The prime example is ex-armed group leader Saleh Boss, a former drug trafficker who invested heavily in gold mining, employing 300 miners, including former Tuareg combatants, in 100 pits. He served as advisor to the prime minister in 2012 and became chief of Tchibarakaten in 2017, Tubania and Gramizzi, 2018.

UN sanctions designations. One of these registered a business meant to deal in metals, suggesting proceeds from other criminal activities are being laundered in the gold sector (UN, 2020b).

The DDR process in Mali began in 2019 when some compliant armed groups registered their combatants. Implementation of the country's peace agreement largely collapsed in 2021, which has meant no further progress in DDR. Mali's ongoing political crisis, the high level of infiltration of violent extremist groups into northern Mali's ASM, and their close connections with international organised criminal networks means the sector is not currently one where the peaceful reintegration of ex-combatants has much prospect of success. Moreover, most ASM workers are apparently either migrants from coastal states or they are seasonal workers from Niger, likely to have moved to Mali after the Niger Government's crackdown on mining on the Djado Plateau (interview with UN expert, April 2022). This means they are not ex-combatants and are unlikely recruits, which limits the scope and need for CVR-type projects. When and if Mali's peace process resumes, some degree of accommodation in ASM of armed group leaders may be an option, but their spoiling capacity should be carefully assessed beforehand.

Mining areas in southern Mali, southern Niger (Tillaberi) and northern Burkina Faso do not host or accommodate armed groups implicated in any peace process. ASM areas in Niger and Burkina Faso are, however, infiltrated by violent extremist groups, which in Burkina Faso also target LSM operations. More than in the mining zones in Kidal and Gao regions in Mali, there is a high risk of these areas serving as pools for recruitment for violent extremist groups – Islamic State in the Greater Sahara (ISGS) and Ansaroul Islam. These groups mainly recruit from disaffected Fulani populations who make up a significant part of the local ASM workforce. As recommended elsewhere, existing international donor-funded, deradicalisation programmes in G5 Sahel countries should be oriented to geographical spaces prone to youth radicalisation (Mayhew, L. et al. 2022). These include some ASM zones.

The analytical framework presented in this report, based on the five dimensions discussed in Section 3, can be used to understand and explore the opportunities for integrating ex-combatants into the extractive sector in other countries and contexts.

# 7 Conclusions

In order to explore and ensure the future reintegration of ex-combatants in the ASM sector in the DRC, a series of recommendations targeting all meaningful stakeholders in the country have been outlined here below.

The P-DDRCS and implementing partners such as MONUSCO could explore the provision of ex-combatant reintegration opportunities in the ASM sector, including within the context of MONUSCO's transition. They could do this through specialised training and support to ex-combatants that (1) target both self-demobilised ex-combatants reintegrated in situ in mining areas, and ex-combatants that are awaiting DDR in demobilisation camps; (2) build host and home mining communities' absorption capacity and (3) create opportunities for household diversification by supporting livelihood development for ex-combatant spouses.

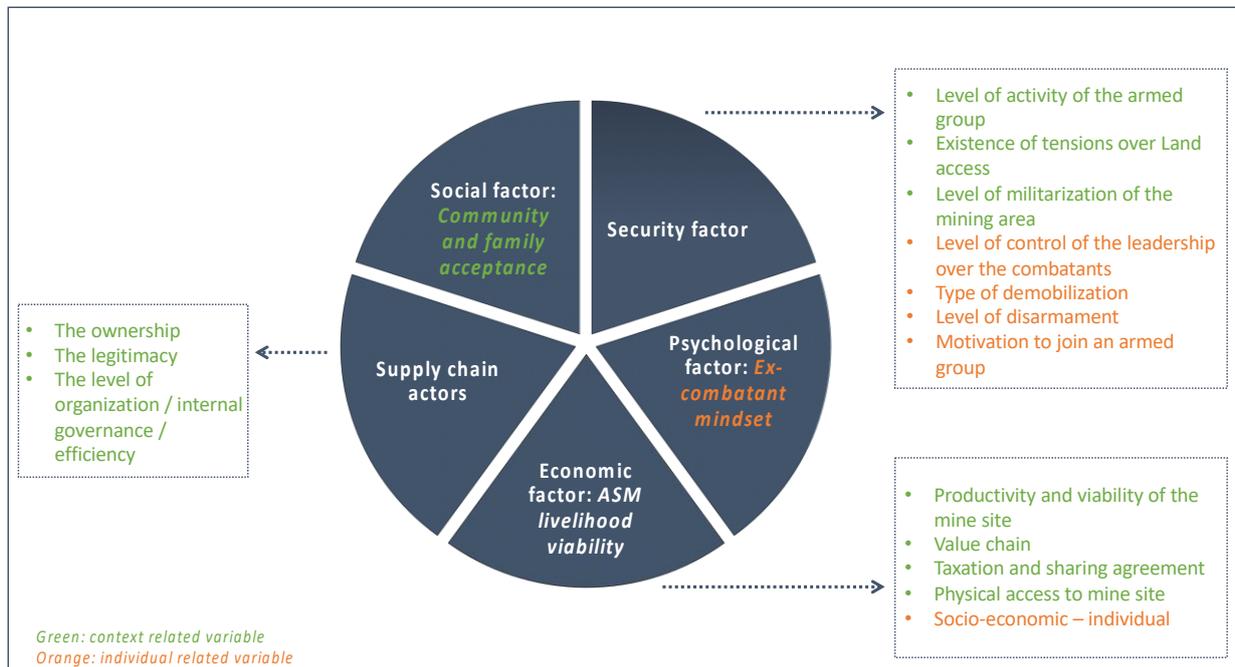
- The National Institute for Professional Preparation (INPP) could develop an ASM targeted curriculum drawing on experience in Katanga for ex-combatants in demobilisation centres.
- P-DDRCS and implementing partners (INPP and other) could develop *in-situ* skills training and provide support to self-demobilised ex-combatants and other vulnerable youths not in the position to move away from their daily occupations in ASM, and orient and facilitate INPP-trained ex-combatants to reintegrate in their ASM mining areas of choice.
- Community-based development projects (e.g. financed through MONUSCO stabilisation funds involving IOM and other implementing partners) could facilitate ex-combatant reintegration and resettlement in host or home communities.
- P-DDRCS and implementing partners (FAO, Don Bosco, CARITAS, UEFA and other) could provide ex-combatants' mostly female spouses with participation in agricultural or trades-based skills training, both *in situ* and in demobilisation facilities (e.g. farms in Vuyinga in Lubera territory and in Shasha).
- MONUSCO CVR programming could (1) occupy youth at risk in labour intensive public works in ASM zones; (2) prepare communities for the reintegration of ex-combatants; and (3) promote social cohesion, conflict prevention and rights clarification in ASM communities, including by collaboration with and strengthening of the capacities of *Comité Locaux de Suivi* and *Comité Provinciaux de Suivi*. CVR programming could seek where possible to integrate aspects related to Mental Health and Psychosocial support (MHPSS). Additionally, MONUSCO CVR programming could support the formalisation of ASM co-operatives (internal governance, financial management, etc).
- The UN could advocate with its Member States, including as part of discussions related to MONUSCO's mandate-renewal, to reflect the feasibility, timeliness and concrete programmatic opportunities for DDR and CVR in the ASM sector.
- Discussions between supply chain governance programmes, industry-initiated upstream due diligence schemes, and relevant government and UN bodies could be facilitated to support DDR/CVR programming, and foster activities and processes initiated in ASM communities that mitigate risk in the mineral supply chain.

- Mine site verification/assessment and mapping exercises could generate and share information with relevant government and UN bodies about the presence, training and support needs of ex-combatants in ASM sites.
- Supply chain governance programs could also advise MONUSCO CVR programming on appropriate activities to support supply chain formalisation.
- Supply chain governance programs could train CLS either during or after CVR-type project activities to promote social cohesion, conflict prevention and rights clarification in ASM communities.
- All stakeholders, including supply chain governance programmes could continue to support meaningful fiscal regime reform in the DRC's ASM sector, with the aim of creating a more conducive upstream business environment.
- Consultations with industry initiatives and representatives of regional and international buyers should be organised to sensitise the downstream mineral supply chain, and ensure its acceptance of this approach.
- The P-DDRCS, with support from the international community (including the Geneva Centre for Security Sector Governance and International Code of Conduct Association) could solicit private security companies (PSCs) and other relevant companies, including mining companies and co-operatives, to fill employment vacancies with ex-combatants in private security provision in general and in mining zones in particular. This would require prior agreement with the authorities on appropriate selection and training procedures for the ex-combatants, and acceptance by the police of the 2003 law that PSC take the lead in private sector security provision. Once these conditions have been met, a pilot reintegration programme of ex-combatants by willing PSCs already engaged by ASM operators would seem preferable.
- DDR and CVR programming should carefully assess security risks when selecting beneficiary ASM sites, communities and supply chain actors, as well as factors that work against the peaceful and sustainable reintegration of ex-combatants and engagement of youth at risk. If such peaceful reintegration/engagement is considered to be unlikely, CVR activities may be implemented first to make conditions more favourable.

In addition to the above recommendations, this research aims to provide initial guidance on the identification of ASM communities where pilot projects could to be initiated based on the outcomes of the present scoping study. As discussed, the pilot project sites should provide reintegration and CVR opportunities, and be situated in areas where existing supply chain due diligence programs are potentially able to provide support.

To guide and support the potential future programming of on the ground projects to implement the recommendations of the report, an analytical framework entailing five dimensions (security, economic, social, psychological and supply chain actors) has been developed, and is presented here below. Suitable communities can be identified through analysis of these five dimensions, and this will also inform the type of DDR and/or CVR activities that may be productively undertaken. In green in the diagram below are community or site-related indicators for each dimension. In orange are individual-level indicators that may but are most likely not site- or community-specific.

**Figure 3. Summary of the factors for the successful reintegration of ex combatants into the ASM sector**



At the time of research (Q1 2022), site specific analysis revealed that Misisi (South Kivu) and Mongbwalu (Ituri) should be ruled out as possible pilot sites because of the high level of armed group activity. CVR initiatives may still be feasible in both areas, but the research is not conclusive that even with these, either would offer sufficient opportunities for ex-combatant reintegration. As for the other three potential pilot sites:

- **In Nzibira**, there are no significant security risks and its surrounding sites. The same goes for the other four dimensions. Ex-combatants currently reintegrated in Nzibira's ASM sector could enrol in a potential formalised DDR training. But pending such training, CVR could start working with the co-operative and local community to facilitate de-facto reintegration and support the wider ASM community to absorb additional ex-combatants and other youth at risk.
- **South Irumu** is a potential pilot site despite the risks associated with working there. A pilot there does not need to wait on the start of a DDR process and could combine CVR projects and international and national initiatives that work on peacebuilding with a focus on the mining sector. The report recommends to use CVR to support the "Co-opérative Minière Konji Obi Kosi Pkanga" (CKOKOP) to bring into the co-operative ex- and inactive combatants, mitigating the risk of their remobilizing.
- There are considerable risks associated with working in **Rubaya**, yet because conflict there largely manifests as ethnic-based competition over natural resources, there is scope for CVR and DDR engagement. A pilot could potentially leverage due diligence initiatives (private and public like the CPS) and use them as a conflict prevention tool that can in turn prepare the field for a real DDR process.

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## Annex A. Background on the Rubaya context

In 2001, the RCD-Goma administration in eastern DRC (1998-2003) awarded an mineral exploitation permit to Edouard Mwangachuchu, an ethnic Tutsi businessman who later became a national member of parliament. The title was confirmed by the national government in Kinshasa in 2006, registered under the name Mwangachuchu Hizi International (MHI), which later changed into Société Minière de Bisunzu (SMB).

The Société Minière de Bisunzu (SMB) undertakes mechanical mining at one mine site (D2 Bibatama) within its concession (PE 4 731), while the ASM co-operative the Co-opérative des exploitants artisanaux miniers de Masisi (COOPERAMMA), controls mining at numerous sites within the concession.

Ethnic Hutu businessman, Robert Seninga, established and presided over COOPERAMMA until 2020. He is the President of the North Kivu Provincial Assembly, and was also at one time involved in the RCD-Goma.<sup>55</sup>

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<sup>55</sup> The current COOPERAMMA President ethnic Tutsi Vincent Zilimwabagabo

## Annex B. Background on the UPC/FNI conflict and the current conflict between the CODECO/URDPC and Zaire in the Mongbwalu area

### UPC / FNI period

In early 2000, disputes between Hema landowners and Lendu farmers escalated into a deadly armed conflict, leading to the creation of 'self-defence' groups on both sides, called UPC and FNI. These armed groups later allied with and were instrumentalised by the national and regional governments. Both ethnic grievances and economic reasons drove armed group mobilisation during this period. An ex-combatant from UPC said, "in 2003, when I was 15 years old, the FNI came to our house, they killed my father and my mother, I had nothing left. I joined the UPC to avenge my parents but also because I thought that it was going to allow me to live. I had no money, it was my only option". (Interview with former UPC combatant, March 2022).

The level of control of the leadership over the combatants was strong. In addition to the charismatic character of the leaders, former combatants report that it was impossible to leave the group. "If you left you were chased and punished, they whipped you. We were so afraid of deserting" (interview with former UPC combatant, March 2022).

During the conflict, the level of militarisation of gold sites around Mongbwalu was extremely high. The control of these sites has been at the heart of extremely violent armed conflicts among various political and military groups (International Alert, 2010). Gold has whetted the appetites of all the parties involved in the regional conflicts, such as the looting by the Ugandan armed forces, denounced in the first UN panel of experts report, as well as the ethnic conflict between the Hema and Lendu over land and fishing rights. The withdrawal of the Ugandan troops left the field open to militias who fought for control of Mongbwalu in 2002-03 (International Alert, 2010). The UPC held Mongbwalu up until 2003 and were then replaced by the FNI (International Alert, 2010). Both groups generated significant revenue including through the direct control of mine sites and pillage or illegal taxation.

### CODECO/URDPC / ZAIRE period

Like for the FNI and UPC, the motivation for joining the militias CODECO/URDPC and Zaire was initially driven by a self-defence purpose but has turned quickly for economic reasons. The CODECO/URDPC combatants want to defend their Lendu community against the Hema community, and the Zaire combatants want to defend their Hema community against the Lendu community. Overall, interviewed ex-combatants feel it as their duty to respond favourably to defend their community: "We must defend our mountains, our cows, our lands, our families" (interview with former UPC combatant, March 2022).

In addition to the willingness to protect their community, CODECO/URDPC and Zaire combatants are also joining the group pushed by the lack of employment given the insecurity in around Mongbwalu (interview with ex-combatant; interview with SFCG, Bunia, March 2022). The risk for re-mobilisation is extremely high in the area. Similar to what is happening in the gold mines of Misisi, ex-combatants working in the gold mines of Mongbwalu in Ituri are in a high state of alert, expecting a call for their mobilisation into CODECO/URDPC and Zaire at any moment.

Compared to armed groups like UPC or FNI, the leadership of the CODECO/URDPC and ZAIRE seems less organised, exercising less control over their combatants. Key stakeholders interviewed in Bunia (Ituri Province) report conflicts of interest and several divisions among the leadership of the CODECO/URDPC which could weaken command and control over combatants (interview with FARDC, February 2022; interview with P-DDRCS Ituri officer, March 2022). In addition, given their fear of international Justice,<sup>56</sup> the leaders of these groups tend to keep a low profile.

Nevertheless, there is a growing activity of these militias, CODECO/URDPC and Zaire are currently booming and engaged in intense combat. In this context, it can be expected that their level of control over the combatants will grow in parallel. In addition, the preconditions for a DDR programme are not present and in case of self-demobilisation of combatants, mechanisms will need to be in place to make sure that they are independent from their group once they leave it.

The mining area of Mongbwalu is again highly militarised. CODECO/URDPC and Zaire control many gold sites (interview with taxi association, March 2022). They generate significant revenue through the direct control of mine sites, forced labour and illegal taxation of the production at sites or checkpoints around the sites. CODECO/URDPC combatants are mining and often also force the population to dig for the group. “I have seen many cases of forced labor in gold sites” (interview with ex-combatant, March 2022). In addition to the militia presence, uncontrolled FARDC agents are also involved in the sites (interview with FARDC, February 2022). Significant arms traffic between CODECO/URDPC and the FARDC has been reported (interview with MONUSCO, March 2022).

Tensions over land access are still predominant in Djugu territory and around Mongbwalu. These tensions that were never truly resolved are currently instrumentalised by the two ethnic driven militias, which doesn't constitute a favourable factor for reintegration of XCs into the extractive sector. In addition, the configuration of the Djugu territory of Djugu where Lendu villages are located close to Hema villages in a context where everyone sees everyone through the ethnic identity prism constitutes a favourable ground for ethnic conflict.

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<sup>56</sup> The conviction by the ICC of previous leaders like Thomas Lubanga and Bosco Ntaganda is in the mind of current militia leaders

## Annex C. Background on the FRPI armed group and peace process

The FRPI was established in 2002 out of various Lendu Ngiti self-defence groups active in Walendu Bindi chiefdom. The motivation was to defend the Lendu Ngiti community against the neighbouring communities (notably facing the growing threat from the Hema based militia [Union des Patriotes Congolais – UPC]) and the government. “We had to organise ourselves, who wants peace prepares for war,” reports a former combatant (interview with a former combatant from South Irumu, March 2022). But, after the failure of different DDR processes individuals and demobilised have (re) joined the group mainly for economic reasons (Interview with Monusco officer (DDR programme), March 2022). Unemployed people were also attracted to join the group to be able to easily pillage households. And others have joined after being victims of pillage to be able to pillage others in their turn.

The FRPI DDR process is characterised by a succession of DDR with mixed results. Successful achievements were “the voluntary cantonment in August 2019, of 1 138 FRPI combatants in a camp in Azita village near Gety, the main town in South Irumu, and the signature of a peace agreement<sup>57</sup> between the FRPI leadership and the national government in February 2020” (Bouvy et al., 2021). Because of an impasse in the discussions in particular related to the conditions for military integration of combatants, ranks of the leadership and the delay in the amnesty law for the crime of insurrection, the DDR process came to an end. The Azita camp continues to exist but is managed by the FRPI themselves without any support from the government.

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<sup>57</sup> The peace agreement was signed during an inclusive conference held in Walendu Bindi (South Irumu) on 28 February 2020, the agreement between the DRC government and the FRPI engaged both parties to stop armed hostilities and to commit to the establishment of peace and security in Irumu territory. The agreement mentions the possibility for combatants to be integrated into the army and the introduction to the Parliament of a new Amnesty Law that provides amnesty for the crime of insurrection (to the exclusion of any international crime).

# Glossary

Term	Definition
Administrateur de Foyer Minier (AFM)	AFM is a Congolese designation (specifically used in the Ituri province) to design the customary holder of a mining concession. The AFM determines the individuals who can access his concession, the activities they can do and the rights or tributes they must pay to do so.
Artisanal and Small-scale Mining (ASM)	ASM refers to formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally low capital intensive and uses high labour intensive technology. "ASM" can include men and women working on an individual basis as well as those working in family groups, in partnership, or as members of co-operatives or other types of legal associations and enterprises involving hundreds or even thousands of miners.
Artisanal Mining Zones (ZEA)	A ZEA is a dedicated mining area for ASM activities. In many countries, the government is responsible to designate the ZEAs. In the DRC, the government allocates specific ZEAs to mining co-operatives. A co-operative can work in more than one ZEA.
Community Violence Reduction (CVR)	CVR refers to programmes, implemented by the Disarmament, Demobilization and Reintegration (DDR) or CVR component of a United Nations (UN) peace operation, aiming at preventing and reducing violence at the community level in ongoing armed conflict or in post-conflict environments. CVR has the same strategic objectives as DDR: to contribute to peace and security by supporting programmes that reduce armed violence; creating political space and helping to build a secure environment conducive to recovery and development. CVR can be implemented to create conducive conditions for DDR, to support or complement DDR, or –in some cases –replace DDR.
Demobilization	Demobilization is the separation of members of armed forces and groups from military command and control structures and their transition to civilian status. The first stage of demobilisation includes the formal and controlled discharge of members of armed forces and groups in designated sites. A peace agreement provides the political, policy and operational framework for demobilisation and may be accompanied by a DDR policy document. When the preconditions for a DDR programme do not exist, the transition from combatant to civilian status can be facilitated and formalised through different approaches by national authorities.
Disarmament	Disarmament is the collection, documentation, control and disposal of arms, ammunition and explosives voluntarily handed over by combatants, persons associated with armed forces and groups, and sometimes also the civilian population. Disarmament aims to reduce the number of illicit arms, ammunition and explosives in circulation and/or prevent their diversion to unauthorised users.
Disarmament, Demobilization, and Reintegration (DDR) process and tools	<p>The DDR process may consist of any combination of the following:</p> <ul style="list-style-type: none"> <li>• DDR programmes;</li> <li>• DDR-related tools such as Transitional weapons and ammunition management (WAM), CVR DDR support to mediation;</li> <li>• Reintegration support, including when complementing DDR-related tools.</li> </ul> <p>DDR-related tools are immediate and targeted measures. They include pre-DDR, transitional weapons and ammunition management, community violence reduction, initiatives to prevent individuals from joining armed groups designated as terrorist organisations, DDR support to mediation, and DDR support to transitional security arrangements. The specific aims of DDR-related tools vary according to the context and can contribute to broader political and peacebuilding efforts in line with United Nations Security Council and General Assembly mandates and broader strategic frameworks, such as the United Nations Sustainable Development Co-operation Framework, the Humanitarian Response Plan and/or the Integrated Strategic Framework.</p>
Disarmament, Demobilization, and Reintegration (DDR) programmes	<p>DDR programmes consist of a set of related measures falling under the operational categories of disarmament, demobilisation and reintegration with common results frameworks. DDR programmes are viable only when certain preconditions are in place:</p> <ol style="list-style-type: none"> <li>a) The signing of a negotiated ceasefire and/or peace agreement that provides a framework for disarmament, demobilisation and reintegration;</li> <li>b) Trust in the peace process;</li> </ol>

Term	Definition
	<p>c) Willingness of the parties to the armed conflict to engage in disarmament, demobilisation and reintegration; and</p> <p>d) (d) A minimum guarantee of security.</p>
Large Scale Mining (LSM)	<p>LSM refers to mining operations that are not considered to be artisanal or small-scale mining. LSM requires significant upfront capital investment well before production begins or any returns are realised, as well as further sustaining investment, often over long periods.</p>
PDG	<p>A PDG is a mine pit chief who manages a team of diggers. He sustains his team of miners until the pit starts producing. He can have several mine pits.</p>
Reinsertion	<p>Reinsertion, the second stage of demobilisation, is transitional assistance offered for a period of up to one year and prior to reintegration support. Reinsertion assistance is offered to combatants and persons associated with armed forces and groups who have been formally demobilised.</p>
Reintegration	<p>Reintegration is the process through which ex-combatants and persons formerly associated with armed forces and groups transition sustainably to live as civilian members of society in communities of their choice. Reintegration takes place at the individual, family and community levels and has social, psychosocial, economic, political and security dimensions. Reintegration processes are part of local, national and regional recovery and development, with the international community playing a supporting role if requested. Where appropriate, dependants and host-community members may be provided with reintegration support.</p> <p>When the preconditions for a DDR programme are not in place, support to reintegration may still be provided to those leaving active armed forces and groups. In this case, the definition of reintegration stated above still applies. This support may complement broader security sector reform or DDR-related tools.</p>
Voluntary Principles on Security and Human Rights Voluntary Principles on Security and Human Rights	<p>The Voluntary Principles are the result of a dialogue between the governments of the US, the UK, the Netherlands and Norway, companies in the extractive and energy sectors, and NGOs. They have developed a set of voluntary principles to guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms</p>



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