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Control of mines by warring parties threatens peace efforts in eastern Congo

The direct involvement of armed groups and the national army of the Democratic Republic of Congo (DRC) in tin and gold mining in the east of the country is putting peace efforts at risk, Global Witness said today.

As fighting erupted in North Kivu again last week, Global Witness warned that international attempts to keep alive the fragile peace programme are likely to founder unless they address the economic dimensions of the conflict.

Global Witness field research in July and August 2008 uncovered substantial evidence of the involvement of armed groups, as well as units and commanders of the *Forces Armées de la République démocratique du Congo* (FARDC, the Congolese national army), in the exploitation and trade of minerals in North and South Kivu.

Foremost among the armed groups active in the mineral trade are the predominantly Rwandan Hutu *Forces démocratiques pour la Libération du Rwanda* (FDLR), some of whose leaders allegedly participated in the 1994 genocide in Rwanda.

The FDLR, like other armed groups operating in eastern Congo and the FARDC, have been responsible for grave human rights abuses against the civilian population, including killings and rape on a large scale.

Disarming and demobilising the FDLR is critical to sustainable peace in eastern DRC. However, little progress has been made to date. "This is in part because the FDLR have consolidated their economic base," said Patrick Alley, director of Global Witness. "Their trading activities have become an end in themselves."

The FDLR are particularly entrenched in parts of South Kivu, where they control whole swathes of territory unchallenged. Many gold and cassiterite (tin ore) mines are located in FDLR-controlled areas, in particular in the territories of Shabunda, Mwenga, Walungu, Uvira and Fizi.

"Our researchers saw FDLR members openly selling cassiterite in South Kivu," said Patrick Alley. "The FDLR then use the profits to obtain other supplies and keep their movement alive. They have set up such efficient and lucrative business networks that they have little incentive to leave."

Although FARDC brigades have been deployed to certain areas where the FDLR operate, their presence does not appear to have had much effect in curbing these practices.

“Local residents told us that the FARDC are doing exactly the same thing as the FDLR: taking over the mines, forcing civilians to work for them or to hand over their mineral production and extorting taxes”, said Patrick Alley.

The situation is complicated by the unspoken complicity between the FARDC and the FDLR. Although the FARDC are supposed to be carrying out military operations to dislodge the FDLR with the support of the UN peacekeeping force MONUC, in practice many FARDC soldiers are so sympathetic with their “opponents” that they allow them to operate unhindered. There are also frequent reports that members of the FARDC supply the FDLR with arms, ammunition and uniforms.

“This complicity extends to the exploitation of minerals,” said Patrick Alley. “Our researchers visited areas where the FARDC and the FDLR were operating side by side, each controlling their own territories, trading in minerals from ‘their’ respective mines without interfering with each other’s activities. They depend on this mutual support to continue their trade.”

The monopoly of the 85th brigade of the FARDC over Bisie, the largest cassiterite mine in North Kivu, has been denounced repeatedly by Congolese civil society, media and others. Yet this brigade has been allowed to continue its lucrative trade undisturbed for more than two years. Unlike many other FARDC units, it has not yet been sent to *brassage* — the process through which previously hostile armed groups are integrated and trained into a unified national army — despite several orders to do so.

“There are credible reports that senior officers in the military command of North Kivu are benefiting directly from the activities of the 85th brigade, which would explain their reluctance to move them away,” said Patrick Alley. “Unless immediate action is taken to transfer these soldiers out of Bisie mine and to prosecute those responsible for the large-scale looting of minerals, we can only conclude that these activities are sanctioned at the highest levels.”

Bisie is not the only mine controlled by FARDC soldiers. Global Witness documented several cases in South Kivu in which FARDC units were actively involved in cassiterite and gold mining, for example in Mushinga and Tubimbi, in the territory of Walungu. Unlike the 85th brigade, these units have been integrated and trained through the *brassage* programme. Numerous witnesses claimed that senior commanders supported and profited from this trade.

“Contrary to the assertions of the military authorities, FARDC involvement in mining is very widespread,” said Patrick Alley. “Soldiers are imposing themselves on the local population, taking over the mines, and making large profits.”

Global Witness underlined the responsibility of buyers and exporters to break this illicit trade.

“The trading companies – known as *comptoirs* – who buy these minerals cannot continue to claim ignorance,” said Patrick Alley. “Everyone knows which armed groups control which territories and which mines. By buying from these criminal groups, the *comptoirs* are effectively supporting them.”

Comptoirs have a responsibility to exercise due diligence and ensure that all their suppliers do likewise. “If it is likely that the minerals originate from a mine controlled by an armed group or a FARDC unit operating illegally, companies should simply refuse to buy them. Otherwise, they risk complicity”, said Patrick Alley.

The same principles apply to international buyers, who should ensure that they do not perpetuate the status quo in eastern DRC by continuing to buy minerals from areas controlled by armed groups.

Global Witness also appealed to international facilitators and mediators involved in trying to keep the peace process alive to address the economic interests of the warring parties explicitly.

“Until now, this question has been avoided on the basis that it is too sensitive or could derail peace talks. That is a short-sighted view,” said Patrick Alley. “If international dialogues continue to ignore this critical aspect of the conflict, they will not succeed in finding long-term solutions.”

Global Witness warned that the longer the issue was overlooked, the harder it would be to tackle it. “Not only is the militarisation of the mineral trade continuing to threaten peace in Congo, but the Congolese people and the country as a whole are being robbed of precious revenues needed to rebuild the country”, said Patrick Alley.

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Notes to editors

1. Global Witness is a UK-based non-governmental organisation which campaigns to break the links between the exploitation of natural resources, conflict and corruption.
2. Global Witness staff conducted research on the involvement of armed groups and the military in mining in North and South Kivu in July and August 2008. The full findings of this research will be contained in a forthcoming report.
3. Several parallel efforts have been undertaken at regional and international levels to try to restore peace in eastern DRC. Recent initiatives have resulted in the Nairobi communiqué signed by the governments of DRC and Rwanda in November 2007, and the Goma agreement, signed by the Congolese government and 22 armed groups in North and South Kivu in January 2008. A peace programme known as the Amani programme, which brings together the signatories of the Goma agreement, has been set up. However, since the Goma agreement, fighting has broken out on several occasions, particularly between the Tutsi-led *Congrès national pour la défense du peuple* (CNDP) and the FARDC in North Kivu. The latest outbreak of fighting in early September 2008 appears to be the most serious for some time.

4. The desire to gain or maintain control of natural resources in eastern DRC has been a central factor in the armed conflict which is estimated to have claimed several million lives since 1996. For information, see Global Witness reports “Under-mining peace: the explosive trade in cassiterite in eastern DRC” (June 2005) and “Same Old Story: a background study on natural resources in the DRC” (June 2004), available at www.globalwitness.org
5. Further information on the role of natural resources in the conflict in the DRC can be found in the reports of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC, S/2001/357 (April 2001), S/2001/1072 (November 2001), S/2002/565 (May 2002), S/2002/1146 (October 2002) and S/2003/1027 (October 2003). Its successor, the Group of Experts, has reported on natural resources as a source of finance for armed groups; see in particular S/2008/43 (February 2008).
6. In February 2007, Global Witness submitted a complaint against British company Afrimex for breach of the OECD Guidelines for Multinational Enterprises in connection with his trade in minerals from eastern DRC. In August 2008, the British Government issued a statement upholding most of these allegations. For details, see Global Witness press release “UK company Afrimex broke international guidelines by sourcing minerals from a Congolese war zone, says British government” (28 August 2008), available at www.globalwitness.org
7. For information on the human rights situation in eastern DRC, see Human Rights Watch press release “DRC: Peace accord fails to end killing of civilians” (21 July 2008) and report “Renewed crisis in North Kivu” (October 2007) available at www.hrw.org