



Research Report

(UNHRC)

(Addressing the ongoing issue of human rights violations in the Congolese mining industry)

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Introduction

The Democratic Republic of Congo is a country with a vast wealth of mineral and natural resources. It is around 80 times the size of Belgium, its former colonist. However due to centuries of exploitation, conflict and instability, there are high levels of poverty throughout the country. The mining sector, particularly for cobalt and copper, are of international interest and importance. This is especially due to the current and predicted energy transition from fossil fuels to renewable energy, and the significance of these resources to that. The harsh conditions, limited funding for safety equipment and reported child labour and forced labour, evictions of villages, farmers and civilians have all resulted in the ongoing human rights violations in the mining industry. These people affected and displaced are left in even more vulnerable situations in the displacement camps they flee to due to the crossfighting of armed groups and high levels of violence in the DRC.

Definitions of Key Terms

Human rights:

A set of rights that apply to all human beings. They are moral rules that are protected by national and international law.

Child labour:

The employment of children under the legal age requirement which is exploitative and hinders their ability to attend school, and negatively affects their mental and physical health.

Energy transition:

A response to the climate change threat in which there is a general and predicted shift from the energy source of fossil fuels to renewable energy.

Armed groups:

Groups with military or political power fighting over political power, area and resources. These are in a long standing conflict in the Democratic Republic of Congo. An example of an armed group is the M23 military group which is fighting in the north east of Congo against the current Congolese government.

General overview

What the issue is about:

Human Rights abuses and violations in the Democratic Republic of Congo of mine workers and civilians living near mining sites are becoming increasingly of concern as a result of the current and predicted energy transition from fossil fuels. The issue is based on the negligence of dealing with these issues and the continuation of violation of human rights against the civilians. These Human Rights abuses include forced labour, child labour, forced evictions of communities and repeated cases of sexual assault. Congo is a country with a massive supply of natural resources and minerals including cobalt, copper and gold. Many are increasingly becoming more valuable with the global transition to renewable energy. In which cobalt is used for the production of rechargeable batteries which are needed for electric vehicles, and copper which is crucial to the production of solar panels. Due to this expected transition and a response to the climate crisis, the expectations for accelerating demand for these resources is leading to mines needing to be expanded, developed and increasing the need for labour in the mines. This fuels the harsh and exploitative manners of the local and foreign firms investing and involved in the Congolese mining industry, which has led to an increase in cases of human rights abuse and violations of workers and civilians living nearby. The Congolese mine workers, driven by the extreme poverty and the internal conflicts in the DRC, often have no other choice but to work in the mines. The conditions are hazardous, there is limited safety equipment, the cobalt and copper are dealt with with no mask or gloves. The exposure of these resources have been stated by the World Health Organization to result in long term health issues. To add onto this frequent mudslides and closing of the mining holes results in an estimated over 2,000 workers dying in the mines every year. The workers are given on

average a payment equivalent to 7.65 USD per day. As companies are profit driven and a lot of the resources are reportedly smuggled across the borders, only a small fraction of the overall profit goes to the workers income. Many mining companies also violate the DRC workers minimum age limit having children working in the mines from the age of 6. These children are obligated to work as many families can't afford to send them to school, and they need the income to support their households. These directly link to the human rights abuses of the mine workers. Additionally with the expansion of the mines there have been many cases of villages and civilians living nearby sites forcibly displaced from their homes, given non sufficient compensation so that many families can't afford to buy new homes or even enough food for their families. The farmland being a main source of income for the civilians not working in the mines and the forcible eviction of the owners, leaves the situation of poverty even worse. With the already dire safety and security situation in the DRC with the different armed groups and government conflict, displaced people are increasingly becoming more vulnerable to health issues in these displacement camps, poverty, violence and to the recruitment by armed forces. In the camps that they often flee to when evicted, there are other dangers such as cholera and crossfighting between military groups. At the moment this issue is becoming increasingly severe due to the expansion of the mining industry, the new deals made by foreign firms to secure mining rights, and due to the worldwide transition to renewable energy in which cobalt and copper are crucial to the production. The Congolese government has adopted legislation that should prevent forced evictions however it does not offer the legal protection required and has reportedly carried out the evictions themselves. The neighbouring countries and multinational companies involved in the DRC are potentially profiting off of the instability and poverty levels in the DRC.

History of the issue:

The resources in the Democratic Republic of Congo are initially discovered by a journalist Henry Morgan Stanley who then sought after international investors to exploit this wealth. He found King Leopold of Belgium who established a private state under his name. The beginning of this exploitation was for rubber, essential in the tires for cars among other things, and the car industry and general industrialization was booming

exponentially at the time and required all the resources present in the DRC. Leopold makes massive profits off of this. However there was harsh treatment and violence towards the indigenous people by the state's officials. There was a growing demand for the supply of the resources, and if the indigenous people didn't supply accordingly they were severely punished. Due to diplomatic pressure as a result of this, the private state was turned into a Belgian colony. In 1960, as a result of the pro-independence movement the DRC gained independence. Following this a partially unprepared government came to power which the Congo Crisis came after. Patrice Lumumba, a recognized independence hero among the people of the DRC was elected as prime minister. Political tensions rose throughout the regions in the following years, at the same time as the Cold War. The president at the time Kasavubu dismissed Patrice Lumumba due to suspicions of communist sympathies and usage of soviet weaponry to attack and prevent a region that wanted to gain independence from going through with it. Patrice Lumumba had officially requested the aid of the United States to go through with this attack but was denied, and then supposedly he was helped by the Soviets. Lumumba was then arrested by political opponent, Moïse Tshombe, and murdered by forces allegedly associated with western powers, mainly the United States, and his other political opponents. Then following a period of long political instability and the end of the Cold War, Mobutu Sese Soko was appointed as president and remained a dictator for a period of 32 years. This regime was then overthrown by rebel forces and has now had officially a democratic government for the past years. There are still tensions throughout the country and its different regions between armed groups and the government, and armed groups working for the government. A well known group is the M23, in the north east region of DRC, that is made up of suspected Hutus that fled from the neighbouring country Rwanda, from the genocide of the Tutsis committed by their ethnic group. These armed groups are fighting over resources, area and power. Civilians are often caught in the crossfire and up to an estimated 6 million people have died in total since the conflict began in the northeast of Congo in 1996. Political instability, potential influence from foreign and neighbouring countries, have left the DRC, its resources and its people vulnerable to exploitation. Major investments from Chinese, Canadian, United States companies among many others have made deals that essentially allow them to mine cheaply and then export expensively.

Reported smuggling of resources and high levels of corruption in the government add onto this issue.

The current situation:

The current situation is the ongoing abuse of human rights. Some of the mines and mineral rich areas are fought over by armed groups and exploited, so that many local communities surrounding these mining sites and areas are still vulnerable and poverty stricken. There are ongoing evictions where the land rights are forcibly taken. The working conditions still remain unsafe, exploitative with the use of child and forced labour. There is also a significant environmental impact and health impact on communities as the mines can affect the cleanliness of sources of water among other health impacts of exposure to these minerals. There is an increase in pressure on companies to source and extract their minerals ethically. Non-governmental and human rights organisations are currently advocating for those companies, responsible for profiting off of the actions that directly abuse the human rights of the workers and civilians who are forcibly evicted, to be held accountable. Some countries are beginning to implement stricter legislation on where companies that use these resources to source them ethically.



Fig 1, Nationsonline.org, Klaus Kästle - "___ Political Map of Democratic Republic of the Congo." *Political Map of Democratic Republic of the Congo - Nations Online Project*, www.nationsonline.org/oneworld/map/dr_congo_map2.htm



Fig 2, "The DRC Mining Industry: Child Labour and Formalization of Small-Scale Mining." *Wilson Center*, www.wilsoncenter.org/blog-post/drc-mining-industry-child-labor-and-formalization-small-scale-mining

Major parties involved

The democratic republic of Congo:

The democratic republic of Congo and its international and diplomatic dealing with the mining firms is the most significant factor in this issue. The government and armed groups in power have failed to provide or require adequate support to civilians from mining companies. This is where the mining takes place and has been exploited for centuries by foreign firms.

Human Rights Watch:

The Human Rights Watch is a multinational organisation, an NGO, that protects human rights, investigates cases of abuse and advocates countries on dealing with them. In this situation the human rights watch has published a testimony by human rights lawyer Ida Sawyer about the abuses of human rights taking place in the DRC mining sector. In her testimony she speaks about 'importance of supporting the rule of law, accountability for past and recent crimes, and democratic governance to create the conditions necessary to effectively address child labour and other human rights violations.', by publishing this the Human Rights Watch is effectively involved in the information presented internationally about this situation.

China:

China has strong diplomatic ties with the DRC allowing Chinese owned companies mining rights and invests large amounts into this industry. In 2009 after a multi billion

dollar deal, Chinese companies planned to invest 7 billion US dollars in building schools, roads, hospitals and other infrastructure. However part of this has yet to be materialised.

South Africa:

A closely situated country with strong diplomatic ties is one of DRC's largest investors.

Belgium:

A former belgian colony, one of the DRC largest investors remains Belgium.

Timeline of Key Events

16 th to the 17th century - The merchants of Britain, Netherlands, Portugal, France take part in the slave trade with Congolese people

1885 - King Leopold of Belgium, establishes Congo free state, his private state

1905 - DRC turns into a Belgian colony as a result of killings and violence carried out by the Belgian King's officer

1960 - Independence of Congo with Patrice Lumumba as prime minister and Joseph Kasa Vubu as President

1961- Patrice Lumumba murdered by forces associated with political opponents and allegedly western connections

1965 - Joseph Mobutu establishes a regime where he is dictator

1997 - Anti Mobutu armed groups including M23, capture capital and take control of the government

2001- UN panel makes commentary that warring parties are prolonging conflict and are purposely taking advantage of it to extract and plunder resources

2002 - DRC and Rwanda, South Africa and rebel groups from DRC, and DRC and Uganda all sign peace deals

2006 - First officially free elections

2009 - deal with China for mining rights

2017 - Aid agencies declare the people of DRC to be in the worst conflict affected displacement situation in the world

~~2024-~~ China - Africa summit, strengthened political and diplomatic ties with China

Previous attempts to solve the issue_

1. Amnesty International has published a report detailing the human rights abuses, using case studies and interviewing over a 100 of those affected, this provides information on the situation and raises awareness. The report urges the DRC to immediately end the evictions, and to ensure that companies are operating under the international human rights standards.
2. Action Contre l'Impunité pour les Droits de l'homme is a fund in haut katanga province, the southernmost province in the DRC, in which many mines are located. This fund highlights the importance of recognition of the rights of local communities affected by the mining industry. They take these issues up with the government authorities and mining firms profiting off of this exploitation. Their organisation exposes the companies and authorities for their 'coercive tactics', and exposes corruption in the government.
3. Bureau d'Etudes Scientifiques et techniques is another non -governmental organisation that has started a Corporate Social Responsibility Barometer Project which will determine if mining companies are following social responsibility standards and laws. With this they attempt to hold the firms not in compliance with these standards accountable. They host workshops and trainings to help miners advocate for their own rights, and help local leaders educate their communities on their rights and help leaders ensure that the proper laws are implemented and that evictions are carried out legally.

Possible solutions

1. New deals with the mining companies ensuring that the majority owners are from the drc and the profits go to the local communities, take care to not go to the government or armed groups

2. Internationally Stricter legislation and requirements on where companies source their minerals and that this is done in an ethical not exploitative manner.
3. Government intervention with the mistreatment of the workers, and ensuring that companies abide the eviction laws and supply adequate compensation

Further Readings

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2.<https://www.hrw.org/news/2022/07/14/child-labor-and-human-rights-violations-mining-industry-democratic-republic-congo>

3.<https://globalhumanrights.org/stories/extraction-without-exploitation/>

4.<https://jacobin.com/2023/02/democratic-republic-of-the-congo-war-colonialism-exploitation-resources-intervention-history>

5.<https://globalforestcoalition.org/the-dark-side-of-technology-coltan-mining-in-the-drc-and-its-human-rights-and-environmental-impacts/>

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