



Kivu Branch

National Center for Support for Development and Popular Participation

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DR Congo

Revised Synthesis Report of the implementation of the project supporting civil society's initiatives in the follow-up to the transparency, ownership of whistle-blowing mechanism and accountability in the mining sector in South Kivu, DR Congo

With support from PPA-RESOLVE

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Introduction

This project benefits from financial support from the Public-Private Alliance and its implementation is monitored by the RESOLVE staff to which CENADEP/Kivu reports. Its official launch by the provincial minister of mines just took place later by the start of the third quarter of 2013.

In August of this year, the Governor of South-Kivu province signed a provincial order overtaxing operators in the mining sector, particularly as regards payment of fees for services delivered by SAESSCAM in cassiterite, wolframite and coltan mining sites. This situation has created tensions between the provincial ministry of mines and the actors in the 3T supply chain including civil society which was fiercely against this provincial order. Mining activities were even stopped in the two sectors of the Kalimbi mine in Nyabibwe where the activities of the project were to be implemented. The combined efforts of all actors led the Governor of the province to alter his order on the basis of terms agreed upon by all.

First Preparatory Activities

After the meeting to bring targeted actors up to date on the terms and objectives designated for action as well as the finalization of a participatory institutional diagnosis of the South-Kivu civil society's structures in Bukavu and local monitoring and surveillance committees of extractive activities and trade in artisanal minerals in the territory of Kalehe, the CENADEP/Kivu technical team contacted CSO members of the Thematic Working group "Mines" in Bukavu and carried out several field visits in Nyabibwe for the preparation of capacity-building activities through the organization of a number of workshops on topics in relating to structuring, operations, and the mode of communication within beneficiary organizations as well as specific topics related to transparency and good governance of artisanal mining in the context of "conflict minerals" in the Great Lakes region.

During these field-visits, the team also updated the member lists and reinvigorated local monitoring committees of mining sites long ago set up and monitored by the Governance and Peace Observatory, OGP in its CSAC approach or Abuse and Anti-corruption Oversight Committee in and around mining sites.

According to the results of the institutional diagnosis conducted by the IPIS representative in South Kivu, the CSAC configuration has been restructured in the context of this project by focusing the bulk of technical support on strengthening local civil society actors' capacities who are working with other actors including state as well as private actors on highly sensitive issues related to fraud and corruption for which most of stakeholders in the dynamics were assumed to be responsible, suspected of complicity or accused by local civil society in the development of these illegal practices in mineral supply chains.

Conducting Training Workshops in Bukavu and Kalehe/Nyabibwe

In total, six training workshops have been conducted. These workshops took place in Bukavu with 40 representatives from the Thematic Working Group "Mines" member organizations of South Kivu and Nyabibwe civil society for 75 facilitators from five local mining sites monitoring committees established in the territory of Kalehe.

During these workshops, five major topics were developed. Some of them relate to strengthening the structuring and functioning of local committees involved in the monitoring of mining activities in the territory of Kalehe as well as the functioning of South-Kivu civil society TWG "mines" and still other topics on required standards for responsible minerals at the international, regional and national level.

Thus, regarding the strengthening of the structuring and functioning of the organizations covered by this project, facilitators' capacities were strengthened with respect to the following:

- Internal and external communications strategies;
- Artisanal mining information collecting, managing and disseminating techniques;
- Networking and partnership building;
- Decision-making mechanism in the mining sector by local civil society actors and facilitators.

On the specific themes relating to transparency and compliance in the mineral supply chain, local civil society actors and facilitators attended presentations and debates relating to the following themes:

- Mineral substances traceability and certification issues in the context of the Great Lakes region or "conflict minerals ";
- International, regional and national standards safeguarding setting up 3T- G responsible supply chains in the Great Lakes Region and eastern DR Congo;
- ICGLR Whistle-Blowing mechanism, its importance in the fight against the illegal exploitation and illicit trade of minerals, its thematic and geographical field of action and evolution of its implementation in the Great Lakes Region - and security concerns with respect to actors involved.

During March-April 2014 workshops held in Bukavu, civil society actors took advantage of this opportunity to deal with other issues of concern, namely:

- The nomination of the National Focal Point for the DR Congo of the civil society coalition in the Great Lakes Region in the fight against illegal exploitation of natural resources, COCSO-GL to replace Mr. Eric KAJEMBA of OGP ;

- The participation of civil society organizations from South Kivu (GTT-mines) in the second edition of the Conference on "***sustainable management and transparency of natural resources in post-conflict Democratic Republic of Congo: strategic areas and challenges for a responsible trade in a win-win partnership between the Congolese State and the private sector***" organized in Goma, North Kivu province by the Congolese government, from 24 to 25 March 2014.

During the June 2014 workshops in Bukavu, civil society actors representing 7 territories out of 8 South Kivu territories presented reports on the state of the exploitation and trade of minerals in their respective entities by referring to the experiences of their colleagues in the territory of Kalehe, the main fields of action of the project and the standards mentioned above. In addition to the territory of Kalehe, the workshop was attended by delegates from the territories of Kabare (Nindja), Walungu, Idjwi, Uvira, Fizi, Mwenga. Due to the lack of adequate resources, the delegates from Shabunda territory could not be invited as the only way to reach Bukavu from this territory is by air.

Major challenges raised by civil society delegates from the different territories

They highlighted the major challenges posed by the formalization of the artisanal mining in these areas and provided relevant recommendations concerning access to information on conflict mineral issue in the Great Lakes region, implementation of traceability systems and mineral certification on the basis of joint missions on the qualification and validation of mining site. These missions are infrequent in South Kivu and thus unlikely to promote compliance of artisanal mining with regional standards, namely ICGLR certification. In effect, in South Kivu more than 900 3TG mining sites were identified. However, to date, the province has only 8 or 9 validated mining sites, including a single gold mining site.

Major challenges mentioned by members of civil society in the Thematic Working Group "Mines"

Their colleagues in the Thematic Working Group "Mines" within South Kivu civil society in Bukavu, in addition to the work highlighted in the road-map in the following pages, have defined the mechanisms for collaboration and strengthening local actors' capacities, including the implementation of Whistle-Blowing Mechanism of the Regional Initiative against the illegal exploitation and illicit trade of minerals as established by the ICGLR Executive Secretariat. These mechanisms have also been expanded into the provincial mining activities monitoring

committee in South Kivu; unifying framework of transparency and good governance initiatives for the mining sector in the province.

Among the major challenges, civil society actors pointed out lack of political will by the authorities in place and at the national level, insecurity prevailing in some areas, with high production from mining, such as the territories of Shabunda and Mwenga which pacification and stabilization are still serious issues, illegal practices including fraud, mineral smuggling and large-scale corruption, unskilled leaders in state mining services, inadequacy of specific workspace (Artisanal Mining Area) for the communities experiencing recurrent conflicts between artisanal miners and or mining co-operatives and mining companies, massive violations of community rights, poor coordination of civil society initiatives in the mining sector along with the lack of harmonization of lobbying strategies, especially at the international level so that mining contributes to the socio-economic development of the population and regional stabilization.

Incidents accumulated in reports by members of the local mining sites monitoring committees in the territory of Kalehe

By contrast, in Kalehe, based on reports received in March 2014, members of the 5 local mine site monitoring committees presented a very complete table of incidents recorded between the months of March and June 2014 which have plagued the mining sector during this 3-month period. Some of these incidents were handled locally for appropriate solutions. Other incidents, including the most notable, were referred to the Whistle-Blowing Mechanism with authorities and civil society organizations active in this area. These incidents recorded in log books were the subject of reports used at the CENADEP/Kivu branch for documentation and dissemination to the Provincial mining activities monitoring Committee and for sharing with partners and other interested entities.

These incidents (see appendix: *field reports submitted by local committees*) have been recorded in the 5 local committees listed below. The details relating thereto and recommendations for their eradication are detailed in reports contained in the appendix. The five local committees are the following:

- The Local Committee of Nyabibwe: including the mining sites of Kalimbi (T20 and Kuwait), Lushebere and Kazibaziba ;
- The Local Committee of Nyamukubi: including the mining sites of Manga, Nkwiro and Kambulungu;
- The Local Committee of Bushaku: including the mining sites of Lijiwe, Kaitolea, Ngandju and Nyawaronga ;

- The Local Committee of Kiboto: including the mining sites of Kibuye and Kiboto ;
- The Local Committee of Numbi: comprising more than 24 mining sites identified (see report from the workshop held in Nyabibwe in March 2014, pages 17-18.

The next steps and recommendations

In both cases, in Bukavu and Nyabibwe, on 30 June 2014, roadmaps for upcoming activities were developed, including

A. In the territory of Kalehe

• With respect to commitments by CENADEP to the local mine site monitoring committees in the territory of Kalehe

- Drafting June 2014 workshop report and submission to partners;
- Facilitating the participation of LMC representatives in meetings of South-Kivu civil society thematic working group "mines" in Bukavu;
- Organizing an experience-sharing visit in Rwanda and Burundi;
- Purchasing and furnishing equipment to LMCs: Motorbikes, laptops, cameras, USBs, phones, printers and office supplies;
- Ensuring the follow-up to recommendations made by LMC member who participated in workshops organized by CENADEP;
- Monitoring and evaluation of LCM activities with a field-visit to Numbi and to other supervised committees;
- Making available teaching materials for the training provided and other documents necessary for proper mining administration.

➤ With respect to commitments of local mining sites monitoring committees

- Regularly Providing monthly reports;
- Holding LMC's monthly and quarterly meetings with the LCM of the territory of Kalehe ;

- Regular follow-up and monitoring of mining sites;
- Making other local stakeholders aware of the role and status of the LMC
- Making diggers, local transporters, co-operatives and traders aware of OECD due diligence, the Dodd-Frank law and the ICGLR manual for regional certification;
- Reproduce training received from other LMC members and civil society actors, mining operators and local authorities;
- Drafting report for each activity;
- Identifying priority needs of the local population and developing project proposals;
- Reporting flagrant cases of illegal practices in the mineral supply chain and notifying the partners through the Whistle Blowing Mechanism.

B. In Bukavu

With respect to the CENADEP and South Kivu Civil Society thematic working group on "Mines"

The roadmap includes the following actions:

A) Section "Structuring and operating"

- The need to develop a code of conduct, a charter or strategic guiding framework (mechanisms for collaboration between the province and the local and between organizations and partners, etc . . . including TWG operating rules
- Need for new facilitators
- Establishing a meeting schedule with all local civil society's actors.

(B) Section "Initiative for joint actions"

- Conducting advocacy for pacifying and stabilizing areas with strong mine production, e.g. the territories of Shabunda and Mwenga;
- Conducting advocacy with provincial government, economic operators and partners for financing mining sites qualifying and validating missions in the province of South Kivu;

- Developing a thematic and geographical mapping of civil society's stakeholders: RSE, mining taxation, Human Rights, conflicts related to mining, operators' capacity building, environmental issues, mining law, issues of "Gender and Children" in the mining sector, supervision and monitoring of compliance in the chain of custody of minerals from the mine to export, monitoring of mining companies, proposal of plans for achieving RSE,...
- Strengthening operational capacity and skills of members involved in different topics, analyzing the needs for training, training plan, etc. topics to be specified;
- Periodically drawing up the inventory related to exploitation and trade of minerals in the province of South Kivu;
- Drawing the attention of authorities within the mining administration to a category of incompetent staff in the very sensitive mining sector
- Drawing the attention of authorities to the complicity of certain agents in the mining administration in mafia practices which do not comply with national and international regulations as well as the code of conduct for civil servants;
- Organizing a workshop on the analysis of the structural obstacles with adverse impacts on the overall governance of the mining sector (including issues of non-payment of government employees in relation to issues and financial interests in the mining sector);

Going to court to deter cases of illicit trade and illegal taxation of minerals – civil society plays the role of plaintiff,)

- Conducting investigations on the situation of the populations in Luhwinja and on the perspectives for development as advocated by Banro in areas close to mining sites in South Kivu; this applies to other mining companies established in South Kivu (Casa Mineral, Regal Mining, etc.); extending the experience into the other provinces where this company operates, i.e. in Maniema;
- Conducting close monitoring of the re/delocalization of the populations in Luhwinja (Kadumwa) by the Banro company and fair compensation of victims on the basis of the principle "*free, informed and prior consent*" including effective implementation of measures for environmental rehabilitation;
- Educating and informing traders and diggers on traceability and taxation;
- Popularizing the law and national and international standards relating to the mining sector in post conflict and high-risk areas;
- Lobbying the Government for diversifying traceability agencies;

- Lobbying for the creation of several AMAs in South Kivu in order to promote diggers' access to workspace and reduce conflicts between artisanal miners and industries;
- Lobbying for capacity-building in artisanal mining sites by mining companies, notably in Kalimbi for open-pit mining (mechanized extraction)
- Investigating the destination of uncertified minerals that flood the black market in South Kivu;
- Lobbying to establish a purchasing office for tourmaline extracted in Numbi.

The organizations acting within the GTT mines have made the following recommendations:

- Conduct monitoring on multinational mining companies that are being set up in South Kivu and make the relevant reports available;
- The initiative OGP-APRODEPED-BEST "Maison des Mines du Kivu" should act as an initiative within civil society and is therefore invited to share the results of its work with actors involved in order to enhance the debate and lobbying in this sector;
- Open spaces for dialogue and consultations with universities and research centers;
- Encourage microfinance institutions to approach the diggers in the mining sites in order to promote savings and access to credit;
- Establish a commission for assistance in resolving conflicts in the mining areas, notably in Lijiwe, Kamituga, Katogota, Mukungwe, Misisi between the company Casa Mineral and the diggers,
- CENADEP will circulate the report of this workshop among participants; in order to do so, each participant must inform Cenadep about his/her means available to obtain the report;
- Sharing the road map with the other TWG "mines" member organizations which were not represented in the workshop in order to motivate their commitment and involvement in its completion.
- The South Kivu civil society Coordination office, CENADEP, Mr. Safanto Lukendo Bulongo, head of the NGO *Max Impact*, and Mr. Raoul Kitungano, head of the NGO *Justice pour tous*, constitute the ad hoc committee for the finalization of this road map and drafting of the Charter governing the functioning of the South Kivu Civil Society TWG 'mines' in an inclusive approach. The results of the committee will be presented to the Coordination Office which will convene the next meeting of TWG 'Mines'.

Bukavu, 30 July 2014

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Appendix

Reports of the Local Mining sites monitoring committee in the territory of Kalehe: On the assessment of the exploitation and trade of minerals in the territory of Kalehe

Introduction

These reports were presented by the delegates of the 5 Local Monitoring Committees under the supervision of CENADEP/Kivu in the territory of Kalehe in the province of South Kivu in June 2014 during the second round of training workshops on the international, regional and national requirements governing the mining sector in the fight against conflict mineral in Eastern DR Congo and the Great Lakes region. The production of these reports by the delegates from local civil society in the territory of Kalehe is the result of the practical implementation of lessons learned during the March 2014 workshops. These reports are an indicator of the improvement of local civil society actors' skills with respect to the understanding of challenges raised by reliable 3TG traceability and certification systems as well as responsible supply chains of these ores in post-conflict zones.

2. Field reports from members of local committees

2.1. Report of the Local monitoring Committee in Nyabibwe

In this report, it is stated that the Kalimbi site is qualified, valid and tagged green. Several missions have already been conducted by many individuals both national and international because up until now, it is the only mining site where the tagging traceability system for cassiterite production is has been implemented.

There is neither the presence of armed groups nor the FARDC in the Kalimbi mining site. Government agents do not charge illegal taxes. No children are visible on the site, but those who left are not being supervised. This is still a major problem on which authorities should be

focusing. National and international civil society organizations should plan actions to mentor children who gave up mining. The same is true for the creation of alternative activities for women.

With respect to the diggers' working conditions, the committee indicated that miners use basic equipment; for instance hammers, flashlights, empty bags, chisels and solid metal digging sticks. However, at the arrival in this mining site of Martin Kobler, Special Representative of the UN-General Secretary in the RD Congo and Head of MONUSCO, SAESSCAM had quickly distributed overalls, boots, helmets to the diggers as well as an electronic weighing scale that were previously stored by the president of COMIKA (mining cooperative of Kalimbi). The committee indicated that the materials were used for the occasion, because they were withdrawn immediately after the visitors' departure on 11 June 2014.

Working hours in the mine are not limited and diggers work day and night. They are in the mines all the time and do not have a fixed wage. For their healthcare, there is no health center located in this site but when there is an accident, the victim is taken to the closest hospital in Nyabibwe. The speaker briefly stressed that there are no toilet or shower facilities for the diggers, which makes for very unsanitary hygiene conditions in the mine. He advocated the construction of toilets and showers for the diggers with the funds from the basketfund managed by the provincial mining activities monitoring committee in South Kivu.

With respect to incidents recorded in the Kalimbi mining site, Mr. Olivier noted the following:

- On March 16, 2014, Mr. Sadiki, an illegal digger, was caught in the center of Nyabibwe with cassiterite from the Kibuye mining site. After a dispute, he was released on payment of US\$30.
- On March 14, 2014 at around 5:30 pm, for having refused to give pay US\$5 for a "massage", Ms. Zawadi Kayumbu, state officer of Nyabibwe-based mining service, cut off the trader-tag from the parcels belonging to a trader, Mr. Flory Nyarukanya, who was to have taken it to a Bukavu-based processing entity. After monitoring by the members of the LMC at the office based in Nyabibwe, this lady was suspended for thirty days.

- On March 31, 2014, Ms. Muhawe Bahati, SAESSCAM officer, refused to tag the parcel of Ms. Aliette M'Kamera for failure to pay 3000 FC in illegal taxes.

- On May 8, 2014, Mr. Saidi Rukara caught the wife of the digger Mr Murigande Shaba-Deux with a stolen parcel of cassiterite having a tag with ID #0601930. After a dispute, they fought, and the tag was seized by the head of Avenue Majengo Ier, Mr. Kitima who subsequently gave it to the head of ANR (intelligence agency).

- On June 1, 2014, Mr. Dieu-Merci, alias "DIEME", a digger was killed in the pit in which he was manager by an enormous landslide that buried him alive. This pit belonged to the team leader Mr Jonathan. The victim left a widow.

After analyzing these incidents, the Nyabibwe LMC, through its president, observed that:

- Untagged minerals from the Kibuye mining site are circulating disorderly in the center of Nyabibwe which can lead to fraud and illegal transportation of minerals. It calls for the responsibility and vigilance of SAESSCA;

-SAESSCAM the sole service responsible for on-site tagging does not properly manage tags because minerals from Kibuye are getting mixed with those from Kalimbi. This would make it difficult to produce low statistics on ores mined in the latter;

- Pits in Kalimbi have already reached a great depth and this will cause the loss of human lives and make mining very difficult. There is serious need to perform open-pit mining.

- Production from mining is decreasing in the Kalimbi mine site of and the number of diggers continues to decline.

At the end of this presentation, the moderator and Mr. Cyprien recommended to committee members that they carefully gather information on untagged minerals likely from Kibuye mixed with those from Kalimbi. For this matter, mixed parcels export is strictly prohibited by the OECD guide, the ICGLR requirements and other international standards. If investigations on this issue are confirmed, this is a major incident which would be a serious blow to the regional mineral certification system with the risk that Kalimbi would lose its green flag.

2. 2. - Report of the LMC of Lijiwe

A) Situation in the Lijiwe mining site

In this report, it was stated that a field-visit was conducted on 15 April and 22 May 2014 to various sites where sites where a few mining co-operatives operate and the following observations were made:

- Lijiwe is operated by COOPEMILI or mining Cooperative of Lijiwe in this unqualified mining site, members of the LMC found no armed groups or FARDC units. The latter are located in the areas surrounding Lijiwe and are not involved in mining. It is the same case with pregnant women. Women selling food are observed around the Lijiwe site. They are not involved in mining.

However, the presence of children was noted in this site and illegal taxes collected by government agents including SAESSCAM, the state mining administration and environment department. The hygiene and environmental conditions do not meet requirements because there are no toilets or showers. There are no wages for the diggers although they work day and night. Health care is not guaranteed. In addition, the traders are not identified which handicaps the traceability system in this site. As a result, to deal with this situation, the members' recommendations were:

- Mining site qualifying and validating missions should be conducted in Lijiwe because mined ores are transported through unknown routes;
- Mine police should be deployed and should collaborate with civil society members;
- The conflict between KIBONERO and SEBUGORE should be brought to an end through the imposition of the ministry of mines and the involvement of all stakeholders, including the head of the community and local civil society;
- A reforestation and construction program of toilets and showers should be set up;

- Provincial authorities should establish a well-equipped health center for the diggers and communities neighboring the mine site;
- Diggers are fairly paid and equipped with proper working tools;
- Working hours are regulated.

B) Situation in the Nyawaronga mine site

The Lijiwe LMC also presented the situation in the mining site of Nyawaronga where the mining Cooperative of Nyawaronga or COOMINYA operates. In this site, there was no reported presence of armed groups, but FARDC is present and harasses diggers under the command of a captain named Kasereka. There are no pregnant women but Pygmy children are very active there. Some mines are invaded and exploited by TONDEYE (mines of KIZITO, RUGARAGARA, LUNGA and KAITOLEYA). Other incidents are similar to those noted in the previous site and the same recommendations apply. The LMC members thus requested that a gold-mining sites qualifying and validating mission be deployed to Nyawaronga in order to observe the presence of the military and to proceed with their evacuation as was the case in Nyamurhale to Walungu with the forceful intervention by the regional military head office. It is also necessary to end situations where these sites are invaded and held hostage by uncontrolled FARDC units. They should be returned to authorized diggers. Unlike Lijiwe, Nyawaronga is a gold mine in the territory of Kalehe.

Note: The Lijiwe Committee for Surveillance and Monitoring of mine sites mentioned in its report transmitted to the CENADEP in July 2014 that there was no observed presence of women in the Nyawaronga mine sites during the period. This opinion was understood as if it were thought that it was absolutely forbidden for women to exercise respectable mining activities, specifically light work in the mine sites. To this end, the CENADEP conducted a site visit to Lijiwe and Nyawaronga to clarify Congolese law on this matter. The local organizers, community leaders, including members of local surveillance committees and mine operators, unanimously acknowledged that Congolese law prohibits women from being subjected to hard labor of transporting minerals or forced labor, including sexual exploitation. Furthermore,

pregnant women should not come into contact with minerals in order to protect the unborn child from mineral radioactivity. All of these stakeholders are of the opinion that women play an important role in the mobilization of income for the family, especially in the current context in the Democratic Republic of the Congo, in a post-conflict country. As a result, women, just as their male counterparts, get involved in alternative activities around mine sites (food service, sale of manufactured staple products, food products), but also in the mine sites and the trading centers to buy and sell minerals in accordance with the current regulations. Discussions on the ground were successful in clearing up erroneous interpretations with respect to the involvement of women in extractive mining activities.

C) The Situation of the mining site in CHAMISHASHA operated by the COOMICHA or mining Cooperative of Chamishasha

In this site, no presence of armed groups, FARDC, children or pregnant women has been observed, but government agents collect illegal taxes and often without a receipt. The hygiene conditions are somewhat positive because toilets are clean and health care is somewhat guaranteed. However, massive fraud of gold has been observed due to failure of compliance with the traceability system. The recommendations are the same as those for previous sites.

2.3. - Report of the local monitoring committee in NYAMUKUBI

The LMC in Nyamukubi deployed in the mining sites of NKWIRO, MANGA and KAMBULULU and mentioned the following points:

A) Observed incidents

- A digger named Musafiri Lwaisa was caught by other diggers in the Nkwiro site destroying their pits. They beat him.
- On March 21, 2014, a Nyamukubi-based FARDC serviceman had an untagged cassiterite parcel belonging to Mr. Musa Luhirhire delivered at 4 AM aboard a truck of a business woman named Nyabahama headed to Bukavu.

- The diggers Muhindo Kamala, Ezechiel Karubamba and Jackson Lumumba use pregnant women and children under the age of 18 to transport cassiterite parcels.
- Illegal sale of a 10- kg cassiterite parcel by Mr. Bahati Ndanga, a member of CSAC-Nkwiro, to the defrauder Marco Kazuba. This parcel was seized by naval officers who extorted US\$15 from him to gain his release.

B) Statistics on ores mined in the sites of NKWIRO, MANGA and KAMBULULU

- NKWIRO: from 25 January to 17 June 2014, the site recorded 8,380 kg of cassiterite.
- MANGA: from 20 January to 10 June 2014: 530 kg exported (unknown destination?)
- KAMBULULU: from 5 April to 15 June 2014, the site recorded 3,500 kg).

Members of this LMC have reported that some local authorities became diggers and pit owners without licenses in the Nkwiro mine area, including the Bushushu village chief, Mr. Rushisha Juvenal, the Bushushu local police commander Fakage Matabaro, the Administrative Chief of Mbinga-Sud Mr. Séraphin Kashali, the chief of the town Mr. Muhamed Kahule and the ANR officer Mr. Abriton Mubona. In all of these mining sites, violations are similar to those observed in the sites above.

2.4. - Report of the LMC of Kiboto

There are two mining sites Kiboto and Kibuye in this area. These two sites are green tagged. The Kiboto site yields around 50kg per week and the second around 100 kg. Diggers use spades, hammers, chisels, fans and flashlights. They do not have safety equipment such as helmets, boots, overalls, etc. Pits may be as deep as 30 m. There are some toilets, but insufficient given the number of diggers using them. For example in Kibuye, 60 diggers have only 5 available toilets. In this site, diggers are working alternate day and night shifts. Regarding incidents, diggers are the victims of harassment by military servicemen who sometimes enter into mining sites and require money from diggers. If diggers do not pay, valuables such as phones are seized, in a form of extortion. Other problems are caused by a few bandits and diggers themselves. In this site there is no presence of children, armed groups, pregnant women, illegal

taxes and FARDC. The spokesman of this site recommended that the CENADEP provide them with work equipment.

2.5. – Report from the Numbi LMC

This report was presented by the president of Numbi civil society. In this report, it was noted that mining is completely basic with artisanal methods and performed in or on the banks of rivers where colored stones (tourmaline), gold and cassiterite are found, while in the mountains cassiterite, coltan and manganese are generally mined. Mining has existed in this part of the territory of Kalehe since colonial times but the local population's life has never improved. Thus, committee members advocate setting up projects for this population and the establishment of traceability system in Numbi on the basis of a report submitted by the mining sites qualifying and validating joint mission.

Conflicts between pit owners and traders are recurrent and are usually caused by plot boundaries. There are also conflicts among diggers themselves, bosses and diggers, cooperatives, and between SAESCAM officers and traders committees particularly with respect to taxation.

Numbi LMC members provided several recommendations:

- Validation of all sites;
- Support for women and children expelled from mining sites and establishment of rotary microcredit system for them;
- Provide local committees with proper equipment in order to do their job properly;
- Organizing on-site training workshops for cooperative members, traders and diggers in Numbi to disseminate information and fight against ignorance;
- Deploying mine police
- LMC participation in CPS meetings in Bukavu;

- Lobbying provincial government for the formal establishment of a trade office for colored stones (tourmaline) which until now has only been sold on the black market. This creates a loss of profits for the population and Congolese government in general;
- Quick construction of a trading center in Numbi;
- Field-visit by the team of CENADEP and LMCs of Nyabibwe and Nyamukubi to get information on mining in Numbi;
- Lobby the government on over-taxation by SAESSCAM of tourmaline traders and diggers (US\$100 per trader per month and US\$20 per digger per pit per month).

In the discussion which followed the presentation of these reports, members of all these committees asked the question on the destination of all minerals extracted from all these unqualified mining sites. A question which remained unanswered!

After these presentations, input from participants led to a synthesis of all reports and recommendations to CENADEP and political administrative authorities.

3. - Conclusions and recommendation from reports submitted by LMCs of the territory of Kalehe

Representatives from 5 LMCs supervised by CENADEP/Kivu presented their 1 April- 30 June 2014 field reports.

LMCs of NYABIBWE, NYAMUKUBI, LIJIWE, KIBOTO and NUMBI are committed to monitoring mining sites in these areas.

3.1. Conclusions

Their reports led to the following conclusions:

- SAESSCAM engages in corruption in its dealings with mining cooperatives to collect taxes and remuneration on services rendered in mineral mining in Nyabibwe while its mission is to supervise and assist the miners;
- Equipment (electronic scale, 20 helmets, 20 overalls) provide to diggers during the visit of Mr. Martin Kobler and then repossessed was a charade by SAESSCAM ;
- Donation based on allegiance to SAESSCAM (having an identification form, being influential actor within cooperatives/selected beneficiaries;

- Conflicts between cooperatives, especially in Lijiwe (Coopemili-Coominya-Coomicha/Lijiwe, Nyawaronga and Chamishasha): 3 cooperatives in one AMA, an issue of conflict to be analyzed. The 3 cooperatives likely hold official documents, which indicates irresponsibility on the part of the mining administration and other entities responsible for dealing with mining cooperatives' authorization issues ;
- Infringement of the role of the tag by using it on a number of parcels (a tag from one site allows the parcel of another site to get by) which is considered as cheating on the traceability system in the so-called pilot mining site;
- Lack of sanitary facilities, such as toilets, showers, etc. for diggers ;
- Absence of emergency station for urgent health care near mining sites;
- Absence of safety equipment in the mining site for diggers who enter into pits the depth of which does not comply with standards (ex. Nyabibwe), from Mapigiyo or Tambour, the digger spends 3 to 4 hours with his parcel ;
- The production of Numbi and Lijiwe unqualified sites in mining transactions in the context of the regional certification constitutes a risk that must absolutely be blocked.
- Untracked gold from Chamishasha/Nyawaronga is stocked in Nyabibwe (by a trader named Nfite, senior member of Chamishasha cooperative) ;
- Minerals from Kiboto/Kibuye are tagged in Nyabibwe, SAESSCAM should provide specific tags for these sites - and help diggers organize into mining cooperatives ;
- Several incidents have been reported since April: the most common are the following:
 - Deadly internal landslides lead to deaths in Nyabibwe-Kalimbi and Lijiwe ;
 - Murder attempts in Kiboto following disputes over pits between diggers, Mr. Bugondero and Mr. Madiginyo , between Tibonero and Sebugore in Lijiwe, between Lumumba and his committee in Nkwiro ;
 - Human rights violation, arbitrary arrest in Nyawaronga resulting from unpaid debt ;
 - Conflict over titles between the miner and landholder in Lijiwe ;
 - Mineral looting in Kiboto by a soldier who had defected named Innocent and other assailants organized into groups under the command of this soldier;
 - Presence of pygmy children and women in Nyawaronga gold mining site.

3.2. - Recommendations

- Relaunching the project of construction of the trading center in Numbi as initiated by the International Organization for Migration (IOM) and JMAC MONUSCO – **Person/Entity in charge of initiative: Provincial Ministry of Mines; JMAC/MONUSCO and IOM**
- Undertaking mining sites qualifying and validating missions in Numbi – **Person/Entity in charge of initiative: Provincial Ministry of Mines, Provincial**

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- Encouraging the establishment of a pilot mining cooperative In Mumbi for tourmaline in order to channel the production into the official marketing chain – the **Person/Entity in charge of initiative: Working group on Mines and civil society, and mine operators in Numbi**
- Initiating projects for the construction of public latrines, healthcare stations including necessary equipment and skilled staff to operate in most mining sites in the territory of Kalehe (emergency interventions, evacuation, etc.) – **Person/Entity in charge of initiative: Ministry of Mines through SAESSCAM, Basketfund, etc.**
- Organizing a workshop for local diggers, mine owners, traders and cooperatives on conflict transformation and mining taxation in order to reduce anarchic taxes and promote understanding of legal tax terms – **Person/Entity in charge of initiative: CENADEP branch in Kivu in collaboration with other civil society members**
- CENADEP will play the role of mediator between mine tax officers and traders in order to reduce illegal and onerous taxes – **Person/Entity in charge of initiative: CENADEP branch in Kivu and other participants, Provincial Committee for Budget Monitoring in the mining sector**
- CENADEP will initiate community projects for reforestation and ecosystem balance destroyed by artisanal mining -- **Person/Entity in charge of initiative: CENADEP branch in Kivu**
- CENADEP will lobby the Provincial committee for budget monitoring in the mining sector in South-Kivu for the rapid implementation of the Basketfund for financing projects (especially support to women and children removed from artisanal mining activities) -- **Person/Entity in charge of initiative: CENADEP branch in Kivu and other members of the working group on mines from South-Kivu civil society**
- Provide local surveillance and monitoring committee members with means of transportation to conduct data collection in remote sites – **Person/Entity in charge of initiative: CENADEP branch in Kivu**
- Organize joint meetings between LMCs and civil society working group on ‘mines’ and encouraging the participation of LMCs delegation in the meetings of the provincial mining sites monitoring committee – **Person/Entity in charge of initiative: CENADEP branch in Kivu**
- CENADEP will lobby SAESSCAM for protection of diggers in the mining sites according to required standards – **Person/Entity in charge of initiative: CENADEP branch in Kivu**

- CENADEP will conduct a field visit to the LMC of Numbi in particular and other committees supervised in the context of this project – **Person/Entity in charge of initiative: CENADEP branch in Kivu and other participants**
- Negotiation with the Government for open-pit mining in Kalimbi – **Person/Entity in charge of initiative: Members of the Provincial Monitoring Committee**
- Negotiation with the Government to provide exploration equipment in the mining sites of Lijiwe and Nyawaronga (gold mines operated by Coopemili, Coomicha and Coominya) – **Person/Entity in charge of initiative: Members of the Provincial Monitoring Committee**
- Lobby for adequate deployment of Mine Police in all mining sites in Kalehe – **Person/Entity in charge of initiative: CENADEP and Mine working group**

Bukavu, 28 June 2014

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