

The ‘conflict-free’ status of mineral output from Mai Baridi and Kisengo

As discussed in the Introduction, the relevant standard here is that contained in the Dodd Frank Act. For Mai Baridi and Kisengo’s tagged mineral output to be ‘conflict free’, the following conditions need to be satisfied:

- All the material tagged as originating from Mai Baridi and Kisengo must in fact originate from these mines;
- There must be no armed groups as defined by Dodd Frank directly or indirectly benefiting from the minerals of Mai Baridi or Kisengo, either at the mine sites, or on transport routes;
- Neither CDMC nor MMR can have links to armed groups, again, as defined by Dodd Frank.

My evaluation, as presented in earlier sections, suggests that the material tagged as originating from Mai Baridi and Kisengo does indeed originate from these mines. The risk of other material entering the supply chain prior to tagging is low.

My evaluation further indicates that no armed group benefits directly or indirectly from minerals at the Kisengo and Mai Baridi mine sites. There is no evidence to suggest that any illegal armed group benefits from the movement of minerals from Mai Baridi and Kisengo to Kalemie.

I have seen no evidence of the FARDC’s presence at either Kisengo or Mai Baridi, and no allegations to this effect have been made to me by civil society organisations. There is also no evidence, but there is a risk of the FARDC profiting from the transport of MMR material from Kisengo and Mai Baridi to Kalemie, and of equipment from the port to the two mines. The issue requires further attention, as per the recommendations provided earlier.

MMR and CDMC have disclosed their organisational structure, which offers no evidence of political and military affiliations, if any, of their company officers. I have seen no evidence of any direct or indirect links between CDMC, MMR and either

armed groups, nor the FARDC, nor political parties, though CDMC president Serge Mulumba has previously worked for a government ministry.

The overall finding therefore concerning the ‘conflict free’ status of Mai Baridi and Kisengo minerals is that the key conditions for this status have been met.

It is important to stress that this evaluation gives a ‘snap shot’ of the situation at Mai Baridi and Kisengo. Looking forward, circumstances can and do change. North Katanga is a high-risk area, the situation requires regular monitoring and evaluation, and I recommend that AVX establish suitable mechanisms for doing so.