



Chapter Four

Coltan Exploration in Eastern Democratic Republic of the Congo (DRC)

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Introduction

Until the flurry of recent peace initiatives, most importantly the Inter-Congolese Dialogue that ended inconclusively in Sun City, South Africa, and the July 2002 agreement between the Democratic Republic of Congo (DRC) and Rwanda, the DRC was in the midst of one of the most sweeping and wide-ranging conflicts in post-colonial Africa. Despite these agreements and the engagement of the United Nations through a monitoring mission (*Mission de l'organisation des Nations Unies au Congo*, or MONUC), peace is not yet secure in this vast country. At the height of the war the conflict developed an international character, bringing in many regional actors, defying regional and international mediation. The DRC now ranks 152nd in the UNDP Human Development index of 174 countries, despite the existence of considerable natural resources, such as diamonds, hydroelectric power, wood and strategic minerals.

In particular, coltan – a combination of Columbium-tantalite – is among the strategic minerals found in the Congo and forms the basis of a high-tech global commodity chain. With 80% of global coltan reserves located in Africa, most of it in the DRC, a number of analysts have argued that international demand for the metal has become one of the driving forces behind the war in the DRC and the presence of rival militias.¹ In this sense, coltan has come to be identified as one of the major resources plundered from the DRC by Congolese rebels and their allies, Rwanda and Uganda.

The illegal exploitation of coltan in the DRC is at the core of this chapter as it seeks to assess the possible causal relationship between the exploitation of natural resources and conflict manifestations in this country. For a number of practical and analytical reasons, although coltan is present in most parts of eastern Congo, the chapter will primarily look at coltan extraction and exploitation in North and South Kivu provinces. From the start the research team assumed that coltan was not a root cause of conflict in the DRC but, rather, a conflict-sustaining or aggravating factor that has contributed to conflict within the larger conflict system operating within the DRC.

The plundering of Congolese resources has formed a recurrent parameter throughout the history of the DRC and its successive violent conflicts. This is particularly true of the current situation where the illegal exploitation of forests and mineral resources now occurs at an alarming pace.

Background to the Conflict

From 1874–1908, the DRC was known as Congo Free State, then a private concession of King Leopold II, King of Belgium. In 1908 the DRC became an official colony of Belgium. It was not until June 1960 that the DRC became independent, with Patrice Emery Lumumba and Joseph Kasa Vubu, respectively as prime minister and first president. Following the assassination of Lumumba shortly thereafter, the country experienced a series of rebellions and secessionist movements sometimes with the direct encouragement of external actors. Shortly after the second parliamentary general elections Colonel Mobutu Seso Seko successfully organised a coup and assumed power, with the support from United States, in the newly renamed Zaire. He remained in power for 32 years. In 1997 the increasingly corrupt and despotic regime of Mobutu was overthrown by an alliance nominally under the leadership of Laurent Desiré Kabila and strongly backed by a number of other governments. Laurent Kabila was subsequently assassinated in January 2001 and replaced by his son, Joseph Kabila, as president of the DRC.

The DRC has thus been engaged in many wars since its independence in 1960, most of which are linked to the external exploitation of its immense natural resources – initially dominated by the immense copper wealth to be found in the Katanga province in the south. The plundering of Congolese resources remains one of the constant parameters in the analysis of the various violent episodes that have moulded the DRC state throughout its history – from the slave trade, to the Mobutu predatory regime, from King Leopold II's exploitation of rubber for the Belgian colonial system, to copper shortly after independence and coltan in recent years.

The recent disruption of the Congo predominantly affecting the eastern part of the DRC began with the exodus of some 1.2 million Hutu refugees across the border from Rwanda, following the capture of Kigali by the Tutsi-led Rwandan Patriotic Front in July 1994. Among the refugees that fled into Zaire at the time were many members of the defeated Rwandan army (*Forces armées rwandaises* or FAR) and Hutu militias (the *Interahamwe*) who had perpetrated the mass killing of some 800 000 Tutsi.

The sudden influx of refugees into Zaire created a new security risk along the border between the DRC and Rwanda, as it altered the existing demographic dynamic and ethnic balance in the eastern part of the Congo. In this sense, it can be argued that the refugee crisis of 1994–95 exported the

Rwandan ethnic and political conflict to Zaire and greatly contributed to the further escalation of the conflict in the DRC.

Ethnic clashes were not new to the Kivus. During the early 1990s a number of clashes had occurred along the eastern border between Zaire and Rwanda, Burundi and Uganda, primarily between communities of Tutsi origin (Banyamulenge) resident in Zaire and local communities of other ethnic origins. Some clashes were also reported in 1993 in the Masisi region in North Kivu, although their primary motivation might have been economic rather than ethnic.² Zaire's internal conflict dynamics were thus reinforced by the influx of the large number of Rwandan refugees and armed Hutus, exacerbating tension between Hutus and Tutsis in North Kivu, as well as between the local population and the Banyamulenge Tutsis of South Kivu. Many localised conflicts between various communities (such as Hema/Lendu/Ngiti in the Orientale Province, Banyamulenge and Bembe/Fulero/Vira in the South Kivu Province) also emerged.

The war in Zaire intensified in the autumn of 1996 between the Zairian forces of Mobutu and the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL). At the time the AFDL, a rebel movement, was led by the late Laurent Desiré Kabila and supported by Angola, Rwanda and Uganda. The AFDL was initially formed as a response to plans by the central government to take away the Zairean citizenship of the Banyamulenge, at the time when President Mobutu tried to tap into local ethnic resentments in order to shore up his influence in the east. The announced restrictions on the peoples of Tutsi descent – who had lived in the DRC for generations – acted as a major triggering event and provided the opportunity to recruit an armed rebel movement that galvanised the Tutsis and other groups in opposition to Mobutu's unpopular government in Kinshasa.

Kabila received direct and indirect support from neighbouring countries, including Angola, Uganda, Burundi, Tanzania, Zambia and Eritrea, while the Rwandan military forces prominently provided aid and direction to the rebellion that included Tutsis and other discontented groups. Clearly, Rwanda's primary rationale for its support to the rebellion was to press into eastern Zaire in order to rid the area of all *Interahamwe* and ex-FAR forces who had fled Rwanda after the genocide but continued to create instability in their home country. Rwanda had objected to Mobutu's policy of tolerating the Hutu militant camps.

This new wave of rebellion most certainly added another dimension to the conflict in the DRC that, from its original focus on the east, developed into a national war of rebellion aimed at the overthrow of Mobutu's regime in Kinshasa. The campaign of the AFDL eventually proved successful and, in May 1997, its troops took over Kinshasa, shortly after Mobutu fled the country. A victorious Laurent Kabila soon announced that Zaire would henceforth be known as the Democratic Republic of Congo.

This is not to say that more ethnic clashes and other episodes of mass killings did not take place in the eastern parts of the country during the AFDL's advance on Kinshasa. In October 1996, attacks by Tutsi-led militias supported by the Rwandan army on Hutu refugee camps created further refugee flows. While some returned to their home country, large numbers – and, in particular, armed Hutu insurgents – marched further into Zaire and became victims of the militias fighting under the flag of the AFDL.

In August 1998, fighting erupted again in the northern, eastern and western parts of the DRC, this time between the Congolese forces under Laurent Kabila and several rebel factions. Unlike previous episodes of violence in the DRC, this campaign soon dragged in a number of other countries as each side gained support from allied governments in neighbouring or nearby countries. In particular, Angola, Namibia, Zimbabwe, Sudan and Chad initially backed Kabila, while Rwanda and Uganda had been aiding the rebel factions. Although Sudan, Chad and Namibia have subsequently withdrawn their troops from Congolese territory, this phase of the war saw the dramatic escalation and regionalisation of conflict and polarisation in the central Africa region.

The fighting challenged the central government. The corruption, cronyism and nepotism so typical of Mobutu's Zaire had also come to characterise Laurent Kabila's regime. Some of the discontent of the rebel leadership – made up of disillusioned military officers among others – also appeared to relate to Kabila's decisions regarding the promotion of key military commanders. In addition, the relations between Kabila and the governments of Rwanda and Uganda had also begun to turn sour, as they felt that he was unable to pacify rebel movements based in the eastern Congo. Although originally denied by Rwanda and Uganda, it soon became evident that the two countries had started working with the new rebel forces, with the intention to create a buffer zone in the highly volatile eastern Congo in order to contain the continuing problem of insurgencies into north-west Rwanda and north-west Uganda from the Congolese territory. In this context, the claim was made by Rwanda that Kabila was not containing the Hutu *Interahamwe* but, in fact, contributing to their arming and training.

By mid-1999, the rebel movement had managed to capture one-third of the DRC, thereby installing a new balance of power in a country which was now divided into certain occupation zones. The rebel movement that had formed a political party to present their demands (e.g. *Rassemblement Congolais pour la Democratie*, or RCD) split into three main factions in June 1999, supported by Rwanda and Uganda. In particular, they differed in terms of their willingness to pursue negotiations or to continue fighting. Moreover, the rapid military gains by the rebels – especially by August 1998 – prompted a series of peace initiatives, which provided the background for the signature of the Lusaka Accords of July 1999, currently being implemented in the DRC and the region through various additional agreements and instruments such as MONUC.

Key Factors in the Conflict

From a general perspective, the post-Cold war conflicts in the region of central Africa and, in particular, in the DRC, have come to be associated with periods of domestic, economic and political liberalisation and to reflect the impact of rapid democratisation in weak states.³ Many developing countries may be ill prepared for the political tumult and economic stresses caused by global trends such as rapid conversion to a market economy and democratisation, reawakened ethnic identity, etc, which the post-Cold War era unleashed. In this sense, these characteristics form what the conflict analysis literature has come to describe as background conditions, namely fundamental (economic, environmental, demographic, historical, etc) circumstances which can make a society vulnerable to violent conflict.⁴

Proliferating conflicts in central Africa also reveal how internal conflicts can generate armed forces that, in the absence of effective national and regional conflict settlement mechanisms, can export as well as nurture violence in neighbouring countries. For instance, this phenomenon was observed in 1994–95 in the DRC, during the massive influx of Hutu refugees who had been pushed out of Rwanda after the genocide. While the *Interahamwe* and ex-FAR forces were continuing to launch insurgencies into Rwanda in order ultimately to reinstate a Hutu government, their presence in the refugee camps also had a negative effect within Zaire and led to renewed internal ethnic clashes and hatred. In this sense the impact of the presence and engagement of third parties in the territory of the DRC will prove a critical factor for the lasting resolution of conflict within the Congo.

Closely related is the realisation of the limited sense of regionalism in central Africa and absence of functioning conflict prevention and mediation at an interstate level. The second wave of violence in 1998 brought this particularly to the fore, in the form of an international trans-state conflict across several borders. This development occurred despite the fact that most of the central African countries share links through commerce, sometimes a common French or Belgian colonial and linguistic legacies and political cultures.⁵ Certainly, the lack of effective regional interstate mechanisms must have proved a contributing factor in the further escalation of conflict in the DRC in 1998, as well as the regionalisation thereof.

Other Causes of Conflict

Some analysts argue that the basic cause for the two successive conflicts in the DRC in 1997 and 1998 rests with the deterioration of the authority and reach of the Zairian state in the eastern parts of the country as a result of the corruption and mismanagement of the regime of Mobutu.⁶ These factors

undeniably left a political and security vacuum that was in part filled by two successive rebel movements. Additional aggravating factors include arms proliferation and the instrumental exploitation of ethnicity, often resulting in ethnic alliances, both at the country level and in the regional context. Yet these were exacerbated by a series of other factors, the first of which is the inflows of refugees in 1994–1995. Not only did this influx threaten the existing social, ethnic and political balances, but also provided fertile breeding ground for radical groups preparing the overthrow of the neighbouring government, while itself becoming the target for raids by the army or militias. The Rwanda-Uganda armed skirmishes in Kisangani during 2001, as well as their current heightening differences, can also be seen in this light.

Neighbouring states have shared, as well as clashed over, interests, resulting either in cooperation or competition, for instance over the exploitation of natural resources and, in particular, the degradation thereof. In particular, interstate conflict becomes most likely when adjacent countries harbour hostile refugee communities (e.g. Zaire after the refugee crisis in 1994–95) or openly support armed opponents to, or vocal critics of, the government (e.g. Rwanda/Uganda through their support to the rebel movements in 1998). Thus, in a situation of internal conflict in which a neighbouring country overtly or covertly interferes in a partisan way, escalation – or even the horizontal spread of conflict – is almost inevitable, as was the case in the DRC.

In a situation of a breakdown of state authority (as experienced by the former Zaire as a failure of governance during Mobutu's reign), a number of informal and illegal high-profit economic activities including arms sales, drug trafficking, illegal exploitation and trade of valuable commodities such as diamonds, natural resources develop and increase. Over time those engaged or dependent on these activities lose all interests in peace. Indeed, such illicit economies may develop into 'war economies', which thrive upon, and support conflict and may even take on destabilising regional dimensions, especially when economic gain can be made, for instance in the form of extraction and exploitation of natural resources. This is particularly evident in the DRC. Following the refugee crises in the region during 1994–1995, parties to the conflict (and especially neighbouring countries) have tried to gain access to the large natural resources of the DRC through their presence and engagement in the territory of the Congo.

Peace Initiatives

Although the lack of effective regional conflict mechanisms characterises central Africa, the successive conflicts in the DRC and their further escalation into the region elicited many ad hoc and informal diplomatic mediation initiatives to put an end to what had, by 1998, become an unprecedented

regional conflict. Most of these initiatives were African-led efforts launched by groups of nearby states, influential heads of state, or operational subregional organisations, outside central Africa. The UN, western governments, and international non-governmental organisations (NGOs) also attempted to bring their influence and capabilities to bear.

The rapid military gains of the rebels in August 1998 prompted a variety of peace initiatives at the very outset of the fighting, with the primary aim to establish a ceasefire. None of these initiatives came directly from central Africa but rather emerged from such diverse actors as the OAU, Libya, or the NGO Sant'Egidio. Most importantly was the active and sustained involvement of the Southern Africa Development Community (SADC), which feared that the conflict could spill over into a region-wide war.

This is not to say that SADC's mediation process was a smooth enterprise. Different approaches were indeed in contention among different SADC member states, while reflecting their respective national interests and allies.⁷ Eventually Zambian President Fredrick Chiluba was appointed principal mediator and a first series of meetings were organised in 1998, without much success, as either Kabila or the rebels alternatively refused to attend.

SADC persisted and eventually, in July 1999, the Lusaka Accords were signed by the Congolese government, rebel groups and the states which had been supporting the various Congolese sides, namely Angola, Zimbabwe, Rwanda and Uganda. The agreement focused on the following building blocks:

- establishment of a cease-fire;
- freezing of the territorial control of all conflict parties and subsequent withdrawal of all armed groups operating in the territory of the DRC;⁸
- deployment of a UN peacekeeping force in the DRC;
- establishment of a joint military commission made up of African countries to monitor the implementation of the agreement as well as the disarmament of the *Interahamwe* militia; and
- initiation and setting up of the Inter Congolese National Dialogue, aimed to bring about a new political order in Congo and based on the participation of the Congolese armed groups, the non-armed political opposition to Kabila's government and representatives from civil society (or so-called *Forces vives de la Nation*).

Although the signature of the agreement in the summer of 1999 constituted the first real prospect for peace in the DRC, the Accord was only the first step toward the settlement of the conflict, both regionally and domestically.

The signature of the Lusaka agreement was followed by some 18 months of deadlocks and continued armed engagements between its signatories, all of which came to a sudden end with the assassination of President Laurent

Desiré Kabila on 16 January, 2001. The late president had indeed systematically obstructed the implementation of every feature of the Lusaka agreement, which he came to see as unfavourable. In this sense, his replacement by his 29-year-old son, Joseph Kabila, gave new hope to the peace process, both from a national and regional perspective.

The emergence of a new window of opportunity for peace was reflected in a number of positive signs from both the DRC's government and the international community. For instance, the international community immediately recognised the new president, primarily in order to invite him to break with the policies of his father and to implement the Lusaka Accords. Moreover, Joseph Kabila agreed to join the Inter-Congolese Dialogue facilitated by Sir Ketumile Masire, former President of Botswana, and welcomed the quick deployment of the UN military observer mission for the DRC (MONUC). The UN Resolution 1341 of 22 February 2001 confirmed the above, as it adopted a new concept of operations for MONUC, and confirmed its commitment to disarming the remaining 'negative forces'.⁹ Finally, the appointment of Brigadier General Mjuki Mwanyiki of Kenya at the head of the Joint Military Commission (JMC) revived hopes for effective plans for disengagement and disarmament.

Although MONUC subsequently made sterling progress, the main stumbling block was lack of progress with the Dialogue. Painstaking preparations eventually led to extended talks in Sun City in South Africa during the first months of 2002 – but the results were a disappointing partial agreement between Kabila and the majority of the participants, but excluding the RCD-Goma and key internal parties. Amidst continued fighting in the east, South African president Thabo Mbeki eventually secured an agreement on 20 July 2002 between Kabila and Rwandan leader Paul Kagame that appeared to reinvalidate the Lusaka Accords and pave the way for an inclusive settlement.

Many challenges still face the Lusaka ceasefire signatories, and the international community, in implementing the Congolese peace agreement, namely:

- The effort to disarm the non-Congolese armed groups, which destabilise the region from their Congolese bases. A successful strategy of disarmament, demobilisation, reintegration or resettlement of these armed groups remains critical to the effective implementation of the Lusaka agreement, as well as the establishment of lasting peace in the DRC. These groups continue to provide a rationale for the conduct of counter-insurgency operations by neighbouring countries and for the occupation of the Congolese territory, while undermining regional stability. Although not the root cause of violent conflict in the DRC, their presence act as a major conflict-sustaining factor and the primary source of much of the continuing violence and suffering within the Congolese territory.
- The complete withdrawal from the DRC of Rwanda and Uganda, as well as the government allies (Angola and Zimbabwe) who, after having invested

heavily in the war, will not leave unless their individual interests are accommodated. These countries indeed hope to maintain their political influence on future developments in the DRC, as well as economic access to its natural resources. This is particularly the case for Zimbabwe which has thus far shown no willingness to abandon the direct or indirect exploitation of natural resources, as developed over the last few years.

Finally, another challenge facing the successful implementation of the Lusaka agreement (and the establishment of peace and stability in the region as a whole) pertains to the ongoing war on terrorism launched by the US and its coalition partners, as a result of the 11 September attacks on New York and Washington. While there is no doubt that a sustainable resolution of the conflict in the DRC as well as the central African region will primarily lie with the parties concerned, the current campaign against terrorism has nonetheless produced a major policy attention and priority shift at the international level, with potentially counterproductive impact in maintaining momentum with the continuation of the implementation of the Lusaka agreement and the Inter-Congolese Dialogue. It remains to be seen the extent to which the war on terrorism by the US will impact on current efforts to bring about peace to the DRC and the region.

Overview of Environment

The history of the Congo is littered with problems linked to an abundance of natural resources. Hence, the notion of what has been termed as the 'Congolese paradox'. On the one hand, despite the abundance of natural resource wealth, the DRC has remained a poor country. Seventy percent of the population live in absolute poverty, with unemployment at 85%.¹⁰ Parts of the country that used to grow food for export and local consumption, such as Province Orientale and the Kivus, are now wracked by hunger, while severe malnutrition rates among children under five have reached 30%.¹¹ On the other hand, most conflicts in the DRC are termed civil wars, but they can be easily described as externally instigated resource-based conflicts. In this sense, Congolese conflicts are less motivated by internal competition over scarce resources than by its abundance of critical resources that, time after time, become strategic international commodities, access to which is sought through intense competition.

Topography

The DRC is located directly on the Equator in the central part of the African continent. It is the third largest country in Africa, with an area of 2 345 000

square kilometres, of which only 3% is arable land and 77 % forests and woodland. The DRC has three distinct land areas:

- the tropical rain forests, located in the central and northern parts of the country;
- the savannahs, located in the northern and southern parts of the country; and
- the highlands, which consist of the plateaux, rolling meadows, and mountains found along the country's eastern border, all along the Great Rift Valley.

Coltan is found in abundance in the highlands near rivers and riverbeds or in a hidden form throughout the two Kivu and Maniema provinces. While 80% of the world's coltan reserves are said to be in Africa, the DRC accounts for 80% of these African reserves.¹² This explains in part why recent conflicts have been concentrated in the eastern part of the country and the negative impact that these conflicts have had on the local environment.

Gold and manganese are also found in the oldest Pre-Cambrian rock formations of the country. The Middle Precambrian formations of the east-centre of the country are associated with tin, tungsten and related minerals, and the Katanga series of the Upper Pre-Cambrian in Katanga Province are a source of copper, cobalt, zinc, lead, silver, cadmium and nickel. In this sense, it is clear that the best soils and mineral resources tend to be located in peripheral areas, and this goes some way towards explaining the distribution of population - and conflicts.

For instance, the Kivu provinces, under rebel control in the east, have the potential to rank among the most productive places in Africa. The region is indeed a critical supplier of water, energy, food and arable land. Most farmers can yield up to three harvests a year. The region would nonetheless probably be in a better shape had it not been known for its minerals (including coltan), as it has now become the target of extensive, though illegal, natural resource exploitation within the framework of a wider conflict system involving a myriad actors and interests.

Population

Population estimates vary. In 1988, Zaire had a population of about 35.4 million and an estimated annual population growth rate of 3%. The estimated population for 1991 was 39.2 million for an average population density of about 14 people per square kilometre. In 2001 Amnesty International suggested a population of 51.6 million. Population life expectancy at birth averages 48.9 years while the fertility rate estimate for 2001 was 6.84 children per woman. The overall density is below the average and median for all African countries. In summary the demographics of the DRC consist of rapid

population growth (3% a year), rapid urbanisation (33%) and a youthful age structure (40% under 14).

The DRC's population is dispersed very unevenly, with the highest density in the Kinshasa area and westwards towards the coast in the Mayumbe region, followed by other peripheral areas such as Bandundu and the Kivu highland area of the east. Fast-growing population is concentrated in areas with fertile land, as well as in economic enclaves. Much of the heart of the country, the north-east and south, are sparsely populated. It is worth noting that, in rebel-held areas, urban population has drastically increased over the last five years owing to forced migration following persistent insecurity in rural areas.

With over 250 identified ethnic groups identified, the Kivus are one of the regions with the greatest cultural diversity. Since time immemorial, each ethnic group has had strong links with their surrounding environment: the environment provided local communities, both rural and urban, with food-stuffs, building materials and herbal medicine. However, insecurity and civil strife have interrupted the potential harmony between man and the environment. In this context, tribal groups affected include Pygmies, Barea, Bashi, Bahavu, Bahunde, Batembo and Banyanga. For instance, Pygmies are being engaged in activities outside the traditional farmer-pygmy relationship and are becoming commercial hunters, spending a greater proportion of their time hunting forest game and selling ever larger quantities of meat to coltan miners and traders.

Eastern DRC has also experienced a series of migration trends in the last eight years that have affected its environment. In 1994, after the Rwanda civil strife and genocide, millions of civilian and military refugees poured over the border from Rwanda causing serious damage to the environment. Large areas were deforested, while poorly planned refugee camps were set up, sometimes near or within protected forested areas.¹³

The rebel-held areas of the east are also the scene of involuntary population displacements and expropriation of local people's land, especially as a result of the illegal exploitation of natural resources. At the beginning of 2002 the estimated number of displaced people in the rebel-held territories was approximately 1.6 million, of which one million were located in North and South Kivu provinces.¹⁴

This population displacement has led to the emergence of 'internal refugees' or internally displaced persons who also become a burden on the host population, while severely impacting on the environment and existing natural resources. Since 2000 increased conflict between Congolese belligerents (rebel groups, Rwandan government forces and local militias) has caused changes in the patterns of population displacement, driving people much further from their areas of origin to other regions.

Claims by refugees, after a number of years, for political participation, citizenship, or land ownership, sometimes in total disrespect for the traditional

chieftaincy or country's laws, are often interpreted as a threat by local populations. These tensions remained unresolved and were suppressed during Mobutu's dictatorship, but were revived with the degeneration of his regime and the claims for multiparty participation, followed by the 1996 and the 1998 wars. The latter have put the immigrants, especially Tutsis, in a position of leadership, frustrating the Congolese people and prompting the growth of a local militia known as Mai-Mai with the objective of getting the foreign armies out of DRC.

The decline has already started to impact on the extended family structure, and even the nuclear family, with people opting for individual rather than collective or communal survival strategies. There are also many displaced groups that are being systematically subjected to forced labour.

Land Tenure and Agriculture

The DRC has two recognised land tenure systems: the modern and the customary.

Under the modern system, the government owns all land. The right to use land is thus assigned or allocated by the government through the Department of Land Affairs, Environment, Nature Conservation, and Tourism.

Under the customary land tenure system, land ownership is collective: groups or clans hold land. The group, though its appointee, assigns land for use to its members. Land used by a family over a long period of time is recognised by the group or clan as belonging to that family, but the family may not sell the land because, in practice, land ownership rights belong, ultimately, to the national government.

However, in places where strong chieftaincy exists, land ownership is believed to belong to the traditional king (Mwami) who then distributes it to his subjects through a sophisticated system of reward and punishment. This system is still very much alive in the eastern parts of the DRC, especially in the South Kivu Province where many traditional chiefs command authority.

Allegiance to this system may also explain why the land issue is linked to the control of power and has become a sensitive matter. In particular, this aspect was improperly dealt with during Mobutu's regime. Indeed, Mobutu used to buy the cooperation of the Bamis – allowing them to continue exercising their traditional powers, while the official laws and regulations of the country said otherwise. The Banyamulenge factor in the war in DRC found its meaning around the struggle for land ownership and recognition of Mwami power. In this sense, the issue of citizenship (which sparked off the Banyamulenge violent uprising against the Mobutu regime) was just another way to claim the right to land ownership.

Agriculture's contribution to exports has declined sharply over the 40 years since independence. In particular, the illegal exploitation of natural

resources (including coltan) has impacted on agricultural production. Many fields have been left unattended as a result of forced migration or the involvement of some section of the population in coltan digging. Agricultural productivity has thus declined – with resultant food shortages in urban areas and soaring food prices.

Across the east of the country, formerly surplus producing areas no longer grow enough to feed their populations.¹⁵ Reasons include insecurity, limited access to markets, cassava blight, and difficulties in making enough money from the sale of crops. Moreover, the mine exploitation has diverted the existing manpower from agricultural activities to mine exploitation, especially coltan. In mineral-rich areas such as Walikale, Punia, and Kalima, the short-term benefits of mining have also encouraged some farmers to abandon agriculture. Instead of working in their fields, they prefer to dig for coltan, gold, or diamonds. In addition to the already high level of food insecurity in places in South and North Kivu, there is an additional problem posed by armed groups from all sides, who sustain themselves by stealing the limited food and crops from communities who are already struggling to survive.

Coltan Exploitation in Eastern DRC¹⁶

The DRC is rich in minerals, including copper, diamonds, uranium, gold and coltan. Coltan, a combination of columbium-tantalite, is today among the most important strategic mineral found in the Congo due to use in the even-increasing number of mobile phones. Although the country in general, and the Kivu in particular, has been neglected by corporate mining the mineral resources are so immense and so easily accessible that they continue to generate – without any substantial investments – considerable amounts of wealth measured in billions of US dollars. The wealth in turn, goes into war efforts and makes the conflict, particularly for the local and regional belligerents involved, self-fuelled and financially viable.

Coltan is not a root cause of conflict in DRC, in the sense that the mere presence of this natural resource, or for this matter, any other type of natural resource wealth, does not suffice to explain the ongoing conflict, as well as past conflict dynamics in the country. Rather, coltan can be described as a conflict-sustaining or aggravating factor, which contributed to the formation of new and localised conflict within the larger conflict system operating within the DRC and to the continuation or reinforcement of ongoing conflict dynamics.

The licit and illicit extraction and exploitation of natural resources in Congo is not a new phenomenon, but a recurrent feature of Congolese history, from the time of its being a private concession of King Leopold to the establishment of the Mobutu regime in 1964. Economic activity outside the

so-called formal legal sphere of the state was a predominant element in the colonial and immediately post-colonial Congo, particularly in the eastern parts of the country, to the extent of being denominated as '*Système D*', '*Article Quinze*' or '*Debrouillez-vous*'. As the economy collapsed and the state's traditional (admittedly minimal) functions withered away, the informal, often illicit and sometimes violent, economy grew. Mobutu's regime progressively withdrew from providing basic services to the people, arguing that they should fend for themselves where the state had proved incapable or unwilling to do so. In the education sector, parents took charge of their children from nursery to university, including contributing to pay teachers' and professors' salaries.

In the Kivus where the state entirely ceased to provide social services, the population took things in their own hands to provide the minimum of services, with limited support from a small number of international NGOs and churches. Businesses turned eastwards for their exchange and almost abandoned Kinshasa as their reference point for most of their commercial exchanges. Rwanda, Burundi, Uganda, Kenya and Tanzania became their transit or destination points for their goods. However, never before the outbreak of the 'second war' in 1998 in the DRC has this type of economic activity, resource extraction and exploitation, been so intimately linked to *extractive violence*. No wonder that many Congolese perceive these activities as foreign in origin and contributing to external occupation and dominance, especially in the Kivus.¹⁷

Local rebel administrations are more interested in natural resource exploitation and appropriation than in initiating any development schemes. The conjunction of antiquated mining practices, decimated or degraded infrastructure, the arbitrary doling out of concessions, corrupt and unstable governments, and bloody ethnic conflicts have compounded the suffering of the eastern Congolese communities.

In eastern DRC, coltan deposits are found everywhere in farms, forests, savannahs, private and government land, in protected and unprotected areas. In South Kivu Province, coltan is mostly exploited in forests that constitute critical habitats for biodiversity conservation and communities' welfare, whereas in the North Kivu a larger number of deposits have been recorded on unprotected land. The uncontrolled influx of thousands of people for coltan mining onto different sites has impacted negatively on the environment. Wildlife is threatened for several reasons, including the availability of firearms, and the increasing firewood collection in the parks. In addition, the presence of a high density of population in protected areas increases the chances of human disease transmission and depletion of wildlife stocks through poaching.

Although coltan is generally surface mined, the process involves vegetation clearing and non-selective tree cutting. Many trees and shrubs in the

vicinity, comprising future timber trees and many other valuable species, are damaged or destroyed. More trees are being used for making firewood and shelters in the forest. Separating minerals is another environmentally damaging process. Debarking of large indigenous trees occurs as the bark is used to separate minerals of different weight. Some of the tree species affected are of importance for conservation and their regeneration is slow or delicate. Earth trenches are made to capture water used to separate minerals from raw ore, leading to soil erosion and degradation of water catchments.

In mining areas with no food supply, wildlife has become a targeted source of proteins and professional hunters decimate the animals while poachers acquire illegal firearms to increase their daily catch and contribute to biodiversity depletion and decline.

For instance, the Kahuzi-Biega National Park, a World Heritage site and biodiversity sanctuary located in South Kivu, has been adversely affected by coltan exploitation. This same park saw an influx of thousands of Rwandan refugees in 1994 who caused havoc by deforesting and encroaching upon its natural resources. According to David Sheppard, IUCN's Head of Programme on Protected Areas, "mining, together with the presence of so many people looking for food, is severely impacting on the ecology of protected sites, as in flagrant violation of World Heritage principles. It is feared that a large proportion of the elephant population in Kahuzi-Biega National Park has been killed as well as a significant number of gorillas, leaving the population at a dangerous low level." In a period of five years, the population of *Gorilla gorilla graueri* and other large mammals like elephants has dramatically declined. Indeed, of the 8 000 gorillas living in Kahuzi-Biega National Park in 1996, only a 1 000 remained by May 2001 and of over 3 600 elephants inventoried in 1996, only 500 were still alive by May 2001.¹⁸ All this contravenes the DRC's existing laws regulating the "conservation of nature" and the statute of the park¹⁹.

Due to insecurity and coltan mining, the largest part of the Kahuzi-Biega Park (about 90%) is out of the control of park authorities and wildlife hunted down, especially in the lowland areas where at least 20 mining sites have been established. Conservation activities in and around the park initiated and supported by the German Development Agency (GTZ) are adversely affected and restricted to a few sites in the highland sector.

By 2002 an estimated 15 000 people were exploiting the coltan, gold and cassiterite deposits on 48 sites throughout the park. Since the drop of the coltan price from US\$ 100/kg to US\$ 10/kg a few years ago, most of these people have settled in the park and have started farming, mining and hunting. This destruction in the eastern DRC and particularly in the Kahuzi Park has concerned Congolese and international ecologists, who have described the process as 'ecocide'.

In many mining camps within protected or conservation areas, coltan has become the currency and is being exchanged for a variety of basic items

supplied to miners. Access to coltan mining areas and neighbouring communities in rebel-held territory has become a problem. Rural communities are isolated and desperately in need of humanitarian assistance and education programmes on better use of the environment. Many local and international NGOs involved in nature conservation have failed to implement planned activities.

The Rwandan army controls South Kivu and part of North Kivu Province and the Ugandan army controls the rest of North Kivu and other parts of the DRC (at the time of its announced withdrawal from the DRC in mid-2002). Both countries are backing rebels of the Congolese Rally for Democracy (RCD) and the Congolese Liberation Movement (MLC).

Coltan is not the sole source of conflict, nor is it at the root of the Congolese crisis. It has nonetheless become an important conflict-sustaining factor, insofar as it has contributed to:

- exacerbating conflict (i.e. generating, along with other mineral and non-mineral resources, income for rebels and their supporters); and
- generating new dimensions in the already existing intercommunity conflicts (over land ownership and land use) while intensifying and accelerating the environmental degradation.

In the absence of strong state apparatus and legitimate government, coupled with the strong need for high-technology development materials on international markets, multinational corporations and local entrepreneurs have allied themselves with specific African countries to access these minerals in the DRC. It has become increasingly apparent that “changing patterns of international resource demand have led to a decrease in mineral self-sufficiency, and increased import dependence on many minerals, making more minerals strategic, and more of these, critically so.”²⁰

The Coltan Exploitation Cycle

The coltan exploitation cycle in the eastern DRC could be summarised into the following stages:

- Stage 1: Exploration
- Stage 2: Detection
- Stage 3: Extraction
- Stage 4: Transportation
- Stage 5: Treatment (transformation-commercialisation)

Multinational companies involved in illicit access to DRC resources provide instruments at Stages 1, 2 and 5 of the exploitation cycle. For instance, they provide devices to detect the availability and test the quality of coltan.

Table: Key factors in coltan exploitation

Category of Actors	Identity	Interests
Armed groups/forces	Armed forces of Rwanda and Uganda and Congolese rebels	<ul style="list-style-type: none"> - Exportation of internal crisis - Management of the post-genocide era - State entrepreneurship (state is like any other mineral dealer) - Finance military campaigns and personal gain for high-ranking officers and politicians. - Serve the interest of multinational companies - Coercive and dissuasive force for easy exploitation of coltan and other minerals - Protection of the mine zones against other interested groups (e.g. Mai-Mai) - Political and economic survival (especially Congolese rebels)
Local/regional business community	Burundian, Rwandan, Ugandan and Congolese	<ul style="list-style-type: none"> - Making 'good money' - Self-enrichment - Evading taxes (especially for Rwandan and Ugandan businessmen/women)
Local communities in mine zones	Coltan diggers and other local people	<ul style="list-style-type: none"> - Making money - Getting back their lost land - Offer support to Mai-Mai
Other, including business, airlines, arms merchants	American, Canadian, Belgian, German, Kazakhstan	<ul style="list-style-type: none"> - Lucrative deals in the absence of government apparatus - Access to strategic minerals to remain competitive - Maintaining a presence in both rebel and government sides for future deals

At Stage 1, the Congolese administration, known as the *Centre National de Recherche Geologique et Miniere* (Mines and Geological Research National Centre – or CRGM), also provided some data, especially on the location and availability of coltan.²¹ Sophisticated instruments are used to estimate the concentration and the quality of the minerals for industrial exploitation. At Stage 3, coltan is basically exploited in a 'craft' manner, based on the use of small locally available materials, such as hoes, spades, tridents, or iron bars. In some circumstances, the use of explosives is common, resulting often in a high death toll among the diggers, soldiers and local communities from respiratory problems.

Owing to deteriorated road networks, military vehicles often come to assist in the transportation of coltan to Rwanda, Burundi and Uganda at Stage 4 of the exploitation cycle. More often, transportation is by air, using Russian Antonovs that can ferry up to 20 tons. Several rotations are done every day to get these

resources to Rwanda. In particular, an air company was purposely created in order to facilitate the fast and efficient transport of coltan and other resources to the neighbouring capitals and elsewhere. The company known as TAC²² (Transit Air Cargo) is responsible for liaising with Bukavu, Goma and Nairobi, where potential buyers get together and then export further to the western world and Asia. The same scenario applies in other areas controlled by Uganda.

Kivu coltan is believed to be of high quality and easily accessible, while not requiring specialised instruments for its extraction. In addition, it is not unusual if Rwandan military officers are seen accompanied by English-speaking 'white people' with sophisticated instruments of measurement. But, so far no big company has ventured in these areas with its own people and instruments for extensive industrial exploitation.²³ Military vehicles and Russian Antonov planes are used to ferry the resources to Bujumbura, Kampala, Kigali and Nairobi. A UN official reports having counted up to 64 rounds of planes in ordinary day in Shabunda.²⁴

Marketing and Pricing

The value of Congolese natural resources, including coltan, is fixed in Kigali and Kampala. A Congolese dealer in Goma stated:

"Everything here is hidden, we believe we are selling our coltan to Congolese but in reality we are selling it to Rwandans, the true bosses. They are the ones who determine the price at leisure and we have no other option than selling to them. They have the monopoly of everything around the coltan business."

Apparently Rwanda and Uganda fly the materials to industrialised countries through Belgium and Dubai. The Belgium airline SABENA suspended the transportation of coltan shortly after the release of the UN report on the plunder of DRC resources. A Dutch company, known as Martinair, subsequently replaced SABENA and was last operating between Kigali and Amsterdam. Several air companies representing Ugandan and South African interests are also apparently involved in the business. On the ground, the network is maintained by SDV-Transitra between Kigali and Mombassa or Dar es-Salaam. From there, the coltan is loaded into Safmarine cargos to Antwerp or Ostend.²⁵ It is also important to mention that Rwandan brokers, including many military commandants, have access to bank credit in their country and abroad. Such opportunities are inaccessible to their fellow Congolese because of the collapse of the bank systems in DRC.

Traders and mine specialists from Belgium, Germany, South East Asia or the United States are believed to be masterminding the business: "There are eight factories in the world capable of industrially treating raw coltan to extract the tantalum. This is particularly done in Thailand, Germany and USA."²⁶

The system works in a way that the only role assigned to Congolese people is extraction and handing over to Rwandans brokers. Rwandans do not usually allow any direct dealings between Congolese and foreign buyers. This is done through imposed selective customs taxes, tacitly obliging the Congolese to deal solely with Rwandans, who in turn deal with the international market.

This system has generated a two-tiered system for coltan pricing. In particular, the Rwandans place an imposition on the Congolese diggers (price I) and the multinationals do the same vis-à-vis their Rwandan and Ugandan counterparts (price II). Price II is supposed to reflect the price at the international market. Rwandans and Ugandans in their respective areas of control have the monopoly of exportation and commercialisation of all natural resources in the Kivu. To this end, they create companies or ally to (newly formed or older) companies for the commercialisation of these resources.

The exploitation of coltan is thus done in total disrespect of the existing Congolese laws. Bids and concessions have been allocated to Rwandan companies while the former owners/legal holders have been alienated from their 'legal' right, creating a silent conflict between the two groups.²⁷

Distribution of Coltan Revenue

Use of the income generated by coltan exploitation is dictated by the goals and strategies of the various actors involved in the cycle. For instance, at the extraction level, some local Congolese brokers have improved their standard of living by building new houses, driving new cars or creating new businesses. A majority of Congolese, however, collaborate with Rwandan army officials/businessmen who, with some RCD officials, are getting the lion's share of the profits generated from coltan extraction and sale. The 35 000 Rwandan soldiers in the Congo at the end of 2001 were well paid and equipped, while a special co-operative was set up in order to cater for the health of the wounded and sick soldiers fighting in DRC.²⁸

The impact of the revenues generated by the DRC plundering is nonetheless limited in the countries involved, except among a small number of prominent individuals in the army and business community, who are connected one way or another to the international trade. For instance, thanks to SOMIGEL, the RCD was, until recently, able to balance its budget, pay salaries and plan for social policies. Ultimately, the coltan money was re-directed to maintain an RCD army estimated at 40 000 soldiers.²⁹

The most disastrous consequence of coltan exploitation can be seen at the community level, as the damage inflicted on the relationships between the Congolese people and their neighbouring Rwandans, Ugandans and Burundians. At national level, the future relationship between the DRC and its eastern neighbours will be deeply affected by this situation, and may haunt any responsible government in the DRC for many years to come.

Mineral Policy and Legislation

According to existing Congolese regulations,³⁰ coltan exploitation is illegal. The implication is that all documents issued by RCD-Goma and other rebel groups, in matters pertaining to precious, semi-precious or other minerals, are illegal, while this has created intense frustrations between the indigenous Congolese legal ‘owners’ and the new illegal title deed holders.

Edict-Law No. 81-013 of 2 April 1981 clearly stipulates that:

“In virtue of article 10 of the constitution, the Zairian under-soil and the soil are and remain the property of the Nation and comprise among others mines, carriers, water mineral sources and hydrocarbons.”

In other instances, individuals can only make use of the land and, by extension, the wealth on that particular plot, but they cannot own it. Article 2 further stipulates that “whoever decides to domicile in DRC has the right to prospect and search for mineral wealth under exclusive zones”.

Edict No. 67-416 of 23 September 1967, article 8, draws a list of the various documents (counterfoil registers) required and issued by the Management of the Mines Service. These documents range from the application for “personal prospect permit” (Model A1) to the application for “subscription register to open a quarry” (Model H 17), making it at least 17 official documents.

In particular, a special clause of this article emphasises the role of the state in protecting people’s interests even as they mine. In this sense, it is stipulated that:

“The State is the guarantor and the protector of the general interest of the people. It can take special dispositions against the exploiter in case his/her exploitation is threatening the general interest of the people”.

The Ministry of Mines thus is the principal manager of the mine sector and is locally represented by the ‘*gouvernorat de province*’, namely the provincial administration, the local mine services, land service, and so on. According to existing laws and regulations in the DRC, only the Ministry of Mines can issue official documents, thereby rendering illegal any other documents obtained through other means, including those issued by rebel movements.³¹ The law also stipulate the criteria for the involvement of both nationals and foreign investors in the mining sector in the DRC.³² In particular, US\$ 50 000 and US\$ 250 000 were required respectively for nationals and foreigners, in order to open a counter for buying and selling precious minerals in the DRC.

In a war situation, such as the one of the DRC today, the notion of what is ‘legal’ and ‘illegal’ has become very fluid³³ where foreign countries have violated its territory and have come to join ranks with Congolese rebels. Even forces such as the Mai-Mai or *Interahamwe*, are collecting taxes from coltan

diggers in areas such as Ntoto in Masisi zone.³⁴ Foreigners, in collaboration with RCD officials, control the market and dictate the rules of the game.

Coltan's Impact on the Conflict

The exploitation of coltan has intensified older conflicts between different communities living in North and South Kivu. For instance, in the Masisi zone, since 1993, fierce confrontations have been recorded between Congolese of Rwandan origin known as Banyarwanda and other Congolese communities, over land ownership and citizenship. These confrontations were always exacerbated around events pertaining to local political participation. Since the Rwandan army took control of much of these areas, the Banyarwanda have regained power and influence.

Violent battles are also fought between, on the one hand, the Congolese government and its allies and, on the other, Rwanda, Burundi, Uganda and the Congolese rebels which they are respectively backing. Mai-Mai are also fighting and in March 2001 prevented the transportation of coltan in Butembo area, North Kivu.

A battalion of Rwandese soldiers and Congolese rebels, with heavy weaponry, are also said protect the 'Red Zones' in Walikale, where coltan can be found in abundance. Rwandan Hutu prisoners are used as labour in the coltan mine fields and experience high casualties in such places as Hamisi, Mafumbi Mubi and the Walikale centre. Helicopters control these zones and Congolese are forbidden and forced into 'camps', while fresh Rwandan settlers are brought in to resettle in the vacated land. Interestingly, Mafumbi is nicknamed 'Nairobi Mine' probably because Nairobi is believed to form part of the coltan transit points in the exportation process.³⁵

Infighting between rebels and rebel backers is among the complex and sometime strange dynamics emerging from the Congolese war. Violent conflicts have arisen between the rebel backers, Rwanda and Uganda, in the eastern upper DRC town of Kisangani,³⁶ causing extensive damage to the population (thousands of Congolese were killed or wounded) and infrastructure of the Kisangani town. Both wanted to control Kisangani, a strategically located town that is famous for its abundance in gold, diamond and timber. The fighting in Kisangani has led to a rapid deteriorated in the relationships between Rwanda and Uganda. The rebel movements have also suffered a process of fragmentation. The Ugandan government has indeed successively supported one faction against the other or even sometimes forced them to reconcile or merge with little success.

Banyamulenge and Rwandan soldiers have also fought in the Uvira area over the control of Uvira town and its surroundings. While not directly linked to any known particular resource, Uvira town is strategic for Banyamulenge who live in the Itombwe plateaux, overlooking the town.³⁷

As a result of coltan extraction and exploitation, many Congolese families have been forced to leave their homes and lands and they are now living either in camps or in towns, especially Goma and Bukavu.³⁸ In the meantime, allegations of fresh immigrations of Rwandan communities and their occupation of the vacated lands have prompted an increase in Mai Mai attacks on these new settlers as well as on mine exploiters in the Masisi and Walikale areas.

There are ongoing local conflicts between Congolese rebel officials and their Rwandan backers: all taxes collected on all incomes generated from the exploitation of resources in areas controlled by Rwandans go directly to Rwanda, Burundi and Uganda.³⁹ Many Congolese rebel leaders have resigned as a result of these frustrations.

Between simple soldiers and their officers low intensity conflicts also exist, and have resulted in many desertions. Congolese rebels remain badly dressed and paid, or not paid at all, in comparison to their allies from Rwanda or Uganda. At the height of the war an estimated anything between 17 000 to 35 000 Rwandan soldiers⁴⁰ were in DRC, all well paid and dressed. The Congolese rebels subject the population to harassment of all sorts for their survival. Likewise, 'false' or true *Interahamwe*, or occasionally the Mai-Mai militias will add to this harassment, leaving the population in complete disarray.

In particular, Mai-Mai combatants are violently reacting to the situation of resource extraction and, as a result, have targeted their attacks on Rwandans, Ugandans and all Congolese collaborating with the latter. For them, the fight is against not only the violation of the national territorial integrity and sovereignty but also against those who collaborate and facilitate the illegal exploitation of the Congolese natural resources. For example, RCD official delegates were recently under attack from Mai-Mai in Kahuzi and Kalonge, simply because they intended to allocate a portion of a national park to private developers for coltan extraction.⁴¹

Another source of local conflict is the perceptible resentment the Congolese population has developed against the perceived invaders who are grabbing their lands and pillaging their resources. In the Walikale zone, where coltan is big business, the displaced Congolese population is longing for justice, as they are being forced to leave their homes and land and are concentrated in camps. The official rationale for such a policy is protection against 'negative forces' (mainly *Interahamwe*), but it is commonly assumed among the local population that this is simply an excuse to vacate them from what is now known as 'Red Zones' where coltan is found in abundance.⁴²

The heavy presence of foreign armies, coupled with the fierce exploitation of the natural resources and gross violations of human rights have plunged the majority of the population into a state of hopelessness and helplessness while the rebels (the RCD-Goma in particular) lack clear popular support because of its close association with a foreign army, that of Rwanda.

The reality on the ground does indeed contradict the rebel attempts at making things appear normal. While the local administration is functioning and political leaders are appointed, civil servants are not paid, the economy is almost at a standstill, most of the soldiers are ill paid and equipped and people are in a state of constant insecurity. At the same time, RCD officials and their backers appear to be enriching themselves.

The Concord and Pacification Commission was established in 1998 by the rebels to harmonise conflicting community relationships, as well as to boost its image within its area of control. This nonetheless has had little impact because local people found this entity, which was supposed to prevent and manage conflicts between different communities, “too politicized and unrepresentative”. The other existing structure is the *Baraza inter-communautaire*, a platform representing different conflicting Congolese communities that was created in a bid to reach a peaceful settlement to the conflict. This structure is handicapped by lack of political will from the local administration and an absence of financial and logistical support.

Most laws and regulations used to prevent and resolve conflicts around mining concessions, are either simply ignored or not applied. “This is the law of the jungle,” according to a local NGO leader in Goma town, referring to the rebel judicial system, “no body respects the law, not even the ‘law enforcers’ themselves.”⁴³

Conclusion

The DRC is endowed with a unique biodiversity, wide mineral and forest resources and rich soils for agriculture. Much of this wealth is concentrated in the eastern parts of the country which have been the setting for the original rebel movements, as well as the ongoing occupation and struggle by both national and external parties to the conflict. In this sense, it is hard to dissociate the conflict in the DRC from the environmental dimension.

The natural wealth of the DRC constitutes both a blessing and a curse. If properly managed, natural resources can pave the way for a better future in the Congo. Natural resource wealth can generate as well as further perpetrate wars and conflicts (from within or from outside). The illegal exploitation of coltan has added to the complexity of the conflict in the DRC. An international embargo on natural resources such as coltan, as part of the development of a binding international code of conduct for the private sector on issues of the extraction, exploitation and purchase of natural resources could increase pressure for conflict resolution. However, addressing this issue in isolation from the wider conflict will not prove successful in bringing about sustainable peace. Other deep running, internal as well as external, causes will indeed also need to be tackled in order to achieve peace and stability in the country and the region.

It is increasingly argued that the two successive conflicts in the DRC have become a lucrative business for some conflict parties,⁴⁴ in the form of resource exploitation and extraction. For instance, during the AFDL's war campaign on Kinshasa, foreign troops and their 'friends' openly initiated business in the territories liberated by the rebel movement, while indirectly encouraged by the late Laurent Kabila.⁴⁵ In this sense, the illegal exploitation of the DRC's natural resources by foreigners started with the 1997 war of liberation. At that point a number of foreign businesses started operation in the eastern parts of the DRC under control of the AFDL rebels, backed at the time by Angolan, Ugandan and Rwandan forces.

It can also be argued that the conflict in the DRC may even have developed into an economic instrument for some conflict parties, including Uganda and Rwanda. Although security and political considerations were the initially professed rationale for the intervention of these countries in the eastern parts of the DRC during the August 1998 conflict, there have also been hidden economic and financial agendas, resulting from previous engagements in the Congo and knowledge of the richness of Congo's natural resources. In this sense, the access to, as well as possible illegal exploitation of, natural resources may have been a determining factor in the decision by external actors to enter the conflict in the DRC, especially during the course of the second conflict in the country.

The linkages between the illegal exploitation of natural resources in the DRC and the conflict should not only be seen in terms of personal or national enrichment but, in also terms of financing the war efforts of the parties themselves. In this respect, the UN Panel assigned to investigate the exploitation of the DRC's natural resources clearly demonstrates in their reports that the illegal exploitation of coltan has permitted the Rwandan army to sustain its presence in the DRC and to further provide security to the companies extracting the mineral, whose revenues from the coltan exploitation will be shared with the army which, in turn, continues to provide the enabling environment for such illegal activities.⁴⁶ Similarly, it is contended that, thanks to the illegal exploitation of various valuable commodities, major rebels groups have become autonomous, for instance for their supply of military equipment. In this sense a vicious cycle of war has developed in the DRC, where the illegal extraction and exploitation of natural resources has come to play a conflict-sustaining role.

The external engagement of third parties, in its various forms and for differing purposes, therefore remains a fundamental cause of violent conflict in the framework of the DRC. In this sense, some third parties operating in the territory of the Congo – neighbouring countries and even international private companies – can be described as peace spoilers, in that their current, yet differing, interests and activities profit from the conflict situation and thus the absence of peace.

A successful strategy for the resolution of conflict in the DRC will have to take into account such external as well as regional linkages and, one way or the other, accommodate these various forces, in order to bring about positive engagement. Any peace initiative focused on the resolution of conflict in the DRC cannot be undertaken in isolation from the regional context and other neighbouring conflict-prone situations.

Endnotes

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- 29 Braeckman, op cit.
- 30 There are a number of edicts and decrees regulating the mine sector in the DRC, including 1. Edict No 67-416 of 23 September 1967, 2. Edict-Law No 81-013 of 2 April 1981, 3. Edict-Law No 82-039 of 5 November 1982 modifying and complementing the Edict-Law No 81-013 of 2 April 1981 and covering the General Legislation on Mines and Hydrocarbures.
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