



***IKV Pax Christi &
Réseau HAKI NA AMANI (RHA)***

A Golden Future in Ituri?

**Which perspective for gold
exploitation in Ituri, DR Congo?"**

Colophon

**Address**

Godebaldkwartier 74
NL- 3511 DZ UTRECHT
Pays-Bas

Postal Address

P.O. Box 19318
NL-3501 DH UTRECHT
Pays-Bas
info@ikvpaxchristi.nl
www.ikvpaxchristi.nl

**Address**

Quartier Lumumba
R.D. Congo Ville de Bunia

Réseau_rha@yahoo.fr
reseauhakinamani@yahoo.com

Authors: Joost van Puijenbroek, Eric Mongo Malolo et Jogjen Bakker
Photo 4, 6, 7, 8: Peer Schouten;
Other photos: IKV Pax Christi

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The present study is part of the search for understanding of the basic factors of the conflicts in the Ituri region within the framework of the partnership between the Haki na Amani and IKV Pax Christi network. The jointly led programme stimulates a dynamic of peace-making, reconciliation and community safety.

At the time of publication of the results of this study, the study's coordination team thanks the local investigators that have been deployed on the field for having collected data in the various chiefdoms and who have demonstrated a commitment and exemplary dedication given the particularly demanding conditions in the field. Our thanks go especially to the two study leaders, Mr. Peer Schouten and Mr. Desire Nkoy.

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1. General Introduction

Justification of the study

The Democratic Republic of Congo is a country with an extraordinary mineral wealth. In 1985, the mining sector accounted for 75% of exports, 25% of tax revenues and 25% of GDP¹.

The Zairianization of 1973 (nationalizing of all companies that were owned by foreigners) marked the beginning of a sharp deterioration in the country's management and parastatals. This mismanagement, lack of investment, policy interventions within the parastatals led to a general deterioration of all state mining companies. In order to address the adverse effects of Zairianization, in 1982 mining was liberalized, causing an influx of artisanal miners and traders into the mining sites. The gradual change from a powerful formal and mechanised industry to an informal, illicit and rudimentary market constitutes Mobutu's legacy.

However, the informalisation of mining activities continued into the 90s and was reinforced by two successive wars.² These two wars have also had a significant impact on the mining sector, resulting in an economy of plunder. In 2001, the contribution to GDP was only 7%, which is a 72% dive in just two decades.³

The current situation in the East of the country, where mineral resources are concentrated, feeds the imagination of journalists and Western audiences: a tropical landscape, without infrastructure, with a strong presence of armed men, but with a hitherto unexplored mineral wealth - representative according to some, of the final frontier. In the collective imagination, this "Wild West" has, however, a hard and dangerous side; often minerals have been linked to conflicts and poverty. We speak of "**blood gold**" and "**resources curse**."⁴ In expert studies, the numbers vary dramatically, as in the collective imagination. We talk about speculations of an artisanal population ranging from 60,000 and 150,000 people, and this speculation is even more contested as to the quantities of gold produced.

This report attempts to demystify artisanal mining in Ituri. It aims to contribute to a greater understanding of the formation and dynamics of artisanal mining and, more importantly, the experiences of artisanal gold miners and the affected population.

It begs the question:

- What is the impact of artisanal mining?

¹ CASM (2007): *Briefing note: Artisanal Mining in the Democratic Republic of Congo, key issues, challenges and opportunities*. Page 1

² Sara Geenen (2011): *Local livelihoods, global interests and the state in the Congolese mining sector*, in: *natural resources and local livelihoods in the Great Lakes Region, a political economy perspective*, ed.: Ansoms and Marysse, page 156

³ CASM (2007): *Briefing note: Artisanal Mining in the Democratic Republic of Congo, key issues, challenges and opportunities*. Page 1

⁴ <http://www.guardian.co.uk/world/video/2011/sep/02/congo-blood-gold-mobile-phones-video>;
<http://www.bbc.co.uk/news/world-africa-11722142>

- Is it true that this is only a mining mechanism, as many reports insinuate, or may it also contribute to the development of this region?

Only a few months ago, the first kilo of post-war gold was industrially extracted from Congolese soil. Yet, efforts to revive industrial mining may be very important for the development of the national economy.

On the other hand, artisanal mining is extremely important in terms of production and assurance of livelihood for a large section of the Congolese population.

Hence the great challenge of the future lies in the coexistence of artisanal and industrial mining, within a less tense relationship.

This report is the result of a first study of such magnitude ever conducted, namely the exhaustive and detailed study of the artisanal population and the structures and dynamics of artisanal mining in Ituri, on the basis of a combination of quantitative and qualitative data. Thus conceived, this study aims to establish a sound empirical basis for negotiations concerning the post-conflict development in the region, within a context where the artisanal mining of gold is dominant.

The first aim of this study is to provide the basis for a debate on the coexistence between industries operating in Ituri and the Iturian society, including the miners themselves. This is a debate among all stakeholders, especially the industry and artisanal miners.

Finally, this study is a foundation document that can help the Iturian society define its vision on the development of artisanal mining.

In Ituri, this question is particularly relevant. Indeed, artisanal mining is not only a very important economic sector in Ituri, but also a potential source of significant conflict.

This is why the Haki na Amani and IKV Pax Christi network have decided to perform this study listing the size and dynamic of gold mining and asking the major questions for the future. The debate between Iturians must take place in Ituri and contribute to a better understanding as well as satisfactory solutions and strategies for all actors.

The study is structured as follows:

- The first chapter briefly discusses the rationale for the following study and methodology.
- The second chapter deals with the data for the whole of Ituri.
- The next four chapters concern the case studies, by region.
- Finally, the conclusions are presented.

Methodology

The overall aim of the study is to better understand the extent and dynamics of artisanal gold mining in Ituri.

The specific goals aim to:

- better understand the role and relationships between stakeholders in artisanal gold mining: artisanal gold miners, mining operators, leaders of localities and groups, local administrations, security services, mining services, mining companies, etc. ...
- better understand the division of labour and the internal relationships of artisanal mining (and its diversity)
- better understand the functioning of the gold mining industry as regards the requirements of the law
- better understand the situation in terms of Human Rights concerning gold mining, occupational hazards, possible repression

- better understand the relationship between the artisanal miners and industries that are operating, the potential for collaboration and the potential for conflict
- better understand the correlation between artisanal gold mining and land disputes
- better understand the involvement of the different communities in Ituri in gold mining
- better understand the contribution to the development of gold mining

The extent of artisanal mining is investigated through a quantitative survey within all Ituri communities. This survey, the first of this scale, allows us to analyse aspects such as the number of operating sites, the number of artisanal gold miners and the demographic composition of the artisanal population. Subsequently, 13 case studies have been conducted of which 4 in Mambasa, 3 in Irumu, 4 in Djugu, 1 in Mahagi and 1 in Aru⁵ to better understand the dynamics in a variety of areas as well as in a variation of socio-political contexts.

The study was conducted between September 2011 and January 2012 by a team of researchers. This period corresponds to the rainy season in Ituri, which influences the results of surveys, as many artisanal gold miners had left the projects due to the complexity of the work during the rainy season (lots of holes and wells being filled with water, making for difficult and dangerous work). It should also be noted that many artisanal gold miners also cultivate fields, alongside their gold mining work.

⁵ The following case studies were conducted. Mambasa: underground site of Ngabu (Matonge locality, Babila Teturi group, Babombi Babila chiefdom) Kafwawema site (Some locality, Bapwele Babila group, Bakwanza Babila chiefdom) Lisala site (Baheta locality, Bafwambaya group, Bombo chiefdom), Grâce site (Bavatungbo locality, Ngayo group, Bandaka chiefdom). Irumu: Manbereza work site (Kalonga locality, Kunda locality, Babelbe chiefdom), dieu merci work site (Baliboko locality, Bayhana group, Mobale chiefdom) Babulawaka work site (Bavi Baviba locality, Baviba group, Walendu Bindi sector). Djugu: Kpata and DKCS work site (Nizi and Iga Barrière, Bahema Baguru) Senzere and Makala work sites (cited Mongbwalu and Baniali Kilo chiefdom) Vis-à-Vis work site (Mosaba group, Mabendi chiefdom). Mahagi: Lelemodi work site (Zani locality, Djalasiga group, Alur Djuganda chiefdom). Aru: Apodo work site (Ongo locality, Awuko group, Aluru chiefdom).

2. Summary of Ituri

Ituri



Figure 1: Map of Ituri

2.1. Context of Ituri

2.1.1. Introduction to Ituri

Ituri is one of five districts of the Eastern Province. The district has an area of 65658 km² and a population estimated at 4.250.00 inhabitants. Located in the North - East of the DRC, Ituri shares a long border with two neighbouring countries, Uganda and Sudan. Ituri is composed of five areas (Aru, Mahagi, Djugu, and Irumu Mambasa), 45 chiefdoms and sectors and 5 cities.

The Ituri population consists of all layers of the African population (Bantu, Sudanese, Nilotic and Pygmies). It is mainly occupied by ten ethnic groups, of which the ethnic majorities are the Alur (27%), mainly concentrated in Mahagi, whereas the Lendu (24%) and Hema (18%) are located in the territories of Djugu and Irumu. Lugbara (12%) are in the Aru territory.

The population density is very high in Mahagi (higher than 300 persons per km² on average) followed by Djugu, with an average of 180 persons per km². Density is lower in Irumu due to pastoralism. Mambasa is the least populous territory, with an average density of 6 inhab/km²) as it consists mainly of rainforest. The main ethnic groups that are found in the territory of Mambasa are the Babila, the Balese, but especially the Bambuti (Pygmies) that represent 30% of the population. In recent years, this territory has experienced a high migration of Nandé populations from North Kivu. It is estimated that the population of Ituri has about 4 million inhabitants, unevenly distributed throughout the district. It was planned for Ituri to become a province, but this has yet to be realized.⁶

Ituri was marked by a war during the period 1998 - 2003 and was occupied by Uganda during a part of this period. The war in Ituri had aspects of internal dispute between communities, including the Hema and Lendu communities, however it was heavily exploited by external powers, notably Uganda and Rwanda as well as internal elites⁷. This war resulted in about 60,000 deaths and massive destruction of infrastructure. It also led to a deep mistrust between communities, as well as complicated interrelationships.

2.1.2. The history of gold mining in Ituri⁸

Ituri is an area that contains huge economic potential: agriculture, livestock, timber, minerals and oil. The mining of these resources fuels many lusts, both internal and external. In 1903, two Australian geologists found gold in the Agola River, a tributary of the Abombi River, about 30 km from Mongbwalu. They named the place Kilo, after a local leader called Ksilu.

The Belgians began commercial mining in 1905. In February 1926, Belgium created the Société des Mines d'Or de Kilo Moto (SOKIMO) [Gold Mining Company of Kilo Moto]. Gold mining was strictly controlled by Kilo Moto, limiting access to mining areas only to workers and their families.

⁶ Mongo, E., J. van Puijenbroek, D. Nkoy (2009) *Conflits fonciers en ituri, poids du passé et défis pour l'avenir de la paix [Land conflicts in Ituri, the weight of the past and challenges for the future of peace]*.

⁷ Clark, J. F. (2001). 'Explaining Ugandan intervention in Congo: evidence and interpretations'. *The Journal of Modern African Studies*, 39(02), 261-287

⁸ Dan Fahey (2011, unpublished PhD thesis) : rethinking the resource curse: Natural resources and polywar in the Ituri district; page 59-70. Dan Fahey (2008): *Le fleuve d'or, the production and trade of gold from Mongbwalu, DRC*. In: *Afrique des Grands Lacs [African Great Lakes], ed., annual 2007-2008*, pub. Harmattan page 358-361, Human Rights Watch (2005) *The curse of gold*;

In addition, during this period, SOKIMO built houses, hospitals, schools, etc. for its workers. At the height of the mining, during the '60s and '70s, SOKIMO employed approximately 6,000 employees (ibid).

The main gold mining areas are shown on the map below.

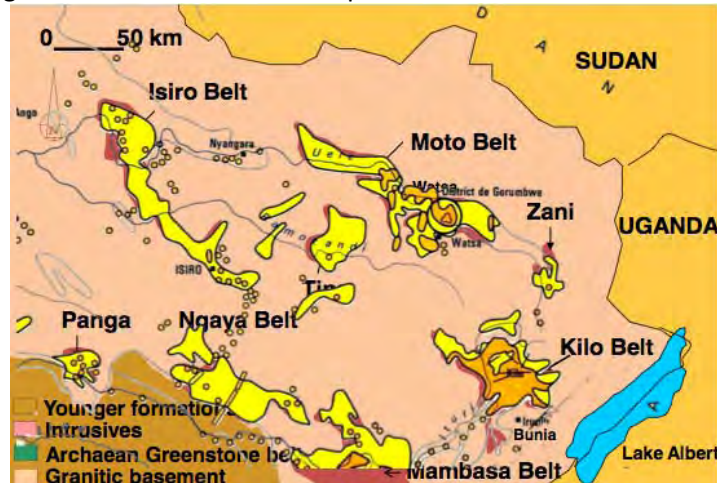


Figure 2: gold mining areas in the Eastern Province

On 15 July 1966, Mobutu's government nationalized SOKIMO and created a new entity called OKIMO, that received exclusive rights over an area of 83,000 km² in the current Ituri and Haut-Uélé. However OKIMO inherited an already declining mining industry. This decrease in production became even more evident during the 70s.

On 2 April 1981, Mobutu liberalized the mining sector, causing the arrival of many foreign companies, western investors and artisanal miners. To facilitate mining, OKIMO divided its concession into three, the concession 40 in Mongbwalu, the concession 39 in Djalasiga and Zani (Mahagi) and the concession 38 in Durba and Watsa (Haut Uélé). The political and economic chaos of the '80s and '90s did not promote industrialization and artisanal miners began to arrive.

During the war, gold attracted the attention of many armed groups as well as the neighbouring countries involved. When the war broke out, the FNI took control of the region after five battles, as did - briefly - the UPC and the FAPC⁹. The FNI established a formal structure of control and taxation of artisanal mining. This situation ended in 2005 with the departure of the FNI and, later, with the participation of this group in the DDR (disarmament, demobilization and reintegration) programme. It is especially Uganda that benefited from gold mining during this period. Gold exports from Uganda increased several hundred per cent despite the fact that they themselves did not have gold mines. The period of political chaos and war led to a fragmentation of the entirely artisanal based gold mining sector.

During and after the war, large international companies established themselves. The first being AGK¹⁰, followed by Mwanafrica and Loncor.

⁹ FNI : Front Nationalistes et Intégrationniste [Nationalist and Integrationist Front], in Lendu militia ; UPC : Union des Patriotes Congolais [Union of Congolese Patriots], in Hema militia ; FAPC : Forces Armées du Peuple Congolais [Armed Forces of the Congolese People], non-ethnic militia

¹⁰ Ashanti Gold Fields Kilo is a joint venture of Anglo Gold Ashanti and SOKIMO

In 2005, OKIMO renewed the awarding of contracts for the quarries with the CEOs. It was a special situation, because the concession was granted by the State to the company AGK. Slowly, the state company took over (some) of its functions. The same source details that in December 2010, OKIMO became SOKIMO again¹¹, a commercial company 100% owned by the Congolese State, with the possibility for other investors to open the capital.

It should be noted that mining must be carried out in areas designated by ministerial decree. In practice, this only applies in exceptional cases.¹²

2.2. Artisanal gold mining in the district of Ituri

2.2.1. The proliferation of artisanal mining

In total, we identified 813 artisanal gold mining sites in Ituri. The greatest proliferation is present in the territory of Mambasa, with 343 sites. Djugu and Irumu are not significantly different, with respectively 230 and 209 sites. There are few mining activities in the territories of Mahagi and Aru. In addition to these identified work sites, 70 work sites seem to exist in the Réserve de la Faune à Okapi, [Okapis Fauna Reserve], but these sites have not been visited by investigators.

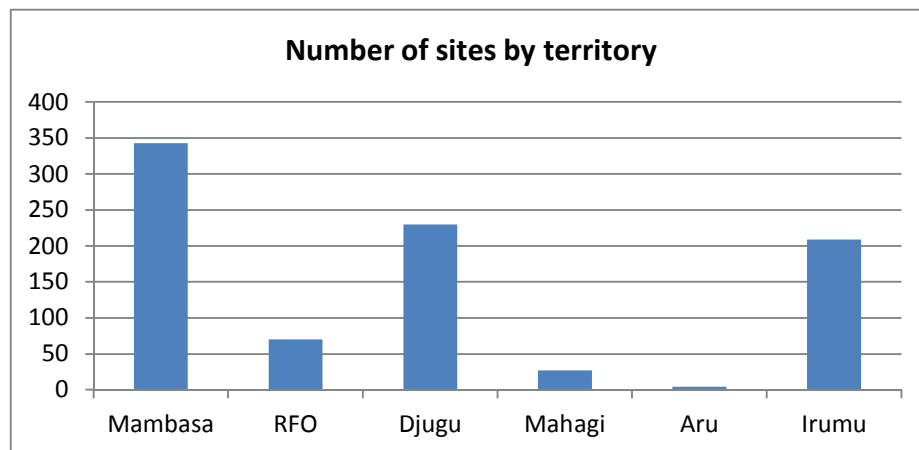


Figure 3: number of sites by Ituri territory

Within the territories, the sites are definitely not evenly distributed.

- In Mambasa for example, out of the 343 sites in the Territory, 239 sites are present in the chiefdom of Babombi Babila alone. This chiefdom has 7 groups, but 96% of mining sites are found in only 3 groups, located in the south of the chiefdom, near to North Kivu¹³.
- In Djugu, 209 sites out of the 230 listed are found in the the four communities of Walendu Djatsi (56 sites), Mambisa (36 sites), Bahema Baguru (51 sites) and Mabendi (27 sites).

¹¹ Radio Okapi 29 December: Portfolio of the State: OKIMO becomes SOKIMO

¹² Mining Code 2002, Art. 109, PACT (2010), Promines study p. 27

¹³ This is the Teturi group with 91 sites, the Bakaeku group with 76 sites and the Bapongomo group with 62 sites.

- In the Irumu territory, operations mainly take place in the chiefdom of Babebebe (79 sites), the chiefdom of Baboa Bokoe (57 sites), that of Mobala (31 sites) and the Walendu Bindi (23 sites).
- In the Aru territory, it consists mainly of the chiefdom of Aluru and Mahagi, especially the chiefdom of Alur Djuganda and Djukoth II.

It should be noted that a good number of sites are in areas allocated to foreign mining industries.

The sites were identified on the basis of an interview with the formal and customary authorities, as well as at community and group level. The 813 sites were visited by the investigators. Only the sites of the Okapi Park were not identified and not visited by the investigation team. We therefore do not have further details on these sites within the National Park.

A part from this exception, we believe that the inventory provides a very complete picture of the extent of artisanal mining in the five territories of Ituri.

2.2.2. The number of artisanal gold miners

The number of artisanal gold miners

Compared to the geographical distribution of the sites, a remarkable point is that our investigation showed that Djugu was the first territory in terms of the number of artisanal gold miners. The total is 22,673 artisanal gold miners in Djugu. Irumu does not differ greatly, with a total of 22,227 artisanal gold miners. The area has the greatest number of sites; Mambasa has 17,726 artisanal gold miners. In Mahagi, we counted 2950 artisanal gold miners and 1156 artisanal gold miners in Aru. In total, we identified approximately 66,750 artisanal gold miners active in the areas.

The number of active artisanal gold miners is debated¹⁴. It should be noted that the basis on which the estimates are founded is not always clear, but the figure of around 130,000 artisanal gold miners seems to be accepted throughout the Ituri district. This figure corresponds more or less to the 3% that are used as an average for the DRC by the CSAM.

As we have said, we have identified about 66,750 artisanal gold miners, but this figure needs to be qualified.

Indeed, when the quantitative survey finally took place, the rainy season had already begun. In numerous sites, many artisanal gold miners had left to cultivate the field. Also, during the rainy season, the operation becomes dangerous because of the risk of collapse of the cavities and wells given that numerous holes and wells are simply filled with water, making mining very complicated. It

¹⁴ CASM (2007: p. 2) estimates that there are between 60,000 and 150,000 artisanal gold miners in the eastern province and gives an average of 3% of the population in DRC. AGK (SRK Consulting, September 2011: page 223) believes that for the locality of Mongbwalu alone, 38,000 people, that is 72% of the population are involved in artisanal activity, of which half are entirely dependent on this activity for their survival. In the AGK project sites, the company estimates that 8,400 people are involved in mining. The ASTRAMINES (Association des Sous-Traitants Miniers) [Association of Mining Subcontractors] estimates that there are 400 suppliers and more than 100,000 miners in the concession 40 alone (source: interview). Other sources estimate that this figure may reach 157,000 (source: interview with the city leader). PACT (PACT Promines study, June 2010, p 22) cites data from the Mines Division in Bunia that believes that taking into account the Mambasa mines, the 40 (AngloGold Ashanti) and the 39 (Mwana Africa) concessions of SOKIMO up to Aru in the north, there were 60,000 artisanal miners in the district in 2007. The same report cites the l'Association des Exploitants Miniers Artisanaux pour la Pacification et la Reconstruction de l'Ituri (AODERPRI) [Association of Artisanal Mining Operators for the Pacification and Reconstruction of Ituri] that believes that there are 100,000 artisanal miners in the district of Ituri in 2009. Then, still in the same report, the SAESSCAM of Bunia estimated that there were 100 to 150,000 artisanal miners in the whole district. The study finally said that the figure of 150,000 artisanal gold miners seems high, but possible.

is also possible that the figure was influenced by the responses given by heads of holes and the CEOs of the sites fearing a tax or other harassment based on the number of artisanal gold miners. In addition, many artisanal gold miners only present during certain periods. One can, for example, find teachers who work mornings at school and the afternoons in the quarry, or a mother who works mornings in the field and arrives to carry stones in the afternoon.

In some sites, we have been able to verify the numbers in the qualitative survey during the dry season and sometimes the differences were significant.¹⁵ Based on interviews, we estimate that between 30% and 50% of artisanal gold miners had left the site at the time of the visit during the rainy season. This estimate results in a total between 100,000 and 130,000 artisanal gold miners during the dry season.

If dependent family members of the artisanal gold miner are 5 people¹⁶ on average, this means that between 500,000 and 650,000 people are directly dependent on artisanal gold mining for their livelihood. The number of persons indirectly dependent is even higher.

Here below you will find a chart with artisanal gold miners by territory, divided by gender and age.

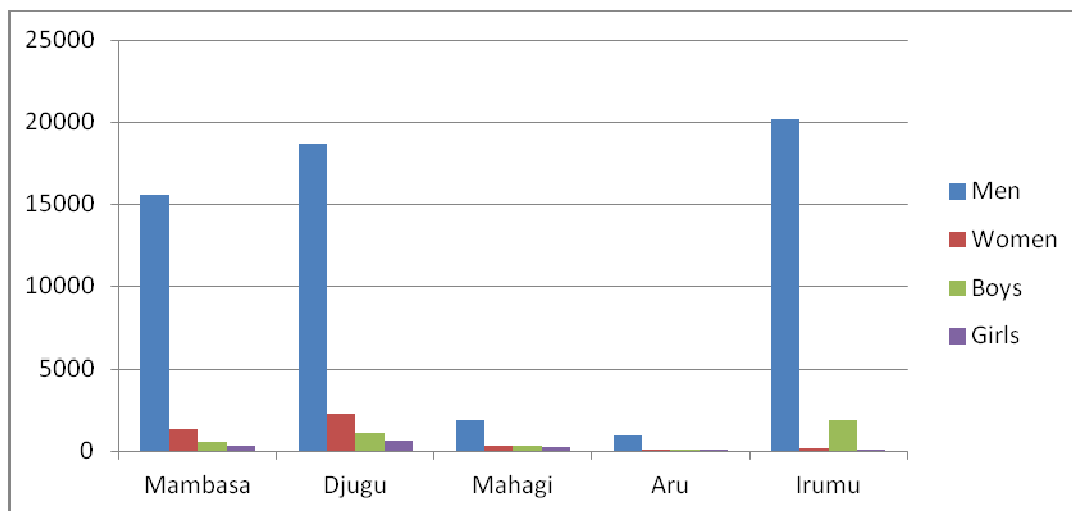


Figure 4: number of artisanal gold miners by gender and age in each territory

Demographic distribution of the artisanal gold miners

On average, men make up 86% of the artisanal gold miners. Women and under-age boys each represent about 6% of artisanal gold miners and under-age girls almost 2%. Distribution by age and gender do not differ significantly between territories, except the territory of Mahagi where men represent 70%, women 11%, boys 13% and girls 9%. In Irumu, the sector is more masculine than elsewhere. But especially women and children are not permanently present in the sites, combining this activity with household management and school. Women are generally involved as transporters

¹⁵ For example, the site of the underground of Ngale counted 210 artisanal gold miners (dry season) during the qualitative survey and 70 artisanal gold miners during the quantitative survey in the rainy season. In the Lisala site, we counted 290 artisanal gold miners during the dry season and 120 during the rainy season. In the Grâce site, the number remained more or less the same. The site of Babulawaka counted at least 1000 artisanal gold miners during the dry season and 440 during the rainy season. In the Dieu Merci site, Balanza locality, Bayhana group, Mobala chiefdom, there are 140 miners in the dry season and only 40 in the rainy season.

¹⁶ This average is an estimate without clear evidence.

in the domain of water and food provision, clothes washing, and petty trade. Children often combine work with school and are contracted for example as washers or in household chores. Overall, the investigators counted the persons present in the quarries.

According to AGK, 20% of artisanal gold miners are under 20 years of age.¹⁷ In another study, AGK presents the following table concerning the age of the artisanal gold miners¹⁸:

Age group	% Artisanal gold miners AGK
<15	6
16-20	16
21-30	34
31-40	26
41-50	11
51-60	0
> 60	0.5
Unknown	6

Table 5: distribution of artisanal gold miners by age group

Regarding the place of minors and gender, the same debate over figures seems to arise as with the total number of artisanal gold miners¹⁹. In qualitative studies, we have generally found (sometimes with an exception²⁰) that there is a high resistance to the employment of women and minors in mining. Women's groups in Ituri also report cases of sexual violence in the mining centres, but we do not know their extent.

Based on the survey and case studies, we arrived at a percentage of 8% of under-age girls and boys, which corresponds more or less to the percentage of the AGK socio-economic study.²¹

¹⁷ SRK Consulting: *Mongbwalu Project Final Draft Environmental Impact Study and Management Plan of the Project for Public disclosure*; September 2011, page 223-224

¹⁸ SRK Consulting: *Mongbwalu Project, socio-economic impact assessment report*, December 2010, page 46

¹⁹ SRK Consulting (Dec. 2010: 47) cites that according to the PACT, 40% of artisanal gold miners are children and that UNICEF conducted a quantitative survey on children working in the sites according to which approximately 50,000 children were involved, 24% of working in Mongbwalu, with approximately 8000 children in Mongbwalu alone. In addition, Save the Children was able to remove 5,000 children from the Mongbwalu mines during an awareness-raising campaign. According to law, the legal age for engaging in artisanal mining is 18 years (PACT 2010: 29)

²⁰ See the chapter on Djugu in the Kpata case study (5 km Nizi): half of the artisanal teams are composed of women, usually over 30 years, with boys between 10 and 14 years old, sometimes even younger. Even boys aged 7 enter the rudimentary cavities or work as washers.

²¹ There were however certainly "politically correct" answers concerning the age of the miners during the investigations.

2.2.3. The communities involved

During our investigation, we also looked at the community aspect in relation to artisanal gold mining. The following table provides the image of the distribution of artisanal gold miners in relation to their community of origin.

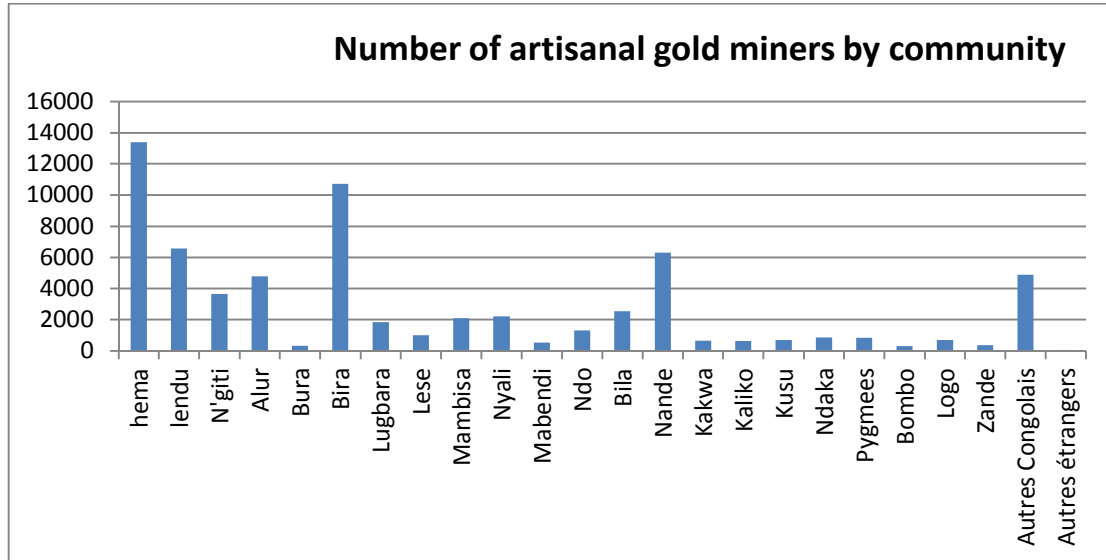


Figure 6: Distribution of artisanal gold miners by community

We see in the table that the Hema make up the largest group, with more than 13,000 artisanal gold miners, or 20% of the total. The second group is composed of the Bira with 16%, the Lendu with 10%, the Nandé with 9% and the Alur with 7%. If we include the Ngiti in the Lendu group, these latter make up 15% of the total. Another noteworthy point is the presence of communities who come from afar such as the Azande and the Logo. It is the same for the other Congolese. There is a strong differentiation with respect to the territory. The following table shows the five major groups in each territory.

	Mambasa	Djugu	Mahagi	Aru	Irumu
Hema		34%			23%
Lendu		23%	5%	10%	3%
Bira	4%				41%
Nandé	30%				
Bila	14%				
Ndaka	4%				
Other Congolese	23%			6%	
Alur		6%	58%	18%	7%
Mambisa		8%			
Nyali		7%	12%		
Lugbara			7%	28%	
Mabendi					
Ndo			12%	34%	
N'Giti					14%

Figure 7: Distribution of artisanal gold miners by territory in each community

We observe that the territory of Mambasa has a strong presence of the Nandé. They represent 31% of all artisanal gold miners active in the sites. The largest original community of the territory, the Bila, only makes up 14% of artisanal gold miners. Natives are therefore in the minority as compared to other groups. The category "other Congolese" represents 24% of the total. It seems that the proximity of Nord-Kivu is starting to be felt here. What is also remarkable is the fact that even communities from the extreme north of Ituri and from Haut Uélé such as the Lugbara, the Alur and the Azande are present in the Mambasa areas. The closer we get to the south in the Mambasa territory - especially in the chiefdom of Babombi Babila - the more the Nandé community is present in the sites.

In Djugu, it is the Hema, followed by the Lendu that dominate the world of the artisanal gold miners. Categories 3-5 are the Mambisa, the Nyali and the Alur, each representing an average of 7%. It is interesting to see how the communities are situated in the various chiefdoms. In the Lendu areas, the Lendu constitute 53% of artisanal gold miners and the Hema 22%. In the Hema chiefdoms, the Hema constitute 79% of artisanal gold miners present in the mining sites and the Lendu 13%. In the chiefdom of Mambisa the Mambisa represent 34%. Especially in the Hema chiefdoms, the community of the area is very dominant in the work sites and in the areas where half come from the community in question.

In Irumu, in the chiefdoms of Babelebe, Mobale and Baboa Bokoe, the Bira constitute 45 to 50% and the Hema between 15% and 30%. In Walendu Bindi, 80% of artisanal gold miners are the Walendu Bindi.

Across the two territories of Djugu and Irumu, there is a clear reflection of the community context on the local level as regards the community membership of the artisanal gold miners on site. But there are also exceptions²².

In Mahagi (which is not surprising), more than half are the Alurs, followed by the Nyali and the Ndo each representing 12%. In Aru half is composed by the Ndos and then the Lugbaras. The proximity of the border is also felt, with the presence of some foreigners listed²³. Also in some sites in Mahagi and Aru, the artisanal gold miners reflect the community context of the environment.

The table below shows the number of centres where community members are active.

²² For example, the case study of the Dieu Merci work site in Irumu reveals that half of the miners come from localities near the work site and half is considered nomads who move from one work site to another depending on the productivity of the work sites. They were called "free women" by others and had no stable household.

²³ It is also possible that the people surveyed did not always admit that they were foreigners, because this is prohibited by the mining code.

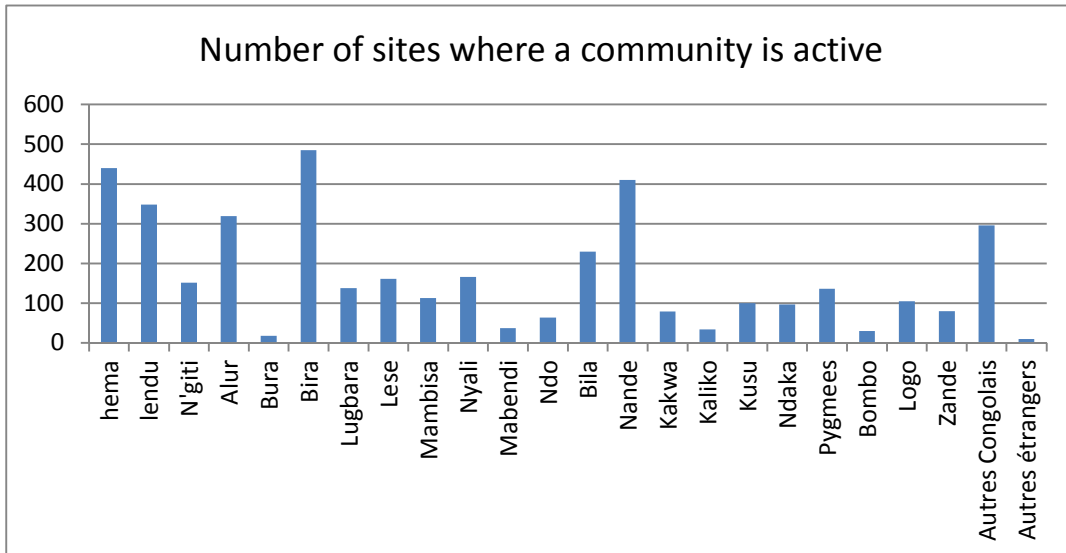


Figure 8: Number of sites where a community is present

We see that the communities that are not very numerous are however relatively well represented in many sites. This seems especially to be the case of Mambasa. For example, the Lese only make up 2% of the artisanal gold miners, but are present in 20% of the sites. The Kakwa make up 1% of the artisanal gold miners, but can be seen in 10% of the sites. The Logo and the Azande represent 1% of artisanal gold miners, but are present in 13% and 10% of the sites.

In some areas, we see that the attachment to the host communities of the site is still strong. This is seen especially in the Hema chiefdoms and (a little less) in the Lendu chiefdoms. Channel Research²⁴, in its study on the proliferation of demobilized persons, confirms a stronger presence of the former FNI²⁵ in areas previously controlled by the FNI such as Mongbwalu and the former UPC in the areas previously under the control of the UPC such as Iga Barrière. Overall, they estimate there are about 10,000 ex-combatant artisanal gold miners, or according to them 7% of the total. But it is finally said that the ex-militiamen are no longer constrained by their former militia, even though their proportion is more significant in some areas and some natural but limited re-groupings occur. In most cases, the artisanal gold miners work together at all levels, without regard to ethnicity or origin of the armed group (ibid. p. 6).

They distinguish three groups (ibid, p. 24-25):

- The "adventurers", more than the majority of the demobilized artisanal gold miners generally younger and former child soldiers
- The "traditionals", about 25%, are professional artisanal gold miners returning naturally to their original occupation
- The "progressives", about 15%, who have had a destiny upset

In the case studies, several sources suggest that there are two groups of artisanal gold miners: those who have a field on the side and have to support a family and those who are freer and less attached.

²⁴ Channel research sponsored by PACT Congo (2009): Study of the vectors, constraints and relationships of ex-combatants in the artisanal mines in Ituri: page 5

²⁵ The FNI stands for "Front Nationaliste et Intégrationniste" [Nationalist and Integrationist Front] and was a militia during the war of the Ituri predominantly Lendu

In Mambasa, it seems that in some areas artisanal gold mining actually constitutes an area of mixing of cultures that transcends ethnic identities. Life in the work sites of the camps develops with a momentum of its own, related to the development of "professional" and "commercial" relationships stimulated by a solidarity that exceeds innate identities. However, and this seems to be a constant, the boundary between indigenous and non-indigenous is decreasing. Mining is becoming their new identity for each of them. There are many groups that move from one site to another. This is especially seen in the Mambasa territory where artisanal gold miners arrive from everywhere, but also in some corners in Irumu and Djugu.

2.2.4. The start-up dates of the gold mining sites

The sites obviously do not have the same age. A quarter (that is 206 sites) pre-date 1984. For the rest, we see start-up dates more or less at the same pace as during the period from 1984 to 2005, that is an average of 10 to 15 sites per year for the whole of Ituri. Overall, this cohort represents 37% of centres. From 2005, the number of sites increases dramatically and represents 37% of the total. This increase does not occur everywhere. In the territories of Djugu and Irumu, an increase of respectively 53% and 50% took place. In the territory of Mambasa, this increase was 24%. In Mahagi and Aru, this increase was almost zero. It is noteworthy that the increase corresponds more or less to the post-war period as well as to the period during which SOKIMO took over the mining licence. But we do not find explanations for an increase of 50% in Irumu and Djugu, 25% in Mambasa and zero in Mahagi and Aru.

Obviously, it should be noted that we do not know the lifetime of the sites. Especially for the cohort from 2005, it is not possible to suggest whether this consists of sites remaining operational for a few decades or just one or several years. Sites of long date (especially before 1984) are generally older sites, dating back to the colonial period. As artisanal mining does not have a very high production rate and given that these former sites are located in former exploration areas, we believe that this mining may last quite a long time yet.

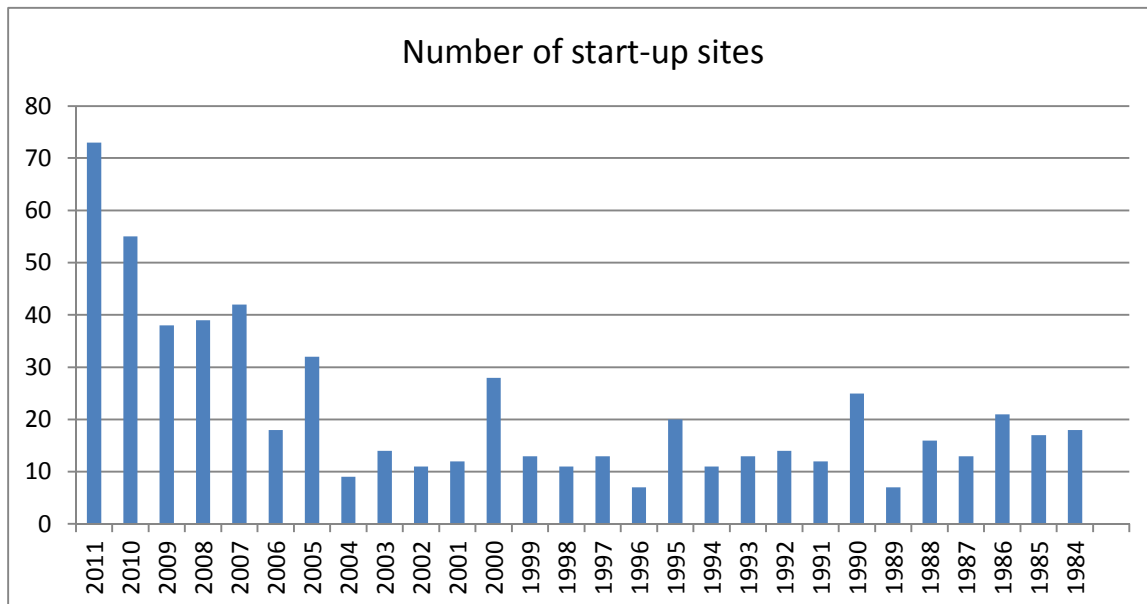


Figure 9: Number of start-up sites per year

2.2.5. The mining method

There are two types of gold; dry gold and amalgam gold. Dry gold is also called alluvial gold and is mostly found in rivers and creeks. Gold is mined in holes outdoors and in alluvial mining. Approximately, dry gold is 90-95% pure.

Gold amalgam is extracted from ores. The transporters carry the quarters to a workshop where the grinders crush them. The powder is then processed to extract the gold. Approximately, gold amalgam is 82-90% pure. Gold amalgam is mined in underground mines (often called wells) and also in holes.²⁶ In Ituri, we find dry gold in 615 sites, gold amalgam in 81 sites and both simultaneously in 116 sites. In 73% of cases, it consists of mining in holes; in 17% of cases, the mining takes place in holes and in rivers. In 8% of cases, it is a combination combining mining in wells with one of the other methods. In 2% of cases, it consists of alluvial mining alone.

2.2.6. The proliferation of disputes

In total, we identified 612 disputes in 368 sites. The greater part is found in the Mambasa territory, where 416 disputes occur in 267 sites. In Djugu, we identified 141 disputes in 74 sites, in Irumu 33 disputes in 18 sites, in Mahagi 18 disputes in 6 sites and in Aru 4 disputes in 3 sites. We attribute the high proliferation of disputes in Mambasa to the specific situation prevailing in this territory: a huge influx of foreigners, a very large number of sites, the virtual absence of government, the huge surface area making any administration difficult, etc. Overall, this seems to create an atmosphere conducive to survival of the fittest; the law of the jungle.

These disputes arise at three levels. First, disputes within a site. There may be disputes between artisanal gold miners, for example on underground overflow, on product sharing or on a dispute between artisanal gold miners and the owner. Then there are disputes between the site owner and the landowner, the community or the individual. Finally, there is the category of land tenure disputes between administrative bodies such as the group or locality boundary where the communities and the customary power struggle to have the profit from the artisanal mining. Besides these three main levels, there is the category of other disputes. These consist of disputes where the parties have not been defined. It may, for example, consist of disputes over the looting of the crop or the changing of the river bed.

In total, we identified 291 disputes within the site, the majority being disputes between artisanal gold miners and between artisanal gold miners and the owner. Very rare were cases of disputes between the artisanal gold miners as a group and the site owner.

There are 232 disputes between the site owner and the surrounding power (community, customary chief, private owner). This especially consists of boundary or possession disputes between these two parties. It should be noted that this type of dispute also often includes a dispute between two localities or groups. The case studies also confirm the proliferation of many land tenure disputes between artisanal gold miners and farmers.

We identified 39 cases of disputes between different administrative entities on their respective boundaries.

Finally, it is noted that a dispute on the boundary of a site is not necessarily a boundary dispute on the legal level, but rather a mechanism of reopening negotiations on that which the leader of the place, its community and/or the plot owner receives from the sites operator. As often, disputes are

²⁶ Dan Fahey: Le fleuve d'or: the production and trade of gold from Mongbwalu; in: *Afrique des Grands Lacs [African Great Lakes], ed., annual 2007-2008* (pub. Harmattan), page 362

used as an instrument for increasing the royalties to be paid and, from this point of view, disputes are deliberately created.

In general, the sites are located in non-land registered areas and managed by the customary authorities. It is therefore not surprising that the majority of disputes at the local level, apart from those related to large mines, are settled by the local authorities, the traditional leaders and the communities themselves. Money from the mines attracts many people, but the same money is used to settle any dispute.

2.2.7. Security

Security is organized by four main actors: firstly the work site owner, secondly the Congolese state through the Police and the FADRC (Forces Armées de la République Démocratique du Congo) [Armed Forces of the Democratic Republic of the Congo], thirdly industry through private security companies, and fourthly by militias.

Within sites, there are “Brigades Disciplinaires” (BD) [Disciplinary Brigades]. These are unarmed brigades organized by the CEO or the AFM to manage the disputes that regularly arise in the centres. They are usually made up of artisanal gold miners and local people. The role of these brigades is the monitoring of the site so that gold does not clandestinely leave and the management of disputes between artisanal gold miners. In addition, they are often also responsible for controlling the entry roads or trails. All the sites where we have made qualitative surveys have revealed the existence of a Disciplinary Brigade.

The law and order forces involved are the FADRC, the PNC and the Polimines (Police des Mines) [Mines Police]. Sometimes, but not often, you can also find the ANR. We found that the whole southern district of Ituri, that is to say, the southern part of the chiefdom of Babila Babombi south of the Mambasa territory, therefore at the border with North Kivu, was highly militarized. This area is only accessible after five days of walking, crossing several rivers from the administrative centre of the Mambasa territory. The gold mining sites are under the control of the FADRC or (for some sites) a militia. Another place where the FADRC are actively involved in mining is Bavi in the chiefdom of the Walendu Bindi.

Unlike the FADRC, the police are more regularly involved in mining sites. It is primarily involved in assisting the Bureau des Mines [Office of Mines] or in the tax collection procedures of the DPRO (Direction de recettes de la Province Orientale) [Directorate of taxes of the Eastern Province] or the DGRAD (Direction Générale des Recettes Administratives) [General Directorate of Administrative Taxes]. In addition, the PNC has a role to play in case of accidents in mining centres and are involved in all forms of harassment for extorting money. This situation is particularly repressive and violent in the territory of Mambasa. Finally, the PNC is also part of "the system." This is the case in Bavi where the PNC is also involved in the mining itself. There is a specialized department within the PNC called Polimines, but this division is still little operational, even being involved in the harassments of Mambasa.

Industries have hired private security companies in their concessions and project areas.²⁷ These consist of Kampala and Kinshasa companies and these also often consist of companies in the hands

²⁷ Schouten, P. (2011) *International Mining corporations and Socio-Political Conflict in the DRC – A case study of the Nia-Nia area, Ituri district, Province Orientale* (Utrecht: IKV Pax Christi) Schouten, P. (2011) 'Political topographies of private security in Sub-Saharan Africa'. In T. Dietz, K. Havnevik, M. Kaag & T. Oestigaard (eds), *African commitments - Africa Negotiating an Emerging Multipolar World* (pp. 56-83). (Leiden, Brill)

of business executives of security services such as the FADRC or even senior politicians. They are primarily responsible for the security of their personnel and property. Loncor has signed a contract with the company "First Security", whose headquarters is located in Kinshasa. The company Kilo has a contract with "Congo Security Solutions", whose headquarters are in Beni. AGK works with the company G4S. Private companies can not carry weapons. For this, there is a subsidised collaboration with the PNC relating to the security of the company. This is an important point as the independence of the PNC is at stake, one way or another, as a result of this arrangement.²⁸

Finally, there are still militias in Ituri. There are the FRPI (Forces de Résistance Patriotique en Ituri) [Patriotic Resistance Forces in Ituri] and the FPJC(Front pour la justice au Congo) [Front for Justice in Congo] , still active, but not managing defined areas. They greatly influence security in the chiefdom of Walendu Bindi and especially in Bavi. But they do not support the locality of Bavi. It is only in the southern end of Mambasa, on the border with North Kivu, that the local militias still manage the small areas and also some mining work sites. This consists of the armed group called the Mai-Mai Simba.

The following table provides an image of the presence of the PNC, the FADRC and the ANR (Agence Nationale de Renseignements) [National Information Agency] around the mining centres in the district.

Name	Daily	Weekly	Monthly	During the sharing of the quarters	Sometimes
PNC	5%	12%	11%	2%	35%
FADRC	6%	2%	0%	1%	24%
ANR					6.5%
Armed group	1%*				

Figure 10: percentage of sites with a presence of security services or an armed group*) There are 9 mining sites with the presence of an armed group in the Bakaiku group, Babombi Babila chiefdom, Mambasa territory

We see in the table that the people questioned affirm that in 65% of cases the PNC comes with a variable frequency. In 30% of sites, there is a certain presence of the PNC (daily to once a month). We have not found cases where the PNC was present all day on the site.

The strong presence of the PNC on the sites is very problematic, given that they do not have a formal role in the management of the mines.

According to the case studies, the PNC arrives especially to accompany the state agencies such as the Office of Mines or the DPRO that collects taxes. Obviously, it receives a portion of the harvest. The PNC sometimes comes in search of real or invented problems, with a view to using its power to obtain money. It also plays a role, for example in the event of death where it prepares the report and authorizes evacuation of the body. The CEO must pay a lot of money to the PNC²⁹. As mentioned above there are examples where the PNC is involved in the mining operation itself, as in Bavi in the sector of Walendu Bindi (as discussed in more detail in the section on Irumu). People questioned in

²⁸ Schouten, P. (2011). 'Political topographies of private security in Sub-Saharan Africa'. In T. Dietz, K. Havnevik, M. Kaag & T. Oestigaard (Eds.), *African engagements - Africa Negotiating an Emerging Multipolar World* (pp. 56-83). (Leiden: Brill), p. 69

²⁹ During the case study of the Vis-à-vis work site in the Mosaba group, Mabendi chiefdom, a death occurred. The PNC immediately came and the CEO had to pay for the transportation and US \$ 550 for the body to be evacuated.

several places also mentioned arbitrary arrests when profit sharing was not carried out as required by the PNC.

In one third of cases, the FADRC enter the mining centres. There are some cases where the FADRC are themselves involved in the mining as in Bavi and as in several sites of the Bakaiku group in the Babila Babombi chiefdom in the Mambasa territory. In some other places, the FADRC on site demand a hole but this is rare³⁰. The FADRC are more involved in roadblocks near the mining sites. In addition, they regularly visit the small traders and demand small quantities. This is called "the system." It should be noted that the FADRC obviously have no official role to play in the mining sites. Their task is the country's security.

The ANR does not play an important role, despite the fact that its presence is noted in 54 mining centres.

Regional diversity is quite high. The greatest involvement is by far the Mambasa territory. The difference is represented in the following table, which places the Mambasa territory opposite the 4 other territories:

Name	Daily in Mambasa	Daily elsewhere	Weekly in Mambasa	Weekly elsewhere	Monthly in Mambasa	Monthly elsewhere	During the sharing of quarters Mambasa	During the sharing of quarter elsewhere	Sometimes in Mambasa	Sometimes elsewhere
PNC	8%	3%	18%	10%	10%	12%	1%	3%	43%	29%
FADRC	12%	1%	1%	3%	0%	0%	0%	2%	45%	8%
ANR									10%	4%
Armed group	3%*	0%								

Figure 11: proliferation of law and order forces in the work sites in Mambasa and elsewhere

We see in the table above that, in almost all categories, Mambasa has a significantly higher score than the other 4 territories together. The level of militarization in the other 4 territories is not very high. The PNC is present in a different way in half of the sites in the 4 other territories. In Mambasa, the PNC is of course present in a different way but, in almost 80% of the sites, it is more or less regularly present in 37% of cases. The FADRC are sometimes present in 58% of the Mambasa sites. However, this percentage stops at 14% in the other 4 territories together.

Overall, it is especially the southern part of the Mambasa territory that is experiencing a high proliferation of law and order forces. The further north you go, the more its role decreases, except in the case of Bavi in the Walendu Bindi. The term "conflict minerals" applies to the Bakaiku group, in the extreme south of the Mambasa territory (on the border with North Kivu) and in the Bavi group in Irumu. In both cases, the FADRC and the militias are involved in the operation and management of the mining centres. There are major differences between these two areas in terms of the rules actually set with the work sites by law and order forces and the militias. We believe that the expression "conflict minerals" does not apply outside of these two cases where the State is absent. This is contrary to generalized statements, espoused by the United Nations and the humanitarian community³¹, according to which artisanal gold mining is the primary factor in violence.

³⁰ Case study in the Vis-à-vis work site, Mosaba group, Mabendi chiefdom

³¹ Autesserre, S. (2012). 'Dangerous Tales: Dominant Narratives on the Congo and their Unintended Consequences'. African Affairs.

In other areas, the police are involved in altercations, with a view to obtaining money and look for petty disputes where they can use their power to obtain money. Some sources³² cite that the FADRC are also involved in the marketing of gold. The level of altercations appears to be strongly determined by the level of isolation. We see this in the other mining areas of Mambasa but also in an isolated chiefdom such as Mabendi where the level of altercation is much higher than in other areas, close to a centre. The appropriate designation for this situation is therefore rather "informal political economy" or "extortion" as the security forces are informally involved, as economic actors.

2.2.8. Advantages and disadvantages for the communities

The table below shows the number of sites where the local population acknowledges having received some advantage for the community.

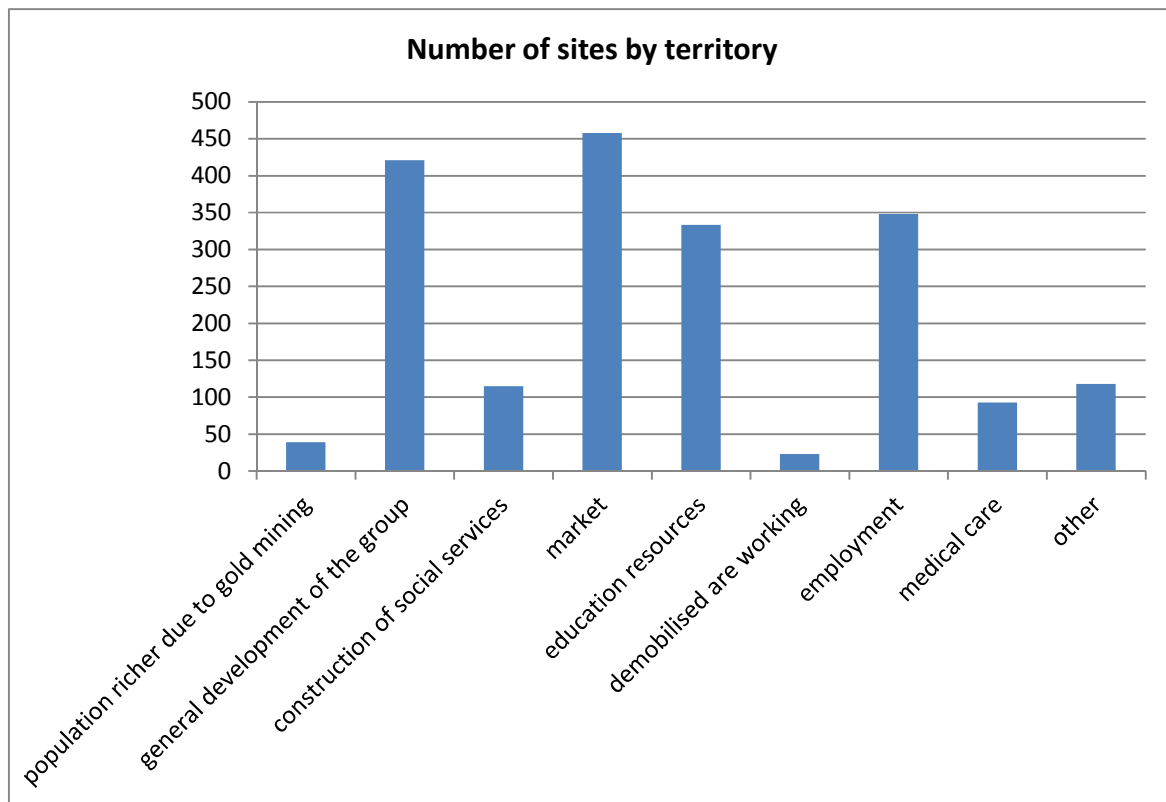


Fig. 12 Number of sites with certain advantages

We note that, in half of the cases, the answers are general local development (52% of work sites) and a better supplied market (56% of work sites). This simply reflects that there is actually more money in the locality and the group. In recognizing this, we must also recognize that these advantages are more of an indirect nature. Rare are the cases where a specification, even small and informal, is concluded. Usually, the site manager enters into an agreement with the leader, and generally this agreement only benefits the leader and does not take the needs of the community into account.

³² IPIS and Int. Alert (2010): *the complexity of resource governance in a context of state fragility: an analysis of the mining sector in the Kivu Hinterlands*.

Many communities find their environment destroyed when the mine is exhausted. In addition, the sustainability from these benefits also remains to be seen, apart from the infrastructure created. But we must recognize that many houses have been built in recent years in Bunia and a large part was financed with the money earned from gold mining.

The third and fourth advantages rather concern households. Resources for education were cited in 41% of the centres and employment - in agriculture as well as on the work site - was cited in 43% of the work sites. Medical attention resources were also cited in 11% of the work sites.

It should be noted that, in a militarised context, the sites receive no advantage. The Bakaiku group in the Babila Babombi chiefdom or the Bavi group in the Walendu Bindi sector do not receive any advantage. All the money obtained is invested elsewhere and immediately exits the place of production.

The disadvantages provide the following representation. This consists of the number of centres where a disadvantage was cited.

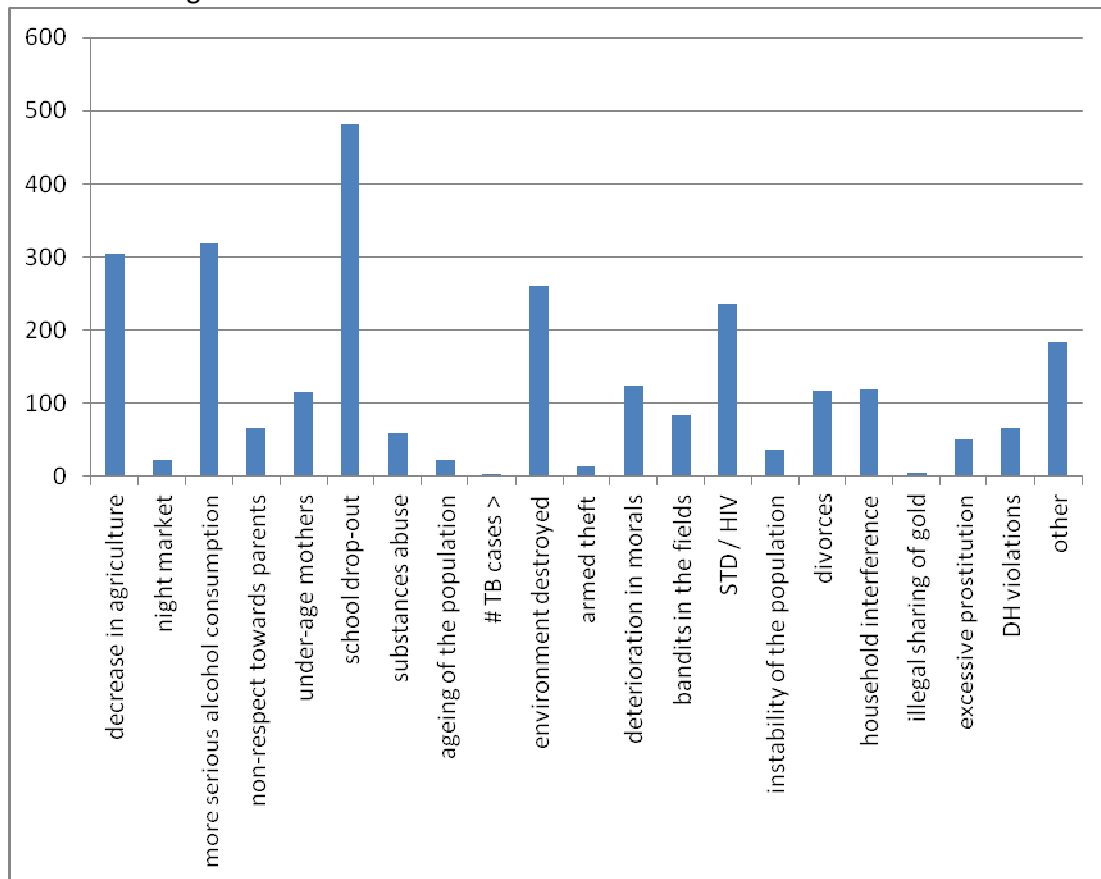


Fig. 13 Number of sites where a disadvantage was mentioned

The most cited disadvantage, more than any other, is dropping out of school. This is cited in 59% of the mining work sites. This is remarkable given that resources for education are cited as the first advantage at household level (in 41% of cases). We have no clear explanation for this, but we can conclude that the money earned by mining attracts youth work for supplementing the family income, as it actually contributes to the payment of tuition fees. However, the percentage of minors has been the subject of several studies and seems to be limited. There are also cases where children go to school in the mornings and go to work after lessons. Studies at the household level will be required to better judge this point.

In 30% to 40% of the work sites, destruction of the environment has been cited (32% of sites), gold mining at the expense of agriculture (38% of sites) and alcohol consumption (39% of sites). STD/HIV were cited in 29% of sites. Then we see categories related to moral depravity: under-age mothers, divorces, prostitution, depravity of morals in general, non-respect towards parents, etc.

2.2.9. Advantages and disadvantages for the State and the customary power.

Regarding the advantages and disadvantages for the State, we can say that they are concerned with the reception or not of taxes (the answer was unanimous: artisanal gold miners, customary leaders, police ...). Obviously, concerning the advantage for the State, 95% of respondents surveyed responded tax collection. When asked about disadvantages, the following were cited: unpaid taxes (artisanal gold miners do not give the percentage of production required, artisanal gold miners do not have cards, they carry out illicit trafficking without paying taxes, the night market makes it difficult to collect taxes, etc.).

In fact, the responses reflect that the state is just looking for money; lack of balanced social equilibrium between the people and the government is revealed here.

For the customary power, the same image appears, but is a little bit mixed. In 65% of sites, the reception of customary rights is mentioned. Often, in the same sites, concepts such as land use rights and reception of a share of the quarters are also mentioned. In 5% of cases, an advantage mentioned is that the population more easily contributes to community works. Responses regarding the disadvantages are nevertheless different. In 14% of sites, it is said that the operators do not pay the customary duties. But also in 14% of cases, it is said that the artisanal gold miners no longer obey the leaders. In 12% of the work sites, it is said that the population no longer participate in community works. In 12% of work sites, it is said that gold mining creates a delay or even deterioration in the overall local development.

In fact, here too, the responses reveal the social contract to be at stake as well as its evolution in context and time. In general, the relationship with the population appears much more in the answers here than compared to the responses concerning the State. But the effect of the new money that circulates following gold mining has its consequences. Hierarchical relationships fall, working together decreases, and the use made by the leader of the money received from the customary rights remains to be seen, but it is likely that this money serves the ruling family of the village.

2.2.10. The internal organization of the mining centres

The owner, named *Président Directeur Général* (PDG) [Chief Executive Officer (CEO)] or *Administrateur du Foyer Minier* (AFM) [Mining Centre Administrator] is the head of a mining centre - usually a square of a size of 500 meters on each side. Sometimes the CEO is called "supervisor."

Depending on the size of the operation and the stage of its evolution, present in a mining centre are: a Managing Director responsible for daily management, a general secretary in charge of administration, a work site head, a commander of the Disciplinary Brigade in charge of security in the centre and the heads of holes. The size of the brigade depends on the centre. Heads of holes are responsible for a team of miners (also called *zingineurs*) whose number varies between five and thirty. Often, heads of holes are responsible for all the daily needs of the miners: food, health needs, equipment. Sometimes they are also responsible in case of accident.

But there are variations to this scheme. Sometimes there is a camp leader (responsible for the upkeep of the camp), a "tithing" leader (in charge of commercial activities on the site), LNG prospectors (for the drilling of the possible holes), workshop leaders (in charge of grinding sand), a

technical director (responsible for overseeing the various holes), controllers (supervising the production of each hole), a Senior Advisor (advising in case of difficulties between the artisanal gold miners), assistants to the heads of holes ("bouvon" leader), "Mères-chefs" or "Chargées de la Condition Féminine" [responsible for the welfare of mothers in the mining centre), "encadreurs d'enfants mineurs" (responsible for the rights of minors). Often there are also security agents that monitor the outputs of the centres. Finally, day labourers are employed to carry stones for example. In the workshop, the crushers are responsible for breaking the stones. Mining work is typically a man's job. Women are rather involved in transport, washing and catering.

In the work sites of Senzere and Makala where there are underground wells, all the miners must be members of the CEMAO "cooperative" in order to be allowed to enter the mine. Often the miners stay a long time, sometimes even a whole month in the mine. In general, the organization of work in the wells is different from mining in the holes.

There are also a lot of much less organized centres where even a role such as head of the hole is almost non-existent³³ and where teams work on an almost autonomous manner. Sometimes the owner is also the locality leader or even the group leader.

Based on case studies, we have the strong impression that the more isolated the site is, the more control is institutionalized and concentrated in the hands of one authority or another. The level of control of the artisanal gold miners by the CEO increases the site's isolation. For example, a miner is not free to leave a site. Dependence of the artisanal gold miners vis-à-vis the CEO is also increased through loans. The practice of payment by barter, forcing the artisanal gold miners to buy their food and other needs from the CEO, is especially present in the isolated sites. Finally, we can say that the more isolated the site is, the more the work relationship begins to resemble a relationship of servitude.

2.2.11. The production division

Officially, SOKIMO received 30% of the production. But in reality, SOKIMO is not everywhere and no longer always present in the sites. And if present, SOKIMO is not always able to obtain these taxes. Especially, it is very difficult for SOKIMO to really know the production. In practice, and as always, it is a space of negotiation whose terms are determined by the context and the strength of one and the other. Finally, in March 2011, SOKIMO officially declared illegal artisanal mining in concession 40 and, as a consequence, can no longer collect 30%.

There is no fixed scale around the sharing of production. In the case studies, we have found several quite different scales. We can distil the following criteria that influence the percentage that each receives:

- that whom is responsible for investments such as pumps and crushers
- that whom is responsible for food and health care for the artisanal gold miners in the camp
- funding for the supervision organized by the CEO like the disciplinary brigade, support for exploration, liability in the event of accidents
- the level of tax harassment of one and the other
- the level of isolation of the centre
- the SOKIMO percentage

³³ See for example the Kpata case study, near Nizi

That which the quarry owner receives differs broadly between 10% and 30%. That which a head of hole - who is often responsible for small investments - receives varies between 10% and 50%. That which miners (as a team) receive - between 30% and 50%.

There are also cases in which the miners must pay a `bâton` [fee] before being able to leave the camp, which is not only a method of camp security, but also income shuffling.

2.3. The production and marketing of gold

2.3.1. The production of gold

It is very difficult to have a more or less correct estimation of artisanal gold production in Ituri. As mining and marketing are carried out in a rather opaque context, there is no data on which we can build. As with the number of artisanal gold miners, this is also debated³⁴.

In this report, we try to estimate the monthly income of an artisanal gold miner, in order to look at the amount that is injected into the local economy each month. The CASM³⁵ estimated in 2007 that an artisanal gold miner earns on average between 1 and 3 dollars per day worked. Fahey (2011: 178) estimates an income of US \$40 to US \$60 per miner. The PACT³⁶ estimated in 2007 that a miner earns about 1 gram of gold every 2 days. SRK Consulting³⁷ estimated in 2010 a production of 2 to 4 grams per artisanal gold miner per month. With a current price lap of \$40 to \$45, this corresponds to a monthly income of between \$80 and \$180.

The survey on the economic impact carried out by SRK Consulting at the request of AGK listed the income at the family household level and the conclusion is that 56% of Mongbwalu households have an income of US \$260 from artisanal mining.³⁸ Aybeka³⁹ calculated in their study that artisanal gold miners earn on average between US \$210 and 280 per month, or more or less the same income.

³⁴ PACT (2010: 103) believes that in the Eastern Province artisanal gold miners working in a reasonably productive mine can hope to produce about 1g of gold per day (with a purity of about 90%). This is an average that takes into account the periods when production is low. Geenen (2011: 156) cites the U.S. Department of the interior, which states that 5200 kg of gold are annually exported from Ituri and Haut Uélé, a figure based on export figures from neighbouring countries. In another report, PACT (2007: 31) estimates that 2.5 kg per day, or 75 pounds per month, leaves the Mongbwalu region. This figure is based on an estimate of counter sales in town and the number of artisanal gold miners. SRK Consulting (Sep 2011: 223) estimates a production of U.S. \$ 23 million per year in the Mongbwalu area. Another report by SRK Consulting (Dec 2010: 50) cites the FEC that estimates a production of 120 kg per week for the Mongbwalu area. But the same report suggests a production of 2 to 4 grams per artisanal gold mining per month, for the Mongbwalu area - between 14 and 28 kilos per month. In a case study in Nizi, a dredge used by a Korean company can produce up to 300 grams per day, or 10 kilos per month. The Mines Office and the CEEC in Bunia claim that the Coped counter in Bunia sold 58 kilos of gold (source: interview)

³⁵ CASM (2007) Artisanal mining in the DRC: page 17

³⁶ PACT *Researching Natural Resources and Trade Flows in the Great Lakes Region*, June 2007: page 31

³⁷ SRK Consulting: Mongbwalu Project, socio-economic impact assessment report, December 2010, page 50

³⁸ SRK Consulting 2011: 227, SRK Consulting 2010: 54

In our survey, the artisanal gold miners of Mongbwalu responded that working for \$200 as a non-qualified labourer is not worthwhile as they now earn more. In addition, in one of the case studies in the context of this study, the miners mentioned that they steal a bit every day, which results in more or less one gram every 3 days.

If we assume that the average of \$250 per artisanal gold miner and per month is correct and we assume that there are 65,000 artisanal gold miners who work 12 months per year and between 30,000 and 60,000 artisanal gold miners who work 7 months per year, we arrive at a total income of a value of 250 to 300 million U.S. dollars per year that goes into the local economy. This applies only to the economy of artisanal gold miners and excludes the income of operators, heads of holes and others. This amount already makes up an enormous contribution to the purchasing power of the population and economic growth.

2.3.2. Marketing channel

On the general situation, we cite the PACT⁴⁰:

Regarding gold, it is reported that in 2008 the DRC legally exported only 122 kg of gold, for an estimated production of 5 tons. According to many sources, our research indicates that it is likely that the DRC annually produces nearly 8.6 tons of gold, but that only a few hundred kilograms are indicated in the national export statistics. Therefore, trade is almost entirely illegal and too many personal interests are involved to control it. The lack of formal counters is also very striking. For example, there are no gold counters in Kisangani, nor in Butembo, and there is only one in Bukavu.

In fact, gold trafficking is managed by a small group of traders who, in turn, manage a network of small traders. In total, it is estimated that there are approximately 50/60 traders in Bunia, including ten major ones, who also buy from the others. Among the 10 major traders, 8 sell their gold in Kampala and 2 sell it in Butembo. In 2010, there were only 2 formal counters in Bunia called COPED and SOKIMO.⁴¹

But even traders often lack official accreditation. For example, in the territory of Mambasa there is no trader with a trading card.⁴²

Apart from Bunia, the other two major gold trading centres are Butembo in North Kivu and Ariwara in the Aru territory.

It is especially the Mambasa production that is sold in Butembo⁴³. Mining and marketing in Mambasa are strongly dominated by the Nandé of Butembo and Beni.⁴⁴ There are relatively few products that are sold in Kisangani.

³⁹ Aybeka Kopikama (2010) Exploitation artisanale de l'or et développement en territoires de Mambasa et Wamba [Artisanal gold mining and development in the territories of Mambasa and Wamba].. <http://www.memoireonline.com>, page 64

⁴⁰ Pact (2010): Promines study page 75

⁴¹ Dan Fahey (2011): The new gold rush: post conflict mining and trading in the Kilo belt. Published in: Ansoms and Marysse (editors) *Mineral resources and local livelihoods in the Great Lakes region* (Palgrave MacMillan). Page 182-183

⁴² Source: Mambasa research

⁴³ Source: our survey, IPIS and Int Alert (2010) page 52; Aybeka (2010) page 55

Ariwara is a trading centre used as a warehouse for traffic (often illegal) with Uganda and Southern Sudan.⁴⁵ The mining areas around Watsa and Durba in the district of Haut-Uélé pass their production via the Ariwara traders. The mining sites of Mahagi and Aru also sell their production in Ariwara. The Ariwara traders are very connected to the Uganda traders.

Marketing is not only marked by the absence of counters and by small and large traders who do not have the required card. It is also distinguished by the quarry owners (CEOs) and mining centre administrators (AFM) that are at once artisanal miners, traders and often also sales agents of mineral substances⁴⁶. This makes the position of the miners very unfavourable relative to their sales price. In addition, the practice of barter in gold sales, either with the quarry owners that sell small trade items in the quarries or with dealers authorized to perform small trade activities, makes the position of the miners even more difficult. We especially note the barter system in the remote and isolated mining sites. It seems that isolation allows the CEOs and the AFM to implement a very limited human resources management system.

Finally, the marketing network is simultaneously a credit network. Major traders receive a credit from the Kampala traders, small traders receive a credit from the major traders, the AFMs and the heads of holes receive it from the small traders. They are the ones who buy and maintain, for example, the pumps and crushers. Finally, the miner receives its credit from the head of holes in order to insure its life, and must repay the credit in gold, for a price below the current market price. With the practice of barter, debt puts the artisanal gold miner in a very difficult position. It must work in order to pay its debts to the head of holes or the AFM and must buy its food and other needs from the same head of holes or the AFM.

2.4. State services, institutional framework and taxation

2.4.1. Introduction to the state services^{47 48}

A multitude of State agencies are involved in the mining action in the DRC, but not all are part of the official government apparatus. The National Minister of Mines establishes the artisanal mining areas and grants and withdraws the accreditation of counters purchasing products from artisanal mining. The provincial authority issues the artisanal mining cards. The mining land registry records the artisanal mining areas in the national database. The land register ensures that the mining rights granted to mining companies do not encroach on the artisanal mining areas. The Geology Directorate opens and closes the artisanal mining areas. The Mines Directorate compiles and publishes statistics

⁴⁴ Schouten, P. (2011). *International Mining Corporations and Socio-Political Conflict in the DRC - A Case Study of the Nia-Nia area, Ituri District, Province Orientale*. (Utrecht: IKV Pax Christi).

⁴⁵ Titeca, K. (2009). 'The changing Cross-border Trade Dynamics between North-western Uganda, North-eastern Congo and Southern Sudan'. London School of Economics and Political Science, Crisis States Working Paper, 63(2).

⁴⁶ Source: our investigation; IPIS and Int. Alert (2010) page 52 (only concerning Mambasa)

⁴⁷ See Promines p. 38

⁴⁸ More detailed information is presented in Appendix 1.

and information relating to the production and sale of products from the mines and quarries. It monitors and inspects mining production on a small scale and artisanal mining. The department responsible for the protection of the mining environment defines and implements the mining regulations concerning protection of the environment.

In addition, there are some specific agencies for the artisanal sector. These consist notably of the "Service d'Assistance et d'encadrement des Exploitations Minières à Petite Échelle" (SAESSCAM) [Department for the Assistance and Supervision of Small Scale Mining Operations], the Cellule Technique de Coordination et de Planification Minière (CTCPM) [Technical Cell for Mining Coordination and Planning], and the Centre d'évaluation, d'Expertise et de Certification (CEEC) [Centre for Evaluation, Expertise and Certification] for precious and semi-precious minerals. The CEEC was established in 2003 with an aim of certifying minerals. The CTCPM was created in 1978 with an aim of coordinating the different departments. The most important departments are the SAESSCAM and the Mines Directorate. You will find in the Appendix the main functions of these services.

The Office of Mines in Bunia has 88 employees for all Ituri of which 17 in Mambasa, 33 in Irumu, 18 in Djugu, 8 in Mahagi and 12 in Aru. Mambasa is controlled by the CEEC in Butembo (ibid). The reality of the Mines Directorate is different from that which the law stipulates. The mines directorate suffers from a flagrant lack of logistical and technical capacities to accomplish its mission. It does not monitor the mining sites and rather seeks income instead of performing its own tasks.

Many are of the opinion (PACT 2010: p. 41; CASM 2007: 8, our case studies) that SAESSCAM is not operational at the technical level and that its role should be transferred to other departments, that the officials are individually corrupt, making the entire department corrupt. The lack of operating resources as well as the insufficient number of workers and the lack of professional capacity that we have seen in Mambasa is nothing exceptional. Furthermore, the tasks are contradictory: technical assistance and a one stop counter for taxes. The SAESSCAM withdrew from the concession 40 of the AGK.⁴⁹

2.4.2. Institutional framework⁵⁰

The miners

Only holders of valid artisanal miner's cards for the area concerned are authorised to mine for gold. The artisanal mining cards are issued by the Head of the Provincial Mining Division or by its local representative. We must recognize that the vast majority of the artisanal miners do not have these cards. In our case studies, almost all the miners had no mining cards, and if they have, these are mining cards issued by any agency for an arbitrary price.

The artisanal mining card does not authorize its holder to transform the artisanal mining products. The artisanal miner is any natural or legal person of Congolese nationality, in an artisanal mining area bounded in surface area and depth to 30m maximum, using non-industrial tools, methods and processes. Before starting its business, it must pay:

- the entrance fee and tax on sales (ICA – "impôts sur le chiffre d'affaires") for the importing of material, equipment, related to artisanal mining;
- the right of entry for the reagents;
- wages tax for the artisanal miner's card;
- business tax on wages;

The traders

⁴⁹ Source: interview

⁵⁰ For more detailed information on the institutional framework and applicable taxes, see Appendix 7.

A trader is any person of Congolese nationality engaged in buying and selling operations of mineral substances. According to the mining regulations that complete the Mining Code, all traders must pay the annual wages tax:

- the equivalent of 500 USD for Class A traders and 3000 USD for Class B traders;
- the business tax on wages;
- "impôt sur le chiffre d'affaires" (ICA) [tax on sales] domestically.

The trader's card is issued by the Governor, but the issuance of this card ⁵¹is subject to significant delays.

The counters

The accredited counters are natural or legal persons authorized to buy artisanal mined mineral substances from traders or artisanal miners, in order to re-sell them locally or export them in accordance with the Mining Code. The accredited counters pay several taxes, among others on the accreditation as well as taxes. As mentioned in the section on marketing, there are only 2 counters in Bunia.

The mining regulations

The mining regulation that completes the new mining code defines the legal and fiscal regime applicable to the artisanal mining of minerals in the DRC. In this regard, it should be noted that this is a special legal regime, called "régime du domaine éminent de l'État" [regime of the eminent domain of the State] which enshrines the pre-eminence of the Mining Code over the Land Code. The law provides for the demarcation of "Zones d'Exploitation Artisanale" (ZEA) [Artisanal Mining Production Areas] in places where "technical and economic factors characterizing some areas do not allow for industrial or semi-industrial mining"⁵². These ZEA should be identified and declared by Ministerial Decree following the opinion of the Provincial Division of Mines.

Unfortunately, regulations are rarely put into practice.

2.4.3. The organization of the artisanal gold miners

In recent years, the number of artisanal miner associations has increased. We have identified the following associations:

- ANORI Association des Négociants et des Exploitants d'Or [Association of Gold Traders and Miners] (all Ituri)
- ASTRAMINES Association des sous-traitants miniers [Association of mining subcontractors], which is the oldest association that aims to protect the interests of the miners vis-à-vis the AGK (Mongbwalu only)
- CEMAO, union or cooperative under the control of the CEOs in Senzere and Makala
- AODERPI, Association des Orpailleurs pour le Développement, la Reconstruction et la Paix [Association of Artisanal Gold Miners for Development, Reconstruction and Peace] in Ituri, which was created in 2006 as an institution to mediate in the climate of conflict between artisanal miners and agents. The association is, it seems, active throughout Ituri but especially in Mongbwalu where it has its head office.
- AOMARPI, "Association des exploitants miniers artisanaux pour la pacification et la reconstruction de l'Ituri [Association of artisanal miners for the pacification and reconstruction of Ituri]

⁵¹ Promines p. 27

⁵² MINING CODE, T.4, Ch 1, Art. 109.

- ADINOM "Association de défense des intérêts des négociants et orpailleurs de Mambasa" [Association for the defence of the interests of the traders and artisanal gold miners of Mambasa]
- ATEDRAPO: Association des Tenanciers des Dragues de la Province Orientale [Association of the Dredge Managers of the Eastern Province]

Associations active in Mongbwalu are members of the steering committee that the AGK regularly attends.

It should be noted that these associations appear democratic but actually seem to be more an adaptation of the former structure of the CEOs, incorporating the same CEOs who before were subcontractors; these associations are made up, for the most part, by large mining operators and traders who defend their own interests first, rather than those of the miners.⁵³

In fact, the miners have no credible organization for defending their own interests, as the real power of artisanal mining remains in the hands of the CEOs and traders.

2.4.4. Taxation scheme

The mining sector is faced with a plethora of taxes whose prices vary from one context to another and from one goal to another.

The law defines the services required to operate in the artisanal mining sites. This is the "Cadastre minier" (CAMI) [Mining Land Register] of the Mines Directorate, the Saesscam and the "Environnement Minier" [Mining Environment]. However, we note that many other public officials of the State are invited into the sites. These notably consist of FADRC elements, elements from the National Police, elements from the ANR, revenue-generating departments at both national (DGO, DGRAD), provincial (DRPO) and local (district and territory) level. Departments such as Energy, Industry and Forestry Trading, IPMEA (l'Industrie, petites et moyennes entreprises et artisanats) [Industry, small and medium sized companies and artisanal activities] as well as the decentralized administrative entities (EAD (Entités administratives décentralisées – Decentralised Administrative Entities) territory and chiefdoms) are not short of excuses for justifying their presence in the mining production sites. In this context, the level of harassment from State public departments is very high. Although official guidelines advocate the sole supervision of SAESSCAM as a one stop counter and focal point for the collection of duties, taxes and royalties owed to the State, the reality on the ground shows that many State departments are present in the mining production sites and cause a disorientation of the actors (usually poorly educated) who, unfortunately, are forced to respond to several stakeholders.

There is also no fixed scale of taxation. It is clear from all the case studies of the endless negotiations with the officials that present themselves.

Customary rights are required everywhere by the local leaders. The terms differ. It sometimes consists of an amount to open a hole, sometimes an amount payable annually or monthly. The customary authority arises at several levels. These include the chiefdom leader, or the group leader, but also the old sages. According to the Office of Mines in Bunia, it is the head of the hole that buys a miner card for \$10 and it is the CEO that buys a work site opening statement for U.S. \$ 250.

⁵³ Source: case studies; CASM (2007: 6)

In many cases, the amount of \$100 was mentioned per motorised pump motor from the DRPO and the customary authority and the Department of Energy.

The miner's card ranges from \$2 to \$10 per year and sometimes a monthly amount of \$1, but everything is negotiable. The Office of Mines has mainly annual or monthly taxes, with more or less fixed scales and which are, in theory, not based on production. SOKIMO, outside of the concession 40, demands 30% (negotiable). We found one case (Mobala group, Mabendi chiefdom) where the forestry department or the forestry fund required \$1,825 per hectare.

Finally, taxes are very dependent on local politics. For example in Bavi, the SOKIMO representative is also head of the hole and the old sage. The SAESSCAM representative is also head of the hole and son of the largest local trader, who is also chairman of the FEC (Fédération des Entreprises du Congo) [Federation of Congo Companies].

In many cases, mentioned was the amount of \$100 per motorised pump from the DRPO and the customary authority and the Department of Energy.

2.5. The state company SOKIMO⁵⁴

As a reminder, as seen above in the history of artisanal mining, on 15 July 1966, Mobutu's government nationalized SOKIMO and created a new entity called OKIMO, that received exclusive rights over an area of 83,000 km² in the current Ituri and Haut Uélé but inherited an already declining mining production. This decrease in production became even more evident during the 70s. On 2 April 1981, Mobutu liberalized the mining sector, causing the arrival of many foreign companies, western investors and artisanal miners. To facilitate mining, OKIMO divided its concession into three, of which concession 40 in Mongbwalu, concession 39 in Djalasiga and Zani (Mahagi) and concession 38 in Durba and Watsa (Haut Uélé).

Generally, public companies are highly dependent on artisanal miners and it is the same for OKIMO. This same issues contracts to the leaders of the subcontractors to manage the activities of artisanal mining and receives 30% on all the gold mined on its site (Promines p. 43).

This system has several variants, even within one same public company. In the 1980s, when artisanal mining was liberalized by Mobutu, OKIMO began two forms of manual mining production. The first was artisanal gold mining in the tailings, the second was "tacheronage" in the underground mines. In the tacheronage system, OKIMO workers entered into abandoned underground mines and extracted the materials to be washed. They gave 70% of materials to OKIMO and kept 30%. It was a rotation system which allowed the worker to spend half the day in "tacheronage", and the other half in its normal work for OKIMO.

In fact, it was one of the ways that the company used to pay its workers. This system continued until 1995 when most mines became inaccessible and the system uncontrollable. Since then, the majority of the OKIMO revenues depend on artisanal gold mining through the bias of the leaders of the subcontractors. Only a few sites continue to practice "tacheronage" under the name of "small-scale mines." The wells that OKIMO used until the latter part of 2009 were the last of these "small scale" mines. These mines were mined by a group of OKIMO workers and independent artisanal miners, under the supervision of OKIMO. OKIMO took 60% of the sand/raw materials and the miners kept 40%.

⁵⁴ See Annex 3 of the Internal regulation of SOKIMO governing artisanal mining

The same source detailed that in December 2010, OKIMO became SOKIMO again⁵⁵, a commercial company 100% owned by the Congolese State, with the possibility of calling on other investors to open up the capital. SOKIMO now works with the SAESSCAM and the Governor of the Province to develop new regulations and structures that should govern how gold is mined and marketed in the SOKIMO concessions.

Public companies are partners of industrial mining companies under joint venture (JV). According to the mining law, artisanal mining can not be carried out on sites granted to industrial mining companies for exploration or mining. The fact that the state partner of these companies actively supports and benefits from artisanal mining creates serious legal problems and contradictions for industrial mining companies. For example, SOKIMO opened a gold purchasing counter only a few hundred metres from the entrance gate of the AngloGold Ashanti camp (Promines p. 44-45).

This tension was exacerbated when SOKIMO took over its workshop which is the third workshop in terms of size of the DRC and engineers come from all corners of eastern DRC to work with large machinery dating from the colonial era. Although the machines are no longer used in industrial mining, the SOKIMO workshop still manufactures small artefacts at the request of the artisanal gold miners. In 2010 - early 2011, the workshop manufactured rotary crushers requested by the supervisors or the heads of holes. The crushers are metal cones turning on a horizontal axis (resembling a washing machine) started by a generator and used to break the rocks and obtain gold powder. As miner work considered the toughest in the processing chain, this greatly reduces human effort. In addition, with such a machine, it is preferable to mine gold of lesser rank. This has much frustrated AGK since this approach has allowed the craft to evolve towards the semi-industrial stage, allowing a significantly improved production compared to before.

Pressure led SOKIMO in March 2011, to announce the discontinuation of the subcontracting system, given the mining planned by AGK.

The same situation occurred with the sale of mining rights to the Korean company DKCS in Nizi in 2008 which obtained rights that were already sold to the artisanal miners (Fahey, 2010: 181)

With the contract signed in February 2010 with AGA, SOKIMO took control of 2000 km², allowing it to sell new rights. Most recently, SOKIMO has sought to strengthen its authority over foreign investment. SOKIMO has blocked several initiatives from artisanal miners aimed at finding funds to make investments. They chased away a Canadian company that wanted to sell equipment to the miners, and they blocked the attempt of ASTRAMIN to obtain a credit in Uganda (ibid).

The new situation with AGK, that is approaching the operational phase, has created uncertainty among artisanal gold miners about the role of SOKIMO. Since 2011, SOKIMO no longer has a license agreement for the miners in concession 40 of AGK. This new situation means that SOKIMO has formally abandoned the subcontracting system in the Concession 40 and thus the system of supervisors that always had to buy their gold mining licenses. Consequently, the miners and their heads of holes remain in legal limbo and uncertainty vis-à-vis the required payments. The traditional authorities also complain about SOKIMO. SOKIMO claims to the miners that it is the sole taxing authority, and the miners use this story not to pay the contribution to the customary leaders. The leaders also claim a fee of 500 USD per month from SOKIMO for gold mining work in the chiefdoms. According to the leaders, SOKIMO has always ignored these customary fees.

⁵⁵ Radio Okapi 29 December: Portfolio of the State: OKIMO becomes SOKIMO

Promises from SOKIMO in the past among the population have not been forgotten by the latter. This also has an influence on the current situation in which the industry would like to begin its operations and the population would like to have its rights.

The Babelbe leader in Irumu explains that, in 1953, at the time of the Belgians the SOKIMO of the time ('SOKIMO') concluded specifications with the leaders. This was initially misunderstood by the elders but, after a while, SOKIMO began to mine the gold in the region. The leaders realized that they had offered the underground rights to SOKIMO. Illegally, the population slowly began to mine the gold itself. During the 80s after the dissolution of SOKIMO the practice of artisanal mining became prevalent in Kunda. However, even today, they do not meet the commitments of this document, which was considered a specification in 1953. 60 years later, there are no paved roads, no running water, no school or electricity in Kunda. In some places, the miners themselves have taken on the operation of the remnants of SOKIMO. In 2010, SOKIMO protested against this situation, but the miners rebelled. The case is still not resolved.

2.6. Small-scale mining

Small-scale mining means any activity in which a person engages in an on-going and small size mining, requiring a minimum of fixed installations using semi-industrial or industrial processes, after the identification of a deposit.⁵⁶ Small-scale mining differs from industrial mining, due to the economic value of the deposit and the size of the mining installations. It differs, nevertheless, from artisanal mining in that it requires the prior identification of a deposit and the use of not only semi-industrial, but also industrial processes.

The duration of validity of the small-scale mining license varies depends on the size and quality of the deposit reserves, but may not exceed 10 years, including renewals. In exceptional cases and with the advice of the Mines Department, the Mines Minister may extend the term of the small mine Mining Licence for the substances whose mining exceeds 10 years.

The largest small-scale farmer seems to be the Korean company called DKCS Mining Company, DKCS being the initials of the Korean owner David Kim Cho Soo. It has a license to operate a dredge in the Ituri river and works between Iga Barrière and Nizi. The dredge that Mr. Kim uses is probably the strongest in Eastern Congo. It collects 300 grams of gold per day with a \$ 1,000 of costs for 600 litres of oil⁵⁷. Therefore, its monthly production should be around 10 pounds or U.S. \$ 400,000. Besides its dredge, it uses heavy equipment like a bulldozer, a backhoe, a sieve and a tractor.

There are also two Chinese companies that operate on the same river, next to Mambasa, achieving substantial profits.

In the territory of Mambasa, small-scale mining is carried out through the activities of semi-artisanal mining which usually occurs in the beds of rivers and mainly in the Ituri river bed both in the Mambasa - Teturi - Mayuano - Biakato axis as in the Mambasa-Niania axis. This operation works by dredgers whose owners have formed an association called "ATEDRAPO" (Association des Tenanciers des Dragues de la Province Orientale) (Association of Dredge Keepers of the Eastern Province)⁵⁸. It is estimated that small-scale mining in Mambasa involves more or less 22 dredges across the country,

⁵⁶ (Art.1 of the Mining Code)

⁵⁷ Interviews with David Kim Cho Soo, Bunia and Nizi, November 2011

⁵⁸ Chinese companies are not part of this association.

around 18 in Mambasa and 4 in Bakaiku. In the territory of Mambasa the Chinese company Somibaf also operates with two dredges in the Nia Nia region, but we do not have any information in relation to their operations. Another Chinese company is Corner Stone Resources.

Relations between the mining company and small-scale artisanal gold miners seem to be ambiguous. For example, in Nizi, the part of the river where DKCS can mine and where the artisanal gold miners can mine is not absolutely clear. Disputes with customary authorities have occurred in several places in Mambasa arising from the use of dredges. Rivers often constitute a border between chiefdoms or groups. In such situations, the two jurisdictions compete for the right to tax the company. In addition, the operation with dredges changes the bed of the river, also creating conflict between the community and the company or between two communities when the administrative boundary becomes less clear. The opacity in which the mining sometimes occurs (especially compared to Chinese companies) does not contribute to a better understanding.

2.7. Industrial logging

Leading industrial companies are Anglo Gold Ashanti or their subsidiaries Ashanti Goldfields Kilo (AGK) Loncor, Kilo Goldmines and Mwanafrica.



Fig. 14: map of the locations of the extracting industries in Ituri

AGK is a joint venture of Anglo Gold Ashanti and the state company SOKIMO. They control the concession 40. Their project is found around Mongbwalu in the mining site of Adidi-Kanga and the Malindey group. Before mining starts, an acquisition plan of the lands and resettlement of the affected households must be negotiated. There is much concern among the artisanal gold miners and also households concerning what will happen when AGK begins its mining. Many respondents have stated that if they are evicted from their mining centres, the war would begin again. However, until now, the relationship between AGK and the communities are relatively good. The company does its best to maintain social peace and some social actions have already taken place. That said this does not constitute any guarantee for the future, given that mining is much more than exploration.

The other company is Loncor in Mambasa and where the concession continues up to Wamba in the Haut Uélé. Loncor began to explore the Yindi site in September 2010 and the Makapela site in Ngayu a month later. At the Loncor site, a private security company, called "First Security" provides security within their field and works with the PNC on site. As in the AGK, relations with the communities involved as well as the artisanal gold miners are relatively good and consultations have been regularly held. In the context of the social responsibility of extracting companies, Loncor has established the Loncor Foundation that deals with the aspects and social implications of the operation. Loncor has a concession of 30 years and it seems that it imposes a particular commitment with the communities. They have started negotiations with the chiefdom of Ndaka; although the

company is still in the exploration phase, some social projects have been executed in favour of the population.

The company Kilo Goldmines is also installed in the Mambasa territory (Ituri) as well as Wamba (Haut Uélé). The company began its exploration activities in January 2010. As everywhere, many artisanal mining sites are located within its concession. The company has already carried out some social actions.

Mwanafrika is found in Mahagi territory, more specifically in the Alur Djuganda chiefdom. The situation is identical for AGK and Loncor. The industry is still in the exploration phase. Relations with the community on site are relatively good and some social actions have already occurred. A large artisanal mining site is present in the heart of the concession.

On the legal front, the biggest problem faced by these industries, as well as the artisanal gold miners and the communities, is the situation of legal pluralism. Legal pluralism refers to the coexistence of different normative systems and different authorities responsible for these standards, such as the State, customary authority, religious authority, and economic authority as well as the local communities.

In fact there are two main systems, that of the authority and customary law and that of the State and modern law. In these two different worlds, there is the right of ownership and the right of usage (usance). To further complicate matters, the artisanal gold miners are not organized at the institutional level and community representatives are not clear.

Different authorities usually represent a mixture of interests. The interests of the State at national level are not necessarily the same as at provincial level.⁵⁹ The interests of customary authority are not necessarily the same as those of the population.⁶⁰ In addition, they are often put under pressure by the State.

Land rights are settled in an ambiguous manner. Many disputes affect the boundaries of the administrative units. Within communities, it consists of usage rights rather than property rights, according to the rules of usance in force in the customary domain. The leader is not the owner of the communal lands either, but rather the manager of community interests. However, the population sees itself more and more as owner of its plot and the leader sees itself more and more as owner of the communal lands. However, a multinational company may have specific standards in relation to property rights which may be contrary to the customary norms that characterize ownership in collective terms. Such a case can cause disputes and lead to negotiated solutions. There is no ZEA in Ituri, which puts artisanal mining within difficult legal framework.

We are currently seeing an informal agreement, negotiated between industries, crafts and the community. But this is due to the fact that we are at the exploration stage. It remains to be seen how things will change when the operational phase begins.

For example, there are 337 mining camps opened between 1984 and 2005. The question is knowing how the access fees to the mining site of ones and the other will be collected. The situation is even more complex for land tenure rights in cases of displacement. These land tenure rights are managed within the customary domain (which differs from one context to another), based on usage and not

⁵⁹ See the case where AGK procured its concession through an agreement with the national State and the artisanal miners purchased their rights through an agreement with the state company SOKIMO

⁶⁰ The customary chief defends the financial interests of its ruling family, as well as its position and its right to tax

on ownership and nowhere are they stipulated in written form.⁶¹ In the Banro concession in South Kivu, this has led to a situation where people only received compensation for their agricultural production of more than 6 months and the primary buildings present on the plot.⁶² The move will be even worse in Djugu and Mahagi, given the land shortage.

As it often consists of negotiated solutions, the question is knowing who to negotiate with. As we see in the chapter on Mambasa, the local population is clearly marginalised by the non-indigenous people, who sometimes take over local government. This renders the question of the right negotiator complex. This situation is generally the case. Often local elites who can approach and talk with the company position themselves in such negotiations.

2.8. Different certification initiatives

In recent years, the mining of natural resources has attracted more attention since it is a known cause of conflict, especially in the eastern DRC. These initiatives generally aim to reduce the potential for dispute over mineral mining and encourage companies to inspect the origin of the resources they use.

The United States has passed a law (called the Dodd-Frank law) requiring a company to show where the resources that it buys comes from and whether it comes from a conflict area. The EU is also preparing a legal framework requiring industries not to engage in a trafficking chain of minerals emanating from conflict areas.

Following this, several initiatives have emerged, trying to certify the production of the natural resources onto the basis of an audit system of the mining centres.

An important actor is the International Conference on the Great Lakes Region, which is involved in the certification, setting up a monitoring system of mining products from the mining centres up to export and planning that the cross-border mining scourges travel through approved and registered channels. Audits should be made by independent auditors contracted by the CIRGL. This is the company that must provide evidence that the production of these minerals is not at the source of conflicts. The certificate guarantees that the minerals are mined in acceptable conditions in areas without conflict and are exported legally. The Congolese ambassador to the CIRGL has twice visited Bunia to discuss the implication of the measures proposed by CIRGL.

The CIRGL works in part with the "Institut Fédéral des Géosciences et des Ressources Naturelles" (BGR) [Federal Institute for Geosciences and Natural Resources], which carries out a programme with the Mines Ministry of the DRC aimed primarily at artisanal mining. The programme aims to bring transparency, decent working conditions, security, social and community development and environmental protection. It requests the recording of the production on the site and in the chain. The mining centres must comply with Congolese law. The purchaser must ensure that they buy gold

⁶¹ Except in the case of the city of Mongbwalu, given the presence of a land register

⁶² Sara Geenen and Klara Claessens (2012, not yet published) *"Our problem with the company? We do not know its limits."* *Disputed access to the gold mines in Luhwindja, Eastern Democratic Republic of Congo* and Sara Geenen and Klara Claessens (2012) 'De l'autre côté de la colline, le contrôle contesté de Mukungwe au Sud Kivu' [On the other side of the hill, the contested control of Mukungwe in South Kivu], in *"L'Afrique des Grands Lacs" [Africa of the Great Lakes]*. Annual 2011-2012 (publication forthcoming)

that actually comes from the mine indicated. Mining centres can receive a certification for a period of 3 years and receive an audit annually. The artisanal miners must pay for the SAESSCAM services. BGR has started a pilot project in 7 mining areas. In each area, a counter has been built. Within 7 zones, each site receives a certificate after inspection as well as a yearly audit.

DR Congo is a member of the ITIE (Initiative sur la Transparence des Industries Extractives) [Initiative on the Transparency of Industrial Industries].

Anglo Gold Ashanti is a member of the Principes Volontaires sur la Sécurité et les Droits Humain [Voluntary Principles on Security and Human Rights], forcing it to perform a study on the risks in the areas of security and human rights during the mining phase.

In Ituri, it is the areas south of Mambasa and in the sector of Walendu Bindi that are in fact conflict areas where one can speak of "mineral conflicts."

Recently, the Fairtrade initiative and Fairmined⁶³ considered a certification system for artisanal miners. Their standard requires formal democratic organizations of miners, the application of reliable extraction methods including the management of chemical products such as mercury, environmental respect and finally the recognition of women's rights. A certificate is received if a minimum price of 95% of the London market is obtained and if 10% is invested in community development projects. The initiative started a few years ago in Latin America and will start soon in the DRC. The organizations will be audited by the independent organisation of international certification called FLO-CERT.

⁶³ <http://www.fairtrade.org.uk/gold/>; withdrawn 6 May 2012

2.9. The production and marketing of gold in pictures

Production:

Work on the banks of rivers



Photo 1 and 2: Leaching and filtering of the gold mining earth in the Nizi river

Semi-industrial work in rivers



Photo 3: Dredges move the gold mining earth of the Nizi river

Work in the holes



Photo 4: Artisanal gold miners in a Bavi hole (Irumu)

Catering Women



Photo 5: The 'mamans restaurants' [women caterers] serve the clients on the banks of the Nizi river

Carrier of gold pebbles: Carrier in Mongbwalu



Different stages of crushing



Photo 7: mechanized crushing of the large stones in Mongbwalu (Djugu)



Photo 8: crushing of the small stones in Balanzana (Irumu)



Photo 9: crushing into gold powder by small boys in Mwenga



Photo 10: leaching of gold powder

The final product



Photo 11: A CEO in Mwenga with its result

Marketing
Sokimo



Photo 12: Iga barrier on the road Bunia-Nizi-Mongbwalu, Sokimo checkpoint for gold exportation



Photo 13: Sign - not updated - for a gold purchasing counter of Sokimo in Nizi (Djugu)

The traders



Photo 14 and 15: "Établissement de la Paix" [Peace establishment]. Clients at a gold trader, the white paper on the door shows the trader offering the sale of mercury

The dollar market



Photo 16: A small bureau de change without dollars in the Mambasa market

3. Gold mining in Mambasa

Mambasa

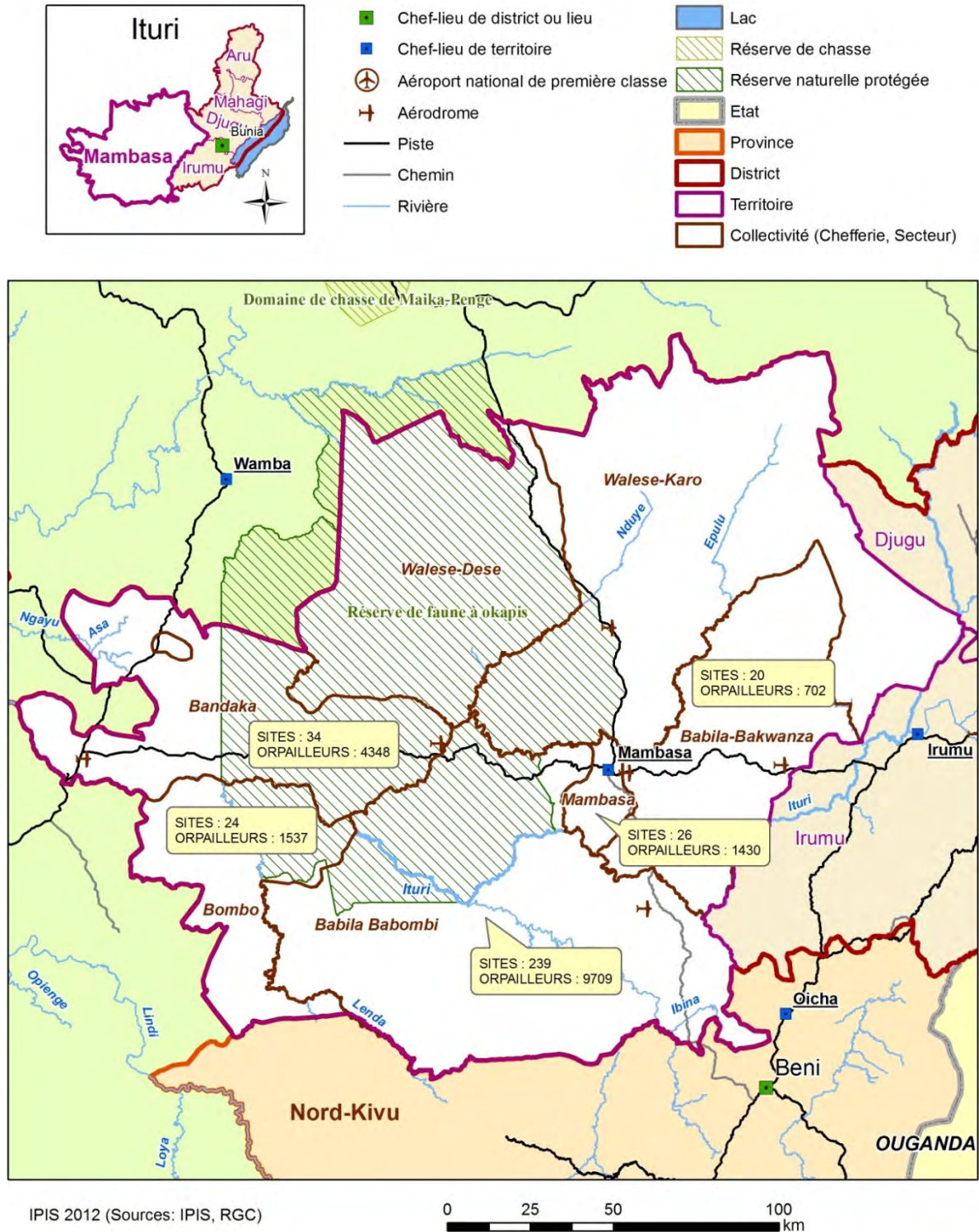


Figure 15: Map of Mambasa with the number of artisanal miners

3.1. Mambasa Context

Covering an area of 36,783 km square, the Mambasa territory is a vast forest area located in the district of Ituri, Eastern Province, Democratic Republic of Congo which is one of five politico - administrative entities. The territory shares borders with the North-Kivu Province and the Haut-Uélé District in the North, and the Tshopo District in the West. According to administrative data collected in October 2011, the territory has a population of 299,989 inhabitants, which is an average density of 8 inhabitants per square kilometre.

Despite its size, the territory of Mambasa has only 7 chiefdoms: Babombi, Bakwanza, Bandaka, Bombo, Mambasa Walese-Dese, Walese-Karo, with a total of 27 groups. The Mambasa population is concentrated on the main road axes namely: Komanda - Mambasa - Niania; and also Mangina-Mambasa - Mungbere. It is also found in the gold mining quarries.

Populated mostly by Bantu groups of which the Bila are considered majority, the Lese and the Ndaka, 30% of the territory's population is made up of Bambuti (indigenous Pygmies). The Bila occupy two vast communities: the community of Bakwanza and that of Babombi. The Lese are majority in the communities of Walese Dese and Walese Karo, the Ndaka occupy the chiefdom of Bandaka the Bombo live in the community of Bombo and the chiefdom of Mambasa is essentially occupied by the Arabisés known as "Bangwana." In all seven chiefdoms, we note an increasingly strong and meaningful presence of Nandé nationals from the North Kivu Province.

Part of the territory of Mambasa is found in the "Réserve de Faune à Okapi" (RFO) [Okapis Fauna Reserve].

Mambasa has an abundance of natural resources of which the main ones are the forest and minerals. These are varied: gold, diamonds, iron, cassiterite, wolframite, mercury, magnesium, etc. A study led by IKV Pax Christi and Haki na Amani has demonstrated the anarchic nature of the logging, which instead of contributing to the socio-economic development of the territory, is causing poverty and fuelling conflict in the area⁶⁴.

Due to the liberalization of mining in 1982, the Mambasa Territory is one of the regions where there has been a strong rush towards the artisanal mining of gold over these last thirty years. In recent years, two mining companies began prospecting with a view to future industrial mining.

This interest for the mining (artisanal, semi-industrial, industrial) of gold is the basis for the development of new socio-economic dynamics and new power relations within the Mambasa society. This is what this study proposes to analyse through an overview of the state of gold mining in the territory of Mambasa, the deepening of case studies and perspectives of this mining by using several key readings: economic consequences, security issues, human rights, with emphasis on the problems of women and children in the mining sites, environmental questions, legal and institutional aspects of gold mining.

⁶⁴IKV Pax Christi Pays –Bas, Exploitation du bois, paradoxe de la pauvreté et conflits dans le territoire de Mambasa (Ituri, Nord-Est de la RDC), [Logging, paradox of poverty and conflict in the territory of Mambasa (Ituri, northeastern DRC)], 2008.

3.2. Artisanal mining in the territory of Mambasa

3.2.1. Distribution of sites in the territory of Mambasa

In the territory of Mambasa gold mining is found in 5 out of the 7 chiefdoms that make up the Territory. But the heaviest concentration is in the chiefdom of Babombi Babila. In the two chiefdoms of Walese no site has been identified. In total there are 343 mining sites in the territory of Mambasa of which 26 sites in the chiefdom Mambasa, 24 in the chiefdom Bombo, 20 sites in the chiefdom of Bakwanza Babila, 34 sites in the chiefdom of Bandaka and 239 sites in the chiefdom of Babila Babombi. "Institut Congolais pour la Conservation de la Nature" (ICCN) [The Congolese Institute for the Conservation of Nature] confirms that artisanal mining takes place, despite the fact that it is prohibited. According to them, more than 70 concessions⁶⁵ within the RFO are registered with the mining land register.⁶⁶ Also the head of the office of mines of Mambasa states that illegal artisanal mining takes place in the RFO.

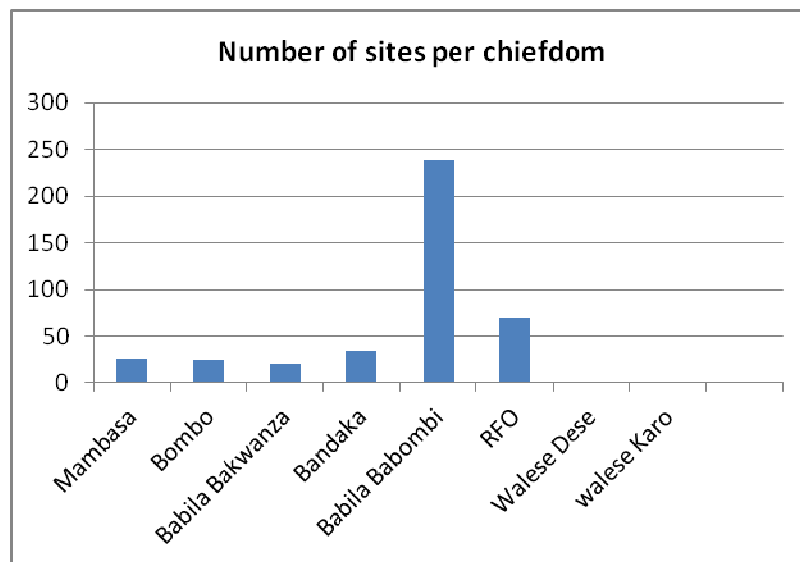


Figure 16: Number of sites per chiefdom

In the chiefdom of Babila Babombi mining only takes place in four groups: Teturi (91 work sites), Bakaeku (76 work sites), Bapongomo (62 work sites) and Mambembe (10 work sites). In the other groups there is no gold mining. Other significant groups are Nyangwe (22 work sites) in the chiefdom of Mambasa Bafawambaya (24 work sites) in the chiefdom of Bombo and Bapwele (20 work sites) in the chiefdom of Bakwanza Babila. All details of the distribution in the groups can be seen in the appendix.

In its 2010 annual report the Antenne des Mines et Géologie [Mines and Geology Antenna] in Mambasa states having surveyed 120 mining centres. This represents only one third of the 343 mining centres listed by our survey. SAESSCAM speaks of a number of sites varying between 48 and

⁶⁵ As we have not been able to visit these sites, they are no longer shown in the report's figures.

⁶⁶ Confidential report of the conservation agent.

69 sites⁶⁷. We should note that in the chiefdom of Babila Babombi Bakaiku the sites were not taken into account in the statistics of SAESSCAM.

During the period 1984 - 2007 on average 5 to 10 sites were started up. It was only from 2007 that the number has increased. We found 27 sites that started up in 2011.

In total there are 301 sites where artisanal mining is practised, 36 sites where semi-industrial mining is performed together with artisanal mining and 3 sites where there is only semi-industrial mining.

3.2.2. The artisanal gold miners

According to the investigators 17,726 artisanal gold miners are active in Mambasa⁶⁸. Note that the survey was finally carried out when the rainy season had just begun. Many artisanal gold miners had left their sites to work on the fields⁶⁹. Based on interviews throughout all of Ituri, we estimate that between 30% and 50% of artisanal gold miners had left the site. This implies a workforce in the dry season of between 26,500 and 35,000 artisanal gold miners.

In its 2010 annual report, the Mines and Geology Antenna in Mambasa states having listed 2500 miners. This represents 1/7 of the 17726 miners listed by our survey. SAESSCAM speaks of a varying number of miners around 2350⁷⁰. These numbers correspond more with the office of mines figures, but are far from the data of our investigations. IPIS and International Alert (2010, p 46) speaks of 112 mining sites, 4622 active artisanal gold miners and estimates this number low compared to the number of sites. They also cite the "Bureau Minier Isolé" [Isolated Mining Office] of Mambasa that they believe has 10,000 artisanal gold miners for 45 mining centres.

87% of artisanal gold miners are men, 7% of artisanal gold miners are women, 2% are under-age girls and 3% are under-age boys. These figures apply mainly in the chiefdom of Babombi Babila. Only adult

Lisala site: The women and children are present in the quarry but are not mining in the quarries. They take care of small business in the quarries and household chores. Under-age children are not working in the quarry as access is strictly prohibited to children. But a number of children come to work on weekends or during the holidays to try to gather the necessary costs for schooling given the precarious situation in which they live and the problems currently affecting most families.

Kafiawema site: there are indeed children here. They are subject to domestic tasks related to transport, water supply, washing clothes, and the supply of various commodities. These children exercise such activities to earn money and cope with the problems that they encounter (survival, school fees, parental abandonment). We also deplore the fact that some young boys and some young girls are engaged in prostitution in the sites. With regard to women, they also work in the sites. They are mainly occupied with water and food provisioning and small retail trade. Some are engaged in prostitution.

Ngbale underground site: without residing in the sites, some children come, due to the poverty of the parents, to rewash the abandoned sand or offer their services for domestic chores in search of something to survive. They do not reside in the sites. As for the women, they engage in small business activities that are not sedentary to the Ngbale underground site. In fact, most artisanal gold miners and other persons dependent on the artisanal mining of gold live in the centre of Teturi and only frequent the site for the activities. It is only during periods of intense mining and profitability that artisanal gold miners stay there.

Grâce site: For children involved in this mining site, they are found in the site as sellers of small items and products. Some come to perform domestic work in the sites (washing, water supply, shopping, transportation of products). Others are engaged in the work of the production chain (crushing, mixing and washing). They are in search of means of survival or means to finance their education. Often in contact with the money generated by gold mining, some children leave school and over the years become miners.

men were listed in the chiefdom of Mambasa and Bombo. In the chiefdom of Bakwanza Babila, there were very few women, under-age boys were 3%. Usually women and girls are engaged in tasks

⁶⁷ In June 2011 there were 58 sites, in July 2011 58 sites, in August 2011 48 sites and September 2011 69 sites.

⁶⁸ Without taking the artisanal gold miners in the RFO into account whose number is not known by us.

⁶⁹ See the paragraph in the summary on Ituri compared to the estimated number of artisanal gold miners

⁷⁰ In June 2011 there were 2267 artisanal gold miners, in July 2011 2232 artisanal gold miners, in August 2011 2850 artisanal gold miners and in September 2011 2460 artisanal gold miners.

related to gold mining such as the transport of water and stones. They also work as keepers of restaurants.⁷¹

The investigators also looked at the issue of the community of origin of the artisanal gold miners in the sites. The table below gives the image.

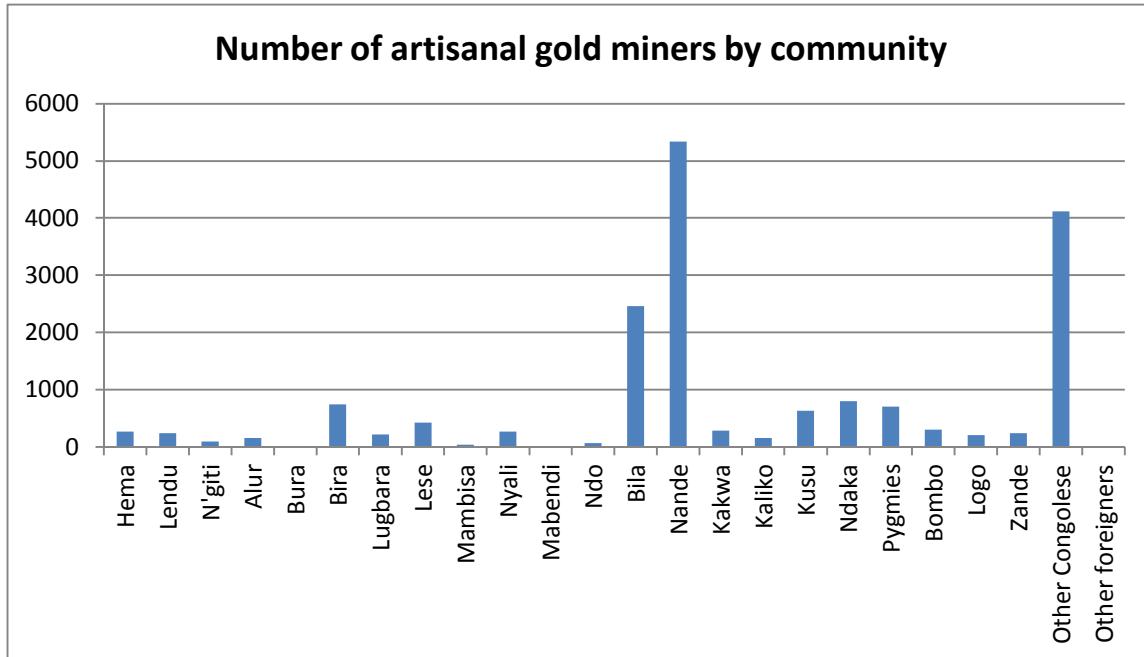


Figure 17: Number of artisanal gold miners by community

What is remarkable is that on the community level the Nandé group is significantly higher compared to the natives of the region. They represent 31% of all artisanal gold miners active in the sites. The largest native community of the territory, the Bila, only make up 14% of artisanal gold miners. The category "other Congolese" represents 24% of the total. What is also remarkable is the fact that even communities from the extreme North of Ituri and from Haut Uélé such as the Lugbara, the Alur and the Azande are present in the areas. In the chiefdom of Babila Babombi figures are even a little higher with the Nandé representing 42%, the Bila 22% and the other Congolese 12%. In Babombi Babila it is in the Bakaiiku group that the Nandé are more present with 55% against 20% in the Bapongomo group and 37% in the Teturi group. Even though the Pygmies are estimated to be 30% of the population of the territory of Mambasa, they only represent 4% of artisanal gold miners.

The distribution of the communities in the sites is less unequal. The Nandé are present in 83% of the sites, the Bila in 65% of the sites, other Congolese also in 65% of the sites, the Pygmies in 30% of the sites (!) and the Bira in 42% of the sites. In general, the local communities are present in a good number of sites, but are not numerous. For example, the Ndeka only make up 5% of the artisanal gold miners, but are present in 25% of the sites. It is the same for the Kusu who are 4% of the artisanal gold miners but present in 25% of the sites.

Artisanal gold mining actually constitutes a space for the mixing of cultures that transcends ethnic identities. Life in the sites and the camps develops with a momentum of its own, connected to the

⁷¹ Aybeka Kopikama (2010) Exploitation artisanale de l'or et développement en territoires de Mambasa et wamba [Artisanal gold mining and development in the territories of Mambasa and wamba]. <http://www.memoireonline.com> ; page 43

development of "business" and "commercial" relationships stimulated by a solidarity exceeding innate identities. However (and this seems to be a constant) the boundary between indigenous and non-indigenous peoples is decreasing. Mining is becoming the new identity for each of them. But within this new space power relations are being established that arise from the power of the asset: the AFMs/CEOs, artisanal gold miners and tenants of peripheral commercial activities.

3.2.3. Disputes related to artisanal mining

In more than half of the sites one or more land disputes were cited. In 151 cases, there is a site boundary dispute often mixed with a usage dispute. It is here a dispute between the site operator with the community, the leader or an individual. In 19 cases, there is a dispute with an administrative entity. In 208 cases, there are disputes between artisanal gold miners or between the artisanal gold miners and the operator. But we should also note that this kind of land tenure disputes and usage disputes are often the subject of a renegotiation on the fees to be collected.

The 2010 annual report of the mines and geology antenna of the Mambasa territory refers to a dispute between two mining companies (the Company Minière Bambi et Fils against the Establishment Nasibu Mwana Kasongo) These boundary disputes between the Mining Sites Administrators are the result of the lack of location and delimitation sketches of those sites.

In another study on land tenure disputes, the chiefdom of Babila Babombi followed by the chiefdom of Mambasa had the greatest number of disputes. Within Babila Babombi, the centre of Tetiro experienced the largest proliferation with half of the disputes.⁷²

Concerning the presence of security guards in the sites, especially in the southern part of Mambasa, we have noted a very substantial presence. The following table provides an image of the presence of the PNC, the FADRC and the ANR around the mining centres. This consists of all of Mambasa.

Name	Daily	Weekly	Monthly	During the sharing of the quarters	Sometimes
PNC	8%	18%	10%	1%	43%
FADRC	12%	1%			45%
ANR					10%
Armed group	3%*				

Figure 18: Percentage of sites with a presence of security services or an armed group*)
There are 9 mining sites experiencing the presence of an armed group, all in Bakaiku

⁷² Eric Mongo, Joost van Puijenbroek, Désiré Nkoy (2009) : *Conflits fonciers en Ituri, poids du passé et défis pour l'avenir de la paix* [Land conflicts in Ituri, weight of the past and challenges for the future of peace], page 279

We can conclude that the PNC is in one way or another in contact with the mining sites in almost 80% of cases. As for the FARDC, they are present in sites in 58% of cases. It is only in the Bakaiku group in the south of the Babila Babombi chiefdom that the mining sites are run by armed groups.

The presence of the law and order services differs greatly from one group to another. The militarization of the environment is the strongest in the Bakaiku group in the chiefdom of Babombi Babila. Out of the 76 sites, there are 35 or 46% of sites under the daily control of the FARDC. 27 sites, or 36% in the regular control (but not daily) of the FARDC. Half experience a presence of the PNCs of which 27% of all sites, a daily presence of the PNCs. A quarter also experiences a presence of the ANR. In addition, as already stated, 9 sites, or 12% are under the control of an armed group.⁷³ In general, Bakaiku is an area of a high level of militarization of the mining centres.

In the Teturi group (Babombi Babila) the image and the level of militarization is distinctly different. The army is present in fewer sites and in an intensive fashion (daily 5%, sometimes 49%). The PNC is however more present. Almost all sites experience a presence of the PNC of which half once a week. The Bapongomo group is very comparable to the Teturi group.

In the chiefdom of Bandaka, there are only two sites that experience a daily military presence. The PNC is present once per week in 24% of the sites and once a month in 29% of cases. It is the same for the chiefdoms of Mambasa, Bombo and Bakwanza Babila. Almost nowhere does the FARDC have a regular presence such as daily, weekly or monthly. On average in 25% of the sites, the intensity of their presence on the sites was indicated as "sometimes". The PNC is a little more present.

According to IPIS and Int. Alert (2010: 57) the FARDCs are mainly involved in the trafficking of gold (next to taxation) and it seems to be organized by their superiors. It seems that there are three groups of active FARDCs in Mambasa. Sometimes the FARDCs coming from are Isiro are reported (IPIS and Int Alert 2010: 56) There are FARDCs arriving from North Kivu (ibid: 57) and there are the regular FARDCs in Ituri. In addition, it seems that there is a platoon under the command of an officer from Wamba (Schouten 2010: 16)

Despite the nuances regarding the level of militarization in the various chiefdoms, the case studies show an image which is however unanimous where law and order forces are structurally involved in any kind of harassment: taxation of goods to miners, payment of illegal taxes or contributions in kind, deprivation of freedom, arbitrary arrest, inhuman and degrading treatment, non-compliance with mercurial prices, etc. In practice, there are no reports of such incidents, but it was the unanimous message everywhere. Also IPIS and Int Alert (2010: 57) indicate that there is great frustration among all the stakeholders on the predatory behaviour as well as the intimidation by the FARDC and the PNC. Taking advantage of the situation of impunity in a territory like Mambasa these law and order forces allow themselves to do whatever they want in this domain.

⁷³ This is also indicated by IPIS and Int. Alert (2010: p 57). They cite the police chief that says Bakaiku is a world completely apart.

3.2.4. Advantages and disadvantages for the communities and the authorities

According to 1681 persons surveyed, the advantages for communities near a site is first of all the fact that there is a better supplied market of essential commodities followed by the opportunity for employment, resources for education and the overall development of the area. Aybeka (2010: 65) also adds the importance of gold for informal financing. Gold is used increasingly as an intermediary in money transfer operations.

For communities, school drop-out is quoted by far as the primary disadvantage of artisanal mining (in 286 cases). Other disadvantages are those associated with a degradation of morality such as the high consumption of alcohol and the prevalence of STDs / HIV. Moreover, it should be noted that gold mining is performed at the expense of agriculture (103 cases). In very few cases was degradation of the environment mentioned. Aybeka (2010: 49) also points out that artisanal gold mining leads to a kind of exodus from villages towards the old quarries that has a negative impact on the dynamics of several villages.

Regarding advantages for the State, it is not surprising that the vast majority cites the collection of taxes as the primary advantage. Disadvantages for the State in fact correspond to the non-collection of taxes. With regard to the advantages for the customary power, the collection of customary rights is perceived as by far the greatest advantage. Second is the overall development of the area, followed by the collection of taxes for the occupation of the land. It is also interesting to note as advantage of gold mining, the fact that the population more easily contributes towards a community work. This has been mentioned several times.

In terms of disadvantages for the customary power, it was emphasized that the miners no longer obey the leaders and the population is no longer as easily involved in community work. This gives the impression that social cohesion at village level decreases with artisanal mining.

Obviously, for the artisanal gold miners themselves, income from gold mining is the greatest advantage. However, life expectancy decreases considerably and their health deteriorates.

Overall we can say that there are little visible lasting results from artisanal mining. Certainly, as a centre Teturi experiences a relative dynamism of socio-economic activities due to the expansion of mining activities, but which remain, after all, marginal.

3.2.5. Production

In its 2010 annual report, the Mines and Geology antenna presents data from 84 miners who together produce 144 kg of gold. Up to the end of September 2011 gold production was 38 kg of gold for the entire territory of Mambasa. Based on data from the Mines and Geology Department, the division during the year is shown in the following chart.

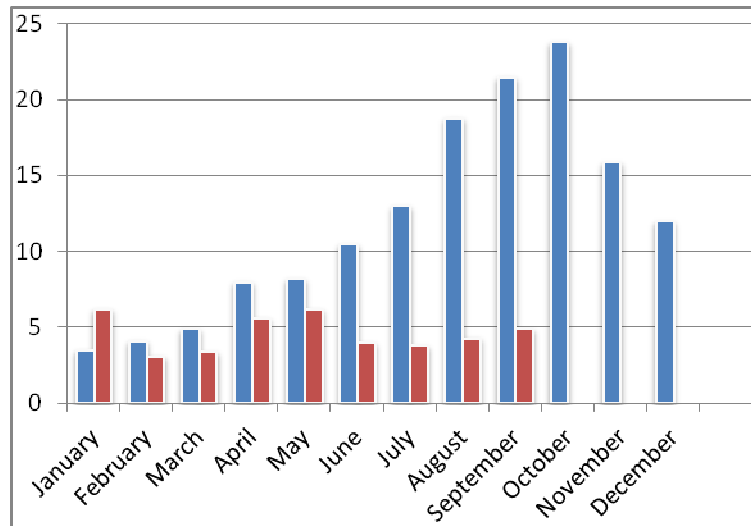


Figure 19: Artisanal production of gold in kg in Mambasa kg (2010 and 2011) ⁷⁴

In total, the Mines and Geology Department estimated a production of 144 kg during the year 2010 and 38 kilos during the first nine months of the year 2011. These figures seem far from convincing, because, at first glance, they lack any explanation as to why production would drop as much as it does between 2010 and 2011. In addition, the number of sites of the artisanal gold miners is well below reality. The fact that rates differ greatly throughout the year, also gives rise to questions, especially during 2011 where there is no influence of the seasons. Yet, many sites are abandoned during the rainy season. During 2010 the large difference in production in December (12 kg) and January (3.5 kg) lack any explanation. Also the figures of SAESSCAM differ significantly from the Mines and Geology department:

	SMG	SAESSCAM
June '11	4 kg	2.5 kg
July '11	3.8 kg	4.4 kg
Aug '11	4.3 kg	5.8 kg
September '11	4.9 kg	2.5 kg

Figure 20: 2011 production according to SMG and SAESSCAM

We have the figures of two sites in Nia-Nia. Indeed, in 2007 in Makapela, monthly production for this site was 10 to 15 kg of gold per month, which is 120 to 180 kg of gold per year. For the site of Maka in 2008, monthly production was around 5kg per month, which makes for this site an average annual production of 60 kg of gold.

As for prices, they vary. IPIS and Int. Alert (2010: 44) speak of a minimum of U.S. \$20 per gram, a maximum of \$35 per gram and an average of \$27. Aybeka (2010: 58-59) has calculated that a prospector receives as average income an amount between U.S. \$210 and \$280. This is a pretty huge amount, far beyond what a farmer can earn and even what a small State official can earn. What is interesting is that it also calculated that an artisanal gold miner consumes 87.5% and saves 12.5%. According to it the marginal propensity to consume is very high; it is almost the whole amount. This consumption consists more of satisfying food and clothing needs. Other basic needs such as health care, education, transport, water, energy ... remain unmet.

⁷⁴ Source: 2010 Annual Report Mines and Geology antenna; reports of the 1st, 2nd, and 3rd quarter of the Mines and Geology antenna

The Kafwawema site consists of 187 holes, 02 creeks and 03 work sites. Monthly production per hole, during periods of high profitability, are around 500 gr / hole, that is an annual production per hole equivalent to 6,000 grams of gold per hole. In this site, artisanal mining nears semi-industrial mining due to the presence of pumps and other electromechanical devices. The manner of distribution of production in the site is specified by the agreement that is signed between the operators and the Administrator of the Mining Centre or of its representative at the time of negotiating the mining terms:

- Before any activity, the right to occupy a hole is conditioned by the payment of an amount of \$200 to the Technical Director in the name of and on behalf of the AFM via the CEO and the DG. It should be noted that in the site of Kafwawema one hole mobilizes more or less 42 people.
- In case of production, this is distributed in accordance with the key agreed at this mining centre that is 30% to the accounts of the CEO, 25% to the head of the hole, 15% to suppliers, 30% to artisanal miners.

Lisala site: The activities of the Lisala quarry are currently performed in a context of a decline in production because there is only one site that is currently running. Depending on the mode of distribution of the profit of the mining agreed between the parties, production is divided equally between the AFM and the miners headed by their heads of holes. This allocation key causes, according to the information received, a lot of problems because the quarry owner takes the lion's share at the expense of other actors in the production.

Ngbale underground: The mining activities are exercised in more or less 14 holes each of which is operated by at least 04 miners with several (ten) day labourers in charge of clearing, cleaning and transportation to the river. Prior to the mining activities themselves, the costs of occupation of the land are set between \$10 to \$20 (after survey) per hole. The manner of distribution is adjusted according to the following manner: The right to exploit a hole is subject to the approval of the sale of 10% of the production to the quarry owner;

- A weekly fee known as a "montour", set by the site manager according to performance, is also paid to the quarry owner. This deposit is the equivalent weight in gold of ½ match splints / week / miner (low return period) and 1 to 2 match splints (12 match splints equivalent to 1 gram of gold).¹
- Deducing the hole fee and other common expenses, the Head of the hole has the right to 45% of the production (it is in charge of ensuring food, health, tooling of the miners) and the miners share the remaining 45%.

3.2.6. Marketing channel

Before discussing the marketing aspects of gold from the artisanal mining in Mambasa, it is necessary to emphasize that the Mining Code clearly establishes the principle according to which the artisanal miners can only sell their mining products to traders, counters or organizations recognized by the State or in the stock market.

With regard to the procurement and sale of mineral substances from artisanal mining, traders must prove their trading status by producing their registration in the "Nouveau Registre de Commerce" [New Commercial Registry] before being issued with the trader card. As for the artisanal gold miner's cards, the Code provides in a clear and transparent manner the conditions for withdrawal of the trader card. The accredited purchasing counters are authorised to buy, sell and export the mineral substances from artisanal mining after they have been submitted to the inspection of the Mines Administration and the public body responsible for the expert report, in this case the CEEC.

There are no accredited purchasing counters in Mambasa. According to the SAESSCAM office, there are 172 traders in Mambasa but most do not have trading cards. What is remarkable is the double status of the quarry owners (CEOs) and the administrators of the mining centres that are both

artisanal miners, traders and often also sales agents of the mineral substances⁷⁵. This practice leads to a market imbalance between the miners and the owners of the operating sites that apply an illegal mercurial price. In addition, there is the practice of barter in the sale of gold with either the quarry owners who sell the small business items within the quarries, or with the traders who exercise small business activities in the mining sites.

For the vast majority of sites, Butembo is the main destination. Sometimes, but rarely, Kisangani and Bunia are also mentioned.⁷⁶ The gold is then sold in Uganda, but it lacks reliable statistics.

It is important to conclude that the marketing of gold from artisanal mining in the Mambasa Territory takes place within a very high opacity and with some illegality due to the absence of accredited counters and also taking into account the involvement of persons not holding trader cards. The problem of production and marketing statistics is an acute cause for concern. During the investigation, the team was not able to ensure the traceability of the production statistics in the quarries and marketing, given the unsystematic nature of the activities both in the quarries, as in the administrations as well as the different business establishments.

3.3. Industrial mining

3.3.1. Loncor Resources

Loncor Resources Inc. is a mining company under Canadian law made up of the directors of the company Banro (also Canadian) for their operations in Kivu and Ituri. Loncor acquired an exploration license on the Ngayu concession in the Eastern Province in the DRC which partially covers the territory of Mambasa and that of Wamba with a scale of 4,550 km². Loncor also owns or controls 55 exploration licenses in North Kivu, covering 17,760 square km located to the west of the city of Butembo.



Figure 21: Concession of Loncor Resources

Loncor began to explore the Yindi site in September 2010 and the Makapela site in Ngayu in 2010. The surface exploration works began in Manguredjipa in August 2009 and are ongoing. Intense artisanal mining activity takes place there through ten mining centres (sites, quarries): Italie, Kputuka, Grâce, Anguluku, Kalemie in the territory of Mambasa as well as Bavadir, Mambati, Makapela, Maka and Sele-Sele in the Wamba territory. According to some data collected, it was estimated in April 2011 there were around 3,500 miners in the FM of Kputuka while in June / July,

⁷⁵ See also IPIS and Int. Alert (2010 : 52) Out of the 35 sites surveyed only the AFM could buy gold.

⁷⁶ See also: IPIS and International Alert (2010), page 52; Aybeka 2010: 55-56

there were around 5,000 in Maka. Indi, the site that hosts the current centre of mining activities of Loncor is situated in a former mine called "Tele". At this site, two artisanal miner centres are very active: Grâce and Kputuka.

Mining has yielded encouraging results. Given the results, it is quite possible that, depending on the site, an underground and / or an open-pit mine will be developed.

At the Loncor site, a private security company called "First Security" ensures the security of the installations. First Security works with the Congolese National Police. A platoon of 12 officers of the Guard Battalion in Mambasa is assigned to the Loncor site against payment.

In the context of the social responsibility of extracting companies, Loncor has established the Loncor Foundation that deals with aspects related to the social implications of the mining. Loncor has a 30 year concession and it seems that this leads them towards a particular commitment with the communities. They have begun negotiations with the Ndaka chiefdom. Although the company is still in the exploration phase, some social projects have been executed in favour of the population: construction of a school in durable materials, construction of a hospital (still under construction), Indi Road Project - Makapela , provisioning of children with school supplies, etc.

To engage a dialogue with all operators and allow the company to minimize disputes with the artisanal miners, Loncor has established a Senior Administrator and Governmental Counsel. Through meetings and consultations with the AFM and community representatives, the company is able to share the planning of its activities and defuse possible resistance from those who can block access to certain areas targeted for exploration. Meetings are based on the development needs of the activities or if there is a request from other operators.

Despite this effort, a conflict took place between the artisanal gold miners and Loncor at the Indi quarry.

Indeed, the artisanal gold miners and the Loncor site are actually in the same place. When Loncor began to take carrots, fear prevailed among the artisanal gold miners that they would be expelled. Also, the site of Makapele which is so vast (over 1000 artisanal gold miners) it is a difficult case to solve.

Three major crises have been recorded between the company Loncor and artisanal miners:

- Kputuka (June 2010); resistance and denial of access to the planned work areas;
- Grâce (April 2010 to April 2011); an artisanal miner partnered with a Brazilian to carry out semi-industrial mining in the site. The latter, protected by 04 elements of the PNC from Kisangani, was visibly supported by the PNC Commander of the Eastern Province;
- Makapela (2010); the artisanal miner thought that the company Loncor had basically illegally occupied its land while it held the permit issued by the provincial authorities.

All three of these crises found their outcome through an action of communication and dialogue with various stakeholders under the leadership of the provincial authorities of the Eastern Province.

There is great concern among the artisanal gold miners on the future when industrial gold mining begins.

3.3.2. Kilo Gold

Kilo Gold is a company under Canadian law that holds an exploration license (research, prospecting) in the Eastern Province, around Isiro (with the company Rio Tinto), around Beni (Masters project) and the Somnituri project in the Nia-Nia region.

The company began its mining activities in January 2010, mainly in the Adumbi, Manzako and Kobe sites where drilling is being carried out to extract the samples that are sent for analysis in Tanzania, South Africa and Canada.

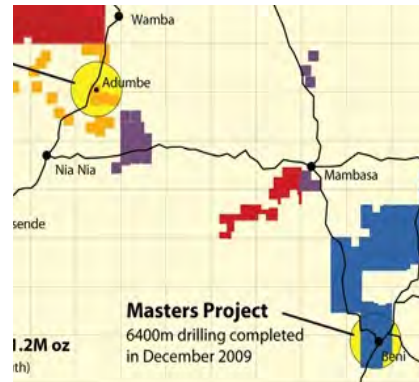


Figure 22: Implementation card of the company Kilo Gold

The company has not yet exercised an option in connection with the development of the mine. Kilo Gold works in sub contracting with the Company SENEX for drilling (50 employees), Wild Dog for air transport (02 people) and CONGO SECURITY SOLUTIONS for safety (60 employees). Congo Security Solutions works with the Congolese National Police of which some elements (estimated to be 12 agents) are present in the Kilo Gold installations. Several artisanal mining quarries are active in the Kilo gold artisanal mining concession: Mbuji-Mayi, Mabele Mokonzi, Vatican, Lisala, Libreville, Monde Arabe, Santa Maria, Mopa, Adumbi, Malekesa, Sénégal, Canon, Bakoko, Kananga and Camp Base.

The company organised an exchange meeting in October 2010 to establish a process of consultation and dialogue with the CEOs of the quarries in order to promote collaboration and reduce tensions at the very beginning of its activities. Thanks to this, the CEOs of various sites recognize the rights of Kilo Gold that awaits the development of the exploration phase to draw conclusions on this thorny issue of artisanal mining.

There are no major disputes being experienced today, apart from the small crisis undergone by the Libreville site at the launch of the Kilo Gold activities. The artisanal miners had tried to oppose the presence of Kilo Gold. The crisis was resolved through the dynamic of communication with the artisanal gold miners and the intervention of the relevant departments (Mines, Saesscam, Territory)

Kilo Gold has developed good relations with local communities thanks to various meetings, exchanges of information and consultations. This process has helped raise community expectations through a specification of the territory and two specifications of the chiefdom.

Despite the fact that it is still in the exploration phase, Kilo Gold has realized its desire to participate in local development with several accomplishments: construction of the territory office in Mambasa, construction of a primary school for pygmy children 18 kms from Mambasa on the Beni road, construction of a primary school with latrines in Bafwambaya and the rehabilitation of the building constructed by the parents, the opening of the 47 km road up to Santa Maria, the development of two football fields in Bafwambaya and Bafwabango, opening of the Market place in Bafwambaya,

opening of the space for the installation of the Vodacom antenna, jobs in favour of the sons and daughters of the area.

3.3.3. AURIS AG

The Congolese company Masters, whose concessions were almost entirely transferred to KGL, also has a joint venture with the Swiss company Auris AG to which it has transferred its exploration licenses concerning the Bakaiku group in the Babombi Babila chiefdom. This group is very remote and difficult to reach as we have seen. Auris was able to visit the site once but has started neither exploration nor mining. It seems Auris has abandoned the project.

3.4. Situation of small-scale mining

3.4.1. Small-scale mining

Note that small-scale mining means any activity by which a person engages in on-going and small size mining, requiring a minimum of fixed installations using semi-industrial or industrial processes, following the identification of a deposit (Art. 1 of the Mining Code).

In the territory of Mambasa, small-scale mining is carried out through the activities of semi-artisanal mining which usually occurs in the beds of rivers and mainly in the Ituri river bed both in the Mambasa - Teturi - Mayuano - Biakato axis as in the Mambasa-Niania axis. This operation is carried out using dredges whose owners have formed an association called "ATEDRAPO" (Association des Tenanciers des Dragues de la Province Orientale) (Association of Dredge Keepers of the Eastern Province).

According to data collected at the SAESSCAM, small-scale mining is ensured by 07 operators (Kalubamba, Kasongo, Somibaf, Eundu, Dede, Tchekabo and Mokili) in the following websites: Lwemba, Teturi, Biondo, Azoka, Kake and Nia-Nia. The lack of statistical production of this type of operation can not determine the extent of the operation and its socio-economic impact. SAESSCAM has registered 22 active dredges on the Ituri River: 18 around Mambasa and 4 in Bakaiko⁷⁷. According to SAESSCAM a dredge produces on average 5 to 8 grams of gold per rotation.

3.4.2. Corner Stones Resources

The company Corner Stones Resources is part of the Chinese company CRAA. Corner Stones Resources operates at 7 km on the Nia-Nia-Kisangani River on the Ituri River and it engages in alluvial mining. Security was provided by some FARDC soldiers and now some elements of the PNC. Their relations with the communities are almost non-existent. This gives a basis for many rumours. The company operates there where the natural border between the Ndaka and the Bali is. Each community mines in an artisanal manner one side of the river. The Chinese operation operates on both sides and each community requires its share of compensation (Schouten 2010).

⁷⁷ Source: Monthly Activities Report September 2011 from the SAESSCAM Mambasa

In addition, with respect to the mining which is the subject of the Chinese company Somibaf around Nia-Nia, no indication of the nature of the activities and the production statistics has been possible.

3.5. State Services in Mambasa

3.5.1. The diversity of the State services

In the territory of Mambasa, the State agencies involved in artisanal mining are multiple and it seems that the number, nomenclature and functions depend from one site to another. Whereas the law defines the services required to operate in the artisanal mining sites. "Cadastre minier" (CAMI) [Mining land register], Mines Directorate, SAESSCAM, "Environnement Minier" [Mining Environment]; we note that other public service officials of the State are invited into the sites including the FARDC elements, elements of the National Police, elements of the law and order and security services, revenue-generating services both at national (IMB DGRAD) provincial (DRPO) and local (district and territory) level. Departments such as Energy, Industry and Trading, IPMEA as well as the decentralized administrative entities (EAD: territory and chiefdoms) are not short of excuses for justifying their presence in the mining production sites. In this context, the level of harassment from State public departments is very high. Although official guidelines advocate the supervision of SAESSCAM alone as sole counter and focal point for the collection of fees, taxes and charges owed to the State, the reality on the ground shows that many State departments are present in the mining production sites and cause a disorientation of the actors (usually poorly educated) who, unfortunately, are forced to respond to several stakeholders.

3.5.2. The Department of Mines and Geology

The Department of Mines and Geology operates in the Mambasa territory under the name of the "Antenne des Mines et Géologie" [Mines and Geology Antenna]. This antenna has the role of coordinating the territorial mining activities occurring within the territory. This antenna was installed in 2004 and operates in premises totally devoid of materials and equipment. According to the 2010 report of the antenna, staff of 16 officials is assigned to this service including 10 in Mambasa, 02 in Bella and 4 in Nia-Nia. According to a decree of 2009, 10% of the gold produced by the artisanal miners should be paid to SAESSCAM.⁷⁸

The mining antenna of Mambasa operates within an utter logistical and technical destitution. The office does not even have the legal texts governing the mining sector in the DRC (Mining Code, Mining Regulations and other enforcement actions), nor even competitive office equipment (no machines, no computers, no work materials, no mining or DRC maps, not even of the Mambasaa territory).

Some officials of the Mining Antenna, starting with the Head of Antenna are not paid regularly because they are not recognized by the Public Service Minister, so without registration and non-mechanized. There is also a problem of the level of training of the officials which include heads of posts, mines supervisors, investigators and administrative staff. Non-mastery of the official texts governing the mining sector in the Democratic Republic of Congo makes this department fragile and

⁷⁸ Provincial Decree No. 01/MAA/019/CAB/PROGOU/P/O/2009. This is complemented in Mambasa by the Circular Note No. 322/271/BUR/AT/Msa/011, adding that in the case of a 'high production' an additional 10% of the production is taxed.

ineffective with a consequent lack of organization and performance. In addition, this department does not receive any operating costs.

A major problem that blocks the proper functioning of this antenna is its dual supervision. Indeed, the information gathered at the administration level of the territory has highlighted the fact that this department is torn between the territory and the province. The administrative dependence of the mines department at territorial level is almost symbolic insofar as the authorities of the territorial administration really have no real grip on this department that depends almost directly on the Head of the Mines and Geology Division based in Kisangani. The appointment of the personnel allocated to this department fall back on, according to interviews carried out and the assignment commissions found, the provincial authorities or national authorities.

Thus, during 2011, the mining antenna sold the various documents according to the following tariff⁷⁹:

- artisanal mining license: \$250
- diamond miner card: \$25
- gold miner card: \$10
- diamond trader card: \$3000 (Class A), \$500 (Class B)
- gold trader card: \$250 (Class A), \$150 (Class B)
- sketch of a work site location: \$25
- other technical documents: \$25

All revenue generated by the mining antenna of Mambasa represents a total of US \$2415 (U.S. dollars two thousand four hundred and fifteen), that is an amount in Congolese Francs of 2,173,500 (two million one hundred and seventy-three thousand and five hundred), according to the existing data in the territorial antenna of the DGRAD. Given the existence of several collection centres (provincial division, district and other mining positions not under the antenna), it is difficult to trace the actual revenues generated by the mining sector during the year (ibid).

3.5.3. SAESSCAM operation

The SAESSCAM is still a young department in terms of its implementation in the territory of Mambasa. Indeed, the department has been installed since 2009. Currently, according to the activity report of September 2011, the department works with a total staff of 15 agents of which 8 in the office of Mambasa, 04 in the trading centre of Nia-Nia and 03 in the Bella - Biakato axis. The number of staff allocated is insufficient in relation to the extent of the territory of Mambasa and the intensity of the artisanal mining and small-scale mining activities. It is also a staff that needs to strengthen its capacity to cope with the demands of the artisanal mining supervision and the need to ensure an appropriate interface between the operators and the various state departments involved in artisanal mining.

The Mambasa office and the two sub-offices (Nia-Nia and Bella Biakato) attest to serious logistical difficulties (no appropriate offices, lack of equipment and basic materials, lack of movement resources, lack of office supplies, etc.). The Mambasa office rents premises in a private building and is more than 05 months late in paying the rent.

SAESSCAM seems sometimes to have strained relationships with the Mines Department and the Mines Police. At the base of tensions, there is the problem of collecting fees, taxes and royalties from the artisanal miners and distribution conditions.

⁷⁹ Annual Report 2011 Office of Mines in Mambasa

4. Gold mining in Djugu

Djugu



Figure 23: Map of Membasa

4.1. Djugu context

The Djugu territory comprises 11 chiefdoms and the city of Mongwalu. This territory is surrounded in the North by Mahagi territory and touches slightly onto the Aru territory in the North West; to the West by the territory of Watsa district of Haut-Uélé and the Mambasa territory, to the South by the territory of Irumu and to the East by the Lake Albert, which borders with Uganda.

In this area there are 3 major regions:

- The highlands of the Blue Mountain range (above 1500 meters in altitude); these are areas where the population density is very high, up to 500 persons per km². The population, mainly the Lendu, the Hema and the Ndo - Okebo, live from agricultural activities. Food crops and cash crops, the raising of large and small livestock and plantations have also been established. We also note in this region the presence of farms, plantations and concessions dating back to the colonial era.
- The mid elevations at the centre between 1200 - 1500 meters have almost the same conditions as the high elevations. They are also inhabited by populations from the two main ethnic groups that are the Hema and the Lendu.
- The low elevations, more to the West, less than 1200 meters in altitude, consist of a forest area where the density is generally low, with less than 100 inhabitants per square kilometre. The low elevations are occupied by these following tribes; Lendu, Hema, Mambisa, Baniari, Mabendi. This population lives from agricultural activities, but also artisanal gold.

The high and mid elevations suffer a strong land tenure pressure that often overflows into land disputes, exacerbated by the activities traditionally led by the two majority tribes in the area namely the Lendu traditionally farmers and the Hema traditionally livestock raisers.

In 1903, two Australian geologists found gold in the Agola river, a tributary of the Abombi River, about 30 km from Mongbwalu. They gave the name Kilo referring to the name of a local chief called Ksilo.

Commercial mining began in 1905 by the Belgians. In February 1926, Belgium created the Société des Mines d'Or de Kilo Moto (SOKIMO) [Gold Mining Company of Kilo Moto]. Gold mining was strictly controlled by Kilo Moto, limiting access to the mining areas to workers and their families alone. In the height of its operation during the '60s and '70s SOKIMO employed around 6,000 workers.

The Nizi River was among the first places where alluvial gold was discovered by the prospecting Australians in 1903 (also in the Shari and Kilo rivers). In 1919 it became one of the first mining sites of the notorious company Mines d'Or of Kilo Moto.

Since the liberalization of gold mining, the Mongbwalu area is marked by a large number of artisanal gold miners.

During the war, gold attracted the attention of many armed groups as well as the neighbouring countries involved. This is especially the FNI that controlled Mongbwalu despite the fact that UPC and FAPC were also at the location. It is Uganda that profited from gold mining during this period.

4.2. Artisanal gold mining in the territory of Djugu

4.2.1. Distribution of the sites

Following the distribution of sites in the area and the number of sites per chiefdom or sector.

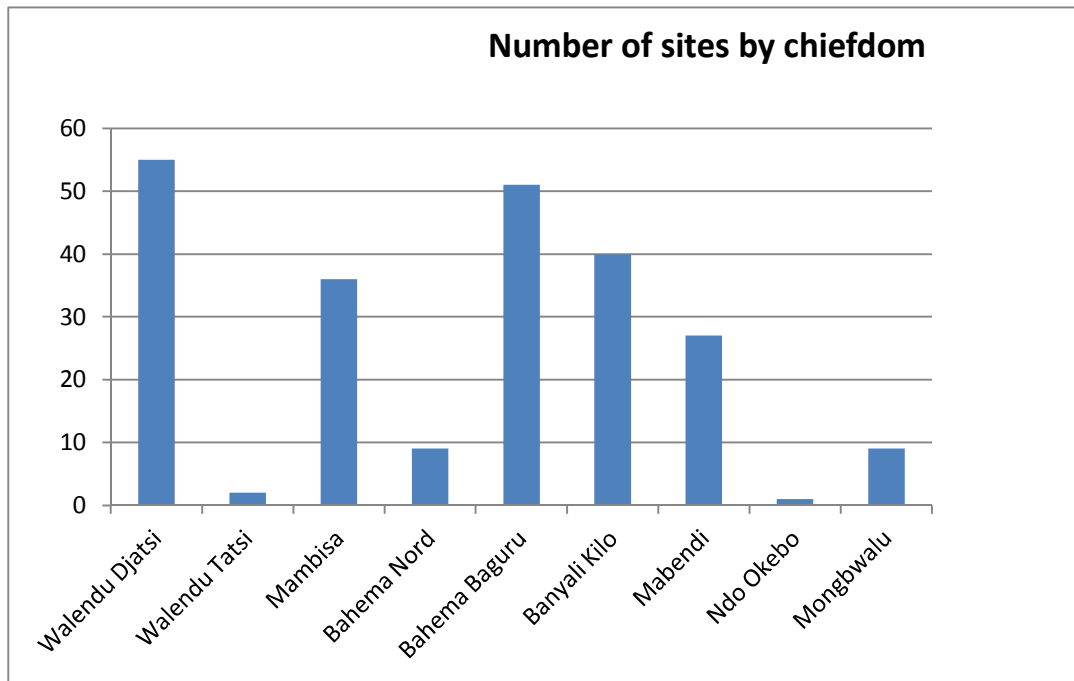


Figure 24: Distribution of the mining sites in the chiefdoms of Djugu

The sector of Walendu Djatsi (55 sites) experiences the greatest proliferation of mining sites, immediately followed by the Bahema Baguru chiefdom (with 51 sites). Then come the chiefdom of Banyari Kilo with 40 sites; the chiefdom of Mambisa with 36 sites; the chiefdom of Mabendi with 27 sites.

In Walendu Djatsi, the work sites are divided into 9 groups. The 27 sites of Mabendi are all in the Mosaba group. For additional details see the appendix on the distribution of the work sites and artisanal gold mines in the communities and groups in Ituri.

The city of Mongbwalu is located within the chiefdom of Banyali-Kilo in Djugu, approximately 80 km north-east of Bunia. Mongbwalu is considered the most important site in all the SOKIMO gold concessions. It is also by far the largest artisanal site which gives it the name "**the lungs of Ituri.**"

During the period 1984 up to 2006, each year on average between 2 and 5 sites were started up. It was from 2007 that the number of start-up sites has increased. Obviously, the lifetime of these sites can not be estimated. This image does not differ from the other territories.

4.2.2. The artisanal gold miners

We surveyed 22,623 artisanal gold miners active in all sites. If you look at the number of artisanal gold miners per chiefdom, the four largest chiefdoms are very close to each other and do not differ significantly (Walendu Djatsi 5085 miners, Mambisa 4072 miners, Bahema Baguru 4572 miners and Banyari Kilo 4529 miners). It should be noted that the City of Mongbwalu that has only 9 sites numbers many artisanal gold miners (2323) and is the most important as the graph shows. As already mentioned in the overview as well as talking about the territory of Mambasa, our survey was

conducted during the rainy season, which did not allow us to meet all the miners, some of whom had left the work sites to go and work on the fields⁸⁰. Based on interviews throughout all Ituri, we estimate that between 30% and 50% of artisanal old miners had left the site. This implies a workforce in the dry season of between 34,000 and 45,000 artisanal gold miners.

Concerning the age and gender categories of the artisanal gold miners, out of the 22,623 listed, 18,671 are men (or 82%), 2259 women (or 10%), 625 girls (or 3%) and 1078 boys (or 5%).

However, there are quite large differences between various sites.

Indeed, in the chiefdom of Mambisa the average is 64% men, 20% women, 9% of boys and 7% of girls. There are sites where women outnumber men and where under-age girls and boys together constitute 35% of the workforce present.

AGK estimates that there are 6% of minors below 16 years working in artisanal mining.⁸¹

In the Kpata site (5 km north of Nizi) the presence of women and children is remarkable. At least half of the artisanal teams consist of women, usually over 30 years old and boys aged between 10 and 14 years old, sometimes even younger. Boys as young as 7 years enter into the rudimentary holes or are active as washers. There are many independent artisanal miners in Kpata. Men, women and children are available as porters or washers. A woman said she was carrying sand from a hole to the river all day long. For this she received at day end two sandbags, containing about 2 splints (approximately 6000 CF).

According to the distribution by community, the vast majority consists of the Hema and the Lendu with respectively 8035 artisanal gold miners and 5431 artisanal gold miners. Together they constitute 57% of the total

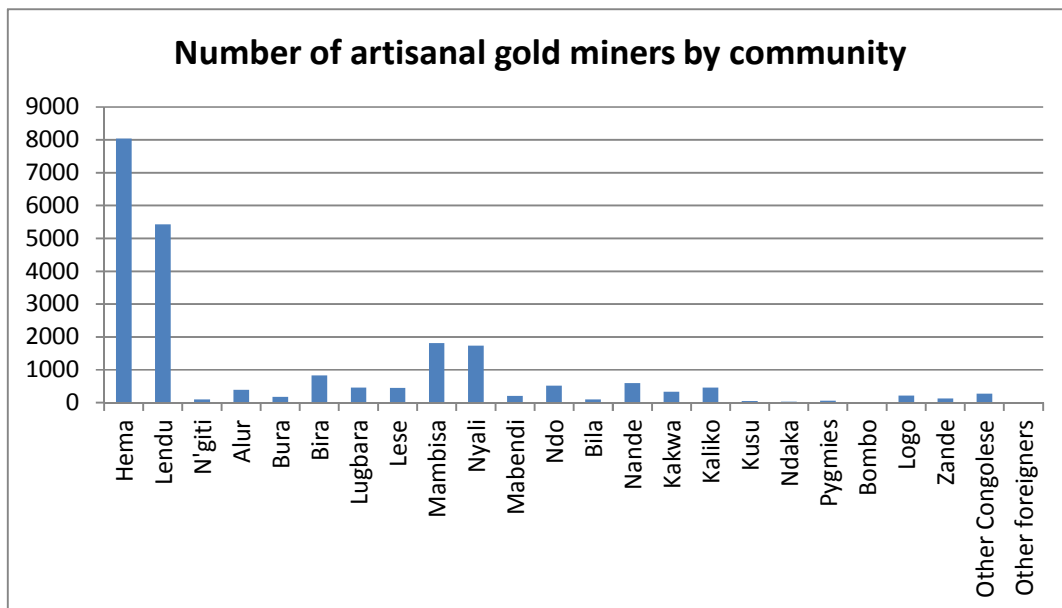


Figure 25: Number of artisanal gold miners by community

It is interesting to see how artisanal gold miners are distributed in the various chiefdoms. The following table gives an overview in terms of the 5 main communities present in mining centres across the various communities.

⁸⁰ See the paragraph in the summary on Ituri compared to the estimated number of artisanal gold miners

⁸¹ SRK Consulting: *Mongbwalu Project, socio-economic impact assessment report*; December 2010, page 46

	Lendu Sectors	Hema chiefdoms	Banyari Kilo	Mambisa	Mabendi	Mongbwalu
Hema	22%	79%	11%	38%	15%	5%
Lendu	53%	13%	16%	12%	15%	22%
Bira	6%	2%		6%		
Nandé			7%			
Kakwa						7%
Kaliko					34%	
Alur	5%	3%	9%	5%	14%	
Mambisa		2%		27%		9%
Nyali			27%			12%
Mabendi					6%	
Lese	4%					

Figure 26: Presence of the communities in the various chiefdoms

We see that in the chiefdoms of Hema, 80% of miners are also Hema, thus indicating a strong connection between the community and the mining site. In the Lendu areas, the Lendu are also dominant but with 53%. The other communities have a mix of miners. It is striking that in Mabendi these only constitute 6% of the artisanal gold miners. The situation is similar with the Mambisa.

Mabendi: According to the investigators, the sites are often homogeneous on the community level. A Hema supervisor works with a Hema team, the same applies to a Lendu supervisor, etc.

4.2.3. Mining

Out of the 230 sites, 142 sites mine dry gold, 41 sites mine amalgam gold and in 57 sites the two are combined.

In 177 sites, the traditional method is by hole. In 36 sites mining is carried out in the holes and in the creeks. In 3 sites it consists of wells and in 7 sites it consists of wells and holes together. In 5 sites we find wells, holes as well as mining in the creeks.

The mining sites are marked by a good number of land disputes. 48 sites, or 21%, are experiencing a dispute over land tenure. 42 sites, or 18%, have a site boundary dispute. There are 7 group boundary disputes, 7 local boundary disputes and one chiefdom boundary dispute.

There are 10 land tenure disputes without specification. In one case there is a dispute due to the change of the natural river bed and in one case there is a dispute on the underground overflow. In 46 sites (20%) it is mentioned that there are disputes between artisanal gold miners.

The underground wells are in Senzere and Makala, 5 km from Mongbwalu. At the entrance, only small camps of artisanal gold miners can be seen, but underground 1000 artisanal gold miners work 24 hours a day. In the hills, there are tunnels in all sides, even up to Mongbwalu. They are all interconnected. During the rainy season they are less accessible, especially the tunnels of Makala. When the Belgians left, they destroyed most of the tunnels for security reasons in order to prevent the entry of artisanal miners. Consequently, the tunnels are a constant danger. In addition, the artisanal miners use the former wood columns for cooking firewood and replace them with rudimentary columns.

While the silver produced by the artisanal miners reduces underemployment, the same money also creates conflicts over profit sharing. Mr. Bikilisende, leader of the city of Mongbwalu, keeps a large folder with all the cases of complaints and incidents between the different stakeholders (artisanal gold miners, heads of holes, traders, customary leaders) on debts, payments due, taxes, etc. Then he proclaims the Congolese paradox: Mongbwalu and its surroundings produce 300 kg of gold every month which is the equivalent of U.S. \$15 million, but the population continues to be housed in terrible circumstances

Chiefdom of Mabendi, Mosaba group:

We journey by car from Mbijo to Loda, and then continue on foot. On arrival, the camp Vis-à-vis marks the entrance to the site with a number of wells. We continue the path around the hill and we pass 5 work sites (among other Beto-Dollars and Gour danger) before climbing the hill and arriving in Loda. Each site has a camp with 10 to 30 rudimentary houses. We see the wells everywhere, the forest being significantly reduced during mining. In general, the valley is marked by red areas without forest and other sections with only one secondary planting.

Given the geographic and administrative isolation of Vis-à-vis and other mining sites in Mabendi, the supervisors play a much more central role than elsewhere. They are CEOs and heads of villages at the same time. The power of supervisors has not been reduced by the decision of the AGK to stop the subcontractors. It has even worsened; the influence of the State authorities over the supervisors has declined and these latter have more power at their discretion. The supervisors maintain intensive contact between each other and they communicate on trade, prices and other common concerns.

After the supervisor we find the representative of this latter who represents it in the event of absence. They are assisted by an inspector. Down there, on the site, there is a work site leader responsible for the organization of the work site and a camp leader responsible for the proper upkeep of the camp. This latter is assisted by a secretary. There are always two or more security guards. The adviser's position is not institutionalized but it is often seen carried out by other supervisors, old sages or influential notables in the area.

This division of labour is the rule in the remote and isolated camps. Work sites closest to the road and nearby villages do not have such a rigid structure. We found many sites along the creek where old people and even women were CEOs and were doing the cooking themselves for the artisanal miners.

4.2.4. Security

The following table provides an image of the presence of the PNC, the FADRC and the ANR around the mining centres. This consists of all of Djugu.

name	Daily	Weekly	Monthly	During the sharing of the quarters	sometimes
PNC	3%	2%	7%		40%
FADRC	2%	0%	0%		10%
ANR					3%

Figure 27: Percentage of sites with a presence of security services

We can conclude that the PNC is in one way or another in contact with the mining sites in almost half of cases. For the FARDC, they are sometimes or permanently found in the sites in a proportion of 12% of cases.

The presence of many law and order services differ much from one community and group to another. For example, in the Mabendi chiefdom, out of 27 sites the PNC is sometimes present in 19 sites (or 70%) and the FARDC are present in 5 cases (or 19%). In the Mambisa, in 19 out of 26 sites the presence of PNC is observed in a site each

Harassment by state officials and especially by the forces of law and order has taken place many times in Mongbwalu. The civil customary authorities as well as the artisanal gold miners say that the PNC and OPJ visit the mining sites weekly. The reason for their visits is whenever there is a case of death due to a landslide and sporadically when there are conflicts between different heads of holes with the CEO on the boundaries of holes and work sites that have become violent. But it is recognized that whenever law enforcement agencies enter the site they demand exorbitant sums from the miners.

week. The FARDCs are sometimes present in 9 sites (or one quarter). Of the 57 sites in the Lendu chiefdoms, the PNC is regularly present in 32 sites, or in 56%. The FADRC are sometimes present in 5 sites.

In the chiefdom of Banyari Kilo, the situation is calmer with the PNC sometimes present in 38% of cases and the FARDC sometimes present in 3% of cases. Generally, the same situation is found in sites situated in the Hema chiefdoms (PNC sometimes present in 25%).

We can conclude that it is in the chiefdom of Mabendi that the presence of the law enforcement agencies is most reported. After that, it is in the chiefdom of Mambisa and the Lendu sectors that the presence of security forces, especially the PNC, can be noticed. The Hema and Banyari Kilo chiefdoms do not differ greatly. The Lendu, Mambisa and Mabendi communities have a presence of the PNC that is double compared to other areas.

The case study on Mabendi concluded that the geographical isolation of the mining sites in the Mabendi leads to a situation where state representatives and law and order forces are able to use their positions in a more abusive way than when they are close to an administrative centre. The frequency and level of taxes and premiums charged by the OPJ [police officer], the presence of the FARDC in the quarries, and the forest fund spot taxes are examples of this phenomenon. In addition, isolation constitutes a context susceptible to misinformation, extortion and abuse of power. Finally, the artisanal miners in Mbijo and its surroundings were particularly explicit in their assertion that the AGK is approaching a rebellion. It should be noted that miners are easily manipulated by the supervisors and other notables so that they believe exaggerated stories about threatening and competitive external phenomena.

In addition, the isolation seems to have a link with the work relationship between artisanal gold miners and supervisors. The situation in which the supervisors have a virtual monopoly on trade, village politics and information leads to a situation that resembles medieval fiefdoms.

Somehow, we can conclude that the level of isolation is a factor that has impacts on security, both in relation to the behaviour of the law and order forces in relation to the manipulation of information and the management of the artisanal gold miners that allows a manipulation.

4.2.5. Advantages and disadvantages for the communities, the State and the traditional authority

According to the respondents, the benefits for communities near a site are first the general development of the area. They then reported a better-stocked market, resources for education and employment.

In relation to disadvantages, in more than half of the sites (52%), the respondents complain, as elsewhere, of the fact that mining works to the detriment of agriculture, promotes school drop-out (37%) and destroys the environment (37% of sites).

Advantages and disadvantages for the State, according to the opinion of all, concern the collection or non-collection of taxes.

Advantages for the customary power are also nearly all centred on the perception of customary rights. The main disadvantage is obviously not the perception of customary rights, but it is also mentioned that artisanal gold miners no longer obey the leaders and that the community participates less in community works, from where lack of development of the area stems.

The working conditions as well as social conditions in the camp are not good in relation to development and there are no stable relationships, encouraging investments. Alcohol and hemp abuse, prostitution, artisanal gold miners who are not from the area and who move from one site to another. These are all elements that contribute to the weak development of the targeted area. In addition, the traders instead prefer to invest in major centres such as Bunia.

Mabendi: Alcohol abuse is often seen in the quarries visited. Even though it is prohibited by the CEO to smoke, hemp is always present. The proliferation of disease is quite high also. There is no medical station outside Mbijo and artisanal gold miners are cared for. Especially when landslides are frequent in the site, lack of medical care causes a relatively high mortality. Women are more often seen in the smaller sites but may only enter the site with the approval of the CEO. Prostitutes are allowed to enter but can only stay if they marry men of the area. Many artisanal gold miners are married in the camp but also in their village of origin (Aru, Irumu, etc.). There are also clear cases of homosexuality in the camps, but it is not officially recognized.

Nizi: This is a typical gold agglomeration. The population is attached to Nizi. The artisanal gold miners generally want to invest the money they earned in Nizi by buying a plot. But the gold traders come from Bunia. They themselves prefer to invest in Bunia.

Kpata site: some artisanal gold miners in Kpata and in Nizi also have a plot for agriculture but production seems very low. The miners prefer to buy food in the Nizi or Iga Barrière markets. A Kpata, alcohol consumption seems high. During the survey, many men were drunk, and small plastic sachets of alcohol were exchanged during mining work. Women also drank and smoked while entering into a hole. The miners ate very irregularly, giving the impression of surviving on alcohol and cigarettes; it is not surprising to see the miners complaining of back pain, stomach aches.

Although there is no proof, the Kpata site gave the impression that the accident rate and alcohol consumption rates were high due to the absence of hierarchy and supervision around Nizi. There is the advantage that the artisanal gold miners do not have to share their productions with the supervisors or other authorities, but the absence of order also causes more risks. Normally the head of the hole provides food and by this fact, contributes to decent working conditions, but here this did not happen.

Mongbwalu: It is observed in Mongbwalu that school frequenting has decreased considerably with many children leaving school in favour of artisanal gold mining. Parents often do not provide the necessary funds for the school and often encourage their children to come and help.

It is very difficult to have a more or less correct estimation of gold production in Ituri. As the mining and marketing are carried out in a rather opaque context, there is no data on which we can base ourselves.

PACT⁸² estimates that 2.5 kg per day, or 75 pounds per month, leaves the Mongbwalu region. This figure is based on an estimate of counter sales in town and the number of artisanal gold miners. It is estimated that an artisanal gold miner earns about 1 gram of gold every 2 days.

SRK Consulting⁸³ estimates production in the region Mongbwalu at the value of U.S. \$23 million per year (at around 800 pounds with a price of \$30 per gram).

Another report from SRK Consulting⁸⁴ cites the FEC that estimates a production of 120 kg per week for the Mongbwalu area. But the same report suggests a production of 2 to 4 grams per artisanal gold miner per month (!), for the Mongbwalu area, between 14 and 28 kilos per month.

⁸² PACT *Researching Natural Resources and Trade Flows in the Great Lakes Region*, June 2007: page 31

⁸³ SRK Consulting: Mongbwalu Project Final Draft Environmental Impact Study and Management Plan of the Project for Public disclosure; September 2011, page 223

⁸⁴ SRK Consulting: Mongbwalu Project, socio-economic impact assessment report, December 2010, page 50

The survey on the economic impact that SRK Consulting⁸⁵ carried out at the request of AGK, listed the income at the family household level and the conclusion is that 56% of Mongbwalu households have an income of 260 U.S. \$ from artisanal gold mining.

Production was significantly increased with the arrival of rotary crushers that were manufactured in the former studio of SOKIMO. These crushers allow a much higher and much more stable production. Instead of a team of artisanal gold miners working one whole day on crushing a bag of 300 kg, a rotary crusher does it in 2 hours. Only \$ 5 is charged for this.⁸⁶

It is estimated that between 300 and 350 kg of gold is produced each month around Mongbwalu. This is corroborated by a recent report from AGK that estimates that 23 million \$ per year are produced, which corresponds to about 380 kilo per month with the current prices. Specifically for Senzere and Makala, the average production of a single hole's team should be between 60 and 120 grams. Production in Makala and Senzere is around 1200 grams per month per work site.

Despite the control system, it is quite possible that production is much more than that. The artisanal gold miners often take part without reporting it to the Head of the hole.

A rotating crusher produces between 9 and 27 grams of gold.

The gold amalgam has a concentration between 80% and 87% and alluvial gold (especially found in Yedi) has a grade between 90% and 95%. A Mongbwalu, one gram of gold is sold for \$40-45 and one gram of alluvial gold for \$50. The Bunia prices are higher at around \$50 to \$55.

4.2.6 Internal organisation and distribution

The internal organisation somewhat follows the usual model headed by a CEO, shaft owners and then artisanal miners. But there are still special cases. Above all, this has had an impact since SOKIMO declared artisanal gold mining illegal in 2011 in concession 40. For example, the Kpata site near Nizi has practically no shaft owners. The site gives a chaotic impression where women and children are working. Another example where the work organisation is clearly different is the underground shafts at Senzere and Makala. It is strictly organised allowing the work to be properly carried out.

⁸⁵ SRK Consulting 2011: 227, SRK Consulting 2010: 54

⁸⁶ AGK is obviously not pleased with this development that allows artisanal gold mining to move towards semi-industrial mining. See the paragraph on industrial mining.

The work at Senzere and Makala is very well organised considering the possible dangers. When SOKIMO relinquished subcontracting in March 2011, the former CEOs found a means to keep control of the two mines by reinforcing the role of the trade union or CEMAO cooperative.

Entry into the mines is strictly supervised. Dispatchers must be CEMAO members if they wish to enter the mine. CEMAO has recorded around 2,500 paying artisanal miners but admits that, in practice, not all of the artisanal miners pay. The survey has identified 3,500 active artisanal miners in Senzere alone. In November 2011, CEMAO recorded 67 shaft owners in Makala and more than 100 for Senzere. Despite CEMAO not accepting miners to work in the mines, it seems miners are regularly employed.

Each Wednesday and Saturday sacks of charcoal (wood charcoal) are placed inside new sites inside the mine to reduce and break down the gangues and then facilitate mineral extraction. Up to 25 sacks of charcoal can be used depending on the thickness of the seam. Once the charcoal is lit, entry is forbidden for 25 hours to allow the smoke out. After 2 days, the teams enter and extract for 24 hours then the whole process starts again. Many parts of the Makala mine are full of water rendering this process impossible. That means artisanal miners can stay in the mine for longer. A shaft owner explained that mostly the young artisanal mines can stay in the mine for up to a month when they start. In both mines, you have to crawl in extremely narrow tunnels for long distances over several hundred metres to reach the production sites.

The Dispatchers and porters carry the sacks of mineral to the mouth of the mine to improvised camps where the minerals are gathered together in large sacks. Then the CEMAO members note the number of sacks each team has produced. The product is then placed into smaller sacks of around 60-75kg each. Porters carry these sacks outside the quarry. The artisanal miners must give a helmet of product to CEMAO for each sack carried outside the site. One member is responsible for noting how many sacks a porter takes into town. The porters receive 150 FC per sack they carry from the mine to the CEMAO camp and 1,500 FC from the camp to the town site. It is mostly women who are hired as porters.

The minerals are processed in workshops where crushers work 24 hours a day to grind the minerals. Finally, the gold is extracted by amalgamating the materials with mercury.

Rotary crushers have been fitted since August 2011. That has a significant impact. It has greatly improved working conditions for the crushers. But above all, a full day's production for a manual crusher is done in two hours by a rotary crusher. Most crushers fill 9 sacks of product a day which produces between 9 and 27 grams of gold. The owners of the rotary crushers are generally traders or industrial miners. They charge \$5 for each sack produced.

The demand for rotary crushers is high. Furthermore, many artisanal miners fill sacks with rocks found outside the mine. They sell it for \$5 and if the sack contains more than 2 stems the profit is already made. It's not surprising that AGK is unhappy with this change turning artisanal mining into semi-industrial mining under the concession bought by AGK.

Distribution is determined by local conditions.

The underground mines at Senzere and Makala: The subcontracting system is officially relinquished but as for each sack of minerals, a helmet must be donated to CEMAO. That is a donation of between 4 and 5 grams of gold per team per month to CEMAO. CEMAO receives 80-120 grams per month using this system. The rest is divided between the shaft owner (30-35%) and the artisanal miners (65-70%).

Chantier Vis-à-vis, Mabendi: The Vis-à-vis, Beto-Dollars and Gout Danger supervisors explained that they automatically deduct 30% of the production for the concessionaire, 10% of which is for the supervisor to reimburse the costs incurred. The shaft owner distributes the remaining 70% between the artisanal miners who are not allowed to take the gold outside the camp and are obliged to sell their gold in the site canteen, the only shop and bar in each site. The CEO is the owner of the canteen. When gold production is low, he buys the gold at lower prices (purchase B) and sells food products and other goods at a higher price. In this bartering system, artisanal miners are severely restricted as to how they spend their income.

4.3. Trade channel

Gold flows mainly from Mongbwalu and Nizi to Bunia⁸⁷. But a good part of it passes through the large trading centre at Iga Barrière. The Iga Barrière market takes place each Monday and Thursday. This way, numerous traders buy gold from small traders and artisanal miners, especially those from Mabanga (the biggest quarry after area around Mongbwalu), but also from Ljedi, Yedi and Mbijo. If Bunia is the destination, it certainly isn't the final destination. Significant quantities of gold, also from Mongbwalu, are taken to Butembo to then be exported.

Gold traders are ANORI members (Association of Gold Traders and Operators). ANORI is a powerful association responsible for negotiating all contact between State institutions and the gold traders. It has had discussions with AGK for it to purchase all of the artisanal mining in its concession but to date AGK has refused.

Iga-barrière: There are 80 traders based in Iga. But, for example, the number can rise to 200 at the Monday market. Around 15 kilos of gold is estimated to be sold on Mondays and between 5 and 10 kilos on Thursdays. According to the traders, northern Hema and Gegere dominate the market. The Nandé are almost absent from Iga. The vice-chariman of ANORI, Mr Lonéma Batsi Mukwa personally attends to buy gold each market day.

Mongbwalu: the journey to Bunia is only profitable with at least 30 grams because of the transport, hotel and toll costs. That means profit margins are higher for shaft owners and traders. The Nandés are almost absent from Mongbwalu (according to our sources, there are 7 out of a total of over 200 traders). But we must be careful with these data because according to other sources, most traders are in fact Nandé. It seems there is a good number of small traders but that these traders work for a small number of large traders in Bunia and Butembo. It is estimated that a good part of the profit from the gold trade in Bunia is destined for Butembo, the source of manufactured goods in general. It is important to note that many shaft owners are indebted to Mongbwalu traders, who, in turn, are agents for the large traders from Bunia and Butembo. Among them the Nande, Edmond Kasereka, who resides in Bunia, seems to be the main trader who funds the other traders and operators. As many traders also trade in goods (mainly from Butembo but also Kampala), gold is often exchanged directly for goods or petrol transport. The big traders from Bunia are in turn often funded by foreign traders like Raju in Kampala. Finally, the individual artisanal miners are often indebted either to the shaft owner or a small trader in Mongbwalu. This is effectively the debt dynamics that determines the gold trade channel.

Mabendi, Mosaba group: Gold is mainly sold on market days, Wednesdays, Fridays and Sunday. Around a kilo of gold is sold each market day. Despite the abominable road conditions, Mbijo gold is mainly sold in Bunia and the gold produced in Makofi is exclusively sold in Ariwara. A Lendu supervisor explained that it is only profitable to travel to Bunia with 50 grams of gold or more and that the average trader travels to Bunia 2 to 3 times a month. The price of gold (purchase A) is between 45,000 and 46,000 FrC.

2/3 of the gold produced in the sites around Mbijo (7 kilos a week) does not reach the Mbijo market as the artisanal miners are not allowed to sell this gold themselves. The gold produced in the sites is sold directly by the supervisors in the large trading centres. As for the gold produced in the private sites in Mabendi, where the supervisor sells his gold will depend on his community relationships and contacts. Alur, for example, prefers to go to Mahagi or Ariwara, arguing that gold prices are better there. However, the Lendu prefer to go to Mongbwalu or Bunia, also claiming that prices are better. Finally, the Nande sell their gold directly in Butembo or to a Nande in Bunia. Furthermore, the supervisors are regularly indebted to associated traders and are therefore obliged to go back to the same person.

The CEOs ensure that there are no other traders in the site to hold a monopoly on any trade. Only when there is an explicit requirement that the CEO does not want or cannot meet will another trader have permission having paid a premium to the CEO. The artisanal miners also often incur debts with the supervisors. The same is true of the supervisors who incur debts with suppliers to whom the gold is then sold at a lower price.

⁸⁷ Before AGK had redeveloped the road, it was impractical which meant that gold was mainly sent to Ariwara in Aru territory

4.4. The taxation system

There is no fixed taxation system. Generally, it is a matter of negotiation between all of the parties and at every level. There are several State departments that impose taxes. These are the Bureau of Mines, DGRAD, DRPO, etc. SAESSCAM is the one-stop-shop for tax collection. Given that it is generally small, it is often accompanied by the PNC. In addition, there are customary duties to be paid. These duties vary from one place to another.

SAESSCAM is generally well regarded in the large sites like Senzere and Makala and the CEMAO members explain that they always make a contribution (but not always the 5% officially indicated). The fact that CEMAO voluntarily contributes to CAESSCAM [sic] is explained in an AGK study by the fact that contributing to SAESSCAM gives official acknowledgement and legitimacy to the small mines.⁸⁸ Such a system also exists in Mabendi where “forest fund” taxes are paid enabling environmental destruction.

Nizi: Gold traders are subject to Bureau of Mines taxes which calls on each trader each month together with the PNC. The Mambisa chieftain tries to keep a record of all the supervisors and shaft owners to recover taxes but, according to him, this is generally in vain.

The road around Nizi is full of blockades. At Iga Barrière, a polimine toll marks the boundary between the SOKIMO mining area (A). Before reaching Nizi, you pass through a SOKIMO taxation toll where every vehicle is theoretically inspected if there is gold. Finally, on arrival at Nizi, there is a DRPO taxation toll with PNC. Each of these tolls pose huge problems for traders without good political connections.

Mabendi community chief: The FARDC collects money in the Gbado site which they explain is money to maintain the road and to build their military camp. At the Tokomeka site, finally, the FARDC asked for shafts to mine. Furthermore, the FARDC have a road toll close to the camp where pedestrians pay 300FC, cyclists 500FC and motorcyclists 1,000FC. Such tolls heavily increase the prices of goods which are generally transported by bicycle.

Mabendi, Mines Department representative for Mbijo and Akwe: Alongside the customary taxes there are formal taxes. There is a 100\$ DRPO tax for the use of motorised pumps. Also, there is a \$100 tax on motorised pumps imposed by the community chief. Finally, there is a Forest Fund tax of \$1,825 per hectare used for mining. But this tax is not corroborated by any official publication and appears to be illegal. The supervisors in distant, isolated sites like Mabendi have a different opinion. They acknowledge, and complain about, these taxes but add afterward that the price is not fixed and there is room for negotiation. They also talk of « Energy » and DGRAD taxes that vary and are not regularly enforced.

But there are also taxes that are less negotiable. During the first day of the survey, two dead artisanal miners were brought from Pili-Pili to Mbijo and another from Vis-à-vis. En route to Vis-à-vis we passed PNC officers with a Judicial Police Officer along with men in handcuffs. They were coming from Vis-à-vis to report on the collapse causing the deaths. The Vis-à-vis CEO had to pay \$500 to the Judicial Police Officer and the PNC commander for these documents. When there is a rape, a theft or a collapse, the Judicial Police and the PNC arrive at the site and charge huge fines called investigation costs for the State Prosecutor.

In particular, the commander of the PNC sub-post at Mbido, called Toss, is known for threatening and extorting the artisanal miners. A recent example is a couple of young artisanal miners who found gold in an old, disused shaft. When the news got out, commander Toss arrested the youths stating that they had done something illegal by crossing a public road. They had to pay 15 grams of gold before being released from prison.

Jacques Ukuku, local Mines Division representative at Mbijo and Akwe explains that there are two main taxes for miners. There is an annual occupancy tax consisting, firstly, in a cow (typically paid as 3 kichele) which the supervisors have to pay to the customary authorities and, secondly, 2 kichele to the group chief. These customary taxes are not covered by any official legislation.

⁸⁸ SRK Consulting: Mongbwalu Project, socio-economic impact assessment report; December 2010, page 46

4.5. Artisanal mining

As defined in the preceding chapters, it is only the production made at Nizi that we class in this category since it is carried out using dredgers.

The Nizi site has been operated by Mr. David Kim Cho Soo since July 2009, a South Korean with his company, DKCS. Mr Kim works between Iga Barrière and Nizi, currently in the Bahema Baguru chieftainship.

The dredger used by Mr. Kim is probably the most powerful one in the East of the DRC and possibly even in the entire DRC. The dredger gathers at least 300 grams of gold per day at a price of \$1,000 a day for around 600 litres of fuel. On average, it produces 10 kilos of gold a month with a value of \$400,000 USD. Other than the dredger, he has heavy machinery like tractors and bulldozers etc.

However, the work with this machinery requires a river deviation thereby creating basins which are then channelled into the dredger. Therefore, it takes 5 days to obtain the alluvial gold from ten metres of riverbank before starting the next section of the river. Mr Kim does not work when there is a lot of rain. He has around 35 employees and is supported by a TD (Technical Director) with rather a lot of production experience as well as in local conflict management in Angola. He also has an adviser with military experience. He hires local artisanal miners to work with his team.

Outside of working hours, Mr Kim lets his workers, who are artisanal miners, into his quarry for their own purposes.

The DKCS operations are very controversial. It is unclear whether it pays taxes, to whom they are paid and how much is paid. The road blocks are rather significant but it also seems to be robustly protected. There is considerable tension between DKCS and the local population. The equipment broke the bridge over the river Nizi obliging everyone to either use the bridge several kilometres away or cross the river itself.

The fact that the river bed has changed because of the production entails open or potential conflicts as the river is the administrative border between chieftainships and groups. These customary authorities no longer know where their boundaries cross and consequently who is entitled to receive the customary duties.

Another point is that the artisanal miners get angry each time the dredger occupies part of the river previously used by them.

4.6. Industrial mining

There is only one industrial miner located in the Djugu territory and that is Ashanti Goldfields Kilo which is a joint venture between Anglo Gold Ashanti (86.2% owner) and the State owned company, SOKIMO (13.8%). The company controls concession 40 in the gold rock belt of around 10,000 km² which is primarily located in Djugu. The most promising part is around 5,575 km².

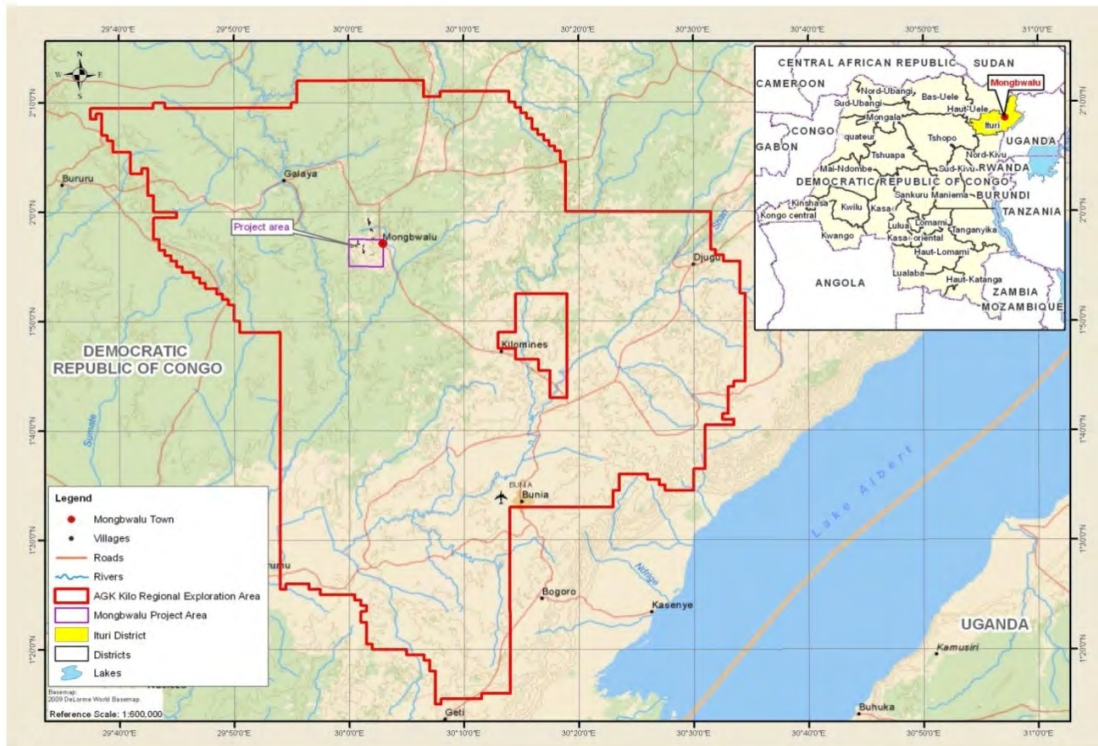


Figure 26: AGK implementation map

The intended mining area is around the city of Mongbwalu and the Mabilindey group. AGK estimates the population to be 50,293 persons⁸⁹. It is estimated that 50% of the households have less than a hectare of arable land and 45% have 1 to 3 hectares but it is noted that land is administered in the customary domain and is often the source of multiple conflicts.

AGK estimates that 38,000 persons, namely 72% of the total population in the project area are partially dependant on artisanal mining for their livelihood and 50% are entirely dependant. AGK estimates that 7,400 persons (of whom 6,500 are men) are artisanal miners in the intended mining area.

Before being able to start its industrial mining, AGK must establish control over this area which is currently full of artisanal miners. A first step has been made by the closure of the Adidi mine. There were approximately 2,000 artisanal miners in the mine and the authorities later declared that 5,000 persons have lost their jobs.

The construction of the underground mine in the Adidi-Kanga mine site near Mongbwalu (ibid: page 21-23) is expected in the first phase. For the time being, no displacement of the population is expected.

It is certain that the start-up of the industrial mining outside of the Adidi mine will have a considerable impact at all levels. First of all, on the artisanal miners who must seek work elsewhere. All of their families will find themselves in an uncertain position with regard to their livelihoods. Furthermore, all the money earned with the sale of the gold will disappear.

During these case studies, a lot of artisanal miners have expressed their concerns over the future. AGK considers these artisanal miners in their concessions, and especially in the project area, to be

⁸⁹ SRK Consulting: Mongbwalu Project Final Draft environmental Impact study and Management Plan of the Project for Public Disclosure. September 2011, page 211

illegitimate but recognises that stopping them from mining simply won't work⁹⁰. Everyone (the customary authorities, law enforcers, small time miners and the *mamans de restaurant* point out that if AGK bans artisanal mining around Mongbwalu, it will be war. Here is an extract from an interview to this end.

« Look, we have everything in Mongbwalu: pharmacies, restaurants, hotels, shops, everything thanks to artisanal mining. Artisanal mining equals money flowing. Stopping artisanal mining will kill Mongbwalu city. And AGK's money will never flow in the city. Their families live in Bunia, Kinshasa and overseas. The money is transferred and spent in their towns and countries where they live, whilst the artisanal miners' money is spent here. »

Moreover, there are also unfulfilled expectations. Many artisanal miners complain that AGK has created few jobs and AGK knows that it will be capable of creating only a few thousand jobs⁹¹. An uneducated worker's salary is around \$200 USD which is less than an artisanal miner's daily income. Furthermore, as artisanal miners, they're free given their ex-soldier roots instead of an assured steady income.⁹²

In any case, artisanal miners are not all against what AGK is doing. The old artisanal miners prefer more stability and are starting to feel the effects on their health, but most of the artisanal miners are young. They're afraid they'll be displaced without compensation.

According to several persons questioned, the lack of development in Mongbwalu is more or less due to the absence of clarity on the part of AGK. The company's representatives explain that the local communities have had no idea about AGK's plans since 1997. Consequently, they do not know if artisanal mining will be stopped or even if they will be displaced. Thus, there's no need to invest any more in agriculture or improving the environment if they're uncertain about staying there.

AGK has produced a dialogue plan with all the stakeholders.⁹³

⁹⁰ Source: interview November 2011

⁹¹ See also Fahey (2011): p 180-181 and p 186-187

⁹² Source: interviews with artisanal miners in Mongbwalu; November 2011

⁹³ SRK Consulting (Aug. 2011): Mongbwalu Project Stakeholder Engagement Plan

5. Gold mining in Irumu

5.1. Irumu

Below you will find a map of Irumu with the number of artisanal miners and sites per registered community.



Figure 29: Map of Irumu with the number of artisanal miners and sites per community.

The Irumu territory is less populated than Djugu. There are vast grasslands which are used for traditional cattle breeding, the largest in the Democratic Republic of Congo. This territory alone had over 70% of Ituri cattle, estimated at 300,000 heads of cattle in 1998 before the breakout of the war in Ituri. There are also agricultural activities and they are performed by a considerably larger population than that undertaking breeding. This activity also attracts immigrants who come in search of cultivation land. Fishing in the Lake Albert plain also attracts people which increases demographic

pressure in the region. The main communities are the Hema, Bira and the Walendu Bindi and N'giti. But you also find Alur, Nande, Lese and others. Identity is strongly fixed in the heads of the communities' members. There are 11 communities in Irumu territory plus the city of Bunia.

Irumu territory is the territory that has always been the least pacific. It is the FRPI that is ever active. Its geographical base varies but its social base is always among the Walendu Bindi. The FRPI is the only armed group dating from the war era in Ituri. The FRPI has never agreed to be involved in one of the three tours of the DRC which took part in Ituri. It was a rebel group from the start of the war with the Walendu community. There has been a movement toward very violent organised crime in recent years which appears to have no political agenda.

The Walendu Bindi community appears to have an ambivalent relationship with the FRPI. Firstly, their sons are the majority in the group, plus there is a lot of history since this is a group that defended the interests of the Walendu Bindi. There is a lot of frustration within this population with regard to its marginalised position and several large inter-community land conflicts, in particular, at the Nombe State Outpost which remain unresolved. But, on the other hand, the FRPI causes a lot of damage in the community with their regular, violent attacks. These attacks are arbitrary, also targetting the Hema community and the Walendu Bindi community. The FARDC has never been able to resolve the problem by military means. Serious negotiations have never taken place.

5.2. Artisanal gold mining in Irumu territory

5.2.1. The distribution of worksites in Irumu territory

Irumu territory contains eleven chieftainships and gold activities have been noted in seven of those. The most intense activity is in the Babelebe and Baboa Bokoe territories. Altogether, they comprise almost half the total number of worksites. In total we have counted 209 artisanal worksites in Irumu. The distribution of sites in the communities is shown in the diagram below.

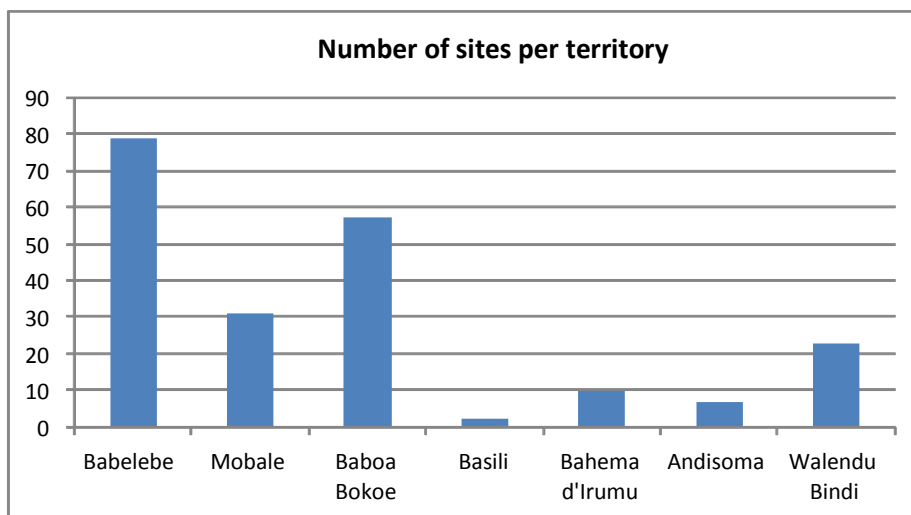


Figure 30: Distribution of work sites in the various communities

Mobala and Walendu Bindi are the largest after Babelebe and Baboa Bokoe. In the other communities there are minimal activities and in the 4 other communities, there is no gold mining activity. Most worksites are within concession 40 and are formally AGK property. The distribution of worksites located in the groups can be found in the annex.

The start-up for many sites is relatively recent and post-war. The number of sites has almost doubled since 2005 (101 out of a total of 209 sites). Above all, the sites at Babelbe (45 new sites since 2005), Mobala and those at Andisoma are the most noteworthy in this aspect. Twenty five new sites have been opened in 2011 at Irumu, 12 per cent of all the existing sites. From 1984 to 2005 an average of only 4 worksites per year have started up out of those currently functional. There are 19 sites which date from 1984. This image resembles that at Djugu. Growth at Mambas is less (21%) and almost non-existent at Mahagi and Aru.

It is no more than artisanal mining in all the sites but motorised pumps are used in 64 sites. Dry gold is mined in 170 sites; amalgam gold in 13 sites and both together in 23 sites. The vast majority of the sites practice drilling. Alluvial mining also takes place in 49 cases and there are pits in 13 cases.

5.2.2. Artisanal miners

We have identified 22,227 artisanal miners in Irumu territory. As already mentioned, the survey took place during the wet season based on the both quantitative and qualitative survey information, staff numbers during the wet season are 30% to 50% lower than during the dry season. Consequently, we estimate that there are between 33,000 and 44,500 active artisanal miners in Irumu during the dry season.⁹⁴

In Irumu territory, the artisanal miners come from predominantly Bira communities (41%). They are from the Irumu territory and present in all the worksites in high numbers. The second group is also well represented among the artisanal miners in all sites and that is the Hema (28%). In the Bahema d'Irumu chieftainship, there are almost the same number as the Bira. Altogether, they make up two thirds of the total number of artisanal miners which is a low number in relation to other chieftainships. This chieftainship is a region with relatively little gold mining activity. Nonetheless, the Hema do not dominate the artisanal miner workforce as in other regions such as the Hema in Djugu, for example. The Ngiti make up the third group representing 14 per cent. They are only barely represented in the Alendu Bindi region with 14% where the FRPI is active. Furthermore, they are also to be found in the new worksites at Basili and Andisoma although in fewer numbers. Generally, the Lendu are not well represented in the gold workforce at Irumu (not taking into account the Ngiti).

For the exact number of artisanal miners per group, see the annex: « Distribution of worksites per chieftainship and group »

⁹⁴ See also paragraph 2.2.2.

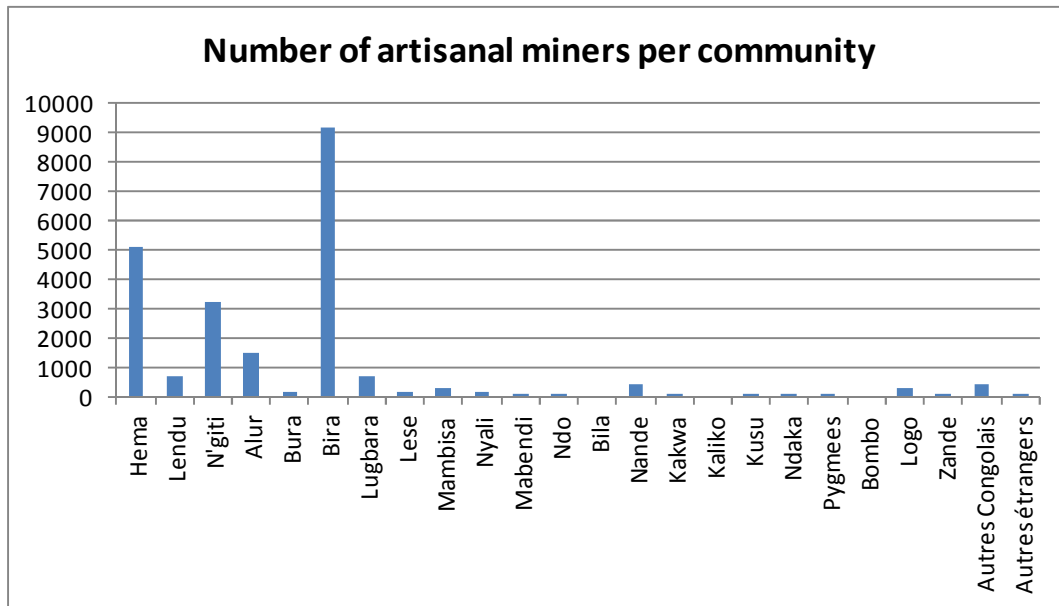


Figure 31: Number of artisanal miners per community

The artisanal miner population is partially composed of those born in the nearby region and partially the mobile and nomad population.

We find two types of artisanal miner in Balanzana. One type comprised of nomad artisanal miners. They move from site to site and have no fixed abode. They are known as « free women ». The others regard them as irresponsible: they are unmarried, they visit prostitutes, they consume alcohol and marijuana etc. They are potential agitators who do not contribute to the community. A proportion of them is former soldier. The other type of artisanal miner is well established with a nearby family to feed. This type of artisanal miner often is not only an artisanal miner but cultivates a small plot and uses this income as additional income. It is said at Balanzana that we are farmers in the morning and miners in the afternoon.

Out of the artisanal miners, 91% are men, 1% are women and 8% are minor boys. The percentage of men corresponds to the average, the percentage of women is much lower. It is notable that there are comparatively more boys who work in the work sites.

Dieu Merci site, Balanzana
Gold work is also part of the children's lives, above all, the boys'. After school they join their fathers in the pits and shafts. One of the artisanal miners explains that the gold is equivalent to hope: the old men who worked the gold in the past and who are rich today serve as an example. Women are not allowed to access the mines but they often carry bags of minerals to the village.

5.2.3. Conflicts and the security situation

There are 20 documented land conflicts around the artisanal mines. They are either site boundary conflicts or conflicts over use. Often this type of conflict is a method of renegotiating rates with the customary chief or the plot owner. There are no reported administrative boundaries. There have been 10 reported conflicts between artisanal miners. That seems relatively low. There is one reported conflict connected with changing the riverbed.

The following table shows the PNC, FARDC and ANR presence around the mining industry in the territory.

Name	Every day	Each week	Each week	During profit sharing	Occasionally
PNC	3%	12%	20%	1%	19%
FARDC	0%	6%	0%	0%	5%
ANR					3%
Armed group					1%

Figure 32: Percentage of sites with security services or armed group presence

In 55% of the cases the PNC is present in the mining areas in some form or another. The FARDC in 11% of the cases. Everywhere the PNC has a daily presence and half of the cases where there is a weekly PNC presence, everywhere there is a weekly FARDC presence as well as everywhere there is an ANR presence is located in the Walendu Bindi sector. In the other cases which involve « weekly » PNC presence, half of the cases where there is a « monthly » presence, as well as the other cases where the FARDC have an « occasional » presence are almost everywhere in the Babelbe cheftainship. The presence of an armed group involves only the FRPI in the Walendu Bindi sector.

5.2.4. Advantages and disadvantages for the communities, the state and customary authorities

Irumu shows the same trend as the other territories in relation to the advantages and disadvantages of gold mining. Among the advantages of gold mining, according to the population, general group development is cited most often (over a quarter of the responses). The opportunities created by the intensified commercial activities on the market and agricultural employment are also important. Another frequently cited advantage is the availability of children's education. In this regard, Irumu is not so different to the other territories.

Of the disadvantages, the negative effects on the environment are well known and the most frequently cited: in almost 30% of the cases. Of the disadvantages cited by the communities, agriculture and education would be abandoned because of the gold mining. That proves that these matters are major concerns deemed priorities by the communities.

The Kunda group is located 12KM from Bunia in concession 40 which operated by AGK. In Junda, 80% of young people under the age of 40 are hired in artisanal mining and at least 60% of all commercial activity is connected with gold in one way or another. The chief at Babelbe has 30 miners in its cheftainship. Gold is the main economic activity but its contribution to environmental development remains minimal.

We can see the same thought patterns in the advantages and disadvantages cited by the state representatives and local chiefs. Their concerns revolve around the payment of taxes and customary duties. Almost 90% of the respondents think taxes are the biggest advantage for the State. On the other hand, most find – as a disadvantage – that these taxes are not regularly paid. The same pattern can be observed for the chiefs and customary duties and are comparable throughout Ituri.

Another concern frequently cited by the communities and the customary chiefs, but almost never by the state representatives, is the « moral decline » in gold communities. Too much alcohol consumption, too much prostitution and night markets which seem to be a sort of marriage market and exchange of other social and sexual contacts among young people are noted. The authorities and the village populations around the quarries see young artisanal miners not obeying their requests, disturbing the peace in their communities and threatening girls and women. Sexual violence is probably part of this decline. That is infrequently explicitly cited in the research but the Local Peace Initiatives and Noyaux Pacifistes des Mamans confirm it in the villages. Local chiefs are concerned by

their reduced authority and that appears in the cited disadvantages: the artisanal miners do not give them their due respect, community tasks are incorrectly performed, the artisanal miners start work on new shafts without permission. Taking all of this into consideration, it could be said that the local authorities feel less respected around the gold quarries. Furthermore, they indicate that the gold communities – that is to say, the artisanal miner encampments and neighbouring villages, would have a low level of social cohesion in relation to the other communities.

They are a priority because there is a lack of development throughout the gold regions as well as in Irumu. Despite its astonishing production, there are only two cars in Bavi: one is the village chief's and one for a supervisor. If we take it as a key indicator: the region is poor like the other gold regions in Ituri. As a shaft owner explains: « Bavi is a region for earning money, not for spending it. »

An example of the lack of development in the gold communities in Irumu can be seen at Kunda.

The chief of the Kunda chieftainship comments: « Look outside. All the straw huts. If twenty five per cent of the young are working in the mines, what's happening with the money ? Why aren't we seeing development in our communities ? The only people who profit are the « nganda » owners where the artisanal miners go to spend their money, and the traders. »

The profit made from the gold does not contribute to palpable development. The benefits the miners could receive are invested in large scale building projects outside the village and at Bunia. « You can see numerous new homes in Bunia whereas we only see poor people here ». All the same, when gold production is high, the money rolls into the local market and into other localities in the neighbourhood.

Another problem is the lack of properly cultivated land. Some respondents explain that agriculture requires more time with no visible result. Conversely, gold production is hard work determined by chance, but the profits are more frequent. Nonetheless, a number of miners, above all « the sons of the community » have a plot of land to maintain. There are often conflicts over the use of land: agriculture or gold mining. According to the law, gold mining comes before agriculture. There are also disputes over concession boundaries. The miners wish to extract all of the gold in their concession. In doing so, they often exceed the legal limits, especially with the underground tunnels.

In the Irumu gold communities, school enrolment rates are low: most boys leave school for mining work and the girls do the same to become seamstresses or cigarette vendors. They also find little jobs in *restaurants de mamans*, often en route to becoming prostitutes.

The research shows that the miners are often ignorant to the negative impacts of using mercury. They mix the mercury into the mineral with their bare hands for hours on end. They burn the mercury with their heads close to the smoke. The affect of mercury on the environment seems nil since the miners do all they can to recover the slightest mercury residue. Only minimal quantities are found in water or land. However, they do know that crushing and sifting the mineral powders can cause lung problems and even TB (tuberculosis). The supervisors do not take responsibility for these workplace illnesses, they are responsible for the miners themselves. When a well collapses, the supervisor or the shaft owner pays a part of the medical and/or burial costs.

The Mining Code obliges miners to cover the shafts and wells they leave behind but they are normally left unfilled which is a dangerous situation.

The president of the local FEC comments on the lack of development in Bavi: « Why don't we see development in this region: The artisanal miners are always drunk (souls). They might find five grams one day. They'll leave four grams at home and they'll use the other one gram for drinks. He'll go home and have another demi-kitchele for himself. I remember when the site opened, the artisanal miners bought 82 « boxes » of Primus and they drank all of it in a single night before going down the pits the next day.

However, the artisanal miners tell a different story. They suggest that one of the gold companies can bring back order and promote development in Bavi. They prefer to be managed by a formal business rather than the life they have now in teams with the shaft owners. Exploitation of the artisanal miners and heavy taxes by the authorities and superiors are pinpointed as an obstacle to development in Bavi.

Most of the artisanal miners interviewed in Irumu think that the best opportunity for real development is by distributing the gold more equitably. There are some who distribute the profits more transparently and reasonably.

5.2.5. Mining and the trade channel

As said elsewhere, it is difficult to estimate the exact quantities of gold mined. What is certain is that it can vary greatly. In Bavi, each of the four quarries produces between two and eight kilos per month, and during the wet season, between two and four kilos. In the dry season, a typical quarry produces eight kilos per month. Contrary to Kunda, we are talking of 20 grams per team working for 24 hours in a shaft. With four shafts in a quarry, that is an amount equivalent to only 1.2 kilos per month.

Mining in Bavi is organised in biweekly sequences and the gold is distributed a week after two of these sequences. The SOKIMO representative explains that Bavi is located within concession 40 and the SOKIMO royalty is 30% of the known gold production. SOKIMO's fee must be paid even if it has not fulfilled its duty since March 2011. SOKIMO does not normally receive the entire 30% royalty: the artisanal miners use « low production » as an excuse. Other artisanal miners cite the figure of 10% to SOKIMO. However, it seems that more often the « supervisors » contribute a gram of gold per shaft on distribution day which is every 15 days. In Bavi, a shaft owner is entitled to 10% to cover grams of gold per shaft. The remainder is distributed between the shaft mining team. Nonetheless, other than this official distribution each Saturday, the miners receive a little money for « soap » and the camp manager is entitled to 5 sand tubs which contain around 1.5 kitchele. Also, a little gold leaves the sites each day. The various bosses describe it as « theft ». On the other hand, the artisanal miners see it as a means to a little food.

5.2.6. Taxation

As elsewhere, each chieftainship in Irumu, each group and gold town has its own special taxes. The taxes are those payable to the community (it can vary from 100 and 200 USD), and the small contributions to the group chief and the prominent community members. Furthermore, a tax must be paid to SOKIMO in the worksites in concession 40. The supervisors are frustrated by SOKIMO as it takes all their profit. On the other hand, SOKIMO no longer pays frequent visits to the work sites because of new arrangements with AGK.

In some places, it is clear that the artisanal miners also take their own « taxes »:

In Kunda the artisanal miners admit that they are « great thieves » and they say that « they steal a little every day ». They take almost a gram every 2 to 3 days which can be 30 to 50% of a shaft's entire production. They steal it as compensation for services not offered by the shaft owner: cigarettes, soap, a little food. If the shaft owner took care of his team, the theft rate would be lower.

There is a very elaborate taxation system in Bavi. The local prominent community members make a lot of profit from it than in other places in Irumu. Also, the FARDC threats, demanding a protection « tax », and FRPI looting add more to the taxes on the porters and artisanal miners above all.

The chieftainship in Bavi imposes the following taxes:

Each artisanal miner is obliged to pay for the artisanal mining card or the access card at 2 USD per year. It is often said that it is replaced by 5 USD/5000CF payable by each miner per shaft in which he works. A shaft owner must pay 50USD/50,000CF to 100,000USD/100USD [sic] for each motorised pump used. Each trader must pay 50,000CF per year to the chieftainship. On opening a new shaft, a supervisor has to pay 2 kitchelle to the chieftainship. And, according to other sources, the supervisor must pay a further 25 grams of gold to the community. Furthermore, the prominent community members impose a tax of 1.5 grams for opening a shaft.

SOKIMO can impose the following taxes: a 3 USD tax per artisanal miner per month, but this tax is not systematically collected. It seems to be justified by article XV of the Mining Code. The SOKIMO representatives impose an additional tax of 2 kitchele for each new work site opened. The traders are obliged to pay the supervisors for the right to access the gold in their quarries.

The state players impose the following taxes: SAESSCAM has noted that the shaft owners pay around 1 USD per artisanal miner in the team per month to SAESSCAM for a mining licence. However, in practice, the SAESSCAM representative does not receive the equivalent in dollars for the number of miners. Instead, he « reaches and agreement » with the shaft owners. DRPO imposes an undescribed payment of 25 USD per shaft. The Department of Energy (apparently the « Minister for Mines and Hydrocarbons ») requires a payment of 100,000CF per motorised pump. The gold traders must pay 16 USD per month to SAESSCAM, which they can pay in installments. In July 2011, the Mines Division made a one-off visit to the traders to sell them fact sheets for 25 USD each. It is not provided for in the Mining Code. But, also, they did not return to collect the contributions for the sheets.

Finally, the military is also a major player in taxation in Bavi. The FARDC camp commander (located between Gety and Bavi and a dozen kilometers before Bavi centre) has some of its 35 soldiers visit the shafts each Tuesday. They collect a 3,000 FC « tax » (3 USD) for each shaft undergoing exploration and 6,000FC (6USD) for each shaft in production. This tax is explained as a payment for protection against the militia but it is clearly extortion by the military. When the artisanal miners and the prominent community members suggested a meeting to discuss this, the commander refused adding that each public meeting must be authorised by the military.

Despite the fact that the miners generally prefer the FRDC presence and even its extortion instead of FRPI militia attacks, they complain of frequent arbitrary arrests by the PNC and FARDC. To be released from this, you have to pay another tax in cash or in gold. An example is the looting of Bavi by the militia in July 2011. The FARDC has retaken the village but instead of pursuing the FRPI, they stayed in Bavi town. While fleeing, the militia left behind their spoils from Bavi just outside the town. Meanwhile, some young men came to recover their property and the FARDC arrested them asking for payment for their release. This situation has caused tensions in Bavi and the commander seems to have lost the community's confidence which doubts the sincerity of his intentions.

5.2.7. Bavi and the security system

The Belgians exploited alluvial gold in Bavi from the river Talolo from 1957-1961. Artisanal mining began illegally at the start of the 70's and intensified from 1975 when the Mobutu authorities began to break up. During the war, Bavi suffered greatly as the focal point for militia and the FPJC self-defence group and FPRI⁹⁵. Today, they are still active around Bavi and Gety. It is the only region in Ituri where you can still find the remains of the war under the leadership of Cobra Matata, the FPRI, a local militia made up mostly of Ngiti. Attacked five times in 2011, the Bavi region is still dangerous and insecure. During the attacks, the soldiers loot, steal, burn houses and rape women and girls. They killed 30 diggers in the Béton Dollar quarries during an incident in 2010. Artisanal gold mining is said to have completely stopped during the war. Conversely, today, gold mining is in full growth despite the risk of attack. This production was quite high following the 2005-2007 war. Then, production dropped to increase once more recently in 2010-11.

In November 2011, there were a thousand artisanal miners working in the shafts. Half of the shafts were in production while the others were being prepared for production. Between 75 and 80 per cent of the population depend on income from mining. Most of the artisanal miners are local Ngiti, then Bira and other Lendu and a few Kivu tribes, and among others the Nande. Before 2005, the biggest presence was Nandé but they left Bavi in large numbers because they were particularly

⁹⁵ <http://www.unhcr.org/49db6d312.html>

targetted by the looters on the Butembo route. While the region is rich and a lot of money can be earned, the population still considers it to be at « war ».

Bavi is where you can see the fragile State in full swing. All the formal and traditional authorities are completely involved in artisanal gold mining. They use their political positions to protect their gold activities.

Indeed, the supervisors' representative in Bavi (i.e. the site bosses) is the manager, a senior supervisor. The number of supervisors varies since, motivated by their own interests and enrichment, they are in permanent disagreement as to their legitimacy and the fees to be paid. So, the known number of site managers in relation to the number of sites can change according to factors such as the type and level of the duties to be paid and the preferences of the authorities which can reinforce and collect them. SOKIMO has relinquished the subcontractor system for the supervisor system for a year now. But the original system continues all the same without SOKIMO's approval.

Then, the PNC commander and Bavi's prominent community members mine all the pits like shaft owners. During the research, some four police officers were absent from Bavi-centre as they were working in their commander's shafts. The SAESSCAM and SOKIMO representatives are also shaft owners. Moreover, the SAESSCAM representative is the son of the biggest trader, namely, the president of the FEC. The formal and traditional authorities select the visitors who may disrupt the arrangements.

In conclusion, Colonel Roger of FARDC also operated a shaft until at least October 2011.

According to the local SEASSCAM representatives in Bavi-centre, you can have 43 traders, most of whom are natives from the region. The FEC (local chamber of commerce) mentions a different figure: there are 50 traders out of the 212 recorded, adding that all of the traders buy gold and a good number of these traders are shaft owners. A considerable number of these traders (the exact number is unknown) are Nande, who come from the Beni and Butembo areas in North-Kivu which borders the South of Ituri. The largest Nande trader bought an average quantity of 10 kg per month during 2010. The small local Ngiti traders do not have the purchasing power for large quantities nor the capacity to offer high prices (52 USD instead of 51 USD). But they have started to put the brakes on the Nande trade. You now have to go to Bunia or Gety to sell large quantities where you can get 55 USD for a kitchele (1.2g) for good quality dry gold from the Bavi region (90-93% pure).

The supervisors, prominent community members (also called, '*les vieux sages*' [*wise old men*]) and the traders try to make the artisanal miners sell their gold in Bavi. One of the site managers recently started to use a restriction in this respect. Other supervisors also say that they will support the sale of gold outside the Bavi region. That is favourable to the supervisors themselves. The SAESSCAM representative, for example, sells gold in Bunia. Likewise, he buys beer and soda for his 'nganda' in Bavi-centre. Despite this, most gold traders tend to sell their gold in Bunia and buy goods in Butembo, the Nande region of origin where the price of goods is lower.⁹⁶

As for the tax « system » in Bavi (see also the above paragraph), it can be summarised as heavy taxation with no structurally enforced tax. It lacks all statutory legitimacy and only benefits the powerful in the region. Also, almost every State player has its own direct interest in the mines. There is no police presence as they are busy exploiting a shaft, the head of the SAESSCAM supervisory body is the owner of one or two shafts, the local FARDC battalion extorts the artisanal miners, the shaft owners and the supervisors. It is unknown how the prominent community members profit in Ituri. Furthermore, the FRPI occasionally calls to collect its « duties ». The economy in Bavi is contained,

⁹⁶ See the section on the gold trade in the chapter on Mongbwalu for more information on the Bunia trade in Butembo.

isolated and totally local where a special economic policy has been created in Bavi. The artisanal miners and the population suffer in such circumstances as they depend on these figures. The State allows the situation to persist. It seems it does not dare intervene while there is FRPI presence. The local powerful figures seem aware of this unique situation which allows them to benefit from a local « economic insecurity policy ».

6. Gold mining situation in Mahagi and Aru

6.1. Mahagi and Aru

The two territories of Aru and Mahagi are presented together here given the limited level of artisanal mining activities. The two territories are located in the extreme North East of the DRC with a long border with Uganda and even touching the border with Sudan in the Kakwa chieftainship in Aru territory.

The Mahagi territory is almost homogenous with 7 Alur chieftainships and 1 Walendu Watsi sector. The Alur people, which also lives in Uganda, is the largest population in the Ituri district. The Mahagi territory is also the most populated in the district. It is the smallest territory with a population of around 1,800,000 inhabitants. The average density is around 330 inhabitants per km² but there are places, especially in the east, where density reaches 500 inhabitants per km². Consequently, there are numerous land conflicts which are becoming increasingly violent. These land conflicts are also damaging to relationships at all levels. Density, lack of land and lack of perspective, will certainly influence the future of gold mining in the territory.

In the Aru territory, the community image is less homogenous. The Lugbara people is the main ethnic group but there are also Ndo, Kakwa, Kaliko, Madhi and others.

There are two cities in both territories: the city of Mahagi and the city of Aru and two new ones which have just been added, Ariwara and Ingbkolo. But there is a large trading centre called Ariwara located two hours to the north of Aru. The Ariwara centre is very cosmopolitan with people of different origins and even foreigners. Ariwara is still a depot and trade centre for (illicit) cross-border traffic with Uganda. For example, coal is exported from Uganda to Ariwara to return illegally into Uganda once again.⁹⁷ But, in this study, Ariwara is mainly acknowledged as a gold trading centre. It is mainly the gold from Watsa and Durba in the Haut-Uélé as well as the gold from Mahagi which is sold at Ariwara. Even gold from Mongbwalu passed through Ariwara. The Ugandan influence on commercial activities is quite visible in Aru and Mahagi. Even the current currency is the Ugandan shilling.

Gold mining dates from the colonial era with the former Zani Kodo mine located mainly in the Alur Djuganda chieftainship which is still ongoing on a small scale in the Aru territory in the Aluru chieftainship.

⁹⁷ See Titeca, K. (2009). 'The changing Cross-border Trade Dynamics between North-western Uganda, North-eastern Congo and Southern Sudan'. London School of Economics and Political Science, Crisis States Working Paper, 63(2).

Mahagi

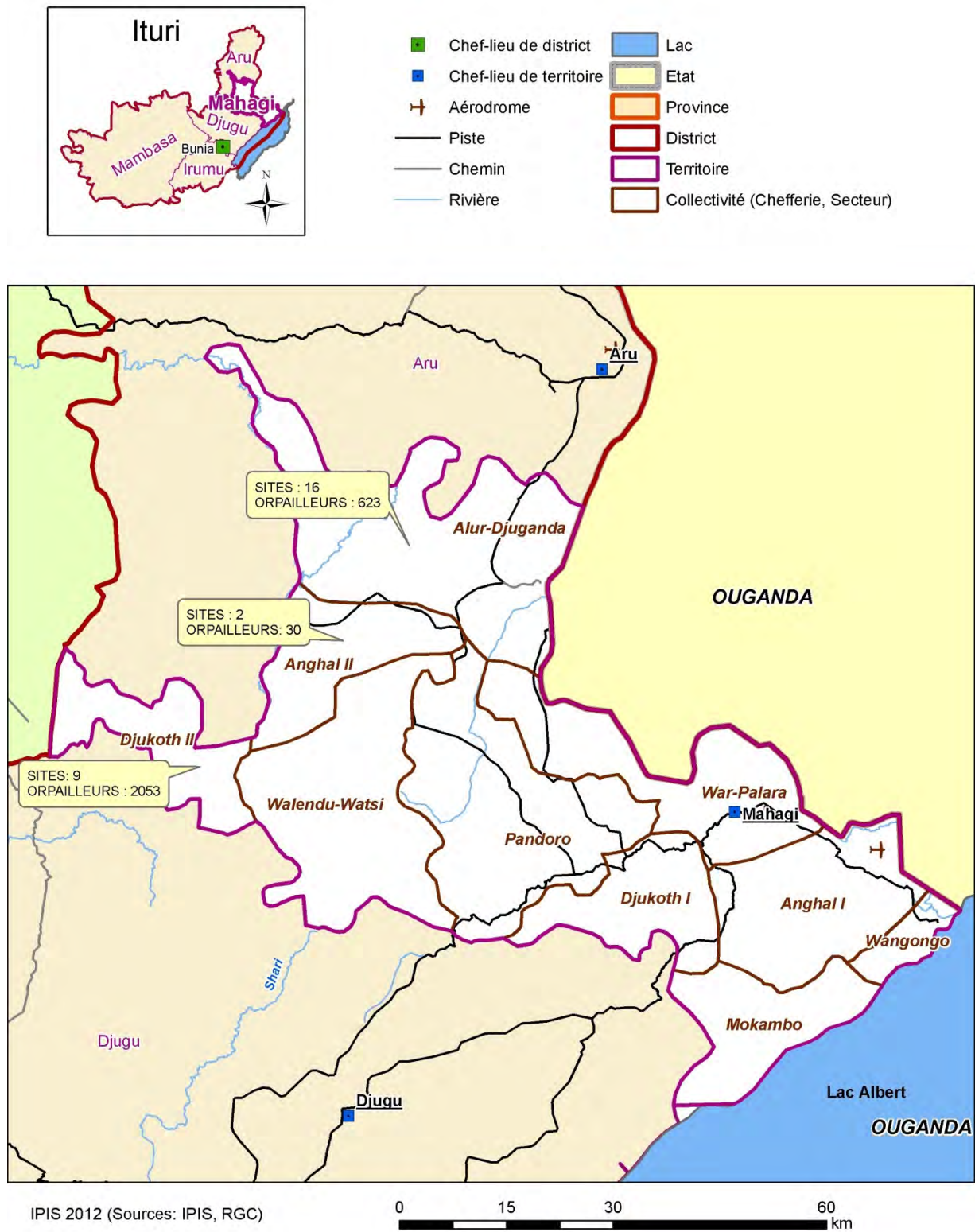


Figure 33: Map of Mahagi with the locations of the work sites and number of artisanal miners

Aru

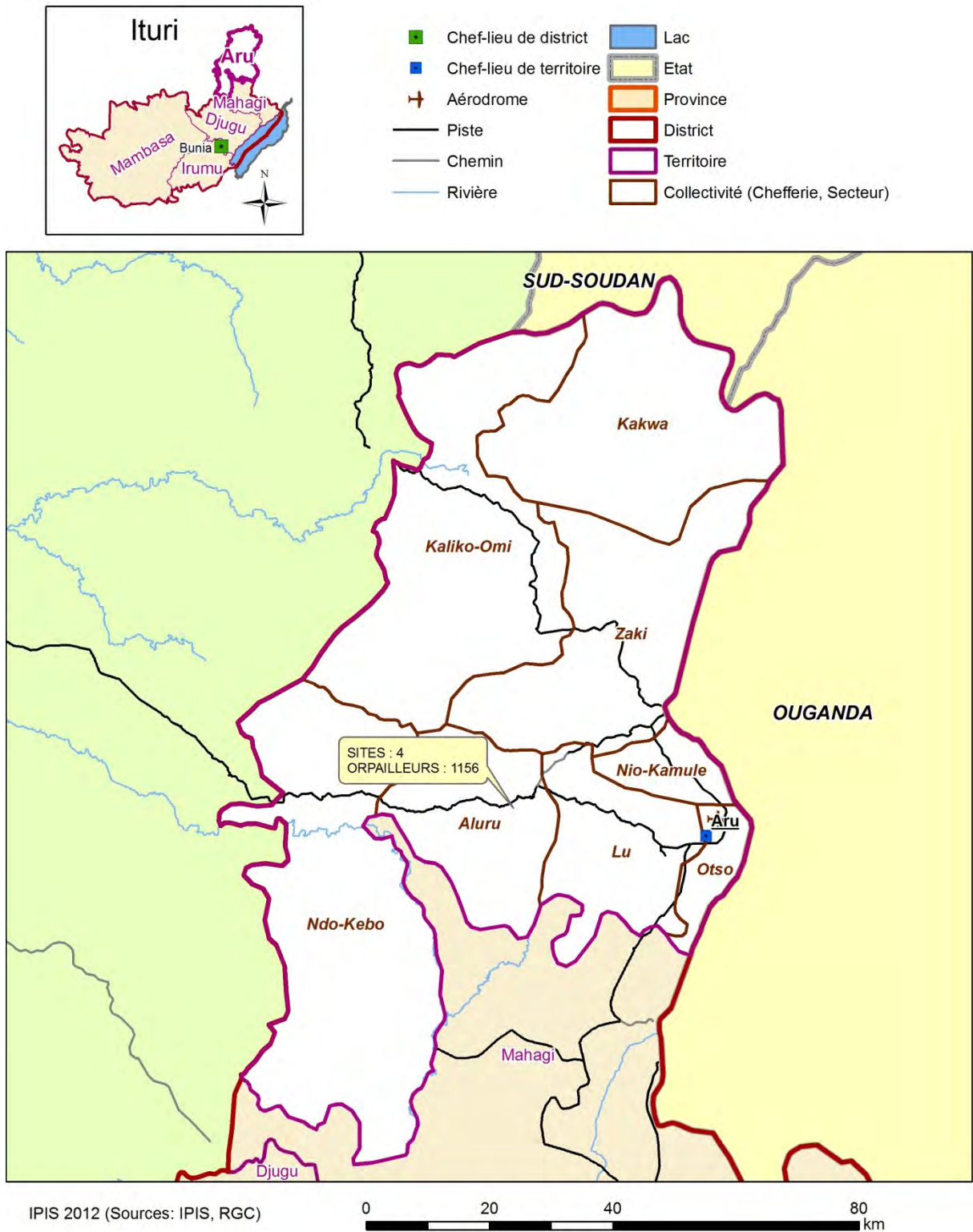


Figure 34: Map of Aru with the locations of the work sites and the number of artisanal miners

6.2. Artisanal mining in the Mahagi and Aru territories

6.2.1. Distribution of sites

In the Mahagi territory gold mining is located in 3 of the 7 chieftainships. The biggest one is the Alur Djuganda chieftainship with 16 sites, followed by the Djukoth chieftainship with 9 sites and finally the Anghal chieftainship with only 2 sites. All of the mining sites are located in 4 groups in the 3 chieftainships. In the Aru territory, mining only takes place in 2 communities, the Aluru chieftainship with 3 sites and the Ndo sector with only one site. There are 31 sites in total in the two territories.

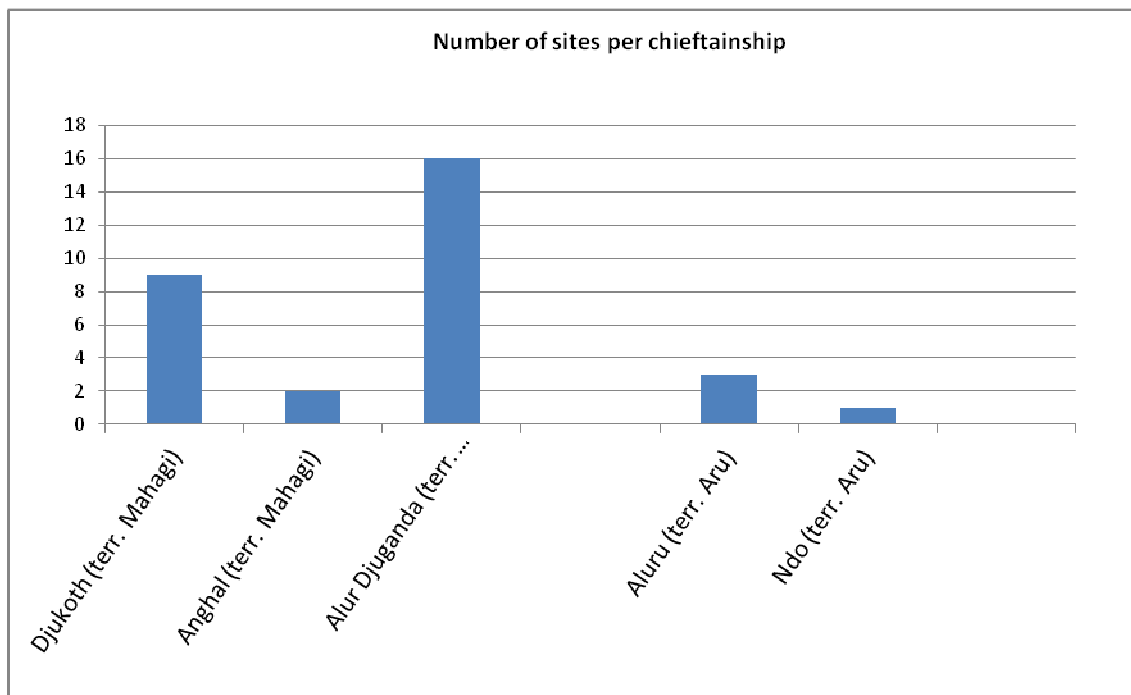


Figure 35: Distribution of work sites in the two territories of Mahagi and Aru

Out of the 30 sites, there are 19 which date from the colonial era and 9 which date from the 80's. There is only one single site that started up during the 90's and the newest work site dates from 2005. That is a different arrangement compared to the other territories. All the other territories have experienced strong growth since 2005 when the war finally ended and when SOKIMO began to reissue mining permits to the PDG in concession 40. It seems, and this is confirmed by the case studies, that interest in artisanal mining is considerably lower in the two territories of Mahagi and Aru than in others. Also, the Alur, as the biggest population in Ituri, are relatively few in number as they are located in multiple work sites in the other territories which still attract everyone's interest.

The Apodo site is located in the Awuko group. Together with the Azumba site, there are 2,500 artisanal miners during the dry season, mainly in alluvial mining. According to history, artisanal mining began illegally in 1975 when a woman discovered gold while collecting manioc. Around 1979, six other illicit work sites were opened in the Awuko group and all the current quarries were opened in 1982. Industrial mining has never been intensive: the site was once a Kilo Moto farm called Kerekere. In the initial period, the FARDC frequented the site regularly. Between 1985 and 2005 artisanal mining had almost ceased owing to ongoing insecurity. Finally, with a reduction in mining, the insecurity also reduced.

Nzani is a mining encampment come village almost 25 km from Djalasiga in the Alur Djuganda chieftainship. The site falls within SOKIMO's Nzani Kodo branch and is located at the heart of the Mwana Africa concession (former concession 39). Artisanal mining around the Nzani village is focussed on dry gold in a large selection of shafts as well as alluvial work sites around the Gbadolite hill which, in turn, is the heart of the Mwana Africa mining project. Alur Djuganda is clearly an Alur chieftainship and the Alur are effectively dominant in the site's social and economic organisation.

Nzani was the location of quite a productive mine which was closed following the massacre of Belgian expatriates during the 1960 rebellion. Djalasiga has not directly developed into an artisanal mining area since under Mobutu, it was a military operations zone. But mining had commenced somewhere before the war began. During the war, it was commander Jérôme Kakwavu with the FAPC and the Ugandans who fought against the FNI and who finally won control of the area around Nzani in 2003 – 2004. They drafted an agreement with a Ugandan company to facilitate dredging operations in the Nzani river. The dredging was abandoned not far from Djalasiga. According to the local SOKIMO representative, artisanal mining in the Lelemodi work site began in 2007.

In total, there are 24 sites where artisanal mining takes place and 7 of which where semi-industrial mining is also practised.

Dry gold is mined in 21 sites and amalgam gold in 6 sites. Dry gold and amalgam gold is mined together in 4 sites. All of the sites combine mining in shafts either with mining in the pits or in rivers.

6.2.2 Artisanal miners

According to the researchers, 3,862 artisanal miners are active in Mahagi and Aru. We note that the research finally took place when the wet season had just started. Many artisanal miners had already left their sites to work in the fields⁹⁸. We estimate that between one third and/or half had already left the work site, rendering the estimated total during the dry season somewhere between 5,800 and 7,700 artisanal miners.

Diversification per age and gender is interesting. 72% of the artisanal miners are men, 10% of the artisanal miners are women, 7% are girls and 11% are minor boys. We note that the minors together make up 18% of the artisanal miner workforce. This division by gender is noteworthy and does not match the other territories. It is mainly in Djukoth and Djukapanya that minors are found in the sites. We have found no clear reason for this departure from the average.

The Lelemodi work site surrounds the entire Zani village. There are currently between 120 and 150 artisanal miners who work in Lelemodi in teams of between 10 and 20 artisanal miners. There is an alluvial mine next to the village in which the river has entirely disappeared due to the artisanal mining. On the other side of the village, there are pits where the teams dig for sand which is then transported to the alluvial mine for washing. There are many children who work in teams of 2 to 5 children in the alluvial side for washing.

In the community, the Alur are by far dominant followed by the Lugbara and Ndo. There are discrepancies between the two territories since the large number of Alur is to be found mainly in the Mahagi chieftainships. The proximity to the Ugandan border can also be felt with 46 foreigners and 64 « other Congolese ». Given that non-Congolese are banned from artisanal mining, that they have been otherwise registered cannot be excluded.

⁹⁸ See also the section on the number of artisanal miners in the Ituri summary

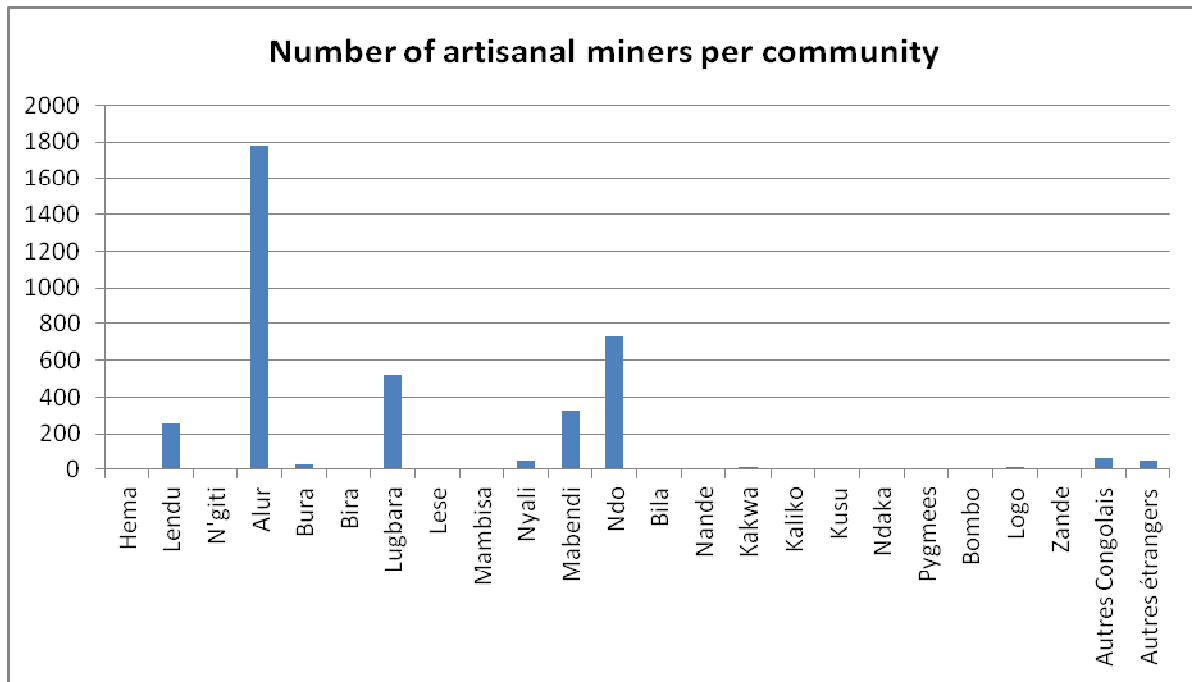


Figure 36: Artisanal miners' original communities

6.2.3 Conflicts and security

Of the 26 sites, there are conflicts between gold miners reported on 9 sites. In 16 sites, there is a conflict over the site boundary, that is, a conflict over tenure. It may be that this type of conflict is part of negotiations to obtain supplementary rights.

The Lelemodi site surrounds the Zani village on all sides. In the study, there were between 120 and 150 active miners on the site who work in teams of 10 to 20 miners. On the edge of the village, visible from the road, there is an alluvial mine in which Nzani River completely disappears in the locks and holes of varying depths. The other side of the village is marked by large riverside shafts in which teams of artisanal miners dig the sand that is then transported to the alluvial mine on Nzani River for washing and treatment. On the alluvial side of Lelemodi, there are many children who work in teams of 2 to 5, mainly in washing sand.

The representative of SOKIMO is also the manager of Nzani village. With his recovery unit consisting of aids or members of the managerial staff, he supervises and coordinates all production in Lelemodi. There are 4 sub-contractors who work in Nzani including the representative himself. The organisation is such that the representative of SOKIMO is in charge of taking any decision relating to artisanal gold mining operations.

The following table gives an image of the presence of the PNC, FARDC and ANR around the mining centres. This involves all of the Mahagi and Aru.

Name	Every day	Each week	Each month	Duriing sharing of quarters	Sometimes
PNC		10%	3%		48%
FARDC			3%		48%
ANR					10%
Armed Group					

Figure 37: Percentage of the sites having a presence by the security services

We can conclude that the PNC is in one way or another in 60% of cases regularly in contact with the mining sites. This rate is almost the same for the FARDC. It is in particular in the group of Djukapanya (Mahagi) that their presence is marked. Compared with the presence of the FARDC, it may be noted that Mahagi was a military operations zone during Mobutu's reign as well as in recent years. In the incidents that took place with Uganda relating to the oil prospecting in Lake Albert, an FARDC camp was established in the territory of Mahagi making their presence more relevant.

6.2.4 Advantages and disadvantages for the communities, the State and the Traditional Authority

Of the advantages referred to, the most important (71%) is obtaining educational resources, immediately followed by a market well provisioned with basic primary products (68%). These are followed by general development of the environment (35%) and employment (32%).

Regarding the disadvantages, firstly there is a high level of consumption of alcohol (72% of cases). This is also supported by case studies. The two other disadvantages, each in 35% of the cases mentioned, are leaving school and the production of gold to the detriment of agriculture. These

The table shows a small variation with the average results for almost all categories. Generally, it is thought that the gold contributed to development in Apodo. Artisanal mining also contributed to the construction of several houses of permanent structure together with the acquisition of several motorcycles and several cars.

However, the authorities also emphasise the decline in morals in young people who leave school, consume alcohol and drugs and go into prostitution.

It is remarkable that the Lugbara do not give priority to the exploitation of gold compared with agriculture. This is also shown by the limited rights that are granted to miners.

are followed by the categories generally associated with morals, involving about 25% of the cases cited. These include very young mothers, lack of respect for parents and crime against fields followed by the high number of cases of tuberculosis, damage to the environment, decline in morals, intrusion on privacy, prostitution, breach of human rights, STD/HIV.

Artisanal miners often suffer from health problems due to the high consumption of alcohol. Their life expectancy is estimated at about 35 to 40 years.

Regarding the advantages and disadvantages for the State, the same image is seen everywhere. All the advantages involve the collection of tax and any disadvantages relate to the non-collection of tax. As indicated in the introduction, the social contract between the State and the people is visible here.

For the traditional authority, the image is the same. The advantage is the collection of customary duties and the disadvantage is the fact that the duties are not sufficient or are not paid. The only difference compared with the State is that in several cases the fact that the population no longer participates in community work is referred to as a disadvantage, and the fact that the population pays subscriptions more easily as an advantage.

SOKIMO is still active in concession 39 and is trying to collect its taxes. In practice, as always, it involves negotiation. Apart from SOKIMO's 30%, there are no other taxes on gold production in Zani. If a shaft owner wants to open a shaft, he pays \$40 (or one kitchele [1.2g]) to SOKIMO Tax Collection Office. However, the SOKIMO representative also keeps a system in which everyone living in the village pays \$3 each month for a certificate allowing them to live in the camp/village. In addition, the head of the chefferie [local administrative authority] of Alur Djuganda, the FARDC and the PNC all receive "favours".

Artisanal mining in Apodo falls under the ambit of the Service des Mines [Mines Department] of Aru. Traders pay \$40 per month and miners pay \$30 annually plus an inventory tax of \$5 per month. If

the shaft owner uses a motorised pump, he also has to pay \$50 a year as well as \$15 per month. But according to the investigations, shaft owners are able to negotiate a favourable price.

In addition, the head of the chiefdom receives a tax as a customary duty. This tax consists of one (1) kitchele per annum for the head of the chiefdom and one (1) sengi for the head of the group. However, in practice, this tax is applied according to estimated production (when production is high, the chiefdom head will insist on receiving his tax). This tax is not shared with the local authority. When production is high, the FARDC also come and ask for support or assistance.

6.2.5 Distribution and production

It is estimated that the large Lelemodi site produces about 10 kilos per month. The Apodo site in Aru produces about one kilo a month. There are 6 traders who live in Zani village but none of them is registered. The main part of the gold is sold in Djalasiga. The traders estimate that the quantity of

Lelemodi : The miners explain that production is measured in shovels. 100 to 120 shovels of sand are equal to one drum and contain 1 to 3 grams of gold. Individual miners obtain about 1.2 grams every three days. Children get an average of 0.1 gram each half day. A team of gold miners who work in a sand hole is considered to get 6 grams a day and a team working in the alluvial mine is considered to produce 20 grams a week. On the basis of this estimate, production in Lelemodi is about 3 kilos per month. However, according to SOKIMO's secretary on site, production is lower than this and is not more than one (1) kilo every three days, or ten (10) kilos per month. He explained that he has to find 30% of the production owed to SOKIMO. He admitted that he collects no more than 30 grams per month but assured the investigators that this actually equated to 30%. In fact, he negotiates with each shaft owner a fixed amount for each month.

Lelemodi : A certain pastor David obtained an exploitation permit for the Didolo II site near Djalasiga for an amount of \$500. He paid the Mines Department \$1,500 and then spent \$1,450 on motorised pumps and the necessary pipes. At the time of the investigation, he was trying to get enough money to pay the miners. He had already worked with the miners for one week and had achieved production of 30 grams. If this continues, he could achieve \$6,000 per month.

Apodo : About 120 gold miners are active on the Apodo site, spread over 20 shafts. The majority of them are Lugbara with only 10 Alur and 10 Ndaka.

In the dry season, the Apodo site produces about one (1) kilo of gold per month. During the rainy season, it is only half of this. Many shafts close as many gold miners take up agriculture again. Those who stay usually produce about 0.6 grams per day.

The gold is sold locally in Apodo and is then transported to Ariwara via Djalasiga. Trade is controlled by 4 traders from Djalasiga who travel to Apodo regularly to buy gold from known clients. In their absence, the gold miners may sell through agents. The traders pre-finance a large part of the operation in Apodo. But where a good quantity is obtained, the miners prefer to get together and sell it in Djalasiga in order to obtain a better price.

gold sold in Djalasiga is about 20 kilos per month and this also includes the Apodo production as well as that from other sites in the direction of Ariwara. It is thought that previously production was better and the number of traders has fallen. Djalasiga is very dependent upon Uganda for trade. The money used is the Ugandan shilling instead of the Congolese franc.

6.3 Industrial production: the case of Mwana Africa

Mwana Africa has a concession of 1,610 km² in the Nzani Kodo zone in the territory of Mahagi. Mwana Africa, a Zimbabwean company, is an 80% shareholder in a joint enterprise with SOKIMO.

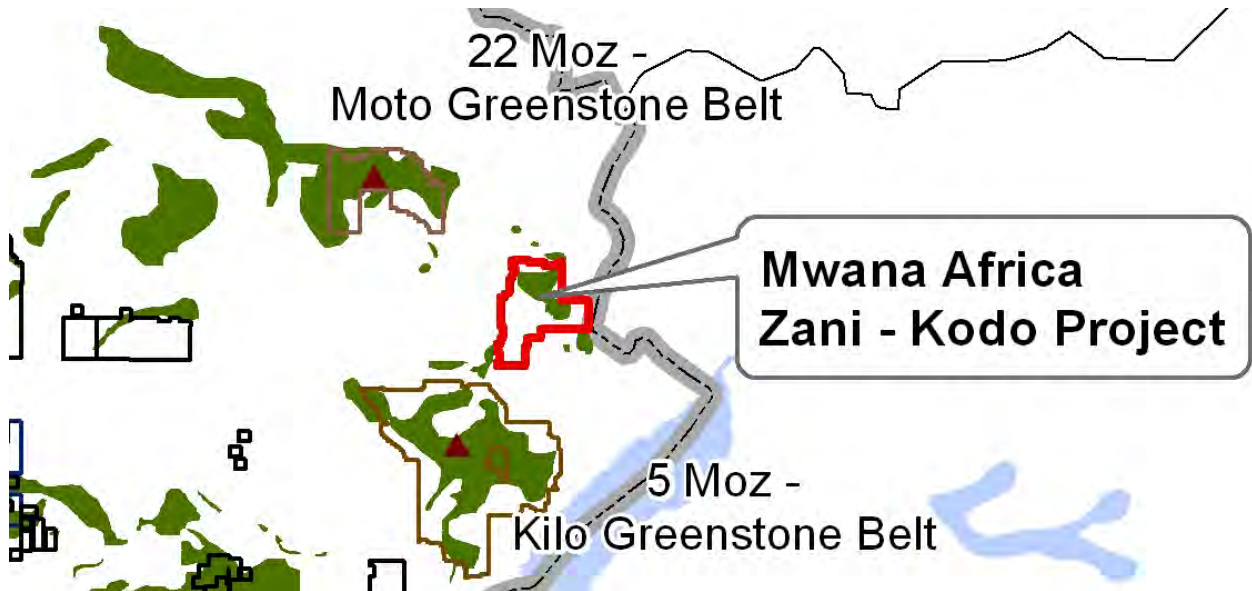


Figure38: Implementation of Mwana Africa

Relations between Mwana Africa and the artisanal miners seem good. The artisanal miners recognise that Mwana Africa has carried out development work, in particular the upkeep of the road between Aungba and Djalasiga, and the rehabilitation of the Mahagi territory administrative office. But the community would like to see more.

What is remarkable is that neither the SOKIMO representative nor the diggers appear to be aware of the fact that Mwana Africa will in all probability stop all artisanal work when the production phase in Zani-Kodo and Gbadolite starts in a few years time.

7 Summary and conclusions

We have listed a total of 813 artisanal gold mining sites in Ituri, plus 70 sites that we were not able to inspect and that are situated in the Okapi Fauna Reserve. The biggest proliferation is in the territory of Mambasa, with 343 sites. There is little difference between Djugu and Irumu, with 230 and 209 sites respectively. There is little mining activity in the territories of Mahagi (26 sites) and Aru (4 sites). In the territory of Mambasa, the activities are concentrated in the chiefdom of Babila Babombi and are carried on inside only 3 groups. In Djugu, the mining activities are concentrated in the local communities of Walendu Djatsi, Mambisa, Bahema Baguru, Baniari Kilo and Mabendi. In the territory of Irumu, the production takes place in particular in the chiefdom of Babelebe, the chiefdom of Baboa Bokoe, Mobale and Walendu Bindi.

In the rainy season, we listed 66,500 gold miners. There are several reasons and indicators for supposing that the workforces are larger in the dry season. On the basis of the case studies, without taking account of the 70 sites in Okapi Fauna Reservation [OFR] for which we do not know the number of gold miners, we estimate that the workforces during the dry season varies between 100,000 and 130,000 gold miners.

We estimate that 8% are miners. If there are 130,000 gold miners, this means there are about 10,000 children. This percentage may be higher given that “politically correct” answers about age are given. Normally, the miners are hired for light work. Women are estimated at 6%, or 8,000 for 130,000 gold miners. Women’s associations refer to cases of sexual violence, but we do not know the extent of this. Women are usually employed as carriers.

Generally, there appear to be two groups: those who possess a field next to the production and who support a family, and those who have greater freedom. Almost 10,000 are former militia, especially in the zone of Mongbwalu.

It is estimated that a gold miner earns about US \$250 per month (the equivalent of 5 grams on the basis of the current price). Consequently, overall, gold miners in Ituri earn between US \$250 million and \$300 million per annum, an enormous amount in the Ituri economy. This excludes the income of CEOs, shaft owners and any other agent involved in gold mining. A current estimate is that the number of people directly dependent upon gold mining oscillates between 500,000 and 650,000 people. The number of people indirectly dependent is even bigger. Every month, new money enters the economy, offering everyone supplementary income.

In Djugu, Irumu, Mahagi and Aru, the local artisanal miners are dominant. But this dominance differs according to the place. With 80%, the Hemas represent the main gold miners in their chiefdoms. They are followed by the Lendus who represent 50% of the gold miners in their sectors. But even in these local communities, there are pockets with a dominance of artisanal miners coming from elsewhere. Generally, it may be concluded that the attachment of the majority of gold miners to their community is higher in these 4 territories.

In Mambasa, the natives in the territory are in the minority. With 30%, the Nandes, originally from Nord Kivu, are the largest community present in the mining sites in Mambasa. In some groups, like Bakaiku, they even consist of half. Some gold miners come from a long way away. Gold seems to constitute a kind of cultural mix that transcends ethnic identities. On the basis of several studies, Mambasa seems to have become a colony of elites and surrounding peoples, preoccupied with the desire for the riches in this territory, as well as gold mining and forestry exploitation.

One third of mining sites were established from 2005 onwards. For Irumu and Djugu, this percentage is even higher, about 50%. The future will testify to the sustainability of these sites but for the time being we interpret this as a sign of increasing interest for artisanal production as a source of subsistence.

There are three (3) types of conflict: 1. over the sites, 2. between the CEOs and landowners, and 3. over the administrative boundaries. A quarter of the conflicts reported concern the CEOs and the landowners. Often, this kind of conflict seems to be an attempt to re-open negotiations over the duties to be paid.

The main security bodies are the FARDC, the PNC, the ANR, private security companies hired by the industry and disciplinary bodies inside the sites. The FARDC are present in the south of Mambasa (Bakaiku group) and in Bavi. 65% of all the sites in Ituri are sometimes or regularly in contact with the PNC. For the FARDC, this figure is 30%. Mambasa has a much higher level of militarisation than the other territories. The south of Mambasa, in the Bakaiku group, is a completely militarised zone. In Irumu, the Walendu Bindi sector has a high level of militarization. We conclude that the gold coming out of the Bakaiku (Babila Babombi, territory of Mambasa) and the Bavi (Walendu Bindi, territory of Irumu) group effectively constitutes "conflict minerals". In all the other zones, an informal economic policy of extortion is involved. In Mambasa, outside the Bakaiku group, the level of harassment is very high. The level of harassment is also influenced by the level of enclaving (for example Mabendi in Djugu). For example, a single police unit in an enclaved zone has more power than in a zone where there are many players.

There are four main advantages for the communities, as follows : 1. the general development of the environment; 2. the presence of a better provisioned market; 3. employment; and 4. educational resources. The main inconveniences are leaving school, the reduction in agriculture, the very high consumption of alcohol, the destruction of the environment and moral depravity (shown by high levels of transmission of STD/HIV). It is remarkable that teaching is mentioned as an advantage and an inconvenience.

The advantage for the State is the collection of taxes, and the disadvantage is the non-collection of taxes. This reflects the social contract between the population and the State. For the traditional authority, the customary rights are the most important, but there are also other aspects. The fact that the population contributes more easily to community work is mentioned, as well as the fact that the population no longer participates in community work. The compliance of the gold miners with the traditional authority is also considered to be a problem.

The level of control by the CEO over the gold miners increases with the level of the enclaving of the site. Enclaved sites allow stricter management by the CEO than in mines near a community where there is also a traditional authority to which recourse may be had. The practice of bartering is more current in enclaved zones.

There are eight main traders in Bunia and several hundred small traders. Gold is trafficked in Bunia, Ariwara in the territory of Aru and Butembo in North Kivu. Often, and particularly in Mambasa, CEOs are also traders. This puts the gold miners in an unfavourable position preventing artisanal miners from selling their production elsewhere. This unfavourable position is made worse by the practice of bartering (which leads to a lower price for the gold produced) as well as lending conditions for loans to gold miners (they have to repay the loan in gold and at an unfavourable price) which makes the position of the gold miners more delicate.

The operation of the State departments is weak. The Bureau of Mines in Bunia say that they have 88 employees for the whole of Ituri. The reality of the Department of Mines is not in line with what is laid down by law. The Department of Mines suffers from a blatant lack of technical and logistical capacity to carry out its mission. It does not monitor the mining sites and is more concerned with the search for revenues than carrying out its own tasks. SAESSCAM is not operational technically and its role must be transferred to other departments. The lack of operational resources and the insufficient number of works and the lack of professional ability that we saw in Mambasa are not in any way exceptional. Also, the tasks are contradictory with a remit to provide technical assistance and be the sole tax authority. SAESSCAM declared that it has withdrawn the AGK Concession 40 where there are always agents who collect taxes in its name.

Apart from these two departments, there is a plethora of State departments, often seeking taxes of all kinds. The workforce in Bunia is clearly insufficient to cope with the size of the gold mining. There is also a plethora of taxes, all of which are negotiable depending on the configuration of the authority in the local context.

It also happens that a tax contributes to the legitimacy of the gold miners who are recognized by the State as being in a threatening situation felt by an industrial company.

There are no real associations of gold miners. The existing associations are the earlier associations of CEOs. The power is held particularly by the CEOs.

On the basis of the case studies and the literature, SOKIMO occupies an ambiguous position⁹⁹. It is a participant in the joint AGK enterprise but it also sells mining licences to artisanal miners. It also sells equipment to increase artisanal production against the interests of the industry. It also sells permits to semi-industrial miners without taking account of the artisanal miners on site.

Small-scale mining production takes place in Djugu and in Mambasa. This involves dredging for alluvial mining. In several sites, semi-industrial mining is carried out with complete lack of transparency. Conflicts with artisanal miners and traditional chiefs are numerous. There is a lack of clarity over their concession and the mining permit.

The large industrial companies are AGK, Loncor, Kilo Goldmines and Mwana Africa. All four of them are in the exploratory phase but are not far away from starting mining. All four of them have made an effort to establish good relations with the communities under consideration. All four of them are also faced with a gold mining task of enormous size. They have to operate in a context of legal pluralism. In addition, it is not clear who represents the communities or the gold miners. This poses an enormous challenge to the companies. All the artisanal miners are worried about the future when industrial mining starts. The inquiries carried out in Mongbwalu even talk about war.

The current situation is also an obstacle to development. Everyone is refraining from investing whilst the future is not known.

The Conférence Internationale sur la Région des Grands Lacs [the Great Lakes Region International Conference] is very active regarding certification of minerals. It is important that these efforts do not deal solely with the aspects of the so-called “conflict minerals” but also address the minerals mined by artisans under conditions that are often terrible. From this point of view, the BGR pilot project seems interesting, as well as the Fairtrade and Fairmined initiatives. It is very important that not only the zones in conflict are addressed, but the whole of the mining sector.

⁹⁹ We were not able to conduct an interview with SOKIMO relating to this study.

The 5 territories are different with regard to the mining of gold. The most important are the territories of Mambasa, Djugu and Irumu. Mining is not so important in Mahagi and Aru. The level of harassment is greater in Mambasa than elsewhere and is greater in the enclaved zones than zones nearer a community. In Mambasa, the natives are in the minority and mining and the chain of traffic are dominated by the Nande. In the other territories, attachment to the community is greater (but different in degree). The division by age and sex differs between territories. Involvement by semi-industrial companies is varied. They are active in Mambasa and Djugu but not in the other territories. The territories are faced with different companies that have signed contracts as well as various agreements. For example, AGK signed the Voluntary Principles on Security and Human Rights, which other companies have not done. The Bakaiku group in Mambasa is heavily militarised and the Bavi group have a local political economy that is unstable.

8 Annexes

8.1 Annex 1: Jurisdiction of State Departments

1. Le Service des Mines et Géologie [The Department of Mines and Geology]

The powers of the mining centre arise from those generally acknowledged as being possessed by the Ministry of Mines under the provisions of article 7 of Decree no. 038/2003 of 26 March 2003 on mining regulations. Overall, this involves:

- Drawing up and proposing the country's policy in the Mining sector, and conduct it under the provisions of the Mining Code [Code Minier];
- Ensuring and coordinating the promotion and enhancing the value of the mineral resources of the country, and the promotion and integration of the mining sector into the other economic sectors of the country;
- Exercising, jointly with the Ministry having Finance within its powers, the guardianship of the Cadastre Minier [the Congolese Mining Administrative Body];
- Coordinating the activities of the Cadastre Minier and other departments relating to the grant, management and cancellation of mining and quarrying rights;
- Exercising, in coordination with the other Ministries or Departments, the guardianship of Institutions, Public or parastatal bodies involved in mining or quarrying activities;
- Ensuring the inspection and control of mining activities and quarrying works, the protection of the environment and combating fraud, under the provisions of the Mining Code;
- Making research work and mining and quarrying work and their respective dependent units, subject to administrative, technical, economic and social supervision under the provisions of the Mining Code ;
- Conserving, centralising and organising the circulation of information on the mining sector;
- Organising the supervision of all mining production or artisanal or semi-industrial quarrying with a view to promoting improvements in their profitability and the techniques for the conservation and management of the mine in compliance with the rules of the profession ;
- Generally applying the Mining Code and its application measures.

With regard to these powers, the mining agency represents the Ministry in the territory and works under the Chef de Division Provinciale des Mines et Géologie [Head of the provincial department of mines and geology], with the latter reporting to the Provincial Governor.

Under the terms of the Mining Code (article 11), the Provincial Governor has powers to:

- issue trading cards for artisanal mining production;
- decide the opening of quarries for public works on State land.

The Provincial Governor exercises the above prerogatives by provincial Order. The provincial Order is published in the Official Journal.

In addition, the Chef de Division Provinciale des Mines has powers to:

- issue artisanal mining cards;
- grant rights to research products from quarries and permanent or temporary mining of quarries for construction materials for current use.

The reality of the management of the Mines does not match the legal requirements. The management of mines suffers from a blatant lack of technical and logistical capacity to carry out its mission in this area. It does not monitor the mining sites and is more concerned with getting revenue instead of carrying out its tasks.

We also see competition between the national level and the provincial level, and even lower down the scale. The national level grants concessions to industrial mining companies, such as Anglo Kilo Gold, Loncor and others. In the case of the Ituri, the same concessions are sold to artisanal miners.

2. SAESSCAM

Under Decree no. 047-C/2003 of 28 March 2003, SAESSCAM is a public technical department endowed with administrative and financial autonomy. It is placed under the guardianship of the Ministry for Mines.

The purpose of SAESSCAM throughout the national territory is:

- To promote the emergence of a middle class in the Congo in the small-scale mining sector by providing training and giving technical and financial assistance to mining cooperatives and miners in small-scale mining, with the aim of strengthening their managerial capacity ;
- To monitor the flow of materials for small-scale mining and artisanal mining from the site to the point of sale, with a view to channelling all production into the official marketing channel and to combat fraud;
- To supervise, after sale, the collection of the fixed tax payable to the State under the terms and conditions laid down;
- To encourage artisanal miners to group together in cooperatives;
- To encourage artisanal miners and small-scale mining miners, under the Mining Code and its regulations, to fulfil the obligations arising from the exercise of their mining activities;
- To contribute to improving the well-being of the local communities where the artisanal mining and/or small-scale mining is carried out, through integrated development under the provisions of the mining regulations;
- To work with the public authority concerned and the other technical departments of the Ministry and other organisations in the design, manufacture and acquisition of equipment adapted to the geological conditions of the seams mined by small-scale miners and artisanal miners, with a view to improving their qualitative and quantitative productivity;
- To disseminate the security standards on the mining sites and ensure they are strictly applied;
- To ensure the integration of women into the small-scale mining production chain;
- To encourage artisanal miners or small-scale miners to invest in other sectors of the national economy with a view to preparing for the after-mining stage;
- To support and participate in the creation of a fund providing assistance to small-scale mining and artisanal mining for the promotion of small and medium sized mining enterprises.

The minerals referred to and currently the subject of artisanal and semi-industrial mining are listed as follows: diamonds, gold, colombo-tantalite (coltan), cassiterite, copper ore, heterogenite, amethyst, and other precious and semi-precious stones.

In ituri, SAESSCAM has its office in Bunia as well as branches in Mambasa

8.2 Annexe 2 : Institutional organisation

(a) Summary of the legal and institutional framework for artisanal gold mining in the Democratic Republic of Congo

The present section of the study is aimed at clarifying the legal and institutional framework constituting the legal basis for the artisanal mineral mining activities in the Democratic Republic of Congo.

By proposing firstly to state the content of the Mining Code on mining, and secondly reviewing the legal and tax situation for artisanal mining, this section is aimed at a better understanding of the role of the various players in understanding, applying and adhering to the Mining code and its provisions.

(b) Artisanal mineral mining in the Congolese Mining Code

According to the Mining Code, the artisanal mining of minerals in the DRC is carried on as follows:

Artisanal mining permit

Article 111 of the Mining Code stipulates that in the artisanal mining zones, only the holders of artisanal mining cards that are currently valid for the zone concerned are authorised to mine gold, diamond or any other mineral that may be carried out by artisanal mining. The artisanal mining cards are issued by the Chef de Division Provinciale des Mines in the area where the eligible persons who are applying for them are situated and who agree to adhere to the regulations relating to the protection of the environment, health and safety in the artisanal mining zones, in accordance with the methods laid down in the Mining Regulations, after reading them.

We recognise that most of the artisanal miners do not have cards. In our case studies, almost everywhere the miners do not have mining cards and, if they do have them, they are miners' cards issued by many agencies at differing prices.

Obligations of the holder of the artisanal mining card

Under article 112, the holder of an artisanal mining card must adhere to the standards of health and safety, the use of water and the protection of the environment which apply to his mining production in compliance with the regulations applicable. He must indemnify farmers for any damage caused by his activity. The Mining Regulations lay down the methods for the execution of the standards of public safety, public health and the environment.

Conversion of the products of artisanal mining

Article 113 of the Mining Code stipulates that the artisanal mining card does not permit its holder to convert the products of artisanal mining. However, the conversion of products by the artisanal miner may only be carried out under a previous permit granted by the Minister for Mines under his powers.

Withdrawal of the artisanal mining card

Article 114 of the Mining Code states that the artisanal mining card may be withdrawn by the Chef de Division Provinciale des Mines [Head of the provincial mines department] or by his local representative who issued it, after thirty (30) day's notice has been given without the situation being remedied by the person holding the card for any failure to meet the obligations given in article 112 of the present Code. As appropriate, the person from whom the card is withdrawn is not eligible to obtain a new artisanal mining card for a period of three (3) years, unless he undergoes appropriate training in artisanal mining, organised or approved by the mining administration. The withdrawal of the artisanal mining card gives a right to an appeal as provided for in the provisions of articles 315 and 316 of the Code. The mining regulations lay down the methods of organisation of the training in artisanal mining techniques.

(c) Legal and tax system for artisanal mining

The Mining Regulations which are added to the new Mining Code defines the legal and tax system applicable to the artisanal mining of minerals in the DRC. In this regard, it should be emphasised that it is a special system known as the "eminent domain of the State" which gives preference to the Mining Code [Code Minier] over the Land Code [Code Foncier].

This paragraph reviews the rights and obligations of the various players concerned, as follows : the artisanal miner, traders and approved trading agencies.

The artisanal miner

The artisanal miner may be any individual or legal entity of Congolese nationality that works in an artisanal mine over a defined surface area and up to a maximum depth of thirty metres, extracting and concentrating minerals using non-industrial tools, methods and processes. Before commencing its activity, it must pay:

- the entrance fee and the tax on turnover on importation of materials and equipment relating to the artisanal mining;
- the entry fee for reagents;
- the user tax for the artisanal mining card;
- the professional tax on remuneration;
- the tax on domestic turnover.

The Trader

A trader is any individual of Congolese nationality who is involved in the purchase and sale of mineral substances. Under the mining regulations which are attached to the Mining Code, all traders must pay the annual user tax, as follows:

- the equivalent of USD \$500 for Category A traders;
- the equivalent of USD \$3,000 for Category B traders;
- local business tax on remuneration;
- tax on domestic turnover.

The trader's card is issued by the governor but there are significant delays in the issue of this card¹⁰⁰.

¹⁰⁰ Promines p. 27

Approved trading agents/agencies

These are individuals or legal entities authorised to purchase minerals from artisanal mining from traders or from artisanal miners with a view to re-sell them locally or to export them under the provisions of the Mining Code. Approved agents/agencies pay:

- the annual fee on the grant or renewal of the approval: an amount of about USD \$200,000;
- the security on approval which comes to about USD \$50,000;
- the tax on the purchasers card: about USD \$3,000;
- the tax on the supplementary purchasers card (from the 11th card): about USD \$15,000;
- the common interest tax: 1% on gold and diamond transactions;
- the user tax on the foreign work permit;
- real property tax (land tax, vehicle tax, special road tax, tax on mining and oil concession);
- the scheduled tax payable on income.

8.3 Annex 3: Internal Regulations of SOKIMO

The articles of the Internal Regulations of SOKIMO governing artisanal production (Source: Promines p. 45)

- Article 4: SOKIMO may at any time cancel the mining permit for any site that it thinks has industrial potential. In this event, SOKIMO may recover the site in order to mine it industrially. SOKIMO will give another site to the sub-contractor for it to exercise its mining right.
- Article 20: Each sub-contractor must repay 30 % of its production to SOKIMO.
- Article 24: The permit to prospect for gold is granted after payment of five kitcheles of gold. The permit issued is valid for thirty (30) days and is renewable three times.
- Article 33: Before occupying the land granted to it, the site head must pay the sub-contractor five kitcheles of gold, 50% of which will go to the local authorities and not to SOKIMO. The local authorities will then pay these royalties to the traditional communities holding the land rights over the soil that is completely or partially given over to artisanal mining. (This is also indicated in article 37.)
- Article 36: To fulfil its obligations, the sub-contractor keeps 10 % of the royalties received from the site heads.
- Article 37(3): In remuneration for his work, the representative of the sub-contractors receives 5% of the royalties that the sub-contractors give to SOKIMO.
- Article 41(a): Each site will have a sand/gravel depot supervised by the sub-contractor where 30% of the materials owed in royalties to SOKIMO will be stored. The materials owed to SOKIMO are handled in the presence of the sub-contractor and the site head. The production must be weighed, sealed and returned to the sub-contractor who will immediately hand it over to SOKIMO.
- Article 41(b): The owners or the operators of motorised pumps pay back 20% of their revenues to the site head or to the sub-contractor, for SOKIMO. This payment is recorded in a special register.

8.4 Annex 4: Sites and gold miners per group

TERRITORY: DJUNGU

Chiefdoms	Groups	Sites	Number of gold miners
Walendu Djatsi	tchudja	10	1292
	yalala	2	212
	petsi	3	259
	gokpa	6	395
	sesela	10	573
	lodja	8	633
	dzna	4	412
	tsili	3	234
	limani	9	635
	<i>total</i>	55	4645
Walendu Tatsi	Loga	2	108
	<i>total</i>	2	108
Mambisa	Manje	10	441
	taratibo	10	1222
	kekpa	10	214
	kpaddinga	2	105
	mayalibo	1	62
	bendele	3	566
<i>total</i>	36	2610	
Bahema Nord	Ucha	2	260
	Losandrema	2	265
	Singo	2	170

Chiefdoms	Groups	Sites	Number of gold miners
	Malabro	3	106
	<i>total</i>	9	801
Bahema Baguru	Budi	14	682
	Risasi	7	411
	Jako Ndahura	6	260
	Lopa	16	1481
	Iga	4	85
	Lingo	4	243
<i>total</i>	51	3162	
Banyali Kilo	Saliboko	3	145
	Kirongozi	10	309
	Mabilindey	17	3814
	Bedjamasa	10	247
	<i>total</i>	40	4515
Cite Mongbwalu	Mongbwalu	9	2323
	<i>total</i>	9	2323
Ndo Okebo	tchele	1	79
	<i>total</i>	1	79
Mabendi	mosaba	27	428
	<i>total</i>	27	428

TERRITORY: MAHAGI

Chiefdoms	Groups	Sites	Number of gold miners
Jukoth	Jukoth	9	2053
	anghall	2	30
	djupakanya	12	578
	aupa	4	45
	<i>total</i>	27	2706

TERRITOIRE: MAMBASA

Chiefdoms	Groups	Sites	Number of gold miners
Mambasa	mputu	4	140
	Nyangwe	22	1290
	<i>total</i>	26	1430
Bombo	bafawambaya	24	1537
	<i>total</i>	24	1537
Babila bakwanza	bapwele	20	702
	<i>total</i>	20	702

Chiefdoms	Groups	Sites	Number of gold miners
Bandaka	babunde	1	35
	bavaio	5	256
	bafakoe	1	34
	bafakoa	2	96
	<i>total</i>	34	4348
Babila babombi	teturi	91	2374
	bakaeku	76	5185
	bapongomo	62	1436
	mambembe	10	714
	<i>total</i>	239	9709

TERRITOIRE: ARU

Chiefdom	Group	Sites	Number of gold miners
Des Aluru	Kandoi	1	1019
	Sesazuko	3	137
	<i>total</i>	4	1156

TERRITOIRE: IRUMU

Chiefdom	Group	Sites	Number of gold miners
Babelebe	Tondabo	20	3382
	Kunda	10	685
	Mazangani	18	477
	Ngongo	5	538
	Ngombenyama	9	456
	<i>total</i>	79	5538
Mobale	Basunu	8	526
	Bayhana	12	256
	Mayaribo	11	479
	Mayalibo		74
	<i>total</i>	31	1335
Baboa Bokoe	Babulaba	24	3769
	Banjabulu	2	0
	Batale	13	5804
	Bayhana	8	343
	Chendabo	10	909
	<i>total</i>	57	10825

Chiefdom	Group	Sites	Number of gold miners
Bahema d'Irumu	Tchere	2	25
	<i>Total</i>	2	25
	Kabarole	8	246
	<i>total</i>	10	271
Walendu Bindi	Baviba	23	3238
	<i>total</i>	23	3238
Basili	Bandiamusu	2	91
	<i>total</i>	2	91
Andisoma	Chini ya Kilima	1	32
	Loyi Banigaga	6	688
	<i>total</i>	7	720

8.5 Annex 5: References to the literature

Provincial Order No 01/MAA/019/CAB/PROGOU/P/O/2009 (2009).

Autesserre, S. (2012). 'Dangerous Tales: Dominant Narratives on the Congo and their Unintended Consequences'. African Affairs.

Aybeka Kopikama (2010) exploitation artisanale de l'or et développement en territoires de Mambasa et Wamba [Artisanal gold mining and development in the territories of Mambasa and Wamba]. <http://www.memoireonline.com>

CASM (2007) 'Artisanal mining in the DRC, key issues, challenges and opportunities'.

Channel research, sponsored by PACT Congo (2009) 'Etude sur les vecteurs, contraintes et relations des ex-combattants dans les mines artisanales en Ituri' [Study into the vectors, constraints and relations of ex-fighters in the artisanal mines in Ituri '.

Clark, J. F. (2001). 'Explaining Ugandan intervention in Congo: evidence and interpretations'. The Journal of Modern African Studies, 39(02), 261-287

Code minier [Mining Code] (2002) art. 109

Fahey, D. (2008) 'Le fleuve d'or, the production and trade of gold from Mongbwalu, DRC.' In Ed. Harmattan (2008) Afrique des Grands Lacs, Directory 2007-2008.

Fahey, D.(2011, unpublished PhD thesis) rethinking the resource curse : Natural resources and polywar in the Ituri district.

Fahey, D. (2011) 'The new gold rush: post-conflict mining and trading in the Kilo belt' in Ansoms & Marysse (Ed.)(2011) Mineral resources and local livelihoods in the Great Lakes region (Palgrave MacMillan).

Fairtrade Foundation (2012) 'Every piece tells a story' <http://www.fairtrade.org.uk/gold/>; withdrawn on 6 May 2012.

Geenen, S. (2011) 'Local livelihoods, global interests and the state in the Congolese mining sector' in Ed. Ansoms & Maysse Natural resources and local livelihoods in the Great Lakes Region, a political economy perspective.

Geenen, S. & K. Claessens (2012) 'De l'autre côté de la colline, le contrôle contesté de Mukungwe au Sud Kivu' dans L'Afrique des Grands Lacs' 'On the other side of the hill, disputed control from Mukungwe to South Kivu' . Director2011-2012 (publication to come)

Geenen, S. & K. Claessens (2012), presentation to the Conference on legal pluralism in Cape Town, August 2011 'Our problem with the company? We do not know its limits' Disputed access to the gold mines in Luhwindja, Eastern Democratic Republic of Congo.

<http://www.guardian.co.uk/world/video/2011/sep/02/congo-blood-gold-mobile-phones-video>;
<http://www.bbc.co.uk/news/world-africa-11722142>

Human Rights Watch (2005) 'The curse of gold'.

IKV Pax Christi Pays –Bas (2008) 'Exploitation du bois, paradoxe de la pauvreté et conflits dans le territoire de Mambasa (Ituri, North-East of the DRC)' [Exploitation of wood, paradox of poverty and conflicts in the territory of Mambasa].

IPIS & Int. Alert (2010) 'The complexity of resource governance in a context of state fragility: an analysis of the mining sector in the Kivu Hinterlands'.

PACT (2010) 'The Promines Study'.

PACT (2007) 'Researching Natural Resources and Trade Flows in the Great Lakes Region'.

Mongo, E., J. van Puijenbroek, D. Nkoy (2009) Conflits fonciers en ituri, poids du passé et défis pour l'avenir de la paix [Land conflicts in Ituri, the weight of the past and the challenges for the future of the peace].

Circular note no. 322/271/BUR/A.T/Msa/011 (2011).

Annual report 2010 by the Antenne de Mines et de Géologie [Mines and Geology Unit] (2010).

Reports of the first quarter 2011 by the Antenne de Mines et de Géologie (2010).

Reports of the second quarter 2011 by the Antenne de Mines et de Géologie (2010).

Reports of the third quarter 2011 by the Antenne de Mines et de Géologie (2010).

Annual report 2011 of the Bureau de Mines [Bureau of Mines] Mambasa (2011).

Schouten, P. (2011) International Mining corporations and Socio-Political Conflict in the DRC – A case study of the Nia-Nia area, Ituri district, Eastern Province (Utrecht: IKV Pax Christi).

Schouten, P. (2011) 'Political topographies of private security in Sub-Saharan Africa' in Ed. T. Dietz, K. Havnevik, M. Kaag & T. Oestigaard (2011) African engagements – Africa Negotiating an Emerging Multipolar World (Leiden : Brill).

SRK Consulting (August 2011) Mongbwalu Project Stakeholder Engagement Plan

SRK Consulting (Sept. 2011) 'Mongbwalu Project Final Draft Environmental Impact Study and Management Plan of the Project for Public disclosure'.

SRK Consulting (2010) 'Mongbwalu Project, socio-economic impact assessment report'.

Titeca, K. (2009). 'The changing cross-border trade dynamics between North-western Uganda, North-eastern Congo and Southern Sudan'. London School of Economics and Political Science, Crisis States Working Paper, 63(2).

8.6 Annex 6 List of abbreviations

ADINOM	Association de Défense, des Intérêts, des Négociants et Orpailleurs de Mambasa = Association for the Defence of the interests of traders and gold miners
AFM	Administrateur de Foyer Minier = Mining Site Administrator
AGK	Ashanti Gold Fields Kilo
ANORI	Association des Négociants et Exploitants de l'Or (Ituri) = Association of Gold Traders and Miners (Ituri)
ANR	Agence Nationale de Renseignements = National Information Agency
AODERPI	Association des Orpailleurs pour le Développement, la Reconstruction et la Paix en Ituri = Association of gold miners for Development, Reconstruction and Peace in Ituri
AOMARPI	Association d'Exploitants Artisanaux pour la Pacification et Reconstruction de l'Ituri = Association of Artisanal Miners for Peace and Reconstruction in Ituri
ASTRAMINES	Association des Sous-traitants Miniers = Association of Mining Sub-contractors
ATEDRAPO	Association des Tenanciers des Dragues de la Province Orientale = Association of Dredger Managers
BD	Brigades Disciplinaire = Disciplinary Units
BGR	Institute Fédéral des Géosciences et Ressources Naturelles = Federal Institute for Geoscience and Natural Resources
CAMI	Cadastre Minier = Mining Agency
CEEC	Centre d'Evaluation, d'Expertise et de la Certification = Centre for Evaluation, Assessment and Certification
CIRGL	Conférence International sur la Région des Grand Lacs = International Conference on the Great Lakes Region
CTCPM	Cellule Technique de Coordination et de Planification Minière = Technical unit for mining coordination and planning
DDR	Désarmement, Démobilisation, Réintégration = Disarming, demobilisation and reintegration
DGI	Direction Générale des Impôts = the Tax Authority Department

DGRAD	Direction Général des Recettes Administratives, Judiciaires et Domaniales = Department of Administrative, Judicial and Land Receipts
DRPO	Direction des Recettes de la Province Orientale = Department for Receipts from Eastern Province
DT	Directeur Technique = Technical Director
EAD	Entités Administratives Décentralisées = Decentralised Administrative Entities
FAPC	Forces Armées du Peuple Congolais = Armed Forces of the Congolese people
FARDC	Forces Armées de la République Démocratique du Congo = Armed Forces of the Democratic Republic of Congo
FEC	Fédération des Entreprises du Congo = Congo Enterprise Federation
FNI	Front Nationalistes et Intégrationniste = Nationalist and Integrationist Front
FPJC	Front Populaire pour le Justice au Congo = Popular Front for Justice in Congo
FRPI	Forces de Resistance Patriotique de l'Ituri = Ituri Patriotic Resistance Forces
ICA	L'impôt sur le chiffre d'affaires = Tax on turnover
ICCN	Institute Congolais pour la Conservation de la Nature = Congolese Nature Conservation Institut
IPMEA (Minister, Department)	Industrie, Petites et Moyennes Entreprises et Artisanat = Industry, small and medium sized enterprises and artisanal enterprises
ITIE	Initiative sur la Transport des Industries Extractives = Initiative on Transport for the Extractive Industries
KGL	Kilo Gold Limited
OKIMO	Office des Mines d'Or de Kilo Moto = Kilo Moto Gold Mines Office
OPJ	Office de la Police Justicière = Office of the Criminal Police
PDG	Président- Directeur Général = Chairman and Managing Director
PIB	Produit Intérieur Brut = Gross Domestic Product
PNC	Police Nationale Congolais = National Congolese Police
RFO	Reserve Faune d'Okapi = Okapi Fauna Reservation
SAESSCAM	Service d'Assistance et d'Encadrement du Small Scale-Mining = Department of Assistance and organisation of small-scale mining

SOKIMO	Société des Mines d'Or de Kilo Moto = Association of gold mines of Kilo Moto
UNICEF	United Nations International Children's Fund
UPC	Union des Patriotes Congolais = Union of Congolese Patriots
ZEA	Zones d'Exploration Artisanale = Artisanal mining zones

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