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# Explaining the uneven distribution of conflict-mineral policy implementation in the Democratic Republic of the Congo: The role of the Katanga policy network (2009–2011)

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ABSTRACT

There exists a widespread assumption that many of the belligerent parties in eastern DRC finance part of their war efforts through the sale of mineral ores originating from the areas under their control. As a result, recent years have witnessed the launch of various national and international initiatives to make the Congolese artisanal mining sector more transparent and to prevent so-called 'conflict minerals' from entering the legitimate international market. A strikingly paradoxical feature of these initiatives is that, in terms of the level of implementation, the conflict-ridden Kivu provinces are lagging far behind the relatively stable province of Katanga. This paper argues that the concentration of conflict mineral policy implementation in Katanga can, to a very large extent, be attributed to the role of the 'Katanga policy network', a group of highly influential public and private actors closely working together towards the reform of the province's artisanal and small-scale mining sector. In line with the dialectical approach to policy networks advocated by Marsh and Smith, the paper examines three types of interactive relationships: between the structure of the Katangese policy network and the agents operating within them; between the Katangese policy network and the context in which it operates; and between the Katangese policy network and the policy outcome.



## 1. Introduction

The mining sector in eastern Congo has a pivotal role to play in the process of post-conflict reconstruction, as hundreds of thousands of people work in the artisanal mines to secure their livelihoods. One major problem facing the artisanal mining sector, however, is that, in the opinion of many observers of the security situation in Africa's Great Lakes region, there is a strong link between the extraction and trade of tin (cassiterite), tantalum (coltan) and tungsten (wolframite), known as '3T' minerals[1] and the continuation of armed conflict in eastern Democratic Republic of Congo (DRC). It is widely assumed that the warring parties in eastern DRC finance their violent activities from the sale of so-called 'conflict minerals', hence prolonging and intensifying Congo's protracted crisis. International NGO awareness campaigns[2] have linked western consumer products such as cell phones and notebooks to this Congolese conflict, pressuring manufacturers of electronic devices to avoid the use of these 3T minerals originating from eastern Congo's conflict-ridden provinces, especially North and South Kivu (Nest, 2011:12). These campaigns have resulted in the development of international guidelines such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas in 2010, and the promulgation of the U.S. Dodd-Frank Act in July of that same year (U.S. Securities and Exchange Commission, 2010).[3] Additionally, various responsible sourcing initiatives have been designed to make the Congolese 3T mineral trade more transparent and to prevent 'conflict minerals' from reaching the international market. One specific chain of custody tracking system, the ITRI[4] tin supply chain initiative (iTSCi), makes it

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[1] The abbreviation 3T refers to three types of minerals extracted in the DR Congo: Tin (cassiterite), Tantalum (coltan) and Tungsten (wolframite).

[2] The most vocal campaigning organizations have been Global Witness and the Enough Project.

[3] Section 1502 of the Dodd Frank Act requires US stock market listed electronics manufacturers to verify the origin of the minerals they use in their production process. Electronics manufacturers sourcing 3T minerals from the DR Congo or adjoining countries have to exercise due diligence on both the mineral source and the chain of custody, in order to avoid the financing of armed groups. Moreover, from 31 May 2014 onwards, they are obliged to report on their due diligence measures to the Securities and Exchange Commission, and to cooperate with related independent audits.

[4] The organization ITRI defends the interests of the tin industry. It is largely funded by tin producers and smelters (for more information see: www.itri.co.uk, accessed on 27 November 2013).

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possible to determine the origin of minerals and to track and trace them along transportation routes.[5] As it is the most advanced and extensively implemented of the responsible sourcing initiatives, it will be at the center of this analysis.

It is important to note that the 'conflict minerals' phenomenon in the Great Lakes region is no longer a virgin field of study. Apart from attracting the attention of policy makers and civil society groups, it has also aroused the interest of academics. Several recent publications on the conflict-mineral phenomenon have examined the effects of the implementation of responsible sourcing initiatives such as the iTSCi traceability initiative. Remarkably, this body of literature mostly treats the negative side of the implementation of responsible sourcing initiatives, including their unintended consequences at the local level (Autesserre, 2012; Seay, 2012; Geenen, 2012; Matthysen and Zaragoza Montejano, 2013; Bashwira et al., 2013) and the consequences and enormous costs of the new legislative framework for companies using Congolese minerals in their products (Raj, 2011; Ochoa and Keenan 2011; Jeffrey, 2012; Narine, 2013; Griffin et al., 2013). This paper aims to contribute to the debate on 'conflict minerals' and the reform of Congo's artisanal mining sector by focusing on one aspect of policy implementation that has received scant attention so far, namely its spatial dimension.

The importance of this spatial dimension becomes clear when one takes a closer look at the implementation of the iTSCi policy initiative in different parts of the DRC. Close observation reveals that, compared to other provinces, Katanga has witnessed much more progress. The iTSCi policy initiative became implemented in the Katanga province in 2011, rapidly extending from several initial sites to covering the entire 3T mineral sector of the province[6] (iTSCi, 2012a; iTSCi, 2011). The implementation in other 3T mining provinces in the DRC is seriously lagging behind. In the Maniema province, where the iTSCi policy initiative only started near the end of 2012, it covers only three of its five mining territories (iTSCi, 2012b). Meanwhile, iTSCi leaves out the overtly larger share of North and South Kivu, where only a relatively limited number of mines are included. In South-Kivu only two mining areas[7] are covered since respectively October 2012 and July 2014 (iTSCi, 2013; iTSCi, 2014b), and iTSCi expanded into a single mining area[8] in North-Kivu in the beginning of 2014 (iTSCi, 2014a; Radio Okapi 2014). This is quite paradoxical as one would expect implementation to occur mainly in the Kivu provinces where conflict is at its worst and where responsible sourcing initiatives could indeed contribute to putting an end to the financing of Congo's protracted armed conflict. But apparently, the presence of 'conflict-minerals' production and trade are not the primary factor determining the location of 'conflict-mineral' policy implementation. Possibly, 'conflict-mineral' policy has not become implemented there where it is most needed, i.e. there where the problem of 'conflict-minerals' is the most prominent, but rather there where policy is to demonstrate the highest goals achieved.

Three obvious explanations come to mind when one tries to account for the uneven spatial distribution of the iTSCi policy initiative across the DRC. First, there is the Presidential mining ban[9], which prohibited all artisanal 3T mining activities in the provinces of North and South Kivu and Maniema between September 2010 and March 2011 (Ministry of Mines DR Congo, 2010a). This mining ban forced the iTSCi policy initiative to close down its pilot project in South Kivu in 2010 (iTSCi, 2011) and to shift its focus to the Katanga province. Secondly, the limited financial means for the implementation of the iTSCi policy initiative form an important restriction on the extension of the initiatives to other provinces. On several occasions, iTSCi officials, donors and high level Congolese government officials have stated that funding is a major source of concern and is likely to remain so for the near future (iTSCi, 2011)[10]. Finally, the extensive Congolese artisanal 3T mining sector complicates matters. According to one well-informed source, only a fraction of all the 1800–2000 3T mines[11] in the country is currently covered by the iTSCi traceability scheme[12]. Looking at the implementation and inspection costs of this scheme one might even start to wonder, as one international donor put it during an interview, '*whether it is even desirable to include all Congolese 3T mines*'.[13]

This paper argues that there are additional factors to explain the uneven spatial distribution of policy implementation in DR Congo. We show that, in order to achieve a more thorough understanding of the spatial outcomes of policy, i.e. the concentration of iTSCi implementation in Katanga, one has to look beyond the obvious explanations mentioned above. In our opinion, more attention needs to be paid to the role played by different stakeholder groups in the Congolese 3T mining sector, their relationships, the networks of which they are part, and their agency in influencing and negotiating the outcomes of policy. In what follows we examine these additional explanatory factors through an in-depth study of what we call the *Katanga policy network*: a network of influential private and public actors involved in the reform of Katanga's 3T mining sector governance between 2009 and 2011. Actors who were instrumental in making Katanga's implementation of the iTSCi traceability scheme much more advanced than that of other Congolese provinces. This analysis is inspired by the literature on policy networks and, more specifically, by Marsh and Smith's dialectical model for explaining the impact of policy networks on policy outcomes. It is based on several months of fieldwork by the first author in the Congolese Katanga province from 2013 to beginning of 2015[14,15].

[5] The iTSCi system provides a means of determining the origin of the minerals and documenting their trading chain, by tagging 3T mineral bags at the level of mine sites, trading posts and mineral depots. The tag contains a barcode, which encloses information on the origin, transport route and the actors involved in the extraction, trade or transport of these minerals.

[6] Except for newer mine sites, as it takes some time to include them in the traceability system.

[7] Mining areas called Nyabibwe and Uvira-Walungu.

[8] Mining area called Rubaya.

[9] In September 2010, Joseph Kabila, the Congolese President, imposed a six-month mining ban on all artisanal mining activities in what appeared to be an attempt to put an end to the involvement of armed groups in the Congolese mining sector (see Geenen, 2012).

[10] Interviews with international donors and high-level Congolese government officials, Kinshasa April 2013.

[11] There is still discussion on the current number of 3T mines in Katanga and the DRC as a whole. Up-to-date state service figures for North Kivu are not available. According to ITRI, there may only be a few hundred 3T mines throughout the country (communication with Kay Nimmo, May 7th 2015).

[12] Estimate by an international donor and Paul Mabolia, Head of the Promines programme and special advisor to the Congolese Ministry of Mines, April 2013.

[13] Interview international donor to due diligence programmes in the DRC, Kinshasa April 2013.

[14] From February until April 2013; March, April and July 2014; and March, April and May 2015, the first author of the article conducted open interviews with key stakeholders in the 3T conflict-mineral policy implementation arena, including central and provincial government representatives, mining authority officials, policy initiative implementers, private industry actors and mining cooperative representatives. In addition to this, she also did a series of interviews in Kinshasa and Kolwezi and undertook several field trips to the coltan and cassiterite mines in the Lubudi and Bukama territories.

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