



Original article

Complications in the classification of conflict areas and conflicts actors for the identification of ‘conflict gold’ from Sudan



Enrico Ille*

Law, Organization, Science and Technology (LOST) Research Group, Institute for Social and Cultural Anthropology, University of Halle, Reichardtstrasse 11, 06114 Halle, 06099 Halle, Germany

ARTICLE INFO

Article history:

Received 5 September 2015

Received in revised form 4 December 2015

Available online 22 December 2015

Keywords:

Conflict minerals

Gold mining

Socio-economic analysis

Markets of violence

State responsibility

ABSTRACT

This article discusses a recent call to include gold from Sudan in the ‘conflict gold’ category of global supply chains. The call reacts to Sudan’s protracted violent conflicts, as well as a recent surge in gold mining that became of essential importance for governmental policies after most of the country’s oil reserves were lost with South Sudan’s independence in 2011. The extension of gold mining in areas with violent conflicts, so the call’s demand, requires due diligence concerning gold from Sudan and an extension of sanctions to conflict actors benefiting from it. On this basis, the article reviews critically the contradictions that arise from the convention to both define territorial conflict areas and collective conflict actors, and connect due diligence to case-by-case assessment, representing an attempt to concomitantly advocate human rights and preserve investment opportunities. Further complications arise from contradictions between state sovereignty and international humanitarian law, as well as the complexities of violent conflicts whose causes cannot be readily identified and targeted. The author argues that this results in numerous ambiguities of situation assessments and planned interventions, which have to be acknowledged if unintended negative consequences are sought to be reduced.

© 2015 Elsevier Ltd. All rights reserved.

1. Introduction

On 4 March 2015, John Prendergast, co-founder of a Center for American Progress project devoted to “end genocide and crimes against humanity”,¹ demanded that US sanctions be extended to include gold from conflict zones in Sudan, especially Darfur.² At about the same time, a report was launched that intended to buttress the demand with factual arguments that supposedly showed gold from Sudan to be potentially ‘conflict gold’, thus suggesting that the country be considered a high-risk area (Kumar, 2015). The call was linked to both a divestment campaign in the USA that led in 2007 to the Sudan Accountability and Divestment Act and subsequent Sudan Company Reports (now published by EIRIS Conflict Risk Network), and to agreements and legislation concerning ‘conflict minerals’, such as Section 1502 of the Dodd–Frank Wall Street Reform and Consumer Protection Act (2010). The latter, again, was connected to a recent spread of regulatory

schemes that aim to keep supply chains of precious metals and minerals ‘conflict-free’.

The term ‘conflict minerals’ has become an established reference point in the global governance of supply chains since being formalised in the late 1990s through voluntary agreements and regulatory legislation. Part of this formalisation was pushed forward through advocacy by organisations such as Global Witness and Partnership Africa Canada, which linked the concept to active conflicts and humanitarian international law.³ Other manifestations of the term were stipulations included in certification schemes and industry guidelines, for instance the Kimberley Process Certification Scheme (Grant, 2013) and the OECD Due Diligence Guidance (2011/2013), which defined audit processes for minerals. Notably, the phrase ‘conflict-affected and high-risk areas’ used in the latter was established to support the designation of sources to be banned from legitimate, ‘conflict-free’ supply chains.

The Sudan case differs in many ways from the currently most often discussed example of ‘conflict minerals’: namely, the eastern Democratic Republic of Congo (DRC). The commodities which generally fall into this category cannot be easily identified as

* Corresponding author.

E-mail address: enrico.ille@ethnologie.uni-halle.de (E. Ille).¹ <http://www.enoughproject.org>.² “Enough project calls for targeted US sanctions on Sudan gold export”. Sudan Tribune, 4 March 2015. <http://sudantribune.com/spip.php?article54186>, accessed 1 September 2015.³ Apart from the universal documents related to human rights, this included, after 2000, UN resolutions such as UN General Assembly Resolution 55/56 in 2001 and UN Security Council Resolution 1533 in 2004.

underlying causes of violent conflicts in Sudan, but are rather incorporated in wider issues of political economy. Moreover, a commonly-cited solution more state control over mining and thus reduction of 'illegal', 'illegitimate', 'illicit' gold can easily be challenged because the present government is one of the main parties instigating violence in the country. In fact, it has been accused of perpetrating human rights violations in the process of exploiting natural resources, a move made to ensure its own survival and prosperity. However, since most interpretations and conceptual language in the 'conflict minerals' discourse stem from precisely these two elements, it is important to understand their implications in order to better contextualize calls for including gold from Sudan in this category.

The following conceptual discussion and subsequent case study, therefore, examine the way in which 'conflicts' are identified and qualified in this context. They also examine the role state actors are seen to be playing in these conflicts, both as perpetrators and problem solvers.

1.1. *Conflicts and minerals*

Precisely how far contestations over the distribution of natural resources and revenues derived from them is a causal or at least exacerbating element in violent conflicts is subject to a larger debate on the political economy of armed conflict (specifically in the context of economic interests as driving factor vis-à-vis, for instance, cultural or ideological differences). This article, however, does not seek to address the issue on this level, and will thus not engage with explanatory models such as 'paradox of plenty' or the 'resource curse', beyond their influence over the 'conflict minerals' discourse. In other words, the article is not about conflicts over gold mining, but rather their translation into interstitial spaces and media, due to which they are perceived and addressed by wider circles of actors.

Accordingly, 'conflict' is regarded here as an operational term that delineates zones of potential intervention, including intervention by exclusion from supply chains. More precisely, the underlying question here is in what form and with what intended consequences does a situation appear as 'conflict', territorialized as 'conflict-affected or high risk area', in a 'conflict minerals' discourse that transcends this situation? The question follows the observation that a classification as 'conflict' developed into a forceful pre-requirement to pursue 'due diligence', which points to present modalities of Corporate Social Responsibility. The article highlights the circumstances in which a call for such a classification can be hoped to have a definitive, rather than a mere definitional, effect.

The starting point of the 'conflict minerals' discourse in its present form was the series of globally-publicized violent conflicts that obviously involved revenue from mining. Headlining the list were the so-called conflict diamond cases profiled in southern Africa, Angola, Liberia and Sierra Leone. The spotlight on four 'conflict minerals' – gold, columbite–tantalite, cassiterite and wolframite – which later surfaced had the effect of intensifying the regional focus of the definition. This is perhaps best epitomised by U.S. legislation, which links the term to one specific region in the world: namely, the eastern Democratic Republic of Congo and neighbouring countries (Cook, 2012). This has informed the language of advocacy campaigns and industry initiatives (e.g., Conflict-Free Sourcing Initiative, CFSI). These have functioned alongside other legal and regulatory initiatives which adopt much broader definitions, as will be explained further in Section 1.3 of this paper.

In any case, the intended consequence of a classification as 'conflict' is that where carried out, audits retrace supply chains and make a judgment if a mine is causing or supporting an extension of a 'conflict'. However, when translated into practice, the 'conflict

minerals' discourse has a built-in analytical tension between operating with collective actors (e.g., artisanal miners, armed groups, communities, governments, etc.) on the one hand, and demanding an audit process that works on a case-by-case basis (i.e. a specific supply chain of a particular mineral and its derivatives) on the other hand. This tension has been addressed in general by deploying a two-level system that has both a generalized classification ('conflict-affected' and 'high-risk area') and the requirement of proving a specific negative (i.e. that gold does not come from one of these areas or a mine in these areas causing an extension of the 'conflict'). While this puts the burden of responsibility squarely on those with the best access to information (i.e. the participants of the supply chain), it still subjects the process to a broad initial categorization, which may subsume heterogeneous situations under one term.

This observation has yielded some critical reflections on the classification process and its consequences. The heterogeneity of mining situations begins with the settings of different sites, which often vary to a large degree. Different organizational arrangements follow different processes of extraction and thus give rise to specific societal contexts at the mines. Mining must also be evaluated against other economic activities, where it may appear as an attractive alternative source of income that is pursued in spite of the dangers and high effort connected to it. Furthermore, spatial and administrative distance to officials and other authorities can provide opportunities for economic and social emancipation normally unavailable in the dominant socio-political environment. The specific circumstances and motivations are thus an important element to take stock of when attempting to understand why people choose to engage in mining, even when it is hazardous and linked to conflict (Werthmann and Grätz, 2012).

This raises the question: whose situation should factor into decision-making concerning 'conflict minerals', and more generally, how should specific situations be assessed before such a classification is made? This is of special importance in view of the growing number of assessments that document a reduction in mineral trade from targeted areas, but also economic difficulties experienced by, and increased insecurity of, artisanal miners that arise when they are cut off from their previous source of livelihood. Accordingly, a closer look at the impact of 'conflict minerals' initiatives invariably shows a complex co-incidence of positive and negative consequences. While some people experience relief from being in a focus area of armed conflict, others face new socio-economic pressures as a result of being included in the 'conflict area' classification. Non-violent actors might have benefited from gold mining in such areas but now no longer do, as policies have facilitated a shift in focus to 'conflict-free' mines (Matthysen and Zaragoza Montejano, 2013; Gennen, 2013).

It has been therefore pointed out that interventions must have a strong basis for understanding the situation they target; otherwise, they may satisfy ethical consumerism and the corporate and state actors that benefit from it, but may not foster improvements for their alleged beneficiaries (Seay, 2012; Radley and Vogel, 2015). It is thus instructive to review how far the effect of an exclusion from supply chains is considered when arguments around 'conflict-affected and high-risk areas' and 'red flag' locations are made. A focus on traceability of an end product and a narrow definition of 'conflict' is, for instance, questionable when the featured certification scheme is supposed to address the economic situation of the weakest participants in the supply chain – in other words, if the contingent effects of supply chains, not the consumers' ethical well-being, are intended as the focus of interventions (see Hilson, 2014; concerning 'Fair Trade rubies').

These aspects underscore the importance of a more nuanced analysis of a potential target area, where conflicts must first be analysed outside of the realm of the 'conflict minerals' framework,

Download English Version:

<https://daneshyari.com/en/article/10502209>

Download Persian Version:

<https://daneshyari.com/article/10502209>

[Daneshyari.com](https://daneshyari.com)