



Photo by Mike Lameki. The photo is of Lualaba Province, taken during the riots in Fungurume on August 19, 2019.

Making Sense of Repressive Actions Against Artisanal Miners in Southeastern Democratic Republic of Congo

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“Displacing artisanal miners is like whack-a-mole (...) what they will end up doing is just brutalizing the miners in order to make them too afraid to come back.”

(Mining consultant cited in Reuters 2019¹)

INTRODUCTION

In June 2019, the boomtown of Kafwaya, situated on the edge of southeastern Democratic Republic of ‘Congo’s Tenke Fungurume copper and cobalt mining concession (TFM), received a visit from a Congolese army officer. He told the town’s inhabitants, thousands of whom were making a living from artisanal mining, to end their illegal activities inside TFM’s mining sites.² A few days after his visit, soldiers set fire to market stalls and established a camp close to Kafwaya. A week later, without any prior warning, the Congolese army invaded the boomtown at night, looting a local school, and burning not only tarpaulin houses belonging to artisanal miners, but also many of the homes of Kafwaya’s farming population.³

Soldiers of the *Forces Armées de la République Démocratique du Congo* (henceforth FARDC) were also deployed around Kamoto Olive Virgule (KOV), an open-pit copper and cobalt mine close to Kolwezi. The deployment followed a tragic accident in the mine on June 27, 2019, which killed 43 artisanal miners.⁴ According to the mine’s owner, the Kamoto Copper Company (KCC),⁵ the concession had been witnessing the illegal entry of approximately 2000 artisanal miners per day.⁶ Richard Muyej, the governor of the Lualaba province, announced that the Congolese army would remain present around the concession “for a limited time” to prevent artisanal miners from entering.⁷ The military operation around the KOV mine led to the forced eviction of thousands of artisanal miners as well as to a series of protests, which went hand in hand with the looting of local shops and the arrest of 20 people.⁸

Finally, on August 18 and 19, 2019, two months after the events in Kafwaya, the city of Fungurume was the scene of yet another series of violent incidents involving artisanal miners and security forces. After the police seized a load of illegally mined minerals at a roadblock, thousands of artisanal miners occupied the *Route Nationale*, burned vehicles, looted a market, and destroyed a police station. In a desperate attempt to crush the sudden uprising, the police opened fire on the crowd of artisanal miners, leaving 3 people dead and at least 10 wounded. Since the riots led to the interruption of all traffic – including the transport of mining products – between Kolwezi and Likasi for almost two days, the Lualaba province governor was forced to come to Fungurume for an emergency meeting

with local authorities and stakeholders. Several measures were taken to calm things down, including an announcement that the artisanal miners would be able to temporarily continue their activities in a mining concession adjacent to the TFM concession and reportedly belonging to a close relative of former Congolese President Joseph Kabila.

UNDERSTANDING THE POLITICS OF REPRESSION IN SOUTHEASTERN DRC’S MINING SECTOR

Since the official conclusion of the second Congolese war in July 2003, Congolese authorities have tried several strategies to end the presence of artisanal miners or *creuseurs* in concessions belonging to industrial mining corporations. Apart from entering into negotiations with representatives of artisanal mining communities and launching alternative employment programs, they have also tried to solve the matter through interventions from security forces (Hönke 2014; Geenen 2014; Verweijen 2017; Katz-Lavigne 2019). As can be gathered from the incidents described above, between June and August 2019, repressive measures against artisanal miners have been remarkably harsh in the copper and cobalt region of southeastern DRC. While it is not the first time that such measures were taken, and while it is important to consider them as part of a broader set of government strategies to address problems with artisanal mining, it cannot be denied that, at least during the period under investigation, there was a sudden upsurge in violent interventions against artisanal miners.

Repression against artisanal miners is not unique to the DRC. In several mineral-rich countries in Sub-Saharan Africa such as Ghana, Zimbabwe, and Tanzania, recent years have witnessed a similar trend of governments trying to solve their problems with artisanal mining through violent interventions (Metcalf & Veiga 2012: 182; Spiegel 2017; Maringira & Nyamunda 2017; Holterman 2014). The alternation between episodes of excessive and brutal state violence against artisanal miners and periods of greater tolerance of their presence can only properly be understood if one examines the political context in which mining activities occur. As Tschakert has suggested in an insightful article about repression in Ghana’s artisanal and small-scale gold mining sector, “authoritative ordering of mining spaces that have become ‘unruly’ (...) creates an illusion of hegemony over otherwise messy, dysfunctional, corrupt, and conflict-ridden resource-rich contexts in which elite capture is pervasive and the state a complicit actor” (2016: 128). The word ‘illusion’ captures the situation in southeastern DRC quite well. In fact, despite the violent interventions, little to nothing has been done to address the so-called

‘enabling environment’, in other words, the factors that are at the root of the problems with artisanal miners. As a recent report by the International Crisis Group suggests, the lack of structural solutions is in large part due to the fact that local politicians, businessmen, and even members of the Congolese army have personal interests in the artisanal mining business and the illicit trade in minerals originating from industrial mining concessions.⁹

This research brief aims to take a closer look at the political dimensions of repressive actions against artisanal miners in southeastern DRC. It argues that the decision to act repressively against them was driven by the fluctuating demand for cobalt on the international market as part of the so-called ‘green revolution’. These price fluctuations created a situation in which the relationship between industrial and artisanal mining became very tense and violent, with both parties seeking to maintain access to mineral-bearing land, and the Congolese government coming under increased pressure to protect the mining rights of the mining industry. At the national level, the most important explanatory factors for the repressive actions include uncertainty about the future of the Congolese mining sector after the 2018 elections and corporate demand to provide better protection against the invasions of its concession by artisanal miners. At the sub-national level, the eagerness of governor Muyej to promote the reputation of Lualaba as a stable mining province and the power struggle between local big men in Fungurume also help account for the violent interventions against *creuseurs*.

The research brief is based on fieldwork in the former Katanga province¹⁰ in August 2019. Interviews were held with politicians, civil society activists, public servants, (former) company officials, customary chiefs, and various groups of people living and working in the Tenke Fungurume Mining concession. In addition to this, the paper also builds on findings from extensive fieldwork in southeastern DRC since 2005.

TENSIONS BETWEEN INDUSTRIAL AND ARTISANAL MINING IN SOUTHEASTERN DRC

In 2018, the Katanga region, situated in the southeastern part of the Democratic Republic of Congo, was by far the world’s biggest cobalt producer, while it also ranked 4th in terms of copper production.¹¹ In addition to this, the Katanga region holds various deposits of minerals associated with copper, including zinc, silver, uranium, lead, and germanium. Katanga’s reputation as one of the richest mining areas in the world has led to the growth of an industrial mining industry in the first half of the twentieth century and the emergence

of a field of tension between industrial and artisanal mining around the turn of the millennium.

Between 1906 and 1967, the industrial exploitation of copper and cobalt in Katanga was in the hands of the *Union Minière du Haut-Katanga* (UMHK), a Belgian mining company that, through the provision of accommodation, education, healthcare, and food rations, developed a policy of corporate paternalism towards employees and their families (Dibwe dia Mwembu 2001; Rubbers 2013). In the early years of its existence, the successor to the UMHK, the state company Gécamines continued this policy, while also remaining one of the biggest copper and cobalt producers in the world. However, from the second half of the 1970s onwards, Katanga’s mining industry went through a gradual decline due to developments in the global economy and political instability at the regional, national, and provincial levels.

Under pressure from major international financial institutions such as the World Bank and the IMF, the government of Kengo wa Dondo carefully started privatizing the Congolese mining sector in the mid-1990s. In most cases, foreign companies were expected to contribute capital and expertise in exchange for acquiring management and exploitation rights formerly held by Gécamines. Thanks to these new agreements, it became possible to restart individual branches of Gécamines, not only in terms of exploration and the processing of tailings but also production itself (Kennes 2000: 311-312; Verbruggen 2006: 29).

After the end of the second Congolese war (1998-2003), during which the Kabila regime allocated several of Gécamines’ copper mines to businessmen close to Mugabe in exchange for Zimbabwe’s military assistance (Carter Center 2017: 19), the World Bank attempted to give the Katangese mining sector a boost by promoting foreign investment. Considering the mining sector an important dynamic force in Congo’s recovery, it pushed for major reforms, including the restructuring of mining parastatals such as Gécamines, the preparation of a new mining registry, and the promulgation of a new mining code in July 2002 (Verbruggen 2006: 29; Carter Center 2017).

As a result of the gradual decrease in conflict as a whole, the organization of the first democratic elections since Congolese independence in 2006, and the adoption of a new mining code, Katanga’s investment climate became a lot more favorable. Another factor that certainly had a positive influence on Katanga’s industrial mining sector was the spectacular increase of copper and cobalt prices on the international market. While the global demand for copper rose due to a combination of increased consumer spending

and expanding infrastructure in countries such as India and China, the global demand for cobalt went up due to the worldwide increase in chemical applications such as catalysts and rechargeable batteries (Global Witness 2006).

The revival of industrial mining activities in Katanga coincided with the expansion of artisanal mining. At the end of the 1990s, Mobutu's successor Laurent-Désiré Kabila had paved the way for the development of the artisanal mining sector in the southeastern part of the DRC. Artisanal miners were permitted to enter unused mining concessions belonging to the state mining company Gécamines. Thousands of men, women, and children moved to the mining areas to earn a living through mining and/or mining-related activities. Several government services took advantage of the growth of the Katangese artisanal mining sector to generate revenues through the imposition of taxes and fines (Cuvelier 2011; Makori 2017).

As time went by, the artisanal mining sector became increasingly formalized. One of the most important measures in this context, especially regarding the central theme of this research brief, was the introduction of the mining code of 2002, which was primarily meant to create a better and more stable environment for foreign investment. In creating such an environment, the code seriously reduced the maneuvering space of artisanal miners. It stated that artisanal mining would henceforth only be allowed in so-called *Zones d'Exploitation Artisanale* (ZEA), where industrial or semi-industrial mining was not viable. While, on the one hand, *creuseurs* often found themselves forcefully evicted from mining sites for which the official exploration and/or exploitation sites were granted to transnational mining companies, on the other hand, the number of ZEA that were put at the disposal of the artisanal mining population was far too small to accommodate the tens of thousands of people using artisanal mining as (one of) their principal source(s) of livelihood (Sovacool 2019: 920; Cuvelier 2011b; Cuvelier 2017; SARW 2020).

The second set of measures contributing to the further formalization of the Katangese artisanal mining sector resulted from the international campaign against so-called 'conflict minerals' in eastern DRC. Since the early 2000s, when the first NGO and United Nations reports about the economic agendas of warring parties in Africa's Great Lakes region came out, the illegal exploitation of minerals such as gold, diamonds, tin, tantalum, and tungsten was considered one of the principal causes of the continuation of armed conflict in eastern DRC. In order to break this supposedly direct link between resource extraction and violent conflict, several initiatives were taken to prevent conflict minerals from entering international

markets and then to increase the transparency of the Congolese artisanal mining sector (Bashwira & Cuvelier 2019: 964). These initiatives mainly included the establishment of several traceability and certification mechanisms, but also entailed the streamlining of the mineral supply chain and the compulsory formation of cooperatives for artisanal miners (de Haan & Geenen 2016; Iguma & Hilhorst 2017; SARW 2020).

The forced establishment of mining cooperatives was part of a larger strategy on the part of the Congolese government and international policymakers to formalize the Congolese artisanal mining sector and to bring it more firmly under government control. Apart from the fact that every cooperative was expected to work in a specific area earmarked for artisanal mining, a so-ZEA (cfr. supra), both the cooperatives and their members also needed to be officially registered (de Haan & Geenen 2016: 826).

In 2017-2018, there was a spectacular rise in cobalt prices on the international market. The cobalt boom was due to the growing demand for rechargeable batteries as part of the so-called 'green revolution' or the search for more environmentally friendly and sustainable sources of energy. Cobalt is a key ingredient in lithium-ion batteries, which can be found in electric vehicles and various electronic devices such as smartphones and laptops. There has also been a growing interest in super-sized rechargeable batteries to store electricity coming from solar and wind sources (Sovacool 2019).

In 2018, Congo was the world's most important mined cobalt source, supplying more than 60 percent of the global mined cobalt production.¹² As a result of the highly optimistic views about the future of the electric car and the widely-held belief that the existing cobalt supply would not be able to meet the growing global demand, companies like Glencore started expanding their industrial mining operations in the DRC. Meanwhile, the cobalt supply from Congolese artisanal mining sources also more than doubled between 2016 and 2018. Most of these minerals went to China, which is probably the most prominent player in the global cobalt industry, not only in producing cobalt-containing products but also in terms of strategically securing access to raw cobalt minerals across the globe (Gully & McCullough 2019).

Cobalt started losing a lot of its value from the end of March 2018 onwards. Several factors help to account for this sudden price drop. First of all, the rise in production in the DRC had given rise to an oversupply on the global market. The available stocks of cobalt were much bigger than the global demand, primarily because sales of electric vehicles were much lower than initially forecasted. Second, in May 2018, Elon Musk, the founder of the 'world's most well-known

electric car producer, Tesla, announced in a letter to shareholders that his company was making efforts to reduce its reliance on cobalt drastically.¹³ Musk's company was eager to put an end to its high dependence on cobalt because of the high costs and because of increasing global concerns over the circumstances under which the mineral is extracted.¹⁴

In June 2020, however, news reports about a remarkable deal between Tesla and Glencore suggested that cobalt will probably continue to play a crucial role in the production of car batteries for electric vehicles in the near future. Anticipating an expected surge in the global demand for cobalt in the coming years, Tesla struck a deal to buy Congolese cobalt from Glencore to secure cobalt supply to two new car plants: one in Berlin and one in Shanghai.¹⁵ In its 2019 Impact Report, Tesla tried to reassure its shareholders and clients about its commitment to cobalt ethical and responsible sourcing. The report noted that "because Tesla recognizes the higher risks of human rights issues within cobalt supply chains, particularly for child labor in the Democratic Republic of Congo (DRC), we have made a significant effort to establish processes to remove these risks from our supply chain."¹⁶

In sum, it is clear that Katanga has a long history of industrial mining. The emergence and growth of the artisanal mining sector can be attributed to the climate of political and socio-economic instability of the past three decades, the decline of the state company Gécamines, and the search for alternative income-generating strategies amongst the impoverished Katangese population. In many places, industrial and artisanal mining actors have competed for access to the same mineral-bearing land. This competition has grown increasingly tense and antagonistic as a result of the growing global demand for cobalt.

UNCERTAINTY ABOUT THE FUTURE OF THE CONGOLESE MINING SECTOR AFTER THE 2018 ELECTIONS

The investment climate in the Congolese mining sector has witnessed a number of significant changes as a result of a growing spirit of 'resource nationalism': an ambition on the part of the former Joseph Kabila government to regain more control over the management of the country's natural resource wealth, a trend that has also been observed in several other resource-rich countries in the Global South (Gilbert 2020; Huggins & Kinyondo 2019). On February 8, 2017, a new law on subcontracting was promulgated, requiring companies in the sector to be headquartered in the DRC, to work with Congolese capital, and to be run by Congolese nationals. The law was mainly designed for the Congolese mining sector and was clearly intended

to strengthen the position of Congolese subcontracting companies. Secondly, on February 5, 2018, Albert Yuma Mulimbi, the head of the state mining company Gécamines, announced that the company wanted to renegotiate its joint-venture contracts with foreign partners to increase the share of revenues flowing to the Congolese state. It was argued that the existing contracts failed to generate equitable wealth for the DRC and its people.¹⁷ Finally, on March 9, 2018, Joseph Kabila signed a new mining code into law, after several years of negotiations about revisions to the mining code of 2002. This new code introduced a stricter fiscal regime for international mining corporations.¹⁸

General elections were held on December 30, 2018, after Kabila had overstayed his time in office by two years. There is credible evidence that the installation of Félix Tshisekedi as the new Congolese president did not reflect the real results from the ballot box but was the outcome of a negotiated agreement with Kabila. In exchange for the presidency, Tshisekedi is expected to support a coalition controlled by Kabila, allowing the latter to retain as much power as possible after his official departure from office (Englebert 2019). The fact that Tshisekedi is not the real winner of the elections and that he owes his victory to a deal with the Kabila regime incidentally leaves him with very little room for manoeuvre and makes it extremely difficult for him to develop policies that are different from those of his predecessor. Tshisekedi does not have a lot of political experience and is also heavily dependent on networks built up by the Kabila regime (Jäger & Zogg 2019). Moreover, Kabila's electoral platform, the FCC (*Front Commun pour le Congo*), won an absolute majority in both the national and provincial assemblies (Berwouts & Reyntjens 2019) and the majority of the ministerial posts in the 65-member government were taken up by politicians belonging to the Kabila camp, including the position of Prime Minister, which went to Kabila's ally Sylvestre Ilunga Ilunkamba (Spillebeen 2019). Under the Congolese constitutional system, the elected president is expected to share executive power with the prime minister hailing from the parliamentary majority. It is the prime minister who defines and conducts national policy. While, before the 2018 elections, this so-called dual-executive system did not pose any problems since the president and the parliamentary majority came from the same political camp, the current situation is one of constant tensions between, on the one hand, a president from the political opposition, and, on the other hand, a prime minister and a parliament faithful to the former president.¹⁹

The fact that it took Tshisekedi so long to put in place a new government, which only took office in September 2019, has

given rise to a lot of uncertainty in the Congolese mining sector. Mining companies have been left in the dark as to the extent to which the reforms introduced under the previous government will be implemented by the new one. The lack of clarity about the implementation of the new mining code, the law on subcontracting, and the revision of the joint-venture agreements has given rise to a wait-and-see attitude and emergent anxiety among foreign investors.²⁰ Many of these investors are Chinese and are known to have been close to the regime of Tshisekedi's predecessor, Joseph Kabila.²¹

One of the very few measures taken during the first months of Tshisekedi's presidency concerns a ban – introduced by the Congolese national defense council (*Conseil Supérieur de la Défense*) in April 2019 – on the secondment of members of the national police force (PNC), the military (FARDC) and the Republican Guard²² to private security companies and industrial mining corporations. In the past, the latter had sometimes hired personnel from public security forces to protect their private interests, paying them higher salaries than the Congolese state. The Congolese authorities decided to end this because they received a growing number of complaints about deteriorating security conditions in major cities such as Lubumbashi. The security forces of the state were given orders to return to their official duty of protecting ordinary Congolese citizens.²³ While the ban on the secondment of state security personnel to private companies was a laudable attempt on the part of the Tshisekedi government to impose limits on the privatization of security in the DRC, it also created problems, especially for industrial mining projects like TFM and KCC facing illegal invasions of their concessions by groups of artisanal miners.²⁴

Faced with a decrease of the prices for copper and cobalt on the international market, an increasingly heavy tax burden as a result of the new mining code, deteriorating ore grades, and problems with power failures and production equipment,²⁵ CMO (China Molybdenum Company Ltd), the Chinese majority shareholder in the TFM mining consortium, asked the Congolese government to do more to secure the concession against artisanal miners. Still, according to its account, the company did not request the army to be deployed.²⁶ For its part, Glencore's subsidiary KCC issued a statement in which it acknowledged the presence of FARDC troops in the area around its operations, adding that it had “communicated its expectations to the FARDC to exercise restraint and operate in accordance with Voluntary Principles on Security and Human Rights (...) and international human rights standards.”²⁷ General John Numbi, who was in charge of the military operation against artisanal miners, told Bloomberg that the instructions had come from

President Tshisekedi. Still, he provided few details about how the decision to intervene militarily had been taken. Numbi was quoted as saying that Tshisekedi had met with senior military officers before the operation and that he had instructed him to put an end to the theft of minerals in the concessions, on the mining sites.²⁸ Speaking to reporters in Kolwezi, General Philemon Yav explained that the intervention of the Congolese army had been necessary to defend the country's economic interests as well as to help the police, which had great difficulties coping with the illegal presence of thousands of artisanal miners in some of the industrial mines. He went on record saying: “By all means, we are going to kick them out of our strategic mines, so they don't harm our economy.”²⁹

The fact that Tshisekedi asked John Numbi to lead the military operation against artisanal miners indicates that, at least during the first year of his presidency, he still depended heavily on his predecessor's political network in Katanga. John Numbi is a long-standing ally of the Kabila family. Over the years, he gained notoriety as the *bras armé* (literally translated: the armed arm) of Joseph Kabila and the person responsible for dealing with opponents of the regime.³⁰ That being said, an escalation of the power struggle between Tshisekedi and Kabila's political camps since the beginning of 2020 has resulted in a significant army reshuffle, which was announced on public television on July 17, 2020.³¹ To the surprise of many observers, Numbi lost his position as Inspector-General of the Congolese armed forces. While it is difficult to pinpoint the exact reasons for Numbi's removal, it is believed that the decision was taken at the insistence of the United States. In a tweet, Tibor Nagy, the US Assistant Secretary of State for African Affairs, stated: “We welcome that US-sanctioned General John Numbi is no longer in his post. The United States supports President Tshisekedi's commitment to improving human rights and professionalizing the Congolese armed forces.”³²

POWER PLAY IN THE LUALABA PROVINCE

Political dynamics also influenced the incidents that occurred in southeast DRC between June and August 2019 at the sub-national level. To understand the Lualaba government's interactions with artisanal miners, it is necessary to consider recent developments in the decentralization process. Since the 1992-1994 *Conférence Nationale Souveraine* and the period of political transition after the Second Congolese War (2003-2006), there have been calls to decentralize the Congolese state and bring state institutions closer to their citizens. Yet, despite the fact that it was already foreseen in the 2006 constitution, it was not until 2015 that the decision was taken

to proceed to the partitioning of 6 of Congo's 11 provinces into 26 new provinces, a process known as *découpage*.

In July 2015, the former Katanga province was suddenly divided into four new provinces: Haut-Katanga, Tanganyika, Haut-Lomami, and Lualaba. Well-informed observers of Congolese politics have interpreted the speeding up of the split-up of Katanga as a tactical move of the Kabila regime, which aimed to weaken the power base of former Katangese governor Moïse Katumbi Chapwe, one of Kabila's main political rivals in the presidential elections of 2018 (Englebert et al. 2018). During his mandate as a governor (2007-2015), Katumbi had become very popular among the population of Katanga thanks to his relatively high degree of independence from the central government owing to his private business fortune, his chairmanship of Lubumbashi's successful football club TP Mazembe, his hands-on style of governance, his good connections to the media, and the perception that he played an essential role in the province's economic growth and development. In all likelihood, the Kabila camp hoped that Katanga's break-up would deprive Katumbi of some of the powers that had made him so popular and would also lead to changes in the relationship between Katanga's political elites and the general population.³³

A key figure in promoting the creation of a Lualaba province made up of the Kolwezi and the Lualaba districts³⁴ was Richard Muyej Mangez Mans, who, between 2012 and 2014, was the Minister of Interior, Security, Decentralization and Customary Affairs at the national level. Having started his political career as a member of the provincial council of the opposition party UFERI³⁵ during the final days of the Mobutu regime, Muyej was a founding member of Kabila's PPRD³⁶ party in 2002 and served as its provincial chairman in Katanga until 2007.³⁷ Following his election as the Lualaba province governor, Muyej has been eager to portray Lualaba as a business-friendly province, entering in direct competition with neighboring Haut-Katanga to attract foreign investors in the mining industry. Apart from organizing his own annual mining conference in Kolwezi, he also launched a media campaign to highlight the efforts of his administration with regards to the problem of child labor and environmental issues in cobalt mining, while also welcoming a number of initiatives to improve transparency and traceability in the cobalt supply chain (similar to efforts that had earlier been made in the 3T – Tin, Tantalum, Tungsten – sector).³⁸ The incidents in and around Fungurume between June and August 2019 threatened to damage the Lualaba province's reputation as an attractive and stable business environment. Furthermore, they also posed the risk of undermining Muyej's self-constructed image of *'papa solution'*,

a father-like powerful figure capable of offering protection and security, and providing a solution to every problem.

Finally, the riots and protest marches of artisanal miners in the Fungurume area have also been shaped by political dynamics at the local level. On the one hand, *creuseurs* have engaged in street protests because their access to mineral-bearing land has become increasingly limited due to the rapid expansion of industrial mining after the end of the Second Congolese War, as already explained in the second part of this research brief. On the other hand, however, *creuseurs* have also been used as pawns by big men such as customary chiefs and politicians.³⁹ The latter have tried to position themselves as key intermediaries vis-à-vis the industrial mining company in matters like the creation of employment for the local population and the provision of compensations for people who have been forcibly displaced due to the start of large-scale mining projects. Local big men have endeavored to politically instrumentalize disorder by taking advantage of artisanal miners' dissatisfaction with the repressive measures against their presence in and around industrial mining concessions.⁴⁰ By demonstrating their capacity to organize mass protests, destabilize public life, and jeopardize the continuation of industrial mining activities, local strongmen have made it clear to both the company management and the Congolese political establishment in Kolwezi and Kinshasa that they are forces to be reckoned with and therefore deserve a place at the negotiation table.

CONCLUSIONS

This research brief aimed to examine the political dimensions of repressive actions against Katangese artisanal miners between June and August 2019, when their presence in industrial mining concessions was increasingly seen as a plague that urgently needed to be eradicated. The quote of the mining consultant at the beginning of this article is very telling in this regard. By referring to whack-a-mole, a well-known game in amusement arcades in which players use a hammer to hit randomly appearing toy moles back into their holes, the consultant underlined the Sisyphean nature of governmental and corporate efforts to chase away artisanal miners while at the same time also illustrating the latter's dehumanization. The comparison to moles is not incidental. In the discourse of Congolese policymakers and representatives of industrial mining companies, artisanal miners are often likened to animals that lead an underground existence and that continuously move in and out of sight in a disturbing manner. The destructive potential of artisanal miners – who are digging holes where they are not supposed to be digging – is presented as a legitimate reason for taking very harsh, repressive measures against them, much

in the same way as gardeners use spades to get rid of moles ruining their gardens.

The analysis has shown that the phenomenon of artisanal miners encroaching on industrial mining concessions and now and then being chased away by security forces has clear political dimensions. The competition between industrial mining companies and artisanal miners for access to mineral-bearing land has grown increasingly tense due to price evolutions at the international market associated with fluctuating demand for cobalt in the current era of the 'green revolution'. The most critical factors at the level of national politics that appear to have influenced the events in Fungurume include uncertainty about the future of the Congolese mining sector after the 2018 elections, the continuing influence of the Kabila network, and corporate demands to provide more robust protection against the invasion of industrial mining concessions by artisanal miners. At the sub-national level, the importance of the TFM mining project for Lualaba's reputation as a mining province and the competition between local big men also help to account for the violent incidents with *creuseurs* between June and September 2019.

At the time of writing, it is difficult to make firm predictions about the future of the ASM-LSM nexus in southeastern DRC, just as it is difficult to tell what exactly will be the impact of the COVID-19 crisis on Katanga's copper and cobalt mining sector. Tshisekedi declared a state of emergency on March 24, 2020.⁴¹ Several measures were taken to curb the spread of the virus, including the closure of schools, bars and restaurants; the imposition of a ban on gatherings of more than 20 people; restrictions on internal travel; the suspension of all flight routes both in and out of the country; and the closure of all land and maritime routes, except for cargo.⁴² Similar restrictive measures were taken in countries like Zambia and South Africa, which serve as important transit countries for Congolese minerals on their way to international clients. It is feared that the combined effects of, on the one hand, these restrictions on the free movement of people and goods, and, on the other hand, the decrease of the demand for raw materials as a result of the global economic slowdown, could lead to the interruption or closure of some of the leading industrial mining projects in Katanga. Meanwhile, Congo's national Ministry of Mines decided to let artisanal mining activities continue because a sudden closure of the sector might lead to increased insecurity in urban centers resulting from any massive influx of large groups of unemployed *creuseurs*.⁴³

Shortly before the outbreak of the COVID-19 crisis, at the beginning of November 2019, two remarkable developments took

place that are likely to have a strong impact on ASM activities in the region. First of all, the decision was made to create the *Entreprise Générale de Cobalt* (EGC), a company controlled by the state mining company Gécamines. EGC was given a 5-year monopoly on the purchase and marketing of all artisanally mined cobalt in the provinces of Haut-Katanga and Lualaba.⁴⁴ Secondly, the government also launched the *Autorité de Régulation et de Contrôle des Marchés des Substances Minérales Stratégiques* (ARECOMS), an institution intended to monitor the functioning of artisanal mining cooperatives. ARECOMS is meant to serve as a kind of watchdog, preventing situations where mining cooperatives are only used to further the private interests of politicians and businessmen instead of representing and defending artisanal miners, as has often happened in the past.⁴⁶ The creation of EGC and ARECOMS is in line with the spirit of resource nationalism, a trend initiated by the former Joseph Kabila government. It clearly signals an ambition on the part of the Tshisekedi government to exert more control over Congolese cobalt's commercialization and get a firmer grip on the Katangese artisanal mining sector in general. Nevertheless, it remains to be seen whether, and to what extent, these measures will really help improve the working conditions of artisanal miners in Congo's most important mining region.

ENDNOTES

1 'Send in the troops: Congo raises the stakes on illegal mining', Reuters, 17 July 2019.

2 For a detailed description of the exploitation and trade of artisanally mined cobalt inside the TFM concession, see SARW 2020: 28-32.

3 *'Send in the troops'*, op.cit.

4 *'Congo army evicts illegal miners from Glencore project, sparks protests'*, Reuters, 4 July 2020.

5 The Kamoto Copper Company (KCC) is controlled by Katanga Mining, which holds 75 per cent of its shares. Katanga Mining Limited became a 100% Glencore group owned company on 4 June 2020 (source: www.katangamining.com, accessed on 7 August 2020).

6 *'Announcement regarding fatalities of illegal artisanal miners at KCC, 27 June 2019'*, statement available on www.glencore.com, accessed on August 4th 2020.

7 *'Death toll rises at Glencore mine in Congo after collapse'*, Reuters, 28 June 2019.

8 'Congo army evicts illegal miners from Glencore project, sparks protests', Reuters, 4 July 2020.

9 'Mineral concessions: avoiding conflict in DR Congo's mining heartland', International Crisis Group, International Crisis Group, Africa Report n°290, 30 June 2020: pp. 13-14.

10 As explained further on in the text, since June 2015, Katanga has been divided into 4 new provinces as part of Congo's decentralization process.

11 'Mineral concessions: avoiding conflict in DR Congo's mining heartland', op.cit.: pp. 26-27.

12 USGS (2019). *Mineral Commodity Summaries 2019*. Accessed on 1 November 2019.

13 *'Elon Musk warns that Tesla's cobalt use is heading towards zero'*. Bloomberg, 3 May 2018. At the end of the same month, Panasonic Corp, the supplier of battery cells to Tesla, announced that it was working on ways to produce automotive batteries without the use of cobalt in the near future (source: 'Panasonic plans to develop cobalt-free car batteries', 30 May 2019).

14 In December 2019, five well-known technology companies - Apple, Dell, Tesla, Microsoft, and Google's parent company Alphabet- faced a US- class action lawsuit over their role in the purchase of cobalt from Congolese mines with a presence of child miners working in extremely dangerous conditions (source: *'Tech giants sued over child deaths in DRC cobalt mining'*, Financial Times, 16 December 2019).

15 'Tesla to buy cobalt from Glencore for new car plants', Financial Times, 16 June 2020; 'Tesla strikes deal to buy cobalt from Glencore for EV plants', Bloomberg, 16 June 2020.

16 Tesla Impact Report 2019, www.tesla.com/ns_videos/2019-tesla-impact-report.pdf, accessed on August 5th 2020.

17 *'Congo's Gécamines wants to revise contracts with mining partners'*, Reuters, 5 February 2018.

18 *'Innovations de la nouvelle législation minière de la RDC: opportunités, défis et perspectives de mise en oeuvre'*, Natural Resource Governance Institute, July 2019, <https://resourcegovernance.org/analysis-tools/publications/nouvelle-legislation-miniére-de-la-rdc-congo>, accessed on 11 August 2020.

19 *'Impacts of COVID-19 on the democratic process in the DRC'*, Pascal K. Kambale, 9 June 2020, congoreserchgroup.org, accessed on 6 August 2020.

20 *'RDC: les miniers retiennent leur souffle en attendant la nomination du gouvernement'*, Jeune Afrique, 24 July 2019.

21 *'DRC-After Kabila: who stands to lose?'* Patrick Smith, 13 November 2018, theafricareport.com, accessed on 6 August 2020.

22 The Republican Guard is known to have protected mining sites linked to businesses of members of the Kabila family. See Congo Research Group (2017). *All the President's wealth*. The Kabila family business. <https://pulitzercenter.org/sites/default/files/all-the-presidents-wealth-eng.pdf>, accessed on 6 August 2020.

23 'Police banned from mines: the reform that isn't'. Africa Mining Intelligence, 30 July 2019; 'Insécurité à Lubumbashi: le Conseil supérieur de la défense constate un déficit criant d'encadrement des hommes de troupes', Radio Okapi, 14 April 2019.

24 Personal communication with political analyst of Central Africa, 11 December 2019. During the first months of 2019, the TFM site was confronted with massive incursions by artisanal miners who were attracted by the sound of industrial explosives and then carried off large quantities of dislodged ore (source: 'Mineral concessions: avoiding conflict in DR Congo's mining heartland', op.cit.: pp. 1-2).

25 'China Molybdenum's Congo mine blames mining tax, low metal prices for loss', Reuters, 23 August 2019.

26 'Send in the troops', op.cit.

27 'FARDC in area around Kamoto Copper Company', 4 July 2019. Announcement on Glencore website (www.glencore.com), accessed on 7 August 2020.

28 'Congo army to remove illegal miners from Glencore site', Bloomberg, 1 July 2019.

29 'Congolese army evicts illegal miners from Glencore project, sparks protest', Reuters, 5 July 2019.

30 In January 2007, he held confidential talks with rebel leader Laurent Nkunda of the *Conseil National pour la Défense du Peuple* (CNDP) in Kigali about the integration of former rebel fighters into the Congolese army. In March 2008, he oversaw the deployment of 600 police officers against Bundu dia Kongo (BDK), a political-religious-nationalist group from Bas-Congo fighting for the establishment of an independent Kongo nation-state. In early 2009, he handled several aspects of the Congolese contribution to Umoja Wetu ("out unity"), a joint military operation of the Congolese and Rwandese armies against the *Forces Démocratiques pour la Libération du Rwanda* (FDLR) rebel force in North Kivu. He was suspected of being involved in the murder, in June 2010, of

Floribert Chebeya, a Congolese activist who had been investigating human rights violations during the BDK police operation. Although he was officially suspended from his position as Inspector-General of the Congolese police as a result of the widespread public outcry over his role in the Chebeya affair, he remained a close adviser of Joseph Kabila in politics and security matters in the former Katanga province.

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43 'Analyse de l'impact de la pandémie du COVID-19 sur le secteur minier de la République Démocratique du Congo', National Ministry of Mines, April 2020.

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