

# **Conflict minerals**



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# 1 Executive Summary

Conflict minerals present a complex ethical dilemma for governments, businesses and charities. On the one hand, the sale of these 'conflict minerals', or 3TG (tin, tungsten, tantalum and gold) can fund further conflict in countries like the Democratic Republic of the Congo (DRC), and are linked to the suffering of men, women and children. On the other hand, these minerals are often a vital source of income for people in the DRC, one of the poorest countries in the world. For women in particular, mining can be a source of economic empowerment. This report examines these complex issues and how they can be navigated in order to minimise human rights abuses in the mining sector in the DRC, without cutting off a vital supply of income for many people. Finally, the report will suggest actions that Women Working Worldwide (WWW) could take to tackle the problems associated with the mineral trade in the DRC.

These minerals are used in millions of everyday products, including mobile phones and laptops. They are incredibly important in the modern world, yet the conditions they are mined in are often dangerous and exploitative. Child labour is common in artisanal mines, particularly in Burkina Faso and Niger (*International Labour Organisation, 2019*). This is a serious violation of children's rights because the work they carry out in mines is incredibly dangerous. For women in the DRC mining comes with many perils, including increased risk of sexual violence, especially in mining areas with armed groups present (*Rustad, Ostby and Nordas, 2016*). With women making up 40-50% of the workforce in African artisanal mines (*Fritz, McQuilken, Collins and Weldegiorgis, 2018*), WWW would be well-suited to carry out further research on the impacts of conflict minerals on women's lives and advocate for women workers.

WWW could take several approaches to improve the lives of these women workers. They could carry out further research into the issues women face and gain more understanding of what women would need to improve their situation. WWW could then carry out worker education and advocacy; working with organisations already in the field and directly with the women workers. Another project could be to carry out an awareness raising campaign to inform people who buy products using conflict minerals and through this to put pressure on companies buying the minerals to source more responsibly. WWW could also work directly with companies and other organisations, such as the Responsible Sourcing Network, to help companies improve their supply chain and advocate for the women workers within it.

Overall, there are many human rights issues associated with mining that need to be addressed. The impact of conflict minerals, specifically on women and children, needs to be addressed in greater detail by companies and organisations making policies about conflict minerals. WWW has a long history of partnership working and supporting and enabling women workers and would be an effective organisation to deliver these projects.

## 2. Overview of conflict minerals

#### 2.1 What are conflict minerals?

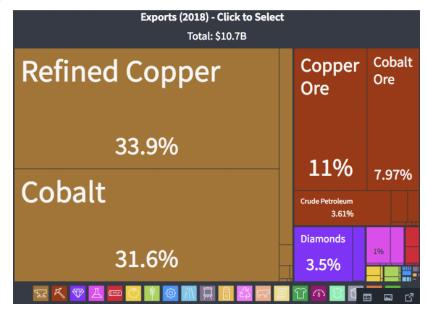
Conflict minerals are minerals that are "mined in conditions of armed conflict and human rights abuses, and which are sold or traded by armed groups." (Foreign and Commonwealth Office, 2013). Minerals are pure compounds, which form naturally in the earth and are used in many different ways. Minerals most commonly associated with conflict are often referred to as 3TG, which includes tin, tungsten, tantalum and gold. These 3TG minerals end up in various different products such as jewellery, mobile phones and cars. The profits from these minerals can end up funding conflict in the countries they are mined in, yet there is a large market for them, particularly because of their uses in electronics.

This is also true of other minerals not included in the 3TG conflict minerals grouping. For example, cobalt and mica are minerals used in rechargeable batteries and the cosmetic industry respectively. There is huge demand for these minerals, and like the 3TG minerals, there are human rights concerns associated with them. For instance, mica and cobalt have been linked to child labour and unsafe working conditions (*Responsible Minerals Initiative*, 2020a; *Responsible Minerals Initiative*, 2020b). These minerals are not officially 'conflict minerals', unlike 3TG minerals and are therefore often not scrutinised as much as the 3TG minerals. For example, European Union (EU) regulation which will come into effect in 2021 only covers the 3TG minerals (*European Commission*, 2017). In the United States (US), section 1502 of the Dodd-Frank act also requires companies to check their supply chains for 3TG minerals (*Global Witness*, 2017). This report will highlight the human impact of mining 3TG minerals, and also consider other minerals that are connected to human rights abuses. It will look at where the mining is happening, what the issues are, the supply chain of these minerals and how women and children are specifically affected, before discussing potential work that could be done in this area.

## 2.2 Where do conflict minerals come from?

The majority of 3TG minerals, or conflict minerals come from the African Great Lakes

region, which includes countries such as the Democratic Republic of the Congo (DRC), Uganda and Rwanda (Foreign and Commonwealth Office, 2013). The DRC is an important source of minerals and precious metals, with major deposits of 3TG minerals, as well as copper, cobalt and diamonds (Observatory of Economic Complexity, 2018). As Figure 1 shows, in 2018, copper and cobalt were the DRC's main exports. Despite the large mineral and precious



stone deposits, the DRC remains one of the poorest countries in the world, with 72% of the country living in extreme poverty in 2018 (*World Bank Group, 2020*).

The DRC has a history of armed groups controlling the mineral trade, exploiting people who work in the mines and using the profits to fund further conflict. The conflict in the DRC began in the 1990s and was closely connected to the genocide in neighbouring Rwanda (BBC News, 2012; Council on Foreign Relations, 2020). Armed groups operating in the DRC include the Democratic Forces for the Liberation of Rwanda, the Lord's Resistance Army and the National Liberation Forces (United Nations, no date). These groups have links to Rwanda, Uganda and Burundi, and often operate close to the borders in eastern DRC. Eastern DRC is also where most of the country's mines operate.

Figure 2 is a map of mines in DRC, which shows where the mines are located, what is being mined and whether armed groups are present at the mines. Between 2013 and 2015, the International Peace Information Service reported that at 65% of the mines visited the presence of armed groups was observed (*Jaillon, Matthysen, Hoex and Weyns, 2016*).

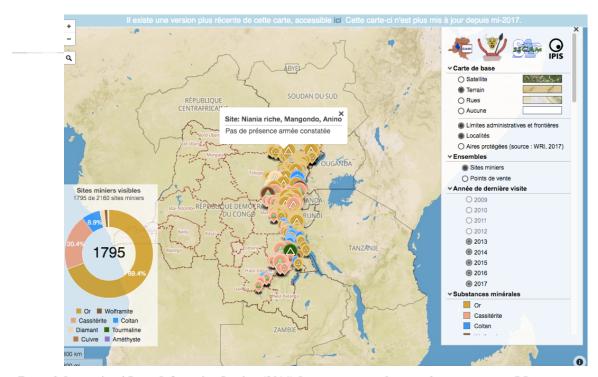


Figure 2. International Peace Information Service. (2014) Interactive map of artisanal mining areas in DR Congo. Available: <a href="IPIS Map">IPIS Map</a>

#### 2.3 What are the effects of conflict minerals?

The main problem with 3TG minerals is that, as previously stated, the profits are often used to fund conflict which has significant impacts on civilian lives. This includes violent deaths, abductions and rape. The profits from mining help to support armed groups, who continue to commit acts of violence. Mines themselves are not necessarily the centre of violent incidents, but, are controlled by the armed groups who carry out the violence.

It is important to note that improving or solving the problem of conflict minerals will not bring an end to the violence in the DRC. Artisanal mining, which is small scale mining, is

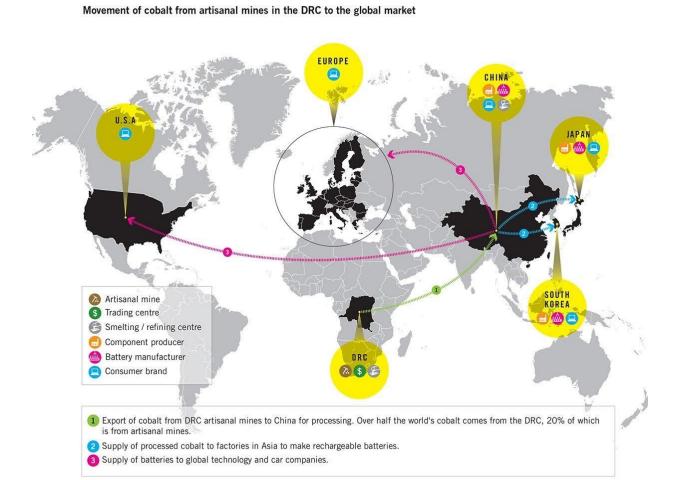
only one source of income for the armed groups. There are many other ways that armed groups in the DRC profit, including taxation of mines, where the group does not control the mine itself but forces the actual owners to pay them by putting up roadblocks along trading routes and creating 'protection rackets' (*Matthysen, Spittaels and Schouten, 2019*). Armed groups also profit from poaching and kidnapping (*Congo Research Group, 2019*). The Congolese government's role also makes peace unlikely for the foreseeable future; the Congolese forces were present at 66% of mining sites where armed groups were observed (*Matthysen, Spittaels and Schouten, 2019*). The report by the Congo Research Group (*2019*) states that the Congolese government "has shown little interest in ending peripheral wars" (*page 12*). Although conflict minerals are part of the problem, work done to make minerals 'conflict free' is unlikely to lead to peace unless there is also social and political change in the DRC.

However, the limited impact that mining has on the conflict and the human rights abuses associated with such mining is still of importance. Conflict minerals are only a part of the conflict in the DRC but still have significant effects on the lives of people who work and live in mining communities in the DRC. Conflict minerals are often mined using slave and child labour. Local people face violence and threats in their everyday lives and also face losing income to armed groups. An investigation by Global Witness in 2016 found that in one region, armed groups were making up to \$25,000 a month by illegally taxing miners (*Global Witness*, 2016). In the DRC, where 72% of the people live in extreme poverty (*World Bank Group*, 2020), the money taken from small scale miners is vital income for them. This report will later highlight the impact of the trade of conflict minerals on women and children.

# 3 Supply chain of conflict minerals

#### 3.1 Where do conflict minerals end up?

3TG minerals mostly originate in the DRC, and other countries in the Great Lakes region in Africa. Some come from industrial mines, but most of the mining done in the DRC is in artisanal, small scale mines. These artisanal mines are particularly vulnerable to exploitation and the miners often work in dangerous conditions (*Amnesty International, no date*). Because of the small scale, unregulated nature of artisanal mining, the supply chain can become difficult to trace. Most of the DRC's mineral exports go to China, with the DRC exporting \$5.51 billion worth of goods to China in 2018 (*Observatory of Economic Complexity, 2018*), with most of the product being cobalt and copper. Large amounts of gold were also exported to China from the DRC. Figure 3 shows how these minerals move around the world, coming from the mines in the DRC, with some of the minerals being traded and refined or smelted in the DRC before going to China, and some of the minerals being refined or smelted in China itself. Then the minerals travel through China, Japan and South Korea to be manufactured into consumer goods, before being sold throughout Asia, Europe and the US.



## 3.2 How are conflict minerals regulated?

There are policies in place to keep track of minerals in supply chains and ensure responsible sourcing. As previously discussed, there are regulations in the US in the Dodd-Frank Act which requires US companies to look at their supply chains for the 3TG minerals and where they originate from, as well as taking steps to mitigate the risks they find. US companies must report this to the US Securities and Exchange commission (*Global Witness*, 2017). Upcoming EU regulation will also cover 3TG minerals and require EU importers to check that the 3TG in their supply chain "has not been produced in a way that funds conflict or other related illegal activities" (*European Commission*, 2017). Both the US and EU regulation is centred around the Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance. This guidance has a 5 step framework for upstream and downstream supply chains as shown in Figure 4. Upstream supply chains deal with the raw materials at the beginning of the process, while downstream supply chains are dealing with the consumer goods at the end.

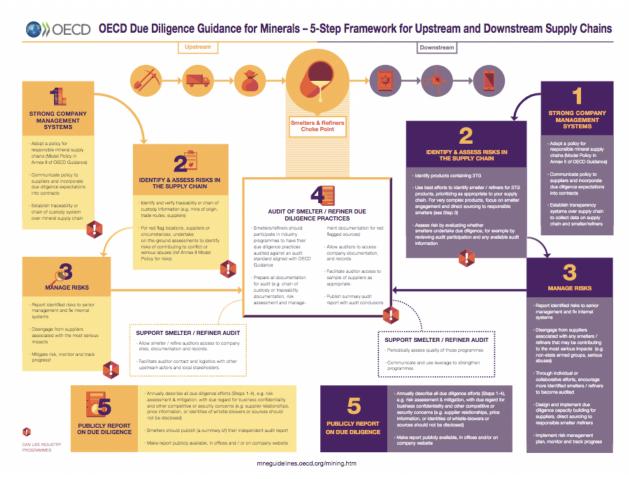


Figure 4. OECD. OECD Due Diligence Guidance for Minerals. Available: OECD

The aim of these kinds of regulation is to make the whole supply chain more transparent and ensure that companies are aware of their supply chain. This would make it easier for companies to take action if the minerals in the supply chain are funding conflict. In OECD guidance, the focus is on 3TG minerals but does apply to any minerals in the supply chain (OECD, 2016). This kind of regulation and push for responsible sourcing has led to some positive change. IPIS reports that responsible sourcing initiatives have improved the security of some artisanal mining communities in the DRC, although more geographically isolated areas have not experienced this increased security (Matthysen, Spittaels and Schouten, 2019). Also, armed conflicts persist in eastern DRC, many of which are unrelated to mining activities, but continue to add to overall insecurity. These initiatives are starting to address some of the security issues for mining communities but have certainly not managed to eliminate armed interference in mining.

On social and economic issues, IPIS reports that the artisanal miners interviewed felt that only elites and co-operatives benefitted from responsible sourcing initiatives. A report by Enough in 2016 looked at the impact of the Dodd-Frank Act, section 1502 and found that similarly in some mining areas, security was improved and there was a reduction in armed group control (*Dranginis*, 2016). However, they also reported that problems remain, particularly around gold mines, and smuggling from the DRC into Rwanda. The report suggests that improvements need to be made combating smuggling, improving validation of

artisanal mines and improving the livelihoods of the people in mining communities. Supply chain due diligence has shown to improve the security of mining communities and reducing the control armed groups have over the mines. However, the problem of smuggling remains and the lives of people in the mining community have not seen significant improvement as a result of due diligence.

# 4 The impact of conflict minerals on women and children

## 4.1 What impact do conflict minerals have on the lives of women?

From the beginning of the conflict, women and children have suffered the impacts. Sexual violence and exploitation have been widely reported on as part of the conflict and are often linked to conflict minerals, particularly in the east of the country. Rape is allegedly still being used to intimidate and punish women and girls for supporting opposing armed groups and the violence is committed by both state and non-state actors and linked to areas rich in natural resources, which "continues to be a root cause and driver of conflict in the country" (United Nations, 2020). The notion that natural resources are the problem and the consequences are rape and exploitation, is criticised by some. For example, Rustad, Ostby and Nordas (2016) suggest that although women who live close to artisanal mining sites are more likely to experience sexual violence, there are several factors involved. These factors include a 'hyper-masculine' culture around mining sites and the prevalence of transactional sex near mining sites. They also note that women who live near artisanal mining sites with an armed presence are at greater risk of experiencing sexual violence from a non-partner. Overall, women who live and work at artisanal mining sites are more at risk of sexual violence, especially when there is the presence of armed groups, but also at mines where armed groups are not present.

Taking steps to stop the presence of armed groups at artisanal mining sites would likely reduce the sexual violence women face but would not eliminate it. Women often work in mining areas unregistered because they lack access to finance and land. Also, cultural norms and lack of childcare often mean they can only take on limited roles in mining, mainly in ore processing (*Weldegiorgis, Lawson and Verbrugge, 2018*). Women working and living in mining communities also face health risks, especially as they are more likely to do the work of mineral processing (*Fritz, McQuilken, Collins and Weldegiorgis, 2018*). Despite this, around 40-50% of the artisanal mine workforce in Africa are women (*page 6*). Artisanal mining is a vital source of income for women in the DRC and can be a source of economic empowerment. Efforts to formalise the mining industry can lead to the exclusion of women who often work unregistered (*Weldegiorgis, Lawson and Verbrugge, 2018*).

## 4.2 What impact do conflict minerals have on the lives of children?

Children are also involved in mining, with child labour most often used in artisanal, small-scale mines. Mining can be extremely dangerous and employing children is a violation of their rights. Child labour is used most often in mining in Burkina Faso and Niger, according to the International Labour Organisation, but also occurs in cobalt mines in the DRC (*International Labour Organisation, 2019*). Cobalt is not officially viewed as a conflict mineral, but the use of child labour to mine cobalt presents important human rights issues. Children working in mines face risks including lung diseases from the dust, mercury

poisoning and serious injury if the mine collapsed. As Figure 5 shows, countries that have extreme risk of child labour include the DRC and Burundi. Poverty is the main factor behind child labour in mines, although some children in the DRC are forced to work in the mines by armed groups (*US Department of Labour, 2018*). Therefore, while focusing on conflict minerals and removing armed groups from artisanal mines would reduce forced child labour, children will likely still work in mines until wider social issues are addressed. This includes poverty, lack of access to education and lack of identification documents which means it is more difficult to verify a child's age.

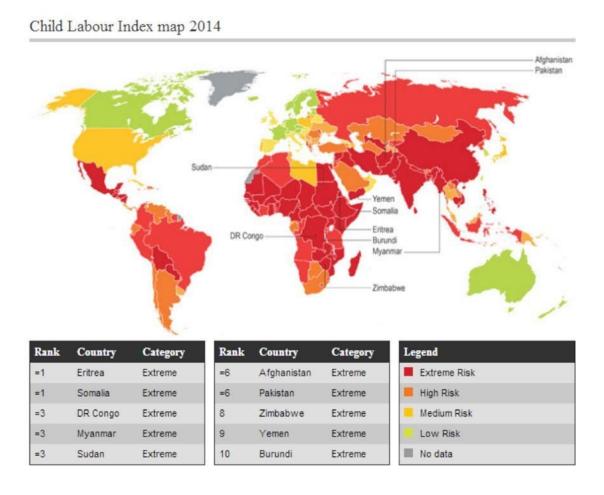


Figure 5. Educate a Child. Child Labour Index Map 2014. Available: Educate a Child

# 5 Next steps

## 5.1 What has been done about conflict minerals and human rights abuses in mining?

As previously discussed, tackling the issue of conflict minerals is unlikely to end the conflict in the DRC, and human rights abuses occur at mines even when there is not the presence of an armed group. Child labour, for example, is largely driven by poverty and needs wider social reforms to address the underlying poverty and inequality in the DRC. Sexual violence and discrimination against women also require a long-term change in culture and norms in mining areas. However, reducing the presence of armed groups in mines would lead to some improvement for women and children who live and work in mining communities. Attempts to address the issue of armed groups at mines have included the Dodd-Frank Act and the OECD due diligence guidance. This intervention has been successful, with armed interference

decreasing, particularly in areas where responsible sourcing initiatives have been implemented (*Matthysen, Spittaels and Schouten, 2019*). This shows that responsible sourcing initiatives can be used to combat conflict minerals successfully, but there is still work to be done around these initiatives.

#### 5.2 What could be done about the issues?

Supply chains remain complex and smuggling is still a significant issue, undermining the responsible sourcing initiatives. Gold in particular has not seen the same improvements as 3T minerals and continues to be mined in conflict conditions and smuggled (*Dranginis*, 2016). However, gold, unlike the 3T minerals, can be certified as fair trade. Fairphone, a company that makes phones from responsibly sourced materials, uses fair trade gold in their phones, becoming the first fair trade certified consumer electronics company (*Fairphone*, 2016). This sourcing initiative by Fairphone was small-scale and it would be difficult for major electronics companies to switch quickly to fair trade gold because of the scale of these bigger companies. However, encouraging companies to begin to use fair trade gold in some products would be a way of addressing the problems with gold. Fair trade standards would mean that the gold would be conflict free, but also would address the human rights issues in the gold supply chain, ensuring that workers are paid fairly and work in safe conditions.

## 5.3 What could WWW do?

Current legislation requires companies to monitor their supply chain and take action when they discover problems. Women Working Worldwide (WWW) could campaign for big electronics companies to be more proactive in working to ensure that the minerals in their supply chains are not connected to human rights abuses and conflict. This could involve moving over to fair trade gold and working with initiatives such as the Responsible Mineral Initiative or the Responsible Sourcing Network. An example of a larger electronics company which has done well in responsible sourcing is Intel. Intel has traced their own supply chain, used independent auditors, encouraged change industry wide, worked to mitigate unintended consequences and considered the wider human rights issues in the mineral supply chain (Intel, 2020). This kind of approach could be used by other companies to improve their sourcing. Additionally, a campaign to educate consumers about the problems not only with conflict minerals, but with other minerals like cobalt, could be used to put pressure on companies to take a more comprehensive and proactive approach to responsible sourcing.

A further issue with current attempts to deal with conflict minerals and working conditions in the mines is that policies are often 'gender blind' or are used to exclude women from mining activities. Mining activities can be a form of economic empowerment for women and give them opportunities they may not otherwise have. Weldegiorgis, Lawson and Verbrugge (2018) suggest that in order to improve women's participation in mining activities, they need legal protection (including equal access to land and licences), access to finance and female miners associations which would provide support and education to women working in the sector. WWW could work with groups already involved in this area such as <a href="International Women in Mining">International Women in Mining</a>, the <a href="Enough Project">Enough Project</a> or <a href="IMPACT">IMPACT</a>. WWW could carry out further research into the issues women in mining communities face and focus on worker education and advocacy, similar to the Developing Strategies for Change for Women Workers in African Horticulture project. Any industry led attempts to change the mining industry should consider

the impact on women, and how they can source responsibly and support women artisanal miners.

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