

# Improving The Field Implementation Of The Voluntary Principles For Security And Human Rights In South Kivu - DRC

Project Update May 2019

**DCAF** Geneva Centre  
for Security Sector  
Governance  
SECURITY & HUMAN RIGHTS  
IMPLEMENTATION MECHANISM (SHRIM)



## Project supported by



Ministry of Foreign Affairs of the  
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## Working Group Meeting in May



8 May 2019  
@Ministry of Mine

**Agenda:**

1. Nyabibwe & Kamituga Follow-Up
2. Thematic Input
3. Exchange of information on SHR risks in SK

**Capacity Building:**

Thematic Input on Security Forces and their Role in Protecting Human Rights

The WG's discussions and activities currently focus on the following security and human rights related issues on mining sites in South Kivu:

**New Case on Bitale, Bunyakiri**

Two cooperatives (COOMIBUK and COOMIBI) are present on the mining site of Bitale (ZEA 799 and 798) but disagree over each others' ownership rights. Both allegedly use for their own protection armed groups and FARDC soldiers who have created a climate of insecurity leading to human rights violations. The presence of these actors on the mining sites is in violation of the mineral certification requirements contained in the OECD DD Guidance on Responsible Mineral Supply Chains. Thus, the mining site is at great risk of losing its only recently acquired "green status" for the mine in April 2019. The Working Group recommends taking the following actions:

- Help the cooperatives find an agreement through mediation which clarifies how the cooperatives can co-exist on the site without resorting to the engagement of armed forces.
- Approach FARDC base in Bukavu to ascertain that troops leave mining site.
- Conduct sensitization missions on the ground with both cooperative members and security forces to make the provisions of the agreement widely understandable and implementable.

Current Status: A mediation agreement was reached in Bukavu on 16 May 2019 between the cooperatives under the guidance of several WG members. Meetings with military representatives are planned for beginning of June. Possibility to conduct field missions to sensitize security forces depends on availability of new financing. DCAF and OGP focus in the meantime on improving the WG's capacity to deliver effective sensitization campaigns on SHR matters.

**Follow-up on Nyabibwe**

The implementation of the agreement on the joint use of a mining concession between 3 cooperatives is continuously monitored by the WG. The appearance of new cooperatives on site jeopardizes the effort to establish fruitful collaboration between the signatories of the agreement. In addition, the demarcation mission is yet to be undertaken. The Working Group recommends the following actions:

- Ensuring that the signing cooperatives initiate the demarcation mission and continued monitoring of implementation of agreement.

**Follow-up on Kamituga**

The company Somico, which was believed to be dissolved years ago, continues to be present on various mining sites in South Kivu. These include Kamituga and Lumbishi, mining sites which are in the property of Banro and Sakima. Somico's presence continues to cause insecurity and violence as Somico raises expectations among communities about future employment, instigates them against other companies, concludes contracts with traders and uses protection through various security forces and armed groups. The Working Group has so far focused on the clarification of Somico's legal status and addressed the Provincial Prosecutor in a letter to provide clarity about the legality of Somico's actions. In addition, the WG considers informing the Security Council through the provincial Minister of Mines once it has documented all security and human rights related incidents resulting in relation to it. The Working Group recommends taking the following actions:

- Ensuring that the Minister of Mines follows up on the WG's letter to the Provincial Prosecutor at Bukavu's Appeal Court.

## **Objective 2:** The VPI's field implementation is reinforced through the experience of South Kivu

The first case study on improving VPs implementation in South Kivu is under development. It will focus on the case of Nyabibwe to illustrate how the Working Group has so far worked on applying VPs to an artisanal mining context. The case study will address the types of security and human rights related risks encountered in Nyabibwe, and how the working group has so far fostered better security practices given the high degree of informal networks between security actors, cooperatives and other stakeholders that is characteristic of South Kivu's mineral extraction.

## **Objective 3:** Strengthened security and human rights capacity of the Mining Police (PMH)

Preparations for the roll-out of the Mining Police Trainings are ongoing. DCAF and its implementation partner Safestainable currently envisage that Safestainable conducts a mission to South Kivu in the month of August, to assess capacity-building needs of the Mining Police, taking into account the diverse range of settings (ASM, Industrial Mining, Trading Counters) they provide security services in. Based on this assessment, a training curriculum will subsequently be developed on which basis a three-day training will be delivered to at least twenty PMH officers shortly after the needs assessment mission. Collaboration with key partners such as UNPol and the Police Nationale Congolaise (PNC) is continuously assured through regular outreach and potential involvement in delivering modules of the training.