

Ending Foreign Exploitation of Mineral Resources in the Democratic Republic of Congo

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Introduction: an old problem

The Democratic Republic of the Congo (DRC), also known as Congo-Kinshasa, is the largest country in Africa in territory, and second largest in population, with around 112 million people. While economically poor, the country is wealthy in minerals and other raw materials, making it a vital part of the global supply system, and a tempting target for foreign investment and exploitation. Managing global demand for its products with local needs for development has long proven almost impossible to balance. Today it is a serious problem for the international community.



Until 1885, the DRC was inhabited by Central Africans and various Kingdoms within the

nation's borders. However, in 1885 King Leopold II of Belgium acquired the rights to the territory and declared it as his "private property," naming it the Congo Free States.¹ His colony military rule reigned from 1885 to 1908 where he committed atrocities and forced the population to produce rubber. In 1908, he ceded the territory, and it became a Belgian colony. In June 1960, the DRC gained independence from Belgium. Independence was followed by secessionist movements and ended in a dictatorship under Mobutu Sese Seko in 1965. Six years later, in 1971, he renamed the country Zaire.²

In 1997, during the *First Congo War*, Mobutu (as he was universally known) was removed from power. During the *Second Congo War* the nation's name was changed back to the Democratic Republic of the Congo. *The Second Congo War*, between 1998 and 2003 and ended under President Joseph Kabila who was president from 2001 to 2019. Despite the transition from a dictatorship to a democracy, the human rights abuses did not end with the citizens experiencing "forced disappearance, torture, arbitrary imprisonment, and restrictions on civil liberties."³ Since 2015, the country has faced continuous armed conflict, mostly in the east, especially around the cities of Goma and Kivu.⁴ But in 2018, the country had its first peaceful transition of power, when Félix Tshisekedi became president.

¹ "Democratic Republic of the Congo." *Wikipedia*, n.d., https://en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo

² Ibid.

³ Ibid.

⁴ Ibid.



The Democratic Republic of the Congo is currently a member state of the following organizations: the United Nations, Non-Aligned Movement, African Union, Common Market for Eastern and Southern Africa (COMESA), Southern African Development Community, Organisation Internationale de la Francophonie, and the Economic Community of Central African States.

Background

The colonial history in Africa is brutal, affecting African states as they struggle with development and peace to this day. European colonial powers, such as Belgium, France, Germany, Portugal and the United Kingdom, created concessions to private companies to extract natural resources from the continent. Large parts of the DRC, at the time was the Congo Free State (CFS), personally owned by Belgian King Leopold II, were essential given as ‘concessions’ to private companies for exploitation. The companies obtained natural resources for export, mostly minerals, lumber and ivory, often relying on violence or threats against local leaders, who were forced to demand collection quotas, effectively enslaving their people. An estimated that 10 million people died from abuse from the concessions between 1880 and 1920.⁹ The exploitation of concessions had lasting effects on the DRC and other affected African countries.

The impact of past exploitation continues to be felt. An investigation on the impact that concessions had on development in affected regions by *VoxDev* found that individuals from a

The Democratic Republic of the Congo is incredibly rich in natural resources. It has struggled with exploitation and various human rights abuses and violations due to foreign intervention, “political instability, lack of infrastructure, and corruption all of which has led the country to have little to no development since its independence.⁵ The nation has various mining communities mainly in the cities of Lubumbashi and Mbuji-Mayi. These mining communities produce raw materials, the DRC’s largest export and major source of income.⁶

Due to immense and widespread violence, the DRC currently ranks 179th out of 191 countries in the Human Development Index.⁷ As of 2018, 600,000 Congolese refugees are living in neighboring countries due to civil wars and internal conflicts; two million children are currently at risk for starvation and the violence alone have displaced 4.5 million people.⁸

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Sara Lowes and Eduardo Montero, ‘Lasting effects of colonial-era resource exploitation in Congo’,

VoxDev, 1 November 2021,

<https://voxdev.org/topic/institutions-political-economy/lasting-effects-colonial-era-resource-exploitation-congo-concessions-violence-and-indirect>

former concession territory still have “significantly worse outcomes” than those who are not from a concession territory; it was found that even today, individuals have “1.3 fewer years of education” and are “25% less wealthy.”¹⁰ Women and children from concession territories still have a “nine percentage point lower high-to-age percentile.”¹¹

Foreign concessions also had a lingering effect on local institutions and social norms. Village chiefs from the former concession territories are “34 percentage points less likely to be elected...and...more likely to be hereditary(citation).”¹² Village chiefs, historically have provided public goods to their local population, however, village chiefs from former concessions are “less likely to provide public goods” and these public goods can include “road maintenance conflict arbitration, and maintenance of schools.”¹³ Individuals from within the former concessions are “more trusting...and more supportive of sharing income” and this is thought to be due to compensation for the low quality of institutions during the concession era.¹⁴

Today the Democratic Republic of the Congo is the world’s largest producer of cobalt ore and also a major producer of copper and diamonds. At the time of the DRC’s independence, it was the second most industrialized country in Africa.¹⁵ Due to long term conflicts, lack of infrastructure, and a difficult operating environment in the country, foreign businesses pulled out of the DRC. However, things began to get better in late 2002; the International Monetary Fund (IMF) and the World Bank met with the government to form an economic plan

and implement reforms. Despite this and due to artisanal mining in the private sector, a lot of economic activity is not reflected in the Gross Domestic Product (GDP) data, resulting in the country having the lowest rank in the Human Development Index in 2011.¹⁶

A copper mine in DRC

Source: <https://www.msuilr.org/new-blog/2022/10/12/neocolonialism-cobalt-mining-in-democratic-republic-of-the-congo>



The demand for scarce raw materials and the worldwide increase in industrial sectors in countries such as China, India, Russia, Brazil, and other developing nations has caused the need for developed nations to find new and responsive strategies for ensuring an adequate and continual supply of needed materials. Due to this, nations, like the United States, have made an effort to “professionalize” the armed forces in the DRC to ensure the security of such materials in the region.¹⁷ Cobalt is used in many sectors such as in the military, so ensuring the preservation of the ores for foreign investors is crucial. Starting in the 21st century, China has taken a special interest in the DRC and has

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ “Democratic Republic of the Congo.” *Wikipedia*, n.d., https://en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo

¹⁶ Ibid.

¹⁷ Ibid.



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invested in the mining industry, increasing the exports to China tremendously.¹⁸

Human rights abuses are rampant in the DRC. In 2011 it was estimated that 30,000 children were serving in armed groups or as forced labor, particularly in the mining industry.¹⁹

Global demand for natural resources from DRC is immense, and DRC, with this vast and rich territory, has a unique ability to satisfy global needs for raw materials. The immense amount of natural resources, especially minerals and metals needed for modern day technology, have started, and continues a globalized conflict in the eastern part of the DRC.

The Chinese government owns and manages the majority of mines that are foreign owned including mines that extract cobalt, uranium, and copper. In addition to being heavily involved in the DRC's mining industry, China has also benefited from the Congo's internal conflict; the Congolese government is fighting the rebel groups, M23, with the use of Chinese drones and other Chinese owned weapons.²⁰ China and the Congolese government have negotiated many deals that have secured China's access to Congolese metals that have boosted their economy and production of electronics and clean energy technology.²¹ Due to these deals, access to the Congo's resources and profits for other countries and the Congolese people have been limited. Additionally, it has been alleged that Chinese owned and controlled are enlisting children to work in the mines.²²

Current Situation

Exploitation of the Democratic Republic of the Congo is directly correlated to human rights abuses across the country, most dramatically during the First and Second Congo Wars of the 1990s and 2000s. Despite the mass amounts of natural resources in the country, the country and the Congolese people have seen little profit from it, resulting in the lack of development of the country since its independence.

During the Second Congo War of the 2000s, the presence of foreign actors in the country increased and became involved in the exploitation of the natural resources within the country. Also, during the war, acquiring natural resources such as diamonds and cobalt became the main objective of the war; the rebel groups and armies were able to use the ores to finance their war efforts as well as supply their own personal enrichment.

According to a UN Mapping Report analyzing the DRC and the exploitation of its natural resources from 1993 to 2003 stated that the exploitation and human rights violations "could not have taken place on such a large scale had there not been customers willing to trade."²³ It appears that foreign buyers were not deterred to trade and buy these resources from the rebel groups and military armies despite the atrocities occurring within the nation.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Center for Preventive Action, 'Conflict in the Democratic Republic of Congo', *Council on Foreign Relations*, 20 July 2023, www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo

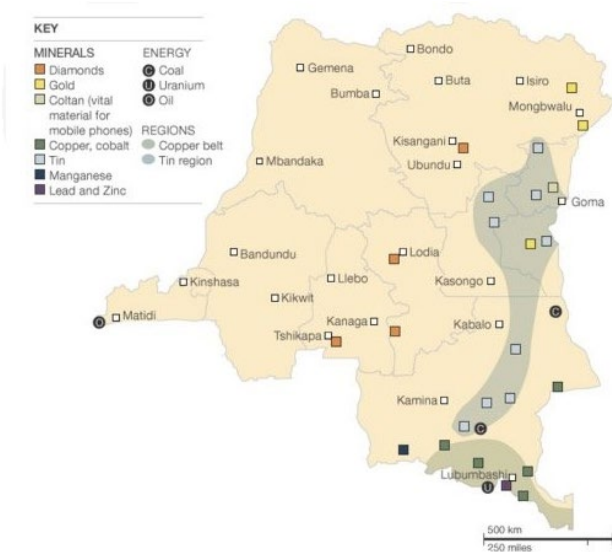
²¹ Ibid.

²² Ibid.

²³ "Violence Linked to Natural Resource Exploitation - UN Human Rights Office." Violence Linked to Natural Resource Exploitation, 2003, www.ohchr.org/sites/default/files/Documents/Countries/CD/FS-5_Natural_Resources_FINAL.pdf

Mining regions in DR Congo

Source: <https://www.msuilr.org/new-blog/2022/10/12/neocolonialism-cobalt-mining-in-democratic-republic-of-the-congo>



Not only did foreign buyers engage in financial transactions with these groups, but many foreign companies, including multinationals, would engage in “negotiations with perpetrators of serious human rights abuses, paying armed groups or providing them with facilities or logistics in order to exploit natural resources.”²⁴ In doing so, foreign companies were directly involved in the perpetration of human rights violations.

In 2007 nine Congolese soldiers and three employees of an Australian-Canadian mining company were charged with “war crimes and complicity in war crimes, respectively,” in connected to the killing of 73 people by the Congolese Army (FARDC) in Kilwa and the company was accused of supplying the army

with “logistics and transport during its military operation.”²⁵ Tried in an international military court, all of the defendants were found not guilty. Although individuals are to blame for the violation of international law in the DRC, companies and corporations should also be put to blame for their complicity in these crimes.

Despite efforts to prevent further abusive practices, they continue to happen because no remedy has been aimed to address structural inequalities. Solutions, thus far, have not prioritized the “distribution of land and resources, impunity of armed groups and their external backers, the absence of a responsive government, rule of law, and a security sector that can protect the civilian population.”²⁶ Furthermore, any and all discussions of solutions were discussed with “pro-democracy activists, members of the internal political opposition, and civil society,” instead discussions included new members of government that were elected through a corrupt and violent election.²⁷

The cobalt conundrum

Cobalt mining as an important illustration of the problems facing DRC. Cobalt is mainly used in technological devices, particularly in lithium-ion rechargeable batteries. Due rising demand for lithium-ion batteries, it will be hard to halt the mining of cobalt or combat the abuse found in the mines. Instead, human rights activists are calling for reform in the supply chain; if the mines were to be changed into a safe working environment and the miners paid a living wage, provided the necessary tools for extracting the cobalt, and had appropriate work schedules with breaks, then the mining of cobalt can continue ensuring it came from a clean supply chain.

²⁴ Ibid.

²⁵ Ibid.

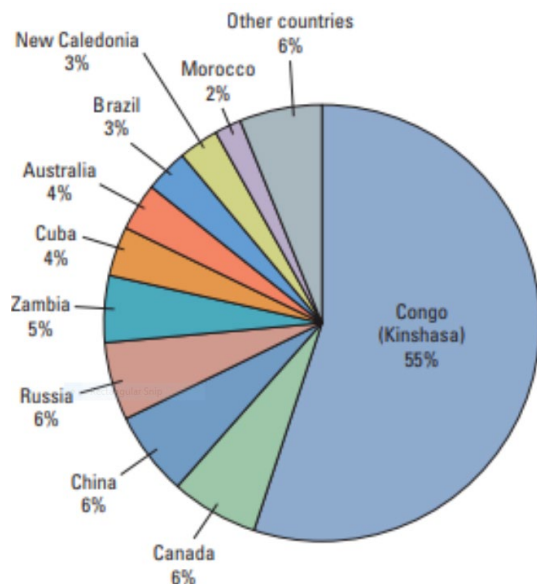
²⁶ Schmidt, Elizabeth. ‘The Global Exploitation of Congo Must End’, *Jacobin*, 2 December 2023,

<https://jacobin.com/2023/02/democratic-republic-of-the-congo-war-colonialism-exploitation-resources-intervention-history>

²⁷Ibid.

Where it comes from: 2019 global cobalt reserves

Source: <https://www.researchgate.net/figure/Global-cobalt-reserves-by-country-Total-reserves-amount-to-69-million-tonnes-Data-fig6-337604314>



While many people and companies and corporations are trying to combat global climate change by switching to electric vehicles and using solar, wind, and water energy instead of fossil fueled technology, what many people fail to consider is exactly where, how, and in what condition the parts for these technologies come from. Everything has a price even if you are trying to do the right thing.

Child labor is a major problem. There is enormous foreign interest in exploiting mineral wealth in DRC. Foreign nations, as well as African countries in East, Central, and Southern Africa have been involved in the numerous wars

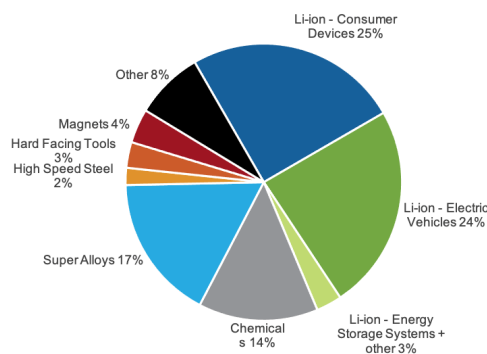
²⁸ Lawson, Michele Fabiola. ‘The DRC Mining Industry: Child Labor and Formalization of Small-Scale Mining’, *Wilson Center*, 1 September 2021,

in DRC and exploitation of natural resources through supporting factions and rebel groups. It is estimated that out of 225,000 Congolese people that mine for cobalt, 40,000 are children as young as six years old where they earn less than USD 2 per day and using their own tools, sometimes their hands.²⁸ While many small-scale miners employ children to work in their mines, some do not, affected by new rules in Europe and the United States, restricting raw material extracted by child labor.

Big technology companies in China and the United States that get their cobalt from the DRC have been cited in lawsuits over the wrongful deaths of child laborers. American companies involved include Apple, Alphabet (Google’s parent company), Dell, Microsoft, and Tesla. The limits, boycotts and sanctions are not the complete answer to the problem, since they also have negative implications for those who work in the mines, since they depend on the mines for their living.

Where it goes: 2021 global cobalt consumption

Source: <https://www.cruxinvestor.com/posts/the-ultimate-guide-to-the-cobalt-market-2021-2030f>



The role of Chinese firms is especially controversial, since they often do not respect the rules, boycotts and sanctions affecting American

www.wilsoncenter.org/blog-post/drc-mining-industry-child-labor-and-formalization-small-scale-mining



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and European firms. Former DRC president Joseph Kabila signed contracts that offered China access to mining concessions if China provided developmental assistance such as “roads, public health clinics, schools, and hospitals.”²⁹ Not long after China had taken ownership over 15 of the country’s 19 primary industrial copper and cobalt mining concessions, allowing them to dominate the cobalt and battery market, with control over 70 to 80 percent of the DRC’s mining.³⁰

For example, in 2016, China’s company, Molybdenum, paid Freeport-McMoRan, a US company, USD 2.65 billion for a controlling stake in Tenke Fungurume, a DRC copper and cobalt mine.³¹ In 2019, Molybdenum was able to acquire another stake for USD 1.14 billion. In December 2020, Molybdenum paid Freeport-McMoRan USD 500 million for a stake in Kisanfu, another copper-and-cobalt concession.³²

A highly visible problem today is the presence of Chinese workers, who receive privileges in pay, working and living conditions, as miners or representatives for the companies, creates tension with the Congolese locals. Congolese miners suffer prejudice and racism from the Chinese population as well as beatings from the mining company’s guards; the local police oblige with the company’s guards in exchange for bribes. The conditions in the mines are no better than mines owned and operated by the Congolese government. The working conditions are harsh with workers mining with no

protective equipment such as gloves, masks, tools, and even shoes.

On 2 September 2023, four people were killed and three injured during an attack in the Northeastern part of the Democratic Republic of the Congo when a Chinese convoy carrying mined gold was attacked; two of the victims were Congolese locals and two were Congolese nationals. The three injured were Congolese soldiers and workers.³³ Violence in mining regions are common with various armed forces and robbers fight for profits from the mines and control of the mines themselves. It is estimated that there are over 120 armed groups are competing for dominance in mining areas.³⁴

Despite the DRC having an enormous supply of mines and miners, there can be little to no guarantee that the ores collected come from a “clean supply chain.”³⁵ This is due to the inhumane conditions that the miners are subjected to; the miners “use pickaxes, shovels, stretches of rebar to hack...at the earth...to gather cobalt and feed it up the formal supply chain.”³⁶

Not only are the mining conditions dangerous for those working in it, but the presence of the mines themselves has had devastating effects on the environment in the DRC. Millions of trees have been cut. Mining creates massive air and water pollution. With little to no protection against these pollutants, Congolese miners are

²⁹ Gross, Terry. ‘How Modern-Day Slavery’ in the Congo Powers the Rechargeable Battery Economy’, National Public Radio, 1 February 2023, www.npr.org/sections/goatsandsoda/2023/02/01/1152893248/red-cobalt-congo-drc-mining-siddharth-kara

³⁰ Ibid.

³¹ Niarchos, Nicolas. ‘The Dark Side of Congo’s Cobalt Rush’, *The New Yorker*, 24 May 2021, <https://www.newyorker.com/magazine/2021/05/31/the-dark-side-of-congos-cobalt-rush>

³² Ibid.

³³ Jean-Yves, Kamale. ‘An attack on a Chinese mining convoy carrying gold in Congo leaves 4 dead, authorities say’, *ABC News*, 2 September 2023, <https://abcnews.go.com/International/wireStory/attack-chinese-mining-convoy-carrying-gold-congo-leaves-102885542>

³⁴ Ibid.

³⁵ Op.cit

³⁶ Op.cit



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exposed to the toxic nature of the cobalt ores which is “toxic to touch and breathe.”³⁷

Working in these mines not only effects the current day miners, but also the unborn. According to a study published by *The Lancet Planetary Health*, pregnant women who work in cobalt mines have a higher chance of having a still born or a child with birth defects.³⁸ Additionally, pregnant women who work in the mines have metal concentrations that are one of the highest reported for pregnant women; the same study also found that fathers who work in the mines have a strong link in birth defects in their children.³⁹

Previous UN action

Since the early 2000s, the United Nations Security Council has passed numerous resolutions on the “illegal exploitation of natural resources in the DRC.”⁴⁰ Security Council resolution 1533, passed in 2004, created a group of experts to support the work of the Sanctions Committee that would be formed in 2005 with the passage of Security Council Resolution 1596.

Resolution 1596 imposed sanctions against individuals violating the embargo on the sale of arms to rebel groups in the eastern region of the DRC.⁴¹

After documentation of the relations between armed groups, local traders, and foreign companies, Resolution 1856, passed in 2008,

called for all states to take necessary steps to end the “illegal trade of minerals in the DRC.”⁴²

Despite these resolutions, little has happened on the trade and exploitation of natural resources in the Democratic Republic of the Congo. The UN Sanctions Committee that was created has sanctioned only 31 individuals in the five years since it was created. Calls for states to do their part in ending the illegal trade and imposing sanctions has achieved little. With these processes respected only by American and European firms—which face pressure from their governments—and little pressure on Chinese and DRC firms, the impact within DRC has been limited.

In 2008, the United Nations Security Council passed Resolution 1856 which created a United Nations Mission in the Democratic Republic of the Congo (MONUSCO). This mission became involved in the natural resources smuggling and attempted to police operations by the Congolese authorities.⁴³ MONUSCO also aided the Armed Forces of the Democratic Republic of the Congo (FARDC) with trying to remove the rebel groups’ control over the mines and replace the ownership back to the Congolese authorities. This operation has fallen short since rebel groups still hold power over some mines and some from the FARDC have profited off the mines.⁴⁴

In 2023 the Security Council renewed Resolution 1533 with Resolution 2688. This reinstated sanctions against the Democratic Republic of the Congo in an effort to suppress the armed national rebel groups as well as armed foreign groups from terrorizing mining

³⁷ Op.cit

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Vircoulon, Thierry. ‘Behind the Problem of Conflict Minerals in DR Congo: Governance’, *Crisis Group*, 3 November 2016, www.crisisgroup.org/africa/central-

[africa/democratic-republic-congo/behind-problem-conflict-minerals-dr-congo-governance](http://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/behind-problem-conflict-minerals-dr-congo-governance)

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.



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regions.⁴⁵ The Resolution reinstates the Group of Experts who assist the Sanctions Committee in ensuring the implementation of the Resolution. The Resolution has been renewed until the first of July of 2024.⁴⁶

The United Nations also tried to police the international trade of the DRC's natural resources, but with little to no cooperation from countries who are providing a "base for the main economic operators" as well as no legal ground to bind the companies to regulate their imports, the attempts have been in vain and re-establishing control in the DRC have also failed due to corruption.

Major country and bloc positions

China: Above all, China stresses measures to strengthen the sovereignty of each and every UN Member State, with an eye to the implications for its own national sovereignty. In practice, this means insulating states from vulnerability to outside influence and universal humanitarian principles, or what Chinese diplomats call 'outside interference'. China uses UN resolutions to reduce the influence of European countries, the European Union, the United States, and their allies in the affairs of countries where China has important interests. China can be expected to strive to protect its investments and commercial interests in DR Congo, ensuring its companies have the greatest possible freedom of action and can ensure their security they require to exploit Congolese minerals and other resources.

For China, unfettered access to Congolese resources, justified by the doctrine of non-interference in every country's domestic affairs,

is paramount. Also important for China are precedents that could affect its freedom to lead and exploit resources elsewhere in Africa and around the world.

European Union (EU): The 27 Member States of the European Union, global development policy stresses universal principles of human rights and economic fairness. Lead international efforts to insulate DR Congo from uncontrolled exploitation. It often acts with support from Latin America and the United States. The EU needs access to Congolese resources, but it also works to ensure DR Congo is not exploited unfairly, and the Congolese people are fairly compensated for the export of their natural resources.

This often creates tension between the EU and China, but some African and Asian countries welcome efforts to strengthen their welfare and environment. Others, especially those led by authoritarian national leaders, resent what they view as neo-colonial meddling in their affairs. In practice, African authoritarians want to preserve their personal profiting, which could be weakened by application of universal humanitarian and economic principles.

In June 2017, the EU signed a regulation into law that requires companies in the EU ensure that the importation of gold, tin, tungsten, and tantalum come from responsible and conflict free sources only. The regulation aims to guarantee "EU importers are meeting the international responsible sourcing standards, the minerals are sourced responsibly, break the link between conflict and the illegal exploitation of minerals, and end the exploitation and abuse of local communities, including mine workers, and

⁴⁵ 'Security Council Renews Democratic Republic of Congo Sanctions Regime, Unanimously Adopting Resolution 2688 (2023)', *UN Press*, 27 June 2023, <https://press.un.org/en/2023/sc15336.doc.htm>

⁴⁶ 'S/RES/2688', *United Nations Security Council*, <https://www.un.org/securitycouncil/content/sres2688-2023>



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support local development.”⁴⁷ On 7 July 2023, the European Union released a statement condemning the violence and abuse of women and children by rebel groups including forced labor and sexual assault.⁴⁸

Non-Aligned Movement (NAM): for the 120 Member States of the UN’s largest voting bloc, measures to strengthen their control over their natural resources are welcome, but some are suspicious of efforts by humanitarian leaders to discourage exploitation. Such protection can undermine their national sovereign control. Their preference, rather, is for measures that enhance national control and maximize prices.⁴⁹ They often find it easier to ally with China, which works to reduce foreign influence, rather than Europe, which works to strengthen humanitarian principles. NAM Member States can be persuaded by either side, but diplomats from China or the European Union will have to work hard to develop the coalitions they want.

United States: The US generally works with Europe and its other allies to ensure the dual goals of access to essential raw materials, while ensuring host countries and their people are not exploited unfairly. Under the leadership of President Joe Biden, balance and fairness are the guiding principles of US policy.

On 21 July 2010, the United States adopting the Dodd-Frank Act which resulted in “international initiatives to make trade in conflict minerals in the Great Lakes zone transparent,” as well as prevent rebel and armed groups from profiting off the mines.⁵⁰ Section 1502 requires that the American Securities and Exchange Commission to form rules that force companies to disclose the origin of their minerals. Companies had to determine if they were to use wolframite, coltan, and cassiterite, and or gold; if they were going to do so then they had to begin means to locate the origin of the mineral. If their investigation found that the minerals were not sourced from the Democratic Republic of the Congo or if it was but came from a government controlled mine, then the company’s products would receive a “DRC conflict free” label.⁵¹ More recently, the UN Congress has considered initiatives to specifically protect children from exploitation in DR Congo mines.⁵²

Possible Action by the UN

There are innumerable paths the General Assembly can follow as it tries to deal with the economic and humanitarian problems of resource exploitation in DR Congo. Any resolution should consider a few basic questions:

⁴⁷ *Conflict Minerals Regulation: The Regulation Explained*, 2021, European Union, 1 January 2021, https://policy.trade.ec.europa.eu/development-and-sustainability/conflict-minerals-regulation/regulation-explained_en

⁴⁸ “Democratic Republic of the Congo (DRC). ‘Statement by the High Representative on Behalf of the European Union’, *European Union*, 7 July 2023, www.consilium.europa.eu/en/press/press-releases/2023/07/07/democratic-republic-of-the-congo-drc-statement-by-the-high-representative-on-behalf-of-the-european-union/

⁴⁹ Al Jazeera, ‘UAE signs deal to develop mines in eastern DR Congo’, 4 August 2023,

<https://www.aljazeera.com/news/2023/7/18/uae-signs-deal-to-develop-mines-in-eastern-dr-congo>

⁵⁰ ‘Disclosing the Use of Conflict Minerals’, *Securities and Exchange Commission*, 14 March 2017, <https://www.sec.gov/opa/Article/2012-2012-163htm---related-materials.html>

⁵¹ Ibid.

⁵² Taiwo Adebayo, ‘US measure would ban products containing mineral mined with child labor in Congo’, *Associated Press*, 3 July 2023, <https://apnews.com/article/congo-child-labor-mineral-mining-us-china-99e23da30ae4e6b91804ab1191509125>

- Is it the role of UN to resolve the issues collectively, or should it be left to Member States individually?
- How do the Member States work with DR Congo to enforce these rules and regulations?
- How do the Member States incentivize the government of the Democratic Republic of the Congo to enact these reforms themselves without excessive foreign intervention?
- How do the Member States limit conflict within the regions of the mines?
- How do the Member States transition control of the mines into legitimate powers?

UN General Assembly Fourth Committee meeting in 2019

Source: <https://www.un.org/dppa/decolonization/en/fourth-committee>



In practice the General Assembly is free to decide what it wants to see happen in DR Congo. It can act aggressively and establish universal principles and precedents. Or it can decide it is too divided to contribute to solution of these issues and agree not to do anything. The General Assembly faces a spectrum of possibilities ranging from the least to the most ambitious. A few major possibilities include the following:

- **Study the issue and consider alternatives:** Although the problems facing DR Congo are serious at best,

widely seen as desperate among activists, UN Member States may not be able to agree on aggressive action. When UN Member States find an issue difficult to resolve, when they are divided and uncertain, often they can only agree to study the issues. Authorizing an official UN study can be dismissed as just postponing action, but it is a meaningful action, since it leads to conclusions and recommendations the General Assembly will be under pressure to adopt later.

Typically, the resolution mandating the study should be clear about how the study is organized, who undertakes the study, and what kind of conclusions it is expected to reach. This is the study mandate. A typical mandate will call upon the UN Secretary-General to lead and organize the study, to ensure fairness, not prejudicial to any Member States. A study can rely on technical experts picked by the Secretary-General, or if Member States are suspicious of each other, it can rely on experts chosen by each participating government. The resolution should specify if the study is mandated to determine what is going on in DR Congo, or if it also can recommend solutions.

- **Encourage DR Congo to nationalize control over the mines on its territory:** the Congolese government could limit the amount of foreign owned and controlled mines within the state or terminate all foreign owned and controlled mines. This would allow the Congolese people to full benefit from the profits that the mines make; this could go to strengthening the national economy, raise the GDP, as well as develop infrastructure throughout the country to better the quality of life of the



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Congolese people.

Nationalization will be popular with some leaders of DR Congo and other African leaders, who stand to benefit personally if they can gain personal control. If they cannot benefit personally, they can benefit politically from the appearance of national assertion. But there are costs to paid for nationalization. A UN General Assembly resolution must consider how foreign owners are to be compensated. Foreign firms must be compensated for their losses. If not, they can be expected to sue DR Congo in their national and international courts, making it impossible for DR Congo to export its resources for years or decades.

Nationalization also has to be protected to ensure it is not quietly undermined by powerful foreign interests, such as Chinese conglomerates or Russian mercenaries such as the Wagner Group. These foreign interests may support nationalization, while relying on large payoffs to regain effective control.

- **Regulate trade:** by enacting international trade regulations could eliminate conflict produced natural resources from entering the international market and being sold; this would also limit the profits that would be funding rebel-controlled mines. Regulating trade could also involve companies, who get their resources from the Democratic Republic of the Congo, disclose the exact origin of their resources.

To be effective, such rules would have to apply globally, not just to DR Congo, but to extractive industry around the

world. If they applied only to Congo, business would have incentives to simply leave Congo and invest in less regulated, easier to exploit countries. For the UN General Assembly, the riddle is how to globally fight exploitation and conflict without undermining trade, ensuring that host countries benefit in the long term, so they support these measures in the short term.

- **Prevent human rights abuses and child labor:** establishing a third party to oversee the working conditions of the mines could assist in ensuring that workers are being treated by the law. This third party would preferably be a UN funded party to ensure no conflict of interest as well as ensure that no one in the group have nothing to gain from the selling and trading of minerals and metals. UN organizations may also assist the Congolese government in passing national laws in support of workers' rights including working conditions and wages.

This approach is narrower, since it does not affect ownership or control of DR Congo industry or the firms engaged there. It will disappointment activists in Africa and Europe especially, who are demanding far-reaching transformation of the Congolese situation.

But its narrow focus could help to achieve more long-standing results. With its targeted approach, it will cost less, although the institutional requirements of long-term oversight should not be underestimated. It also is less likely to arouse opposition from nationalists in the Non-Aligned Movement.



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