Authority and access to the cassiterite and coltan trade in Bukama Territory (DRC)

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ABSTRACT

This study analysed how local dynamics are influenced by artisanal mining sector reforms introduced in the Democratic Republic of the Congo (DRC) starting in 2009. These reforms, aiming to prevent the mineral trade from financing the country’s armed conflict, redefined local access provision to mineral trade. Examining the specific case of Bukama, a territory in south-eastern DRC, the study showed how the objective of establishing responsible supply chains resulted in a process of territorialisation. Through this process, traders and mine sites became listed, demarcated and classified, creating a new access order, giving rise to disputes and redirecting access towards large-scale traders. Against a background of the central state’s limited territorial reach and in the absence of a clear legal framework, the reforms allowed institutional voids to surface. This study found that the resulting emergence and acceptance of locally negotiated access arrangements redirected access-granting authority towards local state institutions. Although the reforms have resulted in increased oversight over mineral flows, they have had the opposite effect on the organisation of access, making the provision of access to the mineral trade less transparent. The article draws upon extensive intermittent qualitative fieldwork conducted in Bukama territory, Kalemie and Lubumbashi from 2014 to 2016.

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1. Introduction

This article discusses the recent transformation of access to the coltan and cassiterite trade in south-eastern Democratic Republic of the Congo (DRC), previously known as Katanga. In the early 2000s, artisanal mining in this area took place at mine sites over which no particular actors made exclusive claims. These sites were freely accessible to artisanal miners, and the market in coltan and cassiterite had few regulatory restrictions; these minerals could be traded to various parts of the country without much interference by the Congolese mining authorities.

The organisation of access underwent a major transformation from 2009 onwards, when many studies on eastern DRC’s awareness-raising campaigns highlighted how armed groups used mineral extraction and trade to finance military operations. In response, from 2009 to 2011, African and Western governments, international multi-stakeholder organisations and private industry started looking for possibilities to stop the looting of these so-called ‘conflict minerals’ and launched multiple standards and regulatory frameworks targeting DRC’s mineral supply chains. The Congolese government introduced new legislation aiming to extend state oversight over mineral supply chains and increase tax revenues from the mineral trade. Simultaneously, companies sourcing from the DRC and surrounding countries were required to verify the origin of their minerals, making sure that their extraction did not involve human rights violations or conflict. Various due diligence guidelines and certification manuals were also launched to assist mineral buyers meeting these requirements.

This study examined how the changing regulatory landscape since 2009 redefined access to trade in artisanal minerals. Much scholarly work describing the reforms of the 3T and Gold sectors in the DRC has focused on the eastern Kivu provinces or, to a far lesser extent, northern Katanga. The same is true for many non-academic studies. This geographical focus does not give Katanga the attention it deserves. Although it has been less conflict-affected than neighbouring provinces, Katanga has experienced large-scale impact from the changing regulatory framework. This study selected Bukama, a mineral-rich territory in the province of Haut-Katanga, previously known as Katanga. In the early 2000s, artisanal mining in this area took place at mine sites over which no particular actors made exclusive claims. These sites were freely accessible to artisanal miners, and the market in coltan and cassiterite had few regulatory restrictions; these minerals could be traded to various parts of the country without much interference by the Congolese mining authorities.

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Lomami, situated in the centre of the former Katanga province (see Fig. 1), as a case study to explore access to the mineral trade. Unlike many other territories in Katanga, Bukama accommodates a dynamic mineral market because of the presence of multiple large-scale traders (comptoirs), allowing for a multidimensional analysis of access disputes and mechanisms.

The present study focused in large part on the process of territorialisation, through which ‘control over natural resources and the people using them’ become established (Vandergeest and Peluso, 1995: 385), examining how this process benefited some actors more than others. The study differs from previous work on access in the Congolese mining sector in its focus on access provision to mineral trade rather than access to mineral extraction (i.e. access to local-level mine pits) (Geenen and Claesens, 2013). The present study also goes beyond rights-based access to conceptualise of access more broadly.

In addition to analysing the outcome of access organisation (i.e. which actors benefited most from the changing regulatory framework and the resulting process of territorialisation), this study also examined the transformation of Bukama’s access organisation itself, exploring the changing role of access-granting institutions and the emerging mechanisms they use. Recognising the recursive constitutive relation between authority and access (Lund and Boone, 2013; Sikor and Lund, 2009), this study analysed how practices of granting or restricting access to mineral resources reproduce or challenge the authority of state mining services and other institutions in Bukama.

The article is based on intermittent qualitative fieldwork in Bukama territory, including its mine sites, mineral depots in Luena, and administrative hubs Kalemie and Lubumbashi, from 2014 to 2016. The fieldwork included observation, document review and approximately 100 interviews with artisanal miners, small-scale traders (negociants), staff members of comptoirs and cooperatives, civil society representatives and mining authorities.

Section 2 discusses three analytical concepts that play a pivotal role in the analysis of access organisation in Bukama: access, authority and territorialisation. Section 3, the empirical part of this article, provides a historical analysis of Bukama’s mining sector transformation from 2009 to 2015. This section describes how territorialisation gradually transformed Bukama’s supply chains from 2009 to 2011 and how this new access order favoured large-scale traders, before summarising two important access disputes in Bukama territory occurring from 2011 to 2014 that highlight the increasing importance of local institutions in organising access and the emergence of local access arrangements. Section 4 discusses these findings against the background of the international community’s attempts to increase oversight over Congo’s mineral trading chains.

2. Access, authority and territorialisation: an analytical frame for natural resources in the DRC

The present study takes an access approach to analyse the effects of recent mining sector reforms on access provision. In contrast to other scholarly work analysing the impact of mining sector reforms from a livelihoods (Hilson, 2009, 2011; Iguma, 2017) or social network perspective (Smith, 2011, 2015) our access approach allows for a thorough analysis of power dynamics, highlighting questions of authority and political order while taking the legally pluralistic Congolese setting into account.
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