

Forum: United Nations Human Rights Council

Issue: Human rights violations associated with the distribution and use of natural resources: the Coltan case

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Introduction

Coltan, cobalt, and copper are some of the most important resources for the world in the twenty-first century. The use of these resources in the manufacture of cellular phones, computers, electronic devices, wires, and technology of all sorts means that these minerals are vital for the world to function as it currently functions. Considering the vast use of electricity, wireless communication, and the internet in everyday life and official matters, these resources are in high demand - and this demand will only increase as time goes on. Despite this demand, the Democratic Republic of the Congo (DRC), which houses 60% to 80% of the world's coltan reserves (OHCHR, 2003), around 48% of the world's cobalt reserves (Statista, 2023), 9% of the world's copper reserves (Statista, 2023), along with 17% of the world's diamonds (OHCHR, 2003), has not been able to take advantage of the resources it possesses. Following the Congolese Wars of 1996 and 1998, the already underdeveloped infrastructure in the DRC was significantly weakened, leading to a country which was left open to exploitation.

Following these wars, the mostly-civilian owned mining sector in the Democratic Republic of the Congo fell into the hands of the Congolese military, and in turn, foreign powers (Ugandan and Rwandan militias, Western multinational corporations) due to the lack of authority that the Kinshasa government possessed. (OHCHR, 2003) The hold that these foreign groups had over the resources led to an increasingly exploitative and lawless extraction of minerals in the Congo, as powers would go to any means necessary to cut costs.

The result of this exploitation is that currently, over 40000 underage miners are used to extract the coltan from the Kivus alone, often never having a chance to attend schooling in their lives. These children are forced to work in slave-like conditions, for minimal pay and almost no regard for their well-being. "Children work as washers and diggers in dangerous conditions. They also engage in petty smuggling, selling coltan for a pittance in towns along the borders with Burundi, Rwanda and Uganda. Doing adults' work

in a hazardous environment, many child miners face harassment, abuse and ill health. Occupational hazards include daily exposure to Radon, a radioactive substance associated with coltan, which has been linked to lung cancer.” (Ojewale, 2021)

Definition of Key Terms

DRC

Abbreviation for the Democratic Republic of the Congo, or Congo-Kinshasa, a country located in central Africa.

Coltan

A mineral used in the manufacture of mobile phones, computers, and other electronic equipment. (OHCHR, 2003)

Kivu

Also known as *the Kivus*, Kivu is the name given to the greater political region surrounding Lake Kivu (located between the Democratic Republic of the Congo and Rwanda) which is split into the provinces North Kivu and South Kivu of the DRC, with some sources also considering the province of Maniema. (International Crisis Group, 2009) The geographical Kivu region however is different; it also encompasses the areas of Rwanda which border the lake. (University of Arizona, 2008) The provinces of North Kivu and South Kivu are home to between 60 and 80 percent of the world's coltan. (OHCHR, 2003)

The Copper Belt

The Copper Belt: A region located in northern Zambia and southeastern Congo-Kinshasa, home to 34% of the world's cobalt and 10% of the world's copper. (OHCHR, 2003)

Background Information

Historical context

Throughout recent history, the Congo and the greater central Africa region have been some of the biggest and most clear examples of imperialism and exploitation. Due to the abundant resources in the area, with diamonds, ivory, and rubber in the past, and minerals in more recent years, the Congo has been viewed with great desire from outside powers; examples including the brutal regime of the Belgian Congo after the Scramble for Africa in the colonial period, the exploitation and political influence of foreign powers in the Cold War during the Zaire era, and the exploitation and human rights abuses in the post-Zaire era.

Colonialism in the Congo first started in the 16th century, with the transatlantic slave trade between Portugal and its Brazilian colony, transporting Congolese slaves from southern Congo and northern Angola; with other European powers soon arriving on the northern Congolese coast in the late 16th century. Portuguese attempts to establish a permanent colony in the area later followed. After the gradual decline and the emergence of industrialism, the Congo was first pillaged by Western and Muslim powers for ivory before the establishment of the Congo Free State in the Berlin Conference. (Britannica, *Central Africa*)

Large areas of King Leopold's Congo Free State were rented out to corporations, which were licensed to make a profit and pay a tax to the king in Brussels. "Companies such as the Anglo-Belgian India Rubber Company, the Antwerp Company, and the king's own Crown Domain took over the extraction of rubber from the Chokwe. Since the profits on rubber were low compared with ivory or slaves, great pressure had to be brought to bear to encourage newly subjected villagers to forsake their agricultural livelihoods and risk their lives in the forest to gather the vine sap. Military force was used, rubber collecting became compulsory, and defaulters were barbarically punished by having their limbs amputated." (Britannica, *Central Africa*) The Leopoldian reign over the Congo has been exemplified as one of the most cruel colonial regimes to occur, as the desires of Leopold II

and his subjects to make a profit on their colonial ventures would stop at nothing to achieve their goals. The Belgian government confiscated the Congo from Leopold II in 1908 following the inhumane occurrences in the colony. However, before his reign ended, Leopold II also started the mining industries of copper in the Copper Belt and diamonds in the Congo. The Belgian Congo was decolonized in 1960, creating the states of the Democratic Republic of the Congo (Congo-Kinshasa), Rwanda, and Burundi.

Post-Colonial Congo

Almost immediately after gaining political independence, the Republic of Congo (Kinshasa) started struggling with turmoil, with the southern province of Katanga declaring independence on the 11th of July, 1960, twelve days after the nation's independence. Despite the reintegration of Katanga in 1963 through intervention of United Nations forces, the declaration led to a 5-year period known internationally as the Congo Crisis. This was a five year period in which Congo-Kinshasa and the internal conflicts of the country were used as a proxy battleground by the United States and the Soviet Union, amid Cold War tensions, leading to the first case of foreign intervention in an independent DRC - immediately after gaining independence. The period would end in 1965 after the country was unified under US backed dictator Mobutu. Mobutu would rule the country until 1997, changing the name of the country to Zaire in 1971. (Hochschild, 2009)

The Mobutu regime was responsible for a multitude of human rights violations, corruption, and was greatly influenced by the United States' foreign policy. Around 75% of the Zairian infrastructure had deteriorated and had become unusable during the Mobutu regime and most of the country's wealth was embezzled into his personal accounts. (Young & Turner, 2013) Before the end of Mobutu's reign in 1996 and after his death (1997) in 1998, the two Congo Wars would occur, weakening the country's already weak infrastructure, "causing the destruction of a great deal of infrastructure and propagating the practice of resource pillaging inherited from Mobutu's kleptocratic regime, under the pretext of funding the war effort. Given the importance of diamonds to the country's

economy, the way in which President Mobutu and, later, President Kabila managed this sector was symptomatic of the bad management and looting that took place under the country's successive governments." (OHCHR, 2003)

During these two wars, Congolese militias would take over the civilian owned mineral mines in the country in order to finance their war efforts and for the warlords in charge to enrich their personal accounts. This would lead to further exploitation and human rights abuses in the Congolese mining industry. In 2002, the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth would come to the conclusion that all coltan mines in the eastern DRC were controlled by either a foreign military or a rebel force. Stating that: "Ample evidence indicates that Rwanda and Uganda were financing their military expenditure with the profits from natural resource exploitation in the DRC. According to some estimates, the income Rwanda received provided 80 percent of all the APR's [Rwandan army] expenditure in 1999. The Ugandan army also enjoyed a considerably larger budget due to profits from the DRC's wealth." It was also stated that the exploitation and human rights abuses "could not have taken place on such a large scale had there not been customers willing to trade in these resources. Indeed, there was never any shortage of foreign buyers willing to handle these goods, despite the existence of reports denouncing the serious violations of international law committed by their trading and financial partners. Buyers included not only traders in the DRC and neighbouring countries but also private companies registered in other countries, including multinationals." (OHCHR, 2003)

Current situation

Currently, the situation regarding mineral mines in the DRC is dire; coltan mines in Kivu are "employing" tens of thousands of children in subhuman conditions. There are countless human rights violations, corruption, smuggling, rape, trafficking, prostitution, radioactivity, and recruitment into armed militias. The main goal of the mine owners is to churn out a profit, with influence from multinational corporations and western powers. However, around 90% of the mines are operated independently, often without a permit.

The United States' Bureau of International Labor Affairs has been funding its Combating Child Labor in the Democratic Republic of the Congo's Cobalt Industry (COTECCO) project since 2018, having been attempting to increase the enforcement capacity of the government and relevant stakeholders at both local and national levels. Despite their efforts, however, the COTECCO project has not been fully successful at its aims, primarily due to a lack of significant funding.

Countries and Organisations Involved

Democratic Republic of the Congo & the Kinshasa Government

The Kinshasa Government in the Democratic Republic of the Congo is not uninvolved with its own mining industry, and has made previous efforts to stop the breach of human rights and child labour that is everpresent in the mines. The DRC has passed several laws, signed off on increasing the standards of the extraction process, and reformed the mining code to curtail and penalise the use of child labour. Despite these efforts, the legislations put into place since 2017 have proven ineffective in curtailing the use of child labour and malpractice in the coltan industry, leading to questioning of feasibility in the East and the authority that Kinshasa has over Kivu. The primary reason behind this is the weakened infrastructure within the eastern regions and the greater DRC, leading to Kinshasa lacking the means to enforce its central authority. (Ojewale, 2021)

Independent, Organized, and Illegal Mining Operators

A 2022 research report done by the Regional Organized Crime Observatory (ROCO) of ENACT has stated that there is a large network of organised crime in the production, trade, and supply of coltan and other important minerals for global trade. This network is also linked with legitimate multinational corporations in MEDCs. (Ojewale, 2022)

Multinational Corporations and MEDCs

More Economically Developed Countries (MEDCs) have been historically involved with the mineral industry in the DRC, from colonialism to Cold War influence and now, through lobbying and multinational corporate interests. Due to the unavailability of government data in the mining sector, corruption cannot be tracked in Congolese mineral mines, despite Kinshasa's efforts against corruption. This has led to foreign multinational corporations utilising Congolese middlemen to gain access to the mineral sector of the DRC in order to make profits. (Ojewale, 2022)

Timeline of events

February 26th 1885	The Berlin Conference is finalised and the Congo is given to Leopold II of Belgium; the Congo Free State is declared.
1908	Leopold's Congo Free State is confiscated by the Belgian government and reorganised into the Belgian Congo.
June 30th 1960	The Republic of Congo gains independence from Belgium.
July 11th 1960	The province of Katanga declares independence from the Republic of Congo, starting the Congo Crisis.
August 1st 1964	The Republic of Congo is renamed as the Democratic Republic of the Congo.
August 31 2021	Taliban forces launched an offensive against the NRF in Panjshir.
November 25th 1965	United States backed Mubata overthrows the Congolese government to assume power in a coup d'état, ending the Congo Crisis in the process.
October 27th 1971	Democratic Republic of the Congo is renamed to Zaire.
October 24th 1996	The first Congo War starts.
May 16th 1997	The first Congo War ends, Mobutu is overthrown, and the name is changed back to the Democratic Republic of the Congo.
August 2nd 1998	The second Congo War starts.
July 18th 2003	The second Congo War ends.
July 19th 2004	Act No. 04/016 of 19 July 2004 on combating money laundering and the financing of terrorism is adopted.
September 13th 2010	UNCAC is ratified.
February 8th 2017 - March 28th 2018	The Kinshasa Government reforms the country's mining code.

Relevant UN Treaties and Resolutions

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights, proclaimed on December 10th, 1948 is the defining declaration on human rights, and it's arguably the most important document for the wellbeing and protection of civilians to ever be signed. It was proclaimed with the adoption of the United Nations General Assembly Resolution 271 A.

United Nations Convention against Corruption

The United Nations Convention against Corruption (UNCAC) was opened for signatures between the 9th and 11th of December 2003 following the adoption of the United Nations Office on Drugs and Crime (UNODC) Resolution 58/4, which was adopted by the United Nations General Assembly on the 31st of October, 2003.

The UNODC states that: "The United Nations Convention against Corruption is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. The Convention covers many different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector."

Global Conferences on Child Labour

The five Global Conferences on Child Labour, the latest having been held in Durban, South Africa on May 2022, are conferences hosted by the United Nations specialized agency, the International Labour Association (ILO). They have the primary aims of eliminating the worst forms of child labour altogether and significantly decreasing any forms of child labour. The Durban Conference was concluded with the Durban Call to Action.

Previous Attempts to Solve the Issue

Reform of the Congolese mining code

Between 2017 and 2018, several legislations were put into place which reformed the mining code of the Democratic Republic of the Congo and signed off on increasing the standards of the extraction process, in order to curtail the breaches of human rights and use of child labour in the Kivu coltan mines. These changes were ultimately ineffective because of a lack of authority from Kinshasa in the eastern regions of the country, primarily because of the weak infrastructure in the area and country; the weakened infrastructure has made the Congolese government unable to reach some areas as effectively as it desires.

Combating Child Labor in the Democratic Republic of the Congo's Cobalt Industry (COTECCO)

The United States' Bureau of International Labor Affairs' COTECCO project has been ongoing since 2018, and aims to increase local and national authority concerning the enforcement of labour laws. This project has been largely unsuccessful because of a lack of notable financial backing.

Possible Solutions

The main reasons behind the existing human rights abuses and use of child labour in the Congolese coltan mines are a lack of government transparency and data for the mining sector leading to misconduct and corruption, the prevalence of organized crime and illegal & independent mining organs involved in the supply chain of Congolese minerals, the predatory behaviours of multinational corporations from advanced economies set on making a profit, a lack of sufficient infrastructure in the country which leads to a lack of authority in the eastern regions, and centuries of exploitation which has led to a population that is uninformed about the standards of mining operations. A delegate wishing to curtail the human rights violations in the distribution and use of natural resources in the Democratic Republic of the Congo must address the main causes of the issue.

Increasing governmental transparency with regard to mining must be done to reduce corruption in the region and in the globe. Delegates wishing to address the root cause of corruption in the sector may look at the United Nations Conference against Corruption as a working example. Implementing individual anti-corruption acts for member states must be looked at with reluctance, as examples of these have been attempted by the Kinshasa government with a lack of success. However, in order to solve the root cause of why smaller scale solutions have been unsuccessful may consider looking into the central authority - or lack thereof - of the Kinshasa government. The issues of illegal mining operations and organised crime must also be looked into with caution.

However, delegates must also consider that their solutions may have previously been implemented, or have been attempted to be implemented, in the past. Feasibility of a resolution must also be kept in consideration.

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