

Africa Biodiversity Collaborative Group

Brown Bag: Mining and Biodiversity in the DRC: Challenges and Opportunities

12 October 2011

What is ABCG?

The Africa Biodiversity Collaborative Group (ABCG) comprises seven international conservation NGOs (African Wildlife Foundation, Conservation International, the Jane Goodall Institute, The Nature Conservancy, Wildlife Conservation Society, World Resources Institute, and World Wildlife Fund) with the goal of working collaboratively and efficiently and effectively to further a sustainable future for the African continent. Funding has been generously provided by The John D. and Catherine T. MacArthur Foundation, the Critical Ecosystem Partnership Fund, the U.S. Agency for International Development, the U.S. Fish and Wildlife Service, and our members.

ABCG's Mission

ABCG's mission is to tackle complex and changing conservation challenges by catalyzing and strengthening collaboration, and bringing the best resources from across a continuum of conservation organizations to effectively and efficiently work toward a vision of an African continent where natural resources and biodiversity are securely conserved in balance with sustained human livelihoods.

Stay Involved

Information, presentations, and other resources from this workshop and others are available on the ABCG website: www.abcg.org. To keep up with ABCG, you are invited to join our listserv, follow us on Twitter (@ABCGconserve) or "like" us on Facebook (www.facebook.com/ABCGconserve).

ABCG Brown Bag – Mining and Biodiversity in the DRC: Challenges and Opportunities

ABCG held a brown bag presentation and discussion on October 12, 2011 from 12:00 – 1:00 pm featuring representatives from ABCG's Extractive Industries Group, made up of members Conservation International (CI), Wildlife Conservation Society (WCS), World Resources Institute (WRI) and World Wildlife Fund (WWF). Ray Victurine, WCS and Cornielle Ewango, WCS DRC presented the preliminary results of these four ABCG member organizations' work addressing the issues of mining and biodiversity in the DRC.

The work presented and the brown bag are both supported by the U.S. Agency for International Development's Biodiversity Analysis and Technical Support (USAID BATS) program of the Africa Bureau.

Mining and Biodiversity in the DRC – Challenges and Opportunities

ABCG Extractives Working Group: Preliminary Results from CI, WCS, WRI, and WWF work on Mining and Biodiversity in the Democratic Republic of Congo

Presented by representatives Ray Victurine, WCS and Cornielle Ewango, WCS DRC

Introduction

The World Bank reports that the DRC's mining sector could bring revenues equivalent to 15-20 percent of GDP and one quarter of Government revenues by 2020. The scale of investment necessary to achieve those results is significant. Without proper planning and attention to the country's biodiversity resources, these investments

could inadvertently result in the loss of important habitats and ecosystem services.

To better understand the extent of mining and biodiversity risks and to explore opportunities to foster biodiversity conservation in the face of growing investment in the mining sector, CI, WWF, WCS and WRI have launched a collaborative effort through the Africa Biodiversity Collaborative Group (ABCG) to assess the (potential) impacts of mining on biodiversity in the DRC, and how best to engage the various stakeholders in the Democratic Republic of Congo (DRC) to ensure that biodiversity is not sacrificed in the scramble for mineral resources. These efforts have been made possible with funding from the USAID Africa Bureau's Biodiversity Analysis and Technical Support (BATS) program.

This brown bag will present the preliminary results of this collaborative effort. By mapping the overlap between mining and areas of high biodiversity, the team will demonstrate the potential risks to biodiversity at a national level, and then present how those impacts are affecting specific landscapes of biodiversity importance. In addition the team will discuss various points of leverage that can be brought to bear so that companies adopt best practices and address biodiversity risk. Following a short presentation, there will be a discussion regarding next steps including a strategy for engaging both with companies and government to balance sector activities with the biodiversity conservation goals.

Mahlette Betre, CI welcomed attendees, identified the Extractive Industries Group members who contributed to the results and introduced the speakers representing the group.

Natalie Bailey, ABCG gave an overview of ABCG, the Dar Vision and the USAID guide to engagement with extractives.

Ray Victurine, WCS and Cornielle Ewango, WCS DRC:

The Extractive Industry Working Group initially wanted to work at a regional level in Central Africa, but decided to focus just on one country: the Democratic Republic of Congo (DRC). DRC is a very large country with a large population, lots of biodiversity and a history of armed conflict around extractive minerals. Part of their effort was to get a sense of the extent of the issue by looking at where mining and protected areas/high biodiversity areas overlapped. This exercise involved various stakeholders in an initiative to map out areas recognized as protected areas and areas that should be. Through mapping, they found out that there is a lot of overlap of priority conservation areas and mining concession permits. DRC has a tremendous amount of mineral wealth (an estimated \$24 Trillion of reserves), so a lot of future investment is expected. The Group looked only at data on minerals, not at oil, etc. Part of their mapping work was geared to get a sense of where things are in the country; however, there are significant challenges in producing maps.



While part of their work involved mapping and context examination, they also tried to gain insight into the legal context in DRC. The Nature Conservation Law of 1969 declares that activities not compatible with conservation are prohibited in protected areas; however “compatible” isn’t clearly defined and thus open to interpretation. A 2002 mining law allows mining in protected areas so therefore mining must be “compatible” according to law. There are many contradictions and a lack of clarity; however, there are new laws being developed, including a new 2012 mining law and a new conservation law that could help define these compatibility issues. Scheduled

upcoming elections might slow down engagement on some level; efforts to engage the government might not be feasible until June 2012, when things have settled down a bit. Laws have the potential to push things forward but they can also be quite challenging.

The Group has also examined the Wall Street Reform Act to determine leverage points for influencing how work is done by large mining companies. The Dodd-Frank Bill Article 1502 states that companies need to certify that they aren't mining conflict minerals. Article 1504 requires that companies report any payments they make to governments. The Act hasn't been implemented yet; regulation isn't exactly a popular idea in the US currently. Studies showed that 12 companies that have mining operations in conservation areas are publicly owned and would be required to submit reports through Article 1504; in many other cases the titles are granted to individuals or are uncertain cases.

Part of the work involved collecting data for mapping and the legal context for leverage. In addition, case studies were done to examine what's being done on the local level, including the case of the Ituri landscape. Ituri is a World Heritage Site that overlaps with mining concessions, some within areas of key biodiversity. There are industrial mining concessions as well as artisanal miners. Most of the mining is done by large companies that consequently end up pushing displaced artisanal miners into protected areas (such as the Okapi Wildlife Reserve) in order to sustain their livelihoods. Artisanal mining is a concern because the government manages industrial mining but artisanal mining is often illegal and difficult to control.

The problems with mining in DRC are vast and complication; however, there are some opportunities for engagement. Corporations and financial institutions can develop land use planning that integrates artisanal, small-scale and industrial mining. It is important to engage the people involved and dependent on artisanal mining. National level policy and planning and international initiatives need to be developed, built on and utilized. Transparency should be pushed to see how things are actually implemented in the field. Many lessons can be learned from the forest sector. Policies related to offsets should be developed to conserve biodiversity in area of high biodiversity that aren't protected areas. Finally, it is important to coordinate efforts. A collective front of ABCG members recommending to companies how things should be implemented through best practices may be a way to address and reach goals.

Discussion Topics

Collaborations and Actors

As far as WCS staff members in the field know, there are no local NGOs involved in mining and biodiversity issues in DRC – no coordination of efforts or alliances. Local and civil societies see mining purely as an economic opportunity – they're not focused on biodiversity. There is a lot of room to build relationships with local NGOs including a potential niche for ABCG to address and collaborate on human rights issues and add a conservation effort to all efforts associated with mining. Additionally, there is a huge amount of money available from the World Bank that could be diverted toward environmental issues if ABCG is able to influence funders. Leveraging the World Bank and their effort to reform mining through PROMINES is in the works. It's important to show that conservation issues are not dissimilar to development issues; transparency can be a next step toward implementing conservation initiatives in the DRC.

In eastern Congo, military and militia might have control over mining concessions, but not in all sites. There is also some confusion between government and militia control. There is an opportunity for engagement in eastern DRC to engage militia in considering conservation issues, but it's a really difficult thing to address. The government is trying to set up buying centers to service a 30km radius but one problem is that the regions all contain protected areas so half of the minerals going there are illegal, yet will get a legal stamp. Minerals and timber are technically federal property.

It's important to ensure the community rights issue is given a central attention in mining and conservation. It's been shown that community conservation is often very successful. ABCG needs to study ways that community based conservation can be promoted, and engage governments and mining corporations in doing these activities. Lessons can be learned from studying artisanal forestry and the successes from working with small-scale loggers in Ituri. Small scaled loggers were scattered, and immigrants took advantage to exploit logging. ABCG facilitated a platform for small scale loggers to create internal regulations, and have a way to enforce these rules through a provincial law (approved by parliament and waiting for implementation). This might be a good way to deal with artisanal mining and needs to be explored further.

On-the-Ground

In Ituri specifically, the military/militia have a limited influence. The militia impact in Ituri is minimal; there are a lot of concessions and the militia is scattered around. Recently WCS field staff heard of pockets of soldiers in the Okapi Wildlife Reserve and WCS tries to collaborate and work with the army. There is a fair amount of information about which militia groups control which mines and it's really important to try to work with conflict groups. Even though there are a lot of big companies, the militia is more associated with artisanal mining.

In looking at the map of Ituri it seems that artisanal mining isn't happening in some parts of Ituri, but it might be because the minerals aren't actually there. Some areas are active in mining and others aren't. Artisanal mining is very dynamic – people move when something new is discovered. A map could change rapidly. A lot of artisanal mining follows indications from colonial exploration times. In some cases, it's a question of digging into colonial archives in Belgium, which a lot of mining companies actually do. No serious geological research has been done though so geologists aren't very helpful. Mining companies obviously don't want to share their information about future prospects so it's difficult to plan out conservation projects in advance.

Industrial mining has a reputation of being the main cause of environmental damage; however, the environmental impact of artisanal mining in DRC seems to be greater than large scale mining – there are far more artisanal mines and the impact is huge. Industrial companies are subject to monitoring but artisanal miners aren't. Additionally, artisanal miners get chased out by large scale mines and gravitate toward other activities

like bushmeat hunting and charcoal making. In order to eliminate the negative unintended consequences of removing artisanal mining as a livelihood option, options must be better developed and managed. Another option to decrease the impact of artisanal mining and protect the environment would be to find ways to bring higher priced values for minerals mined by artisanal miners, which the miners actually receive.

Moving Forward

The forestry sector offers a train of lessons to examine and learn from, including how they managed indigenous rights, community rights, social responsibility, capacity building, etc. There are possible examples of sustainable artisanal mining in South America that might be fruitful.

Much of the workshop conversations have circled around what ABCG is going to next in the realm of extractive industries. Currently, they are working on finding a unified voice for communication and outreach plans – what they do best. They are looking at issues of transparency and making connections in the human resources/development sectors. The session following the brown bag will be dedicated to developing ABCG's strategy for the next few years.

ABCG is doing work in what we can tangibly do and raising awareness about best practices for what our members are doing; however, it's also useful to the field to indicate other things ABCG members are doing (i.e. oil/gas, working in other countries in Africa, governance, best business practices etc.). ABCG is eager to share usable best practices out and influence others, as a consortium.

Looking forward, it will be important to also consider the indirect impacts of mining on populations in areas where no mining is done. Areas can be drained of resources that are not directly connected to mining. In some cases, villages are drained of men who go off in search of income and abandon farms and food production. Raising this issue to attention could have an impact; it's an opportunity to talk to donors and the private sector to invest in agriculture, etc.