

Emergency or durable solution?

Coltan mining and cooperatives in northern Katanga (DRC)

Claude Iguma Wakenge
Dorothea Hilhorst

Introduction¹

'Cooperatives are etiquette, appendix, wrap, skeleton [...] We are not informed when mineral's price increases but only when it collapses.' (Interviews with miners in Kisengo, September 2013).

This chapter studies institutional change by zooming in on what happens when new institutions created by policymakers interact with existing local institutions. It focuses on the creation of mining cooperatives in the Congolese region of northern Katanga, and examines the working of these new institutions and the implications these have had for the artisanal miners in the area.

During the 2000s, the international community has supported a series of reforms in the Congolese mining sector. These reforms were meant to break through cycles of conflict in which mineral resources are perceived to play a major role (Autesserre, 2012). In addition, the reforms were meant to formalise the informal mining sector in the DRC. The mining sector is, up to now, predominantly organised through artisanal mining where small teams of miners dig and exploit their own tunnels, and the DRC government views the reforms as a means of bringing artisanal mining under control and improving its management. The reforms are also meant to improve the conditions of miners. In order to address the appalling poverty among miners and their exploitation by power holders (referred to as 'big men'), the 2003 mining law encourages miners to create or become members of cooperatives in order to protect their interests. According to the law (Art. 234), the cooperatives should emanate from '*groupements d'exploitants artisanaux*', that is, from the pre-existing informal miners' organisations. The initiative to form new cooperatives with a formal role in the resource chain can be seen as an attempt to 'rectify an institutional deficit' (Clever 2012:2), as it is meant to refashion these '*groupements*' while improving the living and working conditions of miners (World Bank, 2008:5). This chapter examines how these cooperatives worked in practice, with special attention to questioning whether they did indeed represent the interests of the miners.

By definition, cooperatives are 'autonomous associations of persons united voluntarily to meet their economic, social and cultural needs and aspirations through a jointly owned and controlled enterprise' (Birchall 2003: 3). In Africa, however, there is a long tradition of cooperatives that have been instigated by the state (especially by the colonial powers). Barry concluded that 'attempts to form cooperatives have usually failed' (1996:8) because of the top-down format in which they were created

and a lack of know-how among the policymakers designing the initiatives. Nonetheless, scholars and policymakers were convinced that mining cooperatives in sub-Saharan Africa can make artisanal mining economically viable and have the potential to contribute to poverty alleviation (World Bank, 2008; Hoadley and Limpitlaw, 2004).

This optimistic take on the potential working of cooperatives in the mining sector has not been underpinned by large bodies of evidence. Sinding (2005:8) observed that, apart from a very limited number of studies documenting the establishment of mining cooperatives as examples of successful policy interventions, hardly any research has been done on the role of mining cooperatives in reform of the artisanal mining sector. Anuarite and Geenen (2014) in their seminal research on cooperatives, found no evidence of the effectiveness of the cooperatives.

This chapter focuses on mining cooperatives in the northern part of Katanga. It is based on two years of qualitative research in 2013/2014, with eight months spent in the mining site of Kisengo. Since 2007, Kisengo has been the most populated and productive coltan mining site of this region. From the beginning, miners were represented by a local miners' association, the *Association des Creuseurs de Kisengo* (ACK). In 2009, Kisengo was granted to Mining Mineral Resources (MMR), an Indian buying house which has its Congolese head office in Lubumbashi (capital of Haut-Katanga province). MMR closely collaborates with *Coopérative des Artisans Miniers du Congo* (CDMC), a mining cooperative created in Lubumbashi on April 10th, 2010. The takeover by MMR of the mining site of Kisengo thus also signalled the introduction of CDMC into the area.

This chapter analyses the interactions between the formal CDMC mining cooperative and the pre-existing miners' association ACK, with special attention to the issue of the role of elites and the way in which miners' interests, in particular through negotiating the price of minerals, have been represented. According to Cleaver (2002), it is important to understand the interactions between newly introduced and socially-embedded institutions when aiming to improve resource management.

The chapter is organized as follows. We first introduce the conceptual framework. Then, a background is provided on cooperatives in Africa, in the DRC and in Katanga, followed by a discussion of the methodology. The fourth and fifth parts present the case study. The final section concludes the chapter.

Conceptual framework: institutions, policy and 'big men'

This chapter centres on the everyday interactions between cooperatives and local organisations and examines the institutional approach to crises in post-conflict areas. This approach draws on the idea that institutional processes of formation and deformation continue during, and are partly shaped by,

the dynamics of the crises and the responses to the crises (Hilhorst 2013:9; Meagher et al.2014). Thus, in cases of institutional engineering, such as the formation of mining cooperatives, it is important to realise that new structures in post-conflict settings never start with blank slates (Cramer, 2006), but interact with local institutions and various forms of operating authorities (Hilhorst et al., 2010).

Institutions are never static. Change can occur in various ways, through conflicts, external interventions or policy interventions. During such processes, new institutions, norms and rules are introduced and are negotiated, contested and constructed through human interactions (Christoplos and Hilhorst, 2009; Hyden, 2008). In many ways, including formal and informal interactions, coercive violence, gossip or writings, social actors interpret and give meaning to institutional rules and norms (Hilhorst and Serrano, 2010; Jutting et al., 2010). Policy processes and the institutions they bring about cannot be considered as fixed and planned. They are best conceived of as emergent and negotiated. Institutions are shaped through the blending of the old and the new, customs and inventions, and the multiple strategies of social actors that each bring their own interpretation and interests to the ‘arena’ of institutions. Institutions are shaped through the interactions of all these actors and factors (Colebatch, 2009).

In this chapter, we especially focus on the role of so-called big men, meaning people endowed with the ability and power to command (Utas, 2012:8). The big men can also be seen as ‘elites’ (Platteau, 2004). Irrespective of the scope and nature of their power, big men are recognized to shape policy outcomes in many ways. They can be, overtly or covertly, a barrier to social change, embodying the phenomenon of elite capture (Blair, 2000). This is particularly important in crisis settings where formal institutions tend to be weak in enforcing regulations. As a result, big men often emerge and vie for power and control of resources, and are often seen to be instrumental in breeding conflict. On the other hand, the presence of big men can also be favourable to local people, who may find room for negotiation arrangements for their protection (Garrett et al. 2009). Big men can couple their personal interests with extending protection and services to the poor in their communities. In this vein, Kyamusugulwa and Hilhorst (2015) found elites leveraging their position and strengthening their power base by shaping policy processes for positive development outcomes. The position and influence of big men can thus not be assumed but needs to be established empirically.

In the mineral sector, big men have indeed been observed striving for personal gain at the expense of those less powerful. Fischer (2007:747), for instance, has observed that formalisation in the Tanzanian mining sector has been beneficial to wealthier individuals capable of acquiring mining titles, while it has led to the exclusion and/or marginalisation of individuals lacking the necessary financial means and connections. Similarly, Geenen has noted that, in the DRC, mining reforms are likely to favour powerful and well-informed participants in the mining business (Geenen, 2012). Finally, in Ghana,

Machonachie and Hilson (2011) have pointed out that the leaders of mining cooperatives have had an easier time obtaining mining licences than ordinary artisanal miners.

This chapter follows up the discussion on the role of big men and the representation of miners' interest, by focusing on what happens in the transition from informal local miners' associations to government-induced formal miners' cooperatives in the wake of mineral reform in Katanga. It looks into the relationships between cooperatives and pre-established miners' organisations, and observes how the changes they have brought about also allowed big men to consolidate their powerful positions.

Cooperatives in historical perspective

Cooperatives in Sub-Saharan Africa

In many parts of sub-Saharan Africa, cooperatives came into existence in the 1920s during colonial times. They were introduced as modern organisations that would replace traditional forms of cooperation between Africans, mainly in the agricultural sector. Through the creation of cooperatives, colonial governments wanted to increase crop production and give farmers the opportunity to protect their interests (Schwettmann, 1997). In reality, cooperatives ended up controlling economic activities in rural areas. As Develtere (1994) explains, rather than serving the interests of their members, cooperatives became instruments of control in the hands of the colonial administration.

In the 1960s, the early independence period, cooperatives continued to be state-controlled. Wanyama et al. (2009) found that cooperatives in those days had little autonomy. Similarly, Holmen (1990) observed that cooperatives did not originate from below, but their development was planned by government departments. As a result, most cooperatives 'served as instruments for implementing government socio-economic policies' (Wanyama et al., 2009: 1). Ultimately, they failed to satisfy members' needs and many of them disappeared as they were sponsored by the state and 'had become a heavy burden on the state budget' (Schwettmann, 1997: 5).

In the 1990s, cooperatives were restructured and liberalised with support from the World Bank. Since then, we have seen cooperatives being established in various domains of development and poverty alleviation (Birchall, 2003). Most of them are active in the agricultural sector and in financial services (Allen and Maghimbi, 2009). However, mineral-rich countries have also witnessed the creation of mining cooperatives. In Mali, mining cooperatives have been set up with the aim of improving efficiency in the mines (Keita, 2001:13). In Tanzania, mining associations have been legally recognized since 1987. Yet, according to Fischer (2007:752), the government officials who encouraged their creation have tended to exclude miners from decision-making processes, thereby

negatively affecting their lives and livelihoods. Finally, Hilson et al., (2007:422) examine how the Ghanaian state was eager, yet unsuccessful, to curb illegal mining through the creation of cooperatives.

Cooperatives in the DRC

The Belgian colonial government started encouraging the creation of cooperatives in 1921. In the agricultural sector, they were structured around the so called *paysannat indigenes*, which were areas created to test the efficiency of modern farming techniques. In the 1960s, *paysannats* disappeared due to economic constraints and mismanagement (Mandjumba Mwanyimi-Mbomba, 2011). Although some cooperatives survived, Masudi (2014) points out that the lack of financial support from the state compounded their problems.

In the 1970s and later on, other forms of cooperatives emerged. In contrast to the colonial model, a 1972 ministerial decree (n° 72/004 of January 4th 1972) stipulated that they were to be run as a kind of alternative banking system. As in other African countries, this policy switch occurred as part of a poverty reduction strategy supported by the World Bank and the International Monetary Fund (Birchall, idem, pp.17-19). In 2001, another decree (n°004/2001 of July 20th 2001) was promulgated in the DRC which constitutes, up to now, the legal framework for cooperatives and other non-profit organisations.

Current policy on mining cooperatives stems from the 2002/2003 mining law and regulations. The latter provide two procedures for creating cooperatives. First, the demarcation of an AEZ (Artisanal Exploitation Zone). AEZs are areas exclusively designated for artisanal mining activities. The formation of an AEZ is restricted to areas where ‘the technological and economic factors are not suited for industrial exploitation’ (Mining Law, T. 4, Ch. 1, Art. 109). The law recognises that there may be informal organisations in these areas, and states that these so-called *Groupements d’Exploitants Artisanaux* (Groups of Artisanal Miners) can ask to become mining cooperatives (mining regulations, art. 235-236). Secondly, once the cooperatives have been legally recognized by ministerial decree, miners can request a research permit (*permis de recherche*), valid for four or five years (regulations, art. 103-1010) or obtain an exploitation permit (*permis d’exploitation*). This process requires a total amount of 3,500 USD for administrative costs paid by the group of miners (decree n° 0458 and 304 of March 14, 2011).

In the eastern DRC, cooperatives have mushroomed since September 2010, following a temporary presidential ban on artisanal mining activities in North, South-Kivu and Maniema (Geenen, 2012) that was meant to create political space to address the dynamics of poverty, exploitation, and conflict in the mines. After the ban was lifted, the government made it clear that only recognised cooperatives could continue to work in the artisanal mines. Although it only concerned these three provinces, the ban

served as wake-up call to other provinces where people promptly created cooperatives. In most cases, some individuals took advantage of their position to create cooperatives or to reinforce their political and economic influence while claiming to represent miners' interests (Cuvelier, 2013; Geenen and Radley, 2014:61).

Cooperatives in Katanga

Cooperatives have existed in Katanga since the colonial era. In the study area, one cooperative was founded by craftsmen in Nyunzu as early as 1937. Another was formed by local traders and was based in Kalémie (capital of former Tanganyika district) since 1947. Today, these cooperatives no longer exist and none of them operated in the mineral sector (Mandjumba Mwanyimi-Mbomba, 2011).

The first cooperative that appeared on the Katangese mining scene was EMAK (*Exploitants Miniers Artisanaux du Katanga*). It preceded the 2003 mining law and was created in 1999. According to Global Witness (2006: 22), EMAK was 'like an informal state structure'. It was followed by CMKK (*Coopérative Minière Madini Kwa Kilimo*) in 2004. Global Witness (2006) reported that EMAK and CMKK extorted miners and middlemen (the *négociants*) by imposing illegal taxation on them.

In Katanga, the number of cooperatives has exploded since 2010. Today, there are more than fifty registered cooperatives in the province. Several factors played a role in this. First, there was the mining ban mentioned above. Secondly, there was a large reform project, iTSCi (ITRI Tin Supply-Chain Initiative), that operated in South Kivu but was transferred to Katanga after the ban². The objective of the iTSCi project is to avoid the sales on the international market of minerals originating from conflict zones through a 'tagging and bagging system'. In this system, cooperatives play a key role at the interface between the miners and the buying houses. Thirdly, in the wake of reforms, the Katangese provincial government took several steps on the minerals' trade. In November 2008, Moise Katumbi, the Governor of Katanga, urged all unauthorized state agencies to leave the mining areas (Circular Note no. 263). This was followed by other regulations on '3Ts' trade (tantalum, tin and tungsten) from Katanga to other provinces. Moreover, some AEZs were demarcated and granted to cooperatives. Finally, the Katangese government allocated mining concessions to private companies or signed contracts on minerals' trade with others. On March 9, 2010, MMR was granted (decree n° 06/1331/CABMIN/MAF/KAT/2009) exclusive rights to buy minerals, in collaboration with the cooperative CDMC, in four artisanal mines located in Northern Katanga, namely Katonge, Kisengo, Mai-Baridi and Lunga. The vast majority of all these cooperatives were therefore not initiated by mineworkers, as was foreseen in the mining law, but came about through different outside forces, including the state, the iTSCi project, buying houses and mining companies.

Research area and methods

This chapter focuses on the local dynamics of cooperatives through a single case study. Such an in-depth case study enabled the gauging of different layers of local realities. It concerned the interactions between the cooperative CDMC and ACK, the local association of mineworkers in Kisengo, a coltan mining site located at the northeast of the territory of Nyunzu. This case was selected for various reasons. The first author had a long immersion in the area: he carried out his PhD fieldwork there which fostered the development of trust with many of the actors involved. Preliminary research revealed that whereas this case resembled many other cases, many aspects were more pronounced in the CDMC/ACK case than in the others. The case stood out, in particular, because related unrest led to open disagreement which in turn allowed different actors to speak out about their views while at the same time facilitating access to the complex reality on the ground. This was important because normally processes of conflict, co-optation, corruption and conflict are, at the very least, partly hidden.

Empirical data were collected in Kisengo with some additional interviews in Kalémie. Kisengo can be reached by road and is 115 km from Nyunzu-centre. Coltan was discovered in Kisengo in March 2007. Since then, it has become a burgeoning mining site with approximately 17,000 inhabitants, including 1500 mineworkers. Most of the inhabitants belong to the Bakalanga ethnic group. In Katanga, Kisengo was the first mine to host the iTSCi project in April 2011. It is also the most productive coltan mine of northern Katanga. In 2014, 284 tonnes of coltan were extracted by mineworkers (*creuseurs*) and through semi-industrial methods that were set up by the Indian mining company, MMR. Since 2007, various actors have been involved in resource governance in and around the Kisengo mining site.

Over a period of eight months, data were collected for this case study (and more broadly for a PhD project of which this chapter is part) through participant observation, semi-structured interviews and informal conversations. In total, 166 persons were interviewed either in groups or individually. They included representatives of CDMC and MMR, former members of ACK and the *Comité des Creuseurs*, local authorities, miners, *négociants* and shaft owners. The first author attended several meetings held by the state agency that supports the artisanal mining sector, SAESSCAM (*Service d'Assistance et d'Encadrement du Small-Scale Mining*) and the *Division des Mines*. Observations took place during several visits to the mines. On some of these occasions, the first author had the witnessed riots involving artisanal miners. Finally, he accessed and analysed letters expressing the concerns of the *Comité des Creuseurs*' members against CDMC and MMR.³

Organisation of mining

In Kisengo, miners were organized in teams of four to ten workers, so called *mercenaires*. These groups did not work independently because they usually lacked the finances to purchase a pit or to support digging operations. Therefore, they worked, through manual labour, for shaft owners who provided food rations and basic equipment. Between 2007 and 2009, pits were mainly located near the

surface, in alluvial deposits, which made access to minerals easier than today. At that time, digging operations went on from two to three weeks while shaft owners spent around 500 USD in support of digging operations. Once production became available, the revenue was equally distributed between shaft owners and *mercenaires*. Yet, when the shaft was unproductive, people agreed that: '*he [the pit owner] lost money and mercenaires their energy*'.

The evolution of ACK: 2007-2010

The association of artisanal miners, ACK, was created at the end of 2007 by the *chef de groupement* of Kisengo. It was structured around a steering committee called the *Comité de Base* (CB), which was composed of twelve members and led by a President, four counsellors and seven members. Among members of this CB, nine were of the Bakalanga ethnic group and the others were people from Maniema and South-Kivu. Although it proved difficult to find exact and reliable figures, it is estimated that, by the end of 2009, Kisengo was home to about 3,000 to 5,000 *creuseurs* (mineworkers) and more than a hundred *négociants* (middlemen). They came from different places. Most of the *creuseurs* originated from Nyunzu-centre, Kalémie, surrounding villages, Maniema and South-Kivu while *négociants* were mostly from North and South-Kivu provinces.

The *chef de groupement*, a member of the Bakalanga ethnic group, was very influential in the daily activities of ACK. Although the main objective of ACK was to organize *creuseurs* around digging activities in Kisengo, he appointed members of the *Comité de Base*, many of them being his relatives. As one pit owner said during an interview in Kisengo, on May 15th 2014: '*when ACK was created, the collaboration between autochthons [the population of Bakalanga] and other people was difficult. The former had precedence to access the mines*'. This statement reveals that members of the *Comité de Base* had higher entitlements in controlling mining activities. They allocated shafts to people at 60 to 100 USD/shaft, depending on its size, location and potential of production. Besides, they also levied customary royalties, the so called *tozo* [a Bakalanga term used to refer to this customary tax]. *Creuseurs* paid *tozo* in cash, the equivalent of 2 USD, twice a month. They were then granted a voucher which allowed them to mine. For their part, shaft owners paid the so-called *koroboi ya chef* at the production phase. This usually was a payment in kind, valued at approximately 50 USD. It was said to prevent bad luck in the shaft [Koroboi is a tomato can of approximately 25 gr].

When they arranged for the transportation of the minerals to buying houses, *négociants* paid 3 USD/kg to the *Comité de Base*. Similarly, all local traders also paid, on a monthly basis, a *tozo* either in Kisengo-village or when they opted to trade in the mines. The *tozo* varied proportionally to the type and value of commodities. A final issue that illustrated the strong influence of the *chef de groupement*, during the mining boom in Kisengo, was that he was upgraded in April 2009 when the acting District Commissioner of Tanganyika promoted him from *chef de village* to the position of *chef de groupement*.

The ACK was thus an association initiated by a big man, the local chief, steered by a group of people closely related to him, and the main objective appeared to be the collection of informal taxes and levies from mineworkers and traders for the personal benefit of this elite group. The ACK also had a function in conflict management in the mining area. When conflicts arose between shaft owners and miners, or shaft owners and traders, ACK mediated and imposed penalties.

ACK and state actors

Between 2007 and 2010, ACK exerted direct control over mining activities, yet there were also some government offices regulating mining. In particular, the offices of SAESSCAM and the *Division des Mines* were established in July 2007. SAESSCAM collaborated with the *Comité de Base* in allocating shafts. It was also involved, along with agents of the *Division des Mines*, in levying tax from miners and *négociants*. In the eyes of local peoples, most of these taxes were illegal as these agents had the habit of not delivering receipts.

ACK interfered very much in the daily activities of SAESSCAM. Although being a public service, SAESSCAM was managed by the son of the *chef de groupement* who was said to have created SAESSCAM in Kisengo. Later, in December 2010, he left SAESSCAM after being appointed *chef de village*. Finally, five to ten soldiers of the national army (69th brigade) were also located in Kisengo between 2008/2009. They also interfered in the mining business through ‘coercive governance’, meaning that they robbed people and imposed illicit fees and taxes (De Koning, 2010: 12). One Kisengo *négociant* said that this situation, which went on until mid-2010 was, to some extent, condoned by ACK members who feared being abused by the military.

The next section describes how reform impacted on the evolution of ACK and on mining activities in Kisengo.

CDMC: From Lubumbashi to Kisengo

CDMC came into existence on April 10, 2010 in Lubumbashi, the capital city of Haut-Katanga and far removed from the actual mining sites. Its objective was to ‘promote the economic and cultural interests of its members’ (CDMC statute, section 2, art.4). Its board consisted of seven members: five lived in Lubumbashi, and two in Likasi and Kinshasa respectively. One of the board members was the brother of the national Minister of Mines, Martin Kabwelulu. The Chairman of the board was not a miner but Serge Mulumba, a communication professional, who had previously headed several radio and television companies. He was still heading CDMC at the time of the fieldwork. In northern Katanga, CDMC has become the largest cooperative, claiming to represent up to 13,000 miners.⁴

CDMC expanded its activities to Kalémie and Nyunzu in June 2010. The cooperative made a strategic decision in appointing a former catholic priest, Abbé Arnold Champo Mumba as their representative.

Abbé Champo is a man in his 50s of the same ethnic group (Babemba) of Moïse Katumbi Chapwe, the provincial governor. As a former priest, Champo had the visibility and capacity to mobilize the communities. Because of his ‘celebrity’ status, the miners nicknamed him *Ronaldinho*, after the famous Brazilian football player. Nevertheless, the same miners believed that Champo used several strategies to deceive them.

Reshuffling old and new decks of cards

MMR (Mining Mineral Resources) arrived in January 2010, and CDMC and Champo came to Kisengo six months later. Because his arrival followed MMR, many miners assumed Champo was working for the company. Whereas CDMC formally represented the mineworkers and their interests in negotiating prices and facilities with MMR, miners used to speak about the two entities as belonging together and often referred to CDMC/MMR.

When MMR staff arrived in Kisengo, they used various strategies to gain acceptance by people. They first had talks with the *chef de groupement*. As the MMR representative said: ‘I informed him that MMR planned to construct bridges, schools and hospitals, etc. He was very enthusiastic. But, in the end, the *chef de groupement* asked me: so, what are you planning for me?’⁵ This remark conveys that the *chef de groupement* had vested interests in the mineral business, and despite the intention of MMR to trade minerals and carry out social projects for the mining communities, he would not collaborate unless personally compensated for these interests. After his initial reluctance, the *chef* agreed with MMR for a payment in exchange for his *redevance coutumiere (customary tribute)*. The amount was kept secret but it was believed to be 3,000 USD per month.

ACK members were also involved in the talks to introduce CDMC and MMR in the area. Most of them were reluctant to collaborate with MMR. However, the company promised an improvement of their social conditions through a number of social projects, and setting up food canteens, restaurant and bars at cheaper prices. A first canteen called *Mwayiseni* opened in April 2010. It was followed, in October 2010, by the bar and restaurant, *Serata*. When ACK members also heard that MMR planned to buy minerals at a fair price, people became enthusiastic in supporting their activities. CDMC further fostered acceptance by incorporating many of the committee members of the ACK into their organisational structure. By the end of 2013, CDMC consisted of nine *Chiefs de sites*, 47 *Gardes de Sites* and 21 *négociants*, among whom people from the local community.

Finally, MMR and CDMC relied on political support to facilitate their acceptance in Kisengo. A national parliamentarian, Bienvenu Kalunga Mawazo, visited Kisengo several times during his election campaign in 2011. During his visits, he called upon people to support MMR and CDMC.

While CDMC was able to gain the confidence of many actors in the area by, amongst other things, incorporating eight of the twelve members of the *Comité de Base*, the remaining members decided to

form a new and independent *Comité des Creuseurs* in August 2010. It was led by the former President of the *Comité de Base*. People interviewed in Kisengo actually believed that this alternative committee was formed at the instigation of the *chef de groupement* who wanted to maintain control over mining activities. This *chef* gave evidence of this when he said: ‘*we need more oversight over our richness*’.⁶ The existence of these multiple organisations thus signalled intra-elite contestation over control of mining.

Organising miners and feeding claims

Mining activities and the coltan trade

The presence of MMR and CDMC influenced the organisation of mining activities. Kisengo has now been subdivided into sectors, sub-sectors and shafts. Each sector had two to five *chief of sites* and *gardes de sites* and could be reached only after crossing MMR’s check points. This organisation also allowed MMR and CDMC to provide technical support to *creuseurs*, for instance water supply and *découverte*, a shoveling job where the top layer of the pits is removed to facilitate access to minerals’ deposits.

MMR and CDMC were also instrumental in creating different categories of miners. Some miners were able to obtain a permit, called a *carte de creuseurs* from CDMC, which allowed them to mine. Officers (*encadreurs*) of SAESSCAM distributed plots of land (*calendres*) of 10 to 20m² to these miners. In order to prevent accidents, they regularly inspected digging operations in and around the shafts.

In spite of this advanced technical organisation that could allow *creuseurs* to produce more, disputes often arose between *encadreurs* and *chefs de sites* appointed by CDMC. As one *chef de site* explained, ‘*We belong to CDMC and we need increased production. When encadreurs inspect the shafts and put a red flag to prevent accidents, this prohibition prevents our miners from working*’⁷. These type of disputes happened on a regular basis.

<FIGURE 1 HERE>

In Kisengo, the trade of minerals became more formalized as a result of regulations of MMR, CDMC and iTSCi. As the figure above shows, the mineral supply-chain was organized as follows. At Step 1, miners and shaft owners extracted minerals from tunnels. They were now technically supported by the CDMC, MMR and SAESSCAM agents. At Step 2, miners sold coltan to 21 *négociants* at fixed trading centres (11 in total). At each of these centres, a fixed purchase price was given. However, in most cases, *négociants* delegated their associate so-called ‘*sous-couverts*’ who bought coltan at the centres. After being ‘tagged and bagged’ by civil servants of SAESSCAM, all the transactions were recorded by agents of the *Division des Mines* on an iTSCi form (*Fiche de site minier*) and in logbooks. Then,

CDMC staff collected mineral loads and proceeded to the 'remise' (Step 3). This operation consisted of handing over the mineral loads to MMR's counting office where they were processed and bagged again. Finally, coltan was processed and exported at Step 4. However, at this stage, other states agencies were involved in administrative procedures. These were respectively the CEEC (Centre for Evaluation, Expertise and Certification of Precious and Semi-Precious Mineral Substances), OFIDA (Revenue Authority) and OCC (Congolese Office of Control). The organisation of the supply-chain appeared successful at a technical level, but underneath different tensions were found at the local level.

Growing unrest

In the above, we explained how the *Comité des Creuseurs* was formed in opposition to the incorporation of ACK members in the CDMC cooperative. However, in the course of time, it turned out that this *Comité des Creuseurs* became increasingly co-opted by CDMC. The *Comité* found some recognition and the President was for example involved in the allocation of shafts to the miners. In the eyes of miners, the *Comité* also increasingly favoured the decisions of MMR and CDMC on the price of the minerals and other issues. They felt that the CDMC had overtaken their own organisation, the ACK. Conveying that the ACK did not cease to exist, one interviewee declared 'We were almost legally recognized when CDMC arrived. But, today we feel marginalized'.⁸

A telling example happened on September 29, 2013, in a meeting convened by the CDMC staff and the MMR chief engineer. They informed the gathered miners that they planned to substantially reduce the price of coltan from 37.7 to 28.8 USD per kilo. They promised miners who would help in convincing the other miners to accept this deal, that they would receive *cartes de creuseurs* free of charge. Although the miners vehemently opposed the price cut, the *Comité* appeared to be supportive of CDMC/MMR. After intense discussion, some shaft owners were heard saying that: '*comité balishalambula chunvi*', which means "the *Comité des Creuseurs* has already eaten salt", meaning that the *Comité des Creuseurs* had been corrupted. The meeting ended with the CDMC staff and the MMR chief engineer at loggerheads with the miners.

The president of the *Comité des Creuseurs* later stated that he would be convinced that the miners would eventually accept the set price, '*Miners cannot support one day without eating. They will be inclined to sell minerals at any price*'.⁹ He also mentioned that he personally possessed 17 pits and planned to travel to Dubai on the financial proceeds of the pits. He did not deny having been bought off, which further confirmed the notion that he was co-opted by the CDMC and MMR.

Another event that made miners and shaft owners believe that the *Comité des Creuseurs* was bankrolled by CDMC/MMR was their eviction from Bovu, in February 2014. Bovu was the most productive quarry of Kisengo with nearly 250kg of coltan extracted per day. It had approximately 43 shaft owners and 450 miners. In December 2013, MMR and CDMC convinced the *Comité des*

Creuseurs to initiate a campaign for evicting miners and shaft owners from Bovu where MMR planned to set up semi-industrial methods of exploitation. After resistance from the miners, MMR imposed a payment of 400 USD for each shaft and, ultimately, called in the police to evict them in February, 2014.

By this time, many miners perceived of the *Comité des Creuseurs*, CDMC and MMR as one entity united by personal interests and gain. Their anger against this bloc took different forms. Miners were most angry about the conditions under which prices were fixed and how the opening of new shafts, *découverte*, was organised. In interviews, they used expressions like ‘*CDMC is an etiquette, an appendix of MMR*’ or ‘*we are slaves*’; ‘*the president of the Comité des Creuseurs is a ghost*’ and finally, ‘*no one informs us when mineral’s price is up at the international market but only when it collapses*’. On December 3th, 2013, a group of miners burnt down one *poste d’achat* of the CDMC and destroyed two others. When the demonstration came close to the offices of MMR, SAESSCAM and the *Division des Mines*, 16 miners were arrested, and taken to Nyunzu-centre where they were jailed for a month. They were released in exchange for 500 USD, after an intervention by the Diocesan Committee for Justice and Peace (CDJP, *Commission Diocésaine Justice et Paix*).¹⁰ When the *Comité des Creuseurs* wrote a letter to protest against *découverte* and the ways in which prices were fixed, miners and shaft owners interpreted this as an empty gesture.

The protest of miners found further expression in the circumvention of the compulsory selling system. In many ways, miners managed to boycott the price monopoly set by MMR and condoned by CDMC. Some miners explained to the first author that they hid their minerals and sold it to clandestine *négociants*, so-called *hiboux* (owls).

The protest, finally, led to an initiative in July 2014 to organise yet another organisation for the miners. This was called the *Cadre de Concertation* (CDC). It was a local branch of the Diocesan Committee for Justice and Peace (CDJP) and was led by a former influential ACK member. He was a man in his 50s who was also the president of the influential mutuality (a self-help association) of the *Bakalanga* group of Kisengo. The objective of the CDC was to create another mining cooperative, in competition with the CDMC.

Discussion and conclusion

This ethnographic research followed the introduction of MMR (an Indian mining company) and of the cooperative CDMC into Kisengo, a coltan mining area of northern Katanga. The CDMC was meant to represent the miners in their negotiations over exploitation and pricing of the coltan. The research focused on the interaction between these institutions (MMR and CDMC) and the pre-existing self-created miners’ organisation, namely ACK.

In the DRC, mining cooperatives are currently formed with the objective of improving the bargaining positions of miners. In part, they are meant to be an answer to the dominance of big men in pre-existing governance arrangements in artisanal mining. However, the formation of new cooperatives is done without much sensitivity to existing institutions and realities. CDMC did draw on ACK for its initial membership. Soon enough, it turned out that CDMC acted on behalf of MMR and was, in the eyes of the miners, part of the company. A number of ACK members formed an alternative organisation, the *comité de creuseurs*. However, the *comité de creuseurs* likewise failed to defend the entitlements of the miners. Created at the instigation of the *chef de groupement*, the *comité de creuseurs* was co-opted or bribed into collaborating with the company. The result was that miners had no bargaining power, but were forced to accept fixed prices in exchange of the facilitation of their mining operations. One of their frustrations in this respect was that these prices went down with world-market prices but never up when the market recovered. In the end, miners expressed their frustration by setting a buying station (trading centre) on fire. They also massively tried to circumvent the company rules by keeping some ore to sell clandestinely, at a higher price. Finally, a former ACK member set out to organise yet another organisation to defend the miners' entitlements, this time linked to the CDJP (Diocesan Committee for Justice and Peace).

A major finding of the study is that all the organisations of the miners, created before and during reforms, are dominated by 'big men'. These may have interests of miners in their mind, but their own interests always come first and foremost. In Kisengo, the pre-existing ACK was dominated by the *chef de groupement*. It predominantly served as a vehicle for informal taxation, although it was also seen to represent miners' interest to some extent. The new cooperative of CDMC was also controlled by elites. It was initiated and led by elite members at the provincial level. In Kisengo, the CDMC found access by buying off the *chef de groupement* with a monthly allowance, believed to amount to 3,000 USD. The first CDMC representative was a clergyman from outside of the area, who was part of the political elite. Lastly, the president of the *comité de creuseurs* was closely related to the *chef de groupement*, who was believed to be the driving force behind the formation of this committee in order to retain his control over artisanal mining. Thus, if new cooperatives were meant to break away from big men politics, they failed from the start. If there were power changes, they did not mean that mineworkers were empowered. Instead, power was partially shifted from local to provincial elites.

As the case of CDMC illustrates, the cooperative was neither created nor led by miners and could be seen as a 'bureaucratic institution', meaning an institution based on contracts or introduced by the government (Cleaver, 2002:13) that consequently fell prey to elite politics. The cooperative failed to meet miners' needs and expectations. In this situation, miners had no other choice but to riot, to comply with 'imposed' regulations or to circumvent them.

The chapter thus reveals that cooperatives are not an effective and durable solution to miners' problems. The case of the CDMC, its interactions with MMR, ACK and artisanal miners confirms the general observation that, in many developing countries, miners often experience marginalization and exclusion in their dealings with mining corporations (Ballard and Banks, 2003:301). The policy reforms addressing the governance of the artisanal mining sector have focused on establishing security in the artisanal mining sector (away from 'blood minerals') and on rationalising mining processes. The interests of lower-class miners, their economic position and labour conditions, have not been sufficiently taken into account in these reforms. The formation of cooperatives that were meant to provide miners with bargaining power, are instead turned into vehicles to control miners and protect the interests of mining companies and local elites.

In eastern DRC, there seems to be an ongoing process of new institution-building around cooperatives which should be taken into account by the Congolese government. This will serve to move from emergent solutions to designing a more efficient policy frame for artisanal mining.

References

Allen E., Maghimbi S., (2009). African Cooperatives and the Financial Crisis, CoopAFRICA Working Paper No. 3, International Labour organisation.

Anuarite B. et Geenen S., (2014). Les limites d'une gouvernance par le bas: les logiques des coopératives minières à Kalimbi, Sud-Kivu in Marysse, S. et Omasombo, J., *Conjonctures Congolaises 2014 : politiques, territoires et ressources naturelles: changements et continuités*, Paris, L'Harmattan, pp.239-257.

Autesserre, S., (2012). Dangerous tales: dominant narratives on the Congo and their unintended consequences, *African Affairs*, 00/00, 1–21.

Ballard C., and Banks G., (2003). Resource wars: the anthropology of mining, *Annu. Rev. Anthropol.* 2003. 32:287–313.

Barry, M., (ed.) (1996). Regularizing informal mining: a summary of the proceedings of the International Roundtable on Artisanal Mining organized by the World Bank. The World Bank, Industry and Energy Department, Washington, DC.

Birchall J., (2003). Rediscovering the cooperative advantage: poverty reduction through self-help, Cooperative Branch, International Labour Office, Geneva.

- Blair, H. (2000). Participation and accountability at the periphery: democratic local governance in six countries. *World Development*, 28(1), 21–39.
- Christoplos, I., and Hilhorst, D., (2009). Human security and capacity in fragile states, Occasional Paper 01, Disaster Studies, Wageningen University 1-52.
- Cleaver, F., (2002). Reinventing institutions: bricolage and the social embeddedness of natural resource management, *European Journal of Development Research* 14(2): 11 – 30.
- Cleaver, F., (2012). *Development Through Bricolage: rethinking institutions for natural resources management*, London, Routledge.
- Colebatch, H., K., (2009). *Policy concepts in the social sciences*. Berkshire, Open University Press
- Cramer C. (2006) *Civil war is not a stupid thing: accounting for violence in developing countries*, London: Hurst & Company
- Cuvelier, J., (2013). Conflict Minerals in eastern DR Congo: planned interventions and unexpected outcomes, in Hilhorst, D., (ed.), (2013). *Disaster, conflict and society in crises: everyday politics of crisis response*, Routledge Humanitarian Studies, London.
- De Koning R., (2010). Demilitarizing mining areas in the Democratic Republic of Congo: the Case of Northern Katanga Province, SIPRI, Policy Paper, N^o 2010/1.
- Develtere, P., (1994). Co-operation and development, ACCO, Leuven exclusion in artisanal mining in Tanzania, *Development and Change* 38(4): 735–760 (2007).
- Fischer E., (2007). Occupying the margins: labour integration and social exclusion in artisanal mining in Tanzania, *Development and Change* 38(4): 735–760.
- Garrett N., et al., (2009). Negotiated peace for extortion: the case of Walikale territory in eastern DR Congo, in *Journal of Eastern African Studies*, Vol. 3: 1-21
- Geenen S., and Radley B., (2014). In the wake of reform: what future of ASM in the eastern DRC, *Futures*, 62: 58-66.
- Geenen, S., (2012). A dangerous bet: the challenges of formalizing artisanal mining in the DR Congo, *Resources Policy* 37 (2012) 322–330.
- Global Witness, (2006). *Digging in corruption: fraud, abuse and exploitation in the Katanga copper and cobalt mines*, Report, July 2006.
- Hilhorst D., Christoplos I., Van Der Harr G., (2010). Reconstruction ‘from below’: a new magic bullet or shooting from the hip?, *Third World Quarterly*, 31:7, 1107-1124.
- Hilhorst, D., and M., Serrano (2010). The humanitarian arena in Angola, 1975-2008, *Disasters* 34:S183-S201.
- Hilson G., and Potter C., (2005). Structural adjustment and subsistence industry: artisanal gold mining in Ghana, *Development and Change*, Volume 36, issue 1, 103–131 (2005).
- Hilson, G., et al., (2007). To move or not to move?: Reflections on the resettlement of artisanal miners in the western region of Ghana. *African Affairs*, 106/424, 413–436.

Hoadley, M., and Limpitlaw, D., (2004). The artisanal and small-scale mining sector and sustainable livelihoods. A paper presented at the Mintek Small Scale Mining Conference, 2004, 9 September, Nasrec, Johannesburg.

Holmen, H., (1990). State, cooperatives and development in Africa. The Scandinavian Institute of African Studies, Uppsala.

Hyden, G., (2008). Institutions, power and policy outcomes in Africa, *Power and Politics in Africa*, Discussion Paper, no.2, June 2008.

Jutting, J., et al. (2010). Informal institutions: an emerging concept topic. OECD.

Keita, S., (2002). Study on artisanal and small-scale mining in Mali. Paper No 80, Mining, Minerals and Sustainable Development Project. London: International Institute for Environment and Development.

Kyamusugulwa P., Hilhorst D., (2015). Power holders and social dynamics of participatory development and reconstruction: cases from the Democratic Republic of Congo, *World Development*, Vol. 70, 249–259.

Maconachie R., and Hilson, G., (2011). Artisanal gold mining: a new frontier in post-conflict Sierra Leone? *Journal of Development Studies*, Vol. 47, no 4, 597-616.

Masudi, N. (2014). *Economie mondialisée, coopératives délaissées: sociologie du développement et de la coopération en République Démocratique du Congo*, L'Harmattan, Paris.

Mandjumba Mwanyimi-Mbomba, (1988). L'agriculture africaine dans la zone de Kalemie (territoire d'Albertville) de 1933 à 1952, *Canadian Journal of Development Studies*, 9:2, 219-233.

Meagher et al., (2014). Unravelling public authority: paths of hybrid governance in Africa, IS Academy Research Brief, March 10th 2014.

Platteau J-P., 2004. Monitoring elite capture in community-driven development, *Development and Change* 35(2): 223–246.

Schwettmann, J., (1997). Cooperatives and employment in Africa. Occasional discussion paper 97-1, International Labour Office, Geneva.

Sinding K., (2005). The dynamics of artisanal and small-scale mining reform, *Natural Resources Forum* 29 (2005) 243–252.

Utas, M., (2012). *African conflicts and informal power: big Men and networks*, Zed books.

Wanyama et al. (2009). Reinventing the wheel? African cooperatives in a liberalized economic environment, *Annals of Public and Cooperative Economics*, Volume 80 Issue 3.

World Bank, (2008). Democratic Republic of Congo: growth with governance in the mining sector. Report No. 43402-ZR, May 2008.

Notes

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² The iTSCi was designed in 2009 by ITRI (International Tin Research Institute), a UK-based industry association.

³ Letters of March 3rd and 29th, 2014 concerning ‘demande de la hausse du prix du coltan’ and ‘demande des accords de la découverte’.

⁴ Interview CDMC representative/Kalémie May 2013.

⁵ Interview CDMC representative, Kisengo, February 2014.

⁶ Interview chef de groupement, Kisengo, June 2014.

⁷ Interview chef de site, Kisengo, July 2014.

⁸ Interview former ACK member, Kisengo, February 2014.

⁹ Interview President of diggers’ committee, Kisengo, June 2014.

¹⁰ Interview CDJP member, Kisengo, April 2014.