

Analysis and conclusion

A review of the literature on the reforms of DRC's artisanal and small-scale mining sector highlighted three issues of concern: 1) the reforms' insecure and variable consequences for conflict, 2) the continuous effects of the reforms on livelihoods, and 3) the pace and scope of the reforms. We asked how to label these concerns: Do they point to unintended effects and misdirected implementation, or are these issues largely *embedded* in the design of the policy? And what do these concerns tell us about the nature of the reforms? This article aimed to answer these questions through a discourse analysis of four central conflict mineral policy documents.

We found that although there are some inconsistencies between the policy documents, they seem to problematize the issue of 'conflict-minerals' in a rather uniform way; 'revenues from mineral trade seem to fuel violent conflict'. Also in proposing a solution, the policy unilaterally focus on increasing transparency and oversight over the economic value chain of minerals. Our main finding concerns the ambiguous formulations of the objective identified in the reforms. It appears difficult, if not impossible, to say what these policies as a whole hold as a priority, running from "promoting peacebuilding and reducing human suffering" to "avoiding contribution to conflict and hence sourcing minerals in a conflict-free manner'. The policy documents move between these two extremes, with differing emphasis. The Dodd–Frank Act and the ICGLR Manual seem to formulate their objective more in terms of 'reducing human suffering', whereas the UN Group of Experts report and the OECD Guidance's formulation of objectives focusses on conflict-free sourcing and exercising due diligence. These differences in emphasis are for an important part due to the difference audiences the policy documents address. Additionally, one could convincingly argue that the distinct formulations of the objective should be viewed as aligned: one has to source responsibly *in order to* promote peacebuilding and reduce human suffering.

However, the significance of this ambiguity becomes clear when we combine it with the various ways the policies frame the problem of 'conflict-minerals', and especially in how these documents define the affected parties. A part of the analysed documents view the Congolese population as the party primarily affected by conflict minerals, whereas the OECD Guidance clearly adds international companies and consumers to this group of affected parties, due to possible conflict associations of their choices and purchases, even if they intend to avoid conflict. There is an additional reason for the objectives to be less aligned than often presumed. Sourcing responsibly might in theory lead to the promotion of peacebuilding and reduced human suffering by the hands of armed groups,

scholarly work over the last 6 years does point out the latter does not automatically follow from the former.

Putting the ambiguity of these objectives in sharp relief, we could ask whether giving buyers a clear conscience and developing a traceable and conflict-free product has not gotten more prominence than contributing to improving the situation of a large part of the Congolese population. As the policies can thus be 'read' in different ways, this may also explain the different interpretations that we find in the literature about the reforms, where some authors consider the reforms effective whereas others point primarily to negative effects.

While all policies express a combination of the various formulations of the objective, many of the points raised in our analysis and review of past work, point out that the evolving practice is especially compatible with the objective of seeking assurance that minerals in international markets are conflict-free, while having a negative effect on the objective of reducing human suffering:

- The tendency for the reforms to be implemented in areas that are free of conflict, where it is easier to assure that minerals are conflict-free, yet not where implementation in terms of human suffering is the most needed;
- The narrow focus of the reforms on the transparency of the mineral value chain, rather than on the governance of the mineral sector as a whole which would potentially have a larger positive effect on the mining communities;
- The large role accorded to the Congolese state as an important part of the solution, while neither considering the dubious role played by many civil servants and high state officials, nor recognizing that an extension of the Congolese state apparatus risks new forms of predation for the mining communities; and
- The lack of systematic attention to the deterioration of small-scale artisanal operators' negotiation position and access to free mineral trade, as international requirements for clearer supply chains have proven to be preferential for large scale-actors such as *comptoirs* and cooperatives than for the former.

The ambiguity of the policy objectives revealed by our discourse analysis urges a revisiting of the priorities of the policies. Although the policies set out to organise transparency in order to reduce suffering, our findings suggest that exercising due diligence in avoiding the funding of conflict has become a goal in itself. If the reforms have indeed become primarily a process geared towards

guaranteeing international companies and consumers access to minerals that have been sourced in a conflict-free manner, this raises the pertinent question of what this means for the objective of promoting peacebuilding and reducing human suffering, which was so central to the advocacy campaigns of the early 2000s that spurred the reforms. This should be a central question in evaluating the intended and unintended consequences of the reforms.

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