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# Audit de base de sites miniers suivant le standard CTC en République Démocratique du Congo

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## Mines de Luena, Territoire de Bukama, Province du Katanga

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## EXECUTIVE SUMMARY

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### 1. Introduction and methodology

This document reports the baseline audit mission of the artisanal cassiterite, coltan and wolframite mines around Luena, in the province of Katanga, performed between December 8<sup>th</sup> and 9<sup>th</sup> and 13<sup>th</sup> and 19<sup>th</sup>, 2014.

The audit is performed in accordance with the National Congolese Certification standard, from which a great number of criteria have been inserted in the Regional Certification Mechanism (RCM) designed by the ICGLR. The audit relies on the following document: “*Manuel de Certification des Minerais de la Filière Stannifère en RD Congo – Principes, Lignes Directrices et Standards – Version 0 du 22 février 2011*”. The principles that have guided the audit also follow the ISO norm 19011:2002 and the audit guidelines produced by Dr. Nellie Mutemeri<sup>1</sup>. It also refers to the auditor guidelines provided by the CTC project<sup>2</sup>, which describe the certification process step by step.

The results of the audit are based on interviews with key stakeholders of the artisanal mining sector in Lubumbashi and Luena, Katanga Province, on the collection of documents in the field, on analyses of documents related to the artisanal mining in Eastern DRC, and on exchanges with the delegation members having an extended knowledge of the specific issues of the sector.

This report describes the results for the 21 criteria of the CTC certification system. Recommendations complete the analysis; they are aimed at guiding potential actions to improve compliance with each of the criteria.

### 2. Implementation of the mission

The baseline audit comprised the following elements:

1. Kick off meetings to introduce the objectives of the audit and present the audit delegation at the Mines Department, Ministry of the Interior, SAESSCAM and the Provincial Ministry of Mines in Lubumbashi;
2. Site visits of the Kakesa, Kyenze and Mitantala mines and interviews with local stakeholders;
3. Upon return to Lubumbashi, meetings were held with the mining companies, some cooperatives and public services based in the provincial capital.

### 3. Summary of company and cooperative information

Luena is situated about 400 km northwest of Lubumbashi. It is an old mining town established during colonial times. The mines around Luena, which are part of this audit, are Kakesa, Kyenze and Mitantala. The mines are in forested mountainous areas east and southeast of Luena.

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<sup>1</sup> Assistance for conducting Compliance Audits of Mining Sites in the Democratic Republic Congo, DRC (based on “Inception Report” by Dr Nellie Mutemeri, 2010: Certification Audits; report for OGMR and BGR)

<sup>2</sup> Complément d'informations au manuel de certification CTC de la filière artisanale stannifère de la RDC – Directives à destination des auditeurs pour l'évaluation de base et l'audit de certification de mines artisanales selon les standards CTC, par Nathalie Sterbik, février 2014.

## **The mining companies**

There are four mining companies present at the mines around Luena: Chemicals of Africa (CHEMAF Sarl); the Société d'Exploitation de la Cassitérite au Katanga (SECAKAT Sprl), which is a joint venture of Mining Mineral Resources (MMR Sprl) and the Générale des Carrières et des Mines (GECAMINES Sarl); Sino Katanga Tin (SKT Sprl); and Opera Mining.

CHEMAF and SECAKAT are active in the areas of several exploitation licenses (PE) in Kakesa, Kyenze and Mitantala. SKT has an exploration license (PR) and Mitantala and buys the production of this PR as a treatment entity. Opera Mining principally buys the production of a geological research zone (ZRG) at Mitantala as a treatment entity.

The companies have started their activities in Luena between 2010 and 2014. CHEMAF has currently ceased its activities in Luena as the company is waiting for the ICGLR certificate in order to be able to export the production.

## **The cooperatives**

Four mining cooperatives are present in the mines of Luena and collaborate with the mining companies for the support of the artisanal miners. The Coopérative Minière du Graben (COMIGRA) works with CHEMAF; the Coopérative Minière pour le Développement du Katanga (COMIDEK) works with SECAKAT; the Coopérative Minier pour le Développement de Luena (COMIDEL) works with SKT; and the Coopérative Minière Tumaini (COMITU) collaborates with Opera Mining.

COMIDEK has 205 members at Kakesa, and the cooperative is in the process of starting work at Kyenze, which was before covered by another cooperative collaborating with SECAKAT, too. COMITU has about 50 members at Mitantala. COMIGRA has 25 members at Kakesa, Kyenze and Mitantala. COMIDEL has about 250 members at Mitantala. In addition, there are several independent artisanal miners, as well as independent dealers, especially at Kyenze.

## **The production**

All production at the audited sites is artisanal and completely manual. The miners extract the primary cassiterite and coltan from weathered rocks using pickaxes, shovels and hammers. They dig holes and sometimes also small tunnels but in general, the mining is open cast. The stones are crushed in the quarries or sometimes at the point where the ore is washed. After the crushing, hydrogravimetric separation is used to extract the ore. This washing is done in small basins either in the river or in small artificial ponds.

The miners work in teams of 2 to 6 people. They work 6 days a week all year-round. At Kikolé, Kakesa, 22 gangs produce between 35 and 40 kg cassiterite per day. Most of the miners are members of COMIDEK. They sell their production to COMIDEK for 5000 CDF/kg. At Kyenze Central, Kyenze, around 500 independent artisanal miners produce between 450 and 500 kg cassiterite per day, which they sell to different cooperatives and independent dealers for 4500 CDF/kg. At Kawama, Kyenze, most miners are independent, but some are members of COMIGRA. They produce between 5 and 10 kg cassiterite per team of 3-4 people per day and sell their production to COMIGRA or to independent traders for 5500 CDF/kg. At Kalubemba, Mitantala, there are about 80 miners producing 2-3 kg cassiterite per team of 2-3 people per day. They sell their production to COMIDEL for 5000 CDF/kg.

The ore is sold either in the villages of the miners or sometimes at the mine. SAESSCAM supervises the sale, registers the sold production in the iTSCi mine logbook and seals the bags of minerals with the iTSCi mine tags. The cooperatives transport the bags to Luena where three of them sell them to the mining companies who refine the ore further and then transport it to Lubumbashi for export. In one case, the mining company does not have an office in Luena, so the cooperative takes care of the transport to the company's office in Lubumbashi.

#### 4. Summary of the baseline audit findings

The Tableau 1 below gives an overview of the baseline audit results.

Standard	Initial grade	Comments	CHEMAF COMIGRA	MMR/ SECAKAT COMIDEK	SKT COMIDEL	Opera Mining COMITU
<i>Principle 1: transparency</i>						
1.1 Criminal organizations	4	As there are no armed groups or illegal organisations present at or near the mine sites, no relations with such groups exist. Three out of eight entities have written policies prohibiting the support of illegal groups.	CHEMAF and COMIGRA prohibit the support of illegal groups in their collaboration contract.	MMR has a policy prohibiting the support of illegal groups.		
1.2 Corruption and fraud	2	Four out of eight organisations have written policies regarding the fight against corruption and fraud or a contract mentioning this topic. At the point of weighing some fraud probably happens. There seems to exist a contract between one company, one cooperative and some public services stipulating extra-legal payments.	CHEMAF and COMIGRA have a policy regarding the fight against corruption and fraud.	MMR has several policies mentioning the fight against corruption and fraud. The commitment to fight against corruption and fraud is also mentioned in the collaboration contract between MMR and COMIDEK.		Opera Mining seems to have a contract with COMITU, SAESSCAM and the provincial government stipulating that the company pays an extra amount to the cooperative, which is divided between the cooperative and the two public services.
1.3 Political organizations	2	No link to or support for political organisations exists. Extortions by state agents seem to happen, as the artisanal miners have to pay some unclear taxes or charges to the				Opera Mining seems to have a contract with COMITU, SAESSCAM and the provincial government

		public services. There seems to exist a contract between one cooperative and some public services stipulating extra-legal payments.				stipulating that the company pays an extra amount to the cooperative, which is divided between the cooperative and the two public services.
1.4 Publishing of payments	1	Two companies participate in the EITI, only one has started publishing its payments. The other entities do not publish their payments to the government but they accept independent audits.	CHEMAF participates in the EITI and will start to regularly publish all payments.	MMR/ SECAKAT publishes all payments in the framework of EITI.		
1.5 Legality	3	The entities probably pay most taxes, fees and charges foreseen by the law, but only two out of the eight entities audited have provided proofs. There are some payments in need of clarification.	CHEMAF has presented a list of taxes paid, incl. proofs of payment.	MMR has presented a report of an audit, which has been conducted in the framework of EITI. This report confirms that the company has paid all taxes and fees foreseen by the law.		
1.6 Traceability	3	iTSCi is established and applied. Because of the scattered and poorly controlled production sites and the presence of multiple companies, cooperatives as well as independent miners and dealers, a certain risk of mixing the production with that of another provenience has to be noted.				

<i>Principle 2: working conditions</i>						
2.1 Child labor	3	No child has been seen in or near the mines. Some cooperatives ask the miners for their voter registration cards as proof of their majority and register the date of birth in the membership roster. Two out of eight entities have policies prohibiting child labour.	CHEMAF and COMIGRA have a policy prohibiting the worst forms of child labour.	COMIDEK asks its members for their voter registration cards as proof of their majority. It registers the date of birth in the membership lists.	COMIDEL asks its members for their voter registration cards as proof of their majority.	COMITU asks its members for their voter registration cards as proof of their majority.
2.2 Association	2	A labour union or labourers organisation exists in some companies. The artisanal miners do not really have the possibility to organize themselves for collective bargaining.	There is a labour union for the employees of CHEMAF.	There is a labour union for the employees of MMR.	There is an organisation for the defence of the workers' rights for the employees of SKT.	
2.3 Salaries	3	The companies fix their salaries according to the Congolese law. The salaries of the agents of one cooperative and the income of the artisanal miners are higher than the minimum wage.				
<i>Principle 3: security</i>						
3.1 OHS	2	Accidents happen from time to time; if they happen, sometimes the cooperatives take care of the medical treatment; sometimes the miners have to do it themselves. Very few miners wear protective clothing. Some tools and other means of	COMIGRA operates first aid stations at Kakesa and Kyenze. CHEMAF distributes tools to COMIGRA, but the miners at Kawama (Kyenze) say they haven't received any	COMIDEK has constructed a dispensary at Kibuto (Kakesa) and toilets in the miners' village at Kakesa, but not at the quarries. There are no other dispensaries or	COMIDEL does not distribute any personal safety equipment. COMIDEL helps the miners in cases of accidents or illness. The cooperative	

		<p>production are lacking and the miners have to buy them. There are dispensaries or first aid facilities in some villages. There are no sanitary facilities near the mines.</p>	<p>equipment, neither production, nor safety.</p>	<p>first aid stations, apart from one at Kyenze that was built and operated by CDMC.</p> <p>The miners at Kikolé (Kakesa) have to buy the medication themselves, if they are injured or sick.</p> <p>The production and safety equipment distributed by COMIDEK to the miners is not sufficient.</p> <p>The quarries are not well secured; particularly at Kyenze Central there are many abandoned shafts without any designation.</p>	<p>operates a dispensary at Mitantala and transports the miners to a health centre if necessary. Sometimes, COMIDEL pays for the medical services; sometimes the miners have to pay themselves.</p>	
3.2 Access to information	0	<p>There is no information about the risks, dangers, health and safety in the mines. SAESSCAM carries out sensitisation in one mine.</p>				
3.3 Security guards	3	<p>There are policemen of the mining police who are sufficient in number to protect the sites against theft, however they are unlikely sufficient to protect all workers.</p>				

3.4 Human rights	3	The company employees know the human rights; the artisanal miners know them partially. Three out of eight audited entities have policies regarding the protection of human rights. The cooperatives do not get involved in this field but no abuse could be stated.	CHEMAF and COMIGRA have policies regarding human rights and their respect.	MMR has a policy regarding human rights and their respect.		
3.5 Rescue plan	1	A formal risk assessment has not been carried out. There is no intervention plan. SAESSCAM performs controls of the sites.				
<i>Principle 4: community development</i>						
4.1 Local consultations	2	Local consultations happen, but irregularly and only when the need arises. They do not involve other community representatives than the traditional authorities.				
4.2 Support to local companies	3	The mines supply their needs locally as far as possible, but there is no policy or programme regarding the support of local enterprises.				
4.3 Development plan	3	There is no development plan. The development projects are consulted and agreed upon with the local authorities. Many projects have already been realised.				

4.4 Land tenure	4	Consultations with local authorities on the land use have taken place and there are no conflicts. The legal status of SECAKAT and the roles of the different partners need to be clarified.				
<i>Principle 5: environment</i>						
5.1 Impact assessment	1	GECAMINES has conducted EIAs for their permits but they would have to be updated. No EIAs exist for the mine sites in the PR and ZRG.				
5.2 Management plan	1	There is no environmental or waste management plan.				
5.3 Rehabilitation	3	It is assumed that GECAMINES has provisions for the rehabilitation upon closing for their PE, although the exact costs are probably not known as the EIAs were conducted for a different situation. No provisions exist for the rehabilitation of mines sites in the PR and ZRG.				

Tableau 1: Summary of baseline audit findings

## 5. Conclusions

The general situation at the mines of Luena is at the moment very chaotic. The support for the artisanal miners is lacking, the mining companies and cooperatives do not get sufficiently involved with and do not control the production well. The public services have insufficient means and training and do not perform enough controls.

The mining sites, companies and cooperatives all perform better in some fields than in others. Generally, the performance for the standards 1.1; 1.6; 2.1; 2.3; 3.3 and 4 is acceptable. For the standards 2.2; 3.1; 3.2; 3.5; 4.1 and 5 the performance has to be enhanced by all parties. For several standards, e.g. 1.2; 1.4; 1.5 and 3.4, the performance varies considerably from one company/ cooperative to another.

This leads to the first important conclusion: Due to the diversity of the sites and actors involved, it cannot be recommended to certify all three sites, four companies and four cooperatives within the future same certification audit. The risk involved in this approach is twofold: Firstly, even those entities that have the capacity and will to achieve the certification, will not be able to do so because the other entities, which are not capable of initiating the necessary changes, will hold them back. This implies the risk that activities towards safer, more environmentally friendly and generally more responsible mining practices, might not be implemented. Secondly, if all sites, companies and cooperatives would be certified within one audit, even though some sites or entities do not fulfil all the criteria, this incurs a credibility risk for the entire CTC audit and certification system.

Other problems encountered are:

- The legal status of SECAKAT and the roles and responsibilities of each partner (MMR and GECAMINES) are not clear;
- The support for the artisanal miners is marginal; they lack tools and other means of production, they have no safety equipment, no access to information on risks, dangers, health and safety at the mine, little support in case of accidents;
- The cooperatives do not play their role as supporters of the artisanal miners. Instead of all members of the cooperatives sharing risks, gains and losses there are two types of members who do not have equal rights: the administrative members and the artisanal miners. The first try to maximise their benefits at the expense of the latter;
- SAESSCAM does not have the capacity and means to support the artisanal miners;
- The companies are hardly present at the mines and they do not supervise the production process, nor the activities of the cooperatives.

Additionally, there are two points that do not have a direct influence on the certification but might nevertheless result in conflicts and therefore have to be resolved:

- The demarcations of the concessions of CHEMAF and SECAKAT at Kyenze are not yet clearly defined;
- Some independent traders as well as agents working for cooperatives associated with treatment agencies buy the production from different concessions, including those belonging to other mining companies.

It will be a lot of work for all involved parties to achieve the certification. Some, notably CHEMAF and SECAKAT/ MMR are probably in a better position to accomplish the necessary changes than others.

Generally, the production could be improved by introducing a certain level of mechanisation. Especially, the crushing of the ore could be facilitated by simple machines. The provision of proper washing ponds would significantly improve the ore separation process. This would increase the artisanal miners' income as well as the companies' profits. It is also recommended that the companies get involved more with the production process and fulfil their responsibilities, especially in the fields of risk assessments, health and safety at the mines and

environmental studies, management and rehabilitation planning. The supervision of the sale of the ores should also be improved.

A control body supervising the cooperatives and ensuring that they work to the benefit of the artisanal miners should be introduced among the public services.

The BGR project should continue the training for SAESSCAM and possibly also offer the same training to the supervisors of the cooperatives. In addition, the project could assist the mining companies by developing and distributing handbooks regarding the implementation of EIAs and environmental management systems.