

Ensuring Access to Remedy and Improved Security at a Large-Scale Mining Site



CASE STUDY: IMPACT OF THE SOUTH KIVU VOLUNTARY PRINCIPLES WORKING GROUP

TWANGIZA

**SOUTH KIVU PROVINCE
EASTERN DR CONGO**

BACKGROUND

There is currently only one large-scale industrial gold extraction site amongst widespread artisanal and small-scale mining in South Kivu. In opening the industrial site in Twangiza, the company established contacts with the local communities and offered them compensation to relocate. By 2020, over 80 families relocated but had not yet received compensation. The local communities were frustrated with the lack of compensation and unmet expectations regarding employment. Tensions mounted and eventually, confrontations led the mining operations to come to a halt.



Twangiza Mining, Mwenga territory,
South Kivu, DRC.

THE ISSUE

The large-scale industrial operator established an agreement with the Mining Police to patrol the site to ensure security. This included preventing local community members from illegally trespassing on the mining site. As many villages are located around the mining site, the local community frequently crosses the site to reach opposite villages.

In the first quarter of 2020, a series of security and human rights incidents took place between the Mining Police and the local community in and around the mine:

- **JANUARY:** an unarmed community member who trespassed the concession was shot in the leg by a Mining Police officer;
- **FEBRUARY:** a shepherd trespassing the concession was stopped and arrested by Mining Police officers. When he resisted arrest, he was allegedly tortured by the officers under commanding orders;
- **MARCH:** the local community protested the company's failure to compensate relocated families. The Mining Police intervened by arresting multiple community members as well as shooting into the protesters to disperse the crowd.

THE WORKING GROUP'S SOLUTION

The South Kivu Voluntary Principles Working Group became aware of these incidents in Twangiza through its monitoring missions. To address the tensions, the Working Group took the following measures:

- Provided support to the local Mining Police in **investigating and reporting the misconduct** of a police commander who allegedly ordered the torture of the shepherd. The Working Group, with DCAF's assistance, developed templates to facilitate the detailed reporting of the incident by specifically inquiring about the conduct of security forces regarding the principles of use of force.
- Advocated at the **provincial Mining Police** level for a diligent follow-up of the reported incidents.
- **Raised awareness among the local Mining Police** on human rights obligations and the need according to national law to report and escalate severe human rights violations such as torture to the provincial Mining Police level.
- Organised **multistakeholder meetings at the local level**, inviting representatives of the extractive company, local community and local security forces to discuss and inform them of and measures taken to address the incidents.

POSITIVE IMPACT

REMOVAL OF COMMANDING OFFICER

The Working Group’s advocacy at the provincial level led to the removal of the local Mining Police commander who had allegedly committed a severe human rights violation in February. A new commander joined the Mining Police a few weeks later.

ARREST AND TRANSFER OF PERPETRATORS OF VIOLENCE

The Working Group’s advocacy at the provincial level further contributed to the arrest of two officers who had allegedly used disproportionate force against artisanal miners in the March protests. The allegations against these two officers have been brought before the local military prosecutor’s office in fulfillment of legal remedies under Congolese law. The two officers were transferred on disciplinary grounds.

MULTISTAKEHOLDER NEGOTIATION OF IMPROVED SECURITY ARRANGEMENTS

The Working Group helped facilitate the agreement on new security arrangements by convening multistakeholder dialogues between the local community, the extractive company and the Mining Police. The new arrangement provides the communities with a space to peacefully protest without the police intervening provided that the protesters respect certain conditions.

IMPORTANCE OF TRAINING OF SECURITY FORCES AND FOLLOW-UP MONITORING

Standard training provided by host governments to public security forces may be inadequate or incomplete in challenging environments; for example, security forces may not be trained in minimal use of force techniques. After consultations and based on expressed needs, the Voluntary Principles Working Group and DCAF organized a three-day training on the scope and standards of the Voluntary Principles for members of the South Kivu Mining Police in December 2019. The objective of this training was to improve the Mining Police’s capacity to respond to security incidents in a framework respecting human rights. Over 55 mining police commanders and officers participated to this training, some of which deployed to the mining site on which this series of incidents in this case study took place. As part of their mandate, the Voluntary Principles Working Group committed to follow-up monitoring of the Mining Police’s conduct on South Kivu’s mining sites to identify and address security and human rights incidents. The monitoring led to the Working Group’s awareness of, and intervention to resolve, this incident.

This illustrates the importance not only of training to ensure that security forces are aware of their human rights obligations, but also independent follow-up monitoring to ensure that the security forces implement the lessons learned.

GOOD PRACTICES

The South Kivu Voluntary Principles Working Group actions in this case study illustrate a number of good practices identified by DCAF and the Fund For Peace (FFP) in the study **From Commitment to Impact: A Guide for Local Working Groups on Business, Security, and Human Rights**, as well as **DCAF and the ICRC in the Toolkit: Addressing Security and Human Rights Challenges in Complex Environments**.

LONG-TERM INVESTMENT IN TRAINING, CAPACITY-BUILDING, AND MONITORING

The Working Group's engagement led to increased awareness within the Mining Police about human rights, and most importantly, about the factors which classify incidents as human rights violations. DCAF provided ongoing support in the form of a three-day workshop on the Voluntary Principles and weekly technical advice to the secretariat of the Working Group as they conducted monitoring missions. The Working Group and DCAF plan to provide further follow-up capacity-building support to the Mining Police through a train-the-trainer approach.

USE OF INCIDENT REPORTING

The Working Group used incident reporting templates it had developed jointly with DCAF to gather details about the incident, as well as used their knowledge on principles of use of force to evaluate the Mining Police's response.

RESULTS-BASED APPROACH

The Working Group tracked the extent to which those who received training on human rights were implementing the principles in practice. Follow-up monitoring missions led to the Working Group's awareness of the Twangiza incidents and involvement in bringing the situation to resolution.

CONNECTING LOCAL AND PROVINCIAL MINING POLICE ACTORS

The Working Group's role in connecting the local Mining Police to the provincial authorities proved effective in the judicial follow-up of two cases. The Working Group's tracking of ongoing investigations and follow-up advocacy led to the replacement of the local commander and arrest and trial of two officers, resulting in sanctions and improved security on the mining site.

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IMPLEMENTATION MECHANISM (SHRIM)

The South Kivu Voluntary Principles Working Group was established in 2018 with support from a grant from the Dutch Embassy in the Democratic Republic of Congo (DRC) to DCAF's Security and Human Rights Implementation Mechanism (SHRIM). The Working Group is led by the Bukavu-based Congolese organisation *Observatoire Gouvernance et Paix* (OGP) in collaboration with DCAF.

The SHRIM is a multi-donor trust fund supporting implementation of security and human rights good practices in fragile environments in a coherent, sustainable and cost-effective way. SHRIM Case Studies reinforce the impact of multistakeholder approaches by highlighting the challenges and successes of addressing security and human rights risks in fragile environments.