

**Forum:** Economic and Social Council

**Issue:** Developing international mechanisms to regulate illicit gold mining in the Democratic Republic of Congo

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## Introduction

The Democratic Republic of Congo, located in central Africa, produces a large portion of the global supply of precious metals, namely, more than 60% of the global cobalt and 35% of the global copper reserves are found in the country. Consequently, the nation's economy is largely dependent on the mining industry, with the mining sector taking 30% of the GDP and 90% of all exports. This crucial sector, however, is subject to large amounts of corruption and international exploitation, ultimately translating to minimal development and widespread poverty within the nation. Simultaneously, the DRC is heavily infested with conflicts, especially around the eastern region, bordering Rwanda. This combined instability within the region serves as a trigger for further rebellions, feeding a cycle of conflict and poverty.

Gold, as one of the major conflict minerals, is a target for many militias in search of funding. These groups, unable to properly get licensed, oftentimes resort to illegal mining, prevalent instances of child labor, hazardous working conditions in artisanal mines, and the displacement of communities.

This issue requires an urgent solution, both for the local and global community: the environmental consequences and the continued poverty and conflict in the region pose a serious threat to regional stability, global supply chains, and fundamental human rights. The issue at hand requires international efforts: cooperation in order to formalize the sector and to cut off the illicit flows.



**Figure 1:** Artisanal miners in the Rubaya mines in the Eastern DRC town of North Kivu (Ashoka Mukpo)

## Key Terminology

### Conflict Minerals

Also known as the 3TGs, tin, tantalum, tungsten, and gold are the 4 main end products of the mining sector in the DRC. These minerals have had a long history of being exploited by militias, rebel groups, and other actors, fueling conflict. Since the 2010s, conflict mineral laws include laws passed in the European Union and the United States since 2010, which require companies to report the use of four specific conflict minerals.

### Artisanal and Small-scale Mining (ASM)

“Artisanal Mining” is defined as mining conducted by an individual miner and family members. It is smaller than small-scale mining, involves mainly manual labor, has no financial support, and is usually not formalized.

### Illegal Mining

Although there is no universally accepted definition of illegal mining and the exact extent of the crime is difficult to estimate, the term refers to mining activity that is: (a) carried out by a person, natural or legal, or a group of people without complying with the requirements of applicable laws or administrative regulations that govern these activities; or (b) carried out in areas where the exercise of such activities is prohibited or using prohibited equipment, devices or chemicals.

### Armed Non-State Actors

Refers to individuals or groups who use violence to achieve their objectives but are not acting as part of the state's regular forces or institutions. Such groups do not necessarily respect borders and can use neighbouring territory to seek shelter or mobilize material. If these groups have a political agenda, they can spread instability.

### Due Diligence

Reasonable steps taken by a person in order to satisfy a legal requirement, especially in buying or selling something.

### Traceability

Supply chain traceability refers to the ability to track goods, materials, and components across every stage, from raw sources to delivery and beyond.

### Formalization

Bringing sectors under the regulation with the advantages and obligations that this entails. It includes the extension of the scope of fiscal, labour and social security regulation to all enterprises without exception regarding the size, sector or other criteria, the legal recognition and registration of enterprises and compliance with legal requirements.

## **Background**

### Corruption in DRC

Ever since the freeing of Congo from Belgian rule in 1960, DR Congo has been a victim of high levels of corruption. In the Corruption Perception Index of 2024, DR Congo ranked 163 out of 180 nations, as the leaders have been consistently embezzling the country's revenues. The government does resemble a democratic government on the cover, yet in practice, many claim, an authoritarian rule, with the president having absolute power with little to no checks. With prominent allegations of election fraud, the current president of the state and his government are believed to be extremely corrupt, preventing important contracts like the Sicomines agreement to practice. Ultimately, these corrupt bureaucrats create flaws in multiple areas of enforcement, turning a blind eye to many illicit gold miners and failing to regulate these mines, calling for international cooperation.

### Economy of DRC

As previously mentioned, the country depends heavily on its mineral production and exports. The local GDP, as well as the national income, export earnings, and employment is highly dependent on the mining sector alone. While the country does possess vast amounts of mineral resources, especially gold, around 90% of its production is assumed to be smuggled into other nations, contributing little to real national economic growth. Large volumes of gold are extracted outside formal regulatory frameworks and subsequently smuggled through regional and international networks, allowing producers and intermediaries to evade taxation, royalties, and licensing fees. As a result, the DR Congolese government loses millions of dollars annually in potential tax revenue, weakening its fiscal capacity to invest in public services, infrastructure, and institutional development. Simultaneously, these illicit mining systems keep the population under low-wage work, and with government efforts unable to be properly funded, feed the cycle of poverty in the region.

The international community has a part in this trend, as global gold prices increase dramatically, these illicit mines are further incentivized for groups. These criminal mining operations are often abused by armed groups, criminal organizations, and opportunistic corporations and states who seek to profit from this growing trade of gold. This demand for profit in these sectors oftentimes creates harsh conditions for the workers as well, raising humanitarian concerns.

However, the issue isn't simply limited to the region; the country accounts for a large portion of the global supply of precious metals, which are increasing in demand with the rise of the technology industry. Without proper regulations on the production of these metals, these industries will inevitably suffer from the impact on a global scale.

### Political Tensions

Several types of tensions facilitate and intensify the illicit gold mining in the region. Most significantly, the internal conflicts between groups, commonly caused by discrimination or political polarization, compel these groups to fund their expenses through the illicit mining. These groups, namely the M23 and the FDLR, usually have a long history of conflict rooted in events like the Rwandan Genocide, act violently upon the locals, and exploit the mines for their profits. Local enforcement is usually insufficient (due to the previously mentioned corrupt bureaucracy), and these groups continue to extract and profit from illegally mined minerals.

Surrounding borders with states also intensify the issue of illicit gold mining. These states, such as Uganda, Rwanda, and Burundi, are referred to as transit states and have weak regulation and minimal coordination, facilitating smuggling. Smugglers often use these states to launder their illegally mined minerals. These states actively undermine both local governance and international regulatory efforts, while creating tensions between the DRC and surrounding states.

### Consequences

These cases of unregulated, unauthorized mining intensify environmental impacts and raise humanitarian concerns.

The mere act of mining causes issues in the ecosystem as well, destroying habitats and



leaving pits such as the ones seen in Figure 1, causing injuries and deaths. These operations, usually done on an industrial scale, use chemicals such as mercury and cyanide to extract the minerals from waste; these chemicals tend to enter the local water sources, polluting the environment in the region as well as affecting the local people's health. As these mines are built, deforestation is common as many forests are cleared in order to access the minerals below. By extensively extracting the minerals from the soil, active soil degradation also follows, deepening issues with deforestation while inducing natural hazards. Excessive use of machinery in these illegal mines creates large amounts of unaccounted pollution, emphasizing the need for regulations.

**Figure 2:** A child working in the mines of DR Congo (Humanium)

These mines also foster a wide array of humanitarian concerns, with widespread use of child labor, unsafe working conditions, forced labor, and gender-based violence. The militias that control a majority of the operations exploit the local population to extract these minerals and to

maximize profits. To this end, many lower the working conditions to cut production costs, yet the local population, stuck in poverty, has no choice but to work in these mines. Furthermore, the lack of regulations in these illicit mines translates to minimal adherence to safety standards, with many miners working in fatal temperatures in mines prone to collapse.

## Major Parties Involved

### Democratic Republic of Congo (DRC)

The Democratic Republic of Congo is the second-largest country in Africa, and stands at the center of the issue. Being both an indirect offender and a victim of the illicit mining, active regulation of the mines would be beneficial to both national security and the economy in the region. The DRC's involvement is critical, as its regulatory capacity and political stability directly determine whether mineral wealth contributes to national development or continues to fuel conflict.

### March 23rd Movement (M23)

The March 23rd Movement armed group is a Rwandan-backed pro-Tutsi group mainly located in North Kivu, with more than a decade of history. Rooted in the conflicts of the Rwandan genocide, M23 continues to act upon anti-Hutu operations, gaining funding from these illicit gold mines. M23 has been widely linked to the control and taxation of lucrative mining areas, particularly coltan and gold sites, and has been found to exacerbate insecurity, displace civilian populations, and further erode the Congolese state's control over mineral resources. Active regulation and sanctions upon this group will be necessary to lower illicit mining rates.

### Forces Démocratiques de Libération du Rwanda (FDLR)

The FDLR is the opposing armed group of the M23, with a majority ethnic Hutu group with pro-Hutu ideologies. Similar to the M23, this group participates in illicit mining operations and fuels further conflicts, leading to a cycle of growing dependency on these illicit mines to fund their conflicts. A similar regulation of tensions between the FDLR and M23 would most likely be necessary in regulating the use of illicit mines.

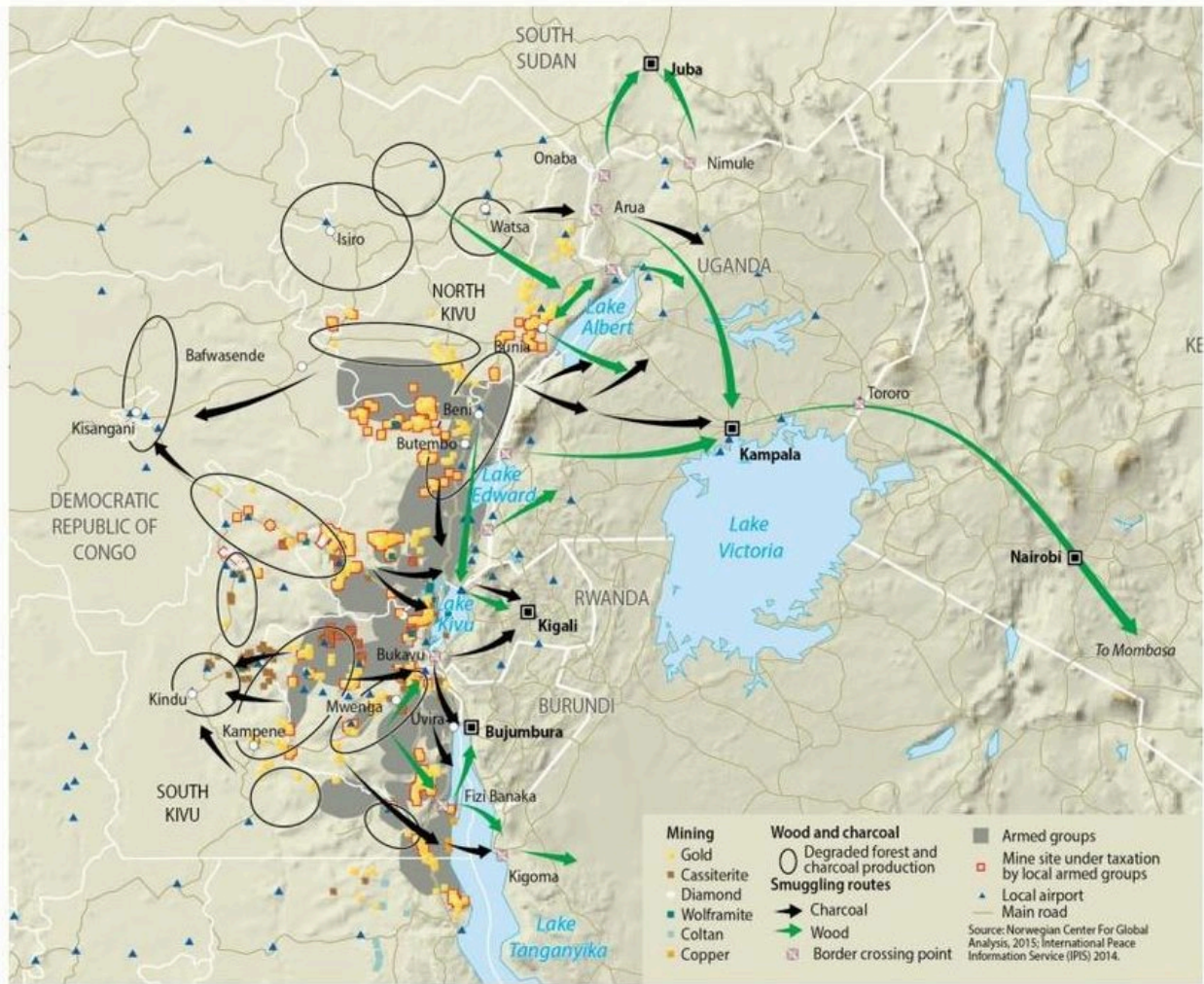
### Rwanda

The Republic of Rwanda borders the DRC from the east, fueling conflicts that intensify these illicit gold mining operations. Furthermore, the country is regularly cited as a transit country for conflict minerals, as these minerals are imported into the state and laundered. Regulations from this side of the border are necessary to minimize conflicts between armed groups and oversee smuggling.

### Uganda

**Figure 3:** Map of the mines and smuggling routes in DR Congo, Rwanda, and Uganda, with many of the gold mines focused in the Eastern region (Eduardo Salcedo Albaran)

Uganda serves a similar role as the Rwandan state in the illicit gold mining. Also bordering DRC on the east side, Uganda serves as a major transit state in the trade with light regulations on the laundering and smuggling of conflict minerals. The cooperation of this state is crucial to managing the illicit gold flow.



### The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

MONUSCO is a UN peacekeeping mission aiming for peace within the DR Congo regions, implemented by the UNSC in reaction to the Ituri conflict, the Kivu conflict, and the Dongo conflict. The organization acts against armed groups such as the M23, and is mandated with civilian protection, stabilization, and support for state authority. The mission is crucial for regulating conflicts that fuel the illicit mining of gold and monitoring groups that operate in these mines.

### Organisation for Economic Cooperation and Development (OECD)

The OECD contributes significant efforts to formalize the mining sector. Developments such as the OECD Due Diligence Guidance for Responsible Mineral Supply Chains have set international frameworks for communities to base guidelines on conflict mineral mining.

## Timeline of Events

Date	Description/Note
April 2001	UN Security Council Panel of Experts publishes the report on illegal exploitation of natural resources focused in the DRC, including gold.
July 2003	DRC government establishes the Cadastre Minier with the support of the UN. Initially aimed to formalize and regulate artisanal mining sector but faces challenges in implementation.
March 2007	MONUSCO reports the widespread use of illegal gold mining by armed groups such as Mai Mai and FDLR, focused in the Ituri and Kivu regions.
April 2010	DRC president Kabila announces a 6 month ban on several provinces amidst growing international pressures, yet has little practical impact
July 2010	The US passes the Dodd-Frank Act, necessitating the disclosure of the use of conflict minerals from DRC and other nations.
May 2011	DRC launches a joint effort with the World Bank and the UN, Mining Sector Validation Initiative, to certify non-conflict mines.
September 2013	International Conference on the Great Lakes Region launches Regional Certification Mechanism for conflict-free minerals including gold. DRC commits to implementing the system across its mining provinces.
February 2014	UN group of experts report major gold smuggling through Uganda and Rwanda, estimating around 98% of artisanal gold being smuggled into the regions
June 2018	Reports continued of presence of FDLR forces in illegal mining operations, focused in North Kivu and Ituri

January 2022	Surge in violent activities near gold mines, around 60,000 displaced due to mining related conflict
February 2023	DRC Ministry of Mines pilots blockchain traceability system in South Kivu with UN and industry partners for artisanal gold. Initial results show promise but coverage remains limited to small percentage of production.

## Previous Attempts/Solutions

- UN Security Council Resolution 1533 (2004): This resolution created a Group of Experts and a Sanctions Committee aimed at monitoring and supporting an arms embargo and regulating the armed groups' conflicts in the region. It set the foundation for later frameworks that linked illegal gold extraction to sanction review; the same committee later referenced illegal mining of minerals such as gold in the region. Mildly effective in sanctions but created an institutional base; it was heavily dependent on later resolutions and mechanisms.
- US Dodd-Frank Act Section 1502 (2010): Legally necessitated public companies to disclose "conflict minerals" in their products in the DRC and surrounding countries. The U.S. Securities and Exchange Commission (SEC) adopted rules implementing this disclosure and linked them to due diligence standards like the OECD Guidance. It created mandatory transparency obligations, yet lagged in practical implementation and led to side effects such as firms leaving.
- OECD Due Diligence Guideline (2011): Provides risk-based guidance on managing mineral sourcing while avoiding conflict. Many start adopting this as the standard, but compliance varies.
- ICGLR Regional Certification Mechanism (2013): As part of the Regional Initiative against the Illegal Exploitation of Natural Resources, it provided a standard to certify conflict

minerals. Many states, such as the DRC, adopt this, yet it faces capacity constraints and is prone to exploitation through smuggling.

## Potential Solutions

When addressing the issue of developing international mechanisms to regulate illicit gold mining in the Democratic Republic of Congo, delegates must ensure combining enforcement, traceability, regional cooperation, financial controls, and formalization, with responsibility shared across states for effective mitigation.

- Delegates' solutions should target the core cause of the issue: the high demand for gold with low risk of illicit extraction. On the international level, the UN-provision of sanctions could be utilized to directly target these illicit flows of gold. Anti-money laundering controls could be set at the local levels for gold traders and refiners. Heavy monitoring by transit states of routes would also be beneficial to directly regulate the flow of minerals.
- Delegates may explore increasing traceability of these illicit golds, as many become indistinguishable from legal gold. The UN could develop a unified gold certification guideline, including due diligence requirements, allowing for an effective increase in traceability. This could be followed by restrictions and penalties for uncertified gold.
- Delegates may also emphasize increasing governance as a key factor in the illicit gold. The UN and other groups could work to take mining zones from armed groups' control, with anti-corruption insights to practically account for these mines. Mining regions could be enhanced further through direct support, in order to formalize their sector.
- Delegates should also consider damages on the local level, as criminalization alone fails when local livelihood depends on the mines. Formal registration could be considered, especially focused on small-scale miners, combining efforts with regional export regulations for these miners. Integration of these miners into certified supply chains could help restrict the flow of illicit gold mines and reduce smuggling.

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