

**Social Survey Report into Artisanal Diamond Mining Sites
in Kasai-Oriental Province in
the Democratic Republic of Congo**



**PARTNERSHIP
AFRICA CANADA**



Author:

Felicien Mbikayi
*Director, Groupe d'Appui aux
Exploitants des Ressources
Naturelles (GAERN)*

Editors:

Offah Obale and Alan Martin

Produced thanks to the support of the
European Union

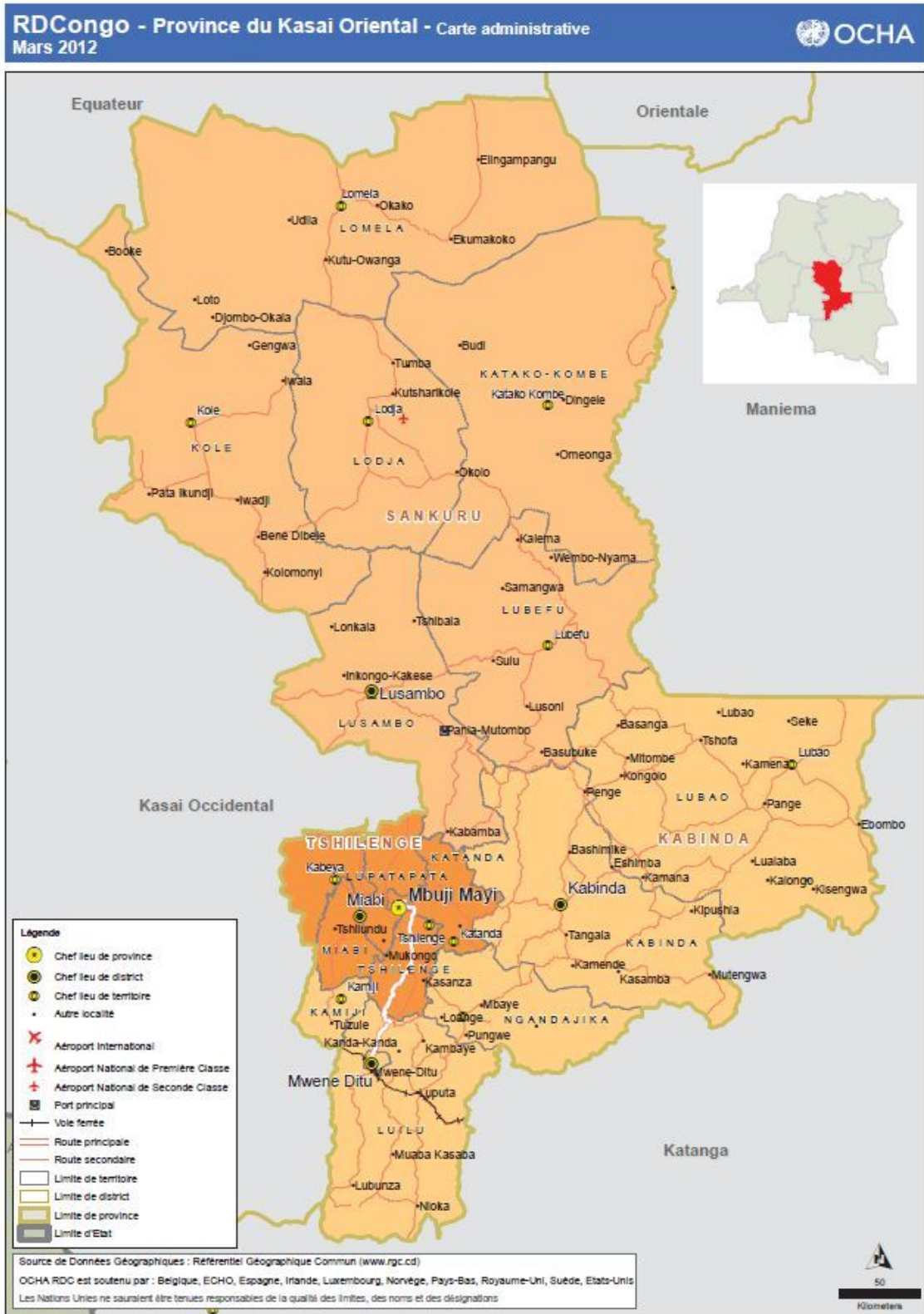


© GAERN and Partnership Africa Canada
November 2015

331 Cooper Street, Suite 600
Ottawa, Ontario, K2P 0G5, Canada

info@pacweb.org
www.pacweb.org

Map of Kasai-Oriental





About Kasai Oriental

Area	173,110 km ²
Districts	3
Cities	2
Territories	15
Communes	8
Sectors/Chieftaincies	80
Associations	836
Towns	17
Population	7.1 million
Population density	38/km ²





I. OVERVIEW

This report presents the results of a field study of artisanal diamond mining sites in rural Mbuji-Mayi, a town in Kasai-Oriental Province, Democratic Republic of the Congo. Conducted by the *Groupe d'Appui aux Exploitants des Ressources Naturelles* (GAERN) in collaboration with Partnership Africa Canada (PAC). The survey is in response to atrocious acts committed by unauthorized government agencies in the province's diamond mines.

The objectives of the study were to:

- Document and account for the presence of unauthorized agencies at artisanal mining sites in the province of Kasai-Oriental and report on abuses committed;
- Identify unauthorized agencies at artisanal mining sites in rural Mbuji-Mayi;
- Investigate the role of unauthorized agencies in the assignment of pits, the allocation of gravel deposits, screening, and the payment of dividends.


According to section 16 and section 27 (a)a of the *Mining Code*, authorized departments are the Mining and Hydro Police, Mining Division and *Service d'Assistance et d'Encadrement du Small Scale Mining* (SAESSCAM). Any other government agency present at artisanal mines is therefore, unauthorized under the *Mining Act*. Specifically, this includes the provincial collection service, National Information Agency (ANR), Congolese armed forces (FARDC), Congolese National Police (PNC), department of public prosecutions environmental agencies, sector agents, district authorities, and the Office of the Auditor.

More than 80% of artisanal diamond miners responding to the survey questions consider that only authorized agencies, such as the Mining and Hydro Police, Mining Division and SAESSCAM, have a right to continue operating at artisanal mining sites.

Other agencies operating at artisanal diamond mining sites—specifically the National Information Agency (ANR), Congolese armed forces (FARDC), Congolese National Police (PNC), department of public prosecutions, provincial and district authorities, and the Office of the Auditor—without authorization under *Mining Act* should limit themselves to their primary mission as stipulated in the constitution of the DRC. These agencies create obstacles for artisanal miners extracting gravel deposits, preventing equal distribution of wealth.

According to survey results, the authorized agencies listed above have also become involved in trafficking and their representatives even go into the diamond pits to mine. They discourage artisanal diamond miners through intimidation and, at some sites, act as provocateurs instead of protecting the artisanal diamond miners.

In terms of the collection of taxes and fees from artisanal diamond miners, the situation is catastrophic.



We report that 99% of respondents at 10 artisanal diamond mining sites find taxation practices to be random, with proceeds never reaching the public treasury. The 10% royalty claimed by land chiefs every time a diamond is sold in their jurisdiction amounts to personal income for the chief and his associates, and is not used for community development on their land. This situation needs to be addressed.

As for the socioeconomic situation facing artisanal diamond miners, the income they derive is not proportionate to the work they perform and is insufficient to provide for the family's basic needs.

In these difficult conditions, miners earn less than \$500 US a year, their legally authorized production of diamonds is scrutinized and the rough diamonds they mine are sold without their permission at prices below the (remunerative) standard established for each recognized diamond category. Miners are no better off than they were before finding a diamond, and they remain trapped in a vicious circle of poverty.

Considering the preceding and given the bitter reality on the ground, it may be said that the *Mining Code* and the *Mining Regulations* are neither being applied nor having the desired effect, for even the authorized agencies that could regulate the artisanal diamond mining industry have become a harmful nuisance in the eyes of artisanal miners.

If the significant benefits of artisanal mining are to be harnessed to foster sustainable development and economic growth in Kasai-Oriental, these challenges must be addressed. Given the right framework, the government of the DRC could implement measures to transform artisanal diamond miners into operators who actively contribute to the local and national economy. The report therefore makes a number of specific recommendations to the government of the DRC to address conditions and abusive practices at mining sites. These include:

- *Withdrawing unauthorized agencies and seeing that the provisions of the Mining Code and Mining Regulation are applied;*
 - *Promoting and protecting the rights of artisanal diamond miners;*
 - *Providing financial support to help artisanal diamond miners organize mining cooperatives to produce and market diamonds;*
 - *Ensuring that mining royalty is used to benefit local territories and populations as stipulated in the Mining Code and mining laws of the DRC;*
 - *Improving basic social services at mining sites;*
 - *Encouraging artisanal diamond miners to form mining production and marketing cooperative associations or other development cooperatives and to seek training on evaluating the selling price of diamonds in order to prevent speculation.*
-



II. INTRODUCTION

A large number of people are involved in the sizeable artisanal diamond sector in Kasai-Oriental, including artisanal, semi-artisanal and industrial miners, as well as the mining operators who market these precious stones.

Industrial diamond mining in Kasai-Oriental dates back nearly a century to 1920, with FORMINIÈRE (Société Internationale Forestière et Minière), now called MIBA (Minière de Bakwanga). Artisanal diamond mining officially began 33 years ago in 1982 when the law liberalizing the diamond sector was enacted.

When the sector was liberalized, a large majority of the work force was drawn to mining by the promise of a quick and easy way to make large sums of money, the sector being considered an economic and sociocultural pillar of society. Despite Kasai-Oriental's reputation as "the industrial diamond capital of the world," it is one of the poorest provinces in the DRC.

It is estimated that between 200,000 and 300,000 miners work in the diamond sector. Night and day they toil away—in hot weather and cold, even during the rainy season. They pay a steep price in terms of their mental and physical health, driven to nervous exhaustion from the intense physical labour. The need to earn money at any cost drives them to this difficult work. Despite their efforts, they earn less than a dollar a day, which leaves them under the poverty line according to the 2011–2015 report on strategies to encourage growth and reduce poverty (DSCR - *Document de la Stratégie de Croissance et Réduction de la Pauvreté*) In addition to these hardships, miners suffer all kinds of abuse at the hands of soldiers (FARDC), the Congolese National Police (PNC), the ANR, as well as agents from the public prosecutor's office, the provincial and district officials.

The objectives of the survey were to:

- Document and account for the presence of unauthorized agencies at artisanal mining sites in the province of Kasai-Oriental and report on the abuses they commit;
- Identify unauthorized agencies at artisanal mining sites in the town of Mbuji-Mayi;
- Understand the role of unauthorized agencies in the assignment of pits, the allocation of gravel deposits, screening and the payment of dividends.

The expected outcomes are as follows:

- The identification of unauthorized agencies operating in the mines;
 - An explanation of the rationale for their presence in the mines;
 - Reporting to the provincial authorities of the presence of unauthorized agencies at the mines and of the abuses they commit;
-

- Awareness on the part of the authorities of the need to withdraw these agencies from the artisanal diamond mines.

III. OBJECTIVES OF THE SURVEY

i. Nature of the villages in Mbuji-Mayi

The rural areas around the town of Mbuji-Mayi have a population of about 2 million and a population density of 486.20/km², higher than that of the DRC and of the province of Kasai-Oriental as a whole. Most of the land is of poor quality, farming is unprofitable and the region is blatantly under-industrialized. Villages in the area therefore depend heavily on others in Kasai-Oriental and the neighbouring provinces for food.

As a result, the diamond sector attracts large numbers in the region. Sociopolitical events since independence and diamond mining activities have resulted in the creation of diamond-based urban-rural communities (Boya, Tshishimbi, Kabimba, Bakwa Bowa, Tshitenge, Luamuella, and others).

ii. Choice of sites

The survey was conducted in the rural areas around Mbuji-Mayi, an area in which artisanal diamond mining is booming.

The following sites were chosen for the study because of their extensive artisanal diamond mining activities:

- Tshitolo: 60 km from Mbuji-Mayi in the territory of Katanda
- Bakwa Nsumpi: 15 km from Mbuji-Mayi in the territory of Lupatapata
- Bakwa Bowa: 40 km from Mbuji-Mayi in the territory of Katanda
- Luamuella: 20 km from Mbuji-Mayi in the territory of Tshitenge
- Bakwa Tshimuna: 15 km from Mbuji-Mayi in the territory of Lupatapata
- Boya: 45 km from Mbuji-Mayi in the territory of Miabi
- Tshitenge: 12 km from Mbuji-Mayi in the territory of Katanda
- Kansenga: 50 km from Mbuji-Mayi in the territory of Lupatapata
- Lubanga: 40 km from Mbuji-Mayi in the territory of Lupatapata
- Tshiondolo: in the city of Mbuji-Mayi, on the outskirts of the commune of Dibindi

iii. Organization of the survey

iii.i. Survey deployment and sample size

As explained above, a total of 10 sites were chosen. Each interviewer was instructed to select a representative sample of 50 subjects at the site, including the following stakeholders:

- Land chiefs
 - Mine committees
-

- Miners
- Pit managers
- Sponsors
- Traders
- Residents or tenants
- Wives and children of miners

The goal of this social survey was to interview 500 people representing the target stakeholder categories.

iii.ii. Distribution of subjects interviewed by target site

No.	TERRITORY	TARGET SITE	TARGET NUMBER OF People	NUMBER OF People INTERVIEWED	%
01	Katanda				
		Tshitolo	50	48	96
		Bakwa Bowa	50	50	100
		Tshitenge	50	50	100
	Subtotal		150	148	98.6
02	Tshilenge				
		Luamuela	50	50	100
	Subtotal		50	50	100
03	Lupatapata				
		Bakwa Tshimuna	50	50	100
		Bakwa Nsumpi	50	50	100
		Lubanga	50	50	100
		Kansenga	50	47	94
	Subtotal		200	197	98.5
04	Miabi				
		Boya	50	50	100
	Subtotal		50	50	100
05	Mbuji-Mayi				
		Tshiondolo	50	50	100
	Subtotal		50	50	100
	Overall total		500	495	99

Comments: The table shows that out of the target number of 500 , 495 people were actually interviewed, for a rate of 99%.



IV. DESCRIPTION OF RESPONSES TO THE QUESTIONNAIRE AND ANALYSIS OF RESULTS

1. *Question: In your capacity as a land chief, how would you evaluate government services in support of artisanal diamond mining in your jurisdiction/territory?*

Answer:

80% of land chiefs loathe the presence of unauthorized government agencies such as the Congolese armed forces, the Congolese National Police, the National Information Agency, and officials representing the governorate, public prosecutor, district, territory, sector, town and village. They are highly critical of the numerous abuses, including mining and financial predation and legal violations of the Mining Code and Mining Regulations.

On the other hand, 20% of land chiefs appreciate the security provided by the Mines and Geology Police and the services of SAESSCAM during the extraction of diamond gravel deposits.

2. *Question: Which government agencies provide the support you need for your work at the mines? (Mine committees and land chiefs)*

Answer:

75% of the land chiefs interviewed are of the opinion that the Mines and Geology Police provide security when conflicts and disputes arise.

75% of mine committees share this opinion.

The other 25% of land chiefs and mine committees strictly refuse to collaborate with other agencies because they practice extortion.


3. *Question: What is the current impact of artisanal diamond mining in your jurisdiction or village? (Land chiefs)*

Answer:

In response to this question:

- 20% of land chiefs report that the activity has a positive impact.
- 80%, a significant majority, say that diamond mining in their jurisdiction has not resulted in any community development, such as schools or health centres.



- 
4. *Question: How have the Congolese National Police, the FARDC, the ANR, crown prosecutors, representatives of the governorate and other officials of various levels come to be involved in the process for assigning diamond pits, allocating gravel deposits, screening and distributing dividends at the mines in your jurisdiction? (Land chiefs)*

Answer:

45% of land chiefs consider that these agencies act under the umbrella of political, traditional, administrative and judicial authorities.

5% of land chiefs believe that these agencies become involved in mining operations after conflict erupts during the allocation of pits and gravel deposits or during the distribution of money from the sale of large, high-quality diamonds.

However, 50% of land chiefs are of the opinion that these agencies intervene through force and intimidation, threatening the chiefs that if they do not cooperate, they will be accused and punished for any number of offenses. This gives rise to numerous conflicts in all the artisanal diamond mines of Kasai-Oriental.

5. *Question: Are the diamond gravel deposits extracted from your mine distributed proportionately to the effort invested by artisanal diamond miners working in the mine? Are gravel deposits allocated to relatives of the land chiefs proportionately, equitably and without conflict or dispute? (Land chiefs and mine committee chairs)*

Answer:

100% of land chiefs and mine committee chairs feel that the allocations are not equitable.

They report that when deposits are extracted, a free-for-all ensues (everyone helps themselves).

They add that during the allocation of the gravel, artisanal diamond miners are bullied by those with more power, i.e. land chiefs, sponsors, other nearby land owners and representatives of various government agencies.


6. *Question: What role do the diamond mine committee chairs play in local development? (All respondents)*

Answer:

100% of dealers, land chiefs, mine committees, artisanal diamond miners and sponsors believe that the government is responsible for socioeconomic development. Artisanal diamond miners are simply trying to survive. Land chiefs and committee chairs look after their own interests:

- Buying land in the city;
- Developing their own small business.

NB: We are not looking beyond the mining process.



7. *Question: What results do you expect from your work and what projects do you envisage in the future to improve your wellbeing? (Artisanal diamond miners)*

Answer:

100% of artisanal diamond miners say that they work to make extra income in order to have enough means to subsist and overcome poverty.

90% of respondents have no future projects because diamond deposits are becoming rare and the level of harassment is outrageous. However, 10% hope that jobs will be created in the mining sector and through development (e.g., agriculture) so that they can leave an occupation that serves only to make others rich.

8. *Question: Does the income you make as an artisanal diamond miner cover the cost of medical expenses, education for your children, rent, clothing and daily food, in short your basic needs? (Artisanal diamond miners)*

Answer:

100% of artisanal diamond miners indicate that they work in adverse conditions in a system marked by competition, rife with endemic fraud and deceit and that they are unable to meet their household's basic needs.

9. *Question: What should be done to change the behaviour of unauthorized agencies operating at artisanal diamond mining sites? (Land chiefs, mine committees and artisanal diamond miners)*

Answer:


100% of land chiefs, mine committees and artisanal diamond miners would like to see:

- The improvement of good practices in the artisanal mine sector
- The withdrawal of unauthorized agencies, the elimination of various forms of harassment and the transformation of diamond mining into a sustainable industry (which could lead to the establishment of schools, health centres, etc.)

10. *Question: How do you handle conflicts among yourselves (artisanal diamond miners, mine committees and, possibly, land chiefs)?*

Answer:

100% of respondents report that conflicts are settled directly between the parties involved or with the assistance of mine committee members or land chiefs.



Among land chiefs and mine committee members, 25% confirm that conflicts and disputes are settled between the parties. However, 75% report that they call on outside expertise (the authorities, officers of the FARDC or PNC, the ANR or other officials). Some mines are subsequently closed by provincial authorities, proving that these agencies do not play a useful role in resolving conflicts, but rather worsen the situation to their own profit.

11. *Question: How would you evaluate the work of the public agencies that provide support for your daily work? (Dealers, artisanal miners, mine committees)*


Answer:

In the opinion of 100% of dealers, artisanal diamond miners and mine committees, the government is the main reason for the poor performance of the artisanal diamond mining industry and is behind the ceaseless harassment.

Examples of harassment include:

- Demands for money to access the mine.
- Demands from police for bribes. This has resulted in various violations, including the death of a man by the name of Kasongo, a resident of Bakwa Bowa, killed by a police officer in Tshitolo in August 2013 for failing to pay 500 Congolese francs (a condition for entering the mine).
- Confiscation of gravel deposits and diamonds.
- Fiscal fraud, as in Bakwa Tshimuna, where two documents delivered by the DGI (Tax Directorate) bore the same identification number.
- Violence and sexual exploitation targeting children and women; drug abuse and alcoholism.
- Murder.
- Gravel deposits collected by the armed forces of the DRC, Congolese National Police, governorate's gravel collection agency, representatives of the public prosecutor, National Information Agency, agents from the sector, organizations, towns and certain territories, and even the Ministry of Mines and Geology and Mines and Environment Division, who each collect at least two bags per pit each day prior to allocation, in addition to one bag taken daily by the Congolese National Police in return for providing security. This is true everywhere except at the mine in Tshiondolo, where the mine committee takes 10% of the gravel from each pit to share with other agencies. Of this 10%, the committee gives 30% to representatives of the governorate and 30% to other agencies, keeping 40% for itself.
- Case of harassment in Bakwa Tshimuna, where an agent was sent by the Ministry of Mines and Geology to fill in pits that had been dug on residential plots but instead collected gravel.

All of these actions are justified by reference to government notice No. 009/CAB MIPROMIN.EN ET HYDRO/2011, which recommends maintaining a presence at the mines in order to collect gravel. The notice applies to the following agencies: the governorate's collection agency, security services and SAESSCAM. While it is true that SAESSCAM is recognized in the Mining Act,



the agency is involved in the harassment occurring at artisanal mines, specifically by participating in the allocation of gravel deposits as one of the parties entitled to a share.

12. Question: What taxes do you pay and to which agencies? How are they paid: in kind (gravel) or in money? (Traders)

Answer:

100% of traders report paying the following taxes:

- US\$10 for an operator's card instead of US\$5 as set out in inter-ministerial decrees No. 0458/CAB.MIN./MINES/01/2011 and No. 304/CAB.MIN./FINANCE/2011 dated November 14, 2011;
- A tax paid to economic agents, the amount of which varies from agent to agent (based on a case at the Boya mining site).
- US\$200 for a trader's card instead of the US\$100 specified in the above-mentioned decree.
- These taxes are paid in cash, not in kind.

13. Question: When a quality diamond is found in a mine on your land, how are the royalty payments that are paid by the miner and the dealer managed? (Land chiefs)

Answer:


100% of land chiefs confirm that nothing is known about the royalties paid by artisanal diamond miners and dealers. Even when a large quality diamond is found, the location of the sale remains unknown, for the transaction is often conducted by the authorities, who have informants everywhere to let them know when a quality diamond has been found in any mine (see sections 241 and 242 of the Mining Code setting out the royalty payment schedule).

14. Question: Which parties (stakeholders) are currently involved in the process for allocating diamond pits, gravel deposits, screening and dividend payments, and on what basis has the allocation been decided from the time diamond mining was liberalized in 1982 up until today (2015)? (Land chiefs, mine committees, artisanal miners)

Answer:

100% of land chiefs, mine committees and artisanal miners state that the following agencies (stakeholders) are currently involved in the allocation of diamond pits, gravel deposits, screening and dividend distributions:

Ministry of Mines and Geology; SAESSCAM; Mines and Geology Division; Mines Police; Congolese National Police in general; Criminal Intervention Mobile Group (GMI) of the police; National Information Agency; Special Services of the Congolese National Police;



Military Auditor; agencies in the districts, territories, sectors and towns; organizations; provincial collection services; agents of the public prosecutor.

According to 98% of land chiefs, mine committees and artisanal diamond miners, the basis for allocation has varied from one mine to another since 1982. Generally speaking however, for every 10 bags of gravel mined daily, the mine committee takes 2 bags at each pit.

The situation is different at Bakwa Tshimuna, where each agency has a predetermined day to receive its share of gravel, in addition to 1 bag taken daily by the Congolese National Police in exchange for providing security.

Respondents report that in Tshiondolo, the 2 bags collected daily at each pit by the mine committee are divided among the agencies operating at the mine as follows:

- 30% for the provincial collection service;
- 30% for other agencies;
- 40% for committee members.

The other 2% of land chiefs say that they are unhappy with the current allocation system because the miners themselves had their own proportionate sharing agreement in effect since the 1960s and this agreement was respected by everyone without conflict.

15. Question: Are you satisfied with the current arrangement? Please explain. (Artisanal diamond miners)

Answer:


100% of artisanal diamond miners state that they are not satisfied with the current arrangement, in which they are forced to work hard day and night, putting their lives at risk from landslides, drowning, and waterborne and endemic disease. The current situation leaves them discouraged and exacerbates existing poverty.

Finally, the agencies involved take a considerable part of the money generated and cause turmoil.

16. Question: What concrete strategies could be implemented to curb harmful and criminal activities currently going on at mining sites (confiscation of gravel and diamonds, fraudulent taxation, the use of fetishes, violence and sexual abuse targeting children and women, drug abuse, alcoholism, juvenile delinquency, murder, damage to the environment, etc.)? (All respondents)

Answer:

100% of land chiefs, mine committees, artisanal diamond miners, traders, sponsors and owners interviewed are in favour of the following strategies to curb harmful and criminal activities at mining sites:

- 
- Giving miners responsibility for maintaining order at their own mining sites;
 - Organizing information and training sessions for all parties involved concerning taxation, income tax and mining legislation;
 - Organizing unions exclusively for miners, independent of the Provincial Diamond Committee (CPD), which primarily looks after the interests of traders;
 - Requiring the government to withdraw all agencies not authorized by mining legislation and provide ongoing monitoring to reduce the number of children working in diamond mines;
 - Requiring GAERN and other civil society organizations to organize and provide civic education at mining sites;
 - Introducing best practices for the mining industry.

17. Question: How many times have you attended a training session on artisanal diamond mining? (Artisanal miners)

Answer:


90% of artisanal diamond miners say that they have never had any kind of training. The other 10% have attended at least one or two training sessions on artisanal diamond mining.

18. Question: What problems have you faced in performing your duties and responsibilities? (All respondents)

Answer:

100% of stakeholders (land chiefs, mine committees, artisanal diamond miners, dealers, sponsors, pit managers, etc.) report facing the following problems:

- Artisanal diamond mining operates in a corrupt milieu in which the provisions of the Mining Code and Mining Regulations are consistently violated
 - Land disputes disrupt mining activities
 - Interference by judicial authorities in traditional matters
 - Various types of disruption caused by unauthorized agencies (confiscation of gravel, other people's property, pits and money; arbitrary arrests and illegal detention; various forms of intimidation; confiscation of work tools; murder; beatings and injury; distress, etc.)
 - Artisanal miners sell their diamonds at a very low price
 - Too many taxes, etc.
 - A lack of means and tools appropriate for the work
 - Wasted time and energy
 - Long hours of work with little to show for it
 - Untimely death
 - Others unfairly made wealthy
 - Lack of leadership by SAESSCAM
 - Lack of support by the Provincial Diamond Council (CPD)
-

- 
- Deceit and fraud on the part of sponsors and supporters


V. RECOMMENDATIONS

To political and administrative decision makers:

- Withdraw unauthorized agencies and see to the application of the provisions of the *Mining Code* and *Mining Regulations* issued by the President of the Republic, specifically section 16 (a), and section 27 (a); maintain the presence at artisanal mines of only the three agencies identified in the *Mining Code* and *Mining Regulations*; and review the agencies' missions to comply with sections 11, 13 and 16 of the *Mining Code*.
- Promote and protect the rights of artisanal diamond miners so that they can produce more and thereby contribute to the economic development of their province and country.
- Apply the provisions in the *Mining Code* and other mining legislation stipulating that mining royalty is to be used to serve local jurisdictions and communities.
- Ensure that political, administrative, military, police, judicial and other authorities stop harassing artisanal diamond miners through illegal taxation and other types of levy applied to gravel deposits.
- Improve basic social services at mining sites.
- Create a framework for consultation and ongoing discussion between stakeholders in the mining industry (provincial government, civil society, and technical and financial partners).
- Establish an organization to manage conflict arising in the artisanal mining sector, with representation from:
 - Mines and Geology Division
 - SAESSCAM
 - GAERN
 - Land chiefs
 - Environment Division
 - UCDAK
 - Federation of Mining Cooperatives

To artisanal diamond miners:

- Organize diamond production and marketing cooperative associations and other types of development cooperative to encourage development.
-

- 
- Comply with provisions pertaining to the environment at mining sites, specifically section 112 of the *Mining Code* and sections 3 to 12 of the *Mining Regulations*.
 - Comply with the Code of Good Practice for artisanal diamond mining set out in section 1, articles 1 to 5, of the *Mining Regulations*.

To authorized agencies:

- Fulfill the mission stipulated in the *Mining Code* and *Mining Regulations* as follows:
 - Provincial Division of Mines and Geology: Section 2, subsection 20, and section 13 of the *Mining Regulations*; also see section 14 of the *Mining Code*
 - Ministry of Mines: See section 10 of the *Mining Code* (pages 41 and 42), as well as section 16
 - Agency responsible for the environment: Section 15

To unauthorized agencies:

- Cease all involvement in artisanal diamond mining.

To SAESSCAM:


- Take the lead in improving the skills of artisanal diamond miners and support them by providing the material they need, as set out in the organization's founding mission.
- Remove and sanction all other agents claiming to represent SAESSCAM at artisanal diamond mining sites.

To land chiefs and mine committees:

- Comply with the provisions of the *Mining Code* and *Mining Regulations* pertaining to financial and mining royalties by using most of these royalties for community development projects.

To Civil Society Organizations:

- Support efforts to develop the skills of artisanal miners in different areas (classification and evaluation of diamonds, entrepreneurship, establishment of mining cooperatives, etc.).
 - Support GAERN in lobbying for the withdrawal of unauthorized agencies from artisanal mines and for compliance with the *Mining Code* and the *Mining Regulations*.
-

- 
- Support efforts to put the legal framework into plain language (*Mining Code* and *Mining Regulations*).
 - Support artisanal diamond miners in the development of alternative economic activities.
 - Provide civic education at mining sites.

VI. CONCLUSION

Conducted in four territories of the District of Tshilenge and in the town of Mbuji-Mayi, the survey identifying unauthorized government agencies operating at artisanal diamond mining sites provided an opportunity to catalogue abuses against artisanal diamond miners by the unauthorized agencies identified in this report. It should be noted that if the current precarious conditions persist, artisanal diamond mining will suffer and the sector's contribution to the gross domestic product will be negatively affected.

The survey's various questions reveal that more than 80% of artisanal diamond miners, land chiefs, mine committees, dealers, and other respondents consider that authorized agencies such as the Mines and Oil Police, Mines Division and SAESSCAM should be allowed to continue operating at mining sites, in compliance with the provisions of section 27 (a), and section 16 of the *Mining Code*.

Other agencies that currently maintain a presence at artisanal diamond mining sites—specifically the provincial collection service, National Information Agency, armed forces of the DRC, Congolese National Police and representatives of the public prosecutor, territories, etc.—are not authorized under section 27 (a), of the *Mining Code*, and should resume their primary missions as set out in the constitution of the Democratic Republic of the Congo, for whenever miners extract gravel from a mine, these agencies create obstacles preventing miners from sharing equitably in the fruit of their labours.

As a result, these agencies have become involved in trafficking and even go down into the diamond pits to mine. They discourage artisanal diamond miners through various forms of intimidation and, at some sites, become provocateurs instead of protecting the artisanal diamond miners. This accusation is serious but, unfortunately, true.

