

**The Business of War: Constructive Corporate
Engagement in the Coltan Trade in the
Democratic Republic of the Congo**

Geography 517 - Environmental Sustainability

Tutors: Philippe Le Billon and Karen Bakker

April 2004

ESTELLE LEVIN

“When resources are put into circulation ... the value of things generally surpasses the value of people” (Mbembe, 2000).

Sustainability is a set of beliefs and practices based on an ethic of justice through space (intra-generational) and time (inter-generational) between humans and between humans and non-humans (cf. Bindé, 2000; Lazonick and O'Sullivan, 2000; Pilotti and Rinaldin, 2002). The practice of sustainability can be termed *sustainable living*. Sustainable development is the process of social change through which the cultural conditions necessary to achieve sustainable living are created and recreated. These processes generate individual and collective behavioural and structural alternatives which make sustainable living more desirable, possible and therefore more likely.

Sustainable living is hardly possible in the eastern provinces of the Democratic Republic of the Congo (DRC), the region on which my paper focuses. Here the trade in ivory, the gruesomely violent rape and torture of women and girls, the use of child soldiers, and even the ritualistic cannibalism of enemies constitute ordinariness for the wretched people who are struggling to survive there. Under such horrific conditions of existence, sustainable living seems even less possible than in other worlds. Yet this does not justify our continuing to treat the DRC as a ‘space of exception’ or the ignoring of the region by the world’s press and governments. In this part of the world sustainable living can only begin to be considered when peace is restored and young men (for it is primarily male youths and boys who wield the weapons) find there is greater personal and social gain to be achieved in laying down their guns. In the meantime, the immediacy of surviving governs people’s every day and the culture of terror and environmental destruction will persist so long as foreign armies occupy the region and continue to exploit ethnic hatred, gender inequalities and political allegiances for military and economic gain. The exploitation and trade of certain resources (diamonds, timber, coltan, gold) has been instrumental in “economising the war” and maintaining the presence of the various militias firstly through financially enabling them to remain belligerent, secondly through providing the means for personal enrichment and lastly providing the motivation to remain. External actors with an interest in these commodities therefore have a responsibility to constructively engage or disengage with the region (Tantalum Niobium International Study Center, 2001; 2003).

This paper focuses on a specific commodity, coltan, the production and trade of which has helped perpetuate the war in eastern DRC. Coltan is the local, abbreviated name of columbo-tantalite, the ore from which the metal tantalum is refined. 60% of the world's tantalum is used in the electronics industry to make capacitors and semi-conductors for goods such as cell phones, lap tops, GPS systems, and games consoles. It also has applications in the airline, pharmaceutical, chemical, and automotive industries, as well as in arms manufacturing where it is used for coating the warheads of shoulder-fired anti-tank weapons and ballistic missiles¹.

In this paper I explore how and why corporations should or should not engage in business relationships with individuals and institutions involved in the 'illegal' exploitation of coltan in the DRC. In buying coltan, companies bear a responsibility for the "economisation of war" and for impeding the creation of conditions for sustainable living through the direct support this purchase affords occupying or rebel forces. Further, this supporting function requires them to exert their potential influence on the trade wisely through careful consideration of how their involvement in (engagement) or withdrawal from (disengagement) the region can help or hinder the construction of peace and sustainable living.

The body of my paper begins with normative and rational justification for corporations having a duty to act in the interests of the civilians and non-humans of Eastern DRC through explanation of Reed's critical approach to stakeholder theory (Reed, 2002). This is followed by a rationalisation of how corporate responsibility is aligned with sustainability thinking, and why companies might choose to take their responsibilities seriously. In light of the exceptional circumstances of coltan exploitation in eastern DRC, I give a detailed overview of the evolution of the "war economy" there and the prospects for peace now that nearly all belligerent groups have signed accords². I then detail the militarisation of coltan exploitation in the Kivus and the involvement of the Rwandan army in these provinces, showing how the political economy which surrounds this mineral has impeded the creation of conditions necessary for peace and sustainable

¹ According to Paul Rutter, a buyer for Cabot High Performance Materials, roughly 2% of Cabot's tantalum powder production is used in ballistics (Shoumatoff 2002) Shoumatoff A (2002) A Report on the Four World Heritage Sites in Danger in Eastern Congo: Biodiversity Conservation in the Vortex of Civil War: Dispatches From the Vanishing World..

² The Banyamulenge are the only warring faction which has not yet signed.

living, by giving actors a greater stake in war than peace. In order to understand the various options for corporate engagement I give an overview of the principal coltan production chain (coltan → tantalum → electronics) and consider the points of the chain where corporate constructive (dis)engagement is most *desirable* and most *doable*. The final section considers the potential for corporations to positively affect Congolese society through suggesting how they can constructively (dis)engage in the coltan trade in E. Congo given the current political economy.

1. Sustainable and Normative Corporate Responsibility

The Normative case for Corporate Responsibility

There is much debate, both in academia and ‘on the ground’, about what a corporation’s responsibilities should be (Brummer, 1991; Carroll, 1999; Cogman and Oppenheim, 2002; Frankel, 1999; Gunningham and Rees, 1997; Klein, 2000). That a company must meet its legal and economic responsibilities is undisputed; rather the debate focuses on whether corporations should bear responsibilities to wider society and the ecosphere.

Classical economists posit that a company only holds direct responsibility to its owners (those with a direct financial stake in the company). Thus shareholders and board members are the primary concerns (Brummer). In this view society benefits through the creation of employment, due payment of corporate and income taxes (which filter back to society by way of public services) and the associated circulation of capital. It can be argued, however, that employees, communities, suppliers and contractors also have a direct financial stake in the company as their jobs and the health of the local economy may depend on it.

Normative stakeholder theory asserts that there are stakes other than the legal (‘positive’) and economic ones (‘strategic’) mentioned above. Besides these rational stakes, Reed (2002) claims that one can have a *normative* stake in a company. A normative stake makes claims of “rightness and goodness” and engenders 3 rationales for corporate responsibility: *morality*, *ethics* and *legitimacy*.

Moral arguments for corporate responsibilities are based on consensually-agreed universal norms which are ultimately to the benefit of all. Since corporations “have an obligation to act in such a way that their actions could contribute to the common good” (Reed), they are also obliged not to impoverish it. Legitimacy arguments demand the consensual adoption and institutionalisation of universally accepted and enforceable principles, such as respect for human rights, the right to popular sovereignty or the principle of political equality. Corporations are obliged to respect these principles, even if a society does not have an institutionalised or enforceable system of rights. Ethical arguments relate to *situated* understandings of “the good life” and are culturally particular. In this way a corporation has a responsibility to “live in accord with the norms and values of the communities with which it associates” (Reed, 2002). In cases where these conflict with a company’s own cultural values or with universal principles of rights, then universal principles should apply.

It is not just corporations which bear these responsibilities, however, but any actor who engages with a place and wields the potential to affect the conditions for sustainable living. This implicates government and civil society. In eastern DRC the military and rebel militias are also responsibility-bearing institutions³, though they have very minimal regard for their normative responsibilities (Cuvelier and Raeymaekers, 2002; United Nations Security Council, 2001a; United Nations Security Council, 2001b; United Nations Security Council, 2001c; United Nations Security Council, 2001d; United Nations Security Council, 2002). The debate about corporate responsibility is thus one about social governance and the relative responsibilities of business, government, civil society (and the military). The specific obligations borne by a company therefore depend on the political economic and cultural context of its actions and the balance of responsibility between all other institutions. In cases where one or more institution is not sufficiently meeting its normative functions, according to

³ Ordinarily the military would be under the responsibility of the state, which ensures that it meets its responsibilities to civil society as, if not, the government’s legitimacy to protect its people is threatened. In Eastern Congo the occupying forces are responsible to an external state which has no contractual obligations to the civilian population of eastern DRC. In this way the military operates more or less independently. Some of the rebel militias have similar political geographies, for example, the Rwandan Hutu ex-FAR and Interahamwe fighters who constitute the FLC. Others have a greater stake in civil support, given their political objective to challenge the Congolese state: the MLC and the RCD are exemplary.

normative stakeholder theory it is the obligation of the others to not exploit this situation to the detriment of stakeholders⁴.

Where any institutional actor neglects any of these normative responsibilities it puts in jeopardy its social licence to operate. In the case of corporations, this then denies it the theoretical right to do business with the society in question as “there is no inherent right to conduct capitalist business ... (O)nly society, by an act of public autonomy confirmed through the democratic process, ... can grant such a right.” (Reed, 2002) Following this thinking, in less-developed countries and especially in a society living the “coming anarchy” such as that in eastern DRC (Kaplan), the absence of democratic government makes businesses’ activities illegitimate as these “have no societal sanction” (Reed, 2002). Any attempt to do business without seeking this sanction violates a company’s legitimacy responsibilities. Societal sanction can only be obtained if the corporation “attempts to assess and act in accord with the will of the people” (Reed, 2002). Given the sheer arduousness and seeming impossibility of such a task, a corporation can only hope to improve its legitimacy by fulfilling its moral and ethical obligations to the people. Depending on the broader institutional, structural and cultural context, therefore, a company can decide whether engagement or disengagement with the place in question would be constructive (and therefore legitimate, moral and ethical) or destructive.

Responsibilities therefore change with the circumstances of engagement, particularly for Northern corporations dealing in the South where the regulatory context is generally distorted with a heavy bureaucracy (and room for corruption) and weak laws. Less-developed countries, especially those under the duress of war, have particular geographies, histories and cultures of oppression and exploitation that compel particular corporate responsibilities. In the DRC these structural circumstances are: a.) severely distorted consumer, producer, financial and labour markets, creating poor and unfair competition, b.) counterfeit currency, dollarisation, and lack of cash capital, c.) resource-based economics (environmental vulnerability), d.) no democracy and a light-fingered bureaucracy (great potential for corruption and social abuse), e.) lack of institutionalised and enforceable civil rights, f.) lack of civil society institutions, g.)

⁴ Reed also states that in cases where one institution is not meeting its obligations, others should take up the responsibilities of the irresponsible institution where appropriate (2002, p. 186).

poor standards of education and health, and h.) scarce access to information, food and shelter (Reed, 2002). In eastern DRC therefore corporations find themselves with altered and/or increased responsibilities. Besides respecting public autonomy and fulfilling obligations not taken up by other actors, as mentioned above, another responsibility is to address problems of historic injustice, particularly if the corporation has participated in and/or benefited from this injustice (Reed, 2002).

Stakeholder theory primarily addresses corporate *social* responsibilities; but its arguments are equally applicable to the moral, ethical and legitimacy claims of non-human beings. It is in sustainability that these ideas of responsibility to ‘other others’ are most apparent.

The Sustainability Case for Corporate Responsibility

Sustainability is a set of beliefs supported by the ethical arguments of *inter-generational*, *intra-generational* and *inter-species justice*. At the heart of these arguments are dilemmas over the relative rights of the individual and society, and of humankind and non-human beings. There is not room in this paper to explore these dilemmas in any depth; it is sufficient to summarily state that sustainability requires the acknowledgement and realisation of the principles of equity between people, and between people and non-human beings.

Intergenerational justice is concerned with equity between generations. As we received our heritage from our genitors, so we have a responsibility to future generations to ensure that they receive this heritage in an equivalent or enriched state (Bindé, 2000). Heritage is the legacy of human learning and natural capital which provide the potential for future innovation. The overall logic of preserving the heritage for future generations is a consequence of the great uncertainty and complexity we face today but also the very real threat to human existence (Bindé, 2000; Homer-Dixon, 1999; Rees, 2002). In the face of such uncertainty and threat we have a responsibility to future generations to protect their interests by protecting their heritage. This obliges us to preserve ecological as well as social potential. This is a fundamental principle of sustainability.

The importance of our heritage to the protection of future generations also requires the sharing of this heritage equitably between people of the same generation, so requiring justice over space. This is intragenerational justice. Further, preserving the richness of heritage means preserving human heterogeneity which requires us to tolerate (and celebrate) difference. The justification of justice over space using the ethic of justice over time belies a concern for the welfare of our contemporaries merely for the sake of our children, which is ultimately an egocentric act. However, “if we show respect for the humanity of others, that means that we also show respect for our own humanity” (Bindé 2000) .

Both of these arguments are humanist. Ecological concerns are often only considered relevant to corporate practice when they have social or legal relevance. An exemplary ecological responsibility is the obligation to ensure that corporate activities do not threaten the essential-to-life biophysical functions the ecosphere performs. Ecological concerns do not exist solely in relation to humankind, however. An ethic of inter-species justice dissolves the man-nature dualism so decentring humankind as the rightful inheritor (and therefore user) of the planet and compelling us to re-recognise our ‘naturalness’ and our dependency on healthy ecosystems. Further we are morally obliged to respect the integrity and inherent value of non-human beings, and accept that the ability to destroy these beings endows us with the responsibility to ensure their perpetuity.

The rationale for sustainability is aligned with the moral, legitimacy and ethical arguments which support the normatively-defined corporate responsibilities discussed above. Examples include the consensual norm of responsibility to our children - moral arguments, the principles of human rights and public autonomy - legitimacy arguments, and the right to assert our own identity and live as we desire (as long as this does not violate universal principles of human rights or environmental justice) - ethical arguments. On this basis, a company which violates the ethics of sustainability at any point of the production chain is not meeting its normative responsibilities.

Belief in these ethical principles obliges individuals and institutions to behave in ways which do not violate them and to act in accordance with them. This requires us to find sustainable ways of living. Drawing on the ethics outlined above, sustainable living is a

way of living which is sustainable over time because it creates happy individuals, a healthy society and a healthy ecosphere whilst not jeopardising the ability of others over space and time to be healthy and happy too. Some advocates have determined universal “principles for sustainable societies” (International Forum on Globalization, 2002) but the *modus operandi* of sustainable living is not yet apparent or even possible, not least because for a livelihood to be sustainable it needs to be desirable (cf. Robinson, 2002). With this in mind, sustainable ways of living have to be contextually defined given particular societies’ particular values, beliefs and desires.

The social shifts towards these sustainable ways of living are termed sustainable development⁵. Sustainable development is therefore *the creation (and not destruction) of the necessary cultural, political and economic conditions which make sustainable living increasingly possible, desirable and therefore likely*. In this definition sustainable development is a process of change, not a goal. This lays the responsibility for the creation of the conditions for sustainable living at the feet of actors, by whose actions the structures which restrain them adjust to bring about these conditions. Emphasis is thus placed on the role of individual and institutional decision-making in making more sustainable ways of living possible or otherwise. This view of sustainable development neatly unites notions of sustainability and responsibility as actors who obstruct the creation of the necessary cultural, political and economic conditions for sustainable living can be charged with violating the ethics of sustainability. The ultimate normative responsibility therefore becomes the obligation to ensure that a company’s activities do not impede the vivification of sustainability.

The Business Case for Sustainable and Normative Corporate Responsibility

Sadly it is not enough to expect companies to meet their responsibilities simply because the normative or rational arguments are convincing or because the legal requirements

⁵ There has been much debate over the paradox that is the term ‘sustainable development’ owing to the contradiction between a.) theories of sustainability and its empirical imperatives, and b.) the theories behind and effects of social development (where development can mean growth, progress or modernisation). Further the syntax of the term puts the notion of development as the focus of concern with the mode of development being qualified by the adjective ‘sustainable’ (where ‘sustainable’ can be interpreted as ‘maintained’, making sustainable development synonymous with ‘maintained growth’). Whilst these debates give rise to interesting and profound ontological and value-laden questions, they serve no place in this essay having been extensively discussed elsewhere (cf. a, b, c). For the purposes of this essay, development means ‘processes of change’ or ‘social transformation’, with the qualifying adjective placing emphasis on the motivations and desired outcomes guiding that change being sustainable rather than ‘modernising’ or ‘growth-oriented’.

exist. There is more pressure for corporations to prioritise short-term over long-term interests (Lazonick and O'Sullivan, 2000) which can jeopardise their ability to meet these responsibilities. Thus if businesses are to become more sustainable, it is essential that they bring into view the “emergency of the long term” and give immediate importance to intergenerational justice (Bindé, 2000). This requires them to reduce the discount rate and bring long-term interests to the fore in corporate decision-making, such as in how they should engage with the DRC.

Rational justification for “long-termism” lies in business, as an “essential component of modern society”, having “a stake in the future” and therefore “an interest in the peace, stability, and well-being of the entire world community” (Maresca, 2001). A healthy business requires a healthy society (for productive labour and desirous consumers) and a healthy ecosphere (for cheap and varied natural resources and the bio-physical conditions necessary for a healthy society). Sustainable development is good for business in the long-term because it should make healthy societies and ecospheres more viable. Further healthy societies and ecosystems tend to be more stable, so lowering business risks. Corporations therefore have a long-term existential responsibility to *themselves*, amongst others, to ensure that their activities do not harm society or the ecosphere. On this basis, and in keeping with the obligations of sustainable ethics, corporations which engage in the coltan trade in eastern DRC have an interest in encouraging the peace, stability, and well-being of the Congolese and their environment. Business activities which jeopardise these are destructive.

Sadly destructive practices abound in this region as many economic actors are motivated solely by the opportunities to accumulate as much capital as quickly as possible, regardless of the immediate or long-term social or ecological effects of their actions. It is therefore in other, more short-termist arguments that the incentives for meeting normative corporate responsibilities in eastern Congo must exist.

The motivation for most business activities is to improve profits to ensure the survival of the firm, its continued access to capital, and the satisfaction of all contractual obligations to stakeholders. Occasionally there is also a genuine desire to serve a social need. Dealing with sustainability or normative obligations is often seen as a burden which is more likely to reduce than increase profits, but this is not necessarily the case.

In satisfying its responsibilities, a company generally improves its public image (so strengthening its brand) and manages its risks by ensuring that a.) it is not putting itself into a legally dubious position, and b.) it is avoiding negative publicity and the risk of consumer boycott. Costs can fall through efficiency gains, reduced energy consumption, improved worker productivity, and reduced recruitment costs by providing an attractive and rewarding environment to work in. Further, the prerogatives of sustainability require companies to be innovative and improve their sustainability performance by finding technological and organisational solutions. All of this serves to improve competitive advantage, increase market share and therefore increase profits. These drivers are summarised in table 1.

Table 1: Drivers for Sustainability and Normative Corporate Responsibilities

Internal Drivers	Increasing Competitiveness	Managing Risk
Recruitment	<ul style="list-style-type: none"> ▪ attracts skilled employees ▪ creates a desirable place to work 	avoids loss of skilled labour and so <ul style="list-style-type: none"> ▪ maintains productivity, and ▪ averts re-employment costs
Productivity	Productivity maximised by <ul style="list-style-type: none"> ▪ cutting costs, ▪ increasing worker system efficiency through attention to training, health needs etc. 	Reduction / elimination of material / energy waste reduces <ul style="list-style-type: none"> ▪ pollution costs, ▪ energy costs, ▪ waste disposal costs
External Drivers	Increasing Competitiveness	Managing Risk
Market Pressures	<ul style="list-style-type: none"> ▪ opens new markets through technological and service innovation so creating competitive advantage and allowing higher pricing. ▪ strengthens brand 	<ul style="list-style-type: none"> ▪ protects social licence to operate and reduces brand vulnerability; ▪ protects or creates position as business leader directing best practice; ▪ innovation diversifies product base, reducing risks.
Regulatory Pressures	Exceeding regulatory requirements <ul style="list-style-type: none"> ▪ promotes good image ▪ gives competitive edge, and ▪ encourages government to use company standards as baseline in setting minimum standards allowing advantage to be retained (Reinhardt). 	Exceeding regulatory requirements <ul style="list-style-type: none"> ▪ removes government and industrial incentive to impose new regulations, and ▪ reduces risk of falling below government and industrial standards, so reducing associated legal and operational costs.

(Cogman and Oppenheim, ; Crittenden, ; Florida et al., ; Martin, ; Robinson, ; Sugar and Descano, ; Tinsley, ; Vanek, ; WBCSD)

These incentives apply differently to different companies depending on the types and intensity of market and regulatory pressures to which they are exposed. Companies vulnerable to media, consumer and shareholder opinion, and especially those which

operate in ecologically and socially sensitive environments, are more keen than others to meet their wider responsibilities in order to protect their brand and minimise their risks. This is certainly the case in the extractive sector, which tends to suffer a lot of bad press.

Since 2000 the electronics industry has been subjected to accusations of irresponsible and unsustainable behaviour in light of their involvement in the coltan market (Cuvelier and Raeymaekers, 2002; de Faily, 2001; Duthie, 2001; Essick, 2001; Fell, 2001; Fyffe, 2001; Jackson, 2002; Montague, 2002; United Nations Security Council, 2002; Vesperini, 2001). Some companies and industry associations published official statements and imposed internal embargos on the use of Congolese coltan. The Electronics Components, Assemblies & Materials Association, which represents 80% of the US electronics industry, warned members to “avoid using tantalum ore mined in violation of environmental restrictions in protected areas of the Congo” (Business Wire, 2001; Leopold, 2003). The Tantalum-Niobium International Study Center, as the industry association for coltan producers and tantalum processors, issued a similar warning for members to not buy raw materials from “illegal or illegitimate sources”, adding that it “deplores the reported activities of illegal miners in the Kahuzi-Biega National Park and Okapi Wildlife Reserve in the DRC” (Tantalum Niobium International Study Center, 2001; 2003). The motivation for this demonisation of coltan has nothing to do with coltan itself being ‘unethical’. Rather the conditions of its production and export are sensational.

2. The Shambles and the Horror: Getting by in Eastern Congo

“The Congo has become a carcass being chewed at by its elite and its neighbours.” (Hottelet, 2001)

Before we can reflect on how companies might meet their normative responsibilities and constructively engage in the coltan trade in the DRC, it is instructive to consider how corporate engagement has been *destructive* in the past, owing to the particularities of the Eastern Congolese institutional context. The next two sections therefore detail

the “business” of war and the militarisation of the coltan economy and the humanitarian, social and environmental consequences of these political economies.

Map 1: Democratic Republic of Congo



Source: World Factbook 2001, CIA

The DRC is the size of Western Europe and is cursed with a weak state and a mammon of natural resources. This combination matches the possibility of invasion with the desire for profiteering, so giving foreign entities the incentive to occupy Congolese territory and take what they can without due regard for the people who constitutionally own this natural capital.

The Congolese have suffered a long history of abuse by their various authorities. The Belgian colonial state was maintained and legitimised on the basis of violence and only sought its legitimacy within itself, rather than from the people (Trefon et al., 2002). The population were to the state as a pet is to its master: “the hierarchy between both is always maintained ... the master legitimises his position as superior because he claims to know what is better for the pet” owing to the “self-proclaimed superiority of the white race” and its ability to deliver “enlightenment and development” (Trefon et al., 2002).

The end of the colonial period did not change the existing power structures, other than to eradicate the question of race by installing new personnel at the top (Trefon et al., 2002). The elites governed patrimonially, manipulating the material benefits of state sovereignty to reinforce their own political authority instead of creating an efficient and independent governance apparatus (Trefon et al., 2002). Civil society accrued power

through access to the state rather than economic might and government gained power by buying supporters rather than inspiring the ballot (Trefon et al., 2002).

Mobutu Mese Seko ruled the newly-named Zaire from 1965 to 1997 with a smile, a snarl but predominately a wink (Jackson). He likened himself to Louis XV with comments such as “*l’etat c’est moi*” and “*après moi, la délugé*” (Trefon et al.). His distributory politics was designed to defuse popular malcontent by encouraging the Congolese to fend for themselves (*se débrouiller*), whilst enabling and allowing state functionaries to line their needy pockets by punishing them for doing so. Living by their wits, the Congolese were conveniently too busy getting by to offer an overt threat to the atrophying and self-serving state. This culture of survivalism came to be known as ‘*Système D*’, “a space of new *politico-cultural* as well as economic possibility, one in which ‘people are taking matters into their own hands’ and where the quest for status, superiority, self-identity and ‘*savoir-vivre*’ rework long-standing cultural tropes of resourcefulness and guile” (Jackson)⁶.

In the east, far from Kinshasa, *Système D* “became understood as an injunction to get by without the state” (Jackson, 2002). Despite the diminution of state functions, and notwithstanding the longstanding economic ties these peripheral provinces have had with Rwanda, Uganda and beyond to the Far East and Middle East, the Congolese “profess unusual fervour in their attachment” to the nation-state (Englebert). This is increasingly the case as the East is ravished by the avarice of the occupying (Ugandan, Rwandan and Burundian) and rebel forces (Jackson 2002; Lemarchand 2002). State stability has become “an intrinsic resource for people ... because it represents an anchor in their volatile and vulnerable lives” (Englebert).

From revolution to invasion and rebellion: the ‘First African War’

“The sheer number of political actors involved, domestic and foreign, together with the fluidity of the regional political fields and the seemingly endless proliferation of factions generated by the constant recalculation of costs and benefits adds up to a picture of staggering complexity” (Lemarchand, 2002).

⁶ The heroism of *Système D* has been turned on its head in recent years, as insurgents have terrorised, coerced and abused civilians in their bid to fend for themselves (Jackson 2002).

In September 1996 the Republic of Zaire descended into war as the Alliance des Forces Démocratiques pour la Libération du Congo/Zaire (AFDL) swept towards Kinshasa with the objective of overthrowing Mobutu. Dying of prostate cancer, in May 1997 Mobutu went into exile in Zimbabwe and was replaced by the victorious head of the AFDL, Laurent Desiré Kabila. The AFDL was a collaborative movement between Congolese rebels and their Rwandan and Ugandan allies. Without the Cold War as motivation and frustrated by Mobutu's patrimonial authoritarianism, foreign governments which had previously shored up Mobutu, such as France and the USA, shifted their allegiance to Kabila. Former Marxist states, such as Angola and Namibia, also proffered their support to the leftist rebel leader (Weiss). The AFDL was strengthened further by its (illegal) granting of mining concessions to international corporations, who were lured by potential bonanza deals (Montague).

A year later, provoked by Kabila's declaration of a pogrom against "Les Nilotiques" (Tutsis), a new rebel movement emerged, the Rassemblement Congolais pour la Democratie (RCD), headed by the Banyamulenge (Congolese Tutsis), backed by two of Kabila's previous allies - Rwanda and Uganda – and bent on overthrowing Kabila. The new president, however, had the support of Zimbabwe, Chad, Angola and Namibia and the ensuing stand-off effectively led to the quadripartite partitioning of the country - Ugandan-controlled, Ugandan-aligned, Rwandan-controlled and Kabila-controlled (Lemarchand). So began the 'First African War'.

At the beginning of 1999 the RCD dissolved into further factions and in January 2001 Laurent Desiré Kabila was assassinated by one of his bodyguards. Kabila was quickly replaced by his son, Joseph, who has been far more successful in wooing the international community and bringing the eastern provinces of his country closer to peace.

Broadly, the war in Eastern Congo is being fought between three groups:

1. **The occupying forces** – government armies from neighbouring Burundi, Uganda and Rwanda:
 - Ugandan People's Defence Forces (**UPDF**)

- Rwandan Patriotic Army (**RPA**)
 - Burundian Army
2. **The rebel forces** – Congolese forces intent on overthrowing Kinshasa, backed by Rwanda or Uganda:
- **RCD-Goma** - Rassemblement Congolais pour la Démocratie Goma: backed by Rwanda
 - **RCD-National** - Rassemblement Congolais pour la Démocratie National: backed by Uganda
 - **FLC** - Front pour la Libération du Congo, backed by Uganda and comprised of the former Rassemblement Congolais pour la Démocratie - Mouvement pour la Libération (**RCD-ML**) and Mouvement pour la Libération du Congo (**MLC**)
3. **The negative forces** – independent militias who oppose the occupying forces and the rebels they support
- **FDLR** - Forces démocratiques de libération du Rwanda: Rwandan Hutu rebel group created in September 2000; union of:
 - ex-FAR (former Rwandan Armed Forces Hutu genocidaires),
 - Interahamwe (extremist Hutus involved in 1994 genocide),
 - ALiR - Armée de Libération du Rwanda: comprised of ex-FAR and Interahamwe, and
 - Rwandan Hutu refugees who remained in DRC
 - **FDD** - Forces de défense de la démocratie, Burundian Hutu rebels
 - **Mayi-Mayi** – “nationalistic and primordialistic” fighters loyal to Kinshasa; also militias of deserters from the rebel forces. Associated with the Interahamwe and Uganda (BBC online, July 2002).
 - **Banyamulenge** – Congolese Tutsis previously allied with Rwanda and RCD-Goma, now in opposition

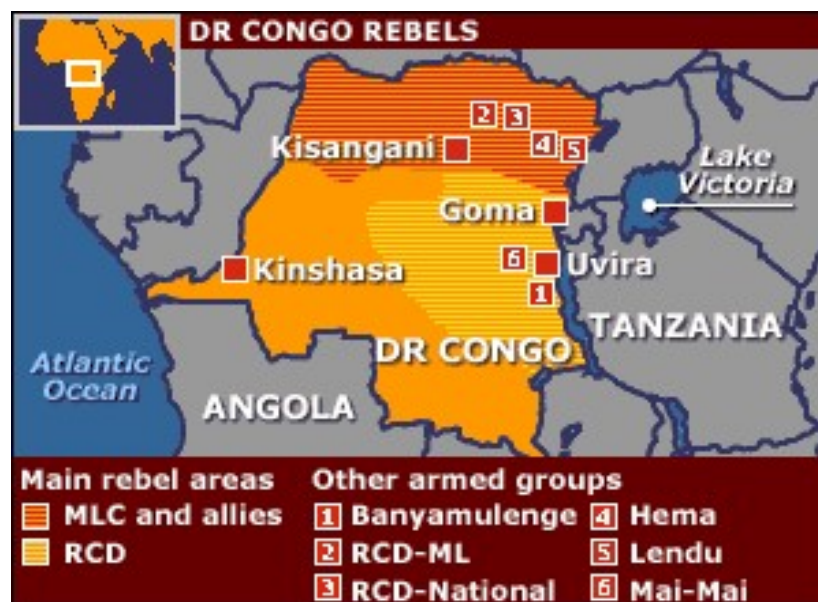
The war has been fought on three levels often based on the tenet “the enemy of my enemy is my friend” (Weiss).

- i. Congolese government forces and allies (Namibia, Angola, Zimbabwe, Chad as well as the Mayi-Mayi) versus the rebels and their Ugandan, Rwandan and Burundian allies;
- ii. RCD-Goma and its Rwandan allies vs. MLC or RCD-ML and their Ugandan allies;
- iii. The rebel forces and their allies vs, the negative forces.

In the Kivus, the region on which we focus below, four lines of conflict continue to steer the war (ICG, 2003) based on ethnic and factional alliances:

1. The RPA vs. FDLR (Rwandan Tutsi vs. Rwandan Hutu)
2. Burundi vs. FDD (Burundian Tutsi vs. Burundian Hutu)
3. RCD vs. Mai-Mai (Congolese Rwandan-supported Tutsi vs. Congolese Kinshasa-supported Hutu)
4. Banyamulenge vs. RCD (Congolese Tutsi vs. Congolese Tutsi)

Map 2: Rebel positions in the DRC



Source: Somerville, October 2002

There are two realities operating through the war in Eastern DRC: that which the belligerents wish to present to the world and that which the world rather believes. Both sides of the coin speak the truth and neither reality could work without the other.

On the face of things the conflict appears to have been motivated by the political goals of overthrowing Kabila in Kinshasa and securing the western borders of Uganda, Rwanda and Burundi from aggressive Hutu incursions. The conflict is further complicated by the added driving force of ethnic hatred, which is increasingly the delimiting factor for the Congolese to help them determine between friends and enemies as people seek some certainty in the chaos that governs their everyday lives. Some observers are calling for greater international attention and aid in the region as they feel future genocidal acts are increasingly likely (Amnesty International, ; Jackson). The ethnic cleft is broadly along Hutu-Tutsi lines, especially in the Kivu provinces where the Tutsi-led Rwandan Patriotic Army is despised by the Congolese who view the exploitation of their country's resources as 'criminal' (Jackson). In the north-eastern province of Ituri, the Lendu - Hema divide mimics the Hutu - Tutsi one (Lemarchand). The Ugandans have exploited pre-existing tensions between these groups to their advantage⁷, creating such hatred that some of the worst imaginable crimes against humanity have been committed here in the past few months (Amnesty International, ; Astill, 2003; BBC online, 2003a; BBC online, 2003b; BBC online, 2003c; Edgerton, 2003a; Edgerton, 2003b; ICG, 2003; Lloyd-Davies, 2002; Matheson, 2002). Other ethnic cleavages add sub-structure to the bio-cultural organisation of the war, with the pygmies, the Bashi, the Banyamulenge, the Buni and more adding to the melting pot.

The opposing reality, which works through and reinforces the ethnic and factional divides, is that the war has become motivated less by these political goals or threats to national security (though these are still strong influencing factors) and more by the potential for empowerment granted by the transformation of Congo's tremendous natural capital into political and financial capital. The nature of conflict speaks to this theory. Rather than full-on battles between the warring parties, conflicts tend to take the form of skirmishes in strategic locations of economic importance. Fights in mining sites and trading towns are common (Essick). The war has been economised.

⁷ These include cannibalism, rape, torture, massacres, and burying people alive.

The “Economisation of War”

“War... is a continuation of economics by other means” (Keen 1998)

In April 2001 the UN Security Council published a damning report stating that the mineral and forest resources of the DRC were being illegally exploited at an alarming rate through the processes of “mass-scale looting”, and the “systematic and systemic exploitation of natural resources” (United Nations Security Council, para. 4), p. 3 para. 4). They also linked the coltan trade to the very top political circles in Rwanda and Uganda (United Nations Security Council).

Jackson (2002) notes that the war has become “more economic in its scope, means and ends” as the looting of cash and private property which provided initial funding to the rebels turned into a more institutionalised system of wealth accumulation through the collection of commercial taxes and the violent appropriation of the means of production⁸. The struggle has not only been over access to resources but over who controls their allocation (Trefon et al.). Conflict actors have vied to dominate the regional industries and trades and seized, organised and systematised opportunities into a form of ‘military commercialism’, with military officers creating “corporate-military businesses” with the aim of generating income “for themselves and their politico-military (state) apparatus” (Cuvelier and Raeymaekers, 2002; Montague). In this way the war had become ‘self-financing’⁹ with violence providing the mechanism for economic exploitation and profits providing the means for maintaining the violence (Jackson).

The priority of profit over politics is further evident in the economic collusion between professed political enemies to their mutual financial benefit. The Mayi-Mayi (loyal to Kinshasa) and RCD rebels (funded by Rwanda or Uganda), for example, trade with each other, sell to the same comptoirs, and get weapons from the same dealers. Despite the internationally visible peace process, it appears that the belligerents have a greater

⁸ From late November 1998 to April 1999 the RPA and RCD removed and transported to Kigali 1,000-1,500 tonnes of coltan and 2,000-3,000 tonnes of caciterite. (Cuvelier and Raeymaekers 2002). Caciterite is the ore for tin and contains some tantalum and niobium. Coltan is sometimes smuggled out as caciterite, which is less valuable.

⁹ Rwandan President Paul Kagame described the war as “self-financing” to the UN Panel of Experts, Montague 2002; cf. United Nations Security Council (2001b), p. 37.

stake in war than peace because “business has superseded security concerns” (United Nations Security Council, para. 218).

Response of the International Community

“It is difficult to avoid the conclusion that by turning a blind eye to the profits drawn from the looting of the Congo’s wealth, the international community ... is tacitly encouraging a colonial enterprise in the best tradition of European imperialism” (Lemarchand).

The UN responded to the carnage in the DRC by conducting an investigation into the conduct and motives of the war. Its product was the “Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo” (United Nations Security Council). The panel of experts proposed a trade embargo on the import and export of coltan from Burundi, Rwanda and Uganda “until those countries’ involvement in the exploitation of the natural resources of the DRC is made clear and declared so by the Security Council” (Essick). They also urged member states to freeze the assets of companies if they continued to participate in the said exploitation and named key actors in the ‘illegal’ activities, including the uppermost members of Rwanda and Ugandan political circles.

In the meantime, moves towards peace in the DRC were being advanced under the eager direction of South Africa. The UN, IMF and World Bank have taken rather backseat positions in this peace process, despite the influence they might wield on altering the priorities of the upper echelons of political society in the involved states. Nor have influential donors, such as the United States, France or Great Britain, made as much of their potential as they might have. NGOs are calling for greater international commitment (Amnesty International, ; ICG) to ensure that the region does not head for “the tunnel at the end of the light” (Lemarchand). If the DRC is now on the road to peace, these actors need to meet their normative responsibilities.

On the face of things it appears that the DRC is on the brink of peace, but the smiling hand-shakes between the political faces of each party are not matched by an equivalent camaraderie on the ground. Ceasefire violations, crimes against humanity and

terrorisation of the population continue. There are four significant factors which threaten the potential for peace in the region: the lack of commitment from the international community in providing financial aid, and assistance with state-building and peace-keeping (Amnesty International, ; ICG); the absence of women at the negotiating table; the absence of the Banyamulenge from the peace accords¹⁰; and regional disdain for the rule of law.

According to Anne Edgerton¹¹ of Refugees International a crucial neglect in the peace process has been the “nebulous, touchy-feely” top-down approach to peace and the absence of women at the negotiating table. She emphasised the need for deeper measures to re-instil the respect for and toleration of difference all the way down the political tree. She is anxious that foreigners have been party to an *Inter-Congolese*-dialogue whilst *women* have been kept outside the rooms where this discourse occurs: “You won’t have peace (without women). Men don’t have a big enough stake in peace”. For this reason the *Inter-Congolese Dialogue* is known as the “Sign and Shred Accords”. Yet women are fighting to get at the table; in the Sun City talks crowds of women outside the doors of the negotiating hall forced the men to go back in and commit to something¹².

If companies hope to engage constructively in the coltan trade in eastern DRC, they must understand these systems of oppression, and particularly how they work through the mineral’s exploitation. They must also understand the social and environmental cost of the trade. It is high.

Destroying my Children’s Heritage and Violating my Humanity: the unsustainable consequences of war

*“In the whole world no poor devil is lynched, no wretch is tortured, in which I am not degraded and murdered” (Anne Césaire, *Et les chiens se taisent*).*

¹⁰ Interview with the author, Anne Edgerton, 14th April 2003

¹¹ Interview with Anne Edgerton, 14th April 2003.

¹² It is curious that I came across just one article which explicitly tackled issues of gender in the war in Eastern Congo (Schafer 2001). With women being contemporaneously peripheralised and yet central to the future of the region, and indeed being the worst abused (Edgerton 2002, Lloyd-Davies 2002, Matheson 2002, Schafer 2002) and yet strong in their resistance, this matter demands due attention.

“We don’t accept the killing of elephants or okapis, but sometimes soldiers come with meat, and we are obliged to give them our coltan for it”

(spokesman for the Bombalibala coltan mining camp in the Okapi Reserve:

Shoumatoff).

The human and environmental toll in eastern DRC is deplorable. Since the beginning of the war in 1998 there are an estimated 2.4 million internally displaced people in the eastern provinces and half a million refugees from the region. In four years 3.5 million people – equivalent to the population of Ireland - have died above and beyond the normal mortality rate of the society, mostly from illness and starvation. Rape and brutal sexual abuse are expected by most women, particularly as a form of ethnic warfare. The risk of HIV is extremely high. In some militias up to 75% of the soldiers are *kadogos* (child soldiers) and two thirds of these are under twelve¹³. Boys fight and girls are used as porters, spies and sex slaves.

The environmental destruction is equally as severe with conditions being so bad that elephant herds are fleeing the area because of poaching (Shoumatoff). In Kahuzi Biega National Park¹⁴ only 2 of 350 elephant families remained in 2000 (Fyffe). According to Shoumatoff’s investigations in 2000 “Ugandan soldiers and RCD-ML regulars were hunting elephants and selling the meat to the 50 coltan mining camps in the reserve and delivering the tusks to their commanding officers” (Shoumatoff). The Eastern lowland gorilla is severely threatened with numbers in the same park having fallen 80 – 90% to about 130 animals in just five years. This gorilla is found only in parts of eastern DRC and only 3000 are thought to remain alive (Duthie). In 2000 a UN Foundation conservationist estimated that the mining is responsible for 50 to 80% of the poaching in Kahuzi Biega Park (Shoumatoff).

The decline in animal numbers is due to a number of factors associated with the boom in the mining industry and the war: 1.) an increase in demand for bushmeat from militias (who use it to coerce exchanges of meat for coltan), displaced peoples and miners, 2.) the lucrative trade in ivory and animals for the rare pet markets, 3.) loss of habitat due to lumber operations, illegal farming and mining, and 4.) the “ready

¹³ Interview with Anne Edgerton of Refugees International, 14th April 2003.

¹⁴ Kahuzi Biega Park is a United Nations Educational Scientific and Cultural Organization (UNESCO) World Heritage Site, recognized for its outstanding Universal Value.

availability of automatic weapons”, which “is causing widespread human destruction and dramatically changing the course and magnitude of wildlife extermination” (Shoumatoff). Many of the poachers are pygmies, traditional hunters who have replaced spears with kalashnikovs provided by the militias for whom they are poaching. The pygmies are forced into this position as they are “the victims of chiefs gone bad” who, driven by alcohol, have secretly sold traditional lands to militias, who then place trespassing orders on the pygmies and force them to hunt for them (Shoumatoff; interview with Anne Edgerton). There have been reports of pygmies being killed and cannibalised by Mayi-Mayi militias and MLC troops for having returned empty handed from hunting trips (BBC online, 2003b; BBC online, 2003c; Isango, 2003).

These humanitarian and environmental disasters are not so much caused by the mining itself, but by the surrounding political economy through which the motives of desperation on one side and avarice on the other encourage rabid resource exploitation and a violent struggle for access and control. With society disintegrating under the duress of war, people are increasingly cornered into autarky forcing them to maximize the natural resources and power advantages available to them.

Besides these indirect consequences of coltan mining, though, the culture of mining has direct negative consequences for people and the environment. Table two details some of these.

Table 2: The Direct Social and Ecological Effects of Coltan Mining

	Health, Safety & Humanitarian Concerns	Environmental concerns
Act of Mining	<ul style="list-style-type: none"> ▪ Respiratory illness ▪ Risk of mine collapse and landslides ▪ Back-breaking work ▪ Child miners¹⁵ ▪ Use of forced labour 	<ul style="list-style-type: none"> ▪ Aquatic pollution (increased opacity, increased concentration of poisonous minerals) ▪ Destruction of soil structure heightens erosion reducing land productivity ▪ Threat to endangered wildlife through illegal digging in national parks
Culture of Mining	<ul style="list-style-type: none"> ▪ High risk of sexually transmitted diseases ▪ Vortex of malcontent as livelihood options deteriorate ▪ High risk of violence, looting and coercion by militias at mining settlements and sites. 	<ul style="list-style-type: none"> ▪ Breakdown in agricultural systems as people abandon farms increases demand for bushmeat ▪ Increased accessibility to wildlife with presence of mining sites in national parks

(de Faily, 2001; Essick, 2001; Shoumatoff, 2002)

3. The Coltan Trade

Tantalum is the coveted metal refined from coltan. It has a high heat-resistance (melting point is 3,014°C) and can hold a high metal charge. Due to these qualities it is an essential component of pinhead capacitors which are used to regulate voltage and store energy in electronic goods. It is also used to coat semi-conductors as a protective barrier against other metals.

Traditionally tantalum was extracted from the slags produced by smelting cassiterite ore for tin production. During the 1980s and 90s the substitution of tin by aluminium led to a downsizing of the tin industry. Contemporaneously demand for tantalum grew owing to its use in the expanding electronics market, making it economically viable to refine tantalum for its own sake. There are only approximately 20 processing plants worldwide which can refine tantalum. Despite 60% of the world's tantalum demand coming from the electronics industry, of these 20 plants, only 4 make electronics-grade tantalum powder: H.C. Starck (Germany), Cabot Inc. (U.S.), Ningxia (China), and

¹⁵ In 2000 30% of schoolchildren in northeastern DRC were estimated to have abandoned their studies to dig for coltan (Essick 2001)

Shoa-Cabot (Japan) (Cuvelier and Raeymaekers). Another processing plant of importance to the coltan trade in the DRC is the Ulba Metallurgical Plant in Kazakhstan.

The Geography of Coltan Mining

Coltan is found in alluvial deposits deep in the soil near rivers and in pots and coves in riverbeds from where it is prospected and panned using simple tools (de Faily, ; Jackson). It is also exploited on an industrial scale in underground mines from hydrothermic veins in granite (de Faily), p. 289). 25% to 35% of world supply comes from the Greenbushes and Wodgina mines run by Sons of Gwalia in Western Australia. Other operating mines exist in Canada, Ethiopia, China, and Brazil.

In 2000 15% of the world's supply came from central Africa (Fyffe). By that time the industrial cassiterite (tin) mines in the region had become unoperational because of looting and so almost all of this would have been produced by artisanal mining subject to rebel taxes or Rwandan or Ugandan control (de Faily).

Central Africa has massive potential as a world coltan supplier, with an estimated 80% of the world's reserves there; 80% of this amount is within the official borders of the DRC (Montague). If the region were at peace, the industrialisation and institutionalisation of coltan production and export would be a vast improvement on today's insecure working environment. Not only would the Congolese be able to find employment in this and related industries, but the economy would be stimulated by the influx of wages and services.

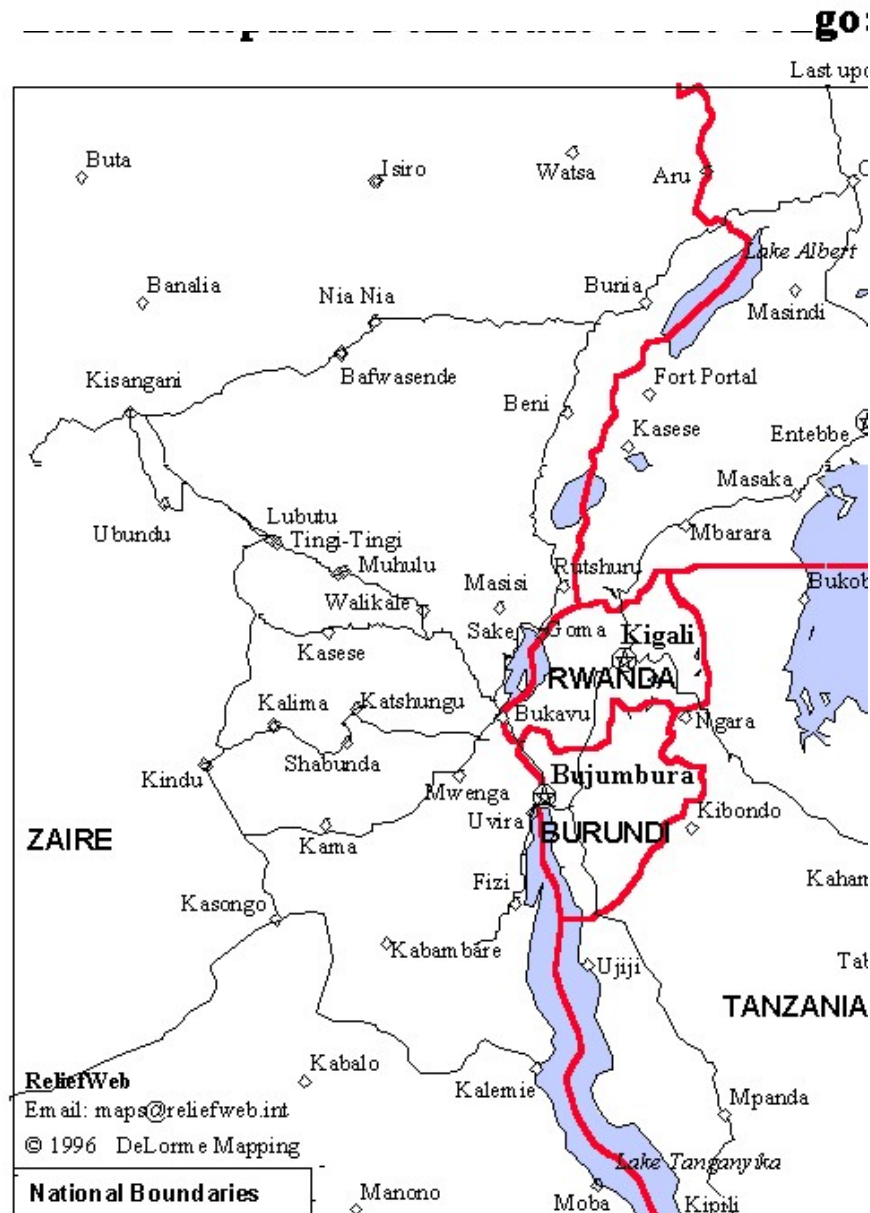
The Coltan Trade in Eastern Congo

“Capitalism means rape for Africans” (Shoumatoff).

Coltan is found in the provinces of North and South Kivu, Maniema, Katanga and Orientale. In the Kivus, the region on which this paper focuses, it is mined near the towns of Walikale, Masisi, Shabunda and Punia and taken to Goma and Bukavu from

where it is bought and exported around the world via Kigali, Rwanda (Cuvelier and Raeymaekers, ; Shoumatoff). The best quality coltan, of about 40% purity, is mined in northeastern DRC, which is controlled by Uganda. From here the coltan is exported via Kisangani to Kampala in Uganda.

Map 3: Towns of Eastern DRC



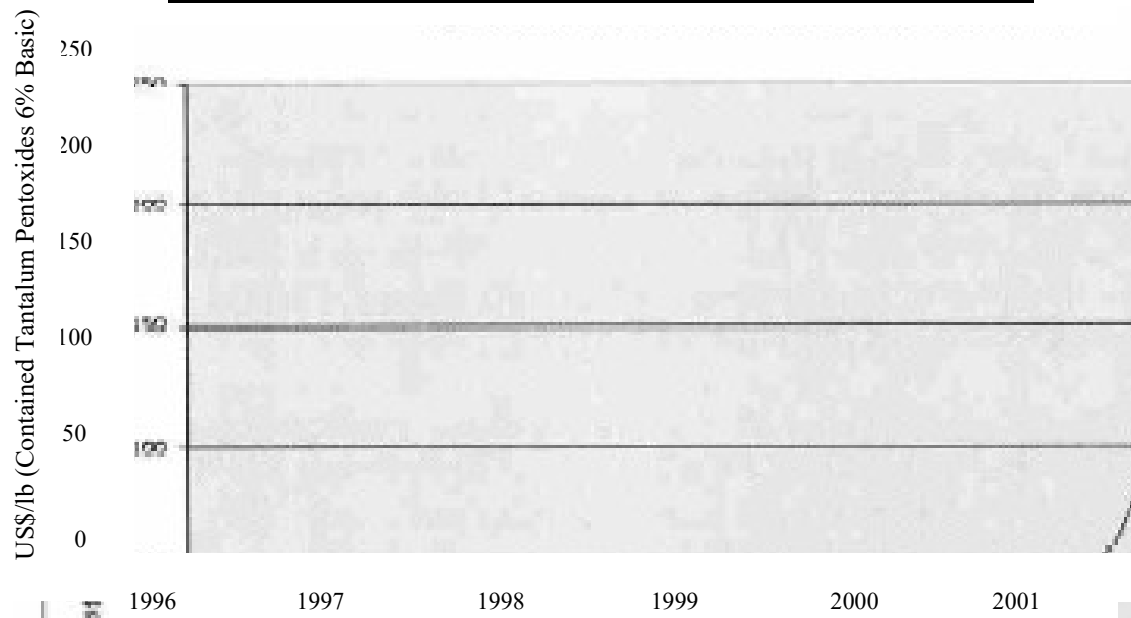
Source: (Cuvelier and Raeymaekers)

Prior to 1998 coltan was not mined on any great scale in the region, though, cassiterite, its geological relation with which it is often found, was industrially extracted. Between 1990 and 1999 demand for tantalum capacitors in the electronics and automotive industries increased by 300% (Montague). In 2000 the world price for tantalum sharply

increased ten-fold as demand swelled on the back of the hi-tech boom. Eastern DRC was hit by a severe dose of ‘coltan fever’ with thousands of farmers abandoning their fields to pan for ‘black gold’ in the forested rivers of the national parks and wildlife reserves or in the fields of other farmers. In that year it was possible for a digger to make \$10-50 each month, compared with an average income in DRC of \$10 a month. Others flocked to sites where coltan was excavated or where the miners slept to sell food, goods, weapons or their bodies, keen to take advantage of the booming trade. They in turn were paid in coltan or Congolese Francs, many of which were counterfeit. Traders who bought from the mines would pay \$5 – 10 per pound. The coltan would then pass between about six intermediaries before being sold to the comptoirs in the provincial towns, who were the link to the outside world (cf. Cuvelier and Raeymaekers, 2002; de Faily, 2001; Shoumatoff, 2002; Vesperini, 2001).

At the beginning of 2001 demand fell off precipitously as the ‘technology bubble’ burst and Sons of Gwalia increased supply from their new mine, so bringing prices back down to pre-2000 levels by the end of the year. Chart 1 shows the trend of price movements for tantalum on the world markets.

Chart 1: World Price Movements of Tantalum 1996 - 2002



Source: (Jackson).

The Militarisation of the Coltan Trade in Eastern Congo

The rebels and foreign armies make money on the coltan trade in two ways¹⁶:

1. by military commercialism (the formation of companies with military and political ties which directly export coltan to foreign trading companies). This coltan is acquired by:
 - militarily controlled artisanal mining in former industrial mines (using forced labour or child labour),
 - buying from independent diggers who prospect in rivers and fields (artisanal mining),
 - using forced labour (e.g. Hutu prisoners from Rwanda) to prospect in rivers and fields,
 - looting supplies from other rebel groups (e.g. RPA or RCD stealing from the Mayi-Mayi)

2. by levying commercial taxes on
 - artisanal diggers for access to digging areas (e.g. if it is in a national park),
 - intermediary transporters and traders,
 - comptoirs who sell to foreign companies,
 - exporters.

Business practices in the DRC are quite contrary to how business is conducted elsewhere, with “forced monopoly in trading, the unilateral fixing of prices of products by the buyer, the confiscation or looting of products from farmers, and the use of military forces in various zones to protect some interests or to create a situation or monopoly” being the norm (United Nations Security Council). These economic conditions do not make for a fair economy, which is required if a society is to become more sustainable.

¹⁶ cf. de Faily 2001.

Rwanda and Uganda have established rather different political economies of the coltan trade. In the Kivus coltan exploitation is controlled by the Rwandan Patriotic Army (RPA) and the Rwandan-backed RCD-Goma rebels. There is a profusion of analysis on the coltan trade in these territories (cf. Cuvelier and Raeymaekers, 2002; de Faily, 2001; ICG, 2003; Jackson, 2002) as the political economy here is instructive of the evolving systematisation of the trade and the economisation of the war.

The Beginning and End of Industrial Mining in the Kivus

Industrial mining of gold and cassiterite began in the Kivus in 1923 when the Congo was still a Belgian colony. The region was poorly populated and hardly developed at the time. The establishment of the mining industry brought about the infrastructural development with the construction of roads, schools, hospitals, hydro-electric dams, an electricity grid and so forth. People of all ethnicities were attracted to the region to work in mining, its satellite industries and the social services. A veritable Kivu culture emerged (de Faily 2001 p. 280).

After independence in 1960 the mining sector soon began to disintegrate along with the public administration and infrastructure, set in the context of a highly unstable global economy. By 1989 regional economic prospects were bleak and cuts were being made in road and electricity infrastructure maintenance, as well as in health, environment and education. The mining companies went up for sale and multinationals began to scout them out (de Faily 2001).

With the onset of war at the end of 1996 many mines were looted of installations and ore forcing the foreign companies, which held their private stockholdings, to abandon them and put their stock into liquidation. Industrial mining in Kivu came to an end (de Faily). By August 1998, however, all mines were under the occupied control of the RCD and their allies. The RCD tried to attract foreign investment to reopen the mines but the poor state of infrastructure and the high risks associated with the region discouraged the necessary capital and expertise from participating.

Finding industrial extraction of coltan problematical, the newly installed RCD rebel government took over the existing state institutions and began to tax mineral

production, trade and exports. From the end of 1998 to November 2000 every *comptoir* operating in the territory of RCD-Goma was obliged to pay \$15,000 for a 12-month licence to trade coltan. They also had to pay a tax of approximately 8% on the total value of exports in that time period (Cuvelier and Raeymaekers). Between these dates, then, any coltan exported from the Kivus or smuggled into Rwanda and exported from there would have left a trail of taxes and rents to the benefit of the rebels¹⁷.

Eventually the mines became operational with the RPA apparently using child labour and Rwandan Hutu génocidaire prisoners to mine areas under their control (de Faily, 2001; Jackson, 2002; Lemarchand, 2002). The ore was transported by air directly to Kigali or via the trading towns of Goma and Bukavu to be sold by the company Rwanda Metals. Between late 1999 and late 2000 the RPA was estimated to be exporting at least 100 tons of medium grade coltan per month, the average price in that period being US\$200 per kilogram. The RPA was therefore making an estimated US\$20m each month in earnings from coltan sales, given that they had bought it from small dealers for about \$10/kg (Cuvelier & Raeymaekers 2002). Intermediaries estimated that in 2000 two-thirds of the Kivutien ore exited “straight to Rwanda by plane for processing and export through Rwanda metals], while one-third was being purchased, analysed and processed at commercial *comptoirs* in Bukavu and Goma” (Jackson).

Bringing the artisanal trade under military control

Artisanal mining was completely illegal until November 1982 when the government passed a law forbidding diggers from operating in the plots covered by exclusive mining title deeds. Notions of illegality were of limited concern to the Congolese diggers, given the putrefaction of the state in the east and the opportunities presented by plots which remained unexploited by their owners. *Système D (vous débrouillez-vous!)* prevailed and illegal artisanal digging escalated, just as the industrial sector was finding itself up against the wall.

¹⁷ Constitutionally any Kivutien coltan in this period would be classed ‘illegal’, as no taxes were going to the national government. Under the 1999 Lusaka Agreement, however, the rebels have unrestricted and effective authority over areas under their control, including the issue of trading licences.

By the middle of 2000 tens of thousands of people were scratching the soil for coltan. Around their efforts a flourishing economy grew. At last in a cash-starved economy, coltan gave people something with an exchange value. In the spirit of *se débrouiller* the Congolese took advantage of the opportunities which this empowering mineral created. Livelihood strategies adjusted, in some cases radically, to suit (Jackson). In response people found themselves increasingly vulnerable to looting, coercion and violence by the negative forces. Farmers were driven off their coltan-rich land by rebels and villages were attacked (Essick). These militias are unpaid and find economic power by exerting their physical and technological force: their currency is their gun¹⁸.

Other than looting, the militia with effective administrative control brings the artisanal coltan trade under their authority through imposing of taxes, rents and licence fees. So people pay to use air transport, to push bicycles, to dig in national parks, to dig in private fields, to buy and sell coltan (de Failly, ; Jackson). The RCD has squeezed as much from the trade as they could, whilst providing nothing in the way of social services to the people¹⁹.

Table 2 shows the movement and exchange of coltan within Congolese borders.

¹⁸ Interview with Anne Edgerton, 14th April 2003.

¹⁹ The level of taxes today strips some actors of nearly all their cash. In June 2002, for example, diggers were paying a tax of \$15 a week for the privilege of digging in a national park. Half of this goes directly to the military. Each kilogram dug is worth \$8 (Interview with Anne Edgerton, 14th April 2003). A team of 6 men can dig about 5kg a week (de Failly 2002). With nearly 15,00 diggers operating in this park, the military was nigh on earning \$1m per month.

Table 2: The Coltan Trade in Eastern DRC – 1999 - 2001

PROCESS	Mining	Buying and Intermediary Trading	Transport	Trading
Economic Actors	Miners (Adults, Children & Hutu 'genocidaire' prisoners) Owners of means of production	kumba kumba – bicycle transporters Small traders (often women, often of the Bashi ethnic group ²⁰)	Airline companies	Comptoirs owned by Congolese, Rwandans, Indians,
Companies / Owners	Independent miners (decreasingly) Landowners RPA and UPDF Rebel groups e.g. Mai-Mai, RCD-Goma, RCD-ML	Independent traders (les petits négociants sell to négociants) who employ transporters Merchants, prostitutes and transporters who receive payment in coltan	e.g. Mathieu Air Service Express, TEPavia-TRANS Planes and helicopters registered in Liberia, South Africa, U.A.E, Australia and Moldova	SOMIGL (Nov '00 – Mar '01) GrandsLacs Metals Rwanda Metals Gemicom MDM
Location	Walikale, Masisi, Shabunda, Punia Kakelo, Mobi (top quality) Okapi Reserve & Kahuzi Biega National Park	North Kivu, South Kivu, Orientale, Maniema, Katanga		Rwanda-controlled: Goma, Bukavu, Kigali Uganda-controlled: Bunia, Beni
Site of Exchange Or Site of Physical Transformation	♦ Former industrial mines ♦ Rivers in forests and farmland	♦ Mining sites ♦ Mining settlements ♦ Villages ♦ Small Towns ♦ Close to air strips (négociant)	10 – 20 intermediaries per flight	Provincial DRC towns Rwanda
Price paid for coltan	\$10/kg	\$20 – 25/kg		\$45/kg

Sources: (de Faily, 2001; Shoumatoff, 2002; United Nations Security Council, 2001a; United Nations Security Council, 2001b; United Nations Security Council, 2001c; United Nations Security Council, 2001d; United Nations Security Council, 2002)

On 20 November 2000 the RCD-Goma granted a monopoly on all coltan exports from rebel-held territories to a newly created company called SOMIGL (Société Minière des Grands Lacs). This monopoly was established to finance the war effort of RCD-Goma and to take control of all Kivutien coltan exports. This move was inspired by the surge

²⁰ Jackson 2002, p. 524. It appears that ethnicity structures your place in the chain. In Bukavu the Bashi,, who are considered culturally and linguistically close to Rwanda, are the intermediary traders. They buy from small local traders, who operate between the sites of production and small towns, and sell to the comptoirs in the main towns.

in coltan prices which occurred in 2000, which had led to a surge of artisanal mining in the region. (Cuvelier and Raeymaekers)

The monopoly was backed by four foreign partners (Africon, Premeco, Cogecom and Cogear) (Cuvelier and Raeymaekers) and headed by Aziza Kulsum, aka ‘Madame Gulamali’, a half Burundo-Congolese, half-Pakistani businesswoman from Bukavu. Her appointment by the Rwandan-aligned RCD raised eyebrows owing to her previous support of the Hutu FDD rebels in Burundi. This unlikely relationship further demonstrates Rwanda’s presence in the Congo being less to do with political security imperatives than with profit (Jackson)²¹.

During the monopoly Cogecom, a Belgian company identified by the UN reports, bought 60 tonnes of coltan from SOMIGL to a value of \$3m in December 2000²². This relationship alone generated taxes of US\$600,000 for RCD-Goma, accounting for over 50% of SOMIGL’s business revenue in December 2000 (Cuvelier and Raeymaekers). In fact, in the 3 months after the establishment of the monopoly, RCD-Goma cashed in enough money (US\$2.35m) to finance its own military budget entirely (Cuvelier and Raeymaekers).

Prior to the monopoly there were about 10 comptoirs operating in Goma, all of whom were connected to Rwanda (Jackson). While it had been operational all other local comptoirs were forced to cease trading, despite their protests to the authorities (Cuvelier and Raeymaekers). The monopoly was abolished at the end of March 2001 when the coltan price fell drastically bringing official exports down to a mere 19 tonnes from a January level of 96 tonnes. The liberalisation of the market created new opportunities for foreign companies to buy as Congolese comptoirs could once again open for business. However comptoirs were receiving less of their coltan from the artisanal sector which was suffering from rationalisation of the trade. To compensate for lost taxes owing to the low volume of trades, the RCD significantly upped the cost

²¹ Gulimali also has a reputation as a “tough” arms dealer (Cuvelier and Raeymaekers 2002).

²² Cogecom had been a client of Gulimali’s daughter, Mrs. Shenila Mwanza, and son, Mohammed, who owned a trading post in South Kivu province. From January to October 2000 they exported nearly 50 tonnes of coltan with a market value of US\$735,000 (Cuvelier & Raeymaeker 2002; United Nations Security Council 2001a, b).

of comptoir licence fees from \$7,500 prior to the monopoly to between \$15,000 and \$40,000 afterwards (Jackson).

Rationalisation of the Market

When the price of coltan fell precipitously at the beginning of 2001 many artisanal intermediary traders were forced out of the market. Additionally an ever increasing proportion of exports were being flown directly to Kigali from the mining zones leaving them out of the chain.

It appears that this rationalisation began before the price collapse. In 2000 diggers were increasingly being employed by private actors to mine on their behalf. In urban areas these were rich farmers and local business people, but in the more remote areas, in national parks for example, production was becoming increasingly dominated by RCD and Mayi-Mayi rebels (Shoumatoff).

At the same time as the military groups took over the means of production, so they monopolised buying at the sites of artisanal production. Diggers were now completely at the mercy of the buyer, having their dues paid once the ore had been taken to the trading towns (Bukavu, Goma), tested for purity, and sold.

By the beginning of 2002 many mining sites had been abandoned as the price of coltan fell to below \$20 per pound on the spot market (Kahn) and the emerging political economy forced entrepreneurial diggers and traders out of the market. By the beginning of this year, the price had fallen to \$8 per kilogram (approx. \$3.5/lb), so low that many people are apparently storing bags of coltan in their house waiting for an upturn in the market²³.

The economic alternatives are thin, if not dire. Some people have continued mining, but now prospect for cassiterite, wolfram (tungsten) and gold. Some have returned to their fields where these have not been laid with land-mines or appropriated by others, but they generally will no longer have their livestock (ICG, ; Jackson), which will most

²³ Interview with Anne Edgerton, advocate for Refugees International, 14th April 2003.

likely have been looted, sold or used to pay taxes. Others have set themselves up as merchants selling Rwandan or Ugandan goods such as soap or clothes in the rural areas, notwithstanding the rural economies being so devastated that markets no longer open in the mornings but in the evenings to give people a chance to earn some money during the day (Jackson, 2002). For others with no remaining traditional social safety net, the only other option has been to join the militias where, though unpaid, they survive through banditry (Jackson, ; Lemarchand, 2002). As one observer tersely puts it “for every Congolese who stands to profit from the trade, ten others are falling through the cracks” (Lemarchand), p. 394).

The Criminalisation of the Coltan Trade

“Plundering, looting and racketeering and the constitution of criminal cartels are becoming commonplace in occupied territories. These criminal cartels have ramifications and connections worldwide, and they represent the next serious security problem in the region” (United Nations Security Council, 2001b).

The following anecdote exemplifies the type of international actors whose connections with the region are increasingly possible and worrisome.

Finmining Ltd. is a chief partner of Rwanda Metals, the commercial front of the RPA’s exploitation of Congolese minerals. Finmining is owned by Chris Huber, a Swiss businessman with a questionable reputation. He exports coltan from Kigali to the Ulba Processing Plant in Kazakhstan, which has its own dubious connections (Cuvelier and Raeymaekers, 2002).

Finmining’s exports are shipped by IRTYSH, an air freight company operated by the Ulba Processing Plant. IRTYSH leases aircraft from CSS, which is managed by former KGB agent Viktor Vasilevich Butt, aka ‘Viktor Bout’. He is one of Africa’s main arms traffickers²⁴. He “oversees a complex network of over 50 planes, several airline companies, cargo charter companies and freight-forwarding companies, many of which

²⁴ Viktor bout is believed to have supplied arms to the Revolutionary United Front in Sierra Leone, UNITA rebels in Angola, and the Taliban in Afghanistan. (Cuvelier and Raeymaecker 2002 p. 22)

are involved in shipping illicit cargo” (Cuvelier and Raeymaekers), Bout apparently transports arms, diamonds and coltan to rebels and military alike in eastern DRC (Cuvelier and Raeymaekers, 2002). Through these connections one might speculate as to whether Finmining’s business in DRC contributes to illegal arms trafficking to the region.

The embedding of the Kivutien economy into international criminal networks is made possible by the collapse of state judicial and regulatory functions in the region, the entrenchment of central African smuggling networks which operated prior to the war, and the potential for manipulating conflict actors’ security and economic prerogatives to their criminal advantage. International mafias feed and maintain the huge power imbalances generated by the implosion of the system: they provided the tools of extortion and oppression - capital, drugs and arms - and profit from favourable relations and prices on the exploited goods. Motivated to operate outside of the law and the formal economy in order to maximise on opportunities, these actors have no desire to meet their rational responsibilities, let alone their normative ones.

Beyond the Great Lakes: The Coltan→Tantalum→Electronics Chain

Between 1995 and 2000 world demand for tantalum grew by between 8 and 12%. In 2000 total world demand for tantalum was 6.6m pounds; 40% of this demand came from manufacturing plants in the United States of America.

The trade of coltan to European and US companies is worth \$1 billion a year (Duthie). Given tantalum’s strategic importance in advanced economies, the U.S. keeps strategic reserves of coltan. Jean Karimbizi, a Kivutien coltan comptoir noted “Last year (1999) the U.S. agency for strategic reserves sold 80,000 lb of pure coltan and the price was down for 6 months. A month ago it started buying again” (cf. Montague, 2002; Shoumatoff).

Coltan is bought from comptoirs or trading companies such as Grands Lacs Metals or Rwanda Metals (owned by the RCD and RPA respectively) in trading towns such as

Bukavu and Goma or in Kigali. Since the price collapse in 2001, trading in these towns has practically ceased, with most coltan now being exported directly from Kigali.

In 1999 the US imported 8% of its tantalum demand from Congolese coltan (Essick). Whilst this excludes Rwandan and Ugandan imports, these countries controlled most of the Congolese coltan mines at the time and the Congolese Ministry of Mines reported zero production of tantalum in that year. Seemingly rents, taxes and even profits from the sale of this Congolese coltan to feed US consumer markets will have benefited the occupying forces and rebel militias (Montague).

Table 3 details the general coltan→tantalum→electronics production chain. Two specific example of previously existing trade routes are:

DRC → Rwanda Metals → Finmining → Ulba Processing Plant → Trinitech

Kivus	Kigali	air transit	Kazakhstan	Ohio, USA
Producer	Local Trading Co.	Int. Trading Co.	Processor	Manufacturer

DRC → Grands Lacs Metals → A&M Minerals and Metals → H.C. Starck

Kivus	Goma	London	Germany
Producer	Local Trading Co.	Int. Trading Co.	Processor

(Cuvelier and Raeymaekers, 2002).

Table 3: THE INTERNATIONAL COLTAN → TANTALUM → CAPACITOR PRODUCTION CHAIN 1999 - 2001

Relationships	LOCAL (DRC / Rwanda) –INTERNATIONAL			INTERNATIONAL			
PROCESS	Trading	Exporting (Destination)	Transport	Processing & Refining	Capacitor and Semiconductor Manufacturing	Electronic Good Assembly	Marketer
Economic Actors	Comptoirs	International Trading Companies	Airline, Shipping, Trucking Companies	Processors	Capacitor manufacturers	Hi-Tech companies	High Street Shops
Companies / Owners	GrandsLacs Metals Rwanda Metals Gemicom MDM	A&M Minerals & Metals (UK) Sogem, Cogecom, Finmining, (Belgium) Banro-Resources Corp. (Malaysia) Raremet (India)	♦ S. African Airlines ♦ Air Sabena ♦ American Airlines ♦ Martinair ♦ DAS Air ♦ SDV-TRANSINTRA ♦ Air Cess-Cessavia	Cabot H.C. Starck Ningxia (Ulba)	Capacitors: AVX (USA) Hitachi (Japan) Kemet (USA) Vishay (USA) Epcos (Germany) Semiconductors: AMD, Intel	Ericsson, Nokia, Alcatel, Motorola, Hewlett Packard, Lucent, IBM, Intel, Dell, Solectron	Dixons , The Future Shop
Location	Goma, Bukavu Beni, Bunia Rwanda: Cyangunu, Gsenyi, Kigali	Kigali, Rwanda (Also from DRC to Bujumbura in Burundi and Kampala in Uganda)	To processor via: Belgium U.A.E. Tanzania Kenya S. Africa India	USA Germany China (Kazakhstan)	USA Japan Germany	USA Europe Asia	Worldwide
Site of Exchange Or of Physical Transformation	Streets, trading houses	Warehouses	Seaports: Dar es Salaam Nairobi, Mombasa Rotterdam, Hamburg Airports: Antwerp, Ostende, Amsterdam Dubai	Chemical Plant	Manufacturing Plant	Assembly factory	High Street Shops Internet
Product	Coltan (may be partially purified here to increase value)	Coltan	Coltan	Coltan ⇔ Tantalum powder	Tantalum powder ⇔ capacitor	Capacitor ⇔ Good (cell phone, lap top, car ignition, GPS system)	Good

Sources: (Cuvelier and Raeymaekers, 2002; Essick, 2001; Jackson, 2002; United Nations Security Council, 2001a; United Nations Security Council, 2001b; United Nations Security Council, 2001c; United Nations Security Council, 2001d)

Pressure Points in the Chain

“I’m not in favour of killing gorillas...(but) we don’t have an idea where [the metal] comes from. There’s no way to tell. I don’t know how to control it”

(CEO of AVX, capacitor manufacturer in USA, quoted in Essick).

The responsibilities borne by corporations towards the Congolese people are not uniform down the production chain. There is a discordance between who wields the greatest potential for influence and who has the greatest desire to influence the conditions of production and trade in the coltan ‘industry’ in the DRC.

It is at the end of the production chain that companies come under the greatest public pressure to behave ethically. The number of consumer groups and NGOs publicising and campaigning against unethical corporate practices has blossomed in recent years. One need only think of the power wielded by Greenpeace and the STOP E\$\$O campaign to influence consumer decisions and indeed inspire boycotts across several countries to understand why companies marketing to the masses are forced to take their ethical responsibilities seriously.

In June 2001 a coalition of 18 Belgian NGOs and religious communities launched a campaign with the slogan “No blood on my mobile! Stop the plundering of Congo!” (Vesperini, 2001). They demanded measures to be taken to ensure that the trade in Congolese minerals would benefit the people of Congo instead of fuelling a war that destroys their livelihoods (Cuvelier and Raeymaekers).

Motivated by their need to retain their social legitimacy and the associated risk of consumer boycott, hi-tech companies (Ericsson, Hewlett Packard, Intel and Motorola) issued statements of condemnation for the situation in DRC. Ericsson responded by emphasising its requirement of suppliers “to comply with company environmental, ethical and human-rights policies” (Essick). Others expressed their support for the protection of endangered species and their disapproval of “illegal” mining activities.

Pressure to acquit their products from the tainting of ‘blood coltan’ also comes from shareholders who, having a financial stake in the company, are quick to respond to the heightened risks of legal action or consumer dissatisfaction and the ensuing fall in competitiveness and profit that these risks can inspire.

Unfortunately, however, these multinational power-houses are at the opposite end of the supply chain and in many ways too far from the source of the problem to exert meaningful influence beyond demanding that their suppliers certify that the tantalum embodied into their appliances is not unethically sourced. To be effective, buyers would need to threaten the termination of contracts if suppliers would not or could not comply with this demand, but with only four processing plants world-wide capable of refining electronics-grade tantalum (Cuvelier and Raeymaekers) the manufacturers supplying these companies do not have much flexibility in where they source the refined metal. Instead then, companies such as Ericsson prefer to “try to influence” their suppliers rather than “kicking them out” (Essick).

Supply chain pressure is not ineffective, though, as it provides motives to those more in a position to torque the terms of engagement in a more ethical direction. This pressure is further enhanced by mid-chain shareholders exerting ethical pressure, filtered through rational lenses, on these less exposed companies further down the line.

It is downstream at the inter-national economic interface then that normative influence can be exerted most effectively with companies wielding power by dictating the terms of their (dis)engagement with the region. If the purchase or transport of Congolese coltan depends on the condition that it has been ethically sourced then the burden lies with the producer to prove the integrity of their product and with the buyer or transporter - or an external body such as an NGO, independent auditor, or a UN institution - to verify this.

Without an official regulatory requirement to ensure the integrity of their coltan (e.g. an industry-wide moratorium on Congolese minerals), international traders and transporters need firm normative convictions or a strong business motivation to self-regulate as this requires them being transparent about their own business dealings with

coltan traders, devising and investing in systems of certification and assurance, and being open to independent verification of this certification.

Currently coltan is *not* traded on the regulated metal exchanges and its convoluted trade links are subject to few international regulations (Essick). Nor is there a certification process to identify the mineral's place of origin (Montague). Thus even if the market were subject to sanctions, as the UN suggests it should be (ICG, ; United Nations Security Council, ; United Nations Security Council, ; United Nations Security Council, ; United Nations Security Council) a system of certification and transparency would need to be in place as import and export restrictions on coltan would be hard to enforce. In this scenario enabling regulatory structures need to be created to help companies, especially small traders, meet the cumbersome requirements of self-regulation so that they can ensure, and prove, that they are either disengaging or *constructively* engaging with the region and so meeting their normative responsibilities.

4. Constructive (Dis)Engagement in the Coltan Trade

“International trade should promote good governance and economic stability”

(Montague 2002, p. 108).

The people and ecosystems of Eastern DRC are normative stakeholders in foreign companies which do business there because, in the absence of the institutions of governance which effectively protect their environmental and civil rights, international investments empower those whose activities violate the ethics of intergenerational, intragenerational and inter-species justice and destroy the necessary cultural, political and economic conditions which make sustainable living possible. The profits provide the means for maintaining the violence, whilst the violence provides the mechanism for reaping the profits (Jackson). The people and the ecosphere have a claim because these profits destroy them.

It is ultimately the responsibility of provincial, national and international regulatory bodies then to ensure that the coltan trade is appropriately legislated. Such regulations cannot be devised, institutionalised and enforced until peace is restored in the region

and the structures of government and law enforcement created. Until that time it is the moral obligation of companies to act in the best interests of the people and non-human beings of the DRC by behaving in accordance with their normative responsibilities. An existing, previous or potential business relationship with the region places an obligation on corporations and individuals to make themselves fully aware of the state of affairs in eastern Congo and consider carefully the existing and/or potential effects of their action or inaction. Choosing to do nothing is choosing to do something. This obligation requires companies to decide whether they can most help the region by engaging or disengaging with the coltan trade. At this vital stage of the peace process, companies should base decisions on whether their actions will help up the stakes in peace or in war.

In an open market, companies concerned with meeting their normative responsibilities are faced with a challenging dilemma. On the one hand, disengagement lays the regional coltan markets bare to competitors who are less vulnerable to exposure or consumer action in the face of unethical behaviour (e.g. China, C.I.S., India) as well as to the influence of more ruthless actors, such as the renowned international criminals Victor Bout and Aziza Kulsum. It also reduces the immediate employment options of the Congolese who are accustomed to working in the trade. On the other hand, continued engagement with the region can be viewed as a complicit act of support for the foreign occupation (and therefore a colonial act in itself) and the humanitarian and environmental crises which ensue. It is essential that companies are transparent about this dilemma so that they do not feel swayed to make the most publicly *comfortable* rather than the most appropriate decision.

The industry has been hiding under notions of legality, providing disclaimers in their statements on the region that only ‘legal’ business should be performed (Tantalum Niobium International Study Center, 2001; Tantalum Niobium International Study Center, 2003). Indeed a fundamental corporate responsibility is that a business’s activities are legal. However, companies which wish to engage in the DRC while meeting their wider responsibilities face problems in determining the ‘legality’ and thus legitimacy of their business activities there.

According to the UN “all activities – extraction, production, commercialisation and exports – taking place in the DRC without the consent of the legitimate government are illegal ... non-invited forces and their nationals are carrying out illegal activities” (United Nations Security Council) p. 5). On these statist terms, which adhere to the legitimacy of the Congolese state, any coltan whose production and trade is carried out or controlled by non-invited non-Congolese (Rwandans, Ugandans, Burundians) and illegal militias (as politico-economic organisations to whose existence the government does not consent) is illegal.

In response to the UN report, the Rwandan envoy to the DRC, Patrick Mazimhaka, questioned the UN’s definition of legality as, according to the 1999 Lusaka Agreement, “all rebel movements have unrestricted and effective authority over areas they control ... So the definition of legality in the report is false”²⁵. In support of this view, prior to the SOMIGL monopoly of coltan in Bukavu, comptoirs had been prepared to pay taxes to the rebel government, which had commandeered the state’s governance structures, in order to prove to their foreign buyers that they were trading ‘legally’ in some regard (Cuvelier and Raeymaekers). In fact these were the only conditions under which these comptoirs were able to operate. On the other hand, however, very few local Congolese accepted these taxes as ‘legal’, as they saw the RCD’s and Rwanda’s presence and ‘criminal exploitation’ of the region as being fundamentally illegal (Jackson).

The consideration of legitimacy is tricky, however as, notwithstanding having its legitimacy granted by international recognition, the Kinshasa government’s democratic credentials are as weak as those of the rebels (Englebert, ; Montague).

In this context of blurred legality and legitimacy between the state and the rebels, corporations have to question whether ‘legal’ coltan is necessarily ‘ethical’ coltan and choose to work under the ‘legal’ framework which is not only the least risky for them but which is in line with the normative framework which guides company decision-making. From the normative viewpoint, ethical coltan is that whose production and trade creates and does not destroy the necessary cultural, political and economic conditions which make sustainable living increasingly possible, desirable and therefore

²⁵ Fyffe 2001. This is at odds with the Geneva Convention, which forbids occupying forces from extracting natural resources during an invasion.

likely. In this context, providing capital to parties who will use it to *destroy* the conditions for sustainable living and so violate the ethics of sustainability is unsupportable. As shown above, the RCD and RPA are not supported by the population. Further their activities directly or indirectly devastate the ecosphere, nurture ethnic hatred, terrorise and oppress civilians, prevent the emergence of political autonomy and fair economic opportunity and violate the principles of human rights through sanctioning the use of child soldiers, and granting impunity to those who brutally rape, torture and murder women and girls. Trading with the RCD and RPA is immoral, illegitimate and unethical and would be termed destructive engagement.

This suggests that companies which choose to abandon the area altogether are doing what the people want and so respecting public autonomy. Jackson notes that the people's "revulsion for 'coltan fever'" has paralleled the "strong international calls" for an embargo against coltan exports from Central Africa (Jackson) p. 532. The logic behind sanctions is that these would stem the flow of capital into the region, reduce the potential for personal gain and the ability of conflict actors to source the means for maintaining the violence, so upping the stakes in peace. But, as noted above, regulating exports from the region would be incredibly tricky. Long-established smuggling networks in baby gorillas, ivory, diamonds and gold have proved their competence in defying international attempts to prevent such trades. As De Boeck notes, "What use is 'distinguishing between formal and informal ... economies when the informal has become the common and the formal has almost disappeared?'" (quoted in (Jackson). Additionally, in a place where the emergency of the short term (Bindé) is sorely lived and where life is bare, the diminution of revenues from coltan sales would most probably encourage efforts in other destructive activities, e.g. poaching or logging, and impose further pressure on a very vulnerable society.

Rather than an all-out embargo, therefore, a short-term aim should be to de-link control of the mineral economies from the financial and political objectives of the belligerent forces. So, as the state-building and peace-building begins, a form of transformative engagement could emerge. The Congolese government, supported by international donors and monitored by independent auditors, could give concessions to international mining companies who are market leaders with regard to sustainability and corporate responsibility. Their remit would be to reactivate the industrial mining sector, organise

the artisanal sector and help re-build the necessary infrastructure to help torque the regional political economy of mining towards more sustainable practices²⁶. The question of securing the mines would be answered by employing former belligerents as miners or security, perhaps. This might not be as problematic as it appears. In Anne Edgerton's opinion, "If laying down their arms meant more economic power and if they had food in their stomachs tonight, they [the militias] would be less violent"²⁷. So with more economic options and greater security, there is a greater chance of peace in the region. As Kivutien history has shown, a thriving mining sector can create a thriving society (de Failly).

The ICG recommends that the international community "applies pressure for mineral exploitation to take place within a framework of responsible economic governance as soon as possible" because it is "irresponsible to assume that economic governance will simply emerge as a product of some new Congolese political dispensation" (ICG) p. 26). This suggestion of transformative engagement is just one example of how international business might play a part in responsible economic governance and so create a win-win solution for itself as well as for the Congolese people. This can only happen if there is a commitment to peace by all who bear responsibilities in and to the region.

In 2000 international business benefited from the supply of coltan coming from central Africa. The exploitation of this coltan required and created the means for the violence which has been the ruin of eastern Congolese society and ecosystems by supporting the conflict actors. By violating these people's humanity and the integrity of ecosystems, they are violating my humanity and my integrity (Bindé 2000). Corporate responsibility "should ... begin with acknowledging complicity in working with vicious armed groups" (Montague). Given their responsibility to right historic wrongs, then they have a responsibility to help restore peace and build the conditions for sustainable living in Eastern DRC. Besides this responsibility, they also have a stake in peace.

²⁶ The extractive industry is actually one of the most progressive industrial sectors in terms of corporate responsibility and sustainability, with publications, industry moral codes and projects (e.g. the Mining Minerals and Sustainable Development Project), company principles, and departments committed to improving their activities and thus reputation.

²⁷ Interview with Anne Edgerton, Great Lakes area specialist and advocate for Refugees International, 14th April 2003.

When peace does come, and we must be optimistic that it shall, there will likely be a “scramble” reminiscent again of the “grab for wealth” in King Leopold ‘s Congo (Montague). Capitalism can’t seem to help itself. Perhaps the history of recent business relations in the region will remind corporations of their responsibilities to the Congolese people, the ecosphere and themselves. Better yet there might emerge an industry moral code to ensure that this is the case.

Today the DRC is a place where the exception has become the norm. For the sake of our children and our humanity, I hope the norm of environmental and social annihilation becomes the exception. Business has great potential in enabling or preventing this from happening. Let us hope it meets its responsibilities well.

Bibliography

- Amnesty International (2003) On the precipice: the deepening human rights and humanitarian crisis in Ituri: Amnesty International, pp. 1 - 29.
- Astill J (2003) Counting the dead: The Guardian. London.
- BBC online (2003a) Africa condemns Congo massacre: BBC online.
- BBC online (2003b) DR Congo rebels dismiss 'cannibalism': BBC online.
- BBC online (2003c) UN condemns DR Congo cannibalism: BBC online.
- Bindé J (2000) Toward an Ethics of the Future. *Public Culture* 12:51 - 72.
- Brummer J (1991) Corporate Responsibility and Legitimacy: An Interdisciplinary Analysis. Westport: Greenwood Press.
- Business Wire (2001) ECA Urges Members to Avoid Tantalum Mined in Restricted Areas of Congo: Business Wire.
- Carroll AB (1999) Corporate Social Responsibility: Evolution of a Definitional Construct. *Business & Society* 38:268 - 295.
- Cogman D, and Oppenheim JS (2002) Controversy Incorporated: McKinsey Quarterly.
- Crittenden CJRWF (2003) Mapping moral philosophies: strategic implications for multinational firms. *Strategic Management Journal* 24:385 - 392.
- Cuvelier J, and Raeymaekers T (2002) Supporting the War Economy in the DRC: European Companies and the Coltan Trade. Antwerp: International Peace Information Service.
- Delawala I (2001) What is Coltan?: ABC News.
- de Failly D (2001) Coltan: Pour Comprendre. In S Marysse and F Reyntjens (eds.): *L'Afrique des Grands Lacs: Annuaire 2000 - 2001*. Paris: L'Harmattan, pp. 279 - 306.
- Duthie D (2001) Miners' Rush for Coltan threatens rare Gorilla: Global Environment Facility Biodiversity Planning Support Programme.
- Edgerton A (2003a) Displacement and Vulnerability in Ituri. Washington D.C.: Refugees International.

- Edgerton A (2003b) Refugees International Conducting Assessment Mission in the Ituri Region of the Democratic Republic of the Congo. Washington D.C.: Refugees International.
- Englebert P (2002) Debate: A Research Note on Congo's Nationalist Paradox. *Review of African PoliticalEconomy* 93/94:591 - 594.
- Essick K (2001) Guns, Money and Cell Phones: The Standard.
- Fell N (2001) Capacitatory tantalum helps fuel Congo war: *EE Times UK*.
- Florida R, Atlas M, and Cline M (2001) What makes companies green? Organizational and geographic factors in the adoption of environmental practices. *Economic Geography* 77:209-224.
- Frankel C (1999) in *Earth's Company: Business, Environment and the Challenge of Sustainability*. Canada: New Society Publishers.
- Fyffe S (2001) Tantalum Carnage Continues in the Congo: *Electronic News*.
- Gunningham N, and Rees J (1997) Industry Self-Regulation. *Law & Policy* 19:363 - 414.
- Hartung, William D. and Moix, Bridget (2000) *Deadly Legacy: U.S. Arms to Africa and the Congo War*: Arms Trade Resource Center, January 2000.
- Homer-Dixon T (1999) *Environment, Scarcity and Violence*. Princeton: Princeton University Press.
- Hottelet R (2001) The Plundering of the Congo. *Christian Science Monitor*.
- ICG (2003) *The Kivus: The Forgotten Crucible of the Congo Conflict*. Nairobi/Brussels: International Crisis Group.
- International Forum on Globalization (2002) *Ten Principles for Sustainable Societies: Alternatives to Economic Globalization: A better world is possible*. San Francisco: Berrett-Koehler Publishers Inc.
- Isango E (2003) Congolese rebels in cannibal atrocities: *The Guardian*.
- Jackson S (2002) Making a Killing: Criminality & Coping in the Kivu War Economy. *Review of African PoliticalEconomy* 93/04:517 - 536.
- Kahn J (2002) Congo's Civil War Rings Up Trouble on the Line: *Fortune*.
- Kaplan RD (1994) The coming anarchy: *Atlantic Monthly*.
- Keen, D (1998) The Economic Functions of Violence in Civil Wars, *Adelphi Paper No. 320*: Adelphi.
- Klein N (2000) No Logo: *Flamingo*.
- Lazonick W, and O'Sullivan M (2000) Maximizing shareholder value: a new ideology of corporate governance. *Economy and Society* 29:13 - 35.
- Lemarchand R (2002) The Tunnel at the End of the Light. *Review of African PoliticalEconomy* 93/94:389 - 398.
- Leopold G (2003) Boycott urged on Congo tantalum: *EE Times*.
- Lloyd-Davies F (2002) The forgotten women: *The Guardian*.
- Maresca J (2001) A New Concept of Business. *The Washington Quarterly*.
- Martin RL (2002) The Virtue Matrix: Calculating the return on corporate responsibility. *Harvard Business Review*:5 - 11.
- Matheson I (2002) DR Congo's women in the frontline: *BBC online*.
- Mbembe A (2000) At the edge of the world: Boundaries, territoriality, and sovereignty in Africa. *Public Culture* 12:259-284.
- Montague D (2002) Stolen Goods: Coltan and the Conflict in the Democratic Republic of Congo. *SAIS Review* XXII:103 - 118.
- Motorola (2002) "Letter to 'The Official Leonardo DiCaprio Website' regarding 'gorilla-friendly tantalum'" www ldc org

- Pilotti L, and Rinaldin M (2002) Growth vs. development: wealth as better life quality towards an ecology of value. *Human Systems Management* 21:63 - 80.
- Reed D (2002) Employing Normative Stakeholder Theory in Developing Countries: A Critical Theory Perspective. *Business & Society* 41:166 - 207.
- Rees WE (2002) Toward Environmental Citizenship: A "Human Ecological Perspective". Global Citizenship Conference.
- Reinhardt FL (1999) Bringing the environment down to earth. *Harvard Business Review*:149 - 156.
- Robinson J (2002) Future Subjunctive: Backcasting as Social Learning. *Futures*.
- Robinson S (2000) Key Survival Issues: Practical Steps toward corporate environmental sustainability. *Corporate Environmental Strategy* 7:92 - 105.
- Shoumatoff A (2002) A Report on the Four World Heritage Sites in Danger in Eastern Congo: Biodiversity Conservation in the Vortex of Civil War: Dispatches From the Vanishing World.
- Somerville K (2002) DR Congo's road to peace: BBC.
- Sugar JW, and Descano L (1999) Identifying the Business Value of Superior Environmental Performance: Current Deliberations from the Aspen Institute. *Corporate Environmental Strategy* 6:100 - 109.
- Tantalum Niobium International Study Center (2001) Press Release on the Coltan Trade in DRC. Brussels.
- Tantalum Niobium International Study Center (2003) Coltan trade in DRC - email from Secretary General. In JA Wickers (ed.). Brussels.
- Tinsley SJM, Keith (1997) Sustainable Development and its Effect on the marketing planning process. *Eco-management and auditing* 4:116 - 126.
- Trefon T, Hoyweghen SV, and Smis S (2002) State Failure in the Congo: Perceptions and Realities. *Review of African Political Economy* 93/94:379 - 388.
- United Nations Security Council (2001a) Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. New York: United Nations.
- United Nations Security Council (2001b) Interim Report of the U.N. Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. New York: United Nations.
- United Nations Security Council (2001c) Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. New York: United Nations.
- United Nations Security Council (2001d) Report of the Security Council mission to the Great Lakes region, 15 - 26 May 2001. New York: United Nations.
- United Nations Security Council (2002) Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, UN Security Council, S/2002/1146. New York: United Nations.
- Vanek FM (2002) The Sector-Stream Matrix: Introducing a new framework for the analysis of environmental performance. *Sustainable Development* 10:12 - 24.
- Vesperini H (2001) Congo's coltan rush: BBC.
- WBCSD (2002) The Business Case for Sustainable Development: Making a differences towards the Earth Summit 2002 and Beyond. *Corporate Environmental Strategy* 9:226 - 235.
- Weiss H (2001) Civil War in the Congo. *Society March/April 2001*:67 - 71.
- websites: Tantalum Niobium International Study Center (T.I.C.) www.tanb.org
The Guardian online www.guardian.co.uk