

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



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



BACKGROUND

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



Twangiza Mining, Mwenga territory, South Kivu, DRC.

THE ISSUE

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

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

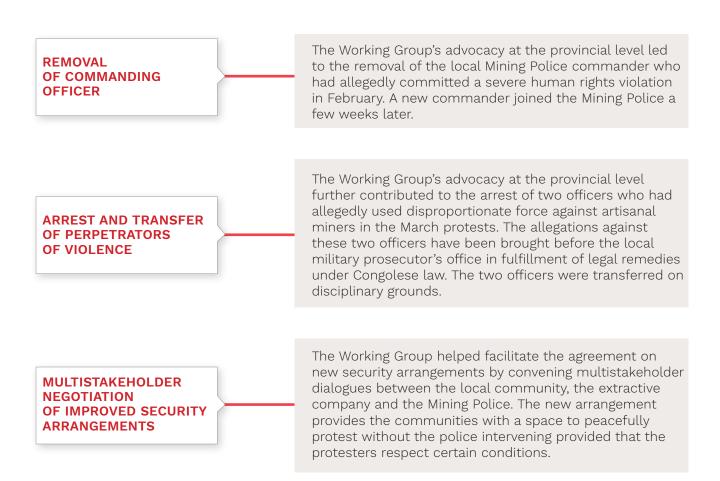
- **JANUARY:** an unarmed community member who trespassed the concession was shot in the leg by a Mining Police officer;
- **FEBRUARY:** a shepherd trespassing the concession was stopped and arrested by Mining Police officers. When he resisted arrest, he was allegedly tortured by the officers under commanding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

THE WORKING GROUP'S SOLUTION

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

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

POSITIVE IMPACT



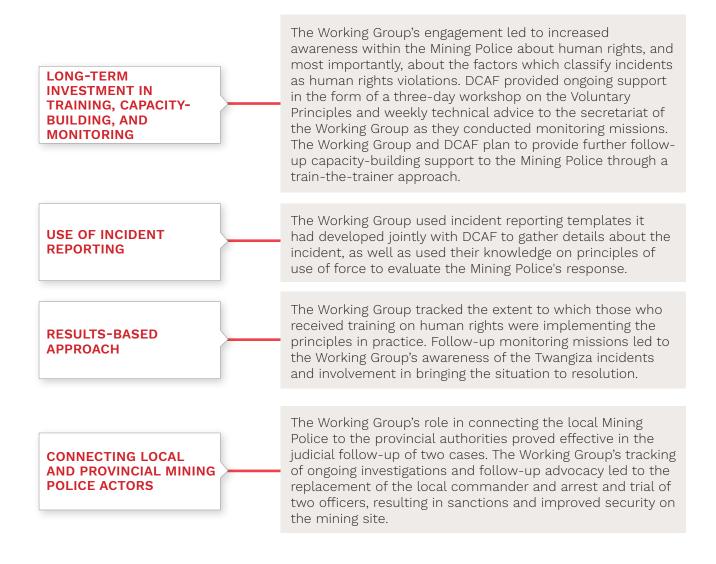
IMPORTANCE OF TRAINING OF SECURITY FORCES AND FOLLOW-UP MONITORING

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

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

GOOD PRACTICES

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



DCAF Geneva Centre for Security Sector Governance SECURITY & HUMAN RIGHTS IMPLEMENTATION MECHANISM (SHRIM)

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

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

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