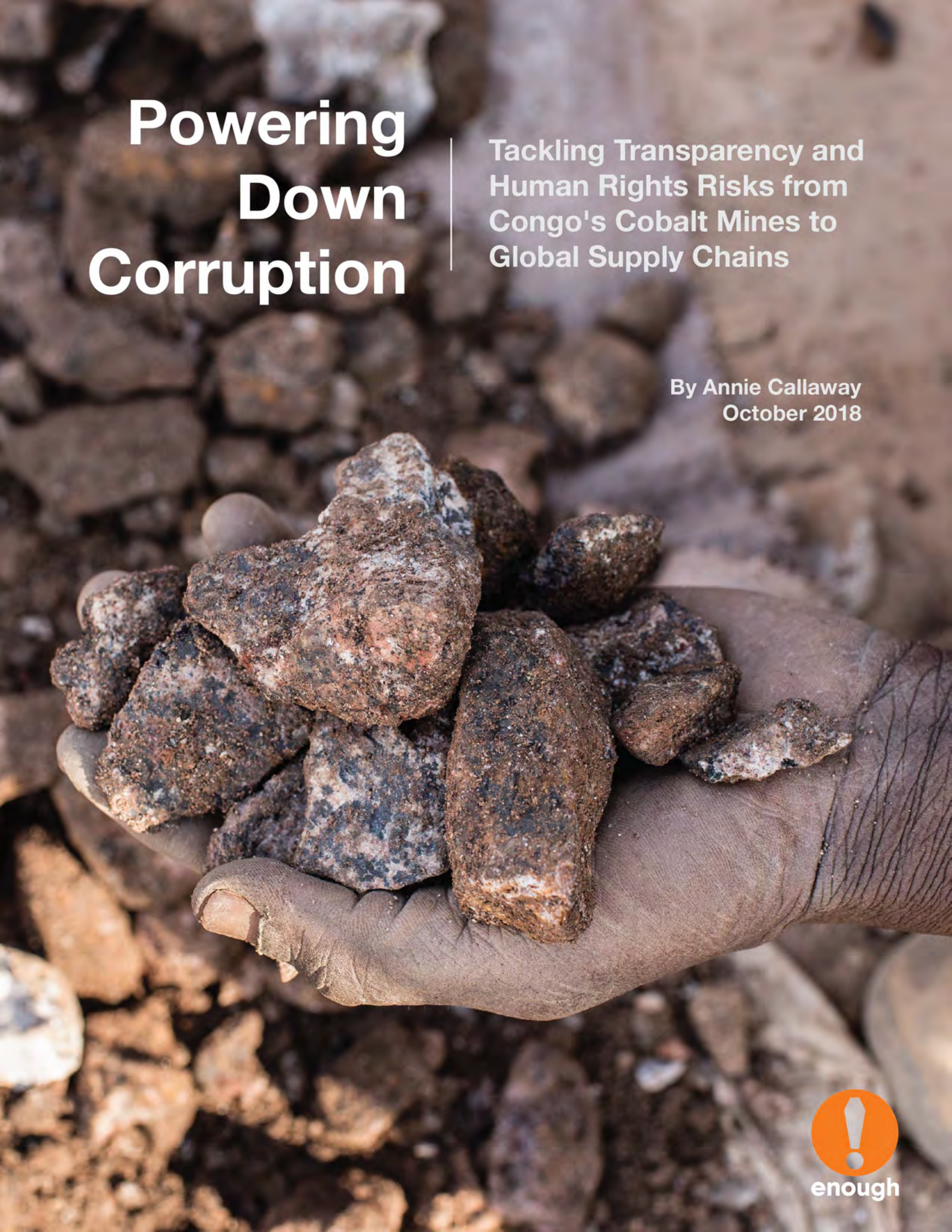
Powering Down Corruption

Tackling Transparency and Human Rights Risks from Congo's Cobalt Mines to Global Supply Chains

By Annie Callaway

October 2018



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The project to end genocide and crimes against humanity

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Cover photo: Kolwezi, Democratic Republic of Congo. Sebastian Meyer.

An Introduction from John Prendergast

Cobalt has rapidly emerged as an essential ingredient for some of world's fastest-growing industries, with products ranging from electric cars to laptop computers to cell phones. The Democratic Republic of Congo (Congo) decisively dominates global cobalt supply. This could be a good news story, of how rapid technological innovations which drive demand for raw materials could potentially be an engine of development for a long-suffering country with the majority of the world's supply of one of those critical raw materials.

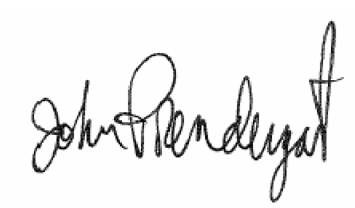
Unfortunately, the story is beginning to unfold in a much different way, but it doesn't have to. Increasingly, cobalt production in Congo is tied to grand corruption which undermines peace and democracy in the country and along with copper are two of the main sources of funds for the violent kleptocracy that President Joseph Kabila presides over. Cobalt production in Congo is also marked by human rights abuses, including child labor at the mines, well documented by Amnesty International and others. Because of the devastating impact the sourcing of cobalt for the products we buy has on Congolese citizens, urgent action is required to shine a light on the insidious linkages in Congo's cobalt trade, to help alter the incentive structure away from violence, corruption and human rights abuses and towards a transparent, peaceful and responsible supply chain.

Throughout 2017 and 2018, my colleagues at the Enough Project have conducted field and supply chain research on potential links between corruption, violence, human rights violations, and cobalt mining in Congo. As a result of this research, the Enough Project will be publishing two reports—this being the first—that highlight perspectives from the two ends of the supply chain. This first report focuses on observations and recommendations from within Congo, including Congolese cobalt and copper miners in both the artisanal and industrial sectors, domestic traders, civil society activists, and local government representatives. We wanted to start by understanding the perspectives of those most impacted by the global cobalt trade. The second report will highlight the actions – current and potential – being taken by those profiting from and otherwise benefiting from Congo's cobalt, including both companies and their customers.

Both reports will incorporate perspectives from stakeholders throughout the supply chain, because all of these stakeholders have distinct perspectives and needs, and the changes that are needed ultimately implicate all involved. This research is meant to serve as a complement to other studies on Congo's cobalt sector conducted by colleague organizations such as Amnesty International, the Carter Center, and Global Witness.

It should be noted as well that cobalt mining occurs almost exclusively in tandem with or as a byproduct of copper mining. Copper is used in a wide variety of construction, transportation, defense technology, and machinery worldwide. In 2017, the National Mining Association reported that copper was the second most used mineral by the U.S. Department of Defense. Given this global industrial criticality, many of the contracts currently coveted for their cobalt production in Congo were first established mainly for their copper potential, before the surge in international demand for cobalt. Therefore, many of the findings and recommendations in this report can also be strategically applied to copper industry stakeholders in Congo and throughout the supply chain.

In addition to the reports, the Enough Project will also be launching an associated campaign to engage activists and consumers on policies that counter corruption, violence, and human rights abuses connected to Congo's cobalt trade. The campaign will focus on highlighting opportunities for companies to become leaders on these issues, especially through the approaches to be detailed more thoroughly in the second report in this series.



John Prendergast
Founding Director
Enough Project

Executive Summary

The copper and cobalt industry in the Democratic Republic of Congo (Congo) has become "a cash cow for those in power in Kinshasa and their acolytes here in the [Lualaba] province," a miner at a cooperative in Kolwezi city told the Enough Project in February, 2018. "It's millions and millions of dollars that they have been reaping to fill their pockets for years."[1] A Congolese representative from a nongovernmental organization focused on natural resource transparency further warned: "The increase in international demand for cobalt is likely to trigger a cobalt rush with more militarization of the mines and more human rights violations. … The political and security landscape being volatile in Congo, advocacy organizations and [companies] can choose to be preemptive now or wait [to take action] until the situation gets out of control."[2]

These observations encapsulate the precipice on which Congo's cobalt industry rests: continue to be consumed by corrupt or violent actors—as has historically been the case for much of the country's natural resource wealth, including cobalt—or emerge as an example that breaks the exploitation cycle and uses the mounting international market rush as an opportunity to build a responsible, transparent, and stable cobalt sector. As it stands today, cobalt benefits and motivates some of the largest corruption networks in Congo, and is an important source of finance for President Joseph Kabila's regime.[3] The wide spectrum of corruption in the cobalt trade combined with abuses at and around cobalt mine sites and links to state-sanctioned violence and grand corruption forms a crucial pillar in Congo's violent kleptocratic system. It is therefore essential to tackle the underlying issues of corruption and opaque business dealings in order to support correlating goals of peace, human rights, and good governance.

The copper and cobalt industry in the Democratic Republic of Congo has become "a cash cow for those in power in Kinshasa and their acolytes."
-Miner at a cooperative in Kolwezi, Congo

Congo produced and estimated 58 percent of the world's cobalt in 2017.[4] With demand increasing and electric vehicle manufacturers and consumer electronics companies scrambling to secure their access to this critical material, there is a nearly unprecedented opportunity for companies to engage proactively and continuously in dedicated supply chain due diligence—or for corrupt networks to make millions in a climate of scarce regulation and oversight.

Cobalt is mined on both large-scale and artisanal concessions in Congo, each presenting its own set of challenges. Industrial or large-scale mining (LSM) lacks transparency in several key areas of contracting, subcontracting, and joint venture disclosure practices. Artisanal or small-scale mining (ASM) in some cobalt mining areas has links to illegal and corrupt involvement of armed military actors, nontransparent documentation of production and export data, and human rights abuses such as child labor and hazardous working conditions. Connections back to President Kabila and his regime emerge in both artisanal and industrial mining.[5]

If managed transparently and responsibly, cobalt revenues could help alleviate poverty in Congo and be a backbone for development. Especially as Congo implements a new mining code that considerably raises royalties on cobalt, a responsible and transparent trade could, in theory, have nearly unprecedented social and development benefits. To complement these, companies using cobalt to propel forward renewable energy technologies such as electric vehicles and rechargeable batteries could also share the benefits of these technologies with Congo's mining communities.

Hundreds of millions of dollars went missing from Congo's state-owned mining company, Gécamines, between 2011 and 2014,[6] with direct ties from this missing money to deals with international copper and cobalt mining companies. The networks of corruption extend beyond Congo's borders to foreign commercial facilitators such as key Kabila financier Dan Gertler, whom the U.S. government sanctioned in 2017 for generating illicit wealth, mainly from corrupt and opaque mining deals in Congo.[7] And several industrial cobalt and copper mining companies operating in Congo are currently under investigation in the United States, the United Kingdom, and Canada for their potential role in corrupt activities.[8]

The scale of potential revenue in this trade dwarfs that of tin, tungsten, tantalum and gold—otherwise known collectively as conflict minerals. Although cobalt mines are not located in areas with a history of armed conflict, as was the case with conflict minerals in Congo's Kivu provinces, the cobalt industry is nonetheless connected to violence. The Republican Guard—the president's elite security force—has been documented illegally controlling artisanal mine sites, sometimes through use of violence or threat thereof. These abuses are in addition to the documented accounts of child labor,[9] sexual exploitation,[10] and other violations of human rights.

Automotive, consumer electronics, and other end-user companies that drive global demand for cobalt have an important opportunity to implement and help enforce transparency and anticorruption measures.

In order to ensure that human rights abuses are not used as a means to an end for corrupt actors looking to access massive profit illicitly, companies must actively incorporate transparency initiatives into their sourcing protocols. Automotive, consumer electronics, and other end-user companies that drive global demand for cobalt have an important opportunity to implement and help enforce transparency and anticorruption measures in order to ensure that their supply chains are responsible and that Congolese citizens are able to benefit from their country's natural resources. Building on existing frameworks developed to address child labor and other related issues in Congo's artisanal cobalt sector, companies should take the opportunity to also establish rigorous processes to enhance contract and ownership transparency and illuminate the opaque linkages to grand corruption and human rights abuses in the global cobalt supply chain, conduct due diligence to mitigate the risks associated with corruption, and create a new standard operating environment in which corruption and human rights abuses are not a part of business.

Introduction

Over the last year, a campaign gained traction among some in Congo with the tagline "Touche Pas à Mon Cobalt" ("Don't Touch My Cobalt"). Framed as a Congolese stand against foreign exploitation and coinciding with the release of Congo's controversial new mining code, the campaign was reportedly organized in part[11] by those in Congo's government who stand to lose if the status quo of nontransparent contracts and corruption is challenged with enhanced supply chain scrutiny and responsible business practices. Others in Congo, including some artisanal cobalt miners, have since adopted the slogan as a way to demand fair practices and wages be established in a sector rife with abuse. This latter interpretation is one worth heeding.

Cobalt demand from the electric vehicle industry alone is projected to rise 40 percent by the end of 2018,[12] with exponential increases similarly predicted in the coming decade.[13] While Congo is home to a wealth of natural resource reserves, its command over the global supply of cobalt is unparalleled: an estimated 58 percent of global cobalt production originated in Congo in 2017.[14] Companies are therefore scrambling to secure their lots in Congo. In September 2018, American automotive and energy company Tesla displayed a fully electric vehicle at Congo's Indaba Mining Conference in Kolwezi, the heart of cobalt mining territory.[15] Media coverage of the event reported that this display—unusual for an American

While Congo is home to a wealth of natural resource reserves, its command over the global supply of cobalt is unparalleled: an estimated 58 percent of global cobalt production originated in Congo in 2017. Photo: An open pit at the Congo DongFang International Mining (CDM) Kasulo mine. Kolwezi, Congo. Sebastian Meyer.

company—was to highlight the importance of Congo in burgeoning green automotive technology, and it also helped familiarize attendees with Tesla's brand and business.[16]

With no end in sight for the increasing demand boom, the Congolese people should, in theory, benefit from a corresponding windfall in profits and development. Yet instead, a familiar cycle is unfolding—that of state corruption and extortion, a hallmark tactic of the Congolese state and the colonizers before them.

President Kabila and his government's direct interest in the mining sector generally and the cobalt sector specifically is obvious. President Kabila himself chaired the aforementioned Congo Indaba Mining Conference where Tesla showcased its electric vehicle.[17] And President Kabila's Minister of Media and Communications Lambert Mende recently speculated that international pressure on Congo to hold long-delayed elections is due to "foreign greed" for the country's cobalt.[18] Even if elections are held and a new ruling coalition is ushered in, the same systemic vulnerabilities would exist that could enable a continuance of business-as-usual operations in the cobalt sector, as well as the extractives sector more broadly. As predicted by one Congolese expert in the extractives industry, "No reform is likely to work for Congo cobalt and other key minerals unless Congo is no longer ruled by a predatory government."[19]

"No reform is likely to work for Congo cobalt and other key minerals unless Congo is no longer ruled by a predatory government."
-Congolese expert in the extractives industry

Corruption in the cobalt sector is sophisticated and fits discreetly within the business practices of many multinational companies scrambling for a cut of Congo's cobalt. Through opaque contracting and subcontracting practices and unreliable documentation of how much material is produced and exported from artisanal sources in comparison to industrial, the Kabila regime, by way of state-owned mining companies, is able to favor contracting arrangements that suit its financial needs and divert profits away from state funds. These and other corrupt practices foster a business environment which—in addition to documented human rights abuses, including child labor and sometimes deadly labor conditions—creates serious supply chain risks for end-user companies in the electric vehicle, consumer electronics, and other industries. But end-user companies can mitigate and address these risks through due diligence, proactive supplier engagement, and transparent information-sharing.

Methodology

The findings and recommendations in this report are primarily a result of interviews with stakeholders in key cobalt and copper mining areas of Congo's former Katanga region. In total, the Enough Project conducted 107 individual and focus group interviews with 502 people in Congo. Interviewees included cobalt traders, artisanal miners, government officials, mining administration officials, logistics agency representatives, civil society activists, traditional community leaders and village chiefs, cooperative members, and independent experts. Additionally, Enough Project staff conducted interviews with a range of stakeholders outside of Congo from academia, private sector businesses, and organizations working to improve corporate responsibility.[20] The recommendations formed from these interviews are meant to specifically address the web of nontransparency, corruption, violence, and human rights abuses in Congo's cobalt mining sector, while dovetailing with existing research and campaigns to improve labor conditions, including eliminating child labor and mine site-level environmental, health, and safety concerns.

Security assessment and informed consent protocols were implemented and given utmost priority in the course of the research. Due to the sensitive nature of these interviews and especially the allegations of corruption linked to President Kabila and Congo's regime and security apparatus, the names and other identifiers of sources have been kept anonymous. Congolese civil society activists and miners reiterated in multiple interviews that speaking out against corruption or suspected corruption, especially in association with the cobalt and copper industries in Congo, created significant personal and professional risk for them.

An Opportunity to Share the Benefits of Renewable Energy

Lithium-ion batteries that rely on cobalt are projected to play a catalytic role in the global effort to reduce fossil fuel dependency, which has the potential to reap major benefits for the future of the planet and humanity. However, as is generally the case with extractives globally, the people at the very beginning of Congo's cobalt supply chain are at risk of missing out on many of these environmental and social benefits, in addition to the economic benefits that should come as a result of being the source for this technological progress. A customary chief in Lualaba observed this dynamic unfolding in his village: "[The mining companies] use electricity [from a plant] in our village but their power lines pass above our homes with none being connected to electricity."[21] Many communities in fact reap no direct development benefits from the presence of companies mining for cobalt. And beyond missing out on the potential benefits, communities in cobalt mining areas can face negative impacts: an increase in human rights abuses, unsafe work environments, environmental degradation, theft, and corruption—all while corporations and consumers at the retail end of the supply chain benefit disproportionately from the boons of greener technology. This imbalance will be further exacerbated as the cobalt extracted in Congo is used to power more electric vehicles and increasingly efficient electronics, while mining communities are left using rudimentary tools in dangerous work environments and struggling to access consistent power sources and fair wages in order to sustain their livelihoods and families.

With the cobalt boom still relatively nascent, there is an opportunity to disrupt this cycle and intentionally design a system that includes benefits-sharing throughout the supply chain. This will require thoughtful and proactive engagement on the part of a range of actors—including end-user companies—to ensure that the operations associated with their cobalt supply are conducted in consultation with and with the consent of host communities and local government authorities. Companies that use cobalt for "green technologies" should also develop programs to bring these technologies to the very communities that

Cobalt extracted in Congo is used to power electric vehicles and increasingly efficient electronics, while mining communities are left using rudimentary tools in dangerous work environments. Photo: Miners pull up a bag of cobalt their colleague is digging underground inside the CDM Kasulo mine. Kolwezi, Congo. Sebastian Meyer.

make their creation possible, and to mitigate or prevent the damages brought by extractives. And, given the particular risks posed to individuals and organizations in Congo that seek to expose corrupt practices by both the government and multinational companies, additional resources should be allocated for the protection of these whistleblowers.

In a September 2018 report, the Business and Human Rights Resource Center concluded, “The benefits of renewable energy risk being tainted by harms to people and livelihoods if the sector does not step up its engagement on human rights.”[22] The report notes that in addition to direct harms caused to people in the supply chain, ignoring risks or even the possibility of risk can place companies in legal trouble, which can result in a delay or cessation of operations as well as potentially significant financial consequences for companies, including penalties and missed profits. Additionally, the reputational risk of being associated with human rights abuses or corruption carries its own ramifications, some of which are already playing out for companies with regard to child labor in their cobalt supply chains.[23] In order for companies to gain access to the steady supply of cobalt needed for products such as electric vehicles and cell phone batteries, they should establish and implement rigorous systems for monitoring and addressing human rights and corruption risks throughout their supply chains, up to and including mine sites in Congo.

Similarly, environmental groups should incorporate human rights considerations into their programming as they push for more renewable energy options in order to ensure that the resulting benefits are not eclipsed by abuses in the supply chain.

Distinctions and Overlap between Artisanal and Large-Scale Cobalt Mining

The majority of Congolese cobalt is mined by industrial operations.[24] However, most cobalt miners and their families rely on artisanal, not industrial, mining as a source of income.[25] According to a 2017 report from the Center for Effective Global Action (CEGA) at the University of California, Berkeley,[26] the vast majority of cobalt miners in Congo—90 percent, or roughly 150,000 miners[27]—are employed by artisanal or small-scale mining (ASM). ASM cobalt mining is also an auspiciously lucrative livelihood in Congo. "An [ASM] miner gets an average $20 daily for a laborer miner," estimated a member of a miners' cooperative in Lualaba.[28] According to the World Bank, the average annual income per capita in Congo was just $450 in 2017, or less than $1.25 per day.[29]

While Congo is home to a wealth of natural resource reserves, its command over the global supply of cobalt is unparalleled: an estimated 58 percent of global cobalt production originated in Congo in 2017. Photo: An open pit at the Congo DongFang International Mining (CDM) Kasulo mine. Kolwezi, Congo. Sebastian Meyer.

Corruption manifests in different ways in large-scale mining (LSM) and ASM, but the two sectors are also intricately—and often invisibly—intertwined. Of the 90 percent of miners sustained by ASM, 74 percent work on dedicated artisanal sites, while the remaining 16 percent operate on concessions that have been allocated to industrial mining.[30] This interconnected relationship can create complex and often obfuscated statistics in terms of reliable data on ASM versus LSM material exports.

Artisanal cobalt mining is also rife with health and security risks to miners, particularly vulnerabilities based on demographics. Reliable statistics on women in artisanal mining in Congo are scarce—both in terms of aggregate, overarching statistics and mineral- or sector-specific statistics. Estimates of women miners in Congo's tin, tungsten, and tantalum sectors range from 10 to 30 percent, and up to 50 percent in gold.[31] Women in ASM also face heightened risks of gender-based abuses like sexual violence and economic control.[32] In the ASM cobalt areas CEGA surveyed, children made up roughly 13 percent of the workforce, a dynamic that has triggered attention by international human rights groups, media, and some end-user companies.

In 2016, Amnesty International and African Resources Watch (Afrewatch) jointly published a report detailing the role of child miners in Congo's artisanal cobalt sector,[33] and in 2017 Amnesty International published a follow-up report assessing corporate action to address the issue.[34] As a result, companies and industry associations have begun to spring to action, working to address child labor in their cobalt supply chains. Apple announced in March 2017 that it was cutting all artisanally mined Congolese cobalt from its supply chain until it could more concretely grasp the scope of the problem and put in place adequate controls to monitor for and address any risk of child labor.[35] Some other companies have taken similar steps in the hopes of eliminating child labor and the associated supply chain and brand risks.

Large-Scale and Artisanal Cobalt Mining: Both Feasible Options for Responsible Sourcing

While the businesses that have taken action in response to the concerns raised by Amnesty International, Afrewatch, and others deserve recognition—especially given that some companies have chosen to change nothing about their practices—cutting Congolese ASM cobalt from global supply chains will not solve the problems, and may in fact exacerbate them in some ways. As was illuminated in the conflict minerals context in Congo's Kivu provinces,[36] boycotting sourcing from certain areas or sectors can lead to devastating job loss for many legitimate miners, and can stimulate black-market growth. This would be particularly acute in the cobalt sector as the overwhelming majority of miners rely on ASM. If companies choose to cut ASM cobalt out of their supply chains but continue sourcing LSM cobalt from Congo, this could encourage ASM miners to participate in black-market or informal trade in order to access the continued demand. Additionally, sourcing exclusively from LSM does not eliminate the risk of child labor being present in a company's supply chain, or even guarantee that ASM material does not end up in final products, given the overlap that occurs between ASM and LSM mining activities.

Some LSM companies in cobalt mining areas are well known by miners for their practices of buying artisanal minerals and exporting them under an industrial label. Civil society activists in Kolwezi noted that many of these companies "hardly warrant the word 'mining company.' They're mostly running ASM export businesses that they export as industrially-mined minerals."[37] By either allowing artisanal miners to dig on their industrial concessions and then logging the minerals as part of their own production, or else purchasing minerals from artisanal miners elsewhere and incorporating them into their own supply, some LSM companies are able to mask the true origins of their minerals. This creates inaccurate export statistics on the volume of ASM versus LSM material leaving the country, resulting in the possibility that even end-user companies that have cut ASM Congolese cobalt out of their supply chains are unknowingly acquiring material that was artisanally mined by children.

By shifting demand away from artisanal and toward industrial mining, end-user companies may also inadvertently further feed corruption in Congo.

End-user companies can work to address inaccurate reporting and associated risks such as child labor by increasing visibility into their supply chain origins and also urging the Extractive Industries Transparency Initiative (EITI) multistakeholder group and the Congolese Ministry of Mines to integrate ASM reporting in Congo. Under the current EITI framework in Congo, exporting companies are not required to report on ASM material. Changing this requirement would help build documentation practices that could be refined to better identify and adjust for ASM minerals that are being incorrectly exported as LSM.

The Congolese government has also made industrial mining relatively more attractive than artisanal mining by providing tax breaks on industrial exports. This creates an incentive for artisanal miners to sell their minerals to industrial companies—transactions that are not always documented transparently. During consultations in April 2018 with a Congolese delegation to Washington, D.C., representatives from Congolese mining organizations noted that as long as a company pays its export fee, very little oversight is exacted to determine the origin of its exported minerals. The delegation implored the need for stricter cross-checks at the mine-to-export level of the supply chain in order to ensure traceability of ASM versus LSM material.[38] Otherwise, ASM material is effectively prohibited from being exported, with the consequence of unofficially encouraging the mixing of ASM material into the LSM supply. An employee from a transportation logistics company located in Kolwezi observed that "the export preferential arrangement . . . is what's killing Congo's economy."[39] By shifting demand away from ASM and toward LSM, end-user companies may also inadvertently further feed corruption in Congo.

Cobalt and Congo's Violent Kleptocracy

Congo has been ruled in many ways as a type of violent kleptocracy, in which the ruling regime and its networks of business partners and facilitators maintain control over some of the country's most valuable assets. This system has for decades been apparent in mining, and while cobalt mining has been no exception, the spotlight has only just shifted toward this sector as international demand exploded in recent years. Corruption in Congo's cobalt sector is conducted in a variety of intricate and interconnected ways. It ranges from small-scale bribery, to extortion, to sophisticated and opaque contracting deals that benefit the country's elite and their international collaborators. However, there is still an opportunity for relatively early interventions that can set the stage for a more transparent and ultimately stable cobalt supply chain in the future.

There are a few core components regarding corruption and inadequate transparency in Congo's cobalt sector that end-user and mining companies as well as governments can do more to address. On the LSM side, three key issues come to the fore: contract transparency; subcontract transparency; and transparency of joint venture partners, particularly state-owned companies. On the ASM side, the main concerns include: illegal involvement by military actors such as the Republican Guard[40] which, according to Congolese law, is restricted to protecting and providing escort for the president and guests of the republic;[41] the need for accurate and transparent documentation of artisanal mineral production and export data; and human rights abuses, including child labor and unsafe—sometimes deadly—working conditions.

Industrial Mining Corruption Concerns

In March 2018, the Congolese government adopted a revision to its 2002 mining code and the corresponding regulations were signed into law in June 2018. While this revision contains some enhanced social and environmental benefits, there is skepticism about how truthfully and expeditiously it will actually be implemented. As a staff member at one of Congo's largest copper and cobalt mining concessions noted, "It remains to be seen if [the new mining code's] enforcement won't suffer the fate the old mining code is suffering."[42] The new code is more in line with industry norms, whereas the 2002 code was widely considered to be exorbitantly favorable toward mining companies,[43] and to have included insufficient provisions for community development.[44] Conversely, businesses—in particular mining operators—have roundly criticized the new code for drastically changing tax structures and effectively vacating prior contracting arrangements. The new code initially raised royalties on copper and cobalt from 2 percent to 3.5 percent, which is in line with other major cobalt producers such as Australia, which has royalties between 2.5 and 5 percent.[45] However, Congo's new code also included the possibility of increasing cobalt and copper royalties up to 10 percent if either mineral were subsequently designated a "strategic substance."[46] In September 2018, reports contended that cobalt would in fact imminently (and predictably) be declared a "strategic substance,"[47] which will trigger this increase. Despite these changes, however, Congo's cobalt market remains one of the most competitive and business-friendly operating environments globally, at least on paper,[48] meaning companies will likely not be walking away anytime soon, regardless of their threats to do so.

After backlash from businesses, Minister of Mines Martin Kabwelulu announced that the government would be open to negotiating individual contracts on a case-by-case basis.[49] Such a move not only is technically illegal, but also could destabilize the nascent rollout of the new code, which would likely create a poor business environment for the majority of investors. The government has since walked back its position, stating that there will be "no compromise" with the new code,[50] though further clarification is needed to solidify what this means in practice. Concerns remain that companies, in particular large companies with adequate resources and political clout, will be able to negotiate directly with government officials. According to the Natural Resource Governance Institute, "An opaque approach to the management of resource rights risks opening the door to corruption."[51] As such, allowing individualized application of Congo's mining code through private negotiations would create circumstances where instances of preferential treatment, bribery, and other forms of corruption could increase.

One important gap, and an opportunity for end-user and mining companies to take action, is the lack of transparency of joint venture partners, particularly state-owned companies. Many multinational companies—including Glencore, China Molybdenum, Ivanhoe—have entered into joint ventures with Gécamines,[52] the Congolese state-owned mining company that is notoriously nontransparent with its finances. No independent, third-party audit of Gécamines' accounts has ever been published. According to research from the Carter Center[53] and Global Witness,[54] hundreds of millions of dollars went missing from Gécamines' accounts between 2011 and 2014. Without transparent information, both the public and mining companies are left in the dark about where the money goes, and are therefore unable to trace the true profiteers. As recommended in interviews with miners who are part of a mining cooperative in Lualaba: "Following the dirty money and making sure it's frozen must be part of the strategy to help clean up the sector."[55] End-user companies can have an impact on this issue by demanding greater transparency from Gécamines and other state-owned companies with which they have entered into joint venture partnerships, and requiring independent third-party audits and the publication of the resultant findings.

"Following the dirty money and making sure it's frozen must be part of the strategy to help clean up the sector."
-Miner at a mining cooperative in Lualaba, Congo

The EITI and organizations in the Publish What You Pay coalition have recognized the transparency of extractive industry contracts as being pivotal for rooting out corruption in the mining, oil, and gas sectors. Public reporting on contracts between governments and industrial mining companies provides critical information for comparing budgets with actual expenditures, especially in relation to the provision of services to the population. It also helps illuminate when a country does not get a fair price for its minerals—something that can signal corrupt deals are occurring. While this transparency on its own does not guarantee responsible practices, it does provide critical information to local and international media, whistleblowers, and anticorruption organizations in Congo, and to the international community that can pressure companies and government officials to improve their practices.

Congo did publish some of its cobalt contracts following the Mining Contract Review of 2007–2009.[56] Since then, however, a number of major mining contracts have not been published, raising questions about how much money the government and Gécamines have received. The Carter Center notes, "It is troubling that Gécamines has refused to publish contracts for several mining deals that may have generated more than half a billion dollars in 2016–2017."[57] In particular, three recent major deals have yet to be published: the 2016 sale of Gécamines' stake in Metalkol to Eurasian Resources Group, the 2016 strategic partnership and 2017 agreement with China Nonferrous Metal Mining (Group) Co. (CNMC) for Deziwa, and the 2016 deal regarding the shareholder change at Tenke Fungurume Mining (TFM) to China Molybdenum.[58] Without the information from these contracts, the public has little way of telling how much money Congo is supposed to receive for these minerals, or who is ultimately benefiting from them.

End-user companies can use their supply chain leverage to encourage the publication of these mining contracts by requiring the mining companies they source from to publish all the cobalt production contracts they have entered into in Congo, including joint cobalt/copper contracts where applicable. The publication of contracts should also include beneficial ownership information in order to provide a complete picture of who is truly profiting. Part of the reforms should also go through EITI implementation in Congo. The EITI multistakeholder group, which includes government, business, and civil society representatives, should require extractive industry companies in Congo to publish their contracts as part of EITI disclosure. This practice would move Congo beyond the EITI contract transparency pilot phase and toward meaningful action that would help the public gain access to information about the most important cobalt and copper mining contracts in the country.

> "We see international mining companies here in their numbers with no prior consultations with local communities, start their operations and leave without any warning, or suddenly change their corporate name."
> -Customary chief in Lualaba, Congo

According to interviews Enough Project researchers conducted in a cobalt mining region in Congo, the Congolese government creates preferential arrangements that allow for nontransparent and constantly shifting operations—the ideal environment for corruption. As a customary chief in Lualaba observed, "We see international mining companies here in their numbers with no prior consultations with local communities, start their operations and leave without any warning, or suddenly change their corporate name."[59] This and similar sentiments expressed during interviews indicate a lack of transparency in mining operations and fluid beneficial ownership structures that make oversight and regulation difficult. There is a timely opportunity to improve these practices: Congo's new mining code includes mandatory disclosure of beneficial ownership information. However, the EITI multistakeholder group must first make recommendations on how to implement this in practice, and the recommendations must then be concretized by way of a decree from the Congolese prime minister. Companies, governments, and international organizations should urge both the EITI multistakeholder group and the

Congolese prime minister to prioritize the creation and implementation of these recommendations in order to address the range of issues associated with undisclosed beneficial ownership.

The case of Dan Gertler also highlights the need for increased beneficial ownership transparency, sanctions enforcement, and scrutiny on the part of companies doing business in Congo. Fleurette Properties—headed by Dan Gertler, who was sanctioned by the U.S. Department of the Treasury in December 2017 for his corrupt business dealings[60]—has been linked to transactions[61] in which top Congolese officials, including potentially President Kabila himself, personally received millions of dollars in exchange for allocating mining rights. This was made possible through deals in which Gécamines would sell mining assets to Fleurette at prices that have been assessed by outside groups as below market value, which Fleurette would then flip and sell at a profit, netting a loss for Congolese citizens and a profit for regime leaders and their international collaborators. For example, as cited by the Treasury Department sanctions announcement, in 2013 Mr. Gertler sold the Congolese government the rights to an oil block for $150 million.[62] Mr. Gertler had previously purchased that same oil block from the Congolese government for a mere $500,000.[63] In 2016, the U.S. Department of Justice plea agreement with New York hedge fund Och-Ziff said that, according to sources familiar with the case, Mr. Gertler (denoted as "DRC Partner" in the document) paid President Kabila (denoted as "DRC Official 1") $10 million.[64] Despite the U.S. sanctions, in 2018 Glencore – which mines cobalt in Congo and has a joint venture partnership with Gécamines – announced its intentions to continue paying Mr. Gertler, claiming the transactions will not be in U.S. dollars and that no U.S. persons will be involved so as to not violate the sanctions.[65] U.S. law enforcement and sanctions authorities should prioritize enforcing the sanctions against Mr. Gertler by scrutinizing U.S. companies, affiliates, and individuals involved in cobalt contracts with links to Mr. Gertler.

Nontransparent subcontracting is another significant loophole that Congolese government officials and members of the presidential family have taken advantage of for illicit gain. Mining companies subcontract out much of the work needed to extract minerals, such as blasting and construction. These subcontracts can total hundreds of millions of dollars. While subcontracting is standard practice globally, in Congo it has become a major means of facilitating questionable transactions. In 2017, Bloomberg reported that President Kabila's brother Zoe owned a company that was a subcontractor for Canadian mining giant Ivanhoe, Australia's Nzuri, and Canadian gold company Moto Goldmines, the latter of which was later bought by Randgold and AngloGold Ashanti.[66] As of 2017, none of these multinational mining companies had reported that Zoe's company was the beneficiary of the subcontracts,[67] though Ivanhoe denied having interacted with Zoe or having knowledge of his interest in the companies at the time of doing business.[68] And despite being a joint venture partner with several major multinational mining companies, Gécamines is also nontransparent about its subcontractors, making it difficult for end-user companies to discern who is actually benefiting.

To help close this loophole, end-users should require that the cobalt mining companies in their supply chains—including joint ventures with state-owned companies such as Gécamines—identify all contractors and subcontractors that provide services above a reasonable threshold (e.g., $100,000)[69] and disclose this information as well as the beneficial ownership information. The aforementioned EITI multistakeholder recommendations on beneficial ownership should also include specific reference to disclosure of subcontractor beneficial ownership information to further aid in this push for increased transparency.

Artisanal Mining Corruption Concerns

Congo's minerals have long been a source of funding for armed actors—rebel and military units alike—most notoriously in eastern Congo's tin, tantalum, tungsten, and gold mines. The business of mining for illicit gain is often facilitated by atrocities, including the murder of civilians, child soldier recruitment, and widespread rape. While cobalt mining in Congo does not occur in areas typically associated with conflict, the Republican Guard is an armed entity known to have interfered in Congo's cobalt mining, with particularly insidious objectives. The Republican Guard is an elite security force controlled by President Kabila and not integrated into the national army (known by the French acronym FARDC). As described by the Africa Center for Strategic Studies, "This feared institution is better trained, equipped, and paid than the FARDC, and its control runs outside the army chain and command. It is also seen as more loyal to the government than the army is, thereby serving as buffer against coups or professionally minded officers withdrawing support from the regime."[70]

Congo's minerals have long been a source of funding for armed actors. Photo: A miner collects small chunks of cobalt. Kolwezi, Congo. Sebastian Meyer.

Multiple people interviewed by Enough Project researchers in Lualaba observed the presence of the Republican Guard at artisanal cobalt mine sites. This is concerning for human rights observers, given the fiercely loyalist role the Republican Guard plays in Congo. While their presence at mines alone is illegal,[71] there are also indications Republican Guard forces are violently or otherwise forcefully repressing disputes at mine sites. According to civil society activists in Lualaba, "[Republican] Guards step in to silence any protests or claims for high grade or price by miners."[72] A member of Congolese civil society also stated in a September 2018 interview with the Enough Project that there are armed and uniformed Republican Guard forces stationed at several cobalt mines.[73] The 2017 CEGA report found that:

> *18% of mines are secured by the secret service and 13% by the [Republican Guard]. These organizations have been found to act as predatory networks for rent-extraction . . . and do not have a mandate for working at the mines. In general, these organizations likely generate rents by using their positions for private gain. Further, as the secret service and [Republican Guard] are accountable to the central government, they may be extracting rents for patronage networks that reach senior levels of government.*[74]

In 2016, researchers for the Congo Research Group visited a copper and cobalt mine site called Katekete and found that "two Republican Guard soldiers protected the site, and artisanal miners in the region said the mine was controlled by the presidential family."[75] These direct links to President Kabila and his family highlight the importance the regime places on the cobalt sector and the lengths to which they are willing

Corruption can lead to safety hazards for artisanal miners, who conduct the majority of their mining operations by hand or with simple equipment. Photo: A young miner digs for cobalt inside the CDM Kasulo mine. Kolwezi, Congo. Sebestian Meyer.

to go to ensure control over profits. These dynamics add to and reinforce the need for increased transparency and due diligence on the part of end-user companies in order to cut off the flow of illegal financial assets into corrupt institutions.

In addition to illegal armed actors at artisanal mine sites, the Congolese government agencies designed to provide technical assistance to miners are in some instances reportedly actively involving themselves in operations in ways that exceed their mandate. In particular, the Support and Supervision Service for Small Scale Mining (Service d'Assistance et d'Encadrement de l'Exploitation Minière à Petite Echelle, or SAEMAPE), appears to have become a strongman enforcement agency, sometimes in collaboration with the Republican Guard. "SAEMAPE has also become a criminal police in the mines," Enough Project researchers were told. "Instead of providing miners with technical support and equipment, SAEMAPE staff step into any miners' disputes and fine [the miners]. Any resistance to SAEMAPE authority is quelled either by the mining police or the Republican Guard."[76]

Corruption within SAEMAPE also leads to safety hazards for ASM miners, who conduct the majority of their mining operations by hand or with simple equipment. Civil society activists in Lualaba observed:

> *Highly graded minerals are often found deep, below the 30 meters that is the [artisanal mining] norm. But that's never an issue for miners. ... SAEMAPE staff will come and ask for their share. It's always in terms of millions of Congolese francs—10 million francs is the lowest amount. Once they get the money, [the artisanal miners] are allowed to dig as deep as possible. They will pursue the vein regardless of the number of days that it requires. Very often tunnels end up becoming burial grounds for miners. Cave-ins, rock and landslides, and mine collapses are very common here.*[77]

The civil society activists added, "SAEMAPE staff is omnipresent in [cobalt and copper] mines. They're at the kingpin of miners' impoverishment and mine collapses. A SAEMAPE staff member gets an official monthly salary of ninety thousand Congolese francs [approximately $55 as of the October 2018 exchange rate]. However, it's dazzling that they own USA-made jeeps and luxurious villas in town. All that is done at the miners' expense."[78]

"SAEMAPE staff is omnipresent in [cobalt and copper] mines. They're at the kingpin of miners' impoverishment and mine collapses."

-Civil society activists in Lualaba, Congo

This type of interference and bribery in the ASM sector could be written off as low-level corruption or a means of subsistence for under- or unpaid civil servants operating in a cutthroat environment. While that level of corruption alone is cause for concern, especially given the small and critical profit margins artisanal miners already face, the Enough Project's research indicates that the level and type of corruption occurring is much more deeply entrenched, and feeds into the larger system of violent kleptocracy run by the upper echelons of the Congolese regime.

Recommendations

These recommendations were developed to bridge the gap between the calls for change that emerged from our research in Congo and the pre-existing tools available to companies looking to create and maintain supply chain reform, as well as to international policymakers and regulatory authorities seeking to disrupt kleptocratic networks. The second report in this series will include a further analysis of the downstream initiatives already under development with regard to cobalt.

The recommendations below are aimed mostly at end-user companies, especially in the electric vehicle and consumer electronics industries, with additional recommendations included for consumers, activists, governments, and financial institutions. While multilateral approaches are needed to address this issue, the focus here is on end-users because they ultimately have the largest sway over supply chain transformations, and they in turn are most likely to be influenced by public reporting and campaigning. This does not preclude the need for behavior and policy change from the Congolese government, mining companies operating in Congo, or any myriad other actors contributing to the status quo. As is the case throughout this report, the recommendations focus specifically on cobalt, but much is also applicable to the copper sector given its proximity and overlap with cobalt mining.

End-user companies, especially in the electric vehicle and consumer electronics industries, should:

1. **Conduct thorough and consistent due diligence and public reporting, with attention to corruption-related risks.** In addition to end-users, all companies along the cobalt supply chain, including producers in Congo, should conduct due diligence in accordance with the Organization for Economic Cooperation and Development (OECD) due diligence guidance and publish Step 5 reports that detail their risk-based due diligence approach. This includes taking mitigation steps up to and including terminating activities or contracts if identified risks are not adequately addressed, and using the OECD Annex II guidelines in particular to monitor and address corruption-related risks, including the presence of the Republican Guard and/or other public security forces and armed actors at mine sites.

2. **Collectively, through relevant industry associations, visit cobalt mine sites to ensure compliance and reinforce their prioritization of transparency and anticorruption initiatives.** Taking trips to cobalt mining areas, speaking with mining company representatives in person, observing how and where ASM and LSM operations commingle, etc., would demonstrate a commitment on the part of end-user companies who wish to build a transparent cobalt sector in Congo. While these trips can be taken on an individual company level, it is preferable for companies to utilize industry associations to organize joint trips in order to both minimize the amount of coordination and logistics required and maximize the potential impact through collective action.

3. **Use supply chain leverage to increase contract and subcontract transparency.** This includes: obtaining and publishing the legal and beneficial ownership structures of the mining companies from which they source cobalt, including all joint venture partners; requiring producers and suppliers to publish all cobalt and copper production contracts they have entered into in Congo; requiring all producers of cobalt to identify all contractors and subcontractors that provide services in excess of a reasonable threshold (e.g. $100,000) to the producer; and requiring disclosure of payments to governments.

4. **Contribute to benefits-sharing and livelihoods programs and comply with internationally recognized frameworks for obtaining and maintaining consent to operate from host communities.** Companies that are not already doing so should seek to gain and maintain consent from the communities in which they are operating by implementing relevant recommendations outlined in the International Finance Corporation's Performance Standard 7 on Indigenous People and Free, Prior, and Informed Consent; the U.N. Declaration on the Rights of Indigenous Peoples; and the U.N. Guiding Principles on Business and Human Rights. Additionally, end-user companies should allocate resources for community development projects in cobalt mining areas, in particular projects that correlate to the renewable energy technology made possible by cobalt mining. Due to the high-risk nature of anticorruption work by Congolese civil society individuals and groups, companies should coordinate with governments, multilateral development banks, and other donors to contribute funds for assistance and protective mechanisms to enable these actors to continue to blow the whistle.

5. **Require producers and suppliers to fully report on which minerals are artisanally mined on their concession or in their possession, as the case may be.** Due to the human rights risks associated with ASM cobalt as well as the documented cases of ASM material being fraudulently exported under LSM licenses, companies should seek to fully map the origins of their supply. Sourcing should not be discouraged from either ASM or LSM in Congo; rather, companies should trace supply chains and perform due diligence to ensure they can responsibly obtain an adequate supply from both.

Consumers and activists should:

1. **Contact companies that use cobalt and request information about their supply chain due diligence.** Companies respond to consumer pressure. If consumers make it clear to companies that a critical factor in their buying choice is ensuring that products containing cobalt come from a supply chain not associated with corruption, violence, or human rights abuses in Congo, companies will respond. Consumers should ask questions, write letters to high-level company executives, share materials, and make clear their preference for brands that source cobalt responsibly. Consumers must demonstrate that there are people willing to purchase products

from companies that operate transparently and proactively with regard to addressing risks in their cobalt supply chains.

2. **Begin conversations and build networks with environmental groups to incorporate human rights and anticorruption considerations into public and private campaigning on renewable energy technology priorities.** Creating alliances with groups that have intersecting priorities will amplify reach for both groups and will increase the likelihood that companies adopt the practices being recommended. Activists in the human rights, anticorruption, and environmental spaces can all gain traction on their specific issue sets by collaborating on common goals.

The United Nations, United States, European Union, and other governments should work in coordination with banks, international financial institutions, and end-user companies to:

1. **Recommend the EITI multistakeholder group and the Congolese mining ministry integrate ASM reporting into EITI reporting in Congo.** Currently, EITI does not require exporting companies in Congo to report on ASM minerals. However, this will be up for consideration in 2019, at which point the multistakeholder group could vote to integrate ASM reporting. Governments and companies should implore the multistakeholder group and the Congolese government to not delay these discussions and to ensure ASM reporting is indeed integrated, given the links between corruption, violence, and artisanal cobalt mining. Transparent reporting on this issue would help identify where companies should focus their traceability and due diligence efforts and would provide more accurate export data.

2. **Urge the Congolese prime minister to sign a comprehensive decree requiring the publication of the beneficial owners of LSM and ASM companies—as well as subcontractors—operating in Congo, following recommendations from the EITI multistakeholder group.** The 2018 Congolese mining code and corresponding regulations call for mandatory disclosure of beneficial ownership information; however, the EITI multistakeholder group must first make recommendations on how these disclosures should be structured, and the Congolese prime minister must then sign a decree in order for them to be implemented. A recommendation from the multistakeholder group that includes guidelines for subcontractor disclosure—followed by a correspondingly comprehensive decree from the prime minister that is then implemented—would greatly increase transparency and prevent corruption by helping unearth the true owners of mining companies and subcontractors.

3. **Ensure that resources are devoted to protecting whistleblowers in Congo's cobalt mining areas, including human rights activists, criminal investigators, and transparency activists exposing abuses and corruption in the sector.** The U.N. Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) should, in carrying out its existing mandate to protect civilians, devote resources to protect civilians in Congo's cobalt mining sector, including

human rights investigators, journalists, and anticorruption activists probing and exposing abuses. The U.S. Agency for International Development as well as the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor should expand the funds available for protections for whistleblowers and their families. Other governments and individual donors as well as end-user companies should provide similar funding options.

4. **Increase efforts to target illicit financial networks, including investigations into illicit mining activities.** The U.S. and the E.U. sanctions authorities[79] as well as the U.N. Security Council should focus on networks connected to the Kabila regime, given the significant overlap between illicit cobalt mining profits and President Kabila's corrupt and violent approaches to remaining in power and delaying elections. Where appropriate, this should include implementing additional sanctions designations on individuals and entities found to be engaging in grand corruption.

5. **Investigate potential law violations.** The U.S. Department of Justice, with cooperation from the U.S. Department of the Treasury and Federal Bureau of Investigation, should investigate whether the announcement by mining company Glencore that it has resumed euro-denominated payments to U.S.-sanctioned businessman Dan Gertler violates applicable laws, and determine whether sanctions evasion or violations have occurred. U.S. and foreign authorities should also investigate supply chain regulation violations related to child labor.

6. **Enforce sanctions and apply anti-money laundering measures.** Financial institutions—particularly in the European Union and those who maintain correspondent banking relationships with institutions in Congo—should review and mitigate the sanctions implications and anti-money laundering risks associated with providing financial services to those involved in payments between companies subject to compliance with sanctions regimes and individuals or entities under sanctions designations.

7. **Prosecute domestic economic crimes.** Congo's military justice system, together with MONUSCO human rights and justice units, should probe potential violations of domestic and international law in Congo's cobalt sector, including embezzlement, illegal taxation, forced labor, and theft, as part of existing efforts underway to prosecute economic crimes.[80]

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[57] Carter Center, "Carter Center Releases Comprehensive Report on the DRC's State-Owned Mining Company and Investment Partners," Press release, November 3, 2017, available at https://www.cartercenter.org/news/pr/drc-110317.html.

[58] *Ibid.*

[59] Enough Project focus group meeting with customary chiefs, Lualaba, Democratic Republic of Congo, February 2018.

[60] U.S. Department of the Treasury, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe."

[61] The Carter Center, “A State Affair.”
[62] U.S. Department of the Treasury, “United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe.”
[63] *Ibid.*
[64] See Rights and Accountability in Development Limited, “‘Bribery in its purest form’: Och-Ziff, asset laundering and the London connection,” (January 2017): “’[i]n or about and between November 2010 and February 2011, DRC Partner caused approximately $20 million in corrupt payments to be made to various DRC officials’. The DOJ provides details of five corrupt payments totalling $10 million to DRC Official 1...” available at http://congomines.org/system/attachments/assets/000/001/210/original/oz_bribery_in_its_purest_form_full_report.pdf?1484034235
[65] Tom Wilson, “Glencore Tests U.S. Sanctions Resolve with Gertler Payments,” Bloomberg, June 15, 2018, available at https://www.bloomberg.com/news/articles/2018-06-15/glencore-to-restart-payments-to-sanctioned-billionaire-gertler.
[66] Cosha Investments, which in certain cases took majority stakes in companies that were subcontractors to industrial mining companies. See also Tom Wilson, “Diggers, Drivers, Diamonds: How Congo’s Zoe Kabila Makes Money,” Bloomberg, July 18, 2017, available at https://www.bloomberg.com/news/articles/2017-07-18/diggers-drivers-diamonds-how-congo-s-zoe-kabila-makes-money.
[67] See Tom Wilson, “Kabila’s roots snake deep in Congo,” available at https://www.bloomberg.com/news/articles/2017-07-18/diggers-drivers-diamonds-how-congo-s-zoe-kabila-makes-money; and “Ivanhoe's Congo Success Follows Deals With Kabila's Brother,” Bloomberg, July 17, 2017, available at https://www.bloomberg.com/news/articles/2017-07-17/ivanhoe-s-congo-success-follows-deals-with-president-s-brother.
[68] Ivanhoe Mines, “Ivanhoe Mines says Bloomberg stories on Ivanhoe's success in the Democratic Republic of Congo are flawed by a deceptive headline, errors and omissions of critical facts,” Press Release, July 19, 2018, available at https://www.ivanhoemines.com/news/2017/ivanhoe-mines-says-bloomberg-stories-on-ivanhoes-success-in-the-democratic-republic-of-congo-are-flawed-by-a-deceptive-headline/.
[69] This number was determined based on interviews with people familiar with Congo’s mining sector and contracting process. It is meant to serve more as a guideline for due diligence rather than an absolute figure.
[70] Africa Center for Strategic Studies, “Security Sector Institutions and the DRC’s Political Crisis,” December 20, 2016, available at https://africacenter.org/spotlight/drc-congo-security-sector-institutions-helping-impeding-political-reform/.
[71] Congo Research Group, “All the President’s Wealth” (July 2017), p. 11: “There are limits on how the President’s Republican Guard can be legally used, according to the 2011 Law on the Armed Forces, which limits the tasks of the guard. It says the force can only be used to protect the president and distinguished guests of the republic, presidential facilities, and provide an honor guard and escorts at the level of the presidency. It does not say the elite unit is allowed to protect businesses or mines belonging to the president’s family.” Available at https://allthewealth.congoresearchgroup.org/dist/assets/all-the-presidents-wealth-ENG.pdf.
[72] Enough Project focus group meeting with civil society members, Kolwezi, Democratic Republic of Congo, February 2018.
[73] Enough Project phone interview with Congolese civil society member, Washington, DC, September 2018.
[74] Faber, Krause, and Sánchez De La Sierra, “Artisanal Mining, Livelihoods, and Child Labor in the Cobalt Supply Chain of the Democratic Republic of Congo.”
[75] Congo Research Group, “All the President’s Wealth,” p.21.
[76] Enough Project focus group meeting with civil society members, Kolwezi, Democratic Republic of Congo, February 2018.
[77] *Ibid.*
[78] *Ibid.*
[79] The United States should take action to this effect under the authorities provided in Executive Order 13671, “Taking Additional Steps to Address the National Emergency with Respect to the Conflict in the Democratic Republic of the Congo,” and the Global Magnitsky Act.

[80] For more information on these efforts, see United States Institute of Peace, "Prosecuting Economic and Environmental Crimes," December 1, 2016, available at https://www.usip.org/publications/2016/12/prosecuting-economic-and-environmental-crimes.