



In the Heart of the Rubaya: The Need for Environmental & Climate Justice among Mining Communities



*In memory of miners who were killed by land sliding
at the Rubaya Mining Sites*

FONDATION POUR LA PAIX ET LE DEVELOPPEMENT



Foundation for Peace and Development



Congress of Nations and States

Publication date: July 2026

In the Heart of the Rubaya: The Need for Environmental & Climate Justice among Mining Communities

In memory of miners who were killed by land sliding at the Rubaya Mining Sites

Funded by: International Coalition of Sites of Conscience + UNITE Academy



Researcher/Author:

Dr. John M. Mugisa, Foundation for Peace and Development
John.mugisa@gmail.com

Contributions by:

Congress of Nations and States
www.cnsintl.net

Publication date: July 2026

Executive Summary

This report seeks to raise awareness regarding environmental injustices while emphasizing the need for sustainable management of natural resources, protection of ecosystems and biodiversity, and the respect for the rights of local people working at Rubaya mining sites.

There is an urgent need to highlight the drastic environmental damage and social inequalities caused by mining, empower local communities, promote sustainability and ensure equitable benefits and protections amid the global demand for critical minerals.

The report seeks to amplify the voices and rights of local people affected by mining and environmental degradation. Mining operators and other stakeholders need to be held accountable for the catastrophes caused by illegal mining that they support by using non-conventional mining extractions.

The report also seeks to align Rubaya mining injustices to climate justice with the broader frameworks in order to strengthen policies on mining. Our aim in publishing this report is to generate strategic collaboration for advocacy in order to leverage power to hold mining companies liable. The report amplifies the voices of local communities by uniting diverse stakeholders, miners, Non-Governmental Organizations, civil society, and international partners engaged in climate justice and rights.

This report gathers and presents solid evidence of the mining situation in Rubaya through interviews of miners working in Rubaya mining sites. Our hope is that through the images¹ and their testimony produced in this report, the world will take time to think of holistic solutions which incorporate climate justice, rights, and dignity of all people in the Rubaya communities.

¹ The pictures were taken from Gasasa and Gakombe mining sites in Rubaya, which are located in PE 4731.

Introduction

The Democratic Republic of the Congo (DRC) is one of the largest countries in sub-Saharan Africa and the fourth most populous in Africa, with an estimated population of over 110 million in 2025. It is a unitary multiparty republic with Kinshasa as its capital, and it plays a key role with regard to peace, stability, and economic development in Central Africa and the Great Lakes region. Geographically, the DRC features vast tropical rainforests, the Congo River basin, mountains and volcanoes in the east, and a small coastline. It is enriched with exceptional biodiversity and large arable lands.

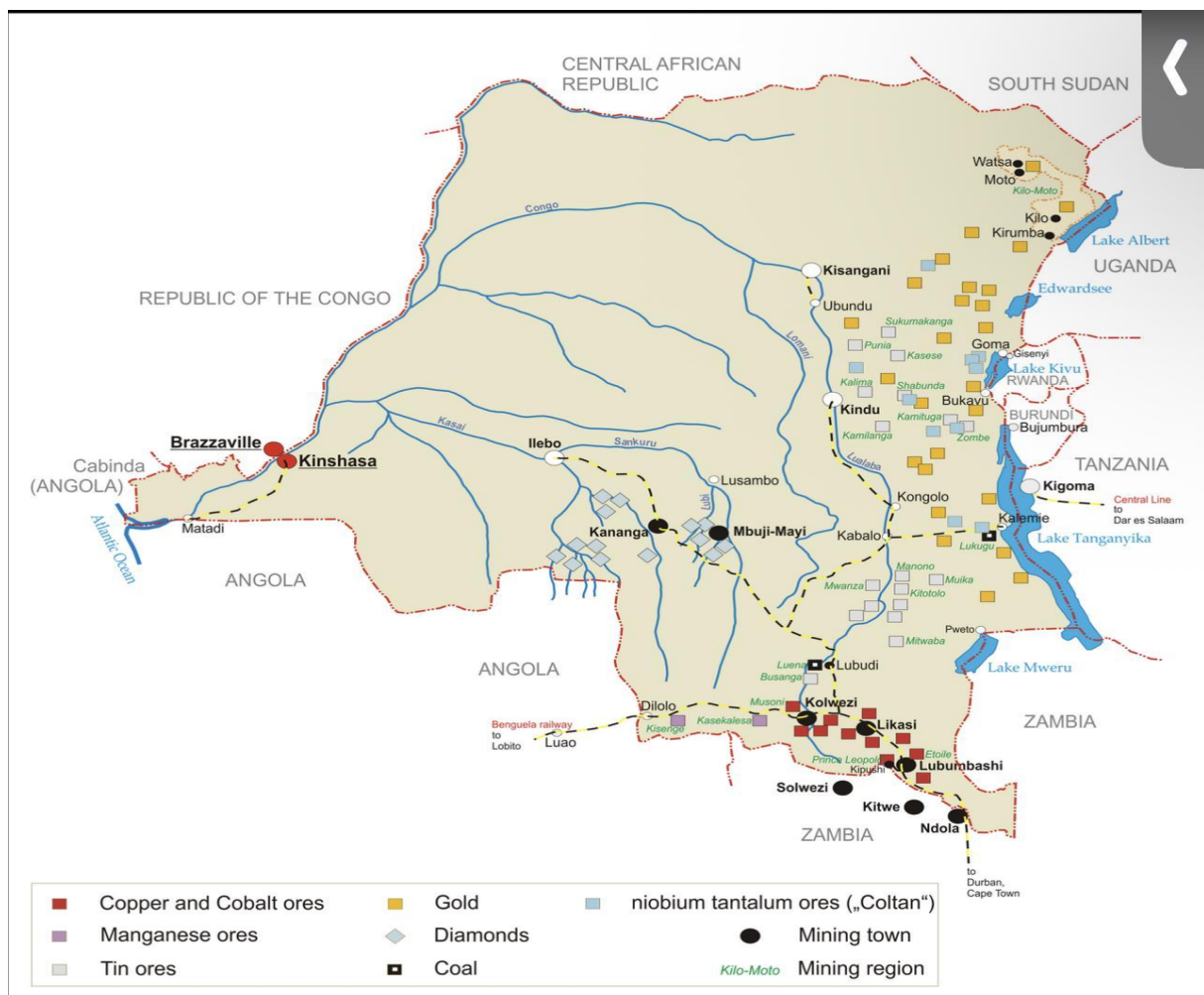
The DRC is one of the world's mineral rich countries. The DRC copper reserves are primarily in the Copper belt region that includes provinces like Haut-Katanga, Lualaba, Tanganyika, and Haut-Lomami. It produces more than 70% of the world's cobalt and about 15% of global copper that significantly impact both regional and global markets. In 2024 it was reported that the DRC produced 220,000 tons of cobalt, representing about 84% of global supply while in 2025 the production increased to 237,300 tons or roughly 72% of the global production. Projections estimate that 247,000 tons will be produced in 2026.²

The DRC is central to supply chains for electric vehicle batteries, strong alloys, and renewable energy technologies. The DRC is also a major producer of gold, diamonds (industrial and gem-quality), tin (from cassiterite), tungsten (from wolframite), and manganese, lithium, and niobium tantalum ores (from coltan). Other mineral deposits include zinc, uranium, coal, silver, cadmium, germanium, platinum, including methane gas reserves in Lake Kivu and a good quantity of petrol in Lake Albert in Ituri Province generate over 90% of the country's export earnings and roughly half of government revenues.

In eastern DRC, the Rubaya mining sites are the world's most significant sources of critical minerals, essential for manufacturing smartphones, fighter jets, medical implants, and other advanced electronics. Particularly, tin, tungsten and tantalum are collectively known as the '3Ts' and are recognized as critical minerals worldwide because of their essential roles in high-tech manufacturing like defense (aerospace), communication and electronics etc. Tin is used in soldering electronics, coatings, and batteries, while Tungsten is valued for extreme hardness in cutting tools, alloys, and lightening filaments. Moreover, Tantalum is essential for capacitors in smartphones, medical devices, and jet engines due to its capacitance and corrosion resistance.

² Town of Watertown, NY: <https://townofwatertownny.gov>.

The city of Rubaya is located in Luundje village, Muvunye Matanda County, in Bahunde chieftaincy, Masisi Territory, North Kivu Province in the Democratic Republic of Congo. It is situated not far from the Town of Goma, about 60 kilometers from the west side of Goma. Traditionally, Rubaya is a land of the Bahunde Ethnic group. The city of Rubaya has seen a huge demography since the explosion of Coltan in early 2000. At that time, its population was counted in tens of thousands, but today it has reached over one hundred thousand people coming from all different parts of the country and from all walks of life. Today, Rubaya has become a cosmopolitan city, attracting even foreigners. The exploitation of coltan in Rubaya produces approximately 1,000 metric tons per year, accounting for roughly half of the DRC's total production and around 15 percent of the world's tantalum supply.³



The Rubaya mining site in eastern DRC is one of the world's known mining sites where, despite its vast mineral wealth, it faces significant challenges driven by artisanal mining, illicit trade, and political instability. This situation has led to a dark and opaque mineral supply chain where minerals are illicitly funneled into many channels, bypassing official traceability and regulatory mechanisms. The artisanal miners operate under harsh conditions without proper protections or formal government approvals, exacerbating environmental degradation and undermining mining law enforcement.

³ The Africa Report.

The illicit mining and trafficking activities have deepened instability, with the presence of rebel groups, managing mining operations to fund their insurgency. Corruption and collusion involving local authorities and various actors hinder efforts to formalize and regulate artisanal mining, promoting illegal exploitation and smuggling. This state of affairs fuels ongoing violence, abuses including forced labor and child labor, and environmental harm, while depriving tax revenues from one of the world's richest coltan sources.

There are no major corporate mining companies officially operating in Rubaya. The region's vast coltan and tantalum reserves are primarily exploited through unregulated artisanal mining, involving 20,000 to 30,000 local miners.

The mining at Rubaya is mainly artisanal, with approximately 30,000 miners working under challenging conditions, often without protective gear and earning low daily wages. The sites are partially mechanized thanks to reinvested profits. In addition, these mining activities have caused severe environmental degradation, including deforestation, destruction of agricultural land, toxin pollution, and recurrent river flooding. The mining operations have also led to grave social consequences, such as loss of life, injury, displacement, poverty, eviction from homes, and violence linked to the control over mineral resources by armed groups.



The Rubaya community itself has perceived no positive benefits from these mining activities despite their daily forced labor. Furthermore, the extractive activities in Rubaya and the broader Eastern DRC region have exacerbated environmental problems linked to climate change and biodiversity loss and serious human rights violation. Despite the efforts and initiatives within DRC and in the region to address climate injustices, emphasizing sustainable management of natural resources, protection of forests, and the respect for the rights of local people – severe climate injustices are still huge and negatively affect the people in Rubaya.

The significance of examining environmental impacts at Rubaya mining sites lies in understanding and addressing the effects of mining activities on the local ecosystem, community health, and sustainable development. Therefore, there is an urgent need to address the drastic environmental damage and social inequalities caused by mining, empower local communities, promote sustainability, and ensure equitable benefits and protections amid the global demand for critical minerals. In other words, compliance with legal and regulatory frameworks which require environmental impact assessments is important to mitigate risks and promote responsible mining practices. Given that Rubaya is a significant site for 3Ts production in the Democratic Republic of Congo, these assessments will help manage the environmental toll of mining amidst socio-political challenges and ensure that mining contributes positively to the country's sustainable development. It is hoped that the outcome of this project will help in creating sustainable mining practices that consider social, health, and economic environmental preservation.



Despite the fact that the DRC has implemented the Extractive Industries Transparency Initiatives (EITI); and revised its mining code to increase royalties and introduced 'strategic minerals' taxes; law enforcement, smuggling, and the elite capture remain major challenges to protect environmental ecosystems and biodiversity around mining sites. The mining activities carried in Rubaya have caused severe environmental degradation. The mining operations have also led to grave social consequences. The Rubaya community itself has perceived benefits from these mining activities as very harsh and unbearable for human beings.

Climate change has also been a significant source of misery in the DRC. The DRC hosts 60% of the Congo Basin Rainforest and has continued to protect these areas with progressive environmental laws. However, as of 2023, sources indicate that the DRC is the 16th largest emitter of greenhouse gases, this is despite being rich in forest area, and the destruction of these forests emits large amounts of emissions.⁴ What is significant to note is that mining activities lead to air pollution, water contamination, and deforestation? In a country where changes to land use are major contributors to climate change, it is important for policymakers and advocates to understand the larger threat that mining activities cause in the DRC.

Methodology and Sources

The author of this report collected data using one-to-one interviews. This method is valuable in the context of this study because it enables in-depth explorations of individual experiences, perceptions and motivations. In this report, nuanced personal insights are vital as the report is about a situation concerning individuals in the context of severe insecurity, both accidental in terms of earth sliding and violence caused by armed groups. For consistency, participants were given fixed questions while allowing flexibility and follow-up probes to uncover deep meaning and essence. Ten questions aligned with the objectives of the report were distributed to 11 participants. The initial idea was to recruit participants in focus groups. But for security reasons, it was not possible to gather people in one place and several times. Then he opted for one-to-one interviews. This method captured rich and detailed perspectives from miners, community members, and stakeholders; providing insights from their mining experiences, behaviors, conditions and interactions. The method was suitable in settings with predominantly Rubaya artisanal mining. The method helped maintain consistency across interviews for comparability, viability, and triangulation while giving room to explore important emerging issues, which may not have been anticipated in the fixed questions. This flexibility made it ideal for acquiring in-depth insights regarding the challenges and conditions at Rubaya mining sites. Thus, from this method, the report is able to generate miners' perceptions of safety and working conditions, economic benefits, and environmental issues. Additionally, the method's open-ended nature encouraged participants to express themselves more fully than closed surveys would allow, which is crucial in understanding sensitive or complicated matters and the characteristics of artisanal mining contexts like Rubaya.

⁴ Carbon Brief, February 13, 2024, <https://interactive.carbonbrief.org/the-carbon-brief-profile-drc/index.html>

Some of the questions that were asked are as follows:

- Can you describe a typical day working at the Rubaya mining site?
- What are the main activities and challenges?
- How has working in mining affected your life and that of your family?
- What safety measures are in place at the mining site, and how effective do you think they are?
- Can you share your views on the economic benefits and risks related to mining here?
- How do you perceive the relationship between miners and the local community?
- What environmental changes have you observed around the mining area, and how do they impact your work and life?
- Have there been any conflicts or cooperation issues among miners or with other stakeholders?
- How were they addressed?
- What improvements or support would you like to see for miners and their working conditions at Rubaya?

Thematic Analysis

Data analysis started with the translation of participants' answers from Swahili (vernacular language) into French, then from French into English. Thematic analysis was used to identify recurring patterns. In total six themes were identified from the interviews. These are:

- **Mining Processes**
- **Working Conditions/Safety**
- **Miners' Well-Being and Economic Benefits**
- **Community Interactions and Relationships**
- **Environmental Rights**
- **Change/Improvement**

Mining Processes

The mining processes in the DRC are strictly regulated by the Mining Code of 2002 as amended by Law N° 18/001 of March 9, 2018. The code includes the following processes:

- Prospection in terms of a temporary non-exclusive authorization to explore;
- Exploration or research permit valid for 4 years, renewable once for 5 years, on the condition that the Permit Holder must report on working process to the mining registry;
- Exploitation or mining license, which is granted only after a technical and environmental assessment, allowing for industrial or small-scale operations. It's very important to mention that at this stage, the Permit Holder has the obligation to build infrastructure for the community in which they are mining. They are also allowed to fully mine, process and sell minerals;
- Closure/Reclamation: once the mining period has expired, the operations must develop a closure plan and rehabilitation.

Unfortunately, these processes are not respected at Rubaya mining sites by most operators. Some of them get stuck at the prospect or exploration stages. They do not report back to the mining registry nor renew their permit. The Mining Code gives nine years of exploration; some operators remain at this stage forever. This is due to corruption and traffic of influence by politicians. It is also important to mention that some of the sites are controlled and managed by armed groups that do not take into consideration the Mining Code. They exploit minerals without any license and are not liable to any ill in terms of environmental norms.

The coltan mining at Rubaya is vital globally due to the rare metal tantalum it yields, making it a highly strategic and economically valuable resource. However, the situation is complex as it involves armed group control, illicit trafficking, and humanitarian concerns.

"In Rubaya mining sites, we have different processes that are done by different people: diggers, transporters, washers, sellers and buyers. We go to the mining every day, we enter the pits which have the forms of tunnels in a number that can fit in the pit, we start digging until we reach the seam, then we take out the seam in small quantity. Those who are outside take the seam to wash it in water to get the

minerals. Then the owner of the pit takes the minerals and pays the miners accordingly. Tomorrow, the same process starts again.”

“We don’t follow any legal processes; not in the formal sense.”

Mining at Rubaya is largely artisanal and informal. Despite that it has been described as prohibited, thousands of people are digging the soil, exploiting minerals and destroying the ecosystem. These activities are reported as happening outside legal and safety rules rather than through official or formal procedures. According to the Mining Code, artisanal miners are supposed to belong to cooperatives. This provision is not respected at all because of lack of compliance on legal framework.

Apart from artisanal mining, there is a huge dispute among ownership. In many instances, one site is attributed to two or three owners at the same time. Contestations among mining site owners are recurrent and sometimes lead to open conflicts, let alone the mayhem caused by armed groups.

As a consequence, Rubaya mining is classified as the red-zone, meaning that minerals extracted from that area face heightened scrutiny and are treated as high-risk or non-compliant by responsible buyers. That makes it harder for Rubaya minerals to neither move through formal and traceable supply chains, nor go through due diligence. There is no known chain of custody records, or an independent audit that is expected to combine supplier checks with traceability systems, mine-site risk assessments and third-party verification.



Working Conditions & Safety

“I am a digger. The main challenges that I am confronted with are, for example if you don’t reach the seam, the boss will tell you to continue digging. He doesn’t care if you are tired or hungry. He doesn’t

mind of any risks that might occur. You can spend even a week in the tunnels. You sleep and eat in the tunnels. You do sanitary there, in plastic bags.”

“I am the manager of the mining site at Rubaya. The challenges that we have are:

- Finding the number of diggers that you want to enter your pit. Diggers are scarce because of high demand and bad working conditions.
- Diggers are killed in various ways, some are killed by the earth falling and cover them to death, and some are beaten to death. The pit owners don’t respect the rights of the diggers.
- Unlike other minerals, there is no fixed price.
- The diggers enter the pits without any safety gear.”

“I am a seller at Rubaya mining sites. The challenges that we are facing are: the beatings, the confiscation of our minerals or our money by the police, huge taxes.”

“I am a washer, the challenge that we are confronted with is low wages, and sometimes the boss refuse to pay our wages. We are exploited.”

“I don’t work in the mining but I know the challenges miners are facing:

- Accidents: they get hurt a lot and don’t have money to go to hospital. They rely on traditional healers to get well back to their feet and go to work.
- They do the hard work that makes them tired and are paid little money.
- Considering the hardship of the work, I think it should no longer be an artisanal work rather a semi-industrial work to reduce the pain and injuries of miners.”

Working conditions in the DRC are governed by both the Labor and Mining Codes. They establish provisions for safety, environmental compliance, and social obligations. From the interviews above, it is obvious that miners are exposed to severe labor abuses, inadequate health care, low wages, etc.

However, with regard to safety and health, the Mining Code impels mining holders to legally adhere to strict health, safety, and environmental management plans. This includes providing adequate Personal Protective Equipment and proper healthcare for injured workers. Unfortunately, the lack of compliance, low enforcement and corruption miners are not in the position of claiming for their rights. It’s a take it or leave it job. If you can’t, others can.

As far as the artisanal and small-scale mining is concerned, artisanal mining is only permitted in designated areas, well demarcated by the DRC government’s Ministry of Mining. Those areas are called: ‘Artisanal Mining Zones,’ known by their French acronym (ZEAs). Unfortunately, in most mining sites, people do not respect the demarcated zones, let alone armed groups and corruption. They mine wherever they want and make their own laws.

Despite the fact that the law requires formal registration, artisanal and small-scale mining working conditions remain notoriously hazardous. According to the testimonies above, miners often operate without protective gear, leading to fatal accidents as consequences of exposure to toxic substances and landslides.

“There [are] no[t] any safety measures put in place.”

“There are Government agents (SAEMAP) who control the tunnels. If they see a damaged area, they ask the owners of the pit to repair the damaged area so that it doesn’t collapse. But this measure is not sustainable. The agents don’t control so often. When they reach the pit, the owner gives them money and they go away. It’s after an accident that they will come back to control the tunnels and pits. They control for few days, then they disappear or when they arrive, they don’t enter. The owner of the pit gives them some money and they don’t do the job they are paid.”

“It has been requested to pit or tunnel owners to sustain the tunnels with big sticks and heavy wood. Unfortunately, they don’t. If they do, they buy cheap and light sticks and wood that cannot support the heaviness of the earth. So there is a lack of control as it was supposed to be because of corruption and negligence.”

“In fact, the Government has to regulate the sector. We work without rest. We are not machines. We need rest hours.”

According to the Labor Code, the standard work week is 48 hours, divided into 8-hour days, 6 days a week. Overtime is regulated and must be compensated. Unfortunately, this is not the case at Rubaya. As one miner puts it above, the cessation of work is subject to finding of minerals. As long as you have not found the minerals, you don’t have rest nor leave the tunnels or pits.

“We work every day, from Monday to Sunday with no rest and no time for our families. We work the whole day without food.”

“The miners dig between 50 to 100 meters and don’t have safety gear. Many die because of lack of oxygen or the earth collapses and bury them alive in there.”

On January 28, 2026, a severe collapse occurred at the Rubaya mines. More than 400 people were killed in the incident - among them, children, women, small traders who worked in the vicinity of the mine and residents of the surrounding villages. The mine collapse was caused by a landslide that was the result of years of poor mining practices and a lack of maintenance. Heavy rains caused major landslides on the 28th and 29th of January 2026. The collapse occurred at the Luwowo mining site in Rubaya. The second landslide happened on March 4, 2026 where more than 200 people, among them 70 children, women, miners, food vendors, traders were killed. Civil society organizations accused local authorities of allowing illegal mining to continue without proper safety standards. Currently, some parts of Rubaya mining sites are controlled by M23 authorities who are trying to bring order. But the damage is too profound. It will take years to redress the situation.

Many children were killed in both accidents. Although mining regulations do not allow minors under 18 to access the mining sites, several children are found on different sites.

“Another measure was taken not to allow minors under 17 years old. But it is not respected. We see children, even less than 10 years old in the pits, or transport, or wash the seam.”

The DRC’s Mining Code of 2018 aligns with international standards and bans child labor in mining and restricts the employment of minors in hazardous work. Despite these legal prohibitions, large numbers of children still work in artisanal and small-scale mining sites in DRC. Factors such as extreme poverty, lack of alternative income, and weak enforcement are the consequences of the persistence of child labor in mining, even though it is formally banned under the Mining Code, article 26 that states that: ‘artisanal exploitation is reserved for adults of Congolese nationality who are members of an approved cooperative and hold an artisanal miner’s card.’ This means that, by limiting artisanal mining to adults, par ricochet prohibits minors under 17 years old to access the mining. Furthermore, article 299 provides that mining activities must respect the rights of the population, including the prohibition of child labor in accordance with labor law standards. Whereas the DRC Child Protection Code (Law N°09/001 of 9 January 2009 on the Protection of the Child) complements the labor Code by framing child labor as a child’s rights violation (article 50) and therefore reinforcing the prohibition of hazardous work, (article 54) especially in places like mines. By hazardous work, the Code means deep-tunnel digging, carrying heavy loads, exposure to dust or chemicals, etc. – all of which are happening at Rubaya mining sites where mine tunnels are dug by hand with little oversight and without safety measures. In the same vein, the tunnels are over-mined and left without maintenance over the years. Up to 5000 miners, including children, enter tunnels every day. “There are no measures to avoid accidents,” said one miner.

Well-being (Economic benefits vs. risks)

“I am a miner because I didn’t find any other job. This job is good because I get money to take care of my family, send my children to school, etc. But it is a risky job. I can die any time and my family will suffer after I am gone.”

“Working in Rubaya mining sites has a lot of risks for me and my family. If I get back home, it is by God’s grace because the tunnels shaft can collapse at any time. Or big stones or earth can slide and kill all of us. This happens all the time. Miners die like flies.”

“Some children refuse to go to school. They prefer to work in the mines to earn money.”

“Those who escape death during the accident remain [disabled] and cannot provide for their families again. They don’t have any sort of support. They become a burden to their families.”

“The money I am paid, I use it to take care of myself and my family. If you work hard, you get good benefits. Of course if you don’t die in the process.”

"The problem is there is no saving, if I don't work, I don't eat and my family suffers."

"The main economic benefit in mining is that I get money to buy whatever I want even if the wage does not correspond to the work we are doing. In this work, there are lots of risks. You are always stressed if you are not going to be killed by the land sliding or to be beaten because you don't reach the seam."

"From this work, our life is good as well as our families. But some children remain orphans and women widows once the accident happens."

"There is gain in this work, but taxes are too high."

"We buy, food, houses; I do farming and buy other things."

"I get little interest."

"I get food and clothes"

"The miners don't get a lot of money. It's the Boss who gets a lot of money while the miner is exposed to risks."

From testimonies above, one can deduce that there are three elements, notably economic benefits, risks, and low wages. Many miners interviewed reckon that they get profits from the work they do. The income helps them take good care of themselves and their families. They are able to buy food for their families, pay school fees for their children, and pay hospital bills for their families when they are sick. However, this comes with a lot of risk. They can die at any time if the earth slides or collapses on them.

According to the Mining Code, artisanal mining is legal for Congolese nationals who hold an artisanal miner's card. Furthermore, the sale of artisanal minerals is also regulated through trader's cards and authorized dealers, which creates a formal economic channel for miners' production. The economic benefits rely on the fact that the Code turns artisanal mining into a recognized source of income. Artisanal mining provides livelihoods and cash flow in communities where few alternative income sources exist. It gives miners legal access to mineral markets, and allows the state to organize and regulate sales rather than leaving them entirely informal. In other words, proposed measures in the Code are to contribute to both operational effectiveness and social impact. They are to strengthen community engagement, improve transparency, and accountability. They also create clearer mechanisms for monitoring progress. However, the situation on the ground is different. Few miners and traders have legal cards. The majority of them are not recognized by law, let alone armed groups and militias who exploit those without any legal documents. Sometimes, these armed groups and militias use force to constrain miners to work for them with little or no pay at all.

While the Mining Code defines artisanal exploitation as mineral extraction by Congolese nationals using artisanal tools within a limited artisanal area, some foreign nationals are mining without legal documents, under the protection of politicians in Kinshasa. It is well documented that they pay low wages to Congolese, often below a living wage compared to benefits they generate. In industrial mines as well, workers report extremely low pay, long hours, unsafe conditions, and discrimination or abuse. Whereas in artisanal and small-scale mining, families often earn only a few dollars per day, trapping them in poverty even though mining is usually one of the best income options.

Relationship and Conflict Resolution

“Some miners rent the mining sites from the local community annually. When the renting time expires, you have to vacate the area and pay the full rent amount despite whether you got minerals or not. This situation creates conflict between site managers and local communities.”

“Before you start mining, you have to enter into an agreement with the local community. This is how it is done at Rubaya.”

“Land owners sell the land to miners before the latter start working.”

“The relationship between land owners and miners is not good, because some miners dig in the land that doesn’t belong to them.”

“Some years ago, the relationship was very good. But today, there are lots of intimidations. Land owners no longer have a say on their land.”

“Some land owners and miners become partners in the business.”

“The relationship is not good, because miners don’t pay well.”

“Sometimes, the relationship is good. Sometimes, the relationship is bad.”

“Most of the time, land owners are very poor. They are unable to exploit their land. So, they settle for little money. This creates some frustrations to land owners when they realize miners are getting a lot of profits from their land.”

“Except that in the past, miners used to fight a lot in the tunnels. At least now, they don’t fight because of discipline.”

“Yes, there is conflict. For example, COOPERMA was in conflict with SMB over the mining sites. The latter said that the cooperative members are mining on its land.⁵”

⁵ COOPERMA stands for Coopérative des Exploitants Artisanaux Miniers de Masisi
SMB means Société Minière de Bisunzu

“Yes, there is a lot of conflict.”

“The conflict happens because people don’t know mining law.”

“The problem relies on the fact that the Government does not enforce the law.”

“The conflict is still persistent. Though there are offices in charge of conflict resolution.”

“Conflicts in Congo don’t end. The one who has money is the one to make the law. The weak lose their rights to the detriment of the strong.”

Considering the testimonies above, conflict does exist on the mining sites. Conflict exists between miners and communities, between miners and the owners of the mining sites, between government and miners, artisanal mining and industrial mining, etc. In this regard, the article 30 of the Mining Code draws the line between artisanal and industrial mining to avoid conflict; even though tension does exist between the two categories. Artisanal mining is legal under article 109 (1) and must be done in designated areas (ZEAs). In most cases, artisanal miners invade concessions belonging to mining industries. The article stipulates that no industrial mining permit can be granted within a site reserved to artisanal mining. Coexistence is only possible if the titleholder explicitly cedes part of their concession in writing, resulting in formal waiver.

Regarding conflict between communities and titleholders, article 285(7) of the Mining Code mentions that communities affected by mining can be involved in negotiation, development and signing of contractual obligations with mining companies. The concerned community presents specifications (cahier de charges) that define socio-environmental obligations of mining operators towards local communities. This involves commitments to socio-economic and social infrastructure for local communities. Usually, the conflict erupts when mining operators do not fulfill parts of the contract, though mandatory financial contributions are obligatory in order to prevent and address conflicts. For example, the social development fund involves 0.3% of turnover. This fund is to be managed by entities held by titleholder and local community representatives. 15% of royalties are held in a designated account for a decentralized territorial entity where mining operation occurs and within a year the amount must be made available to local communities. In addition, mining companies must compensate affected local communities in the event of relocation and resettlement. Unfortunately, this does not happen because of corruption. In this regard, article 319 of the Mining Code provides for arbitration as a dispute resolution mechanism for mining disputes. Furthermore, the Assistance and Supervision Service for Artisanal and Small-Scale Mining, known as SAEMAPE enforces strict compliance with article 30 that draws a clear line between artisanal and industrial mining, especially when it comes to illegal operators invading licensed sites.

In a nutshell, the Code's approach emphasizes prevention through zoning (ZEAs), formal negotiation, financial compensation and legal enforcement rather than post-conflict dispute resolution mechanisms specific to miner-community conflicts. As for conflicts among miners themselves or with any other person on the site – are handled by the police, except the areas occupied by armed groups. Only the warlord is the supreme lead and has authority over the miners or the mining sites. The lack of formal oversight prevents regulation.

Environmental Compliance

Concerning industrial mining, the Mining Code requires environmental impact assessments, environmental certificates and management plans before operations, and assigns monitoring and enforcement roles to specific state bodies. In terms of environmental assessment and certificate, applicants for exploration or mining permits must, first, obtain an environmental certificate and produce an environmental impact assessment before starting operations. Secondly, applicants are expected to prepare and implement the environmental and social management plans that will be tied to their environmental impact assessment as a precondition to get the permit. Unfortunately, the implementation, public disclosure, and enforcement are widely reported as weak in practice.

With regard to artisanal and small-scale mining, the Mining Code (Law N°. 007/2002 as amended by Law N°. 18/001 of March 9, 2018) and its implementing Mining Regulation (Decree No. 038/2003 as amended by Decree N°. 18/024 of June 8, 2018), environmental compliance framework for artisanal mining encapsulates:

1. Legal Framework and scope

The Mining Code applies fully to artisanal exploitation, including environmental protection obligations. The 2018 revision strengthened environmental regulations significantly compared to the 2002 version.

2. Mandatory Requirements for Artisanal Cooperatives

Requirement	Description
a. Zone d'Exploitation Artisanale (ZEA) Artisanal Exploitation Zone (AEZ)	Artisanal mining is only legal within designated artisanal zones. That is cooperatives must be located in a AEZ
b. Carte d'Exploitant Artisanal Artisanal Miner's Card	Each artisanal miner must be an adult Congolese national, member of an approved cooperative, holding a valid artisanal miner's card
c. Plan d'Atténuation et de Réhabilitation (PAR) Mitigation and Rehabilitation Plan	The aim is to minimize the negative impacts of mining operations on the environment and local communities, and reestablish the area after mining and closure of the site
d. Code of conduct	A code of conduct for the artisanal miner describes compliance with regard to security, hygiene, water use, and environmental protection standards
e. Environmental Responsibility	Production must meet high standards of social and environmental responsibility

Negative consequences of environmental non-compliance at Rubaya Mining Sites

Land sliding

Owing to the testimonies above, the most immediate and devastating consequence of not respecting environmental compliance at the Rubaya mining sites is the catastrophic loss of life from landslides. Landslides from unstable and hand-dug tunnels collapse all the time. Tunnels lack proper support (only wooden planks). In many tunnels, according to the testimonies, there is violation of safety distance between miners. There is no emergency rescue capacity due to poor maintenance.

Destruction of the ecosystem

According to the testimonies, the ecosystem at Rubaya's coltan mining is severely destroyed by unregulated artisanal mining which has led to environmental impacts:

Impact	Description
Deforestation & Land Degradation	What used to be community farming has been overtaken by mining pits, vegetation has disappeared for excavation
Soil erosion and instability & Landslides	Hand-dug tunnels oriented toward hill centers compromise stability, causing catastrophic collapses. This is exacerbated by heavy rain that weakens the terrain that triggers land sliding.
River pollution & Flooding	Waste from ore washing is dumped into rivers, causing repeated flooding and water contamination. Besides, human waste is also discarded in rivers that miners drink. This threatens community health and wildlife.
Toxic pollution	Unknown toxins from mining processes threaten community health through soil and water pollution
Habitat destruction	The rugged terrain is riddled with circular/irregular excavations, destroying natural habitats.

All the environmental non-compliances involving mining have negative impacts on local livelihoods. The lack of development projects, environmental degradation and weak enforcement undermine people's ability to earn a living and meet basic needs. In the DRC mining context, whether industrial or artisanal mining similarly disrupts local livelihoods through land displacement, water contamination, and competition for resources with agriculture.

Change and Improvement

"In Rubaya, we don't have roads. If the Government can build roads, this will help us. Farming is still artisanal; therefore the production does not satisfy the communities in Rubaya. School and medicines are very expensive; if they can reduce school fees and the price of medicines."

“Minors should be forbidden to enter the mining sites.”

“The Cooperative authorities receive dividends from mining to develop the area. Unfortunately, they don’t do so. They need to be replaced. There is no school, hospital, market around Rubaya mining sites, yet miners pay huge takes.”

“Serious and strong law enforcement in order to respect environmental norms.”

“To change working conditions in every sector of mining.”

“To shift from artisanal to semi or modern industrial exploitation.”

“Good working conditions for safety reasons to avoid death caused by accidents.”

“Sustainable conflict resolution between local communities and miners, between cooperatives and mining companies.”

“Initiate development activities in the area.”

“Install Mineral markets to help us sell our minerals with the right price.”

“In fact, The Government has to put us on a site where our lives cannot be at risk.”

“To regulate the taxes. This will be good for us.”

Here the people are just demanding to regulate the exploitation and commercialization of minerals. That is to follow all the legal procedures.

In addition to these recommendations by the Rubaya communities, the author of this report also advocate for a change of the Bakajika Land Rights Law enacted in 1966 that gives all the land rights to the Congolese Government – dispossessing traditional leaders and local communities of their rights to land that they inherited from their great-grandparents. A change in this law would improve enforcement and execution of the Free, Prior Informed Consent (FPIC) doctrine.⁶ FPIC is a specific doctrine that empowers local peoples to give or withhold consent to projects or activities that may affect them on their lands. Unfortunately, the Bakajika Law does not provide for local people the autonomy to make decisions about their land, natural resources, and cultural heritage. In many cases, the land is taken by force and not voluntarily. Local communities are not consulted in advance of any mining project implementation nor do they receive comprehensive information about the project, including potential impacts in a clear and accessible manner, let alone financial compensation.

⁶ See, Anand, et. al, “A World of Perceptions: Evaluating Free, Prior and Informed Consent for Peoples” Congress of Nations and States, June 2025, <https://cnsintl.net/publications/>.

International Rights and Frameworks

There are several instruments that are important to note and should be considered in this particular context. For instance, (1) the Paris Agreement legally binding international treaty on climate change. It is considered a landmark treaty because it brings together all states to combat climate change. Its overarching goal is to hold “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursue efforts “to limit the temperature increase to 1.5°C above pre-industrial levels.”⁷ Each country submits national climate action plans (NDCs). The DRC submitted a revised NDC in 2021. “In its updated NDC, the Democratic Republic of Congo commits to an emissions reduction target of 21% in 2030, 19% of which is conditional on support.”⁸ (2) the UN Secretary General created a Panel on Critical Energy Transition Minerals. Critical energy transition minerals are items such as copper, lithium, nickel, cobalt, and rare earth elements which are essential to clean energy technologies. The Panel developed, supposedly in conjunction with civil society, a common set of voluntary principles to build trust and guide the transition and the renewables race.

The first report by the Panel was published in September 2024. In summary the report came up with the following principles:

PRINCIPLE 1 Human rights must be at the core of all mineral value chains.

PRINCIPLE 2 The integrity of the planet, its environment and biodiversity must be safeguarded.

PRINCIPLE 3 Justice and equity must underpin mineral value chains.

PRINCIPLE 4 Development must be fostered through benefit sharing, value addition and economic diversification.

PRINCIPLE 5 Investments, finance and trade must be responsible and fair.

PRINCIPLE 6 Transparency, accountability and anti-corruption measures are necessary to ensure good governance.

PRINCIPLE 7 Multilateral and international cooperation must underpin global action and promote peace and security.

It will take some time to determine how these principles are adopted by UN member states and how they would be implemented. The Convention on Biological Diversity (CBD), which remains under discussed in mining contexts. The CBD is an instrument dedicated to promoting sustainable development. Based on the themes of this report, of constant importance remains both the UN Declaration on the Indigenous Rights of People (UNDRIP) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The UNDRIP further emphasizes the importance of FPIC as mentioned earlier in this report. The ICESCR remains important because it is the foundation of basic human rights which obligates all states to protect. This includes economic rights, safe and healthy working conditions, and protection of children from exploitation.

⁷ The Paris Agreement, <https://unfccc.int/process-and-meetings/the-paris-agreement>

⁸ Climate Promise - DRC, <https://climatepromise.undp.org/what-we-do/where-we-work/congo-democratic-republic>

Finally, the UN Convention Against Corruption (UNCAC) is worth noting given the rampant corruption found in this and many other contexts that involve mining. The UNCAC is the only legally binding instrument which is focused on corruption. The UNCAC emphasizes cooperation among states to root out corruption. In South America and the Caribbean, UNCAC has been used as a tool to unite these countries to combat corruption and other types of illicit activity that have been born from mining activities. This could be a potential model for Africa's mining sector.⁹

Conclusion

This report proposes concrete recommendations based on Rubaya community needs and climate justice principles. The report advocates for the respect of the DRC Mining Code that contains provisions relating to environmental sustainability, human rights and corporate accountability. In addition, the Congolese Mining Code provides compensation in terms of developing the surrounding areas by building infrastructure. Unfortunately, this part of the Code has never been fulfilled because of corruption. Miners at Rubaya mining sites, like other underground and artisanal miners, face significant safety and health concerns. Key safety risks include dangers from cave-ins and rock falls, flooding, poor ventilation leading to toxic gas exposure and oxygen deficiency, and accidents related to heavy machinery and equipment handling. These conditions can cause immediate physical injuries or fatalities from crushing, suffocation, explosions, or entrapment.

Health concerns include long-term exposure to airborne dust such as silica, which can lead to respiratory diseases like silicosis and pneumoconiosis. Miners are also at risk of hearing loss due to constant exposure to loud noise from drilling and machinery, musculoskeletal disorders from physical strain and vibration, and psychological stress from fatigue and harsh working environments. Additionally, exposure to toxic chemicals and gases, as well as poor sanitation and healthcare access, pose further health challenges.

These safety and health issues highlight the need for effective safety measures, including proper ventilation and air quality management, use of protective equipment, training on machinery use, emergency preparedness, and regular health monitoring to protect miners at Rubaya and similar sites.

⁹ See Explainer - Organized crime, money laundering and corruption in the mining sector in Latin America and the Caribbean, (2025), <https://www.unodc.org/unodc/en/frontpage/2025/December/explainer---organized-crime--money-laundering-and-corruption-in-the-mining-sector-in-latin-america-and-the-caribbean.html>.