VISION MINIÈRE DURABLE

Contact
Téléphone : +243 819 126 683, +243 818 057 205
Email : contact@vmd-rdc.org
Site web : http://www.vmd-rdc.org
Adresse : 03, avenue Nyembo 2, Quartier Gambela,
Commune Lubumbashi - Haut-Katanga - RDC

VISION FOR SUSTAINABLE MINING: MINING FOR NATIONAL DEFENSE AND DEVELOPMENT

A mining law should not merely regulate mining titles, taxes, corporate obligations, and administrative procedures. Its primary purpose must be to answer a fundamental question: What is the purpose of our mineral resources?

With this in mind, the Sustainable Mining Vision (VMD), a coalition of civil society organizations, has proposed the following vision: “Mining for Development and Protection.” This can serve as a political and strategic compass for revising the Mining Code.

Therefore, every provision of the Mining Code should be evaluated against one question:

1. Mining in the Service of National Defense

From the VMD’s perspective, national defense must not be reduced to its military dimension alone. It refers to the State’s ability to preserve peace, protect its territory and population, secure natural resources and strategic infrastructure, prevent threats, and defend the nation’s vital interests – particularly in the economic, scientific, technological, and strategic spheres.

This approach is based on a fundamental principle: there can be no sustainable development without peace, security, and stability. Mineral resources must therefore contribute not only to financing economic and social development but also to strengthening the conditions that enable the Democratic Republic of the Congo to safeguard its strategic interests and maintain its resilience in the face of threats.

In line with this reasoning, the reform of the Mining Code must consider allocating a portion of the revenues generated by the mining sector to strengthening national capacities for prevention, knowledge, and strategic foresight. These resources could, in particular, support strategic monitoring, risk analysis, the prevention of conflicts related to natural resources, and the securing of critical resources and infrastructure, in accordance with the Constitution and the laws of the Republic.

The VMD also proposes making the mining sector a driver of scientific and technological sovereignty. To this end, the reform of the Mining Code could provide for the creation of a fund dedicated to supporting applied research, innovation, strategic foresight, and monitoring, in order to strengthen the DRC’s capacity to anticipate geopolitical, economic, environmental, technological, and security developments that could affect its interests.

Consequently, the reform of the Mining Code must be guided by a fundamental question: How can mineral resources become a true instrument of development, peace, national defense, and scientific and technological progress in the service of the Democratic Republic of the Congo?

2. Mines for Development.

This first dimension means that minerals should not be viewed solely as a source of tax revenue, foreign exchange, or economic growth. They must serve as a genuine catalyst for the sustainable transformation of the social, economic, and cultural conditions of local communities, while maintaining harmony between people and the environment – a catalyst that places social protection at the center of its efforts.

From this perspective, "Mines for Development" refers to the right to development – that is, the right of every person and every community to participate in, contribute to, and benefit from economic, social, cultural, and political development based on justice, equity, and human dignity (see Articles 34 through 49 of the 2011 Constitution of the DRC).

Thus, the fundamental question should not be, "How much do mines generate for the state?" but rather, "To what extent do revenues from mineral resources make it possible to significantly improve the living conditions of local communities?"

1.1. Local Development: Ensuring Coherence Between Mining Resources and Local Development Plans

The "Mining for Development" vision can only produce lasting results if the various financial resources generated by mining and earmarked for local development are mobilized and used in a coherent, complementary manner, aligned with the development priorities of the entities concerned.

The revision of the Mining Code must therefore enshrine the principle that resources from the mining sector earmarked for local development must, among other things, contribute to the implementation of Local Development Plans (LDPs) and other legally established territorial planning instruments.

These include, in particular, resources derived from mining royalties; the 0.3% allocation of revenue earmarked for community development projects; specifications; the portion of annual surface rights fees per square; the tax on the area of mining concessions; taxes for the common good; and any other mining resources allocated to the development of decentralized territorial entities or local communities. The management and planning of these various resources must be coordinated and harmonized to ensure their complementarity, optimize their impact on local development, and avoid funding isolated, redundant, or contradictory projects through different financing mechanisms derived from the mining sector.

3. Establishment of a system of community mining rights and strengthening of Congolese participation in the capital of mining companies

In the absence of an immediate system that would allow local communities directly affected by a mineral deposit to collectively hold a mining right or title – similar to the mechanism applicable to local community forest concessions – the VMD considers that a first step is to strengthen their economic participation in the companies exploiting the resources of their territories.

This approach leads to a broader reconsideration of the scope of Congolese participation in the capital of mining companies. This participation should not be viewed solely through the lens of shareholders' nationality, but also in terms of territorial ties and the economic benefits accruing to the populations directly affected by the exploitation of natural resources.

With this in mind, the VMD proposes reserving a portion of Congolese ownership in mining companies for an entity representing the local communities in the mining area, subject to conditions that ensure transparency, representativeness, and good governance.

This approach would offer several advantages:

- Strengthen the local legitimacy of mining companies.

- Enable communities to benefit sustainably from value creation.

- Reduce the risk of political exploitation.

- Prioritize participation based on local ties rather than nationality alone.

4. Artisanal and small-scale mining: making artisanal mining a true driver of development

The vision of "Mining for Development and National Defense" must also extend to the artisanal mining sector. This sector should not be seen solely as one that must be regulated, formalized, or targeted for crackdowns when it operates illegally. It must also be recognized as a space for production, entrepreneurship, and wealth creation, capable of contributing to the economic and social development of communities.

With this in mind, the revision of the Mining Code should establish mechanisms that enable artisanal mining cooperatives with real economic potential to gradually transition to small-scale mining, while complying with environmental, social, technical, fiscal, and safety requirements.

5. Environmentally Responsible Mining

The VMD believes that environmental issues related to mining must no longer be treated as a mere formality but instead recognized as a key requirement.

Thus, in addition to ensuring that mining operations are carried out through a participatory process in which communities have veto power, the VMD encourages mining companies to align with environmental, social, and governance (ESG) requirements, which must be mandatory conditions for maintaining mining rights.

Access to and prior validation of EISs/ESMPs, audit reports, environmental assessments, and environmental rehabilitation reports must be guaranteed for local communities and mining companies.

The VMD recommends providing certified laboratories and state-of-the-art equipment to technical departments such as the ACE, the DPEM, and the CEEC, as well as modern tools enabling in-depth analyses – both in the laboratory and in the field – to ensure high-level monitoring and oversight, supported by robust national standards that guarantee high-quality decision-making. It also advocates for staff capacity building and the recruitment of experts and specialists in the environmental field to enhance the effectiveness of their work within the various technical departments.

Implement a system for the ongoing evaluation of the performance of technical department heads (ACE, DPEM, FNPSS), with a review of their performance every six months, to improve the effectiveness of project implementation and to take action in cases of proven corruption or failure to strictly enforce the law.

6. Institutionnalisation de l'obligation de transparence sur le transport des substances minérales

The goal is to make Requirement 4.4(b) of the 2023 EITI Standard mandatory and to institutionalize, within the national legal framework, a transparency requirement regarding the transport of mineral substances.

This reform is justified by the growing importance of the extraction, export, and shipment of mineral substances – particularly energy transition minerals – as well as by the economic, environmental, and social challenges associated with their transport.

To this end, the national legal framework should establish an obligation for the regular, accessible, and verifiable disclosure of information regarding the transport of mineral substances, including:

- A description of the transportation arrangements, including the product; the mode(s) of transportation; and the companies and government entities involved, particularly state-owned enterprises operating in the transportation sector.

- Definitions of taxes, tariffs, and other payments related to transportation, as well as the methodology used to calculate them.

- Disclosure of tariff rates and the volume of raw materials transported.

- Disclosure of revenues collected by government entities and state-owned enterprises related to the transportation of oil, gas, and minerals.

In addition, the EITI-DRC should systematically incorporate this information into its disclosure framework by including it within the scope of data covered by EITI reports, to ensure that it is published regularly, accessible, and verifiable. This disclosure should specifically cover the various mineral transport and shipment corridors that have been developed, are in use, or are planned in the Democratic Republic of the Congo (Lobito, Banana, etc.).