



International  
Labour  
Organization

COMBATting CHILD LABOR IN COBALT SUPPLY CHAINS IN THE  
DEMOCRATIC REPUBLIC OF CONGO  
COTECCO PROJECT

---

---

EVALUATION REPORT OF COORDINATION  
MECHANISMS ON THE FIGHT AGAINST CHILD  
LABOR IN ARTISANAL MINES AT PROVINCIAL  
AND NATIONAL LEVELS

---

---

May 2021

*Funding is provided by the United States Department of Labor, under cooperative Agreement NO IL-32529-18-75-K. 100% of the total cost of the project or Program is funded by Federal Funds, for a total of US. \$ 3,500,000.*

*This material does not necessarily reflect the views or policies of the United States Department of Labor, much less any trade name, trade product, or endorsement of the United States Government.*

## TABLE OF CONTENTS

|  |    |
|--|----|
| <b>TABLE OF CONTENTS</b> .....   | 1  |
| <b>ACRONYMS</b> .....  | 2  |
| <b>I. EXECUTIVE SUMMARY</b> .....  | 3  |
| <b>II. INTRODUCTION</b> .....  | 5  |
| II.1. CONTEXT .....  | 5  |
| II.2. GOAL OF THE STUDY .....  | 6  |
| II.3. COURSE OF THE STUDY .....  | 7  |
| II.4. ENCOUNTERED DIFFICULTIES.....  | 8  |
| <b>III. STATE OF AFFAIRS ON THE COORDINATION OF FCLAM ACTIVITIES</b> .....   | 8  |
| III.1. STATE COORDINATION BODIES AT THE NATIONAL LEVEL.....  | 8  |
| III.1.1. THE NATIONAL COMMITTEE FOR THE FIGHT AGAINST THE WORST FORMS OF WORK .....  | 8  |
| III.1.2. THE INTER MINISTERIAL COMMISSION RESPONSIBLE FOR MONITORING THE ISSUE OF CHILD<br>LABOR IN ARTISANAL MINES (CISTEMA)..... | 10 |
| III.1.3. THE MAJOR CAUSES OF THE WEAK COORDINATION OF STATE FRAMEWORKS.....  | 12 |
| III.2. STATE COORDINATION BODIES AT THE PROVINCIAL LEVEL .....   | 12 |
| III.2.1. PROVINCIAL ADMINISTRATION BODIES.....   | 12 |
| III.2.2. THE MAJOR CAUSES OF THE WEAK COORDINATION.....  | 14 |
| OF PROVINCIAL GOVERNMENT ACTORS .....  | 14 |
| III.3. NON-STATE COORDINATION INITIATIVES.....   | 15 |
| III.3.1. NON-GOVERNMENTAL ORGANIZATIONS .....  | 15 |
| III.3.2. MINING COMPANIES.....   | 16 |
| III.3.3 TECHNICAL AND FINANCIAL PARTNERS.....  | 17 |
| III.3.4. THE MAJOR CAUSES OF THE WEAK COORDINATION.....  | 17 |
| OF NON-STATE STRUCTURES: .....   | 17 |
| <b>IV. ANALYSIS OF EXISTING COORDINATION MECHANISMS</b> .....  | 18 |
| IV.1. TABLE OF STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS.....   | 18 |
| IV.2. LESSONS LEARNED .....  | 19 |
| <b>V. FCLAM COORDINATION MECHANISM</b> .....   | 20 |
| V.1. DESCRIPTION .....   | 20 |
| V.2. ROLES AND RESPONSABILITES OF STAKEHOLDERS .....   | 22 |
| <b>VI. NEED FOR CAPACITY BUILDING IN COORDINATION MECHANISM</b> .....  | 23 |
| <b>ANNEX 1: LIST OF PEOPLE MET</b> .....   | 24 |

## ACRONYMS

|           |  |
|-----------|--|
| ADHR/ADDH | Association for the Defense of Human Rights  |
| ILO       | International Labor Office   |
| CDM       | Congo Dongfang Mining  |
| CISTEMA   | Inter-Ministerial Commission in charge of monitoring of the Child Labor issue in Artisanal Mines |
| COTECCO   | Combating Child Labor in the Cobalt Supply Chains in the DRC                                     |
| NC-WFCL   | National Committee to Combat the Worst Forms of Child Labor.                                     |
| PC-WFCL   | Provincial Committee to Combat the Worst Forms of Child Labor                                    |
| CPSA      | Provincial Monitoring and Warning Committee on artisanal mining sites in Lualaba Province        |
| DTE       | Decentralized Territorial Entity   |
| FEMIAC    | Federation of women entrepreneurs in mining, agro-pastoral and various industries in Congo       |
| FCL       | Fight against Child Labor  |
| FCLAM     | Fight against Child Labor in Artisanal Mines   |
| SDG       | Sustainable Development Goal   |
| NGO       | Non-Governmental Organization  |
| WFCL      | Worst Forms of Child Labor   |
| TFP       | Technical and Financial Partners   |
| DRC       | Democratic Republic of Congo   |
| M&E       | Monitoring and Evaluation  |
| SAEMAPE   | Artisanal And Small-Scale Mining Assistance And Supervision Service                              |
| CL        | Child labor  |
| USDOL     | United States Department Of Labor  |

## I. EXECUTIVE SUMMARY

This work is an evaluation study of the coordination mechanisms in the fight against child labor in artisanal mining (FCLAM) at both national and provincial levels, particularly in the provinces of Lualaba and Haut-Katanga. Child Labor (CL) is a major concern of several actors involved in the mining sector at all local, national and international levels to clean up mineral supply chains. The FCLAM is a factor that led these actors, both state and non-state, to collaborate through various coordination mechanisms initiated.

The study identified some national and provincial initiatives of coordination that involve state and non-state actors, international organizations and the private sector. Among these initiatives there are a national committee for the fight against the worst forms of CL (NC-WFCL) (at national level), an inter-ministerial commission in charge of monitoring of the child labor issue in artisanal mining, namely CISTEMA (at national level), a provincial committee of early warning, namely CPSA (in Lualaba), a provincial committee for the fight against the WFCL, namely PC-WFCL (in Haut-Katanga), the consultation framework for the fight against CL in the mines of Lualaba, a framework of multi-actors dialog on sustainable investment in Katanga, namely IDAK (in the former Grand Katanga), the platform of state actors and technical partners.

The analysis of the aforementioned committees brought out the following observations:

- Existence of the NC-WFCL. This committee elaborated a 2012-2020 national action plan (NAP), which highlights child protection in an overall manner. This plan has experienced several difficulties for its adoption and implementation;
- Existence of coordination instruments for the FCLAM which is a 2017 – 2025 national sectorial strategy to combat CL in artisanal mines and on artisanal mining sites (NSS-FCLAM and its operational plan);
- Existence of CISTEMA at the national level, which is a framework for coordination, monitoring and evaluation of the activities of FCLAM which is in full deployment;
- Existence of a provincial framework, namely CPSA in Lualaba, which is much more of an action unit for the sanitation of the artisanal mining environment than a coordination mechanism of the FCLAM. CPSA experiences difficulties of operation due to lack of adequate means;
- At Lualaba province level, we noted the existence of a consultation framework on the FCL. This framework is a platform bringing together state and non-state actors and certain mining companies. It aims at developing a common understanding of the FCL activities without really seeking their harmonization;
- At the Haut-Katanga province level, there is an establishment of the PC-WFCL;
- Just recently, a consultation initiative gathering TFP and provincial government of Lualaba in order to allow the visibility of the government's efforts on the interventions of the

partners as well as the alignment of these interventions to the policy and the vision of the national government, ;

- Several other factors have a negative influence on the effective establishment of coordination mechanisms of the FCLAM, among others: the low budget allocation to provincial and national activities of the FCLAM, the weak child protection expertise in the provincial administration, the non-existence of public structures for the supervision and protection of the child, leadership conflicts between provincial institutions/bodies involved in the FCL on one hand, and on the other hand the disparate work of key non-state actors involved in the FCLAM, the persistence of rivalry, and competition on the ground among non-state actors;
- Weak coordination capacity between actors involved in the FCLAM despite the existence of these coordination frameworks;

In addition, the study identified certain strengths of the actors in the FCLAM for the establishment of the coordination mechanisms. This includes, among others, the political will of the public authorities, the active involvement of international organizations, mining companies, non-governmental organizations, civil society organizations, the active involvement of the provincial governments of Lualaba and Haut-Katanga.

Building on the analysis done, the study made the following recommendations to consolidate the coordination mechanism:

- Accelerate the establishment of CISTEMA at the provincial level, Lualaba and Haut-Katanga, can restore the leadership of activities to the State;
- Obtain financial resources for the FCLAM activities from both national and provincial government and ETDs;
- Provide circumstantial and temporary technical and financial support of technical and financial partners (TFP) in the sustainable activities carried by perennial structures;
- Develop an assessment checklist of the degree of alignment of actors' activities to the strategic axes of NSS-FCLAM promotes coordination;
- Develop and disseminate the guide on the coordination mechanism in the FCLAM which takes into account the complexity of CL in artisanal mines.

## II. INTRODUCTION

### II.1. CONTEXT

The fight against child labor in artisanal mines (FCLAM) is a major concern of the Government of the Democratic Republic of Congo (DRC) and other actors involved in this sector. Indeed, it is a cross-cutting issue that concerns all actors involved in the mineral supply chain, from the well to the final buyer and consumer. It is mainly social, that is linked to the households' precariousness and the state of poverty of communities impacted by mining activities, mostly those working in the artisanal sector.

Civil society organizations (CSOs), the national and provincial governments, unions, international organizations and mining industries, and also the end consumers of mining products in the DRC are implementing various interventions to contain this scourge. However, this work is often done in isolation. Each organization mobilizes its own resources, both financial and expertise, acts according to its approaches and procedures, almost without real interaction with other organizations.

This state of affairs gives very little visibility on the results obtained in view of the current scale of this scourge, particularly in the copper and cobalt supply chain. No database and assessment criteria to estimate the value of this multitude of initiatives carried out in the various mining sites of the DRC in general and those of the provinces of Lualaba and Haut-Katanga in particular.

Hence, the need to promote coordination between actors. This is an integrated, participatory, concerted approach of the various actors, under the coordination of the Government. It is with this in mind that the Ministry of Employment, Labor and Social Welfare created the National Committee to Combat the Worst Forms of Child Labor (NC-WFCL)<sup>1</sup>. The existence of this committee has not made it possible to advance the resolution of this problem on a sectorial basis.

In view of the pressure exerted by the international community on the Congolese mining sector, the National Ministry of Mines set up, in 2016, a framework for coordinating the FCLAM activities called "Inter-ministerial commission to monitoring child labor in artisanal mines and artisanal mining sites (CISTEMA)<sup>2</sup>, although the legal basis is granted to it on March 6, 2020. This commission has drawn up a national sectorial strategy of the FCLAM (in 2017) and its operational plan (in 2019).

---

<sup>1</sup> Ministry of Employment, Labor and Social Welfare, arrêté n°12/CAB.MIN/TPS/045/08 du 08 August 2008 fixing the working conditions of children

<sup>2</sup> Ministry of Mines, arrêté n° N° 0012/CAB.MIN/MINES/01/2020 du 06 MARS 2020 on the creation, functioning and organization of the inter-ministerial commission for monitoring child labor issue in artisanal mines (CISTEMA)

Despite the existence of CISTEMA, the situation of CL in the mines remained worrying in the provinces, including Lualaba and Haut-Katanga. This is due to the lack of a similar framework in the provinces of Lualaba and Haut-Katanga. To this end, the Government of Lualaba created, in 2017, a provincial monitoring and alert committee<sup>3</sup> (CPSA). Although having a legal basis in 2017, this committee is nothing more than a framework of actions and not real coordination, which is limited to only one district, Kasulo. Faced with this limitation, a framework for consultation of the actors involved in the problem of CL in a global way was initiated in 2019 by the commissioner in charge of Gender, family and children, with the support of certain technical partners. Unfortunately, this framework is only an informal place of exchange and not of effective harmonization of efforts between partners. In Haut-Katanga, it is worth noting the establishment of the PC-WFCL.

To support efforts by the Congolese government and other stakeholders in the FCLAM, the International Labor Office (ILO) is implementing, with funding from the United States Department of Labor (USDOL), the project "Combating child labor in Cobalt supply chains in the DRC (COTECCO)". This capacity building project supports the work carried out by the government and key actors against CL in mines. Among its many missions, there is the improvement of coordination between actors for an aligned, concerted and harmonious fight against CL in Artisanal Mines. This study also aims to determine the points that hinder better coordination between said actors. It is part of result 2 of the COTECCO project:

- Outcome 1: Increased common understanding of the challenges and opportunities for addressing child labor in the DRC's Cobalt industry ;
- **Outcome 2: Increased capacities of government and other relevant stakeholders to address to address child labor in the DRC's Cobalt industry;**
- Outcome 3: Improved monitoring and remediation efforts by private sector of child labor in the Cobalt supply chain.

It is in this context that this evaluation is carried out with the aim of identifying the root causes of the weak coordination of existing bodies and proposing the appropriate solutions.

## II.2. GOAL OF THE STUDY

The study-overall objective is to assess existing coordination frameworks and strengthen their capacities on coordination mechanisms in the FCLAM.

To achieve this objective, this study aims at:

---

<sup>3</sup> Provincial committee n° 2017/GOUV/P.LBA/ 025 of 14/07/2017 on the creation of provincial committee of monitoring and alert on artisanal mining sites of Lualaba province.

- Evaluating the coordination groups identified, at national and provincial (Lualaba and Haut-Katanga) levels;
- Bringing out the causes of the weak coordination between the stakeholders in the FCLAM theme;
- Making recommendations on possible solutions that could lead to improved coordination between the actors, including Governments, both national and provincial, implementing partners, civil society involved, and private sector.

### II.3. COURSE OF THE STUDY

The study began with a literature review of existing reports and documents on the creation, organization and functioning of state coordination groups at the national level, such as the NC-WFCL and CISTEMA. The analysis continued at the provincial level first with state institutions including the CPSA and the Lualaba FCLAM consultation framework, then with non-state institutions, including the multi-stakeholder dialogue platform on Investment. Sustainable in Katanga in IDAK acronym. The information collected was supplemented with that from the assessment reports on the capacity needs assessment report of government institutions and stakeholders, and with reference to the report on emerging best practices in the fight against the worst forms of child labor (WFCL) in West African cocoa growing communities.

A second phase consisted in organizing interviews with the national and provincial authorities, the actors and the operational staff of the organizations in focus group and free consultation to identify the problems, the causes and the recommendations in order to define the appropriate coordination mechanisms.

This work was facilitated by the holding, in Kolwezi, of a consultation workshop between the Government (National Ministry of Mines) and the technical and financial partners (TFP) involved directly or indirectly in the actions of the FCLAM for a better partners' program coordination in the FCLAM.

This documentary analysis, completed by the mini-survey carried out, made it possible to list and categorize the activities of FCLAM, the institutions responsible in the research area. Examination of the reports of the various organizations and institutions involved revealed answers to the following questions:

- How to support the implementation of CISTEMA, as a coordination framework?
- How to create the necessary harmonization and complementarities of different projects in execution?
- How to promote and celebrate the best practices of the various actors who intervene on the ground in the LTEMA?



## II.4. ENCOUNTERED DIFFICULTIES

During the first week of the investigations in Kolwezi, a significant number of authorities and leaders retained on the list of consultations were absent in the town of Kolwezi. We had to wait for their availability to continue the consultations. Despite this setback, the consultant was able to carry out the desired interviews.

## III. STATE OF AFFAIRS ON THE COORDINATION OF FCLAM ACTIVITIES

### III.1. STATE COORDINATION BODIES AT THE NATIONAL LEVEL

#### III.1.1. THE NATIONAL COMMITTEE FOR THE FIGHT AGAINST THE WORST FORMS OF WORK

The enforcement measures of the Labor Code, with regard to the fight against CL and WFCL, confirm the prescriptions of the Constitution and of Convention No. 182 supplemented by Recommendation No. 190. This resulted in the enacted of Ministerial Decrees establishing and operating the NC-WFCL in (2006); and the one appointing the members of the said NC-WFCL in 2008 and fixing the working conditions of children (2008).

The NC-WFCL's missions are, among other things, to raise awareness of the problem of CL in its various forms, at the national, provincial and local levels. This Committee is also called upon to make sure that children are not subjected to the worst forms of exploitation and to permanently remove children from hazardous work. The permanent secretariat is assured by the general secretariat of the Ministry of Employment, Labor and Social Welfare.

Through the NC WFCL, the country endowed a National Action Plan (NAP) to combat the WFCL (2012-2020). This plan provides a coherent, coordinated and more focused framework for the various initiatives contributing to the elimination of the WFCL and, in the long term, that of all forms of CL. This framework also strengthens the various social and economic development policies, in line with the Government's commitments. This NAP is a practical and regulatory tool for various Government commitments vis-à-vis to national texts and various relevant international instruments to which the DRC has subscribed. In particular, it aims at the respect, by the DRC, of its obligations towards the Convention n ° 138<sup>4</sup> on the Minimum Age of Admission to Employment, 1973, and the Convention n ° 182<sup>5</sup> on the WFCL, 1999 ratified in 2001.

---

<sup>4</sup> ILO, convention 138, Minimum Age of Admission to Employment, 1973

<sup>5</sup> ILO, convention 182, Convention 182 on the Worst Forms of Child Labor, 1999

With the NAP, the NC-WFCL was able to create a planning framework enabling it to mobilize the efforts of various state structures, social partners, civil society and communities.

Through a participatory approach of stakeholders, this NAP is the result of a broad national consultation process. It has benefited from the substantial contributions and collaboration of several government structures, social partners, civil society and the international community.

Adopting a multi-sectorial approach of integrating the actions agreed into the sectorial policies of the priority action programs (PAP), the Medium-Term Expenditure Frameworks (MTEF) and other Action Plans relevant to the elimination of the WFCL, the NAP has identified 5 strategic axes for this purpose. This strategic vision consists of strengthening the technical capacity of the structures concerned with the fight against CL by adopting the following priorities<sup>6</sup>:

1 ° Axis of **Improving the legal framework**, consists in strengthening national legislation for the elimination of the WFCL through its dissemination, its effective application by putting in place standards, procedures and mechanisms likely to help children in a situation of WFCL;

2 ° Axis of **Awareness and Social Mobilization**, enables to carry out actions of sensitization and mobilization of the national community to become aware of the need to protect children against all forms of exploitation and mainly against the WFCL.

3 ° Education axis, accelerates free quality education at the primary level for all children, improve schooling opportunities up to the minimum age for access to employment (18 years ) and make the education system inclusive, accessible and attractive to all girls and boys;

4 ° Axis of the **Fight against socio-economic vulnerability**, consists in increasing and strengthening the process of household empowerment and the possibilities of increasing their income in order to reduce poverty and precariousness;

5 ° Axis of **Protection and Care**, consists in setting up adequate institutional mechanisms and effective measures of prevention, removal and protection of children from the worst forms of work and hazardous work.

To implement these institutional mechanisms presented in axis 5, the NAP recommends, through action 5.1.1.2, to develop and implement an integrated and standardized child protection program. Through this program, the NAP foresees to put in place a plan of coordination mechanisms for activities for the protection and care of children in difficulty (WFCL).

The implementation of the NAP was another important step for the NC-WFCL in the search for appropriate multi-actor coordination mechanisms, under the supervision of the NC-WFCL. The implementation of the orientations of the NAP integrates local initiatives under the coordination

---

<sup>6</sup> Ministry of Employment, Labor and Social Welfare, National Action Plan to Combat WFCL, 2011, DRC

of the provincial committees and in accordance with the decentralized management of the country, in the structures of the administration of the Government.

But to date, apart from the national committee, only one committee has been set up in the new province of Haut Katanga. Efforts are underway to set up a provincial committee in the new province of Lualaba.

The NC-WFCL encountered problems in implementing the actions defined in the NAP, including the coordination mechanisms to combat the WFCL.

Among the reasons mentioned, we can note:

- The NC-WFCL did not benefit from the government's substantial budgetary allocations.
- A broad field of action affecting all vital sectors of the economy.
- The NC-WFCL has not been able to function properly to achieve the objectives assigned to it with a view to coordinating actions to combat child labor.
- The NC-WFCL informs the stakeholders involved in the fight against the WFCL, that the 2012-2020 NAP has come to end and that there is a need to make its assessment and formulate a new NAP to fight against the WFCL, taking into account the Sustainable Development Goals (SDGs) and the evolution of the socio-economic situation for the period 2021-2025.

### III.1.2. THE INTER MINSTERIAL COMMISSION RESPONSIBLE FOR MONITORING THE ISSUE OF CHILD LABOR IN ARTISANAL MINES (CISTEMA)

Of course, the fight against CL is multi sectorial. However, the NAP recognizes that by leading this fight in a sectorial manner, the country derives enormous benefits for its own development in terms of sectorial policies and contribution to the achievement of the SDGs. In addition, the report of the NGO AMNESTY INTERNATIONAL issued in 2016 on the production of cobalt in the DRC, highlights the violations of human rights including the CL. Faced with the international pressure undergone by the DRC on human rights violations in the mining sector and to advance the sectorial policy in the areas of mining in the DRC, the ministry of mines quickly organized itself to consolidate the FCLAM.

To this end, he created in March 2020 the CISTEMA which is a framework set up to coordinate all the efforts of FCLAM. Existing informally since 2016, in 2017 it drew up a three-year action plan (2017-2020) to initiate the exit of children in mines and mining sites as well as a national sectorial strategy to fight against child labor in artisanal mines by 2025 (NSS-FCLAM).

This strategy was developed in a participatory approach where all the stakeholders were involved. It is a concerted response from the national government, mining operators, social operators and

partners, basically the entire national community on this FCLAM issue. The general objective is the eradication of TE in artisanal mining activities in the DRC by 2025.

To achieve this general objective, the following specific objectives have been adopted:

1. The development of an operational plan, which did not materialize until November 2019;
2. Control of the situation of the presence of children in artisanal mines, not yet achieved;
3. Strengthening the enforcement of measures aimed at removing children from the mineral supply chain, as a priority in the 3T (Tin, Tungstène, Tantale), Orifère, and copra-cobalt sectors;
4. The implementation of the corrective measures proposed on the ground by the competent ministries and services;
5. The fight against impunity by applying sanctions against all perpetrators of violations of children's rights and users of children in mining activities;
6. The establishment a new partnership with stakeholders, directly or indirectly involved in the FCLAM. This new partnership was explained to the stakeholders at the consultation workshop between the Government and the technical and financial partners involved directly or indirectly in the FCLAM in November 2020.

CISTEMA, as a sectorial coordination framework for FCLAM's efforts, therefore has the mission of:

- Ensure the coordination, monitoring and facilitation of state efforts in the FCLAM;
- Monitor the actions of state and non-state actors in the implementation of the NSS-FCLAM;
- Carry out advocacy with third parties.

CISTEMA, which is in full implementation, encountered difficulties in coordinating LTEMA activities:

- Insufficient of functioning means;
- Mistrust of stakeholders, to collaborate with CISTEMA in the implementation of activities;
- The scarcity of resources allocated to services or structures, to ensure the supervision of children in mining areas;
- A national office composed mainly of administrative who do not have all the desired skills in child protection mechanisms;
- Need for deployment in the provinces with the effective involvement of the Provincial Government.

### III.1.3. THE MAJOR CAUSES OF THE WEAK COORDINATION OF STATE FRAMEWORKS

As pointed out above, public institutions most often seek the collaboration of non-state structures to establish the FCLAM plans and strategies. However, these established strategies, generally remain without real enforcement for the lack of allocation of adequate resources.

There is also a gap between the various actions initiated, in particular the adoption of the NSS-FCLAM in August 2017 followed two years later, in November 2019, by its action plan, a few months later in March 2020, the legalization of CISTEMA and eight months later, in November 2020, work to seek validation of the implementation of coordination mechanisms.

This anachronism of state efforts disorients the programming of activities undertaken by various non-state stakeholders and forces them to disregard the support of public services in their respective FCLAM activities.

Among the major causes of this lethargy of public institutions at the national level, we can cite a few without being exhaustive:

- Lack of expertise, qualified personnel and the necessary tools to fully play their roles as public authorities in the coordination of the FCLAM;
- The non-existence of public structures for the supervision and protection of the child, the basis for the coordination of the FCLAM;
- Insufficient resources allocated to state services or structures to ensure the supervision of children in mining areas;
- The monitoring and control mechanisms of the presence of children in mines are insufficiently applied;
- The virtual-absence of ministries involved in the coordination of existing initiatives;
- The non-existence of FCLAM's data and information management system;
- The failure of the mapping of activities and social partners intervening in this area within the public services concerned;
- The lack of budget allocation to CISTEMA.

## III.2. STATE COORDINATION BODIES AT THE PROVINCIAL LEVEL

### III.2.1. PROVINCIAL ADMINISTRATION BODIES

Since February 2021, the Government of Haut-Katanga has set up the PC-WFCL, following provincial decree No. 2021/008 Haut-Katanga of February 10, 2021 establishing and organizing the PC-WFCL. This is a young structure that aligns with the national policy to combat the WFCL.

The Government of Lualaba has sought the collaboration and synergy of all stakeholders concerned (mining companies, artisanal miners, impacted communities, civil society organizations and development partners) in order to carry out concrete actions of eradication the presence and CL in mining sites within its jurisdiction.

With the support of TFP GIZ, in its Good Governance program in the mining sector, and of IDAK, the Government of Lualaba has undertaken with the participation of stakeholders in its jurisdiction to draft a provincial strategy of the FCLAM and its operational plan. These documents were transferred into the work of Kinshasa to develop the NSS-FCLAM. But the provincial strategy of the FCLAM has remained without real facts on the ground, due to the lack of an appropriate budget allocation.

In the same year 2017, the Government of Lualaba took the initiative to create the CPSA by provincial decree n ° 2017 / GOUV/ P.LBA/ 025. This is a provincial government framework action in the FCLAM under the direct authority of the Provincial Governor and the supervision of the general commissioner in charge of humanitarian and social affairs, gender, family, children and employment.

The CPSA, by virtue of its composition, inaugurates a framework of FCLAM's actions, whose the scope of activities is limited to mining sites declared "red zone", in this case the Kasulo district, due in particular to the presence of children. It brings together all stakeholders involved in the FCLAM in the province.

The CPSA is composed of the following members:

- The coordinator: the general government commissioner in charge of humanitarian and social affairs, gender, family, children and employment;
- The first deputy coordinator: the provincial minister in charge of mines;
- The second deputy coordinator: the governorate;
- The adviser in charge of security and monitoring of field activities: the provincial minister of interior and security;
- The adviser in charge of relocation and resettlement of populations: the general government commissioner in charge of town planning, housing, land affairs and regional planning;
- The advisor in charge of infrastructure development and construction: the provincial minister of infrastructure and public works;
- The Secretary in charge of administration: the governorate;
- The Technical Secretary: the SAEMAPE of Lualaba;
- Technical advisers: Coordination of civil society in Lualaba, the international organization PACTCONGO;

- Members: Partners', Provincial Coordination of artisanal miners', and diggers' community's representatives.

With financial the support from the mining company "Congo Dongfang Mining (CDM)", a project to clean up artisanal mining sites in the said red zone, which is prohibited for artisanal activities, was carried out with very encouraging results. However, outside this red zone, the situation of minor children remained very worrying.

Following the advent of the new provincial government, the provincial governor of Lualaba has entrusted the management of the problem of reintegration of children to the provincial directorate of labor which has the lead on the problem of CL in general, and on mining sites in particular. Since then, the limits of the scopes of state bodies, in terms of CL, have become difficult to draw.

- ❖ Problems raised in the coordination of CPSA on FCLAM at the provincial level:
  - Limited actions only in the red zone (Kasulo district);
  - Low budget allocation to the FCLAM activities;
  - Weak expertise in the provincial administration which is in full deployment;
  - Lack of public structures for the supervision and protection of children;
  - Various leadership conflicts between provincial bodies involved in the fight against CL.
  - At operational level, the province does not benefit from the budgetary allocations of the national government on the issue.

### III.2.2. THE MAJOR CAUSES OF THE WEAK COORDINATION OF PROVINCIAL GOVERNMENT ACTORS

At the provincial level, the province of Lualaba was born from the territorial dismemberment of 2015. It does not yet have all the public services installed, particularly those of social affairs.

Faced with the persistence of the problem, the provincial government is in the process of establishing a provincial administration capable of supporting clean up and reform activities in the artisanal mining sector and social affairs specialized in the matter of FCLAM.

Thus, the root causes of weak coordination at the provincial level are, among others:

- Insufficient of specialized technical staff and provincial administration on the FCLAM issue;
- Insufficient of structures of supervision and protection of the child;
- Lack of national government budget allocation and clear guidelines on the FCLAM issue.

### III.3. NON-STATE COORDINATION INITIATIVES

#### III.3.1. NON-GOVERNMENTAL ORGANIZATIONS

Exploring all the instruments that the DRC has issued on the protection of children's rights, non-governmental organizations (NGOs) have mobilized to raise funds and develop the FCLAM programs in the DRC and in particular in the Cobalt supply chain.

These INTERNATIONAL NGO FCLAM programs are more focused on the following activities:

- **Awareness:** in collaboration with local CSOs, the selected social actors first benefit from training on the rights and protection of children. Social actors descend into careers to make children aware of the dangers of working in mines and of the value of following a normal school training course (normal or vocational), as well as parents on positive parenting and the rights of children to have an education. These actors place parents before their responsibility to watch over their children by sparing them from the danger to which they are exposed in mining activities inappropriate for their age.
- **Community mobilization and identification of children:** Then the social actors identify children found on the sites. Referring to their address, these actors organize home visits in the communities and assess for each case parents' degree of vulnerability.
- **Socioeconomic supervision of children and their households:** Thus with their consent, the most vulnerable households will be enrolled in social support programs. Thanks to this support parents of the families concerned are associated to household economic empowerment and security activities food. For the children concerned, they will benefit from remedial school activities and vocational trainings.

In order to develop a common understanding, on the facts related to the FCLAM, the NGO PACT CONGO, with the support of the Social Affairs Commission of the Government of Lualaba, has taken the initiative since 2019 to bring together all actors involved in the FCLAM within a framework of consultation.

At the invitation of the Government General Commissioner in charge of social affairs, more than 40 representatives of CSOs, mining companies and TFPs concerned by the FCLAM met to assess the dynamics of the social phenomenon of the presence of child labor in the mines and to make recommendations there, unlike the CPSA which was limited only to the red zone (the Kasulo district). This framework has also made it possible to expand the areas of the sites concerned where the problems of minor children occur with acute.



An effort has been undertaken to organize the agents of the territorial - burgomasters, head of districts and mayor of the city - to mobilize the respective communities on the issue of the FCLAM.

The issues raised:

- A persistence of the phenomenon of children in mines with the impression that, the more children are removed, the more the number increases. Most often new families move to mining sites considered to be places of prosperity;
- The multiple programs deployed focus more on the effects than on the real causes of this scourge;
- The lack of coordination between the multiple programs deployed leads to a disparate work. We feel a rivalry and competition between stakeholders;
- The difficulties of interacting with the public services involved, which in the majority of cases are content simply with administrative support, than with the deployment of programs in the field;
- Lack of a database on CL and a clear coordination mechanism;
- The proximity of the mining sites to the residences of affected households;
- The financial resources mobilized are of short duration to stop a phenomenon which requires long-term actions;
- CSOs do not have their own FCLAM programs, they are implementing activities whose programs came with international NGOs;
- The local social actors involved need capacity building on the multidimensional process of child Protection;
- The weak involvement of city mayors, mayors and neighborhood leaders in the monitoring of the FCLAM activities under their jurisdiction;
- The lack of the process of transfer of competence to local partners by International Organizations.

### III.3.2. MINING COMPANIES

By due diligence and in the framework of corporate social responsibility (CSR), mining companies actively participate in all of FCLAM's activities. They have budgetary provisions in their social intervention program at the FCLAM and finance activities carried out by non-governmental organizations or by the provincial government. For instance, the CPSA operations have been funded by a mining company CDM. The international NGOs PACT CONGO and Good Shepherd are developing several FCLAM programs with funding from mining companies. However, there is no coordination framework for mining actors (companies, cooperatives, traders, etc.).

At project result 3 level, efforts are underway to support mining actors to work in synergy, through a working group bringing together cooperatives and mining companies.

### III.3.3 TECHNICAL AND FINANCIAL PARTNERS

In its bilateral agreements with certain countries, DRC has authorized the deployment of several programs to improve good governance in the mining sector, including that led by German international cooperation, GIZ in acronym, which initiated and supported a framework of multi-stakeholder dialogue, namely IDAK.

This framework regularly brings together all stakeholders in the mining sector in the Katanga region (both national and provincial governments, mining companies, community representatives, civil society organizations, and development partners) to develop a common understanding on the CSR and seek the harmonization of environmental and social practices. These dialogues led to the drafting and publication of the “**CSR guide for mining in the KATANGA region**” based on the international standard ISO 26000.

Since the FCLAM's momentum started in 2017, IDAK has organized several consultation sessions on the phenomenon of artisanal mining and the fight against CL. These sessions resulted in the development of the FCLAM provincial strategy of Lualaba and Haut Katanga provinces, as well as its operational plan and laid the foundations for a search for the professionalization of artisanal mining operators.

We also note that several other FCLAM programs are led by the United Nations (UN) agencies, such as: the United Nations Children's Fund (UNICEF) and ILO. These agencies support the ministries of labor and that of mines in their FCLAM initiatives and develop activities on the ground in partnership with local NGOs.

The ILO's COTECCO project also initiated the technical and partner group (TPG) in order to facilitate collaboration between technical partners. This group supports the provincial government to ensure the visibility of provincial government's efforts on partner interventions as well as the alignment of these interventions with the national government's policy and vision. The evolution of coordination materialized by the creation of an exchange platform between the provincial government and TPG in the artisanal mining sector in Lualaba.

### III.3.4. THE MAJOR CAUSES OF THE WEAK COORDINATION OF NON-STATE STRUCTURES:

- Civil society organizations, despite their FCLAM will, suffer from the lack of both technical and financial means to develop their own programs and deploy effective FCLAM activities;
- International NGOs are not very open to collaboration because they respond to the agendas and processes contracted with their donors;

- The TFPs act as being on land without a master. This is due to the lack of state leadership and the inadequacy of public services committed to FCLAM tasks.
- The TFPs are not very open to the reactions of the beneficiary communities, because their programs are not very flexible with regard to the long procedures for changing their activities. Everything must go in the programmed direction. These long administrative change procedures make certain programmed activities obsolete.
- The programs developed by the TFPs and the International NGOs are short-lived on a problem requiring perennial structures and long-term actions.

## IV. ANALYSIS OF EXISTING COORDINATION MECHANISMS

### IV.1. TABLE OF STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

| STRENGTHS   | WEAKNESSES  |
|---|---|
| <p>1. The political will of the public authorities: the existence of legal and regulatory provisions in matters of child protection (Fundamental law/constitution, mining code, labor code, family code, law on child protection, ratification of ILO conventions 182, etc.);</p> <p>2. Government actions: the issued of NSS-FCLAM 2017-2025 and its operational plan, the decree on the creation, organization and functioning of CISTEMA, finalizing the declaration on the new partnership between the Ministry of Mines and the technical and financial partners for FCLAM;</p> <p>3. Active involvement of international organizations, mining companies, non-governmental organizations, civil society organizations;</p> <p>4. By the existence of multi-actor consultation frameworks, the expression of interest of FCLAM stakeholders to participate in a formal coordination framework;</p> | <p>1. Insufficient public resources for FCLAM;</p> <p>2. The precariousness of life in the mining areas aggravated by a large influx of the population in these areas;</p> <p>3. The insufficiency of social structures for the supervision and protection of the child;</p> <p>4. The lack of expertise and resources of the public services to pilot the FCLAM</p> <p>5. Weak leadership from the public authorities, the stakeholders act in dispersed order;</p> <p>6. Lack of coordination tools, stakeholders' mapping, activity mapping and the appropriate statistical database;</p> <p>7. Leadership conflict between bodies involved in to the CL issues.</p> |

|   |  |
|---|--|
| 5. Active involvement of the provincial Lualaba and Haut-Katanga governments;   |  |
| <b>OPPORTUNITIES</b>  | <b>THREATS</b>   |
| 1. Several existing FCLAM initiatives led by development partners, international organizations, non-governmental organizations, multinational companies in the mining sector;<br>2. Establishment of CISTEMA at both national and provincial levels (Lualaba and Haut-Katanga);<br>3. Kolwezi Declaration on the new partnership between the Ministry of Mines, technical and financial partners and United Nations agencies involved in the FCLAM. | 1. The socio-political stability of the DRC;<br>2. The volatility of copper-cobalt prices on the international market; |

**IV.2. LESSONS LEARNED**

Although the issue of child protection in artisanal mining sites is eminently social, that is to say linked to the precariousness of the life of several households impacted by mining activities, it has additional aspects attached to it especially:

1. The community organization section which must answer the question: how do communities impacted by mining activities take charge of protecting children in their environment from the dangers of mining? What are the community monitoring and alert mechanisms?
2. The psychological aspect, the child must be treated as a victim of the precarious socioeconomic situation of his living environment!
3. The security aspect linked to the mechanisms of surveillance, repression, withdrawal and judicial sanction;
4. The land-use planning component between the mining operations and housing areas;
5. The component of social infrastructure for the supervision of children.

To this end, it is worth noting that the FCLAM coordination mechanisms must retain among the major challenges to be met:

- Restore the leadership of activities to the State;
- Obtain financial resources for FCLAM activities from both national and provincial governments, and DTEs,
- Put the circumstantial and temporary technical and financial support of the TFP in the sustainable activities carried by perennial structures;
- Provide children with social, educational and recreational infrastructure in areas affected by mining;
- Control population migratory movements in mining areas;

- Develop economic activities of strengthening the resilience of households' vulnerable, with a focus on improving the socioeconomic situation of families and communities living in mining areas.

## V. FCLAM COORDINATION MECHANISM

### V.1. DESCRIPTION

The coordination of FCLAM will consist of ensuring, for a diverse set of stakeholders and activities, their alignment to the NSS-FCLAM through a joint effort to achieve a common goal. The dedicated coordinator is the ministry of mines at the national level and provincial governors at the provincial level.

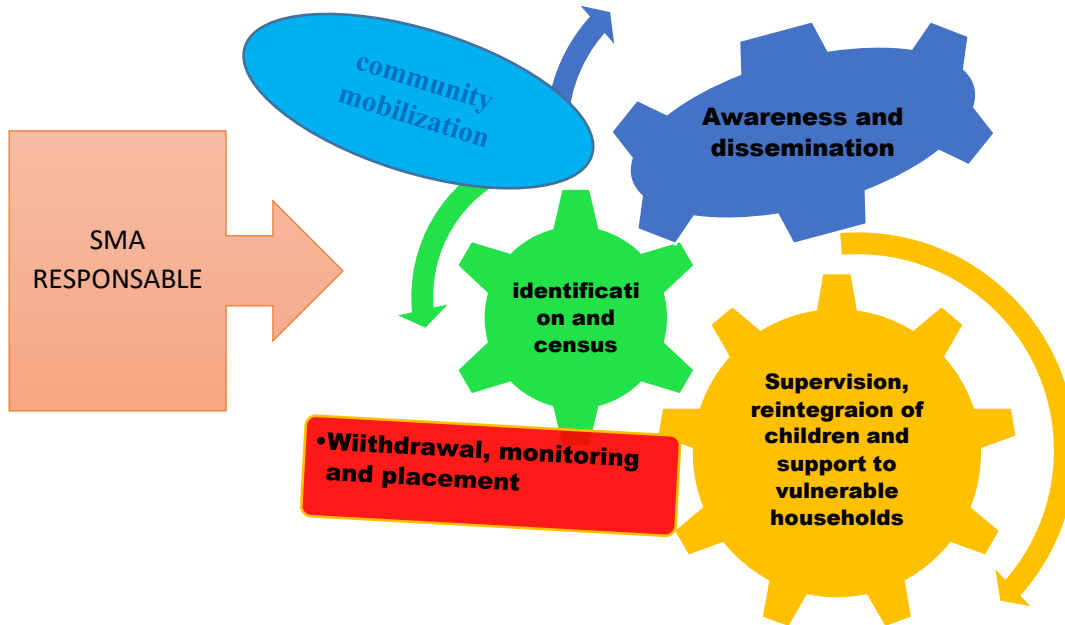
Its goal is to modify the environment so that it promotes as much as possible the interactions between the stakeholders in FCLAM's activities, by harmonizing cross-cutting different categories of interventions.

This search for coherence and/or convergence is more desirable that the various stakeholders concerned can be affected by centrifugal factors resulting from specialization, differentiation and non-integration.

The FCLAM's activities are diverse and can be categorized as follows:

- 1) Community sensitization, activity the most often carried out by CSOs and the medias;
- 2) The dissemination of laws and measures taken in favor of the protection of children, activity carried out by human rights CSOs;
- 3) Social mobilization on FCLAM activities carried out mostly by CSOs, given the lack of public social services;
- 4) Identification, census of children and households impacted by mining activities generating CL and other vulnerable. These activities are carried out by default by NGOs for lack of effective involvement of the institutions and public authorities concerned;
- 5) The removal, supervision and placement of children in supervision or social reintegration units. These are activities devolved to public institutions and by default local NGOs.
- 6) Social supervision of children listed and vulnerable households. These are activities devoted to public institutions such as social centers, social works of religious communities, orphanages, etc;
- 7) The social reintegration of children and support for vulnerable households. These are activities undertaken by international or local NGOs in the absence of dedicated public institutions.

The overall diagram looks like this:



The coordination mechanism envisaged must integrate these actions into a coherent chain of activities for a social fight against CL in mines.

Thus the complementary tasks of the coordination of the FCLAM will be:

- 1) To **regulate** the consequences of the differentiation and specialization of stakeholders which generate different behaviors and states of mind among stakeholders, a source of dysfunction, disagreement or conflict;
- 2) To put in place the process or the integration factors which consists in reducing the tensions arising from the differentiation between stakeholders, managing arbitration and conflict resolution procedures.

This coordination of FCLAM will accomplish these main and complementary tasks thanks to the tools:

- Mutual adjustment which consists in coordinating the activities of the various stakeholders by simple informal or formal discussions, based on negotiations and compromise;
- Standardization of work processes, which consists of specifying the tasks to be accomplished in each activity carried out;
- The standardization of results, which is based on the expected outcome of "**zero child in copper and cobalt mines by 2025**".

## V.2. ROLES AND RESPONSABILITES OF STAKEHOLDERS

| ORGANS  | RESPONSIBLE   | ROLES   |
|---|---|---|
| Strategic level:<br>CISTEMA, National coordination. | The Secretary General of the Ministry of Mines                                      | <ul style="list-style-type: none"> <li>-Define and ensure the application of the Government orientations in LTEMA;</li> <li>-Validate various programs and projects executed by partners,</li> <li>- Monitoring and evaluation of the actions of state and non-state actors in the implementation of the NSS FCLAM;</li> <li>-Alignment of activities on NSS-FCLAM with support from social partners, provincial governments and other stakeholders;</li> <li>- Advocate with third parties, in particular regional and international organizations.</li> </ul> |
| Operational level:<br>PROVINCIAL CISTEMA            | Provincial Ministry of Mines  | <ul style="list-style-type: none"> <li>- The monitoring and facilitation of state efforts in the Provinces in the FCLAM;</li> <li>-Council organ of the Provincial Government;</li> <li>- Control of the actions of state and non-State actors in the implementation of FCLAM activities;</li> <li>-Implement the FCLAM Provincial Sector Strategy and its operational plan;</li> <li>- Advocate with third parties.</li> </ul>   |
| ACTIVE MEMBER 1                                     | Technical and financial partners  | <ul style="list-style-type: none"> <li>- Develop projects in line with the operational plan of NSS-FCLAM;</li> <li>-Submit the performance data to CISTEMA for constitution of a database and consolidation of results;</li> <li>- Ensure a transfer of skills to the local actors and public services involved;</li> </ul>   |
| ACTIVE MEMBER 2                                     | Mining companies  | -By due diligence, contribute and participate in FCLM activities under their respective jurisdiction.   |
| ACTIVE MEMBER 3                                     | Mining cooperatives   | -Participate in the remediation of artisanal mining and contribute to FCLAM activities under their respective jurisdiction.   |
| ACTIVE MEMBER 4                                     | The authorities of decentralized territorial entities: city, municipality, chiefdom | <ul style="list-style-type: none"> <li>-Supervise the FCLAM activities of their entity;</li> <li>-Mobilize communities,</li> <li>-Develop community mechanisms for FCLAM control and monitoring,</li> </ul>   |

|                 |                             |  |
|-----------------|-----------------------------|--|
|                 |                             | - Report to the provincial government of their jurisdiction.   |
| ACTIVE MEMBER 5 | Civil Society Organizations | - Ensure regular FCLAM monitoring and transfer their report to the stakeholders.<br>-Participate in activities as experts initiated by social partners;<br>-Provide their expertise in the definition of general FCLAM guidelines and opinions on the evaluation reports designed. |
| ADVISORY MEMBER | UNICEF and ILO              | Provide technical and financial support in the development of the action framework, research and monitoring and evaluation of the actions carried out.   |

**VI. NEED FOR CAPACITY BUILDING IN COORDINATION MECHANISM**

It turns out therefore useful in this implementation phase of coordination mechanisms through the deployment of CISTEMA to proceed with capacities building of stakeholders. From the evaluation made, we can retain the following subjects that should constitute the backbone of the training:

1. The leadership of public services in the conduct of FCLAM activities;
2. Coordination management in a multi-actor environment;
3. The determination of performance indicators in the FCLAM.



## ANNEX 1: LIST OF PEOPLE MET

| AT THE NATIONAL LEVEL   |                               |  |
|---|-------------------------------|--|
| MINISTRY OF MINES   | Mr. Joseph IKOLI              | SECRETARY GENERAL OF THE DEPARTMENT OF MINES |
| MINISTRY OF LABOR   | Mrs. Henriette TSHIMUANGA     | DIRECTOR                                     |
| AT THE PROVINCIAL LEVEL   |                               |  |
| PROVINCE GOVERNORATE  | Mr. Joseph YAV                | Governor Richards MUYEJ's Chief of Cabinet   |
| PROVINCIAL MINISTRY OF MINES  | Mr. Erick TSHISOLA            | Minister TSHIZEINGA'S Chief of Cabinet       |
| PROVINCIAL MINISTRY OF MINES  | Mr. Joe TSHAL                 | Minister TSHIZEINGA's Mine Advisor.          |
| GENERAL COMMISSION OF PROVINCIAL GOVERNMENT IN CHARGE OF SOCIAL AFFAIRS | Mr. Jean Serge LUMU           | The Commissioner's Chief of the Cabinet      |
| DIRECTION OF LABOR AND MONITORING OF THE CHILD REINTEGRATION PROGRAM    | Mrs. Marie Louise MAFO        | Provincial Director                          |
| DIRECTION OF LABOR AND MONITORING OF THE CHILD REINTEGRATION PROGRAM    | Mrs. Hélène KAYAKEZA          | Assistant to the Director                    |
| DIRECTION OF THE REFORM OF THE MINING CRAFTSMANSHIP                     | Mrs. Sophie KABAYO            | Provincial Director                          |
| KOLWEZI TOWN HALL   | Mrs. Véronique UPITE          | Mayor of the City of KOLWEZI                 |
| INTERNATIONAL NGO PACT CONGO  | Mr. Elie DANGA                | Project Manager                              |
| INTERNATIONAL NGO GOOD SHEPHERD   | Mr. Vianney KADWEGE           | Project Manager                              |
| INTERNATIONAL NGO GOOD SHEPHERD   | Sister Marie Clémentine MBOMA | Operations Manager                           |
| CSO FEMIAAC   | Mr. Frank TSHIMUNA            | Delegate                                     |
| CSO COMEMA  | Mrs. Agnès KABWIZ             | Director                                     |
| CSO REPAFE  | Mrs. Dorcas ISWAMO            | Director                                     |
| CSO REPAFE  | Mrs. Yvette TSHIKUTA          | Monitoring Officer                           |
| CSO HOPE  | Mr. Emmanuel NUMBI            | Delegate                                     |
| CSO LINAPEDHO   | Mrs. Nathalie MUTOMBO         | Delegate                                     |
| CSO COORDINATION LIVING FORCE   | Mr. Félix TAMBWE              | Coordinator                                  |
| CSO ADERI   | Mr. Kabash YAV                | Operations Manager                           |
| CSO FEMIAAC (Lualaba and Haut-Katanga)                                  | Mrs. Alphonsine TSHILEFE      | Director                                     |
| CSO BIBI SAWA   | Mrs. Madeleine KYUNGU         | Monitoring Officer                           |
| INTERNATIONAL NGO WORD VISION   | Mrs. Marie ANTOINETTE         | Director                                     |
| CSO ADHR/ADDH   | Mr. Aimé BANZA MWAPE          | Monitoring Officer                           |