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Environmental Accountability of Extractive Industries and Community Resistance in the Wamuzimu Chieftaincy in Eastern Congo

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Throughout the Congo wars, the pervasive activities of extractive industries have deepened economic inequalities and eviscerated the ecological rights of victimized communities while perpetuating a tragic legacy of gross human rights abuses in the eastern Democratic Republic of Congo. Increasingly, however, affected communities are carrying out violent and nonviolent campaigns against mining companies and other extractive industries whose activities jeopardize community livelihoods. Using the analytical framework of collective participation and drawing on qualitative data from 20 semi-structured interviews with community activists in the chieftaincy of Wamuzimu in 2022, this paper argues that community resistance against extractive industries is a potential pathway for advancing bottom-up environmental accountability for the actions of extractive actors in eastern Congo. Thus, rather than narrowly studying community resistance as an anomaly, this article contends that peacebuilding and transitional justice scholars in the DR of Congo could draw nuanced and valuable insights by exploring its underlying motivations, limitations, and potential contributions to foregrounding the environmental accountability of extractive industries. This can be used to address recurring human rights violations at the individual and community levels caused by their activities in areas where the regulating state apparatus is nonexistent or has weakened legitimacy.

Keywords: Extractive Industries, Community Resistance, Peacebuilding, Transitional Justice

Introduction

In November 2021, a violent altercation led to the death of a miner in the Wamuzimu chieftaincy of the Democratic Republic of Congo (DRC). A community activist that I interviewed a year later as part of this study narrated the incident as follows:

The scene occurred this morning at 6 a.m. in a Chinese-managed mine in Sugulu. A miner entered a physical fight with a Chinese official for ill-treating him when an armed Congolese soldier protecting the premises was summoned to intervene. Unfortunately, their violent altercation ended with the soldier shooting the miner, who died a few hours later. All these people die because local chiefs are corrupt and unable to defend their entities.

In 2020, Chinese mining corporations started extractive activities in the Wamuzimu chieftaincy in the Mwenga territory of the DRC after a group of artisanal miners found gold reserves along rivers close to the villages of Kaboge, Kitumba, Sugulu, Mbelekelo, Bakongo, and Kitutu, approximately 180 to 220 km south of the provincial seat of South Kivu, Bukavu. Chinese semi-industrial operations occurred on these sites without the required legal formalities and involved dredging the rivers, the primary source of livelihood for the surrounding communities (Mwetaminwa & Vircoulon., 2022). Intense local discontent quickly increased and violent incidents involving community protesters and security officials in Chinese mining sites became a primary public concern. The November 2021 incident that led to the unfortunate killing of a miner at the hands of security officials in Wamuzimu reflects broad, deep-seated disputes and community resistance against harmful extractive industries in eastern Congo. This has unfolded

*Environmental Accountability of Extractive Industries and Community Resistance in the
Wamuzimu Chieftaincy in Eastern Congo*

against the backdrop of one of the deadliest conflicts since World War II, which has had a harsh impact on environmental conditions and human rights (Coghlan et al., 2006).

For almost three decades, violent conflicts have engulfed the eastern Congo, causing the death and displacement of millions of civilians, mainly around extractive sites controlled by armed groups financed by powerful Congolese kleptocrats and multinational corporations operating outside the rule of law. Reports from nongovernmental organizations (NGOs) and scholarly publications emphasize the interplay of local, national, and regional dynamics as a critical driver of violence, with competition for mineral resources (Autesserre, 2009) and land conflicts often pinpointed as key drivers of violence and human rights abuses (Bøås & Dunn, 2014). The DR of Congo fits into the category of what some scholars have described as *conflicted democracies*, a term defined as states that have “experienced prolonged, structured, communal, [and] political violence” even when their political structures could broadly be considered “democratic” (Ní Aoláin & Campbell, 2005). These countries present some paradoxes, including extractive industries’ lack of accountability for exploiting opportunities presented by the state’s fragility and weakened capacity to enforce policy frameworks governing extractive sectors. In this context, this paper suggests that community resistance against extractive industries is essential for advancing the bottom-up environmental accountability of extractive actors in eastern Congo.

Accountability refers to the obligation that authoritative actors have to justify their actions and the right of those affected to evaluate and sanction those actions (Kramarz & Park, 2017). This paper defines *environmental accountability* as the acknowledgment of environmental damages caused to host communities by extractive industries and the material commitment of extractive actors to reduce these harms and provide reparations (financial and symbolic) to victimized individuals and communities. Thus, rather than narrowly studying community resistance as an anomaly, the article contends that peacebuilding and transitional justice scholars in the DR of Congo could draw beneficial insights by exploring its underlying motivations, limitations, and potential contributions to foregrounding the environmental accountability and extractive industries’ responsibility for how their activities impact the human rights of individuals and communities in eastern Congo.

Towards this aim, this paper explores the role community resistance played in the case of Wamuzimu in 2022 and generates insights relevant to peacebuilding and transitional justice (TJ) scholars’ further study of the environmental accountability of Chinese semi-industrial gold mining activities. In the context of the Wamuzimu case study, this paper defines *community resistance* as a vital vector accelerating local peacebuilding efforts by pressuring key stakeholders to reach durable settlements of environmental conflicts and establish the accountability of extractive industries for these conflicts. Through this framework, community resistance supports an understanding of peace and justice not just as two separate goals but as mutually reinforcing objectives pursued by victimized communities.

The paper is divided into six parts. The first section provides an overview of the global landscape of community resistance to extractive industries to anchor the paper’s central arguments to a broader conversation on environmental justice. The second section provides a brief overview of Chinese extractive activities in the DR of Congo, focusing mainly on gold mining. The third section discusses the nexus of TJ and peacebuilding in the DR of Congo and how these fields have addressed environmental crimes in eastern Congo. The fourth section elaborates on this paper’s data collection and analysis methods. The fifth section examines how

community resistance played out in Wamuzimu. Finally, the sixth section explores relevant insights that TJ and peacebuilding scholars can apply to future research endeavors.

Figure 1

Wamuzimu mining activities



Note. A photo of Wamuzimu mining activities by Kun Hou Mining using gold dredging machines on the Ulindi river in Shabunda. From Global Witness, by Sophia Pickles, 2015. No copyright infringement is intended.

https://www.google.com/url?sa=i&url=https%3A%2F%2Ffejatlas.org%2Fconflict%2Fgold-mining-rdc&psig=AOvVaw3ya2V27DQ6YngKOzF9Ry-R&ust=1678834444538000&source=images&cd=vfe&ved=0CBEQjhxqFwoTCPiM2-r_2f0CFQAAAAAdAAAAABAD

From the Global to the Local

Global competition over land and natural resources is escalating. One of the areas in which this is most apparent is in the struggle over mineral exploitation rights due to the liberalization and privatization of national mining sectors (Prause & Billon, 2021). In the 1990s, under considerable pressure from the World Bank, over 90 countries rewrote their mining and investment codes to increase investments in the industrial and large-scale mining sectors while neglecting socio-economic issues, community development, and environmental protections (Hilson & Laing, 2017; Muradian, Martinez-Alier, & Correa, 2003). In this context, resistance is set against a backdrop of neoliberalism, representing a clear-cut pathway away from exploitation toward social justice (Bebbington, Hinojosa, Bebbington, Burneo, & Warnaars, 2008). (Sieder, 2010) argues that in Guatemala, for example, *juridification*, the local appropriation of legal frameworks for redress, constitutes an important resistance pathway against new mining in host communities. Similarly, (Muradian et al., 2003) argue that the threat of environmental degradation is the main source of resistance among Indigenous communities in Peru.

In some contexts, mining sector reforms have succeeded in attracting foreign investment. In the DR of Congo, however, they have also exacerbated the violence surrounding conflict minerals and intensified concerns about environmental pollution, deterioration of the community's human rights, and loss of livelihoods (Dougherty, 2011). Recent scholarship on conflict minerals in eastern Congo has documented the growing contestation around mine sites,

*Environmental Accountability of Extractive Industries and Community Resistance in the
Wamuzimu Chieftaincy in Eastern Congo*

exploring the connection between the industrial structure of gold mining and the resistance of host communities (Conde, 2017; Hoffmann et al., 2018; Prause & Billon, 2021). This article contributes to this growing body of research by developing an understanding of how community resistance has played out in Wamuzimu.

A legal tension often at the core of community resistance against mining activities in eastern Congo and other mineral rich provinces is the perception of land ownership in areas where extractive activities unfold (Verweijen, 2017). On the one hand, mining companies often insist that they have legally acquired permits and concessions to legitimize their respective claims to the land. On the other hand, communities and artisanal miners assert that they have the traditional right to possess and work their ancestral land (Geenen & Claessens, 2013). In this legal battle, large-scale mining companies with superior financial resources are favored by national and local leaders on paper but, on the ground, community resistance persists. To offset local resistance, mining companies have resorted to militarized mining, mirroring the same control strategies used in mining areas by armed groups.

While the militarization of mining concessions is rampant in eastern Congo, the Second Congo War from 1998 to 2003 offers a starting point for understanding the profound transformations and continuities related to the country's extraction and trade of minerals (Geenen & Cuvelier, 2019). In this war, Uganda and Rwanda looted Congo's natural resources (Marysse & Tshimanga, 2013; Vlassenroot et al., 2012) and gained control of its mining sites and trade routes. At the local level, the war caused the creation of "new local complexes of power, profit, and protection," disrupting traditional social and economic structures (Vlassenroot & Raeymaekers, 2004). In addition to altering local labor markets, affecting petty trade, and hampering agricultural production and cattle-ranching activities, conflicts around gold mining sites have massively displaced rural populations to urban centers, further constricting the increasingly limited sources of livelihood available to families. According to (Jackson, 2002), the mining rush provoked three profound changes in local livelihoods: the dollarization of rural economies, through which the Congolese franc was replaced by the United States dollar; increased food insecurity as people abandoned agriculture; and the reversal of traditional agricultural trading patterns.

Chinese Extractive Activities in the DR of Congo

The DRC's political economy has been dominated by an economy of extraction built on the legacy of the Congo Free State since 1885. According to this legacy, the DRC is an open source of capital accumulation for foreign powers, among which China is a significant player (Kabemba, 2016). China has played a vital role in the DRC's extractive sectors as it endeavors to meet its rising raw material needs. Chinese relations with the DRC trace back to the independence struggle of the early 1960s. Since the two nations' diplomatic ties were established in 1971, China has provided significant military and development aid to the DRC, including the development of road infrastructure (Xiaoyang & Sunt, 2016). China has also recently become a significant investor in the DRC's extractive sectors, with Chinese firms owning and running several DRC mines. One of the biggest mines in the world, the *Tenke Fungurume* copper-cobalt mine in Kolwezi in southern DRC, is owned by the Chinese mining company China Molybdenum. The Kamoia-Kakula copper mine, another significant economic contributor to the DRC, is owned by another Chinese business, *Zijin Mining*. China National Gold Company, one of Africa's largest gold mining corporations, is also operating the Kibali gold mine (Wang & Zhao, 2019). The Observatory of Economic Complexity (OEC) reports that between 2015 and 2020, China's imports of cobalt from the DRC increased by 191%, cobalt oxides by 2,920%, and copper ore by 1,670%. As the renewable energy transition has

intensified, Beijing's determination to secure resources essential to a green future is the driving force behind China's rising imports from the DRC. For example, today, over half of the world's cobalt production is used to create rechargeable batteries. However, this bluish-gray metal is also critical for military hardware, including bullets, magnets, stealth technologies, and jet engines.

Since the early 2000s, however, Chinese businesses' role in the DRC's mining sector has generated debate (Cuvelier, 2011; Hellendorff, 2011). While Chinese businesses have made significant investments in the mining industry in the DRC, mainly through joint ventures with state-owned Congolese businesses, Chinese extractive industries' human rights records include reports of the exploitation of miners, poor working conditions, and low pay in Chinese-owned mines. Furthermore, concerns regarding the effects of mining on the environment have surfaced in public debates, with Chinese corporations accused of contaminating water sources and spreading deforestation. Several human rights reports have also reported child labor practices and rampant corruption in the mining industry in the DRC, in which Chinese corporations allegedly receive bribes and kickbacks for their work in strikingly impoverished communities. In this broader context, community resistance, both violent and nonviolent, often emerges as affected communities' final resort to protect their livelihoods and demand bottom-up environmental accountability from extractive industries. This growing phenomenon in eastern Congo is not an isolated situation. Major powers' fierce competition for raw materials is detrimentally impacting local communities' environments and livelihoods across the globe, provoking an outcry for equitable extractive practices and environmental accountability. At this juncture, it is worth examining the contributions of the fields of TJ and peacebuilding towards dispute resolution and extractive industries' accountability for human rights violations in eastern Congo.

The Nexus of Transitional Justice and Peacebuilding in the DR of Congo

The international community has increasingly recognized the importance of TJ and peacebuilding to addressing the legacy of decades of conflict and violence, and moving towards sustainable peace in the DR of Congo. *Peacebuilding* is a process that aims to address the root causes of conflict and create conditions for lasting peace through a wide range of activities such as disarmament, demobilization, and the reintegration of ex-combatants into society, as well as security sector reform, the establishment of the rule of law, and the promotion of social and economic development (Barnet et al., 2007). *Transitional justice*, on the other hand, refers to the range of measures taken to address human rights abuses committed during past conflicts, including criminal prosecutions, reparations, and truth-seeking mechanisms (de Greiff, 2020).

The perennial peace versus justice dilemma remains a point of tension between transitional justice and peacebuilding scholars and practitioners. However, there is a growing recognition of the vital nexus between the two fields, particularly in contexts of ongoing violence where they often interact and rely on the same types of actors and resources to achieve their respective aims (Mayer-Rieckh, 2017). This reality is particularly true in the DRC, where sustainable peace cannot be achieved without addressing the legacy of past human rights abuses and ensuring accountability for those crimes (Cirhigiri, 2022). Indeed, to achieve sustainable peace, it is crucial to address the issues that led to the conflict and ensure accountability for past human rights abuses, including, in this case, holding extractive industries accountable for environmental degradation.

Chronologically, the Second Congo War, and in particular the Inter-Congolese Dialogue in Sun City, South Africa in 2002, was a critical inflection point for the fields of peacebuilding and

Environmental Accountability of Extractive Industries and Community Resistance in the Wamuzimu Chieftaincy in Eastern Congo

transitional justice in the DR of Congo. As a precursor to the Inter-Congolese Dialogue, shortly after taking power, Laurent-Désiré Kabila, the Alliance of Democratic Forces for the Liberation of Congo (ADFLC)'s spokesperson, opted for a strict governance style that upset his Rwandan and Ugandan allies already engaged in the illegal trafficking of minerals, including gold, diamonds, and coltan (Queyranne, 2012). Tensions between the ADFLC and its foreign allies increased and, in July 1998, President Kabila cut ties with Rwandan and Ugandan troops. The immediate effect of this breach of relations was the renewal of hostilities in the Kivu provinces. These tensions eventually culminated in the assassination of President Kabila in January 2001, further plunging the DR of Congo into chaos (Vinck et al., 2011). Following efforts to prevent further turmoil, Kabila's son, Joseph Kabila Kabange, immediately succeeded him in the same year and resumed the peace process with former allies and newly formed armed groups in eastern Congo. In April 2003, his transitional government, key warring parties, and civil society leaders signed the Global Accord and Inclusive Agreement (GAIA) (United Nations Peacemaker, 2002) with the support of the United Nation. However, while several warring parties were illegally extracting minerals as proxies for international actors, extractive actors were absent from the GAIA's negotiating table and subsequent peace processes. The invisibility of extractive actors during the peacebuilding and TJ processes means that these processes fail to account for their share of societal harms in efforts to seek redress for the legacy of conflict in the Congo.

The GAIA foresaw several pathways for TJ and peacebuilding, including security sector reforms, which included the disarmament, demobilization, and reintegration of Congolese combatants, vetting, and police reform to establish the minimum level of security for the 2006 elections (Onana et al., 2008). These activities were coordinated by the appointed transitional government and the international community, mainly represented by the UN peacekeeping mission in the DRC, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). However, subsequent peace and disarmament agreements in 2004 and 2013, which established a vetting mechanism to screen members of security forces based on their human rights records, have yet to be implemented.

At the international level, the International Criminal Court (ICC) has taken center stage in advancing accountability for human rights violations in the DRC. It has handled six landmark criminal investigations and prosecutions related to war crimes and crimes against humanity in eastern Congo, mainly in the provinces of Ituri and North and South Kivu. Three of the six cases are among the ICC's most iconic work in response to international human rights violations and have contributed significantly to transitional justice in the DRC. None of these cases, however, explicitly center the environmental crimes perpetrated by the warlords and the extractive industries that have supported their militia activities in the DR of Congo. This gap in international justice efforts in the DRC is by no means accidental. Rather, it is a reflection of international bodies' reluctance to engage with the difficult task of pursuing accountability for extractive industries' human rights records in the DR of Congo.

Another striking example of the negative impact of Chinese extractive industries in the DR of Congo is deforestation. While the role of the Congo Basin's forests as the "second lungs of the earth" in the global carbon budget continues to receive scientific and political attention, including recently at 2022 United Nations Climate Change Conference of the Parties (COP27) in Egypt, the deforestation of the Congo is unfolding at an increasing pace. Using data collected across 15 years from 2001 to 2015, Fuller et al. (2019) analyzed the relationship between Chinese timber imports and tree-cover loss in the Congo Basin. They found a positive relationship between measures of Chinese logging and tree-cover loss. Results indicated that

the total accumulated export of wood from Congo Basin countries to China doubled between 2001 and 2015, with 50% of exports originating from Cameroon and the Republic of Congo (Fuller et al., 2019). Despite the presence of international and national legal frameworks such as the International Tropical Timber Agreement of 2006 and the 2002 Forest Code No. 011/2002, the regulation of Congo's timber trade remains inadequate to curb the environmental impact of Chinese extractive industries, threatening efforts to curb global warming.

Finally, another important feature of the TJ landscape in the DRC is the UN-led mapping report that documented 617 incidents of gross human rights violations and international crimes committed by state and non-state actors from 1993 to 2003 (United Nations, 2010). Human rights advocates have used this landmark report to push for the creation of a specialized mixed court to deal with crimes of war and genocide and for the establishment of a government-led reparations fund for victims (Mubiala, 2021). While these mechanisms are crucial for advancing the TJ agenda in the DR of Congo, they remain inadequate for prosecuting the big players in these conflicts, including extractive industries, and addressing the root causes of conflict, including issues of poverty, inequality, and weak governance (Vinck & Pham, 2008).

In summary, in the DR of Congo the fields of peacebuilding and TJ have proven inadequate as an avenue to transform conflicts by extending accountability requirements to extractive industries. In this context of contestation, community resistance against extractive industries provides relevant insights toward bottom-up environmental accountability. Thus, it is helpful to study its underlying motivations, limitations, potential contributions to dispute resolution, and approach to ecological and economic justice for victimized individuals and communities rather than regarding it as an anomaly. Community resistance in the form of collective mobilization acknowledges the agency of victimized communities faced with harmful mining practices. It enables the fields of peacebuilding and transitional justice to become more visible and foregrounds the human rights abuses of large-scale gold mining companies in efforts to seek redress for the violent legacy of conflicts in the Congo. In the following section, I discuss the conceptual framework of collective participation, which I use to understand and explore community resistance struggles against Chinese mining activities in Wamuzimu.

Research Methods

Due to COVID-19 travel restrictions and security concerns in some parts of the South Kivu province, I could not travel personally to the chieftaincy of Wamuzimu. Instead, I relied on my network of local actors from a previous research project. For this research, I used a qualitative approach. I recruited a local researcher to conduct 20 semi-structured interviews and focus group discussions with community activists, local leaders, and CSO leaders in Wamuzimu between June and August 2022. I also remotely conducted five interviews with TJ experts in Kinshasa to supplement the data provided by the research assistant. While remote data collection was the only way to progress in the study, it also presented its own challenges, including limited internet connectivity and communication delays. Participants' selection criteria included gender diversity, education, ethnic background, and experience dealing with gross human rights violations. Some of these interviews were as short as 30 minutes because of the limited availability of respondents and the topic's sensitivity, while others lasted almost an hour. The interview questions invited respondents to describe their interactions with Chinese gold mining companies, the challenges facing communities due to harmful mining activities by Chinese companies, and the strategies used by these communities to express resistance and discontent. The interviews were conducted in French and Swahili, and I used NVivo to conduct a thematic analysis of the data. Given the sensitivity of the topics covered in these interviews,

most participants preferred to remain anonymous. For this purpose, I have used non-identifiable pseudonyms in the article.

Understanding Community Resistance in Wamuzimu Chieftaincy

The concept of collective participation can help us understand community resistance to Chinese gold mining activities in Wamuzimu. *Collective participation* refers to group mobilization demanding bottom-up environmental accountability for specific human rights violations caused by extractive industries. This article's collective participation framework is inspired by the social movement theory of the 1960s, which stemmed from the Global South's critique of the failure of the Global North's top-down approaches to development (Rossner & Bruce, 2016). Influential movements such as Paulo Freire's conscientization education programs in Latin America have been crucial proponents of social movement theory. As a movement of thinking, *conscientization* rests on the premise that for people to change their living conditions, they need to develop the critical abilities to identify problems and draw on their shared understanding to define collective action based solutions (John et al., 1974). This pedagogical conceptualization of conscientization is crucial due to how it explains the place of collective awareness in a group's ability to shift power toward meeting collective rights and justice demands. Understood as such, collective participation presents some opportunities for advancing community resistance.

Collective participation may increase the relevance and legitimacy of community resistance against the harm extractive industries cause to the environment by amplifying a community's outcry against human rights abuses. Furthermore, by emphasizing their rightful ownership of the land exploited by the gold mining industry, community activists can express collective outcry against land dispossession. In line with this, Pachinko, a traditional leader in Wamuzimu, stated that "We were born here. The land being exploited and emptied of its gold is our ancestral heritage. We are only reclaiming our land and our history as a people. We will not be moved." Second, given that political candidates rely on votes from their local constituencies during electoral periods, collective participation may pressure politicians to solidify their electoral base by undertaking political actions that deter specific human rights violations committed by extractive industries. In this way, collective participation may catalyze bottom-up environmental accountability and ensure the prevention of further degradation of a community's environmental and economic rights. Change, a community activist in Wamuzimu, stressed the urgency of political action:

Large-scale gold mining activities in Wamuzimu threaten our health due to chemical contamination of water points and are destroying our livelihoods. As a people, we cannot just watch this continue to happen. We want our political leaders to take necessary actions now, or they can forget our votes in the 2023 elections.

Finally, collective participation may have a domino effect in other places by leading to broader societal support for the bottom-up environmental accountability of extractive industries, empowering long-silenced communities to defend their environmental and economic rights. Against this backdrop, it is worth noting that community resistance against extractive industries largely depends on the political and cultural contexts in which it takes place, including what forms of repression will be used and how counter-narratives will be formed in response to resistance (Dietz, 2019). The actors involved and their positions vis-à-vis the political institutions shape resistance practices, including narratives. Marginalized groups that lack access to institutionalized channels of participation and resources often use less organized and

more disruptive forms of protest, including diffusion activities, protests, blockades, and occasionally violence (Engels, 2018).

Since 2020, Chinese companies' rampant illicit gold mining activities in the chieftaincy of Wamuzimu have sparked community upheaval, revealing the inability of Congolese mining administration and existing jurisprudence to regulate the sector and keep extractive industries accountable to the communities in which they operate. In 2021, tensions intensified between Chinese mining officials and the community in Wamuzimu over gold mining activities causing land degradation and pollution of the community's primary water source. The Chinese mining officials, however, were authorized to carry out their mining activities by Congolese national and provincial authorities and disregarded community demands, ordering the Congolese police and military in charge of their security to arrest and torture protesters who were caught at mining sites. Nevertheless, this suppression strategy did not produce the desired outcome. On the contrary, with each new arrest, civil society actors in neighboring Kitutu galvanized community members to join the resistance struggle. Following the kidnapping and killing of two Chinese workers in 2021, some Chinese companies were forced to suspend their activities. This growing momentum behind resistance efforts also forced local authorities to side with community members whose land had been damaged by mining activities.

While community resistance struggles in Wamuzimu have not resulted in any economic or symbolic reparations for victimized community members, they have nonetheless sent out shockwaves among Chinese mining companies in eastern Congo, asserting the necessity of adhering to communities' environmental and economic demands. More importantly, they have reinforced the notion that communities in the violent contexts in which the fields of peacebuilding and transitional justice often intersect are actively pursuing environmental accountability for harmful extractive practices. Toward this end, these communities use violent and nonviolent methods to conscientize and empower the oppressed masses to seek justice on their own terms. Although the lack of accountability and culture of impunity persists among "*Les Intouchables*"¹ in the DRC, since coming into power in 2019, President Felix Antoine Tshisekedi Tshilombo has expressed interest in putting in place TJ mechanisms to address past and present human rights violations in the DRC. These would include those committed by extractive industries, which have remained a significant elephant in the room in accounting for human rights tragedies in the DRC. Below, I draw on 20 interviews with stakeholders in the Congo to describe three specific ways community resistance against Chinese gold mining companies has played out in Wamuzimu.

Violent and Nonviolent Protests

Chinese gold mining in the eastern Democratic Republic of Congo has been the subject of numerous violent and nonviolent protests. As in other sites in eastern Congo, Chinese companies in Wamuzimu have been accused of using environmentally harmful mining techniques, exploiting the local workforce, and engaging in corruption Rapanyane, M. B. (2021b). . There are several reasons for the protests in Wamuzimu against Chinese gold mining, including claims about the industry's use of environmentally damaging mining methods involving mercury and cyanide, which have contaminated nearby waterways and harmed the livelihoods of local communities. Chinese businesses are also accused of underpaying and

*Environmental Accountability of Extractive Industries and Community Resistance in the
Wamuzimu Chieftaincy in Eastern Congo*

offering substandard working conditions to local workers. Chief among the drivers of protests is that local communities have yet to share in the economic rewards of the mining sector, which has resulted in widespread poverty and unemployment. When security officials come across protestors, they often aim not to arrest them. When encounters between community protesters and the security forces become heated, however, the situation can rapidly escalate from an implicit to an explicit threat of violence, especially when protesters refuse to leave the mining site (Katz-Lavigne, 2019).

Furthermore, due to the eastern Congo's complex political opportunity structure for aggressive action, politico-military entrepreneurs have used the narrative of community resistance against industrial mining to gain control of specific mining sites. In this way, these entrepreneurs harness collective action to pursue their own agendas while extorting the people they claim to defend against industrial mining (Verweijen, 2017). Despite local leaders' instrumentalization of community resistance in some instances, a common thread in recent protests against Chinese mining activities in Wamuzimu is its violent manifestation. Lemba, a youth leader in Wamuzimu, observed this phenomenon:

In 2019, a group of artisanal miners attacked a Chinese mining company's site, accusing it of encroaching on their mining area. The attack resulted in the death of one Chinese miner and several injuries. The Congolese army was called to quell the violence and several artisanal miners were arrested. In 2021, a similar attack occurred, resulting in the death of two Chinese miners and the burning of mining equipment. The Chinese government expressed outrage at the attack and called on the Congolese government to provide better security for Chinese companies operating in the region.

The nonviolent protests against Chinese gold mining in Wamuzimu have taken various forms, including peaceful demonstrations, sit-ins, and petitions. Kalu, a CSO leader in Wamuzimu, commented on the forms of protest undertaken in Wamuzimu:

In 2018, joining efforts of the civil society of the Mwenga territory, local protesters from Wamuzimu attended a peaceful demonstration against the Chinese mining companies, demanding that they respect the rights of the local population and compensate them for the damages caused by their activities. The protesters marched through the streets of Mwenga, carrying banners and placards with slogans such as 'Chinese Mining Companies, Respect Our Rights.' In 2020, youth in Wamuzimu participated in a sit-in at the entrance of the Chinese mining company's site, demanding them to provide good wages for youth working there and improve their working conditions. The sit-in lasted for several days and the company eventually agreed to our demands and opened new employment opportunities for the youth.

The Pressure of Civil Society Actors

One of the critical ways civil society actors in Wamuzimu have pressured local leaders is through advocacy and awareness-raising campaigns educating local communities about the harmful effects of gold mining and stressing the need for stricter regulation of the sector. Civil society actors have used various tactics to reach local communities, including social media campaigns, public meetings, and educational materials. Karta, a Civil Society Organisation (CSO) leader in Wamuzimu, spoke about civil society actors role in monitoring extractive industries:

Civil society actors have also played a crucial role in monitoring the activities of Chinese mining companies and reporting violations of environmental and labor laws. By documenting these violations, civil society actors have provided evidence to local leaders and international organizations to pressure companies to comply with regulations.

Civil society actors have also filed lawsuits against Chinese mining companies for violations of environmental and labor laws. These lawsuits have demanded compensation for affected communities but have also put pressure on local leaders to take action to regulate the industry. Finally, civil society actors have played an essential role in building coalitions and partnerships to pressure local leaders to regulate Chinese mining practices. Civil society actors have partnered with other NGOs, community-based organizations, and international organizations to amplify their message and build a broader movement for change. By building these partnerships, civil society actors have been able to put tremendous pressure on local leaders to take action on regulating Chinese mining practices. For example, in August 2022, a memo jointly signed by 25 civil society actors articulated the community's outcry against Chinese companies' illicit and harmful gold mining activities in Wamuzimu (Mwetaminwa & Vircoulon, 2022).. The memo called for the suspension of mining activities developed by these companies—which had decisively violated legal provisions, regulations, and standards governing the mining sector, particularly in regard to human rights—in the territory of Mwenga. Furthermore, civil society actors have insisted on suspending gold mining activities until appropriate solutions, including fair and equitable reparations to local communities, are found. As a result, due to high acidity levels in the river, DRC Environment Minister Eve Bazaiba and Minister of Mines Antoinette Samba ordered the company to temporarily halt its operations in order to dialogue with local communities. The ministers also required the companies to conduct environmental impact studies before resuming activities. While this success is a drop in the ocean regarding the government-level decisions required to address harmful gold mining practices in Wamuzimu, it certainly boosted the agency of victimized communities demanding bottom-up environmental accountability from Chinese companies operating in their areas.

Social Media Mobilization

In recent years, social media has become a powerful tool for activists and communities resisting the harmful effects of gold mining practices in eastern DRC. Social media has played a crucial role in bringing attention to these issues and mobilizing resistance against them. One notable social media campaign led by the Enough Project has raised awareness about the environmental and social impacts of conflict minerals in the Congo using social media to engage with consumers and hold electronics companies accountable for their harmful supply chain practices. The campaign's success in connecting with local activists to raise awareness about the issue through live-streamed discussions with featured speakers, trendy hashtags, and offline engagements with policymakers has increased pressure on electronics companies to ensure that their products are sourced ethically and sustainably². Local activists and journalists in Wamuzimu have also used social media platforms such as Twitter and Facebook to share photos and videos of polluted rivers and land, as well as stories about the impact of mining on local communities. These efforts have helped raise awareness about the issue locally and internationally and have put pressure on Chinese mining companies to address their harmful practices. Finally, social media has provided a platform for local communities in Wamuzimu to build coalitions with other communities in eastern Congo to amplify their demands for

Environmental Accountability of Extractive Industries and Community Resistance in the Wamuzimu Chieftaincy in Eastern Congo

environmental accountability for harmful extractive practices. Simba, a blogger in Mwenga, spoke about the effects of social media:

Initiatives such as the Mwenga Resistance Committee have used social media to mobilize local communities to resist the activities of Chinese mining companies in the area. The organization has also used social media to connect with other nationwide activists and organizations working on similar issues.

Despite the vital role of social media in resisting Chinese mining practices in Wamuzimu, its use also presents its own challenges and limitations. Internet access is limited in many parts of Wamuzimu and many people need help to purchase the data bandwidth necessary to stay actively engaged on social media, reducing the impact of campaigns. Additionally, using social media for activism can be risky as activists and journalists in the DRC have faced harassment and violence for speaking out against the government and multinational corporations.

Looking Ahead

Drawing from the case of Wamuzimu, it is evident that community resistance in the form of collective participation can trigger necessary political actions toward bottom-up environmental accountability. There is no evidence, however, that this approach enables material reparations favoring victimized communities. It is also worth noting that Chinese mining companies are not the only ones culpable for their negative environmental impact in the DRC—European, American, and Australian companies have come under scrutiny as well. Indeed, an analysis of 22 prominent civil cases³ recently filed against European companies operating in Africa, including in the DRC, concludes that systemic obstacles prevent victims of corporate abuses from accessing legal remedies (European Coalition for Corporate Justice, 2021). The analysis also underlines that no final judgment had ordered a European company to pay damages despite numerous violations, particularly in sensitive and high-risk sectors prone to cause serious human rights violations, such as extractive industries, construction, textiles, agricultural food production, wood, dredging, chemical production, and the pharmaceutical sector.

Peacebuilding and justice efforts in the DR of Congo need to sufficiently discuss the role of extractive industries in perpetuating human rights violations in the Congo. This status quo is partly due to the powerful geopolitical forces driving these industries, which are also the main sponsors of peacebuilding and justice initiatives, leading to the inability of these initiatives to hold extractive actors accountable. It is also partly due to the Congolese government's weak enforcement infrastructure of laws regulating extractive industries. The Congolese mining sector, for example, is governed by the Mining Code, Law No. 007 of July 11, 2002 (Code Minier, 2002), as modified and completed by Law No.18/001 of March 9, 2018. This law and its various ministerial and inter-ministerial decrees establish mechanisms to regulate relations between companies and local communities to reduce the negative impacts of mining projects on human rights. It also ensures that residents benefit from the economic returns of mining through financing various community development projects. Nevertheless, while these legal frameworks exist, extractive industries repeatedly violate them. At the national level, only two legal cases that directly linked to environmental damages to the exploitation of natural resources have been considered. Baraka, a TJ expert in Kinshasa, commented on this:

The first one was about the pollution of Kilwa river near Katanga by the Canadian company Anvil Mining in 2012, which led to fierce social protests that the Congolese National Army violently repressed. The second trial is Yamisika in Equateur, where

SODEFO had entered a social agreement with local communities to build schools and hospitals. However, after years of [exploitive] logging, the community could not see anything. So protesters seized the company's property and the leaders of the company requisitioned the military and the police who committed many violations of human rights, including burning people with lighted cans.

Furthermore, a missing piece of the puzzle is the lack of a legal framework and national strategy for transitional justice in the DRC. This instrument could potentially complement and enhance Law No. 007's requirement for environmental accountability and reparations for victimized communities. In this regard, the DRC can draw inspiration from other countries like Guatemala, Colombia, and Argentina which are implementing both official and unofficial transitional justice mechanisms to address corporate complicity in grave human rights violations during some of the most notable periods of repression and conflicts in those countries (Colins & Sanchez, 2021). In the meantime, amidst the structurally weak state control of the mining sector in some parts of eastern Congo, victimized communities are increasingly resorting to resistance against extractive industries that threaten their livelihoods. In cases like that of Wamuzimu in which community resistance succeeds in suspending or closing these industries, communities are relieved that environmental accountability has been partially achieved but remain disgruntled by the lack of reparations for the environmental damage.

At this juncture, peacebuilding and transitional justice scholars in the DR of Congo can play a crucial role in elevating the voices of communities victimized by harmful extractive practices. Below are three essential contributions they can make. First, peacebuilding and TJ scholars can highlight the need for extractive actors to take responsibility for their role in Congo's legacy of conflict and human rights violations by bringing forward additional research on the environmental damage caused by extractive industries and their effects on local peace and justice initiatives. Second, identifying communities with heavy reliance on the land could help inform the creation of "no-go" areas for extractive projects to the mutual benefit of the companies, communities, and government authorities likely to be negatively affected by the socio-environmental impacts and the cost of production deadlocks brought about by resistance (Conde & Le Billon, 2017). In this way, the creation of no-go sites will protect communities' livelihoods and prevent avoidable conflicts between host communities and extractive industries. Lastly, Peacebuilding and TJ scholars can help develop a solidarity network among community resistance movements across the DRC to strengthen their ties and amplify their collective voices in support of the environmental accountability of extractive industries. Kalimba, a TJ scholar in Kinshasa, reflected on the importance of this:

It is critical for future research to accentuate the linkage between extractive industries controlling the exploitation of coffee, minerals, and other natural resources and [human] rights violations in the DR of Congo. Highlighting through research the economic and environmental crimes of these actors will have a real impact on the ground in terms of finding sustainable solutions to decades of cycles of violence linked to extractive industries.

Concluding Remarks

Throughout the history of conflicts in the Congo, extractive industries have been important drivers of violence and gross human rights violations. However, peacebuilding and TJ initiatives have failed to address the everyday tragedies of communities victimized by harmful extractive practices. This paper explores how community resistance against the harmful practices of Chinese gold mining companies in Wamuzimu in eastern Congo during 2021 has

Environmental Accountability of Extractive Industries and Community Resistance in the Wamuzimu Chieftaincy in Eastern Congo

set the stage for the bottom-up environmental accountability of extractive industries in their chieftaincy. While it is not certain when cases of community resistance will culminate in the national foregrounding of environmental accountability, this paper argues that understanding community resistance as a pathway to bottom-up environmental accountability requires acknowledging the agency of victimized communities faced with harmful mining practices. This also enables peacebuilding and transitional justice scholars to make visible the human rights abuses of large-scale extractive industries in order to seek community reparations for environmental damages. Additional research is needed to establish the causal link between community resistance and the environmental accountability of extractive industries in the DR of Congo. Still, relevant examples from other contexts across the world can help solidify this case and hopefully achieve justice for victimized communities speaking out in support of environmental accountability.

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Endnotes

¹ Referring to powerful actors and institutions that the general public perceives as operating above the law in the DR of Congo. In his book, *Conflict Minerals, Inc.: War, Profit and White Saviourism in Eastern Congo*, Christoph N. Vogel (2022) further discusses this notion in the context of Congo's mining sector.

² For more information, follow the Enough Project at <https://enoughproject.org/get-involved/cfci/campaign>.

³ For more information on the 2021 Suing Goliath analysis, see <https://corporatejustice.org/wp-content/uploads/2021/09/Suing-Goliath-FINAL.pdf>

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*Environmental Accountability of Extractive Industries and Community Resistance in the
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