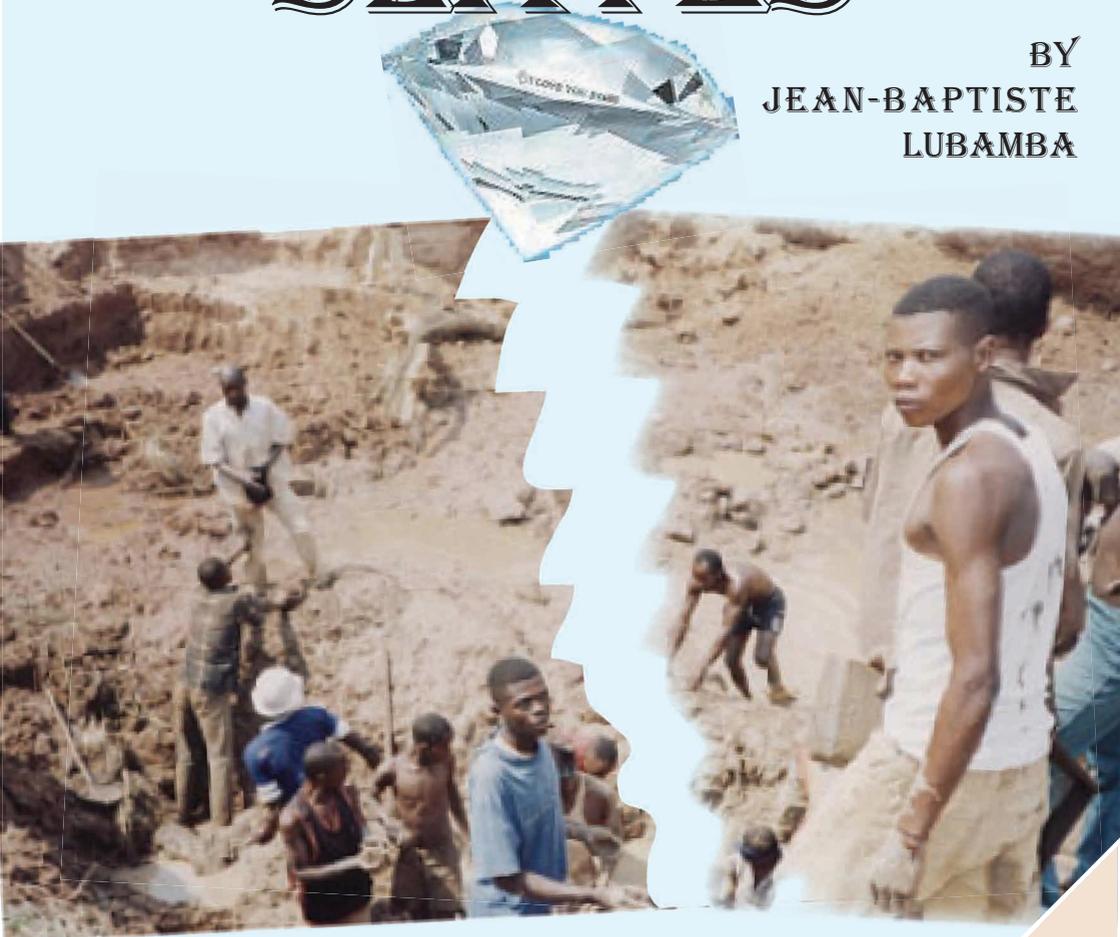


MODERN DAY SLAVES

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THE LIVING AND WORKING CONDITIONS
OF THE INFORMAL DIAMOND DIGGERS
OF THE TOWN OF MBUJI MAYI

NIZA
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groundwork

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The DRC, Zambia, Angola, and South Africa, are amongst some of the richest countries in Africa, due to their natural resources. Despite this, the extraction of oil, gold, timber and diamonds, and other resources is only rarely the engine for socio-economic growth and stability. On the contrary, they provide disproportionate power and an unfair advantage to national and foreign companies, who exploit these resources, with only a small local elite profiting from this exploitation. The totally unequal division of revenue and the often fatal consequences of industrial practices on the local communities in the mining areas increase the opportunity for social unrest and armed conflict.

INTRODUCTION

The informal mining of diamonds has become an important sector in the DRC, in light of the numerous problems being experienced by MIBA Mines (Minière du Bakwanga), the sole mining company to mine diamonds industrially, and after the collapse of copper. At present, the informal sector contributes 70% to the State budget. This significant contribution to the country's fiscal coffers makes informal

diggers an essential link in the diamond production and exportation chain in the DRC.

It is estimated that there are more than 1 million diggers between the ages of 6 and 45 years, in the whole country, of which 200 are working in the mines in Mbuji Mayi. Most of them are natives of the mining zones, but others come from the neighboring provinces, and principally Kinshasa. It is officially reported that the diggers who actually find the diamonds, at the price of much sacrifice, live on a wage of only 55 US cents per day. Moreover, they work in extremely inhumane and often tragic conditions. Likewise there are different local communities living in the mining zones. This is the paradox, which analysts and researchers who are interested in the mining sectors and particularly, in the diamond sector, in the DRC, never cease to pick up on. In this chain of production and of exploitation, the other intermediaries, (the counter managers, sponsors, merchants and traffickers), cash in on millions of dollars at the expense of the diggers, and live lives of total luxury, while investing elsewhere than in the province which made them so rich.

This situation of injustice and social exploitation, the negative socio-economic impact on the local communities in Mbuji Mayi, is the leitmotiv for this research. The idea is to plan out concrete actions for advocacy and lobbying for better living and working conditions for the diggers, and to ensure that their socio-economic environment can benefit to the maximum from these resources. The recommendations arising from this study are addressed at the Congolese State, the diggers, local communities, MIBA, the sponsors, and national and international NGO's. Each party can play a role in the development of the mining zones.

RESEARCH METHOD

The question posed by this study was, 'What are the living and working conditions of the informal diamond diggers in Mbuji Mayi?'

Desk Study

- ◆ We conducted a desk study of the government Department of Mining, of CEEC, CAMI, SAESSCAM, and FECODI.
- ◆ We consulted both audio-visual and written media.
- ◆ The reports of international NGO's, such as NiZA, PAC Canada, Global Witness, and salient points of the RRN, and the NGO GAERN, were consulted and have been used extensively.
- ◆ The Mining Code of the DRC supplied the provisions regarding security, hygiene, the environment, and the regularisation of this sector.
- ◆ Finally, much information was supplied by the internet.

Field Study

The gathering of data in the field took up almost a full month, from mid-June 2006 to mid-July 2006. It was done equally in Kinshasa, as in Mbuji Mayi, where we went to the mining sites to observe the diamond diggers, and to ask them questions about their living and working conditions.

Observation

Two methods of observation were applied:

1. Overt observation of the diggers while at work in the mines, with questions, and
2. Covert observation, in order to overcome the refusal of some diggers to answer our questions.

Interviews

We used three methods of interviewing:

1. Focus groups with 5 groups of informal diggers of 8 to 10 people each, and the leaders of the informal miners who manage between 1000 and 1500 miners per mine.
2. Unstructured interviews of the Secretary General of MIBA, who informed us about the living and working conditions of the informal diggers who infiltrate the MIBA polygon; miners and others interviewed (sponsors, the heads of local organisations), were able to express themselves freely, and
3. Structured interviews with diggers, traffickers, at diamond counters. All these questions appear in the annex to this report called Study Questionnaire.

Problems with the collection of data.

Some of the sources imposed a lengthy administrative process on us before we could have access to certain information. As we had to be aware of time constraints, we were obliged to find alternatives.

We did not meet with all the role players in Mbuji Mayi, or in Kinshasa, for the simple reason that many of the politicians were unavailable due to the electoral campaign for the first free and democratic elections, the first round of which was scheduled for the 30th July 2006.

The diamond diggers and traffickers were not always amenable to answering our questions. Certain used the pretext of being too busy, others believed we were agents of the security services, and some only answered our questions after having been reassured by the presence of the friends of the GAERN, who support them.

The participation of GAERN was very important in allowing us to meet many diggers, who are supported by this organisation in Mbuji Mayi as well as in the surrounding areas of this town.

RESULTS

The difficult and high risk working conditions

Informal diamond diggers work in very difficult and even life-threatening conditions. The gravel is 30 to 35 meters below in a shaft or in an underground tunnel. It can also be in rivers, which brings with it the risks of drowning and crocodile attacks.

The modes of informal mining

There are four principle modes of diamond extraction in the town of Mbuji Mayi, and surrounding areas. These methods vary depending on the sites.

Underground tunnels (Majimba)

The underground tunnels 'Majimba' are holes of about 90cm in diameter, which can be 30 to 35 meters in depth, and at the bottom, paths are dug outwards, which can be up to 10 meters long. This is the most widely used mode in the periphery of Mbuji Mayi.

This method is very dangerous, and many accidents occur due to the instability of the soil, rock falls, and lung illnesses caused by the lack of air in the shafts.

Mining in the open in craters

Informal miners dig holes or shafts for ordinary or Kimberlitic mining. These mines reach a depth of 20 meters. The thickness of the gravel varies between 10cm and 1.5m, even more. They use rudimentary tools, shovels; crowbars;

buckets and bags; small diesel pumps for removing water from the mine; sieves; and sorting by hand. Because there are no retaining structures, it often happens that they get trapped in the shafts when these collapse, and they are sometimes even killed.

Diving

Informal miners also dive into the rivers, sometimes without any protection, in order to find gravel below. These are called the 'Zolo Pamba', divers who go beneath the water without diving equipment. They are sometimes forced to break the riverbed in order to reach the gravel below, before returning to the surface,

The construction of dam walls or dykes

Informal miners also dam up walls in the rivers. This technique involves blocking up a good part of the river, using sand bags. Once this area has been isolated and dried, it becomes a mining site. This method can result in death, caused by drowning when the current sometimes carry off those who, despite not being able to swim, build the dam walls. There are also cases where the diggers are attacked by crocodiles.



Women panning in the river

The Miba Polygon

The polygon is a MIBA mining concession which is rich in diamonds, and extends over a surface area of 78 000 km². This concession straddles two neighboring provinces of Kansai, West Kansai and East Kansai. Since the liberalization of informal diamond digging in 1982, illegal diggers invade the concession each day, paying an access fee to get through the two belts of security, namely the police and the FADRC. According to official sources in Miba, 5000 diggers gain entry illegally to this site, some of which are armed and are commonly known as the 'Suicidal', as compared to the presence of only 6000 MIBA agents.

Illegal diggers face several permanent obstacles, which are:

- ◆ At the entry point to the site, they have to pay an access fee of 200 CF per belt of security;
- ◆ Reprisal and attacks by the mining guards and police and 'the suicidal';
- ◆ The deep shafts, the abandoned mines filled with stagnant water, flash floods in the river during the rainy season;
- ◆ Stray bullets fired by the mining police, to dissuade illegal diggers and 'the suicidal'

There are several groups who operate in this area:

The suicidal are a group of people who are often armed and who stir up unrest, looking to rob other diggers or suicidals. They attack MIBA staff or visitors.

A suicidal can be a civilian, the child of a security agent, who has become an armed bandit, or often a policeman or soldier who has deserted the ranks, or is still in service. This phenomenon is not as old as one may think. It is exactly 6 years old. But it has gained in stature in recent times, and is known in Mbuji Mayi. When they enter

the concession, the suicidals are completely inebriated after taking a drug made from gunpowder, which sells for 250 CF.

The mine guards or 'blondos' are in charge of controlling infiltration. But often they collaborate by allowing the informal diggers access to the Polygon. The 'blondos' sometimes double play by first allowing the diggers in, and then stopping them and turning them over to their superiors.

The police and the military of the FADRC constitute the two security belts. But they make each digger they allow into the Polygon pay 200 CF.

The unarmed diggers, who enter the polygon to look for diamonds, are often at the mercy of the suicidals who exact a levy from them. Sometimes the suicidals remove or confiscate their diamonds under threat of death, if they meet with resistance. If by some misfortune a digger falls into the net of the official MIBA guards, he is stopped and put in prison, and must pay 5000 CF to gain his freedom.

In the face of this plethora of different categories of diggers who enter the MIBA polygon illegally, there is so much confusion that you can't tell who is doing the shooting.

The unequal distribution of gravel and the law of the sponsors

The informal diggers work hard, putting their lives at risk. But when the gravel bed is reached, the news spreads like wild fire, and all the vultures descend upon the mine. The 30 diggers and the 5 groups who were interviewed, confirmed that they are the victims of a range of people who arrive in the mining zone when the division of the gravel is made turning suddenly into a marketplace. In this shambles and confusion, it is the diggers who lose out,



Gravel is divided in a built dyke on the Lubilanji, next to the bridge

finally being left with very little, with all the others each wanting their share.

In the case of open mines or 'Mjimba', the division of the gravel is done in the following way: 25% goes to the sponsor; 25% goes to the owner of the property; 25% goes to sponsors for the supply of material; 25% goes to the diggers who are in a team of 20 to 30 people.

Where the mines are in the river, the gravel is shared out as follows: 25% for the diggers; 25% for the purchase of sand bags and food; 25% for the hiring of a fuel driven engine, 25% for the land owner.

In both instances, the sponsors come out with 50% of what is produced. Also, as they supply the material, they make the law by determining the buying price fixed by them in dollars, but which they pay for at the daily discounted rate, again fixed by them.

At the end of the day, it is the sponsors/dealers who are the winners in each operation. The sponsors are a necessary evil for the diggers as, throughout our research, everyone interviewed, especially the diggers, emphasised that although the sponsors exploited them, they recognised that it was they who financed the mining operations. Other diggers, without sponsors to assist them, sometimes wait for months to start mining, due to a lack of means.

The 'boulouwer' phenomenon

At certain diamond counters in Mbuji Mayi, diggers are not always welcome. If they are received at first, they end up being intimidated and threatened by the 'boulouwers' who force them to sell their package at their counters. The role of the 'boulouwers' is to use all kinds of intimidation and threats, so that when the informal diamond diggers come to sell their package at the counters, they are forced to accept the price they are given and to only sell to their counters and no other.

The multiplication of taxes

Informal diggers also complain of the multiplicity of taxes imposed on them by the public services, which are often fictitious. These taxes never go into the official system, but rather disappear into the pockets of those who collect them.

The precarious living conditions

The age bracket of the informal diggers is between 6 and 45 years of age. They are generally barefoot, dressed in rudimentary clothing consisting of torn shirts and shorts. The digger is a person with no resources, usually crippled by debt, who lives off the sponsors who pay him a pittance in return for working materials. These sponsors also support his family by feeding them, albeit irregularly.

The living conditions of the informal digger can be summed up by the totality of problems which they are confronted with in their daily lives, which keep them in a state of extreme poverty.

The informal diamond digger's wage

Informal diamond diggers do not earn fixed wages. According to the chief of works, Felicien Tshimanga, who conducted research on this category of person, the annual wage of a digger is about 200 US dollars a year, which translates as 16.6 dollar a month, or a daily average of less than 0.55 dollars.

Diamond diggers sometimes spend 6 or 7 months without finding any diamonds in the shafts and tunnels, as the prospecting is done using traditional methods such as looking for certain signs like the presence of a few trees.

Diamond prices

Our interviews with the 30 diggers and the 5 groups, about the price of diamonds,

confirmed that they did not know the real or actual price of a diamond. They accused the dealers of taking advantage of their ignorance to make as much money as possible from the sale of the diamonds to the counters.

The selling circuit

By the end of our study, we understood how the diamond network worked, from the starting point of production, right through to exportation out of the country. The distribution network goes as follows: the first person to touch the diamond is the digger, who sells the stone directly to a dealer or trafficker, or intermediary, or even a sponsor. At this level, it is a loose transaction, privately arrived at. These people in turn sell their parcel to the authorised diamond counters in the province or in Kinshasa.

The finished products made from diamond

Many of the diggers do not even know what finished products can be derived from diamonds. The main thing for them is to sell the diamond and to have money, the finished products produced from it being of little importance. Following a photo exhibition organised in July 2006 in the outlying mines of Mbuji Mayi, many of the diggers only then realised the great number of items that can be made using diamonds.

Food

According to an unpublished study by the chief of Works, Felicien Tshimanga, about 93% of the diggers eat only one meal a day. This situation indicates how precarious the state of food security is in the digger's household. Indeed, according to a report by the Support Group for the Accompaniment of Sustainable Development, 60% of children between the ages of 0 to 5 years suffer from malnutrition in Mbuji Mayi¹.

The supply of drinking water in Mbuji Mayi is almost nonexistent. Similarly, in the mines, the diggers drink the water from the rivers and streams where they sieve and clean the stones. This water is often the source of illnesses, which sometimes results in deaths. This explains the existence of a Cholera Care Centre in this part of the country. In Tshitenge, 5km from Mbuji Mayi, because of this lack of drinking water, the inhabitants make holes in the water pipes from the Miba mine.

Education

A lot of the diggers' children do not go to school. From a young age they are recruited into the work of diamond mining, in total contempt of and violation of the rights of children, which are guaranteed by the Constitution of the DRC

These children are real beasts of burden in the mines. They are exploited as they provide cheap labour for doing certain work like transporting the gravel, sieving, emptying the earth and water from the shafts, providing basic necessities to the miners (food especially, and fuel). As for their remuneration, these children 'recruited' by their parents, or other pimps, are not paid like adults. Further, the adult takes a cut from their salaries at source. No one knows with any precision what amount this is.

Primary health care

The Annual diamond Industry Review, published in 2005 by PAC and CENADEP, states that the health of diggers is deteriorating due to unacceptable hygiene conditions, a high rate of infant mortality (12.5% maternal deaths), the spread of sexually transmittable diseases, and a declining life span (41 years)².

The children are also the most badly affected by diseases like malaria, or sleeping sickness (7 out of 10 cases).

HIV/AIDS

Like other diseases, STIs, mainly HIV/AIDS are having a devastating impact in the different mines of Mbuji Mayi. Young uneducated girls and children of the diggers are also exploited by the practice 'Tu Mpati', whereby the diggers, away from their wives, have sexual relations with young girls less than 13 years of age. We learnt from medical sources that it is the young girls between 11 and 13 years who engage in the oldest profession of prostitution, and who spread HIV/AIDS. There is much behaviour in the mines which is putting people at risk of contracting HIV/AIDS.

The diggers' living conditions

On the outskirts of the town of Mbuji Mayi, especially, the informal diggers live



A diamond diggers' town on the outskirts of Mbuji Mayi

in hovels, made generally of straw, thatch and mud. The straw houses, which they rent, usually consist of two rooms. It is here that the digger's entire family stays, generally made up of at least five children, and living in a state of total promiscuity.

The Impact on the environment

Overall, the different mining activities destroy the natural environment and have a negative impact.

The diggers are polluting their environment, as, according to a study led by Felicien Tshimanga, 98% of the diggers use toilet facilities which are 'unhygienic, and rely on methods of evacuation and waste disposal which are again unsanitary, the results of which are left exposed in the open, as well as in ravines'.

Forestry and agriculture are paying a heavy price in that the numerous open mining pits make farming impossible, and the rate of deforestation is increasing at pace. This deforestation is paving the way for the desert. The informal diggers are themselves unaware of this.

The work hours

The diggers do not work fixed hours. We noted that everyone we interviewed confirmed that the diggers have no notion of time. Each of them works the numbers of hours that the circumstances dictate. Some told us that they work from 8am to 6pm every day. Others exceed this, especially when the mining deposits appear profitable. They can work 24 out of 24 hours. During this period, they practically sleep in the mines, in cold and heat, even in the rain. Not only do they work, but they also keep watch over the entrance to the mine in order to stop new arrivals. Those diggers who work in mines long distances

away from their home can stay there for up to 2 to 5, even 6 months in the mining zones. There they take other wives.

The management of resources

The majority of people interviewed on this subject have confirmed that the diggers spend blindly. According to the digger Muanga Zaire 'a digger lives a miserable existence, but the moment he has money, he forgets everything: his family in the broad sense. He indulges in prostitution, and spends money recklessly'. When they are left destitute, they return to their family in order to sell the goods they bought during the more prosperous times. But if good fortune comes their way again, they return to their debauched ways, and the same causes produce the same effects, in a vicious cycle.

The role of women in mining exploitation

In the case of informal diamond mining in Mbuji Mayi, the female 'digger' also plays a role. About 60% of women are used in the transportation of gravel and work materials, like motor pumps and generator; only 2% actually mine, and about 30% work at the sieving of the gravel. Those who do not have the skills to work, resort to prostitution in the mines.

CONCLUSIONS

Contrary to what may be believed, the diamonds of Mbuji Mayi equate with poverty. 'Diamond mining only produces generalised poverty of a most severe kind. The informal miners and their families do not receive much of the wealth represented by diamonds. Very few have succeeded. The majority remain immersed in the blackest misery, in search of this great prize of wealth'³.

Diamond mining is a very difficult trade for the miners, who use rudimentary working tools. At the end of the process, it is the sponsors and dealers who benefit the most, by selling what they acquired at a very low price from the diggers, at 15, or even 30, times more to the counters. The security, health, and environmental measures set out in the new mining Code remain dead texts. The agents of the local administration, who are supposed to apply it, are instead holding the diggers to ransom by imposing illegal taxes on them, which disappear into their own pockets instead of going into the public treasury.

One of the solutions to these problems, which are crippling the diggers, is to help them organise themselves into an association, federation or co-operative, so that they constitute a collective force able to defend their rights and interests. Their dispersion only contributes to weakening them against their partners. A change of mentality is needed so that the diggers and other dealers contemplate investing in other areas, like for example: agriculture, fishing, breeding, diamond cutting, and service industries. To free them from their sponsors and shady dealers, diggers must demand that the State supplies them with working materials, even if it is on credit. This would also be a way of lightening their work and increasing productivity. To increase security in the Polygon, a partnership between MIBA and the unionised diggers is imperative.

RECOMMENDATIONS

At the end of our study, we formulated a certain number of recommendations, which are aimed principally at the Congolese Government, the diggers, the local communities, MIBA, the sponsors and the national and international NGOs:

The Government:

- ◆ Translate the mining code into the national languages, and make it available to all the actors of the mining sector, and organise campaigns to popularise the code and create awareness with the diggers;
- ◆ Ensure the regular training of the forces maintaining order and security, as well as the payment of their salaries;
- ◆ Make operational mechanisms to ensure the reinvestment (15%) of funds received from the sale of export diamonds, into the development of the mining zones;
- ◆ Create a fund to benefit informal mining, and to support small community projects
- ◆ Create small and medium enterprises to absorb unemployment;
- ◆ Make operational the project for the creation of a co-operative for the financing of informal mining operations, COOFINAM, and create other co-operatives which can extend credit to the diggers

The diggers:

- ◆ Organise themselves into associations to protect their rights and interests;
- ◆ Adhere to the law by each buying their mining card, and conform to the measures relative to security and hygiene contained in the mining code;
- ◆ Participate in the training sessions on the management of available resources, on the value of diamonds, and the creation of co-operatives;
- ◆ Become involved in community action and health;
- ◆ Organise awareness campaigns, to incite and encourage the community to invest in other domains: agriculture, breeding, fishing and small enterprises;

MIBA;

- ◆ Sign partnership contracts with organisations of illegal diggers, so that they can work for MIBA;
- ◆ Work on the training of the ‘blondos’ and the other security forces of the concession, so as to avoid illegal infiltration of diggers who are first allowed access, and then apprehended by them;
- ◆ Engage in development projects for the whole town and its surrounding areas so that Mbuji Mayi is not built at two different speeds;
- ◆ Commit to respecting its corporate social responsibilities, which translate into a comprehensive body of obligations and duties, which they must fulfill towards the population, to which its own workers belong;
- ◆ Become part of the ‘Publish What You Pay’ initiative.

The Sponsors

- ◆ Sign legal partnership agreements in good and due form with the diggers
- ◆ Organise and participate in training sessions and renounce its support of the phenomenon of the ‘suicidals’ in the MIBA polygon.

The International organisations;

- ◆ Support projects for the creation of co-operatives for the diggers;
- ◆ Lead lobbying and advocacy actions in favor of improving the living and working conditions of the diggers;
- ◆ Support local NGO’s in their actions, namely seminars and workshops aimed at assisting the diggers;
- ◆ Denounce any exploitation of diamond diggers and blood diamonds, by supporting the Kimberley process;
- ◆ Put pressure on MIBA to sign contracts of employment with the diggers;

- ◆ Put pressure on the Congolese government and MIBA to encourage the latter to commit to respecting the principles of the EITI and the Publish What you Pay initiative;
- ◆ Encourage and support the NGO GAERN and other local groups who are making admirable advances in the training of informal diamond diggers.

Local Organisations:

- ◆ Organise groups to support the diggers in forming themselves into formal structures, such as production and marketing co-operatives, unions, etc;
- ◆ Create awareness amongst the different mining actors, to invest in development projects;
- ◆ Train the diggers in management and evaluation of the value of diamonds;
- ◆ Create awareness amongst the diggers and the populations of the mining zones about the benefit of utilising financial resources to improve the quality of life, while keeping their environment clean
- ◆ Fight against insobriety and the lack of hygiene in the mining sites, through training sessions;
- ◆ Fight against HIV/AIDS and STI’s in the mines, with the support of medical personnel.

SAESSCAM

- ◆ Ensure technical and financial assistance to mining co-operatives;
- ◆ Popularise norms of security and hygiene in the mining sites, and watch over their strict application;
- ◆ Contribute to the improvement of the well-being of local communities in the mining sites;
- ◆ Create and assist in the making available of a credit facility for miners, and the management thereof, to promote small and medium mining enterprises.

ENDNOTES

¹ Annual Journal of the Diamond Industry, 2005, p.3

² Annual Review of the Diamond Industry, 2005, p5

³ Felicien Tshimanga Mulangala, Op Cit

Civil Society Organisations (CSO) who form part of the Peace, Principles and Participation (PPP) network are unanimous in their belief that the natural riches of a region should contribute to the sustainable development of poor communities. Civil society plays an important role in the issues linked to mining and the processing of natural resources and represents the interests of the communities living in this sector.

The present article is part of the project, “Unearthing the extractive industries. A civil society research platform”, which aims at strengthening the work of CSOs in South Africa, Zambia, Angola and the DRC, on the consequences of mining and the processing of natural resources in southern Africa.



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