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# The Civil Society & EITI

Appropriation of the EITI standard in South Kivu

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## English abstract

The Extractive Industries Transparency Initiative (EITI), as an international organisation, has created a framework specialized in the transparent publication of data related to extractive industries. Countries can voluntarily commit to following this framework. In that case, these countries will be regularly assessed to which extent they comply with this framework. In this article, a snapshot is provided of the EITI implementation in South Kivu, Democratic Republic of Congo. In this province, Artisanal and Small-scale mining (ASM) is thriving. More specifically, the roles and attitudes of local civil society related to EITI are examined in detail. Which organizations are involved? What roles and actions do they perform? What is their knowledge and attitude concerning EITI? After this descriptive part, we move forward and look at the challenges for the implementation of the EITI standard in South Kivu. This explorative, qualitative study relies on interviews with the local civil society. Multiple challenges to the advancement of EITI in the province were found. Policy ideas to tackle these challenges are formulated in this article.

Keywords: EITI, Civil Society, South Kivu, Artisanal and Small-scale Mining, explorative, challenges, policy

## About the author

Philippe Van Gerwen has written this paper as part of his 6-month research internship at CEGEMI (Centre d'Expertise en Gestion Minière) in Bukavu, Democratic Republic of Congo, from March to August 2022. This internship was funded by an Erasmus+ Grant. Before this internship, Philippe obtained a Master of Science with great distinction in Business Engineering: Management Information Systems at the University of Antwerp. During this Master's degree, he participated in summer schools at Johns Hopkins, Georgetown University and Chongqing University. After, he obtained a Master of Science in International Relations and Diplomacy at the University of Antwerp. During his second's Master, he participated in MUN competitions with his student association MUN Society Belgium winning the Harvard WorldMUN Competition in March 2021.

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## List of Abbreviations

|             |   |
|-------------|---|
| ASM         | Artisanal and Small-scale Mining  |
| CEEC        | Center for Expertise, Evaluation and Certification of precious and semi-precious minerals (Centre d'Expertise, d'Evaluation et de Certification des substances minérales précieuses et semi-précieuses)                                 |
| CEGEMI      | Expertise Center on Mining Governance (Centre d'Expertise en Gestion Minière)   |
| CN-ITIE/RDC | National Committee for the Extractive Industries Transparency Initiative in the Democratic Republic of Congo (Comité national de l'Initiative pour la Transparence dans les Industries Extractives en République Démocratique du Congo) |
| CPS         | Provincial Committee for Monitoring the Mining Sector (Comité Provincial pour la Suivi du Secteur Minier)   |
| CSO         | Civil Society Organisation  |
| DRC         | Democratic Republic of Congo  |
| EITI        | Extractive Industries Transparency Initiative   |
| FEC SK      | Federation of Congolese Companies in South Kivu (Fédération des Entreprises du Congo à Sud-Kivu)  |
| JPT         | Justice for Everoyone (Justice Pour Tous)   |
| MMKI        | House of the Mines in Kivu (Maison des Mines de Kivu)   |
| MSG         | Multi-Stakeholder Group   |
| SAEMAPE     | Assistance and Support Service for Artisanal and Small-scale Mining (Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Echelle)  |

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## 1 Introduction

The goal of the Extractive Industries Transparency Initiative (EITI) is to promote good governance of the extractives industries in the implementing countries. More specifically, “the EITI seeks to strengthen public and corporate governance, promote understanding of natural resource management, and provide the data to inform reforms for greater transparency and accountability in the extractives sector” (EITI, 2022b). To reach this goal, the EITI standard requires the disclosure of key elements of the value chain of the extractive industries including financial streams.

This improved governance could counter issues with which the extractives industry may be confronted. Some resource-rich countries seem to be unable to transform their geological advantage into higher levels of welfare. This observation is called the resource curse or the paradox of plenty (Auty, 1994; Sachs & Warner, 1996). In 2003, the EITI was created as a global response to mitigate the negative economic, social and environmental impact of the extractive industries. The idea is that more data that are open would lead to more ownership of the resources by the local communities. In turn, this would lead to more scrutiny and better governance in the abovementioned domains. Moreover, the World Bank promoted this initiative as a way to counteract corruption (Dashwood, Idemudia, Pupilampu, & Webb, 2021).

In recognizing that national citizens need to benefit from extractive activities (EITI principles 1 and 2), the EITI standard goes further than only mitigating possible negative consequences. It stimulates an environment in which “the prudent use of natural resource wealth should be an important engine for sustainable economic growth that contributes to sustainable development and poverty reduction” (EITI, 2019, p.6).

The Democratic Republic of Congo (DRC) has already travelled a long way in the EITI process. In 2005, the government gave its first commitment to join the initiative. In September 2007, it would become officially an EITI member state. However, each member state is assessed to which extent it complies with the EITI standard. At the beginning of its membership, the DRC struggled to fully disclose the required data and ensure data quality as dictated by the EITI framework. In 2013, the DRC was suspended due to not meeting the minimally acceptable implementation of the requirements of the standard. After corrective measures, the DRC became a full member again. In 2019, it obtained the status of meaningful progress after the first successful validation. In October 2022, a second successful validation was concluded. (EITI, 2013, 2023)

How is an international standard implemented in a vast country like the DRC? To start, the national government has committed itself to the EITI standard. Moreover, it created a national executive committee and technical secretariat under the name of CN-ITIE/RDC with a legal basis in 2009 (Congomines, 2022). These bodies work on the implementation of the standard in the DRC. However, how does this work in Kinshasa translate to accurate implementation in the mining provinces? To the best of the author's knowledge, this was not studied before.

The case of South Kivu with Bukavu as the provincial capital is taken. The case of South Kivu is interesting as Artisanal and Small-scale Mining (ASM) dominate its mining sector. CN-ITIE/RDC is currently moving forward to integrate fully the ASM sector in its reports (EITI, 2022a). EITI is based on the cooperation of companies, government and civil society. However, not every party contributes to the same extent. In South Kivu, preliminary research showed that civil society was the most involved. As such, we arrive at the following research questions:

- Which civil society actors work on EITI in South Kivu?
- What are their roles and which activities do they perform?

- What is the knowledge and attitude of these actors towards EITI?
- Which challenges hinder the advancement of the implementation of the EITI standard in South Kivu?

The research focuses on the working of the civil society and their views and opinions. Looking at the 3 types of EITI partners (civil society, government actors and companies), civil society organisations are the most involved in EITI in the province of South Kivu. Thoroughly understanding their views and opinions would enhance the debate on the advancement of the EITI standard in the DRC and South Kivu.

The paper continues as follows. In the following section, a short literature review is performed. In part 3, the methodology will be discussed. In part 4, the data collection will be described. In part 5, the answers to the research questions will be presented. In part 6, some policy ideas are formulated. The paper is concluded in part 7.

## 2 Literature review

In this part, an overview of the main elements of the academic literature on EITI is given. The EITI literature studies multiple domains of interest. While this working paper has not the goal of exhaustively representing the literature, a brief overview will be given. However, it is crucial to first understand the basics of the initiative. The international EITI secretariat is in charge of publishing the EITI standard and its updates. Interested countries may commit to the EITI standard and implement the requirements of the standard. This process results in a certain EITI implementation in each country. The EITI secretariat will regularly assess to which extent the EITI requirements are implemented and will push for further improvements. The EITI secretariat argues that this would lead to better governance and other benefits.

### 2.1 The EITI standard

There are three main parts to the 2019 EITI standard (EITI, 2019). This standard was applicable during the research period of this paper. The first part consists out of the EITI principles (EITI, 2019, Chapter 1, part 1). These principles were determined in 2003 at the creation of the initiative. These principles relate to the following subjects.

- **Potential and risk.** The EITI principles recognize the role that the extractive industry can play in sustainable development. At the same time, they warn about the potential negative impacts and the volatility in revenues. (Principles 1 & 3)
- **Role of government and citizens.** The government remains in charge of the management of the natural resources. However, the goal is that the national population benefits from the extraction and that it is part of the decision-making process. (Principles 2, 4 & 8)
- **Transparency and accountability.** The main idea of EITI is that the government and companies should be transparent and accountable. This would lead in turn to multiple benefits. (Principles 5, 7, 8 & 9)
- **All-encompassing.** The initiative envisages to include the contributions of all stakeholders and the disclosure of payments by all extractive industry companies. (Principles 11 & 12) The latter means that all extractive resources fall under EITI.
- **Implementation.** The implementation should be workable and within the legal framework and applicable contractual law. (Principles 6 & 10)

A second part of the EITI standard relates to the EITI requirements. These requirements are the cornerstone of the initiative. Member states are regularly assessed to which extent they adhere to these requirements. The end goal is to reach systemic disclosure, which means “routine and publicly available company and government reporting” (EITI, 2019, Chapter 1, Part 3). There are three categories of requirements.

- **Functioning oversight by the multi-stakeholder group (MSG).** Every EITI member state has to create a multi-stakeholder group on the national level in which the government, companies and civil society participate. Moreover, multiple sub-requirements are formulated to ensure that this functions as a free and effective body. (Requirement 1)
- **Extensive disclosure.** The majority of the requirements demand disclosure on certain topics like the legal and institutional framework, exploration and production data, revenue collection and allocation, and social and economic impact (Requirements 2 to 6). It is not mandatory to disclose the environmental impact of the extractive industries. Moreover, human rights are not directly part of the EITI requirements. The relevant data are reported in so-called national EITI reports. The MSG is responsible to produce high-quality reports taking into account the



EITI requirements. These reports are publicly available. Moreover, each group in the MSG will have the opportunity to review the reports before their final publication.

- **Outcomes and impact.** The disclosures should lead to public debate. Discovered pain points in the implementation of the EITI requirements should lead to improvements. (Requirement 7)

A final part of the EITI standard is related to EITI implementation procedures. Two procedures are crucial for the functioning of the initiative.

- **EITI application.** A country that wishes to become an EITI member state should fulfil requirement 1 of the EITI standard (“Oversight by the multi-stakeholder group”). This is the only requirement that is mandatory at that moment. However, the applicant country is encouraged to assess barriers to and opportunities for systematic disclosures. If requirement 1 is met, a country can apply with the endorsement of the established multi-stakeholder group. A senior individual appointed by the government is responsible to support the international EITI Secretariat. If a country is admitted, it should publish its first EITI reports within 18 months. Moreover, within two and a half years, the validation procedure will be started. (EITI, 2019, Chapter 1, Part 2)
- **EITI validation.** Based on the nationally created EITI reports, the EITI Secretariat will assess to what extent the EITI requirements are met and will give the member state an overall score. The threshold for the acceptable overall score will become higher during each validation, pushing the member states to comply more with the standard each time. The formal EITI enforcement mechanisms for non-compliance consist only of suspension or delisting of the concerned member state. (EITI, 2019, Chapter 1, Part 5)

## 2.2 EITI commitment

Why would countries commit to publishing data as required under the EITI standard? David-Barrett and Okamura (2016); Kasekende, Abuka, and Sarr (2016) argue that countries, especially those deemed to have a high corruption risk, commit to the EITI for its reputational benefit. The adhering countries show goodwill, while international actors can reward their progress. However, the choice of an international norm is not arbitrary. “The choice of norm is made in such a way as to gain maximum advantage from the foreign norm givers while at the same time ensuring that the norms chosen do not jeopardize the local actor's position within the corrupt local political system.” (Ejiogu, Ejiogu, & Ambituuni, 2021, p. 797) Furthermore, the voluntary nature of EITI enables countries to join without risking court cases or fines (Sovacool, Walter, Van de Graaf, & Andrews, 2016). Later, this paper will shine a new light on the idea that this commitment is always a free choice. Multiple participants mentioned how the EITI arrived in the DRC as a deal to receive funding from international organisations like the World Bank.

## 2.3 National implementation dynamics

The three privileged partners in EITI (governments, companies and civil society) may influence in which way and to which extent the EITI requirements are adopted on the national level. This could be done in several ways, for example by agenda setting in the multi-stakeholder group or prioritization of parts of the EITI standard. Based on the case of Nigeria, Ejiogu et al. (2021) point out that control over the transparency process is important as the controlling actors have room to decide what information to disclose. “However, resistance from other stakeholders has the potential to increase visibilities and use of the information disclosed. Thus, it is the balance between power and resistance to it which defines what transparency comes to mean in any system.” (Ejiogu et al., 2021, p. 14)

In the case of Sovacool et al. (2016), they found that a strong civil society is able to push for higher quality and more extensive EITI reports in the national multi-stakeholder group. However, Aaronson

(2011) and Öge (2017) point out that this lack of strong civil society and the attempts to constrain them by the two other actors may be the weakest link to EITI.

Besides the actions of some stakeholders influencing the national EITI implementation, there may also be the impact of the national regulatory and political ecosystem in which the EITI implementation takes place (Dashwood et al., 2021).

## 2.4 Challenges for useful national EITI implementation

In the literature, multiple challenges can be found related to useful national EITI implementation in academic EITI case studies. First, Sovacool et al. (2016) point out that the usefulness of EITI improves when the information becomes embedded and acted upon in society. However, public participation was found to be low in the early days of the initiative (Aaronson, 2011).

Second, there is a risk that elites in the different stakeholder types (government, companies and civil society) dominate the debate (Arond, Bebbington, & Dammert, 2019). This was also found in the case of Chad (Hoinathy & Jánszky, 2017). The civil society organisation part of the multi-stakeholder group would push for their agenda and not take into account the opinions of civil society organisations not present in the MSG. Still, in the case of Chad, it was found that the elites in the capital controlled the national EITI implementation even though regional committees were founded. The latter were considered to be dysfunctional. It should be noted that the EITI standard only demands the MSG as a structural foundation for the implementation of the standard in each member state. Countries are free to choose to develop more extensive decentralized constructions as in this case.

Third, information may be distributed in unclear, voluminous reports, reducing their usability. The complexity of national EITI reports may hinder low-educated subsections of the population to use them as a tool (Hoinathy & Jánszky, 2017). Moreover, data quality issues may be present, especially in reports before the 2013 standard (Van Alstine, 2017).

Finally, without strong enforcement mechanisms by the EITI secretariat, the initiative relies heavily on debate and consensus. However, if there is no consensus between the stakeholders in the MSG, it becomes difficult to address governance issues (Murombo, 2022).

## 2.5 EITI impact

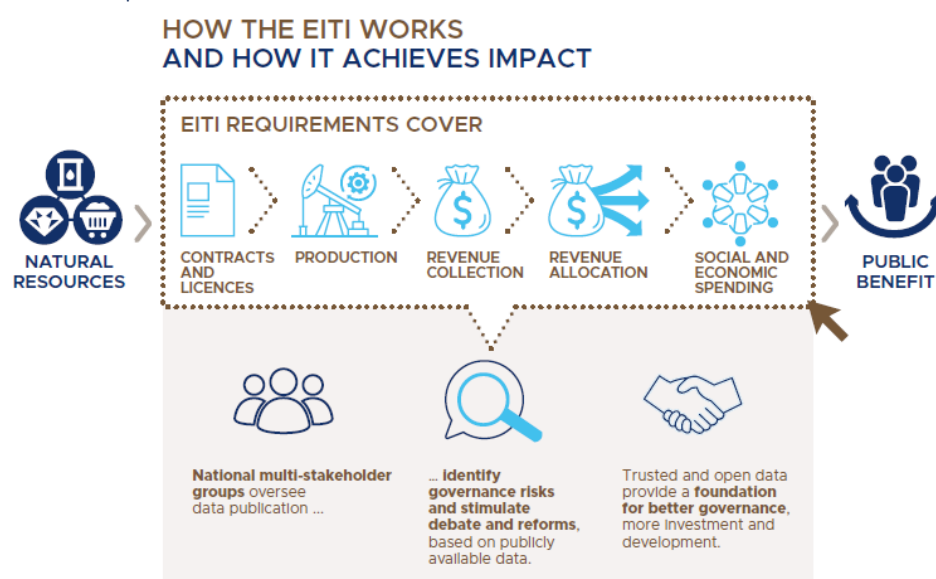


Figure 1: This is an overview of the logic behind EITI  
Source: 2019 EITI standard (EITI, 2019)

As shown above, the core idea behind the initiative is that publicly available data would spark debate, reforms and better governance. In turn, this would lead to the public benefiting from the natural resources present in their country. Researchers have developed multiple parameters to study the effectiveness of the initiative. First, Schmaljohann (2013) looked into the effect of EITI implementation on the ratio of FDI inflows to GDP. It was found that there is a clear increase in this ratio after EITI implementation even after controlling for other factors.

Second, multiple authors have researched whether this transparency initiative has a reducing effect on corruption indicators. In 2016, Kasekende et al. (2016) showed that based on the Worldwide Governance Indicators the EITI implementation did not lead to a decline in corruption. Another multiple-countries study in Latin America showed overall no significant reduction in corruption indicators after the adherence to the EITI standard (López-Cazar, Papyrakis, & Pellegrini, 2021). However, Fenton Villar and Papyrakis (2017) argued that corruption declined significantly and more at the beginning of the implementation process in Zambia. Moreover, Sovacool (2020) argues that there is a positive correlation between EITI implementation and control of corruption. As a final remark, Ejioogu et al. (2021) argue that it would be useful to study how the local context influences the result of corruption reduction.

Third, other governance and economic development parameters were also studied to see if they improve after EITI implementation. Sovacool et al. (2016) showed that these parameters do not improve after EITI implementation. Moreover, the countries adhering to EITI do not perform better than non-members. It is also difficult to causally relate governance improvements to EITI implementation (Sovacool & Andrews, 2015). However, Sovacool (2020) finds a positive correlation between EITI implementation and governance indicators among other regulatory quality and the rule of law. Moreover, Fenton Villar (2020) shows that there is a positive correlation between EITI implementation and trust in politicians, especially in fully compliant countries.

To conclude, Rustad, Le Billon, and Lujala (2017) recommend researchers to avoid solving the general question of whether EITI is effective or not and to specify clearly which metrics are used to determine this success. While the mentioned authors believe that EITI has been institutionally and operationally successful, they follow the idea that it is more difficult to find evidence of a positive impact on development goals. At the same time, they mention that the latter may not be the goal and objective of EITI to begin with (Rustad et al., 2017). However, the EITI principles literally state that “the prudent use of natural resource wealth should be an important engine for sustainable economic growth that contributes to sustainable development and poverty reduction, [...]” (EITI, 2019, Chapter 1, part 1, p.6). It seems valid to assume that the driving actors behind the EITI standard envisage that it contributes to sustainable development.

## 2.6 Literature gaps and the positioning of this paper

There are two main research streams around EITI in the literature. The first focuses on the potential benefits of EITI and the materialization of these benefits. As explained in the previous section, proven benefits are more focused on an increase in investments and regulatory quality. One of the main cornerstones of EITI is the disclosure of the legal and regulatory framework of the extractive industry. Researchers still debate the impact on corruption, good governance or economic growth. There are also limited theories on how the adoption of EITI would lead to an improvement of these parameters.

Second, a growing body of the literature focuses on the difficulties of implementing the EITI standard as a country. These studies are often based on in-depth country case studies. Interestingly, these studies take an interest in the power relations behind the implementation. Which organisation is able to control the process?

This paper is situated in the second part of the literature body. An in-depth case study is performed in South Kivu, Democratic Republic of Congo. Research by Hoinathy and Jánszky (2017) showed, based on the case of Chad, that it is challenging to implement EITI in a decentralized way. Therefore, it is relevant to study the functioning of local EITI actors in a province that lies 1,600 km away from the Congolese capital. Moreover, the extractive industry in this province is dominated by artisanal and small-scale mining. This paper will show how local EITI actors use the EITI framework, which is more focused on exploration and extraction by large companies, in this specific context. A last innovation of this paper is to move further into how the EITI standard is used as a tool and to study the network of local EITI actors with their roles, practices, attitudes and knowledge.

### 3 Methodology

The research is explorative and qualitative in nature. As the EITI civil society in South Kivu has not yet been analysed, this research tries to get a first, rigorous understanding of it. Explorative research is the most appropriate. Moreover, the research focuses on describing the current situation and detecting possible challenges to the EITI implementation in South Kivu. Policy ideas are drawn from this analysis. At the same time, a first foundation for further research is created.

The main research method is interviewing supplemented with document analysis and participation in a civil society workshop. A semi-structured interviewing method, supported by a questionnaire, was adopted to obtain a lot of knowledge from the participants while keeping the conversation focused on the research questions. Additionally, relevant websites and documents by CN-ITIE/RDC, the international EITI secretariat and the civil society of South Kivu were used. Finally, the author participated in a civil society workshop to assess how such workshops are conducted.

## 4 Data collection

### 4.1 Sample

Civil society organisations were contacted via existing communication channels of the research institute CEGEMI. New contacts were added during the interviews via a snowball method. In the end, 12 interviews were performed with civil society organisations that work on EITI in Bukavu. Also, an interview was performed with the provincial director of the Federation of Congolese Companies in South Kivu (FEC SK). The interviews took place in person between the 7<sup>th</sup> of May and the 9<sup>th</sup> of June 2022. The participating organisations are listed below.

It should be noted that all participants, including the provincial director of FEC SK, work or worked on EITI for a CSO. This should be taken into account while interpreting the results. It is expected that this selection bias will lead to a good general understanding of the standard and a positive attitude towards the initiative. The author acknowledges that it would have been interesting to extend the research to CSOs working on mining governance, but not participating in the EITI process. The latter was not done to keep a feasible scope for this initial research.

| Name Organisation  | Type           | Abbreviation     |
|--|----------------|------------------|
| Vision Plus  | Civil Society  | Vision Plus      |
| La Ligue pour la Transparence dans le Secteur Extractif à Sud-Kivu           | Civil Society  | LITRASE Sud-Kivu |
| Maison des Mines de Kivu   | Civil Society  | MMKI             |
| Action pour la Promotion et la Défense des Droits des Personnes Défavorisées | Civil Society  | APRODEPED        |
| Observatoire Gouvernance et Paix   | Civil Society  | OGP              |
| Justice pour tous  | Civil Society  | JPT              |
| Fédération des Entreprises du Congo à Sud-Kivu                               | Private sector | FEC Sud-Kivu     |
| Bureau des Etudes Scientifiques et Techniques                                | Civil Society  | BEST             |
| Groupe d'Assistance aux Marginalisés à Sud-Kivu                              | Civil Society  | GAM Sud-Kivu     |
| MAX IMPACT   | Civil Society  | MAX IMPACT       |
| Solidarité des Femmes pour le Développement Intégral                         | Civil Society  | SOFEDI           |
| Centre National d'Appui au Développement et à la Participation populaire     | Civil Society  | CENADEP          |
| Fondation Solidarité des Hommes  | Civil Society  | FSH              |

Table 1: Overview of participating organisations

Source: own composition

Also, the author participated in the civil society workshop: “Atelier de consultation des Organisations de la Société Civiles impliquées dans la mise en œuvre de l’ITIE-RDC pour l’élaboration de stratégie/feuille de route de suivi de l’affectation transparente et équitable des revenus infranationaux du secteur minier en RDC”. This workshop was locally organized by Maison des Mines de Kivu in partnership with Natural Resources Governance Institute (NRGI) and Publish What You Pay.

### 4.2 Questionnaire

The questionnaire that was used consists of four parts. The first part posed general questions about the CSO of the participant. The second part dug deeper into the role and actions of the CSO. The third and fourth parts were respectively focused on knowledge of and attitude towards EITI. The author

took notes during the interview. These were complemented by transcribing the interview recordings. Via computer software, all the responses were brought together per question enabling a thorough analysis.

## 5 Results

### 5.1 Actors

In this part, the Civil Society Organisations (CSOs) that work on EITI in South Kivu, Democratic Republic of Congo, are described. Also, their links with the private sector and government institutions on a local and national level are mentioned. The two latter parties are only limited involved with EITI on a provincial level.

#### 5.1.1 Civil society

There are around 14 Civil Society Organisations (CSOs) that work on EITI in the province of South Kivu. They often work together in workshops organised by 'Maison des Mines de Kivu' (MMKI) or 'Justice Pour Tous' (JPT). The interviewed CSOs are part of this network of collaborating organisations. They are all located in Bukavu, the capital of South Kivu. Some have set up field offices across the province. Two organisations – LITRASE Sud-Kivu and CENADEP Sud-Kivu – are local offices of national organisations.

The CSOs are often involved in multiple subdomains within the larger domains of good governance of natural resources and human rights protection. These good governance subdomains include improvement of the living standard of mining communities, assessment of the impact of mining operations on the local community, and controlling the financial flows concerning mining operations. At the same time, they work on topics like sexual violence, food security, conflicts, democracy and decentralisation. Three of the CSOs were earlier solely focused on human rights before enlarging their scope to include the good governance of natural resources. These shifts took already place 10 years ago.

The youngest CSO LITRASE was founded to focus on traceability and transparency with a large specialization on EITI. This organisation was founded by students after they participated in an EITI simulation game in 2019. The activity was organised by GIZ, the German development cooperation, and CEGEMI, the Expertise Center on Mining Governance related to the Catholic University of Bukavu and the University of Antwerp among others. All the other CSOs are at least 10 years old. Of the interviewed CSOs, 2 organisations were founded between 2010 and 2012, 6 between 2000 and 2006 and 3 between 1988 and 1995.

In local EITI workshops, the CSOs are often represented by the daily coordinator. These people work on multiple domains and have multiple responsibilities, most notably leading their CSO. However, some CSOs do not always send the same person to these activities.

#### 5.1.2 Private and governmental actors

At the national level, the DRC has founded an executive committee and a technical secretariat to support the EITI implementation under the name CN-ITIE/RDC. This executive committee acts as the multi-stakeholder group for EITI as required by the EITI standard. In this body, the national government, the private sector and the civil society are represented. The CSOs of South Kivu are not directly part of this body but are represented by another CSO.

At the provincial level, the CSOs interact with a multitude of governmental actors, including the Assistance and Support Service for Artisanal and Small-scale Mining (SAEMAPE), the 'Cadastre Minier' Center for Expertise, Evaluation and Certification of precious and semi-precious minerals (CEEC), the provincial government, the ministries of mines and budget and the 'Régi Financier'. There is no local EITI representation in South Kivu. In general, information can be obtained from government agencies, but they do not generally participate in the activities of the CSOs concerning EITI.



The CSOs interact also with several private sector actors. Some of the local private sector actors are FEC SK (Federation of Congolese Companies in South Kivu), Banro (a Canadian mining company) and the actors involved in the Artisanal and Small-scale Mining (ASM) value chain. The interviewees declared that the private actors are also invited to local EITI workshops, but that they do seldom participate. In general, few private actors in South Kivu work on EITI or have profound knowledge of it according to the CSO participants.

### 5.1.3 Collaboration platforms

Multiple collaboration platforms in South Kivu may partially touch upon EITI in the work that they do.

First, the CSOs in South Kivu meet in multiple thematic groups where relevant information is shared. Most of the interviewed CSOs were part of the thematic group for mines and/or for the observation of the government budget.

Second, the CPS (Provincial Committee for Monitoring the Mining Sector) brings the provincial government, private sector, CSOs and financial and technical partners together. EITI reports may be used in this setting to inform discussions on the governance of the mining sector. Before the 2018 revision of the Mining Code, this body ran a voluntary fund for the development of the community in mining areas with contributions from the private sector. However, as the revised Code obliged payments for the development of the local communities, the companies halted their contributions to the original CPS fund.

Finally, the informal pool of CSOs of South Kivu that works on the EITI process will be discussed in more detail in part 5.2.1 Maison des Mines de Kivu (MMKI).

## 5.2 Roles

In this part, the different roles that the CSOs perform will be described. Firstly, Maison des Mines de Kivu (MMKI) is the focal point between the national EITI multi-stakeholder group (CN-ITIE/RDC) and the local civil society in South Kivu. Secondly, Justice Pour Tous (JPT) takes up a leadership role being part of a national consortium of CSOs that works on the development of local mining communities by mining royalties. Thirdly, the other CSOs that work on EITI in South Kivu take up a collaborative role within South Kivu.

### 5.2.1 Maison des Mines de Kivu (MMKI)

Maison des Mines de Kivu (MMKI) has been founded in 2013 by 3 other CSOs: APRODEPED, BEST and OGP. The goal was to research mining governance and activities in the provinces of North Kivu, South Kivu and Maniema. The 3 founding organisations are still the partners behind this research platform. Moreover, the presidency of the board of MMKI is rotated between them.

MMKI is the partner of CN-ITIE/RDC in South Kivu. When the national EITI level wants to receive input from or to distribute a report to the CSOs in South Kivu, it uses MMKI as a contact point. This partnership was facilitated by the fact that MMKI existed as an official organisation with legal status at the moment that CN-ITIE/RDC was seeking a local partner in each relevant province. For example, being an official organisation – and not just a collaboration platform, like the thematic groups of the civil society – enables the distribution of funds to it.

MMKI takes a coordinating and organising role considering the EITI process in South Kivu, collaborating with other organisations that perform partially the work. Concretely, it has created an informal pool of organisations and individuals that want to work on the topic of EITI. This pool includes mostly CSOs, but journalists, private actors, government agencies, students and cooperatives are also invited. MMKI

mentioned that this pool remains informal to ensure the independence of each collaborating organisation. OGP argued that such a group can create a group of EITI specialists.

MMKI sees itself as one of the leaders but acknowledges that they need the competencies of multiple organisations and that it is useful that multiple parties have ownership over the work. MMKI states that this leadership in the informal pool is recognized. According to MMKI, they were the first organisation in South Kivu that worked on EITI.

#### 5.2.2 Justice Pour Tous (JPT)

Justice Pour Tous (JPT) is another organisation that takes a leadership role concerning EITI in South Kivu. As a leader, it engages other organisations with workshops or formations on EITI in collaboration with its international partners like the United Nations Democracy Fund (UNDEF) or the Carter Center.

JPT is also part of the recently founded, national consortium Makuta ya Maendeleo that works on mining royalties. This consortium consists of 5 Congolese CSOs and 2 international NGOs. JPT is responsible for the provinces of North Kivu, South Kivu and Maniema. JPT and its partners want that the mining royalties distributed to the local decentralized entities are used for the development of the community in mining areas. This is what is dictated by the Mining Code, but not always found in reality according to JPT. The EITI reports are used as an information source. The financial flows are analyzed and irregular flows are studied for signs of fraud. At the same time, the consortium pushes CN-ITIE/RDC to improve the data collection and reports.

#### 5.2.3 Collaboration

The other CSOs take a collaborative role, participating in and supporting the local EITI ecosystem. They may perform individual research and activities. At the same time, they see themselves as contributors to the activities organized by MMKI and JPT. One group of organisations does not mind that the organisational boundaries between the CSOs become blurry concerning EITI work. However, other organisations like to stress their independence and reserve the right to work directly with CN-ITIE/RDC.

### 5.3 Activities

In this part, the activities of the CSOs in South Kivu related to EITI are mentioned. These activities can be undertaken independently. However, MMKI and JPT often facilitate the work of the other CSOs by coordinating and organising EITI activities.

First, the CSOs inform the population, private actors and government agencies. In most cases, these actors have (almost) no knowledge of EITI and the produced reports. To support the EITI process, the CSOs would try to mitigate the issue of not having experts in other fields of society. This is done through workshops and the distribution of the official documents. As these documents can be quite technical, some of the CSOs will create new documents that are easier to understand and may include visuals to facilitate communication with non-French-speaking people. It is the goal to not only inform the actors in Bukavu but also the countryside of South Kivu. However, there are not always funds available for the latter.

Second, the CSOs try to mobilise the private actors to follow their legal duties. Moreover, these actors are made aware under which conditions they should declare to CN-ITIE/RDC their payments to government agencies.

Third, the CSOs collect data as input for the EITI reports. This activity is coordinated by MMKI for the large majority of CSO organisations, however, JPT prefers in some cases to work directly with CN-ITIE/RDC together with their national partners. The information is collected from the mining communities, government agencies and private actors. The CSOs use a template that is prepared by

the technical secretariat of CN-ITIE/RDC. Not every government agency and private actor is as willing to share the data as required by the EITI standard. The reputation and personal connections of a CSO can help facilitate obtaining this information. Afterwards, the information is summarized and handed over to the consultants of CN-ITIE/RDC.

Fourth, when the technical secretariat of CN-ITIE/RDC has written a draft report or a policy document, the CSOs will analyse this and provide feedback. This activity is organised in workshops organised by MMKI or JPT. The workshops are planned when input is needed. A memorandum will be established and sent to CN-ITIE/RDC to voice the remarks of the CSOs. These remarks may voice the need to include certain priorities or ask for corrections if gaps between the information in the report and data collected by a CSO are found.

Fifth, the CSOs will perform advocacy when they feel that there are problems with financial justice or the EITI implementation. On the one hand, it could be found that the declarations by a certain private actor are not seen as fully compliant. Moreover, with the EITI figures, CSOs could demand more investments for the development of the communities in mining areas. On the other hand, the CSOs could also denounce problems in the working of CN-ITIE/RDC, like the national representation of CSOs. Another example of advocacy by the CSOs of South Kivu is that they strive for an integral inclusion of the ASM sector in the work of EITI.

Finally, some CSOs mentioned that they perform research related to EITI. However, this is not further studied in this paper.

#### 5.4 Knowledge

In this part, the factual knowledge of the EITI standard by the CSOs is studied. During the interviews, 13 knowledge questions were asked. The majority of the questions were related to a literal understanding of the 2019 EITI standard (EITI, 2019). Therefore, it should be taken into account that this is only one dimension of knowledge. Due to the fatigue of some participants, these questions were not asked in every interview. In total, the knowledge of 9 participants was tested.

A variety in the number of correct answers could be observed. The scores ranged from 50% to 80%. The scores seem to correlate with the involvement and the level of expertise of the CSO concerning EITI.

The 'core' requirements of the EITI standard were well known. These requirements are related to the disclosure of key aspects of the mining operations like mining royalties and concession and exploration rights in a country. The questions of whether the disclosure of the legal framework, mining contracts and enterprise-to-government payments were required, were answered correctly by every CSO. This was also the case for the questions on whether state enterprises are also included in the EITI requirements. Almost every participant knew that armed conflicts and miners' health are not included in the EITI standard. Finally, almost all participants know that bad implementation can be punished by the (partial) withdrawal of membership. It is interesting to see that this knowledge is present because the DRC was threatened by this around 2018.

Other information related to EITI and its standard was not always well known. It was noticeable that almost no participant could formulate the principles mentioned in the EITI standard. At the same time, there was confusion as to which extent the protection of the environment and human rights are mentioned in the EITI standard. The EITI standard only has recommendations to disclose information on environmental payments and how the environmental impact of the extractive industries is managed and monitored. The EITI standard does not say anything about human rights. Moreover, the

exact EITI status was not known by any participant. The participants knew that the DRC was a country adhering to the EITI requirements, but not to what extent.

Two reasons can partially explain the abovementioned answers. On the one hand, the participants would answer from their experience with the EITI process or CN-ITIE/RDC reports rather than the EITI standard. For example, if the environment was mentioned in an EITI workshop, some CSOs would attribute the protection of the environment to the EITI standard. On the other hand, some CSOs would include domains that they are passionate about. This is for example the case for the respondents who said that human rights protection was included in the EITI standard. Overall, the standard is seen as a means to obtain certain societal benefits. Therefore, it is a tool used by the CSOs to bring the change they would like to see.

## 5.5 Attitude

In this part, we dive deeper into the attitude that the participants have towards EITI. However, the reader should take into account that all the interviewees have prior experience with working on EITI.

### 5.5.1 What is EITI?

EITI is an abbreviation that is often used, but the question can be asked whether the meaning is well understood. In general, the latter is the case for the interviewed participants. They understand the different meanings of EITI.

First, EITI is understood as an international organisation that works on the good governance of natural resources. It does this by its standard and supports countries in meeting the requirements. Some participants stressed the voluntary nature and the fact that EITI is invited by countries. For example, the DRC could show by its adherence to the world that it strives for transparency in this sector. At the same time, at least 3 of the participants explicitly mentioned that international pressure from the World Bank has led to the adherence of the DRC to the initiative. The author could not find evidence to confirm or deny the latter statement.

Second, the EITI standard and its requirements are seen as the basis for the EITI implementation. The government, the private sector and CSOs should respect them. In that way, the exploitation of natural resources is done in alignment with good governance.

Third, EITI is also understood as the process and the implementation of the standard in the DRC. All the interviewed participants are familiar with this process. They see it as a tool to establish more transparency and obtain information on how natural resources contribute to the country. One of the participants described the situation as follows. “The population is the owner of these resources and the government is the manager in charge of the good exploitation of the resources. In that way, the population has the right to have comprehensible information on the exploitation” (Interview, Bukavu, 7 June 2022)

### 5.5.2 What is the main goal of EITI?

Why do the CSOs work on EITI? What do they want to obtain? The initiative is seen as a way to obtain transparency in the mining sector. This would lead to a better follow-up on the mining sector. Finally, advocacy for more impact can be realized.

First, the basic idea is that more information and transparency can be established in the mining sector via EITI. The CSOs are mostly interested in the payments performed by private sector actors and the received payments declared by the government. This information was not available before the initiative and it was difficult for the CSOs to understand the financial flows in the extractive industry. Now, they are exposed to this information when they do data collection for CN-EITI/RDC and review

its documents before and after publication. Moreover, the EITI publications enable the CSOs to obtain this information in one place without having to collect this information in multiple physical locations.

Second, the CSOs try to assess the governance of the government based on the published information. On the one hand, indications of fraud could be found. On the other hand, the CSOs examine how the government uses natural resource revenue. It is especially examined whether this revenue contributes to the development of the communities living in mining areas. The latter is mostly done by checking the spending of the mining royalties received by local decentralized entities.

Finally, the CSOs will advocate when problems with governance are found. This is to ensure that the mining revenues and the natural resource wealth of the DRC contribute to the development of the local communities affected by the mining operations. These funds are the foundation of the self-development of that region. For example, it was found that promised infrastructure projects were not executed. Moreover, some CSOs believe that minerals should be 'clean' in multiple senses. This would mean not only free of conflicts, human rights violations and destruction of local environments but also in the sense of taxation and information.

### 5.5.3 Is EITI useful and important?

Overall, EITI is positively evaluated by the CSOs. It is considered – while there are still challenges – that the initiative is useful and important. This is not surprising as the interviewed participants are those that work recurrently on EITI. However, it can be noticed that two participants were quite critical of EITI.

As mentioned earlier, the participants except one believe that the access to payment and production information has increased. The CSOs can obtain a vast amount of information via the process and the websites created in the process. In that way, the financial flows related to the extractive industries can be better understood. Still, one of the participants hoped that this transparency becomes embedded in the Congolese institutions and that EITI does not become another international engagement as a foundation of the Congolese society. The participant referred to the MONUSCO mission with the latter. One participant mentioned that the relevance of EITI in South Kivu can be questioned since the large presence of the ASM sector. He argued that this sector is very opaque and that the figures mentioned in the reports do not represent reality. This and related challenges will be discussed in 5.6 Challenges.

In turn, most participants find that the obtained information supports the public debate. Questions can be asked that were not possible a few years ago. Moreover, pressure can be put on governmental or private sector actors. The participants also mentioned that the EITI process has contributed to the revision of the Mining Code in 2018. Moreover, this transparency can help to address issues of fraud and embezzlement.

The end goal is to obtain social impact. It is this last step that most CSOs focus on at the moment. They want to turn the information into actions that improve the well-being of people in the mining areas. However, they feel that they have not succeeded in this last step. The author finds that this step between transparency and social impact remained quite undefined. However, this is also the case in the documentation by the international EITI secretariat. A real theory of change is not provided.

### 5.5.4 Is it relevant to expand the scope of EITI?

Some participants are favourable to the expansion of the EITI standard and the scope of the implementation in the DRC. This could take place in multiple forms, however, it could be noted that there was no consensus on which way to take to move forward. For example, the following ideas for expansions were each supported by a maximum of 3 participants.

First, the EITI could be more coercive towards enterprises and include more enterprises. Second, the societal impact of the mining operations could be included in the EITI reports. This could include security, environment and health. Third, EITI could be used to assess the oil, gas, wood and water sector in the DRC. Fourth, two participants argued to include more details for each EITI requirement.

There was consensus on one way to move forward and that was to fully integrate the Artisanal and Small-scale Mining (ASM) sector in the EITI process. The EITI process in the DRC was established to regulate large multinational mining corporations. Therefore, CN-ITIE/RDC is not always concerned with the full integration of the ASM sector in their work according to the participants.

## 5.6 Challenges

The EITI process in South Kivu experiences some challenges. In this part, the challenges as viewed by the interviewed participants working on EITI in South Kivu will be discussed.

### 5.6.1 Artisanal and Small-scale Mining

The mining sector in South Kivu is dominated by Artisanal and Small-scale Mining (ASM). In the past, Banro was the only large enterprise in operation in the province. Currently, it has stopped its operations completely and ASM became the only form of exploitation. This results in multiple challenges. On the one hand, these challenges are related to known issues in the ASM sector in South Kivu. On the other hand, the integration of the ASM sector in reports of CN-ITIE/RDC poses challenges.

#### 5.6.1.1 *The ASM sector in South Kivu*

The value chain of ASM minerals in South Kivu is considered to be opaque by the participants. As it is largely an informal sector, it is often not clear who the actors are and how minerals move from extraction to exportation. At the extraction, it is uncertain who the miners are and whether they work via cooperatives or not. Afterwards, not much information on buyers and treatment centres is known. Moreover, mineral flows of significant volume or value are also believed to remain hidden or not well-mapped. Corruption, fraud and embezzlement are often linked to this sector.

In the ASM sector, there is a discrepancy between legal obligations and reality. The 2018 Mining Code and other legislation provide legal obligations for ASM. However, in reality, it can be noticed that these artisanal mines operate in violation of (some of) these laws. This impedes the registration and acquisition of reliable data for official statistics.

Moreover, the government agency created to support the ASM sector (SAEMAPE) faces difficulties on the ground. The agency is sometimes seen as an extra form of taxation without any return by the miners. This leads to situations where SAEMAPE officials are threatened and chased away if they try to enter ASM zones.

#### 5.6.1.2 *ASM and CN-ITIE/RDC*

CN-ITIE/RDC has written reports on the ASM sector in the DRC. However, this sector is not fully taken into account in every CN-ITIE/RDC report according to the participants. On the one hand, a monetary threshold is used for most financial flows to avoid too voluminous reports. This excludes largely the ASM sector as their (reported) business figures are often under these thresholds. On the other hand, it seemed that it is believed that EITI is only for large formal enterprises and not for small private actors. This is never mentioned in the EITI standard. Moreover, the EITI principles state that every extractive operation falls under the initiative. The participants remarked that CN-EITI/RDC is looking to fully integrate the ASM sector in their work. In the first phase, CN-EITI/RDC launched a call for proposals to study the ASM sector related to copper, cobalt and zinc (EITI, 2022a). This inclusion would boost the relevance of EITI in South Kivu. Still, this would require more data collection in the countryside of the province.



### 5.6.2 Data exhaustivity and quality issues

Multiple issues exist regarding the data exhaustivity and quality in EITI reports. First, the participants argue that a lot of information on the ASM sector is not shared. This resonates with the earlier point of the hidden nature of the ASM sector. However, they appreciate that there is already a limited amount of data that they can work on.

Second, information disclosed by multiple actors on the same payments shows discrepancies. For example, the payments declared by enterprises and the amounts received declared by government agencies may not add up. The previous observation was made by multiple participants. One interviewee went further and said that “When CSOs give remarks on these gaps, they don’t give satisfactory answers” (interview, Bukavu, 11 May 2022). Moreover, government agencies working in the same sector would produce different values for the same statistics. The latter shows a lack of harmonisation between these entities.

Third, another problem that may present itself is that the figures do not correspond with the reality as seen in the mining communities. For example, this was the case for a declared infrastructure project that was not implemented as planned in reality.

Overall, there is a lack of trust in the figures provided by government agencies and private sector actors. There is no clarity on the methodology that these actors use or which sources they use to provide the requested statistics according to the participants.

### 5.6.3 Efforts by the governmental and private actors

While some CSOs boost that they have good relations with governmental and private actors, the engagement in the EITI process of the latter remains limited. First, most participants believe that there is no spirit of transparency present with these actors. Second, the collection of documents from the state actors and private actors is in most cases possible but may take some effort or personal connections to facilitate it. Lastly, the governmental and private actors are invited to EITI workshops by the CSOs in South Kivu, but they are rarely present.

At the same time, one of the participants stressed that the governmental actors do show effort to participate in the EITI process. First, the relevant ministers are present in the meetings of the executive committee of CN-ITIE/RDC. Second, CN-ITIE/RDC distributes financial resources to facilitate the EITI activities by the local CSOs. Third, if a national coordinator does not work well, he may be replaced after pressure from the private sector and the CSOs. Finally, with the last assessment of the EITI implementation by the international secretariat, the governor of South Kivu appointed someone to collect all necessary documents from the government agencies. However, the CN-ITIE/RDC consultant did not receive this information.

The double debate (locally and nationally) causes issues for the local CSOs. A local debate on EITI with the three stakeholders (CSOs, governmental and private actors) does not exist. In the province of South Kivu, the CSOs work on EITI. However, the governmental and private actors have almost no expertise in EITI. Moreover, there is no permanent representation of CN-ITIE/RDC in Bukavu. At the national level, the three stakeholders are represented and discussions can take place. Still, some of the participants of South Kivu believe that the discussions in Kinshasa are too high-level and do not touch enough on local concerns. Moreover, this centralisation was recently reinforced when SAEMAPE received orders from its national minister to only send information for EITI to Kinshasa and stop sharing it with local actors. This order was disclosed by a local government official during a CEGEMI workshop (workshop, Bukavu, 16 June 2022). If this order would be executed this would disrupt the data collection and discussion on a local level. Finally, some CSOs believe that there is a lack of EITI expertise

on the side of the national government and that the latter has disproportionate control over CN-ITIE/RDC.

The companies do not understand EITI well. The participant of FEC Sud-Kivu, and a former CSO member working on EITI, mentioned that there is a lack of EITI understanding in the private sector. Moreover, he noticed that some private actors feel that the initiative may be used to put them in a bad light. It helps that transparency obligations are present in the 2018 Mining Code as it creates clear legal obligations for the private actors to follow.

#### 5.6.4 Difficult public debate

There is no wide public debate around EITI present in South Kivu. There is limited knowledge of EITI present in Bukavu and even less in the countryside of the province. This will be a challenge when the ASM sector will be fully integrated by CN-ITIE/RDC. Some barriers continue to prevent a real public debate.

First, the CN-ITIE/RDC reports are written in French with technical jargon. On the one hand, this technical jargon impedes the understanding and dissemination of the reports. On the other hand, a large part of the countryside population in South Kivu does not understand French. If there are funds, the CSOs create new documents or organise information sessions in Swahili to bridge this language gap.

Second, the CN-ITIE/RDC reports are often quite voluminous. This leads to a situation in which only a small amount of experts will go through the content, while the large public does not engage with it. To mitigate this issue some CSOs are working on the creation of easy-to-understand performance indicators. This would be more easily adopted by the larger non-expert audience. Moreover, the CSOs trained journalists on the topic of EITI to inform a larger audience as well.

Third, the accessibility to the internet in the countryside remains limited.

Finally, the question can be asked whether the population of South Kivu is interested in the output provided by EITI. If this would not be the case, it would be key to promote first the importance and the relevance of EITI. Afterwards, the CSOs could further focus on distributing the key findings inside of the EITI reports according to the participants.

#### 5.6.5 EITI expertise within CSOs

One participant told the joke that EITI reports are not written with French words, but with numbers. Another participant noted that EITI is a good source of data, but that it may be lacking comprehensibility. Due to the technical nature of EITI, it is clear that specific skills are required to analyse the data. However, 3 participants openly admitted that some CSOs working on EITI lack this expertise. This may lead to superficial analyses. Several reasons were given for this superficiality.

First, the CSOs work on a large number of domains. As the number of staff is often lower than 10 people, it is difficult to build a profound understanding of all these domains and related regulations and initiatives. This expansion into multiple domains is logical, as it opens more opportunities for external funding. However, high-quality work must be delivered to their partners. If this is not the case, this could have a lasting negative effect on the reputation of the CSO.

Second, it is often the daily manager of the CSO that participates in EITI workshops. This may lead to a non-optimal accumulation of expertise. On the one hand, these people are in charge of multiple domains in their organisation and are busy running their CSOs. In that way, it is difficult to build up an extensive knowledge of each domain. On the other hand, as these people have a lot of responsibilities, they are not always able to participate in EITI activities. This may lead to a situation where other people



of the CSO participate with only a basic understanding of EITI. This causes situations where valuable time in workshops is used to bring others up to date.

Third, personnel turnover may lead to the loss of expertise. On the one hand, people may decide to leave for another sector. However, 4 participants mentioned that they had built up expertise on EITI before moving to their current organisation, taking their expertise with them. On the other hand, the lack of funds may lead to only temporarily hiring experts or laying them off.

Finally, the EITI standard and the processes are also updated regularly. Continued training remains necessary according to the CSOs.

#### 5.6.6 Challenged leadership

In South Kivu, there is friction between the CSOs working on EITI. This friction is related to which organisations should have a major role in the process. The positions in this debate range on a continuum from local centralisation to local decentralisation. Local centralisation of the EITI process means that the work given and asked by CN-ITIE/RDC is channelled through one focal point per province. Local decentralisation means that multiple CSOs can provide direct input to CN-ITIE/RDC, especially when they have created relevant research reports.

The leading proponents for local centralisation are MMKI and its 3 founding organisations. This is not surprising as MMKI has always been the focal point for CN-ITIE/RDC in South Kivu. These 4 CSOs have sometimes the impression that other local CSOs challenge the position of MMKI. However, they argue that the current setup has multiple benefits. First, MMKI has built valuable expertise and contacts as a coordinator for the EITI work in South Kivu from which the process benefits. Second, the canalisation of the work by a provincial focal point makes it easier for CN-ITIE/RDC to manage its provincial partners. Third, while the work is canalised, MMKI and its founders stress that the process is open and that they welcome the participation of any organisation in their workshops.

In contrast, some organisations argue that the system of focal points is flawed in two ways. On the one hand, one participant argued that a single contact point for the province is not desirable, certainly if it is part of only one category of the EITI stakeholders. This participant poses the question of why there is no direct contact with the local private and governmental actors. On the other hand, some CSOs prefer to come in direct contact with CN-ITIE/RDC. However, they argue that their right to do this is criticized by the proponents of local centralization. The abovementioned participant went even further and mentioned the feeling that working on the EITI process was only open for a select group of individuals and organisations due to the system of the focal points (interview, Bukavu, 1 June 2022).

#### 5.6.7 Financial resources

A lack of funds impedes the EITI process in South Kivu. There is no structural funding by CN-ITIE/RDC to continuously work on EITI according to the participants. MMKI receives a budget from CN-ITIE/RDC when it organises activities and workshops. However, this amount does not sustain organising events for a large number of organisations or disseminating the EITI in the countryside of the province. Funding from external sources remains important for CSOs to work in-depth on EITI. Moreover, a lack of funding for CN-ITIE/RDC itself has led to some projects being halted on the national level.

#### 5.6.8 Limited impact

This is the final and for the participants the most crucial question. Does the EITI process in South Kivu lead to a better situation for the population of the province and especially for those that live in mining communities?

One can ask the question of whether the current EITI workshops leverage the expertise of the participants to the fullest. This paragraph is based on the author's observation of one workshop. However, it was confirmed by the organising organisation that this was a typical workshop and that other workshops are organised and conducted in the same way. First, when smaller working groups were formed, participants were allocated randomly. There was no consideration for the domain of expertise or location of the CSOs. Second, these smaller working groups worked almost fully without a moderator. In that way, the result is essentially dependent on the skills of the participants to structure and guide the discussion in a meaningful way. Third, notes were not taken in a structured way. Fourth, it was not clear whether all participants of the workshop had received the documents upfront. This issue was also highlighted by one of the interviewees who mentioned that the voluminous EITI reports are only distributed during the workshop or not long before. This leads to a superficial reading of the documents and not a thorough verification (interview, Bukavu, 1 June 2022).

Another question is whether the EITI process that produces a large amount of documentation contributes to the improvement of living conditions. The participants argue that there is a lack of institutional capacity contributing to poor judicial follow-up. For example, when irregularities are found and the judicial authorities are made aware, it does not lead to thorough investigations according to the participants.

Besides, the use of mining royalties by the local decentralized entities remains problematic according to the CSOs. Since the revision of the Mining Code in 2018, these royalties are directly distributed to these entities (if mining activities take place on their territory) without passing through the central administration. The CSOs were proponents of this change as it would allow better control over the funds. However, these local entities are in the majority of cases ruled by an unelected chef. Hence, it is not possible to reprimand the chef in the following election. The mining royalties in these entities are often used for the chef and its administration, instead of the development of the local mining community. Earlier, the Provincial Committee for Monitoring the Mining Sector (CPS) created its development fund. However, due to the revised development payments demanded by the 2018 Mining Code, the contributions to this fund were halted by the private actors. The CSOs deplore that the provincial fund by the CPS for the development of the local community was cancelled after the revision of the Mining Code. The CSOs believe that ending this fund was a step in the wrong direction, especially as it is difficult to engage the funds at the local decentralized entities in the same way.

## 6 Policy ideas

This thorough analysis of the civil society working on EITI in South Kivu has brought multiple challenges to light. Now, the question arises how could the implementation of EITI and the EITI process in the province be advanced? The following section discusses how the challenges identified by the CSOs can be addressed. Still, it would be crucial to take into account the views of the other actors and the local context to develop and adopt efficient and effective measures.

### 6.1 Broader government policy projects related to ASM

Creating clear policies and making sure that regulation concerning the Artisanal and Small-scale Mining (ASM) sector is followed, would largely contribute to the EITI process. Currently, this sector is seen as very opaque and violating multiple legal obligations. Addressing this issue would create a more structured environment. This would lead to a situation where it is better known which actors perform which activities in the mining value chain. Moreover, the judicial system could address discrepancies between legal obligations and the reality in mining zones. Furthermore, it could address discrepancies found in EITI reports more thoroughly if there are signs of fraud or embezzlement. The latter are major issues impeding the ASM sector to contribute to the development of the Congolese society according to the participants.

### 6.2 Proactive and full engagement by civil society

The CSOs could enlarge their engagement in two ways. First, they could fully engage with CN-ITIE/RDC on the topic of the integration of the Congolese ASM sector in EITI. This is a major topic for the CSOs in South Kivu and the window of opportunity to co-design this step should be taken. The latter would lead to valuable information and expertise helping the CSOs to engage the soon-to-be-included ASM sector in the EITI process.

Second, the CSOs could see if they can leverage more of the information obtained by EITI. The EITI reports are a large source of financial figures, but also government policies and other information related to the mining sector. For example, this information can be used for advocacy or to monitor whether new companies are exploring in the province and/or want to start activities.

### 6.3 Rebuilding the trust in EITI data

It remains crucial to guard the quality of the figures in the EITI report. Above, multiple issues like a lack of exhaustivity, and discrepancies between sources and reality were mentioned. The possibility of issues with the data leads to a lack of trust and usefulness of the figures. This could be addressed in multiple ways. First, data harmonisation between the governmental agencies could take place. Second, more sources of data could be mentioned or shared in the EITI process. Third, discrepancies found by data triangulation or follow-up on the ground should be fully addressed by relevant stakeholders.

### 6.4 Creation of a local tripartite debate

A local tripartite (government, companies and CSOs) debate could be a platform for resolving local issues that otherwise would continue to persist as they are not addressed nationally. This role could be taken by an existing structure like CPS or could be a new recurrent meeting. As the national government has adopted the commitment to the EITI standard, provincial agencies should follow this lead. For example, the national decision that SAEMAPE can only share information for the EITI process with the ministry in Kinshasa and not with local CSOs is a step in the wrong direction according to the CSOs. Local private actors or their federation can show their goodwill to participate voluntarily and to better understand their legal obligations.

## 6.5 Structural funding

Structural funding should be sought for the activities of the CSOs. Stable funds would allow the CSOs to train and keep EITI experts. Moreover, it would lead to more sustained activities like the dissemination of EITI in the countryside. Of course, activities and these policy ideas should be prioritized to maximize the impact of the limited amount of funds. These funds could come from CN-ITIE/RDC, international partners or mining revenue in the province. The latter would create more independence for the CSOs by auto-development for which they are proponents.

## 6.6 Training of EITI experts

EITI experts should be trained in governmental agencies and private sector actors. Currently, these actors are lacking profound understanding of the standard or the process. This has led to a situation where the local CSOs are the only actors with a more profound understanding and as such, they take over some roles of the other type of actors. For example, the CSOs collect data for CN-ITIE/RDC from some agencies instead that these agencies produce it themselves.

Attention should also be given to the training of EITI analysts within the CSOs. Currently, multiple reasons lead to a superficial understanding and usage of EITI reports. The quality of the analysis would improve if some people would be highly specialized in analysing the reports and preparing findings that can be discussed in more structured EITI workshops.

Besides, experts can be trained in other parts of society. For example, students and journalists can be trained to work on the EITI reports. Training students has the benefit that there will be people entering the workforce that have a basic understanding of EITI whichever job they are going to perform. As earlier mentioned, the CSO LITRASE Sud-Kivu was founded after such student training and simulations by GIZ and CEGEMI. Journalists can spread information to many people in a national language with understandable terms. These initiatives were already undertaken in the past, but one should be careful that their knowledge and skills remain up-to-date with the EITI innovations.

## 6.7 A better understood and continued EITI process

Easier-to-understand documents could be produced by the EITI process. This could be done on three axes. First, the reports could be made more concise or thin synthesis reports could be produced. Second, less technical jargon could be used. Third, some reports could be translated into relevant local languages.

The EITI process is felt to be not very approachable. Multiple solutions can be proposed. First, a local EITI contact point that works continuously on it could be established. This contact point could take up multiple roles like formation center and collection point for data. This contact point must be accepted by every type of stakeholder. Second, CN-ITIE/RDC could work more with local consultants instead of people sent from Kinshasa for certain activities. These local consultants have already a wide range of contacts and expert knowledge. Third, trust-building should be performed between CN-ITIE/RDC and the CSOs after some CSOs felt not being heard by the CN-ITIE/RDC consultant during recent data collection. Fourth, continued efforts should be made to expand the EITI process in South Kivu further than Bukavu into the countryside.

## 7 Conclusion

We see a network of CSOs working on the implementation of the EITI standard in South Kivu. These organisations often collaborate and perform a wide variety of activities ranging from formation, analysis of reports and dissemination. Two organisations take up the role of leader. Moreover, the organisations working on EITI have a positive attitude towards it. However, some CSOs lack knowledge of the EITI standard. It seems that there is a positive correlation between the involvement in the EITI process of a CSO and the understanding of the standard.

Multiple challenges were observed that hinder the EITI implementation in South Kivu. The major challenge is the dominant ASM nature in the mining sector in the province. Better governance of this sector would not only improve the development of the sector but also the advancement of EITI in the province. Moreover, challenges found in the literature study like data quality, ineffective decentralisation, poor judicial follow-up and lack of a public debate, were also present in this case study among other challenges.

This research has mainly focused on interviews with the civil society. As it was argued in the introduction, this is believed to be a valid choice. However, the reader should keep in mind that the research focused on the viewpoint of the CSOs that work on EITI regularly. This is a major limitation of this research.

This explorative, qualitative research contributes to understanding the actors working on EITI in the province of South Kivu. In that way, a firm foundation is laid for further research. For example, the variables of knowledge and attitude and their relation can be studied in a more profound, quantitative manner. Moreover, the implementation process of how the EITI has arrived in the DRC and the province can be studied to better understand the political dynamics underpinning the EITI implementation and its impact in the Democratic Republic of Congo.

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