OPEN: POLICY

NDCs, Critical Minerals & Climate Justice Series

DRC: NATIONALLY DETERMINED CONTRIBUTIONS, CRITICAL MINERALS AND JUST ENERGY TRANSITION

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INTRODUCTION

The Democratic Republic of Congo (DRC) stands at a critical crossroads in its efforts to achieve socio-economic development and climate resilience. It is amongst the world's most vulnerable countries to climate change and is the fifth least ready country in the world to address its impacts.[1]

This vast central African nation is endowed with valuable minerals, including minerals that are key to the global transition to a low-carbon economy. However, the DRC mining sector suffers from the label "resource curse" due to a host of challenges that include human rights abuses, environmental degradation, political instability, war and corruption. With the third largest tropical rainforests in the world and massive water bodies for hydroelectricity generation, the DRC is often described as a global climate solution country. This policy brief uses the country's nationally determined contributions (NDCs) to highlight the pathways that the DRC should follow, as a resource rich country, to optimise the benefits of a green transition.

The Mining Sector: A Country Rich in Mineral Resources but Poor in Resource Governance

It is geologically proven that the DRC is in mineral resources. It has some of the world's most valuable minerals. These include copper, gold, coltan, cobalt, and diamonds. In this age of climate change, the DRC's vast critical mineral resources have attracted the world's attention because some of these minerals are critical to the global energy transition to a low-carbon economy.

About half of the globally known cobalt reserves are located in the DRC[2], concentrated in the southern regions of Lualaba and Haut-Katanga.[3]

Cobalt is one of the world's most sought-after minerals because it is a key component in the lithium-ion batteries which power electric vehicles (EVs), as well as mobile batteries and laptops.[4]

The attempt to hold big-tech accountable is a positive step that must be accompanied by increased public awareness of child labour exploitation and the deplorable working conditions of small-scale mining.

However, the mining of these critical minerals is beset by high political and security risks, often accentuated by the country's longstanding war and conflict.[5] There is also serious illicit trade, including that of tantalum and tungsten ores that are sold to international buyers.[6] Illicit trade starves the fiscus, adversely impacting on the provision of social services such as health, education, and electricity. In terms of infrastructure, the DRC has insufficient (and unreliable) electricity supplies to meet the demands of the mining sector. Despite these challenges, the DRC continues to attract significant foreign direct investment into the mining sector. Investors from China, the USA, Australia, India, Canada, and the United Kingdom have led the rush for DRC's critical minerals. But the DRC's minerals have not translated into socio-economic development and environmental sustainability.

In terms of greenhouse gas (GHG) emissions, mining remains the biggest polluter in the country. There is high use of fossil fuels in mining value chains, especially in the transportation of minerals from source to export markets. Environmental hazards linked to mining activities include drainage at mining sites, direct dumping of mine waste, sediment runoff, pollution from mining dredging in riverbeds, mercury pollution, chemical spills, sewage flows, and air emissions.[7] All these disproportionately affect poor and marginalised people, and especially vulnerable groups such as women and children.

Apparent Social Injustices

The Congolese population suffers from energy poverty. Only 19 per cent of the country's 108 million people have access to electricity.[8] Access is notably higher in urban areas (about 41 per cent) compared to rural areas (one percent). The lack of access to modern electricity services has adverse consequences for the health, education, and income opportunities of millions of Congolese citizens, particularly those in rural areas.[9] It is also a threat to the environment. Energy-scarce communities resort to the use of wood for heating and cooking, a major driver of deforestation.

The expansion of industrial-scale cobalt and copper mines in the DRC has led to the forced eviction of entire communities and grievous human rights abuses, including sexual assault, arson and beatings.[10] Artisanal mining, which exists alongside the formal mining industry, has seen children and adults toil underground for hours in dangerous tunnels, using sticks or makeshift tools to mine for the cobalt-rich mineral heterogenite.[11] Others sift ore in noxious, contaminated waters and as global demand for Congolese mineral resources increases, so do the associated dangers that raise red flags for Congolese miners' human rights.[12]

If the DRC fails to adopt and enforce stricter regulations to protect small-scale miners, these trends will increase alongside the technology-driven surge in cobalt demand, projected to grow by 60 per cent by 2025.[13] Numerous big-tech companies like Tesla, Apple, Alphabet Dell and Microsoft were cited in a lawsuit over deaths and serious injuries sustained among child labourers in DRC cobalt mines.[14] The attempt to hold big-tech accountable is a positive step that must be accompanied by increased public awareness of child labour exploitation and the deplorable work conditions of small-scale mining.[15]

Artisanal and small-scale mining constitutes an important livelihood strategy for many people in the DRC. Local communities struggle to maintain access to artisanal mining sites to secure and improve their livelihoods in a period when industrial copper-cobalt mining is expanding.[16]

The DRC Climate Response and Action

In 2021, the DRC revised its NDC, setting new ambitions in the country's climate mitigation and adaptation targets. The mitigation measures set out in the NDC mainly focus on the forestry, energy (including transport), agriculture and waste sectors. This policy brief discusses the NDC commitments covering critical minerals, energy, forestry, and water resources.

Selected Sector Plans Critical to DRC's NDC

1. National Energy Strategy (2020-2035)
2. National REDD+ Strategy (2012-2020)
3. National Agricultural Investment Plan (2018-2025)
4. National Transport Policy (2017-2030)
5. National Climate Change Adaptation Plan (2022-2026)
6. National Strategy for Sustainable Development (2019-2023).

Climate Action Ambitions: GHG Emission Reduction Targets and the Energy Transition

In the updated NDC, the DRC commits to an emissions reduction target of 21 per cent in 2030, 19 per cent of which is conditional on international support.[17] In addition to these plans, the DRC government has indicated its commitment to align its ambitions to achieve a just transition. However, in a context of the widespread prevalence of human rights abuses, corruption, conflict and weak governance institutions, the DRC remains a poor candidate to realise a just transition or to become a climate solution country. Without adequate domestic resources and international climate finance, the prospects of a just transition are remote.

Mobilising Climate Finance

The DRC's NDC budget is estimated at US$48.68 billion, of which $25.60 billion is for the implementation of pledged mitigation initiatives and $23.08 billion is for priority adaptation actions.[18] The climate finance gap is apparent. But it is not a battle that is unique to the DRC. Several developing countries are faced with climate finance gaps, worsened by debt distress. Through value addition activities, the DRC should be able to develop fiscal linkages that expand the country's revenue base, starting with a domestic resource mobilisation mechanism. This will include the mobilisation of resources through a mineral tax to fund climate change actions. However, in the short to medium term, more climate aid should be mobilised from rich governments who have broken their pledges to provide $100 billion in climate finance. These funds are overdue, and all effort must be applied in support of developing countries' climate actions.

Navigating the Bumpy Road Ahead: Value Addition, Indigenous People's Rights and Climate Finance

In conclusion, the DRC stands at a critical juncture in its quest for a just transition. It is undoubtedly a climate solution country, but its contribution to a low-carbon future depends on how its critical minerals will be optimised for renewable energy manufacturing, with the battery manufacturing initiative standing out as a test case.

For the DRC, the road ahead looks tortuous, yet opportunities abound. The following issues need urgent policy attention:

The Promise of Battery Manufacturing and Value Addition

The DRC's battery initiative should become a model of how mineral-rich developing countries can participate in the global energy solution. Together with Zambia, the DRC is establishing industrial capacity to install local battery manufacturing capabilities.

Oil and Gas Developments in the Congo Basin

Policy contradictions will not help the DRC to succeed in meeting its NDC commitments. When the DRC launched a tender for 30 oil and gas blocks in May 2022, it set off alarm bells about the fragility of its NDC commitment to protect its forestry massif, biodiversity, fresh water, and peatlands. This is because the oil blocks ran across Cuvette-Centrale Peatlands and the rainforest in the Congo Basin. These lands are globally significant carbon sequestration sinks that store immense quantities of carbon. Drilling activities will disturb ecosystems and force a release of this carbon into the atmosphere.

Social License and the Rights of Indigenous People

If a just transition is to be achieved, social and environmental justice concerns must be addressed. In the case of DRC's huge forests, indigenous communities eke a livelihood from the natural environment. They have intimate social economic and cultural ties with forest spaces.[19] These include reliance on timber and non-timber forest products, supplies of wildlife for protein, as well as the benefits of water and soil protection.[20] This has resulted in conflicts over the use of forest resources, highly contested spaces between socio-cultural and livelihoods interests and economic interests of the private sector.[21]

Community participation in DRC decision making regarding critical minerals value chains, preservation of the rainforest and use of other natural resources is imperative. This is not only for ethical concerns about responsible mining and good governance practices, but is also a matter of upholding inalienable rights that are safeguarded by both domestic and international law, norms, and standards.

DRC as a Climate Solution Country

The DRC government's NDC intends to position the country as a Climate Solution Country around four natural resources components: 1) The forest massif 2) Water resources 3) The biodiversity, and 4) Strategic minerals. The facts are:

- 155.5 millions of ha of tropical rainforests.
- 101.500 Km2 of peatlands.
- 10% of the world's freshwater reserves, 52% of Africa's freshwater reserves.
- 1.5 billion tons of carbon dioxide absorbed per year.
- at some four million metric tons of cobalt as of 2022, has the largest cobalt reserves in the world.

Source: https://drcprecop27.medd.gouv.cd/en/yangambi.php

The principle of free, prior, informed consent of indigenous populations must be the ultimate route to obtaining a social license for the prospecting and whole-life cycle approach to mining developments on ancestral land or the use of resources in their territory. This will be critical to halting the seemingly ad infinitum human rights abuses, conflicts and exploitation endemic in DRC's mineral value chains and natural resources governance.

Climate Finance

Much more needs to be done in the area of climate finance to a) mobilise capital for renewable energy manufacturing, and b) provide loss and damage financing. In particular, great potential for the energy transition lies in DRC's Grand Inga hydroelectricity initiative. More affordable electricity from hydro and other renewable energy sources such as wind and solar must be increased to end energy poverty and to foster the achievement of energy democracy where access to electricity is guaranteed for all people living in the DRC.

Enhanced coordination is required for the current NDC to spur DRC into leading solutions to the global climate emergency.

References

1. UN Environment Programme. [Online]. Available from: https://www.thegef.org/sites/default/files/documents/10314_Project_Document_1.pdf.
2. US Geological Survey, 2019a. Cobalt reserves worldwide as of 2018, by country (in metric tons). Statista. Available from: https://www.statista.com/statistics/264930/global-cobalt-reserves/ accessed 08.07.2019).
3. Prause, L., 2020. Conflicts related to resources: The case of cobalt mining in the Democratic Republic of Congo. In The material basis of energy transitions (pp. 153-167). Academic Press.
4. Ibid
5. Amnesty International 2023: Powering Change Or Business As Usual? Available from: https://www.amnesty.org/en/latest/news/2023/09/drc-cobalt-and-copper-mining-for-batteries-leading-to-human-rights-abuses/
6. Prause op. cit. n 3
7. World Bank 2007. Resources and Resourcefulness. Gender, Conflict and Artisanal mining communities in Eastern Democratic Republic of Congo. Available from https://documents1.worldbank.org/curated/en/262411467998211567/pdf/95971-WP-P133615-PUBLIC-Qualitative-Mining-Report-10-4-Box-391432B.pdf
8. Amnesty international op. cit. 5.
9. Ibid
10. Ibid
11. The Fund for Human Right, "Ending Exploitation in the DRC's Deadly Cobalt Mines" June 6, 2023 https://globalhumanrights.org/stories/extraction-without-exploitation/
12. Ibid
13. Lawson 2021 "The DRC Mining Industry: Child Labor and Formalization of Small-Scale Mining"
14. Ibid
15. Ibid
16. 16Prause op. cit. n 3
17. 17DRC updated NDC 2021
18. 18USAID 2021: The Democratic Republic Of The Congo Climate Change Fact Sheet Retrieved from https://www.usaid.gov/sites/default/files/2023-03/2022-USAID-DRC-Climate-Change-Country-Profile_0.pdf
USAID 2021: The Democratic Republic Of
The Congo Climate Change Fact Sheet Retrieved from https://www.usaid.gov/sites/default/files/2023-03/2022-USAID-DRC-Climate-Change-Country-Profile_0.pdf
19. UNEP, "Community-based management of land and forests in the Grand Kivu and Lac Télé-Tumba landscapes in the Democratic Republic of Congo (DRC)" Available from: https://www.thegef.org/sites/default/files/documents/10314_Project_Document_1.pdf
20. Ibid
21. Ibid


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