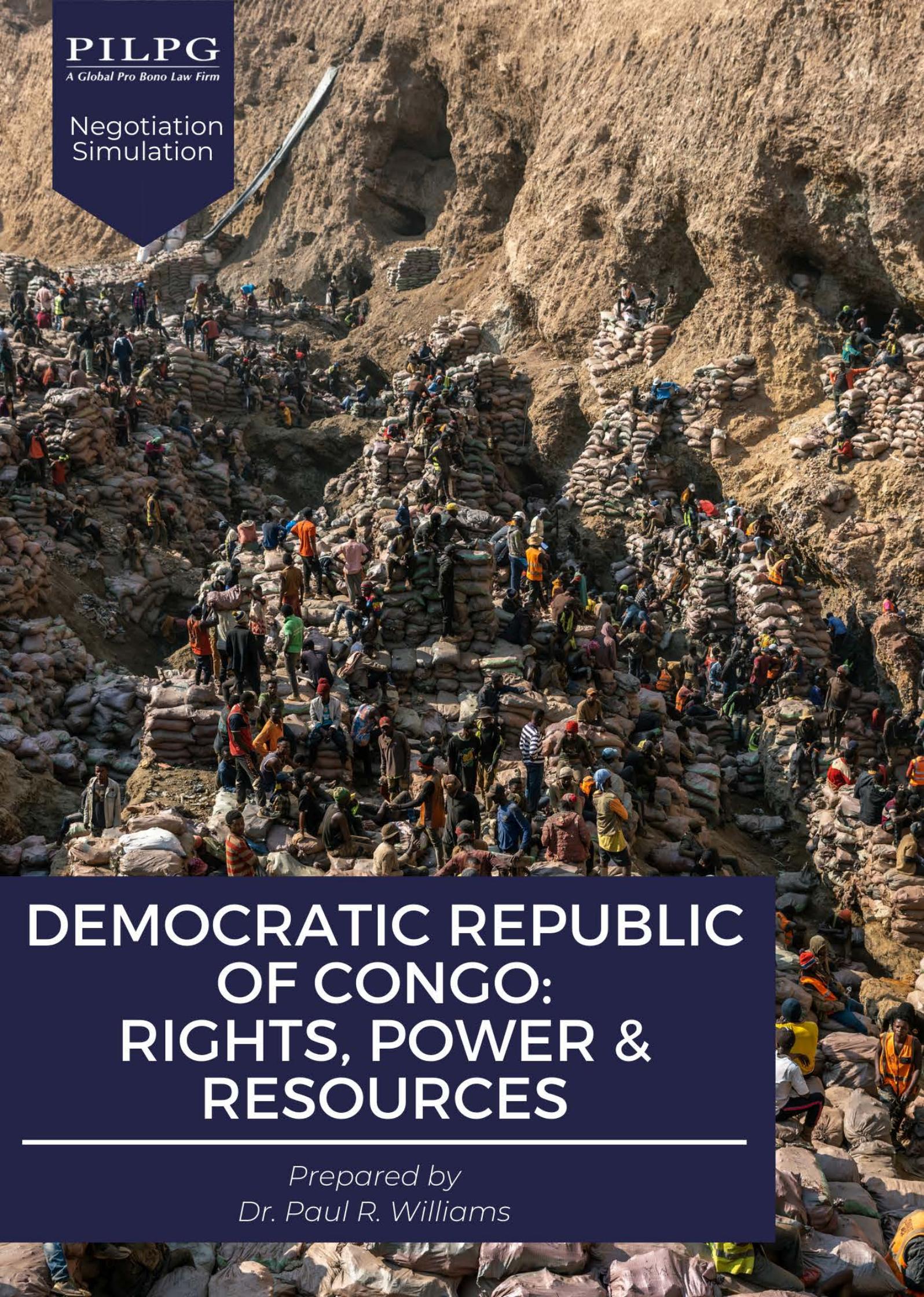


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Negotiation
Simulation



DEMOCRATIC REPUBLIC OF CONGO: RIGHTS, POWER & RESOURCES

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LAWYERING PEACE

Balancing Rights, Power, and Resources in the Democratic Republic of Congo

The purpose of this negotiation is to explore the intricate challenges of determining control over a crucial natural resource, coltan, in the Democratic Republic of Congo (DRC). It revolves around four key issues: amnesty for human rights abuses, corporate involvement in conflict minerals, resource ownership, and devolution of power. These objectives underscore the complexity of the negotiation and its significant implications for the DRC's future.

Parties are encouraged to explore potential points of agreement or disagreement among the key negotiating parties. Through the simulation, participants will debate their positions, learn negotiation techniques, identify points of conflict, and discuss potential solutions.

Background

Coltan, short for columbite-tantalite, is a crucial mineral resource used in the manufacturing of electronic devices such as smartphones, laptops, and gaming consoles. The Democratic Republic of the Congo (DRC) is home to an estimated 80% of the world's coltan reserves, making it a critical player in the global electronics industry. The DRC's coltan mining history is deeply rooted in its colonial past. Belgium, the colonial power in the DRC, heavily exploited its mineral resources, laying the foundation for a pattern of resource extraction and exploitation that continues today. Modern coltan mining in the DRC is fraught with complex issues, including human rights abuses, corporate involvement, and the role of armed groups like the M23 rebels.

Coltan became known as one of the "conflict minerals" because its extraction has fueled armed conflicts in the DRC for decades. The valuable mineral has been used by various rebel groups to finance their operations, leading to a cycle of violence and instability. Further, the unregulated mining of coltan has led to resource depletion and loss of valuable mineral reserves. This can have

long-term consequences for the DRC's economy, as coltan is a non-renewable resource.

The exploitation of coltan resources in the DRC has also been closely linked to war crimes and violations of human rights. Lack of effective governance and oversight in many mining areas has led to widespread use of forced labor, sexual violence, and child exploitation. Women and children are particularly vulnerable to sexual violence, while entire communities suffer from displacement and economic exploitation. International efforts to address these issues have faced significant challenges, including the complex web of actors involved in the coltan supply chain. The United Nations has deployed peacekeeping missions, such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), to the DRC to help maintain stability. One of the key objectives of MONUSCO has been to mitigate the role of armed groups in exploiting mineral resources, including coltan.

Armed groups such as M23 have used coltan revenue to finance their activities, further contributing to widespread violence and displacement of communities in the DRC. The involvement of armed groups in coltan mining is entangled with regional and geopolitical complexities, as neighboring countries may support or oppose these groups for their own strategic interests. Many global electronics companies have faced scrutiny for their complicity in the coltan trade linked to human rights abuses and environmental degradation. These companies are often accused of turning a blind eye to the origin of the minerals in their supply chains. In response to pressure from activists and consumers, some electronics companies have initiated efforts to trace and source minerals responsibly.

The modern implications of coltan mining in the DRC remain multifaceted. Recently, [M23 rebels have seized the major mining town of Rubaya](#), underscoring the ongoing challenges posed by armed groups in the DRC's mining regions. The M23's control of key mining areas like Rubaya not only exacerbates the conflict but also raises concerns about the illicit financing of their activities through the exploitation of mineral resources. Simultaneously, [violent protests have erupted once again in Goma](#), indicating the frustration of local communities with the presence and perceived ineffectiveness of UN peacekeepers in addressing the security and stability issues in the region. [Multinational corporations continue to be accused of indirectly financing armed groups](#) such as M23 by purchasing coltan from unregulated mines, contributing to the perpetuation of conflict and instability in the region. These events emphasize the urgent need for international cooperation

and diplomatic efforts to mitigate conflict and ensure the responsible management of DRC's mineral wealth.

Parties

- Congolese Government
 - The government seeks to maintain control over the coltan mining industry and its profits. It wishes to ensure stability, assert its sovereignty, and protect its citizens' rights while benefiting from coltan extraction.
- M23 Rebels
 - Representing a faction of rebels operating in Eastern DRC, M23 seeks greater regional autonomy and control over coltan-rich territories.
- Multinational Corporations
 - Several multinational corporations have vested interests in the DRC's coltan reserves. They seek to secure access to coltan while adhering to ethical and legal standards, as well as international human rights principles. Profits are a significant concern for these entities.
- African Union (AU)
 - The AU acts as a mediator and advocates for peace and stability in the DRC. They aim to facilitate a negotiated settlement that addresses human rights violations, regional stability, and equitable resource distribution.

Time Allotted:

- Part 1: 90 minutes
- Part 2: 120 minutes

Instructions: Negotiations will occur between the Congolese Government, M23 Rebels, Multinational Corporations, and the African Union as mediators. It is critical that you stick to the role you were assigned. Only address the issues set forth in this simulation. You may assume that other issues are on the agenda for a later session and will be addressed in subsequent negotiations. The delegations may communicate with each other or individuals from other delegations in written messages via WhatsApp or side-meetings at any time.

PART ONE

Agenda (*note: subject to adjustment*)

- Individual Delegation Meetings (20 minutes)
- Working Group Meetings (20 minutes)
 - Group 1: Amnesty and Accountability
 - Group 2: Corporate Involvement
- Individual Delegation (15 minutes)
- Working Group Meetings (20 minutes)
- Plenary (15 minutes)

Issues

- Amnesty and Accountability: Should amnesty be granted for war crimes and human rights abuses, and if so, under what conditions?
- Corporate Involvement: What should be the role and responsibilities of corporations in the conflict minerals supply chain?

Additional Guiding Questions

- How can the negotiation strike a balance between ensuring accountability for past human rights and war crimes violations in coltan mining and promoting reconciliation and stability in the affected regions?
- What conditions and mechanisms should be established to grant amnesty to individuals or groups involved in human rights and war crimes violations, taking into consideration factors such as truth-telling, reparations, and guarantees of non-repetition, while respecting international law and justice standards?
- How can multinational corporations contribute positively to coltan mining operations while addressing concerns about funding conflicts?
- How can corporations work together with the government and rebel groups to ensure transparent and accountable practices?
- What mechanisms can be established to ensure that corporate involvement aligns with ethical sourcing and environmental protection?

Talking Points

Congolese Government

Amnesty and Accountability

- The Government may argue for a selective approach to accountability, insisting that amnesty should primarily apply to former M23 rebels who are willing to cooperate. They might contend that the pursuit of justice against all individuals involved in the coltan trade would hinder the peace process and that some level of impunity is a necessary compromise. They might threaten to withdraw amnesty offers entirely if their demands are not met.
- The Government may demand that multinational corporations not only compensate victims but also admit to their complicity in the conflict. They might insist on public apologies and a commitment to significant financial reparations to communities affected by their actions. This approach would aim to hold corporations accountable for their role in fueling the conflict.
- The Government could propose that former M23 rebels involved in the coltan trade should contribute financially to a reparations fund for victims as a condition for amnesty as well.
- The Government might push back against the idea of extensive international oversight, arguing that external actors should have a limited role in monitoring and verifying amnesty implementation.

Corporate Involvement

- The Government accuses Multinational Corporations of benefiting from the conflict while avoiding taxation and accountability.
- The Government could threaten to pursue criminal charges against corporate executives involved in the illegal coltan trade. This provocative approach would hold individuals or corporate entities personally accountable for their actions.
- Propose the establishment of a government-led framework for overseeing and regulating coltan mining activities to ensure compliance with ethical standards.

M23 Rebels

Amnesty and Accountability

- The M23 rebels might demand an absolute blanket amnesty, with no exceptions whatsoever. They argue that without this, they have no incentive to engage in the peace process.

- M23 rebels may argue for an amnesty provision that extends beyond coltan mining-related offenses, seeking immunity for crimes committed in all aspects of their rebellion, such as illegal mining and smuggling.
- The rebels may resist international oversight of the amnesty process, fearing that it could lead to prosecution by international tribunals or a loss of control over their own fate. The rebels could insist that any agreement explicitly forbids the surrender of individuals to international criminal courts or tribunals.

Corporate Involvement

- The M23 rebels may demand the immediate and unconditional expulsion of all multinational corporations from the region, without exception. They could argue that these corporations are the primary drivers of the conflict and must be completely removed.
- M23 rebels could threaten to disrupt corporate supply chains through sabotage, blockades, or other means, causing significant financial losses for multinational corporations and exacerbating tensions in the region.

Multinational Corporations

Amnesty and Accountability

- Multinational Corporations may insist that any amnesty provisions explicitly state that they are not responsible for the actions of armed groups like M23.
- Multinational Corporations might demand exemption from financial reparations or compensation for war crimes and human rights abuses, asserting that they should not be held financially responsible for actions committed by rebel groups or individuals.
- Multinational Corporations might push for legal guarantees that future operations in the region will be immune from prosecution or legal action related to past events. They could argue that this assurance is necessary to ensure their continued presence and investment.

Corporate Involvement

- Multinational Corporations are grappling with allegations of supporting rebel groups and face mounting international pressure to exit the region.
- Multinational Corporations will advocate for self-regulation within their industry, rather than relying on government-imposed regulations. They could propose that they be allowed to develop and implement their own ethical sourcing and due diligence standards.
- Multinational Corporations may resist full transparency in their supply chains, arguing that divulging information about their sources and processes

could expose them to competitive disadvantages and intellectual property risks.

African Union (AU)

Amnesty and Accountability

- The AU may favor conditional amnesty provisions that are more limited in scope, excluding individuals responsible for the most heinous war crimes and human rights abuses.
- The AU may advocate for transparency and international oversight in the amnesty process. This could include the involvement of neutral third-party organizations or international bodies to verify compliance with amnesty conditions.
- The AU could propose that amnesty provisions have a specific duration and be subject to periodic review. This would allow for adjustments if the parties fail to meet their commitments or if new evidence of wrongdoing emerges.
- The AU might emphasize the importance of aligning any amnesty provisions with international legal standards and conventions, such as the Rome Statute of the International Criminal Court.

Corporate Involvement

- The AU will have to grapple with the deteriorating security situation as corporate interests clash with rebel threats, making mediation increasingly challenging.
- The AU may insist that corporations involved in the mining and trade of minerals in the region, especially coltan, must be held accountable for their actions. They could argue for stringent due diligence requirements that oblige Multinational Corporations to trace the origins of the minerals they purchase and ensure they are conflict-free.
- The AU may argue that corporations profiting from the region's minerals have a moral and legal obligation to contribute to peace and development efforts. They could propose that a percentage of corporate profits be allocated to programs aimed at conflict resolution, infrastructure development, and job creation in the affected communities.

PART II

Shifting our focus towards resource ownership and power dynamics will enable us to explore a comprehensive solution that encompasses not only human rights and ethical corporate practices but also the equitable distribution of resources and decision-making authority within the DRC.

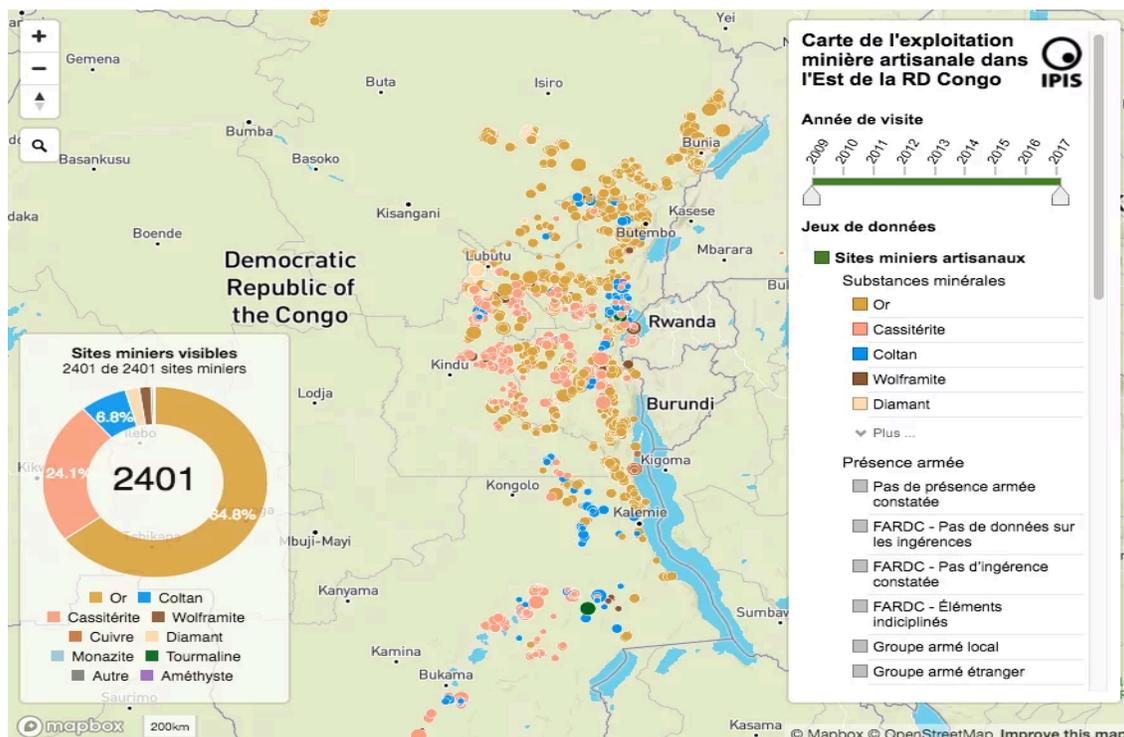
Agenda (*note: subject to adjustment*)

- Individual Delegation Meetings (15 minutes)
- Working Group Meetings (25 minutes)
 - Group 1: Resource Ownership
 - Group 2: Devolution of Power
- Individual Delegation (25 minutes)
- Working Group Meetings (25 minutes)
- Plenary (30 minutes)

Parties are the same.

Issues

- Resource Ownership: Who should own and manage coltan resources in the DRC?
- Devolution of Power: How should power be distributed and shared among different stakeholders to ensure effective governance in coltan-rich regions?



Additional Guiding Questions

- How should ownership of coltan mining areas be structured to ensure stability and equitable benefits for all parties?
- What are the potential advantages and disadvantages of national, regional, or shared ownership of coltan mining areas?
- How can the ownership structure contribute to preventing conflicts and promoting sustainable resource management?
- What role can revenue-sharing play in incentivizing responsible and sustainable coltan extraction practices?
- What criteria should be considered when determining the formula for revenue distribution from coltan mining?
- In what ways can regional autonomy be balanced with national unity to address historical grievances while maintaining overall coherence?

Talking Points

Congolese Government

Resource Ownership

- The Government claims ownership of all national resources, including coltan deposits. They emphasize national sovereignty and stress that centralized ownership can enhance the Government's ability to manage resources responsibly, preventing conflicts over ownership that have arisen in the past from regional autonomy. Such a unified approach, the Government argues, reduces the risk of resource-related violence.
- The Government may insist on a national revenue distribution formula, which they may argue can be organized to fund development projects across the entire country, focusing on reducing poverty and improving public services.
- The Government will concede only to permitting multinational corporations to participate in joint ventures or exploration projects, but with extremely limited ownership stakes. They argue that Multinational Corporations should act as mere service providers, with no decision-making power over resource management.

Devolution of Power

- The Government resists the idea of decentralization and regional autonomy, fearing it could lead to the disintegration of the DRC. They will likely reject any proposals for regional autonomy and emphasize that any devolution of

power should be symbolic at best. Express concerns about the ability of regional governments to manage resources responsibly.

- The Government will assert its absolute right to tax coltan resources. They will view any attempt by rebel groups or external actors to influence or collect taxes on these resources as a direct challenge to its authority.
- Insist on retaining a strong centralized authority, including control over key sectors such as defense and foreign affairs. They will resist any proposal that suggests an international oversight mechanism or rebel-controlled security presence, emphasizing the need to preserve the state's monopoly on force.
- They will likely further insist that a complete and verifiable disarmament of the M23 rebels is a non-negotiable prerequisite for any meaningful dialogue or negotiation.
- Accuse rebel groups of causing delays and instability, and challenge the role of international organizations in overseeing any proposed initiatives, emphasizing national sovereignty.

M23 Rebels

Resource Ownership

- M23 will insist on exclusive control over specific resource-rich regions as a non-negotiable demand. They challenge the legitimacy of the Congolese government's claim to these regions, citing historical and ethnic factors. Threaten to continue armed resistance if territorial autonomy and resource control are not granted.
- Reject any oversight mechanism proposed by other parties, demanding full control over resource management and revenue distribution.
- Accuse the Multinational Corporations of exploiting resources, and threaten to seize resource facilities if control is not granted.
- M23 will also demand a significant share of coltan revenues. They will reject proposals that require centralization of resource revenues, raising concerns about potential exploitation by the government. Express willingness to disrupt resource extraction activities if demands are not met.

Devolution of Power

- Insist on immediate and significant political influence at the national level, including cabinet positions and control over key ministries. Reject the idea of gradual political integration, arguing that it would dilute M23's influence.
- Warn of potential instability if political demands are not met.
- Demand near-complete autonomy for resource-rich regions, including control over taxation and security. Challenge the Congolese government's ability to represent and meet the needs of diverse regions. They may demand

not only control over coltan-rich regions, but also the right to maintain a separate militia force in those areas, stoking fears of further instability. They will resist any proposals for extensive disarmament.

- Threaten to pursue secession if significant autonomy is not granted.

Multinational Corporations

Resource Ownership

- Multinational Corporations will emphasize the importance of shared ownership and access, as they possess the technology, infrastructure, and investment needed to extract coltan efficiently. They propose a joint ownership model with appropriate revenue-sharing mechanisms, arguing that such a model can combine local knowledge and technological expertise for responsible and sustainable resource management.
- Resist calls for transparency in resource revenue reporting, asserting that it risks revealing sensitive financial information. Challenge any attempts to establish an independent oversight mechanism for resource management, emphasizing the need for self-regulation.
- Challenge the legitimacy of any regional control over resource extraction, arguing that it hinders investment and development.

Devolution of Power

- Multinational Corporations stress the need for stable access to coltan resources, free from interruptions caused by regional conflicts or political changes.
- Multinational Corporations challenge the ability of local or rebel groups to provide adequate security, citing historical disruptions. Warn of potential divestment and withdrawal of investments if security concerns persist.
- Advocate for exclusive resource extraction rights, challenging any regional or rebel control over resource-rich areas.
- Challenge the legitimacy of regional governments imposing taxes on resource operations.

African Union (AU)

Resource Ownership

- Advocate for transparency and accountability measures in resource management to prevent corruption and exploitation.
- Face challenges in gaining buy-in from both parties, who may be resistant to international oversight and monitoring.
- Suggest a resource revenue distribution plan that ensures a portion is dedicated to national development while addressing regional disparities.

Devolution of Power

- Face resistance from both parties, as the government may be reluctant to relinquish control, while the rebels may want complete autonomy. It is crucial to balance regional autonomy with maintaining the unity of the DRC.
- Emphasize the importance of disarmament and demobilization of rebel groups to prevent future conflicts.
- Challenge parties to demonstrate their commitment to good governance and accountability.
- Highlight the potential for international involvement if regional autonomy leads to instability.

Additional Resources:

- [Coltan and Conflict in the DRC](#)
- [What Coltan Mining in the DRC Costs People and the Environment](#)
- [United Nations Organization Stabilization Mission in the Democratic Republic of the Congo \(MONUSCO\)](#)
- [Mining and the Illicit Trading of Coltan in the Democratic Republic of Congo](#)
- [State Department 2022 Country Reports on Human Rights Practices: Democratic Republic of the Congo](#)
- [Amnesty International, Human Rights Abuses in the Democratic Republic of the Congo Power the Global Trade in Cobalt](#)
- [Amnesty International, Profits and loss: Mining and human rights in Katanga, Democratic Republic of the Congo](#)
- [Amnesty International, Inside the DRC's Artisanal Mining Industry](#)
- [Coltan, the Congo, and Your Cell Phone](#)
- [Al Jazeera, Two Chinese Among 4 Killed in Attack on DRC Gold Convoy](#)
- [VOA, DR Congo Again Sounds Alarm Over Rwandan 'Aggression'](#)