



**Centre for the Defence of Human rights and Democracy**



## **Ruashi Mining: The negative impacts of mining on communities and the environment**

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## **RECOMMENDATIONS**

The following recommendations are made following the study conducted by the Centre for the Defence of Human right and Democracy (Centre de défense des Droits de l'Homme et Démocratie) (CDHD) on the impacts of Ruashi mining on local populations and the environment.

### **To Standard Bank of South Africa**

- As a signatory of the International Finance Corporation (IFC) performance standards on mines, to require Ruashi Mining to comply with environmental protection standards in order to safeguard the lives of populations
- If possible, to review its financial arrangements with Ruashi Mining in the event that the company is still unable to improve the negative impacts of mining on communities.

### **To the Congolese Government**

- To ensure that Ruashi Mining complies with social and environmental responsibilities vis-à-vis local populations by controlling smoke emissions and dumping of toxic waste into the community.
- To request Ruashi Mining to develop relocation plans of populations most affected by mining activities, especially the community of Kalukuluku.

### **To Ruashi Mining**

- To comply with environmental obligations and the rights of affected communities as required by the new mining Code of 2018

## **I. ABOUT THE REPORT**

This report analyses the negative impacts of mining on populations and the environment following the exploitation of ores by Ruashi mining.

Ruashi Mining is a joint-venture company owned by Jinchuan international (75%) and Gécamines (25%). Jinchuan is a Chinese state-owned company that acquired Ruashi mining in 2013.

Since its creation in 2005, Ruashi Mining has always been involved in serious human rights violations against its local communities. Although several advocacy actions were carried out, the company showed no willingness to work for the well-being of communities. The most affected local communities are namely the Kalukuluku, Luano and Kawama districts of about 15,000 inhabitants who have been enduring the effects of environment degradation by Ruashi Mining.

CDHD made an investigation to prove the consequences of Ruashi Mining's exploitation on the livelihood of populations.

## **II. METHODOLOGY**

The investigation was carried out by a team of three people over a period of three weeks; investigators have several years of experience in data collection regarding research on mines and human rights. The team gathered the information through interview, observation and the analysis of various documents including legal instruments, NGOs reports, and the company publications. These documents include the mining Code and the mining policy frame that regulate the exploitation of mines in the DRC.

Local communities were actively involved in the investigation process; they agreed to participate in interviews and focus groups and thematic discussions on selected human rights issues. A total of 50 members of local communities, including 35 women and 15 men, were interviewed by the investigation team.

Ruashi Mining is surrounded by three communities that are the most impacted by the exploitation of mines. Interviewees came from these communities; two community leaders assisted the investigation team in identifying respondents.

### **III. SCOPE OF THE FINANCIAL AGREEMENTS BETWEEN RUASHI MINING AND THE STANDARD BANK OF SOUTH AFRICA**

Ruashi Mining is financed by the Standard Bank of South Africa; both have signed the IFC's performance standards on mines. As a branch of the World Bank, the IFC has set Environmental and Social Performance Standards defining clients' responsibilities for managing their environmental and social risks. The IFC recommends its financial partners to ensure that their clients (mining companies) abide by environmental principles before getting any loan.

Ruashi mining has adopted these standards in order to acquire easily capital funding from Standard Bank of South Africa. Agreements between Ruashi mining and the Standard bank of South Africa reveal the terms and amounts of loan. In this regards Ruashi Mining has pledged, *inter alia*, the mining right of permit PE578 for the Ruashi Mine in favour of Standard Bank to secure the US\$30 million commercial term loan facility, the US\$125 million export credit term loan facility and US\$15 million cost overrun facility, extended to Ruashi Mining<sup>1</sup>. As at 30 June 2013, over US\$20 million remain outstanding under the US\$125 million export credit from loan facility. These amounts show how strong the partnership between Ruashi Mining and Standard Bank is.

### **IV. ABOUT THE ENVIRONMENTAL IMPACT ASSESSMENT OF RUASHI MINING**

In 2006 Ruashi Mining released an environmental impact assessment (EIA) which was reviewed in 2018. A 2019 independent study analysed them and revealed the following negatives impacts of mining on the populations and the environment<sup>2</sup>:

- dust and fumes from generators, mining machinery and vehicles,
- air pollution due to gaseous emissions
- noise and vibrations caused by machineries
- presence of a deep excavation
- discharges of toxic waste in an open space
- restriction of movement of local communities, residents and farmers in the zone, lack of habitable and arable land.

Though Ruashi Mining introduces attenuation measures in its EIA, no progress has been made to improve the negative impacts. The company's EIA is not published online; hard copies are kept at the premises and are not easily accessible.

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<sup>1</sup> [http://www.hkexnews.hk/listedco/listconews/sehk/2013/0829/02362\\_1711929/E113.pdf](http://www.hkexnews.hk/listedco/listconews/sehk/2013/0829/02362_1711929/E113.pdf) P.6

<sup>2</sup> Kampolombwe, C. *et al.* Environmental impact and assessment in Lubumbashi. The case for Ruashi Mining [http://www.ijesm.co.in/uploads/68/6656\\_pdf.pdf](http://www.ijesm.co.in/uploads/68/6656_pdf.pdf)

## **V. CONFLICTS BETWEEN RUASHI MINING AND COMMUNITIES**

The proximity of the mines located at less than 1kilometer from the city is fuelling the conflict; it has led to a permanent confrontational relationship between local communities and the company. Nearby populations are exposed to fumes, dust, noise, and waste water generated by the mine.

### **a. Rock blasting**

At least two days a week, Ruashi Mining urges the population of Kalukuluku living near the mine to leave their homes for several hours before rock blasting happens. During this time, everything is shut down and the area is paralysed.

The mining explosions have caused several damages to the community, including injuries, destruction of houses and deaths.

Vibration affects the stability of infrastructure, buildings and houses of people living near the mine where rock blasting takes place.



*Cracks in the wall caused by rocks blasting in Kalukuluku*



*Populations of Kalukuluku staying away from their houses during a rock blasting operation*

The inhabitants of Kalukuluku complain every time about these explosions; a young man had this to say about this situation: *“I have to leave my house for several hours; these explosions are destroying our houses. I ask the company to relocate us to another place”*.

On 14 November 2017 a school girl was returning home after class when suddenly she was thrown to the ground by a large stone thrown from the mine during rock blasting. The young girl died on the spot; this incident occurred in Kalukuluku, the area most exposed to Ruashi Mining blasting.

Populations expressed a huge concern regarding rock blasting; they unanimously condemned the consequences of these blasts on the livelihood of the community.

The mining site of Ruashi Mining is so close to the neighbourhood; the company has dug a trench that separates his mine and the Kalukuluku neighbourhood.



*The photo shows the proximity of the houses to the Ruashi mine site.*

The long trench is at least 5 meters deep and 6 meters wide; the distance from the houses and the beginning of the mine site is only 5 meters.

#### **b. Fumes**

The populations of Luano have suffered from the regular emission of smoke from the Ruashi mines; to date, nothing has been done to ensure good sanitary conditions. Speaking of respiratory diseases, a community leader said: *"At the moment I am speaking to you, I am suffering from a chronic cough that has been going on for several years"*. Victims complain of swollen eyes and cough; the smoke is very harmful to frail people, including children and the elderly.

Communities have complained about pungent odours in the evenings that interfere with breathing. A community member said: *“We have many cases of respiratory illness in the community of Luano. I myself suffer from swollen eyes since three years; though I take medicines I am not healed because I am exposed to smoke every day”*.

Most of the time, the smoke is released at night. Despite numerous complaints from the populations, the company has not changed.

### **c. Polluted Waters**

During the rainy season, Ruashi Mining discharges enormous amounts of polluted water into the Luano River. This water flows through community gardens and destroys crops and vegetables before flowing into the river. The company takes advantage of the rain to release the polluted water imperceptibly.

In addition, the company's tailings pond is located near the river and often overflows during the rainy season.

A testimony from an inhabitant of Luano reveals the danger that poses the Ruashi Mining tailing pond: *“The pond is located upstream from our farms and houses; every time it rains heavily, the toxic waters from this pond overflow and invade our fields and the neighbourhood”*.

In the night of January 28th to 29th 2017, the tailing pond overflowed due to a heavy rainfall causing a toxic chemical to run out of the enclosure. Unfortunately these toxic waters made their way through the fields of the inhabitants of Luano who are constantly alarmed.



*Dry farming crops due to toxic waste flowing from Ruashi Mining during rainfalls in Luano*

#### **d. Dust and noise**

Hundreds of trucks travel to and from the mines causing noise and dust that have an impact on health conditions of populations. During the dry season, families whose houses are located along the road suffer from respiratory and ocular illnesses due to dust.

### **VI. THE CAUSE OF ENVIRONMENTAL ABUSE**

The study found elements that further exacerbated the conflict between Ruashi Mining and the communities: the lack of free, prior and informed consultation and the weaknesses of the mining Code<sup>3</sup>.

The right of individuals to participate in the planning and implementation of decisions affecting their rights implies the prior, informed and free consent of affected communities. This participation was severely limited in the 2002 Mining Code. The article 451 stipulates that “Public consultation during the preparation of the Environmental Impact Assessment of the project must allow the active participation of local populations affected by the mining project in the preparation of the Environmental Impact Assessment of the project”.

The mining Code provides for public consultation during the preparation of the environmental impact assessment of the mining project and even of sustainable development plans. However populations asserted that Ruashi Mining held only one public consultation during the exploration stage. The lack of consultation is a factor that has most contributed to human rights violations cited in this report.

A Kalukuluku resident told the investigation team that Ruashi Mining is no longer able to engage in talks with the communities; abuses have disrupted the dialogue.

Simply including the principle of consultation in legislation is not enough. Consultation and participation require institutional, systematic and regular mechanisms and coherent frameworks to function. The new mining Code of 2018 has corrected this weakness; henceforth the next consultations will be held as required by law.

Following the example of the law on environmental protection, which promotes "the principle of public information and participation in the environmental decision-making process", state officials should ensure that Ruashi Mining conduct consultations according to applicable guidelines of the mining legislation. This is all the more important when the project is likely to

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<sup>3</sup> The 2002 Mining Code was much more investor-friendly than community-friendly. The new Mining Code of 2018 focuses on the development of the populations.

directly modify the living environment of one or more communities, such as expropriations, relocations of one or more villages and/or farms.

### **About CDHD**

The Centre for the Defence of Human right and Democracy (CDHD) is nongovernment organisation working for the advancement of human rights, social justice and human development. This mission is done through research, advocacy, monitoring and capacity building.

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