

Editorial

Minding Conflict Mining

In 2009, United States Senator James McDermott sponsored House of Representatives (H.R.) Bill number 4128 – Conflict Minerals Trade Act, which was designed to “improve transparency and reduce trade in conflict minerals, and for other purposes. Specifically, it should

“.....help stop the deadly conflict over minerals in eastern Congo by regulating the importation and trade of tin, tungsten and tantalum – minerals commonly used in cell phones, laptop computers and other popular electronic devices. Under the bill, U.S. Commerce Department-sanctioned auditors would audit mineral mines declaring them conflict free or not. These mines would be mapped to show which ones fund conflict. Furthermore, importers would have to certify whether they were importing conflict minerals – companies that do import conflict minerals will be reported to Congress by the United States Trade Representative.”¹

In its final resting place, H.R.- 4128 became embedded in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, signed into law by President Obama on July 21st, 2010. Section 1502 of the Act includes additional reporting requirements on regulatory forms required for submission to the Securities and Exchange Commission on the sources of specific “conflict minerals” namely, tin, tantalum tungsten and gold (the “3TG” group). These minerals are turned into metals widely used in electronic products, jewelry, air bags in cars, health care and in the aerospace industries. Effective in April, 2011 companies are to begin submitting reports verifying the source of these metals in their manufacturing supply chains. And by June 2011, the United Nations’ Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo proclaimed that the Dodd-Frank Act is already having a beneficial impact on strategies to reform the conflict in DR Congo²:

“Since its development in 2010, this United States legislation has proved an important catalyst for traceability and certification initiatives and due diligence implementation in the minerals sector regionally and internationally.”

Before the U.S. law was passed, many books and essays were written about tantalum, known colloquially in the Congo as “coltan.”³ Many authors adopt the environmental activist stance blaming the industrialized countries for supporting the mining and smuggling of coltan in the Congo as a major source of human rights abuses and outright war crimes in the region. Others were more circumspect. The damage to the environment from strip mining in Congo is devastating, and may be irreversible.

Poor governing structure and social destabilization have exacerbated the impacts of mining in all Africa. Our most sensitive ecosystems have been damaged and the example of oil mining in the Niger Delta demonstrates, recovery is painful and slow⁴. It is encouraging that one powerful country’s laws have such strong influences on African conflict minerals. But there are other powerful countries that need to join this effort to ensure a sustainable solution. The investment of China in African mining operations may bring needed industrial development, but we need to ensure that Chinese legislators are also paying adequate attention to the nexus of human rights, commerce, and environmental quality.

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¹ Open Congress – H.R. 4128. <http://www.opencongress.org/bill/111-h4128/show>

² United Nations Security Council – Resolution 1533 (2004) <http://www.un.org/sc/committees/1533/egroup.shtml>

³ For example, see Michael Nest (2011) Coltan. Polity Books, 200 pages.

⁴ Ogunseitan, O.A. 2009. The Niger Delta (Editorial) *African Journal of Environmental Science and Technology*, 3(5).