THE EU RAW MATERIALS POLICY AND MINING IN **RWANDA**

Policy Coherence for Development in practice

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LIST OF ACRONYMS

3T	Tungsten, tin and coltan
ACP	African, Caribbean and Pacific
APT	Ammonium Paratungstate
ASM	Artisanal Small-scale Mining
AU	African Union
BGR	Bundesanstalt für Geowissenschaften und Rohstoffe
CEO	Chief Executive Officer
COPIMAR	Coopérative de Promotion de l'Industrie Minière Artisanale au Rwanda
CSP	Country Strategy Paper
CSR	Corporate Social Responsibility
CTC	Certifying Trading Chains
DG	Directorate General
DRC	Democratic Republic of Congo
EC	European Commission
EDF	European Development Fund
EEAS	European External Action Service
EIB	European Investment Bank
EPA	Economic Partnership Agreement
EU	European Union
EVF	Evert Vermeer Foundation
FDLR	Forces Démocratiques de Libération du Rwanda
FDI	Foreign Direct Investment
FECOMIRWA	Fédération des Coopératives des Mines au Rwanda
GDP	Gross Domestic Product
GMD	Geology and Mines Department
GOR	Government of Rwanda
ICGLR	International Conference of the Great Lakes Region
ITSCI	ITRI Tin Sustainability Certification Initiative
LDC	Least Developed Country
MINIRENA	Rwandan Ministry of Natural Resources
NGO	Non Governmental Organisation
ODA	Official Development Assistance
OGMR	Geology and Mines Department Rwanda
PCD	Policy Coherence for Development
PPP	Purchasing Power Parity
RDB	Rwanda Development Board
REDEMI	Régie d'Exploitation et de Développement des Mines
SOMIRWA	Société des Mines du Rwanda
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development

UNECA	United Nations Economic Commission for Africa
USA	United States of America
WB	World Bank
WTO	World Trade Organisation

PREFACE

Policy Coherence for Development (PCD) is an abstract sounding concept with far-reaching consequences. Especially in today's interconnected, interdependent global economy, European policies can have tremendous effects in developing countries in Africa and elsewhere. The European Union's raw materials strategy is but one example of the many policies that affect developing countries. This report by the Evert Vermeer Foundation (EVF), as well as the previous impact study in Ghana (on trade agreements, illegal logging and migration policies), demonstrates that there is still work to be done for Europe's PCD commitments on paper to be translated into reality.

Despite the EU's best efforts, ensuring policy coherence in practice frequently falls short. The 'voice of the South', and policy impacts on the ground too often go unheard. This study is an attempt at giving those affected by EU policies bring forward their priorities. One of the things that struck me in Rwanda was the lack of awareness of the concept of PCD among local policymakers. The EU should invest in more direct and pro-active dialogue with developing countries, so that potential incoherencies are signalled before it is too late.

Measuring the impact of European policies in a third country is far from easy, but incredibly important. Studies like this one are an important learning experience, and the EVF looks forward to using this experience to contribute to other attempts at measuring PCD. Cooperation between civil society and government, both in developing countries and here in Europe, is essential in working towards achieving a stronger implementation of PCD in practice.

In the meantime, the EVF will continue to monitor EU policies and politicians and signal any incoherencies. With the growing awareness and commitment among politicians, policymakers and civil society, the future for PCD looks bright. Plenty of work remains to be done however, so we as the Evert Vermeer Foundation will continue to advocate for EU policies that do not undermine development!

Jasper van Teeffelen
February 2012

INITIATIVE BY THE EVERT VERMEER FOUNDATION

This study is an initiative of the Evert Vermeer Foundation (EVF), a Dutch NGO, which runs the "Fair Politics" campaign. This campaign seeks to make policymakers aware of the effects of unfair policies, by bringing forward concrete examples of incoherent and unfair policies, and giving policy recommendations as how to strengthen Policy Coherence for Development and make European policies more coherent to development objectives. Policies that contradict or oppose development commitments and objectives must end. Fair policies are coherent, justifiable and sustainable policies that do not hinder, but encourage the development of developing countries. All with the aim of giving these developing countries a fair chance to develop.

The EVF monitors and reports on topics such as the Economic Partnership Agreements, fishery policies, migration policies, arms trade, biofuels and illegal logging. These cases are presented, updated and accompanied by new developments on our website: www.fairpolitics.eu. The EVF targets policymakers in Brussels and The Hague, because it is these policymakers, who are in the position to change incoherent policies into coherent policies.

EXECUTIVE SUMMARY

The European Union has committed itself to considering developing countries' interests in its policies. To investigate to what extent the EU's raw materials strategy is coherent with its development goals, the author visited Rwanda for three and a half weeks in November 2011 to carry out a research on the country's mining sector and development issues. This study is based on interviews conducted with representatives from the Rwandan government and the private sector, as well as consultations held with representatives of the European Commission, European civil society and the private sector.

The economic uprising of the so-called 'emerging economies', (e.g. Brazil, India, China) has increased the demand in raw materials across the globe and resulted in some countries adopting protectionist measures to restrict their mineral exports. The European Union is highly dependent on mineral imports for its industrial value chain, and has therefore formulated a policy strategy to secure EU access to raw materials, the Raw Materials Initiative. Africa boasts great reserves of minerals required by the European economy and wants to use these as an engine for development as expressed in the African Union's 'Africa Mining Vision'. In its raw materials strategy, the EU pays special attention to Africa. The EU wants to achieve win-win situations by using its development policies to support the mining sector in Africa. This report uses the case of Rwanda to examine to what extent the EU raw materials policy is and can be made more coherent with its development objectives.

The African Union identifies challenges in the African mining sector in terms of using African minerals to promote industrialisation and economic development, notably through beneficiation and value addition. The African Union also argues that artisanal mining warrants special attention. The issue of occupational safety in the Rwandan artisanal mining sector highlighted in this report illustrates the problematic nature of the artisanal mining sector and the urgency of certification mechanisms like those initiated by the International Conference of the Great Lakes Region. Rwanda, in line with the Africa Mining Vision, is seeking to add more value to its mineral exports and move away from simple extraction and export. However, it faces constraints in terms of energy supply, infrastructure and capacity in doing so. Rwanda also faces difficulties in terms of revenue mobilisation, where the government's lack of capacity for instance enables companies to take advantage of their experience in negotiating contracts.

The report also looks at EU trade policy. The European Union is actively looking to discipline export restrictions like export taxes because these inhibit EU access to minerals by raising prices and limiting supply. However, export restrictions on raw materials like minerals can be used as an instrument to develop infant industries and increase value addition. Through the Economic Partnership Agreement with the East African Community, of which Rwanda is a member, the EU seeks to constrain the ability of EAC members to raise export taxes. This is contrary to the wishes of Rwanda, which wants to keep the policy space to instate export taxes for development purposes. The EU's raw materials strategy is an example of a policy where EU economic as well as development objectives can potentially meet. The African mining sector can contribute to development by establishing linkages with the local economy. In turn, a sustainable African mining sector and with it a sustainable supply of minerals is in the interest of the EU. However, the main objective of the EU raw materials strategy remains securing access to (African) raw materials. This report demonstrates that the EU still has a long way ahead to a raw materials policy coherent with its development goals.

Policy recommendations

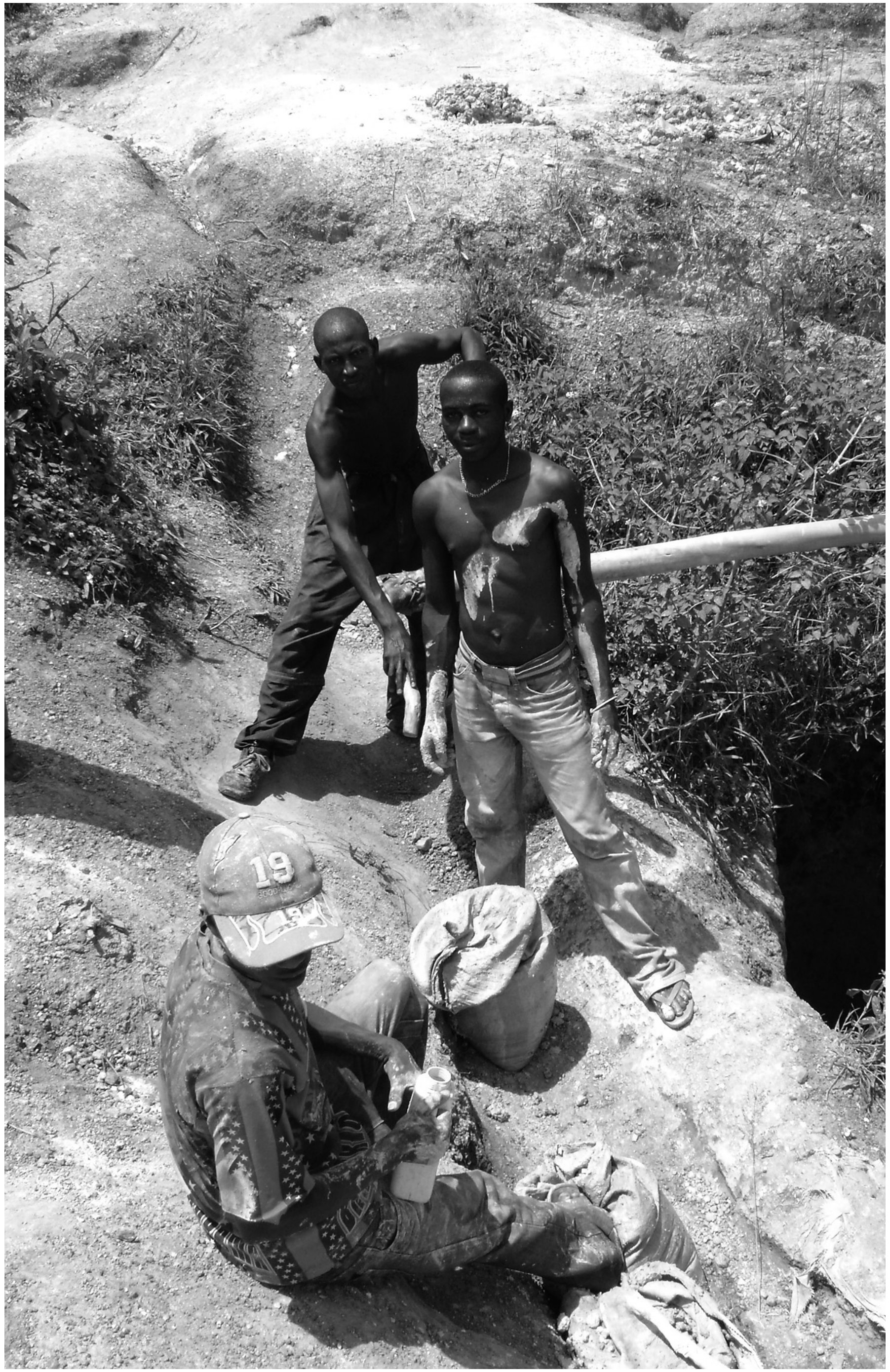
The European Union and its member states should...

- **Support financially and technically mineral certification programmes like those under development by the ICGLR, and governments in implementing these certification standards.**

- **Support developing countries in increasing value addition and enhancing local linkages by:**
    - **Supporting infrastructure projects such as roads and railways contributing to better access to in-land areas, particularly mining areas, as well as trading hubs.**
    - **Supporting energy projects to enhance supply for the mining industry.**
    - **Investing in post-extractive industries: processing units and smelting facilities.**

- **Only invest in mining projects in developing countries when paired with good governance and capacity building projects on topics like fiscal capacity and contract negotiations.**

- **Allow least-developed ACP countries full flexibility to raise export taxes for development purposes in EPA negotiations and other trade agreements.**



1. INTRODUCTION

“We should work toward a coherent vision on development, mining and raw materials, to support African capacity at the appropriate national, sub-regional or continental level and within the available cooperation instruments.” (Joint Africa-European Union strategy action plan 2011-13) [1]

The economic uprising of former developing countries such as China and India over the past decade has greatly increased the demand for raw materials across the globe. In order to secure access for their domestic industries, countries like China have restricted their exports of raw materials like minerals. These developments are received with great concern by the European Union, which is especially dependent on imports of minerals, the subject of this study. In 2008 the European Union therefore launched its strategy to secure access of raw materials into the future, the Raw Materials Initiative.

In securing access to minerals the EU is also turning to Africa. The continent harnesses great reserves of minerals crucial to EU industries across the globe. Africa itself seeks to use its mineral wealth as a catalyst for economic development and industrialisation. The European Union acknowledges this and aims to support Africa in translating its mineral wealth into real development. However, the key objective of the EU’s raw materials strategy remains securing access to minerals. Its intentions to support development in Africa through mining must therefore be viewed in this light.

Through Article 208 of the Lisbon Treaty the EU has a legal obligation to consider the interests of developing countries not just in its development cooperation, but in all its policies. In 2010, the Evert Vermeer Foundation (EVF) carried out a research in Ghana to analyse the impact of EU migration, forestry and trade policies on local development. The EVF came to the conclusion that the EU’s commitments to PCD on paper do not measure up to its efforts on the ground. In its Raw Materials Initiative the EU commits itself to a strategy coherent with its development goals and argues it is investigating possible avenues to achieve this. The question remains to what extent the EU’s raw materials strategy is truly coherent with its development goals, not just on paper but also in practice. Does the EU in its quest to secure access to raw materials for its industries undermine development in Africa or support it? Do its intentions to use development policies to support the mining sector in Africa really meet local demands and contribute to development?

In November 2011 the author visited Rwanda for three and a half weeks to learn about issues the country faces with regards to its mining sector and the role of the European Union in this. The results of this research are compiled in this report.

1 Africa – EU Summit (2010) Joint Africa EU Strategy Action Plan 2011-2013, p. 28.

It uses the country of Rwanda as a case study to make policy recommendations as to how achieve a raw materials strategy coherent with the European Union's development goals.

Chapter 2 lays out the methodology used in this research report and briefly explains the concept of Policy Coherence for Development. Chapter 3 gives an outline of the policy strategies formulated by both the European Union and African Union with regards to raw materials. The fourth chapter looks at the Rwandan mining sector. Chapter 5 deals with development issues in the Rwandan mining sector. It highlights out the issue of occupational safety in artisanal mining. Furthermore, it looks at Rwandan efforts to add more value to, and generate more revenue from, its mineral exports and it looks at the role the EU plays in this respect. Chapter 6 looks at EU efforts to combat export restrictions through the Economic Partnership Agreement negotiations with the East African Community. The report concludes with a set of policy recommendations as to how to make the EU's raw materials strategy more coherent with its development goals.

2. METHODOLOGY

This study looks to find an answer to the following question:

- **In which way(s) can the EU raw materials policy be more coherent with its development objectives?**

Three sub-questions are used to answer the main research question and guide the structure of this study:

- **What problems does Rwanda face in terms of mineral production?**

- **What problems does Rwanda experience in adding value to its mineral exports?**

- **What is the role of the European Union in the Rwandan mining sector?**

Using a case study approach, Rwanda was chosen as an example of a least-developed country exporting critical raw materials to the EU. Rwanda exports tungsten and tantalum ore to the EU, minerals which are designated as 'critical' by the EU because they display 'a particularly high risk of supply shortage in the next 10 years and are particularly important for the value chain'[2]. Furthermore, Rwanda revised its mining policy in 2010, setting out a strategy to take full advantage of its mineral production. This makes it an interesting case of an African developing country looking to use minerals to achieve inclusive development. The country's role in the (conflict) mineral trade in the Great Lakes region, and its efforts to implement a mineral certification mechanism also warranted a closer look at the country's mining sector.

In November 2011[3], the author spent three and a half weeks in Kigali, Rwanda.
In preparation for this fieldwork, consultations were held with various stakeholders from civil society, government and the private sector. A total of 28 semi-structured interviews were conducted over the course of the fieldwork with individuals hailing from the private sector, government and civil society[4]. Interview subjects were obtained using a 'snowball sampling'[5] approach, with new interview subjects generated through the recommendations and contacts of previously interviewed subjects. Snowball sampling is used here for its practical advantages in gaining access to the target populations of this study.

2 European Commission (2011d) Tackling the Challenges in Commodity Markets and on Raw Materials, COM (2011), 25 final, p. 12.
3 04-11-2011 until 26-11-2011.
4 See Annex 1 for an overview.
5 See e.g. Atkinson, R. & Flint, J. (2001) Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies, Social Research Update, issue 33.

Among interview subjects from the private sector representatives from the post-extractive industry as well as the artisanal mining sector[6] were sought out. Interviews were also conducted with policymakers and officials from the Rwandan Ministry of Natural Resources as well as Trade and Industry, the Geology and Mining Department, as well as with the European Union Delegation. Four mines, three artisanal, one semi-industrial, were visited with the help of a local mineral trader. Three mineral processing sites were visited, two industrial, one semi-industrial.

The contents of these interviews have been used to guide the findings of this report. Some of these interviews were concluded on terms of anonymity. Permission has been granted where interview subjects are explicitly referenced or where direct quotes are used.

6 Artisanal mining is defined by the World Bank as "a type of manual, low technology mining conducted on a small scale, predominantly in rural areas of the developing world". World Bank (1995) Proceedings of the International Roundtable on Artisanal Mining. The World Bank, Washington DC.

BOX 1:
Policy Coherence for Development

"The Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries."
(Article 208 of the Lisbon Treaty establishing the European Community)[7]

While European Union policies principally serve the interests of its member states, they also have considerable effects elsewhere in the world, not least of which in developing countries. Examples abound, from EU policies on migration, fisheries, and biofuels to taxation. The European Union has repeatedly committed itself to mitigating the negative effects of EU policies on its efforts to achieve its development cooperation objectives:

"The EU seeks to build synergies between policies other than development cooperation that have a strong impact on developing countries, for the benefit of overseas development ("policy coherence for development"). Making development policy in isolation will not bring sufficient results."[8]

The EU has translated this commitment to Policy Coherence for Development (PCD) into several policy coordination mechanisms. In its biennial 'spotlight' report on PCD, CONCORD refers to them as the 'PCD toolbox'[9]. For instance, as per Cotonou Partnership Agreement Article 12, ACP countries can request consultations with the EU on EU policies that could affect them. European Union policies are also accompanied by so-called impact assessments, analysing the potential negative effects of the policy on developing countries.

7 European Union (2006) Consolidated versions of the Treaty on European Union and of the Treaty establishing the European Community.
8 European Commission (2011b) Policy Coherence for Development.
9 CONCORD (2011) Spotlight on EU Policy Coherence for Development. A Lisbon Treaty provision. A human rights obligation, p. 17.

3. THE AFRICAN AND THE EUROPEAN RAW MATERIALS STRATEGY

3.1 GEOPOLITICS: EUROPE AND CHINA

We live in a world where geopolitical relations are changing rapidly. The economic uprising of the so-called 'emerging economies', (e.g. Brazil, India, China) has stimulated the demand in raw materials across the globe[10]. This, coupled with the unrelenting demand for high-tech and green technologies among developed countries has put great pressure on global commodity markets, and enhanced international competition over raw materials. As a response, many countries, both on the supply and demand side have formulated policy strategies to deal with this increased competition. Some countries on the supply-side have begun to restrict their exports in order to secure their access to these materials for their domestic industries. The EU is highly dependent on imports of high-tech metals like tantalum and cobalt, and entirely of what it defines as 'critical' materials[11]. These minerals are used in electronic consumer goods like mobile phones, but also in military applications and environmental technologies like electric-hybrid car batteries.

In 2009, China accounted for 97% of world production[12] of so-called critical materials[13]. In 2010 China cut back exports of so-called rare-earth materials from an annual 50,000 tons to 30,000 tons[14]. This at a time where demand is already surpassing supply, with global demand at 134,000 tons, and production at 124,000[15]. This has severe consequences for the European Union, which is highly dependent on Chinese supply of these materials, and it is actively combating these kinds of policy measures. In 2009 the EU, USA and Mexico launched a WTO case, accusing China of trade distorting measures in conflict with its WTO commitments[16]. In 2011, the WTO ruled that China broke international trade rules in restricting its mineral exports[17], which it is now appealing[18]. These export restrictions coupled with the increasing demand, is forcing many, including the EU, to take a closer look at Africa.

10 European Commission (2008), p. 6.
11 European Commission (2011d), p. 12
12 Critical materials are 'those which display a particularly high risk of supply shortage in the next 10 years and which are particularly important for the value chain' (European Commission (2011d), p. 12).
13 Ibid.
14 The Economist (2010) The Difference Engine: more precious than gold
15 Ibid.
16 Ramdoo, I. (2011) Shopping for Raw Materials? Should Africa be worried about EU Raw Materials Initiative?, ECDPM Discussion Paper no. 105, p. 29.
17 BBC (2011) China broke trade law on metals, WTO says.
18 EurActiv (2011) China appeals raw materials WTO case.

3.2 AFRICA'S ROLE IN THE GLOBAL RACE FOR MINERALS

Over 50% of major mineral reserves are located in countries with a per capita gross national income of $10 per day or less.[19] (Raw Materials Initiative – meeting our critical needs for growth and jobs in Europe)

From colonial times Africa has been regarded as a treasure chest[20], rich in natural resources from timber to diamonds. The continent also possesses plentiful reserves of many minerals, among which of the aforementioned critical materials. Table 1 shows African production and reserves of various minerals (of which cobalt and platinum group minerals are deemed critical by the EU). The continent itself wants to take advantage of the opportunity for economic development its mineral wealth presents. The African Union argues that the continent's mineral wealth can 'catapult Africa to modernisation'[21] and wants to achieve 'resource-based industrialisation'. The EU agrees, and states that "sustainable mining can and should contribute to sustainable development"[22]. In its policy strategy to secure access to raw materials into the future, the European Union pays particular attention to Africa.

TABLE 1:
Some leading African mineral resources (2005)[23]

	Mineral Production	Rank	Reserves	Rank
Platinum Group Minerals	54%	1	60+%	1
Phosphate	27%	1	66%	1
Gold	20%	1	42%	1
Chromium	40%	1	44%	1
Manganese	28%	2	82%	1
Vanadium	51%	1	95%	1
Cobalt	18%	1	55+%	1
Diamonds	78%	1	88%	1
Aluminium	4%	7	45%	1

19 European Commission (2008), p. 5.
20 See e.g. African Union & United Nations Economic Commission for Africa (2011) Minerals and Africa's development. The International Study Group report on African mineral regimes, chapter 2.
21 African Union (2009) Africa Mining Vision.
22 European Commission (2011), p. 15.
23 African Union (2009) Africa Mining Vision, p7.

3.2.1 AFRICA MINING VISION

In 2009 the African Union and the United Nations Economic Commission for Africa launched the Africa Mining Vision (AMV). The AMV sets out a framework to realise the potential of Africa's mineral resources as a catalyst for economic development and industrialisation. The overall goal is to optimise linkages from the minerals sector into the local economy[24]. To achieve this, the AMV identifies five intervention points:

- **Level/quality of the resource potential data**
- **Contracts negotiating capacity**
- **Ongoing African resources development and governance capacity**
- **Improving the capacity to manage mineral wealth**
- **Addressing Africa's infrastructure constraints**

And finally also optimising the gains that can be made in artisanal and small-scale mining. The Mining Vision primarily perceives the African lack of capacity (in the public as well as private sector) as the main obstacle in moving towards these objectives.
It argues that concerted efforts are needed in the following areas to address these issues[25]:

- **Strengthening governance to ensure resource rents benefit the country's development**
- **Technological development**
- **Infrastructure**
- **Value addition (downstream and upstream)**

24 Ibid., p. 17.
25 Ibid., p. 18.

3.3 THE EUROPEAN UNION'S RAW MATERIALS INITIATIVE

"Securing reliable and undistorted access to raw materials is increasingly becoming an important factor for the EU's competitiveness and, hence, crucial to the success of the Lisbon Partnership for growth and jobs." (Raw Materials Initiative– meeting our critical needs for growth and jobs in Europe)[26]

In 2008 the EU launched its raw materials strategy, titled *Raw Materials Initiative – meeting our critical needs for growth and jobs in Europe*, outlining the Union's policy response to the growing challenge of a sustainable raw materials supply. The Initiative is based on three pillars:

1. **Ensuring access to outside markets**
2. **Foster internal European production**
3. **Boost resource efficiency and recycling**

This study focuses on the first pillar, the external policy dimension. This pillar has two components. The first looks to combat the use of market-distorting policies which limit raw materials exports, such as those used by China described earlier and other measures like export taxes. In this context the EU will 'actively pursue raw materials diplomacy', for instance reinforcing the dialogue with resource-rich countries[27] as well as strategic partners[28].

The Europe 2020 strategy is the European Union's agenda to achieve 'smart, sustainable and inclusive growth'. In it, the European Commission asserts that it will seek to "better align EU expenditure with the goals of the Europe 2020 strategy"[29]. This goal is reflected in the raw materials strategy. Because of the position of Africa as an important source of raw materials (already 39% of African exports to the EU consist of mining and fuel products[30]), the EU also intends to use its development policies for the purpose of securing a sustainable supply of raw materials from the continent.

The EU argues that by supporting good governance, the mining sector in developing countries can benefit sustainable development and inclusive growth. The EU will look at capacity building programmes, promotion of financial transparency as well as due diligence. It will also continue to investigate how its financial instruments (European Development Fund, European Investment Bank) can make a contribution to enhancing the efficiency of local mining operations, by for instance investing in infrastructure projects and post-extractive industries. The European Investment Bank has already spent €650 million, approximately 11.9% of total lending, on mining projects in ACP countries since 2003[31].

26 European Commission (2008)
27 E.g. African countries, Russia, China. See European Commission (2008), p. 6.
28 E.g. the USA, Japan. See European Commission (2008), p. 6.
29 European Commission (2010) Europe 2020, a strategy for smart, sustainable and inclusive growth, COM (2010), p. 22.
30 Ramdoo, I. (2011), p. 22.
31 European Investment Bank (2011) Mopani Copper Project.

3.4 EUROPEAN AND AFRICAN INTERESTS: WIN-WIN?

China has been using development funds to invest in natural resource projects across Africa in return for raw materials. Antonio Pedro, director of United Nations Economic Commission for Africa (UNECA) East African sub-regional office and former head of the Natural Resources division of UNECA, explains:

"They [China] understood African interests, what is key to making Africa competitive. When the first deals were struck, everyone in the West was against this, they were complaining. Now the conversation is completely different."

Mr. Pedro argues that if the EU follows China's example, it must not lose sight of its development objectives:

"We are equal partners. You want our resources, let's discuss that. What we are discussing in our group[32] is not: optimising current scramble for African mineral resources. It's about rebuilding a sustainable future beyond mining."

The core interest emanating from the European Union's raw materials strategy is securing access to raw materials in the future. It seeks to use its development policies in this context to create win-win situations, arguing that a sustainable mining sector in Africa is in the interest of the EU as well as African developing countries. There is an apparent contradiction between the European interest of securing access to raw materials, and the African interest of using these as an engine for development and achieve more beneficiation. The EU addresses several constraints identified by Africa in the AMV, but to what extent is the EU's raw materials strategy coherent with its development goals in practice? Who wins most?

32 AUC/ECA International Study Group to Review Africa's Mineral Regimes

4. RWANDA

BOX 2:
Rwanda at a glance

- DATE OF INDEPENDENCE: **1962**
- HEAD OF STATE: **PRESIDENT PAUL KAGAME**
- POPULATION: **10,943,000**
- URBAN POPULATION: **19.2%**
- GDP PER CAPITA: **$1,032 PPP**
- AVERAGE ANNUAL ECONOMIC GROWTH (2006-2010): **7.3%**
- POPULATION BELOW THE $1.25 PPP POVERTY LINE: **76.8%**
- LIFE EXPECTANCY: **55.4**
- GENDER INEQUALITY INDEX: **0.453**

(Source: World Bank, 2011[33])

Figure 1: Map of Rwanda
(Source: CIA World Factbook)

33 World Bank (2011), via: http://data.worldbank.org/

4.1 RWANDA AT A GLANCE

Rwanda is a small, densely populated and land-locked country in Central-Africa. Since 2006 it has been enjoying modest economic growth (see box 2). Rwanda has been lauded for reforming its business climate[34] and its crackdown on corruption[35]. The country is still considered a least-developed country though, ranking 166 out of 187 countries in the UNDP Human Development Index. Rwanda is often criticised for its lack of political freedom, and it is ranked as 'not free' by Freedom House in its 2011 report, stating:

"Rwanda received a downward trend arrow due to a severe crackdown on opposition politicians, journalists, and civil society activists in the run-up to a deeply flawed August 2010 presidential election."[36]

Agriculture is the main source of employment in Rwanda, with 80% of the population working in the sector[37]. The country's main exports are coffee, tea and minerals. The Government of Rwanda (GoR) has identified five strategic export sectors: horticulture, tea, coffee, tourism and mining[38].

Rwanda received around $934 million in Official Development Assistance in 2009[39], and aid funds make up about 40% of the government budget[40]. The EU is the third biggest donor after the USA and the World Bank[41]. It has committed €290 million to development efforts in Rwanda under the 10th European Development Fund (EDF)[42]. The majority goes to general budget support (60% of total), and to sector support: infrastructure for regional interconnectivity (17%) and rural development (14%). Additionally, funding goes towards governance programmes on rule of law (3%) and economic governance (3%). Finally, 2% goes to private sector development and 1% to the technical cooperation facility.

4.2 RWANDA'S MINING SECTOR

4.2.1 HISTORY OF THE RWANDAN MINING SECTOR

1920-1980

Mining in Rwanda started in the beginning of the 20th century, with the Belgians hoping to find the same mineral wealth they had in the neighbouring Congolese region of Katanga. After some initial geological exploration in the 1920s, the first official mining activities started in 1930. With the departure of the Belgians, in 1973 the new-found Rwandan government grouped together all existing mining companies and founded SOMIRWA (Société des Mines du Rwanda), 49% of shares of which were held by government. Rwanda proceeded to launch a five-year recovery plan in 1977 to combat the problems inherited from the previous mining companies, such as outdated equipment and poor infrastructure. The plan involved construction of a tin smelter and targets to increase production of cassiterite and wolframite, with 'disappointing results'[43]. Fidele Uwizeye began working at the Ministry of Natural Resources on mining around this time. He explains that they had a big laboratory, with around 97 people working there. They used UNDP funding to carry out exploration projects and hire geologists. In 1985 SOMIRWA filed for bankruptcy. With SOMIRWA bankrupt, Mr. Uziweye explains that they also no longer received foreign assistance. In 1989 a new public-owned company was founded to continue mining and exploration, REDEMI (Régie d'Exploitation et de Développement des Mines). The country's mining cooperatives were organised in COPIMAR (Coopérative de Promotion de l'Industrie Minière Artisanale au Rwanda), founded to reinvigorate the artisanal mining sector. A European Union loan was used to develop and professionalise COPIMAR.

1980-today

While mining production increased from 1930 to 1968, accounting for up to 42.5% of foreign exchange earnings, after 1968 revenues started dropping rapidly. The lack of investment in the sector after independence resulted in foreign exchange earnings from mining dropping down to 10% of total foreign revenues in 1984. After the events of the genocide of 1994, not much was left of the Rwandan mining sector. Fidele Uwizeye explains that laboratories and mines were looted, equipment destroyed and geologists murdered. The government's laboratory was no more. After the genocide the government started privatising the publicly owned mines. Coinciding with the exacerbation of the Congo war and the boom in coltan demand, mineral exports grew once more, as well as Rwandan involvement in illegal mining in the Eastern Congo[44]. The United Nations reports that Rwandan military involvement in the Kivu region in the Democratic Republic of Congo (DRC) enabled the Rwandan army to earn over $250 million by exporting Congolese minerals (mainly coltan) over 2000 and 2001[45]. Josiane Barebereho, strategic policy analyst in the President's Office, explains that around 2008 Rwandan President Paul Kagame urged to revive the Rwandan mining sector. This is when the Government of Rwanda started reviewing its mining policy, and a Geology and Mining Department (GMD) was created within the Ministry of Natural Resources. Today minerals constitute Rwanda's premier export product.

34 See e.g. Doing Business Index, World Bank (2011a) Ease of doing business in Rwanda.
35 Rwanda ranks 49th in Transparency International's Corruption Perceptions Index
36 Freedom House (2011) Freedom House Country Report: Rwanda.
37 World Bank (2011b) Rwanda: Country Brief.
38 Government of Rwanda (2011) Rwanda National Export Strategy.
39 OECD (2011) Aid Effectiveness 2005-10: Progress in implementing the Paris Declaration – Volume 2 (Rwanda).
40 World Bank (2011b) Rwanda: Country Brief.
41 OECD (2010b) Top Ten Donors of Gross ODA (2008-2009 average).
42 European Commission (2007) Rwanda Country Strategy Paper 2008-2013, p. 38.

43 See e.g. Doing Business Index, World Bank (2011a) Ease of doing business in Rwanda.
44 Rwanda ranks 49th in Transparency International's Corruption Perceptions Index
45 Freedom House (2011) Freedom House Country Report: Rwanda.

BOX 3:
The 3T minerals

Cassiterite
In Rwanda tin is sourced from the mineral cassiterite. Tin is one of the earliest metals known and used by mankind. It is found and mined widely across the globe. In this study cassiterite and tin are used synonymously. China is the biggest producer, followed by Peru, Indonesia and Malaysia. Tin is used for a number of purposes, from coatings for cans, to electronic circuits.

China, Indonesia, and Peru are the largest miners of cassiterite (DRC and Rwandan contribute ca. 5% to the world market). Cassiterite is mainly smelted to tin in China, Malaysia, and Indonesia. Courtesy of the United States Geological Survey[46]. Figures provided by BGR

Wolframite
Wolfram is a very hard grey-coloured metal oxide of tungsten. Tungsten has the second highest melting point of all elements at 3422 °C, right behind carbon. Its density gave rise to the name tungsten, deriving from the Nordic tung sten, meaning 'heavy stone'.

China is by far the world's biggest producer of tungsten, responsible for around 81% of production, and it is also its biggest consumer (as of 2009). Russia and Bolivia are also producers, and it is also mined in Portugal and Austria. Rwanda and the Democratic Republic of Congo are the main African producers, accounting for 2% of global production. The British Geological Survey ranked it as the world's highest risk element together with three other elements in terms of its supply and economic value. Courtesy of the British Geological Survey (BGS©NERC)

Coltan
The mineral group columbite-tantalite is best known as coltan. Coltan is a black-coloured mixture of minerals, consisting of the oxides of niobium (extracted from colombite) and tantalum. Tantalum is the most profitable element (fetching more than 10 times the price of niobium), and is used in anything from electronic devices like LED lights and hard discs to missile parts. Rwanda and the Democratic Republic of Congo accounted for 26% percent of global tantalum production in 2009. Tantalum is also produced in countries like Australia, Canada, Brazil and Mozambique. Courtesy of the British Geological Survey (BGS©NERC), figures provided by BGR

46 United States Geological Survey (2011) Tin.

4.2.2 THE RWANDAN MINING SECTOR TODAY

Today the Rwandan mining sector has developed into one of the country's key export sectors. Rwanda's primary mineral exports include the so-called 3T minerals: tin (cassiterite), tungsten (wolframite) and tantalum (coltan) ore. Table 2 shows Rwandan exports (in tonnes) from 2005-2009. Mining exports are Rwanda's biggest single export product, bringing in $68 million in 2010[47]. The sector provides employment for around 35,000 people. Because of its economic importance, the Government of Rwanda has revised its mining policy and laws. A legal and institutional framework was established to improve geological knowledge, investment conditions and value addition. Artisanal mining remains dominant in Rwanda, with few industrial and semi-industrial mining activities. There are few exploited reserves with sufficient production for industrial mining, though knowledge of reserve potential in the country is lacking. Rwanda is the second biggest producer of tin in Africa (after the DRC) and is among the world's top 10 tungsten producers[48]. In 2009[49], the EU imported 8.6% of its tantalum from Rwanda[50] and Rwandan tungsten was responsible for 2.4% of total EU imports[51].

With mineral exports, and partly, production growing and its relative importance for Rwanda as a source of Foreign Direct Investment (FDI), mining is now one of its priority export sectors. Back in 2006, UNCTAD viewed the country's mining sector as one of the most promising sectors for economic growth and development:

"Mining warrants special attention and is receiving it. Rwanda's mineral potential is still largely unexplored, even though the sector could potentially contribute significantly to development [...]." [52]

Bodies like the Rwanda Development Board (RDB) are used by Rwanda to promote itself as a destination for mining investment. With Rwanda's last geological surveys dating back to the 1980s, the government is also trying to encourage exploration. The Government of Rwanda is actively encouraging exploration and promising sites are regularly discovered. Rwanda has even moved the borders of Akagera National Park in order to be able to explore for mineral reserves, as well as deal with the increasing population pressure.

47 Government of Rwanda (2011).
48 British Geological Survey (2011) World Mineral Production 2005-2009.
49 Up-to-date figures on Rwandan exports to different trade partners were not available at the time of research.
50 Ramdoo, I. (2011), p. 22.
51 Ibid.
52 UNCTAD (2006) Investment Policy Review: Rwanda, p. 116.

TABLE 2:
Rwandan mineral exports (x 1000 kg)

	2005	2006	2007	2008	2009
Tin	3399	3013	2685	2135	3154
Coltan	276	996	546	921	925
Tungsten	442	1559	1412	1037	689

4.3 CONFLICT MINERALS

The United Nations has repeatedly accused Rwanda of exporting Congolese minerals from conflict areas as Rwandan. Rwanda's primary mining exports, tungsten, tin and tantalum ore have over the past decade gained a name for themselves as 'conflict minerals'. In 2009 the United Nations published a report as part of a series which started in 2001 by an international Group of Experts on the role of militia groups in mining in the Democratic Republic of Congo[53]. The report explains that Rwandan Hutu rebels of the Forces Démocratiques de Libération du Rwanda (FDLR) exploit and illegally tax 3T and gold mines in the Kivu region in Congo, adjacent to Rwanda. The Rwandan army supports, and is deeply involved in, rebel activity and the mineral trade in the Kivu region[54]. Congolese minerals are sent to Rwanda, where they are stored and exported abroad[55]. Fidele Uwizeye, explains that Rwandan legislation allows foreign minerals to be exported as 'Rwandan origin' if more than 30% value is added in the country. In the words of the GMD's Director of Research, Hildebrand Kanzira,

"…Trade in Congolese minerals was a big industry before. Now [with the Dodd-Frank legislation] it's no longer possible."

4.3.1 THE DODD-FRANK ACT

In July 2010 American President Barack Obama signed the *Dodd-Frank Wall Street Reform and Consumer Protection Act* (hereon referred to as Dodd-Frank Act) into law. Section 1502 of this Act has severe consequences for the mineral trade in the Great Lakes region. The section requires American companies and, indirectly, their suppliers, to declare whether the 3TG (3T and gold) or their derivatives used in their products originate from the DRC or any adjoining country. If this is the case they must provide a report on the due diligence undertaken in the value chain and publicly disclose whether or not the products are conflict-free.

53 United Nations Security Council (2009) Final report of the Group of Experts on the Democratic Republic of the Congo.
54 United Nations (2011) DR Congo: UN-mandated group finds evidence Rwanda, army aiding rival rebels.
55 United Nations Security Council (2001) Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

Section 1502 was expected to become effective in April of 2011. With the publication of the Dodd-Frank Act in mind, Rwanda set out to have all its exported minerals tagged as Rwandan in order to meet the April 1st 2011 deadline and counter accusations of its role as a haven for Congolese minerals. Failing to do so would result in a de facto embargo of Rwandan minerals. ITRI ltd., formerly the International Tin Research Institute, launched iTSCi (ITRI Tin Supply Chain Initiative), a system for tracing the origin of 3T minerals. It should be noted that the 'deadline' of April 1, 2011, became irrelevant because the US Securities and Exchange Commission to date (January 2012) has still not published the rules to operationalise the conflict mineral provisions. The Dodd-Frank reporting requirements only apply to the fiscal year starting after publication of these rules. The efforts on mineral traceability in Rwanda and elsewhere in the Great Lakes region therefore only represent efforts to combat a de-facto embargo imposed by international mineral buyers, not efforts to comply with Dodd-Frank reporting.

To be able to tag their minerals, the Rwandan Mining and Geology Department installed agents at mine sites across the country. They tag and register each mineral load that leaves the mine in logbooks. Fidele Uwizeye explains that the Geology and Mines Department used World Bank funding to pay for the tagging agents in the initial stages of implementation of iTSCi. Rwanda did not have the capacity to implement it itself, nor the funds to hire the staff required to monitor tagging at each mine. Subsequently, Rwandan mineral producers were obliged to pay a fee of $200 per ton of minerals to fund the government tagging agents. Additionally, ITRI also asks for a fee of $500 per ton of minerals for other services.

4.3.2 CERTIFICATION IN PRACTICE

Rwandan export figures[56] give rise to doubts about the extent to which tagging is effectively combating Rwandan exports of Congolese minerals. Graphs 1 to 6 show the monthly Rwandan export figures for tin, coltan and tungsten. Tin and tungsten export volumes fluctuate but the difference from month to month is much less spectacular than it is for coltan, indicating that there is some degree of legitimate Rwandan production of these minerals. For coltan, the baseline of production is very low in comparison to the production peaks. Export volumes balloon from 20 tonnes in one month, to 120 tonnes the next, a 600% increase. A month later, they are down to 20 tonnes again. Compare to tin exports, which are much more stable. Rwanda does not house any industrial coltan mines which would suggest legitimate Rwandan coltan production.

Rwandan mineral export statistics for coltan show a boom in coltan exports in March, a month prior to the deadline set for iTSCi implementation, April 1st, followed by a mysterious blank space for the month of April. After this deadline, coltan exports fall

56 2011 figures obtained from the Rwandan Geology and Mining Department.
2010 figures obtained from Ministry of Natural Resources.

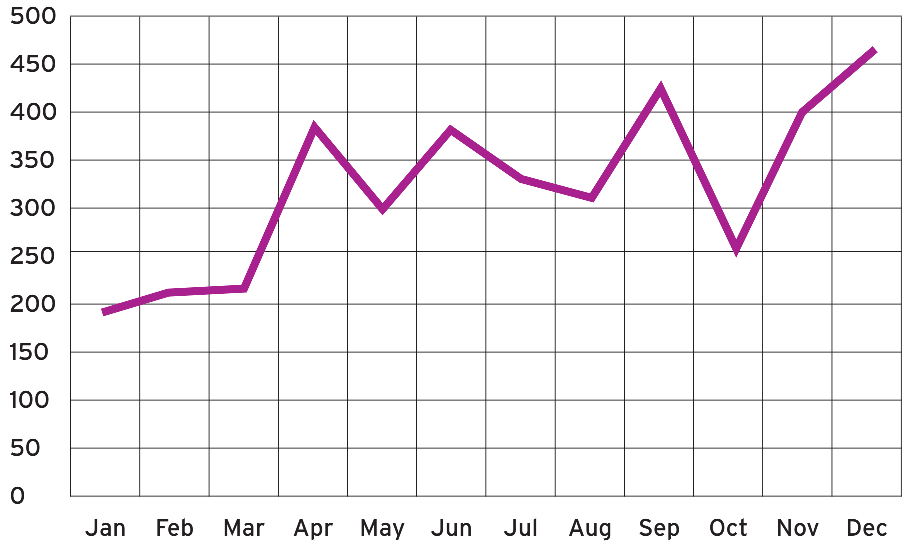
back into the pre-iTSCi pattern of peaks and lows. A real appreciation of the effect of iTSCi implementation can only be made with complete figures for 2011 and 2012.

One can say that there is one crucial flaw within the iTSCi system of traceability. It trusts that the minerals at a mine site that need tagging actually originate from that mine. A truck can come over night, deposit a load of Congolese minerals, and an agent from the Geology and Mines Department arrives in the morning and tags the minerals as originating from mine A. It depends on the judgment of the GMD and iTSCi agents whether or not they are given a tag signifying their origin from mine A. The UN Group of Experts notes that smugglers try to launder untagged Congolese minerals into the iTSCi tagging system[57].

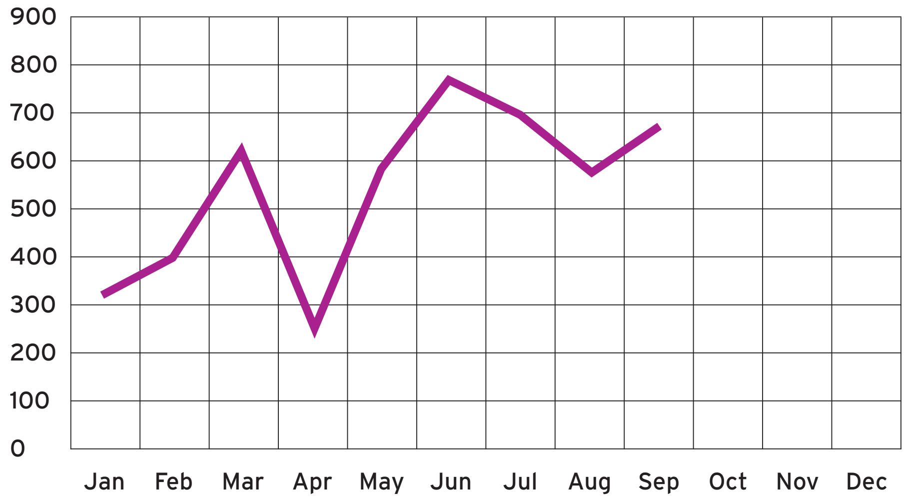
To circumvent this problem, the German Bundesanstalt für Geowissenschaften und Rohstoffe (BGR) has developed the 'Analytic Fingerprint' (AFP) system. AFP makes use of specific unique features of these minerals much like DNA can be used in forensics to single out a particular person. Applying AFP generates mineral traceability information which is completely independent of any shipping documentation and tagging procedures thus allowing the robust verification of the integrity of these standard traceability measures. In November and December 2011, the International Conference of the Great Lakes Region (ICGLR) approved of integrating the AFP method in the oversight features of the regional mineral certification mechanism in the framework of the ICGLR Regional Initiative against the Illegal Exploitation of Natural Resources.

57 United Nations Security Council (2011) Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, p. 6.

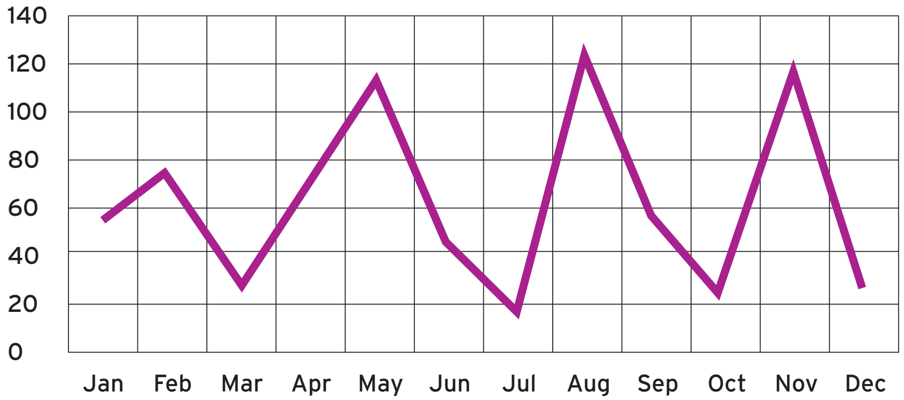
GRAPH 1:
Tin export Rwanda (x 1000 kg) 2010



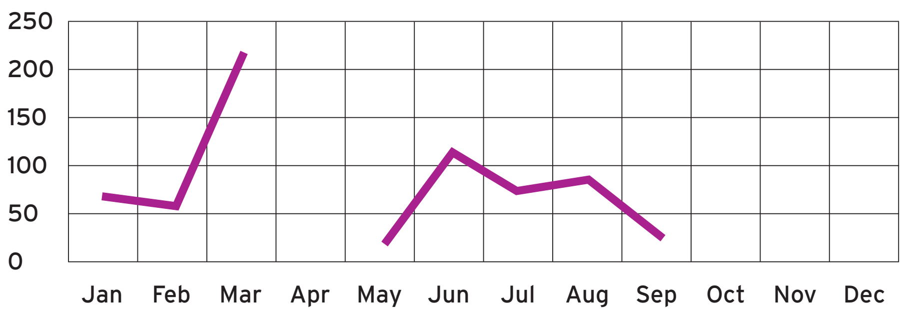
GRAPH 2:
Tin export Rwanda (x 1000 kg) 2011



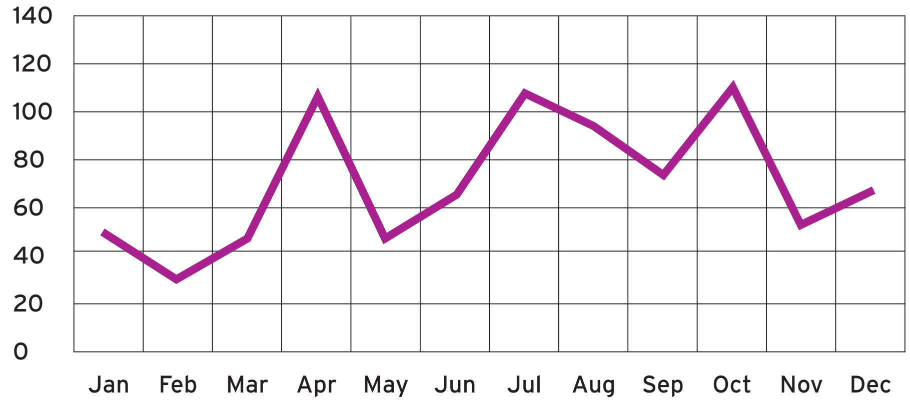
GRAPH 3:
Coltan export Rwanda (x 1000 kg) 2010



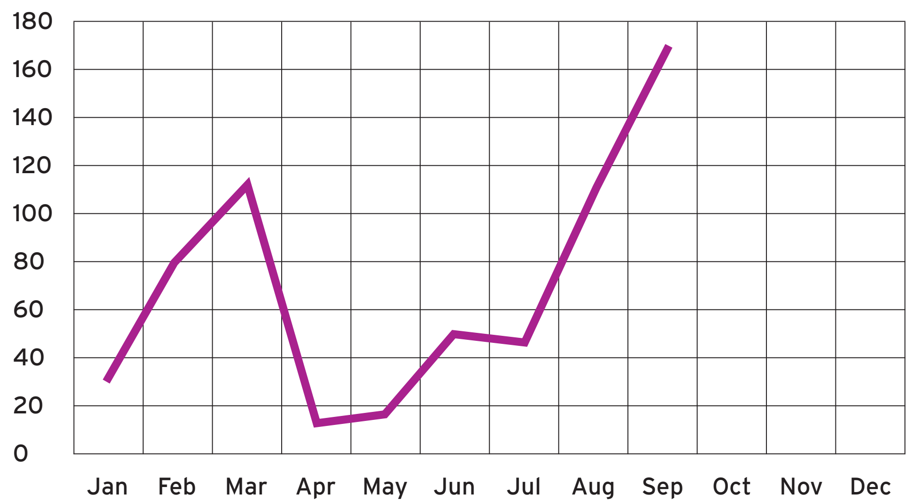
GRAPH 4:
Coltan export Rwanda (x 1000 kg) 2011



GRAPH 5:
Tungsten export Rwanda (x 1000 kg) 2010



GRAPH 6:
Tungsten export Rwanda (x 1000 kg) 2011

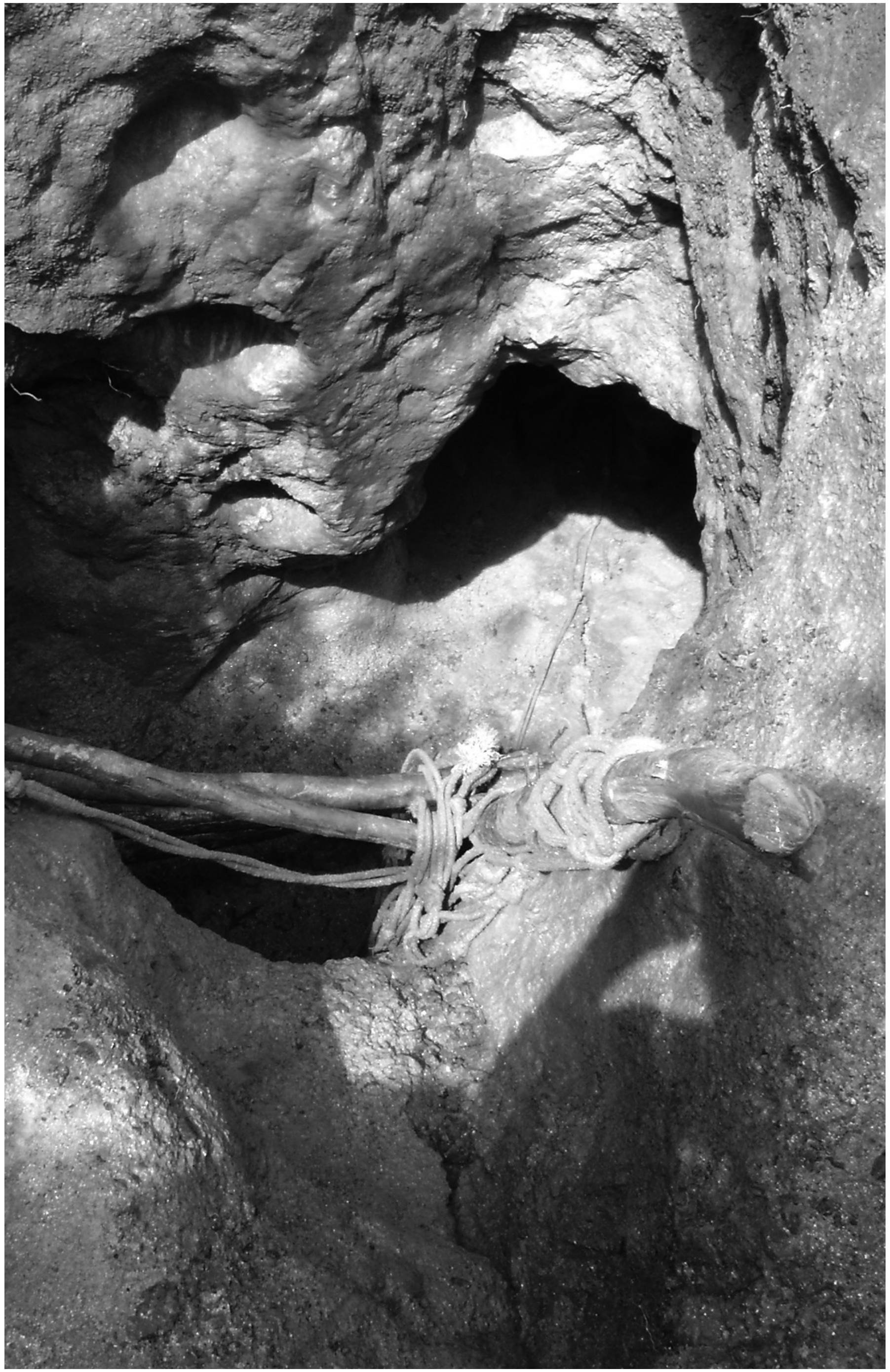


BOX 4:
Pilot Project Certifying Trading Chains

The BGR and the Rwandan Geology and Mining Department initiated a pilot project in 2008 to certify artisanal mineral trading chains in Rwanda. Philip Schütte, coordinator for the BGR in Rwanda, explains that the goal was to create a business-to-business approach and create a fair trade label for minerals including certification of origin as well as responsible mining practice standards. The project was developed in partnership with the Rwandan government and the mining industry. Companies participate on a voluntary basis and at the time of writing five (mostly European-owned) mining companies are involved and mostly score quite well on the various standards indicators as determined by an independent auditor and certified by the Rwanda Bureau of Standards.

BOX 5:
The International Conference of the Great Lakes Region

In November 2004 countries in the Great Lakes Regions formed the International Conference for the Great Lakes Region when 11 African heads of state met in Dar es Salaam. The ICGLR was formed with the intention to contribute to development and eradication of conflict with a 'regional and innovate approach'. In December 2006 the eleven heads of state of the ICGLR met and adopted a Pact on Security, Stability and Development in the Great Lakes Region. Part of this pact is the Protocol on the Fight against the Illegal Exploitation of Natural Resources. This document outlines the action that the ICGLR will take to combat illegal exploitation and the link between mining and armed conflict. As part of this protocol the ICGLR set out to develop a regional certification mechanism for minerals, calling into life a Steering Committee to start work on the implementation. The standards in this regional certification system are based on the OECD Guidelines for Multinational Corporations and also build on the work done by the German BGR in their Rwandan mineral certification pilot. The certification mechanism integrates certification and chain of custody assurance (using the iTSCi scheme to certify origin). The ICGLR certification mechanism will be mandatory, rather than voluntary, for legal mineral exports from Rwanda starting in December 2012. The mechanism will look at a variety of standards, from transparency and traceability to child labour. Compliance with these standards will be assured by independent third party audits.



5. DEVELOPMENT ISSUES IN THE RWANDAN MINING SECTOR AND THE ROLE OF THE EU

5.1 THE MINING SUPPLY CHAIN: OCCUPATIONAL SAFETY

This chapter singles out the issue of occupational safety to illustrate the problematic nature of the artisanal mining sector.

Augustin Bida is executive secretary of FECOMIRWA, the Rwandan federation of mining cooperatives. He explains that his organisation represents around 10.000 Rwandan miners. They currently have only four staff members who completed higher education: the executive secretary, the financial supervisor, the accountant and they recently hired an electro technical engineer. Because of the lack of trained personnel at mine sites he says, tunnels and mine shafts are not built with the adequate safety procedures and engineering principles borne in mind. Mr. Bida explains:

"Because we lack adequately trained personnel, tunnels are not always well-constructed using secure building principles. We need more technicians to upgrade production and safety."

Mines are constructed using the most basic equipment and knowledge. The head of a mineral trading enterprise explains that ventilation is an issue at most of the mines he buys from. Tunnels only have one entry and exit point. Not only do workers have to work in unventilated and suffocating conditions, a collapse can have disastrous results. An illustrative case is the following collapse of a mine which occurred in November 2011. In Muhanga district seven miners employed by mining company Rwanda Rudimik nearly died after the cassiterite mine they were working in collapsed[59]. In a newspaper interview, the mayor explains:

"This accident could have been prevented if this company had been using better tools and safety measures for their employees. Unfortunately, they still use artisan tools (...)."[60]

Rwandan legislation

The Government of Rwanda has adopted a Mining and Quarrying Code of Practice based on the standards developed by the BGR in its Certifying Trading Chains pilot project. It looks at occupational health and safety, and other issues (communities,

59 Miningreview.com (2011) Seven Rwandan miners not dead.
60 Ibid.

environment, transparency). The code requires miners to wear overalls, boots and a helmet. Indeed, at one artisanal mine visited run by a small company, most miners were seen wearing overalls, boots and a helmet, though other miners were seen entering the tunnels barefoot. At an artisanal mine site run by a cooperative, miners were observed in and around the mines lacking any kind of professional clothing or safety equipment.

While companies and government express that they adhere to strict safety principles and working standards, this anecdotal evidence shows that effective implementation falls behind. Not only do miners lack the necessary safety procedures, they lack adequate equipment. Many cooperatives don't have the means to buy water pumps to have water at the mine site in order to clean the minerals. This forces them to clean the minerals in nearby rivers to the detriment of the local natural environment, even though this is prohibited by the Rwandan government.

Legislation is clearly not always effective in deterring illegal behaviour at artisanal mine sites. The Rwandan government aims to inspect mines once a year. Dominique Bidega, head of regulation and inspection at the Geology and Mines Department, explains with regard to illegal mining:

"We lack the human resources, the inspectors to keep an eye on all mine sites in the country."

Rwanda considers Corporate Social Responsibility (CSR) a priority and is looking into the possibility of including CSR guidelines in mining contracts. Mr. Bidega says:

"Good practices are our target."

Rwanda has also seen the launch of a pilot project on certifying mineral trading chains, developed by BGR. Government officials express their appreciation of the project, and its role in generating awareness in Rwanda of CSR issues.

5.1.1 THE ROLE OF THE EU IN RELATION TO CSR AND CERTIFICATION

In the Raw Materials Initiative, the EU states that developing countries face difficulties in translating their mineral wealth into sustainable and inclusive growth, mainly as a result of shortcomings in terms of governance[61]. In its Joint Partnership Agreement 2011-2013 with Africa, the EU commits itself to supporting CSR within the mining sector[62]. This is reflected in its Raw Materials Initiative, where the European Commission proposes to support due diligence in the mining sector through the OECD[63]. In Rwanda, the EU does not directly support initiatives like the ICGLR regional certification mechanism or other programmes with regards to the artisanal mining sector and the problems laid out above.

61 European Commission (2011d), p. 15.
62 Africa – EU Summit (2010) Joint Africa EU Strategy Action Plan 2011-2013, p. 29.
63 European Commission (2011d), p. 16.

The EU Delegation in Rwanda mainly involves itself politically in the issue of mining. Earlier, the EU had a Special Representative for the Great Lakes Region, charged with security-related issues in the regional mining sector. That position now no longer exists, and this burden is now placed with the respective Delegations. The Delegation and other development partners primarily serve a monitoring role. There is no dialogue with European mining companies who, the Delegation explains, may rather turn to their member state representatives. The different donors giving budget support to Rwanda meet twice a year with representatives of the Rwandan government. The EU Delegation in Rwanda explains that in the first 2011 meeting mining was on the agenda, with an eye on the developments surrounding the Dodd-Frank Act and to discuss how certification is going.

5.2 VALUE ADDITION IN THE MINING SECTOR

Metal like tin go on a long journey before ending up in your iPhone. The man or woman bashing away in a Rwandan mine is only the beginning. Minerals pass through many hands, factories and countries before ending up in a consumer good like your blender. In the case of Rwanda and many other African countries, most of this journey takes place outside of the country where it is mined.

5.2.1 PROCESSING MINERALS

Minerals come out of the mine in very rough form. They must go through an extensive upgrading and cleaning process before the mineral is ready for smelting. The ore is first cleaned and crushed after it is mined (see figure 2). This generally takes place at the mine site itself, by washing and ground sluicing the ore after crushing it into smaller bits (see figure 3). The ore will then be taken to a central processing unit managed by a 'comptoir' (a trader in minerals) or the parent company. There the concentrate is further crushed and the mineral refined, using magnets for instance to separate the tin from other, less valuable ores and minerals like iron.

A Rwandan exporter may then approach his buyer in Hong Kong to sell a load of 60% quality tin ore. This means that 40% of the load is waste. Not only does Rwanda lose out on the economic activity associated with further processing the mineral and sell out at a lower price, the seller must also pay transport costs for waste. Jean-Paul Higiro, president of the Rwandan Miners Association, explains:

"For me the main problem is transport. I have to pay a lot of money for transport and half of what I pay is for nothing."

Some exporters however may prefer to spend little money on upgrading and go for the quick buck. The following is another example of the way in which money is lost due to insufficient processing. Dominique Bidega explains that coltan is a mineral which consists of two oxides, niobium and tantalite. At the time of writing, Rwanda lacks the facilities to separate these two oxides. The market dictates that exporters must choose what to supply the mineral as, niobium or tantalite. While niobium fetches around $15 per pound, tantalite goes for up to $130 at the time of research. Mr. Bidega explains that even though Rwandan coltan may consist of up to 45% niobium, comptoirs (mineral traders) sell the mineral as tantalite. Not only does Rwanda lose out on being able to sell niobium, companies also have to transport half of the mineral with no financial reward.

Figure 2: Ground sluicing tin ore

Figure 3: Crushing tin ore at an artisanal mine site

5.2.2 THE POST-EXTRACTIVE INDUSTRY IN RWANDA

The Government of Rwanda views value addition as the primary objective of its mining policy:

"…Much remains to be done to develop the full potential of Rwanda's minerals industry sectors. Locally produced minerals should be contributing much more to the economy and export receipts, as well as to the livelihood of rural artisans, than they currently do."[64]

On the opening of a processing plant just outside Kigali, Rwandan President Paul Kagame states the following:

"[…] This is in line with the country's thinking and policy of trying to add as much value to what we produce. It has been a tradition for many years that minerals or other things are exported in raw form. […] What that means is that it benefits others more than us who actually produce such things. The more value we can add the more benefits for the country and for others. I think this is a pacesetter."[65]

Despite these ambitions, value addition remains a challenge for Rwanda. There is one tin smelting factory in Rwanda, now run by Phoenix Metal. It was built in the 1980s when mining was still a state-run enterprise. At the time of research, the factory was inactive and functioning largely as a trader in minerals. While tests are run each day to ensure that it can still be up and running with short notice, no tin is smelted at the site.

5.2.2.1 TIN

The reason for the factory's inactivity is generally ascribed to the high electricity costs. Running a smelting furnace is incredibly energy-intensive. Electricity supply in Rwanda is not only irregular, but also expensive. There is a major disparity between the electricity price needed by companies like Phoenix Metal to run profitably, and that the government is able to offer. The CEO of Phoenix Metal explains that in addition to the high energy prices, another problem is the need to get accredited as a conflict-free smelter in order to be able to export, as well as finding a buyer of its smelted tin. For now Phoenix focuses on exporting minerals to a Malaysian tin smelting company. It indeed seems unlikely, barring a breakthrough in Rwandan energy supply, that the factory will start running in the foreseeable future.

64 Government of Rwanda (2010) Mining Policy, p. 22.
65 New Times (2010) Rwanda: Kagame urges investors to add value to products.

5.2.2.2 COLTAN AND WOLFRAMITE

Wolframite and coltan are for the most part exported in a raw state. While investment plans for processing plants exist, so far these have failed to become a reality. Processing wolframite into ammonium paratungstate (APT) separates tungsten from its ore. Dominique Bidega explains that well-developed plans existed for the construction of an APT plant in Rwanda. However, he says, these plans never got off the ground as a result of several factors; most importantly, volume. Fidele Uwizeye explains that Rwanda currently does not produce enough tungsten to keep an APT plant running profitably and make a return on the investment, though it expects this to change in the near-future. Mr. Bidega explains that as with the tin smelter, electricity costs also prove a stumbling block here. A plan also existed to refine coltan before export, but this was shelved after failing to raise the required investment funds. As with tungsten, coltan refining is troubled by the high costs of energy supply and lack of skilled labour to effectively run operations.

These are not the only obstacles in facilitating value addition in Rwanda.
As the CEO of Phoenix Metal explains:

"I may want to upgrade my technology of treatment but if the supporting conditions like acid recycling facilities, infrastructure, capacity and so on lag behind then it becomes difficult."

For instance, the APT conversion process requires a type of acid which must be imported from South Africa. Regularly importing this acid is not only very expensive, it needs to be handled and disposed properly. Fidele Uwizeye explains that Rwanda lacks adequately trained personnel for these types of operations. Those investors wishing to upgrade their operations must look to sourcing staff from countries like South Africa.

5.2.3 THE ROLE OF THE EU IN ADDING VALUE TO MINING EXPORTS

In its Raw Materials Initiative the EU commits itself to investigating the possibilities of using its financial instruments (European Development Fund, European Investment Bank) to support mining and post-extractive industries. At the time of writing the EU does not directly support any projects in Rwanda related to mining. In other countries, like Mozambique and the DRC, the EIB has financed mining projects as well as post-extractive industries like smelters[66]. Focal areas of the EU in Rwanda are transport infrastructure (roads with regional interconnectivity and in the future also rural feeder roads), rural development and the justice sector. The EIB supports infrastructure projects (sanitation and energy), as well as small and medium enterprises through credit lines to local banks. These projects can make an indirect contribution to the mining sector, in supporting transport infrastructure and the climate for doing business through private sector development programmes.

66 European Investment Bank (2008) EIB financing for mining projects

5.3 REVENUE MOBILISATION

There is a lot of money to be made from mining. For countries like Rwanda, mining revenues constitute a considerable amount of their foreign currency base. While the growing interest in the Rwandan mining sector from investors is welcomed by the government, they also express concern about the challenges that lay ahead. Two illustrative cases which come up in discussions with government officials regard mining contracts and taxation.

5.3.1 TAXATION

The growing pains of the Rwandan mining sector are illustrated in its efforts to tax mining companies. Until recently, mining companies in Rwanda enjoyed a very favourable tax rate in an effort by the government to attract investment. With the increasing presence of industrial mining companies in the sector (as compared to prevalence of artisanal miners previously) and growing revenues, the government is looking to capitalise on taxation as a source of revenue and will begin to collect royalties in 2012. Rwanda does foresee problems in this regard. Dominique Bidega says:

"Now that we have bigger mining companies involved and with that more money, we need to keep an eye on the way they pay taxes."

According to him, with the changing nature of the sector from artisanal to industrial a change in mentality is necessary. The companies with large cash-flows need to be monitored more strictly, though capacity is feared to prove a stumbling block, for instance in checking cash flows and production data provided by companies.

5.3.2 MINING CONTRACTS

Companies looking to get into mining in Rwanda must first apply for a mining permit. At the time of research, Rwanda has the policy of giving out four-year concession permits to companies looking to exploit a mining area. Fidele Uwizeye explains that with these permits companies can exploit their mines, but that they are also required to continue exploration, calculate reserves and carry out a feasibility check, before being eligible to apply for a long-term permit. Dominique Bidega explains that the idea behind this is to tackle the lack of knowledge of Rwandan reserves, and to have an idea of the quantities the company can exploit over the term of the contract.

With the end of many of the bigger four-year permits coming into sight, the Government of Rwanda entered into negotiations with mining companies over new permits. These negotiations however prove problematic. Mr. Bidega explains that the companies holding four-year permits simply had not done any exploration or reserve calculation. Mr. Uwizeye finds that the companies only look to exploit, and do not adhere to the agreements made in the contracts. In spite of this, Mr. Bidega says that the companies are requesting 30-year exploitation contracts. With insufficient knowledge of the reserves under concession, Mr. Bidega says that Rwanda is not looking to commit to long-term contracts. As a solution, Rwanda is therefore looking to negotiate another four-year contract to give the companies another chance to do a feasibility study. Mr. Bidega says that the companies are far from keen on this and are holding on to their 30-year demand. At the time of writing, the final outcomes of these negotiations were still uncertain.

Hildebrand Kanzira, Director of Research at the Geology and Mines Department, finds that the ability to effectively negotiate the mining contracts proves difficult. Michael Biryabarema, Director of the GMD, argues that companies are able to take advantage of their experience in negotiating contracts. With the amount of money involved, a lot hinges on these contracts. To deal with its shortcomings in capacity, the GoR is sending some of its negotiators abroad for training. Mr. Bidega says:

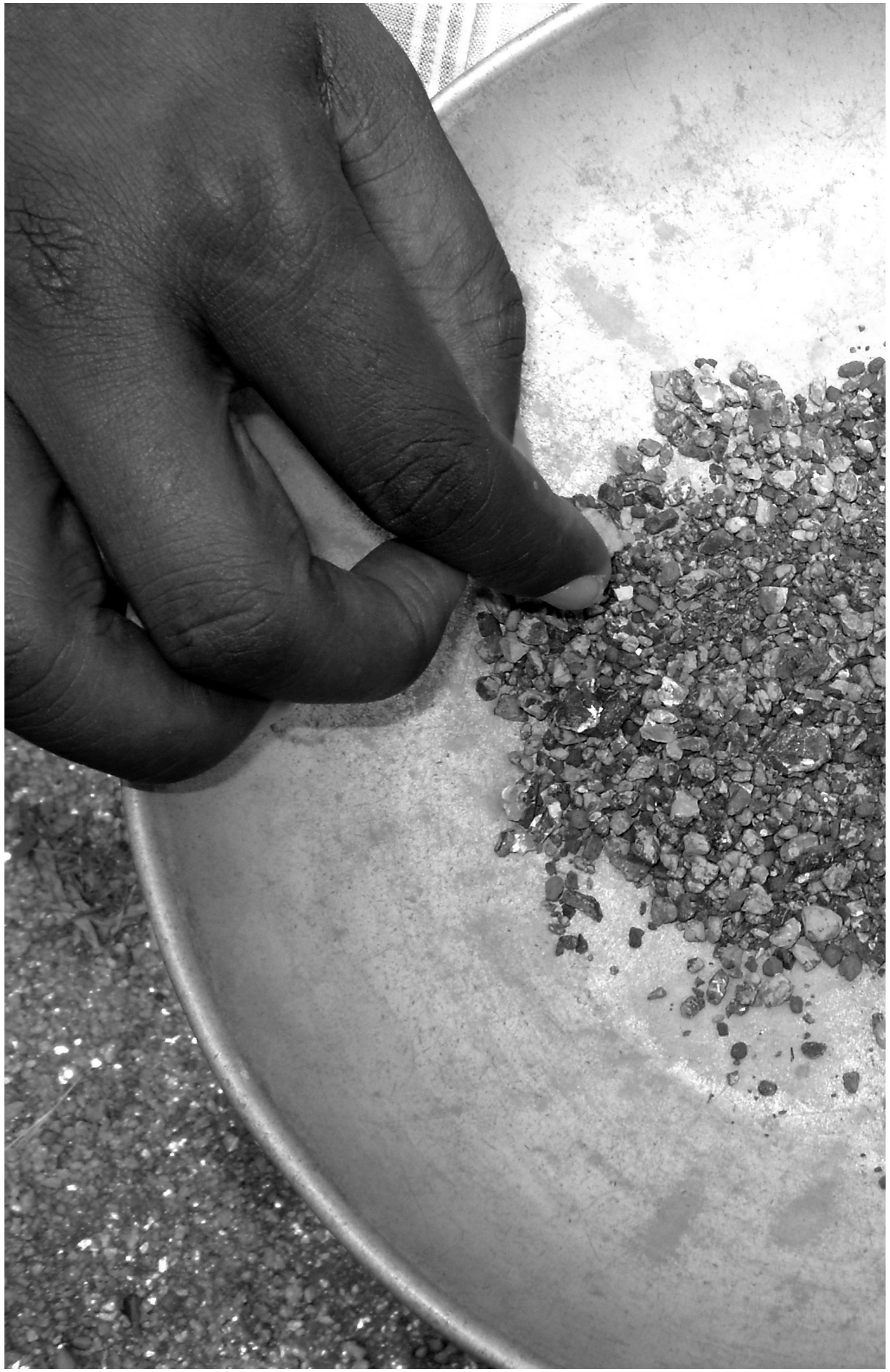
"It is necessary to have a background in mining to do these negotiations, to know the mining conventions laid out in the mining law."

As illustrated at the beginning of this chapter, the Rwandan mining department is facing shortcomings in terms of capacity. Mr. Bidega explains that only he and the director of the GMD are qualified to negotiate contracts, and that another colleague is currently undergoing training. As Mr. Kanzira puts it, the negotiations between companies and the GoR are "not an equal battle".

5.3.3 THE ROLE OF THE EU IN REVENUE MOBILISATION

The EU does not employ any activities with regards to capacity building on topics like fiscal capacity or contract negotiations in Rwanda. The European Commission has submitted a policy proposal to the European Parliament and Council which requires multinational companies in the extractive industry to disclose financial information on their operations in third countries in their annual financial statements, so-called 'country-by-country reporting'. This enables governments and civil society in developing countries to monitor revenues and tax payments by companies. In its raw materials strategy the EU also plans to enhance support to the Extractives Industries Transparency Initiative (EITI) and developing countries in implementing it. The EITI is a multi-stakeholder initiative to improve financial transparency in the extractives sector in terms of payments by companies to governments and government revenues from extractives[67].

67 Ibid., p. 15.



6. EUROPEAN UNION TRADE POLICY IN RWANDA

"If countries are denied the possibility to utilise domestic policy measures, including export taxes, as part of efforts to increase value addition, then you are compromising some of the fundamentals of resource-based industrialisation." (Antonio Pedro, director of UNECA sub-regional office East African and former head of the UNECA Natural Resources division.)

One of the spearheads of the European Union's raw materials strategy is 'raw materials diplomacy', using strategic partnerships and policy dialogues to secure access to raw materials[68]. In its trade strategy, the EU is actively looking to discipline export restrictions like export taxes[69]. However, export restrictions on raw materials like minerals can be used as an instrument to develop infant industries and increase value addition[70], as acknowledged by the EU[71].

Applying export taxes on a particular good renders exports more expensive, creating more favourable conditions for producers to sell it locally. This makes it more attractive for local companies to get involved in processing these goods. With regards to mining, export taxes can be used to discourage exports of raw minerals, and encourage development of local processing industries. This is acknowledged by Rwanda too. One policymaker with the Ministry of Trade and Industry says:

"We want to have the option of using export taxes to stimulate value addition and infant industries."

In light of this, the EU expresses more flexibility regarding export taxes where it concerns least-developed countries[72]. Pim Kraan, focal point for raw materials of the Dutch Ministry of Foreign Affairs, explains that the Netherlands holds the same view:

"[With regards to export taxes] we need to 'spare the poorest kids in class'. They need to be allowed to profit from their natural resources, use them as a catalyst for development. So with least-developed countries we have a different dialogue. With a country like Ghana on the other hand, which has been able to use its natural resources as a platform for growth and is no longer a least developed country, there is a more equal dialogue, as mature partners."

68 European Commission (2011d), p. 14.
69 Ibid., p. 12.
70 See e.g. OECD (2010), The Economic Impact of Trade Restrictions on Raw Materials, OECD Publishing, p. 121. For a comprehensive report, see Traidcraft (2010) The New Resource Grab: How EU trade policy on raw materials is undermining development.
71 Traidcraft (2010), p, 21.
72 European Commission (2011d), p. 6.

6.1 EXPORT TARIFFS AND RWANDA: THE EPA NEGOTIATIONS

Rwanda, a least-developed country, is in negotiations with the European Union over the signing of an Economic Partnership Agreement (EPA) through the East African Community (EAC).

Before 2007, EU-Rwandan trade was guided by the Cotonou Agreement, which offered tariff preferences to products entering the EU market. The Cotonou Agreement operated under a WTO waiver, obliging WTO members to adhere to the principle of non-discrimination. This waiver ended in 2007, forcing the EU to negotiate new trading agreements with ACP countries, the EPAs. Rwanda has been involved in EPA negotiations through the East African Community, consisting of Rwanda, Burundi, Kenya, Tanzania and Uganda. Of these, Kenya is the only country not considered a least-developed country. It therefore needs to sign an EPA, as it does not enjoy the duty-free access to the EU that least-developed countries do under the Everything But Arms arrangement. In 2007 the EAC initiated an interim EPA, agreeing to liberalise 82.6% of imports from the EU over the following 25 years. As of February 2012, the EAC was still in negotiations with the EU over the signing of a full EPA.

At the time of research, November 2011, the negotiations were facing several stumbling blocks. One key issue is that of export taxes. In the EPA negotiations with the East African Community John Bosco Kanyangoga, working as an expert on the EPA negotiations for the Rwandan government, confirms that the EU is pushing to prohibit the use of export taxes. The Rwandan negotiators explain that the EU wants to introduce language so that EAC members cannot in the future introduce export taxes.

The EU wants plans to implement export tariffs for development purposes to first be reviewed and accorded by a so-called 'Joint Committee', or 'EPA Council', composed of EU and EAC delegates. This model has been adopted in the EPA with CARIFORUM, the regional body of Caribbean countries[73]. There the Caribbean countries have the power to veto in the EPA Council. However, the EU may well be able to exert pressure to revise their demands. A policymaker with the Ministry of Trade says:

'[...] But we want the policy space to be able to introduce them if we want."

The EAC wants to be able to raise export tariffs without first needing Joint Committee approval, arguing that there are no WTO rules prohibiting export taxes[74]. By requiring EAC members to first ask EU permission if it wishes to instate export tariffs, the EU can exert influence over EAC members' ability to raise export tariffs. This is in line with its strategy of combating export restrictions. However, it is contrary to the wishes of EAC members, who want to have the freedom to raise export taxes if they so desire.

73 CUTS International (2009) Export taxes and EPAs – Another policy tool under threat from the EC?, p. 3.
74 See also: EAC (2011) Briefing on EPA-EAC negotiations.

Export taxes can be a valuable policy instrument in protecting infant industries and generating revenue. Through its trade policy, the EU is undermining the capacity of developing countries to use export taxes for development purposes.

7. CONCLUSION: A COHERENT DEVELOPMENT POLICY OR A COHERENT RAW MATERIALS POLICY?

"In order to obtain more concrete results and a better incentive for PCD work also outside the EU, it is important to move beyond the "do no harm" mindset, not only by searching for more PCD success stories and benefits, but also by looking for more pro-active integration of development objectives into EU policies."[75] (EU 2011 report on Policy Coherence for Development)

The EU's raw materials strategy is an example of a policy where economic as well as development objectives can meet. The African mining sector can contribute to development by establishing linkages with the local economy. In turn, a sustainable African mining sector producing a sustainable supply of minerals is in the interest of the EU. However, the main objective of the EU raw materials strategy remains securing access to (African) raw materials. As it is, the EU is taking measures to ensure that its development policies are coherent with its raw materials strategy, rather than the other way around. This report demonstrates that the EU still has a long way ahead to a raw materials policy coherent with its development goals. The EU must do more to ensure that its development objectives are more fully integrated into its raw materials policy. The EU must look at the way in which the minerals it imports are produced. Artisanal mining is a problematic sector, where safety measures and labour standards are often difficult to monitor and maintain, as this study demonstrates. Efforts to ensure that best practices and due diligence standards like those based upon the OECD Guidelines for Multinational Corporations are adhered to are therefore required. The EU should make effort to ensure that the minerals it sources from African developing countries are produced in a fashion which is up to the standards the EU maintains domestically. EU support, technically and financially, to certification programmes like the ICGLR Regional Certification Mechanism can make an invaluable contribution in this regard. The EU must also support African developing countries in implementing these programmes, primarily in terms of capacity.

African developing countries also face difficulties in terms of mineral beneficiation and value addition. The EU is looking to deal with these challenges through EIB and EDF funds. The principal goal of the EU's investments in African developing countries' mining sector must be contributing to local development. This study shows that

75 European Commission (2011a) EU 2011 report on Policy Coherence for Development, p. 102.

developing countries like Rwanda face difficulties in managing their mining sector. If the EU invests in developing countries' mining sector, it must ensure that the countries are able to adequately manage these investments so that these contribute to development. The EU must therefore also support capacity building and good governance programmes in countries where it invests in the mining sector. Programmes to aid governments in monitoring mining revenues and negotiate mining contracts can make a contribution to the extent to which the EU's investments go towards local development.

Finally, the EU cannot rely on the raw materials initiative alone to ensure that its engagement with developing countries is coherent with its development policy. The European Union must also look at its intentions with regards to trade policies. Export taxes can be a valuable policy instrument for developing countries, not only in generating revenues from mineral exports, but also in protecting infant industries and supporting industrialisation. The EU acknowledges this in its raw materials policy. This report demonstrates that these intentions are not translated into the European Union EPA negotiations mandate with least-developed countries. In all its trade agreement negotiations with least-developed countries, the EU must give developing countries all the policy space to raise export taxes for development purposes.

8. POLICY RECOMMENDATIONS

The European Union and its member states should…

- **Support financially and technically mineral certification programmes like those under development by the ICGLR, and governments in implementing these certification standards.**

- **Support developing countries in increasing value addition and enhancing local linkages by:**
  - **Supporting infrastructure projects such as roads and railways contributing to better access to in-land areas, particularly mining areas, as well as trading hubs.**
  - **Supporting energy projects to enhance supply for the mining industry.**
  - **Investing in post-extractive industries: processing units and smelting facilities.**

- **Only invest in mining projects in developing countries when paired with good governance and capacity building projects on topics like fiscal capacity and contract negotiations.**

- **Allow least-developed ACP countries full flexibility to raise export taxes for development purposes in EPA negotiations and other trade agreements.**

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ANNEX 2:
List of interview subjects[76]

Government	Position	Institution
Rwanda		
John Bosco Kanyangoga	Expert EPA Negotiations Rwanda	Independent Consultant Ministry of Trade
Josiane Barebereho	Strategic Policy Analyst	Strategy & Policy Unit, President's Office
Safari Innocent	Customs Officer	Rwanda Revenue Authority
Fidele Uwizeye	Chief Policy Advisor Mining	Ministry of Natural Resources
John Kayinganda	Coordinator iTSCi	Geology and Mines Department
Clement Habiyambere	Director Legislation	Geology and Mines Department
Dominique Bidega	Director Regulation and Inspection	Geology and Mines Department
Hildebrand Kanzira	Director of Research	Geology and Mines Department
EU		
Achim Tillessen	Head of Governance and Economics	EU Delegation Rwanda
Yannis Tzartzas	Infrastructure	EU Delegation Rwanda
Riika Torppa	Advisor	EU Delegation Tanzania
The Netherlands		
Fred Smiet	Advisor Natural Resources	Dutch Embassy Rwanda
Pim Kraan	Focal Point Raw Materials	Dutch Ministry of Foreign Affairs
Germany		
Philip Schütte	Project coordinator	Bundesanstalt für Geowissenschaften und Rohstoffe
NGO		
John Bosca Kalisa	PSO/CSO Programme Officer	Trademark East Africa
Jean Claude Ngendandumwe	Executive Secretary	CCOAIB
Francois Munyentwari	Country Director	ACORD
Private sector		
Jean Paul Higiro	Managing Director	Africa Primary Tungsten
Emery Rubagenga	CEO	ROKA Rwanda
Augustin Bida	Executive Secretary	FECOMIRWA
Raphael Ritter de Zahony	CEO	Phoenix Metal
Jan-Willem Scheijgrond	Director of Environment, Health and Safety	Philips

76 Anonymous sources (5) are not included here.

Government	Position	Institution
Other		
Antonio Pedro	Director	UNECA East Africa
Marit Y. Kitaw	Governance and Public Administration Officer	UNECA East Africa
Martin Gasasira	Senior Trade Development Officer	Rwanda Development Board
Patrick Gouka	Senior programme manager East & Southern Africa	Centre for the Promotion of Imports from developing countries
Joseph Mbaya	ITSCi Coordinator Rwanda	ITRI

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