

Written evidence from Protection Approaches

This submission addresses the question “What measures should the Government take to ensure that minerals for battery electric vehicles are sourced in a responsible way?” set out by the Environmental Audit Committee in its inquiry on Technological Innovations and Climate Change: Battery Electric Vehicles. Protection Approaches strongly recommends that Her Majesty’s Government applies its emerging framework of mass atrocity risk analysis to its decision-making regarding potential increased mining activities in fragile or already violent contexts, such as eastern and southern Democratic Republic of the Congo, in order to measure and assess atrocity risks associated with any change to UK policy, and thereby safeguard HMG against unintentionally exacerbating or becoming complicit in those risks.

About

1.1 This submission is made by Protection Approaches. Protection Approaches works to confront and prevent identity-based violence. From Newham in East London to Bangui in the Central African Republic, we work with local communities, civil society organisations, policymakers, governments, academics and multilateral institutions to develop strategies that predict, prevent and protect people from identity-based violence. Protection Approaches convenes the UK Atrocity Prevention Working Group, a group of NGOs based in the UK who collaborate on atrocity prevention policy and advocacy.

1.2 Protection Approaches is a registered charity in England and Wales, charity number 1171433. For more information, please see www.protectionapproaches.org.

1.3 The submission has been prepared by Detmer Kremer. Mr Kremer is the Policy and Communications Officer at Protection Approaches. Previously Mr Kremer was the Human Impacts of Climate Change Programme Assistant at the Quaker United Nations Office where he worked with state delegations on integrating rights-based approaches in climate adaptation and mitigation at the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change, and the Human Rights Council. In 2014 he undertook research at the University of the South Pacific – Alafua on climate impacts of mitigation and adaptation strategies in the Pacific. He holds a BA in anthropology from Bates College, United States and an MA in Human Rights from University College London.

Mining and identity-based violence in the Democratic Republic of the Congo

2.1 Cobalt is a crucial resource in the British manufacture of battery electric vehicles (BEVs) as well as other electrification initiatives. Over half of the global cobalt reserves are found in the Democratic Republic of the Congo (DRC), with the country supplying over 70% of the global cobalt consumption.¹ It is clear that the DRC will remain a primary source country in any BEV supply chain: the demand for batteries is only increasing as the costs of BEVs for consumers continues to fall;² non-cobalt alternative batteries and fuel cells are still only in their early stages; alternative cobalt sources such as Canada and Australia are smaller or less viable; and the DRC is a source country for resources such as coltan and lithium, which are also essential in the manufacture of BEVs. As the DRC is guaranteed to remain a crucial source in the supply chains driving any upscaling of the British manufacture of BEVs, but also a country that experiences and is at risk of numerous serious human rights violations including mass atrocity crimes, Her Majesty’s Government must necessarily assess the impact of the large-scale development of British BEV manufacturing upon the country and its communities. A truly

¹ World Economic Forum, [Making Mining Safe and Fair](#), September 2020, p. 3

² Mike Scott, [“Ever-Cheaper Batteries Bring Cost Of Electric Cars Closer To Gas Guzzlers,”](#) *Forbes*, 18 December 2020

global and Net Zero Britain must resolve to address existing and potential discrepancies between its trade and climate policies, and its international commitments and obligations to “collective security, multilateral governance, tackling climate change and health risks, conflict resolution and poverty reduction.”³ The outcomes of the Prime Minister’s Integrated Review pledged to address “the drivers of conflict (such as grievances, political marginalisation and criminal economies), [and] atrocity prevention.”⁴ It is with these commitments made by HMG in mind that this submission is made.

2.2 Protection Approaches is concerned about the potential supply chain risks of the large-scale development of British BEV manufacturing could have upon the complex violent context in the DRC, and particularly regarding vulnerable groups. The Ten Point Plan for a Green Industrial Revolution⁵ commits over £3 billion to the development of BEV production but does not include safeguards for HMG or British businesses in overseas supply chains. Without a framework of risk analysis to ensure that decisions by the UK government and British businesses are made with regard to high risks in the country of identity-based violence and mass atrocity crimes (genocide, crimes against humanity, war crimes and ethnic cleansing) HMG and British businesses will be unable to guarantee that their actions and decisions do not adversely impact local populations, exacerbate the risk dynamics in the country, and contribute to increasing the likelihood of international crimes.

2.3 Our concerns are informed by PA’s longstanding expertise in the prevention of identity-based violence and mass atrocities and UK approaches to such violence. Our understanding of the risks in the DRC also draws from our work as part of a three-year UK-funded consortium project called “Networking Prevention: Strengthening networks to prevent and respond to identity-based violence.” This project is working to identify if and how indicators of identity-based violence and mass atrocities might be integrated into existing early warning and early response, national mechanisms, and international risk analysis frameworks in DRC.⁶ The work is funded by the UK’s Foreign Commonwealth and Development Office’s Jo Cox Memorial Grant.

2.4 The DRC faces a highly complex set of violent and human rights related challenges. Across the DRC, there are over 120 active armed groups, many of which finance their activities through mining,⁷ and with the majority operating in eastern DRC.⁸ The protracted violence has contributed to over 5.5 million people to be internally displaced.⁹ Different forms of violence – including mass atrocities, crimes against humanity, murder, kidnapping, rape, robbery, large-scale jailbreaks – have sharply increased over the past few months.¹⁰ Weekly social attitude surveys we are conducting in eastern DRC have found that 71% of respondents believe that violence is increasing in eastern DRC.¹¹

2.5 The anticipated increase of mining in the DRC to meet a rapidly growing global demand for batteries and fuel cells risks propelling existing risks of violence in eastern DRC and has the potential

³ Her Majesty’s Government, [Global Britain in a competitive age The Integrated Review of Security, Defence, Development and Foreign Policy](#), March, 2021, p. 11.

⁴ Idem, p. 79

⁵ HMG, [The Ten Point Plan for a Green Industrial Revolution](#), 18 November 2020

⁶ Alexandra Buskie, Kate Ferguson, “Linked up and linked in: networking local-international early warning and early response in eastern Democratic Republic of the Congo,” *Protection Approaches*, May 2021; Consortium members are Peace Direct, Protection Approaches, Sustainable Peacebuilding Network, Armed Conflict Location and Event Data Project (ACLED), Congo Research Group and Beni Peace Forum.

⁷ United Nations Group of Experts on the DRC, [Final report of the Group of Experts on the Democratic Republic of the Congo](#), Paragraph 60, p. 13.

⁸ Kivu Security Tracker, [The Landscape of Armed Groups in Eastern Congo](#), February 2021

⁹ Idem.

¹⁰ European Civil Protection and Humanitarian Aid Operations, [Democratic Republic of Congo – Escalating violence in the East](#), January 2021.

¹¹ Orange Door Research, [North Kivu Dashboard](#), May 2021

to spill-over into the fragile contexts of neighbouring provinces, including mineral and mining-rich Katanga.¹²

2.6 Mining in the DRC has been found to be associated with or complicit in a litany of serious harms, violations of labour rights, and human rights violations. Human rights violations,¹³ modern slavery, and child labour remain persistent and widespread across mines in the DRC, and as of July 2020 in Southern Katanga province alone over 40,000 children worked under extremely dangerous conditions in cobalt mines.¹⁴ Current mining practices in the DRC are also associated with birth defects,¹⁵ sexual violence,¹⁶ and atrocity risks.¹⁷ There are also environmental risks that will impact ecosystem and public health and global climate goals including significant air and water pollution, environmental degradation, and biodiversity loss,¹⁸ as well as relying on mining processes with significant emissions.¹⁹ As called for in the HM Treasury's commissioned Dasgupta Review on the Economics of Biodiversity, transparency and environmental considerations, including community impacts, across supply chains are needed.²⁰ HMG's Ten Point Plan commits to protecting future generations from the "remorseless destruction of habitats,"²¹ while the Integrated Review prioritises HMG "efforts to tackle climate change and biodiversity loss."²² These commitments, especially under its COP26 Presidency, call on HMG to prevent ecosystem destruction everywhere – from the UK to the Congo Basin.

2.7 Land tenure is often unclear and undocumented in the DRC, which contributes to a complex dynamic where ethnic identities are mobilised by the over 100 active armed groups to claim ownership of land at the cost of other communities.²³ Without careful and deliberate planning, the direct and indirect revenue streams of activities on this land, especially the artisanal mining which accounts up to 30% of current cobalt exports,²⁴ is likely to further fund criminal economies and armed groups, including the ADF which recently was designated as a terrorist organisation by the United States.²⁵ Without proper frameworks of prevention in place, the higher profit margins of the land and the resources within it further incentivise armed groups and other actors to seize land. The absence of such a framework and without an explicit commitment to ensure that UK actions will be informed by its commitment to prevent mass atrocities and conflict, will risk HMG and British businesses repeating past mistakes or becoming complicit in the escalation and resurgence of violence in the DRC. The consequences of such a trajectory would likely include the loss of life, high rates of displacement, increased terrorist activities, and contributing to criminal economies, accelerating rates of biodiversity loss, harms to the Congo Basin as a carbon sink,²⁶ and the

¹² International Crisis Group, [Katanga: Tensions in DRC's Mineral Heartland](#), April 2016

¹³ World Economic Forum, [Making Mining Safe and Fair](#), September 2020

¹⁴ UNCTAD, [Commodities at a Glance](#), July 2020

¹⁵ Van Brusselen, Kayembe-Kitenge, Mbuyi-Musanzyay et al, Metal mining and birth defects: a case-control study in Lubumbashi, Democratic Republic of the Congo, *The Lancet Planetary Health*, vol. 4 no. 4, 2020

¹⁶ Rustad, Gudrun, Ragnhild, [Artisanal mining, conflict, and sexual violence in Eastern DRC](#), *The Extractive Industries and Society*, 2016, vol. 3, no. 2, pp. 475–484.

¹⁷ Calloway, [Powering Down Corruption Tackling Transparency and Human Rights Risks from Congo's Cobalt Mines to Global Supply Chains](#), *Enough*, 2018, p. 17

¹⁸ European Federation for Transport and Environment, [Cobalt from Congo: How to Source it Better](#), April 2019

¹⁹ Farjana, Huda, and Mahmud, [Life cycle assessment of cobalt extraction process](#), *Journal of Sustainable Mining*, vol. 18, no. 3., July 2019

²⁰ Partha Dasgupta, "the economics of biodiversity", *HM Treasury*, 2 February 2021, p. 492

²¹ HMG, Ten Points Plan, p. 5

²² HMG, Global Britain, p. 19

²³ Peace Direct, [Escaping Perpetual Beginnings: Challenges and opportunities for local atrocity prevention in the Democratic Republic of Congo](#), February 2021

²⁴ World Economic Forum, [Making Mining Safe and Fair](#), September 2020

²⁵ International Crisis Group, [Understanding the New U.S. Terrorism Designations in Africa](#), March 2021

²⁶ The integrity of the Congo Basin as a carbon sink has only become more important to achieving the goals of the Paris Agreement as the Amazon has become a net average emitter of CO₂, see Louise Boyle, ["Brazil's Amazon has 'flipped' and](#)

disruption of global supply chains. These outcomes would impact local communities first and hardest but would jeopardise UK and collective climate crisis mitigation strategies. It is essential that the UK's position on and commitments to climate protection, human rights, atrocity prevention, criminal economies, and the prevention of conflict are not put at risk as a result of any expansion or upscaling of mining, or in promoting such a development. Likewise, the appropriate advice is provided to British businesses to ensure responsible practices from procurement to investment. This will only become more urgent as President Tshisekedi of the DRC has announced the intention to renegotiate the mining contracts signed under prior regimes.²⁷

Recommendations to Her Majesty's Government

3.1 While the large-scale development of British BEVs could well make important contributions to HMG's climate strategy, any such expansion must be made with full consideration of, and in compliance with, existing HMG commitments to human rights, and to preventing mass atrocities and conflict. It is both unrealistic and undesirable to simply halt the British mining of cobalt and other materials from the DRC, however applying a framework of risk will help to prevent HMG and private companies from becoming complicit in supply chains that profit of and exacerbate identity-based violence. There is an obligation upon HMG to ensure its pursuit of Net Zero is consistent with its other foreign policy priorities, namely to prevent mass atrocities and conflict, to address the drivers of modern conflict and atrocities (grievances, marginalisation and criminal economies) and to poverty reduction.²⁸

3.2 Apply a framework of mass atrocity risk analysis to decision-making regarding the development of BEVs manufacture and subsidies.

3.3. Issue clear guidance, and if necessary legislation, to British businesses on the mining of cobalt and other resources needed for the manufacture of BEVS to ensure no British business is inadvertently enabling, complicit in, or profiting from, mass atrocity crimes and other grave human rights violations, or contributing to the destabilisation of the local environment

3.4 Commit to pursue the Net Zero target instep with HMG's commitments to prevent mass atrocities and armed conflict

3.5 Set out a cross-cutting and comprehensive strategy and coordinating mechanism to ensure UK policy can be assessed from the perspective of mitigating atrocity risks

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[now emits more carbon pollution than it sinks,"](#) 3 May 2021

²⁷ Africa News, "[President Tshisekedi to renegotiate mining contracts,](#)" 14 May 2021

²⁸ Her Majesty's Government, [Global Britain in a competitive age The Integrated Review of Security, Defence, Development and Foreign Policy](#), March, 2021, p. 11.