



CENTRE FOR INTERNATIONAL AND DEFENCE POLICY

BRIEFING NOTE

FOR INFORMATION

SUBJECT: Examples of Public Security Forces Engaging in Mine Policing

Mine policing is the idea that public security forces are mandated by the state to protect and establish law and order in and around mines. This task is typically mandated to regular police that may be in partnership with mining companies, or respond to calls. However, The Democratic Republic of Congo (DRC) and South Africa have taken steps to focus their policing efforts in this particular sector. Places, such as Uttarakhand (a state in northern India), are considering having a separate police force for mining. Other countries, such as Madagascar, are being criticized for their mine police's vague mandate.

Congolese Mining Policeⁱ

The DRC has a mining police force, which constitutes a department of the Congolese National Police. Mining police are the security force mandated by Congolese law to secure mining areas. The army kicked out the militias and rogue soldiers and sent in trained mining police to monitor the sites. The mining police are put in place by the State to protect their interests, not the companies per se. They are not contracted out or subordinated to the mines, and thus they remain outside the control of the mining companies. They police natural resource-rich areas that are often a source of conflict and displacements. National regulation of the mining police allows access to every mining site in the DRC. The official role the mining police is to oversee mining activities on behalf of the state, permanently deployed to mining sites. The Mining Code does not include requirements pertaining to the role of the Mine Police, thus there is some ambiguity on the role in conjunction to the state's mining policy and where security lies. The mandate and responsibilities are vague since they are not subject to the Code.

Mining companies use private security in conjunction with mining police, as the mining police are unavoidable. The private security sector cannot be separate from the national security services, especially since the sector is of national economic and strategic importance. Thus, private security companies operate in a constant formal or informal partnership with other security forces. There is criticism of the system, as companies alleged that the mining police are not adequately paid. Thus, companies will include them in their security team since they cannot remove them from their sites and wish to maintain good relations.

SAPS: Diamond and Gold Branchⁱⁱ

The Directorate for Priority Crime Investigation (DPIC) is an independent directorate within the South African Police Services (SAPS). The DPIC is responsible for combating, investigating, and preventing national priority crimes that include: organized crime, commercial crime, and corruption. Under organized crime, the investigation units within the DPIC are responsible for various issues, including the plundering of precious metals and diamonds. The SAPS operate

under the Division Crime Combating and Investigation, which consist of several units/bureaus. The Diamond and Gold Branch (the Branch) is mandated to combat illicit dealing in, and possession of rough or uncut diamonds, semiprecious stones, tiger's-eye and unwrought precious metals such as gold, silver and platinum. All police activity that is related to local mining is restricted to the Branch since their main responsibility is to investigate cases of possible stolen mining material.

The Branch of the SAPS operates as an entrapment system of illicit diamond traders. The Branch depends on individual informers and the police and then “trap” based on the Criminal Procedure Second Amendment Act of 1996. After information is received and the necessary procedure has been followed, a police action (like a sting operation) is set up against the alleged.

Madagascarⁱⁱⁱ

The police forces in Madagascar are divided between the National Police and the Gendarmerie. The National Police is mandated to maintain peace and security within urban areas, whereas the Gendarmerie is responsible for peace and security outside the urban areas. The roles of the multiple law and order groups empowered to operate in mining areas needs to be defined and coordinated. The Mining Police (MEM), Gendarmerie (Armed Forces Ministry), Police (Ministry of Interior) and BIANCO (Bureau indépendant anti-corruption) could well conflict in practice in the field. In addition to those national-level forces, there are communal police and the mixed troops of the Sub-Prefecture. Policing of mining areas needs to be closely monitored. The gendarmerie is already present and a mining police force is proposed. BIANCO is also interested in operating in mining zones. Gendarmes and police reportedly shake-down legal operators as often as they protect legal business. And the gendarmes protecting legal business in Ilakaka were being paid on the side for it. The combination of gems/gold and arms is inevitably dangerous, as the temptation is strong to use force to get money and money to buy arms. The World Bank reports that challenges in monitoring mining operations include the limited capacity of oversight and lack of an enforcement capacity. The mining police are “dysfunctional”, the use of a mining inspectorate as enforcements for ensuring compliance does not exist. The mining police originally had only nine staff, and as of 2010, recruited an additional 50 staff and placed them under the head of the Special Intervention Forces.

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ⁱ <http://www.enoughproject.org/blogs/congo-army-takes-over-key-mines-now-must-hand-over-police>

ⁱⁱ <https://www.issafrika.org/Pubs/Monographs/No54/Chap4.html>

ⁱⁱⁱ http://siteresources.worldbank.org/INTMADAGASCARINFRENCH/Resources/ESW_Gouvernance.pdf