



**DEPARTMENT OF POLITICAL SCIENCE
CENTRE FOR EUROPEAN STUDIES (CES)**

European Influence on Corruption in the DRC Mining Industry: A Comparative Assessment of the Impact of the EU Conflict Minerals Regulation and the Dodd-Frank Act's Section 1502

Tomasella Sara

Master's thesis:	30 credits
Programme:	Master's Programme in European Studies
Level:	Second Cycle
Semester year:	Spring 2025
Supervisor:	Victor Lapuente Gine



UNIVERSITY OF
GOTHENBURG

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Abstract

Corruption within the mining sector of the Democratic Republic of Congo is among the principal mineral supply chain issues. It is against this backdrop that this thesis analyzes the effectiveness of two primary legislative arms—Section 1502 of the U.S. Dodd-Frank Act and the European Union's Conflict Minerals Regulation (2017/821)—in fighting deep-rooted corruption and illegal trade practices. Placed into a postcolonial context, the research considers whether external intervention has reduced or intensified state failure and economic reliance in the DRC.

Based on a qualitative comparative case study approach, the analysis relies on process tracing, document analysis, and six semi-structured interviews with stakeholders in the mining industry, civil society organizations, and European institutions. It is also based on experiences gained from participation in the 2025 OECD Forum on Responsible Mineral Supply Chains.

The research suggests that while both pairs of regulations call for transparency and due diligence, their impacts are unbalanced and one-sided. The Dodd-Frank Act caused unforeseen economic isolation and further unregulated mining, while the EU regulation, despite being more collaborative in scope, is marred with uneven enforcement and postponed execution. In both cases, criminal networks have adapted, taking advantage of loopholes and persisting in hidden financial transactions.

The study discovers that without strong local government and participatory enforcement, externally driven systems of regulation will tend to re-enforce neocolonial patterns rather than to dismantle them. Finally, it contributes to European studies, postcolonial governance, and ethics of global supply chains debates by highlighting the importance of context-sensitive, participatory strategies to anti-corruption reform.

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Chapter 1: Introduction, Research Framework, and Methodology

1.1 Background and Context

Corruption has long been entrenched in the Democratic Republic of the Congo (DRC) government, particularly in the country's economically vital mining sector. This system is driven by weak institutions and exacerbated by the actions of European governments and multinationals, who exploit regulatory loopholes and opaque processes (Thompson, 2018; Nguh, 2013, p. 10). The concessions are typically granted clandestinely, with multinationals bribing and making side deals with public servants. The smuggling networks of minerals are also responsible for illegal mining, depriving the government of Congo of revenue and increasing economic insecurity and armed violence cycles (UNGoE, 2012, p. 32). European companies, in particular, have contributed significantly to the influence of the country's governance institutions and economic policymaking before and after the start of colonialism. European states and multinationals have taken advantage of the institutional vulnerability of the DRC in regulations—historically under colonialism and now—through secretive contracting, regulatory loopholes, and offshore accounting. These actors are also accountable for systemic corruption because they siphon revenues from mineral extraction into tax havens rather than the Congolese economy (Nguh, 2013, p. 10; Elmuktar & Ali Saeh, 2013, p. 2).

In response to global outrage regarding conflict minerals and widespread corruption within mineral-exporting countries, there have been two major legislative responses. The first was the United States, where it enacted Section 1502 of the Dodd-Frank Act in 2012, which required publicly listed companies to disclose their use of tin, tantalum, tungsten, and gold (3TG) and to conduct due diligence on supply chains. Subsequently, the European Union adopted Regulation 2017/821, commonly known as the EU Conflict Minerals Regulation, to stop the flow of illegal minerals across global value chains by promoting supply chain transparency and corporate responsibility (Baioni, 2021). All these regulatory efforts have reflected the norm change in international governance of shifting away from irresponsible sourcing, corporate irresponsibility, and regulatory competition. The effectiveness of these regulations remains in grave doubt.

On the one hand, one might expect that these regulations reduce corruption by mandating greater supply chain transparency and obliging companies to follow stringent due diligence standards. On the other hand, it is possible to deduce that the same regulations create new

possibilities for corruption avoidance and persistence, through the exploitation of regulatory loopholes and the focusing mainly on formal channels, thus excluding large sectors of artisanal and informal mining (OECD Due Diligence Guidance, 2011, p. 28), while companies continue to circumvent legal requirements for profit (Muslim & Mais, 2023, p. 336). As such, measures to tackle abuse can effectively facilitate the creation of more secretive illicit operations and reduce transparency further. Scholars fear that multinational firms are likely to avoid control through regulation, and marginalize artisanal miners disproportionately carry the burden of such measures (Narine et al., 2013, p. 33).

The research investigates the subsequent questions with a comparison of the effects of the Dodd-Frank Act and the EU Conflict Minerals Regulation on the corruption in the DRC's mining sector. The study is situated within a qualitative comparative study design, which utilizes strands of process tracing and case study research. I will explore the corruption trends before and after these regulatory movements, how international operators reoriented their activities, and whether the actions have destabilized or consolidated neocolonial frameworks.

1.2 Research Problem and Justification

Two major international policy instruments – Section 1502 of the Dodd-Frank Act (2010) and the EU Conflict Minerals Regulation – have been adopted to help increase supply chain transparency and encourage due diligence in mining. The effectiveness of such policies has, however, been questioned. In this thesis, I will examine the underlying corruption mechanisms characterizing the DRC mining sector and classify them into various sections for examination. These are shady contracts, discriminatory deals, clandestine financial flows; exploitation of regulatory loopholes and administrative weaknesses; institutional/bureaucratic corruption of mining regulation; and the cross-border network of smuggling and trading nexus. Secondly, I will explain how politics and regulation impact on artisanal miners and the phenomenon of regulatory capture by political interests. These mechanisms will first be presented in the pre-normative context, and I will then analyze how the implementation of Section 1502 of the Dodd-Frank Act and the EU Conflict Minerals Regulation have impacted these corrupt dynamics, whether such policies have mitigated, redefined, or exacerbated common corrupt practices.

The thesis is interested in seeking whether these mechanisms (dependent variables) have grown, remained constant, or worsened since the advent of European regulation, as compared

to American regulation (combined, considered as independent variables). A discrepancy between the creation and implementation of rules would result in a negative answer, raising doubts about their ability to prevent corruption or buck neo-colonial economic trends.

1.2.1 Research Aim

The research aims to explore the causal impact of the Dodd-Frank Act and the EU Conflict Minerals Regulation on corruption in the DRC's mining sector by comparing these measures to assess how both frameworks have conditioned business conduct and the overall regulatory environment of the sector. It aims to grasp the extent to which American and European interests have facilitated corruption in the mining sector of the DRC and to approximate the effectiveness of attempts at international regulation in fighting these events. It is investigating whether this kind of intervention has managed to counteract corruption or if they have consolidated deeper structures of relations of exploitation.

1.2.2 Research Question

How have the EU Conflict Minerals Regulation and the Dodd-Frank Act's Section 1502 impacted corruption in the DRC's mining sector, and to what extent have these regulatory frameworks reinforced or dismantled neo-colonial economic structures?

Supporting Sub-questions:

- *Historical Context:* How has European influence historically shaped corruption in the DRC's mining sector?
- *Mechanisms of Corruption:* What forms of corruption (e.g., illicit financial flows, bribery, opaque contracts) persist despite regulatory interventions?
- *Effectiveness of EU Conflict Minerals Regulation:* To what extent has the regulation reduced corruption, or have enforcement weaknesses and loopholes allowed exploitation to continue?
- *Comparative Analysis:* How does the EU Conflict Minerals Regulation compare to the Dodd-Frank Act Section 1502 in addressing corruption and corporate behavior in the DRC mining sector?
- *Local Impact:* How has the EU Conflict Minerals Regulation affected local mining communities economically, and has it led to unintended consequences such as increased smuggling or economic exclusion?

1.3 Dependent Variable

The dependent variable of this research is corruption in the DRC mining sector, measured by some mechanisms (illicit financial flows, bribes, shadow contracts, and systematic refusal to implement transparency measures). The objective of this research is to investigate whether the quality and scale of corruption has increased following two significant regulatory interventions (considered as the independent variables): Section 1502 of the Dodd-Frank Act (2012) as a precursor and the EU Conflict Minerals Regulation (effective in 2021) as a more recent one.

According to Transparency International's Corruption Perceptions Index (CPI), the Democratic Republic of the Congo had a corruption perception index of 2.0 out of 10 in 2005 (CPI, 2023, p. 3). Similarly, the World Bank's Control of Corruption Indicator placed the DRC at the 6th percentile in 2005, reflecting long-standing governance problems (World Bank, 2024). In the mining sector overall, corruption is pervasive: Global Witness (2014) and the Extractive Industries Transparency Initiative (EITI) also consistently reported illicit financial flows and opaque contracts, and very little indication of systemic change since the implementation of the Dodd-Frank Act and the EU Regulation. For example, between 2013 and 2015, over \$750 million in mining revenues were lost due to corruption and mismanagement, according to the Carter Center (Al Jazeera Report, 2017). Furthermore, the Resource Governance Index (2021) continues to rate the DRC's mining regulation as "weak," highlighting persistent weaknesses in enforcement and transparency (NRGI, 2021, p. 1). This comparative analysis is essential to identify whether regulatory design and enforcement adjustments have led to significant changes in corrupt behavior or simply a reorganization of conventional mining models (Muslim & Mais, 2023; OECD, 2011). As of 2024, the Democratic Republic of the Congo holds a Corruption Perceptions Index (CPI) score of 20 out of 100, reflecting a decade of stagnation and persistent governance failures (CPI, 2024).

1.4 Relevance of the Topic and Literature Gap in European Studies

This thesis addresses the understudied impact of European regulation on corruption in the DRC mining sector, bridging gaps in literature on postcolonial governance and regulatory effectiveness. Specifically, it considers the EU Conflict Minerals Regulation, which was adopted to promote transparency and corporate responsibility in mining value chains, in relation to its contribution to the battle against corruption and illicit financial flows in postcolonial contexts.

This study also compares the EU Regulation with the Dodd-Frank Act to explore the effect of various regulatory controls on law enforcement, compliance by corporations, and the continuity or disappearance of corruption in resource states. Though there is an enormous volume of literature on Europe-Africa relations, international trade, and corruption, most of the existing research is on policy frameworks with no empirical evidence of the impact of the EU Conflict Minerals Regulation, particularly in the DRC. The separation of regulation from enforcement is indicative of broader problems with the effectiveness of global governance in postcolonial situations and the effectiveness of such intervention to suppress corruption or simply reinvent it in new, subtle forms. This thesis bridges that gap by investigating whether the regulation has eradicated corruption or merely concealed it in plain sight. It investigates compliance and enforcement cultures differences between the US and the EU. In its investigation of European corporate complicity and transnational governance, this research resists Eurocentric discourse and provides a more balanced interpretation of Europe's impact on postcolonial Africa's governance outcomes.

1.5 Methodology Overview

This thesis employs a qualitative causal approach with a case study design augmented by semi-structured interviews to investigate the impact of the EU Regulation in the DRC mining sector. The case study permits detailed examinations of the development of corruption throughout history over time, with reference to colonial and neocolonial histories. Six interviews with members of multinational companies and EU institutions will be conducted. The emphasis lies in gaining a comprehension of the perception and operation of international regimes of regulation like the Dodd-Frank Act and the EU Regulation and the impact they have on corruption, governance, and the power relations between the industry stakeholders. The regulatory framework will be obtained from secondary sources such as government reports, laws, and publications of institutions such as the OECD, the European Commission, the World Bank, and the United Nations. The research includes reports by NGOs Human Rights Watch, Global Witness, and Amnesty International on human rights violations in mining. As part of this research, I took part in the 2025 OECD Forum on Responsible Mineral Supply Chains (5–7 May 2025), which offered relevant insights into current global regulatory approaches and stakeholder perspectives. Triangulation of various sources forms a broad empirical base on comprehending the interactions of European regulatory regimes with endemic corruption that is deep-seated in the DRC.

Chapter 2: Literature Review and Theoretical Framework

2.1: Corruption in the DRC Mining Sector: The Impact of Transparency and Regulatory Interventions – Definitions and Literature Review

Corruption is a significant challenge in resource-rich countries, especially in the mining sector. In the DRC, the mining industry, a major economic driver, faces corruption at multiple levels. While international regulations have been introduced to combat these issues, it remains unclear whether they address the root causes of corruption or reinforce existing power structures. This section explores definitions and general understandings of corruption, focusing on its manifestation in the DRC's mining sector. It reviews relevant literature on corruption in resource-rich nations, discussing the role of transparency in mitigating the phenomenon.

Definitions and General Understandings of Corruption

When public power is misused and diverges from its intended path, corruption issues arise. Rousseau was among the first to look at this, emphasizing that the people are the source of national public power's legitimacy, and subsequently, many other scholars took up the concept. The most common description of this phenomenon is “the abuse of public office for private gain” (Liu, 2016, p. 172). The World Bank has diagnosed corruption as the “greatest obstacle to economic and social development” (O’Higgins, 2006, p. 238). Although it is hard to quantify it, the Corruption Perceptions Index (CPI), launched by Transparency International in 1997, ranks countries according to corporate, political, and bureaucratic corruption based on information from organizations such as the World Bank and the Economic Intelligence Unit (Elmukhtar & Ali Saeh, 2013, p. 2).

Billger and Goel (2009) classify corruption as incidental, institutional, or systemic, with the latter deeply embedded in institutions (pp. 299-301). Transparency and accountability are essential to mitigate these problems, and without them, corruption thrives (O’Higgins, 2006, p. 238). According to Jain (2001, p. 73), corruption consists of acts of power that breach the laws of a given context and alter the ruling of government policy. “Petty corruption,” a deviation from bureaucracy, occurs when public information is lacking, leading to coordination disagreements and opportunistic actions such as accepting bribes or granting contract favors (Vian, 2019, p. 2). Transparency can decrease the propensity for corruption by allowing monitoring and reporting, but only when effective enforcement mechanisms are made available (Muslim and Mais, 2023, p. 333).

In resource-rich countries, corruption is driven by weak institutions and the high value of extractive industries. The African continent loses approximately \$148 billion a year to corruption, which represents 25% of its GDP (UNECA, 2009). In the DRC, corruption in the mining industry manifests itself through bribes, contract obstruction, and mineral falsification, in which both public employees and private entities participate (Asongu, 2013, pp. 39-40). A 2015 survey found that 22% of Africans who used public services paid bribes (Ugaz, 2015). This factor correlates with governance, insufficient income, transparency and oversight deficit, and control. Public services are marked by bureaucratic and administrative corruption where employees demand bribes and workers deal with bribery to access services (Chene, 2010, pp. 2-3). Low wages do not help either. In 2004, Nguh cited the wages of public employees in DRC to be \$6-25 per month (Nguh, 2013, p. 10).

The table below summarizes key aspects of corruption and governance challenges in the DRC and other resource-rich nations, as well as international efforts to combat these issues:

(Table 1):

Mechanisms (Dependent Variables)	Causes and Effects
Corruption in Resource-Rich Nations	Weak institutions and valuable extractive industries drive corruption.
Africa's Financial Loss	\$148 billion lost annually (25% of GDP) (UNECA, 2009).
DRC Mining Corruption	Bribes, contract obstruction, and mineral falsification (Asongu, 2013). Effects: Smuggling, regulatory burdens, and control loopholes fuel corruption.
Public Service Bribery	22% of Africans using services paid bribes (Ugaz, 2015).
Bureaucratic Corruption	Bribes for services, worsened by low salaries (Global Integrity, 2008).
European Influence	Exploited governance gaps, secured opaque contracts, reinforced dependency.
Postcolonial Impact	Colonial governance fostered systemic bribery, and secrecy, weakening financial institutions.
International Efforts	EITI, CTC, OECD, iTSCi, and Dodd-Frank (Sec. 1502), and EU Conflict Minerals Regulation aim for transparency. Before: Weak enforcement, unchecked corruption. After: OECD, Dodd-Frank (1502),

Description of Table Insights

As can be seen from the table, corruption in the DRC mining sector is not just a result of poor institutions, but also of systemic issues that have their origins in colonialism and have not been well managed by international interventions. The DRC mining sector has been shaken by secret deals and exploitation, leading to long-term economic reliance and volatility. Colonial regime frameworks instilled such problems, and an entrenched corrupt and dependency chain. International efforts like the EITI, the OECD, the Dodd-Frank Act, and the EU Regulation aim at strengthening transparency.

Mechanisms of Corruption in Resource-Rich Countries and the DRC

The Democratic Republic of the Congo is one of Africa's largest mineral producers, but official exports represent only a small fraction of real production. According to the OECD, in 2015 the DRC produced between 10 and 15 tonnes of artisanal gold per year, with an estimated value of around €740 million, while in 2016 official exports amounted to only 620 kg (Semerari, 2020). The gap between production and official data is also confirmed by refineries in Uganda and Rwanda, where Congolese gold is smuggled, processed, and re-exported as a local product. In a context marked by a devastating conflict — which has caused up to 7.6 million victims and 4.5 million displaced people — the illegal gold trade has become the main source of financing for around 70 armed groups, which profit from illicit taxation, mine looting and cross-border trafficking (Semerari, 2020). The enormous profits of the illegal trade are hidden because of falsified records and partial customs declarations (ibid).

Seventy percent of the world's cobalt mining takes place in the Democratic Republic of Congo. To produce high-quality cobalt for technological applications such as phones, computers, batteries, and even electric cars, workers are needed to mine it. Children as young as six years old are forced to work in these mines for very little or no pay. To extract these priceless minerals, 40,000 Congolese children work in the mines at the expense of their safety. Lawson has stated that large technology companies such as Apple, Microsoft, Dell, and Tesla have been sued due to the deaths and injuries of Congolese children working in the mines (Lebesse, 2023, pp. 16-17).

The Carter Center's (2017) ten-year study focused on the oversight of the privatization of the mining sector since the end of the country's era (1997). This study records a variety of highly corrupt practices, starting with privatization sales of the most valuable assets that were awarded to those with ties to DRC politicians (Rahme & Walsh, 2022, pp. 7-8). Indeed, peaks in sales coincided with the run-up to the 2006 and 2011 elections, a reflection of the practice of buying support through these sales. Despite the liberalization policies of the sector, Gécamines, a private company, should have reduced the number of concessions it owns in line with liberalization, but it increased them by converting its exploration permits into exploitation permits. The Carter Center report looked to the future with some concern, noting the "vast tracts of unused land in the Congo copper belt" controlled by Gécamines, which could be used to gain political support with little public scrutiny (ibid).

Transparency Initiatives and Limitations

Companies can avoid some exploitative practices by supporting artisanal mining associations and cooperatives (OECD Due Diligence Guidance, 2011, p. 27). Cooperation with relevant agencies can enhance risk assessment and supply chain transparency (OECD Due Diligence Guidance, 2011, p. 28). One of the key problems in the DRC mining industry is the existence of cross-border smuggling syndicates that have long dominated trade in natural resources. Government agents, together with militia groups, take advantage of gaps in control mechanisms to promote the illegal trade of minerals (UNGoE, 2012, p. 32). Another issue is that the legislative and administrative measures excessively target artisanal miners, while large multinationals can easily absorb these regulatory burdens, perpetuating neo-colonial relations within the industry (Narine et al., 2013, p. 33).

Global Regulatory Efforts

To meet these issues, several international initiatives have been put forward to improve the transparency and traceability of minerals within the trade. The Extractive Industries Transparency Initiative (EITI, 2003) sought to enhance the level of government disclosure concerning revenues received from payments, whereas the Certified Trading Chains Initiative (CTC, 2007–2008) aimed to formalize artisanal mining without capitulating on illegal practices (IPIS, 2012, p. 38). The OECD Due Diligence Guidelines and the iTSCi (2009) have introduced traceability to prevent the sale of minerals from conflict zones. At the heart of the debates over transparency in the DRC mining sector is the Dodd-Frank Act, specifically Section 1502, which requires companies to disclose the origin of minerals to prevent financing armed groups. While

this law aims to curb corruption and the trade in conflict minerals, its effectiveness remains contested due to gaps in enforcement and unintended consequences for artisanal miners.

To address these gaps, the European Union introduced Regulation (EU) 2017/821, introduced as the EU Conflict Minerals Regulation, effective from 2021, which applies to over 800,000 EU companies (The Guardian, 2015), specifically those importing tin, tantalum, tungsten, and gold (3TG). These importers must implement risk mitigation measures, undergo third-party audits, and report annually on their due diligence efforts (Sarfaty & Deberdt, 2024, pp. 1043-1044). Compared to the OECD five-step due diligence model (OECD, 2011), the regulation is more interventionist than the Dodd-Frank Act's self-reporting system (Finamore et al., 2017, pp. 8-9). Although its primary objective is not to combat corruption, I will explain how its mechanisms, particularly those related to supply chain traceability, transparency obligations, and risk management, can indirectly affect forms of corruption such as smuggling, illicit financial flows, bribery, and strategic evasion. The next chapters will delve deeper into the implementation, constraints, and broader implications of the EU Regulation to improve our understanding of its contribution to redefining corruption trends in the DRC mining industry.

The Dodd-Frank Act and the EU Conflict Minerals Regulation were chosen on account of their significant role in advancing global mineral supply chain traceability and transparency in conflict regions like the DRC. Both types of regulation provide a point of comparison between inter-American and inter-European attempts to counter corruption within the DRC mining sector and therefore provide the basis for learning on the impact of international regulation on global supply chains and local government.

European Influence and Global Power Asymmetries

DRC's economic management and policy have been dominated by European countries and corporations for centuries, exploiting governance gaps and negotiating corrupt deals that institutionalized dependence and corruption even before the Conflict Minerals Regulation. Colonial origins, particularly those of Belgium, created extractive institutions whose legacy still shapes present-day asymmetries. European companies have long dominated DRC mining through secretive deals and elite networks (Oweka, 2006, pp. 28-29), exploiting legal loopholes and tax evasion.

This study is not oblivious to colonial pasts but focuses on more contemporary regulatory steps, notably the EU Conflict Minerals Regulation. As opposed to recalling past adequately documented histories (e.g., Kabemba, 2011; Houngnikpo, 2007), it tries to determine the short-term and practical effect of present policy interventions in dealing with corruption in the mining sector. Focusing on the policies, this research aims to assess the effectiveness of new interventions in reducing corruption in the mining industry as international interest in responsible sourcing and corporate social responsibility grows. Instead of discounting the past, this method focuses on more recent actions and their potential to change a setting influenced by colonial pasts as well as current economic forces. It also enables a more practical and focused investigation of the actual impact of such regulations within the specific time frame under investigation, offering a better understanding of their immediate effects and potential limitations. Expanding the scope to encompass a broader historical focus would be hostile to this theme because it would require consideration of much broader sets of political, economic, and social forces outside the legislative timescale.

2.2 Literature Review of the Socio-Political and Economic Drivers of Corruption in the Mining Sector of the DRC

Different models for addressing corruption in the DRC's mining sector are often based on broad economic assumptions that fail to capture the sector's unique challenges. While regulatory measures and transparency initiatives attempt to contain corruption, they often overlook the deeply rooted economic dependencies, illicit networks, and neocolonial forms that underlie exploitative activities. Shleifer and Vishny (1993), applying their principal-agency model, perceive corruption as the result of misplaced incentives. In this, bureaucrats (agents) abuse their official positions for own gain through inattention to unrealized government goals (principles). Basem and Saeh (2024, p. 4) note that this model posits that the inefficiency of corruption is revealed through wasteful spending and misallocation of resources. Rose-Ackerman (1997) argues that corruption can hinder economic growth, leading to recession. In the same context, economists such as Leite and Weidman (1999) describe rent-seeking from natural resource endowments as particularly characteristic of resource-rich but institutionally fragile states (pp. 1-3). Their cross-country regression analysis finds a strong relationship between the share of mineral production and GDP, as well as the level of corruption, supporting the resource-dependence justification framework for governance. Dreher and Herzfeld (2005, pp. 2-3) point out that corruption creates chronic revenue shortfalls, rendering governance futile and exacerbating poverty.

Illicit financial flows (IFFs) and banking secrecy are central drivers of the erosion of economic sovereignty in the DRC mining industry. Offshore accounts, tax evasion, and opaque financial practices allow multinationals to divert state revenues critical for national development (Asongu, 2013, pp. 39–40). European banks have long provided money laundering services to corrupt Congolese mining bureaucrats and oligarchs, making stolen money out of reach of Congolese authorities, thus creating a governance vacuum where corruption can thrive.

In addition to economic motivations, political patronage also fuels corruption in the mining sector. The DRC is still largely controlled by the president and in the hands of political elites who abuse state monopolies for private gain. Nguh (2013, pp. 9-10) discusses how the president has replaced managers of thirty-seven state-owned enterprises with supporters, gaining control over the economy and natural endowments. Local officials also have a hand in aiding corruption, especially in mining procurement and contracts (Bowen, Edwards, & Cattell, 2012, p. 891). Politically sponsored businessmen usually receive mining concessions through shady means. One example is natural resources magnate Dan Gertler, who used his connections with the president to obtain very cheap mining permits that he later sold to foreign companies at very high prices (Nguh, 2013, pp. 8-9). From 1997 to 2023, civil society repeatedly urged sanctions against him, citing his exploitation of the DRC's weak governance (Toto, 2023). This entrenched corruption in state institutions perpetuates a cycle where economic benefits are concentrated among elites, while the general population remains impoverished.

Institutional inefficiency also encourages corruption in the mining sector. The UN Group of Experts (2007-2008) reported that mineral traders in Goma and Bukavu are extremely opaque, and therefore laundering illicit minerals is easy. The Armed Forces of the DRC (FARDC) have also participated in mining for personal gain over national security (Manhart & Schleicher, 2013, p. 22). These structural failures create fertile ground for corruption, making reform difficult. Unchecked corruption in the DRC mining sector has also had severe social and human rights consequences, which have fallen disproportionately on artisanal miners, women, and children. Child labor is widespread in the DRC, with children mining minerals in dangerous conditions, with regular fatal accidents. Armed groups use rape to secure mine sites, deepening the humanitarian crisis, while weak governance enables modern slavery and child labor, with 35,000 children working in hazardous artisanal mining conditions (Kara, 2018; OECD, 2011).

The historical trajectory of European exploitation has ensured a continuum of human rights violations in the DRC. From Belgian colonialism, characterized by forced labor and mutilation, to corporate exploitation in the post-independence era, European actors have remained intent on extracting wealth with little regard for the well-being of the population (Gondola, 2002). The Société Générale de Belgique, which owned significant parts of the DRC economy after independence, prioritized profit over human dignity, promoting exploitative labor systems (Ekenberg & Hartmann, 2007, p. 11).

Corruption in the mining sector has also funded wars and violence, particularly in eastern DRC, as rebel militias such as the March 23 Movement (M23) finance their operations with the illegal mineral trade (Arieff & Coen, 2013, pp. 5-6). Hidden mining supply chains linked to Europe have indirectly funded these rebel militias, perpetuating war and human suffering (Runesson & Basualdo, 2023, p. 6).

While efforts to address corruption and human rights abuses in the mineral supply chain have been made through policies such as Section 1502 of the Dodd-Frank Act (2012) and the EU Conflict Minerals Regulation (2017), there remain doubts regarding their implementation. To this effect, there is a risk that, as opposed to promoting greater transparency, such initiatives will prove to have the result of driving only further into illegal and illicit trades otherwise-licit business, further fuelling the caustic circle of corruption, exploitation and underdevelopment of the DRC mining sector.

2.3 Relevant theories

The aim of this theoretical framework is to demonstrate how the neo-colonized nations remain economically, socially, and politically reliant on their colonizers, according to postcolonial theory, neo-Marxist dependency theory, and the resource curse. Postcolonial theory analyzes how the former colonial powers continue to maintain their power through indirect means, which still affect the governance institutions and economic relations long after independence. Dependency theory is also focused on how global inequality is sustained through economic dependence and persistent patterns of exploitation between industrialized nations and the Global South. Resource curse theory accounts for the fact that those countries which are endowed with natural resources will tend to experience greater corruption, institutional weakness, and economic stagnation, rather than prosperity. No such theories can ever be tested empirically in an absolute sense, but they can go a long way in describing and accounting for

the complex historical and structural processes of global inequality and corruption in a country like the Democratic Republic of Congo.

Theoretical Expectation and Policy Comparison

This research uses a postcolonial lens to analyze the framing and implementation of anti-corruption policies—Section 1502 of the Dodd-Frank Act and EU Regulation 2017/821—within the DRC mining sector. As much as these policies pretend to promote transparency and good governance, they may be bounded by the very transnational configurations that they seek to transform. Rather than reducing inequality, they can increase dependence on foreign capital, technology, and markets.

This perspective highlights the main paradox: anti-corruption law can simultaneously fight and support corruption, enhance governance, yet increase structural imbalance. Therefore, it is paramount to consider not only the technical efficiency of these laws but their political and symbolic implications as well. A comparison of the EU legislation with that of the Dodd-Frank Act illustrates how the former aims to fight corruption like the latter but often reinforces exactly those dependencies which they aim to eradicate.

2.3.1 Neo-colonialism and Post-colonial Theory

Colonialism, as a social phenomenon, is defined by the historicist Jürgen Osterhammel (2019) as "a relationship of domination between an indigenous majority and a minority of foreign invaders" (Depotter, 2023, p. 7). This thesis analyzes how the interests of colonial rulers affected the lives of the colonized, focusing on the mining sector. To do so, I will start with the difference between colonialism and neocolonialism. While direct types of colonization have ended, neocolonialism, a rather indirect form of colonization, is still active in today's global world. Martin (1985) recognizes this phenomenon as "the survival of the colonial system despite the formal recognition of political independence in emerging countries, which become victims of an indirect and subtle form of domination by political, economic, social, military or technical means" (Depotter, 2023, p. 11). Neo-colonialism refers to indirect control by former colonial powers or other dominant countries over weaker nations, usually through economic, political, or cultural means rather than direct occupation. Neocolonialism, as Martin defines it, replaces direct control with subtler forms such as economic influence, globalization, and conditional financial aid to maintain dominance over less developed countries (ibid).

Postcolonialism theory provides a critical framework for analyzing how colonial structures persist in modern relations. Despite gaining independence, many former colonies remain dependent on their former colonial powers. In the 1950s and 1960s, anti-colonial sentiment was popular in the West and independence movements were gaining success across Africa (Brino, 2018, pp. 22-23). Postcolonial critics tend to portray the complexities of colonialism and imperialism as part of global history and current conditions (Wilkens, 2017, p. 4). From a broader point of view, the transition from colonialism to neocolonialism can be summed up in a few lines. Colonizers also used military and economic dominance to impose and regulate culture (Brino, 2018, p. 24). Precisely in this passage, we arrive at the constant need on the part of the colonized nations to have a relationship with the umbilical cord of the colonizing nations, which in turn, remain present and exploit the resources of the territory, or enslave the local population. According to Sartre (1964), the entire paradigm of colonialism has to do with the politics of power of Western civilizations over non-Western civilizations, which occurred through the discourse and dynamics of economic domination, deemed necessary not only for the colonizer but also and above all for the colonized (Sartre 1964; Kabemba, 2011, p. 50).

From this theory emerges the concept of "other", or the idea of "otherness", as the creation and imposition of the universal European will to paternalistically educate colonized peoples according to their morality and values. The colonization strategy was based on the definition of others as inferior and savage. In this system, the colonizer monopolizes power to psychologically and physically impose the identity of the other (Kabemba, 2011, pp. 49-50). The author of reference is Edward Said, whose fundamental work *Orientalism* (1978) is based on the "ontological and epistemological distinction between the "East and the West" (Said, 1978, p. 1). This power relationship is reproduced through the diverse institutions and cultural productions of the West, which constructs a suitable East that confirms Eurocentric narratives of superiority (Wilkens, 2017, p. 5). His contribution inspired further investigation into the relationship between the colonizer and the colonized.

Institutions reproduce postcolonial formations by the continuation of legal, cultural, and economic institutions established during colonial rule. Colonial inheritances are carried by institutionalized spaces such as intellectual property regimes and still shape social values (Roy, 2008, pp. 320, 329). Postcolonial hierarchies are propelled by governmental institutions and economic frameworks as well. Foreign donors and global financial institutions such as the World Bank and the International Monetary Fund still have leverage in determining how

resources are distributed across postcolonial nations (Ziai, 2012, pp. 14-17). Postcolonial national elites in most nations are inclined to compel development policies, thus increasing colonial dependencies. Kapoor (Ziai, 2012, pp. 14-15) argues that governance discourse will often portray developing nations as lacking, with Western countries as the standard, and international donors will prescribe what good leadership is. This narrative supports the political and economic subjugation of non-Western societies (Ziai, 2012, p. 17). Financial institutions such as the World Bank, the IMF, and the WTO continue to control the distribution of resources in postcolonial nations, acting as modern-day supervisors of economic development (ibid). However, this influence is not only external, as national elites in postcolonial nations have also assumed hegemonic positions, often imposing development policies by force (ibid). Together, these institutions, both domestic and international, reproduce the dependencies of colonialism.

Through the lens of postcolonial and dependency theory, interventions like Section 1502 of the Dodd-Frank Act and EU Regulation 2017/821 can be understood not simply as anti-corruption tools, but as regulatory mechanisms that may be constrained by entrenched global power asymmetries and elite interests. These theories suggest that such measures risk being co-opted or neutralized by the very structures they aim to reform.

2.3.2 Dependence Theory and Neo-Marxism

Dependency theory emerged in the late 1960s as a critique of modernization theory, which interpreted the development of all societies in similar stages (Munro, 2024). This theory, instead, explains the cause of the underdevelopment of some nations, particularly those in Third World countries, as a result of their exploitative relationships with richer nations. Resources flow from a *periphery* of poorer nations, often former colonies, to a *core* of rich nations, enriching the latter at the expense of the former (Ntara, 2023). Core nations benefit from the raw materials and cheap labor provided by peripheral nations, which remain dependent on core nations for finished goods, leading to a cycle of poverty and underdevelopment (Perera, 2024).

According to this theory, a state's areas are separated into three categories: core, peripheral, and semi-peripheral. Core refers to concentrations of capital, high wages, and highly skilled manufacturing production, which could benefit from technological innovation and sustained high levels of investment. Peripheral areas are exploited by the center due to their dependence on raw material exports, subsistence wages, and weak state protection structures. Semi-peripheral areas are economically subordinate to the center but in turn benefit from the

periphery, thus providing a buffer between the center and the periphery (Keynes, 1936, p. 68). Singer (1998) believed that capital investment from rich countries would only flow into the production of primary resources in poor countries, hampering the prospects for the development of domestic manufacturing production (Pickett, 2017, pp. 12-13). This idea alludes to Marx's system of injustices and inequalities, which evokes neo-Marxism as this line foreshadows.

Global capitalism creates and perpetuates an unequal relationship in which the periphery remains dependent on the core for capital, technology, and trade, even after political independence. This ongoing extraction of value reinforces structural dependency, preventing industrial diversification and keeping former colonies locked into subordinate roles within the global economy. This keeps their economies vulnerable and perpetuates inequality (Rao, 2000, p. 169), creating a cycle of dependency in which local economies are structured to serve foreign interests (Oseni, 2017, p. 165). Many developing countries are heavily indebted to international financial institutions such as the International Monetary Fund (IMF) or the World Bank, asking for loans, which limits economic sovereignty (Ziai, 2020, p. 130).

This exploitation is often rooted in historical contexts such as colonialism, where powerful nations extracted resources from colonized regions to fuel their industrial growth (Ziai, 2020, p. 130). Rodney (1973) from a dependency perspective, argued that Europe's development can be seen as part of the same dialectical processes that underdeveloped Africa. In other words, Europe's domination of Africa not only stunted its growth but also deeply hindered the continent's economic progress. European colonial powers continued to capitalize on its encounter with Africa. Colonial domination stunted Africa's economic progress, while Europe amassed wealth by investing surplus capital from Africa in its industrial growth (Bala, 2019, pp. 12-13).

Dependency theory highlighted the extent to which, in the post-1945 period, traditional imperialism had given way to neocolonialism, sometimes seen as "economic imperialism" or, more specifically, "dollar imperialism". If we understand the world economy as an internationally interconnected capitalist system, we conceive the characteristics of national capitalism. These include structural inequalities based on exploitation and a tendency towards instability and crisis that is rooted in economic contradictions (Keynes, 1936, pp. 68-69). This theory has Marxist and neo-Marxist origins. Unlike traditional Marxism, which focuses

primarily on labor, neo-Marxist scholars have emphasized the exploitation of colonial resources, social imperialism, and other factors in their analysis. After the end of World War II, as colonial empires began to dissolve, traditional Marxist and neo-Marxist thought developed into what is now dependency theory (Pickett, 2017, p. 12).

2.3.3 Theory of Natural Resources and Paradox of Abundance (Resource Curse)

The relationship between the supply of resources and economic underdevelopment is among the first findings in the literature. Countries with abundant natural resources have poor economic performance and are afflicted with what has come to be referred to as the resource curse or the paradox of plenty. This was dubbed by Richard Auty in 1993 to describe how nations with a wealth of natural resources fail to deliver their riches to desired development goals and how paradoxically these nations experience worse economic performance than countries that lack a rich natural resource base (Slobozhan, 2014, p. 9). One of the economic theories that, at least partially, explain this paradox is called the "Dutch disease," a sense where an increase in the country's natural resource revenue leads to an increase in the value of the national currency relative to other currencies, hence lowering the competitiveness of the manufacturing sector in the international market. The appreciation of the exchange rate leads to higher prices for the country's exports in sectors other than extractives, thus making manufacturing less competitive globally and limiting the possibilities for export-led growth (Slobozhan, 2014, pp. 9-10).

Sachs and Warner (1995) are among the most influential writers of this theory. They found a negative relationship between the share of primary exports in GDP and economic growth in a time frame between 1970 and 1989. The authors' research indicates a negative relationship between natural resources and economic growth (Pendergast, 2005, p. 3). Among other authors, Barbier (2003) argues that in many developing countries, economic rents generated by natural resources are not channeled into productive investments. Instead, resource rents are often dissipated through corruption, bureaucratic inefficiency, and policies targeting special interest groups. Fearon and Laitin (2003), Collier and Hoeffler (2004), Humphreys (2005), and Collier (2007) all found that economic dependence on oil and mineral wealth is related to civil war (Frankel, 2010, p. 14).

In this theoretical framework, another factor comes into play: corruption. There are several stages where this phenomenon can manifest itself, from the setting of the legal framework and

contracts, revenue collection (including physical transportation and revenue reporting), revenue distribution (between central and regional authorities), and revenue expenditure (Slobozhan, 2014, pp. 18-20). Collier and Hoeffler (2004) argue that extortion of natural resources provides an opportunity to finance rebellion. From here, several authors have added material to the literature. First, Fearon and Laitin (2003), Collier and Hoeffler (2004), Humphreys (2005), and Collier (2007) all found that economic dependence on oil and mineral wealth is related to civil war (Frankel, 2010, p. 14). Second, Lujala, Gleditsch, and Gilmore (2005) refer to case studies upon which rebel groups have depended on resource rents to fund conflicts and people's incomes. They argue that natural resources can be linked to civil war in three ways: first, resource rents finance corrupt governments while simultaneously encouraging it to desire political authority; second, resource rents increase the incentive to overthrow the regime; and third, a surplus of resources provides opportunities for plundering and extortion which provide insurgents with resources to fund fighting such rebellions. Collier and Hoeffler find that the share of commodity exports in GDP is a strong predictor of conflict. Disaggregating commodity exports into various subgroups leads to the conclusion that only oil exports are a significant predictor of conflict. Fearon (2005) also presents evidence to support this claim. Lujala, Gleditsch, and Gilmore (2005) find a positive relationship between diamond production and the incidence of civil war but argue that this relationship holds only for secondary diamonds (which are lootable). Primary diamond production (which is not lootable) is negatively related to the incidence of civil war. Resource characteristics and associated rents must be taken into account when considering the resource curse (Pendergast, 2005, pp. 7-8).

All nations are endowed with resources which could potentially lift them out of poverty. However, according to "the resource curse model", developing countries are paradoxically rich in untapped resources at the same time as being poor in human development, governance, and inefficient socio-economic institutions. The extractive industry creates a clear income capture but also presents policies that can structure power relations like subservience, restricted mobility, and servitude, replicating an uncivilized social order. From this standpoint, it makes sense to believe that well-designed and properly enforced regulations could enhance the situation by reducing corruption in the extraction process through increased transparency and accountability.

The theories examined create a serious skepticism regarding the actual efficacy of instruments like Section 1502 of the Dodd-Frank Act and the EU Conflict Minerals Regulation, particularly

in scenarios with weak institutions. On one hand, there is a possible theoretical assumption that such instruments check corruption by making things more transparent, requiring obligations of due diligence and constricting the opportunities for illegal behaviors along supply lines. However, conversely, it is also likely to foresee counterproductive effects: regulations imposed from outside run the risk of being perceived as means of benevolent domination or forced rule, resulting in local resistance or capture regulation. The theory presents a dual hypothesis: on one hand, that legislation like the Dodd-Frank Act and EU Regulation can reduce corruption and enhance transparency; on the other, that these same laws might unintentionally worsen transparency, foster illicit operations, and promote neocolonial extraction practices and economic imperialism. The theoretical framework is called for in terms of analyzing the real impact of such policies in the context of the DRC mining industry.

Chapter 3: Methodological Framework and Interview Design

3.1 Research Design & Approach Limitations

This thesis utilizes a qualitative comparative case study approach, combining case study analysis with semi-structured interviews. The case study approach functions as the primary methodology as it enables comprehensive analysis of the dismantlement of the regulatory compliance framework pre- and post-implementation, along with the scrutiny over the metamorphosis of corruption phenomena neo-colonial and colonial remnants (Britten, 1995, p. 251). The goal of the study is aided by the flexibility of semi-structured interviews where different actors of the Congolese mining industry were approached like business actors, policymakers, and European Commissioners. In conjunction with the analysis of the case study, these methods answer the research query on the influence of such regulatory systems on governance and corruption in the mining sector.

Along with semi-structured interviews, the research enhanced its analysis by attending the OECD Forum 2025 on Responsible Mining Supply Chains from the 5th to 7th of May online. The High-level Africa Panel, Strengthening Local Voices in Mining, and the role of commodity traders in due diligence and supply chain traceability were some of the key sessions that came after. This forum, perhaps the most relevant international forum for the setting of global standards on transparency, human rights, and sustainability, was used as an empirical case for critically analyzing the dynamics of regulation for the thesis. Research shows that local community's exclusion, regulatory fragmentation, and contractual opacity greatly hinder structural change. This research identifies governance participation, regulatory harmonization, and historical accountability as foundational pillars for achieving truly responsible sourcing.

Formal reports and publications of the European Commission and EU, as well as other international organizations such as the World Bank, the United Nations, and the Organisation for Economic Co-operation and Development (OECD) were information resources on issues relating to the regulatory environment and how it specifically impacts governance and transparency in the DRC mining sector. Legal documents like the EU Regulation 2017/821 and Dodd-Frank Act provided a basis for legal examination. The study also utilized academic research into corruption, postcolonialism, and general implications of international trade agreements in expounding on the manner European policy engages and has an influence in

governance within states that depend on resources. Non-governmental organization (NGO) reports by Global Witness, Human Rights Watch, and Amnesty International were useful sources of information on human rights abuses and corruption in the mining sector.

Why a Qualitative Approach?

A qualitative approach was used because it allows us to explore the systemic nature of corruption in ways that quantitative methods cannot. Numerical data can indicate trends, but they do not capture the everyday experiences, motivations, and power dynamics that inform governance and working conditions in the mining sector (Britten, 1995, p. 251). Given the topic, the flexibility of qualitative interviews allows interview participants to provide subtle observations that can be limited within a categorical survey environment (Ruslin et al., 2022, p. 22). The approach allows the prevailing themes, such as regulatory loopholes, international economic interests and corporate lobbying, to emerge unmanipulated so that there is enhanced understanding of the issues within the industry.

Flexibility and reducing bias

Semi-structured interviews allow interviewees to elaborate on their experiences and realize the complexity of corruption and governance failure in the mining sector (Britten, 1995, p. 251). Researcher reflexivity was also maintained throughout the study to avoid bias and critically assess how location would influence data collection (Bryman et al., 2021, p. 776). While the researcher's presence can influence interviewees, being cognizant of this allows for neutral and analytical judgment. This diversity ensured that the research was not solely dependent on the participants' perspective but supplemented with information obtained from esteemed global institutions, juridical bases, and open investigation.

Transferability and wider implications

The insights from the interviews contribute to the global debate about structural economic organization issues, corporate responsibility, and the degree of regulation and offers a sound foundation for further studies. The case of the Congo demonstrates the complex interrelationship of corporate power and governance failure. This set of documents demonstrates European legal order and its scope of application by identifying the potential implications of European law on state governance in states possessing the same corruption problems within the resource sector. The M23 insurrection, which is currently occurring,

demonstrates how this topic provides a foundation for comprehending the international relations and government of nearby nations and events.

Limitations and Suggestions for Further Research

One of the shortcomings in the research is the number of interviews, which are not necessarily reflective of the range of opinion on the topic. For further research, it would be beneficial to include Congolese NGOs or MPs to get their perspective on the topic area because their opinion would provide a more rounded view of the situation. The focus can be directed towards understanding the experiences of the locals because their everyday experiences have a possibility of generating critical information on the effects of regulatory regimes and persistence of corruption at the local level.

3.2 Ethical Considerations

Ethics is an integral part of qualitative research, especially when interviewing respondents about sensitive topics such as corruption in the DRC mining industry. The study adheres to established ethical guidelines to ensure the research process and data protection, as well as the integrity of the participants (Roth & Von Unger, 2018, p. 3). Other sources, such as reports from international bodies (such as Human Rights Watch, Global Witness, and Amnesty International) were consulted. These sources helped to consider the specific ethical issues that arise when conducting research on corruption and human rights abuses in such a sensitive context. For example, the same ethical approach was strengthened by the awareness expressed by Galina Angarova (SIRGE Coalition, Executive Director, Strengthening Local Voices) on the importance of listening to local communities and protecting them from retaliation.

Informed Consent, Confidentiality, and Data Protection

Participants in the interviews were briefed beforehand on the rationale and methodology of the study. Written informed consent was acquired (Magnusson & Marecek, 2015, p. 44). Participants were informed of their right to withhold questions, leave at any time, and have their data destroyed (Bryman et al., 2021, p. 1786). Due to the political sensitivity of corruption in DRC mining operations, every precaution was taken to ensure that participants were not exposed to the risk of legal, professional, or personal retaliation (Lilleker, 2003, p. 207). Interviews were conducted via Zoom.

Researcher reflexivity and ethical responsibility

Being sensitive to participant-researcher power dynamics, the research was conducted with attention to ethical reflexivity. The researcher was aware of his or her positionality so that any interactions with participants were conducted with respect and cultural sensitivity (Bryman et al., 2021, p. 776).

3.3 Delimitations

Interviewees A and B are professionals from a federal agency who provided insights into the Dodd-Frank Act's impact. They highlighted unintended consequences like market exclusion and governance strain. Interviewee C, an expert who oversees lithium market development aligned with European energy goals, focused on lithium markets and European supply chains, pointed to oversight gaps and opaque sourcing. Interviewee D, a multi-stakeholder advisor, called for destigmatizing artisanal mining and warned that transparency burdens can exclude vulnerable actors. Interviewees E and F, from the European Commission, explained the EU's approach to due diligence, enforcement challenges, and OECD collaboration.

At the OECD Forum 2025 on Responsible Mining Supply Chains, several experts underscored the urgent need for transparency, inclusivity, and structural reform in global mineral governance. Galina Angarova (SIRGE Coalition) and Jenny Wik Karlsson, the CEO of Sámiid Riikasearvi (Organization for Sami reindeer community) (session: Strengthening Local Voices in Mining) emphasized that local and indigenous communities must be central to regulatory frameworks, warning that opaque contracts and exclusion from decision-making perpetuate environmental harm and social injustice. In the High-level Africa Panel, Francesca Santoro (Italian Ministry of Foreign Affairs) and Ambassador João Samuel Caholo (ICGLR) exposed the hidden nature of corporate agreements and the critical role of breaking financial links with armed groups. In the role of commodity traders in supply chain due diligence panel, James Nicholson (Trafigura) discussed corporate steps to improve transparency in asset-backed lending, a key mechanism in illicit financial flows. Anna Krutikov (Glencore) and Victoria Bowman (HHRR) revealed that compliance often stems from market access incentives rather than ethics and warned that contract layering and third-party trading can obscure mineral origins. Collectively, these voices demonstrate that while regulation exists, it often falls short of transformation due to industry resistance, financial secrecy, and weak enforcement—leaving corruption and exploitation in the DRC's mining sector largely intact.

Chapter 4: European Legacy and Regulatory Responses: A Case Study of Congo

4.1 European Exploitation and Control of Congo's Natural Resources

As highlighted in the first two chapters of this thesis, although the historical roots of corruption and exploitation in the DRC are crucial, the research focuses on the effects of contemporary regulatory frameworks and their comparative effectiveness. Rather than offering a broad historical overview, the analysis will incorporate colonial and neocolonial legacies as part of the case study through relevant theories such as dependency theory and postcolonial critiques (e.g. Kabemba, 2011; Hounnikpo, 2007). This allows for a more focused exploration of how current interventions interact with established patterns of corruption in the mining sector, especially in a context where global attention is increasingly focused on ethical sourcing and corporate responsibility.

It is essential to clarify to the reader the richness and variety of natural resources of the DRC, which is defined as a "geological scandal". Much of the world's technology depends on its mines, such as gold in Ituri and South Kivu, diamonds in Kisangani, uranium, copper, and cobalt in Katanga, in addition to the precious wood available throughout the territory. In North Kivu, tin and tungsten are concentrated, while the country also boasts large reserves of hydrocarbons, including oil and natural gas. In this same area, a considerable part of the Congolese coltan is found, now known as the "gold of new technologies". The mineral wealth of the DRC has historically financed local armed groups that smuggle it in exchange for money or weapons, creating a vicious circle that fuels corruption and social instability (Baioni, 2021). The geology of Katanga bears witness to the antiquity and complexity of the formation of these resources: about 875 million years ago, up to 10,000 meters of sediments were deposited in connected rift basins subject to "differential substance" (Schlüter, 2006, pp. 74-76).

4.2 European Colonial Legacy in Congo

The origins of corruption and resource exploitation in the DRC date back to its colonial past, which began with the personal rule of Belgian King Leopold II (1885-1908), where excessive brutality and forced labor were used for rubber and other natural resources (Hounnikpo, 2007, pp. 267-268; Oweka, 2006, pp. 23-24). The invention of the pneumatic tire in 1888 led to soaring rubber prices, increasing exploitation and violence by Belgian companies such as ABIR

and Société Anversoise, which employed mutilation and hostage-taking to enforce quotas (Ekenberg & Hartmann, 2007, p. 6; Gondola, 2002). This extractive economy, which had accumulated enormous wealth (equivalent to 1 billion dollars today) (Progressive Management, 2015, p. 24), was never revised, not even after the official annexation of the Congo by Belgium in 1908. Investments in infrastructure, education, and healthcare served primarily European interests rather than Congolese development (Gondola, 2002, pp. 26-27), while political participation remained tightly suppressed. Belgium's failure to establish strong political and economic institutions exacerbated post-independence governance challenges, reinforcing dependency theory, which argues that colonial powers structured African economies to remain subordinate to Western interests (Perera, 2024).

As Congo's vast mineral wealth—including copper, uranium, diamonds, and gold—was extracted to fuel European industries, Belgium's economic dominance persisted beyond formal decolonization (Oweka, 2006, pp. 28-29). Even after Congo's independence in 1960, Belgium played a direct role in sabotaging the newly formed government by backing secessionist movements, particularly in Katanga, to protect corporate interests, notably those of Société Générale de Belgique, which controlled nearly 70 percent of the Congolese economy (Oweka, 2006, pp. 30-31; Hounnikpo, 2007, pp. 267-268). The Belgian-supported assassination of Patrice Lumumba (Lebesse, 2023, p. 11; Ekenberg & Hartmann, 2007, p. 8), executed with the assistance of the CIA and the UN, further destabilized the nation, reinforcing the neo-Marxist critique of economic imperialism (Pickett, 2017, p. 12). The prolonged chaos of the Congo Crisis (1960-1965) ensured continued European influence, as Belgian troops intervened under the pretext of protecting European lives and property, while safeguarding economic stakes in the region (Lebesse, 2023, pp. 12-13). Sartre's (1964) argument that colonialism did not end with political independence but evolved into neo-colonial control is exemplified in this period (Kabemba, 2011, p. 50).

Under Mobutu's regime (1965-1997), Belgium remained deeply involved in the Congolese economy, with the Société Générale des Minerais (SGM) controlling a significant portion of Zaire's wealth and natural resources (Oweka, 2006, p. 40). While Mobutu promoted "Zairianization" by replacing European names with African ones, Belgian economic and military assistance ensured his continued rule, underscoring the neocolonial relationship between the two nations (Rosoux, 2014, pp. 25-26). Belgium's involvement in the DRC did not end with Mobutu's fall. During the Congo Wars (1996-2003), foreign control over

Congolese resources intensified, with European-backed multinational corporations and foreign actors exploiting the conflict to secure mining interests (Daniele, 2011, p. 563). The Second Congo War (1998-2003), often described as a war over resources, saw Belgium and other Western powers return under the pretense of peacebuilding while ensuring continued economic access (Ekenberg & Hartmann, 2007, p. 12). The Pretoria Agreement (2002) installed Joseph Kabila as leader, but resource exploitation remained unchanged (Appt, 2022, pp. 18-20). This aligns with the resource curse theory, which posits that economies reliant on commodity exports are more susceptible to conflict and poor governance (Pendergast, 2005, p. 6; Collier & Hoeffler, 2004). Even in the 21st century, the DRC remains trapped in a neocolonial framework where foreign entities control its mineral wealth, perpetuating economic dependence, conflict, and underdevelopment (Frankel, 2010, p. 14).

4.3 Regulatory Frameworks: From the Dodd-Frank Act to EU Conflict Minerals Regulation

With the new demand for human rights due diligence, initial moves towards the resolution of some of the problems such as modern slavery were through laws such as the California Transparency in Supply Chains Act (2010) and the UK Modern Slavery Act (2015) that forced business firms to report on preventive measures (OECD, 2011). The US Dodd-Frank Act of 2010 was a landmark piece of legislation because it mandated companies to report whether their supply chains contained minerals from the DRC and surrounding regions that paid for armed groups or facilitated human rights abuses (Bueno, 2019, p. 4). In practice, the law aimed to cut the economic fuel that financed armed groups by mandating corporate audits of mineral supply, particularly tin, tungsten, tantalum, and gold (Frankel, 2010, p. 14). In turn, the European Union followed the lead of the Dodd-Frank Act and adopted Regulation (EU) 2017/821, also referred to as the Conflict Minerals Regulation that came into force in 2021.

The Conflict Minerals Regulation aims at stopping conflict minerals from coming into the supply chains of EU business. The legislation places a legal obligation on EU importers of certain minerals (tin, tantalum, tungsten, and gold) to carry out due diligence on their supply chains and make efforts to reduce the risks of human rights violations associated with the financing of conflict (The Guardian, 2015). While Section 1502 and the EU Regulation share the same goal of preventing the financing of armed groups through mineral trade, the EU Regulation goes further by targeting both upstream and downstream companies, requiring them

to trace the supply chain from extraction sites to final products (EUR-Lex, 2017, pp. 4-10), but I will track down the results and their comparison in the next chapter.

These national legislative frameworks are only one aspect of a broader global movement towards the imposition of human rights due diligence, with other national laws in France, Germany, and Norway, and the EU Directive on Corporate Sustainability Due Diligence, calling for even greater levels of human rights and environmental risk assessment. The transition to mandatory mineral sourcing due diligence and disclosure is necessary to prevent financing militias and other extremists, particularly in conflict areas such as the DRC. As already discussed, illegal mining has been a major source of funds for armed groups indulging in the exploitation of local people and violence (Ford, 2024, pp. 15-16). By increasing supply chain regulation and corporate transparency, these guidelines aim to dismantle the financial networks that support such violence and promote greater accountability and ethical practice in global supply chains (Enough Project, 2009, p. 5).

This table gives the reader an idea of how the various legislative instruments dealing with this issue have addressed the problems of disclosure, due diligence, and liability.

(Table 2):

Title (chronological order)	Disclosure provision	Due diligence provision	Liability provision (criminal/civil)	
California Transparency in Supply Chains Act 2010 (US)	X			
Dodd-Frank Act, sec 1502, 2010 (US)	X	X		
Federal Act on Private Security Services Provided Abroad 2013 (CH)		X	X	
Directive 2014/95 on Disclosure of Non-Financial Information 2014 (EU)	X			
Modern Slavery Act 2015 (UK)	X			
Loi relative au devoir de vigilance 2017 (FR)	X	X		X
Regulation 2017/821 on Supply Chain Due Diligence Obligations for Importers of [Minerals] from Conflict-Affected and High-Risk Areas 2017 (EU)	X	X		
Modern Slavery Bill, in discussion 2018 (AU)	X			
Child Labour Due Diligence Proposal, currently in discussion (NL)	X	X		
Popular Initiative on Responsible Business and Parliamentary Counter-Proposal, currently in discussion (CH)	X	X		X

(Bueno, 2019, p. 4).

Description of Table Insights

The table shows that most legislative proposals include provisions for transparency (disclosure) and due diligence, indicating a trend of requiring companies to report on their actions and assess human rights risks. Direct legal liability, however, is included by comparatively few rules, like the Swiss proposal to parliament, indicating direct legal liability as a less frequent a feature. Notably, new European regulations are some of the most comprehensive, extending both to disclosure and due diligence and, in some cases, also to legal liability. This would suggest a tighter and more all-encompassing approach by the European Union than by other countries.

Theoretical Expectation: Regulation and Its Potential to Reduce Corruption

The Dodd-Frank Act and the EU Conflict Minerals Regulation presume that highly regulated supply chains will minimize cases of corruption, particularly in war hotspots such as the DRC. Regulation of this nature, discussed through postcolonial analysis, attempts to minimize the significance of heavily armed and corrupt rogue capitalists in subverting authority and accountability in dealing with mineral resources in regions of war. Guided by dependency theory and the resource curse, these models aim to provide tools to subvert the neocolonial order upon which multinationals and groups of militias have profited through the lack of strong controls in the DRC. With the complexity of global supply chains, the durability of weak local institutions, and the underlying neo-colonial arrangements, the effectiveness of these regulations is uncertain. While the intention is to combat corruption and promote ethical sourcing, it is doubtful whether such systems can challenge entrenched power structures in such countries as the DRC or whether they will simply recreate old forms of exploitation under new guises.

Chapter 5: Analysis: European Influence, Corruption, and Regulatory Effectiveness in the DRC Mining Sector

5.1 Comparative Analysis of the Dodd-Frank Act and EU Regulation on Conflict Minerals

In this chapter, I shall first explain the two legislations, their purpose, difficulty, and result, and then contrast them to find out their efficacy, on how corruption has evolved throughout the years. By doing so, this study contributes to a broader conversation of the unintentional effect of extraterritorial norms in the postcolonial context of institutional weakness, governmental dispersal, and economic dependence. Both the EU Regulation and the Dodd-Frank Act, insofar as they have been drafted as instruments of moral accountability, risk codifying habits of top-down, context-insensitive interventionism. Their enforcement will not only fail to achieve legitimate goals in the fight against corruption but will also risk perpetuating the structures of dependence and exploitation underlying neocolonial economic relations by reproducing.

To facilitate a structured comparison of the Dodd-Frank Act and the EU Conflict Minerals Regulation, the following table outlines key differences in approach, scope, impact, and enforcement—highlighting their relevance to corruption dynamics in the DRC mining sector.

(Table 3):

Independent Variables:	Dodd-Frank Act (DFA)	EU Conflict Minerals Regulation
Approach	Punitive, top-down disclosure (Narine et al., 2013).	Risk-based due diligence aligned with OECD guidelines (Ford, 2024).
Scope	US-listed firms only	Applies to all EU importers of 3TG minerals, not just public or state-owned entities (Nowrot, 2018).
Impact	Triggered withdrawals, illicit trade (Müller-Koné, 2015).	Promotes engagement with ASM communities (Ford, 2024).
Enforcement	Centralized via SEC	Decentralized, uneven among Member States (Muslim & Mais, 2023).

5.1.1 The Dodd-Frank Act's Limited Impact and Its European Implication

Regulatory Ambitions and Practical Shortcomings

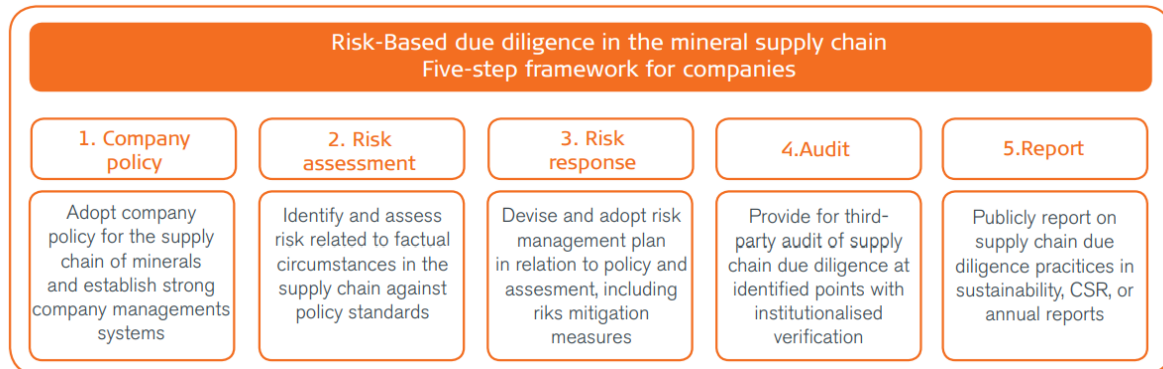
The Dodd-Frank Wall Street Reform and Consumer Protection Act, enacted in 2010, included Section 1502 (implemented in 2012), which mandated U.S.-listed companies to disclose the use of tin, tantalum, tungsten, or gold (3TG) sourced from the DRC or its neighbors (Oweka, 2006, p. 65). The objective was to disrupt funding to armed groups by leveraging reputational pressure—through “naming and shaming” (Dalla Via & Perego, 2018, p. 774)—and aligning company audits with OECD standards (Frankel, 2010, p. 14).

However, Ly (2017, p. 693) argues the law primarily protects U.S. economic and image interests rather than genuinely supporting the Congolese people. Its extraterritorial nature raises concerns of neocolonialism, echoing Benvenisti’s theory that global standards are imposed by powerful states (Okowa, 2020, p. 693). The Trump administration’s reversal of Section 1502 further underscores this critique, revealing a lack of attention to local reform and participation (Okowa, 2020, pp. 693–694). As Ly (2017) and Okowa (2020) emphasize, without inclusive deliberation, such policies risk reinforcing global power imbalances under the guise of corporate responsibility.

The gap between regulatory intent and corporate response would soon become apparent. As the analyst from a federal agency’s international affairs team summarized, “Many companies have found ways to circumvent the regulations, making it difficult to trace the actual source of minerals.” This comment highlights the gap between formal mechanisms and informal business practices, a point that will recur repeatedly in our interviews and publications. The withdrawal of US companies from the DRC mining sector, in part due to reputational damage, helped identify these forces.

This table illustrates the five steps companies should have applied in this regard:

(Table 4):



(Küblböck & Grohs, 2017, p. 2).

Economic Disengagement and Informal Economies

One of the unforeseen repercussions of Section 1502 of the Dodd-Frank Act was the abrupt exit of American businesses from the DRC mining sector. 2014 compliance reports showed that businesses, in an attempt to evade reputational damage and prohibitive compliance costs, withdrew from the region entirely (Linak, 2014). This retreat devastated artisanal mining economies, intensifying reliance on informal networks such as smuggling and militia-controlled trade (Stoop et al., 2018, p. 3; Ford, 2024, pp. 30–31). Minerals were smuggled to neighboring countries like Rwanda and Burundi, where weaker state control made it harder to keep track (Manhart & Schleicher, 2013, p. 30). The consequences were severe: artisanal miners faced price drops, exclusion from formal markets, and deeper engagement with illicit trade and militia networks (Müller-Koné, 2015, pp. 147–148). Oseni (2017, p. 165) and Interviewee C further stated that Chinese companies took up the slack but offered worse human rights assurances, worsening the marginalization of local miners and increasing economic vulnerability.

Compliance Burdens and Regulatory Avoidance

The Dodd-Frank Act imposed compliance costs disproportionately on small and medium-sized enterprises (SMEs) that lacked the financial and administrative capacity to conduct third-party audits or due diligence (Culiver et al., 2014, pp. 8–9). Large entities, conversely, could better afford these expenses or contract them out. While the law mandated a Reasonable Country of Origin Inquiry (RCOI) and third-party audits, these were indefinite and unequally enforced. The OECD Guidelines, for example, used general terms like "reasonable efforts," which left

scope for varying interpretations (Hofmann, Schleper, & Blome, 2018, p. 129). Interviewee C emphasized how the law discouraged responsible sourcing because it focused on exclusion rather than cooperation building. This mindset encouraged avoidance mechanisms over positive engagement. Sporadic reporting requests from large companies overburden SMEs, making compliance sporadic and ineffective. The lack of a harmonized regulatory framework reduces the effectiveness of conflict minerals legislation, allowing corruption to persist (Ly, 2017, pp. 42-43). So, enforcement by the U.S. Securities and Exchange Commission (SEC) was not robust, with risk management directives that were ill-defined and poorly conceived enforcement mechanisms. This produced generalized token compliance or total avoidance of obligations (Cullen, 2016, p. 773). As noted by Woody (2019, pp. 298–299), many firms failed minimum reporting requirements, including reporting due diligence activities. Self-reporting, lacking real verification, compromised the efficacy of the law. As Interviewee A also mentioned, "Independent audits are not often conducted in the private sector," citing the significant failure in implementation of the law.

International Responses and European Alternatives

Weaknesses in the Dodd-Frank Act also illustrated the patchy nature of regulatory regimes around the world. The UN peace mission MONUSCO in the DRC was set up to construct institutional capacity and ensure respect for the rule of law (S/RES/2098, 2013; S/RES/2147, 2014). Coordination breakdowns, disputes between units, and lack of funding, though, undermined its impact (S/RES/2277, 2016; S/RES/2348, 2017). A Security Council resolution in 2019 (S/RES/2502, 2019) called for national reform of institutions citing inadequacies of regulation internationally.

In response, the European Union implemented Regulation (EU) 2017/821, wherein local partnerships and responsible sourcing were emphasized over the disengagement policy of the Dodd-Frank Act. But as Ly (2017, pp. 42–43) pointed out, this left space for ambiguity, particularly about how SMEs needed to adhere to OECD standards "to the maximum extent practicable." This left room for regulatory loopholes, and strict standards were used by some firms whereas others exploited weak monitoring to continue unethical sourcing (Ly, 2017, pp. 45–46). Several companies, such as Cogecom, Cogear, and Masingiro, have reportedly continued to benefit from illegal trade, including armed group bribes (Oweka, 2006, p. 70).

Postcolonial Dependency and Structural Critique

Section 1502 did not break up existing patterns of international economic interdependence and postcolonial domination. Roy (2008, p. 320) believes that postcolonial countries such as the DRC remain tied to judicial and institutional structures left by colonial powers. Instead of strengthening local institutions, Section 1502 consolidated the authority of multinational corporations and extraterritorial policymakers over national institutions. As Interviewee B has noted, "Companies have found many ways to bypass the legislation, so it's hard to trace the final origin of minerals." This reflects a general absence of response to the local situation, demonstrating the neocolonial character of such regulation, with stronger states imposing themselves without local involvement (Ly, 2017, p. 693).

Rather than turning around the "resource curse," which perpetuates corruption and instability in resource-endowed nations, the Dodd-Frank Act cemented these issues. Foreign companies continued to export conflict minerals to the US market in defiance of SEC regulations, making the law less effective (Ly, 2017, p. 48). The phenomenon of Dutch disease, in which resource wealth drives currency appreciation, harming other economic sectors, has remained a critical challenge. Regulatory policies such as the Dodd-Frank Act that do not address systemic governance failure cannot counter these fundamental economic vulnerabilities. The 2010-2011 ban on artisanal mining and the enforcement of the Act revealed how useless rules are in achieving their purpose when they are working with complex political economies (Ly, 2017, p. 49). Thus, the Dodd-Frank Act, rather than institutionalizing a new model of global governance, could consolidate the extractive, exclusionary logic of old regulation.

In summary, also through the confirmation of what was argued at *the role of commodity traders in supply chain due diligence Panel*, on May 6, 2025, the due diligence was not only a smarter and necessary way for the law, but also essential to access the American market. Regulation has therefore had a transactional impact, incentivizing compliance more for market reasons than ethical ones, and companies have complied to obtain an entry "ticket", not necessarily to transform their systems (Anna Krutikov, from Glencore International AG, min 14). Furthermore, this logic of minimum effort can reduce the transformative potential of Dodd-Frank; when compliance becomes a cosmetic exercise, systemic change in the supply chain remains limited, as argued by Victoria Bowman Senior Adviser for HHRR, always in the same panel (min 21).

5.1.2 The EU Conflict Minerals Regulation and Its Limitations

Scope and Legal Framework

The EU's Regulation on Conflict Minerals (2017/821) sought to fill the gaps in the Dodd-Frank Act and enhance transparency along the supply chain. Effective from 2021, it covers over 800,000 EU companies (The Guardian, 2015), viz., importers of tin, tantalum, tungsten, and gold (3TG). These importers must craft risk mitigation, submit to independent auditing, and report annually about measures of due diligence (Sarfaty & Deberdt, 2024, pp. 1043–1044). Reverting to the OECD five-step due diligence guide (OECD, 2011), the law is prescriptive rather than Dodd-Frank's self-reporting (Finamore et al., 2017, pp. 8–9). It is broader in its scope, applying to all importers, albeit the small ones as well (Dalla Via & Perego, 2018, p. 774), but not downstream and processed mineral importers (Narine et al., 2013, p. 33), substantially undermining its efficacy. This fractured scope represents what Ziai (2020) refers to as technocratic fragmentation in global governance: interventions without tackling root inequalities. In targeting importers but excluding downstream actors, the regulation entrenches European market governance and transfers the burden to producer countries and hence captures postcolonial criticisms of unbalanced regulations (Roy, 2008, p. 329).

Implementation Challenges

The regulation has proven difficult to implement. SMEs bear heavy economic burdens to comply with the due diligence requirements (Dalla Via & Perego, 2018, p. 774; Ly, 2017, pp. 42–43). According to interviews, legal clarity has improved through mechanisms like the EPRM, but inconsistencies remain. Interviewee D noted: “Some countries have more interest in making sure the regulation supports their economic sectors like automotive or electronics, while others are less involved.” Implementation on the ground in the DRC is unstable due to its dynamic context— “You can certify a mine one day, and two weeks later, it could be a totally different situation”. Despite good intentions, current oversight mechanisms are often under-resourced: “We’re struggling to even do the things we’re already doing.” It reflects broader dependency theory critiques (Oseni, 2017; Rodney, 1973): exporting countries are held to standards they cannot often meet, while importing states benefit from regulatory insulation. As Nowrot (2020) notes, such arrangements allow the EU to set ethical standards without investing in the capacity of local institutions, reinforcing dependency rather than enabling autonomy. Governance becomes more about managing risk from the Global North than empowering actors in the Global South.

Enforcement and Strategic Evasion

Although passed in 2017, actual obligations began only in 2021, creating a time lag. Enforcement is delegated to national authorities, resulting in inconsistent application. “Some Member States have more resources than others... It’s a learning process for all stakeholders,” said the European Commissioner (Interviewee F). As her colleague explained, this has led to fragmented enforcement and delayed compliance. Participant A commented: “The objectives of the regulation were ambitious, but its implementation faced bureaucratic obstacles and coordination problems.” Companies have also learned to bypass requirements— “European companies often delegate sourcing to intermediaries, so they are not directly responsible for the supply chain” (Interviewee C). As Anna Krutikov, Glencore International AG, also pointed out, min 14, there are regulatory frameworks, the OECD, standards, but every situation is unique. Their guiding principle is to work with suppliers, rather than looking outside, so to find a balance between setting the standards, expectations, and demands, but also not to impose such a high barrier to entry that only a large multinational could afford. This is where the main problem with this measure comes in: it can clash with the realities of local markets. If standards are set too high without considering local production capacity, smaller suppliers may be excluded, compromising both inclusivity and the goal of widespread responsible sourcing. Regulations therefore need to be adaptable and pragmatic to avoid unintended negative consequences. This selective engagement with regulation reflects what critical governance literature calls “strategic compliance” — where actors formally adopt rules while informally undermining them (Sarfaty, 2015). These evasion strategies are especially viable in globalized value chains, where regulatory jurisdiction is easily blurred. As Roy (2008, p. 324) argues, this enables a form of “regulatory arbitrage” that continues to disempower the Global South while legitimizing extractive operations under a façade of responsibility.

Corporate Loopholes and Structural Loopholes

According to the OECD (2011), voluntary action and third-party certification were of no use in combating tax evasion since companies were employing non-EU subsidiaries or faking books to avoid taxation (Narine et al., 2013, p. 33). In this regard, Slobozhan (2014, pp. 18-20) identifies that corruption insinuates throughout the entire resource cycle, from regulation to revenues distribution, making legal action symbolic. Regulation frameworks tend to impose extractive dynamics without providing governance support to export nations (Pendergast, 2005, p. 6), resonating with Ziai (2020) "coloniality of power" in global governance, where Western norms reproduce hierarchies under the guise of universal standards. Structural

loopholes also hinder the efficacy of regulation. For example, gold imports of below 100 kg are exempted, excluding up to 90% of gold importers (Macchi, 2021, pp. 281-282). Sargentini (2016) and Macchi (2021, p. 274) fault that exemptions and the exclusion of downstream operators enable companies to easily circumvent due diligence obligations. This reinforces corporate influence over public accountability, recalling postcolonial denunciations of neo-imperial legalism (Roy, 2008; Ziai, 2020).

5.1.3 DFA vs EU Regulation: Assessment and Comparison

The DFA Section 1502 and the EU Conflict Minerals Regulation offer contrasting regulatory responses to the conflict minerals problem, reflecting different legal traditions and enforcement capacities. The DFA has adopted a punitive, top-down strategy, requiring publicly traded US companies to file conflict minerals reports with the SEC and deterring sourcing from high-risk areas, with the common effect of market withdrawals and the inadvertent growth of illicit economies (Narine et al., 2013, p. 33; Manhart & Schleicher, 2013, p. 30; Müller-Koné, 2015, pp. 147–148). In contrast, the EU Regulation adopts a risk-based due diligence approach, in line with the OECD framework, which promotes the continued engagement of artisanal mining communities and the evolution of responsible sourcing through projects such as the European Partnership for Responsible Minerals (Ford, 2024, pp. 29-30). However, decentralized implementation by EU national authorities leads to uneven compliance and regulatory arbitrage among Member States (Muslim & Mais, 2023, p. 333), while criminal smuggling networks and weak governance in conflict zones continue to undermine traceability and accountability (IPIS, 2012, p. 38).

Despite the broader scope of the EU Regulation, which applies to all EU importers of 3TG minerals and not just state-owned enterprises, it still has structural gaps. It excludes downstream producers and processed minerals, creating loopholes that reduce the impact of due diligence obligations (Narine et al., 2013, p. 33), concluding that smaller firms are likely to be penalised by compliance costs and logistical complexities (Ly, 2017, pp. 42-43). While some progress has been made in the form of the “California effect”, where firms have been forced to aim for higher standards (Ly, 2017, pp. 45-46), disparities between nations in terms of enforcement and oversight have created a fragmented regulatory landscape. Nowrot (2018, pp. 15-17) argues that the EU model’s limited enforcement mechanisms and broad geographic scope could undermine its overall effectiveness, jeopardising its ability to promote truly responsible mineral sourcing.

As Victoria Bowman, Senior Advisor for HHRR (6/5, *The role of commodity traders in supply chain due diligence Panel*, min 21) expressed that some of these complexities exist in multi-line and multi-line refining chains, where companies are steering refining conditions to meet market expectations. Both the DFA and EU regulation struggle to address the complexity of modern multi-layered supply chains. Effective due diligence requires not only compliance, but also a deep understanding of these complexities and a willingness to engage with all actors in the chain, including those at the margins.

Besides, these regulatory regimes, as important as they are, must be situated within wider dynamics of global governance and postcolonial economic dependency. The DFA specifically has been charged with replicating Western control over supply chains without empowering local institutions or redressing structural political inequalities (Roy, 2008, p. 320). The EU's most collaborative and advanced model operates in a system where economic interdependence and institutional capacity constraints limit its application. The persistence of smuggling, artisanal mining, and elite capture of mining revenues – despite well-intentioned legislation – testifies to the persisting challenge of aligning global market incentives with equitable governance. Thus, both the DFA and the EU Regulation risk perpetuating the very inequalities that they attempt to eliminate, highlighting the limits of regulatory reform in the absence of more profound structural change.

Practical Results in the Implementation of these Frameworks

In response to emerging due diligence frameworks such as the Dodd-Frank Act and, later, the EU Conflict Minerals Regulation, the Responsible Minerals Initiative (RMI) was established to assist with responsible sourcing and due diligence compliance. Initially established to address conflict minerals financing of militias in the DRC, the RMI has gone beyond Section 1502 of the DFA to include all minerals, broadening its scope to include environmental, social, and governance. As of 2023, the RMI has over 400 corporate members and has developed the Responsible Minerals Assurance Process (RMAP), a gold standard for compliance with Section 1502 and EU Regulation 2017/821 (Sarfaty & Deberdt, 2024, pp. 1045-1046). It can be noted that it has filled a regulatory gap created by the US government and has developed sourcing requirements, reporting templates, and an auditing system to enable companies to meet due diligence requirements. With the RMAP, the RMI has been a leader in Section 1502 enforcement, particularly in managing supply risk in the DRC (Sarfaty & Deberdt, 2024, p. 1047). With the implementation of EU Regulation 2017/821 in 2021, the RMI has also emerged

as a major compliance facilitator. The European Commission has integrated RMI tools such as the Conflict Minerals Reporting Template, the Global Risk Map, and the Responsible Raw Materials Initiative (RRA) into its Due Diligence Ready internet portal. The RMI has conducted an alignment review with the OECD and opened an office in Brussels in 2020 to assist companies with EU compliance (RMI, 2023, pp. 7-12). RMI risk assessment tools have become standard for corporate due diligence, enabling organizations to identify operational exposures and non-compliant suppliers. The RMI now sets out the degree and extent of verification control required for smelters and refiners under Section 1502 and the EU Conflict Minerals Regulation (Sarfaty & Deberdt, 2024, pp. 1047-1048).

The table summarizes the results and the core findings:

(Table 5):

Topic	Details	Challenges
Dodd-Frank Act's Impact	-Intended to curb DRC conflict mineral trade but led to rerouting and informal economies.	- Weak enforcement due to self-reporting and limited impact. Smuggling, informal mining, elite capture, and regulatory loopholes persist (IPIS, 2012, p. 38).
European Response	- The EU sought clearer, stricter frameworks with due diligence.	- Loopholes persist, and companies continue illicit practices. - SMEs face challenges.
EU Conflict Minerals Regulation	- Expanded scope, requiring audits and due diligence	Decentralized enforcement and corruption undermine effectiveness for SMEs - Loopholes remain (e.g., small gold imports exempt).
Responsible Minerals Initiative (RMI)	- RMI established to support compliance with both Dodd-Frank and EU Conflict Minerals Regulation.	- Provides tools like the Conflict Minerals Reporting Template to assist companies. - Works as a compliance facilitator but effectiveness is limited
Postcolonial Critique of Regulatory Systems	- Regulatory frameworks from the West continue to perpetuate economic dependency and external control over resource-rich nations	- EU's regulatory efforts may unintentionally deepen these structures, leaving local economies without real control.
Corporate Avoidance of Compliance	- Companies exploit regulatory gaps, using intermediaries to evade direct responsibility for	- Despite ambitious goals, EU Regulation faces enforcement difficulties and loopholes

	supply chains.	exploited by corporations.
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5.2 Corporate Practices, Corruption, and Illicit Trade: The Unintended Consequences of Regulation

This section examines the role of international law on the DRC and how, purportedly, to raise transparency and accountability, they have functioned towards developing unintended results such as buttressing corruption, elite control, and criminalization of corporate practice. These mechanisms, central to the corruption in my case study and research question, are explored here in an attempt to see how these mechanisms are changed before and after the application of international regulations. The discussion here notes the function of extractive means, networks, and international economic regulations that, despite efforts at reform, function to legitimate structural injustices. It examines how the unofficial economies, shadow contracts, and poor enforcement of rules weakened formal governance and built a structure upon which the extractive production continues in the guise of reforms. The examination reveals how global law and global politics, rather than acting against world imbalances, emulate neocolonial arrangements and sustain models of unbalanced extractive economies. The implementation of international policies such as the EU Conflict Minerals Regulation in practice is examined to gain a deeper understanding of Europe's position in the value chain and the distinction between trade interests and development policy. The issue of cross-border smuggling, and trade hubs that remain one step ahead of the law and maintain the chain of exploitation and erode the economic and political sovereignty of the DRC is addressed as well.

5.2.1 Opaque Contracts, Preferential Agreements, and Illicit Financial Flows

As seen in the case study, banking secrecy and criminal financial flows are the core fabric of the erosion of economic sovereignty of the DRC. Multinationals are facilitated to transfer revenues critical to national development by offshore accounts, tax evasion, and non-transparent financial practices (Asongu, 2013, pp. 39-40). The interviews confirm this trend. Participant B mentioned that firms engage in opaque deals with brokers and governments for licenses, circumventing responsibility. Interviewee C also added that some of the local authorities' contracts with European companies are never published, which conceals illegal financial flows even more and makes the region more dependent, as noted in the work of O'Higgins (2006, p. 238), who named transparency and accountability as key components to prevent corruption. Furthermore, at the panel "The Role of Commodity Traders in Supply

Chain Due Diligence" (6/5, min. 35), James Nicholson, Head of Corporate Social Responsibility at Trafigura, empowers the company, which has taken some steps, for example, to improve transparency on asset-backed lending. Efforts to increase transparency in financial arrangements are crucial, as opaque contracts and asset-backed lending can be a vehicle for illicit financial flows. Without industry-wide transparency, regulations could be undermined by hidden preferential arrangements.

These dynamics are rooted in colonial-era extractive systems that institutionalized unequal contracts and exploitation. The ABIR and Société Anversoise regimes (Ekenberg & Hartmann, 2007, p. 6) exemplify how mining quotas and labor extraction served foreign interests. Under Mobutu, Zaire became a “predatory state,” where elites enriched themselves at the public’s expense (Ekenberg & Hartmann, 2007, pp. 8–9; Bala, 2019, pp. 12–13), with Belgium and Western powers enabling this system (Depotter, 2023, p. 11). These entrenched structures persist today. Companies exploit fiscal secrecy and weak oversight to maintain dominance, often legitimized by international institutions (Ziai, 2012, p. 17). Although framed as reforms, multilateral agreements and regulations such as the Dodd-Frank Act and EU Regulation 2017/821 have done little to reverse these trends (Ford, 2024, pp. 29–30).

Theoretical frameworks reinforce this interpretation. Neo-Marxist and dependency scholars argue that global capitalism structurally favors core economies over peripheral, resource-rich states. Munro (2024) and Collier & Hoeffler (2005, pp. 627–628) link criminal extraction and illicit trade to underdevelopment, while Sachs & Warner (1995) and Slobozhan (2014, p. 9) argue that the “resource curse” is intensified by money laundering and elite collusion. Dan Gertler, for instance, acquired mining rights at minimal costs and resold them for profit—sometimes to the state itself (Nghu, 2013, pp. 8–9). Despite civil society opposition, the DRC government has pushed to lift sanctions on him in exchange for asset transfers (Toto, 2023).

The persistence of secrecy undermines traceability. One EU-based expert noted gaps between due diligence obligations and actual practices at mine sites: “It’s much easier to determine how many companies are compliant than to measure how far those obligations reach.” Another added, “It is difficult to attribute changes in illicit flows to regulation alone.” Many artisanal and small-scale mining (ASM) contracts remain informal. Interviewee D explained: “We don’t often see formal permits between artisanal miners and the EU; sometimes there are tacit agreements or subcontracts.” Programs like ICGLR and ITSCI have limited reach, and opaque

transactions persist. In the panel above, Victoria Bowman from HHRR, agrees that the layering of contracts and the use of third-party markets can obscure the true origin of minerals and create opportunities for illicit flows. Regulations need to address these structural vulnerabilities, or risk being circumvented by complex trading arrangements. A few minutes earlier, Anna Krutikov from Glencore International had confirmed the importance of each part of the process. As Glencore is both a mining company and a trader, Anna acknowledges that responsibility also lies in ensuring transparency in how contracts and sales are conducted. She explains that the company purchases metals and minerals from third-party markets and sells them directly to the market.

The OECD approximated 10–15 tonnes of artisanal gold production in the DRC (worth €740 million) in 2015, yet the government reported exporting just 620 kg in 2016—worth €30 million (Semerari, 2020). The gap represents colossal uncontrolled trade. The Carter Center (2017) details how, since 1997, privatization agreements of Gécamines were consistently awarded to politically connected actors, with peaks in corruption around the 2006 and 2011 elections—further indications of natural resources as political capital (Rahmé & Walsh, 2022, pp. 7–8).

During the High-level Africa Panel of the 2025 OECD Forum on Responsible Mineral Supply Chains (5 May), Francesca Santoro (Italian Ministry of Foreign Affairs, Deputy Director Africa, min. 28) denounced the opacity of corporate operations, pointing out that many European companies enter into non-public agreements with local governments and intermediaries. Such practices hide financial flows and favor informal subcontracting, hindering traceability, and responsible governance. Finally, as highlighted by Jenny Wik Karlsson, representative for Sámiid Riikasearvi at minute 12 of the OECD session “Strengthening Local Voices in Mining”, the lack of transparency in mining contracts deprives indigenous communities of the possibility of defending their territories and culture. Together, these reports reveal a persistence of financial secrecy structure, elite capture, and informal arrangements driving exploitation within the DRC mining sector—a persistence despite governance reforms.

5.2.2 Exploitation of Regulatory Loopholes and Bureaucratic Weaknesses

European companies have acquired mining concessions by way of clandestine deals with Congolese elites, at the expense of competitive bidding and democratic oversight. European

companies have dominated the DRC mining industry by way of institutionalized corruption, founded on contractual abuses, rule-of-law loopholes, and political intervention used to acquire economic leverage. Facilitated by such secret negotiations, companies obtained concessions below market value, depriving the DRC of revenue and consolidating foreign economic dominance (Ekenberg & Hartmann, 2007, p. 11).

Interviewees confirmed that such opaque procurement processes persist. Interviewee B stated, "Most companies have secretive agreements with governments and private operators, discriminatory agreements," referring to how transparent corporate operations erode governance. Interviewee C also added that companies game the rules on transparency by exploiting bureaucratic loopholes: "Companies use loopholes in the system and slow bureaucracy as an excuse to avoid more regulation." In addition to economic pressures, multinationals also influence political decision-making, making mining policies subordinate to corporate interests (Rosoux, 2014, pp. 25-26). Oweka (2006, p. 40) documents how European-aligned firms historically sponsored Congolese politicians to secure long-term resource access.

These practices mirror dependency theory's critique of the subordination of peripheral nations like the DRC to industrialized economies. Ntara (2023) and Pickett (2017, pp. 12-13) argue that commodity extraction and price controls maintain a cycle of underdevelopment. This dynamic is exacerbated by the resource curse, in which natural wealth fuels corruption and undermines governance (Slobozhan, 2014, pp. 18-20; Barbier, 2003). As Participant A has observed, "There are still many challenges in establishing and managing certification systems across countries," highlighting systemic regulatory shortcomings. Houngnikpo (2007, pp. 267-268) points out that the Congolese state lacks the capacity to enforce rules, leaving systems vulnerable to manipulation. The DRC's legal fragility allows corporate actors to exploit institutional gaps under the guise of development. Interviewees also highlighted the EU's regulatory fragmentation. The European Commissioner explained: "Some companies try to split their imports between member states to stay below the threshold," exploiting poor enforcement. Others noted that the sanctions regime is ineffective: "It lacks rigorous enforcement or incentives."

The artisanal and small-scale mining (ASM) sector is particularly vulnerable. The senior advisor with a minerals-focused multi stakeholder initiative described how "a mid-market buyer can sell to an uncertified smelter in Dubai or China and then export the minerals to the

EU as conflict minerals,” demonstrating how supply chains are being hijacked. However, the ITSCI, with its demand for traceability, also faces corruption allegations: “The ITSCI has tried, but there are a lot of allegations of corruption... and the DRC hasn’t gotten very far.” Certified minerals are also being hidden through illicit networks: “You can buy from an uncertified smelter, pass it off as Dubai and sell it to the EU without it looking like conflict minerals.” These dynamics reveal how both companies and regulators perpetuate a system of exploitation that keeps the DRC subordinate to global capitalism. Despite liberalizing reforms, Gécamines has retained controlling power, collecting royalties and fees totaling \$262 million annually from 2009 to 2014. Instead of reducing its power, it has increased it by converting exploration permits into exploitation permits, circumventing regulations, and consolidating controls (Rahmé & Walsh, 2022, pp. 7-8). This is also highlighted by the OECD session. During the High-level Africa Panel on 5 May 2025, the OECD (min. 41) reiterated that strong institutions and clear rules are crucial to avoid abuses by foreign operators and guarantee local benefits. The lack of transparency and enforcement fosters corrupt practices. Francesca Santoro (min. 28) denounced secret agreements between companies and local authorities, the use of regulatory gaps to evade controls, and the difficulties in traceability and certification systems, aggravated by regulatory fragmentation between EU States.

5.2.3 Bureaucratic and Institutional Corruption in Mining Governance

The plundering of Congo’s resources persists through multinationals, European companies, and foreign-backed actors. As described by Vian (2019, p. 2), “Petty corruption,” a deviation from bureaucracy, consisting of accepting bribes or granting contract favors, is very present in the DRC. In the Kivu region, the mineral trade remains dominated by armed groups and the Congolese army, who use extortion, forced labor, and illegal taxation to sustain control (Semerari, 2020). European powers like Belgium continue to assert dominance through multinationals, transnational financial networks, and indirect control over national institutions. Fragile governance, coupled with global demand for minerals such as coltan and gold, excludes Congolese citizens from the wealth of their land (Daniele, 2011, p. 564), reflecting neocolonial dynamics (Bala, 2019, pp. 12-13).

Colonial-era extractive structures endure not only economically but also in governance failures. Belgian interests and foreign-sponsored instability highlight persistent systems of extraction and dependence (Oweka, 2006, pp. 28–29). Bureaucratic inefficiencies and weak institutions enable unchecked corruption (Manhart & Schleicher, 2013, p. 10). As the Senior Analyst from

GAO expert testified, “Most officials accept unofficial payments to expedite export practices,” showing how corruption is embedded in regulatory frameworks.

This is also seen in the selective allocation of mining licenses, where political contacts ensure preferential treatment, exemplifying governance manipulation and the “resource curse” (Collier & Hoeffler, 2004, pp. 627-628; Lujala, Gleditsch & Gilmore, 2005, pp. 540-541). Political elites dominate state enterprises and manipulate procurement for personal gain (Nguh, 2013, pp. 9–10; Bowen et al., 2012, p. 891). Between 2011 and 2014, around \$750 million from joint ventures was lost due to weak institutional oversight (Rahmé & Walsh, 2022, p. 4), with further risks arising from Gécamines’ control of unused land for political purposes (Rahmé & Walsh, 2022, pp. 7–8). Opaque contracts and selective law enforcement further entrench corruption. Interviewee C described a “perverse structure of incentives...an economy of violence and war,” illustrating how corruption is systemic, shaped by both domestic and international forces. Regulatory reforms alone cannot fix what one called “a structural problem that cannot be solved with a technological market intervention.”

Inconsistent enforcement across jurisdictions invites exploitation by savvy corporations. For instance, some EU states lack regulatory experience, creating enforcement gaps. Interviewees noted, “Building the capacity of local authorities... is not the core mandate of regulation,” (Interviewee D) though such strengthening is essential. Awareness of OECD norms is growing, but structural reform remains uncertain. Ultimately, the DRC’s weak institutions, corporate interests, and permissive global frameworks turn the state into a facilitator of foreign mining. A small elite benefits, while the population remains impoverished—mirroring critical theories of global capitalism that argue postcolonial states remain structurally dependent. Control has shifted from colonial rule to multinationals and financial institutions, continuing patterns of exploitation under the guise of development.

5.2.4 Cross-Border Smuggling Networks and Trade Hubs

As noted above, mineral smuggling remains widespread in the DRC. Despite international regulations such as the Dodd-Frank Act and the EU Regulation, European refiners, especially in Belgium, France, and the United Kingdom, continue to recycle conflict minerals into global supply chains (Elmukhtar & Ali Saeh, 2013, p. 2). These chains are due to both international regulatory loopholes and local governance failures. Civil society sources detail recurring

customs bribes, and European buyers negotiate informal deals through Rwanda, Uganda, and Burundi to evade formalities.

The transnational smuggling chains highlight underlying global hierarchies. As described by dependency theory, capital flows from the periphery to the core, facilitated by legal loopholes and unequal power relations (Rao, 2000, p. 169). Keynes (1936, p. 68) also explained how extractive systems create debt dependency, a dependency that can still be observed today. A civil servant of an EU member state promoting responsible mineral production explained that "it is virtually impossible for EU traders to determine the origin of minerals, as mid-level buyers and aggregators deliberately obscure origin information, injecting conflict minerals into clean supply chains". This enables the "resource curse" (Collier & Hoeffler, 2004, pp. 627-628; Lujala et al., 2005, pp. 540-541), whereby illicit wealth fuels insurgencies and destabilizes governance. Interviewee A prioritized regional cooperation, although national competition always seems to hinder coordination, as Roy prescribed (2008, p. 329).

Smuggling patterns are further exposed by discrepancies in neighboring states. Uganda, with an annual gold production of just 3 tonnes, processes over 9.3 tonnes per year (Semerari, 2020), mostly Congolese gold smuggled, refined, and rebranded locally. Even with EU Regulation 2017/821, traffickers exploit documentation fraud, third-party data, and corrupt officials. While compliance has improved among legitimate firms, the shadow economy remains untouched. Interviewee B noted that "the lack of other options for miners has increased crime and violence," sustaining illegal economies born from desperation, in line with the dependency theorists (Rodney, 1973; Ziai, 2020). While acknowledging the importance of regional cooperation through instruments such as the AfCFTA, the OECD has warned that national rivalries and lack of coordination hinder the effectiveness of shared measures against illicit trafficking (min 30, 5/5 *High Level Panel for Africa*).

As expressed by João Samuel Caholo, the aim is to break the link between mineral revenues under the funding of armed groups in the Great Lakes. (Min 37, 5/5 *High Level Panel for Africa*). In this, Rwanda plays a central role. Despite minimal mineral reserves, it has profited from regional instability—often backing rebel groups like the M23 (Wang'ombe, 2018, pp. 33–36). Ceasefires like the 1999 Lusaka Accord excluded actors like M23 (Ray, 2000, p. 7), allowing continued destabilization (Arieff & Coen, 2013, pp. 5–6). By 2024, M23 controlled parts of mineral-rich Ituri and Kivu, causing mass displacement and the closure of Goma

Airport—drawing U.S. attention (Arieff, 2025, p. 1). More generally, Europe's tendency falls into Said's (1978) concept of "the Other". The EU paternalistically wants to educate colonized peoples according to their morality and values, and often unduly participates in the governance dynamics of these countries. In this system, the colonizer monopolizes power to psychologically and physically impose the identity of the other, defining him as inferior and savage (Kabemba, 2011, pp. 49-50).

Foreign-backed interventions and entrenched extractive models perpetuate colonial-era dynamics. As Frankel (2010, p. 14) argues, the resource curse now flows through new but familiar channels. The Assistant Director from GAO remarked, "In some places, the black market is the only way to sell minerals," and his colleague emphasized that smuggling persists not due to a lack of laws but of alternatives—Rwanda and Uganda serve as key conduits. Supply chain fragmentation worsens the issue. Interviewee D explained, "Aggregators sell to non certified smelters... minerals can enter the EU as clean." This highlights regulatory failure and the need for cross-border oversight. The DRC exemplifies how neocolonial systems still govern resource flows—trapping peripheral economies in circuits of exploitation, global capital, and militarization (Brino, 2018, p. 24; Sartre, 1964). The exclusion of local populations from the decision-making process, as highlighted during the OECD session, which stressed that without the voice of people at local level, it becomes simpler to make networks of illegal trade centers and smuggling because local people are not involved in supply chain management in mining. Moreover, perceiving the value addition and cross border trade as essential in the promotion of prosperity and sustainable development, the ICGLR has released Regional Guidelines on Value Addition and Cross Border Trade for ICJLR Member States (Min 38; João Samuel Caholo, 5/5/2025 High Panel for Africa).

Glencore's Anna Krutikov points out that there are countries where, on a national scale, things may appear relatively stable, but at the regional level, certain areas face significantly more challenges. National compliance can mask significant regional disparities and pockets of corruption. Regulations therefore need to be applied at multiple levels and include mechanisms to monitor and address local governance challenges. As a result, unique local conditions and informal networks mean that cross-border smuggling and trading hubs can thrive where oversight is weak. Building long-term relationships with local suppliers is key to improving traceability and reducing illicit trade. (min 23, 6/5, Sinead Teevan, the Policy analyst from OECD).

5.3 The Influence of Politics and Regulation on Artisanal Mining and Local Communities

This chapter examines the tainted dynamics laid out in the case study and their implications for the working conditions and human rights of the DRC miners. Such tainted dynamics are present both before and after the adoption of international standards like the EU Conflict Minerals Regulation and the Dodd-Frank Act, and how these standards, in an attempt to ensure accountability and transparency, can fail. The subsequent sections explain how artisanal miners have been excluded from regular value chains and confined to criminal-group-dominated illegal markets. Even with tight standards, small operators cannot comply, but large companies take advantage of loopholes, political machinations, or complex procurement systems to dominate markets. This is intended to illustrate how regulatory tools, rather than promoting domestic workers to make life easier, lean towards inequality and exclusion, such as highlighting terms like child labor, violations of rights, and informal employment. The setting is marked by transnational corruption, under which political control and economic superiority rearrange the functioning of norms. European politics, desiring to be morally relevant, could end up promoting neocolonial frames and helping ensure control of the resources in elites' hands remains.

5.3.1 The Impact on Artisanal Miners and Local Communities

Small-scale mining in the DRC is characterized by widespread human rights abuses, including child labor and extremely dangerous working conditions. As a policy professional from the international affairs team of a federal agency has observed, “there are a lot of human rights and child labor issues,” noting that weak governance not only fosters economic corruption but also entrenches rights abuses and environmental degradation. While multinationals can operate high-level compliance systems, artisanal miners are excluded due to regulatory and logistical challenges (Narine et al., 2013, p. 33). An expert who oversees lithium market development called multinationals’ transparency models “another form of exclusion,” designed to favor large corporations and exclude local workers. As these conditions worsen, artisanal miners are increasingly forced to sell at lower prices in criminally controlled informal markets (Ford, 2024, pp. 20-21), perpetuating a vicious cycle of economic exploitation and social marginalization.

Up to 35,000 children are estimated to work in artisanal mines across the DRC (Kara, 2018). This employment persists despite formal bans, as armed groups, illegal subcontracting, and opaque production and export records continue to undermine law enforcement (Arieff & Coen,

2013, pp. 11-12). Children, often as young as 14, are involved in grading, washing, and open-pit mining, exposing them to toxic chemicals, unventilated tunnels, and confined, unsafe environments. These conditions result in long-term respiratory illnesses and even fatal accidents (Moss, 2022, p. 45). To produce high-grade cobalt for technological purposes such as phones, computers, batteries, and even electric cars, workers are needed to do the mining. Children as young as six are forced to work in these mines for very little or no pay so that the rest of the world can have their technologies. To extract these priceless minerals, 40,000 Congolese children work in the mines at the expense of their safety. Corruption is rampant in this industry. Lawson has stated that large technology companies such as Apple, Microsoft, Dell, and Tesla have been sued due to the deaths and injuries of Congolese children working in the mines (Lebesse, 2023, pp. 16-17). This links the Western exploitation to the reality and human rights abuses in the DRC mining sector.

Amnesty International, Rights and Accountability in Development (RAID), and other human rights organizations have drawn attention to child labor and inhumane working conditions, particularly in the informal cobalt mining sector, where an estimated 40,000 children are exploited (Thomas, 2020). Boys as young as 14 are tasked with climbing narrow shafts up to 25 meters deep to carry 50 kg sacks and wash ore for cobalt extraction. Some shafts even reach depths of up to 100 meters, three times the legal limit. The prices paid by Chinese traders are grossly unfair, but the incentives to mine remain high, as workers can earn upwards of US\$ 400 a month compared to \$100 for a teacher (Kohnert, 2024, p. 19).

Legal loopholes allow industries to profit from an exploitative trade, such as the electronics industry's reliance on tantalum mined in these conditions. Section 1502 of the Dodd-Frank Act, in addressing conflict minerals, overlooks cobalt, a mineral essential for lithium-ion batteries, despite the world's largest reserves being in the DRC (Naushad, 2024). NGOs are advocating for greater safeguards, including direct sourcing, blockchain traceability, and legal action against companies that violate human rights and environmental standards. About 71% of artisanal miners in Congo work in open-pit, tunnel, or riverbed mines, which are typically controlled by militia groups. Gold sales occur in the informal economy: miners sell to middlemen who in turn sell to exporters, and smuggling can occur in between. Artisanal miners are trapped in poverty: technically outside the value chain, but right at the heart of their operation, pushed deeper into informality by the same policies designed to protect them. Global regulatory efforts, aimed at reducing corruption and conflict minerals, ignore the

socioeconomic vulnerability of such workers. The theories presented expose the regulatory institutions of metropolises, embodying structural imbalances and exerting exploitative pressures on periphery economies like the DRC. The "resource curse," as elaborated by Slobozhan (2014, p. 9) and Barbier (2003), shows how natural resources fuel exclusion and poverty among resource-dependent indigenous peoples. As demonstrated by the session "Strengthening Local Voices in Mining" (minute 12) reiterated that the involvement of indigenous communities is essential for effective and sustainable regulation. The Sami spokesperson recalled that the loss of indigenous rights and knowledge represents a risk for environmental protection and for the resilience of local economies.

Multi-jurisdictional pipelines aggravate them. Minerals "are sent to a number of locations to be processed before they arrive at the EU," interviewee E stated, and traceability is a problem. Such a trans-jurisdictional pipeline, crossing areas of differing levels of regulation, beckons smuggling and misrepresentation. The EU comes close but not quite so far as to legislate against legal purchases in high-risk regions, but its measures are unevenly effective on small-scale miners. Unless invested in "on-the-ground projects that raise awareness and develop local capacity," policies can create exclusion rather than empower local stakeholders.

Regulations also place enormous compliance burdens on artisanal and small-scale miners (ASMs). As an expert who oversees lithium market development stated, "ASM miners are under enormous pressure to meet these requirements... many realistically cannot." Certification procedures benefit large exporters, but not small producers, who lack the volume, bureaucracy and access to formal systems. "They have to sell to aggregators because of the quantity and certification limitations," which increases dependence on intermediaries and makes things worse for miners. Although the regulation aims to promote responsible sourcing, its impact is uneven. As one expert put it, "It's irrelevant to them whether they comply with an EU regulation. What matters is how they survive." Advocacy activities remain underfunded. A civil servant of an EU member state promoting responsible mineral production said: "EPRM, for example, is tiny... they are trying to cover an industry with 45 million people with just a few million euros." Without financial support and inclusive implementation, such initiatives risk being underperforming. These findings highlight the need to reframe regulatory paradigms with the understanding that marginalized miners are integral parts of the global mining economy, not just victims. At the same time, the testimony of Godard Motemona Gibolum, the Ministry of Mines of the DRC, shows that the DRC is interested in the interests of local

communities and it is local communities that we must take into account before any other participant.

During the High-level Africa Panel of the 2025 OECD Forum on Responsible Mineral Supply Chains (5 May), Francesca Santoro (Deputy Director Africa, Ministry of Foreign Affairs) highlighted those international regulations and certification, although aimed at responsibility, tend to exclude artisanal miners. Regulatory, logistical and economic obstacles prevent them from meeting the required standards, forcing them to operate in informal markets, often dominated by crime. Multinationals, on the other hand, strengthen their position thanks to advanced compliance systems. Current policies, Santoro noted, impose disproportionate burdens on small producers and, without adequate local support, risk increasing marginalization.

5.3.2 Regulatory Capture and the Influence of Political Interests

Capture regulation—the political and corporate power that dilutes its effect—is at the center of both the Dodd-Frank Act and the EU Conflict Minerals Regulation, as well as regulation of the DRC's extractive sector. Foreign commercial interests remain to influence these regulations, even if it involves lowering exploitation. Belgium's ongoing involvement in resource extraction after Mobutu's rule exemplifies how geopolitical and economic interests complicate impartial regulation (Oweka, 2006, p. 40). Political elites, both inside and outside the DRC, often manipulate policies to serve their own interests, reflecting Ziai's (2012, p. 17) view that postcolonial development disproportionately benefits a few, while reinforcing global dependencies.

Interview data supports this thesis: the senior analyst in international affairs at a federal agency stated that politically connected companies are less regulated, while smaller companies are more regulated, reflecting entrenched hierarchies. Her colleagues stated that while some companies, like Tesla, have attempted vertical integration to reduce opacity in their supply chains, most still rely on poorly regulated third-party suppliers, which guarantees unaccountable practices. The testimony gathered at the OECD session shows that regulatory capture is also manifested in the absence of concrete results after consultations with indigenous communities. Jenny Wik Karlsson highlighted that political decisions often reflect external interests, ignoring the needs and rights of local populations, with negative effects on transparency and social justice. This aligns with Oseni's (2017, p. 165) concept of “regulatory

capture,” where elites design policies to concentrate power while impoverishing the majority. Such practices support the “resource curse” theory, which argues that resource wealth, when controlled by corrupt elites, fuels conflict and inequality (Pendergast, 2005, p. 6; Fearon & Laitin, 2003; Lujala et al., 2005). Regulatory mechanisms often reinforce existing power imbalances rather than levelling the playing field.

The same problems exist in literature too. As Chapter 2 highlighted, political participation in the DRC was highly restricted, and investment in health, education, and infrastructure favored more European interests than Congolese progress (Gondola, 2002, pp. 26-27). The theory that African economies were built by colonial powers to ensure subordination to Western interests was perpetuated by the inability of Belgium to build efficient political and economic institutions, thereby hastening post-independence government challenges (Perera, 2024).

Though not explicitly mentioned by interviewees as political influence and elite control, they were nonetheless assumed. The mention by the European Commissioner of caution at the beginning of the program points to unease between political aspiration and pressure to expedite approvals. Interviewee F also brought up this issue, aware that guarantees of transparency are designed to exclude effective regulation, pointing to institutional awareness of being manipulated. The challenge of balancing transparency with company secrecy compounds the problem. Some corporations refuse to disclose where they source their minerals in the interests of being competitive but occasionally elevate confidentiality to avoid accountability. As Interviewee F argued, "The two do not have to be in conflict," but in practice, confidentiality undermines transparency measures. Furthermore, the OECD session highlights that regulatory capture can only be countered by strengthening the participation of indigenous and local communities, ensuring that they have a voice in decision-making processes. The marginalization of these communities facilitates the undue influence of external political and economic interests, perpetuating a system of exploitation and corruption.

The uneven application of the EU Conflict Minerals Regulation to Member States is used to highlight the influence of state economic interests. Germany or Finland, Interviewee D implies, want the regulation to work but not at the cost of access to markets, while Slovakia dismisses enforcement to a substantial effect. This piecemeal regulation weakens the EU's capacity to stand united and enables commercial and political interests to dictate the effective impact of the regulation. These interests have the effect of subverting the possibility of moral, open, and

honest supply chains, which the regulation seeks to promote. Rather than confronting rooted relations of power, these kinds of regulatory frameworks are likely to enshrine them, holding wealth from the resources in the pockets of the foreign and local elites and away from the masses.

Regulatory capture in the DRC is facilitated by clientelist political networks, where elites have control over access to resources and political benefit, insisting on perpetual public marginalization for private benefit. The Dan Gertler case is a classic illustration, with business elites getting preferential mining concessions by virtue of political connections and earning astronomical economic benefits (Nghu, 2013; Toto, 2023). In conflict-ridden DRC, illicit gold smuggling finances around 70 armed groups operating in the eastern provinces, using weak institutions and the lack of regulation to levy taxes, pillage mines, and collude with smuggling rings (Semerari, 2020).

CHAPTER 6: Conclusion: European Regulation, Corruption, and Governance in the DRC

6.1 Summary of Key Findings

This research examined the impact of two major international legal regimes – Section 1502 of the US Dodd-Frank Act (2012) and the EU Conflict Minerals Regulation – on corruption and governance in the DRC mining sector. Specifically, the research question was, in tandem with their comparison, whether and to what extent these measures have contributed towards increased transparency, accountability, and human rights respect within supply chains, or, in an unforeseen manner, have reinforced underpinning power asymmetries and neocolonial extractive relations. With a qualitative comparative research design, the study drew on process analysis, governance indicators (e.g., World Bank statistics and the Resource Governance Index), and in-depth interviews with European corporate stakeholders, compliance officials, and regulatory agents. A postcolonial critique is used to explain how previous dynamics – most importantly, the colonial-era extractive legacy of the DRC – continue to shape institutional vulnerability, informal economies, and elite capture of the mining sector.

Before these global regulations, the DRC's mining was carried out in illegal and informal avenues. Without formal arrangements, rent-seeking local elites and cooperatives bargained. These were the results of weak governance and structural colonial legacy, where development was a secondary activity at the local level to mining. Corruption was not considered deviance but "the way things work." Something changed, however, as a result of the Dodd-Frank Act, signed into law in 2010, requiring US-listed companies to disclose their use of conflict minerals. Replaced by the EU Conflict Minerals Regulation, though binding, took a less strict tone, relying on self-regulation and due diligence through longer value chains. Section 1502 of Dodd-Frank was stricter in mandating its reporting requirements, which led some US companies to exit the region entirely. This reduced formal investment and steadied local economies. The EU Regulation, while broader in scope, relied on self-regulation and was patchily applied in Member States. It allowed for greater flexibility but did not always translate into real changes on the ground. These were both designed to improve corporate accountability, transparency, and conditions for local miners. Therefore, after their implementation, with difficulties present in both situations and legislative gaps in the illicit context of the DRC, the

mining sector has seen some changes, especially in creating more formal rules and expectations regarding transparency and due diligence.

Some companies have introduced procedures to protect their public image, and there have been small improvements in bureaucratic processes. For example, Democratic Republic of Congo's Corruption Perceptions Index marginally improved, from 2/10 in 2005 to 21/100 in 2023, and reflects cosmetic improvements in transparency. The measures do not address the underlying cause of the problem. Corruption is likely to shift from being widespread, instead of declining, to spreading to lower levels or becoming hard to track. Early observations have been more formalized procedures, improved documentation, and institutionalization of due diligence demands. Compliance mechanisms to protect reputational risk have been implemented by some European corporations. The study, however, concluded that such changes were cosmetic to a large degree, and interview findings confirmed such concepts. As one respondent put it: "The bureaucracy is cleaner now, but corruption has hardly decreased by one notch." Institutionally, corruption persisted in practice, only transforming to fit the new formal arrangements and still operating on unstated channels.

Although both measures had beneficial surface-level impacts and neither addressed the structural core origin of the problem, the European regulation was outstanding in its greater thoroughness. It included more companies and demonstrated the process to be followed, grounding itself on high levels of due diligence. Perhaps this complexity was its greatest limit. The European one, as technically sophisticated as it was, was based on formal governance assumptions difficult to operationalize in a context marked by institutional weakness, lack of enforcement, and the omnipresent penetration of informal networks. Its enforcement tended to overlook the ground reality of operation: a context of tax evasion, smuggling, daily corruption, and high asymmetry between local and multinational players. Thus, rather than establishing wide responsibility and inclusion, the regulation effectively highlighted inequalities: large European companies, with legal and operational resources, could comply at least nominally or avoid the obligations by means such as delocalisation or using intermediaries. In contrast, smaller actors—artisanal miners or local cooperatives—were excluded from the mainstream market, unable to afford the costs or meet required standards.

Ultimately, the supposedly greater ambition and breadth of European regulation has detached it from the context in which it was transplanted, making it instead a reputational tool for

European companies rather than an effective agent of structural reform in the extractive sector. One of the most crucial unintended effects of both regulations has been the marginalisation of artisanal and small-scale miners, who represent the most widespread workforce. Typically lacking the financial resources needed to meet certification requirements or manage complex due diligence arrangements, too many have been pushed out of the formal value chain, entering illegal or criminal markets where abuses, unsafe practices, and child labour have continued. Meanwhile, the largest multinationals, particularly those in Europe, have typically managed to modify by reclassifying minerals, using middlemen, or shifting into weaker regimes. This asymmetry directs us to how both regulations have imposed compliance burdens on weaker actors while allowing stronger actors to evade regulatory compliance.

Finally, one of the most significant findings of the study is that, instead of reversing neocolonial extractive arrangements, these regulations have in most cases entrenched them. Through focusing on corporate reputation, market access, and technical compliance, rules have enabled Western companies to appear good without transforming the economic settlements in their favor. Rules have validated global value chains that have proceeded to extract value in the DRC without forfeiting power or wealth. Still, rules have imitated global inequalities by sidelining local players and maintaining power within European firms. Compliance has been used as a reputation management tool, not a tool of justice. Reform is above legal tools; it is a decolonized world order in which agency within the locality must be the starting point, to redress historic injustices and to share decision-making and power along supply chains. On this alone can regulatory regimes be refashioned as forces for change transformation, not as tools for further domination.

The OECD 2025 Forum validated the study's benchmarks underscoring how rules as they are formulated, tend to perpetuate rather than resolve existing gaps in the mineral supply chains. Economically and administratively fenced out small-scale miners are, by default, relegated to informal economies while large European corporations enjoy reputation benefits without changing their models of extraction, constituted by corporate secrecy, ineffective due diligence, and refusal to engage with the people on the ground. Discontent towards the legislation was expressed unanimously: too fragmented, overly technical, and out of touch with sociopolitical dynamics on the ground. The Forum stressed that without foundational systemic change and mobilizing from the grassroots level, some form of compliance will only be a superficial process on real change.

6.2 The Role of European Institutions & Corporate Interests

Despite the self-declared intent of European institutions to ensure transparency and protection of human rights, their action, rooted in the colonial era and still prevalent, once again generates and maintains systemic discrimination in the DRC. Europe, already a leading actor in the colonial period of African resource exploitation, is now in a normative and economic position of power that, even hidden behind ethical and regulatory initiatives, continues to reproduce dynamics of subordination. Regulations, such as the EU Conflict Minerals, have been inclined not to change local conditions structurally but rather have ended up reinforcing existing mechanisms of exploitation under a new "responsible" guise to serve European business interests.

The mechanisms of corruption before and after the entry into force of the legislation has demonstrated that corruption has adapted rather than disappeared, and informal power networks remain central to mining management. This has deepened the asymmetry between global North and Global South and redirected accountability tools as selection and exclusion tools. By this measure, the theories covered in the thesis—postcolonialism, dependency theory and the resource curse—have been at the center of understanding the power dynamics which these regulations have come to perpetuate unwittingly. Postcolonial theory has revealed how Europe continues to assume the unilateral right to define what is ethical or legitimate and maintains discursive and normative hegemony. Dependency theory has shown how the economic development of the DRC remains tied to externally imposed extractive logics, and the resource curse explains why mineral wealth has not built development, but ongoing instability and poor governance. The conclusions which resulted from the analysis thus reveal that European law, despite being progressive in nature, is powerless to nullify the wide history of mineral extraction in Congo and finds itself at odds with the rules of international justice which they themselves established to abide by. This criticism was also raised during the OECD Forum 2025, where several speakers highlighted the opaqueness of contracts and the systematic exclusion of local and indigenous communities. It was noted that many European companies continue to enter into confidential agreements with local authorities, compromising transparency and traceability. Furthermore, without clear obligations and strengthened institutional capacities, regulatory regimes risk fuelling corruption and illicit flows rather than combating them.

6.3 Contributions to European Studies

This research contributes to the European studies field by analyzing how European actors historically and contemporarily participate in governance, corruption, and dependency of the DRC. It is framed within the context of the EU Conflict Minerals Regulation and the Dodd-Frank Act. The research argues that European companies and policymakers much more than passive contributors sustain postcolonial inequalities within global mineral supply chains. As opposed to hegemonic Eurocentric views, the study presents how the much-hyped reports claiming to enforce ethical mineral procurement effectively serve the economic interests of Europeans and externalize the burden of enforcing such practices among poor pockets in the Global South. The thesis incorporates postcolonial theory, dependency theory, and the 'resource curse' to demonstrate how these regulations, no matter their humanitarian motives, facilitate exploitative patterns that such norms aim to alter.

From the EU curriculum document, legislation aims to bridge wider socio-political deficits in Europe rather than promote local socio-political forces. The most under-defended –small producers and artisanal miners – have been disproportionately shortchanged while excusing multinationals from the hook of regulatory capture. This restricted inclusion serves to perpetuate an asymmetric system of legal and economic domination with regard to Europe squandering the DRC's structural dependency on controlled commodity exports. Lastly, the thesis suggests European regulations need to be conceived and strategies need to be rethought. It urges scholars and policymakers to move beyond technical legalism and introduce regulatory regimes that consider historical responsibility, strengthen local institutions, and actively dismantle neocolonial arrangements embedded in global trade governance. In this way, the thesis represents a contribution to a more reflexive and justice-oriented agenda in European studies. Finally, the thesis calls for a paradigm shift in European studies, calling for a shift away from compliance-driven and towards more balanced and historically sensitive regulatory frameworks. It highlights the importance of including local communities in decision-making and thus helping towards a more equitable European agenda, in accordance with calls for reform also made at international level.

6.4 Future Research Directions

Future research will be able to add to current research by going deeper into informal mining in the DRC and how developing blockchain technology is altering the transparency of mining

sectors. Exploring these topics is critical in understanding the fuller context of corruption informality because it is yet to be regulated by any worldwide legislation and could potentially lower some of the vagueness in the supply chain. Closing the enforcement loopholes of the Dodd-Frank Act and the EU Conflict Minerals Regulation may as well close the gap in research into enforcement systems, or how companies and local actors use these loopholes to flee control. Research on the foreign financial institutions such as tax havens or banks will disclose the correlation between domestic trends of corruption and international financial systems and extend the extractive regime. Another important key would be to include a broader set of interviews and perspectives, such as parliamentarians, community-based NGOs, and affected communities, to better understand on-the-ground effects. The thesis uses OECD Forum 2025 as its case study in analyzing the forces behind the regulation of mineral supply chains. With an analysis of the debate and tensions that existed, it lays out how complex contracts, decentralized legislation and relegation of marginal local communities halt real change. The Forum is turned into an instrument of asking questions about the limits of the European approach towards regulating. In exchange, the thesis propounds a future of participative government, harmonisation of regulation and historical accountability for truly responsible sourcing.

Appendix:

Key Elements of the Research and Interview Process

1. Introduction and Ethics

The researcher ensures that the participant understands the purpose of the interview and how the information will be used. Participation is voluntary, and the participant may skip any question or withdraw at any time. With consent, the interview will be recorded and kept confidential. Responses will be anonymized, and no identifying information will be shared without consent. This interview is part of the researcher's thesis on the impact of the Regulations (the Dodd-Frank Act's Section 1502 and the EU Regulation) on corruption in the DRC mining sector.

The interview guide explores the effectiveness of the Dodd-Frank Act and EU regulations, corruption mechanisms in the DRC mining sector, and the unintended consequences of regulation. It also addresses the challenges faced by artisanal miners, political dynamics, and regulatory capture, and seeks insights on potential policy improvements for combating corruption and promoting transparency.

Introductory Questions

- Can you tell me a little about yourself and your background?
- How did you first become involved with international affairs or the mining sector?
- Can you describe a typical day related to your work or research on conflict minerals?

Research Guide for Interviews

I. Regulatory Effectiveness & Comparison (EU vs. US)

- What are the main challenges in implementing the Dodd-Frank Act for conflict minerals?
- To what extent has the EU Conflict Minerals Regulation influenced how companies engage with supply chains or transparency requirements in the DRC?
- From your perspective, how does the EU's approach to regulation differ from the Dodd-Frank Act in terms of implementation and enforcement?
- Which of the two regulations (EU or US) do you think has had more impact on curbing corruption in the DRC mining sector, and why?

II. Corruption Mechanisms and Governance

- Can you share examples of how corruption manifests in the DRC mining sector today? Do you believe regulatory measures have improved financial transparency, or have illicit flows simply adapted in form?
- Are preferential agreements and opaque contracts still widespread? Have international regulations helped reduce them in any way?
- To what extent do weaknesses in local institutions or bureaucracy allow international firms to continue corrupt practices?
- How have regulatory loopholes and weaknesses in enforcement allowed illicit trade and corruption to persist in the DRC mining sector?

III. Regulatory Loopholes and Unintended Consequences

- Has the enforcement of these laws led to an increase in informal or illegal activities, like cross-border smuggling or fake certification?
- Do you think the focus on formal supply chains neglects or harms the informal sector, especially artisanal miners?

IV. Impacts on Artisanal Mining and Local Communities

- What impact have the Dodd-Frank Act and/or EU Conflict Minerals Regulation had on artisanal miners? Has their situation changed?
- Have compliance burdens or traceability rules made it harder for artisanal miners to operate legally or profitably?
- Are there support mechanisms (e.g., cooperatives, capacity building) to help artisanal miners meet regulatory standards — or are they largely excluded?

V. Political Dynamics & Regulatory Capture

- Have you observed signs of political or elite influence over how mining contracts are awarded or how regulations are enforced?
- Do European companies still exert significant influence over mining operations or contracts in the DRC? In your view, does their involvement affect the enforcement of transparency or due diligence rules?

VI. Policy Improvement and Future Direction

- In your opinion, what aspects of these regulations (EU or US) need to be changed to make them more effective in reducing corruption?
- What should international actors do differently to support transparency, local empowerment, and real anti-corruption progress in the DRC mining sector?

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