Upstream Implementation of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas

Final Report on one-year pilot implementation of the Supplement on Tin, Tantalum, and Tungsten

January 2013
TABLE OF CONTENTS

SECTION I: INTRODUCTION ........................................................................................................5
SECTION II: METHODOLOGY ..................................................................................................6
SECTION III: HIGH LEVEL FINDINGS ...................................................................................9
  Key trends and common practices .........................................................................................9
  Remaining challenges ........................................................................................................10
SECTION IV: IMPLEMENTING THE OECD GUIDANCE IN THE ICGLR COUNTRIES: IS DUE DILIGENCE A DRIVER FOR CHANGE? .................................................................11
  The early stages of due diligence implementation .............................................................11
  The integration of due diligence in national legal frameworks and ongoing initiatives ........15
  Development of new sourcing models - Solutions for Hope and the Partnership for Social and Economic Sustainability .........................................................18
SECTION V. MEASURES TAKEN BY UPSTREAM INDUSTRY TO IMPLEMENT DUE DILIGENCE .................................................................33
  Description of the participants .........................................................................................33
  Detailed findings on due diligence implementation .........................................................34
  STEP 1: Establish strong company management systems ............................................34
  STEP 2: Identify and assess risks in the supply chain ....................................................38
  STEP 3: Design and implement a strategy to respond to identified risks .....................39
  STEP 4: Carry out independent third-party audits .........................................................41
  STEP 5: Report annually on supply chain due diligence ................................................42
SECTION VI – CHANGES ON THE GROUND: ACHIEVEMENTS, ONGOING CHALLENGES AND LESSONS LEARNT .................................................................43
  Achievements in the past 18 months ..............................................................................43
  On-going challenges .......................................................................................................43
  Lessons learnt .................................................................................................................46
ANNEX 1 ..................................................................................................................................47
ANNEX 2 ..................................................................................................................................77
SECTION I: INTRODUCTION

This report is the final in a cycle of three reports on the pilot implementation by upstream companies of the Supplement on Tin, Tantalum and Tungsten of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (hereafter “the OECD Guidance”). The goal of the report is to provide an overall assessment of the progress and impact of the one-year pilot implementation phase of the OECD Guidance and its Supplement on Tin, Tantalum and Tungsten.

The pilot implementation phase of the Guidance focused on Africa’s Great Lakes region (GLR) and was carried out during the period August 2011 to October 2012. Drawing on lessons from the ground, this final report identifies key trends and common approaches to overcome challenges, as well as tools used by companies to implement the OECD Guidance.

The Terms of Reference of the pilot implementation phase were adopted on the 5 and 6 May 2011 during the ICGLR-OECD-UN meeting on the implementation of due diligence. In accordance with the Terms of Reference, this report does not attribute any activity or information to specific participating companies. Companies have also been given the choice to disclose their participation in the pilot programme. A description of companies and industry associations participating in the pilot can be found at page 33.

Section II provides a detailed and chronological description of the research methodology underlying the findings of the report.

Section III presents the high level findings of this report. Building up on the findings of the previous reports, this Section further elaborates on key issues resulting from the one-year pilot phase.

Section IV provides an overall assessment of the progress and initial impact of the implementation of the OECD Guidance since its adoption in May 2011 until the end of the pilot phase in November 2012. Over this period, three different phases of the implementation of the Guidance have been identified.

Section V describes how due diligence practices have evolved over the one-year pilot implementation phase. It also provides illustrative examples of due diligence practices, as well as challenges and effective approaches to overcome them according to the five steps of the OECD Guidance.

Section VI focuses on lessons learnt during the one-year pilot implementation and pinpoints the tangible results achieved so far.

Section VII contains recommendations for next steps to follow up on the pilot phase and improve due diligence practices in the 3T upstream supply chain.

Relevant documents and materials referred to in the report are reproduced in the Annexes.
SECTION II: METHODOLOGY

The preparatory research and drafting of this report was carried out by two IPIS\(^1\) consultants, hereafter referred to as “the team”, working in close consultation with the OECD Secretariat. The upstream portion of the pilot began in August 2011 and culminated in November 2012.

IPIS conducted in-region research for the three reporting cycles, collected and analysed data with 69 upstream companies that volunteered to participate. The companies reported to the team and to the OECD through standardised questionnaires. The team gathered further information through workshops as well as through follow-up discussions with pilot participants on the progress achieved and challenges faced while carrying out the due diligence steps recommended in the OECD Guidance 3T Supplement.

The pilot implementation phase was launched upon approval of the Terms of Reference for the pilot implementation phase of the Supplement on Tin, Tantalum and Tungsten at the 5-6 May 2011 ICGLR-OECD-UN Group of Experts (GoE)\(^2\) meeting on the implementation of the OECD Guidance. Standardised questionnaires on due diligence implementation were prepared for the different levels of actors in the upstream supply chain. These included mining companies and co-operatives, mineral exporters (comptoirs), international concentrate traders and mineral re-processors and mineral refiners/smelters. In the first cycle, 51 companies volunteered to participate in the pilot, either individually or through the joint industry due diligence programme developed by ITRI Ltd\(^3\) supply chain initiative (iTSCI).

Questionnaires were distributed in August 2011. The team undertook a first field mission in DRC and Rwanda from 6 to 30 September 2011. During the mission, individual meetings with 25 participants in the pilot and 30 semi-structured interviews with other stakeholders on 3T production and trade were conducted. The findings of the first reporting cycle are contained in the baseline report,\(^4\) which was discussed at the 29-30 November 2011 ICGLR-OECD-UN GoE\(^5\) meeting on due diligence implementation and subsequently published.

The second reporting cycle began in December 2011. The OECD Secretariat revised the questionnaire that had been used during the first cycle, rendering it more accessible.

In addition to the 51 companies that participated in the first cycle, 18 more companies signed up to the project during the second reporting cycle. In mid-January 2012 revised questionnaires were sent out to the 69 participants based in the Great Lakes Region. A separate questionnaire tailored to joint industry-wide schemes designed to operationalise the OECD Guidance was sent out to the Secretariat of the iTSCI Programme.

---

1 International Peace Information Service is a Belgium based research institute, which studies the exploitation of natural resources in Central Africa.
3 International Tin Research Institute. Current iTSCI Steering Committee members are the Tantalum-Niobium International Study Center (T.I.C) and ITRI Ltd.
4 The baseline report is accessible on the OECD website: http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm
The team carried out a second field mission covering the Democratic Republic of Congo (DRC), Rwanda and Burundi, from the 28 January to 17 February 2012, meeting with participants and conducting semi-structured interviews with key players from government agencies supervising the mining sector, industry and civil society. The team and Pact, a US-based non-governmental organisation which is implementing the iTSCi programme, co-organised two workshops on the implementation of due diligence in the Kivus. These exercises, held in Goma and Bukavu, were attended by economic actors participating in the pilot project (co-operatives, associations of négociants, comptoirs); representatives of the state services supervising the mining sector (SAESSCAM, Division des Mines, CEEC); civil society and other relevant stakeholders (namely, the Police des Mines and the VIII Région Militaire, the army regiment deployed in South Kivu).

The report released after the second reporting cycle, hereinafter interim progress report, aimed at providing a detailed analysis of the progress made by participants in the implementation of the five-step due diligence framework.6

This final report aims at providing an overall assessment of the progress and initial impact of due diligence after one year of pilot implementation in the 3T upstream supply chain. The final report identifies lessons learnt and remaining challenges and suggests next steps for post-pilot implementation of the OECD Guidance.

Fieldwork for this report took place between 8 August and 3 September, 2012 in the DRC, Rwanda, Burundi and Uganda. In each of these countries the team engaged with the economic actors that are participating in the pilot.

The team also carried out semi-structured interviews with local civil society organisations in the DRC (Kinshasa-based Antenne of CENADEP, the Goma-based BEDEWA and the Bukavu-based OGP and BEST);7 international civil society (World Vision in Lubumbashi and Search for Common Grounds in Goma); local staff of Pact; the main DRC government agencies overseeing the mining sector (SAESSCAM in Lubumbashi, CEEC in Kinshasa, Division des Mines in Goma); donors (USAID) and also met informally with the delegation of iTSCi during their field visit to Katanga.

The team also attended a meeting of the Comité de Pilotage (CdP) in Lubumbashi, Katanga. This is a high-level meeting chaired by the provincial Minister of Mines, bringing together the heads and representatives of different services supervising mining activities, all the companies active in the 3T sector, as well as the main co-operatives and NGOs. The CdP is intended to serve as a platform to advance the debate on due diligence and provide a layer of provincial monitoring and response to challenges, including outstanding incident reports from the iTSCi programme.

In Burundi, the team met with one of the two pilot participants as well as with representatives of the Ministry of Energy and Mines, who provided an in-depth analysis of the 3T sector in the country and an overview of the government’s endeavours to regulate the sector and promote due diligence implementation. The team also visited the ICGLR Secretariat and conducted extensive interviews with

---

6 The interim progress report is accessible on the OECD website: http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm

7 CENADEP is the Centre National d’Appui au Développement et à la Participation populaire; BEDEWA is the Bureau of Studies, Observation and Co-ordination of Regional Development; OGP is the Observatoire Gouvernance et Paix; BEST is the Bureau d’Etudes Scientifiques et Techniques.
both the Office of Democracy and Good Governance and with representatives of the German development agency *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ), which provides technical support to the ICGLR.

In Rwanda, the team met with four pilot participants; the Geology and Mines Department; the *Bundesanstalt für Geowissenschaften und Rohstoffe* (BGR); and the local representatives of Pact.

In Uganda, the team met with representatives of the 3T industry and with a senior World Bank consultant who had conducted research to map out challenges in the Ugandan artisanal mining sector.

After completing the field mission, the team engaged with the eleven participants who are not based in the Great Lakes region and conducted several semi-structured interviews with stakeholders based in Europe and North America, including but not limited to international traders participating in the pilot project and/or initiatives to enable responsible sourcing.

The EICC-GeSi Conference, held in Brussels in September 2012 offered the opportunity to engage in consultations with downstream buyers; representatives of the CFS programme; representatives of Solutions for Hope; members of the PPA (namely USAID and the Canadian NGO, Partnership Africa-Canada); international civil society and pressure groups (Enough Project, Global Witness, Free The Slaves). These post-field interviews complemented the information gathered during the in-region visits.
SECTION III: HIGH LEVEL FINDINGS

Key trends and common practices

- During the first cycle of the pilot implementation phase, the IPIS team often encountered a sceptical attitude from economic actors towards due diligence, especially in the DRC. The second cycle showed early signs of change, and during the third reporting cycle the team observed growing commitment on the side of participants to proceed with the implementation of the OECD Guidance. This shift in attitudes reflects various key factors that greatly impacted on-the-ground efforts to implement due diligence. Changes in the DRC legal framework, the enactment of Dodd-Frank Section 1502 and new requirements set by downstream industry (like those contained in the Conflict-Free Smelter programme) as well as upstream industry (through the iTSCi programme, together with a deeper understanding of due diligence as an opportunity to meet downstream customers’ expectations, led to a gradual but steady shift from reluctance to progressive meaningful engagement.

- The iTSCi programme has expanded over the last twelve months and pilot projects like the Partnership for Social and Economic Sustainability and Solutions for Hope have become operational in Katanga, thus creating market access opportunities for responsibly sourced minerals from both Rwanda and the DRC. The pilot projects use closed pipelines relying on joint industry schemes designed to implement due diligence upstream and downstream in the supply chain (namely iTSCi and the Conflict-Free Smelter programme, CFS).

- The recently launched Conflict-Free Tin Initiative (CFTI), developed within the framework of the pilot implementation phase of the OECD Guidance, has created market opportunities for responsibly sourced tin from one mine in the province of South Kivu in the DRC. Together with Solutions for Hope and the Partnership for Social and Economic Sustainability, this pilot project shows an increased level of reliance on industry programmes designed to operationalise due diligence in the 3T upstream supply chain. Co-ordination among existing initiatives and increased co-operation between downstream and upstream actors in the supply chain through direct involvement of downstream companies in upstream due diligence or through donor facilitation is emerging as a common feature.

- There is potential for growing convergence towards common understanding of due diligence expectations thanks to the common reference to the OECD Guidance at national, regional and international level. This creates opportunities for donors, public-private partnerships and regional organisations like the ICGLR to foster progressive alignment and secure financial support for scaling up existing sourcing schemes.

- It is estimated that the impact of 3T mining on conflict has been significantly reduced and the recent escalation of violence in the Kivus has heightened awareness of the need to carry out due diligence in conflict-affected and high-risk areas.
Remaining challenges

- **Opportunities for co-ordination, dialogue and synergies need to be further explored and seized, to maximize the impact of different initiatives on the ground, minimise risk of duplication of efforts, reduce costs and increase transparency in the sector. In particular, donors can exercise their leverage to promote the progressive integration of donor-sponsored initiatives into regional certification efforts.**

- **Most participants have not adopted a risk management plan; further capacity-building efforts are needed to ensure that upstream actors design and implement thorough plans to mitigate risks arising in their supply chains.**

- **During the one-year pilot implementation phase, participants have increasingly developed a deeper understanding of the OECD Guidance; yet further capacity-building efforts are needed to ensure that all economic actors active in the 3Ts sector in the GLR get acquainted with the concept of due diligence and the tools/schemes developed to properly implement it.**
SECTION IV: IMPLEMENTING THE OECD GUIDANCE IN THE ICGLR COUNTRIES: IS DUE DILIGENCE A DRIVER FOR CHANGE?

The following section provides an overall assessment of the progress and initial impact of the implementation of the OECD Guidance since the completion of the multi-stakeholder negotiating phase in December 2010 (leading to the formal adoption of the OECD Council Recommendation on Due Diligence Guidance in May 2011) until the end of the pilot phase in November 2012. Over this period, three different phases of the implementation of the Guidance can be identified.

The first phase started in December 2010 and ended in March 2011 with the lifting of the suspension of the presidential ban in eastern DRC. During that phase, industry programmes made initial efforts to get acquainted with the OECD Guidance, and early plans of aligning existing initiatives with the five-steps due diligence framework were designed. Meanwhile, the authorities of Rwanda and of the Katanga province in the DRC took measures to protect their mineral trade from potential embargoes. This first phase is discussed under subsection one, The early stages of due diligence.

The second phase of implementation, covering the period from April 2011 to April 2012, is discussed under subsection two, Integrating due diligence in national legal frameworks and ongoing initiatives. This phase of implementation was characterised by a piecemeal approach, during which due diligence was implemented by a range of different actors in a fragmentised way. Importantly, this period was also marked by the start of downstream involvement in upstream due diligence implementation through the sourcing programme “Making Africa Work” (now referred to as "Partnership for Social and Economic Sustainability"), Solutions for Hope as well as the creation of the Public Private Alliance for Responsible Mineral Trade.

Subsection three, Advancing due diligence and exploiting the potential for synergies and opportunities for co-ordination across existing initiatives in the GLR, describes the third phase of implementation. During this phase, the Congolese government has taken a series of measures to advance the implementation of due diligence. Importantly, this phase is also marked by the actions of donors to break through the de facto embargo that was faced by the Kivus for over a year.

During this time period, sourcing programmes and industry initiatives, namely iTSCi, have consolidated and the potential for harmonisation is being explored.

The early stages of due diligence implementation

The early stages of the implementation of the Supplement on Tin, Tantalum and Tungsten in the Great Lakes Region have been largely influenced by governmental and industry decisions (see box), reacting in large part to the regulatory pressure after the US Dodd-Frank Section 1502 on conflict minerals.

In Maniema, North and South Kivu, The DRC Government imposed a ban on all mining activities, commencing on 1 September 2010, which was lifted in mid-March 2011. Alongside the ban, which was largely understood as a response to growing international pressure for the DRC government to take action, President Kabila also called for the redeployment of the brigades of the 8th Military Region, including those units comprised primarily of ex-CNDP members. According to most commentators, the

consequences of this presidential suspension were mostly negative. The security situation did not improve, criminal networks within the FARDC strengthened their positions, the livelihood of the local population was significantly affected and room for due diligence implementation was very limited.

Box 1. EICC-GESI and the Conflict-Free Smelter program

In September 2009 GESI-EICC organised the first in a series of workshops with representatives of the tantalum supply-chain. By the end of the year, the same stakeholders decided to develop a smelter certification program, involving the piloting of a purchasing process to be initiated in the DRC, which should ensure that smelters source from socially and environmentally responsible mines. Subsequently, another report was commissioned, this time from the US NGO Resolve, who was tasked to trace tin and tantalum (and cobalt) as far up as possible into their supply-chains.

Resolve therefore recommended, among other things, that end-users should use their leverage on smelters to jointly design a “conflict-free” verification mechanism. The CFS was launched in December 2010. CFS audits are intended to help companies satisfy reporting requirements under Section 1502 of the Dodd-Frank Act.

The lifting of the presidential ban in the DRC occurred just one month prior the introduction of new industry requirements set by the electronics end-user industry that developed the Conflict-Free Smelter programme intended to help companies subject to US law to meet new disclosure requirements. After 1 April 2011, all smelters aiming to obtain a conflict-free status had to show documentation from a credible in-region sourcing programme verifying their conflict-free sources. This requirement translated in practice into a refusal of companies to buy minerals that were not tagged by the iTSCi system, the only in-region sourcing programme that was considered credible by the CFS programme at that point in time. Since the iTSCi tagging scheme was only available in the DRC province of Katanga and in Rwanda, the two Kivu provinces and Maniema continued to face a de facto sourcing embargo.

iTSCi was not able to establish on those three provinces due to the general downstream concerns on the possible impacts of the conflict there, and due to the issue of the disposal of older stocks, as well as lack of financial support.

To avoid a de facto ban on their minerals and meet market expectations created by regulatory pressure and downstream industry adjustments to it, the Rwandan authorities introduced binding traceability requirements alongside a ministerial regulation covering smuggling in mineral trading (adopted on 10 March 2011). According to article 4 of this regulation, “transportation of minerals is only allowed, when the consignment shows the source mine, its value and when it has the right tag”.

---


Following a Memorandum of Understanding signed in September 2010 between ITRI and the Rwandan mining authorities, 80% of the mineral supply chain was included in the Rwandan tagging system by the end of March 2011.\textsuperscript{12}

First steps of the DRC Katangese provincial government to take ownership over its 3T mineral sector date back to 9 October 2009, when a provincial arrêté in Katanga\textsuperscript{13} established that mineral ore mined in Katanga should be exported exclusively via the province export hubs and could not be transferred to export points in other Congolese provinces. With the launch of iTSCi in the province at the end of March 2011, made possible by local industry support, Katangese 3T minerals continued to have international market access.

At regional level, the OECD Guidance was endorsed by the Lusaka Declaration in December 2010, which called for the harmonisation of donor efforts and existing initiatives, such as iTSCi and Certified Trading Chains (CTC), with the overarching Regional Initiative on Natural Resources (RINR). The declaration officially adopted the six tools of the (RINR) to curb the illegal exploitation of natural resources in the region, namely (1) a regional certification mechanism (RCM) for Tin, Tantalum, Tungsten and gold; (2) harmonisation of national legislation; (3) formalisation of the artisanal mining sector; (4) a regional database on mineral flows; (5) a whistle-blowing mechanism; and (6) promotion of the Extractive Industries Transparency Initiative (EITI).\textsuperscript{14}

\begin{center}
Box 2. iTSCi *
\end{center}

ITRI is a UK-based industry association assembling economic actors in the tin supply chain from mine to smelter level. In 2009 ITRI started developing a traceability system, called the “ITRI Tin Supply Chain Initiative” (iTSCi), using uniquely numbered tags, which allows companies to confirm the actual source and trading chain of the minerals they purchase.

The programme has Memoranda of Understanding in place with the Governments of DRC, Rwanda and Burundi, as well as with the ICGLR. iTSCi is currently operational in around 500 mines in Rwanda and the Katanga Province of the DRC and has 43 accepted members, 37 provisional members and four associate members spread over 17 countries. Moreover the iTSCi programme supports the practical implementation of the OECD’s Due Diligence Guidance as well as the UN Security Council Resolution 1952/2010 due diligence guidelines. iTSCi has contracted Channel Research to conduct risk assessments and audits for the programme, which are a useful tool for companies to establish their due diligence practices, in addition to the ground teams of Pact supporting on-going risk monitoring.

\* This paragraph is based on ITRI, Tin Supply Chain Initiative: iTSCi Membership Programme (https://www.itri.co.uk/index.php?option=com_mtree&task=att_download&link_id=52320&cf_id=24)

\begin{flushleft}
\textsuperscript{12} Channel Research, \textit{ITSCi Risk Assessment Rwanda, Key issues and Recommendations for mitigation measures}, p. 14.
\textsuperscript{13} Provincial Decree No. 2009/0035, Arrêté provincial instituant les modalités de transfert de la cassitérite et ses accompagnateurs de la province du Katanga vers d’autres provinces, 9 October 2009.
\textsuperscript{14} ICGLR, \textit{The six tools of the RINR}, (www.icglr.org/IMG/pdf/THE_SIX_TOOLS_OF_THE_RINR.pdf).
\end{flushleft}
Established in 2004, the ICGLR is the highest-level peace process in the African Great Lakes Region. At a December 2006 summit, the ICGLR adopted a stability Pact for the region, containing ten Protocols, which entered into force in June 2008.* The “Protocol on the fight against the Illegal Exploitation of Natural Resources” provides the legal basis for the Regional Initiative on Natural Resources (RINR). The commitment to implement the RINR, was finally signed by all heads of the eleven ICGLR member states at a summit in Lusaka in December 2010.**

As far as the RINR is concerned, all decisions are discussed in a Steering Committee formed by mining sector representatives of the eleven member state governments, meeting two times a year. The Steering Committee formulates recommendations that are subsequently endorsed either by the Regional Ministerial Committee (RIMC) or the heads of state special summits.

### 6 tools of the RINR

- Whistle-blowing mechanism
- Regional certification mechanism
- Harmonisation of national legislation
- Regional database
- Formalisation of the artisanal mining sector
- Promotion of the EITI

---


**Available at https://icglr.org/spip.php?article89
The integration of due diligence in national legal frameworks and ongoing initiatives

The following subsection describes the second phase of implementation from April 2011 to April 2012. The iTSCI programme continued to expand throughout Katanga and Rwanda with mapping and evaluations of all mine sites, while multi-stakeholder fact-finding missions validated some mine sites in both North and South Kivu to enable ICGLR certification. This phase of implementation was characterised by a piecemeal approach, during which due diligence was implemented by the different actors in a fragmented way.

In February 2012 the Congolese government took the lead on national implementation of the RINR by signing an *Arrêté Ministériel* implementing the Regional Certification Mechanism (RCM) of the ICGLR in the DRC. One month later, the Regional certification system was equally adopted into Rwandan legislation. Following the harmonisation of the ICGLR standards with the OECD Guidance, the legal adoption of the RCM led to the full alignment of conflict-related certification requirements in the national legal framework of the DRC and Rwanda with upstream actors’ due diligence recommendations in accordance with international standards. The DRC went a step further by adopting an administrative decree, which sanctions exporters’ non-compliance with the OECD Guidance with the suspension of their trading licence. Implementation of due diligence by upstream actors in the supply chain thus became an enabling factor for the successful implementation of the ICGLR RCM.

This period was also marked by the start of downstream involvement in upstream due diligence implementation as recommended in the OECD Guidance through sourcing programmes like Making Africa Work and Solutions for Hope and the creation of the Public Private Alliance for Responsible Mineral Trade.

Developments in the DRC

Following the disruption in trade during the presidential ban, the DRC government undertook serious attempts to reform the 3T-mining sector to meet new market demand for conflict-free minerals driven by regulatory pressure and simultaneously satisfy new international standards for responsible sourcing developed jointly with the OECD through the co-operation established with the ICGLR. Prior to lifting the presidential suspension of all mining activities in March 2010, all stakeholders of the mining sector were asked to sign an *Acte d’engagement* under which they committed to contribute to formalisation efforts, traceability and certification initiatives led by the Congolese government within the framework of the International Conference of the Great Lakes Region (ICGLR). In addition to these Actes, the national Minister of Mines called for the creation of *Commissions de suivi des activités minières* at provincial level, comprised of the signatories to the *Actes d’engagement*.

On 18 April 2011, the national Minister of Mines approved the terms of reference to validate mine sites as a first step towards certification efforts. In principle, validation missions and reports could have generated useful information for upstream companies carrying out risk assessment for due diligence purposes. A first multi-stakeholder validation mission covering the mines around the trading centre

---

15 Signatories are governmental stakeholders (Mines Minister, provincial Governors, SAESSCAM, CEEC, Administration des Mines, Cadastre Minier); civil society; economic actors (artisanal miners, co-operatives, négociants, comptoirs, transport firms).

16 The missions are composed by the administration des mines, SAESSCAM, the Mining Police, the Cabinet du Ministre Provincial des Mines, MONUSCO, the private sector and civil society.
(centre de négoce) of Mugogo took place in June-July 2011 and a second mission visiting the mines around the Rubaya centre was carried out in August 2011. Following these validation missions 19 sites were declared “green”, meaning that mining operations could be carried out and minerals sold. The findings of the validation teams are valid for a period of six months, starting from the date of the signature of validation reports by Ministerial decree. However, the fact that the Ministerial decree was only signed on 23 March 2012, more than seven months after the missions took place, undermined the credibility of the process, considering the ever-evolving security dynamics on the ground, and limited the potential use of validation mission reports by upstream companies for the purposes of their risk assessments.

**Box 4. Centres de Négoce**

The qualification of the mines sites was originally foreseen in the context of the *Centre de Négoce* project, which was launched in 2009 and jointly executed by the Congolese government and the UN Stabilisation Mission in the DRC (MONUSCO). The project aims at setting up mineral trading centres, where minerals are sold, bought, analysed and taxed, while traceability procedures are properly applied. A fixed transport route (by air or over land) would link the trading posts to regional hubs such as Bukavu or Goma. MONUSCO is tasked with, among other things, the rehabilitation of roads towards the trading centres and with training the Mining Police. At the point of writing, all planned centres have been built, with the exception of Itebero. However, none of them is operational yet. Progress could be hindered by a number of difficulties related to the choice of their location.

On 6 September 2011, the DRC government issued a *note circulaire*, requiring all companies to implement due diligence in accordance with the OECD Guidance and UN GoE on the DRC due diligence guidelines. While the document stipulates that, within 45 days of issuance, a mission will take place to verify if economic actors are implementing the recommendations, the DRC government has indicated to the UN GoE that it will require technical assistance in order to determine whether economic actors are engaged in the process of meeting this new requirement.

**First steps to implement the ICGLR framework in ICGLR countries**

From 7 to 9 November 2011, the ICGLR Steering Committee convened in Bujumbura for its 5th meeting. Progress was made on Tool 2 of the RINR, Harmonisation of Legislation, by adopting model legislation entitled “The Prevention and Suppression of the Illegal Exploitation of Minerals in the Great Lakes Region Act”, also known as the “Model Law” which is fully harmonised with the OECD Guidance. As far as the RCM tool of the RINR is concerned, considerable progress was made through the formal adoption of the Regional Certification Manual.

The DRC took the lead on national implementation of the RINR by signing an *Arrêté Ministériel*.

---

17 The findings of the validation team deployed in the territories of Kabare, Mwenga and Walungu (South Kivu) report that eight sites qualify as “green”, twelve sites qualified as “yellow” and five sites as “red”. The validation team deployed in the territory of Masisi (North Kivu) determined that eleven sites meet the criteria to qualify as “green”, followed by ten “yellow” and four “red” sites.

18 See arrêté ministeriel 0189/CAB.MIN/MINES/01/2012.

implementing the Regional Certification Mechanism of the ICGLR in the DRC on 29 February 2012. The \textit{Arrêté} obliges any actor involved in the chain of custody in the DRC to adopt and respect the OECD-compliant standards of the ICGLR Regional Certification Mechanism. In keeping with the OECD Guidance, Article 8 of this Ministerial Order requires economic actors to exercise due diligence to ensure that they do not contribute to human rights abuses or conflict in the DRC. The same article also establishes that every actor is obliged to incorporate the standards established by the OECD Guidance into their management systems. Article 9 states that third-party audits of exporters will be conducted in accordance with standards and procedures of the ICGLR Certification Manual and Annexes I, II and III of the OECD Guidance. Since ICGLR audits will be consistent with OECD requirements, they may provide upstream actors in the supply chain goods basis for carrying out their own on-the-ground risk assessments as outlined in Step 2 of the Guidance.

One month later, the RCM was adopted by Rwanda through MINIRENA\textsuperscript{21} No. 02/2012 of 28 March 2012. While the regulation does not make explicit reference to the OECD Guidance, conflict-related standards are indirectly incorporated by virtue of harmonisation with the ICGLR certification scheme. The five-step framework, as well as conflict-related standards under Annex II of the OECD Guidance, have been integrated into the criteria to generate the Mine Inspection Report (reproduced in the Annexes) for certification purposes.

Uganda has prepared a draft revision of the mining act of 2011, which includes ICGLR provisions. However since textual modifications still need to be done, the draft is not yet publicly available. Likewise, Burundi is in the process of revising its \textit{Code Minier}. The final version, envisaged for the end of 2012, is likely to contain an integration of the elements of the ICGLR Model Law. At the end of June 2012, the German co-operation agency GIZ organised a workshop on Legal Harmonisation in Kampala where best practices and challenges were shared amongst the representatives of ten ICGLR countries.

In interviews with the team, mining officials from the Burundian Ministry of Energy and Mines, officials from the Bujumbura-based ICGLR Secretariat as well as representatives of companies participating in the OECD pilot implementation phase reported that smuggling of Congolese minerals through Burundi is still an on-going problem that needs to be addressed. Furthermore, longstanding problems such as child labour and low standards of health and safety for miners still need to be solved.

In the first half of 2012, the Burundian Government took steps to integrate Burundi into the main international initiatives for building conflict-free and transparent supply chains of 3T minerals. A new Mining Code has been finalised and is being reviewed by the Cabinet.\textsuperscript{22} Upon the Cabinet’s approval, it will be examined by the National Assembly, and then by the Senate. At the point of writing, Burundian mining officials have confirmed that the new Mining Code will be officially adopted by the end of 2012.

The new Code will be harmonised with the RINR and will incorporate the provisions of the ICGLR Model Law for the integration of the Regional Certification Mechanism in national legislation. Although Burundi is not yet ready to issue ICGLR certificates, mining officials consider harmonisation to be a key step forward as it shows Burundi’s full commitment to implement the regional framework.

\textsuperscript{20} Arrêté ministeriel portant mise en œuvre du mécanisme régional de certification de la Conference Internationale de la Region des Grands Lacs, 29 February 2012.

\textsuperscript{21} MINIRENA stands for Ministry of Natural Resources.

\textsuperscript{22} IPIS interview with \textit{Direction Mines et Carrières}, September 2012.
Burundian authorities are working with iTSCi to initiate tagging as soon as possible. Following the signature of the Memorandum of Understanding between iTSCi and the government of Burundi in November 2011, the Partners had fruitful meetings in August 2012, but limited production and lack of donor support have made it difficult to justify commencing the programme.

Thirty mine sites have already been identified for tagging, and a team of fifteen people is currently being recruited to act as field agents for iTSCi/Pact and tag the bags. Their office will be located in Ngonzi, in Northern Burundi. The main 3Ts exporters of the country (a total of eighteen companies) expressed high interest in becoming iTSCi members, if start-up funding for the programme is found.

Another change worth noting in this context is the significant restructuring of the Burundian mining sector; the World Bank, through a sponsored project designed to encourage the progressive formalisation of artisanal miners over the period 2006-2010, has greatly contributed to shaping the current Burundian mining landscape. Diggers were encouraged to join co-operatives or associations, and each association was granted a permit to operate on a specific mining territory. These associations are also responsible for the organisation of the work on site, as well as for guaranteeing the miners’ access to basic formal documentation (such as the carte de creuseur).

Development of new sourcing models – Solutions for Hope and the Partnership for Social and Economic Sustainability

While the exporters in the Kivu provinces continued to struggle for market access for their minerals, the Katanga province saw the development of a new sourcing model. In July 2011, Motorola Solutions and the tantalum capacitor manufacturer AVX Corporation launched Solutions for Hope (SfH) to source conflict-free tantalum from the DRC using a closed-pipe supply line with a defined set of suppliers from the mine to the end-user. The pipeline processes minerals smelted by F&X at their facilities in the Guangdong province in China and originating from three mines in Northern Katanga (Mai Baridi, Kisengo and Luba) where Mining Mineral Resources (MMR) owns research permits.

At all three mines, artisanal miners and négociants (local traders) are members of the Coopérative des Artisanaux Miniers du Congo (CDMC), the largest co-operative of the province, which has played a key role in raising awareness of due diligence for responsible sourcing of minerals since April 2011. Traceability of minerals from mine site in the DRC up to the smelter in China is ensured by the iTSCi traceability system.

23 Ibidem.
24 “Solutions for Hope” Project Offers Solutions and Brings Hope to the People of the DRC (http://solutions-network.org/site-solutionsforhope/).
25 IPIS interview with SAESSCAM in Lubumbashi, August 2012.
Before export, the AVX Corporation takes ownership of the minerals, buying them at a global market price (i.e. the unofficial Metal Page price being used for this), with added value retained in the region. However, on this point some concerns have been raised by an audit that was conducted by an independent auditor in February 2012. Even though AVX pays the market price to MMR, a risk seems to have emerged that MMR’s and CDMC’s pricing structures do not guarantee that diggers can negotiate the prices with the co-operative buyers. MMR and CDMC were therefore encouraged to engage in a greater communication and transparency effort towards the creuseurs, to make sure that open discussions and negotiations take place. To this end, the team engaged in further consultation with MMR, who pointed out that the price of minerals in the DRC is monitored at governmental level, following new requirements approved in October 2012, where a minimum price for on-site purchases is set. Hence, at all MMR sites the price is currently being decided by the company together with a wide range of stakeholders, taking into account the official minimum price.

Since the start of the Solutions for Hope (SfH) pilot, where only five companies were involved, membership has increased significantly. Today, a second smelter, the US-based Global Advanced Metals, and seven other end-users are participating in the project, bringing the total of participating companies to thirteen. During the first year of the project, AVX made a total of seven shipments of ore lots, a quantity that represents 114 tonnes of tantalum ore, roughly 10% of AVX annual needs. AVX and MMR have now negotiated a long-term contract under which monthly shipments will take place.

---

26 Metal Page is not an official price, but rather the best estimate of current prices made by the journal itself.
28 Note circulaire No. 10.7/097/CABMIN/AGRIPEL/KAT/2012 of 27 October 2012.
29 All participants: AVX, Coopérative Des Artisanaux Miniers du Congo (CDMC), F&X, Flextronics, Foxconn, Global Advanced Mining (GAM), HP, Intel, Mining Minerals Resources (MMR), Motorola Mobility, Motorola Solutions, Nokia, Research In Motion (RIM).
30 Data as at October 2012; it should be noted that reference is made to gross metal ore weight, not to tantalum pentoxide T025.
Independent third party auditors have audited the entire supply chain of SfH. As far as the upstream suppliers are concerned, the due diligence processes implemented by MMR and CDMC have been thoroughly evaluated in July 2011 and in February 2012.\(^{31}\)

The available evidence disclosed in the audits suggests that mining output tagged as originating from Mai Baridi and Luba does come from these mines, as the risk of external material contaminating the supply chain prior to tagging is very low. In terms of linkages with conflict or armed groups, no evidence suggests that armed groups benefit directly or indirectly from the minerals trade at these CDMC/MMR mines. As at 2011, the overall finding concerning the conflict-free status of Mai Baridi and Luba is that it has been met.\(^{32}\)

In early 2012 KEMET, one of the world’s largest users of tantalum, launched a comprehensive plan whereby tantalum ore is sourced directly from the conflict-free Katanga Province of the DRC and delivered to CFS-certified smelters for processing in a closed-pipe system. The KEMET-driven “Partnership for Social and Economic Sustainability” is a vertically integrated supply chain for the manufacture of tantalum capacitors. KEMET has committed that it will cease doing business with any supplier that cannot prove their supply chain is free of conflict materials. In addition, the Partnership for Social and Economic Sustainability includes a social sustainability investment of $1.5 million over a two-year period for infrastructure development and improvements such as the construction of schools, health clinics and fresh water wells around Kisengo.


\(^{32}\) Ibid.
The creation of the Public-Private Alliance for Responsible Minerals Trade (PPA)

In November 2011, the US Agency for International Development (USAID) and a coalition of private sector partners and civil society launched the Public-Private Alliance for Responsible Minerals Trade (PPA) in Washington, DC. The PPA is part of a broader framework of US aid policy and programmes aimed at breaking the link between the illicit minerals trade and human rights abuses.\(^3\)

The PPA is intended to serve as an information hub where diverse actors can co-operate to help support the DRC’s transition towards a conflict-free mineral producing and exporting country. Although primarily a platform for communication, exchange and mutual support, the PPA holds potential for maximising time, resources and impact. It brings together the financial and technical assets of public, private and non-profit stakeholders and assists existing conflict-free sourcing mechanisms.

The US Department of State and USAID have allocated approximately $3.2 million in the PPA to support certification and traceability schemes.\(^4\) At the point of writing, 30 companies, trade associations and other organisations are part of the PPA.


\(^4\) Ibid.
In early 2012, a delegation of the PPA undertook a field mission to the Great Lakes region, where they visited stakeholders in Katanga, the Kivus and Rwanda. The aim of this mission was to assess how traceability schemes for mineral supply chains from conflict areas have developed and which steps should be taken to move forward.

A report released by the PPA team that took part in the visits highlighted lessons learned and presented gaps/challenges that need to be addressed such as the need to lower costs for traceability in Katanga, as well as improving the accessibility and accuracy of data. The report elaborates on the possibility of strengthening initiatives in South Kivu, namely by establishing a closed pipeline on the Nyabibwe-Bukavu axis, a project that has been taken up by the Dutch-sponsored Conflict-Free Tin Initiative from the Kalimbi mine. Earlier this year, the PPA made a call for proposals of projects (to be submitted by June 2012) to improve governance and foster transparency in the mining sector.

**Advancing due diligence and exploiting the potential for synergies and opportunities for coordination across existing initiatives in the GLR**

The following subsection describes the third phase of implementation, which is still ongoing. During this phase, the Congolese government has taken a series of measures to advance the implementation of due diligence. Importantly, the national Congolese Ministry of Mines instructed local competent authorities to suspend the activities of three exporters for violating the *note circulaire* on due diligence. Besides enforcing existing due diligence regulation, the DRC mining authorities continued to look for solutions to restart mineral trade in the Kivu Provinces. Measures to facilitate exports from the land-locked and conflict free province Maniema were taken. Furthermore, a development fund for the mineral rich Walikale territory in North Kivu was created, while possibilities for a validation mission were explored.

This phase of implementation is also marked by the actions of donors to support enabling efforts for market access for responsibly sourced minerals and to break through the *de facto* embargo that was faced by the Kivus for over a year. As such USAID financed the set-up of surveillance and anti-corruption committees in the Kivus. Crucially, the Netherlands Ministry of Foreign Affairs sponsored and coordinated the set up of the Conflict-Free Tin Initiative (also supported by the financial contribution of upstream participants), which for the first time has created competitive market access opportunities for responsibly sourced tin from the province of South Kivu in the DRC after eighteen months.

During this time period sourcing programmes and industry initiatives start consolidating. The iTSCi programme is covering 100% of the Rwandese and Katangese 3T mineral production. It is estimated that almost 18 000 tonnes of tagged minerals have left the region since the start of the project. Furthermore, several tools of Regional Initiative for Natural Resources are in the process of being implemented. Several meetings to explore the potential for synergies and opportunities for co-ordination across the initiatives in the GLR are being held.

**Measures taken by the DRC Government to enforce due diligence regulation and restart trade in the Kivu Provinces**

After having passed the *note circulaire* making it mandatory to comply with the Guidance and the *arrêté* calling for national implementation of the ICGLR framework, the DRC Government kept up with its commitment in May 2012, through the suspension of two Chinese-owned comptoirs, CMM (previously known as TTT Mining) and Huaying. Both comptoirs are headquartered in Goma, North Kivu (but also

35 This piece of legislation, already analyzed in Section 2b, paved the way for effective domestication of the ICGLR regional certification mechanism in the DRC.
operate in South Kivu), and had allegedly been sourcing their cassiterite from Bisië, the largest mine of tin ore in Eastern DRC, and at that time under the control of FARDC military units.

In their 2011 final report, the UNGoE had already identified the two Chinese-owned trading houses, affirming that they had been selling their untagged materials to smelters, refiners and trading companies based in China, where no proof of due diligence is required, thus inferring that they were not complying with the OECD Guidance.36 Furthermore, the UNGoE Group had argued that it had evidence that these comptoirs had made purchases that financed armed groups and criminal networks within the FARDC.37 Therefore, on 15 May 2012, following on the UNGoE’s findings, the national Congolese Ministry of Mines suspended the activities of Huaying and CMM (formerly active with the name TTT Mining) for violating the note circulaire on due diligence.38 Despite being an administrative measure, the note is binding insofar as it entails sanctions for mining companies and mineral exporters that do not conduct due diligence. Furthermore, Article 8 of the subsequent piece of legislation – arrêté – that integrated the ICGLR regional certification mechanism in DRC legal framework, explicitly refers to due diligence as a mandatory process for every company currently active in the exploitation and trade of minerals in the DRC.39 More recently, an arrêté ministériel issued on 19 June 2012 confirmed the suspension of these comptoirs, reiterating that it is the DRC’s intent to formalise its mining sector and sanction all those that violate due diligence requirements.40

Besides enforcing existing due diligence regulation, the DRC mining authorities continued to look for solutions to restart trade in the Kivu Provinces. Significant efforts to increase transparency along trade routes up to export points have led the DRC Government to introduce strict measures regarding minerals transfers between provinces. On 19 June 2012, the DRC Government banned all transfers across provinces, with the aim of creating added value in the mining/producing provinces, as well as avoiding transportation of minerals through conflict areas, where illegal taxation could take place.41 From now on, the province of origin must thus coincide with the province of export.

This decision is especially relevant for Maniema, a province that does not have any international border, where minerals are usually extracted and transferred to Goma (North Kivu) or Bukavu (South Kivu).42 In 2010, a customs office was set up in Maniema to ensure that all taxes and duties were paid at the provincial point of export. The objective of this 2010 decision was to ensure that the added value of the mining activities would stay in the province and benefit the population of Maniema, while the Kivu provinces would solely function as outward corridors.43 However, since the Kivu provinces are conflict-affected, the transportation of minerals through these corridors negatively affects their market access. By the official prohibition on inter-provincial mineral transfers, the DRC government wants to encourage mining companies to base themselves in Maniema provinces and to export materials via Katanga province or Province Oriental. On 5 November 2012, a first lot of 150 tonnes of stocked cassiterite was

---

37 Ibid.
39 No. 0052/CAB.MIN/MINES/01/2012 of 29 February 2012.
40 No. CAB/MIN/MINES/01/0506/2012 of 19 June 2012.
41 No. CAB/MIN/MINES/01/0506/2012 of 19 June 2012.
42 The transfer to Goma/Bukavu used to be carried out by plane, up until the ban on transfer flights led to road transfers.
43 IPIS interview with Division des Mines in Goma, August 2012.
exported from Kindu, the capital of Maniema, through the port of Kalemie in the Tanganyika district of Katanga Province. The transportation from Kindu to Kalemie took place by train.

To reassure the conflict free character of the mine sites, representatives of the DRC Government (namely the Division de Mines) together with representatives of civil society and industry, BGR and MONUSCO conducted a validation mission in Maniema from 8 to 19 August 2012. The validation team visited 21 out of the 37 sites located near the trading hub of Kalima. Only one site, located just outside the SAKIMA concession, was flagged as non-compliant with OECD standards. In fact, the observers witnessed that a co-operative had established parallel administration there and imposed illegal taxes on diggers (3% charge if the digger was willing to sell his material within the co-operative system and 8% if he preferred to sell it out of the co-operative circuit).

The validation team also addressed the issue of stocks. A representative of the NGO Pact, who took part in the mission, told IPIS that more than 300 tonnes of cassiterite and wolframite are stocked in Kalima and Kailo. iTSCi tagging in Maniema started in December 2012. A solution for the stocked materials is currently being sought to avoid infiltration with minerals that are tagged at the moment of production. Moreover, all parties involved made it clear that mine sites assessment is needed before tagging operations can start.

Also in North Kivu incentives to restart the mineral trade were explored. The possibility of a validation mission to Bisié has been discussed in the past months and a validation team was originally asked to travel to the mine at the beginning of September 2012. However, owing to the lack of security in Walikale, the mission has been cancelled. Even though the large mining basin of Bisié is currently free from armed groups or FARDC occupation, armed groups still allegedly control almost two thirds of Walikale territory. Since Bisié is located in a remote corner of the province, the validation team would have had to walk more than 50 km in the forest, facing the risk of encountering Mayi Mayi rebels en route. It was suggested to replace this long hike with a helicopter flight, yet this option would negate the purpose of the validation mission, which is not simply concerned with a spot-check of mine sites, but also with thorough controls of trading routes.

As far as mine sites in Masisi are concerned, the issue of concessions titles, coupled with the lack of stability due to the presence of Mayi Mayi Nyatura and the inaccessibility of mine sites in Ngungu, make it unlikely that a validation mission to sites not previously validated will be deployed any time soon.

Furthermore, instances of corruption concerning a development fund to be established in North Kivu seem to have reduced the economic actors’ trust in the provincial government. In June 2012, the mining

44 Of these, 17 are located within the SAKIMA concession.
45 Preliminary information obtained by IPIS during an interview with relevant stakeholders involved in the validation mission, August 2012.
46 IPIS interview with representatives of comptoirs and civil society organisations (namely PACT and BEDEWA) in Goma, August 2012.
47 An agent of Division des Mines in Goma described the situation as “très volatile” and referred to deadly incidents involving FARDC and rebel groups which occurred in Bakano in June and July 2012 (IPIS interview with Division des Mines in Goma, August 2012).
48 IPIS interview with representatives of Enough Project in Goma, August 2012.
49 IPIS interview with PACT representative in Goma, August 2012.
50 IPIS interview with PACT representative in Goma, August 2012.
51 Ngungu is located 20 km from the CdN of Rubaya.
section of the *Fédération des Entreprises Congolaises* (FEC) and the ANEMKI organised a joint *comtoirs*-civil society meeting on Walikale development needs. All participants agreed that economic actors involved in the extraction and trade of Walikale minerals should contribute to the territory’s development. Shortly afterwards, it was mandated at national level that economic actors sourcing from Walikale were to transfer 180$ per ton to a newly established development fund. However, both economic actors and CSOs severely criticised this plan, as they found out that funds were diverted to the personal accounts of provincial officers. A cross-category alliance bringing together *comtoirs*, *négociants*, CSOs and customary chiefs from Walikale denounced this corrupt action and, at the point of writing, was trying to liaise with provincial authorities to create a process/mechanism to collect the development funds.

**Actions of donors to break through the *de facto* embargo faced by the Kivus**

After one year of on-going trade and due diligence implementation in Katanga and Rwanda, many stakeholders felt the need to address the *de facto* embargo in the Kivu provinces. Various projects were initiated to facilitate private sector implementation of the OECD Guidance and create opportunities for downstream buyers to responsibly source from the Kivu provinces, rather than avoiding them.

Firstly, in August 2012, PROMINES signed a *Protocole d’Accord* with IPIS, to launch a comprehensive mapping project in Eastern DRC. During 18 months, the IPIS mapping team will build the capacity of the Congolese Cadastre Minier (CAMI), the Mining Administration and SAESSCAM to collect data regarding the security situation and to present them on a map. Nine teams, based in nine towns, will provide updates on the security situation around the mine sites across Eastern DRC. During the project, four maps will be produced and on-line available for the general public. The first map is expected by the beginning of March. This mapping exercise is expected to help companies identify and assess risks at mine-site level.

Secondly, a USAID funded project is seeking to train *creuseurs* and the communities around mine sites in the Kivu provinces on the topics of illegal exploitation of resources. In the mining areas of Rubaya and Nyabibwe, the local CSO OGP and Pact are setting up *Comités de surveillance et anticorruption* (CSAC-Surveillance and anti-corruption committees). The idea behind the initiative is to sensitize the communities living around mining areas to report on suspicious activities to encourage rapid and continuous information flows from the ground to the relevant authorities and upstream actors.

Currently one general committee and five subcommittees have been set up at Nyabibwe. The general committee consists of 30 persons representing (1) the different subcommittees, (2) the *chef du centre*, (3) the FARDC, (4) SAESSCAM, (5) *Division des Mines*, (6) the *creuseurs*, (7) the *negociants*, and (8) the exporters. Each of the five subcommittees is made up of ten persons, representing different categories of the local community (church communities, women’s associations, etc.). An initial training given by OGP, took place at the beginning of 2012, where the members of the committee familiarised themselves with the current international and regional standards in relation to 3T mining, such as the OECD Guidance and the ICGLR framework and the risk of human rights violations surrounding mining activities. A further

---

52 IPIS interview with a representative of a Goma-based processing entity and with representatives of CSOs, August 2012.


54 To be broken down as follows: 130$ to be invested in development projects in Walikale, and the remaining 50$ to be used for projects throughout North Kivu.

55 *Arrêté ministériel* No. CAB.MIN/MINES/01/0601/2012 of 10 July 2012.

56 Bunia (Ituri), Goma, Walikale, Butembo (as for North Kivu), Bukavu, Uvira, Shabunda (in South Kivu), Kindu (Maniema) and Kalemie (Katanga).
five-day training on incident reporting and the current tax and other regulations of the mining sector was given at the beginning of August. A similar set-up at Rubaya is foreseen, yet owing to the security situation, not all field trips have taken place.

Thirdly, on the 18 September 2012, the creation of a new closed pipeline, “The Conflict-Free Tin Initiative” (CFTI) was formally announced. This new pipeline is innovative in three regards. First, it is sourcing tin – whereas the existing close pipeline projects were sourcing tantalum.

Secondly, and importantly, this pipeline will source tin from the province of South Kivu. Under the slogan “conflict free should not mean Congo Free” the initiators of this pipeline wanted to break through the de facto embargo of the Kivu provinces and show that it is possible for responsible businesses to source conflict-free minerals (tin) from the Kivus.

A third difference to existing pipeline projects is that this initiative is largely donor-driven. Acting as “neutral broker”, the Dutch Ministry of Foreign Affairs convened key industry partners and other relevant stakeholders. All stakeholders involved in the CFTI participate in regular conference calls aimed at tracking progress, identifying challenges and potential ways forward as well as learning from each other’s experience on the ground. Broader risk-related issues such as security and political developments in the DRC are also discussed on a regular basis. Finally, social and labour issues, namely health and safety standards to be applied at mine site level, feature prominently on CFTI’s agenda. In this specific regard, a CFTI delegation is planning a field visit to Nyabibwe, in order to further assess what improvements are needed and then design specific next steps for the project.

The Dutch Ministry of Foreign Affairs is also financing operational partners on the ground like Pact as well as the iTSCi traceability and due diligence programme from mine to smelter level, with contributions from upstream industry.

The downstream users that have committed to participate in the project are Royal Philips Electronics, Tata Steel, Motorola Solutions, Research In Motion (RIM). Alpha Cookson and AIM Metals & Alloys are the solder companies, Traxys is the international trader and Malaysia Smelting Corporation (MSC) will be the smelter. The activities have started with Kalimbi in the Nyabibwe mine, with the first bags tagged in October 2012. At the point of writing, only one exporter from South Kivu has been vetted and is enabled to take part in the pilot. As soon as others qualify to re-start their activities, a full list of exporters will become publicly available on iTSCi’s website.

If the pilot is successful, it is anticipated that demand will grow and create opportunities for expansion and duplication, provided that downstream demand increases.

**Progress made in the implementation of the Regional Certification Mechanism in DRC and Rwanda and opportunities for integration or enhanced co-ordination of the different in-region initiatives and programmes under the ICGLR framework**

After adopting the legislation to implement the Regional Certification Mechanism (RCM) at national level, both Rwanda and the DRC continued to take steps to operationalise the system. In Rwanda several participants of the OECD pilot have taken part in trial certification processes. During these trials both

---

57 IPIS interview with international traders involved in the CFTI pilot project, December 2012.
58 IPIS email exchange with CFTI stakeholders, facilitated by the Dutch Ministry of Foreign Affairs.
59 IPIS/OECD email exchange with the Dutch Ministry of Foreign Affairs in charge of the CFTI pilot project.
companies and government authorities had the opportunity to become familiarised with the process and to identify potential challenges. In October 2012, the first meeting of the ICGLR Audit Committee took place in order to launch the committee activities and elaborate an operational plan of action.

The RCM, which is entirely in harmony with the OECD Guidance, can potentially provide the in-region framework under which existing initiatives (such as CTC, Centres de négoce, validation missions and others) and industry schemes (like iTSCI and CFS) may be integrated or at least effectively co-ordinated. As such, the ICGLR audit is likely to meet the requirements of CFS protocols if accompanied with the required documentation. The cost of implementing due diligence in Rwanda through existing in-region schemes like the ICGLR and iTSCI needs to be addressed to ensure the sustainability of the system.

Below, the different components and actions that take place under the ICGLR are summed up. For each component, the current status of implementation is clarified and opportunities for harmonisation, with other, already existing yet similar activities, are identified.

**Figure 3. The structure of the ICGLR Regional Certification Mechanism**

1. Mineral Tracking from Mine Site to Export
   - a. Mine Site Inspections
   - b. Chain of Custody Tracking
   - c. Export Certification

2. Regional Mineral Tracking and Analysis via an ICGLR database

3. Third Party Audits of Mineral Exporters


**Mine site inspections**

At the national level, mine site inspections should take place on an annual basis. The inspection will determine whether the mine site meets the requirements set out in the ICGLR manual. If there is full compliance with the standards, the mine will be labelled as a "green" (i.e. certified) mine site. When compliance with the standards is lacking, the mine will be labelled either "yellow" or "red". In Rwanda, a defined methodology and a mine-site inspection form (see Annex 1), have been developed. In July 2012 the first inspection of the country's largest mine, Rutongo, took place. Currently five dedicated mine site and traceability inspectors who will carry out more inspections are being recruited.

In Rwanda, the Mine Site Inspection methodology draws upon the Certified Trading Chains (CTC) pilot

---

60 For further elaboration on the ICGLR Standards, please see the interim progress report, accessible here: http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheoecdduediligenceguidance.htm
project that ran in the country from November 2008 to June 2011. The first mines that will go through the inspection are the 5 mining companies that were certified as compliant in the CTC pilot.

While a dedicated ICGLR-compliant mine site inspection scheme in the DRC is not yet available, several steps have been taken in this direction. Firstly, the DRC government developed a national certification manual in close co-operation with BGR. This manual, which is based on an adapted CTC approach focusing on the Eastern Provinces of the DRC, was signed into law in June 2011. At the time of writing, three mines sites, the Nyabibwe site in South Kivu and concessions of mining company MHI in Masisi, North Kivu have been audited against the standards contained in the national certification manual. An analysis of the national certification manual should be undertaken to evaluate its conformity with the Regional Certification Manual that came out in November 2011.

A second exercise of a similar nature in the DRC, is the validation missions that have taken place in the context of the Centre de Negoce project (see above). However, since the standards used for these national validation missions are different from the standards outlined in both the national (CTC) and the regional (ICGLR certification manual), mines validated "green" under these missions may not be necessarily considered green under the RCM.

While a harmonisation of standards would be welcome, the labelling of all mines in Eastern DRC, following the standards of the RCM during Mine site inspections, will be a lengthy and difficult process. However, the national validation process could provide a useful indication about the factual circumstances of the mine sites that economic actors in the DRC may use as part of their risk assessment while carrying out their due diligence.

Further opportunities for harmonisation in both the DRC and Rwanda could be explored with regards to the iTSCi procedures. In mine sites where tagging is not operational, future tagging operations could start as soon as the Mine Site Inspection is carried out. Where pre-tagging baseline studies exist, co-ordination with mine site inspections can be ensured, thus avoiding duplication of effort.

**Chain of custody tracking**

The aim of the RCM is to certify a mineral export shipment as an indication of a conflict-free supply chain. The next step in the process is to put in place a chain of custody (CoC) tracking system to ensure that all minerals originate from an inspected and certified mine site.

Member State governments are responsible for implementing and supervising the chain of custody tracking system within their own borders. They can opt to delegate the design or operation of their chain of custody tracking system(s) to a non-state actor, for example the iTSCi programme. However, in such cases, the chain of custody system must still conform to ICGLR standards.

The first ICGLR certificates associated with shipments from Rwanda and the DRC will likely be based on the iTSCi traceability programme. However, before the first certified export can take place, the system needs to be evaluated against the ICGLR and national certification standards by the (not yet operational) Independent Mineral Chain Auditor (see below) or its delegate.

---

61 For more information see http://www.bgr.bund.de/EN/Themen/Min_rohstoffe/CTC/Pilot-Project-Rwanda/Publications/publikations_node_en.html
Export Certification

In each country, a national Certification Unit (or any other entity tasked with issuing export certificates as outlined in the ICGLR manual) will need to be established. This Unit will verify if every mineral shipment is compliant with ICGLR Standards and, if so, issue certificates. Exporters aiming at certifying their shipments will need to fill in an application form per shipment and submit the full CoC documentation allowing tracking of the individual mineral consignments contained in the shipment and the proof of the status of the mine sites associated with the given shipment. The efficiency of the procedures needs improvement to reduce the expected delays at export level.

In Rwanda, a Certification Unit has been established on the basis of a Memorandum of Understanding between the Rwanda Natural Resources Authority (RNRA) and the Rwanda Bureau of Standards (RBS). The Rwandan authorities aim to ensure that certification procedures will be completed within 24 hours to avoid significant delays upon export.62

Regional Mineral Tracking and Analysis via an ICGLR database

Reflecting the implementation of the RCM at national level, the regional database will contain three types of information:

1. An overview of all mine sites in the region with their appropriate categorisation (green, yellow or red) and their monthly estimated production
2. A list of all national mineral exporters in the region
3. CoC tracking and export certification.

Each Member State is responsible for collecting the data at national level and transferring it to the ICGLR Secretariat. Currently, input of (historical) data is taking place and can be accessed on the ICGLR website.63 Six countries (Burundi, DRC, Rwanda, Uganda, Tanzania and Zambia) have appointed a national focal point to transfer information into the database. Four countries (Burundi, DRC, Rwanda and Uganda) have already transferred data up to 2011.64 Upon export shipments, a database will be synchronized so as to provide the most up-to-date information. It is expected that the ICGLR data team would be able to detect anomalies that can be deferred to the Independent Mineral Chain Auditor (see below) if necessary.

Third party audits of mineral exporters

Every mineral exporter under the RCM will be audited on an annual basis. During the audit, compliance of the exporter and a sample of the associated suppliers against the ICGLR standards will be verified. While the ICGLR Audit Committee will accredit third party auditors, the audit itself will be contracted and funded by the exporter undergoing the audit.65

62 Rwanda Natural Resources Authority / Geology and Mines Department Implementation Scheme for the Regional Certification Mechanism in Rwanda, Overview, Kigali, November 2012, p. 4.
63 The database is available at https://icglr.org/spip.php?article94 last accessed 12/10/2012.
64 Interview with the ICGLR Database Manager, 31st of August 2012, Bujumbura, Burundi.
65 Rwanda Natural Resources Authority / Geology and Mines Department Implementation Scheme for the Regional Certification Mechanism in Rwanda, Overview, Kigali, November 2012, p. 6.
At Regional level, the ICGLR Audit Committee is composed of ten members:

- three representatives of the private sector
- four government representatives
- three civil society representatives

Eight of the representatives will be from the region, while two persons (one from the private sector and one from civil society) will be international representatives.

The Audit Committee fulfils the following tasks:

- Accrediting the auditors and maintaining a pool of auditors
- Setting the audit standards and terms of reference for the audits
- Receiving and reviewing the audit reports and publishing them online

The first meeting of the Audit Committee took place in Kigali in October 2012 in order to launch the committee activities and elaborate an operational plan of action. As the Committee estimated the number of exporters to be audited at 50, it aims at accrediting five auditors. When an accredited auditor undertakes an audit, he or she needs to submit the audit report to the audit committee within 60 days after the audit. In the established plan of action, it is foreseen to begin first audits between June and August 2013.

On the auditing front, there is room for enhanced co-ordination on the ground. Under the iTSCi system, Channel Research audits all exporters that are members of the iTSCi Programme. Once the Audit Committee is up and running, it is recommended that the Committee and the auditors of Channel Research meet to explore whether the terms of reference for the audits can be streamlined and if Channel Research auditors can become accredited by the Audit Committee. This would address and potentially solve the so-called “audit fatigue” issue that has been mentioned by many stakeholders during the pilot implementation phase.

However, it should be noted that not all visits (i.e. from downstream buyers or from independent experts for research purposes) qualify as audits; therefore, the issue is “study fatigue” rather than “audit fatigue”.

The office of the Independent Mineral Chain Auditor (IMCA)
The IMCA will consist of an independent unit of investigators attached to the ICGLR Secretariat in Bujumbura. The IMCA is responsible for the evaluation of the CoC systems, prior to any ICGLR certificates being issued. The office has full access to regional mineral flow data and may initiate investigations into any aspect of the mineral supply chain.

The IMCA undertakes on-going identification and assessment of risks in mineral supply chains in the region, thus potentially contributing to support the OECD Due Diligence implementation by the private sector. The IMCA will have direct access to the information collected under the whistle blowing mechanism (see below), so investigations can be initiated whenever necessary.

At the time of writing, the office of the IMCA has yet to be installed. As such, evaluation of the chain of custody conformity may be taken over by an independent consultant, so that the issuance of the first certificates can take place.
In the light of harmonisation of different risk identification and assessment systems in the region, it would be advisable to streamline the collection of the on-the-ground information under the different programmes. As such, it would be commendable if both the information obtained by the DRC validation teams and the information collected under the iTSCi incident reporting protocol could be shared with the IMCA. Likewise, a good communication system between the IPIS mapping team (see above) and the office of the IMCA should be established.

The whistle blowing tool of the RIN

The whistle blowing tool of the RIN goes hand in hand with the RCM. The whistle blowing mechanism aims at collecting first-hand information on illegal exploitation and trade of minerals in the Great Lakes Region. Whistleblowers will be able to transfer information by SMS and online submissions, specifically designed to protect the anonymity of the informants. The alerts will be received and processed by the office of the IMCA, which can start a preliminary investigation into these reports and, if necessary, transfer them to the competent authority at Member State level for further investigation and prosecution.

After several feasibility studies, the decision was taken to pilot the system in the provinces of North and South Kivu. Since it was concluded in those feasibility studies that the overall risks threatening the functioning and success of the whistle blowing mechanism are high, the ICGLR Secretariat initiated a fact-finding mission to the Kivu provinces with the support of GIZ. Based on the findings of this mission, which took place from 18 July until 15 August 2012, a comprehensive risk analysis and risk mitigation procedure was developed.

Following the study several recommendations were made in relation to the design of the system. Firstly, it was recommended to set up the system with a strong bottom-up approach, so investigation (and prosecution) could take place at ground level, and could be followed closely by civil society. In an environment where government institutions are corrupt and likely to be complicit in the conflict mineral trade, this is the only option to ensure that whistleblower reports will lead to prosecution and that informers can have trust in the system.

Notwithstanding the anonymity of whistleblowers, informers may still face intimidation or threats when revealing sensitive information. If they get the impression that reports are not acted upon, there is a risk they will stop coming forward with their concerns. Following the lack of rule of law, a credible security and judicial infrastructure, it is highly recommended that a joint institutionalised framework composed of governmental authorities and civil society should be established at all levels with a view to facilitating a quick and effective follow-up and to ensure that received reports are followed by investigation and lead

---

66 ICGLR-GIZ Note de Concept Atelier de formation de la société civile sur le mécanisme d’alerte, Initiative Régionale de la CIRGL sur les Ressources Naturelles, Bukavu, 12-14 septembre 2012.
67 ICGLR-GIZ, Risk analysis on the implementation of a whistle-blowing mechanism in Eastern DRC’s Kivu provinces within the framework of the ICGLR Regional Initiative on Natural Resources (RINR), 22 August 2012 p. 10.
68 ICGLR-GIZ Note de Concept Atelier de formation de la société civile sur le mécanisme d’alerte, Initiative Régionale de la CIRGL sur les Ressources Naturelles, Bukavu, 12-14 septembre 2012.
69 ICGLR-GIZ, Risk analysis on the implementation of a whistle-blowing mechanism in Eastern DRC’s Kivu provinces within the framework of the ICGLR Regional Initiative on Natural Resources (RINR), 22 August 2012 p. 1.
70 Ibid. p. 11.
71 Ibid.
72 Ibid.
to prosecution, if necessary.\textsuperscript{73}

Thirdly, the delivery of a broad communication and training programme about the whistle blowing mechanism is recommended.\textsuperscript{74} In order to reach all potential informers and raise awareness about the whistle blowing system and its expected benefits, a three-day training for civil society was organized from the 12-14 September 2012, followed by a five-day training for the judicial sector.\textsuperscript{75}

\textsuperscript{73} Ibid.
\textsuperscript{74} Ibid, p. 12.
\textsuperscript{75} Both trainings were organised by the Secretariat of the ICGLR with the support of GIZ.
SECTION V. MEASURES TAKEN BY UPSTREAM INDUSTRY TO IMPLEMENT DUE DILIGENCE

Description of the participants

At the start of the pilot project 51 companies were participating in the exercise, and numbers increased in the second cycle to 67. In the third cycle no new participants joined the programme. During this third reporting cycle, the following participants volunteered to participate in the pilot implementation phase:

- nine co-operatives or federations of co-operatives representing artisanal miners, based in the DRC (North Kivu, Katanga) and Rwanda;
- three associations of négociants based in the DRC (North Kivu and South Kivu);
- 34 comptoirs/entités de traitement based in the DRC (Katanga, North Kivu, South Kivu, Maniema), Rwanda and Burundi;
- nine international concentrate traders based in Europe, Asia, Africa, Australia and North America;\(^7\)
- 12 mining companies based in the DRC, Burundi and Rwanda.

Figure 4. Description of the participants

\(^7\) In order to respect the confidentiality requests of some international traders, it is not possible to be specific in all cases.
Of the 67 companies participating in the pilot in Cycle 3, 37 (55%) were members of iTSCI.

The majority of participants (47 companies) were based in the DRC. A further 11 were African: nine in Rwanda and two in Burundi. The remaining nine others were based either in South Africa, or in one or more countries in Europe, Asia, Australia and North America.

**Detailed findings on due diligence implementation**

**STEP 1: Establish strong company management systems**

*Adopting a supply chain due diligence and structuring internal management system*

In the interim report, the team pointed out that 30 participating companies had adopted a policy commitment setting forth due diligence principles. Awareness-raising activities carried out in the region helped companies become more familiar with the OECD Guidance including drafting their own policies in accordance with the model policy provided in Annex II of the Guidance. Adopting and providing a policy is also a requirement of iTSCI membership.

In addition, the Goma-based Save Act Mine coalition organised a forum on due diligence, traceability, exports of clean minerals and – ultimately – good governance. This collaborative effort significantly contributed to the development and adoption of more comprehensive supply chain policies among the various economic actors in North Kivu.

The first meeting of Save Act Mine (hereinafter SAM) took place on 13 February 2012 and was followed by several workshops where processing entities had the chance to join a broader dialogue with CSOs, négociants and co-operatives. A key accomplishment of SAM has been the ability to reach out to actors of the supply chain, such as transporters, that had not been meaningfully involved so far.

The team took part in a full-day workshop on the main processing entities (entités de traitement) in North Kivu. Participants ranged from the Chinese-owned exporters (comptoirs) that had been suspended in May to the first smelting company in North Kivu (African Smelting Group, albeit not operational yet) to the ANEMKI, the main négociants association. The workshop focused on ways of efficiently translating the OECD Guidance into practice, and participants were given the opportunity to discuss policy drafting. Furthermore, participants shared their policy documents with the IPIS team.

It is noteworthy that one of the Chinese-owned comptoirs that had been suspended in May has now adopted a policy. The six-page document, *La politique interne au sein de l’entité de traitement*, published on 18 July 2012, addresses all the main points listed under Annex II of the Guidance. The policy draws from the main national and international legal and policy instruments, including but not limited to the DRC Mining Code, the legislation calling for the implementation of due diligence at national level, the OECD Guidance and the EITI principles. Reference is also made to international human rights law, since the company engages in checking with their suppliers that “extraction of minerals is not carried out in ways that amount to a violation of the human rights of the diggers”.

---

77 IPIS interview with SAM representatives in Goma, August 2012.
78 At the point of writing, SAM was planning to schedule an *ad hoc* workshop for transporters and their contribution to supply chain due diligence.
79 The workshop was held at SAM’s headquarters in Goma, on 23 August 2012.
80 For the policy of Huying see Annex XX.
Besides the drafting of a policy, the Guidance also encourages companies to structure internal management systems to support supply chain due diligence. As far as this step is concerned, thirty participants indicated the name of at least one individual who performs this oversight function. In accordance with the Guidance, all of them tend to assign this task to senior staff who have experience in managing conflict-related risk, corruption-related risk or, most frequently, a background in mineral procurement. Designating staff responsible to support supply chain due diligence is also a requirement of iTSCI membership.

**Challenges**

The majority of the DRC-based participants pointed out that the lack of a translation of the Guidance into the local languages (namely Swahili and Lingala) risks hampering on-the-ground implementation of due diligence. At mine site level, *creuseurs* and field personnel from co-operatives operating in remote areas have very limited knowledge of French,\(^\text{81}\) therefore, a version of the Guidance (or of its Easy-To-Use version) in an African working language would be greatly beneficial to these communities.

This issue has partly been addressed in Rwanda, where a Kigali-based participant has translated the Guidance into Kinyarwanda (see Annex) and has disseminated copies of it at its premises. The translation is currently available to other Rwandan companies for their use.

Another challenge is the lack of knowledge about due diligence in countries other than the DRC and Rwanda. For example, none of the Burundi and Uganda based companies with whom IPIS had meetings seemed to be very familiar with the Guidance. At the point of writing, none of them had a supply chain policy in place. By the same token, none seemed to have established a sound internal management system to ensure responsible sourcing of minerals.

More outreach activities, such as workshops and capacity-building sessions, need to take place in the region, especially in Uganda and Burundi. Such activities also need to be replicated within the DRC, targeting new market entrants, such as the *Fédération des Coopératives Minières du Katanga* (FECOMIKAT) in Katanga.\(^\text{82}\) Unlike processing and exporting entities, most Katangese co-operatives still lack rigorous due diligence policies. In addition, several members of the FECOMIKAT come from the copper/cobalt sector and have only recently started to work on 3T.

They are therefore unfamiliar with the international standards regulating the sector.

---

\(^{81}\) IPIS interview with representatives of SAM and of COMIMPA, a co-operative active in Walikale.

\(^{82}\) FECOMIKAT is an entity bringing together all co-operatives active in the province in 3Ts and copper/cobalt. For further details, please see *Rapport de l’atelier de reflexion de la FECOMIKAT pour la redynamisation de l’artisanat minier au Katanga*, 26 July 2012.
Establishing a system of control and transparency over the mineral supply chain

Fifty per cent of the participants are currently using the traceability system of the iTSCi Programme where available. Since April 2011, iTSCi is fully operational in Katanga and Rwanda. iTSCi’s tagging and bagging allows for the collection of detailed information on the production and trade of minerals, enabling purchasers to operate in conformance with the Guidance.

Box 6. iTSCi in Katanga

The iTSCi programme continued to grow over the first half of 2012. From January to June 2012, a total of 2,251 tons of minerals was tagged at mine sites across Katanga. At the request of the provincial government, iTSCi plans to expand to 19 new sites in the territories of Manono, Mitwaba, Busanga, Luena and Nyunzu.

In addition, the provincial Comité de Pilotage has been taking place on a regular basis in Lubumbashi. It is less clear how often the local Comités de Suivi meet. This is an issue as the Comités de Suivi are supposed to engage in monitoring activities in the mining territories, in particular in Manono and Mitwaba, that account for the majority of the cassiterite production in Katanga.

A capacity building training with iTSCi field staff, donors and Pact, was held in Kalemie in June 2012, to identify challenges and lessons learned after a year of implementation. Clashes involving the FARDC and Mayi Mayi groups in mid-April led to the suspension of all tagging activities from the end of April to early June.

Where rioting or infiltrations of armed groups occur, the local government agency SAESSCAM in collaboration with the iTSCi governance committee decides what measures need to be taken, including risk mitigation.

A mining company active in Katanga has put in place an electronic system to monitor and keep track of production and export figures. The database was launched in January 2012. The company’s due diligence
The team observed that there were some mistakes in the data collected by iTSCi through the logbooks. As they believe these errors are due to the logbooks being filled in by hand, they encouraged iTSCi to pursue plans to introduce bar-coding and electronic data transfer wherever practical.

As far as the ICGLR scheme is concerned, to ensure that minerals are fully traceable and conflict-free from the mine site to the point of export, Chain of Custody Tracking Standards have been designed, and their operationalisation will be supervised by the governments of the member states. Mineral flows will be tracked and analysed via an ICGLR regional database, using the data on individual shipments collected and transmitted to the ICGLR by each member state’s Chain of Custody system. Therefore, the ICGLR framework holds the potential to meet the requirements outlined in the Guidance with regards to the establishment of a system of controls and transparency over the minerals supply chain.

Establishment of a company-level or industry-wide grievance mechanism as an early-warning risk-awareness system

Under the ICGLR scheme, a whistle-blowing system should become operational thus supporting companies’ own grievance mechanisms. At the initial stage, the system will be piloted in North and South Kivu.

In North Kivu, the organisation Save Act Mine has also set up an early-warning risk awareness system. Under this system, any person would have the possibility to communicate alerts to the organisation, using a *numéro vert* (green number) that is free of charge.

Under the iTSCi Programme, any stakeholder is currently able to report on instances of non-conformance to the Comité de Suivi or to the Comité de Pilotage, as well as to individual project staff or to Channel Research through the “itscirisk” email address.

During a meeting of the Comité de Pilotage held in August in Lubumbashi, representatives of companies, co-operatives and other stakeholders (notably SAESSCAM) engaged in frank discussions on instances of misconduct at mine site level in Mitwaba and Kahendwa. Armed attacks and various incidents had been reported at both sites in the first half of 2012. In light of this, every mining/exporting company and co-operative that is active in those areas and who attended the meeting was asked by the Minister to brief the plenary on whether the mining areas in Manono and Mitwaba faced risks linked to the presence of either the FARDC or armed groups and, if they believed so, to suggest what measures should be taken by iTSCi.

In provinces within the DRC or in countries in the GLR where iTSCi is not yet operational, companies cannot rely on an external credible grievance mechanism. Rather than duplicate the ICGLR whistle-blowing once in place or the work of the Comités de Suivi, the development of a grievance mechanism at company-level could prevent non-clean minerals from entering the supply chain and provide a means for

---

83 For further information on the clashes in Mitwaba, see the following articles on Radio Okapi: “Les Mai Mai attaquent les FARDC à Mitwaba” (December 2011, accessible here: http://radiookapi.net/actualite/2011/12/07/katanga-les-mai-mai-attaquent-les-fardc-mitwaba-2/) and “Katanga: panique à Mitwaba après des coups de feu entendus dans la nuit de lundi” (3 July 2012, accessible at: http://radiookapi.net/actualite/2012/07/03/katanga-panique-mitwaba-apres-des-coups-de-feu-entendus-dans-la-nuit-de-lundi/)

84 Despite the fact that all economic actors in the room agreed that neither Manono nor Mitwaba faced security threats, and that for that matter tagging should not be suspended, local researchers reported that the population around Manono was displaced by 100 kilometres because of escalating violence.
individuals to voice concerns. Company-led grievance mechanisms could also contribute to improving the company’s risk assessment strategy. Cases of discrepancies, persistent smuggling or linkages with armed actors would be verified and investigated more thoroughly, thus allowing companies to draw a clearer picture of risks on the ground.

**STEP 2: Identify and assess risks in the supply chain**

**The macro-level governance assessments within the iTSCi system: a tool for mapping risks in the supply chain**

Most iTSCi pilot participants stated that they rely on the iTSCi risk assessment, in addition to undertaking their own risk assessment.\(^{85}\)

iTSCi maps factual circumstances and identifies risks in the supply chain as follows:

1. A baseline study of the mine and the transportation routes to validate the mine site and check its production capacity.
2. An independent company pre-audit (e.g. of staff, management, financial aspects, involvement of state actors, involvement of security forces, production rate) to determine if there are linkages between the company’s institutional, financial and/or political connections and conflict-financing activities.
3. Independent company audits on a regular basis.
4. A macro-level/governance assessment, which monitors the general situation of the countries/provinces in which the iTSCi system is operational. Currently, these assessments are available for Katanga, Maniema and Rwanda.
5. An incident reporting protocol.

Both the mine baseline study (1) and the company pre-audit (2) help iTSCi perform its “gate-keeping” function, namely a selection process through which mine sites/companies can become members of the iTSCi programme. Incorporation within the programme can only occur if the mine’s standards are compliant with the programme’s requirements.

The macro-level/governance risk assessment (3) provides an overview of the security situation, analyzes past and potential risks in light of the Guidance and delivers key recommendations for mitigation measures. At the point of writing, four reports have been released: one on Katanga (covering the period from April to September 2011); two on Rwanda (the first one covering the period from December 2010 to April 2011, or “pre-tagging phase”, and the other, released in April 2012, covering the latest developments); a report on Maniema (released in October 2012 and paving the way for iTSCi’s engagement in the province). New reports based on data collected during Channel Research’s latest country visit to Katanga (September 2012), should be published by the end of the year.

\(^{85}\) More precisely, 49% of the participants said they take into account both their own risk assessment and iTSCi’s; 18% admitted they only rely on iTSCi’s. For further information and figures, please see the interim progress report, accessible here:

These reports provide cyclic check-ups of iTSCi as an entity, collecting evidence on situations that may threaten the integrity of the programme. Companies should complement these general reports with risk assessment documentation of their own which would be tailored to their supply chain.

The iTSCi incident reporting protocol (4), outlines the procedures for responding to incidents reported in the supply chain, including tagging incidents. This protocol categorizes incidents into three levels of seriousness, outlining who should be informed in each case. While the number and seriousness of incidents occurring give an indication of the risk present in a certain region or mining area, incident reports also generate recommendations for actions to mitigate these risks and improve performance, which is relevant under Step III of the Guidance.

A recently-released status report on Katanga by Pact stated that a total of 93 incidents were reported from January to June 2012, of which over half (51) remain open. These incidents include: cave-ins causing death; tags missing or stolen; attempts to infiltrate minerals from non-approved mine sites into the iTSCi system; involvement of customary authorities in mining activities; state agents erroneously filling in the logbooks. Follow-up is in most cases ensured through the local or provincial multi-stakeholder groups.

The PROMINES mapping project and the reports from validation missions: complementary risk assessment tools for DRC-based participants

The DRC validation missions, carried out in accordance with the ICGLR standards and aligned with the OECD Guidance, have started to generate lists of red (invalidated), orange (requiring a six-month risk management process) and green (validated) mine sites in the Kivus. If kept updated, these lists may offer useful in-country information for companies when carrying out their risk assessments in DRC. A similar scenario can be envisaged with regards to the IPIS/PROMINES mapping project, which will start in November 2012.

The maps, which highlight current and potential threats from armed groups active in mining areas across the Eastern regions of DRC, could be used by companies to check whether the mine sites from which they are sourcing are actually conflict-free. Dynamics on the ground change very quickly, therefore constant updating of the maps from Cadastre Minier would be needed.

STEP 3: Design and implement a strategy to respond to identified risks

Under Step III of the Guidance, companies are required to devise and adopt a risk management plan. Such a plan should contain specific criteria for monitoring risks and tracking performances of risk mitigation measures. It should also describe the circumstances under which a company is to suspend or discontinue its engagement with a supplier after failed attempts at mitigation.

On-the-ground developments such as the establishment of the Comités locaux de Suivi in Katanga, the ad hoc trainings given by SAM in North Kivu and the fieldwork conducted by grassroots organisations in South Kivu (namely OGP) have increasingly shifted the way comptoirs and other economic actors approach risk management issues. Participants are becoming increasingly familiar with the need to address risks in a way that is consistent with the Guidance.

---

86 iTSCi, Status Report iTSCi Katanga, January-June 2012.
With the pilot project coming to a close, it is critical for upstream participants to demonstrate that thorough and sustainable risk management plans are in place. Even though 45% of participants\(^7\) stated they had made reference to Annex II of the Guidance to determine how to deal with risks arising in their supply chains, only one company has shared their risk management plan with the team.

**Illustrative example**
The largest mining and exporting company in Katanga\(^8\) has released a risk management plan to evaluate and respond appropriately to risks of violation of their conflict-free minerals policy. The company has set the target of generating risk assessments on a monthly basis. The company’s compliance department will be evaluating data gathered at mine sites and along transport routes against the company’s policy and overall due diligence standards.

Internal incident reports, together with iTSCi tools (namely the incident reports and the minutes of the *Comités* meetings) form the backbone of this risk assessment plan. If one of these sources, complemented by on-the-ground checks, reveals a violation of the following policy points:

1. Neither tolerating nor profiting from serious abuses associated with the extraction, transport or trade in minerals (including torture and child labour).
2. Not tolerating any direct or indirect support to armed groups.
3. Eliminating direct or indirect support to public or private security forces that illegally tax or extort money from them.

The company will suspend production/purchases from affected mine sites immediately. Where the risk assessment identifies violations of any of the above-listed points, but the evidence is not conclusive, the company will allow a maximum of a one-week period during which it will seek further information.

If clear and incontrovertible evidence is found within this “mitigation” week, the company will terminate its relations with the affected suppliers. If one of the risk assessment sources, complemented by on-the-ground checks, reveals a less grave violation of the company’s conflict-free minerals policy (i.e. instances of bribing or illegal taxation), the company will continue production/purchases, but seek to mitigate the risk within three months. To do this, the company will rely on the *Comités*, both at local level in the mining territory affected and at provincial level in Lubumbashi.

---

\(^7\) See the interim progress report, accessible here: [http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheoecdduediligenceguidance.htm], page 60.

\(^8\) SAESSCAM estimated that 85% of the 3T exports from Katanga are from this company’s sites or from sites where their partners own concessions.
STEP 4: Carry out independent third-party audits

The OECD Guidance recommends that due diligence practices of the smelter should be audited. The intention is that by focusing on audits at smelter level, the number of audits across all tiers of the supply chain will be reduced over time, and ultimately save everyone time, money and energy.

However, it is worth mentioning that upstream companies should expect to be involved in the smelter audit, as this involves the assessment of the due diligence practices of a sample of the smelter’s suppliers to verify the smelter’s conclusions on risk assessment and management.

The issue of “audit fatigue”, raised by several upstream companies during IPIS’ second cycle of field visits, remains a challenge and needs to be addressed in multi-stakeholder forums, where the potential for harmonisation and audit reduction can be best exploited.

At the point of writing, some audits on upstream companies have been conducted by Channel Research addressing companies’ practices and conformance with the OECD Guidance.

Validations of the conflict-free status of smelters have also been carried out by accredited auditors of the Conflict Free Smelter (CFS) programme, in accordance with audit protocols developed by the Electronics Industry Citizenship Coalition (EICCC) and the Global e-Sustainability Initiative (GeSi). During the EICC-GeSi Conference, held in September 2012 in Brussels, the question of whether CFS could be performing audits under Step IV of the Guidance was raised. Representatives of the CFS programme clarified that they do not conduct audits for OECD due diligence compliance, since they do not limit the scope of their action to conflict or high-risk areas and, most importantly, they do not carry out sample audits of smelters’ suppliers. For smelters sourcing from conflict and high-risk areas CFS validates the results of third-party independent audits of smelter due diligence in accordance with the OECD Guidance and provides assurance about the 100% conflict-free nature of the products.

CFS personnel involved in audit activities affirmed they rely greatly on the iTSCI documentation stored at smelter level, thus checking whether the smelting company has been following the traceability procedures. Some confusion regarding the role played by different programmes still persists, in particular as to whether Channel Research performs audits under Step IV (third-party independent audit of smelters). Channel Research makes checks on the smelter as an iTSCI member. This combined with the validation performed under the Conflict-Free Smelter Programme should provide the information required under Step IV of the OECD Guidance.

To date fifteen tantalum processors have completed the CFS audit procedure and been designated as a Conflict Free Smelter. At least two of these are known to purchase material from the Great Lakes Region, and an in-region audit of the supplier of these smelters was also conducted by an independent consultant to ensure that the smelters’ due diligence practices conformed to the OECD Due Diligence Guidance.

At the point of writing, two tin smelters have also passed the CFS audit and have been designated conflict-free. However, owing to antitrust rules, the programme has not disclosed their identities yet.

---

89 IPIS interview with CFS representatives, September 2012.
thus it is not possible for the team to confirm that they source from the Great Lakes region. To date, no tungsten smelter has approached the CFS board or is scheduled to undergo the audit. Over the next 12 to 18 months, CFS will be working to expand beyond tantalum and reach out to smelters of other metals.

**STEP 5: Report annually on supply chain due diligence**

The last step of the OECD Guidance, namely the need for companies to annually report or integrate, where practicable, additional information on due diligence into annual sustainability or corporate responsibility reports, has not yet been implemented by any of the upstream companies in the pilot.

Companies participating in the pilot project do not seem to engage in annual review processes such as the publication of corporate sustainability reports, non-financial reports or even broad CSR reports, addressing the wide array of social issues and impacts generated by their operations. At the moment most participants lack the capacity to produce accurate due diligence reports, and at the same time are not able to opt for the inclusion of a due diligence-related chapter to their current reporting exercise.

Further capacity-building efforts are needed with regards to Step V. Upstream companies need to be targeted by expert-led workshops and training on corporate reporting activities that go beyond internal documents and address social, environmental and due diligence practices.
SECTION VI – CHANGES ON THE GROUND: ACHIEVEMENTS, ONGOING CHALLENGES AND LESSONS LEARNT

Achievements in the past 18 months

Overall, a great deal of progress has been made since the start of the OECD Due Diligence pilot implementation phase eighteen months ago. New initiatives like the Solutions for Hope (SfH) project, the Partnership for social and economic sustainability and the Conflict Free Tin Initiative started.

Meanwhile, previously initiated initiatives continued to develop at a very high pace. The iTSCi expanded very quickly and is now covering all mine sites in Rwanda and Katanga, one site in South Kivu and has now (December 2012) begun to expand in Maniema. It is estimated that almost 18 000 tons of tagged minerals have left the region since the start of the project.

At Regional level, the ICGLR continued to develop the different tools of the Regional Initiative for Natural Resources, such as the Regional Certification Mechanism, the Regional Database, the Whistle blowing mechanism and the Harmonisation of legislation. Both the DRC and Rwanda have harmonised their legislation and are preparing to issue the first certificates in the coming months.

In Rwanda, both government authorities and mining companies benefitted from their experience of the BGR led Certified Trading Chains pilot project (implemented at five mines), when putting the preparatory steps to issue the first certificates in place. In the DRC, the BGR programme is tailored exclusively to support the Ministry of Mines in its efforts to set the regional certification mechanism in place.

The announcement by the CFS programme that they would accept ICGLR-certificates as credible in-region sourcing mechanisms is a major step forward, as is the Conflict Free Tin Initiative, which has started exporting minerals from South Kivu after eighteen months of de facto ban on minerals from the Kivus. Many other mines in the Kivu provinces are conflict free and, with buyer engagement, there may be room to start similar projects that can provide miners with access to legitimate markets and get trade going again.

On-going challenges

The Kivu provinces

International traders and smelters find it difficult to source from the Kivu provinces, given the requirements set by the CFS and the limited quantity of minerals that willing downstream companies can absorb. Up until now, downstream companies driven by regulatory pressure have interpreted due diligence conservatively as a guarantee of 100% conflict-free materials. To meet this interpretation, companies choose to source from geographical areas that are designated “conflict free”. The activities of armed groups around Mitwaba in Northern Katanga followed by the deployment of a permanent MONUSCO base, show that continuous vigilance is required as the situation may degenerate rapidly even in provinces commonly regarded as conflict-free. Certainly, customers’ requirements driven by regulatory pressure have a bearing on sourcing decisions. The request of downstream-users for iTSCi-tagged material, in combination with the reality that iTSCi has not been able to expand its operations outside of Katanga and Rwanda due to either security reasons or lack of funding, means that there is a

91 http://radiookapi.net/en-bref/2012/10/15/katanga-la-societe-civile-salue-la-presence-des-casques-bleus-de-la-monusco-mitwaba/
more limited market access for minerals originating from the Kivu provinces, Maniema (up until recently), Burundi and Uganda. Exporters who do manage to find a market for untagged minerals are obliged to sell them at very low prices. Following the set-up of the Conflict Free Tin Initiative by the Dutch Government in collaboration with iTSCi, tin coming from the Kalimbi site will be tagged and sold at a competitive price for the first time in 18 months.

**Smuggling**

Over the past two years, cross-border smuggling has increased substantially. In their latest report, published in late November 2012, the UN Group of Experts on the DRC described smuggling patterns in the region and reiterated that the ores with higher values per kilo such as tungsten and coltan are currently being smuggled more.\(^92\) As long as there are no traceability or certification schemes in place that cover the whole region and most notably, the Kivu provinces, Uganda and Burundi, smuggling and contamination of clean material will continue to pose a threat to formalisation and due diligence initiatives.

**Formalisation of the artisanal sector and mitigation of its exposure to adverse impacts**

The OECD Due Diligence Guidance recommends that companies should mitigate risks of exposure of artisanal miners to adverse impacts. The Guidance suggests that this can be done by “supporting host country governments’ efforts for the progressive professionalisation and formalisation of the artisanal mining sector, through the establishment of co-operatives, associations or other membership structures”.

Over the past 18 months, the number of co-operatives has grown and they have been integrated into the supply chain as a formal economic actor. In the current supply chain, the International Labour Organisation defines a co-operative as “an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise”.\(^93\) Considering their economic interest and top-down imposition, some of the so-called co-operatives may not fall under this definition.

During its field mission the team talked to local civil society organisations and an international development organisation reported that child labour is still prevalent in the mines and the overall working conditions have not improved.

One option to safeguard the interests of the artisanal miners might be to look into the options of supporting the *Associations des créuseurs* which are created on the initiative of the miners themselves.

**State capacity and ownership**

While the understanding of the OECD Guidance and responsible sourcing is rather high for economic actors and civil society in DRC and Rwanda who have participated in the pilot project, this is not true for state agents. At the time of enacting the *note circulaire* requiring all companies to implement due diligence in accordance with the OECD and UN guidelines, the DRC Government indicated to the UN GoE they would need help to determine whether the various international requirements were being met. The Congolese Ministry of Mines suspended the activities of two *comptoirs*, following evidence collected by the UN Group of Experts. However, despite having followed through their commitment to sanction those

---


\(^93\) Universally recognized definition in the 1995 International Co-operative Alliance Statement on the co-operative identity, the 2001 UN Guidelines aimed at creating a supportive environment for the development of co-operatives and the 2002 ILO Recommendation No. 193 on the promotion of co-operatives.
not implementing due diligence, the Congolese government lacks capacity and resources to enforce the note circulaire rigorously.

In neighbouring countries of the DRC, such as Uganda and Burundi, the lack of technical understanding of due diligence requirements is widespread among economic actors, civil society and government officials. There is an urgent need for capacity trainings focused on what due diligence is, and how it can be implemented, across the region. Plans to carry out joint OECD-ICGLR workshops across the region have not materialised so far owing to lack of funding.

Data collection, transmission and sharing
The production of reliable statistics in the DRC remains a challenge for government services owing to the poor road and communication infrastructure and the limited available budget for on-site government control.\(^{94}\) By concluding a partnership with the iTSCi Programme, the government expected to reinforce its capacity to collect data for mineral statistics. Currently, data are collected using logbooks in paper format. Instead of logbooks, government officials often use draft notebooks which delay several weeks to several months the transmission and process of raw data in the iTSCi database in London. While the number of government agents deployed to collect data has quadrupled in Katanga,\(^ {95}\) with all the costs associated with the expansion of the service, the authorities were disappointed that insufficient capacity building of government data specialists has as yet been carried out by iTSCi to enable government agents to produce their own reliable statistics. A pilot electronic bar-coding project should commence by the end of 2012. Logbooks would be replaced by Personal Digital Assistants (PDAs). These are electronically-handled devices that are easy to use. However, since they need a phone network and electronic power to operate, it is unlikely that PDAs will entirely replace logbooks in the foreseeable future. Data sharing needs further improvement. iTSCi argues that since the government has a carbon copy of the logbooks used to collect raw data, they do have access to the data. The ITRI MoU with the ICGLR requires the parties to agree on data access standards. This has not happened, yet. ICGLR members, the ICGLR Secretariat, with their consultants, and iTSCi are encouraged to continue discussion on data-sharing, taking into account capacity constraints which may be eased by more effective ways of data transfer and maintenance.

In Rwanda, concerns about the lack of direct access to the consolidated iTSCi data are related to the issuances of the first ICGLR certificates. The problems related to the lack of access to the data are two-fold. Firstly, before the first certificate can be issued, the CoC system (iTSCi in the case of Rwanda) needs to undergo an initial evaluation by the Independent Mineral Chain Auditor. If the auditor does not have access to all data, compliance cannot be evaluated. Secondly, the certification officer needs to reconcile and verify CoC documentation for every shipment. During the trial certification procedures that took place in August 2012, all data imported was recorded by hand owing to the lack of digital data. This process however is extremely time-consuming and not sustainable in the long run. Transitioning to an electronic system may not necessarily result in more reliable statistics, given capacity and other constraints faced by government agents.

---

\(^{94}\) See the OECD Pilot Implementation baseline report page 4. The baseline report is accessible on the OECD website: [http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm](http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm)

\(^{95}\) Currently SAESSCAM deploys 486 agents, of which 436 are on the field to register and collect data at the 1100 to 1200 tagging points installed by iTSCi. Over the past 12 months, this is an increase of 351 agents, as the service counted 135 agents in September 2012.
Lessons learnt

- Co-operation between upstream and downstream companies, including through donor support for expanding traceability to so called conflict-provinces is enabling market access for responsibly sourced minerals.

- Conflict-free designations may turn out to be artificial in highly dynamic environments where situations can degenerate rapidly. There is therefore a need to strengthen mechanisms of alert or early warning, so to enable timely responses to identified risks, in accordance with Annex II of the Guidance.

- Capacity building efforts should be replicated outside the DRC and Rwanda. More outreach activities, such as workshops, need to take place in the region, especially in Uganda and Burundi.

- Efforts to restart trade in the Kivus should be scaled up. The Dutch-sponsored Conflict Free Tin Initiative is proving that it is possible for Kivu-sourced minerals to reach the international market. Possibilities to expand the scope of this initiative to other sites are being explored.

- The harmonisation and co-ordination processes between different initiatives should be speeded up. In Section III.3c several opportunities for harmonisation have been indicated. Most importantly, the different entities undertaking audits of both mine sites and companies should together explore how different audits can be consolidated or at least streamlined to minimise audit fatigue.

- The issue of “audit fatigue” and the costs for industry associated with the implementation of concurrent in-region schemes, raised by several upstream companies during IPIS’ second cycle of field visits, remains a challenge and needs to be addressed in multi-stakeholder forums, where the potential for harmonisation, increased co-ordination and audit reduction can be best exploited. Many upstream participants do not distinguish audits from visits for the purpose of research and/or visits from downstream buyers. Further capacity-building efforts are needed with regards to Step 5. Upstream companies need to be targeted by expert-led workshops and training on corporate reporting activities that go beyond internal documents and address social and due diligence practices.

- In the interim report, the team pointed out that 30 companies had adopted a policy commitment setting forth due diligence principles. Awareness-raising activities carried out in the region helped companies become more familiar with the OECD Guidance including drafting their own policies in accordance with the model policy provided in Annex II of the Guidance.
Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'État
  « Avec l'expression de mes hommages les plus dévoués »
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement
  « Avec l'assurance de ma haute considération »
- Son Excellence Monsieur le Vice-Président, Ministre du Budget;
- Son Excellence Monsieur le Vice-Président, Ministre de la défense nationale et Anciens Combattants
- Monsieur le Ministre de l'Intérieur, Sécurité, Décentralisation et Affaires coutumières;
- Monsieur le Vice-Ministre de l'Intérieur;
- Monsieur le Vice-Ministre des Affaires Etrangères;
- Monsieur le Secrétaire Général des Mines;
- Monsieur le Directeur Général du CEEC;
- Monsieur le Coordonnateur Général du SAIC/SCAM
- Monsieur le Président de la chambre des Mines
  (Tous) à Kinshasa/Gombe

- Honorables Président de l'Assemblée Provinciale du Nord-Kivu;
- Madame la Ministre Provinciale ai des Mines;
- Monsieur le Chef de Division Provinciale et Géologie du Nord-Kivu;
- Monsieur le Vice-Président de la Chambre des Mines/filière stannière.
  (Tous) à GOMA


A Monsieur le Gouverneur de Province du Nord-Kivu,
à Goma

Monsieur le Gouverneur,
Subséquemment à ma lettre n° CAB.MIN/MINES/01/05/06/2012 du 19 juin 2012 ayant trait à l’objet repris en marge, j’ai l’avantage de revenir sur le point 7 relatif à la contribution spéciale des opérateurs minières à la réalisation des projets de développement dans votre Province en général et dans les territoires où se déroulent les activités minières en particulier.

A cet effet, je marque mon accord sur la hauteur des montants de la contribution spéciale des opérateurs minières tels qu’issus d’une concertation entre les Experts du Ministère des Mines et une délégation des opérateurs minières de votre province. Cette contribution se présente comme suit :

- Les Coopératives minières : 30$/Tonne des minerais produits
- Les Négociants : 50 $/Tonne des minerais achetés
- Les entités de traitement : 75 $/Tonne des minerais à l’exportation

Total : 180$/Tonne

Au total, les opérateurs minières contribueront à la hauteur de 180$/Tonne, outre le paiement des taxes, redevances et droits institués par des textes légaux et réglementaires du Gouvernement central et de la Province.

L’argent perçu doit être logé dans un compte ouvert par la Province et réparti à la fin de chaque mois suivant la clé de répartition suivante :

- Territoire où se déroulent les activités minières : 130$/Tonne
- Province du Nord-Kivu : 50 $/Tonne

Total : 180$/Tonne

Les ressources minières étant épuisables, cet argent doit être utilisé pour la réalisation des projets de développement à impact visible et durable.

Pour une gestion transparente de ces ressources financières, il y a donc lieu de mettre en place un comité provincial de développement au niveau provincial et un comité local de développement au niveau de chaque territoire composé des Délégués de la province et de toutes les parties prenantes. Aussi, je salue, à juste titre, l’initiative prise par les opérateurs minières et les notables du territoire de Wali ou qui ont répondu positivement à ma lettre précitée. Cette action doit s’étendre à tous les territoires de votre province.
S’agissant des frais, dits non repris par la nomenclature ni nationale, ni provinciale, ils doivent être supprimées, notamment les frais payés à la DGI, à l’aéronautique civile, au Ministère provincial des Mines, à la Division provinciale des Mines, au SAESSCAM et à tout autre service public de l’État. Seules les taxes instituées par des textes légaux et réglementaires à l’exportation doivent être perçues par le CECE, dans un guichet unique et celles liées à l’exploitation artisanale par le SAESSCAM dans un autre guichet unique. Elles doivent être couvertes par des documents comptables officiels à délivrer par les services percheurs. Le tout à répartir à la fin du mois au profit des entités, services et organismes publics.

De ce qui précède, le point 2 de ma lettre susvisée du 19/06/2012 doit être exécuté dès réception de la présente. Ainsi, les lots des minéraux achetés par tous les comptoirs provenant de la Province du Maniema considérée comme Zone libre des conflits par l’ONU, l’OCDE, et la SEC, et gardés dans des dépôts à Goma sont autorisés à être exportés.

Veuillez agréer, Monsieur le Gouverneur, l’expression de mes sentiments distingués.

[Signature]

Martin KABWELELU
Kinshasa, le 9 JUN 2012
N° CAB.MIN/MINES/015.D.05.6.0....2012

MINISTRE DES MINES
Le Ministre

Transmis copie pour information :
- Son Excellence Monsieur le Président de la République, Chef de l’Etat  
  « avec l'expression de mes hommages les plus dévoués »
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement 
  « Avec l'assurance de ma haute considération »
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre du Budget ;
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de la défense nationale et Anciens Combattants
- Monsieur le Ministre de l’Intérieur, Sécurité, Décentralisation et Affaires coutumières ;
- Monsieur le Ministre des Affaires Etrangères, Coopération Internationale et Francophonie ;
- Monsieur le Vice-Ministre de l’Intérieur ;
- Monsieur le Vice-Ministre des Affaires Étrangères ;
- Monsieur le Secrétaire Général des Mines ;
- Monsieur le Président de la Chambre des Mines (Tous) à Kinshasa/Gombe
- Honorable Président de l’Assemblée Provinciale du Nord-Kivu ;
- Madame la Ministre Provinciale a,i des Mines ;
- Monsieur le Chef de Division Provinciale et Géologie du Nord-Kivu ;
- Monsieur le Vice-Président de la Chambre des Mines/filière stannifère. 
  (Tous) à GOMA

A Monsieur le Gouverneur de Province du Nord-Kivu, 
à Goma

Monsieur le Gouverneur :

Par la présente, je vous rappelle que la République Démocratique du Congo a toujours été accusée par certaines ONGS internationales des ressources naturelles et certains organismes internationaux de ne pas maitriser et contrôler de manière efficiente les activités d’exploitation des
minerais dans la partie Est de notre pays en général et dans la Province du Nord-Kivu en particulier, en dépit de toutes les mesures prises pour assainir ce secteur en vue de rompre le lien entre l'exploitation illégale des minerais et le financement des activités des groupes armés non-étatiques nationaux et étrangers qui sont à la base de l'insécurité récurrente dans cette partie de la République.

Aussi, il devient inadmissible que notre pays soit faussement accusé alors que le Gouvernement, par le biais du Ministère des Mines a fourni des efforts sur le plan technique en mettant en place des systèmes de traçabilité et de certification ainsi qu'en procédant à la qualification et la validation des sites miniers suivant les critères de l'OCDE, de l'ONU et de la CIRGL d'une part et par le biais des FARDC et de la Police Nationale sur le volet sécuritaire d'autre part en démilitarisant plusieurs sites miniers.

C'est pourquoi, la rigueur et la fermeté doivent être de mise contre tous ceux qui s'apprêtent à essayer de contester nos efforts et de mettre en doute la réglementation en la matière, ainsi que l'a souligné Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement lors de sa récente visite dans votre juridiction. Le Ministre des Médias, chargé des Relations avec le Parlement et de l'Initiation à la citoyenneté a réaffirmé cette option de fermeté dans le communiqué de presse du Gouvernement diffusé le 09 juin 2012 à Goma. C'est dans ce cadre que les décisions suivantes sont prises :

1. Les comptoirs TTT Mining (actuel CMM) et Huaying restent suspendus sur l'ensemble du territoire national jusqu'à nouvel ordre ;

2. Les lots des minerais de deux comptoirs suspendus provenant de la Province du Maniema sont autorisés à être exportés. Il en est de même des lots des minerais des autres comptoirs provenant de la même Province, considérée comme Zone libre des conflits, sont autorisés à être exportés ;

3. Tous les produits miniers provenant des sites non qualifiés et non validés des territoires de Walikale, Masisi et d'autres de votre Province doivent être saisis et gardés, sous votre entière responsabilité, dans des dépôts choisis par l'Autorité provinciale ;

4. La mesure de la transformation de comptoirs de la filière stannifère en entités de traitement doit se poursuivre sans désemparé et de telle manière qu'en fin de cette année, il n'y est plus en activité que des entités de traitement.
5. Le transfert des minéraux d'une province à l'autre est pour le moment interdit. Chaque province devrait exporter ses produits miniers à partir d'un centre d'exportation situé dans sa province afin de générer des recettes propres à la province ;

6. Les sites miniers non qualifiés et non validés de votre province ne peuvent faire l'objet pour l'instant d'une quelconque activité d'exploitation. L'effort de qualification et de validation des sites miniers va se poursuivre pour ouvrir progressivement d'autres sites miniers aux activités d'exploitation minière ;

7. L'ouverture d'un compte bancaire, au nom de la province, pour le financement des projets de développement grâce à l'exploitation minière. Les ressources minières, étant épuisables, il est inadmissible qu'il n'y ait pas dans la province des projets à impact visible et durable financés par l'exploitation minière. Voilà pourquoi je vous demande de prélever et verser, à chaque exportation, dans ce compte, 35 USD/Kg par lot des minéraux exportés par tout exportateur des produits miniers.

Cette idée a été saluée et acceptée par tous les opérateurs miniers lors de notre rencontre à l'Hôtel CAP KIVU. Les fonds récoltés serviront donc à financer des projets de développement de la province. Chaque sortie des fonds sera justifiée par la présentation préalable du projet et approuvée conjointement entre vous et le Ministre National des Mines.

Veuillez agréer, Monsieur le Gouverneur,

l'expression de mes sentiments distingués.

Martín KABWELULU
AMABWIRIZA YA MINISITRI
N°02/2012 MINIRENA YO KUWA
18/03/2011 AGENA UBUREYO
BWIYUKIRIZWA
RYUBUZIRANENE BW'AMABUWE
Y'AGACIRO MY KAREE

MINISTERIAL REGULATIONS
INSTRUCTIONS MINISTERIELLES
N°02/2012 MINIRENA DU 18/03/2011
ON THE REGIONAL CERTIFICATION MECHANISM FOR MINERALS
SUR LE MECANISME DE CERTIFICATION REGIONALE DES MINERAUX

ISHAKIRO

Iringe k' imbere: Aho ubureyo bwa ICGLR by arihye n'amahanga amahanga y'agaciro y'abagerezwa bigagasa.

Table of Contents

1. Article 1: Application of ICGLR Regional Certification Mechanism (RCM) - Certification Manual
2. Article 2: Permission to Import and Export Designated Minerals
3. Article 3: Site Inspections
4. Article 4: Traceability and Transport of Minerals
5. Article 5: Certification Procedure
6. Article 6: ICGLR Certificates
7. Article 7: Third Party Audit of Exporters
8. Article 8: Audit des exportateurs par des auditeurs independants

Table des Matieres

1. Article premier: Champ d'application du Mecanisme Regionale de Certification (MRC) de la CIRGL et du manuel de certification
2. Article 2: Autorisation d'importation et d'exportation des mineraux concernes
3. Article 3: Inspections des sites miniers
4. Article 4: Traçabilité et transport des minéraux
5. Article 5: Procedures d'exportation et de certification de la CIRGL
6. Article 6: Certificats CIRGL
7. Article 7: Audit des exportateurs par des auditeurs independants
Article 8: Bases de données et de suivi des minéraux

Article 9: Auditeur indépendant de la chaîne des minéraux de la CIRGL

Article 10: L'autorisation d'achat et de vente des minéraux

Article 11: Ouverture du comptoir d'achat et vente des minéraux

Article 12: Justificatif de paiement

Article 13: Comptes d'achat et vente des minéraux

Article 14: Rapport sur le commerce des minéraux

Article 15: Rapport en fraude

Article 16: Sanctions en cas de violation des présentes instructions
Ministerial Regulations

N°02/2012/MINE/RA of 28/03/2012 on the Regional Certification Mechanism for Minerals

Instructions Ministerielles

N°02/2011/MINE/RA of 28/03/2011 on the Mecanisme de Certification Regional des Minerais

Minister in Charge of Natural Resources,

The Minister of Natural Resources,

Le Ministre des Ressources Naturelles,

Pursuant to the PACT on Security, Stability and Development in the Great Lakes Region, signed in Nairobi on 15/12/2006 as ratified by the Presidential Order n° 44/01 of 15/11/2007;

Pursuant to Law n° 37/2006 of 11/08/2006 on mining and quarry exploitation;

Vu la Loi n° 37/2006 de la 11/08/2006 portant exploitation des mines et carrières;

Pursuant to the commitment to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region;

Pursuant to the Lusaka Declaration of 15 December 2011 on fighting smuggling in mineral trading.

Vu le Pacte sur la Sécurité, la Stabilité et le Développement dans la Région des Grands Lacs, signé à Nairobi le 15/12/2006, ratifié par l’Arrêté Présidentiel n° 44/01 du 15/11/2007;

Vu la Loi n° 37/2006 du 11/08/2006 portant exploitation des mines et carrières;

Vu la Déclaration de Lusaka du 15 Décembre 2011.
wa 15/12/2010 susyara ingamika y'izina Muvunyanahanga ku Kuree k’Ibyaga Binyu (CCGLR) zo kwumwanya iiburwumya ry’umutengo kmara munhuburwia amategeko (RNPP). Uburyo bw’ubugishirwa ry’Uburwumwe mu Kuree Gakaraz a’Anatikeko Iyiriga Rwigadweho, Amaburwunyaha ku kumwe ku inza y’umwami y’aparwa. Ibyugira ry’Uburw’uburyo ri Abuburubura Bure ku ryakaburirwa ry’anatikeko ; Guseza imbere Ubuzikale mu Gashora mu Musyo mu Kiganda Zireko (EIT); Cwuburika Uburyo bwa Gushagaza Amakuru kucu buriwa n’icarwumya ry’umwami y’aparwa mune amategeko;

Himwe ku iburwe phanganyasho cyi yoze kubwiri y’umwami y’aparwa mu kibyegire kwishilatwe muke mubura umusiganya iyiyu “umwami y’aparwa ry’tuna ko mu machiningwa” ya mu Kuree k’Ibyaga Binyu nitoze no in gahere ry’umwami y’umwami mu mukuru mupumyanahanga k’umwami y’aparwa yo mu Rwanda biswe ry’anatikeko y’iduyumusoro ku umwami y’aparwa mu buse buhama umusiganya iyiyu “Dodd-Frank Wall Street Reform and Consumer Protection Act”.

Habingiza kandi ku kmure k’uwagore mu Gashora, kw’umwami y’aparwa mu Rwanda ku iburwe rwamwami mu gushaga arii

December 15, 2010, of the Six Tools of Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) of the International Conference on the Great Lakes Region (CCGLR), to curb illegal exploitation of natural resources: a Regional Certification Mechanism; Harmonization of National Legislation; a Regional Database on Mineral Flows; Formalization of the Artisanal Mining Sector; Promotion of the Extractive Industries Transparency Initiative (EITI); Whistle Blowing Mechanism.

Recognizing the international concern regarding conflict minerals from the Great Lakes Region, and the potential impact on international market access for Rwandan minerals posed by the conflict minerals provisions of the United States Dodd-Frank Wall Street Reform and Consumer Protection Act;

Concire de l’importance internationale sur les “minerais de conflits” dans la Région des Grands Lacs, ainsi que l’impact potentiel sur l’accès des minerais rwandais au marché international posé par les dispositions des “minerais de conflits” dans la loi des États-Unis Dodd-Frank sur la réforme du Wall Street et la protection des consommateurs.
Official Gazette n° 17 of 23 April 2012

Gives the following instructions:

Article 1: Application of ICGLR Regional Certification Mechanism (RCM) - Certification Manual

Designated Minerals currently consist of wolframite, columbite, tin, tantalite, and gold shall be mined, traded, exported and imported in full conformity with the standards and procedures defined in the International Conference on the Great Lakes Region (ICGLR) Regional Certification Mechanism (RCM) - Certification Manual (henceforth "ICGLR Certification Manual").

Article 2: Permission to Import and Export Designated Minerals

Beginning December 15, 2012, no one is allowed to export Designated Minerals from Rwanda unless a duly authorized government agent has inspected the mineral shipment and issued an ICGLR Certificate covering that mineral shipment. Also, no one is allowed to import Designated Minerals from another Member State of the ICGLR into Rwanda.

Enet les instructions suivantes:

Article premier: Champs d’application de la Mécanisme Régional de Certification (MRC) de la CIRGL et du manuel de certification

Les Minéraux actuellement concernés : la Cassiterite, la Wolframite, le Coltan (Niobium-Tantalite) et l’Or doivent être extrait, acheté, vendu, exporté et importé en totale conformité avec les normes et procédures définies par la Mécanisme Régional de Certification (MRC) de la Conférence Internationale sur la Région des Grands Lacs (CIRGL), dans le manuel de certification ci-après : "Manuel de Certification de la CIRGL".

Article 1: Autorisation d’importation et d’exportation des minéraux concernés

À partir du 15 Décembre 2012, personne n’est autorisé à exporter les minéraux désignés sauf si un agent du gouvernement désigné a inspecté l’expédition des minéraux et a délivré un certificat de la CIRGL couvrant l’expédition des minéraux. Ainsi, personne n’est autorisée à importer des minéraux désignés à partir d’un autre État membre de
nuri ICGLR amahuye y’igaciro yavurwe hangura kereke avo mubuye alekunjwe
s’iyumoura cy’uburanye cy’ICGLR cyitirwenwa n’igihugu kuri muri ICGLR.

Ituziki yari gushumira ihubwe kugirwa
inyanze ye 15/12/2012 iyo igihugu kuri muri
ICGLR gacine kibamurwiro mu simutiko hu
Binyumangaba bwa ICGLR. Kugisha ku wa
15/12/2012 amahuye y’igaciro arwena y’iwa
mubwina akabora kibarera mu mubanga, kumungu mu plulo abanye cyangura adashie
ixyagishirwe cy’ubumanga bwa ICGLR.

Anahuye y’igaciro arwena y’iwa mubwina
akabora garamuwira mu plulo kuri muri
ICGLR muri ryamana cy’ICGLR sitae, mu
gite igihugu amaturisho kuburanye guhanga lw’iyemera bwa ICGLR kuri kidiza
ixyagishirwe bwavisho mu Rwanda tu
Binyumangaba bwa ICGLR ak’ito
byohebushe mubango. Muri iyo gite yo
mubanye ugotse a’nyaguroro
nyaburanye s’ikorera yakiburanye y’ikorera
y’ICGLR. Iki wa mubanye y’igaciro
arwena y’iwa mubwina yakitirwe
akabora kibarera mu mubanga adashie
ixyagishirwe cy’ICGLR. Bige y’iwa
mubanye ugotse a’nyaguroro

Designated Minerals may be imported from
an ICGLR Member State into Rwanda
without an ICGLR Certificate, if that
Member State has not issued the ICGLR
Certificate and has provided written
justification to the ICGLR Secretariat as
defined above. In this case Designated
Minerals shall have to be accompanied by a
chain of custody documentation meeting the
ICGLR chain of custody standards. The same
applies to Designated Mineral imports from
non-ICGLR Member States. Thus imported
Designated Mineral shipments have to be
exported without an ICGLR certificate. These
Designated Mineral shipments shall not be
physically mixed with Designated Minerals
described or carrying an ICGLR certificate.

Designated Minerals may be imported from
an ICGLR Member State into Rwanda
without an ICGLR Certificate, if that
Member State has not issued the ICGLR
Certificate and has provided written
justification to the ICGLR Secretariat as
defined above. In this case Designated
Minerals shall have to be accompanied by a
chain of custody documentation meeting the
ICGLR chain of custody standards. The same
applies to Designated Mineral imports from
non-ICGLR Member States. Thus imported
Designated Mineral shipments have to be
exported without an ICGLR certificate. These
Designated Mineral shipments shall not be
physically mixed with Designated Minerals
described or carrying an ICGLR certificate.

Anahuye y’igaciro arwena y’iwa mubwina
akabora garamuwira mu plulo kuri muri
ICGLR muri ryamana cy’ICGLR sitae, mu

All minerals to be exported from Rwanda must have the certificate of origin. All minerals imported into Rwanda from another state and subsequently exported shall be classified as re-exports.

Les sites miniers produisant des minerais designés doivent être inspectés selon les normes et procédures énoncées dans le Manual de certification de la CIRGL et les documents nationaux de référence issus du manuel de certification de la CIRGL. L’agent autorisé du gouvernement doit inspecter chaque site minier au Rwanda au moins une fois par an, et vérifier que le site minier est conforme avec les normes régionales sur les sites miniers comme indiqué dans le manuel de certification de la CIRGL.

The mine site inspection shall include CIRGL red and yellow dig standards as well as progress criteria. A result of the mine site inspection on the site miner shall compactor the norms of the CIRGL and the rules on the site miner.

28
ry’umukendo m’ihakurrya mu kuwa mu nsta Nyyuma y’igemana, ibunobo cy’umukendo ry’igaciro kwisasa rya mu cy’ibora ry’ikiranya (muri cy’ibora ry’igaciro), mu cy’ibora ry’umukendo rya mu b’umukundo cy’isasa (cy’ibora ry’umukendo ry’ikiranya).

Ibunobo by’aminuwa y’igaciro by’umukundo analurwasa y’ubumwamu ry’ikiranya y’EGLR yose ake yakubaye yumeyaga ubumwamu (budibwina mu cy’ibora ry’ikiranya).

Bunobo by’aminuwa y’igaciro by’umukundo analurwasa y’ubumwamu ry’ikiranya (buri mu cy’ibora ry’ikiranya), y’umukundo by’umukundo analurwasa y’igaciro by’umukundo y’igaciro aste rya analurwasa kuri cy’imberwa rya mu b’umukundo rwa mu cy’ibora ry’umukendo. Bunobo by’umukendo y’igaciro by’umukundo by’umukundo analurwasa y’EGLR yose ake yakubaye yamucyo cy’ibora ry’umukendo. Bunobo by’umukendo y’igaciro by’umukundo by’umukundo analurwasa y’ubumwamu ry’ikiranya.

Mine sites that are in complete conformity with EGLR standards shall be declared Certified (green-flagged).

Certified mine sites (green-flagged sites) are permitted to produce Designated Minerals for Certified Export. Mine sites that are in non-conformity with one or more of the Yellow-flag standards listed in the EGLR Certification Manual shall be declared Yellow-flagged. Yellow-flagged mine sites have six months in which to correct whatever issues put the mine in non-conformity, and to request and receive a follow-up mine site inspection.

Comme résultat de l'inspection du site minier, le site minier doit être désigné Certifié (cote vert), certifié, ou non-certifié (cote rouge).

Les sites miniers qui sont en complète conformité avec les normes de la CIRGIL doivent être déclarés certifiés (cote vert).

Les sites miniers certifiés (cotes violets) sont autorisés à produire des minerais destinés à l'exportation certifiée. Les sites miniers qui sont en non-conformité à une ou plusieurs des normes de la cote jaune énumérées dans le manuel de certification de la CIRGIL, doivent être déclarés jaunes. Les sites miniers cote jaune ont un délai de six (6) mois pour rectifier les situations ayant mis le mineur en non-conformité, demander une inspection et recevoir une inspection de suivi de la mine.

Les sites miniers cote jaune sont autorisés à continuer de produire des minerais destinés à l'exportation certifiée sous quels cas ne peuvent ils
Correct the yellow-flag violations. The sites mines that fail to affect corrections and past a follow up mine site inspection within the six (6) month period are declared Un-Certified (red-flagged). mines sites on conformity with the or more of the Red-flag standards listed in the EICLR Certification Manual shall be declared Un-Certified (red-flagged). mines sites that have not been inspected for more than one year shall also be declared Un-Certified.

Un-Certified mine sites are barred from producing Designated Minerals for Certified Export for a period of six (6) months.

At the end of this six (6) month period, the mine site may request a new mine site inspection. Mine site owners or operators may appeal the findings of a mine site inspection, as per the appeal procedures delineated in the EICLR Certification Manual.

Les sites miniers qui ne sont pas en conformité avec une ou plusieurs des normes de cet annexe dans le manuel de certification de la déclaration non-certifiés (rouge). Les sites miniers qui n'ont pas été inspectés depuis plus d'un an sont également déclarés non-certifiés.

Les sites miniers non-certifiés sont suspendus de produire des minerais designés à l'exportation certifiée pour une période de six (6) mois.

À la fin de cette période de six (6) mois, le site mineur peut demander une nouvelle inspection. Les propriétaires ou les exploitants du site mineur peuvent recourir à l'appel contre les conclusions d'une inspection du site mineur, selon les procédures de recours définies par le manuel de certification de la CIRGOL.
**Official Gazette n°17 of 23 April 2022**

**Article 4: Traceability and Transport of Minerals**

Designated Minerals shall be transported according to the chain of custody standards outlined in the IGCLR Certification Manual.

Designated Minerals transported outside licensed mining areas (Concession and Permit parameters) must be accompanied by records, tags or other documentation that shows the source mine for the minerals being transported. The tags, records or documentation accompanying consignments of Designated Minerals must provide full traceability for the minerals being transported. That is, the tags, records or documentation must be able to show the full chain of custody of the minerals, from the mine site to the point of export, including any intermediate steps.

**Article 5: Procedures for Export and IGCLR Certification**

Designated Minerals shall be exported according to the standards and procedures.

**Article 5: Procedures for Export and IGCLR Certification**

Designated Minerals shall be exported according to the standards and procedures.
outlined in the IGLR Certification Manual. This does not apply to Designated Minerals to be re-exported and not eligible for an IGLR Certificate as per Article 2 of these instructions. Before issuing an IGLR Certificate to an export shipment of Designated Minerals, a government official must inspect the shipment and its accompanying documentation and verify that:

(a) All of the Designated Minerals were sourced from a Certified (green-flagged) or Yellow-flagged mine site. Designated Minerals may also be sourced from imports from other Member States of the IGLR. Provided these imports were accompanied by an IGLR Certificate. Designated Minerals may not be sourced from an Un-certified (red-flagged) mine site;

(b) The exporter has traceability documentation showing full chains of custody of all of the Designated Minerals from the mine site or point of importation to the point of export;

(c) The exporter has traceability documentation showing full chain of custody of all of the Designated Minerals from the mine site or point of importation to the point of export;

(d) The exporter has traceability documentation showing full chains of custody of all of the Designated Minerals from the mine site or point of importation to the point of export;

(e) The exporter has traceability documentation showing full chains of custody of all of the Designated Minerals from the mine site or point of importation to the point of export;

(f) The exporter has traceability documentation showing full chains of custody of all of the Designated Minerals from the mine site or point of importation to the point of export.

In the manual de certification de la CIRGL. Ceci ne concerne pas les minerais destinés à la reexportation et non-éligibles pour un certificat de la CIRGL, comme stipulé à l'article 2 de ces instructions. Avant de délivrer un certificat de la CIRGL à une cargaison d'importation des minerais désignés, un agent de l'État doit inspecter la cargaison et les documents qui l'accompagnent, et vérifier que :

(a) Tous les minéraux concernés ont été extraits d'un site minier certifié (vert vif) ou certifié. Les Minéraux désignés peuvent également être des importations de provenance d'autres États membres de la CIRGL, à condition que ces importations soient accompagnées d'un certificat de la CIRGL. Les Minéraux concernés ne peuvent provenir d'un site minier non-certifié (cote rouge).
(c) The exporter is not itself Un-Certified (red-flagged).

Ahoabezwa wa uburuzangwa (here we use yellow or green instead of red).

(c) The exporter is not himself non-certified (red route).

L'exportateur certifié (cesta vert) ou non peuvent recevoir des certificats pour leurs exportations.

Si l'exportateur est certifié (cesta vert) ou non, il peut recevoir des certificats pour ses exportations.

If the government official is satisfied that conditions (a), (b), and (c) are true, they should fill in and sign the ICGL Certificate.

A second government official, authorized to sign ICGL Certificate, should then review the documentation and, if satisfied, counter sign the ICGL Certificate.

Le certificat de la CIRGL, tels qu'il est soumis, est valable pour une période de six (6) mois.

L'exporteur attache ensuite le certificat de la CIRGL à la cagoule d'exportation, qui devient alors une exportation certifiée.

The ICGL Certificate becomes valid for a period of six (6) months. The exporter then attaches the ICGL Certificate to the export shipment, which becomes a Certified Export.

Le certificat de la CIRGL devient alors valable pour une période de six (6) mois.

L'exporteur attache ensuite le certificat de la CIRGL à la cagoule d'exportation, qui devient alors une exportation certifiée.

The ICGL Certificates shall be produced and issued by the Rwanda Government, according to the standards and procedures outlined in the ICGL Certification Manual.

Les Certificats de la CIRGL doivent être produits et délivrés par l'Etat Rwanda, selon les normes et les procédures décrites dans le manuel de certification de la CIRGL.
ICGLR Certificate shall contain the following features and information:

1° the name of the issuing country;
2° a unique serial number identifying the Certificate;
3° the name, legal address and physical address of the exporter, as well as any other information required to identify the exporter;
4° the name, legal address and physical address of the importer, as well as any other information required to identify the importer;
5° the exporter’s unique lot number or export order number for the shipment;
6° a description of the Selected Minerals, including the type of ore or concentrate, grade and size of the lot/shipment;
7° the national origin of the material (other names of country, or “mixed” in the case of lots containing material

Les Certificats de la CIÉPGL doivent contenir les éléments et renseignements suivants:

1° le nom du pays émetteur;
2° un numéro particulier d’identification du certificat;
3° le nom, l’adresse officielle et l’adresse physique de l’exportateur, ainsi que toute autre information nécessaire pour identifier l’exportateur;
4° le nom, l’adresse officielle et l’adresse physique de l’importateur, ainsi que toute autre information nécessaire pour l’identité;
5° le numéro particulier du lot de l’exportateur ou le numéro de la commande destinée à l’exportation pour le lot / la cargaison;
6° une description des minerais sélectionnés, y compris le type de minerais ou de concentré, le poids et la catégorie du lot / de la cargaison;
Y agrico avuna aturise mu bungo kuburi cyangwa byumibi.

8° agrico k’ibyobarejwe;

9° igize byoberejwe;

10° indira bizacaho a’kigo gishinze e kuhiwara (kizahutse kizwe);

11° kigo cy’i Leta ginanga iycyese, irina, umwego ru’umuronwa na numeza y’irangamuriza(bonito) by’umunywa uluganze. Leta, wagamineye imaporoarizibere, cyoberejwe mu mabanga akitanze ko harangwa k’ycyese cy’umunyeye cy’IGLR;

12° rnitaki ibyoberejwa byagerezrzeke a’uganze. Leta;

13° rnitaki ibyoberejwa byagerezrzeke a’uganze. Leta.

14° rnitaki kycyese cy’IGLR cy’umunywa mu mabanga (agricro kacye gatagazira kuri cy’iranze);

9° the value of the lot shipment;

9° the date the lot is shipped;

10° the shipment route and the transport company responsible for transporting the shipment, if known;

11° the Government issuing authority and the name, position and identification number (where available) of the government representative responsible for verifying the documentation associated with the export and recommending the issuance of an IGLR Certificate;

12° the date the lot is verified by the Government representative;

13° the name and signature of the government representative empowered to countersign the IGLR Certificate to render it valid;

14° the date that the IGLR Certificate is countersigned (the certificate is valid from this date);

15° the value of the lot / de la cargaison;

9° la date d’envoi du lot;

10° l’itinéraire d’acheminement et la société de responsable du transport de la cargaison, s’il existe;

11° l’autorité gouvernementale émettrice et le nom, le poste et l’identification (si possible) du représentant du gouvernement chargé de vérifier la documentation associée à l’exportation et de la recommandation pour émission d’un certificat de la CIRGEL;

12° la date où le lot est vérifié par le représentant du gouvernement;

13° le nom et la signature du représentant du gouvernement habilité à contressigner le certificat de la CIRGEL pour le rendre valable;

14° la date à laquelle le certificat de la CIRGEL est contresigné (le certificat est valable à partir de cette date).
15° date a laquelle le certificat expire, ou la période de validité du certificat

Additionally, each ICGLR Certificate shall bear the title “International Conference on the Great Lakes Region (ICGLR) Certificate” and the following statement “The minerals in this lot have been mined, traded and handled in accordance with the requirements of the ICGLR standards.”

Each ICGLR Certificate shall be printed in both English and French. Additional languages may be added.

Article 7: Third Party Audits of Exporters

Exporters exporting Designated Minerals shall be audited according to the standards and procedures outlined in the ICGLR Certification Manual.

A Third Party Auditor accredited by the ICGLR Audit Committee shall perform an audit on each exporter at least once per year, and verify that the exporter is in conformity with the requirements of the ICGLR standards.

Article 8: Audits des exportateurs par des auditeurs indépendants

Les exportateurs exportant des minéraux concernés doivent être audités selon les normes et les procédures décrites dans le manuel de certification de la CIRGL.

Un auditeur indépendant accrédité par le Comité d’Audit de la CIRGL doit effectuer une vérification à chaque exportateur au moins une fois par an, et vérifier que les exportations sont conformes aux normes de la CIRGL.
The Third Party Auditor shall also audit a representative sample of mine sites supplying the exporter, as defined in the ICGLR Certification Manual, to verify national mine site inspection results. It is the responsibility of the exporter to commission and pay for the Third Party Audit, as well as any follow-up audits. As a result of the Third Party Audit, the exporter shall be designated Certified (green flagged), Yellow-dagged, or Un-Certified (red flagged).

Exports that are in complete conformity with ICGLR standards shall be declared Certified (green flagged).

Exporters who are not in complete conformity with the standards of the ICGLR shall be declared Un-Certified (red flagged).
Official Gazette nº 17 of 22 April 2012

for Certified Expert Exporters that are in non-conformity with one or more of the Yellow-flag standards listed in the ICGLR Certification Manual shall be declared Un-Certified (Red-Flagged).

Les exportateurs qui ne sont pas en conformité avec une ou plusieurs des normes de la cote rouge énumérées dans le Manuel de Certification de la CIRGL doivent être déclarés non-certifiés (cote rouge).
Official Gazette no 17 of 22 April 2022

Un-Certified exporters are barred from exporting Certified Experts for a period of six (6) months. At the end of which the exporter may commission a follow up Third Party Audit.

Exports may appeal the findings of a Third Party Audit, as per the appeal procedures delineated in the E-GLR Certification Manual.

In article 4: Anakurukiro a'kurihinura ry'anaabye y'agaciro yo m'abave
Hutungwa ku bogi ngendwayabo a'ubuya bingagakwiro mu giso ry'anaabwina ya E-GLR ku buhinshana ry'ugurira b'ubwami mu Rwanda segúnba kuigira anakurur Twigiro ku bingwa a'ubwami a'kurihurangiro ku bokoreza anabwina y'agaciro mu mahanga

### Article 5: Database and Regional Mineral Tracking

In accordance with the standards and procedures of the E-GLR Certification Manual, mining authorities in Rwanda shall create a Mine Site Database, and a Database of Exporters.

Les exportateurs non-certifiés sont empêchés d'exporter des exportations certifiées pour une période de six (6) mois. À la fin de cette période de six mois, l'exportateur peut commander un audit indépendant.

Les exportateurs peuvent interjeter appel contre les conclusions d’un audit indépendant, selon les procédures de recours définies dans le manuel de certification de la CIRGL.

En conformité avec les normes et les procédures du manuel de certification de la CIRGL, les autorités chargées des mines au Rwanda doivent créer une base de données des sites minières et une base de données des exportateurs.
The Rwandan Government may also create a Mineral Tracking Database. The Mine Site database shall contain the entire active mine sites in Rwanda and a map. Designated Mineral Traders, along with the status of certified, yellow-dyed, un-certified - each mine site.

The Database of Exporters shall contain all of the exporters in Rwanda who export Designated Mineral; along with the status - certified, yellow-dyed, un-certified - of each exporter.

The Base of exporters shall contain all of the information on the production of Designated Minerals at each mine site in Rwanda, the sale, purchase and transport of Designated Minerals within the border of Rwanda, the export from Rwanda of Designated Minerals by each exporter located in Rwanda, other statistics and information on the production, trade and export of Designated Minerals in Rwanda.

Le Sénégal, par exemple, a créé une base de données de suivi des minerais. La base de données des sites minières doit contenir l'ensemble des sites minières actifs en Sénégal produisant des minerais concernés, avec la localisation - certifiés, Nanncertifiés - de chaque site minière.

La base de données des exportateurs doit contenir tous les exportateurs en Sénégal qui exportent des minerais concernés, avec la localisation - certifiés, Non-certifiés - de chaque exportateur.

La base de données de suivi des minerais doit contenir des données détaillées sur la production de minerais concernés à chaque site minière au Sénégal, la vente, l'achat et le transport des minerais concernés sur le territoire du Sénégal, les exportations en provenance du Sénégal des minerais concernés par chaque exportateur inscrit au Sénégal, autres statistiques et informations sur la production, le commerce et l'exportation des minerais concernés au Sénégal.
To facilitate the regional mineral tracking function of the ICGLR Regional Certification Mechanism, the contents of the Mines Sites Database, Database of Exporters, and Mineral Tracking Database shall be shared in their entirety on a regular basis with the ICGLR Secretariat.

Article 9: ICGLR Independent Mineral Chain Auditor

In accordance with the standards and procedures of the ICGLR Certification Manual, the ICGLR Independent Mineral Chain Auditor (IMCA) is empowered to conduct independent investigations of any or all parts of the mineral chain in any of the ICGLR Member States.

The Rwandan authorities commit to grant permission to all investigations by the IMCA after being fully informed as to the nature and scope of the investigations.

Rwandan Government authorities, mining companies or cooperatives, and all others involved in the production, trade, and transport of minerals, are regulated by the

Les autorités du Rwanda devront laisser accéder une autorisation avant et après avoir été pleinement informées de la nature et de l'objet de l'enquête.

Les autorités gouvernementales Rwandaises, les exploitants, les sociétés de minières ou les coopératives minières, et tous les autres impliqués dans la production, le commerce,
Official Gazette n°17 of 23 April 2012

Article 10. Permission to buy and to sell minerals

No one is allowed to purchase or sell mineral substances without commercial registration.

Article 11: Opening a mineral trading center

Apart from those with mining licenses recognized by the Ministry of Trade and Industry (MINCOM), as also involved in trading, a person or a company that wishes to buy or sell minerals must apply to the Minister of Commerce requesting for permission to trade in the same, clearly specifying the type of mineral(s).

Trading activities shall begin after the Ministry of Commerce and Industry (MINCOM) has given the permission and le transport, ou la réglementation du commerce des minerais, en Rwanda, favoriser l’exercice de leur plein coopération à l’IFACM.

Exception faite aux ministres de titre miniers agrées et dont le Ministère ayant le commerce dans ses attributions (MINCOM) est dûment informé, toute personne physique ou morale désirant exercer l’activité d’achat et de vente des minéraux ou des pierres précieuses doit adresser au Ministre ayant le commerce dans ses attributions, une demande d’autorisation d’ouverture d’un comptoir d’achat et de vente des minéraux, spécifiant les types de minéraux ou de pierres précieuses qui l’intéressent.
Article 12: Payment voucher

The buyer of minerals must possess a payment voucher from the seller. Purchasing of Designated Minerals in Rwanda is restricted to those consignments where the source mine is known through the ICGLR chain of custody standards, and the respective mine site is not red-flagged as per Article 3 of this instruction.

Article 13: Mineral trading center:

The mineral trading centers are designated by the Rwanda Natural Resources Authority, Geology and Mines Department.

Article 14: Mineral trading report

Mineral traders must submit to the Ministry of Trade and Industry (MINICOM) monthly reports of total purchases and sales, with copies to the Ministry of Natural Resources (MINERA) and the Rwanda Natural Resources Authority.

Article 15: Compteur d’achat et vente des minéraux


Article 16: Rapport sur le commerce des minéraux

Les commerçants des minéraux doivent soumettre au ministère du Commerce (MINICOM) des rapports mensuels du total des achats et des ventes, avec copie au ministère des Ressources Naturelles et à
Kamere (MINRENA) a’kiyo cy’igihugu gishuzwe umunyango kamere ibihami rya lweddo ni Mine (GMD).

**Article 15: Fraudulent minerals**

Fraudulent minerals are Designated Minerals not accompanied by adequate chain of custody documentation as per Article 4.

Fraudulent minerals will be impounded by the security services or the Rwanda Revenue Authority (RRA) and will be handed to the Rwanda National Resources Authority (GNRDA) with the responsibility of returning the fraudulent minerals to their rightful owners through the security services or the Rwanda Revenue Authority (RRA) and with the responsibility of returning the fraudulent minerals to their rightful owners through the security services or the Rwanda Revenue Authority (RRA) and will be handed to the Rwanda National Resources Authority (GNRDA) with the responsibility of returning the fraudulent minerals to their rightful owners. The GNRDA will work in close consultation with the competent authorities to ensure that the fraudulent minerals are returned to their rightful owners.

**Article 16: Sanctions for breaking these regulations.**

Anybody caught in fraudulent mineral trade shall be subject to sanctions provided by Article 103 of Law n° 37/2008 of 11/01/2008 on mining and quarry exploitation.

**Article 17: Sanctions en cas de violation des présentes Instruction.**

Qui que sera pris en faute de manière frauduleuse sera puni par les peines prévues par l’article 103 de la Loi n°37/2008 du 11/01/2008 portant exploitation des mines et des carrières.
Official Gazette nº 17 of 22 April 2012

**Article 17:** Repealing provision

All prior regulations contrary to this instruction are hereby repealed.

**Article 18:** Commencement

These regulations shall come into force on the date of their signature.

Kigali, 20/03/2012

---

(é)

KAMANZI Stanislas
Minister of Natural Resources

(é)

KARUGARAMA Tharcisse
Minister of Justice / Attorney General

Kigali, le 20/03/2012

---

(é)

KAMANZI Stanislas
Minister of Natural Resources

(é)

KARUGARAMA Tharcisse
Minister of Justice / Attorney General

Va et scellé du Secrétariat de la République.

---

(é)

KAMANZI Stanislas
Minister of Natural Resources

(é)

KARUGARAMA Tharcisse
Minister of Justice / Attorney General

Ministre des Ressources Naturelles

Ministre de la Justice / Garde des Sceaux

---
ANNEX 2.

MINE INSPECTION REPORT

Rwanda Natural Resources Authority (RNRA)
Geology and Mines Department (GMD)
**HOW TO USE THIS FORM FOR MINE INSPECTIONS**

1. **Framework**
   The present report shall be used by mine inspectors of the Rwanda Natural Resources Authority when performing annual mine site inspections in Rwanda. The report integrates national standards and ICGLR regional mineral certification standards at the same time. The report shall be used to classify mine sites in Rwanda as “red”, “yellow”, or “green” as defined in the ICGLR certification manual, operationalized in Rwanda through law n° 002/2012 of 28 March 2012.

2. **Definition of “mine site”**
   A mine site is defined as a mining concession (parameter) recognized by the Rwandan government through an appropriate license (permit) type. A mine site will often have several subsites where mining takes place and which are differentiated for traceability. For reporting purposes and the certification status, all subsites shall be integrated into a single evaluation of the mine site as a whole.

3. **Scope of inspection**
   Relevant inspection information shall be collected from various sources (e.g., mine operator office, subsites, GMD office, local communities...). For each inspection section (table) above, there is a field which lists the relevant data sources *in italics*.

   Mining characteristics may vary among different subsites forming part of the same central mine site (concession). For this reason, a representative sample of subsites shall be visited during the inspection, and – for each inspection section (table) – the visited subsites shall be noted in the appropriate report data field (at the top of the respective section).

4. **Mine site classification (artisinal vs. industrial)**
   Mine sites are classified as “industrial” or “artisinal” according to ICGLR regional certification terminology.

   “Industrial mining” means mineral extraction undertaken by a company or cooperative on a formally recognized mineral claim or title, generally using advanced machinery and equipment. It also includes semi-industrial mining operations or/and operations where a mining company sub-contracts artisinal miners to extract minerals in Rwanda.

   “Artisinal mining” refers to cooperatives or individuals operating a mine site using mostly basic machinery and equipment (e.g., manual mining and processing methods like ground sluicing and panning).

5. **Report compilation**
   (a) Inspection sections 1 to 20 shall be completed by the inspector directly at the location where the data are compiled (e.g., at the mine site operator’s office or directly at a mining subsite). Note that for large mine sites it will take a single inspector several days to complete all required information. Also note that part of the data may already be obtained at the GMD office in preparation of the inspection. The mine site operator representatives (if any) accompanying the inspection shall sign off their participation in the appropriate form on the last report page.

   (b) The sections “summary of inspection findings & recommendations”, “regional certification red/yellow flag standards” and “regional certification progress criteria” shall be completed by the lead mine inspector responsible for the respective inspection at the GMD office (after field work), based on a review of the whole inspection report (sections 1 to 20).

   (c) The data compiled in the latter sections shall be presented and discussed at a GMD inspection committee meeting. Both the lead mine inspector responsible for a given report, and the chair of the GMD inspection committee shall then sign the “mine site inspection declaration” on the last page.
(d) The “mine site operator consultation” form shall then be signed by the responsible manager to acknowledge that inspection report results have been communicated in full to the mine site operator. The identified main problems and proposed remedial actions shall be copied into a mine book available at each mine site.

(e) The final inspection report shall be made available to the GMD or RNRA staff in charge of mine site data management. This person shall directly enter relevant data into a GMD or RNRA mine site database. The database shall be shared with ICGLR on a regular base. In case a mine site inspection detects a red flag standard violation, this finding shall be directly communicated to ICGLR without delay.

Database-relevant data are marked with the following symbol: ☐

6. Inspection process: Inspection planning meeting

An inspection planning meeting shall be agreed upon between the inspector and the inspected party prior to commencing field work. During the meeting, the inspector shall present the inspection standards and specify what kind of evidence shall be presented by the inspected party in order to streamline the inspection process.

At the inspection planning meeting, the inspector shall discuss the envisaged time schedule for field work, report compilation, as well as review and consultations with stakeholders, and shall notify stakeholders with regards to their respective roles in the process.

7. Inspection process: inclusion of other data sources

The inspected party is responsible to provide access to evidence during the inspection process as requested by the inspector. The inspector may refer to already existing evidence. If available, it is not necessary to duplicate investigations in case, for example, audited reports on tax conformity, CTC audits, ITSoC risk assessments etc. are available and represent credible evidence according to the inspector’s judgment.

It is of critical importance for the mine site inspector to verify that recently compiled evidence from other sources is still up to date with respect to the performance of a given mine site.

8. Inspection process: interview methodology

Interviews shall be carried out with mine site operator staff, associated formal and informal business partners (includes artisanal miners, subcontractors), communities and government officials affected by the mining activities. All information (especially when referring to red-yellow-flag category standards) generated from interviews shall be cross-verified by other evidence as far as possible in order to substantiate its credibility.

At all times, the inspector shall strive to protect the physical safety and well-being of interview subjects. Where advisable, either for the physical safety of interview subjects or in the interests of full and frank disclosure, interviews should be conducted in a safe location, away from the interview subjects place of employment.

9. Inspection process: (sub-) site inspection methodology

Physical site inspections on the mine site (concession) shall include individual mineral production subsites as well as mineral processing, transport, and storage sites. Additional site inspections, e.g., at community premises, security-relevant or environmentally sensitive sites, are also required. The subsites to be inspected shall be consulted at the inspection planning meeting.

The number of production subsite inspections shall be adjusted to size, type, and organizational structure of the respective mining operation; representative subsites should be chosen for inspection. The selection of representative subsites is critical to enable the inspector to accurately evaluate the inspected party’s performance, and should hence be given due consideration.

In keeping with the considerations of the ICGLR certification manual (Appendix 8.5) the sum of individual production subsites on the concession to be inspected should represent the majority of
minerals produced at the mine site (concession) level.

For documentary purposes, the inspector shall take photographs to serve as digital supplement to the inspection report where the inspector considers this as important to document and substantiate inspection findings.

10. Inspection process: records inspection methodology

Records of the mine site operator/owner shall be made available to the inspector for inspection at one or more central locations (e.g., the mine site office or company headquarters in Kigali) as agreed upon during the inspection planning meeting. Additional documentation, in particular of external parties may need to be reviewed at other locations.

Relevant records shall be reviewed and, if the inspector deems them as significant for detailed documentation, photographed or scanned in order to serve as digital evidence.

In case critical records are not available on site during the inspection, the mine site operator may submit such documents at a later stage within a period to be defined by the inspector and consulted with the inspected party. In such cases, the inspector shall evaluate whether and to which extent the relevance of a specific record justifies a potential delay in the inspection schedule.

11. Inspection process: lack of evidence

In case of lack of evidence to justify a finding with respect to a specific standard due to factors outside of the control of the mine site operator, a mine site operator shall not be rated as in violation of that standard if it is of the red- or yellow-flag category, and a rating shall not be assigned at all if it is of the progress criteria category.

In case a mine site operator has taken significant good faith efforts to comply with a specific standard, but fails to comply due to factors outside of the mine site operator’s area of influence, the same consideration shall apply.

12. Progress criteria level descriptors

For progress criteria, the inspector shall derive a rating between 0 and 4, based on the level descriptors listed below, corresponding to the level descriptors for equivalent national CTC standards as defined in the Rwanda Mining and Quarrying Code of Practice by the Rwanda Bureau of Standards (2011).

Progress criteria and associated level descriptors are as follows:

Payment, pricing, and distribution systems for artisanal miners and sub-contractors, as well as salary levels for employees are fair, legal, and regulated

Category: Progress criteria (Artisanal & Industrial); Working Conditions

Note: equivalent to CTC standard 2.1

Level descriptors:

4 = Gross salary of employees is at least equal to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are regular\(^1\) and fair\(^2\). The mine site operator verifies or spot-checks that artisanal miners receive due payments from sub-contractors.

3 = Gross salary of employees is at least equal to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are regular and fair.

2 = Gross salary of employees is equal or slightly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are somewhat regular and fair (although the pricing system applied by the company is not verifiable).

1 = Gross salary of employees is equal or significantly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are somewhat regular and potentially inadequate.

0 = Gross salary of employees is significantly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are irregular and inadequate.

Explanations for the standard:

\(^1\) at least once a month;

\(^2\) “fair” refers to a pricing system applied by the company which is verifiable and broadly reflects world market prices for the mined commodity
The mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer
Category: Progress criteria (Artisanal & Industrial); Working Conditions
Note: equivalent to CTC standard 2.3
Level descriptors:
4 = The mine site operator supports workers’ efforts to form a workers’ organization and to engage in collective bargaining.
3 = The mine site operator allows the formation of a workers’ organization but does not actively support it or its efforts to initiate collective bargaining.
2 = The mine site operator remains neutral regarding the formation of a workers’ organization; it has not, however, made an effort to support a discussion of workers’ organizations and collective bargaining.
1 = The mine site operator restricts the conditions under which a workers’ organization can be formed and allowed to operate and is reluctant to engage in collective bargaining.
0 = The mine site operator actively opposes the formation of a workers’ organization and any initiative at collective bargaining.

The mine site operator ensures occupational health and safety in all its operations
Category: Progress criteria (Artisanal & Industrial); Working Conditions
Note: equivalent to CTC standard 2.5
Level descriptors:
4 = Occupational injuries and work-related health problems are minimal and when they occur the mine site operator takes immediate measures to assist in treating them.
3 = Occupational injuries and work-related health problems occur occasionally and when they occur the mine site operator takes measures to assist in treating them.
2 = Occupational injuries and work-related health problems occur occasionally and the mine site operator is willing to help but does not have a clear procedure for treating them.
1 = Occupational injuries and work-related health problems are frequent and the mine site operator takes no responsibility in treating them.
0 = The mine site operator takes no responsibility for the health and safety of workers.

The mine site operator provides appropriate protective safety equipment and training to all workers
Category: Progress criteria (Artisanal & Industrial); Working Conditions
Note: equivalent to CTC standards 2.4 and 2.6
Level descriptors:
4 = The mine site operator provides essential protective safety equipment¹ to workers. A dedicated training staff offers training courses regularly on safety and health.
3 = The mine site operator provides most of the essential protective safety equipment for workers. Mine site operator personnel offer training courses regularly on safety and health as part of their on-going responsibilities.
2 = The mine site operator provides very little protective safety equipment for workers. Mine site operator personnel offer training courses occasionally on safety and health.
1 = The mine site operator does not provide any protective safety equipment for workers. Maintaining safe practices is the informal responsibility of foremen or other on-site operators and the mine site operator makes no special provisions to promote safe practices.
0 = The mine site operator obliges artisanal groups to work on their own and resists any intervention. The mine site operator has no intention of organizing training for workers.
Explanations:
¹ appropriate for the specific risks associated with a specific type of work.

The mine site operator has conducted an environmental impact study (delineating ways to reduce or mitigate that impact) as a base for the implementation of an environmental management plan
Category: Progress criteria (Artisanal & Industrial); Environment
Note: equivalent to CTC standard 5.1
Level descriptors:
4 = The mine site operator has completed an environmental impact assessment, and has developed and is implementing an environmental management and protection plan followed by regular reviews that aim to improve environmental performance.
3 = The mine site operator has completed an environmental impact assessment but has not yet developed and/or implemented an environmental management and protection plan.
The mine site operator has committed itself to completing an environmental impact assessment in the near future.

The mine site operator claims to practice environmental protection but has no immediate plans to complete an environmental impact assessment and does not have a documented environmental management plan.

The mine site operator is not concerned about its environmental impacts.

The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process.

Category: Progress criteria (Artisanal & Industrial); Environment  
Note: partly equivalent to CTC standard 5.2  
Level descriptors:

4 = A systematic plan for the disposal of dangerous substances and toxic chemicals has been prepared and implemented; hazardous materials have been reprocessed and recycled, if possible, or disposed of responsibly;

3 = A systematic plan for the disposal of dangerous substances and toxic chemicals has been prepared. Dangerous substances and toxic chemicals from site operations are reused or recycled, if possible, or disposed of responsibly;

2 = Dangerous substances and toxic chemicals from site operations are disposed of responsibly but no systematic plan has been prepared.

1 = Dangerous substances and toxic chemicals from site operations are not disposed of responsibly but no systematic plan for hazardous substances and toxic chemicals disposal is envisaged.

The mine site operator has a system in place to manage mine waste and tailings.

Category: Progress criteria (Artisanal & Industrial); Environment  
Note: partly equivalent to CTC standard 5.2  
Level descriptors:

4 = A systematic plan for the disposal of mine waste and tailings has been prepared and implemented; waste rocks dumps and tailings dams are properly planned, constructed, and their performance is monitored.

3 = A systematic plan for the disposal of mine waste and tailings has been prepared. Mine waste and tailings from site operations are reused or recycled, if possible, or disposed of responsibly; waste rock dumps and tailings disposal are properly constructed.

2 = Mine waste and tailings from site operations are disposed of responsibly but no systematic plan has been prepared.

1 = Mine waste and tailings from site operations are not disposed of responsibly. However, the company has concrete plans to undertake hazardous materials and waste disposal.

0 = Mine waste and tailings from site operations are not disposed of responsibly and no systematic plan for hazardous material disposal, waste rock dumps and tailings disposal is envisaged.

The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation.

Category: Progress criteria (Artisanal & Industrial); Environment  
Note: partly equivalent to CTC standard 5.3  
Level descriptors:

4 = A mine closure plan exists and the site operation makes provision to cover the full costs of rehabilitation and any monitoring or treatment that may be required after closure; the adequacy of plans and provisions is reassessed regularly.

3 = A mine closure plan exists and the site operation makes provision to cover the full costs of rehabilitation and any monitoring or treatment that may be required after closure.

2 = A mine closure plan exists and the site operation makes provisions to partially cover costs of rehabilitation and any monitoring or treatment that may be required after closure.

1 = A mine closure plan does not yet exist, and no provisions have yet been made to cover costs of rehabilitation and any monitoring or treatment that may be required after closure; however, there is intent to do provide a plan and to make provisions in the future.

0 = A mine closure plan does not exist and no provisions have been made.
The mine site operator actively combats all forms of corruption and fraud
Category: Progress criteria (Artisanal & Industrial); Formality/Transparency
Note: equivalent to CTC standard 1.4
Level descriptors:
4 = A written mine site operator-wide policy forbids officials, employees, partners and sub-contractors from accepting fraudulent payments or making them to government officials, the policy is actively promoted and enforced by mine site operator management.
3 = A written mine site operator-wide policy forbids officials and employees from accepting fraudulent payments or making them to government officials; the policy is actively promoted and enforced by mine site operator management.
2 = An unwritten mine site operator-wide policy forbids company personnel from accepting fraudulent payments or making them to government officials.
1 = The mine site operator discourages accepting fraudulent payments or making them to government officials recognizing all the while that some payments may be necessary and therefore leaves the decision to site managers.
0 = The mine site operator regards fraudulent payments as a part of doing business.

The mine site operator organizes regular consultations regarding mineral exploitation and related topics with the local community (including representatives of local women’s groups or associations, and local civil society organizations) and local authorities
Category: Progress criteria (Artisanal & Industrial); Communities
Note: equivalent to CTC standard 4.1
Level descriptors:
4 = The mine site operator meets regularly with a body of representatives from nearby communities to address grievances and other community concerns; representatives are chosen by the communities to represent diverse interests and affiliations.
3 = The mine site operator meets irregularly with an body of representatives from nearby communities to address grievances and other community concerns; representatives are chosen by communities to represent diverse interests and affiliations.
2 = The mine site operator has met once or twice with representatives from nearby communities to address grievances and other community concerns; representatives are chosen by local leaders.
1 = Mine site operator/community interaction is restricted to occasional interaction with one or two local leaders.
0 = There is no mine site operator/community interaction.

The mine site operator supports local enterprises to supply its operations
Category: Progress criteria (Artisanal & Industrial); Communities
Note: equivalent to CTC standard 4.2
Level descriptors:
4 = The mine site operator supports small and medium enterprises which provide essential supplies and services to the mining operations and generate income for local populations.
3 = The mine site operator purchases supplies locally where materials are available and has the intention of contributing to the development of small and medium enterprises capable of providing needed supplies and services.
2 = The mine site operator does not support local supply chains but has intentions of doing so.
1 = The mine site operator recognizes the value of supporting local supply chain development but has taken no initiatives.
0 = The mine site operator is opposed to supporting local supply chain development.

The mine site operator has developed and put into practice an integrated program for the development of local infrastructure and local social services including livelihood security and capacity building in nearby communities
Category: Progress criteria (Artisanal & Industrial); Communities
Note: equivalent to CTC standard 4.3
Level descriptors:
4 = The mine site operator’s local development strategy includes support for long-term livelihood security, building of social and physical infrastructure and capacity building at the local and regional level.
3 = The mine site operator’s local development strategy is limited to support for long term livelihood security and construction of social and physical infrastructure at the local and regional level.
The mine site operator's local development strategy is limited to support for construction of social and physical infrastructure at the local level.

1 = The mine site operator intends, at some point in the future, to articulate and support a local development strategy.

0 = The mine site operator shows little interest in promoting local development.

The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.4

Level descriptors:

4 = Acquisition of lands, trees or bushes, water bodies, and residences in the area of the site has taken place with full consultation between the mine site operator and local and central authorities and all claims have been settled equitably.

3 = Although acquisition of lands, trees and residences in the area of the site has taken place without consultation between the mine site operator and local and central authorities, no claims or disputes have arisen.

2 = Acquisition of lands, trees and residences in the area of the site has taken place without consultation with local and central authorities and some claims remain under dispute.

1 = Acquisition of lands, trees and residences in the area of the site has taken place without consultation between the mine site operator and local and central government authorities; communities are seeking legal redress for their claims.

0 = Acquisition of lands, trees and residence is carried out by the company with little regard for the consequences; the mine site operator ignores community claims for redress.

The mine site operator designs and implements mining operations in a gender-sensitive way, and has developed and is putting in place a strategy for the improvement of the conditions of women working in the mine's area of influence, and for guaranteeing their fundamental rights

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.5

Level descriptors:

4 = Based on investigations on the impact its operations have on women, the mine site operator has developed policies and is implementing a strategy to ensure a positive impact on women in its workforce and in nearby communities.

3 = The mine site operator has undertaken investigations on the impact its operations have on women, but has not yet developed policies and/or implemented strategies to ensure a positive impact on women in its workforce and in nearby communities.

2 = The mine site operator has committed itself to undertaking an assessment of the impact its operations have on women in the near future.

1 = There are no investigations on the impact of mine site operator operations on women, but the company claims to respect gender issues in policies and strategies.

0 = The mine site operator is not aware of gender issues.
# Mine Inspection Form

## v 1.2 (31 July 2012)

Rwanda Natural Resources Authority  
Geology & Mines Department

<table>
<thead>
<tr>
<th>Inspected mine site (parameter):</th>
<th>Date(s) of inspection:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector(s):</td>
<td>Inspection number:</td>
</tr>
<tr>
<td>Inspected mine subsites:</td>
<td>National mine site number:</td>
</tr>
</tbody>
</table>

## 1. Identification of Mine Site Operator

Mine site operator’s office and GMD office

<table>
<thead>
<tr>
<th>1.1 Name of mine site operator</th>
<th>Tel.:</th>
<th>E-mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2 Operator’s P.O. box &amp; national ID code</td>
<td>Headquarters address:</td>
<td>☐ foreign company ☐ local company ☐ cooperative</td>
</tr>
<tr>
<td>1.3 Name of responsible operations manager</td>
<td>Tel.:</td>
<td>E-mail:</td>
</tr>
<tr>
<td>1.4 Name &amp; national ID of mine site owner (if different from operator)</td>
<td>Tel.:</td>
<td>E-mail:</td>
</tr>
<tr>
<td>1.5 Main buyer of minerals from mine site</td>
<td>Specify name &amp; address</td>
<td></td>
</tr>
</tbody>
</table>

1.  
2.  

85
2. IDENTIFICATION OF MINE SITE LOCATION

*Mine site operator's office and GMD office (e.g., GIS)*

<table>
<thead>
<tr>
<th>2.1 Administrative location</th>
<th>District:</th>
<th>Sector:</th>
<th>Cell:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>2.2 GPS coordinates (of main mining activities)</th>
<th>UTM:</th>
<th>Degree-minute-second:</th>
<th>Surface area [ha]:</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. PERMIT & INSURANCE DETAILS

*Mine site operator's office and GMD office*

<table>
<thead>
<tr>
<th>3.1 Permit type</th>
<th>3.2 Permit number (ministerial decree no.)</th>
<th>3.3 Date issued</th>
<th>3.4 Expiry data</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>3.5 ICGLR mine site classification</th>
<th>3.6 Mine site operator insured in RSSF</th>
<th>Other insurance company (specify):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ “artisanal”</td>
<td>□ yes</td>
<td></td>
</tr>
<tr>
<td>□ “industrial”</td>
<td>□ no</td>
<td></td>
</tr>
</tbody>
</table>
4. PRODUCTION DETAILS

Mine site operator's office (and GMD office) and on-site verification

Note which subsites were inspected: __________________________

<table>
<thead>
<tr>
<th>4.1 Mined minerals</th>
<th>Specify order of economic importance</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ cassiterite</td>
<td>□ wolframite</td>
</tr>
<tr>
<td>□ coltan</td>
<td>□ gold</td>
</tr>
<tr>
<td>□ mixed concentrate (cassiterite-coltan)</td>
<td></td>
</tr>
<tr>
<td>□ other (specify) __________________________</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.2 Type of mine</th>
<th>Specify numbers</th>
<th>ACTIVE</th>
<th>ABANDONED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large open pit(s)</td>
<td>□□</td>
<td>□□</td>
<td>□□</td>
</tr>
<tr>
<td>Small open pit(s)</td>
<td>□□</td>
<td>□□</td>
<td>□□</td>
</tr>
<tr>
<td>Underground (tunnels)</td>
<td>□□</td>
<td>□□</td>
<td>□□</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.3 Start / progress of mining activities</th>
<th>Specify year, if possible</th>
<th>Typical depth of pits or tunnels [m] (specify range):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ recent</td>
<td>__________________________</td>
<td></td>
</tr>
<tr>
<td>□ colonial workings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specify year, if possible</td>
<td>__________________________</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other comments:_____________________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.4 Typical production per miner per day [kg] ([g] for gold)</th>
<th>Specify range:</th>
<th>Verified through:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□□ books/records</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□□ spot checks</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.5 Productive capacity of mine site per month [tons] (at the time of inspection)</th>
<th>Specify range:</th>
<th>Verified through:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining (pre-concentrate)</td>
<td></td>
<td>□□ books/records</td>
</tr>
<tr>
<td>Processing (concentrate)</td>
<td></td>
<td>□□ spot checks</td>
</tr>
<tr>
<td>Transport (pre-concentrate or concentrate)</td>
<td></td>
<td>□□ books/records</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□□ spot checks</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.6 Annual production [t] (specify for each economic mineral; [kg] for gold)</th>
<th>2011</th>
<th>2010</th>
<th>2009</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data source:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 5. MINE WORKERS (= EMPLOYEES SUBCONTRACTORS, and ARTISANAL MINERS)

*Mine site operator’s office and on-site verification*

**Note which subsites were inspected:**

<table>
<thead>
<tr>
<th>5.1 Total number of workers</th>
<th>Qualifications and age distribution (specify group &lt;35 years of age)</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>All mine workers (f/m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male miners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female miners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Security (f/m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent employees (f/m)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note that “mine workers” includes all persons (employees, subcontractors, artisanal miners) who are directly involved in mining.

5.2 Verified number of workers through:

- [ ] registration
- [ ] insurance records
- [ ] payment records
- [ ] spot checks on site

5.3 Is there any seasonal fluctuation in the number of workers?  [ ] yes  [ ] no

5.4 In case there is significant seasonal fluctuation, to which season do the above numbers correspond?

- [ ] high season
- [ ] average
- [ ] low/off-season

5.5 A workers’ organization exists  [ ] yes  [ ] no

5.6 Is there any evidence that mine site operator supports workers’ organization? (specify)  [ ] yes  [ ] no
## 6. SALARIES / PAYMENTS

*Mine site operator's office and on-site verification

Note which subsites were inspected:

<table>
<thead>
<tr>
<th>6.1 Monthly salary / payments [FRW] in categories</th>
<th>Frequency of salary/payments:</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest salary on site:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowest salary on site:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typical employee salary for management level:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typical employee salary for technician level:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typical subcontractor payments per month:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typical artisanal miner payments per month:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typical casual/ temporary worker payments per day:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Payments to subcontractors & miners:

#### 6.2 Payment is done via:
- Cash   [ ]
- Bank transfer   [ ]

#### 6.3 The mine site operator:
- pays directly to miners   [ ]
- pays miners indirectly through subcontractors   [ ]
- verifies that individual miners receive their due payments from subcontractors   [ ]

#### 6.4 Prices paid per kg minerals [FRW]
- specify for each (pre-) concentrate type -

---

All of the above information was verified through:

- [ ] records
- [ ] interviews/spot checks
## 7. PAYMENTS & TAXATION

Mine site operator/owner’s office, RRA, GMD, RNRA offices, local authorities / police offices, ICGLR (whistle blowing)

### 7.1 List all forms of payments made by the mine site operator/owner to local & central government; specify which gov. institutions are involved. (typical) amounts, payment frequency:

1. 
2. 
3. 
4. 

### 7.2 Mine site operator/owner is paying all due taxes to government:

- [ ] yes
- [ ] no (specify)

### 7.3 Government officials extract unauthorized payments from the mine site:

- [ ] yes (specify)
- [ ] no

### 7.4 Mine site operator/owner is making payments to political parties or organizations:

- [ ] yes (specify)
- [ ] no

### 7.5 Payments noted under 7.4 are in contravention of Rwandan laws:

- [ ] yes (specify)
- [ ] no

### 7.6 Payments to government are made in

- [ ] cash; specify which payment and where it is made:

- [ ] bank transfer (verify records)
- [ ] variable (specify)

### 7.7 Payments to government are made public:

- [ ] yes; specify how (e.g., EITI):

- [ ] no; specify why not:

### 7.8 Are there any indications (e.g., reports, whistle blowing) that the mine site operator/owner is making payments to illegal/organizational criminals?

- [ ] yes; specify:
- [ ] no

### 7.9 Are there any indications (e.g., reports, whistle blowing) that the mine site operator/owner is bribing a person/organization to (1) conceal the origin of minerals, or (2) evade official tax payments?

- [ ] yes; specify:
- [ ] no

### Comments / action:
8. CONFLICT RISKS

Mine site operator’s office, RRA, GMD, RNRA offices, local authorities / police offices, local community members / civil society, ICGLR (whistle blowing)

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>For each ‘yes’-answer, specify as many details as possible: (use extra sheet if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><strong>8.1 Regional conflict risks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- mine site operator/ owner is involved in doing mining business</td>
<td></td>
<td></td>
</tr>
<tr>
<td>with DRC, BDI, or UGA-based companies/ persons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- cross-country mining and trading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>activities of mine site operator/ owner are not clearly separated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>financially and physically</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- police reports on illegal activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or incidents on mine site</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>8.2 Armed groups</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- State armed groups (Rwanda Defense Forces, police) are</td>
<td></td>
<td></td>
</tr>
<tr>
<td>stationed on/near mine site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Non-state armed groups are</td>
<td></td>
<td></td>
</tr>
<tr>
<td>stationed on/near mine site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Public/private security forces are</td>
<td></td>
<td></td>
</tr>
<tr>
<td>stationed on/near mine site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- any of the above groups is participating in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) illegally controlling mine site access;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) illegally taxing / extorting minerals or money from the mine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>site (e.g., from workers)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) illegally taxing / extorting minerals or money from the mine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>site owner or operator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- any of the above groups is involved in human rights violations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Which sources of information have been used to fill this section?
### 9. POLICIES

*Mine site operator's office, on-site verification*

*Note which subsites were inspected: ________________________________

<table>
<thead>
<tr>
<th>Written policy</th>
<th>available?</th>
<th>Communicated to all workers?</th>
<th>enforced?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ticked boxes = yes, un-ticked boxes = no)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health &amp; safety</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIV / AIDS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anti-corruption</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Due Diligence (OECD)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other: _________________</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For cooperatives only:

Are there any verbal (instead of written) policies established, communicated to workers, and enforced?

- [ ] yes (specify)
- [ ] no

**Comments / Action:**


## 10. OCCUPATIONAL HEALTH & SAFETY MANAGEMENT

*Mine site operator's office (and subsite offices, and GMD office)*

<table>
<thead>
<tr>
<th>Item</th>
<th>Available?</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>10.1 Emergency procedures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Written emergency plan</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Site plan / maps</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Responsible persons nominated (contact names, phone no.)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>10.2 First aid</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- First aid responsible person(s)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Adequate first aid equipment</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Location of first aid equipment marked</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>10.3 Job safety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Written safety instructions/ manual for all workers</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Written risk assessment for special job descriptions</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Documented training appropriate for position</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Standard operational procedures developed for specific tasks / risks</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Dedicated health &amp; safety officer available</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- For cooperatives only: are safety instructions and appropriate training provided verbally? (specify details)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>10.4 Accident / injury reporting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Monthly records/report of all accidents (differentiating severity)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Records/reports on fatalities (accident resulting in death)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Records/reports on injuries</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Records/reports on incidents (hazards/risks which might not yet result in accident)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>10.5 Hygiene</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>- Hygienic toilets / urinals at mining sites</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Hygienic showers / changing rooms / breast-feeding rooms (central location)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Gender-sensitive (f/m) toilets and changing rooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Adequate supply of drinking water for all mine workers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.6 HIV/AIDS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Condoms accessible on site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Information brochures available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Regular sensitizing program</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 11. ENVIRONMENTAL MANAGEMENT

*Mine site operator's office and GMD/REMA office (submitted reports)*

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11.1 Mine emissions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- baseline study available</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- water quality monitored/managed</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- vibrations monitored/managed</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- dust monitored/managed</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- chemicals monitored/managed</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- noise monitored/managed</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>11.2 Environmental management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Environmental Impact Assessment/ Declaration (EIA/EID) available</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Environmental Management Plan (EMP) available</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- EIA/EID systematically implemented (e.g., based on EMP)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Management system for mine waste and tailings in place</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- Management system for dangerous/toxic substances in place (in case there are any)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- regular environmental monitoring takes place (documented)</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>11.3 Environmental reclamation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- mine closure plan available</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>- sufficient provisions have been made for mine closure and monitoring (specify amount [FRW])</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
# 12. Geological Research Information

**Mine site operator’s office and GMD office (submitted reports)**

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Other observations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exploration activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- a structured exploration program exists</td>
<td>[ ] Yes</td>
<td></td>
</tr>
<tr>
<td>- a (exploration) geologist is available on site</td>
<td>[ ] Yes</td>
<td></td>
</tr>
<tr>
<td>- geological mapping takes place</td>
<td>[ ] Yes</td>
<td></td>
</tr>
<tr>
<td>- geological reports are compiled</td>
<td>[ ] Yes</td>
<td></td>
</tr>
<tr>
<td>- pitting / trenching for geochemical analysis takes place</td>
<td>[ ] Yes</td>
<td></td>
</tr>
<tr>
<td>- drilling for geochemical analysis and core logging takes place</td>
<td>[ ] Yes</td>
<td>Specify present year exploration expenditure:</td>
</tr>
<tr>
<td>(specify how many meters have been drilled in present year)</td>
<td>[ ] Yes</td>
<td>RWF: _____________</td>
</tr>
<tr>
<td>- samples are regularly submitted for geochemical analysis</td>
<td>[ ] Yes</td>
<td>Specify mineral deposit type:</td>
</tr>
<tr>
<td>- reserves/resources models are developed (estimate available)</td>
<td>[ ] Yes</td>
<td>- placer (alluvial)</td>
</tr>
<tr>
<td>- other exploration activities take place (specify)</td>
<td>[ ] Yes</td>
<td>- hydrothermal vein (hard rock)</td>
</tr>
<tr>
<td></td>
<td>[ ] Yes</td>
<td>- pegmatite (hard rock)</td>
</tr>
<tr>
<td></td>
<td>[ ] Yes</td>
<td>- weathered pegmatite (eluvial)</td>
</tr>
<tr>
<td></td>
<td>[ ] Yes</td>
<td>- other: ___________</td>
</tr>
<tr>
<td></td>
<td>[ ] No</td>
<td></td>
</tr>
</tbody>
</table>

Specify typical grade range for primary mineralization:

Specify reserves/resource estimate (if available):

---

**Comments / Action:**


### 13. MINING AND PROCESSING METHODS

**On-site verification**

**Note which subsites were inspected:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1 Mining equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- use of compressors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- use of heavy machinery (e.g., excavators, bulldozers)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- use of jack hammers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- use of water pumps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- well-maintained equipment conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- operator training plan (specify if systematic or ad hoc on-the-job)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.2 Mining methods</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- ground sluicing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- hand panning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- hammer &amp; chisel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- drilling &amp; blasting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.3 Mined material (preconcentrate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- hard rock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- loose / poorly consolidated material (alluvial, eluvial)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- reprocessing of dumps/tailings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- mined material (preconcentrate) is subject to processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- lack of processing likely causes loss of fine-grained mineralization</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 13.4 Processing equipment
- jigs
- shaking tables
- magnetic separator
- other (specify)  

- specify plant feed grade
  ______________________
  - plant output grade
  ______________________
  - plant throughput per day [t]
  ______________________

### 14. RESPECT OF LAWS

On-site verification, mine site operator's office, GMD & RNRA offices, local authorities / police offices, local community members  

Note which subsites were inspected: ______________________

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
</table>
| **14.1 Mining law / regulations**  
  - awareness by management of national laws, regulations (incl. ICGLR), permit provisions, and policies  
  - mining operation compliant with permit obligations / registration | Yes | No |
| 14.2 Labor code  
  - work schedule available  
  - insurance scheme for all workers  
  - all workers registered | Yes | No |
| **14.3 Child labor (<16 years)**  
  - children participating in mining  
  - children provide supplementary services (e.g., water transport)  
  - children present in mine sites (e.g., for playing) | Yes | No |
| **14.4 Forced labor**  
  - mining is (partly) associated with forced labor  
  - minerals or money is extorted from mine workers | Yes | No |

If applicable, specify who is extorting minerals or money:

# 15. DUE DILIGENCE & MINERAL TRACEABILITY

On-site verification, mine site operator's office, GMD & RNRA offices, BGR office, ITRI / PACT office, local authorities / police offices, local community members, ICGLR (audits, whistle blowing)

Note which subsites were inspected: ____________________________

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>15.1 Due diligence</strong>&lt;br&gt;- mine site operator is familiar with the contents of the OECD Due Diligence Guidance (DDG)&lt;br&gt;- mine site operator has put in place policies related to the DDG&lt;br&gt;- mine site operator performs DDG risk assessments&lt;br&gt;- mine site operator is implementing DDG risk management</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>15.2 Mineral traceability</strong>&lt;br&gt;- mine site operator is participating in the ITSCI scheme&lt;br&gt;- mine site operator is participating in a different traceability scheme (specify)&lt;br&gt;- mine site operator agrees to AFP (Analytical Fingerprint) sampling&lt;br&gt;- AFP sampling has already taken place</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

[Yellow flag]
15.3 Risk assessments / audits have been carried out on the mine site:
- ITSCI risk assessment
- CTC audit
- ICGLR audit
- other (specify): ______________

Date of risk assessment / audit: ______________

Responsible organization: ______________

Are the above risk assessment / audit reports available to mine inspectors?
- yes
- no

Were the above risk assessment / audit results integrated in the present inspection report?
- yes
- no

Comments / Action: ______________

15.4 Tagging / mineral registration is performed:
- directly at individual mine subsites
- in tagging / registration offices
- both (tagging at some, but not all mine subsites)

- number of tagging agents allocated to all mine subsites: ____________

15.5 Are any untagged * minerals entering the mine site / are mixed with mine site production?
- yes, specify: ____________
- no

15.6 Are any untagged * minerals exiting the mine site?
- yes, specify: ____________
- no

* “untagged” = minerals not traceable according to ICGLR regional certification chain of custody standards. Verification by multiple sources (e.g., police) required.

16. SECURITY

On-site verification, mine site operator’s office

Note which subsites were inspected: ______________

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>- professional security forces (working for the mine site operator) control the mine site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- sufficient number of security forces available for control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- security staff are sensitized to human rights protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- security staff are sensitized to prevent / report influx of external minerals on mine sites</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- security risk assessments are performed and documented</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 17. PERSONAL PROTECTIVE EQUIPMENT (PPE)

**On-site verification** (explain in case there are differences between subsites)

*Note which subsites were inspected:*

<table>
<thead>
<tr>
<th>Item</th>
<th>yes</th>
<th>no</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.1 Head protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- hard hats provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- correct for the task</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- being worn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.2 Footwear</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- boots provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- correct for the task</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- being worn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.3 Protective clothing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- overalls provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- correct for the task</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- being worn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.4 Eye / face/ ear protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- equipment provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- correct for the task</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- being worn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.5 Other PPE (specify, e.g., fallguards):</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.6 PPE distribution managed through store</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## 18. MINE SAFETY RISKS & HAZARDS

*On-site verification (explain in case there are differences between subsites)*

*Note which subsites were inspected:*

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18.1 Person movement control</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Appropriate signs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Secure fences &amp; locked gates/doors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Security checkpoint</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Visitors record</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>18.2 Underground safety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- rock fall-safe tunnel entrance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate tunnel supports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- at least two tunnel exits available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- tunnel entry/exit controlled</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate tunnel ventilation (forced or natural)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate tunnel lighting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate warning signs posted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- shaft entrance (e.g., access; ventilation) fenced</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- appropriate PPE usage enforced</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- monitoring of gases underground</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>18.3 Open pit safety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate pit wall slope angle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- no pit wall undercutting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- pit entry/exit controlled</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate warning signs posted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- appropriate PPE usage enforced</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>18.4 Processing plant safety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>- plant entry/exit controlled</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- adequate warning signs posted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- appropriate PPE usage enforced</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>18.5 Blasting safety</strong></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- structured blasting schedule</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- safe blasting standard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operational procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- experienced/licensed blasting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>professionals in charge</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## 19. ENVIRONMENTAL STATUS

On-site verification  
Note which subsites were inspected:  

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19.1 Environmental status</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- any contaminated mine water (incl. high sediment load) released</td>
<td></td>
<td></td>
</tr>
<tr>
<td>into water bodies, rivers, swamps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- protection of endangered species or forests violated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- national park or similar boundaries violated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- erosion problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- other recent environmental damage (specify)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- any historic environmental mining liabilities (specify)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- local communities report environmental problems (specify)</td>
<td></td>
<td>Note that the first question includes panning/ground sluicing minerals in rivers</td>
</tr>
<tr>
<td><strong>19.2 Environm. interventions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- environmental expert / manager on site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- nursery available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- tailing dams constructed and well maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- settling ponds constructed and well maintained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- erosion protection measures implemented (e.g., terracing)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- other (specify)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>19.3 Environmental reclamation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- backfilling of excavations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- piled soil protected from erosion</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>19.4 Based on above, the mine site operator is in non-conformity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>with Rwandan environmental laws:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- critical non-conformity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- serious non-conformity</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## 20. COMMUNITY RELATIONS

*Local community representatives, local authorities, mine site operator’s office.*

*Specify details (e.g., dates of meetings, which community groups are represented)*

<table>
<thead>
<tr>
<th>Item</th>
<th>Observation</th>
<th>Comments / Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.1</strong> A meeting forum with community representatives and the mine site operator staff exists</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Since when? ____________</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- regular meetings take place</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>(specify details)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- all community groups/interests are represented on the forum</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>(specify details)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- mine site operator works with local enterprises (e.g., food supply; specify details)</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

| **20.2** The mine site operator has developed a consulted local development strategy: | Yes | No |
| If present, the strategy includes: | | |
| □ livelihood security | | |
| □ gender aspects | | |
| □ local infrastructure | | |
| □ education | | |
| □ capacity building | | |
| □ other (specify): ____________ | | |
| □ the items noted above occur as ad-hoc interventions without a formal strategy in place | | |

| **20.3** Consultations (documented) between local authorities, communities and the mine site operator take place: | Yes | No |
| Consultations include: | | |
| □ land acquisition | | |
| □ use of water bodies | | |
| □ use of forest | | |
| □ mining impacts on local residents | | |
| □ other (specify): ____________ | | |

| **20.4** Based on the above, mine site operator is in non-conformity with Rwandan community laws: | Yes | No |
| - serious non-conformity | □ | □ |
| - (ordinary) non-conformity | □ | □ |
## SUMMARY OF INSPECTION FINDINGS & RECOMMENDATIONS

Assign numbers to individual problems and recommended remedial actions. Main problems and proposed remedial actions should be copied into the mine inspections book available at the mine site, along with the date of inspection and name of the lead inspector.

Assign the “certification status" only after review of all red/yellow flag standards (see next page). The review should be completed in the office based on inspection findings and consulted with the mine inspections committee.

In case any red or yellow flags (regional certification) were encountered, specifically notify the mine site operator on the consequences (immediate stop of mine operations, or 6 months grace period for improvement). See definitions on next page for the classification of red and yellow flag standards for “industrial” vs. “artisanal” mine sites according to the ICGLR classification.

<table>
<thead>
<tr>
<th>Main problems at mine site</th>
<th>Proposed remedial actions</th>
</tr>
</thead>
</table>

**Mine site certification status (based on the next pages):**

- [ ] red-flagged (uncertified) as of __________
- [ ] yellow-flagged as of __________: grace period ends on __________
- [ ] green-flagged (certified) as of __________
REGIONAL CERTIFICATION RED/YELLOW FLAG STANDARDS

This section summarizes red and yellow flag standards of the Regional Certification Mechanism of ICGLR. These standards have been incorporated into Rwandan law through ministerial regulation n° 062/2012 of 28/03/2012. Assigning a red flag implies an immediate shutdown of the inspected mining operation for a minimum period of 6 months. Assigning a yellow flag implies the inspected mine site operator has a grace period of 6 months (starting from the date of inspection) to comply with the respective standard. Should the mine site operator fail to do so within this grace period, he shall immediately be assigned a red flag.

This section should be filled by the responsible mine site inspector and his/her team based on the above inspection findings, under consultation of the national mine inspections committee. The section should be completed in the office after completion of the actual mine inspection as documented above. Assigning red or yellow flags (due to violations of the respective ICGLR standard) should be done based on a review of all inspection findings as indicated above.

In case the above inspection findings leave doubt with regards to the accurate assignment of red or yellow flags, the responsible lead mine inspector, under consultation with the national mine inspections committee (and partners like ICGLR, if applicable) might need to initiate a more detailed investigation on specific red or yellow flag standard-related issues. This should be done as soon as possible following the initial date of the mine site inspection.

The inspection found violations of the following ICGLR red flag standards (yes/no):

- [ ] Non-state armed groups or their affiliates illegally control mine sites [8.2]
- [ ] Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites [8.2]
- [ ] Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners or mine site operators [8.2]
- [ ] Non-state armed groups are operating within the legal boundaries of the mine site [8.2]
  NOTE: this standard is red flag for “industrial” mine sites only; for “artisanal” mine sites it is yellow flag
- [ ] Children below the minimum working age as defined in Rwanda (16 years) are employed in exploitation at the mine site [14.3]
- [ ] Forced labor is practiced on the mine site; workers are required to work for no compensation; workers are required on certain days of the week to surrender the fruits of their labor to the mine site boss [14.4]
- [ ] The mine site operator is in critical non-conformity with Rwandan laws regarding environmental performance [19.4]
  NOTE: this standard is red flag for “industrial” mine sites only; for “artisanal” mines it does not exist
- [ ] Payments are made by the mine site owner or mine site operator to illegal or criminal organizations [7.8]
- [ ] Payments are made by the mine site owner or mine site operator to political parties or political organizations in contravention of Rwandan laws [7.5]
- [ ] Designated minerals from another unknown mine site are entering into the mine site or/and are being mixed with the designated minerals produced at the mine site [15.5]
Mineral shipments exit the mine site without having been registered or recorded by a chain of custody system that can track the minerals to their next destination beyond the mine site [15.6]

NOTE: this standard is red flag for “industrial” mine sites only; for “artisanal” mine sites it is yellow flag

The mine site is not registered with Rwandan mining authorities and/or is not in conformity with Rwandan laws and regulations regarding mineral title [14.1]

NOTE: this standard is red flag for “industrial” mine sites only; for “artisanal” mines it is a progress criteria

Mine site operator is in critical non-conformity with Rwandan laws regarding community relations [20.4]

NOTE: this standard is red flag for “industrial” mine sites only; for “artisanal” mines it does not exist

The inspection found violations of the following ICGLR yellow flag standards (yes/no):

□ Public or private security forces or their affiliates illegally control mine sites [8.2]

□ Public or private security forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites [8.2]

□ Public or private security forces or their affiliates illegally tax or extort money or minerals from mine site owners or mine site operators [8.2]

□ The mine site operator is in serious non-conformity with Rwandan laws regarding environmental performance [19.4]

NOTE: this standard is yellow flag for “industrial” mine sites only; for “artisanal” mines it does not exist

□ Government officials (mines officials, secret service, municipal or provincial governments, military units etc) extract significant taxation or other payments that are disproportionate to any service provided from the workers or production of a mine site, in a manner not authorized by Rwanda’s mining code or regulations [7.3]

□ Mine site owner, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody and operating on the mine site, offer, promise, give or demand bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees, and royalties paid to government for the purposes of mineral extraction, trade, handling, transport, and export [7.9]

□ Mine site owner, mine site operators, or any other upstream actors in the chain of custody operating on the mine site do not pay all taxes, fees, and royalties related to mineral extraction, trade, and export from conflict-affected and high-risk areas to governments, and fail to disclose such payments in accordance with the principles set forth under the Extractive Industries Transparency Initiative (EITI) [7.2, 7.7]

NOTE: this standard is yellow flag for “industrial” mine sites only; for “artisanal” mines it is a progress criteria

□ The mine owner or operator refuses to provide sample material for an Analytical Fingerprint (AFP) test or similar diagnostic tool to a government mine site inspector or designated agent of the ICGLR [15.2]

□ Mine site operator is in non-conformity with Rwandan laws regarding community relations [20.4]

NOTE: this standard is yellow flag for “industrial” mine sites only; for “artisanal” mines it does not exist
## REGIONAL CERTIFICATION PROGRESS CRITERIA

For each standard (progress criteria) below, assign a rating between 0-4. The rating should be assigned based on level descriptors indicated in the inspections manual. Level descriptors should be assigned using the findings of this inspection [as indicated by the reference numbers].

<table>
<thead>
<tr>
<th>Progress Criteria</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment, pricing and distribution systems for artisanal miners and subcontractors, as well as salary levels for employees are fair, legal, and regulated [6.1-6.4]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer [5.6]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator ensures occupational health and safety in all its operations [9, 10, 18]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator provides appropriate protective safety equipment and training to all workers [10.3, 17]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator has conducted an environmental impact study (delineating ways to reduce or mitigate that impact) as a base for the implementation of an environmental management plan [11.2]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process [11.2]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator has a system in place to manage mine waste and tailings [11.2]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation [11.3]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator actively combats all forms of corruption and fraud [9]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator organizes regular consultations regarding mineral exploitation and related topics with the local community (including representatives of local women's groups or associations, and local civil society organizations) [20.1]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator supports local enterprises to supply its operations The mine site operator has developed and put into practice an integrated program for the development of local infrastructure and local social services including livelihood security and capacity building in nearby communities [20.1, 20.2]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities [20.3]</td>
<td></td>
</tr>
<tr>
<td>The mine site operator designs and implements mining operations in a gender-sensitive way, and has developed and is putting in place a strategy for the improvement of the conditions of women working in the mine’s area of influence, and for guaranteeing their fundamental rights [9, 10.5, 20.2]</td>
<td></td>
</tr>
</tbody>
</table>

Average progress criteria rating
MINE SITE OPERATOR CONSULTED/INFORMED ON INSPECTION FINDINGS

This section documents that the mine site operator (represented by responsible staff and confirmed by the responsible manager) has understood and accepts the inspection process and all its findings.

<table>
<thead>
<tr>
<th>Name(s) of main mine site operator representative(s) accompanying the inspection</th>
<th>Job title</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of responsible manager | Comments by manager on inspection | Signature

MINE SITE INSPECTION DECLARATION

This section certifies that the lead mine inspector takes responsibility for all inspection results. The section is countersigned by the chairperson of the national mine inspections committee.

Name of responsible lead mine inspector | Institution & job title

I hereby certify that I have performed the above inspection as accurate as possible and to the best of my knowledge and skills. I have respected the methodology outlined in national mine site inspection manuals as well as the ICGLR certification manual and Appendix. I take full responsibility for the accurate reporting of the inspection findings.

______________________________  ______________________________
Signature                                             Place & date

Name of inspections committee chair | Institution & job title

I hereby certify that the above inspection findings have been consulted with the national mine inspections committee. The committee agrees on the accuracy of this inspection’s findings.

______________________________  ______________________________
Signature                                             Place & date
<table>
<thead>
<tr>
<th>Name of responsible director</th>
<th>Institution &amp; job title</th>
</tr>
</thead>
</table>

I herewith confirm that the above mine inspection, including the rating on the mine’s certification status, has been performed according to the standards of the Geology and Mines Department (GMD) of the Rwanda Natural Resources Authority. These standards meet the respective requirements of the International Conference on the Great Lakes Region (ICGLR).

________________________________________  ____________________________
Signature                                   Place & date

__________________
STAMP