



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

Long-term governance arrangement

This document contains the long-term governance arrangement for the implementation programme of the OECD-hosted process on implementation of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

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ORGANISATIONAL STRUCTURE OF THE IMPLEMENTATION PROGRAMME FOR THE OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE SUPPLY CHAINS OF MINERALS FROM CONFLICT-AFFECTED AND HIGH-RISK AREAS

Background

The OECD's work on the responsible sourcing of minerals has moved into an important new phase focused on the effective promotion and implementation of the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (Guidance).

The Guidance is an outgrowth of work undertaken by the OECD with respect to the implementation of the OECD Guidelines on Multinational Enterprises (MNE Guidelines) in the context of issues arising with respect to the minerals trade in Central Africa beginning in 2003, and the Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones developed in the context of that work in 2006.

The OECD is establishing a Working Party on Responsible Business Conduct (WPRBC) as a subsidiary body of the OECD Investment Committee (IC) to oversee OECD activities related to the implementation of the MNE Guidelines, as well other OECD activities related to responsible business conduct more broadly.

On 25 May 2011, the Council instructed the IC and the OECD Development Assistance Committee (DAC) to monitor the implementation of the *OECD Council Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas* (Council Recommendation) and report back to Council no later than three years from its adoption.

The IC and the DAC agreed on the implementation programme of the OECD Due Diligence Guidance in the supply chains of Tin, Tungsten and Tantalum (3Ts), which is currently under way, as well as the framework for an implementation programme on Gold for which discussions are ongoing on the specific activities to be included.

To support the implementation programme and advise the OECD, a multi-stakeholder 3T & gold joint forum (Forum) has been established. The Forum and its Steering Group are not formal OECD bodies. The Forum includes OECD member countries, other partner countries, business organisations, individual firms, NGOs, and international organisations that support the Guidance and are committed to making an effective contribution to its implementation.

This paper sets out the organisational structure for the programme on the promotion and implementation of the Guidance (Programme), and describes the relationship with stakeholders, the various bodies involved and the role of the OECD secretariat.

OECD Bodies

The IC and the DAC have been instructed by the Council to monitor the implementation of the Guidance. In accordance with the applicable Rules of Procedure of the Organisation, IC and the DAC, with the assistance of their relevant subsidiary bodies the Advisory Group on Investment and Development and the WPRBC, will consider matters approved by the Multi-Stakeholder Forum under paragraph 10, for

which final approval by OECD is required. To this end, the secretariat, in collaboration with the chair of the Multi-Stakeholder Steering Group (MSG), will ensure appropriate communication between OECD and the multi-stakeholder process.

Multi-Stakeholder Forum

The Multi-Stakeholder Forum (Forum) is the plenary multi-stakeholder body charged with supporting the Programme. The Forum is comprised of stakeholders who have committed to the Guidance and actively participate in its implementation, and remains open to new participants.

The Forum will be the primary body for multi-stakeholder dialogue and coordination. It will approve draft work plans and periodic reports on implementation that are intended to respond to instructions given in the Council Recommendation, for consideration and final approval by the concerned OECD bodies. The Forum may also approve any draft recommendations on the Programme, or other matters with respect to the Guidance, which necessitate a final decision by the concerned OECD bodies.

The Forum will also be a means to share experiences with respect to implementation of the Guidance and provide an opportunity for all stakeholders to be updated upon, and provide input to, the execution of work programs proposed by the Steering Group and the secretariat. Meetings of the Forum will afford opportunities for individual meetings of stakeholders on issues specific to implementation of the 3T and Gold Supplements as well meetings of all Forum participants on issues relevant to implementation more broadly.

The Forum may choose its own chair for a fixed term or meet under chairs identified by the Multi-Stakeholder Steering Group for individual meetings. The Forum will make decisions by consensus, which may include approvals on a non-objection basis. It will meet bi-annually.

Multi-Stakeholder Steering Group

The Multi-Stakeholder Steering Group (MSG) will serve as the management committee of the Forum in collaboration with the OECD secretariat. The Forum will select members of the MSG from participants in the Forum and include balanced representation of the stakeholder interests involved in the Programme. Its membership should reflect the diversity and perspectives of producer, processing and consuming countries, 3T and Gold upstream and downstream supply chains, and other concerned stakeholders. Members of the Steering Group will be expected to liaise with their constituencies. The membership of the Steering Group will be approved by the Forum.

Functions of the MSG will include: preparation of all issues for consideration by the Forum; conveying all submissions described in paragraph 10 to OECD for consideration; updating Forum participants on significant developments between meetings of the Forum; liaison with other international or regional bodies with respect to the Programme; coordination of outreach activities with respect to the Guidance and the Programme; providing guidance and support to the secretariat with respect to operational aspects of the Programme.

The MSG will be chaired by a representative of a government which has adhered to the Guidance. The Chair will be approved by the Steering Group, the Forum and the OECD. The MSG may choose to designate vice chairs to serve as a bureau to the Chair or to collaborate with the secretariat on particular issues. Vice chairs should be selected with a view to providing balanced representation to the stakeholder interests involved in the Programme.

The Chair will collaborate with the secretariat in setting schedules and establishing agendas for meetings of the MSG. The Chair, together with the secretariat, will serve as the points of contact with the OECD. The Steering Group may meet in person or via teleconference or video conference at its choosing and meet as frequently as necessary, in the view of the Chair and the secretariat, to meet its mandate.

The MSG may organize multi-stakeholder sub-groups on the 3Ts and Gold as necessary to assist in its activities.

Decisions of the MSG will be taken by consensus. The Chair will assure that, commensurate with the importance of the issue, all participants have had an adequate opportunity to reflect upon the subject, consult, and discuss their views with other participants, before a decision is taken.

For efficiency purposes, the MSG may circulate proposals adopted by consensus for adoption by non-objection to the Forum.

Secretariat

The OECD secretariat, in collaboration with the Chair of the MSG, is responsible for the administration of the Programme in a manner consistent with standard OECD practice governing its committees and subsidiary bodies. Together with the Chair, the secretariat serves as the primary point of contact with the relevant OECD bodies responsible for the Guidance and the Programme. The secretariat will monitor activities that would affect the Guidance and the Programme and, in consultation with the Chair, bring that information as appropriate to the attention of the Forum, the Steering Group and relevant OECD bodies.