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Appendix 1: List of Designated Minerals

Explanatory Note: The current list of Designated Minerals consists of gold, cassiterite, wolframite, and coltan. These are the same four minerals designated as ‘Conflict Minerals’ under the US Dodd-Frank act, and the same four minerals that are currently the target of the OECD Due Diligence Guidance.

1. Gold: Metals (including derivative metals), minerals, ores and mineral concentrates that contain gold (Au)
2. Cassiterite: Metals (including derivative metals), minerals, ores and mineral concentrates that contain tin (Sn) (cassiterite and other tin minerals)
3. Wolframite: Metals (including derivative metals), minerals, ores and mineral concentrates that contain tungsten (W) (wolframite and other tungsten minerals)
4. Coltan: Metals (including derivative metals), minerals, ores and mineral concentrates that contain niobium (Nb) or tantalum (Ta) (coltan, columbite, tantalite, niobite, pyrochlorite and other Nb-Ta minerals)

Appendix 2: Required Characteristics of ICGLR Regional Certificates

Explanatory Note: The ICGLR Regional Certificate for Designated Minerals will function in much the same manner as the Kimberley Process Certificates for diamond exports. Only mineral shipments that can demonstrate “conflict free” origin, transport and processing will be awarded an ICGLR Certificate. All of the information listed below must be present on every Certificate.

1. Each ICGLR Certificate contains the following information
 - 1.1. The name of the issuing country
 - 1.2. A unique serial number identifying the Certificate
 - 1.3. The name, legal address and physical address of the exporter, as well as any other information required to identify the exporter
 - 1.4. The name, legal address and physical address of the importer, as well as any other information required to identify the importer
 - 1.5. The exporter’s unique lot number or export order number for the lot
 - 1.6. A description of the Designated Mineral, including the type of ore or concentrate, weight and grade of the lot
 - 1.7. The national origin of the material (either name of country, or “mixed” in the case of lots containing material from two or more nations mixed together)
 - 1.8. The value of lot
 - 1.9. The date the lot is shipped
 - 1.10. The shipment route and the transport company responsible for transporting the shipment, if known
 - 1.11. The Member State Issuing authority and the name, position and identification number (where available) of the Member State representative responsible for verifying the documentation associated the export with the export and recommending the issuance of an ICGLR Regional Certificate
 - 1.12. The date the lot is verified by the Member State representative
 - 1.13. The name and signature of the Member State representative empowered to countersign the Certificate to render it valid
 - 1.14. The date that the Certificate is countersigned(Certificate is valid from this date)
 - 1.15. The date that the Certificate expires, or the validity period of the Certificate.
 - 1.16. Each ICGLR Regional Certificate shall bear the title “International Conference on the Great Lakes Region (ICGLR) Certificate” and the following statement: “The mineral/metal in this lot has been mined, traded and handled in accordance with the requirements of the ICGLR standards”
2. Each ICGLR Certificate shall be printed in both English and French. Additional languages may be added at the discretion of the Member State.

3. The Date of expiry shall be no more than 90 days later than the date of issuance (i.e. the date the Certificate was countersigned).
4. Each ICGLR Certificate shall also include such security and anti-counterfeiting measures as the ICGLR Secretariat or Member States may deem necessary to prevent fraud.

Appendix 3: Mine Site Inspection and Certification

Appendix 3a:

Data to be contained in the Member State National database of mine sites

Explanatory Note: Each Member State will develop a database of the Mine Sites within its borders that produce Designated Minerals. The database will record the identifying information for the mine site (ID number, location, etc.) and the status of the mine site (Certified, Un-Certified, Yellow-Flagged). Regular inspections by Member State inspectors (or designates) will establish and verify the status of each mine site. These member state inspections will be cross-checked and verified during Third Party Inspections, and backed up by risk-based assessments by the ICGLR Mineral Chain Auditor. The Member State Mine Site database links to an ICGLR Regional Mine Site database, with protocols for regular updates, to ensure that status information is kept up to date at both the national and the regional level.

Member State National Mine Site Database

The national mine site database of each Member State shall contain the following information, for each active mine site within Member State national territory

1. A unique mine site identification number
2. The current status of the mine site: Certified (Green), un-Certified (Red), or Yellow-Flagged
3. Mining Activity Status (Active, Non-active, Abandoned)
4. The current Progress Criteria Score of the mine site.
5. The location of the mine site
 - 5.1. Given in latitude and longitude (degrees, minutes, seconds) WGS 84 format
 - 5.2. Given in the terms used by the Member State national mining cadastre, and
 - 5.3. Given in local geographic terms (province/state, municipality/chefferie/district)
6. The type or types of Designated Mineral(s) produced at the mine site
7. Mineral Licensing Information concerning the site, including:
 - 7.1. The type of mineral license covering the mine site (claim, exploration permit, mining license, artisanal permit, unlicensed, other type)
 - 7.2. The identification number of the mining license, in the terms used by the national mineral claims systems (if available, in the case of artisanal miners)
 - 7.3. The identification of the owner of the mineral license
8. Complete information regarding the owner and operator of the mine site, including (if available, in the case of artisanal miners)
 - 8.1. Name
 - 8.2. Address
 - 8.3. National identification number (where available)

- 8.4. Other identifying information as required
9. The complete inspection history of the mine site (complete history), including
 - 9.1. The dates of any and all inspections of the mine site, either by Member State government personnel (or designates), by ICGLR Third Party Auditors, or by the ICGLR Mineral Chain Auditor
 - 9.2. The agency and person responsible for the inspection
 - 9.3. The finding of the inspection (i.e. mine site is Certified, un-Certified, or found to be Yellow Flagged)
 - 9.4. The Full Inspection Report of each inspection (if feasible)
10. The status history of the mine site, including:
 - 10.1. Dates during which the mine site has been Certified (Green Flagged)
 - 10.2. Dates during which the mine site has been Un-Certified (Red Flagged)
 - 10.3. Dates during which the mine site has been Yellow Flagged

Regional Mine Site Database

Explanatory Note: The Regional Mine Site database contains all the same information as the Member State Mine Site database. The two are linked together, with protocols for regular updates, to ensure that status information is kept up to date at both the national and the regional level. Changes to the status of a mine site are made automatically as a result of mine site inspections or Third Party Audits.

The Regional Mine Site database created and maintained by the ICGLR Secretariat shall contain the following information, for each active mine site within the national territory of the ICGLR Member States

11. An ISO 3166-1 country code identifying the particular Member State
12. All of the remaining fields required of Member State National Mine Site Databases, as delineated in Appendix 3a 1-10.

Appendix 3b: Standards and Procedures for Inspecting and Certifying Mine Sites

Explanatory Note: Status Criteria and Progress Criteria

Two different sets of standards are used to evaluate Mine Sites: Status Criteria (Red and Yellow Flag Criteria) and Progress Criteria. Status Criteria cover critical elements; currently, this includes conflict (armed group financing) and child labour. Progress Criteria cover important but not critical elements; currently, this includes a range of issues including working conditions and environment. The inspections for Status Criteria can lead to a mine site losing its Certified status (Red-Flagged) and thus being barred from producing designated material for Certified export. The inspections for Progress Criteria cannot cause a mine site to lose its Certified status. Progress Criteria are inspected and monitored as part of longer term efforts to improve mining conditions in the region. The inspections for Status and Progress Criteria are meant to be carried out simultaneously, in order to reduce overhead and expense.

Mine Site Status

1. The status of each Mine Site within the borders of each Member State shall be one of three possible options:
 - 1.1. **CERTIFIED (GREEN FLAGGED):** A Certified Mine Site is one that is registered and described in a Member State's National Mine Site Database that has been inspected at least once within the preceding 12 month period, and has been found to be in compliance with all the requirements and conditions of Section 3 and this appendix.
 - 1.2. **UNCERTIFIED (RED FLAGGED):** An Un-Certified Mine Site is one that is registered and described in a Member State's National Mine Site Database, that has not been inspected at least once within the preceding 12 month period, or that has been inspected at least once within the preceding 12 month and been found not to be in compliance with all the requirements and conditions of Section 3 and this appendix.
 - 1.3. **YELLOW FLAGGED:** A Mine Site that has been Yellow Flagged is one that is registered and described in a Member State's National Mine Site Database, that been inspected at least once within the preceding 12 month period, and has been found to be Yellow Flagged with respect to one or more of the requirements and conditions of Section 3 and this appendix

Frequency of Inspections – Status (Red and Yellow Flag) Criteria

(Note: Status Criteria are further defined in paragraph 7, below)

2. As per paragraph 3.5 of the Certification Manual, each Mine Site shall be inspected for Status Criteria (Red and Yellow Flag Criteria) by an accredited officer or agency of the Member State government at least once in each 12 month period.
 - 2.1. The full results of each inspection shall be stored in the Member State's National Mine Site Database

- 2.2. The full results of each Mine Site inspection shall be shared within a period of 30 days of the inspection with the ICGLR Secretariat, as per paragraph 3.11 and 3.13 of the Certification Manual.
- 2.3. Where more than 12 months have elapsed since the last mine site inspection, the Mine Site shall be automatically declared Red Flagged, and recorded as such in the National Mine Site Database, and the ICGLR's Regional Mine Site Database.

Frequency of Inspections – Progress Criteria

(Note: Progress Criteria are further defined in paragraph 7, below)

3. The frequency of mine site inspections for Progress Criteria depends on the Mine Site's performance with respect to these criteria. That is, the frequency of Mine Site inspections depends on the Mine Site's Progress Criteria Score.
 - 3.1. A Mine Site that meets or exceeds the Minimum Progress Criteria Score is exempt from further inspections for Progress Criteria for a period of 36 months from the date of the last Progress Criteria inspection (The Mine Site must still be inspected every year for Status Criteria (Red and Yellow Flag criteria)).
 - 3.2. A Mine Site that fails to meet the Minimum Progress Criteria Score must undergo another inspection for Progress Criteria by an accredited officer or agency of the Member State government at least once in each 12 month period.
 - 3.3. The full results of each Progress Criteria inspection shall be stored in the Member State's National Mine Site Database
 - 3.4. The full results of each Progress Criteria inspection shall be shared within a period of 30 days of the inspection with the ICGLR Secretariat.

Combined Inspections – Status and Progress Criteria

4. Mine Site inspections for Status Criteria and Progress criteria can be combined; the same Mine Site inspector can simultaneously evaluate a mine site for compliance with both Status Criteria (Red and Yellow Flag criteria) and Progress Criteria.

Accreditation of Mine Site Inspectors

5. A Mine Site inspection shall only be considered valid when it has been conducted by an accredited Mine Site Inspector. A Mine Site Inspector shall be either
 - 5.1. Employee(s) or agent(s) of the Member State's lead government agency, designated by that agency with the authority to conduct Mine Site Inspections
 - 5.2. A Third Party Auditor accredited by the ICGLR, according to the standards and procedures of Appendix 8b - Accreditation Standards for Third Party Auditors
 - 5.3. The ICGLR Mineral Chain Auditor (or a member of their team complying with the standards and procedures of Appendix 8b)

Methodology of Mine Site Inspections

6. When conducting a mine site inspection, a mine site inspector shall:

- 6.1. Record, on a form or spreadsheet prepared for the inspection (the “inspection form”) the following information:
 - 6.1.1. The date of the inspection
 - 6.1.2. The identification of the mine site inspector including
 - 6.1.2.1. Full name
 - 6.1.2.2. title or position
 - 6.1.2.3. government agency
 - 6.1.2.4. government identification number, if applicable
 - 6.1.3. the information described in Appendix 3a, paragraphs 1-6 inclusive (i.e. the mine site ID number, current status, location, mineral type, licensing information and owner/operator information)
- 6.2. Physically visit and inspect the mine site and its immediate surroundings in person, gathering data by visual inspection, by reviewing the documentation and records of mine site owners or mine site operators, by interviewing mine site operators, individual miners, security personnel or others in the mine site or its environs, or by other such means as may be useful and appropriate
- 6.3. Evaluate and record on the inspection form the conformity of the mine site with all of the mine site criteria listed below in Appendix 3b-1 (artisanal mines sites) or Appendix 3b-2 (industrial mine sites)
 - 6.3.1. Where the mine site criterion being evaluated falls into the Red Flag or Yellow Flag categories, the mine site inspector shall record the mine site as being either ‘in conformity’ or ‘in violation’ of that criterion, using the evidence standard outlined in paragraph 8 (Standards for Status Criteria: Red Flag and Yellow Flags)
 - 6.3.2. Where the mine site criterion falls into the Progress Criteria category, the mine site inspector shall assign the criterion a value, using the guide from paragraph 10 (Scoring for Progress Criteria).
 - 6.3.3. For all criteria, record on the inspection form the reason or reasons why each criterion was given the rating it was, and detail the evidence supporting the value assigned to each criterion (i.e. simple tick marks or yes/no answers are not an acceptable practice)

Status Criteria and Progress Criteria

7. The criteria by which a mine site are evaluated fall into two different categories: Status Criteria (Red and Yellow Flag Criteria) and Progress Criteria:
 - 7.1. Red Flag criteria: these are criteria where full and immediate compliance is considered critical to the credibility and functioning of the system.
 - 7.2. Yellow Flag criteria: these are criteria where full compliance is still considered central to the credibility and functioning of the system, but where a short grace period is permitted to correct the non-compliance
 - 7.3. PROGRESS criteria: these are criteria which are important to the credibility of the system and the social legitimacy of the minerals, and should show continuous progress over time

Standards for Status Criteria: Red Flags and Yellow Flags

8. For mine site criteria classified as either Red Flag or Yellow Flag, the mine site must be rated as being either 'in conformity' or 'in violation' of these criteria. In making their determination, mine site inspectors shall, for each such criterion, interpret any credible indication that the mine site is not in conformity with that criterion, to any degree, as cause to record the mine site as being 'in violation' of that criterion.

Scoring for Status Criteria

9. For Status Criteria (Red Flag or Yellow Flag criteria):
 - 9.1 if neither Red Flag criteria nor Yellow Flag criteria are found, then the Mine Site is considered Certified (Green Flagged).
 - 9.2 if any Red Flag criteria are present, then the Mine Site is considered Un-Certified (Red Flagged)
 - 9.3 if any Yellow Flag criteria are present, then the Mine Site is considered Yellow Flagged

Standards for Progress Criteria

10. For mine site criteria classified as Progress Criteria, the mine site inspector shall evaluate each criterion according to available evidence, then assign the criterion a value from 0 to 4, using the following as a guide:
 - 0 = non-conformity (0-10%)
 - 1 = many deviations, non-conformity (11-40%)
 - 2 = conformity with considerable and serious deviations (41-60%)
 - 3= conformity with small deviations (61-80%)
 - 4= conformity to the requirement (81-100%)
11. The ICGLR Audit Committee may at its discretion develop or adopt more detailed compliance level indicators for Progress Criteria, such as the compliance level indicators developed by the Certified Trading Chains (CTC) program.

Scoring for Progress Criteria

12. For Progress Criteria, a Mine Site's score is measured as the cumulative total of the Mine Site's individual score for each Progress criterion
13. The Minimum Progress Criteria Score is set at:
 - 13.1. An overall average of 2.5 (i.e. the cumulative total score for all criteria divided by the number of criteria is greater or equal to 2.5)
 - 13.2. No single criterion scores a "0" or a "1"
14. The ICGLR Audit Committee shall consider and revise the Minimum Progress Criteria Score on a yearly basis, or as required at its discretion.

More rigorous, not less rigorous

15. A Member State may, at its discretion, take measures to make the Standards and Procedures for Certifying Mine Sites in effect within their borders more rigorous than the standard called for by the ICGLR Tracking Scheme. In particular, a Member State may, at its discretion

- 15.1. Add Red Flag criteria, Yellow Flag criteria, or Progress criteria to the list of criteria given below in Appendix 3b-1 and Appendix 3b-2.
- 15.2. Move existing criteria upwards into higher or more severe rankings (i.e. re-define a Progress criterion as a Yellow Flag or Red Flag criterion, or re-define a Yellow Flag criterion as a Red Flag criterion)
16. Member States are prohibited from taking any measures that would make the Standards and Procedures for Certifying Mine Sites in effect within their borders less rigorous than the standard called for by the ICGLR Tracking Scheme. In particular, Member States may not remove criteria from the list contained in this appendix, nor may they move criteria to less rigorous rankings.
17. MS may wish to require legal mineral title as part of their mine site inspection and approval standards.

Broad Categories of Mine Site Criteria

18. The various mine site criteria fit broadly into the five categories given below, which will be used to group and organize the criteria:
 - 18.1. Conflict
 - 18.2. Working Conditions
 - 18.3. Environmental Conditions
 - 18.4. Formality and Transparency
 - 18.5. Community Development

Adding or Modifying Criteria

19. The ICGLR Audit Committee may, after due consideration,
 - 19.1. Add to, delete or modify the Red Flag criteria, Yellow Flag criteria, or Progress criteria given in the lists below in Appendix 3b-1 and Appendix 3b-2.
 - 19.2. Move existing criteria upwards or downwards, into higher or more severe rankings or lower or less severe rankings (i.e. re-define a Progress criterion as a Yellow Flag or Red Flag criterion, or re-define a Red Flag criterion as a Yellow Flag criterion)

Appendix 3b-1: Inspection Criteria for Artisanal Mines

1. The phrases “non-state armed groups” and “Public or Private Security Forces” are defined in the Definitions section of the ICGLR Certification Manual.

2. RED FLAG CRITERIA

2.1. Conflict¹

- 2.1.1. Non-state armed groups or their affiliates illegally control² mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain;
- 2.1.2. Non-state armed groups or their affiliates illegally tax or extort³ money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded
- 2.1.3. Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody

2.2. Working Conditions

- 2.2.1. Children below the minimum working age as defined in that Member State are employed in exploitation in the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used.
- 2.2.2. Forced labour 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 labour to the mine site boss

2.3. Environment

- 2.3.1. Member States may wish to impose more stringent requirements

2.4. Formality and Transparency

- 2.4.1. Payments are made by the mine site owner or mine site operator to illegal or criminal organizations
- 2.4.2. Payments are made by the mine site owner or mine site operator to political parties or political organizations, in contravention of the laws of that Member State
- 2.4.3. Designated Minerals sourced in an Un-Certified (Red Flag) Mine Site are entering into the Mine Site or being mixed with Designated Minerals produced at the Mine Site.

2.5. Community Development

- 2.5.1. Member States may wish to impose more stringent requirements

3. YELLOW FLAG CRITERIA

3.1. Conflict⁴

- 3.1.1. Non-state armed groups are stationed in or operating in the immediate vicinity of a mine site

¹Conflict criteria as per Paragraphs 3-4, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²“Affiliates” and “Control” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

³“Extort” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

⁴ Conflict Criteria as per Paragraphs 5-10, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

3.1.2. Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain⁵

3.1.3. Public or Private Security Forces or their affiliates illegally tax or extort⁶ money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded

3.1.4. Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies or any other upstream actors in the chain of custody

3.2. Working Conditions

3.2.1. Member States may wish to impose more stringent requirements

3.3. Environment

3.3.1. Member States may wish to impose more stringent requirements

3.4. Formality and Transparency

3.4.1. 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

3.4.2. 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 the Member State's mineral code or mineral regulations

3.4.3. Material from another unknown mine site is entering into the mine site or being mixed with the material produced at the mine site

3.4.4. 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 governments for the purposes of mineral extraction, trade, handling, transport and export⁷

3.4.5. 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, 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 Industry Transparency Initiative (EITI)⁸.

3.4.6. The mine owner or operator refuses to allow Analytical Finger Print (AFP) sampling or sampling for a similar diagnostic tool to a government mine site inspector, auditor, or designated agent of the ICGLR.

3.5. Community Development

3.5.1. Member States may wish to impose more stringent requirements

⁵“Affiliates” and “Control” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

⁶ “Extort” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

⁷ As per Paragraphs 11 and 14, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*

⁸As per Paragraphs 13 - 14, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

4. **PROGRESS CRITERIA**⁹

4.1. Working Conditions

- 4.1.1. Payment, pricing and distribution systems for artisanal miners and sub-contractors, as well as salary levels for employees are fair, legal, and regulated
- 4.1.2. the mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer
- 4.1.3. The mine site operator ensures occupational health and safety in all its operations
- 4.1.4. The mine site operator provides appropriate protective safety equipment and training to all workers

4.2. Environment

- 4.2.1. 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
- 4.2.2. The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process
- 4.2.3. The mine site operator has a system in place to manage mine waste and tailings
- 4.2.4. The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation

4.3. Formality and Transparency

- 4.3.1. The mine site is registered with Member State mining authorities and is in conformity with all Member State laws and regulations regarding mineral title
- 4.3.2. The mine site operator actively combats all forms of corruption and fraud

4.4. Community Development

- 4.4.1. 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 organisations) and local authorities
- 4.4.2. The mine site operator supports local enterprises to supply its operations
- 4.4.3. 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
- 4.4.4. The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities
- 4.4.5. 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 Progress Criteria and compliance levels based on the Certified Trading Chains (CTC) standard, developed by BGR in conjunction with MS governments in the region

NOTE: The various criteria are summarized in Tables 1a-1c below. The tables are for informational purposes only. The definitive language for each criterion remains that which is written in paragraphs 1-4 above.

Table 1a: Red Flag criteria for Artisanal Exploitation

Red Flag Criteria				
Artisanal Exploitation				
Conflict	Working Conditions	Environment	Formality/Transparency	Community Development
Non-state armed groups or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain;	Children below the minimum working age as defined in that Member State are employed in exploitation in the mine site.		Payments are made by the mine site owner or operator to illegal or criminal organizations	
Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded	Forced labour 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 labour to the mine site boss		Payments are made by the mine site owner or operator to political parties or political organizations, in contravention of a Member State's laws	
Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody			Designated Minerals sourced in an Un-Certified (Red Flag) Mine Site are entering into the Mine Site or being mixed with Designated Minerals produced at the Mine Site.	

Table 1b: Yellow Flag criteria for Artisanal Exploitation

Yellow Flag Criteria				
Artisanal Exploitation				
Conflict	Working Conditions	Environment	Formality/Transparency	Community Development
Non-state armed groups are stationed in or operating in the immediate vicinity of a mine site			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	
Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain			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 the Member State's mineral code or mineral regulations	
Public or Private Security Forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites			Material from another unknown mine site is entering into the mine site or being mixed with the material	

along transportation routes or at points where minerals are traded			produced at the mine site	
Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies or any other upstream actors in the chain of custody			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 governments for the purposes of mineral extraction, trade, handling, transport and export	
			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, 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 Industry Transparency Initiative (EITI).	
			The mine owner or operator refuses to allow Analytical Finger Print (AFP) sampling or sampling for a	

			similar diagnostic tool to a government mine site inspector, auditor, or designated agent of the ICGLR.	
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Table 1c: Progress criteria for Artisanal Exploitation

Progress Criteria				
Artisanal Exploitation				
Conflict	Working Conditions	Environment	Formality /Transparency	Community Development
	Payment, pricing and distribution systems for artisanal miners and sub-contractors, as well as salary levels for employees are fair, legal, and regulated	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	The mine site is registered with Member State mining authorities and is in conformity with all Member State laws and regulations regarding mineral title	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 organisations) and local authorities
	the mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer	The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process		The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities
	The mine site operator ensures	The mine site operator has a		The mine site operator has

	occupational health and safety in all its operations	system in place to manage mine waste and tailings		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
	The mine site operator provides appropriate protective safety equipment and training to all workers	The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation	The mine site operator actively combats all forms of corruption and fraud	The mine site operator supports local enterprises to supply its operations
				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

Appendix 3b-2: Inspection Criteria for Industrial Mines

1. The phrases “non-state armed groups” and “Public or Private Security Forces” are defined in the Definitions section of the ICGLR Certification Manual.

2. **RED FLAG CRITERIA**

2.1. **Conflict**¹⁰

- 2.1.1. Non-state armed groups or their affiliates illegally control¹¹ mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain;
- 2.1.2. Non-state armed groups or their affiliates illegally tax or extort¹² money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded
- 2.1.3. Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody
- 2.1.4. Non-state armed groups are operating within the legal boundaries of a mine site

2.2. **Working Conditions**

- 2.2.1. Children below the minimum working age as defined in that Member State are employed in exploitation in the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used
- 2.2.2. Forced labour 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 labour to the mine site boss

2.3. **Environment**

- 2.3.1. Mine site operator is in critical non-conformity with the Member State laws regarding environmental performance.

2.4. **Formality and Transparency**

- 2.4.1. Payments are made by the mine site owner or mine site operator to illegal or criminal organizations
- 2.4.2. Payments are made by the mine site owner or mine site operator to political parties or political organizations, in contravention of the laws of that Member State
- 2.4.3. 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
- 2.4.4. The mine site is not registered with Member State mining authorities and or is not in conformity with all Member State laws and regulations regarding mineral title
- 2.4.5. Designated Minerals from another unknown mine site is entering into the mine site or being mixed with the Designated Minerals produced at the mine site.

¹⁰Conflict criteria as per Paragraphs 3-4, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

¹¹“Affiliates” and “Control” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

¹²“Extort” as per definitions included in ‘Section 1. Definitions’ of the ICGLR Certification Manual

2.5. Community Development

- 2.5.1. Mine site operator is in serious non-conformity with the Member State laws regarding community relations

3. YELLOW FLAG CRITERIA

3.1. Conflict¹³

- 3.1.1. Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain¹⁴
- 3.1.2. Public or Private Security Forces or their affiliates illegally tax or extort¹⁵ money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded
- 3.1.3. Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies or any other upstream actors in the chain of custody

3.2. Working Conditions

- 3.2.1. Member States may wish to impose more stringent requirements

3.3. Environment

- 3.3.1. Mine site operator is in serious non-conformity with the Member State laws regarding environmental performance.

3.4. Formality and Transparency

- 3.4.1. 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 the Member State's mineral code or mineral regulations
- 3.4.2. 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 governments for the purposes of mineral extraction, trade, handling, transport and export¹⁶
- 3.4.3. 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, 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 Industry Transparency Initiative (EITI)¹⁷

¹³ Conflict Criteria as per Paragraphs 5-10, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

¹⁴ "Affiliates" and "Control" as per definitions included in 'Section 1. Definitions' of the ICGLR Certification Manual

¹⁵ "Extort" as per definitions included in 'Section 1. Definitions' of the ICGLR Certification Manual

¹⁶ As per Paragraphs 11 and 14, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*

¹⁷ As per Paragraphs 13 - 14, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

- 3.4.4. The mine owner or operator refuses to provide sample material for an Analytical Finger Print (AFP) test or similar diagnostic tool to a government mine site inspector or designated agent of the ICGLR

3.5. Community Development

- 3.5.1. Mine site operator is in on-conformity with the Member State laws regarding community relations.

4. PROGRESS CRITERIA¹⁸

4.1. Working Conditions

- 4.1.1. The payment or compensation formula for workers is comparable or superior to that of equivalent enterprises elsewhere in the Member State
- 4.1.2. the mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer
- 4.1.3. The mine site operator ensures occupational health and safety in all its operations
- 4.1.4. The mine site operator provides appropriate protective safety equipment and training to all workers

4.2. Environment

- 4.2.1. 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
- 4.2.2. The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process
- 4.2.3. The mine site operator has a system in place to manage mine waste and tailings.
- 4.2.4. The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation

4.3. Formality and Transparency

- 4.3.1. The mine site operator actively combats all forms of corruption and fraud

4.4. Community Development

- 4.4.1. 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 organisations) and local authorities
- 4.4.2. The mine site operator supports local enterprises to supply its operations
- 4.4.3. 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
- 4.4.4. The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities
- 4.4.5. the mine site operator designs and implements mining operations in a gender-sensitive way, and has developed and is putting in place a

¹⁸ Progress Criteria and compliance levels based on the Certified Trading Chains (CTC) standard, developed by BGR in cooperation with MS governments in the region

strategy for the improvement of the conditions of women working in the mine's area of influence, and for guaranteeing their fundamental rights

NOTE: The various criteria are summarized in Tables 2a-2c below. The tables are for informational purposes only. The definitive language for each criterion remains that which is written in points 1-4 above.

Table 2a: Red Flag Criteria for Industrial Exploitation

RED FLAG Criteria				
Industrial Exploitation				
Conflict	Working Conditions	Environment	Formality/Transparency	Community Development
Non-state armed groups or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain;	Children below the minimum working age as defined in that Member State are employed in exploitation in the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used	Mine site operator is in critical non-conformity with the Member State laws regarding environmental performance.	Payments are made by the mine site owner or mine site operator to illegal or criminal organizations	Mine site operator is in serious non-conformity with the Member State laws regarding community relations
Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded	Forced labour 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 labour to the mine site boss		Payments are made by the mine site owner or mine site operator to political parties or political organizations, in contravention of the laws of that Member State	
Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site	Mine site operator is in serious non-conformity with the Member State laws regarding working conditions		Mineral shipments exit the mine site without having been registered or recorded by a chain of custody system	

<p>operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody</p>			<p>that can track the minerals to their next destination beyond the mine site</p>	
<p>Non-state armed groups are operating within the legal boundaries of a mine site</p>			<p>The mine site is not registered with Member State mining authorities and or is not in conformity with all Member State laws and regulations regarding mineral title</p>	
			<p>Designated Minerals from another unknown mine site is entering into the mine site or being mixed with the Designated Minerals produced at the mine site.</p>	

Table 2b: Yellow Flag Criteria for Industrial Exploitation

YELLOW FLAG Criteria				
Industrial Exploitation				
Conflict	Working Conditions	Environment	Formality/Transparency	Community Development
		Mine site operator is in serious non-conformity with the Member State laws regarding environmental performance.	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 the Member State's mineral code or mineral regulations	Mine site operator is in on-conformity with the Member State laws regarding community relations
Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain			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 governments for the purposes of mineral extraction, trade, handling, transport and export	
Public or Private Security Forces			Mine site owner, mine site operators,	

<p>or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded</p>			<p>intermediaries, traders, export companies or any other upstream actors in the chain of custody and 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 Industry Transparency Initiative (EITI).</p>	
<p>Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies or any other upstream actors in the chain of custody</p>			<p>The mine owner or operator refuses to provide sample material for an Analytical Finger Print (AFP) test or similar diagnostic tool to a government mine site inspector or designated agent of the ICGLR</p>	

Table 2c: Progress criteria for Industrial Exploitation

Progress Criteria				
Industrial Exploitation				
Conflict	Working Conditions	Environment	Formality /Transparency	Community Development
	The payment or compensation formula for workers is comparable or superior to that of equivalent enterprises elsewhere in that Member State	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		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 organisations) and local authorities
	The mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer	The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process	The mine site operator actively combats all forms of corruption and fraud	The mine site operator supports local enterprises to supply its operations
	The mine site operator ensures occupational health and safety	The mine site operator has a system in place to manage		The mine site operator has developed and put into

	in all its operations	mine waste and tailings		practice an integrated program for the development of local infrastructure and local social services including livelihood security and capacity building in nearby communities
	The mine site operator provides appropriate protective safety equipment and training to all workers	The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation		The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities
				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

Appendix 4: Standards for Chain of Custody Tracking within Member States

Explanatory Note: Chain of Custody Tracking systems implemented under ICGLR Standards are required to collect information on Designated Mineral flows at key points all along the mineral chain. This data is transmitted at regular intervals to the ICGLR Secretariat, where it is incorporated into the ICGLR Regional Mineral Tracking Database. The data is used to track, analyse and reconcile regional mineral flows. To ensure the integrity, credibility and public acceptance of the ICGLR scheme, these mineral flow data are open to public scrutiny.

Note that the ICGLR does not collect or publish data on mineral prices. The purchase cost and/or sale cost of mineral shipments is neither collected nor made publicly available. Data on mineral flows, including identities of purchases and sellers, transport routes, dates and volumes of shipments are collected and made public.

4a. Standard for Industrial Mining

All actors in the mineral chain, including but not limited to mine operators, traders, processors and smelters shall:

1. Maintain records for a minimum of five years, preferably on a computerised database.
2. Ensure that all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas are paid to governments and disclose such payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).¹⁹
3. Avoid cash purchases whenever possible, and ensure that all unavoidable cash purchases of minerals are supported by verifiable documentation and preferably routed through official banking channels.²⁰
4. Not offer, promise, give or demand any bribes, and resist the solicitation of bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export.²¹
5. Actively oppose bribery and fraudulent payments

¹⁹ See Paragraphs 13, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²⁰ See Step 1(C.4)(3) of the Supplement on Tin, Tantalum and Tungsten, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²¹ See paragraph 11, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. Also see OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004).

6. Not tolerate nor by any means profit from, contribute to, assist with or facilitate the commission by any party of:²²
 - 6.1. any forms of torture, cruel, inhuman and degrading treatment;
 - 6.2. any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily;
 - 6.3. the worst forms of child labour;
 - 6.4. other gross human rights violations and abuses such as widespread sexual violence;
 - 6.5. war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
7. Not tolerate any direct or indirect support to non-state armed groups through the extraction, transport, trade, handling or export of minerals. "Direct or indirect support" to non-state armed groups through the extraction, transport, trade, handling or export of minerals includes, but is not limited to, procuring minerals from, making payments to or otherwise providing logistical assistance or equipment to, non-state armed groups or their affiliates who:²³
 - 7.1. illegally control mine sites or otherwise control transportation routes, points where minerals are traded and upstream actors in the supply chain; and/or
 - 7.2. illegally tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded; and/or
 - 7.3. illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.
8. Eliminate direct or indirect support to public or private security forces who illegally control mine sites, transportation routes and upstream actors in the supply chain; illegally tax or extort money or minerals at point of access to mine sites, along transportation routes or at points where minerals are traded; or illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.²⁴
9. Implement the provisions of the chain of custody system at the level of a single physical site.
10. Transmit their data (except for pricing data) and records to the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat
11. Provide, upon request by an ICGLR Third Party Auditor, the ownership (including beneficial ownership) and corporate structure of the mining

²² See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²³ See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. "Affiliates" includes *négociants*, consolidators, intermediaries, and others in the supply chain that work directly with armed groups to facilitate the extraction, trade or handling of minerals.

²⁴ See paragraphs 5-10, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* "Direct or indirect support" does not refer to legally required forms of support, including legal taxes, fees, and/or royalties that companies pay to the government of a country in which they operate (see paragraph 13 below on disclosure of such payments).

company, trading company or exporter, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers.

The Mine operator shall:

12. Source Designated Minerals only from a mine site registered as Certified in the ICGLR Regional Mine Site database
13. Upon request by an ICGLR Third Party Auditor, the ICGLR Independent Mineral Chain Auditor, or a Member State mine inspection agency or their designated agents, allow AFP sampling (or a similar diagnostic technique) of Designated Material at all stages of its operations.
14. Register the following information, for each domestic outgoing lot of Designated Minerals (non-domestic lots – i.e. exports – are subject to the Certification and Export procedures of Section II 5).
 - 14.1. A unique mine operator lot number for the lot
 - 14.2. The identification of the mine operator, including name, address and mine site location given with reference to the Mine Site Identification in the ICGLR Regional Mine Site database, government identification number, as well as other relevant information
 - 14.3. The identification of the customer or recipient, including name, address and site location, government identification number, as well as other relevant information
 - 14.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
 - 14.5. The mine site from which the mineral was sourced, given with reference to the Mine Site Identification as it exists in the ICGLR Regional Mine Site database.
 - 14.6. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the lot
 - 14.7. The date when the lot is sealed
 - 14.8. The date when the lot is shipped
 - 14.9. Name of the responsible staff person who verified the documentation associated with the lot.
15. Ensure that the information described in the previous paragraph (paragraph 14) accompanies each lot, in either paper or electronic form.
16. Verify the documentation described in paragraph 14 prior to shipping, to ensure that the supplied approved material is in compliance with the documentation.
17. Document separately each lot of approved material.

Designated Minerals from external sites

Additionally, where a Mine Operator purchases or otherwise obtains Designated Minerals from artisanal producers or other Mine Operators, or otherwise incorporates minerals from another mine site into a lot, that mine operator shall:

13. Upon request by an ICGLR third party auditor, the ICGLR Mineral Chain Auditor, or a member state mine inspection agency or their designated agents, allow AFP sampling (or similar diagnostic technique) of Designated Minerals at all stages of its operations.
14. Verify, prior to purchase or acquisition, that the Designated Minerals originate from a mine site registered as Certified in the ICGLR Regional Mine Site database
15. Refuse to purchase or acquire Designated Minerals originating from Un-Certified mine sites
16. Register, for each external purchase or acquisition from a Certified mine site, the following information
 - 16.1. A unique purchase order number for the external purchase
 - 16.2. The identification of the mine site from which the external purchase was sourced, using the Mine Site Identification from the ICGLR Regional Mine Site database
 - 16.3. The identification of the mine operator or artisanal producer, including name, national ID number or artisanal mining license number, address, as well as other relevant information
 - 16.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
 - 16.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the external purchase, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the external purchase
 - 16.6. The date of the purchase
 - 16.7. Name of the responsible staff person who purchased the material and verified its origin along with other information associated with the purchase

Mixing Lots

Additionally, where a Mine Operator purchases or otherwise obtains Designated Minerals from artisanal producers or other Mine Operators, or otherwise incorporates minerals from another mine site into a lot, that mine operator shall:

16. Be permitted to mix material from different Certified mine sites
17. Where material has been mixed, have in place internal tracking and metallurgical accounting procedures that can account for the mine sourcing of a mixed lot of mineral ore.
18. For each new mixed lot, the mine operator shall record the following information
 - 18.1. A new unique mixed lot number shall be assigned to the mixed lot.
 - 18.2. The weight, ore type, and grade of the mixed lot,

- 18.3. The purchase order numbers of each externally purchased lot included in the mixed lot, along with the weight and grade of ore that each externally purchased lot contributed to the mixed lot.
- 18.4. The weight and grade of ore included from the mine operator's own site, if any, along with the Mine Site Identification of that site, given with reference to the Mine Site Identification in the ICGLR Regional Mine Site database, government identification number
19. Additionally, where a mine operator purchases material from external Certified mine sites, the mine operator's accounting system must be able to accurately demonstrate that sales and exports of approved mineral ore do at all times match the production and purchases from Approved mine sites
20. For outgoing domestic lots of mixed lots of Certified material, the procedure shall be as in paragraphs 14-17, with the following exceptions
 - 20.1. The mixed lot number described in paragraph 18.1 shall substitute for the mine operator lot number of paragraph 14.1
 - 20.2. the sourcing information of paragraphs 18.3 (external purchases) and 18.4 (own site production included in the lot) shall substitute for the mine site information of paragraph 14.5.

Reporting to ICGLR Secretariat and the Member State government:

Furthermore, the mine operator shall:

21. Transmit their record of purchases, acquisitions and sales, as described in paragraphs 14 (domestic outgoing lots), 16(external purchases) and 20 (outgoing mixed lots) to the member state government and ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat

Processing

Additionally, where a Mine Operator processes Designated Minerals the Mine Operator shall:

22. Comply with the standards for Mineral Processors or Smelters given below under "**Processing:**" in paragraphs 29-33.

The Mineral Processor, *Centre de Traitement*, *Comptoir*, or Smelter:

Incoming Minerals

Where a Mineral Processor, *comptoir* or smelter purchases or otherwise obtains Designated Minerals from Mine Operators, that mineral processor, *comptoir* or smelter shall:

23. Verify, prior to purchase, that the Designated Mineral originates from a mine site registered as Certified in the ICGLR Regional Mine Site database
24. Refuse to purchase Designated Minerals originating from Un-Certified mine sites
25. Verify, prior to purchase, that the incoming lot is accompanied by the documentation described in paragraph 14 above, and that the information in the documentation accurately matches the lot.

26. Refuse to purchase Designated Minerals lacking the documentation described in paragraph 14
27. Register, for each purchase or incoming lot of a Designated Mineral, the following information
 - 27.1. A unique *comptoir* purchase order number for the purchase
 - 27.2. The mine operator lot number or mixed lot number assigned to the lot by the mine site operator
 - 27.3. The identification of the mine operator, including name, address and site location, government identification number, as well as other relevant information
 - 27.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
 - 27.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the incoming lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport, or processing of the incoming lot
 - 27.6. The date that the processor took physical possession of the lot
 - 27.7. The method by which the lot was transported from mine site to processor
 - 27.8. The transportation route
 - 27.9. The locations where the Designate minerals were consolidated, traded, processed or upgraded.
 - 27.10. The identification of all other upstream intermediaries, consolidators or other actors in the upstream supply chain
 - 27.11. Name of the responsible staff person who purchased the material and verified its origin along with other information associated with the purchase
 - 27.12. Where a lot is of un-mixed origin, the mine site from which the mineral was sourced, given with reference to the Mine Site Identification as it exists in the ICGLR Regional Mine Site database.
 - 27.13. Where a lot is of mixed origin, the following information
 - 27.13.1. The mine sites from which the mineral ore in the lot was sourced, given with reference to the Mine Site Identification as it exists in the ICGLR Regional Mine Site database, and the weight of ore sourced from each such mine site
 - 27.13.2. The purchase order numbers for the lots of external material making up the mixed lot
28. Take copies of the documentation accompanying the lot, and store them securely on site for no less than five years.

Processing:

Comptoirs, processors and smelters shall:

29. Be prohibited from mixing material from Certified mine sites with material from any other site
- ~~30.~~ Be permitted to mix material from different Certified mine sites for the purposes of processing, refining or export
31. Where material is mixed or concentrated, have in place internal tracking systems and metallurgical accounting systems can demonstrate, for each lot of minerals that is sold, exported or stockpiled:
 - 31.1. The *comptoir* purchase order number of every incoming lot of approved mineral ore that was used to produce the outgoing lot
 - 31.2. The weight and grade of mineral ore from each incoming lot (identified via purchase order number) used to produce the outgoing lot
32. In addition, where material is mixed or concentrated, have in place internal tracking and metallurgical accounting procedures that can accurately demonstrate that the
 - 32.1. purchases of approved mineral ore matches at all times the
 - 32.2. Exports and sales of mineral ore and metals, together with the
 - 32.3. Stockpiles of ore and discards of ore
33. The internal tracking and metallurgical accounting system shall in particular focus on balancing inputs of metallic content from approved sources with approved outputs of metallic content. (For example:

A *comptoir* that purchases a lot of 500 kg of 50% grade mineral concentrate (or 250 kg of metal) then processes that mineral concentrate to increase its grade. The result of this process is two new lots of ore: A high grade lot of 300 kg of 75% grade mineral concentrate (or 225 kg of metal), and a low grade lot of 200 kg of 12.5% grade mineral concentrate (or 25 kg of metal). The *comptoir* exports the high grade lot, and stockpiles the low grade lot.

The *comptoir's* accounting system must be able to track the purchased, exported and stockpiled material, and to demonstrate that its exports and stockpiles match at all times its purchases from Certified sites.

Domestic Sales (not exports)

A *comptoir*, processor or smelter shall:

34. Register the following information, for each domestic outgoing lot of Designated Minerals (non-domestic lots – i.e. exports – are subject to the Certification and Export procedures of Section 5).
 - 34.1. A unique *comptoir* lot number or purchase order number for the outgoing lot
 - 34.2. The identification of the *comptoir*, processor or smelter, including name, address and site location, as well as other relevant information
 - 34.3. The identification of the customer or recipient, including name, address and site location, as well as other relevant information
 - 34.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)

- 34.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the outgoing lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport, or processing of the outgoing lot
 - 34.6. The *comptoir* purchase order number of every incoming lot of Approved mineral ore that was used to produce the outgoing lot
 - 34.7. The weight of mineral ore from each incoming lot (identified via purchase order number) used to produce the outgoing lot
 - 34.8. The date when the outgoing lot is sealed
 - 34.9. The date when the outgoing lot is shipped
 - 34.10. Name of the responsible staff person who verified the documentation associated with the lot.
35. Ensure that the information described in Paragraph 34 (domestic sales) accompanies each lot, in either paper or electronic form.
 36. Verify the documentation described in paragraph 34 (domestic sales) prior to shipping, to ensure that the supplied certified material is in compliance with the documentation.
 37. Document separately each lot of certified material.

Reporting to ICGLR Secretariat and Member State Government:

Furthermore, the *comptoir*, processor or smelter shall:

38. Transmit their record of purchases, processing and domestic sales, as described in paragraphs 27(purchases), 31-31 (processing), 34(domestic sales) to the ICGLR Secretariat and the Member State government on a monthly basis, or as required by the ICGLR Secretariat

4b. Standard for Artisanal Mining

General Requirements:

All actors in the mineral chain, including but not limited to diggers, artisanal mine bosses and mine operators, field traders, *comptoirs* and buyers, processors and smelters shall:

1. Maintain records for a minimum of five years, preferably on a computerised database.
2. Ensure that all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas are paid to governments and disclose such payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).²⁵
3. Avoid cash purchases whenever possible, and ensure that all unavoidable cash purchases of minerals are supported by verifiable documentation and preferably routed through official banking channels.²⁶
4. Not offer, promise, give or demand any bribes, and resist the solicitation of bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export.²⁷
5. Actively oppose bribery and fraudulent payments
6. Not tolerate nor by any means profit from, contribute to, assist with or facilitate the commission by any party of:²⁸
 - 6.1. any forms of torture, cruel, inhuman and degrading treatment;
 - 6.2. any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily;
 - 6.3. the worst forms of child labour;
 - 6.4. other gross human rights violations and abuses such as widespread sexual violence;
 - 6.5. war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
7. Not tolerate any direct or indirect support to non-state armed groups through the extraction, transport, trade, handling or export of minerals. "Direct or indirect support" to non-state armed groups through the extraction, transport, trade, handling or export of minerals includes, but is not limited to, procuring minerals from, making payments to or otherwise providing logistical assistance or equipment to, non-state armed groups or their affiliates who:²⁹

²⁵ See Paragraphs 13, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²⁶ See Step 1(C.4)(3) of the Supplement on Tin, Tantalum and Tungsten, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²⁷ See paragraph 11, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. Also see OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004).

²⁸ See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

²⁹ See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. "Affiliates" includes *négociants*, consolidators,

- 7.1. illegally control mine sites or otherwise control transportation routes, points where minerals are traded and upstream actors in the supply chain; and/or
 - 7.2. illegally tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded; and/or
 - 7.3. illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.
8. Eliminate direct or indirect support to public or private security forces who illegally control mine sites, transportation routes and upstream actors in the supply chain; illegally tax or extort money or minerals at point of access to mine sites, along transportation routes or at points where minerals are traded; or illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.³⁰
 9. Implement the provisions of the chain of custody system at the level of a single physical site.
 10. Transmit their data (except for pricing data) and records to the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat
 11. Provide, upon request by an ICGLR Third Party Auditor, the ownership (including beneficial ownership) and corporate structure of the mining company, trading company or exporter, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers.

Artisanal Production:

At the Artisanal Production Site, Artisanal diggers and Artisanal mine bosses and operators shall:

12. Source Designated Minerals only from a mine site registered as Certified in the ICGLR Regional Mine Site database
13. Before transporting a lot of minerals from the artisanal mine site, register the following information on the form or forms provided by or sanctioned by the Member State government for recording artisanal production
 - 13.1. A unique mine site lot number for the lot
 - 13.2. The identification of the artisanal mine site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the ICGLR Regional Mine Site database. Where the artisanal digger or mine site operator does not know the ICGLR Mine Site identification, a Member State government representative or designate shall supply it.
 - 13.3. The identification of the artisanal mine operator or artisanal miner who produced the material, including name, national ID number or artisanal mining license number, address, as well as other relevant information
 - 13.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available its grade (i.e. 45%)

intermediaries, and others in the supply chain that work directly with armed groups to facilitate the extraction, trade or handling of minerals.

³⁰ See paragraphs 5-10, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* “Direct or indirect support” does not refer to legally required forms of support, including legal taxes, fees, and/or royalties that companies pay to the government of a country in which they operate (see paragraph 13 below on disclosure of such payments).

- 13.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal lot
- 13.6. Where the lot consists of more than one sack, the number of sacks in the lot.
NOTE: Lots may not be broken up while being transported from an artisanal mine site to a trading center, or the place of business of an artisanal trader, *comptoir* processor or smelter.
- 13.7. The trading centre, town, city or *comptoir* to which the lot is to be transported
- 13.8. The date when the lot is registered

Government Field Verification:

At the Artisanal Production Site, the Member State government representative or their designate shall:

14. Prior to the lot leaving the artisanal mine site, verify the documentation described in paragraph 13 (artisanal production), to ensure that the lot of approved minerals is in compliance with the documentation.
15. Record their own name, position, identification number, and the date the lot was verified
16. affix their signature on the form accompanying the lot, as proof that they personally inspected and verified the lot and its accompanying documentation
17. Ensure that the information described in Paragraph 13(artisanal production), accompanies each sack or lot in either paper or electronic form.
18. Document separately each lot of Designated Minerals.
19. Keep a copy of the form or documentation that accompanies each lot of minerals
20. Where it is not possible to have a Member State government representative or designate present at the mine site, the verification process described in paragraphs 14-19 (immediately above) shall take place at a government field office located in as close proximity to the artisanal dig site as possible.

Furthermore, the Member State Government or its designate shall:

21. Collate the information contained in the forms or documentation noted in paragraph 19.
22. Transmit the collated information to the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat

Field traders & Trading Centers:

Trader, Field Trader, *Negoçiant*, *Petit Negoçiant* or Manager:

Incoming Minerals

Where a Trader, Field Trader, *Negoçiant*, *Petit Negoçiant* or Manager purchases or otherwise obtains Designated Minerals from artisanal producers, the trader shall:

23. Verify, prior to purchase, that the mine site lot is accompanied by the documentation described in paragraph 13 (artisanal production) above, and that the information in the documentation accurately matches the lot.
24. Refuse to purchase Designated Minerals lacking the documentation described in paragraph 13 (artisanal production) above
25. Refuse to purchase mine site lots where the number of sacks is greater or less than that described by the accompanying documentation. (Lots are not to be broken up while being transported from an artisanal mine site to a trading center or the place of business of an artisanal trader.)
26. Record for each incoming mine site lot, on forms provided by the Member State government or in a format and medium sanctioned by the Member State government, the following information:
 - 26.1. The unique mine site lot number assigned to the lot at the mine site
 - 26.2. The identification of the artisanal mine site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the ICGLR Regional Mine Site database
 - 26.3. The identification of the artisanal mine operator or artisanal miner who produced the material, including name, national ID number or artisanal mining license number, address, as well as other relevant information
 - 26.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available its grade (i.e. 45%)
 - 26.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal lot
 - 26.6. Where the lot consists of more than one sack, the number of sacks in the lot. NOTE: Lots are not to be broken up while being transported from an artisanal mine site to a trading center or the place of business of an artisanal trader.
 - 26.7. The method by which the lot was transported from mine site to the trading centre, town, or city where the trader took physical possession of the lot
 - 26.8. Transportation routes
 - 26.9. Locations where minerals are consolidated, traded, processed or upgraded, or any other place where the trader took physical possession of the mine site lot
 - 26.10. The identification of all other upstream intermediaries, consolidators, or other actors in the upstream supply chain
 - 26.11. The trading centre, town, or city where the trader took physical possession of the mine site lot
 - 26.12. The date that the trader took possession of the mine site lot

Field Processing:

At their place of business in a trading centre or in the field, traders shall:

27. Be permitted to open sacks of Designated Minerals from mine site lots, and perform rudimentary, non-mechanized processing of ore (traders performing mechanized ore processing shall be subject to the standards for *comptoirs* and processors, given below starting in paragraph 42)
28. Be permitted to mix material from different Certified mine sites
29. Where material has been mixed, have in place internal tracking and metallurgical accounting procedures that can account for the mine sourcing of a mixed lot of mineral ore.
30. For each new mixed lot, the trader shall record the following information
 - 30.1. A new unique mixed lot number shall be assigned to the mixed lot.
 - 30.2. the weight, ore type, and grade of the mixed lot,
31. The mine site lot numbers of each mine site lot included in the mixed lot, along with the weight and grade of ore that each mine site lot contributed to the mixed lot.
32. Where processing of a mine site lot results in the discard of material from that lot, record on the form described in paragraph 26 (incoming lot form) the following information
 - 32.1. The nature of the discarded material (i.e. rock from cassiterite ore)
 - 32.2. The weight of the discarded material
 - 32.3. The number of sacks remaining in the lot at the completion of processing

Domestic Sales (not exports)

Furthermore, traders shall:

33. register the following information on the form or forms provided by or sanctioned by the Member State government for artisanal trading, for each domestic outgoing lot of Designated Minerals
 - 33.1. A unique trading center lot number for the outgoing lot
 - 33.2. The identification of the trader, including name, address and site location, government identification number, as well as other relevant information
 - 33.3. The identification of the customer or recipient, including name, address and site location, government identification number, as well as other relevant information
 - 33.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available grade (i.e. 45%)
 - 33.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the lot
 - 33.6. Where the outgoing lot consists of more than one sack, the number of sacks in the outgoing lot.
 - 33.7. The trading centre, town, or city where the outgoing lot originated
 - 33.8. The date when the outgoing lot is sealed
 - 33.9. The date when the outgoing lot is shipped

- 33.10. Name of the responsible staff person who verified the documentation associated with the lot

Note: A mine site lot may consist of several sacks (i.e. a 2000kg mine site lot might consist of 40 separate 50kg sacks). A trader may choose to maintain the lot intact (ship all 40 sacks together), or to separate a mine site lot into separate components (break up the mine site lot into two or more groups of sacks). The paragraphs below cover the procedure to be followed in either alternative.

Mine site lots kept intact

34. Furthermore, where a trader chooses to maintain one or more of the mine site lots making up the outgoing lot intact, the trader shall register the following information regarding each of the intact mine site lots included in the outgoing lot, including
- 34.1. The mine site lot number
 - 34.2. The identification of the artisanal mine site where the mine site lot was sourced, as it exists in the ICGLR Regional Mine Site database
 - 34.3. The weight of the mine site lot
 - 34.4. The number of sacks in the mine site lot

Mine site lots separated into components

35. Furthermore, where a trader chooses to separate into component lots one or more of the mine site lots making up the outgoing lot, the trader shall
- 35.1. Record, for each component lot, on forms provided by the Member State government or in a format and medium sanctioned by the Member State government, the following information
 - 35.1.1. The information described above in paragraph 26 (incoming mine site lots)
 - 35.1.2. The total lot weight and the number of sacks in the original mine site lot
 - 35.1.3. If processing has taken place, the total lot weight and the number of sacks remaining in the original mine site lot after processing
 - 35.1.4. The total weight of the new component lot and the number of sacks in the new component lot
 - 35.1.5. The total number of component lots into which the mine site lot has been divided
 - 35.2. Ensure that each of the forms described in paragraph 32.1 is verified by a Member State government representative, who shall affix his full name, position, signature and date as proof that he has seen the component lots, and verified that the aggregate weight and number of sacks of the component lots is exactly equal to that of the original mine site lot as it was recorded and verified before leaving the mine site (i.e. as it was recorded on the form described in paragraph 13 and verified in paragraph 164), taking into account any losses from processing.
 - 35.3. Register the following information regarding each of the components lots included in the outgoing lot, including
 - 35.3.1. The mine site lot number

- 35.3.2. The identification of the artisanal mine site where the mine site lot was sourced, as it exists in the ICGLR Regional Mine Site database
- 35.3.3. A notation that this is a component lot
- 35.3.4. The weight of the component lot and the number of sacks in the component lot
- 35.3.5. The total number of component lots into which the mine site lot has been divided
- 35.4. Ensure that the form described in paragraph 35.1 accompanies the outgoing lot, together with the documentation described in paragraph 35.5 (below).
- 35.5. Ensure that the information described in paragraph 33 accompanies each lot, in either paper or electronic form.
- 35.6. Ensure that copies of the Government approved forms or documentation concerning each of the mine site lots making up the lot also accompany the lot
- 35.7. Document separately each lot of approved material.

Reporting to ICGLR Secretariat:

Furthermore, the field trader shall:

- 36. Transmit their record of purchases, processing, and sales, as described in paragraphs 26 (purchases), 29 (processing) and 30 (sales) to the ICGLR Secretariat and the Member State government on a monthly basis, or as required by the ICGLR Secretariat.

At the Trading Centre, the Member State government representative or their designate shall:

- 37. Prior to the outgoing lot leaving the trade centre or traders place of business, verify the documentation described in paragraph 30 (outgoing lots from traders), to ensure that the outgoing lot of approved minerals is in compliance with the documentation.
- 38. Verify in particular that the documentation for the mine site lots and component lots making up the outgoing lot are in order, and that the sum total weight of material as recorded in the documentation of the mine site lots and component lots is equal to the total weight of the outgoing lot
- 39. Record their own name, position, identification number, and the date the outgoing lot was verified
- 40. affix their signature on the form accompanying the outgoing lot, as proof that they personally inspected and verified the lot and its accompanying documentation
- 41. Ensure that the information described in Paragraph 30(outgoing lots from traders) accompanies each sack or lot in either paper or electronic form.
- 42. Document separately each outgoing lot of approved material.
- 43. Keep a copy of the form or documentation that accompanies each outgoing lot of minerals

Furthermore, the Member State Government or its designate shall:

44. Collate the information contained in the form or documentation copies noted in paragraph 30 (outgoing lots from traders)
45. Transmit the collated information from the previous paragraph (paragraph 41) to the ICGLR Secretariat and Member State government on a monthly basis, or as required by the ICGLR Secretariat

The Mineral Processor, *Comptoir* or Smelter:

Incoming Minerals

Were a Mineral Processor, *Comptoir* or Smelter purchases or otherwise obtains Designated Minerals from Artisanal Producers or Artisanal Mineral Traders, that mineral processor, *comptoir* or smelter shall:

46. Verify, prior to purchase, that the lot is accompanied by the documentation described in paragraph 13 (artisanal production) or paragraph 30 (outgoing lots from traders) above, and that the information in the documentation accurately matches the lot or lot.
47. Refuse to purchase Designated Minerals lacking the documentation described in paragraph 13 (artisanal production) or paragraph 30 (outgoing lots from traders) above
48. Refuse to purchase lots or lots where the number of sacks is greater or less than that described by the accompanying documentation.

Purchase direct from artisanal producer:

49. Where the Designated Mineral comes directly from an Artisanal Producer (i.e. not via a Trader), record for each incoming lot, on forms provided by the Member State government or in a format and medium sanctioned by the Member State government, the following information
 - 49.1. A unique *comptoir* purchase order number for the purchase
 - 49.2. The unique mine site lot number assigned to the lot at the mine site
 - 49.3. The identification of the artisanal mine site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the ICGLR Regional Mine Site database.
 - 49.4. The identification of the artisanal mine operator or artisanal miner who produced the material, including name, national ID number or artisanal mining license number, address, as well as other relevant information
 - 49.5. A description of the material, including the ore type (i.e. cassiterite) and weight (i.e. 1000kg) and where available the grade (i.e. 45%)
 - 49.6. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal lot
 - 49.7. Where the lot consists of more than one sack, the number of sacks in the lot. NOTE: Lots are not to be broken up while being transported from an artisanal mine site to a mineral processor, *comptoir* or smelter.
 - 49.8. The method by which the lot was transported from mine site to *comptoir*
 - 49.9. Transportation routes
 - 49.10. Locations where minerals are consolidated, traded, processed or upgraded

- 49.11. The identification of all other upstream intermediaries, consolidators or other actors in the upstream supply chain
 - 49.12. The date that the *comptoir* took physical possession of the mine site lot
 - 49.13. Additionally, the processor, *comptoir* or smelter shall determine the purity of the mineral ore in the lot as a whole, and record this information together with the data listed above
50. Take copies of the documentation accompanying the lot, and store them securely on site for no less than five years.

Purchase from an Artisanal Trader:

51. Where the Designated Mineral comes directly from an Artisanal Trader, record for each incoming lot, on forms provided by the Member State government or in a format and medium sanctioned by the Member State government, the following information
- 51.1. A unique *comptoir* purchase order number for the purchase
 - 51.2. The unique trading center lot number assigned to the lot at the trading centre or trader's place of business
 - 51.3. The identification of the trader, including name, address and site location, government identification number, as well as other relevant information
 - 51.4. A description of the material, including the ore type (i.e. cassiterite) and its weight (i.e. 1000kg), and where available the grade (i.e. 45%)
 - 51.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal lot
 - 51.6. Where the incoming lot consists of more than one sack, the number of sacks in the lot.
 - 51.7. Information regarding each of the mine site lots or component lots that make up the incoming lot, including
 - 51.7.1. The mine site lot number
 - 51.7.2. The identification of the artisanal mine site where the mine site lot or component lot was sourced, as it exists in the ICGLR Regional Mine Site data
 - 51.7.3. The weight of the mine site lot or component lot
 - 51.7.4. The purity of the mineral ore. Where the purity has not previously been established by the Artisanal Trader, the *comptoir*, processor or smelter shall determine and record the purity for each mine site lot or component lot
 - 51.8. The trading centre, town, or city where the lot originated
 - 51.9. The date when the lot was sealed
 - 51.10. The date when the lot was shipped
 - 51.11. The method by which the lot was transported from the trader to the *comptoir*, processor or smelter
 - 51.12. Transportation routes

- 51.13. Locations where minerals are consolidated, traded, processes or upgraded
 - 51.14. The identification of all other upstream intermediaries, consolidators or other actors in the upstream supply chain
 - 51.15. Name of the responsible staff person working for the *comptoir*, processor or smelter who verified the documentation associated with the lot.
52. Take copies of the documentation accompanying the lot, and store them securely on site for no less than five years.

Processing:

Comptoirs, processors and smelters shall:

- 53. Comply with Appendix 4a (Standard for Formal or Industrial Mining) paragraphs 29-38 (Processing, Domestic Sales).
- 54. Transmit their record of purchases, processing and domestic sales, as described in paragraphs 49 (artisanal producer), 51 (artisanal trader) and 50 (processing and domestic sales) to the ICGLR Secretariat and Member State government on a monthly basis, or as required by the ICGLR Secretariat.

Appendix 5: Standards for Exports of Minerals from Certified Mine Sites and for Issuing ICGLR Mineral Certificates

General Requirements:

All Exporting Entities including but not limited to Processors, *Comptoirs*, Smelters or other entities shall:

1. Maintain records for a minimum of five years, preferably on a computerised database.
2. Ensure that all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas are paid to governments and disclose such payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).³¹
3. Avoid cash purchases whenever possible, and ensure that all unavoidable cash purchases of minerals are supported by verifiable documentation and preferably routed through official banking channels.³²
4. Not offer, promise, give or demand any bribes, and resist the solicitation of bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export.³³
5. Actively oppose bribery and fraudulent payments
6. Not tolerate nor by any means profit from, contribute to, assist with or facilitate the commission by any party of:³⁴
 - 6.1. any forms of torture, cruel, inhuman and degrading treatment;
 - 6.2. any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily;
 - 6.3. the worst forms of child labour;
 - 6.4. other gross human rights violations and abuses such as widespread sexual violence;
 - 6.5. war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
7. Not tolerate any direct or indirect support to non-state armed groups through the extraction, transport, trade, handling or export of minerals. "Direct or indirect support" to non-state armed groups through the extraction, transport, trade, handling or export of minerals includes, but is not limited to, procuring minerals from, making payments

³¹ See Paragraphs 13, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

³² See Step 1(C.4)(3) of the Supplement on Tin, Tantalum and Tungsten, *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

³³ See paragraph 11, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. Also see OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004).

³⁴ See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

to or otherwise providing logistical assistance or equipment to, non-state armed groups or their affiliates who:³⁵

- 7.1. illegally control mine sites or otherwise control transportation routes, points where minerals are traded and upstream actors in the supply chain; and/or
 - 7.2. illegally tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded; and/or
 - 7.3. illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.
8. Eliminate direct or indirect support to public or private security forces who illegally control mine sites, transportation routes and upstream actors in the supply chain; illegally tax or extort money or minerals at point of access to mine sites, along transportation routes or at points where minerals are traded; or illegally tax or extort money or mineral shares from mine site owners, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody.³⁶
 9. Implement the provisions of the chain of custody system at the level of a single physical site.
 10. Transmit their data (except for pricing data) and records to the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat
 11. Provide, upon request by an ICGLR Third Party Auditor, the ownership (including beneficial ownership) and corporate structure of the mining company, trading company or exporter, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers.

³⁵ See Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. "Affiliates" includes *négociants*, consolidators, intermediaries, and others in the supply chain that work directly with armed groups to facilitate the extraction, trade or handling of minerals.

³⁶ See paragraphs 5-10, Annex II (Model Policy), *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* "Direct or indirect support" does not refer to legally required forms of support, including legal taxes, fees, and/or royalties that companies pay to the government of a country in which they operate (see paragraph 13 below on disclosure of such payments).

Applying for an Export

Comptoirs, mines, processors and smelters and other exporting entities shall:

12. register the following information in their own records and on the form or forms provided by or sanctioned by the Member State government, for each exported lot of Designated Minerals
 - 12.1. A unique *comptoir* lot number or export order number for the lot
 - 12.2. The identification of the exporting entity including name, address and site location, as well as other relevant information required to identify the exporter
 - 12.3. The identification of the customer or recipient, including name, address and shipping destination, as well as other relevant information required to identify the customer or importer
 - 12.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
 - 12.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, processing or export of the outgoing lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport, processing or export of the outgoing lot
 - 12.6. The *comptoir* purchase order number of every incoming lot of Approved mineral ore that was used to produce the outgoing lot
 - 12.7. The weight of mineral ore from each incoming lot (identified via purchase order number) used to produce the outgoing lot
 - 12.8. The date when the lot is sealed
 - 12.9. The date when the lot is shipped
 - 12.10. The route and transport company responsible for transporting the shipment
 - 12.11. Name of the responsible staff person who verified the documentation associated with the lot.
13. Verify the documentation described in paragraph 12 (exports) prior to shipping, to ensure that the supplied certified material is in compliance with the documentation.
14. Document separately each lot of certified material.
15. Provide to the Member State government representative in charge of verifying the export documentary evidence, in the form of Chain of Custody documents and records from the exporting entity's internal mineral accounting system, that the minerals presented for export were sourced from Certified mine sites. In particular, the exporting entity should present to the Member State government representative documentary proof that each of the incoming lots (identified via purchase order number) that were used to produce the outgoing lot has complete Chain of Custody documents, and can thus be reliably tracked all the way back to the Certified mine site from which it originated.
16. The Exporting entity must provide the Member State Government documentary evidence that exports of Designated Minerals or metal do at all times match its purchases of Designated mineral ore or from Certified mine sites.

Export

Furthermore, the exporting entity shall:

17. Upon receiving a valid, countersigned certificate from the Member State government representative empowered to countersign Certificates, export the lot of Certified minerals while the Certificate is still valid.

Reporting to ICGLR Secretariat:

Furthermore, the exporting entity shall:

18. Once an export has been approved by a Member State and a Certificate issued, transmit a copy of the Certificate, and the information in paragraphs 12 (exports) to the Member State government and the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat.

Government Verification Process:

When advised by the Exporting Entity that an export has been prepared, the Member State government representative shall:

19. Verify the status of the Exporting Entity in the ICGLR's Database of Exporters (in situations where the ICGLR database is unavailable, the status can be checked in the Member State's Database of Exporters). An Exporting Entity listed as Un-certified (Red Flagged) in the ICGLR's Database of Exporters is not eligible to have any of its exports Certified. Processing must stop at this point. An Exporting Entity listed as Certified (Green Flagged) or Yellow Flagged is eligible to have its exports Certified. Processing of the export may continue.
20. Verify the information and documentation described in paragraph 12 (exports) to ensure that the lot of minerals presented for export is in compliance with the documentation.
21. Verify, by examining the Chain of Custody documents, and the exporting entity's internal mineral accounting system, and other documents and records where required, that the Designate Minerals presented for export were sourced from Certified mine sites. In particular, the Member State government representative should verify that each of the incoming lots (identified via purchase order number) that were used to produce the outgoing lot has complete Chain of Custody documents, and can thus be reliably tracked all the way back to the Certified mine site from which it originated
22. Verify using documentary evidence that exports of mineral ore or metal do at all times match its purchases of mineral ore or metal from Certified Mine Sites. .
23. Register the *comptoir* purchase order numbers of the lots of minerals presented by the exporting entity as proof that this export is balanced by purchases from Certified Mine Sites
24. Record their own name, position, identification number, and the date the lot was verified
25. Record the information from paragraph 12 (exports) on government forms or records of the export
26. Transfer the information from paragraph 12 (exports) to a Certificate, and affix their signature on the form accompanying the lot, as proof that they personally inspected and verified the lot and its accompanying documentation
27. Forward the Certificate and all other supporting forms and documentation to the Member State government representative empowered to Countersign the Certificate

Furthermore, the Member State Government representative shall:

23. After completing an export process, collate the information noted in paragraph 12 (exports)
24. Transmit the collated information, and a copy of the Certificate, to the Member State government and to the ICGLR Secretariat on a monthly basis, or as required by the ICGLR Secretariat

Government Countersigning Procedure:

The Member State government representative empowered to countersign the Certificate shall:

25. Examine the Certificate and all other supporting forms and documentation and verify to his satisfaction that the information is accurate and correct.
26. When satisfied that all documents are in order, affix his signature, his printed name, and the date and place of signing.
27. Return the Certificate to the Exporting Entity.
28. Keep a copy of the forms and other documentation that accompany each export of minerals

Appendix 5b: Data to be contained in Member State Database of Exporters

Each Member State shall develop a database containing the following information for each licensed Exporting Entity situated within the territory of that Member State

1. The identification of the exporting entity including name, address and site location, as well as other relevant information required to identify the exporter
2. The complete Audit history of the Exporting Entity, including
 - 2.1. The dates of any and all Third Party Audits of the Exporting Entity by ICGLR Third Party Auditors
 - 2.2. Agency and person responsible for the Audit
 - 2.3. Finding of the Audit (i.e. Exporting Entity is Certified, Not Certified, or found to be Yellow Flagged)
3. The status history of the Exporting Entity, including
 - 3.1. Dates during which the Exporting Entity has been Certified
 - 3.2. Dates during which the Exporting Entity has been Un-Certified
 - 3.3. Dates during which the Exporting Entity has been Yellow Flagged
4. Current Status of the Exporting Entity (Certified, Un-Certified, Yellow Flagged)

Appendix 5c: Data to be contained in ICGLR Regional Database of Exporters

The ICGLR database of Regional exporters shall contain the following information for each licensed Exporting Entity situated within the territory of the Member States of the region

13. An ISO 3166-1 country code identifying the particular Member State

14. All of the remaining fields required of Member State Database of Exporters, as delineated in Appendix 7a 1-4.

Appendix 7: Regional Mineral Tracking

Appendix 7c: Data to be contained in the Regional Mineral Tracking Database

Currently Under Development

Appendix 8: Third Party Audits

Explanatory Note: A process of public and stakeholder consultation for the ICGLR Third Party Audit standards began on February 15, 2011. The final Third Party Audit standards will be debated and formally adopted by the Audit Committee at its first meeting. The Standards given below remain drafts, subject to revision and modification in response to stakeholder comments.

Appendix 8a: Accreditation Body Requirements

Accreditation Body Requirements

1. The accreditation body must be operating in accordance with the requirements of ISO 17011:2004.
2. Accreditation bodies may be national accreditation bodies, or international accreditation bodies
3. Prior to approval, Accreditation Body staff shall carry out at least one witnessed assessment, where staff of the Accreditation Body accompanies the Third Party Auditor on a site assessment using the applicable ICGLR standards. The Accreditation Body staff shall collect objective evidence to assist in the determination of Third Party Auditor staff competence.
4. The Third Party Auditor shall be subject to annual surveillance visits by the Accreditation Body including witnessing field assessments

Appendix 8b: Accreditation Standards for Third Party Auditors

Standards for Third Party Auditors

A. Independence

1. A prospective Independent Third Party Auditor shall not be eligible to conduct independent audits of Exporters unless such Auditor is independent from such Exporter as well as its applicable suppliers, traders, miners, contractors and subsidiaries to the following extent:

1.1 Neither the Independent Third Party Auditor nor any of its employees involved in the monitoring of an Exporter shall, currently and for the five year period preceding the audit, have any business or financial relationship with, including holding any equity or debt securities of, the Exporter, suppliers, traders, miners, or mine sites to be audited.

1.2 Neither the Independent Third Party Auditor nor any of its employees involved in the monitoring of an Exporter shall provide other services to the Exporter, suppliers, traders, miners, or mine sites to be audited, or shall not have provided other services to the Exporter, suppliers, traders, miners, or mine sites to be audited in the twenty-four (24) month period prior to its consideration to be an Independent Third Party Auditor. Other services may include, among other things, monitoring, remediation, or training.

1.3 The Third Party Auditor shall implement a policy and procedures for avoidance of conflict of interests. The Independent Third Party Auditor shall continue to maintain this policy and procedures to protect the independence of its monitoring. If accredited by the ICGLR, the Independent Third Party Auditor must pledge to continue to

comply with the foregoing independence criteria throughout the period of its accreditation.

2. An Independent Third Party Auditor shall conduct its auditing in a neutral, impartial manner and shall that the content of its audit report shall be complete, accurate and not misleading.
3. An Independent Third Party Auditor shall have the obligation to report to the ICGLR any breach of any mechanism established by such Independent Third Party Auditor to protect the independence of its auditing and any steps taken by such Independent Third Party Auditor to remedy such breach.
4. An Independent Third Party Auditor shall exercise professional judgment at all times and not allow any fees or business relationships to influence its findings or reporting.

B. Qualifying Characteristics of Independent Third Party Auditors

In order to qualify as an Independent Third Party Auditor of the ICGLR, a prospective auditor (which may be one or more individuals or a separate legal entity) shall demonstrate the following core competencies for each country for which it seeks accreditation:

Auditors shall consult the guiding note on auditors for protection of sources.

1. Audit Team Composition

1.1 Given that the required Professional and Background knowledge components include significant knowledge of regional conflicts, conflict financing, local political structures, and other local knowledge, it is strongly recommended that Independent Third Party Auditors include in their team at least one member with deep expertise in the region - preferably a person either native to the region or with years of experience living and working in the region.

The list of requirements below apply to the audit team, not to individual auditors. It is the responsibility of the lead auditor in the team to ensure that all team members fulfill the required criteria on independence

2. Professional Knowledge

2.1 Advanced knowledge of auditing principles, procedures and techniques

2.2 Knowledge of the standards outlined in the ICGLR Certification Manual and its appendices, as well as international certification and due diligence standards and guidelines, in particular the OECD Due Diligence Guidance

2.3 Advanced knowledge and experience in auditing chain of custody tracking systems for commodities

2.4 Knowledge of conflict financing in the African context

2.5 Demonstrated experience auditing financial documents, and tracking money flows

3. Background Knowledge

3.1 Knowledge of geology and of the mining industry, and in particular of artisanal mining and transportation of minerals

3.2 Knowledge of local social and political conditions, with insight into how these conditions may affect conflict financing (especially mineral related conflict financing) in the region

3.3 Knowledge of local social and cultural conditions to be applied in the conduct of auditing, such as culturally appropriate interview methods.

3.4 Linguistic skills appropriate to each country or region to be audited

3.5 Knowledge of the ICGLR region, the recent conflicts in that region, and the role played by minerals in these conflicts

4. Auditing Mineral Chains

4.1 Demonstrated ability to conduct independent third party auditing, including the professional competence, capacity and relevant skills or technical qualifications necessary to perform each of the following processes to assess compliance with the ICGLR Certification requirements:

4.1.1 Gathering information from local knowledgeable sources

4.1.2 Interviewing workers at exporters, traders, processors and mine sites

4.1.3 Interviewing management at exporters, traders, processors, and mine sites

4.1.4 Travelling along mineral transportation routes to remote trading centres and remote mining sites. Visually inspecting these areas. Conducting interviews and document analysis in these remote sites.

4.1.5 Review and analyzing chain of custody, financial and other records

4.2 Ability to maintain the confidentiality of information and confidence of those interviewed. See the separate note on protecting sources

4.3 Ability to synthesize, cross check, verify and, where applicable, quantify information gathered in the auditing process from all relevant sources.

5. Analysis and Reporting

5.1 Ability and commitment to conduct an impartial and objective evaluation of the information gathered to assess compliance with ICGLR certification requirements

5.2 Professional competence in reporting instances or situations of non-compliance to the Exporter and to the ICGLR, including methods for substantiation of findings.

5.3 Capacity to report findings in a timely fashion

5.4 Ability and commitment to maintain accountability for information gathered from the monitoring process.

C. Application Requirements for Prospective Independent Third Party Auditors

A prospective Independent Third Party Auditor may seek accreditation to conduct audits for one or more countries. In seeking accreditation, a prospective Independent Third Party Auditor shall:

1. submit to the ICGLR Audit Committee an application demonstrating satisfaction of the foregoing criteria of independence and qualifying characteristics;

2. Submit to the ICGLR Audit Committee a list of Independent audits conducted
3. Remit to the ICGLR the required Accreditation Fee, used to process the prospective Auditor's accreditation application
4. Agree to undergo training in ICGLR standards and methodology as deemed appropriate by the ICGLR Audit Committee;
5. Conduct a trial audit on at least one mineral chain (mine site to exporter) with an observer appointed by the ICGLR Audit Committee; and
6. Agree to undergo any other application requirements as specified by the ICGLR Audit Committee
7. The Audit Committee shall respond to applications within 60 days of the point at which the application process completed
8. Prospective auditors shall also demonstrate the capacity to ensure the ongoing quality, integrity and independence of their auditing work, including internal controls and professional staff development.
9. Once accredited, an Independent Third Party Auditor must submit to the ICGLR Audit Committee a binding statement of intent to disclose any material change that may affect its ability to meet the independence criteria or qualifications of Independent Third Party Auditors listed above.

D. Accountability of Independent Third Party Auditors

1. An Independent Third Party Auditor shall be accountable to the ICGLR Audit Committee for professional misconduct or gross negligence in the conduct of its auditing or the preparation or content of its audit reports.
2. If a complaint concerning the professional misconduct or negligence of an Independent Third Party Auditor is submitted to the ICGLR Audit Committee, the ICGLR Audit Committee, shall assess the reliability and severity of the complaint and inform the auditor of the contents of such complaint. In the event that the ICGLR Audit Committee determines that an Independent Third Party Auditor has committed such alleged misconduct or negligence, the ICGLR Audit Committee Executive shall decide upon the appropriate sanction. The ICGLR Audit Committee shall have the authority to restrict, suspend, and/or remove all or part of the accreditation of such Independent Third Party Auditor.
3. Independent Third Party Auditors shall be accredited for a three-year period, which accreditation can be renewed for successive three-year periods thereafter.
4. In applying for re-accreditation with the ICGLR, the Independent Third Party Auditor shall:
 - 4.1 disclose to the ICGLR Audit Committee any material change to its original application that may affect its independence or qualifications under the criteria set forth above;
 - 4.2 pass an evaluation at the ICGLR Secretariat and at field level as deemed appropriate by the ICGLR Audit Committee; and

E. Disclosure

1. The ICGLR shall have the right to make the full findings of the Independent Third Party Auditor publicly available, and disclose the name of the lead/responsible auditor responsible for conducting the independent third party audit visit.

The ICGLR will to the limit of its abilities support and protect auditors working in the field within the member states.

Appendix 8c: Standards and Procedures for Third Party Audits

I. Definitions

9. Processor countries means Member States countries that do not produce the Designated Minerals under audit, but rather import the minerals from other Member States and process, refine or aggregate these minerals prior to re-export.
10. The terms Producer countries and Processor countries are not mutually exclusive. Some Member States may be a mixture of both.

II. Principles

1. Scope of Audits

Audits focus on exporters.

For producer countries, audits shall examine the mineral chain from the exporter being audited, back up the mineral chain to the minerals' point of origin in a mine site or sites, and include all those actors who mine, buy, sell, transport or handle the minerals on their journey from mine to export, including but not limited to producers (industrial and/or artisanal), traders, processors, smelters and exporters.

For processor countries, audits shall examine the mineral chain from the processor/exporter being audited back up the mineral chain to the foreign exporter who supplied the minerals to the processor/exporter. The audit shall include all those actors who mine buy, sell, transport or handle the minerals on their journey from foreign suppliers to the processor/exporter.

In cases where the exporter being audited obtains minerals both from domestic production and via purchases from foreign suppliers, the audits shall examine both the domestic mineral chain, as it would for a producer country, and the chain back to the foreign supplier(s), as it would for a processor country.

2. Onus on Exporter

An audit focuses on an exporter. As noted above in Scope of Audits, the audit examines the operation of the exporter, as well as a representative sample of those actors upstream in the mineral chain who handle, process or supply Designated Minerals to the exporter. In most cases, these upstream actors will be separate corporate entities or individuals. **However, the onus for their compliance falls on the exporter.** That is, the exporter is responsible for his own compliance with the requirements of the system, and for that of his suppliers. Non-compliance (Red Flag or Yellow Flag) by any of the upstream actors is considered to be a corresponding non-compliance by the exporter.

III. Overall Audit Methodology

- ii. The findings of the literature review shall form part of the audit report
Auditor must undertake not to use information for commercial gain (maybe put in accreditation standards)

1. Literature Review

- i. Auditors shall review relevant publications, particularly publications treating on the conflict situation in the region under audit. Relevant publications include but are not limited to local and international media, recent UN reports, recent NGO reports, academic publications and corporate publications (notably corporate risk review documents required by the OECD)

- ii. The findings of the literature review shall form part of the audit report

2. Risk Assessment

- i. In conducting risk assessments of Exporting Entities, the Auditor shall pay particular attention to the suggested questions Part C of the Guiding note for upstream company risk contained in the Supplement on Tin, Tantalum and Tungsten that forms part of the OECD Due Diligence Guidance

- ii. The findings of the risk assessment shall form part of the audit report

3. Interviews

- i. Auditors shall conduct extensive interviews as part of the audit process. Interviews shall be geared towards evaluating the exporters' compliance with all requirements of the certification system, and in particular with eliciting information regarding the presence conflict affected minerals in the mineral chain, or the contribution in any way of exported minerals to the funding of conflict in the region.

Interviews shall be conducted with the relevant management and staff of the exporter. Interviews shall also be conducted with relevant local government officials (i.e. in Mines, Customs, Police or other branches), Civil Society, knowledgeable local NGOs, UN Experts or Political Officers, or other relevant national or international experts. Further up the chain, interviews shall be conducted with mineral traders and their employees, with formal producers, artisanal producers (including artisanal diggers), porters and other transporters, and with government officials charged with supervising artisanal dig sites, or safeguarding or otherwise regulating the transport of minerals.

At all times, auditors 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.

- ii. Interviews shall form part of the Audit report. The report shall include a list of interview subjects, the date and place of the interview, and the main findings of the interview. (Names can kept confidential to protect the physical safety of the interview subject)

- iii. Where names are recorded by Auditor in work sheets or, these shall be kept confidential to protect the physical safety of the interview subject

4. Records review

i. Auditors shall review the financial, chain of custody and other records of exporters, processors, traders, miners, transporters and other actors in the mineral chain, in order to verify that the various actors are fulfilling the system requirements regarding chain of custody tracking and conflict financing. The reviews shall take place in the actor's normal place of business.

5. Sample Sizes –Records

i. In examining the records of exporters, traders, miners or other actors in the mineral chain, auditors shall inspect a large enough percentage of the records in order to justify general conclusions about the totality of the record set. If this percentage is less than 100%, the auditor shall justify the chosen sample size (the percentage of records examined) in writing, demonstrating that the chosen sample size gives accurate results concerning the remaining, unexamined records.

ii. The ICGLR Audit Committee may, at its own discretion, set a sample size (percentage of each record set to be examined) to be utilized by all auditors.

Sample Sizes –Mine Sites

iii. In tracking back up the mineral chain to the traders and mine sites that supply minerals to a particular exporter, auditors shall inspect a large enough percentage of suppliers and mine sites to justify conclusions about the totality of suppliers and mine sites. As a rule of thumb, the suppliers and mine sites selected for inspection should collectively have supplied a majority of the minerals obtained by the exporter for the period under audit. Risk of conflict should also be considered in choosing mine sites. Where the percentage of suppliers and mine sites selected for inspection is less than 100%, the auditor shall justify the chosen sample size (the percentage of suppliers and mine sites examined) in writing, demonstrating that the chosen sample size gives accurate results concerning the remaining, unexamined suppliers and mine sites.

iv. The ICGLR Audit Committee may, at its own discretion, set a sample size (percentage or number of suppliers and mine sites to be examined) to be utilized by all auditors.

6. Field Visits

i. Auditors shall examine the operations of exporters, traders/suppliers and miners in their normal place of business in the field. This will of necessity require field visits of at least several days duration to trading centres and mine sites.

ii. Should include check lists, photographs, field notes, etc

ii. The list of field visits undertaken (where, when) shall form part of the audit report

Access to sites:

MS shall facilitate to the limit of their abilities the access third party auditors to all audit sites, including mines, trading centres, and exporter sites. (This includes timely provision of visas, *ordre de mission*, *sauf-conduit*, and other assistance as requested by the Third Party Auditor)

7. Transport Route Verification

i. Auditors shall examine transportation routes carefully, searching for evidence of Illegal taxation and the levying of illegal transport tariffs by armed groups on minerals being transported to mine site to exporter. The examination of transportation routes should include, inter alia: physical inspection of the routes, with a regard for barriers where illegal tariffs are exacted; interviews with porters and traders involved in the transport of material; interviews with managers and pilots of airplanes involved in the transportation of minerals; examination of the financial and other records of airlines involved in the transport of minerals; interviews with managers and drivers of trucks or trucking firms involved in the transport of minerals; examination of the financial and other records of trucking firms involved in the transport of minerals;

ii. In verifying transportation routes, auditors may wish to take samples for AFP analysis, use GPS transmitters, use spectrometers, or other technologies.

ii. Details of the transport route examination, including investigations undertaken and results (positive or negative) shall form part of the audit report.

8. Capacity reviews

i. The auditor shall examine the operation and records of the exporter and its upstream suppliers including the mine site, and in each case analyse whether the production or volume of minerals produced, traded or exported is consistent with the supporting documentation, with the physical capacity of the mine site (taking seasonal variations into account), trader, supplier, or exporter, and with the information obtained from site inspections and interviews.

(As an example, auditors should examine whether the volume of material a trader claims to have sourced from a particular Certified mine site is consistent with the productive capacity of that Certified mine site; in addition, auditors should check that the trader is known to the producers at that site; that his purchases, as recalled by miners or attested to by miner documentation match his claimed sales of material from that mine site.)

ii. The capacity review analysis shall form part of the audit report

9. Traceability Tools

The auditor may wish to verify source or transportation routes of mineral making use of traceability technologies such as AFP, mass spectrometers, GPS tracking or other technologies.

10. Reporting

i. The Auditor shall submit an Audit Report within 30 days of completing the field research.

ii. The report shall be submitted simultaneously to the ICGLR Audit Committee and to the Exporter.

iii. The auditor shall keep all field notes (spreadsheets, checklists, photos) for a period of five years.

i. The Auditor may structure the Audit report as it may deem logical and appropriate. Whatever structure is chosen, the elements listed above in Section III (Overall Audit

Methodology) shall be present in the Audit report, along with the elements listed below in Section IV and Section V.

ii. The ICGLR Audit Committee may, at its discretion, create a common template for Audit Reports to be utilized by all auditors.