



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

**Cycle 2 Interim Progress Report on the
Supplement on Tin, Tantalum, and
Tungsten**

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The information presented in this report is the result of field and desk research undertaken by the International Peace Information Service (IPIS Research), the analysis reflects the joint work of the IPIS and the OECD Secretariat.

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Section I. Introduction

The following report is the second in a cycle of three on upstream companies' implementation of the Supplement on Tin, Tantalum and Tungsten to the OECD's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (referred to hereafter as "the Guidance"). The objective of the following is to report on progress made by upstream companies in their implementation of due diligence, with a focus on current practices and experiences in developing systems and processes for the implementation of the Five-Step OECD Framework.

The pilot implementation phase of the Guidance focuses on Africa's Great Lakes Region. Drawing on lessons from the ground, the final report on the implementation phase will seek to identify best practices, address remaining challenges, and describe relevant tools used by companies to implement the Guidance.

The Terms of Reference of the pilot implementation phase were adopted on the 5th – 6th of May 2011 during the ICGLR-OECD-UN meeting on the implementation of due diligence. In accordance with the Terms of Reference, the present report does not attribute any activity or information to specific participating companies, unless they have agreed otherwise.

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

Section III presents the high level findings of this report.

Section IV gives a short overview of recent developments and changing dynamics on the ground in relation to due diligence implementation.

Section V gives some examples of cooperation between upstream and downstream companies in the supply chain, and partnerships to promote responsible sourcing.

Section VI initially describes the participants in the OECD Guidance pilot implementation phase. The Chapter then further reports on detailed findings, illustrative examples of due diligence practices, and challenges, structured according to the five steps and sub-steps of the OECD Guidance. Within this section, each step includes a description of how due diligence is implemented through iTSCI's due diligence programme.

Section VII contains a set of recommendations addressed to a wide range of stakeholders who are active within the pilot implementation phase.

Section II. Methodology

The research required for the completion of this report was carried out by two IPIS¹ consultants (referred to hereafter as “the team”), who worked in consultation with the OECD Secretariat. The drafting phase of the report was preceded by three distinct stages: methodological preparation; desk based research and outreach to participants; and a field mission in the Democratic Republic of Congo (DRC), Burundi and Rwanda.

The first phase of cycle two differed from that of cycle one in a number of ways. After the 29-30 November 2011 ICGLR-OECD-UN GoE² meeting on the implementation of the OECD Guidance, the questionnaire on due diligence implementation that had been used during the first cycle was revised by the OECD Secretariat, rendering it more accessible. Secondly, in addition to the 51 companies that participated in the first cycle, 18 further companies have now signed up to the project (of whom, ten are iTSCI members³). In mid-January the revised questionnaires were sent out to the 59 participants based in the Great Lakes Region. In addition, a separate, tailored questionnaire was sent out to the Secretariat of the iTSCI Programme, a joint industry initiative whose purpose is to implement the OECD Guidance in the upstream supply chain through collaborative efforts. The iTSCI Programme currently has 56 provisional full and associate members spanning 17 countries, and operates at around 500 mine sites in Rwanda and the Katanga Province of the DRC. Lastly, this report is complemented by BSR’s findings in the downstream progress report on due diligence implementation by smelters participating in the pilot.

The next phase consisted of a field mission from the 28 January to 17 February 2012. The team spent four days in Lubumbashi (capital of Katanga), five in Goma (capital of North Kivu), three in Bukavu (capital of South Kivu), three in Bujumbura (capital of Burundi) and three in Kigali (capital of Rwanda). During the mission, the team met individually with 24 participants. In the DRC, the team also engaged with the two Chinese-owned comptoirs who are based in North Kivu and currently participating in the pilot project.

The information obtained during meetings complements findings from questionnaires. This collective data forms the basis of the chapter on measures taken by upstream industry to carry out due diligence.

Besides meeting with participants, the team also conducted semi-structured interviews on 3T production and trade in the Great Lakes region, and current efforts by governments and donors to create enabling conditions for due diligence. In the DRC, the interviewees represented the following categories of stakeholders: local civil society (through extensive interviews with the Goma-based GATT RN and the Bukavu-based CENADEP); local staff of PACT, the non-governmental organisation which is implementing the iTSCI programme in Lubumbashi, Bukavu, Goma and Kigali; the main DRC government agencies overseeing the mining sector (SAESSCAM, Katanga); international donors (USAID); and the delegation of Solutions for Hope.

¹ International Peace Information Service is a Belgium based research institute, which studies the exploitation of natural resources in Central Africa.

² International Conference of the Great Lakes Region – Organisation for Economic Cooperation and Development – United Nations Group of Experts on the DRC.

³ This information was provided by the iTSCI Programme.

Further engagement with other actors belonging to these three groups was also carried out through different channels. Most notably, the team and PACT co-organised two workshops on the implementation of due diligence in the Kivus. The events took place in the capital cities of Goma and Bukavu, and were attended by 51 and 29 participants respectively.

Although primarily aimed at participants in the pilot project, the content of these workshops was made accessible to all actors involved in the mining sector in the DRC. Participants therefore included government agencies and state services (namely representatives from the two provincial Ministries of Mines and the Ministry of Mines of Maniema); the SAESSCAM and CEEC; representatives of the Division des Mines; and representatives of the Forces Armées de la République Démocratique du Congo (FARDC). Local civil society representatives also attended and actively participated in the workshops.

Moreover, the team attended a meeting of the *Comité de Suivi* in Goma. The *Comité de Suivi* is a ground-level platform to advance the debate on due diligence through the identification of best practices. This meeting was organised by the provincial authorities, and a donor-civil society meeting focused on building a constructive dialogue between different stakeholders. The latter included the US Embassy in the DRC, the donor community, local civil society, and international advocacy organisations and pressure groups (Enough Project and Search for Common Ground). These two engagements allowed the team to gather specific and up-to-date information on current challenges surrounding the implementation of due diligence in North Kivu.

In Katanga, the team attended a high-level meeting chaired by the provincial Ministry of Mines and attended by USAID and a delegation of downstream industry, SAESSCAM, and the leading mining company of the province.

In Burundi, the team met with representatives of the Ministry of Energy and Mines, who provided an in-depth analysis of the 3T sector in the country and an overview of the government's endeavours to regulate the sector and promote due diligence implementation. The team also conducted an extensive interview with representatives of the leading civil society association, OLUCOME. Additionally, a meeting was held with the Bujumbura-based staff of Channel Research, the social development consultancy agency contracted by the iTSCI programme to undertake baseline studies, risk assessments and independent third party audits. The team also visited the ICGLR Secretariat and conducted extensive interviews with both the Office of Democracy and Good Governance and with representatives of the German development agency Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), which provides technical support to the ICGLR. Lastly, the team witnessed the functioning of iTSCI and MetTrak systems at the mine sites of Rutongo and Nyakabingo.

After completing the field mission, the team engaged with the eleven participants who are not based in the Great Lakes region and conducted several semi-structured interviews with stakeholders based in Europe and North America. The interviewees included: the Brussels-based staff of Channel Research; representatives of PACT; and representatives of Partnership Africa Canada (PAC). These post-field interviews contributed to further clarification and integration of the information gathered in the field. Specifically, additional information was gathered on developments concerning the iTSCI programme in Rwanda and Katanga. Secondly, PAC shared details regarding the timeline of the ICGLR efforts, namely the launch of the regional database, the implementation of the regional certification mechanism, and the advancement of the whistle-blowing mechanism.

Section III. High level findings

Economic Actors in the upstream part of the supply chain are no longer questioning the need to implement the OECD Guidance and are willing to expend the necessary resources to implement the 5-step framework.

In comparison to the first cycle, during this field trip, IPIS encountered much less scepticism towards due diligence and a more acute, prolific awareness of the OECD Guidance; questionnaire findings bolster evidence for this attitude change. Contributing factors seem to include changes in the DRC legal framework, industry coordinated efforts to implement due diligence through iTSCI, and the naming of some companies in the last UN Group of Expert report.

Upstream actors are progressively implementing the Guidance

Progress has, especially, been made with regards to the adoption of due diligence policies (Step I). A considerable number of upstream companies now comply with this requirement, and most of them have embraced the model provided in Annex II of the Guidance. Such developments mark a clear step forward from the previous reporting cycle. Thirty companies indicated that they undertook supply chain risk assessments, however none of them shared documentation on their risk assessment with the team. Consequently, it was neither possible for the team to assess whether the risk assessments effectively took place, nor inspect their quality. Seventeen companies said that they use Annex II to determine whether the identified risks can be mitigated by continuing, suspending or terminating the relationship with suppliers. The current and upcoming, updated list of validated mining sites by the DRC government will be an important tool in enabling economic actors to undertake their risk assessments.

It has been possible to locate good examples of risk mitigation.

Despite the fact that many companies have not systematically devised and adopted risk management plans, good examples of risk mitigation were still identified. All risk mitigation measures identified are related to adverse impacts on artisanal miners. In Katanga and Rwanda for example, several mining companies and cooperatives have put in place measures to improve the social conditions of artisanal miners. The team has not been able to locate risk mitigation measures that address other risks described in the Guidance. However in South Kivu a civil society organisation, in cooperation with the DRC military, has developed a project to sensitise the FARDC of the province on ways in which the army can be illegally involved in mining activities. The latter project is not currently operational due to a lack of funding; supporting such projects could be a way for companies to mitigate security related issues.

Implementation of some key aspects of the guidance is still lacking.

Under Step I, the collection and disclosure of payments to public and private security forces continues to be problematic. None of the participants had a comprehensive risk management plan that they could share with the team. Moreover audits of upstream companies under step IV of the Guidance have not taken place yet and reporting under Step V is not taking place yet.

The response rate to the Questionnaire increased from 16% to 58%. However there is still a substantial need to improve the quality of answers to the Questionnaires.

Whereas, in the first cycle, only eight out of 51 participants responded to the Questionnaire (16%), in the second, the team received 39 responses from the 67 participants (58%). The quality of the answers given varies from case to case, however there is generally substantial room for improvement. Some responses reveal that not all aspects of the Guidance are always understood, others are formulated such a way that verification is required to realistically

assert their validity. It should be noted, however, that the teams' role is to assist companies rather than audit them. Consequently, the detailed findings presented below are based on participants' answers to the Questionnaire, which have not always been verified.

There is a strong need for more capacity building in the field.

Despite growing willingness to comply with the Guidance, efforts to promote and support capacity building in the field need to be significantly improved. It is crucial that all economic actors in the GLR and Government agencies become steadily better acquainted with the concept of due diligence and the tools to properly implement it. As an illustration, during the two workshops organised in Goma and Bukavu, 80 people participated – double the number foreseen. There is an urgent need to duplicate these trainings, expand and broaden the geographical locations included, incorporate a wider range of groups, and target more actors.

There is a need for donors, industry and government to give more support to upstream actors in the Kivu provinces

Currently all industry initiatives, whether operating on a large or a small scale, are operational in high-risk areas. Although the economic actors in North and South Kivu have shown willingness to improve their due diligence efforts, support from the government, industry and donors has been slow. Ongoing efforts which presently focus on high-risk zones should be expanded to conflict zones. The latter is necessary to ensure that upstream actors are adequately supported in their efforts to implement due diligence and are not left behind in the process which should benefit them in the first instance.

Section IV. Recent developments and changing dynamics on the ground in relation to due diligence implementation

Summary

During the first cycle of the implementation phase of the OECD Guidance, the IPIS team often encountered a sceptical attitude towards due diligence from economic actors, especially in the Kivu Provinces. Findings from this cycle of the implementation phase show some early signs of a change in attitude. Various factors seem to have played a role in this evolution. These include recent changes in the DRC legal framework, industry coordinated efforts to implement due diligence through iTSCI, and the naming of some companies in the last UN Group of Expert report. Most actors met during the second visit were aware of the existence of the OECD Guidance and expressed commitment to take steps to exercise due diligence. Roughly over 80% of the officially registered economic actors in the 3T sector of Eastern DRC⁴ are now working with the team in order to learn about due diligence and report on steps taken. It is also of note that the positive effects of exercising due diligence are equally appreciated in non-conflict areas of the DRC. In areas where direct conflict financing through mineral trade is not a primary issue, the exercise of due diligence has also proved to be a useful tool for improving the working and living conditions of the artisanal mining population.

Democratic Republic of the Congo

a) Recent developments in the national legal framework

New administrative formalities in Congolese law on due diligence were issued in September 2011 through a *note circulaire*⁵. Economic actors have realised that the implementation phase of the OECD Guidance concerns them directly, and is not just an imposition from international markets. The integration of the OECD Due Diligence Guidance into the DRC's national legal framework is thus a commendable step forward.

The *note circulaire* stipulates that companies which do not exercise due diligence within 45 days of its enactment will face sanctions and risk losing their titles or export licenses. At the time of enacting the *note circulaire*, the DRC Government indicated to the UN GoE they would need assistance in order to determine whether the requirements were being met⁶. However, until the point of publication, no such assistance has been provided to the government, and no government verifications of due diligence implementation have taken place.

Other changes to the DRC legal framework may also affect the implementation of due diligence. In an attempt to maximise returns on Congolese natural resources, the Minister of Mines adopted another *note circulaire* which obliges comptoirs to transform themselves into processing entities (*entités de traitement*); they are therefore no longer allowed to export unprocessed materials (*brutes*). In the Kivu provinces this requirement may well be difficult to implement as the delivery of electricity needed to process minerals often cannot be guaranteed.

⁴ North Kivu, South Kivu and Katanga.

⁵ Note circulaire n°001/CAB.MIN/MINES/01/2011 de 06/08/2011.

⁶ UN Group of Experts on the DRC Report S/2011/378

A third development is the decision of the Minister of Mines to renew the *Protocole d'Accord* with ITRI. The ministerial letter describing the intention of the Minister of Mines to extend the original *Protocole* for another year also includes a brief evaluation of the activities of ITRI in Congolese territory so far. The Minister expressed his appreciation of the constructive aspects of the project, noting that:

- The iTSCI project in the Katanga province has restored the confidence of end-users to buy minerals from the DRC.
- All actors in the supply chain have been obliged to implement the international norm of strategies on security, environment and management.
- The iTSCI project has considerably enhanced transparency and good governance in the 3T mineral sector, allowing both the National and the Katangese governments to increase their tax revenues from the mining sector.

However the Congolese authorities also expressed the following concerns regarding the implementation of iTSCI in the DRC:

- The number of staff deployed in the field by PACT to execute the iTSCI project is insufficient to cover all mine sites.
- The *Comités de pilotage*, such as the *Comité local de suivi* has not functioned adequately.
- Training sessions, capacity building and transfer of knowledge have not taken place as foreseen.
- ITRI has not provided field agents with the complete logistics planned in the original contract.
- ITRI has not passed on any statistics of the minerals they bagged and tagged to the Minister of Mines.

The DRC Ministry of Mines' objectives for 2012 are to restart the earlier suspended activities of the iTSCI programme in the Kivu provinces, and to immediately extend them to Maniema province. The iTSCI programme provided a written response to the concerns raised by the Minister. With regards to the transmission of data, iTSCI explained that the collection of data only becomes more significant after the first stages of the project have passed and expressed willingness to discuss future possibilities of data sharing. iTSCI further explained that the insufficiency of staff members to cover all mine sites was due to a lack of funding. Finally the problems of the official *comités de pilotage*, on the other hand, is arguably a consequence of the fact that the provincial government of Katanga has not signed the official authorisation for its official functioning.

A final notable change in national legislation came into effect on the 29th of February when the Minister of Mines signed the *Arrêté Ministeriel* implementing the Regional Certification Mechanism of the ICGLR in the DRC⁷. The *Arrêté* obliges any actor involved in the chain of custody in the DRC to adopt and respect the OECD-compliant standards of the ICGLR Regional Certification Mechanism. In keeping with the OECD Guidance, Article eight of this Ministerial Order requires these actors to exercise due diligence to ensure that they do not contribute to human rights abuses or conflict in the Democratic Republic of Congo. The same article also establishes that every actor is obliged to incorporate the standards established by

⁷ Arrêté ministeriel portant mise en oeuvre du mécanisme régional de certification de la Conference Internationale de la Région des Grands Lacs, 29 February 2012

the OECD Guidance into their management system. Article nine states that third-party audits will be conducted in accordance with standards and procedures of the ICGLR Certification Manual and Annexes I, II and III of the OECD Guidance. The ICGLR tri-partite Audit Committee, which is expected to hold its inaugural meeting in the second quarter of 2012, will: identify auditors; finalise the terms of references for audits; dispatch auditors to the field; receive audits; and make all audits publically available.

b) Promines Project

Promines is an integrated, multisectoral program of the DRC Government, funded by the World Bank and the UK Department for International Development (DFID). As a multi-faceted programme, it covers broad research areas, linking best practices in the artisanal mining sector with good governance and development.

The project has five components that parallel the stages in the value chain: (A) Access to Resources; (B) Sector Management Capacity Building; (C) Tax collection and Transparency; and (D) Sustainable Development of Mining.

Since the DRC Ministry of Mines operates on an annual budget of USD 6 million⁸, the USD 90 million Promines is a much needed support in the Government's efforts to adopt certification and traceability measures.

However, although the project was approved in July 2010, actual disbursement of funds (channelled through Promines by donors) has begun only very recently. The execution of the project is therefore mostly in the preparatory phase. To facilitate its implementation, PACT has carried out a comprehensive study⁹ in DRC, attempting to identify stakeholders' views on major challenges and opportunities to improve working conditions, social issues, and environmental protection in the artisanal mining sector.

When exploring how the programme relates to due diligence, it should be noted that Promines' priorities will be to ensure the qualification of mining sites in accordance with the criteria contained in Annex II of the OECD Guidance, and to verify that traceability is in place at validated sites. Promines will also provide financial and technical support to the Centres de Négoce initiative, as well as to the national certification scheme. Most notably, in terms of technical help to improve governance in the DRC mineral sector, Promines will finance a mapping project, run jointly by IPIS and the DRC Cadastre Minier.

The Kivus (North- Kivu & South- Kivu) and Maniema

The most positive development identified by the research in the Kivu provinces is the changing attitude of most companies vis-à-vis due diligence. The IPIS team, with PACT, organised a series of workshops in Goma and Bukavu on the implementation of due diligence. During this, the team observed first-hand that economic actors no longer question the benefits of due diligence. This is confirmed by the higher response rate to the questionnaire by Kivu-based participants in this, the second phase, than the first.

⁸ IPIS interview with senior mining official, 25 September 2011

⁹ PACT, PROMINES Study: Artisanal mining in the Democratic Republic of the Congo, June 2010

One initiative worth highlighting is the creation of the SAVE ACT MINE/DRC in North Kivu. "S.A.M / DRC" is a non-profit organisation that aims to raise awareness and understanding of the OECD Due Diligence Guidance and relevant initiatives of the ICGLR. The office consists of people from different groups involved in mining activities (processing entities, the association of traders, cooperatives and association of carriers) and civil society. S.A.M / DRC's target groups are all actors in the mining sector, who they intend to aid in their efforts to perform voluntarily due diligence.

Another significant evolution is the engagement of the team with the Chinese owned comptoirs, that the UN Group of Experts on the DRC reported as being the only companies officially exporting minerals without exercising due diligence¹⁰. Whereas one of them has now stopped its activities in the DRC, the team had extensive meetings with two Chinese-owned comptoirs. Both companies showed good will and willingness to begin taking steps to exercise due diligence by attending the training on due diligence and answering the questionnaire.

Moreover, lists of qualified mine sites, as a result of the validation missions of June and August 2011 have recently been published. The findings of the validation team deployed in the territories of Kabare, Mwenga and Walungu (South Kivu) report that eight sites qualify as "green", i.e. mining operations can be carried out. In the remaining seventeen sites, no mining activities should take place (twelve sites qualified as "yellow" and five sites as "red")¹¹.

The validation team deployed in the territory of Masisi (North Kivu) determined that eleven sites meet the criteria to qualify as "green". The remaining fourteen sites are split between "yellow" (ten) and "red" (four).

In both cases, the findings of the validation teams are valid for a period of six months, starting from the date of the signature of the Ministerial decree (*arrêté ministeriel of 23 March 2012*¹²)

However it is problematic that the lists were published over eight months after the validation missions were carried out. Security situations, being subject to constant flux, might have since been superseded. Qualifications could therefore be inaccurate and require updating. Moreover the reports themselves, which describe the factual circumstances at the root of the green, yellow or red qualification level, have not been published. Companies therefore only have access to a list of mine sites and their respective qualifications, which in some cases may be outdated. With such material, it is not possible for companies to map the factual circumstances in their supply chain or identify pertinent risk mitigation measures.

Other problems with the Centres de Négoce initiative also persist. Firstly, there are serious complications surrounding the property titles of the mine sites that should be qualified by joint validation teams. Some mining sites are located in a National Park and mining is thus illegal by definition. Other sites where artisanal mining takes place lay within concessions for which titles have been granted to private individuals or companies.

¹⁰ Upstream Pilot Implementation of the OECD Due Diligence Guidance from Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas – Baseline Report on the Supplement on Tin, Tantalum and Tungsten

¹¹ See List of validated sites (annexed)

¹² See arrêté ministerial 0189/CAB.MIN/MINES/01/2012

The security situations at mining sites are another substantial problem. Plans to train and deploy Mining Police units have proved to be ineffective. The most striking illustrative example of this is still Bisie, the largest cassiterite mine in North-Kivu. After the national army vacated the mine in the beginning of 2011, the rebel group Mayi-Mayi Sheka began controlling trade at Bisie. In early February, when the Mayi-Mayi Sheka left the mine, the security vacuum was immediately filled again by the FARDC. It is now up to the government to ensure the army hands the mine over to the Mining Police as soon as possible.

Katanga

Since the last visit carried out by the IPIS team, the outlook of the 3T sector in Katanga has changed remarkably. The team observed major developments in further regulation of the sector, as well as in the number and composition of economic actors operating in the province.

To smoothen the transition towards a more formalised 3T sector, a *Comité provincial de Pilotage du système iTSCI* has been put in place. This oversight body aims to strengthen the cooperation between the Provincial Government and iTSCI to address issues and challenges that may arise during the implementation of the iTSCI programme throughout the province. Meetings of the Committee are chaired by the Minister of Mines and take place on a monthly basis in Lubumbashi. At the local level, on-the-ground committees (*comités de suivi*) with the same purpose have been installed in mining territories.

The *Comité de Pilotage* (CdP) brings together the heads and representatives of different services supervising mining activities, all the processing entities, and a number of cooperatives and NGOs. The CdP is intended to serve as a platform to advance the debate on due diligence through the identification of best practices and the delivery of a first layer of provincial monitoring and response to challenges. Feedback received from Lubumbashi-based processing entities suggest that participation in the CdP could be improved and become more inclusive.

The second fundamental transformation concerns the companies and cooperatives engaged in the 3T sector. Until September 2011, the Katangese landscape was dominated by one company; the list of companies operating, or willing to start operating, in the 3T sector has now expanded. SAESSCAM explained to the team that at least four companies will become operational in the following months, confirming the general trend of Katangese companies switching from the copper/cobalt sector to the 3Ts sector¹³. This increase in companies has also led to a proliferation of mining cooperatives in charge of organising artisanal production. At least two new cooperatives have been installed in the province and will soon start working in cooperation with the Katangese mining companies, expanding their activities to the 3T sector.

Rwanda

Since the 10th of March 2011, implementing a tracking/traceability scheme has become a fundamental requirement of legal operation in the country's 3T sector. This led to a rapid expansion of iTSCI, with a surge to tag as many sites as possible. iTSCI activities in Rwanda

¹³ IPIS interview with comptoirs in Lubumbashi, 30 January 2012

have been pushed ahead by the local team of the PACT, which assists the Rwandan Geology and Mining Department (GMD, formerly known as OGMR) with the tagging operations.

iTSCI management has reported that approximately 350 sites have been identified for tagging; in the last three months of 2011 many of them were already in the implementation phase¹⁴. However, some challenges are yet to be resolved.

Firstly, there is still a potential risk of untagged DRC minerals entering the Rwandan market, either at artisanal mine sites, where they could be tagged as Rwandan, or at processing plants. Recently, five Rwandan mining companies were suspended from all activities for illegally tagging minerals; four were suspended locally by GMD, whilst the fifth has been suspended from iTSCI membership until investigations by the competent authorities are completed.

Despite instances of illegal tagging, it is worth noting that Rwandan authorities and iTSCI detected these instances of fraud and took action against these companies, which include one of Rwanda's largest taxpayers. This indicates that the systems are, in a number of cases at the very least, working as they were intended. In this instance the intended purpose was to identify and address the risks of fraudulent misrepresentation of mineral origin. It is also significant that that iTSCI brought these instances to the attention of the authorities, demonstrating ways in which industry and government efforts can be mutually supportive.

Secondly, there appear to be internal obstacles to the smooth functioning of the tagging system, stemming from complaints raised by Rwanda-based mining and processing companies.

One common complaint concerns the tagging procedure itself, which is reported to take up a considerable amount of companies' time, obliging operators at mine sites (miners and employees in charge of double-checking the tagging process) to work long hours.

Since production is tagged in the same tunnels and/or pits where it is extracted, miners have to wait for GMD officials to arrive at the site and actually tag each bag. At the Rutongo mine, for example, this side effect is reported to have caused a delay of up to four hours a day, with some of the miners unable to leave until night-time¹⁵.

PACT has confirmed that this happens because GMD has not yet released the financial and human resources necessary to adequately cover all sites¹⁶. In this respect PACT validates the findings of Channel Research, which noted, back in September 2011, that more GMD staff would be needed to ensure effective monitoring¹⁷.

To deal with these challenges, PACT has continued to train newly recruited GMD *agents sur terrain*, who will be subsequently deployed to mine sites and comptoirs. At this point, however, the planned PACT training workshops only cover traceability issues, and not the

¹⁴ Channel Research, iTSCI Risk Assessment- Rwanda. Key recommendations for mitigation measures, pag.14

¹⁵ IPIS interview, 16 February 2012

¹⁶ IPIS interview, 15 February 2012

¹⁷ Channel Research, iTSCI Risk Assessment- Rwanda. Key recommendations for mitigation measures, pag.17

full range of due diligence measures that must be put in place in order to comply with the OECD Guidance.

Rwanda's industry would welcome more feedback from iTSCI management on the financial aspects of the iTSCI programme. It is noteworthy that levies cover the costs of the whole due diligence programme, not just tags. However, during the field visit, Rwandan industry expressed concern at the lack of financial transparency in the iTSCI system.

Once the ICGLR scheme becomes operational, Rwandan regulations enshrining the ICGLR system will still require tracking of minerals without specifying which traceability technology should be used. Companies could therefore either use iTSCI or use another reliable traceability system; provided that material is traced, it will be eligible for an ICGLR certificate.

At the time of writing, the only step missing prior to Rwanda issuing ICGLR certificates is a legal framework at the national level. This would recognise the regional certification system and integrate it into the country's mining code. A ministerial decree has been finalised and is now pending approval by the Rwandan Ministry of Mines.

Once the Minister's endorsement and signature are there, certification of mine sites will start. The first sites on the agenda have already been identified; the process will start with the three sites that have already undergone CTC certification¹⁸. Regarding timeframes, the process is scheduled to start two weeks after the ministerial approval¹⁹.

Burundi

An illegal flow of tin, tungsten and tantalum ores is allegedly transiting through Burundi before reaching the international markets²⁰. However, during their visit to the country, the team noted that the Burundian authorities appear committed to putting an end to these fraudulent practices and have embraced all initiatives pertaining to due diligence.

First of all, the Direction Mines et Carrières of the Ministry of Energy and Mines of Burundi affirmed that the country's mining code is currently being amended to integrate the OECD Guidance and the ICGLR regional certification mechanism²¹. At the time of writing, the amendment is being finalised and is under review by the Ministry of Justice. Secondly, in June 2011, the Government of Burundi signed an agreement with ITRI, thus paving the way for operationalisation of iTSCI programme²². However, despite the Government's eagerness for the iTSCI programme to be up and running as soon as possible, the agreement is still not operational, primarily due to a lack of funds. Lastly, in the framework of the RINR, Burundi has elaborated its own strategy of implementation of the six tools, notably of formalisation by adopting a dedicated action plan.²³

¹⁸ IPIS interview with ICGLR Secretariat, 13 February 2012

¹⁹ IPIS interview with PAC, 8 March 2012

²⁰ UN Group of Experts Report, S/2011/738, pg.103

²¹ IPIS interview, 14 February 2012

²² Protocole d'accord between the Burundian Minister, of Mines and ITRI, 31 May 2011

²³ Plan d'action pour la mise en oeuvre de la Declaration de Lusaka pour l'exercice 2012

The team also observed that Burundian civil society organisations (CSOs) have been actively contributing to the debate on transparency, good governance and management of natural resources²⁴. The OLUCOME (Observatoire de Lutte contre la Corruption et les Malversations Economiques) coordinates the work of the Burundian delegation to the CSO regional platform on natural resources. This group used to focus primarily on transparency in the mining sector, but has recently started to cover a broader range of issues relating to mine site operations and minerals sourcing. Burundian CSOs are starting to develop an expertise in areas such as human rights (notably women and children's rights), the environmental impact of artisanal mining and, general health safety standards that apply to mining.

This process could become extremely relevant in awareness raising on due diligence in the country. It may also foster information-gathering on risks in the Burundian 3T supply chain, particularly with regards to fraud and other illegal practices, which Burundian authorities are now determined to address.

²⁴ IPIS interview with OLUCOME, 13 February 2012

Section V. Opportunities for downstream involvement in upstream due diligence

The ‘Solutions for Hope’ Project

The ‘Solutions for Hope’ project was launched in July of 2011 by Motorola Solutions Inc. and AVX Corporation as a pilot initiative. The intention has been to source conflict-free tantalum from the DRC by creating a secure pipeline of minerals from pre-assessed mine sites; these are monitored, and they participate in the iTSCI programme. Other companies such as Nokia, Hewlett Packard, Intel and Foxconn have subsequently joined the project, and it is anticipated that the number of participants will continue to increase.²⁵ A first tantalum shipment has been processed into tantalum powder and wire at the F&X Smelter in China and transported to the AVX facility in the Czech Republic. The first lot (10 tonnes from the Mai Baridi and Kisengo mines) has been processed by AVX into tantalum capacitors and has been received by Motorola Solutions where it will be incorporated into components.²⁶ A second shipment has been released from the MMR warehouse in Kalemie, DRC and is in transit to the F&X smelter in China.

Kemet’s vertical integration

KEMET Electronics, a US based capacitor manufacturer, and one of the largest users of tantalum in the world, reported that it has taken the opportunity to implement a model of a “vertically integrated conflict free tantalum supply chain”. KEMET developed a relationship with the Kisengo mine, the first site where iTSCI became operational, in the Katanga Province of the DRC. This is intended to allow the build-out of the mine where mechanical and artisanal mining will work side-by-side in order to guarantee jobs within the community and future growth. KEMET will source tantalum ore from the Kisengo mine and/or have exclusive rights over the downstream smelting capabilities in the US. As a result of this mutually beneficial relationship, a new source of conflict free tantalum has become available for the industry.

This scheme’s stated aim is to open up a new source of conflict free tantalum for the industry where responsible mineral sourcing and assurance of supply work hand-in-hand. KEMET has pledged USD 1.5 million over a two-year period for social sustainability programs such as the building of schools and clinics, and the installation of clean water wells and solar lighting. KEMET has expressed commitment to skills development and education in the local community.

The Public – Private Alliance for Responsible Minerals Trade (PPA)

The Public-Private Alliance for Responsible Minerals Trade (PPA) has been launched as a collaborative effort between the U.S. State Department, the U.S. Agency for International Development, non-governmental organisations and companies/industry organisations. Its purpose is to help coalesce and strengthen *existing* sourcing mechanisms rather than create

²⁵http://www.cnbc.com/id/46504507/Nokia_Joins_AVX_in_the_Solutions_for_Hope_Initiative_Uses_Validated_Conflict_Free_DRC_Tantalum_in_Products_First_conflict_free_tantalum_shipment_processed_at_F_X_Smelter_in_China_en_route_to_AVX

²⁶<http://solutions-network.org/site-solutionsforhope/current-status/>

new initiatives, marshalling technical and financial resources to support systems showing early progress. The PPA will also provide a mechanism for appropriate communication and collaboration and for engaging in additional activities that support conflict free extraction and trade. The PPA currently includes 30 members.²⁷

In early 2012, a delegation of the PPA undertook a field mission to the GRL, where they visited stakeholders in Katanga Province, North and South Kivu and Rwanda. The aim of this mission was to assess how traceability schemes for mineral supply chain from conflict areas have developed and which steps have been taken to move forward. Currently, the PPA is still in the process of determining the projects to fund.

²⁷Advanced Micro Devices, AT&T, Dell, Electronic Industry Citizenship Coalition, Enough Project, Ford Motor Company, General Electric, Global e-Sustainability Initiative, H.C. Starck, Hewlett-Packard Company, ICGLR, iTSCI Secretariat, Intel, Jewish World Watch, Motorola Solutions, Nokia, Pact, Partnership Africa Canada, Qualcomm, Research in Motion, RESOLVE, Responsible Sourcing Network, Sony, Sprint, Telefonica, Toshiba, U.S. Agency for International Development, U.S. Department of State, Verizon Communications, World Gold Council.

Section VI. Measures taken by upstream industry to carry out due diligence

Description of the participants

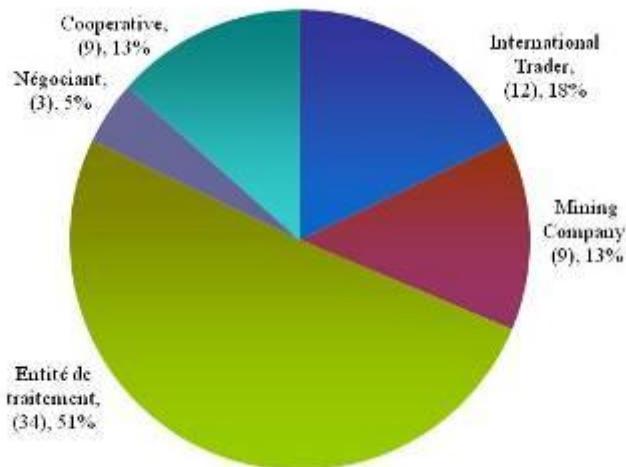
In January 2012, IPIS sent out a questionnaire to 67 upstream participants to enable the collection of comparable information, with a view to identifying best practices and common challenges in the implementation of due diligence. Remarkable changes have been noticed with regards to the composition and number of participants. Overall, the number of participants has increased in almost all categories, with an especially significant increase in the number of exporters – mainly based in the DRC and Rwanda.

During this second reporting cycle, the OECD upstream pilot implementation phase numbered 67 participants:

- 9 cooperatives or federations of cooperatives representing artisanal miners, based in North Kivu and Katanga,
- 3 associations of négociants based in North Kivu and South Kivu,
- 34 comptoirs/ *entités de traitement* based in the DRC (Katanga, North Kivu, South Kivu, Maniema), Rwanda and Burundi,
- 9 international concentrate traders based in Europe (including Austria, Belgium, England, Germany, Luxembourg and Switzerland), Asia (including China, Hong Kong, Japan and Malaysia), Africa (including Rwanda and South Africa), Australia, and North America²⁸,

12 mining companies based in the DRC, Burundi and Rwanda.

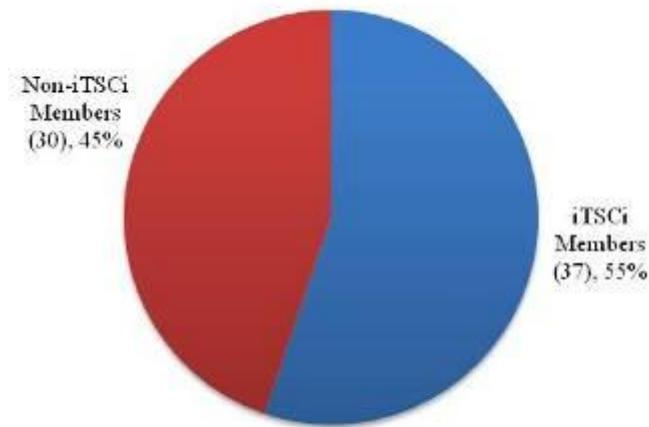
Fig 6.0.1 Description of Participants



²⁸ In order to respect the confidentiality requests of some international traders, it is not possible to be specific in all cases.

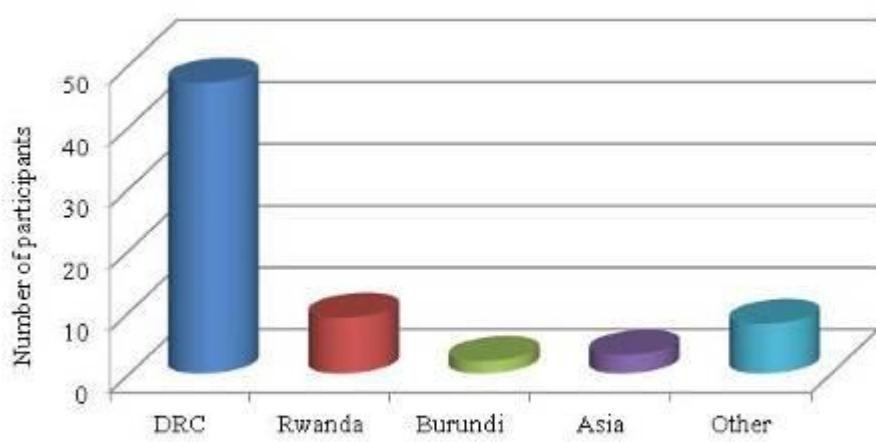
Regarding iTSCI membership, of the 67 companies participating in the research, 37 (55%; just over half) were members of iTSCI.

Fig. 6.0.2. Participants' membership of iTSCI



The majority of participants (47) were based in the DRC. A further 11 were African: nine in Rwanda and two in Burundi. The remaining nine others were based either in South Africa, or in one or more countries in Europe (including Austria, Belgium, England, Germany, Luxembourg and Switzerland), Asia (including China, Hong Kong, Japan and Malaysia), Africa (including Rwanda and South Africa), Australia, or North America.

Fig. 6.0.3. Geographical division of participants



The number of written responses to the questionnaire was much higher in this, the second cycle, than it was in the first. Specifically, 39 participants who received the questionnaire by email provided timely written responses. Additional information on how upstream companies carry out due diligence was collected through field research at miner, *négociant* and comptoir level. As the majority of participants are based in the DRC and Rwanda, the field mission undertaken by IPIS from 28 January to 17 February has been essential in order to acquire all the information needed on progress made and challenges faced. In fact, the Africa-based participants are often lacking reliable infrastructure to ensure fluent communication.

Fig 6.0.4a Participants' response rate to questionnaires

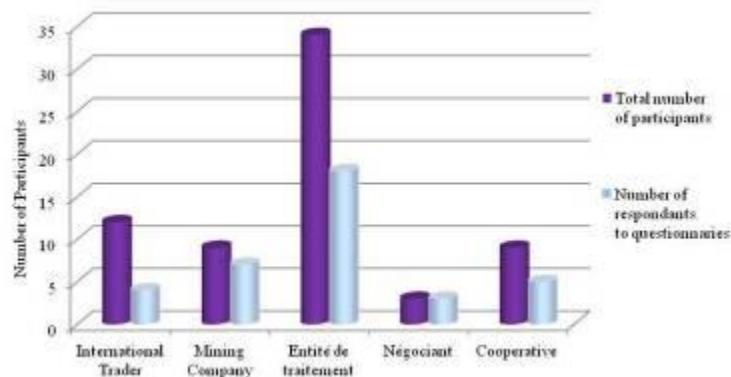
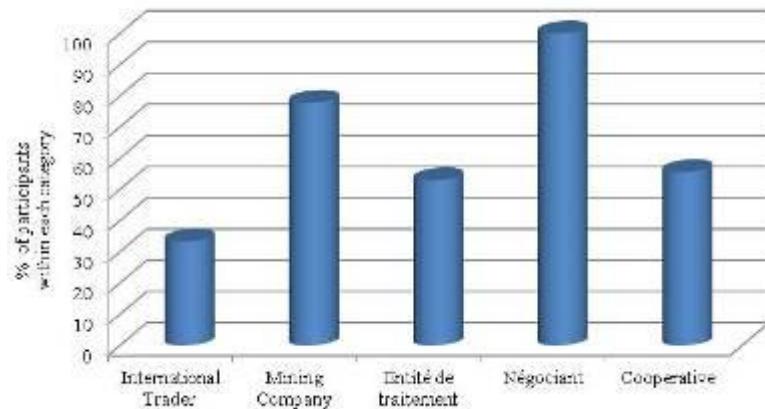


Fig 6.0.4b Participants' response rate to questionnaires (%)



The 11 participants that are not based in Africa received the questionnaire via email in February 2012; three of them filled it out and returned it to IPIS. Of the 39 who responded to questionnaires, 22 were members of iTSCI.

Thirty-four participants have agreed to publically disclose their participation in the pilot implementation phase of the OECD Guidance.

Fig 5.0.5. Companies that agreed to publicly disclose their participation in the pilot implementation phase of the OECD Guidance:

Africa Smelting Group Sprl	GECOMISKI
A.M.R. Mugote et frères	G.M.C. Sprl
AMUR II	Huaying Comptoir
ANEMISA	KM Kasado
ANEMNKI	La Decouverte
C.D.M.C.	Metachem
Chemaf Sprl	Minerals Supply Africa
CMM	Minserve
COMIDER	Comptoir Nguma
COMIMPA	Phoenix Metals
COPAMIK	REMEX Minerals Ltd.
Cronimet	RWANDA RUDNIKI Ltd.
Cuba Kairenga	SOMIMA
Ets KALINDA	Tinco Investments Ltd.
Ets Munsad Minerals	TTT Mining
Ets Panju	Volcano
FECOMIRWA	Wolfram Mining and Processing Ltd

Detailed findings on Due Diligence Implementation

STEP I: Establish Strong Company Management Systems

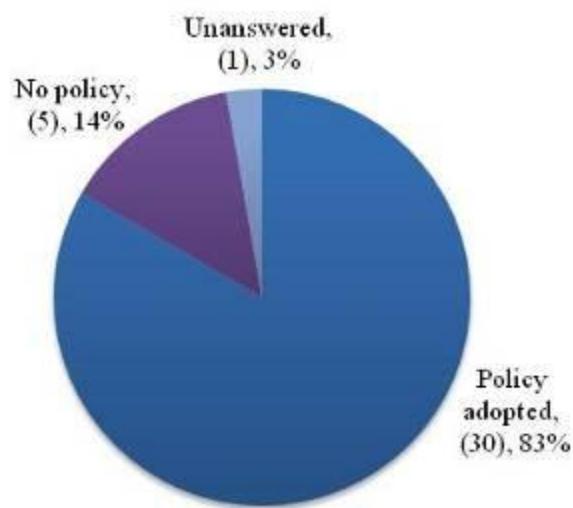
1.1.1.1 Adopt and Commit to a supply chain policy

A	Adopt and commit to a supply chain policy for minerals originating from conflict-affected and high-risk areas
I.A.1	<p><i>Adopt and commit to a policy commitment setting forth principles for common reference on mineral extraction, transport, handling, trading, processing, smelting, refining and alloying, and export, against which the company will assess itself and the activities and relationships of supplier.</i></p> <p>This policy should be consistent with the standards set forth in the model supply chain policy in Annex II.</p>
I.A.2	<p><i>Adopt and commit to a clear and coherent management process to ensure risks are adequately managed.</i></p> <p>The company should commit to the due diligence steps and recommendations outlined for the various levels identified in the OECD Guidance.</p>

The most prominent indication of progress since the baseline report with regards to the implementation of due diligence is that the majority of the upstream companies participating in the pilot project now say that they have adopted a supply chain policy for minerals originating from conflict-affected and high-risk areas.

In the baseline report, only eight companies appeared to have adopted a policy. In this cycle, 30 (83%) of the participants that responded to the questionnaire or were interviewed by the IPIS team reported that they have embraced a policy commitment setting forth due diligence principles. Most of them specified that they elaborated such principles in accordance with the model policy provided in Annex II.

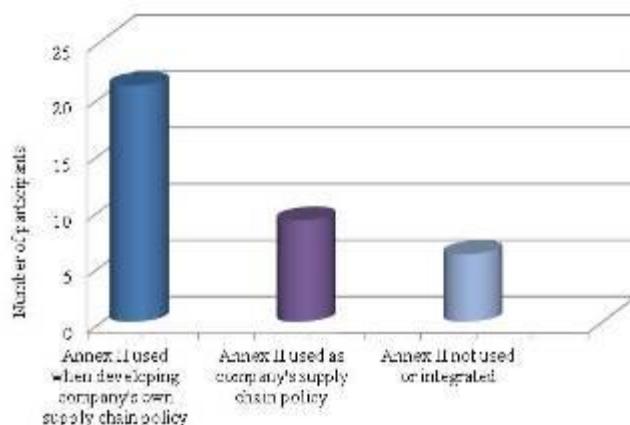
Fig 6.2.1.1.1 Participants who have adopted a supply chain policy on minerals from conflict-affected and high-risk areas



Nine respondents reported adoption of the Annex itself as their own policy, without any relevant changes in content or structure. This phenomenon was primarily observed in Goma, where six participants reported using the Annex as their own supply chain policy.

Only six participants stated that they did not use Annex II when elaborating their own policy.

Fig 6.2.1.2. Whether companies utilised Annex II of the OECD Guidance when developing a supply chain policy



It is necessary to mention that a minority of participants actually shared their policy documents with the team. Those who did not share their policy sometimes explained that they either decided not to disclose their policy, or made it public only through on-site posting at their plants. However the implication of the latter is that it has often not been possible for the team to verify participants' assertions on this matter.

It should be noted that any company wishing to be a member of iTSCI is required to adopt a policy in line with the Annex II of the OECD Guidance. That policy should then be submitted, along with other information, to the iTSCI Secretariat for their review when determining membership.

Illustrative examples:

Examples of policy commitments that are fully in line with the Guidance requirements have been provided by a Hong Kong-based international trader, as well as by a Goma-based comptoir and by two Kigali-based companies.

The Hong Kong-based company outlined some key elements – the Principles Statement - which will serve as references against which the company will assess itself and the activities of its suppliers. All elements have been taken from the Annex II, and are therefore fully consistent with the standards set by the OECD Guidance. In order to better coordinate its due diligence efforts with broader company management policies, this company has taken the decision to include the Principles Statement in its general Mission Statement and in its Purchasing Policy. Reference to the Statement is further made in the company's Quality Manual.

A Chinese-owned comptoir drew its list of Principes Directeurs from Annex II and further added some additional elements that reflect the company's priorities. These include the improvement of hygienic and environmental standards in mine sites and a commitment to work closely with local institutions and civil society organisations in order to increase transparency throughout the supply chain.

A Rwanda-based mining company has developed its own Conflict Mining Policy. This document is in line with Annex II and with the company's Code of Conduct, which sets out the company's strong commitment to ethical business principles, human rights promotion and environmental protection.

A Rwanda-based international trader has drafted a *Charte* covering all aspects related to compliance with Annex II, as well as with the iTSCI requirements and with the ICGLR certification (the latter is due to be launched in Rwanda in April/May 2012). Suppliers of Phoenix are required to sign a form affirming that they will act in line with the principles enshrined in the *Charte*.

Challenges:

One of the challenges identified by several participants relates to the difficulty of obtaining comprehensive information on the reality and the risks that are actually faced at mine-site level. At this point, the team clarified that this is more of an issue relating to risk assessment (and so will be discussed further in Step II).

Another challenge concerns obstacles created by language barriers. Two Rwandan-based companies reported they had adopted a simplified version of the policy in Kinyarwanda to overcome this challenge. Another company, based in Katanga, took the approach of drafting and distributing a simplified version of its policy in Swahili, which it said had proven to be very effective in getting messages across on acceptable and unacceptable practices, especially in the mine sites, where the literacy level is below average.

Participants also noted that the lack of specific expertise in policy-drafting presented some challenges. One Rwandan-based company reported that it met this challenge by involving more experienced management in the policy-making process.

Concerning the inclusion of a clear and coherent risk-management process in the policy, the team has observed that very few companies have addressed this issue in their policy documents. Some of them have done so, but only partially, namely by simply considering the scenario of a grave risk that would require termination of the relationship with a supplier. For example, a Goma-based comptoir engaged in a detailed description of the measures it would take if it found out one of the mines they source from had been occupied by an armed group.

Illustrative example: A Hong Kong-based international trader drafted a comprehensive scheme addressing the need to operate a thorough risk-management system for its supply chain of tantalum. The structure adopted revolves around seven concepts:

- Risk,
- Event,
- Standards,
- Severity of the risk,
- Probability of the risk,
- Mitigation strategy,
- Measures taken to mitigate the risk.

A brief overview of their model is provided at the beginning of the document. According to this section, risk should be determined for every event that occurs in the supply chain.

As recommended in the Guidance, this company then identifies risk by comparing the event to the applicable standard. For each risk, its probability and its severity is then assessed. The records of events and the associated risk assessment for each event will be maintained in a company database for review by senior management, as recommended in the Guidance.

The company defines mitigation of risk as “all measures taken to reduce the probability and/or the severity of each risk.”

The model also provides a detailed analysis of how the company will proceed on a day-to-day basis, showing how some upstream companies are using the Guidance to develop regular operating procedures and practices. Firstly, the company states that fact-based assessment of risk will require data on all the following events:

1. Identification of all **mines** supplying ore to the company,
2. Identification of all **players** in the supply chain,
3. Copies of all **tax and fees receipts** from governments and security agencies at mines and along routes of transport,
4. Identification of all **contracts** with supply chain players.

Management will then review the risk database each month as part of the monthly quality review meeting and decide on the measures needed in order to address and mitigate the risk. Two reactions are clearly identified in the policy:

- Measures involving a modification of the relationship between the company and the other players in the supply chain;
- Measures involving discontinuance of those players who are responsible of grave abuses and recalcitrant towards the company’s due diligence policy and standards.

1.1.1.2 Structuring internal management systems

B	Structure internal management systems to support supply chain due diligence
I.B.1	<i>Assign authority and responsibility</i> to senior staff with the necessary competence, knowledge and experience to oversee the supply chain due diligence process
I.B.2	<i>Ensure the availability of resources</i> necessary to support the operation and monitoring of these processes.
I.B.3	<i>Put in place organizational structure and communication processes</i> that will ensure critical information, including the company policy, reaches relevant employees and suppliers.
I.B.4	<i>Ensure internal accountability</i> with respect to the implementation of the supply chain due diligence process.

Thirty of the companies who responded to the questionnaire indicated the name of at least one individual who has the responsibility to oversee the supply chain due diligence. In general, the individuals who perform this task are very senior staff or even the general managers themselves. They reported that they usually dedicate between 20 and 60 % of their working time to due diligence. Seven companies did not give details on the identity and time management of the person/people, but did indicate their expertise.

Most of the individuals responsible for due diligence seem to have experience in mineral procurement (29), mineral traceability, chain of custody and/or traceability (29) and risk management or auditing (24). Only 13 individuals had previous expertise in conflict-related risk, while 18 had experience with human rights issues and 17 with corruption. Some

companies indicated other relevant experience, such as mine engineering and legal management. One company indicated that their responsible person had worked as a customs agent tasked with fraud combat for ten years.

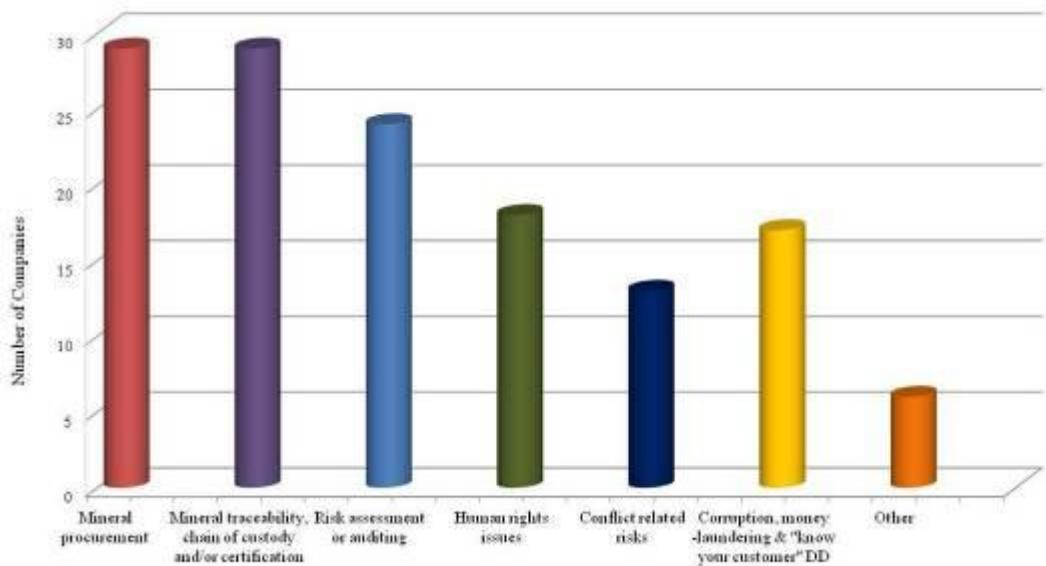
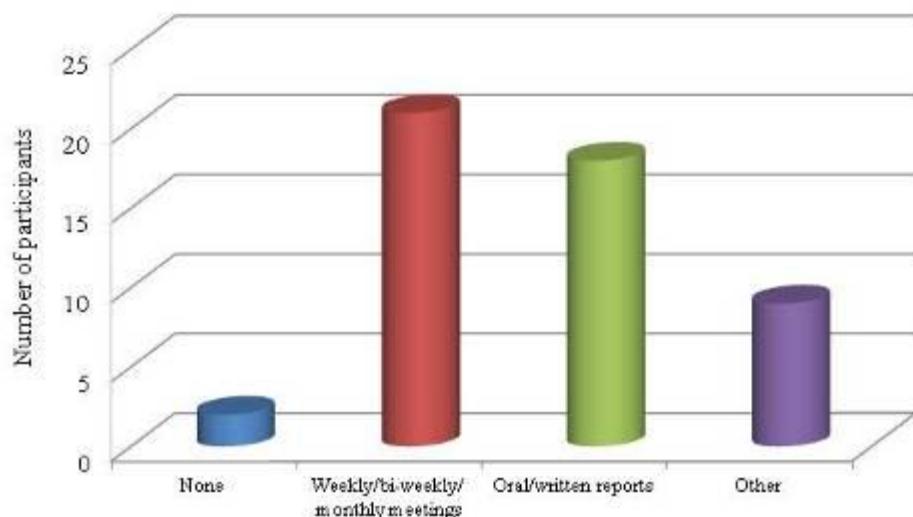


Fig 6.2.1.2.1. Experience within particular issues of the person/people responsible for supply chain due diligence

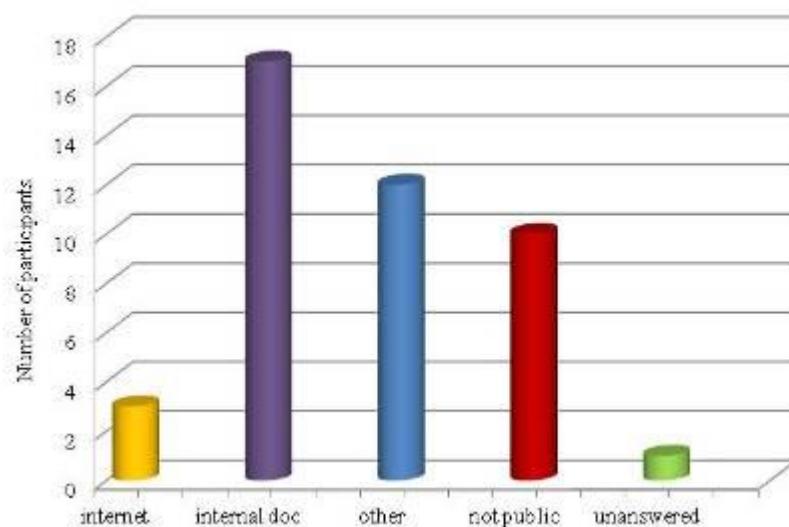
To ensure a constant internal flow of relevant information, most companies (21) reported that they organise regular meetings. Eighteen companies also indicated that the person responsible for due diligence has to report either orally or in writing on a regular basis.

Fig 6.2.1.2.2. Participants' types of internal communication process on supply chain due diligence



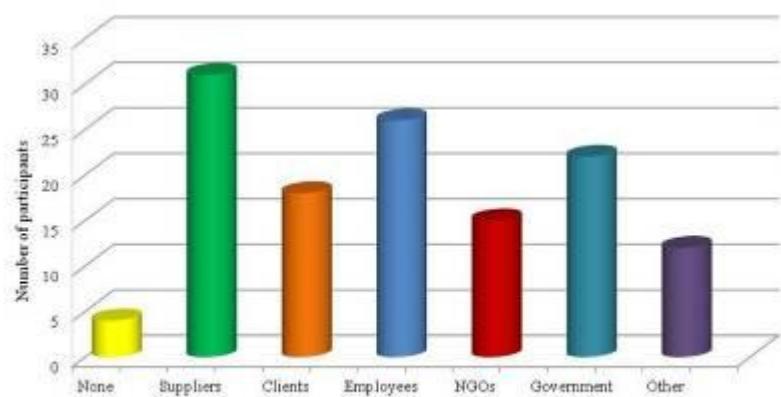
Ten companies indicated that their company policy is not, or not yet, publicly available, whilst one company did not answer this question. Four companies use more than one means by which to make their policy public. The majority of companies state that their policy is used as an internal document (17). Only three companies replied that they published their policy on the internet.

Fig 6.2.1.2.3. Whether companies' policy on minerals from conflict areas is publicly available, and if so where



Only four companies indicated that they do not have external communication processes on supply chain due diligence in place; two participants did not answer to this question. Thirty-one companies said they have communication processes in place with their suppliers and 26 with employees. The government is the third most common stakeholder with whom participants have communication processes (22), followed by clients (18) and NGOs (15). Seven of 12 participants specified iTSCI as a counterpart when disclosing their communication processes in the “other” category. One company mentioned the Fédération des Entreprises du Congo (FEC) as a communication partner and another remarked that all of their shareholders are aware they are following the OECD Guidance.

Fig 6.2.1.2.4. Participants' external communication process on supply chain due diligence and whom developed for



Challenges:

One Rwanda-based mining company pointed out the difficulty of finding responsible people for the job, who would be capable of following the full iTSCI tagging and traceability system and have a basic understanding of the companies' requirements of compliance.

Two DRC-based companies identified the need to consistently and constantly making sure that there is information exchange among staff, clients and suppliers as a challenge. On the ground logistics in DRC were cited as the main problem. They also observed that their expatriate staff sometimes experienced difficulties either reaching the mine sites or being fully involved in communication processes.

Fig 6.2.1.2.5a Participants' main challenges in developing management systems to ensure responsible sourcing of tin, tantalum and tungsten

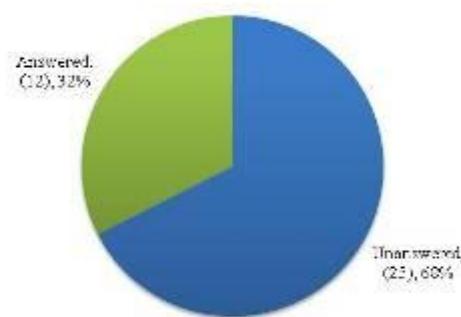


Fig 6.2.1.2.5b Whether participants have found collaborative processes (with an industry association or other companies/stakeholders) helpful, why and why not



1.1.1.3 Establishing a system of controls and transparency over the mineral supply chain

	<i>For local mineral exporters only</i>
C I.C.1	<p>Collect and disclose the following information to immediate downstream purchasers, who will then pass them down the supply chain, and to any institutionalised mechanism, regional or global, once in place with the mandate to collect and process information on minerals from conflict-affected and high-risk areas</p> <ul style="list-style-type: none"> a. all taxes, fees or royalties paid to government for the purposes of extraction, trade, transport and export of minerals. b. any other payments made to governmental officials for the purposes of extraction, trade, transport and export of minerals c. all taxes and any other payments made to public or private security forces or other armed groups at all points in the supply chain from extraction onwards d. the ownership (including beneficial ownership) and corporate structure of the exporter, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers e. the mine of mineral origin f. quantity, dates and method of extraction (artisanal and small-scale or large-scale mining); g. locations where minerals are consolidated, traded, processed or upgraded h. the identification of all upstream intermediaries, consolidators or other actors in the upstream supply chain i. transportation routes

	<i>For international concentrate traders only</i>
I.C.2.1	Incorporate the disclosure requirements of requirement I.C.1.1 into commercial contracts with local exporters.
I.C.2.2	Collect and disclose the following information to immediate downstream purchasers, who will then pass them down the supply chain, and to any institutionalised mechanism, regional or global, once in place with the mandate to collect and process information on minerals from conflict-affected and high-risk areas

	<ul style="list-style-type: none"> a. all export, import and re-export documentation, including records of all payments given for the purposes of export, import and re-export and all taxes and any other payments made to public or private security forces or other armed groups b. the identification of all immediate suppliers (local exporters) c. all information provided by local exporter
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Information concerning local mineral exporters

The team carried out a survey on the information collected by local mineral exporters and disclosed to immediate downstream purchasers.

Five exporters did not fill in this section of the questionnaire, consequently the information below is based on the answers of 13 exporters.

- 1) *Taxes, fees or royalties paid to governments for the purposes of extraction, trade, transport and export of minerals.*

Almost all the participants falling in this category acknowledged that they collect and divulge information pertaining to these payments.

When asked how information-collecting processes are carried out, the exporters point to official documentation available from relevant state agencies. DRC-based exporters listed the Division des Mines and SAESSCAM as the sources employed to gather information on this sort of payments, while Rwandan exporters described GMD as the main source. Some companies, however, made reference to further documentation collected by their own staff.

- 2) *Any other payments made to government officials for the purposes of extraction, trade, transport and export of minerals.*

Twelve exporters did report collecting this information; one did not. Two participants specified that they collect this information through documentation provided by the relevant government agencies. No other details were provided.

- 3) *Payments made to public or private security forces or other armed groups at all points in the supply chain from extraction onwards.*

The team observed that this information is hardly accessible, either because it is not collected at all or because, even if collected, companies do not disclose it. Only one of the participants, a Goma-based comptoir, admitted to making these sorts of payments, but did not provide the team with details on either how it collected this information or the nature of the transactions themselves.

- 4) *Ownership and corporate structure of the exporter.*

This information also qualifies as non-disclosed, except for four cases.

iTSCi: Apart from Rwanda where the government does not consider iTSCi membership of exporters to be relevant, iTSCi Secretariat collects this information and Channel Research assesses it as part of the membership process.

5) Mine of mineral origin.

In contrast to the above, this information is carefully collected - either through iTSCi paperwork or through frequent visits to mine sites - and revealed to immediate downstream purchasers. All answering participants stated that they were able to gather information on the sites where they source from, and willing to pass it down the supply chain.

iTSCi: for iTSCi members or companies sourcing from iTSCi sites, the mine of origin information is collected through iTSCi logbooks and tags.

Other participants: non-iTSCi members said that they are able to identify the mine of origin through frequent visits to the mine sites and by reviewing the normal documentation required under the national legal frameworks.

6) Quantity, dates and method of extraction.

Twelve participants reported collecting this information; seven gave a negative response.

iTSCi: Quantity and dates are included in iTSCi sheets. Methods of extraction are included in the mine baseline studies.

7) Locations where minerals are consolidated, traded, processed or upgraded

Nine participants affirmed collecting information regarding this aspect; the other nine reported that they do not keep track of it.

iTSCi: This information is also available on the iTSCi sheets.

8) Identification of all upstream intermediaries, consolidators or other actors in the supply chain

Eight exporters stated they have access to such information and pass it further downstream; ten participants said that they do not collect this information

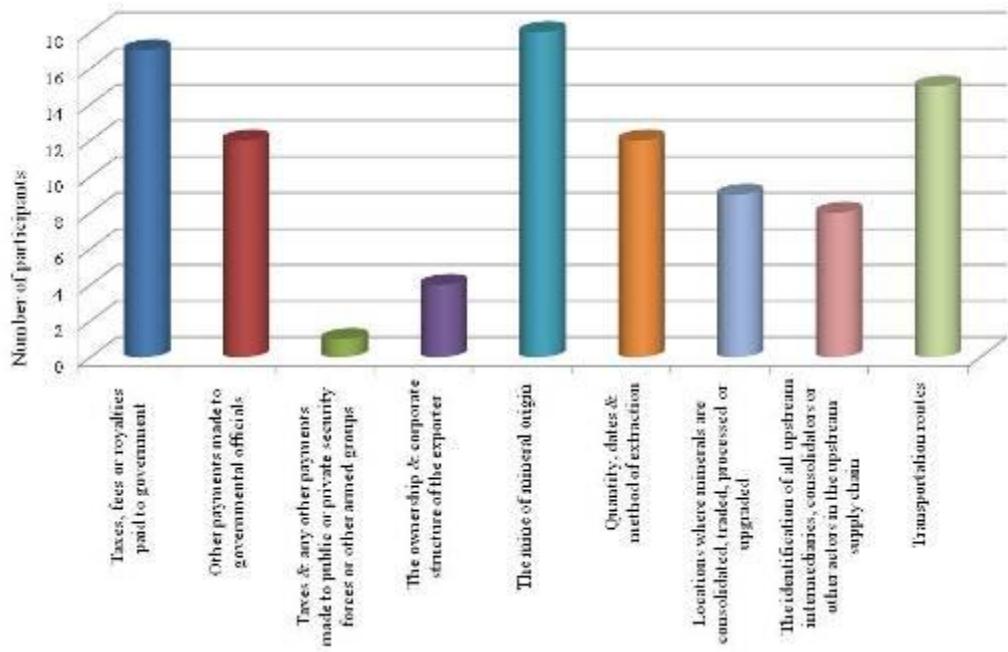
iTSCi: This information is on the iTSCi sheets to the extent that it is possible to collate (i.e. taking into account the reality that a mine may have 10-20 stages/intermediaries before the mineral is bagged).

9) Transportation routes

Fifteen exporters affirmed they collect information regarding transportation routes; only three said that they do not.

iTSCi: Information regarding transportation routes is available on the iTSCi sheets.

Fig 6.2.1.3.1. International trader's collection of information on various categories regarding the minerals they purchase



Information concerning international concentrate traders

1) Documentation on all export, import and re-export

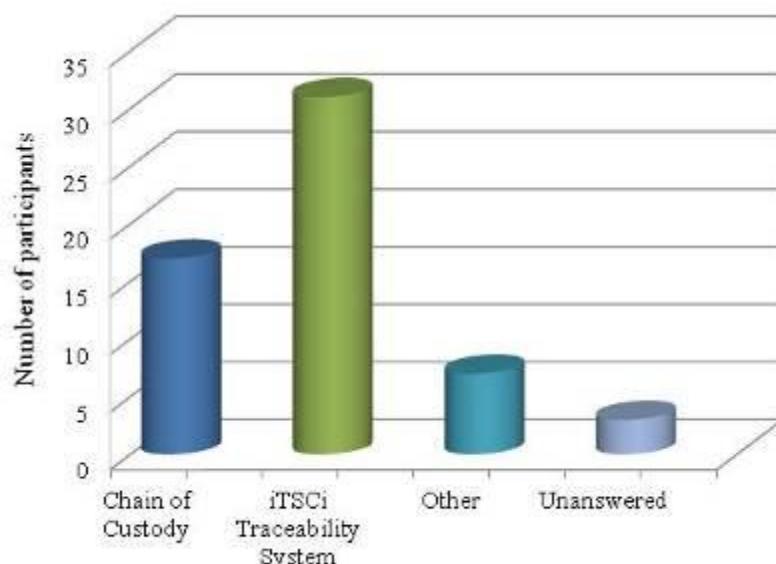
Two of the three participants that qualify as international concentrate traders (and filled out the questionnaire) have stated that they collect and share documentation on all export, import and re-export. This is including records of all payments given for the purposes of export, import and re-export and all taxes and any other payments made to public or private security forces or other armed groups.

C	Establish a system of controls and transparency over the mineral supply chain.
I.C.4.1	Introduce a chain of custody and/or traceability system that generates the following information on a disaggregated basis for the minerals from a “red flag” location of mineral origin and transit”, preferably supported by documentation: mine of mineral origin; quantity and dates of extraction; locations where minerals are consolidated, traded or processed; all taxes, fees, royalties or other payments made to governmental officials for the purposes of extraction, trade, transport and export of minerals; all taxes and other payments made to public or private security forces or other armed groups; identification of all actors in the upstream supply chain; transportation route

I.C.4.2	Make all information gained and maintained pursuant to the due diligence standards and processes contained in this Guidance available to downstream purchasers and auditors and to any institutionalised mechanism, regional or global, once in place with the mandate to collect and process information on minerals from conflict-affected and high-risk areas.
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Thirty-one companies, out of the thirty-nine who filled in the Questionnaire, claim to use the iTSCI traceability scheme. It must be remarked however that twelve of these participants are based in provinces where the iTSCI system is not yet, or no longer, operational. Consequently it must be assumed these companies are referring to either past or future activity.

Fig 6.2.1.3.2. Systems participant companies use to maintain transparency and control over their supply chain



Seventeen participants have indicated that they use a chain of custody system alongside the iTSCI traceability system. Seven companies indicated the use of another system, however only four of them specified what this entails. One company clarifies that they try to collect as much information as possible from their suppliers while iTSCI is not operational in North Kivu and Maniema. One company says it has installed its own traceability system at the mine site.

1.1.1.4 The chain of custody system established in the ICGLR Regional Certification Mechanism.

The ICGLR has designed Chain of Custody Tracking Standards to ensure that Designated Minerals are fully traceable and conflict-free from the mine site to the point of export. These standards are described in the ICGLR Regional Certification Manual, which, since February 2012, is part of DRC national legal framework. Under article 11 of the *Arrêté Ministeriel* implementing the Regional mechanism for certification of the ICGLR in the DRC, all actors in the chain of custody must respect the rules and procedures outline in the ICGLR Manual.

Member State governments are responsible for implementing and supervising the chain of custody tracking system within their own borders. They can opt to delegate the design or

operation of their chain of custody tracking system(s) to a non-state actor, for example the iTSCI programme. However, in such cases, the chain of custody system must still conform to ICGLR standards. ICGLR Third Party Audits will verify the integrity of Member States' chain of custody systems annually. If they had delegated a non-state actor, the non-state actor is bound to fully cooperate with the audits.

Mineral flows will be tracked and analysed via an ICGLR Regional Database, using the data on individual shipments collected and transmitted to the ICGLR by each Member States' Chain of Custody system. To ensure the integrity, credibility and public acceptance of the ICGLR scheme, mineral flow data will be open to public scrutiny. During its first year of operation the ICGLR Mineral Chain Auditor (or their designate) must verify that a Member State's chain of custody system meets the standards set in the ICGLR manual.

Under this certification system, only minerals from a mine site registered as Certified in the ICGLR Regional Mine Site database will be sourced. Government verification will take place at the different stages of the supply chain; the government representative in charge of these verifications will transmit the collated information to the ICGLR Secretariat on a monthly basis. Additionally, every field trader has to transmit their record of purchases, processing, and sales to the ICGLR Secretariat and the Member State government on a monthly basis.

The ICLGR Certificate of the DRC, which contains the information in the table below, will accompany the lots of Designated Minerals destined for export:

<i>Recto</i>	<i>Verso</i>
le numéro du certificat	le type d'emballage de conditionnement, son numéro d'identification ainsi que le descriptif des métaux contenus
le numéro du chargement	le tableau de traçabilité reprenant
le lieu d'origine	le code du site d'exploitation d'origine
la Province d'origine	le nom du site
le nom et adresse de l'exportateur	les coordonnées géographiques
le numéro de la licence d'exportation	la Localité
Le non et adresse de l'importateur	le Territoire
la date d'expédition	le District
la date d'expiration du certificat	la Province
le nom de l'expéditeur	la quantité
la ville et pays de transit	
la substance minérale majeure, son poids net et sa teneur, les autres métaux contenus ainsi que la valeur du lot	
le nom de l'émetteur du certificat, son poste, son numéro d'identification, la date d'émission et sa signature	
la signature de l'autorité de certification	

1.1.1.4.1 The iTSCI traceability system

Fifty percent of the participants who filled out the questionnaire are currently using the iTSCI bagging and tagging system, which is effectively operational in Katanga and Rwanda.

iTSCI's traceability system enables mineral purchasers to collect information on production and trade recommended by the Guidance.

iTSCI's system involves two types of tags: a mine tag and a négociant / processor tag. These are each added to the bags of minerals at the first two points of the supply chain, i.e. extraction and processing. Each type of tag has unique reference numbers; the location in which it is expected to be used, such as 'KT' for Katanga, is clearly visible.

The tagging is accompanied by entries in the logbooks; different logbooks are used for each supply chain tier. The logbooks contain information on: the mine of origin, the quantity, dates and method of extraction; locations where minerals are consolidated, traded, processed and upgraded; and the identification of all upstream intermediaries, consolidators or other actors in the upstream supply chain. Data collected in the logbooks is manually entered into the iTSCI database. The data is held on a secure server in Canada hosted by IBM. The database is on-line, so it can be accessed from anywhere. All tag (mine and processor/ négociant) and logbook numbers are pre-loaded into the database in order to associate them with a specific location when allocated to approved mine sites or processors.

It should be noted that iTSCI data could potentially be transferred to the ICGLR database.

1.1.1.4.2 Other traceability systems

One company in Rwanda is currently using an innovative tool to trace the origin of minerals, alongside the traceability system of iTSCI. The system is a piece of integrated software that has been tested by this company through a pilot project taking place at a tunnel head in one of its mines. With the pilot phase reaching its closing time, the system will now be installed throughout the concession and in another mine.

The way the system works can be summarised as follows: when the miner brings the mined ore to the tunnel head, he is scanned (he must be registered on the system, so to avoid having non-registered miners trying to tag minerals coming from other areas); the mined ore controller and the security guard deployed to that specific tunnel are then also scanned; lastly, the mineral bag is weighted and receives a unique traceability number. To make sure that every miner is aware of the value of their product, miners also receive a printed proof of delivery for every bag.

Bags are then dumped into a container, which is later registered with a unique container ID, sealed, weighed and put aside for transport. When transporters arrive, the container is scanned and weighed again, and then loaded for transport.

The team witnessed the functioning of the system in February 2012, and came to the conclusion that it holds key features that make it fully reliable. Most notably, it is an electronic, real-time traceability system, which easily provides live information streaming without relying on human intervention.

These features not only save a considerable amount of the miners' and employees' time, but also guarantee the system's objectivity, as they help reduce the margin of error that characterises handwritten transcripts of iTSCI tags.

Another advantage of the system is the possibility of incorporating it into the ICGLR system²⁹. The data would be captured and, at the end of the day, automatically transferred to the national database and to the ICGLR database. This means that states will own their data and be able to access it at anytime, a feature that makes this system different from iTSCi.

It worth noting that iTSCi is also reviewing electronic tagging and is considering whether this system could work other than at semi-industrial mines where access to reliable power is available.

C	Establish a system of controls and transparency over the mineral supply chain.
I.C.4.3	Avoid, where practicable, cash purchases and ensure that all unavoidable cash purchases of minerals are supported by verifiable documentation and preferably routed through official banking channels.
I.C.4.4	Support the implementation of the principles and criteria set forth under the Extractive Industry Transparency Initiative (EITI).

1.1.1.4.3 Findings from the Questionnaire (including textboxes, illustrative examples and challenges)

Cash purchases should be avoided or at least limited. As the team received very different responses from the participants, it reached the conclusion that it is not possible to identify a general trend among upstream companies with regard to cash purchases.

Seven participants affirmed that it is possible for them to comply with this recommendation. Some said they do not make any cash purchases, namely two Congolese comptoirs, a Switzerland-based international trader, a Hong Kong-based international trader and a Rwanda-based mining company, who affirmed using bank transfer for all the payments needed.

Two participants declared that only a portion of their transactions (50%) are cash payments. The same was by an association of négociants at a lower percentage (20%). However all confirmed that, in case of unavoidable cash purchases of minerals, the transaction is always supported by verifiable documentation, namely by invoices.

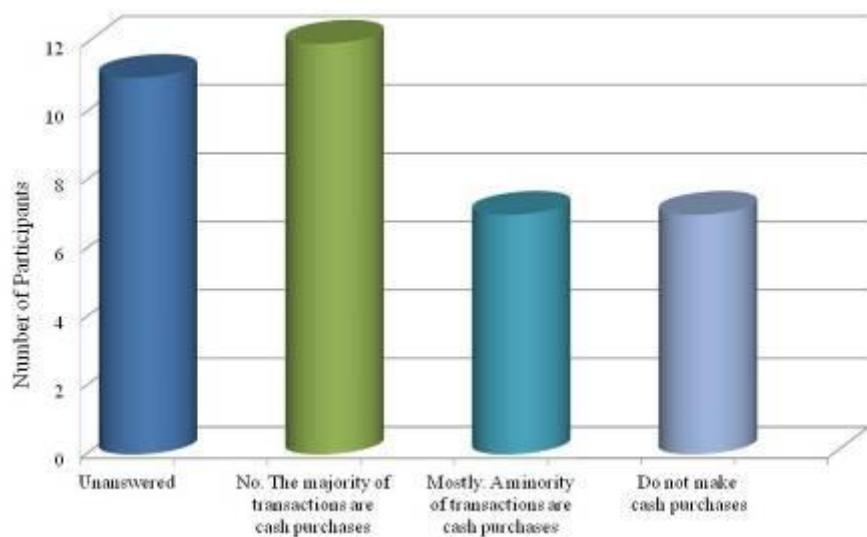
Twelve participants stated that the majority of their transactions are cash purchases. Some percentages are as high as 100% and 90% - such as the data provided by two Katanga-based participants - but on average the team observed a percentage of around 80%.

All the participants who commonly perform cash payments declared supporting them with the relevant documentation: invoices and bank cheques (in almost all cases) and other means in few instances (namely letters of credit - L/C - in the case of a Katangese participant, and a telegraphic transfer - TT Remittance - in the case of a Rwandan participant).

²⁹ IPIS interview with PAC, 8 March 2012

Despite filling in most of the questionnaire, eleven participants did not disclose their trend with regards to cash purchases, thus impeding the team from providing further feedback on this issue.

Fig 6.2.1.4.3.1. Whether it is possible for companies to avoid cash purchases



Illustrative examples: A Rwanda-based company declared using cash in 5% of transactions overall. The company's senior managers told the team that they resort to cash only for small local purchases such as roof sheets and other sundry items.

Challenges: An Austria-based participant expressed their concern with regards to the use of cash, explaining that they would be very much in favour of a decrease in the percentage of cash purchases. To this end, they have been constantly engaged in ongoing discussion with their suppliers. However one of the major difficulties they described has been the reluctance of suppliers to open bank accounts, mainly because of high bank charges and limited accessibility of banks in the Great Lakes region.

A challenge that needs to be addressed is the lack of an efficient banking system in most of the mining areas where the participants make their purchases.

In some areas this issue has already been solved, or at least attempts have been made: for instance, in mine sites operated by a large Rwandan mining company, a bank has recently been opened and all services are now available for miners, employees and management personnel. Having a bank on-site has certainly led to a rapid decrease in cash transactions.

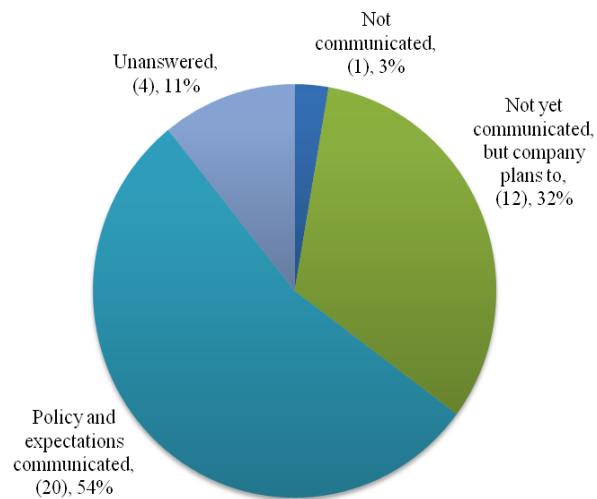
1.1.1.5 Strengthening of company engagement with suppliers

D	Strengthen company engagement with suppliers. A supply chain policy should be incorporated into contracts and/or agreements with suppliers. Where possible, assist suppliers in building capacities with a view to improving due diligence performance.
I.D.1	Establish, where practicable, long-term relationships with suppliers as opposed to short-term or one-off contracts in order to build leverage over suppliers.

I.D.2	Communicate to suppliers their expectations on responsible supply chains of minerals from conflict-affected and high-risk areas, and incorporate the supply chain policy and due diligence processes set out in this Guidance into commercial contracts and/or written agreements with suppliers which can be applied and monitored, including, if deemed necessary, the right to conduct unannounced spot-checks on suppliers and have access to their documentation.
I.D.3	Consider ways to support and build capabilities of suppliers to improve performance and conform to company supply chain policy.
I.D.4	Commit to designing measurable improvement plans with suppliers with the involvement, if relevant and where appropriate, of local and central governments, international organisations and civil society when pursuing risk mitigation.

Only one company indicated that they have not communicated their supply chain policy and other due diligence expectations to their suppliers. However four companies did not answer this question. Twelve companies stated that they have not yet communicated their policy, but they plan to; none indicated how and when they would do this. Twenty participants indicated that they have already communicated their policy and due diligence expectations to their suppliers; in most cases details on this issue were not provided.

Fig 6.1.1.5.1. Whether participants have communicated their supply chain policy and other due diligence expectations to their suppliers



Seventeen participants have indicated they have incorporated their supply chain policy into their contracts, of whom seven provided an example. Eleven participants do not include their policy into contracts. This question was left unanswered by nine companies.

Fig 6.1.1.5.2. Whether companies have incorporated their supply chain policies into contracts

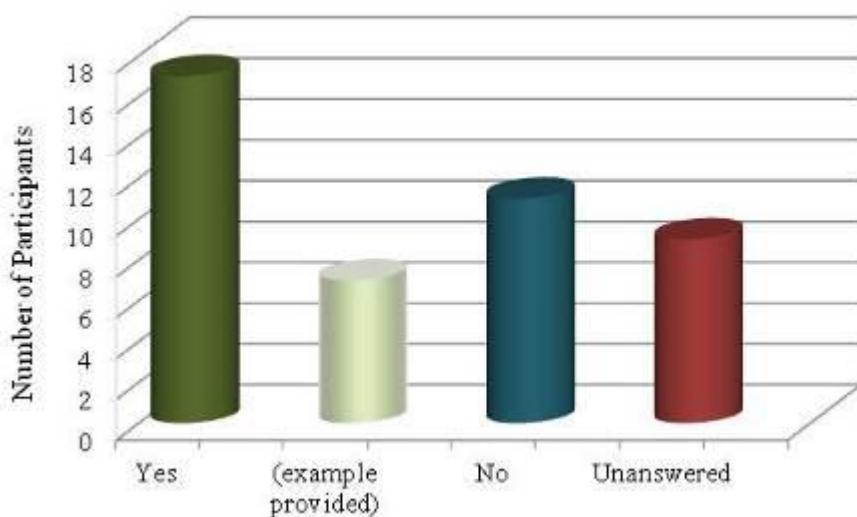
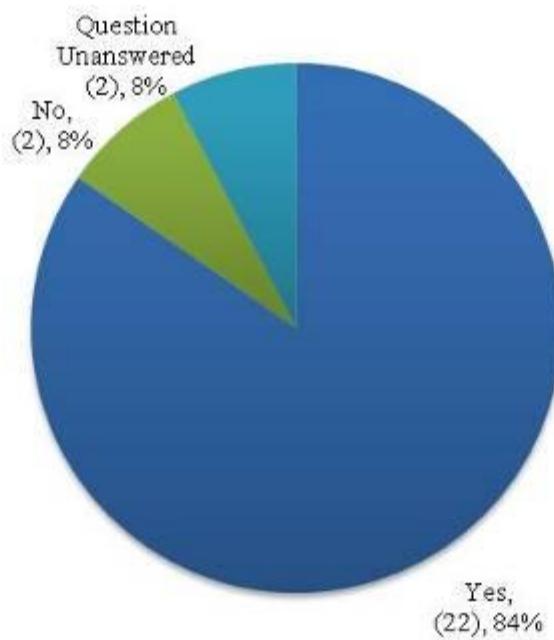


Fig 6.1.1.5.3. Whether companies have participated in any due diligence training or capacity building efforts with suppliers, customers or other stakeholders



Illustrative examples: An example of company/supplier communication related to the implementation of due diligence was provided by a Rwanda-based company, which shared a contract template with the team. A detailed description of the company's due diligence policy is attached to every contract; suppliers can read and sign it, alongside signature of the contract itself.

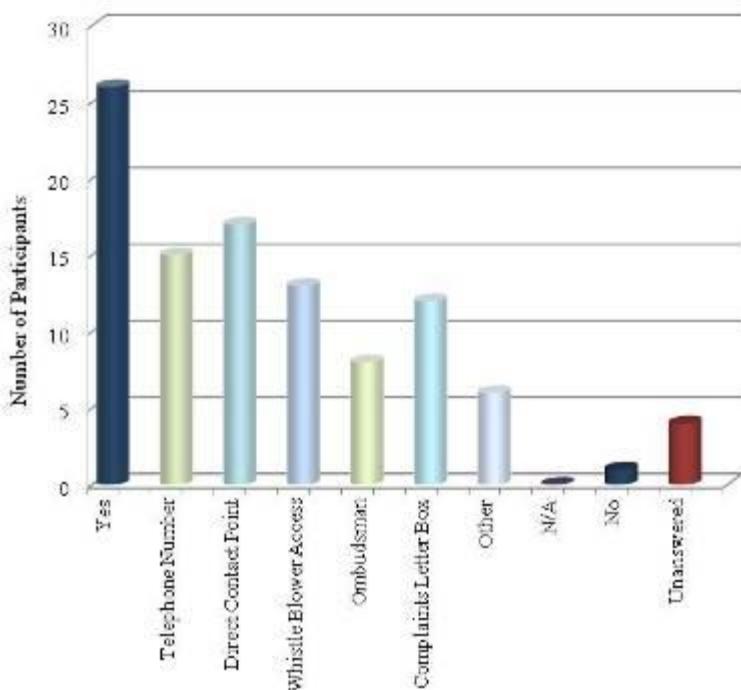
1.1.1.6 Establishment of a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system.

E	Establish a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system.
I.E.1	Develop a mechanism allowing any interested party (affected persons or whistle-blowers) to voice concerns regarding the circumstances of mineral extraction, trade, handling and export in a conflict-affected and high-risk area. This will allow a company to be alerted of risks in its supply chain as to the problems in addition to the company fact and risk assessments.
I.E.2	Provide such a mechanism directly, or through collaborative arrangements with other companies or organisations, or by facilitating recourse to an external expert or body (i.e. ombudsman).

Twenty-six companies indicated in the Questionnaire that they have a grievance mechanism in place to ensure that any problems or non-conformance with the supply chain policy can be reported. Most companies (17) have put a direct contact point in place. Fifteen companies indicated they have a telephone number through which grievances can be made. Eleven companies claimed to have a complaint box, 13 whistle-blower access, and eight an ombudsman. It must be noted, however, that the team was not in a position to verify the existence and effectiveness of these grievance mechanisms.

Under the iTSCI Programme, any stakeholder can report to the Comité Local de Suivi or the Comité Provincial de Pilotage, to individual project staff, or to Channel Research through the 'itscirisks' email address.

Fig 6.1.1.6.1. Whether participants have a grievance mechanism available to report on any problems/non-conformance regarding their supply chain policy on minerals from conflict areas



1.1.1.6.1 The whistle blowing mechanism established under the ICGLR Regional Certification Mechanism.

The whistle-blowing mechanism is one of the six tools envisaged by the ICGLR Regional Initiative on Natural Resources (RINR).

It is not yet operational, and debate on its composition and functioning is still ongoing. However, it could serve to usefully operationalise this recommendation in the OECD Guidance, simultaneously relieving companies of individual burdens while also building credibility and transparency into the grievance mechanism.

Different agencies and consultancies are involved in this discussion, notably the German cooperation agency GIZ, and the Canadian NGO Partnership Africa-Canada (PAC).

GIZ has been conducting an independent investigation across different ICGLR countries in order to identify what existing organisations would be best suited for this role. This extensive field research resulted in a report describing the situation on the ground through interviews and meetings with several government agencies and NGOs in the DRC, Burundi, Rwanda and Kenya.

The report elaborated upon a proposed structure for a whistle-blower mechanism consisting of three broad components: a whistle-blower platform to submit complaints and anonymous reports; a validation and processing entity; and an investigation and follow-up body.

In order to integrate the mechanism in the regional certification scheme and to increase its relation to other RINR tools, GIZ suggested assigning the filtering and validation task to the Independent Mineral Chain Auditor (hereinafter IMCA). The main reason for this choice is that verification and processing of whistle-blower information is closely related to the IMCA's mandate of inspecting member states' chain of custody systems and conducting constant monitoring and risk assessment.

Consequently, the launch of whistle-blowing pilot project will be developed side by side with the setup of the IMCA and its structure (namely, the training of at least two data analysts that will be in charge of processing the information).

When it comes to defining who will play the role of actually providing information to the IMCA, reference shall be made to a suggestion coming from PAC.

PAC has been playing a very active role in the drafting and implementation phase of the ICGLR certification scheme, and it has also been funding a platform of civil society organisations, focusing on awareness-raising on exploitation of natural resources and state-level advocacy to respect and implement the ICGLR Pact in the different Great Lakes countries. The first meeting of the platform, which is called “Coalition of the civil society of the Great Lakes Region against the illegal exploitation of natural resources”, and is coordinated by the Bukavu-based civil society organization CENADEP, took place in Kampala in December 2011.³⁰

Representatives from the Kivus, Rwanda, Uganda and Burundi have agreed to participate in the activities of this federation.

PAC would be in favour of establishing a permanent link between this coalition and the whistle-blowing body in the framework of the ICGLR RINR.

Accordingly, this platform will be able to share information and present the challenges that arise under the regional certification system directly to the IMCA.

The main advantage of this initiative is the possibility of bringing an independent and up-to-date perspectives to the RINR.

STEP II: Identify and Assess Risks in the Supply Chain

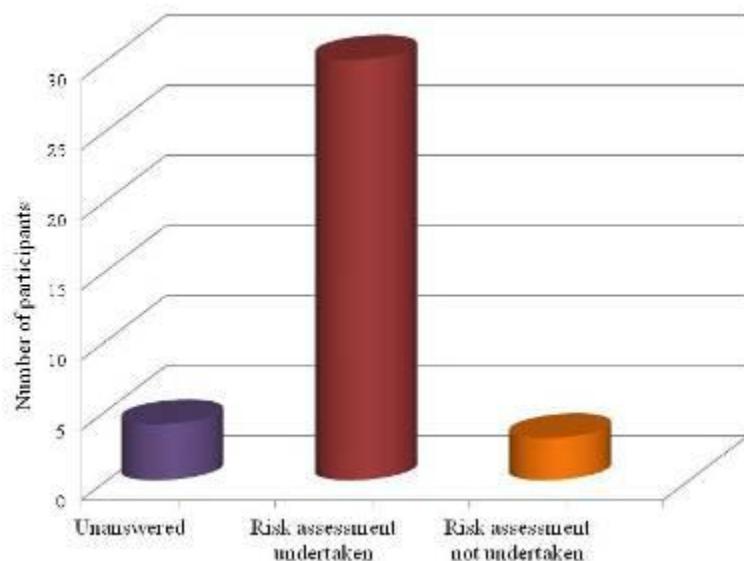
1.1.1.7 Identification of the scope of risk assessment & mapping of the factual circumstances of the company's supply chain

II.I.A	Identify the scope of the risk assessment of the mineral supply chain.
II.I.B	Map the factual circumstances of the company's supply chain(s), under way and planned.
II.I.B.B	Establish an on-the-ground assessment team (hereafter “assessment team”) in the conflict-affected and high-risk areas of mineral origin and transit to generate and maintain information on suppliers and the circumstances of mineral extraction, trade, handling and export.
II.I.B.A	Create enabling conditions for an effective risk assessment.

³⁰ CENADEP Kivu, Report on the Regional Meeting on data collection in the mining sector in order to apply the regional initiative against illegal exploitation and commerce of minerals in the Great Lakes Region

Out of the 37 participants, 30 indicated that they have undertaken a supply chain risk assessment. Only three participants said that they have not, whilst four participants left the question unanswered.

Fig 6.1.1.7.1. Whether participants undertake supply chain risk assessment



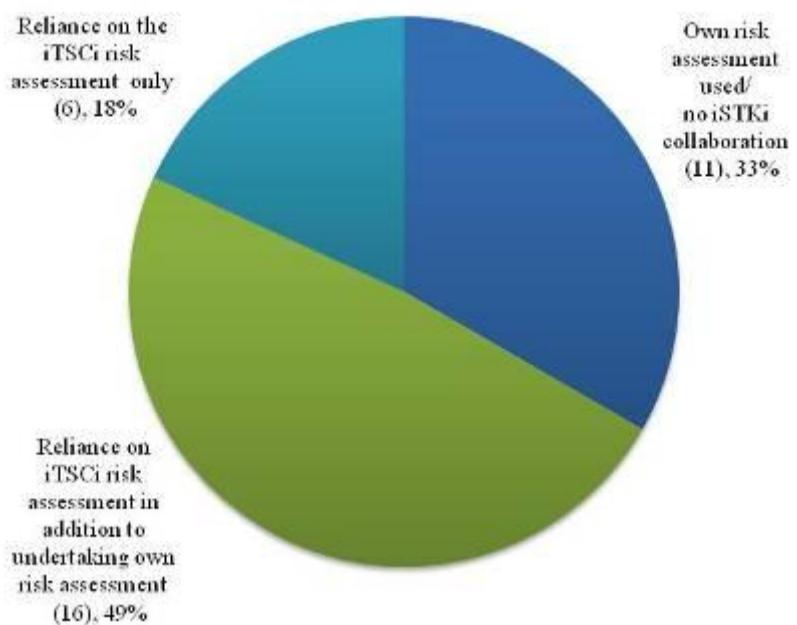
Six participants indicated that they rely on the risk assessment of iTSCI only. However, when asked whether and how the iTSCI risk assessment takes into consideration the circumstances specific to their company's supply chain, none of them answered.

Sixteen participants stated that, in addition to iTSCI risk assessment, they also undertake their own risk assessment to complement information from iTSCI.

To elaborate in more detail, eight participants specified precisely how they complement the iTSCI information. Five stated they visit the mine sites from which they supply on a regular basis. One mineral processor indicated that in addition to the inspection of all mine sites, they meet with the leaders of the cooperatives and are in weekly contact with the mine sites and local officials (Saesscam and CEEC). Finally, one mineral processor explained they use GMD/iTSCI offices by forwarding, on a monthly basis, all documents relating to quantities for each supplier, however they are yet to receive feedback.

Eight companies specified they rely on their own risk assessment only.

Fig 6.1.1.7.2. Forms of supply chain risk assessment by participants



iTSCI - Using the iTSCI scheme as a tool to map the factual circumstances in your supply chain

Within its programme iTSCI has foreseen four ways to map factual circumstances and identify risks in supply chains:

1. A mine and transportation route baseline study, which validates the mine site and checks the general capacity and production circumstances.
2. A company assessment (e.g. personnel, management, financial, involvement of state actors, involvement of security forces, production rate) with the objective ‘to assess whether the company corporate, institutional, financial and/ or political connections through a company’s operation, management board are involved in financing conflict’.
3. Macro-level risk assessments, which monitor the general situation of the countries in which the iTSCI system is operational.
4. The incident reporting protocol

Both the mine baseline study (1) and the company assessment (2) help iTSCI perform its ‘gate-keeping’ function, (i.e. operating a selection on which mine sites can be integrated). Once confirmation regarding the company’s standards’ compliancy with the system is received, the tagging can start.

The macro risk assessment (3) monitors the general situation of a country where iTSCI operates. Currently, one country report on Rwanda is available which contains information up to September 2011. A second report, covering the situation in Katanga province from April 2011 until October 2011, should be published soon. Although these documents provide an interesting general background of the situation on the ground, companies should unquestionably complement them with findings from on the ground research, specific to their proper supply chain. Dynamics on the ground change very quickly. The timelines of the macro risk assessments do not allow full coverage of all the issues that may arise.

Additionally, the iTSCI programme has developed an incident reporting protocol (4), which outlines the procedures for responding to incidents reported in the supply chain. This protocol categorises three levels of seriousness of incidents, outlining who should be informed in each case. Whilst the number and seriousness of incidents occurring will give a good identification of the risk present in a certain region or mining area, incidents reports also generate recommendations for actions to mitigate these risks and improve performance, which is relevant under step III of the Guidance.

There were 15 incident protocols in Rwanda and 47 in Katanga in the first two months of 2012. Follow-up is ensured through the local or provincial multi-stakeholder groups.

Overview of the different levels of risks under the iTSCI reporting protocol

Type of Risk	Examples of Severity of Risks
Incidents relating to the iTSCI tagging system	Level 1 (high) iTSCI team members are threatened or attacked
	Level 2 (medium) Tags or logbooks go missing (stolen or lost) or are deliberately destroyed; Tags are reportedly offered for sale by traders or others for minerals outside the system; Minerals from an unapproved source is suspected of, or proven to be, entering the iTSCI system
	Level 3 (low) Tags or logbooks are accidentally damaged; Errors and/or inconsistencies are discovered in tag allocation or logbooks; State agents are failing or refusing to cooperate with the iTSCI system; Significant changes in production or trade levels occur at a mine or depot
Incidents relating to corrupt behaviour	Level 1 (high)
	Level 2 (medium)
	Level 3 (low) State agents are reported to be charging money for tags or tagging at iTSCI mines; State agents, traditional authorities, mine owners, traders, or others demand money or other benefits from iTSCI staff; Evidence of non-payment of formal taxes or unofficial payment to government agents; iTSCI team members are bribed or coerced by state agents, mine owners, traders, security forces or any others; An iTSCI member organization is allegedly engaged in corrupt behavior related to iTSCI
Incidents relating to non-state armed groups and state security services	Level 1 (high) The presence of, or the occurrence of any incident which involves a non-state armed group, or any person suspected to be linked to a non-state armed group, at/near an iTSCI mine or trade route; The FARDC attack people or become installed at/near an iTSCI mine or trade route
	Level 2 (medium) The FARDC are seen or reported to be present at/near an iTSCI mine; iTSCI tagged material is illegally taxed or taken by the police or FARDC at the mine, at road blocks, or in depots
	Level 3 (low)
Incidents relating to human rights or other abuses	Level 1 (high) People are reported to be attacked, tortured or subjected to degrading treatment at/near an iTSCI mine or trade route; People are reported to be raped or sexually abused at/near an iTSCI mine or trade route; People are reported to be forced or obliged to work for the military, police, state officials, traditional authorities, or others Children under the age of 18 are reported to be working as miners or prostitutes in iTSCI mines
	Level 2 (medium) Children under the age of 15 are reported to be working in iTSCI mines in heavy labour; Minerals are reported to be entering the iTSCI system from a National Park or Protected Area
	Level 3 (low) Cave-ins or other accidents occur in iTSCI mines resulting in injuries or deaths

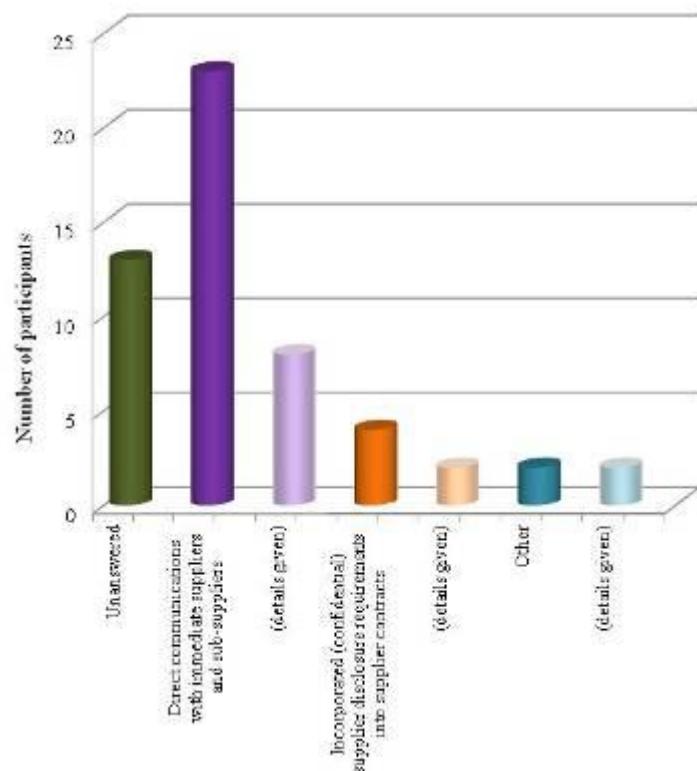
Source: iTSCI Guidance documentation (draft)

CdN and DRC national certification initiative - Using the information from the validation mission under the national/regional certification system as a tool map the factual circumstances in your supply chain

When describing the efforts they had undertaken to identify the upstream actors in the supply chain, 23 participants reported having direct contact with immediate suppliers and sub-suppliers; eight also provided details on how this process is conducted.

In contrast, few participants reported they formally incorporate supplier disclosure requirements into supplier contracts; only two provided detail.

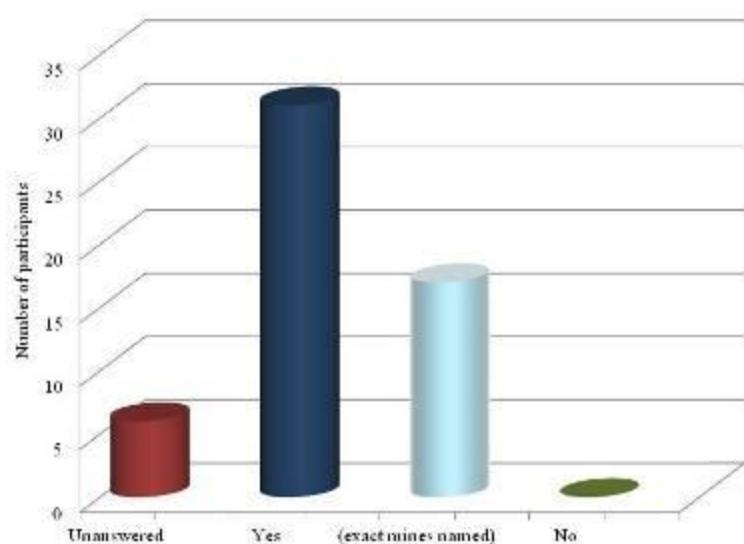
Fig 6.1.1.7.3. Efforts undertaken by participants to identify the upstream actors in their supply chain



When it comes to identifying the exact mine of mineral origin, almost all participants (31) said they were able to point to specific mine sites; most of those (17) shared the details (names and location) of these sites with the team.

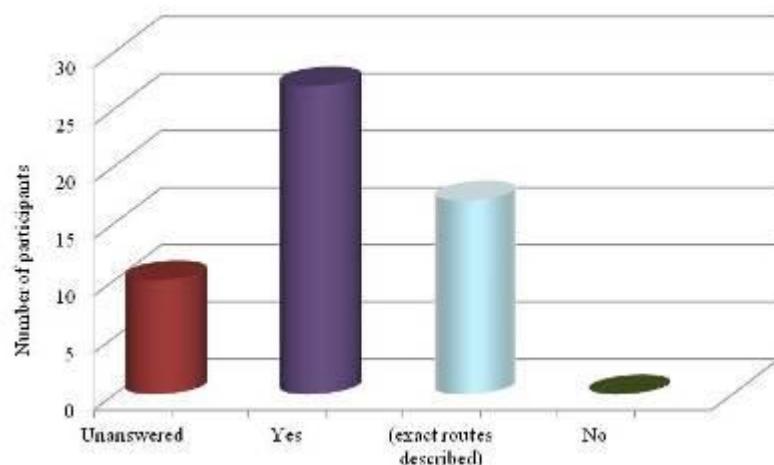
No participants provided a negative answer to this question, however six left it unanswered.

Fig 6.1.1.7.4. Participants who identified the exact mine of mineral origin for the minerals they source



A similar scenario is observed with regards to data concerning the exact transportation routes and the points where minerals are traded or purchased, with 27 participants stating that they collect of all the information on this matter, and most of these willing to share such details with the team. Again, none gave a negative response, whilst ten did not provide any feedback.

Fig 6.1.1.7.5. Participants who identified the exact transportation routes and points where minerals are traded for the minerals they purchase



Using the information from the DRC validation missions under the national/regional certification system as a tool map the factual circumstances in your supply chain

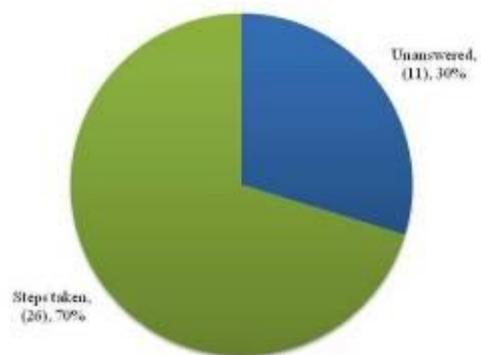
The DRC validation missions, carried out in accordance with the ICGLR standards aligned with the OECD Guidance, have started generating lists of red (invalidated), orange (requiring a six-month risk management process) and green (validated) mine sites in the Kivus.

If kept updated, these lists may offer in-country information for companies when carrying out their risk assessment (See Section IV paragraph four on the Kivus).

Challenges:

Most (26) participants affirmed that they have been taking steps to verify chain of custody and/or traceability information with on-the-ground information. However, a considerable number (11) did not answer this question.

Fig 6.1.1.7.6. Participants who took steps to verify chain of custody and/or traceability information with on-the-ground information

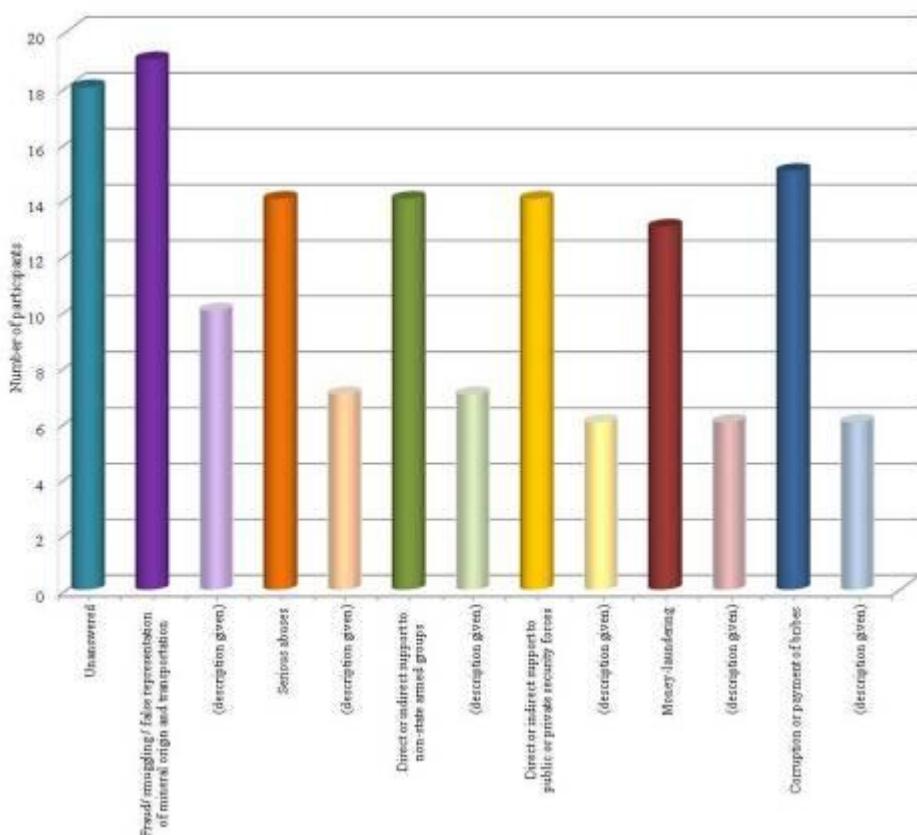


A wide range of information on the factual circumstances of mineral extraction and trade should be collected in order to get a well-rounded overview of risks on the ground.

The team carried out a survey to see what sort of information companies collect in the framework of on-the-ground risk assessment, and the results are as follows:

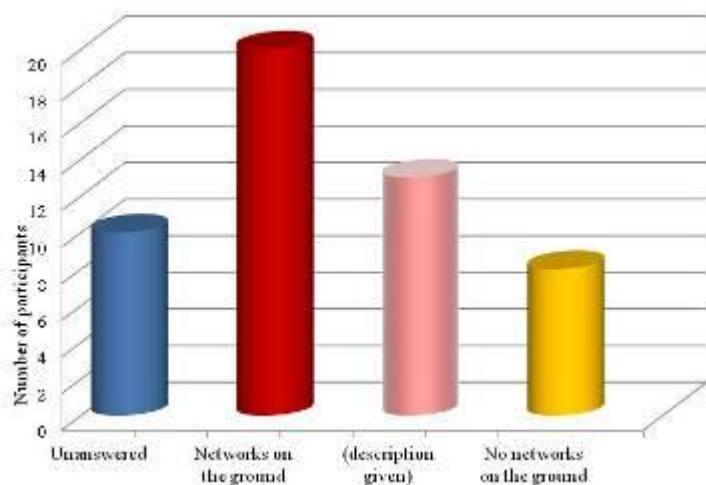
- Nineteen participants said they collect information on instances of fraud, smuggling or false representation of mineral origin and transportation, of whom ten provided further description.
- Fourteen participants said they collect information on instances of serious abuses associated with the extraction, transport, trade, handling and export of minerals, of whom seven provided further description.
- Likewise fourteen participants said they collect information on instances of direct or indirect support to non-state armed groups through the extraction, transport, trade, handling and export of minerals, of whom seven provided further description.
- Fourteen participants said they collect information on instances of direct or indirect support to public or private security forces through the extraction, transport, trade, handling and export of minerals, of whom six provided further description.
- Thirteen participants said they collect information on instances of money-laundering associated with the extraction, transport, trade, handling and export of minerals, of whom six provided further description.
- Finally, fifteen participants said they collect information on instances of corruption or payment of bribes associated with the extraction, transport, trade, handling and export of minerals, of whom six provided further description.

Fig 6.1.1.7.7. Information collected by participants on the circumstances of mineral extraction and trade for their on-the-ground risk assessment



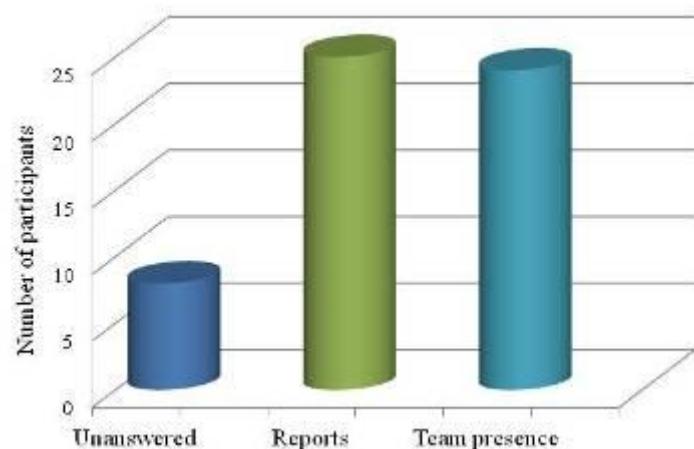
Twenty participants reported deployment of on-the-ground networks based in the mines of mineral origin and along transportation routes. These networks can provide additional information on the factual circumstances of the extraction and trade of minerals as listed above. However, eight participants stated they do not have links with any network, and ten did not answer this question.

Fig 6.1.1.7.8. Participants with networks based on-the-ground (in the mines of mineral origin and along transportation routes)



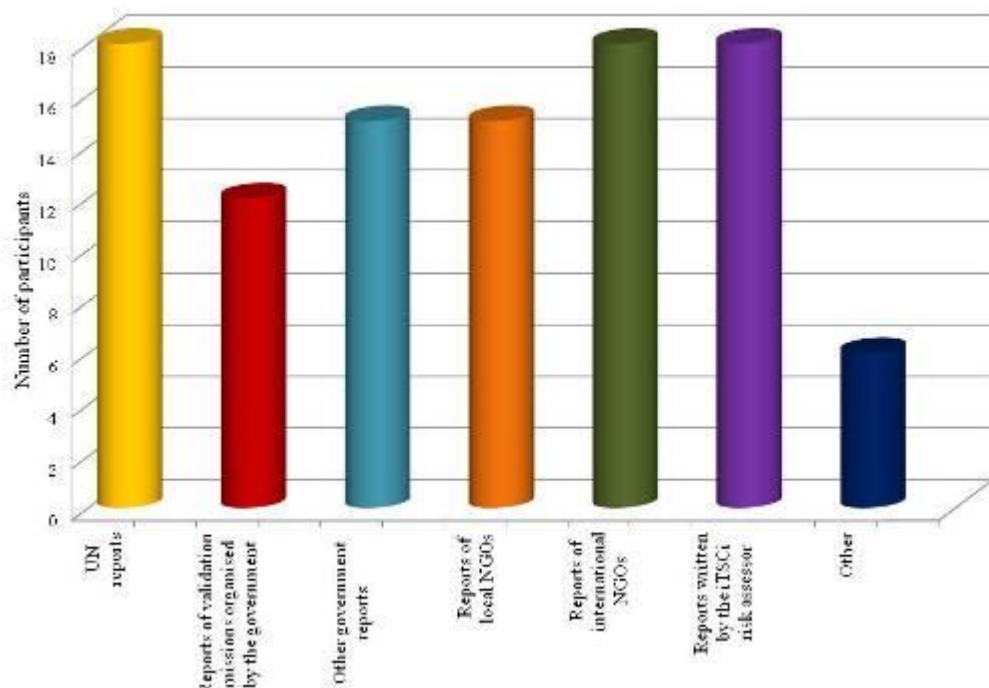
When asked whether they used other sources of information to map out the factual circumstances of their supply chain, 25 participants referred to the reports issued by third parties and to information gathered by their on-the-ground risk assessment team.

Fig. 6.1.1.7.9. Participants who used reports and on the ground information to help map the factual circumstances of their supply chains



More precisely, reference was made to the UN reports (18), the reports of validation of mine sites organised by the Government (12), other Government reports (15), reports of international and local NGOs (15) and reports written by iTSCi risk assessor (18). Other reports (six) mentioned included press, journalism, IPIS and GMD reports.

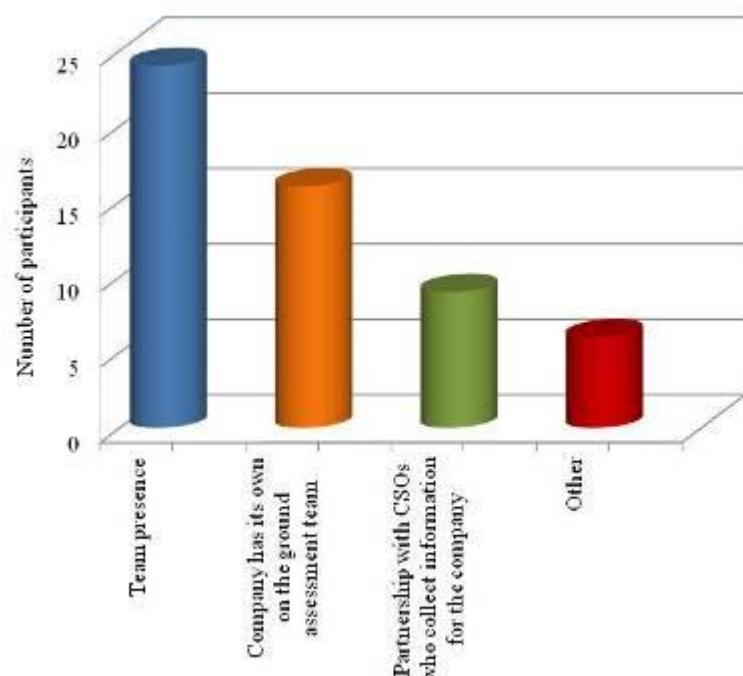
Fig 6.1.1.7.10. Types of reports that participants used to help map the factual circumstances of their supply chains



On-the-ground teams varied in composition, though three major, but slightly overlapping, streams have been identified amid the 24 companies who reported that they had an on the ground team: companies with their own team (16), participants working in partnership with local civil society (nine), and participants who rely on iTSCI field presence (six).

However, local CSOs did not confirm that such processes are actually taking place on the ground. Despite engaging with a wide range of grassroots organisations and companies, the team was only able to confirm the existence of one partnership between World Mining Company (WMC) and a Bukavu-based NGO, BEST.

Fig 6.1.1.7.11. Nature of the on-the-ground assessment teams that participants used to help map the factual circumstances of their supply chains

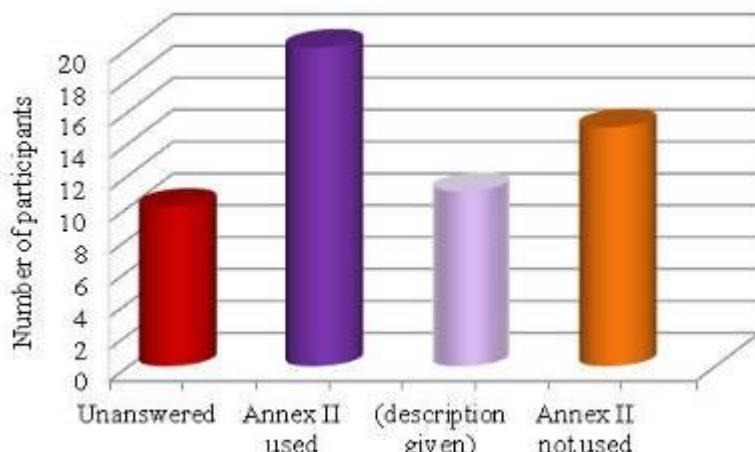


Assess risks in the supply chain.

II.I.C	<p>Assess risks in the supply chain.</p> <p>The company should assess the factual circumstances of the supply chain against the model supply chain policy on a qualitative basis to determine risks in the supply chain.</p>
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Concerning the use of Annex II of the Guidance as a tool to assess risk in the supply chain, progress still needs to be made. The number of participants who gave a positive response amount to 20 (of whom 11 provided some elaboration) in contrast with 15 who stated that they did not use Annex II. When meeting participants based in the Great Lakes region, the team further clarified that any inconsistency between Annex II and the factual conditions of minerals extraction and trade qualifies as a risk under the Guidance.

Fig 6.1.1.8.1. Whether participants used Annex II to help them assess risks in the supply chain



When participants were asked to describe the risks identified as part of their risk assessments, most (21) did not answer. However the limited responses that were forthcoming elaborated very little on previous, similar questions; most answers pertained to the presence of armed groups and the risk of illegal minerals entering sites.

Fig 6.1.1.8.2. Participants who described the risks identified as part of their risk assessments



Challenges:

Some actors wrongly assume that buying tagged minerals means that risks are non-existent and risk assessments become redundant. However, risks of contamination of sources and fraud remain. Due to this risk of contamination of clean minerals with conflict minerals, DRC neighbouring countries are therefore caught by red flags. Various international traders have indicated they are increasingly offered minerals from neighbouring countries of the DRC, which are not likely to originate in such countries. At the same time, this shows how the control over the formal supply chain in the DRC and Rwanda is increasing.

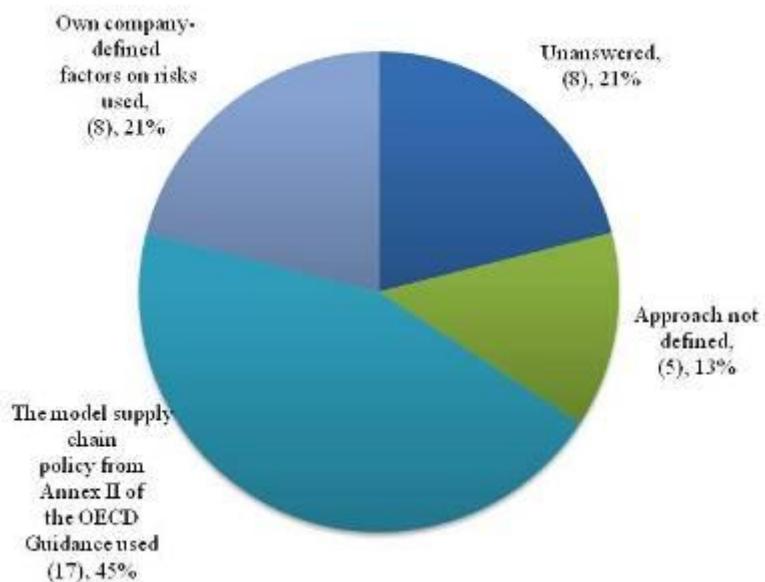
STEP III: Design and implement a strategy to respond to identified risks

1.1.1.8 Devise and adopt a risk management plan.

	B Devise and adopt a risk management plan.
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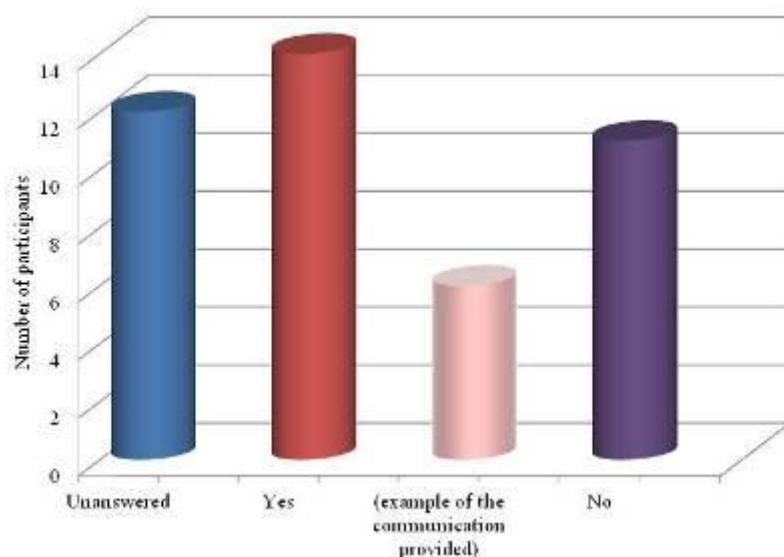
In answer to Question 40, where companies were asked about their approach to managing the risk of sourcing minerals from conflict areas, 45% (17 companies) replied that they used Annexe II of the OECD guidance to determine whether the identified risks can be mitigated by continuing, suspending or terminating the relationship with suppliers. Eight companies (over a fifth) defined their own factors, however only two companies were specific about these self-defined factors; both were international companies who stated that they used the OECD guidance, iTSCi, GMD, and their own due diligence assessments. Five companies did not define their approach and eight companies did not complete the question.

Fig 6.1.1.9.1. Companies' approaches to managing the risk of sourcing minerals from conflict areas



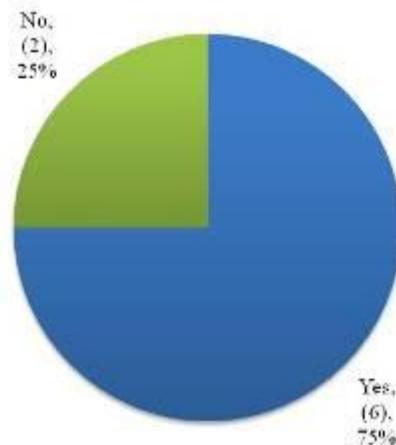
When asked whether they consulted and agreed on the risk management strategy with supplier and affected stakeholders, local and central authorities and local civil society organisations when devising the companies risk management plan, 14 companies replied that they had, of whom six provided examples; eleven replied that they had not, and 14 did not answer.

Fig 6.1.1.9.2. Whether companies consult and agree on the risk management strategy with suppliers and affected stakeholders, local and central authorities and local civil society organisations when devising the companies risk management plan



Of those who had consulted and agreed on the risk management strategy with suppliers and affected stakeholders, local and central authorities and local civil society organisations when devising the companies risk management plan: six felt that they had taken into due account the questions, concerns and suggestions for risk management that these parties had; two said they had not; the remainder did not reply.

Fig 6.1.1.9.3. Of participants who answered yes to Q.41, the number that have taken into due account the questions, concerns or any alternative suggestions for risk management the aforementioned actors may have.



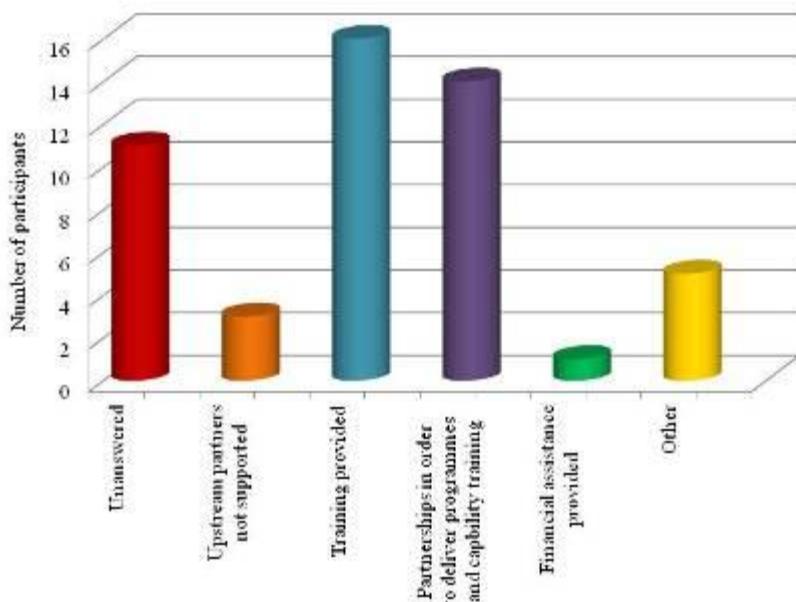
When asked if implementation or tracking of performance in cooperation with these parties had begun, seven participants replied yes, four participants reported that they did not, and the remainder did not answer.

Fig 6.1.1.9.4. Of participants who answered yes to Q. 41, the number that have begun implementing and tracking performance in cooperation and/or consultation with the aforementioned actors



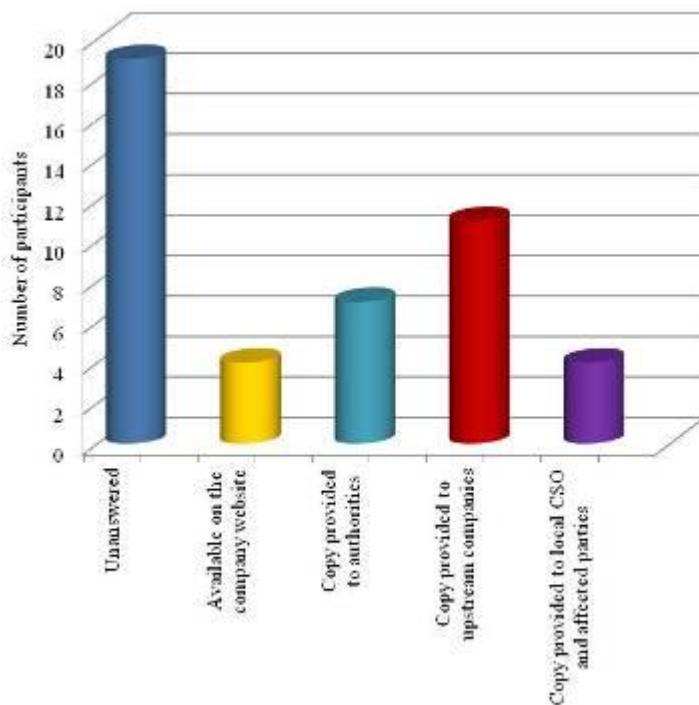
When asked how companies supported other upstream companies, suppliers and miners in managing the identified risks, almost half of the companies who filled in questionnaires did not respond. Of those who did, only three replied that they provided no support. Fourteen reported that they provided both partnership within industry membership organisations and 16 provide training to suppliers. Only one provided financial assistance to suppliers.

Fig 6.1.1.9.5. How participants supported upstream suppliers in managing risks identified in the supply chain as a result of their due diligence process



Most companies (19; over half) did not answer Question 43 regarding how their supply chain risk assessment and risk management plan was made public. However of the 20 participants who did reply to the question, the majority (11) provided a copy of the risk assessment to customers and suppliers. Small numbers gave copies to local CSO and affected parties (four), or reported that they had made their plans available on their websites (four), however the IPIS team was unable to trace them.

Fig 6.1.1.9.6. How participants have made their supply chain risk assessment and risk management plan public



Questions 44 to 47 were discussion questions regarding risk management planning: whether local stakeholders and affected people were consulted; timelines of risk management plans; and follow-ups post plans and trainings. These questions were generally left unanswered and the maximum number of respondents to a given question has been three. Minimal information can be gleaned from the answers to these questions.

1.1.1.9 Implement the risk management plan, monitor and track performance of risk mitigation, report back to designated senior management and consider suspending or discontinuing engagement with a supplier after failed attempts at mitigation.

C	Implement the risk management plan, monitor and track performance of risk mitigation, report back to designated senior management and consider suspending or discontinuing engagement with a supplier after failed attempts at mitigation.
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Despite the fact that companies have not systematically devised and adopted risk management plans, good examples of risk mitigation have been already elaborated.

Risk mitigation measures regarding adverse impacts for artisanal miners

Considerable progress has been made in the field of risk management regarding adverse impacts for artisanal miners. The team has witnessed two examples of emerging practices in this domain.

In Katanga, one cooperative has put in place some important risk mitigation measures to improve the social conditions of artisanal miners. All artisanal miners working for the cooperative will receive an ID, and all carrières will be covered by an on-site Supervisor, who is due to report on a daily basis to a Coordinator, thus ensuring that all people in charge of management of personnel are promptly alerted in case accidents occur.

Furthermore, to ensure that such communication could adequately be followed up, the cooperative is in possession of motorcycles to rapidly reach mine sites. For instance, they are currently employing two motorcycles on the route between Lubumbashi and Manono, a site where 210 miners are deployed.

Most notably, the cooperative has included a social security service in its risk management plan regarding artisanal miners. In order to have access to it, the miners need to have a valid *carte de creuseur* from the Division des Mines, as well as their ID from the cooperative.

In addition, a voluntary pooling system has been developed: if interested, miners would need to pay 500 francs per week in order to access the services of the pool/cache on behalf of their families, should any of their close relatives need it. Each carrière has its own pool.

Lastly, a Rwanda-based mining company has been working on risk mitigation plan regarding safety and social environment of miners since 2006. In one concession the company has deployed an expert on safety in mine sites, who supervises the activities and receives the reports and daily updates of an on-the-ground team in charge of the miners' safety. A

remarkable feature of this system is that the members of this team all come from the neighbouring villages and belong to the local communities, thus increasing the integration of the mining operations in the local context and encouraging local ownership and sustainability.

After going through a selection process (which includes – *inter alia* – a written exam), future team members receive training in mine site safety, with an whole module of first aid techniques.

Risk mitigation regarding security related issues

Security is still a thorny issue in the DRC. As highlighted by the UNGoE in their December 2011 report³¹, the reorganisation of the FARDC (also known as ‘regimentation’ process) has been marred by defection and delays, and eventually resulted in a deterioration of the security situation in the Kivus, allowing foreign armed groups to continue operations. More precisely, it has been reported by the Group that the Ugandan Islamist rebel force Allied Democratic Forces (ADF) and the Mai Mai Yakutumba have been extensively benefiting from the trade in natural resources in North and South Kivu (respectively).

Semi-structured interviews conducted by the team with local and international CSOs and pressure groups³² confirmed that the FARDC have recently re-occupied several mine sites in the Walikale territory, most notably the large cassiterite mine of Bisie, which had previously been controlled by the Mai Mai. This has had a significantly adverse impact on the way mining operations are carried out in the territory.

However, the team also acknowledges that, despite a general lack of knowledge of due diligence standards on the side of the regular Congolese army, some progress has been made.

In particular, the “*Projet de Sensibilisation des Militaires des FARDC à se désengager des activités minières*” was presented by a Colonel of the 10eme Région Militaire during a workshop organised by the team in Bukavu.

The primary aim of the project is the termination of military-controlled extraction and trade of minerals in the Eastern provinces of the DRC. In order to achieve it, dissemination of the Congolese legislation on artisanal mining and of the OECD Guidance and ICGLR certification will become priority among the regiments that are deployed in the vicinity of mine sites.

Overall, this project provides a well-structured frame to advance risk management in the Kivus, which security-wise have proven to be the most challenging context: it would be carried out across 20 military posts located in the mining territories of South Kivu (namely Fizi, Shabunda, Kalehe, Mwenga, Walungu, Uvira and Idjwi). The content and modalities of the training will be developed jointly with the research Centre de Recherche et d’Etudes Stratégiques en Afrique Centrale (CRESA).

CRESA will provide a legal expert who will work alongside three mining experts coming from the Division des Mines, the SAESSCAM and the Provincial Ministry.

³¹ UN Group of Experts Report, S/2011/738

³² IPIS interview with GATT RN and with ENOUGH Project, February 2012

At the time of writing, the project has not entered the implementation phase yet, due to a lack of funding.

STEP IV: Carry out independent third-party audits

The OECD Guidance recommends that due diligence practices of the smelter should be audited. The intention is that by focusing on audits at the smelter level, the number of audits across all tiers of the supply chain will be reduced over time, and ultimately save the industry time, money and energy. However, this does not mean that other upstream companies would not be involved in the smelter audit, which may also look into the due diligence practices of a sample of the smelter's suppliers to verify the smelter's conclusions on risk assessment and management.

When asked whether they had participated in any supply chain-specific audit, twelve participants reported that they had done so. Nine of them detailed that they had been audited by iTSCI/Channel Research.

Only one participant made reference to the BGR audit in the framework of the CTC scheme. Three Goma-based comptoirs stated they had been audited, but did not disclose the details of the third party that carried out the audit. Seven participants affirmed they have not been subject to an audit process yet.

Audits at smelter level have also been carried out by accredited auditors for the Conflict Free Smelter program (CFS), in accordance with audit protocols developed by the Electronics Industry Citizenship Coalition (EICC) and the Global e-Sustainability Initiative (GeSI). To date eleven tantalum companies representing 17 processing facilities have successfully completed the CFS audit procedure and been designated as a Conflict Free Smelter. One of these is known to purchase material from the Great Lakes Region, and an in-region audit of the supplier of this smelter was conducted by an independent consultant³³ to ensure that the smelter's due diligence practices conformed to the OECD Due Diligence Guidance.

Currently, discussions are ongoing to coordinate the audits Channel Research is undertaking in the frame of the iTSCI programme with the Conflict-Free Smelters (CFS) program.

Several stakeholders have raised concerns regarding a possible conflict of interests associated with Channel Research performing the audit at the upstream level. The Guidance recommends that auditors must not have conflict of interests with the auditee, including business or financial relationships with the auditee, nor have provided any other services for the auditee company, particularly any services relating to the due diligence practice or the supply chain operations assessed therein, within a 24 month period prior to the audit. Whether or not a potential conflict of interest exists can only be assessed once the terms of reference between the CFS programme and the iTSCI programme are finalised.

³³ Namely Gregory Mthembu-Salter, Phuzumoya Consulting. A summary of the audit report can be found at <http://solutions-network.org/site-solutionsforhope/files/2011/11/Exec-Summary-Katanga.pdf>

Illustrative examples: A comprehensive and detailed contribution to the debate on how to simplify the audit process has come from the Rwanda-based international mineral trader. They suggested that all companies be required to release information on a monthly basis covering the suppliers name, mine name, quantity purchased. The information should be held by the government of the country where they operate (in the case of this company, by the Rwandan authorities), and that government should be in charge of putting together statistical figures that will then be released at the request of auditors. This process would save a considerable amount of time on the side of companies, and at the same time provide up-to-date information to third party auditors. The company further suggested that publication of the figures happened as a spot check, without notification to the companies, in order to make the process more impartial.

Challenges: When asked whether they had any suggestions or thoughts on how to streamline the audit process and reduce unnecessary and repetitive audits, four participants pointed out that they have received too many auditors in a short period of time, a circumstance that has caused them to slow down their activities in order to make time for the audits. They all agreed that having an audit after the other has not been efficient so far. However, aside from the audit discussed above, no audits qualifying under step 4 have taken place as of yet.

Two participants, one based in Hong Kong and another based in Switzerland, described the existence of too many programs as a challenge. More precisely, their argument is that, given the multiplicity of schemes and requirements, they do not know which benchmarks their performance will be assessed against.

Furthermore, the Switzerland-based company made reference to the lack of SEC regulations and due diligence definition in the framework of the Dodd/Frank Act, which makes it more difficult for them to know which standards they will have to satisfy in the near future.

In light of these responses, it seems that many companies tend to label a number of processes as audits that do not have any linkage with Step IV of the Guidance, such as visits from downstream buyers.

The recently released OECD easy-to-use Guidance “Due diligence Guidance: towards conflict-free mineral supply chains” further clarifies the relation between auditors, thus helping companies shed light on whether and how different initiatives relate to each other.

STEP V: Report annually on supply chain due diligence

V.A	Annually report or integrate, where practicable, into annual sustainability or corporate responsibility reports, additional information on due diligence for responsible supply chains of minerals from conflict-affected and high-risk areas.
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1.1.1.10 Findings from the Questionnaire (including textboxes, illustrative examples and challenges)

Thirteen participants say that they report publicly on their due diligence policies and practices. In some cases, the information they shared with the team was incomplete, for example a Goma-based comptoir reported sharing information regarding due diligence with

the DRC authorities through their annual report, however they did not specify precisely which specific government agency they engaged with.

In other cases, the information provided has been even less complete and details on how information is made public have not been included in the response.

Two international traders – one based in Hong Kong and the other in Switzerland – and a comptoir based in Goma, stated they only report through internal documents, hence their due diligence practices are not public.

Five participants said that they do not report on due diligence; another has expressed its commitment to start reporting as soon as trade resumes.

It should be noted that none of those who said that they issue public, annual reports covering supply chain due diligence have been willing to share this documentation with the team. Under these circumstances, the team has not been able to assess the conformance of their reporting activity with the Guidance.

Section VII - Recommendations

Overall, considerable progress in relation to the implementation of the OECD Due Diligence guide has been made in the Great Lakes Region. However, this progress is predominantly recorded in terms of awareness and willingness of companies to exercise due diligence. A pressing need for capacity building in the region remains. Essential trainings are not only necessary for companies and other economic actors in the supply chain, but also for government agencies, civil society organisations and the divisions of the FARDC deployed in the east of the DRC, most notably the *8ème and 10ème region militaire*.

To achieve the general objective of ‘help[ing] companies respect human rights and avoid contributing to conflict through their mineral sourcing practises,’ extra measures and/or efforts to involve all companies active in the 3T industry are needed. Currently the level playing field between different economic actors in the sector is disturbed due by the fact that not all end-users are exercising due diligence. This not only causes frustration for the companies that do spend valuable time and financial resources on the implementation of due diligence, but also keeps the market open for smugglers. While it is proven that some smuggled materials enter the legal market by illegal tagging practises, it can also be assumed that other minerals are processed by smelters, and consequently end-users, who do not ask questions regarding the mineral origin.

However, the efforts of the private sector also need to be complemented by requisite governmental responses to an increasing number of fraudulent exports. Whilst this is a primary responsibility of the Congolese government, governments of third countries, international donors and MONUSCO should provide the necessary support to prevent, investigate and prosecute smuggling practices. Equally, the Congolese government should urgently take steps to implement the provisions of the *note circulaire* requiring all mining operators to implement due diligence, impose sanctions where required, and demand necessary assistance from the UN, governments of third countries, or other organisations.

The current inability of many upstream companies to implement the five steps of the guidance has both internal and external causes. Concerning the first requirement of establishing a policy, the team only identified one supply chain policy which contains a clear and coherent risk-management process. The absence of accurate policies reflects a more general lack of profound understanding of conducting risk-based due diligence. Although companies are very willing to hire due diligence experts or send their responsible personnel to necessary trainings, the reality they face greatly lacks both training and experts on the topic. This translates into companies experiencing difficulties identifying risks and defining proper strategies to manage them. As recommended in the Guidance, the most effective and efficient solution to this problem would be to establish partnerships between local civil society groups and sourcing companies. This sort of partnership was set up between the Bukavu-based civil society group B.E.S.T. and comptoir World Mining Company in South-Kivu, and deserves to be copied on a larger scale.

When it comes to requirement I.C.4.1 - introducing a chain of custody or traceability system that generates the necessary information on a disaggregated basis - many companies are practically blocked by the absence of accepted systems. Often downstream companies only accept materials tagged by the traceability system operated by the industry, which are currently not yet operational in the Kivu provinces. Consequently there is a need to either extend such industry-driven initiatives into other provinces, or support and promote the government-led regional chain of custody system which is currently being operationalised. Additionally, in light of the critical importance of the regional database and good statistics, it

is recommended that the industry traceability mechanism should share their data with state authorities and the regional mechanism.

When reviewing the advancements and shortcomings of auditing, the interviews conducted reveal a lack of clarity with regards to what processes actually qualify as audits under the Guidance. Hence, there is a need to better coordinate the audits that are currently taking place under the different initiatives, bearing in mind that all other visits to the mine sites or the processing plants carried out by downstream buyers for informative purposes should not be confused with audits.

It is therefore recommended that:

International traders

1. Remain engaged in the Great Lakes region, while implementing supply chain due diligence.

Processing entities

2. Engage with local CSOs or iTSCI stakeholder committees, in order to carry out a thorough risk assessment and develop a carefully planned risk management strategy. Since most processing entities are located in urban areas, they could considerably benefit from a close collaboration with local CSOs, whose staff are often able to travel to mine sites and are therefore fully aware of the situation on the ground. This is especially relevant in the DRC.

Local traders

3. Organise themselves in associations and identify ways to progressively implement due diligence in order facilitate application of the Guidance throughout the supply chain, with no gaps in the documentation concerning mineral flow.

Transporters

4. Become acquainted with the content and requirements of the Guidance, notably through participation in workshops and awareness-raising activities taking place in the GLR.
5. Progressively implement due diligence in order facilitate application of the Guidance throughout the supply chain, with no gaps in the documentation concerning mineral flow.

Cooperatives

6. Improve communication strategies and develop an information-sharing platform in order to extend the outreach of best practices developed by different cooperatives, thus leading to an overall improvement of the working conditions of artisanal miners.
7. Facilitate access to microcredit and other financial services for artisanal miners.
8. Provide technical training and support to artisanal miners, in order to expand the outreach of the Guidance in the most upstream sections of the supply chain.

9. In the DRC, cooperatives are encouraged to facilitate the purchase of the *cartes de creuseurs*.

The Government of the Democratic Republic of Congo

10. Implement the Note Circulaire, ensuring that it is known and enforced throughout the country.
11. Carry out the validation missions that were not included in the first round of validations missions.
12. Undertake a second follow-up validation mission and publish full reports containing the factual circumstances that lead to the qualification of the mine sites, in addition to a list of the sites themselves.
13. Disseminate, implement and ensure observance of all legislation concerning artisanal mining.
14. Ensure that coordination and communication between the *Comités de Pilotage du système iTSCi* and the *Comités de Suivi* is effective, and that these forums efficiently share information.
15. Engage with multiple stakeholders, including but not limited to processing entities (comptoirs), CSOs and the FARDC, in order to ensure that all are involved in creating an enabling environment for the implementation of due diligence standards and procedures.

The Governments of neighbouring countries, specifically Rwanda, Burundi and Uganda

16. All neighbouring countries are encouraged to strengthen their efforts to bring to an end all fraudulent practices, such as smuggling across borders and across the Lake Tanganiyka.
17. All neighbouring countries are advised to sensitise companies to exercise due diligence, including through incorporation of due diligence into national legislation, ensuring that all requirements are duly taken into account and emphasis is not exclusively placed on traceability.
18. The Government of Rwanda is advised to strengthen the capacity and management of GMD, in order to ensure that GMD staff are fully able to cover all sites.

The Governments of third countries

19. Sensitise companies (end-users) based in their jurisdiction to exercise due diligence and consider incorporating requirements into national legislation.

The International Conference of the Great Lakes Region

20. Ensure that all necessary key institutions and bodies are operational before issuing certificates. In this regard, the ICGLR is advised to place particular emphasis on the formation of the Audit Committee and of the IMCA.
21. Capacity-building programs are needed to help the state services from the eleven Member States and CSOs become familiar with the structure and functioning of the regional instruments, namely the regional database and the IMCA.

22. Regarding the whistle-blowing mechanism, the ICGLR is advised to engage in a constant dialogue with CSOs and make sure that the system is transparent and accessible. Most importantly, the ICGLR should check that state authorities follow up on complaints, in order to guarantee the effectiveness and trustworthiness of the whistle-blowing mechanism.
23. Overall, external communication should be improved in order to make regional and international stakeholders aware of the recent developments in the ICGLR scheme, as well as of the next steps that the ICGLR is planning to take.

The iTSCI programme

24. Improve communication with its members.
25. Finalise data-sharing agreements with national governments and ICGLR.

Local Civil Society organisations

26. Engage with comptoirs, mining companies and all economic actors concerned by the supply chain of the 3Ts, most notably by providing help in carrying out a comprehensive risk assessment study and developing tailored risk management strategies in accordance with the OECD Guidance.

International Civil Society organisations

27. Work in close cooperation with local CSOs, providing them with technical training on due diligence.

Section VIII - Annexes

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Annex 1. Questionnaire 2nd Cycle (*Française*)

Questions Générales

1. Quel est le nom de votre entreprise ?
2. Où est situé le siège de votre entreprise ? (ville, pays)
3. Comment peut-on vous contacter?
Adresse email :
Numéro de téléphone :
4. Êtes-vous membre de l'iTSCI?
 Oui. Nous sommes membre de plein droit.
 Oui. Nous sommes membre provisoire.
 Non, nous ne sommes pas membre de l'iTSCI.
5. Où est située votre entreprise dans la chaîne d'approvisionnement en minerais en amont? (veuillez sélectionner la/les réponse(s) appropriée(s))
 Mineurs
 Négociant
 Comptoir
 Négociant international / retraitement de minerais
 Fonderie
 Autre:
6. Quels sont les minerais commercialisés par votre entreprise? (plusieurs réponses possibles)
 Etain
 Tungstène
 Tantale
7. Avez-vous commencé à mettre en oeuvre le Guide OCDE?
 Oui.
 Non.
8. Souhaitez-vous divulguer publiquement votre participation à la phase pilote de mise en oeuvre du Guide OCDE?
 Oui.
 Non.

Questions spécifiques sur le devoir de diligence

Les questions suivantes concernent la façon dont vous avez mis en œuvre chacune des cinq étapes du devoir de diligence établies dans le [Guide OCDE sur le Devoir de Diligence pour les Chaînes d'Approvisionnement Responsable en Minerais Provenant de Zones de Conflits ou à Haut Risque](#). Veuillez consulter le Guide OCDE pour obtenir des recommandations détaillées sur chacune des étapes.

Etape I : Etablir des systèmes solides de gestion de l'entreprise

Politique relative à la chaîne d'approvisionnement en minerais provenant des zones de conflits

1. Le Guide OCDE recommande que chaque entreprise adopte une politique relative à la chaîne d'approvisionnement en minerais provenant de zones de conflit ou à haut risque. Votre société a-t-elle adopté une telle politique?
 Oui (veuillez joindre votre politique ou donner le lien vers la page adéquate de votre site internet)
 Non
2. Avez-vous utilisé et / ou intégré l'Annexe II du guide OCDE dans votre politique relative à la chaîne d'approvisionnement en minerais provenant de zones de conflit?
 Oui, notre entreprise a utilisé l'Annexe II lors de l'élaboration de sa propre politique relative à la chaîne d'approvisionnement.
 Oui, notre entreprise utilise l'Annexe II telle quelle pour sa politique relative à la chaîne d'approvisionnement.
 Non, nous n'avons pas utilisé l'Annexe II pour notre politique relative à la chaîne d'approvisionnement.

Communiquer la politique

3. Est-ce que la politique de votre entreprise relative à la chaîne d'approvisionnement en minerais provenant des zones de conflit disponible publiquement ? Si oui, où ?
 Oui, elle est disponible sur internet. (Veuillez indiquer l'adresse du site:)
 Oui, elle est publiée en interne dans l'entreprise.
 Oui, nous l'avons rendu public en utilisant un autre moyen (merci de préciser)
 Non, elle n'est pas disponible publiquement.
4. Si elle n'a pas été rendue publique, comment / où / à qui l'avez-vous communiquée ?

Question de discussion

5. Quelles sont les difficultés auxquelles vous avez dû faire face dans l'élaboration de votre politique ?

Responsabilités et Ressources

6. Qui est responsable au sein de l'entreprise pour superviser le devoir de diligence appliqué à la chaîne d'approvisionnement en minerais ?
7. Combien de temps / quelle pourcentage cette (ces) personne(s) peut(peuvent)-elle consacrer au devoir de diligence et quelles sont ses autres tâches?
8. Est-ce que la(les) personne(s) responsable(s) du devoir de diligence appliqué à la chaîne d'approvisionnement a(ont) une expérience et / ou expertise dans l'un des domaines suivants ? (cocher toutes les réponses qui s'appliquent et préciser le type et / ou la quantité d'expérience et d'expertise)
 - Approvisionnement en minerais. (Veuillez préciser :)
 - Traçabilité des minerais, chaîne de responsabilité et / ou de certification. (Veuillez préciser :)
 - Evaluation des risques ou audit. (Veuillez préciser :)
 - Questions relatives aux droits humains. (Veuillez préciser :)
 - Risques liés aux conflits (par exemple, droit international humanitaire, financement des conflits). (Veuillez préciser :)
 - Problèmes de corruption, blanchiment d'argent et diligence en matière de « connaissance du client ». (Veuillez préciser :)
 - Autre expérience pertinente (Veuillez préciser:)

Communication

9. Quel **processus de communication interne** sur le devoir de diligence appliqué à la chaîne d'approvisionnement avez-vous développé ?
 - Aucun.
 - Nous avons des réunions hebdomadaires / bimensuelles / mensuelles.
 - La (les) personne(s) responsable(s) du devoir de diligence doit/doivent faire un rapport oral / écrit.
 - Autre:
10. Quel **processus de communication externe** sur le devoir de diligence appliqué à la chaîne d'approvisionnement avez-vous développé et pour qui ? (plusieurs réponses possibles)
 - Aucun.
 - Fournisseurs : Indiquez le processus de communication mis en place
 - Clients : Indiquez processus de communication mis en place
 - Employés : Indiquez le processus de communication mis en place.
 - ONG : Indiquez le processus de communication en place.
 - Gouvernement : Indiquez le processus de communication en place
 - Autre (associations d'industries, groupes multipartites, etc.)

Questions de discussion

11. Quelles sont les principales difficultés auxquelles vous devez faire face pour développer des systèmes de gestion afin de vous assurer que vous avez un approvisionnement d'étain, de tantalum et de tungstène responsable?
12. Avez-vous trouvé que les processus de collaboration (avec une association d'industries ou d'autres entreprises / acteurs) sont utiles ? Pourquoi / pourquoi pas ?

Traçabilité / chaîne de responsabilité

13. Quel système votre entreprise utilise-t-elle pour maintenir la transparence et le contrôle dans sa chaîne d'approvisionnement ?

- Un système de chaîne de responsabilité. (Veuillez le décrire)
- Le système de traçabilité de l'iTSCI.
- Un autre système de traçabilité. (Veuillez préciser)

DÉFINITIONS

La chaîne de responsabilité désigne la trace écrite qui documente la séquence d'entités qui sont responsables des minéraux au fur et à mesure qu'ils avancent dans la chaîne d'approvisionnement

La traçabilité désigne le suivi physique des minéraux à tous les niveaux de la chaîne commerciale, de leur mine d'origine jusqu'à leur point d'exportation.

14. Avez-vous développé des outils innovants pour tracer l'origine des minéraux ?

Collecte d'informations

15. Recueillez-vous certaines des informations suivantes sur les minéraux que vous achetez ? (sélectionnez toutes les réponses qui s'appliquent et donnez des exemples des **sources** utilisées pour obtenir ces informations – par exemple les étiquettes iTSCI si vous êtes membre de l'iTSCI; des documents douaniers, des documents de l'agence minière gouvernementale, réseaux des terrains avec des informations de première main)

- taxes, droits ou redevances payés au gouvernement pour l'extraction, le commerce, le transport et l'exportation de minéraux (veuillez indiquer les sources utilisées pour obtenir cette information)
- autres paiements versés à des fonctionnaires gouvernementaux pour l'extraction, le commerce, le transport et l'exportation de minéraux (veuillez indiquer les sources utilisées pour obtenir cette information)
- taxes et tout autre paiement versés à des forces de sécurité publiques ou privées ou à d'autres groupes armés à tous les points de la chaîne

- d'approvisionnement à partir de l'extraction (veuillez indiquer les sources utilisées pour obtenir cette information)
- la propriété (y compris les bénéficiaires effectifs et la structure de l'entreprise de l'exportateur, y compris les noms des dirigeants et administrateurs; les affiliations commerciales, gouvernementales, politiques ou militaires de l'entreprise et des dirigeants (veuillez indiquer les sources utilisées pour obtenir cette information)
- la mine d'origine des minerais (veuillez indiquer les sources utilisées pour obtenir cette information)
- la quantité, les dates et la méthode d'extraction (exploitation minière artisanale et à petite échelle ou à grande échelle) (veuillez indiquer les sources utilisées pour obtenir cette information)
- les endroits où les minerais sont groupés, échangés, transformés ou améliorés (veuillez indiquer les sources utilisées pour obtenir cette information)
- l'identification de tous les intermédiaires en amont, groupeurs ou autres acteurs dans la chaîne d'approvisionnement en amont (veuillez indiquer les sources utilisées pour obtenir cette information)
- les voies de transport (veuillez indiquer les sources utilisées pour obtenir cette information)

16. Avez-vous communiqué ces informations aux acheteurs des minerais ?

- Oui (Veuillez joindre un exemple de comment vous communiquez ces informations aux acheteurs)
- Non

Conservation des fichiers

17. Conservez-vous un fichier des achats de minerais et de la chaîne de responsabilité correspondante et / ou des informations sur la traçabilité ?

- Oui. Expliquez comment vous conservez ces informations
- Non

18. Utilisez-vous un système au niveau des industries (par exemple l'iTSCi) pour conserver vos fichiers ?

19. Comment et pour combien de temps conservez-vous vos fichiers ? (à savoir un minimum de cinq ans, de préférence sur une base de données informatisée)

Achats en espèces

20. Est-il possible pour votre entreprise d'éviter les achats en numéraire ?

- Oui. Nous ne faisons pas d'achat en numéraire.
- Plutôt. Seule une minorité de nos transactions est effectuée en numéraire. (Veuillez indiquer le %)

- Non. La majorité de nos transactions est effectuée en numéraire.
(Veuillez indiquer le %)

21. Dans les cas où les achats de minerais en numéraire sont inévitables, quelle documentation vérifiable est utilisée pour la transaction ?

- Non applicable
- Un chèque de banque
- Une facture
- Une lettre de crédit
- Virement télégraphique
- Autre. Veuillez précisez

Questions de discussion

22. Quelles difficultés avez-vous rencontré pour accroître la transparence de votre chaîne d'approvisionnement, et en particulier pour collecter les données?
Comment avez-vous répondu à ces difficultés?
23. Quels processus de collaboration avez-vous utilisés pour aider à la collecte de données ? Qu'est-ce qui est efficace ? Qu'est-ce qui ne l'est pas ?

Coopération avec les fournisseurs

24. Avez-vous communiqué votre politique relative à votre chaîne d'approvisionnement et les autres attentes en matière de devoir de diligence (par exemple le Guide OCDE) à vos fournisseurs ?

- Non
- Pas encore, mais nous prévoyons de le faire. (Veuillez spécifier quand et comment)
- Oui (Veuillez spécifier comment)

Contrats

25. Avez-vous intégré votre politique relative à votre chaîne d'approvisionnement dans vos contrats ? Depuis quand ? (Veuillez donner une description et donner des exemples)

- Oui (depuis)
Veuillez donner un exemple :
- Non

Renforcement des capacités des fournisseurs

26. Avez-vous participé à aucune formation sur le devoir de diligence ou à des efforts de renforcement des capacités avec vos fournisseurs, clients ou autres parties prenantes ?

- Oui (Veuillez les décrire)
 Non

27. Si oui, avez-vous et / ou vos fournisseurs et clients amélioré votre compréhension: (plusieurs réponses possibles)

- De la politique
 Des attentes de l'entreprise
 Des outils de collecte et de partage d'informations
 Des efforts de communication auprès de vos et/ou leurs fournisseurs
 Autre (Veuillez expliquer)

Mécanisme de traitement des plaintes

28. Avez-vous un mécanisme de traitement des plaintes disponible pour signaler tout problème / toute non-conformité concernant votre politique en matière de chaîne d'approvisionnement en minerais provenant des zones de conflit ?

- Oui (Veuillez décrire si vous comptez sur un mécanisme commun à toute l'industrie, comme l'iTSCi, ou si vous avez votre propre mécanisme interne de traitement des plaintes :)
 Non
 Non applicable

a. Si oui, veuillez décrire les mécanismes de traitement des plaintes en place :

- Numéro de téléphone
 Point de contact direct
 Mécanisme de dénonciation
 Médiateur
 Boîte aux lettres de plaintes
 Autre (Veuillez expliquer)

29. La disponibilité de votre mécanisme de traitement des plaintes est-elle communiquée publiquement?

- Oui
 Non

Etape II : Identifier et évaluer les risques associés à la chaîne d'approvisionnement

Etablir un schéma des conditions factuelles dans votre chaîne d'approvisionnement

30. Avez-vous entrepris une évaluation des risques de votre chaîne d'approvisionnement ?

Oui

Non

a. Si oui, avez-vous entrepris votre propre évaluation des risques de votre chaîne d'approvisionnement ou comptez-vous sur l'évaluation des risques de l'iTSCI ?

Nous avons entrepris une évaluation des risques de notre chaîne d'approvisionnement par nous-même et / ou à travers la collaboration avec des organismes autre que l'iTSCI.

Nous comptons sur l'évaluation des risques de l'iTSCI et nous entreprenons également notre propre évaluation des risques afin de compléter l'information de l'iTSCI. (Veuillez décrire comment vous complétez l'évaluation des risques de l'iTSCI avec votre propre évaluation et / ou en vous appuyant sur les audits de la CIRGL et des autres programmes multipartites de schématisation et de validation des sites miniers)

Nous comptons sur l'évaluation des risques de l'iTSCI seulement. Dans ce cas, veuillez expliquer si et comment l'évaluation des risques de l'iTSCI prend en considération les circonstances propres à la chaîne d'approvisionnement de votre entreprise et énumérées dans les questions 31 à 35

31. Quels efforts avez-vous entrepris afin d'identifier les acteurs en amont dans votre chaîne d'approvisionnement ? (plusieurs réponses possibles)

Communications directes avec vos fournisseurs et sous-traitant immédiats (Veuillez fournir les détails)

Incorporation (confidentielle) d'exigences de divulgation de la part des fournisseurs dans les contrats avec les fournisseurs (Veuillez fournir les détails)

Autre (Veuillez décrire):

32. Avez-vous identifié la mine d'origine exacte des minerais que vous achetez ?

Oui (Veuillez préciser les mines ou régions exacte)

Non (Veuillez décrire à quel point vous ne pouvez plus tracer les minerais)

33. Avez-vous identifié, pour les minerais que vous achetez, les voies de transport et les points de vente exacts ?

Oui (Veuillez spécifier les itinéraires de transport)

Non (Veuillez décrire à quel point vous ne pouvez plus tracer les minerais)

34. Prenez-vous des mesures pour vérifier les informations ci-dessus (la mine d'origine des minerais, les voies de transport) et les informations sur la chaîne de responsabilité et / ou sur la traçabilité avec des informations de terrain ? (par exemple des informations sur les cas de fraude ou de contrebande dans certaines zones de production ou de transport des minerais)

Oui (Veuillez décrire :)

Non

35. Recueillez-vous certaines des informations suivantes sur les circonstances de l'extraction minière et du commerce pour votre évaluation des risques sur le terrain ? (**sélectionnez toutes les réponses qui s'appliquent et expliquez comment vous avez collecté ces informations – par exemple grâce à vos propre réseaux sur le terrain, en vous appuyant sur les évaluations des programmes de l'industrie comme l'iTSCI, à travers des initiatives multipartites ou menées par le gouvernement comme les Centres de Négoce ou les commissions des mines, ou par l'exécution de programmes mettant en œuvre l'Initiative de certification des minerais de la CIRGL**)

- Cas de fraude, de contrebande ou de fausse représentation de l'origine et du transport des minerais (Veuillez décrire)
- Cas de violations graves associées à l'extraction, le transport, le commerce, la manutention et l'exportation des minerais (Veuillez décrire)
- Cas de soutien direct ou indirect aux groupes non-étatiques armés à travers l'extraction, le transport, le commerce, la manutention et l'exportation des minerais (Veuillez décrire)
- Cas de soutien direct ou indirect aux forces de sécurité publiques ou privées à travers l'extraction, le transport, le commerce, la manutention et l'exportation des minerais (Veuillez décrire)
- Cas de blanchiment d'argent associés à l'extraction, au transport, au commerce, à la manutention et à l'exportation des minerais (Veuillez décrire)
- Cas de corruption ou de paiement de pots de vin liés à l'extraction, au transport, au commerce, à la manutention et à l'exportation des minerais (Veuillez décrire)

36. Avez-vous des réseaux basés sur le terrain dans les mines d'origine des minerais et le long des voies de transport qui peuvent fournir des sources d'informations supplémentaires sur les circonstances factuelles de l'extraction et du commerce des minerais (comme indiqué ci-dessus) ? (Vous pourriez être en mesure d'obtenir des informations de terrain sur l'extraction et le commerce des minerais à travers des réseaux des organisations locales de la société

civile, des chefs tribaux ou des communautés, ou des agences gouvernementales locales)

- Oui (Veuillez décrire :)
 Non

37. Utilisez-vous certaines des informations suivantes pour vous aider à établir un schéma des circonstances factuelles de votre chaîne d'approvisionnement ?

- Rapports (Veuillez préciser en cochant une ou plusieurs des cases ci-dessous)
 Rapports de l'ONU
 Rapports des missions de validation organisées par le gouvernement
 Autres rapports gouvernementaux (Veuillez préciser)
 Rapports d'ONG locales
 Rapports d'ONG internationales
 Rapports rédigés par l'évaluateur des risques de l'iTSCI
 Autre (Veuillez préciser)
- Informations recueillies par une équipe d'évaluation sur le terrain (Veuillez préciser en cochant une ou plusieurs des cases ci-dessous)
 Notre entreprise a sa propre équipe d'évaluation sur le terrain
 Nous avons un partenariat avec des organisations de la société civile locale ou d'autres réseaux (voir ci-dessus) qui collectent des informations sur le terrain pour nous
 Autre (Veuillez préciser)

Evaluation des risques dans la chaîne d'approvisionnement

38. Utilisez-vous l'annexe II pour vous aider à évaluer les risques dans la chaîne d'approvisionnement ? (selon le Guide OCDE, toute incohérence entre l'annexe II et les conditions de l'extraction et le commerce des minerais est considérée comme un risque)

- Oui (Veuillez décrire)
 Non

39. Veuillez décrire, avec autant de détails que possible, les risques identifiés dans le cadre de votre évaluation des risques:

Etape III : Concevoir et mettre en œuvre une stratégie pour réagir aux risques identifiés

Gérer les risques

40. Quelle est l'approche de votre entreprise pour gérer le risque d'approvisionnement en minerais provenant de zones de conflit ?

- Approche pas encore définie
- Nous utilisons le Modèle de politique pour une chaîne d'approvisionnement globale responsable de l'Annexe II du Guide OCDE pour déterminer si les risques identifiés peuvent être atténués par la poursuite, la suspension ou la résiliation de la relation avec les fournisseurs.
- Nous utilisons nos propres facteurs de risques que nous avons définis. (Veuillez les définir)

41. Avez-vous consulté et vous êtes-vous mis d'accord sur la stratégie de gestion des risques avec les fournisseurs et les intervenants concernés, les autorités locales et centrales et les organisations de la société civile locales lors de l'élaboration de votre plan de gestion des risques ?

- Oui (donnez des exemples de ces consultations)
- Non
 - a. Si oui, avez-vous pris en compte les questions, préoccupations ou suggestions alternatives pour la gestion des risques qu'elles ont pu avoir ?
 - Oui (donnez des exemples)
 - Non
 - b. Si oui, avez-vous commencé à mettre en œuvre et à suivre la performance de la coopération et / ou des consultation avec les autorités locales et centrales, les entreprises en amont, les organisations locales et internationales de la société civile et les tierces parties concernés ?
 - Oui (donnez des exemples)
 - Non

42. Comment soutenez-vous vos fournisseurs en amont dans leur gestion des risques identifiés dans la chaîne d'approvisionnement dans l'application de leur devoir de diligence ?

- Nous ne les soutenons pas.
- Nous fournissons une formation pour permettre aux fournisseurs de mener et d'améliorer leur performance en matière de devoir de diligence au sein de leur chaîne d'approvisionnement.
- Nous participons à des formations / programmes d'améliorations d'organisations de l'industrie pour développer et mettre en œuvre des

modules de formation en matière de devoir de diligence en coopération avec des organisations internationales compétentes, des ONG, des intervenants et d'autres experts.

- Nous fournissons une aide financière aux fournisseurs afin de participer à des formations externes ou de bénéficier du soutien disponible de l'industrie (Veuillez décrire _____)
- Autre (Veuillez décrire _____)

43. Comment avez-vous rendu votre plan d'évaluation des risques de la chaîne d'approvisionnement et de gestion des risques public ?

- Il est disponible sur notre site (Veuillez fournir le lien _____)
- Nous en avons fourni une copie aux autorités locales et centrales
- Nous en avons fourni une copie aux entreprises en amont
- Nous en avons fourni une copie à la société civile locale et aux tierces parties concernées

Question de discussion

- 44. Comment vous êtes-vous assurés que les acteurs locaux concernés pourraient examiner et commenter le plan d'évaluation et de gestion des risques ?
- 45. Comment avez-vous pris en compte les questions, les préoccupations et les suggestions alternatives des parties concernées pour la gestion des risques ?
- 46. Veuillez donner l'échéancier approximatif de votre plan de gestion des risques. Comment suivez-vous la performance des mesures d'atténuation des risques ?
- 47. Conduisez-vous une revue de l'évaluation des risques après que les plans de correction / les formations ont eu lieu ?

Etape IV : Audit indépendant mené par des tiers sur les pratiques de diligence de l'affinerie/de la fonderie

Le Guide OCDE recommande que le devoir de diligence soit mis en œuvre seulement au niveau de la fonderie. L'intention est que, en se concentrant sur les audits au niveau de la fonderie, le nombre d'audits à tous les niveaux de la chaîne d'approvisionnement soit réduit au fil du temps, pour en fin de compte faire gagner à l'industrie du temps, de l'argent et de l'énergie

48. Avez-vous participé à quelque audit spécifique de la chaîne d'approvisionnement que ce soit (par exemple audits de l'iTSCi, audits du programme Fonderies sans conflit (FSC, audits de la Certification Nationale de la RDC) ?

- Oui (Veuillez décrire : _____)
- Non

49. Avez-vous des suggestions ou des idées sur la façon de rationaliser le processus d'audit et de réduire les vérifications inutiles et répétitives ?

Etape V : Publier chaque année un rapport sur l'exercice du devoir de diligence concernant la chaîne d'approvisionnement

50. Rendez-vous public vos rapports sur vos politiques et pratiques en matière de devoir de diligence ?

- Oui (Veuillez joindre le rapport et préciser comment vous l'avez mis à la disposition du public)
- Non

51. Comment l'information est-elle publiée ?

- Rapport annuel
- Rapport de RSE / Développement durable
- Autre rapport spécifique à l'approvisionnement de minerais sans conflit
- Publiée sur le site de l'entreprise
- Document interne seulement
- L'information n'est pas publiée

52. A quelle fréquence publiez-vous un rapport ?

- Annuel
- Trimestriel
- Seulement quand il y a quelque chose à signaler
- L'information n'est pas publiée

Annex 2. iTSCI Questionnaire

iTSCI Questionnaire

General Questions

1. Can you please list all the mine sites where iTSCI is currently operational? Please also describe and identify iTSCI personnel and partners, both in iTSCI international and locally at sites where iTSCI is operational (e.g. iTSCI Programme Operators, iTSCI Provincial Managers, Senior Technical Advisor, iTSCI Secretariat, Steering Committee).
2. Are there plans to expand to other sites? If so, please describe the plans, including the challenges and opportunities for such expansion.

iTSCI Membership

3. How many full and provisional members does iTSCI currently have? Please attach a list of all provisional and full members.
4. Have transport companies, assayers or other service providers expressed an interest in becoming members of iTSCI? If so, please describe.
5. Are there plans for iTSCI to publicly disclose its membership (full, provisional and associate members)? If so, what have been the challenges in making such disclosures? Please also describe to what extent iTSCI will publish if at all, the information collected on members, particularly the company supply chain policies?
6. What is the actual timetable for becoming a full iTSCI member and when are the current provisional iTSCI members expected to become full iTSCI members? What have been the challenges in approving iTSCI members?
7. How are iTSCI members (provisional or full) informed on developments in the iTSCI system, risks relating to their supply chain and of their membership status?
8. It would be helpful to get a sense of where smaller companies are at in terms of their current awareness of due diligence, their capacity to carry out due diligence and how iTSCI deals with them. How are the practicalities of SME resources taken into account when applying iTSCI membership criteria to smaller companies?

iTSCI Traceability system

9. Please describe your experiences in training of government institutions to operate tagging process. For example, what challenges and successes have you encountered (please provide examples from various sites where iTSCI is operational in Rwanda and DRC)? What tools and approaches have been most effective?
10. Have there been any instances of theft of tags or missing tags? How is this caught by the iTSCI system? Does iTSCI also assess for risk that some government institutions could be involved in issuing fraudulent tags? If so, how?
11. Has iTSCI considered whether it would ever use other types of tagging systems (e.g. RF tags), depending on the mine site? What factors have influenced this decision-making?

iTSCI Ombudsman

12. Is the iTSCI Ombudsman system currently operational?
 Yes.
 No.
13. Does iTSCI sees it as a grievance mechanism as described under step 1E of the Guidance?
14. How many times has the system been used by iTSCI members?

iTSCI Risk Assessments and risk management

15. What is the current status of risk assessments? Please describe:
 - **Baseline studies:** Have all sites where iTSCI is operational undergone a baseline study? Who has the final responsibility over the study and how are tasks divided between the programme operators, the local iTSCI staff, local stakeholder committees and the risk assessor. Please briefly describe the baseline studies already completed, including who participated and the key findings. Also please explain the challenges in undertaking this assessment and how they were overcome.
 - **Company profile:** Describe the process for undertaking a risk assessment of members? Is this company profile updated over time? Are individual members re-assessed for risk of affiliation with non-state armed groups or public or private security forces over time?
 - **Macro-level risk assessment:** Please provide an update on all the planned or already completed macro-level risk assessments.

- 16.** What is the disclosure policy of the baseline studies, company profiles and macro level risk assessments, both amongst members and the public at large?
- 17.** Is iTSCI operational on any sites with identified risks of direct or indirect support to public or private security forces?
- Yes.
 No.
 If yes, please describe the steps taken to manage the risk and ensure follow-up.
- 18.** Are stakeholders using the iTSCI incident protocol? Has it proven effective for getting alerted to risk, or is it too soon to tell? Please provide examples of the number of times the incident protocol was used on a monthly basis at various sites where iTSCI is operational. Please also indicate which of the four categories of incidents are most reported up on.
- 19.** Are there specific indicators programmed into the iTSCI database that automatically notify iTSCI staff of risk (e.g. loss thresholds from mine tag into batches)? If so, please describe in as much detail as possible
- 20.** How do iTSCI members input to manage risk and decide on acceptable strategies? Can you provide examples?

iTSCI Stakeholder Committees

- 21.** Please list the participants in the provincial and local stakeholder committees at all sites where iTSCI is operational.
- 22.** How did you set about convening the stakeholder committees at both the provincial and local levels? For example, how did you identify participants, bring them together and decide on the terms and objectives of the committees? (Please describe for each site where iTSCI is operational)
- 23.** How often do provincial and local stakeholder committees convene? (Please describe for each site where iTSCI is operational)
- 24.** What lessons have you learnt that have made or will make the stakeholder committees at provincial and local levels operate more effectively?

iTSCI Audits

- 25.** Please provide an update on the status of all iTSCI audits. In particular, please describe the audits (underway and planned) of smelter's due diligence and how iTSCI considers it tying into Step 4 of the OECD Due Diligence Guidance? Also describe who is responsible for carrying out these audits?

- 26.** How is iTSCI collaborating with CFS or other industry programmes (like the Solutions for Hope project) to streamline audit approaches and avoid inefficiencies or diverging approaches, etc.? Please update in as much detail as possible

Field visits

- 27.** Please clarify whether the field visits undertaken by Channel Research in August 2011 and December 2011-January 2012 took place in the frame of the iTSCI audit, the mine baseline studies, the company risk assessments of the macro level risk assessment.

Data Management and release

- 28.** Please describe and provide an update on the current status of iTSCI's data management and release policies for:
 - ICGLR;
 - DRC;
 - Rwanda;
 - Other?

- 29.** From which (physical) places is the IBM database currently accessible and who has access to it?

- 30.** Are there any associate iTSCI members? If so, how many?

- 31.** How do associate iTSCI members access information on sites where iTSCI is operational?

Other

- 32.** Although not directly within the purview of upstream companies' due diligence, does iTSCI assist downstream companies with overcoming confidentiality issues associated with disclosing smelter names for downstream companies? If so, how?

- 33.** How could the implementation phase of the OECD Guidance and the ICGLR-OECD-UN GoE joint forum on implementation of due diligence help to streamline process, support the implementation of iTSCI and strengthen current due diligence practices?

Annex 3. IPIS workshop on the OECD Guidance on due diligence
Goma, North Kivu, February 2012



Annex 4. Note circulaire on the implementation of the OECD Guidance at national level in the DRC

République Démocratique du Congo



MINISTÈRE DES MINES

Le Ministre

**Note Circulaire n°.../CAB.MIN/MINES/01/2011 du
06 Septembre 2011 relative à l' Application obligatoire des directives et
recommandations du Guide du Devoir de diligence de l'OCDE et
de la résolution 1952 (2010) du Conseil de Sécurité de l'ONU
dans le secteur minier Congolais.**

Le Ministère des Mines diffuse la présente Note Circulaire dans le but de vulgariser les directives et recommandations de l'OCDE ainsi que les résolutions de l'ONU sur le Devoir de Diligence pour promouvoir les chaînes d'approvisionnement responsables dans le secteur minier Congolais, en conformité avec la décision des Chefs de l'Etat de la CIRGL prise lors du sommet du 15 décembre 2010 à Lusaka et de l'engagement pris par la République Démocratique du Congo, suivant la lettre n° CAB.MIN/MINES/01/0687/2011 du 15 juillet 2011 adressée à l'Autorité américaine de régulation, la Securities and Exchange Commission, en sigle « SEC ».

A cet effet, il est fait obligation à tous les opérateurs miniers, personnes physiques ou morales, d'exercer, à tous les niveaux des chaînes d'approvisionnement d'exploitation, de transport, de commercialisation, de traitement et d'exportation, les recommandations spécifiques du Devoir de Diligence de l'OCDE et de la résolution 1952 (2010) du Conseil de Sécurité de l'ONU.

Pour une bonne approche, l'exercice du Devoir de Diligence est défini comme étant le processus continu, positif et réactif qui permet aux entreprises de prendre des mesures raisonnables et de bonne foi, afin qu'elles respectent les droits humains, qu'elles ne contribuent pas aux conflits, et qu'elles observent le droit international et se conforment aux législations nationales, y compris celles qui concernent le commerce illicite des minerais et les sanctions des Nations Unies.

2^e étage, Immeuble Gécamines 100 BIZACCI, Boulevard du 30 Juin, Kinshasa/Gombe - RD Congo
Tél : (+243) 01 - 515 - 4771
Site Web : www.minesgroupe.cd
Email : cabinet@yahoob

Annex 5. Arrêté ministériel obliging comptoirs to become processing entities

République Démocratique du Congo



MINISTÈRE DES MINES

Le Ministre

Kinshasa, le 23 DEC 2011

N° CAB-MIN/MINES/01...1164...2011

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat
(Avec l'expression de mes hommages les plus déferents)

- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement
(Avec l'assurance de ma haute considération)

- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur, Sécurité, Décentralisation et Aménagement du Territoire

- Son Excellence Monsieur le Vice-Premier Ministre, Ministre des Postes et Nouvelles Technologies de Communication

- Monsieur le Secrétaire Général des Mines

- Monsieur le Directeur Général du CEC (TOUS) à KINSHASA/GOMBE

- Messieurs les Gouverneurs de Provinces

- Messieurs les Ministres provinciaux en charges des Mines

- Messieurs les Chefs de Divisions Provinciales des Mines de :

- Katanga
- Maniema
- Nord-Kivu
- Sud-Kivu

(TOUS) en RDC

- Monsieur le Président National de la FEC

- Monsieur le Président de la Chambre des Mines

- Monsieur le Vice-Président de la Chambre des Mines, chargé de la filière stannifère (TOUS) en RDC

2^e niveau, Immeuble Gecamines (ex SOZAGOM), Boulevard de 40 Jours, Kipnigé/Gombe - RDC
Tél. : (09243) 01 - 510 - 4771
Site Web : www.gecamines.com

Objet : Transformation des comptoirs
de la filière stannifères et ses
accompagnateurs en entités
de traitement ou de
transformation des
substances minérales.

Rappel

A Messieurs les Responsables des
Comptoirs agréés de la filière
stannifère
(TOUS) en RDC

Messieurs,

Je vous rappelle que par ma Note-circulaire n° 001/CAB.MIN/MINES/01/2011 du 06/08/2011, le moratoire vous accordé qui allait du 1^{er} mars au 1^{er} septembre 2011, en vue de vous permettre de mettre à profit cette période pour transformer vos comptoirs en entités de traitement ou de transformation des substances minérales avait été prorogé au 31/12/2011. Par la présente, je vous confirme qu'il n'y aura plus d'autres prorogations.

En conséquence, au 01/01/2012, seuls les comptoirs qui auront introduit leurs dossiers de demande d'agrément au titre d'entités de traitement ou de transformation des substances minérales et les auront obtenu, seront autorisés à poursuivre leurs activités.

En effet, la valorisation des produits miniers, avant toute exportation, est devenue un impératif catégorique pour notre Gouvernement en vue d'augmenter les recettes du secteur minier et rendre nos produits miniers plus compétitifs sur le marché international.

Il y a donc lieu de prendre toutes

dispositions utiles quant à ce.

Veuillez agréer, Messieurs, l'expression

de mes sentiments distingués.

Martin KABWELULU

Annex 6. Acte Constitutif of “Save Act Mine”

« SAVE ACT MINE / DRC » (S.A.M/DRC)

a.s.b.l

ACTE CONSTITUTIF

ENTRE LES SOUSSIGNÉS :

1. La société civile de la province du nord Kivu représentés aux fins des présentes par Messieurs :
 - Prince KIHANGI KYAMWAMI, sec exc. du BEDEWA.
 - Jeredy MALONGA, representant du CREDDHO
2. Monsieur JAMAL USENI, représentant le comptoir KM KASADO
3. L'association des négociants des minéraux du Nord Kivu, « ANEMNKI »en sigle, représentée aux fins des présents par Monsieur KITSA Sadoc, président provincial du Nord Kivu ; ZIRIMWAGABO NGUZA, vice président de l'ANEMNKI ; sabin SIFUMUNGU KALUME, secrétaire de l'ANEMNKI ;
4. La coopérative minière de m'pama bisie « COMIMPA » en sigle, représente aux fins des présentes par Monsieur MUTIA MBURANO axel, gérant de la COMIMPA ;
5. La coopérative minière et de développement pour la reconstruction « COMIDER » en sigle représenté aux fins des présentes par Monsieur KALINDA MUKOMBO Emmanuel, président et manager des projets ;
6. L'association des transporteurs des minéraux du Nord Kivu, représente aux fins des présentes par Monsieur KALABA MWISHA ;

PREAMBULE

Vu la loi N°007/2002 du 11 juillet 2002 portant code minier de la RDC

Vu le décret N°38/2003 du 26 mars 2003 portant règlement minier ;

Vu la loi N°004 du 20 juillet 2001 portant disposition générales applicables

Aux associations sans but lucratif et aux établissements d'utilité publique ;

Vu la note circulaire N°002/CAB.MIN/MINES/01/2011 du 06 septembre 2011

relative à la l'application obligatoire des recommandations du guide du devoir

de diligence de l'OCDE et de la résolution 1952 du conseil de sécurité des

nations unies dans le secteur minier congolais ;

- Considérant la nécessité impérieuse d'assurer une large diffusion des recommandations du guide de l'OCDE, de la CIRGL, de toutes les résolutions

- pertinentes du conseil de sécurité des nations unies sur les minerais de l'est de la RDCONGO et des réglementations minières nationales quant a leurs mise en application active et permanente par les acteurs miniers de la RDC ;
- Considérant que l'accent devait etre mis sur des approches concertées et constructives pour faire face à des défis complexes du secteur minier ;
 - Attendu que les activités minières ne doivent en aucun occasionner des violation des droits humains ni financer ni exacerber le conditions de conflit.
 - Convaincu que la promotion des chaînes d'approvisionnement responsables au sein des entreprises œuvrant dans le secteur minier constitue la solution durables pour le développement économique de l'est de la RD CONGO ;
 - Convaincu que l'implication active des organisations locales aux cotes des partenaires internationaux est la garantie pour le succès de la mises en places des différents outils de tracabilite, de certification et autres ;

IL A ETE CONVENU CE QUI SUIT :

Article 1 : DE LA CREATION ET DE LA DENOMINATION

Il est créer a Goma, en date de 13 février 2012 une organisation sans but

Lucratif dénommé : « **SAVE ACT MINE / DRC** »; (**S.A.M/DRC**) en sigle.

Article 2 : DU SIEGE SOCIAL ET D'EXPLOITATION

Le siège social est établis a Goma, chef de la province du Nord Kivu en R.D CONGO.

Le siège d'exploitation est sis avenu des orchidées 3 N°88/Quartier des volcans ;commune

De Goma.

Article 3 : LA DUREE :

« **SAVE ACT MINE / DRC** » (**S.A.M/DRC**) en sigle est créer pour une durée indéterminée

Article 4 : DES OBJECTIFS

A. OBJECTIF GLOBAL :

L'objectif de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**) en sigle est d'aider les acteurs miniers situes aux différents niveaux de la chaîne d'approvisionnement de s'adapter a la nouvelle configuration du secteur minier

B. OBJECTIFS SPECIFIQUES :

A) AU NIVEAU DES ENTITES DE TRAITEMENT (EXPORTATEURS)

- 1) promouvoir la mise sur pied des systèmes de gestion
Intérieur bases sur le devoir de diligence pour des chaînes d'approvisionnement responsables.
- 2) Le renforcement des capacités des agents chargés du devoir de diligence au sein des entités de traitement.
- 3) Promouvoir la création d'une plate forme d'échange d'informations entre les entités de traitements sur les négociants (fournisseurs), les transporteurs et les coopératives engagés dans les activités minières en vue du renforcement des mesures d'atténuation des risques.
- 4) Crée un cadre de sensibilisation permanent dans chaque comptoir en faveur des négociants (fournisseurs).

b) AU NIVEAU DES NEGOCIANTS :

- 1) Organiser des séminaires de formation, de sensibilisation sur les recommandations du guide de l'OCDE et de la CIRGL.
- 2) Organiser des activités de renforcement de capacité avec négociants.

c) AU NIVEAU DES COOPERATIVES MINIERES ET DES TRANSPORTATEURS:

- 1) Organisations des activités de sensibilisations et de vulgarisation au niveau des sites miniers et des centres des négocios du guide de l'OCDE et des autres outils.
- 2) Sensibilisation des transformateurs sur le devoir de diligence dans leurs milieux de travail.

Article 5 : DE LA GESTION

Les parties conviennent d'un commun accord de mettre en place une structure charge de la gestion et de l'exécution des activités de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**) en sigle.

Article 6 : le comité de gestion de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**)
Est composé de :

- | | |
|---------------------------------|---------------------------|
| a) Coordonateur : | JAMAL USENI |
| b) Coordonateur adjoint | MUTIA MBURANO axel |
| c) Secrétaire : | IRENGE Théodore |
| d) Charge de finance : | KALOBA MWISHA |
| e) Charge de programme : | KIUNDA René |

f) Charge de la logistique : **SIFUMUNGU KALUME sabin**

g) Superviseur des équipes : **MAZAMBI BAHII**

Article 7 : les poste de responsabilité au sein du comite de gestion sont occupés sur base des Compétences .toute fois le recrutement se fait au sein des organisations partie prenantes a la création de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**) en sigle.

Article 8 : le mandat du comite de gestion de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**)

En sigle est de cinq ans deux fois renouvelables.

Cependant chaque membre déclare dans l'indisponibilité peut être remplacé à tout Moment du mandat. Selon les prescriptions du règlement d'ordre intérieur.
Article 9 : les membres du comite de gestion sont rémunérés en fonctions des projets en exécution.

Article 10 : **DU REGLEMENT DES LITIGES**

Toute contestation relatives à la validité, à l'exécution et à l'interprétation du présent Acte constitutif de « **SAVE ACT MINE / DRC** » (**S.A.M/DRC**) en sigle. Sera réglé à l'amiable. En cas de non conciliation, les parties conviennent de soumettre le différend auprès des cours et tribunaux compétentes en RD CONGO

Article 11 : **DES DISPOSITIONS FINALES**

Le présent acte constitutif est complété par le règlement d'ordre intérieur.
Les parties s'engagent à exécuter de bonne foi les dispositions du présent acte qui Entre en vigueur à la date de sa signature.

Ainsi fait à Goma le 13 février 2012

**Annex 7. Arrêté ministériel relating to the validation of mine sites in South Kivu
(including list of validated mine sites)**

République Démocratique du Congo



MINISTÈRE DES MINES

Le Ministre

**ARRETE MINISTERIEL N° 0189/CAB.MIN/MINES/01/2012 DU 23 MAR 2012
PORTANT QUALIFICATION ET VALIDATION
DES SITES MINIERS DES TERRITOIRES DE KABARE, MWENGA ET
WALUNGU DANS LA PROVINCE DU SUD-KIVU**

Vu la Constitution, telle que revue et complétée par la Loi n° 11/002 du 20 janvier 2011, spécialement ses articles 9, 93 et 202 point 36 litera f ;

Vu la Loi n°007/2002 du 11 juillet 2002 portant Code Minier ;

Vu la Loi n°015/2002 du 16 octobre 2002 portant Code du travail ;

Vu le Décret 038/2003 du 26 mars 2003 portant Règlement Minier ;

Vu l'Ordonnance n° 08/73 du 24 décembre 2008 portant organisation et fonctionnement du Gouvernement, modalités pratiques de collaboration entre le Président de la République et le Gouvernement ainsi qu'entre les membres du Gouvernement ;

Vu l'Ordonnance n°08/074 du 24 décembre 2008 fixant les attributions des Ministères ;

Vu l'Ordonnance n° 11/063 du 11 septembre 2011 portant nomination des Vice-Premiers Ministres, Ministres et Vice-ministres ;

Vu l'Arrêté Ministériel n° 057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la Conférence Internationale de la Région des Grands Lacs « CIRGL » en République Démocratique du Congo ;

3^e niveau, Immeuble Gécamines (ex SOZACOMI), Boulevard du 30 Juin, Kinshasa/Gombe - RDC
Tel.: +(00243) 01 - 510 - 4771
Site Web : www.mines-rdc.gov
Email : info@mines-rdc.gov



Vu l'Arrêté Ministériel n° 058/CAB.MIN/MINES/01/2012 du 29 février 2012 fixant des procédures de mécanismes de qualification et de validation des sites miniers des filières aurifère et stannifère dans les Provinces du Katanga, Maniema, Nord-Kivu, Sud-Kivu et Province Orientale;

Considérant la lettre n° CAB.MIN/MINES/02/0379/2011 du 13 avril 2011 transmettant les termes de référence aux équipes conjointes pour la validation des Mines ;

Considérant le rapport de qualification des sites miniers des Territoires KABARE, MWENGA et WALUNGU dans la Province du Sud-Kivu ;

Vu la nécessité et l'urgence ;

ARRETE:

Article 1 :

Est approuvé, le rapport de mission effectuée, du 16 au 23 juin 2011, par l'équipe conjointe en Territoires de KABARE, MWENGA et WALUNGU dans la Province du Sud-Kivu, pour la qualification et la validation des sites miniers couverts par les Permis d'Exploitation n° 43, 44 et 48 appartenant à Tangwiza Mining et d'autres relevant du Centre de Négoce de Mugogo.

Article 2 :

Le tableau repris en annexe au présent Arrêté fait état des sites miniers validés et non validés suivant la qualification conférée par le rapport de mission dont question à l'article 1^{er}.

La durée de validité de la présente qualification est de six (06) mois à compter de la date de signature du présent Arrêté.

Le rapport de mission et le présent Arrêté y compris son annexe sont publiés sur les sites WEB du Ministère des Mines et du Projet PROMINES.



Article 3 :

Les sites miniers qualifiés et validés peuvent faire l'objet d'un audit indépendant, soit à l'initiative du Ministre National ayant les Mines dans ses attributions, soit à l'initiative des organismes internationaux tels que l'ONU, l'OCDE, la CIRGL ou tout autre organisme public ou privé national ou international concerné et/ou impliqué dans la mise en œuvre des standards CTC, OCDE et CIRGL.

Les sites miniers qualifiés « **Rouge** » ou « **jaune** » et non validés ne peuvent faire l'objet d'aucune activité minière.

Les intervenants lésés par la non validation des sites miniers dans lesquels ils opèrent peuvent requérir une inspection de suivi en vue d'examiner l'évolution de la situation sécuritaire et sociale desdits sites.

Article 4 :

Le Secrétaire Général des Mines, le Directeur Général du Cadastre Minier, le Coordonnateur Général du SAESSCAM et le Coordonnateur National du Projet PROMINES sont chargés, chacun en ce qui le concerne, de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kinshasa, le 23 MAR 2012

Martin KABWELULU



Le Ministre

ANNEXE A L'ARRÈTE MINISTÉRIEL N° 018/0/CAB/MIN/MINES/01/2012 DU SITES MINIERS DES TERRITOIRES DE KABARE, MMENGA ET WALLINGU DANS LA PROVINCE DU SUD-KATU

N°	Dénomination	Code	Site minier	Qualification/Véification
				Vérité, Jaune et Rouge
01	Nyampeho	PE/144/TM /SK/Mines/Cert/001/2012		Vert
02	Katubu-karhendezi	PE/48/TM /SK/Mines/Cert/002/2012		Vert
03	Zola-Zola	PE/44/TM /SK/Mines/Cert/003/2012		Vert
04	Kashawa	PE/43/TM /SK/Mines/Cert/004/2012		Vert
05	Cirche	PE/44/TM /SK/Mines/Cert/015/2012		Vert
06	Kashibeye	PE/44/TM /SK/Mines/Cert/006/2012		Vert
07	Nyabibwe	CN/MUG/SK/Mines/Cert/007/2012		Vert
08	Muhinga	CN/MUG/SK/Mines/Cert/008/2012		Vert
09	Mukungwe			Rouge
10	Uhondo-Nkambye			Rouge
11	Mwana-River			Rouge
12	Lukunguri			Rouge
13	Kashegeshe			Rouge
14	Nyanurhale			Jaune
15	Kadij Katanga			Jaune
16	Mushangl (D8)			Jaune
17	Ntula			Jaune
18	Bushubu			Jaune
19	Miskeke			Jaune
20	Namadava			Jaune
21	Rugenge-Luduba			Jaune
22	Kilima Kwale			Jaune
23	Lutunkulu (Colline 6)			Jaune
24	Lutunkulu (Colline 1)			Jaune
25	Kadij Katesa			Jaune

Légende :

- CN : Centre de Négoce ;
- SK : Sud-Katu;
- MUG : Mugago ;
- TM : Twangiza Mining ;
- PE : Permis d'Exploitation;
- 43, 44 et 45 : Numéros Permis d'Exploitation.

Fait à Kinshasa, le 23 MAR 2012

Martin KABWELULU

2ème niveau, Immeuble Okemans (ex SOZICOM), Boulevard du 30 Mai, Kinshasa-Centre - RDC
Tél. (+243) 01-510-4771
Site Web : www.mines.rdc.gouv.r
Email : mug@mines.rdc.gouv.r

**Annex 8. Arrêté ministériel relating to the validation of mine sites in North Kivu
(including list of validated mine sites)**

République Démocratique du Congo



MINISTÈRE DES MINES

Le Ministre

**ARRETE MINISTERIEL N° 0188/CAB.MIN/MINES/01/2012 DU 22 MAR 2012
PORTANT QUALIFICATION ET VALIDATION
DES SITES MINIERS DU TERRITOIRE DE MASISI
DANS LA PROVINCE DU NORD-KIVU**

Vu la Constitution, telle que revue et complétée par la Loi n° 11/002 du 20 janvier 2011, spécialement ses articles 9, 93 et 202 point 36 litera f ;

Vu la Loi n°007/2002 du 11 juillet 2002 portant Code Minier ;

Vu la Loi n°015/2002 du 16 octobre 2002 portant Code du travail ;

Vu le Décret 038/2003 du 26 mars 2003 portant Règlement Minier;

Vu l'Ordonnance n° 08/73 du 24 décembre 2008 portant organisation et fonctionnement du Gouvernement, modalités pratiques de collaboration entre le Président de la République et le Gouvernement ainsi qu'entre les membres du Gouvernement ;

Vu l'Ordonnance n°08/074 du 24 décembre 2008 fixant les attributions des Ministères ;

Vu l'Ordonnance n° 11/063 du 11 septembre 2011 portant nomination des Vice-Premiers Ministres, Ministres et Vice-ministres ;

Vu l'Arrêté Ministériel n° 057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de Certification de la Conférence Internationale de la Région des Grands Lacs « CIRGL » en République Démocratique du Congo ;



Vu l'Arrêté Ministériel n° 058/CAB.MIN/MINES/01/2012 du 29 février 2012 fixant des procédures de mécanismes de qualification et de validation des sites miniers des filières aurifère et stannifère dans les Provinces du Katanga, Maniema, Nord-Kivu, Sud-Kivu et Province Orientale;

Considérant la lettre n° CAB.MIN/MINES/02/0379/2011 du 13 avril 2011 transmettant les termes de référence aux équipes conjointes pour la validation des Mines ;

Considérant la lettre n° CAB/320/MiniPro/Mines/H.E.PME/NK/2011 du 12 octobre 2011 transmettant le rapport de qualification des sites miniers du territoire de Masisi dans la province du Nord-Kivu ;

Vu la nécessité et l'urgence ;

ARRÊTE :

Article 1 :

Est approuvé, le rapport de mission effectuée, du 04 au 05 août 2011, par l'équipe conjointe en Territoire de Masisi dans la Province du Nord-Kivu, pour la qualification et la validation des sites miniers couverts par le Permis d'Exploitation n° 4731 appartenant à MHI et ceux relevant du Centre de Négoce de Rubaya.

Article 2 :

Le tableau repris en annexe au présent Arrêté fait état des sites miniers validés et non validés suivant la qualification conférée par le rapport de mission dont question à l'article 1^{er}.

La durée de validité de la présente qualification est de six (06) mois à compter de la date de signature du présent Arrêté.

Le rapport de mission et le présent Arrêté y compris son annexe sont publiés sur les sites WEB du Ministère des Mines et du Projet PROMINES.



Article 3 :

Les sites miniers qualifiés et validés peuvent faire l'objet d'un audit indépendant, soit à l'initiative du Ministre National ayant les Mines dans ses attributions, soit à l'initiative des organismes internationaux tels que l'ONU, l'OCDE, la CIRGL ou tout autre organisme public ou privé national ou international concerné et/ou impliqué dans la mise en œuvre des standards CTC, OCDE et CIRGL.

Les sites miniers qualifiés « **Rouge** » ou « **jaune** » et non validés ne peuvent faire l'objet d'aucune activité minière.

Les intervenants lésés par la non validation des sites miniers dans lesquels ils opèrent peuvent requérir une inspection de suivi en vue d'examiner l'évolution de la situation sécuritaire et sociale desdits sites.

Article 4 :

Le Secrétaire Général des Mines, le Directeur Général du Cadastre Minier, le Coordonnateur Général du SAESSCAM et le Coordonnateur National du Projet PROMINES sont chargés, chacun en ce qui le concerne, de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kinshasa, le 23 MAR 2012

Martin KABWELULU



**ANNEXE A L'ARRÊTE MINISTERIEL N° 01/08/CAB.MIN/MINES/01/2012 DUPORTANT QUALIFICATION
ET VALIDATION DES SITES MINIERS DU TERRITOIRE DE MASIDI DANS LA PROVINCE DU NORD-KIVU**

N°	Dénomination	Code	Site minier	Qualification/Validation
				Vert-Jaune ou Rouge
01	D2 Bibatama	PE/4731/MHI/NK/Mines/Cert/001/2012		Vert
02	D2 Matabá	PE/4731/MHI/NK/Mines/Cert/002/2012		Vert
03	D3 Bibatama	PE/4731/MHI/NK/Mines/Cert/003/2012		Vert
04	D4 Gakombe	PE/4731/MHI/NK/Mines/Cert/004/2012		Vert
05	Luwowwi/Gasasa	PE/4731/MHI/NK/Mines/Cert/005/2012		Vert
06	Koyi	PE/4731/MHI/NK/Mines/Cert/006/2012		Vert
07	Budjali	PE/4731/MHI/NK/Mines/Cert/007/2012		Vert
08	Bishasha	PE/4731/MHI/NK/Mines/Cert/008/2012		Vert
09	Nyamukubi/Ruzirantaka	CN/Rub/NK/Mines/Cert/009/2012		Vert
10	Kamatiale	CN/Rub/NK/Mines/Cert/010/2012		Vert
11	Birambo	CN/Rub/NK/Mines/Cert/011/2012		Vert
12	Katuunda			Rouge
13	Tanzanie			Rouge
14	Luutu			Rouge
15	Mutundi			Rouge
16	Bihura			Jaune
17	D6 Mufunzi			Jaune
18	Kaitoyu			Jaune
19	Mushwau			Jaune
20	Mpati			Jaune
21	Lwizi			Jaune

Légende :

- PE : Permis d'Exploitation ;
- CN : Centre de Négoce ;
- NK : Nord-Kivu ;
- MHI : Mangatchicu International ;
- RUB : Rubaya ;
- 4731 : Le n° du Permis d'Exploitation.

Fait à Kinshasa le 23 MAR 2012

Martin KABWEWULU

Annex 10. Examples of due diligence policies by upstream companies



Conflict Mining Policy

Rutongo Mines is concerned with the minerals that are extracted from mining operations that fuel military conflict, related human rights violations and environmental degradation. This Conflict Minerals Policy is in line with the Company's Code of Conduct, which sets out the Company's strong commitment to ethical business principles and promoting human rights and environmental protection.

Rutongo Mines will not mine or trade any such conflict minerals and has implemented an electronic tracking system that tracks the minerals from the tunnel entrance through to the smelter.

Rutongo Mines supports seeking a sustainable solution to the issue of conflict minerals through collaboration and traceability of minerals and the transparency of global supply chains.

Rutongo Mines is committed to the highest standards of ethical conduct and full compliance with all applicable national and international laws.

Rutongo Mines actively participates in industry initiatives that aim to advance traceability, transparency, and shared due diligence, validation or certification mechanisms, that, together, can assure companies that the metals used in their products do not contribute to conflict and come from sustainable sources.

Rutongo Mines has a "Whistleblower" Policy that protects the identity of all whistleblowers and sets out procedures for the disclosure of information.

Rutongo Mines commits to disclosing the progress of the implementation of this Conflict Mining Policy as part of its annual corporate responsibility reporting.

Rutongo Mines is committed to being fully compliant with all the relevant United Nations and international sanctions, and domestic laws implementing such resolutions. The Company Policy on Conflict Mining will follow and commit to the OECD guidelines.

CERTIFICATE OF INCORPORATION NO. 1892/09/NYR

P.O. Box 6132
Kigali
Republic of Rwanda

Tel : +250 788305193
E-Mail : martkat@bigpond.net.au

QUESTIONS SPECIFIQUES SUR LE DEVOIR DE DILIGENCE

**Etape I : Etablir des systèmes solides de gestion de l'entreprise.
Politique relative à la chaîne d'approvisionnement en minerais
provenant des zones de conflit.**

1. Voici notre politique (les principes directeurs)
 - Notre entreprise n'achètera pas des minerais provenant des sites où sont perpétrés des actes suivants :
 - ❖ Travail forcé, torture et traitement dégradant ;
 - ❖ Pires formes de travail des enfants ;
 - ❖ Atteintes aux droits humains (victimes sexuelles)
 - ❖ Crimes de guerre (violations de droit humanitaire international, génocide, etc.)
 - Notre entreprise s'engage à suspendre immédiatement toute relation avec des fournisseurs en amont au cas d'un risque raisonnable identifié dans la chaîne d'approvisionnement en rapport à des atteintes graves ci-haut énumérées.
 - Notre entreprise ne soutiendra en aucun cas directement ou indirectement des groupes armés illégaux présents dans les sites de provenance des minerais à acheter – car il s'agirait des sites où se commettent de différents cas de violations dont la perception illégale des taxes, l'extorsion des acteurs de la chaîne d'approvisionnement.
 - Notre entreprise ne soutiendra jamais directement ou indirectement les forces de sécurité publiques ou privés qui contrôleraient illégalement les sites miniers, les itinéraires de transport et les acteurs en amont de la chaîne d'approvisionnement.
 - Nous nous engageons à collaborer avec les autorités centrales et locales, la société civile ainsi que les autres acteurs de la chaîne en vue de contribuer à la recherche des solutions pratiques pour améliorer la transparence ainsi que l'efficacité du processus – cet engagement vaut aussi dans la recherche de l'atténuation des risques identifiés.
 - Notre entreprise ne soutiendra aucune forme de corruption à quelque niveau de chaîne que ce soit.
 - Notre entreprise n'encouragera jamais le blanchissement de l'argent. Elle s'efforcera plutôt à le décourager.
 - Notre entreprise s'engage à se soumettre aux exigences nationales notamment le paiement de toutes les taxes et redevances légales tout en étant conforme aux principes ITIE.

- Notre entreprise veillera à l'achat de minerais provenant des sites qui respectent les normes environnementales, l'hygiène et la sécurité du travail.

Communiquer la politique

3. Notre politique relative à la chaîne d'approvisionnement en minerais provenant des zones de conflit sera disponible publiquement dès que les activités reprendront notamment :

- Sur Internet ;
- En interne dans l'entreprise ;
- Aux différentes instances de tutelle (Services MINES, CEEC, etc.).

5. Pas de difficultés majeures au niveau de l'élaboration, peut-être à l'exécution.

6. Le Devoir de Diligence sera supervisé par Mr ROBERT, chargé de l'exportation. Tél. : +243990664408; E-mail : roy-pen@yahoo.com

7. Il faut ± 50% de temps à consacrer au Devoir de Diligence.

8. Le superviseur du Devoir de Diligence a une expérience moyenne en approvisionnement en minerais. Il lui faut plusieurs exercices d'initiation pour lui permettre de bien mener cette tâche. Il possède une bonne expérience dans les exportations des minerais.

Processus de communication interne

9. Dès que nous commencerons nos activités, nous adopterons les processus de communication suivants :

- Réunions hebdomadaires et mensuelles à l'intention de nos travailleurs et fournisseurs.
- Nous ferons aussi des rapports d'évaluation mensuels, trimestriels et annuels sur nos activités le Devoir de Diligence.

Processus de communication externe

10. Dès le début de nos activités.

11. La collecte des données fiables est le défi majeur auquel nous devons faire face en vue d'améliorer la transparence de la chaîne.

12. Le processus de collaboration entre les acteurs de la chaîne doit être mieux assuré car il crédibilise toute la chaîne d'approvisionnement.

13. L'application des 3 systèmes est envisagée parce que complémentaires et renforcent la crédibilité de la chaîne.

14. Au fur et à mesure que les réalités de la chaîne seront maîtrisées,

Collecte d'information

15. Nous nous soumettrons comme les autres entreprises aux exigences des services de l'Etat (paiement taxes, redevances et autres).

16. Nous les communiquerons à nos acheteurs sur base des documents officiels qu'ils exigeront.

Conservation des fichiers

17. Toutes les informations documentées seront conservées dans un support informatique.

Achat en espèces

20. Nous allons exiger la détention des comptes par nos fournisseurs dès le démarrage des activités.

22. Nous le serons en cours d'activité.

23. La collaboration avec les services de l'Etat ainsi qu'avec les autres acteurs de la chaîne devra aider à obtenir des données fiables.

Coopération avec les fournisseurs

24. Au démarrage des activités.

Contrats

25. Nous allons le faire au démarrage de nos activités.

Renforcement des capacités des fournisseurs

26. Pas encore, nous le souhaitons. Nous sommes en contact avec les collègues déjà formés pour tirer les leçons principales relatives au Devoir de Diligence.

Mécanisme de traitement des plaintes

28. Nous le mettrons en place au démarrage de nos activités.

29. Il le sera au démarrage des activités.

Etape II : Identifier et évaluer les risques associés à la chaîne d'approvisionnement
Etablir un schéma des conditions factuelles dans notre chaîne d'approvisionnement

30. Ce sera possible dès que nous serons impliqués dans la chaîne au démarrage des activités.
31. Nous le ferons grâce aux communications directes avec nos fournisseurs et autres acteurs de la chaîne.
32. Nous le ferons au démarrage de nos activités.
33. Nous le ferons certainement en cours d'activités.
34. Nous le ferons aussi car les minerais non documentés ne seront pas achetés chez nous.

Informations sur les circonstances de l'extraction minière

35. Nous devrons recueillir toutes les informations possibles pour nous éviter d'acheter des minerais illégaux dus à la fraude, aux violations graves des droits humains, au soutien à des groupes armés, aux forces de sécurité publiques ou privées, au blanchissement d'argent et à la corruption.
36. Nous nous ouvrirons aux réseaux officiels d'information (société civile locale, les agences gouvernementales, les acteurs miniers, les coopératives minières, etc.)
37. Nous utiliserons tous les canaux possibles pour établir un schéma des circonstances factuelles de notre chaîne d'approvisionnement (rapports ONU, ONGs locales, ONG internationales, rapports mission de validation, rapport gouvernementaux, etc.).
Nous aurons à construire un partenariat avec les organisations de la société civile locale en d'autres réseaux qui collectent des informations sur le terrain.

Evaluation des risques

38. Nous allons l'utiliser par rapport aux domaines qui sont compatibles avec notre politique.
39. Voir notre politique.

Etape III : Concevoir et mettre en œuvre une stratégie pour réagir aux risques identifiés

Gérer les risques

40. Nous utiliserons le modèle de politique pour une chaîne d'approvisionnement globale responsable de l'annexe II du guide OCDE.

41. Non, nous devons le faire au démarrage des activités.

42. Nous devons instaurer un système de formation permanente et d'échange sur le Devoir de Diligence.

Nous souhaitons participer à des sessions de formation pour mieux maîtriser le processus.

43. Nous le saurons au démarrage de nos activités.

44-45. Tout sera mis en œuvre au démarrage de nos activités.

46. Nous le ferons mensuellement, trimestriellement et annuellement.

47. Envisagé à la reprise des activités.

Etape IV : Audit indépendant mené par des tiers sur les pratiques de diligence de l'affinerie et de la fonderie

49. Nous le ferons avec le temps.

Etape V : Publier chaque année un rapport sur l'exercice du devoir de diligence

50. Nous le ferons certainement quand nous aurons travaillé dans la chaîne.

52. Nous le saurons plus tard.

Annex 11. Tagging and bagging procedure taking place in Rwanda, where a new electronic traceability system has been launched





Annex 12: A cooperative spokesman explains the team how specific tools (in the photo, a spectrometer) can reduce adverse impacts on artisanal miners



Annex 13: Project aimed at sensitising the 10ème Région Militaire in order to ensure the army does not engage in mining activities

**PROJET
DE
SENSIBILISATION DES MILITAIRES
DES FARDC (10^{ème} REGION MILITAIRE)
A SE DESENGAGER DES ACTIVITES
MINIERES**

BUKAVU, JUILLET 2011

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMÉES
QUARTIER GÉNÉRAL FORCES TERRESTRE
DIXIÈME RÉGION MILITAIRE
ETAT MAJOR
DIRECTION DE PRODUCTION, AGRICULTURE,
ELEVAGE, PECHE, EAUX ET FORETS

« Projet de Sensibilisation des militaires des FARDC (10^{ème} Région Militaire à se désengager des activités minières ».

1. Organisme Exécutif

Centre de Recherche et d'Etudes Stratégiques en Afrique Centrale
« CRESA ».

2. Contexte et justification

La loi n° 007/2002 du 11 juillet 2002 portant code minier a eu entre autres mérite de susciter les investissements mais aussi, il s'est étendu sur l'exploitation artisanale des substances minérales et leur commercialisation.

Compte tenu du climat malsain qui a prévalu dans ce secteur consécutivement à l'état de guerre, le Ministre des Mines par ses arrêtés ministériels n° 0705 et 0706/ CAB. MIN/MINES/01/2010 du 20 septembre 2010, avait suspendu les activités minières dans les Provinces du Maniema, du Nord et du Sud-Kivu.

Par son arrêté ministériel n° OO 34/ CAB. MIN/MINES/01/2010 du 01 mars 2011, le Ministre des Mines a levée ladite mesure en considérant qu'il y avait une amélioration significative dans les conditions générales de l'exploitation minière dans ces provinces. A la suite de cet arrêté, tous les acteurs du secteur minier ont pris des engagements et résolutions en vue d'assainir le secteur minier des provinces sus évoquées.

Par ailleurs les chefs d'Etat de la CIRGL dans le cadre de la promotion de la paix, la sécurité et le développement ont intégré le guide de l'OCDE sur la diligence raisonnable en faveur d'une chaîne d'approvisionnement responsable de minerais venant des zones affectées par les conflits et à haut risque en

approuvant les 6 outils susceptibles de mettre fin à la pratique de l'exploitation illégale des ressources naturelles dans la Région des Grands Lacs.

Cette exigence fait également l'objet de la législation américaine de « Dodd-Frank Act ».

Au cours de l'atelier de Bukavu du 1 et 2 juillet 2011 qui a réuni les acteurs du Nord et Sud-Kivu sur cette question, les discours des participants à l'instar de plusieurs rapports des ONG, des Organisations Internationales et du Groupe des Experts de l'ONU ont fustigé aussi l'implication des militaires des FARDC dans l'exploitation illicite des ressources naturelles non seulement comme facteur de l'insécurité dans les provinces du Nord et Sud-Kivu mais aussi comme obstacle à la conformité avec les initiatives internationale et régionale de traçabilité et de certification.

En vue de palier à ces situations et surtout éviter les conséquences néfastes d'un embargo de fait sur les minerais de notre pays, il importe que les militaires des FARDC (10^e région militaire) qui seraient impliqués directement ou indirectement dans l'exploitation illicite des ressources naturelles soient sensibilisés non seulement à se désengager (campements au tour des sites miniers) mais aussi à combattre(services de sécurité et justice militaire) l'exploitation illicite des ressources naturelles.

3. Objectifs

Amener les militaires des FARDC (10^e région militaire) à se désengager et combattre l'exploitation illicite des ressources naturelles.

Vulgariser la législation minière.

4. Localisation du projet

Ce projet est localisé dans 20 campement des territoires où il ya des sites miniers, à savoir :

- Territoire de Fizi : Misili, Mukera, Minembwe

- Territoire de Shabunda : Lulingu, Migamba, Tchamombe, Kitindi, Lusenge, Kabulongo
- Territoire de Kalehe : Nyabibwe, Numbi, Ziralo
- Territoire de Mwenga : Lugushwa, Kitutu, Kamituga
- Territoire de Walungu : Mukungwe, Luntukulu, Mufa
- Territoire d'Uvira : Lemera
- Territoire d'Idjwi

5. Activités

- Conception et production des outils de formation et de sensibilisation (modules, dépliants, etc.).
- Formation des animateurs.
- Animation des émissions radio télévisées.
- Organisation des séminaires dans chaque campement.
- Renforcement des capacités de toutes les unités de sécurité commises dans les points d'exportation.
- Enquêtes, missions sur terrains et voyages d'échange.
- Suivi et contacts.
- Production des rapports.

6. Durée (3mois)

7. Bénéficiaires

Les militaires de FARDC (10^{ème} région militaire) avec possibilité d'extension dans les autres régions militaires ayant le même problème.

La population congolaise.

Le Gouvernement de la RDC

8. Moyens humains et matériels

a) Ressources humaines

Toutes les ressources humaines seront puisées au sein des FARDC sauf l'expert juriste, le Comptable et le secrétaire.

- Un Coordonnateur du Projet
- 2 Experts Juristes (1 de CRESA et 1 de la Justice militaire)
- 3 Experts miniers (Ministère Provincial, Divimines et SAESCAM)

- 20 animateurs encadreurs des sites
- Un comptable Projet
- Un secrétaire caissier
- Deux chauffeurs Mécanicien

b) Ressources matérielles

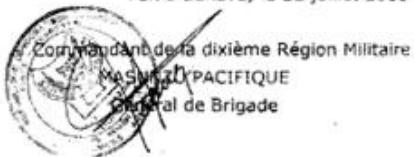
- Equipements : 10 motos, 2 véhicules 4x4 (location), appareils Photos, camera digital, G.P.S.
- Matériels : 5 ordinateurs portables, 2 imprimantes couleurs.
- Consommables : Carburant, Fournitures de bureau.
- Abonnement internet.
- Communication : Appareils téléphoniques (Turaya) et cartes Prépayées.

10. Budgetisation

N°	DÉSIGNATION	COUT UNITAIRE	COUT TOTAL	OBSERVATION
1	Frais du Personnel Coordonnateur Experts Juristes (2) Experts Mines (3) Animateurs (20) Comptable Projet Secrétaire Caissier Chauffeurs (2)	1.000/mois 750/mois 750/mois 500/mois 400/mois 350/mois 250/mois	16.000\$ 1.000\$ 1500\$ 2.250\$ 10.000\$ 400\$ 350\$ 500\$	16.000 x 3mois=48.000\$
2	Frais Equipment/Matériels Véhicules 4x4 (2x78 jours) Motos D.T. (20) Appareils Photos (2) Appareils G.P.S. (4) Ordinateurs portables (5) Imprimantes couleur(2)	150 4.500 450 400 800 450	109.100\$ 90.000\$ 900\$ 1.600\$ 4.000\$ 900\$	
3	Frais Formation/Séminaires		25.720\$	
4	Fournitures de Bureau Rames de Papier(30) Stylos (10 boites) Ancre - Correcteur (2)	6,5 20	1.402\$ 200\$	

	Gouzaines)	36	72\$	
	Agrafeuses (20 boites)	0,5	10\$	
	Cahier Registre (50)	5	250\$	
	Cahiers Ministres (50)	2,5	125\$	
	Fardes Chemises (100)	0,5	50\$	
	Classeurs (5)	10	500\$	
5	Carburant		34.940\$	
	Véhicules (50lx2x78)	1,8	13.880\$	
	Motos (15lx10x78)	1,8	21.060\$	
6	Location maison (3)	500	1.500\$	
7	Imprévu 10%		21056\$	
	TOTAL GÉNÉRAL			231.618\$

Fait à Bukavu, le 22 juillet 2011





PRÉSHABA, le :
N° 02/064/EMG/EM Adm/Dept Adm/11

Aux ChefEM Forces (TOUS)
Comd Rgn Mil (TOUS) AF Rep. 064
Comd URatt/EMG (TOUS)

Info : MDNAC
Srt Gen Def

O B J E T : Détournement déguisé des Mil FARDC.

REFERENCE : Lettre N° MDNAC/CAB/2980/2010 du 27 Dec 10.

1. Conformément à la lettre référencée dont l'objet en exergue, je tiens à vous rappeler les Instr du MDNAC relatives à la présence des Mil FARDC dans les carrières minières.
2. En effet, il est strictement interdit d'affecter les Mil FARDC dans les carrières minières pour quel que motif que ce soit et à l'insu de la Hie.
3. Large diffusion aux unités sous vos ordres et Ack.

ETUMBA LONGILA Didier
LtGen
ChefEMG



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU SUD-KIVU
MINISTERE PROVINCIAL DE L'ENERGIE, DES MINES,
DES HYDROCARBURES ET DU COMMERCE
CABINET DU MINISTRE PROVINCIAL



Le Ministre

Bukavu, le 10/10/2011

N°Ref : 24/CAB/MINI-PRO/EMHC/SK/2011

Transmis copie pour information à :

- Son Excellence Monsieur le Gouverneur de Province du Sud Kivu
- Monsieur le Commandant de la 10^e Région Militaire
- Monsieur le Chef de Division Provinciale des Mines et Géologie du Sud Kivu
- Monsieur le Chef d'antenne provinciale du SAESSCAM Sud Kivu
- Monsieur le Chef d'Antenne Provinciale de CEFC Sud Kivu
- Monsieur le Chef d'Antenne Provinciale de CTCPM Sud Kivu (Tous) à Bukavu

Concerne : Transmission du Projet
De sensibilisation des militaires des
FARDC (10^e Région militaire)
à se désengager des activités minières

A Messieurs :

- Le Représentant de l'USAID
- Le Chef de Bureau de RGR, Bukavu
- Monsieur le Point Focal de JMAIC/MONUSCO
- Madame le Point Focal STARFC/MONUSCO
- Monsieur le Vice Président de BANRO à Bukavu
- Monsieur le DAF de RIGAL Spel à Bukavu
- Monsieur l'Administrateur de CASA Minerals à Bukavu
- Monsieur le Responsable du PRCG

J'ai l'honneur de vous saisir sur ce dont l'objet est en concerne et vous en souhaiter bonne réception.

En effet, si vous souviendrez que dans le comité provincial de suivi des actes d'engagements, tous les acteurs n'ont pas cessé d'accuser l'implication des militaires dans les activités minières, d'où nous sommes arrivés aux conclusions selon lesquelles qu'un cadre permanent soit mis en place pour leur sensibilisation.

Pour ce faire, nous vous joignons en annexe le présent projet pour dispositions utiles.

Votre P.F. Je vous remercie cordialement.
Bukavu, 10/10/2011. Ministère Provincial des Mines et Géologie Lubutu
Email : informationmines.sudkivu.cd
Téléphones : +243 10994116111 - +243 815106657



www.oecd.org/daf/investment/mining