



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

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

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SECTION I: INTRODUCTION

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

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

The Terms of Reference of the pilot implementation phase were adopted on the 5 – 6 May 2011 during the ICGLR-OECD-UN meeting on the implementation of due diligence. In accordance with the Terms of Reference, this report does not attribute any activity or information to specific participating companies. Companies have also been given the choice to disclose their participation in the pilot programme. A description of companies and industry associations participating in the pilot can be found at p. 30.

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

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

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

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

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

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

Relevant documents and materials referred to in the report are reproduced in the Annexes.

SECTION II: METHODOLOGY

The preparatory research and drafting of this report was carried out by two IPIS¹ consultants, hereafter referred to as 'the team', working in close consultation with the OECD Secretariat. The upstream portion of the pilot began in August 2011 and culminated in November 2012.

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

The pilot implementation phase was launched upon approval of the Terms of Reference for the pilot implementation phase of the Supplement on Tin, Tantalum and Tungsten at the 5-6 May 2011 ICGLR-OECD-UN Group of Experts (GoE)² meeting on the implementation of the OECD Guidance. Standardised questionnaires on due diligence implementation were prepared for the different levels of actors in the upstream supply chain. These included mining companies and cooperatives, mineral exporters (*'comptoirs'*), international concentrate traders & mineral re-processors and mineral refiners/smelters. In the first cycle, 51 companies volunteered to participate in the pilot, either individually or through the joint industry due diligence programme developed by ITRI Ltd³ supply chain initiative (iTSCi).

Questionnaires were distributed in August 2011. The team undertook a first field mission in DRC and Rwanda from 6 to 30 September 2011. During the mission, individual meetings with 25 participants in the pilot and 30 semi-structured interviews with other stakeholders on 3T production and trade were conducted. The findings of the first reporting cycle are contained in the baseline report⁴, which was discussed at 29-30 November 2011 ICGLR-OECD-UN GoE⁵ meeting on due diligence implementation and subsequently published.

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

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

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

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

³ International Tin Research Institute. Current iTSCi Steering Committee members are the Tantalum-Niobium International Study Center (T.I.C) and ITRI Ltd.

⁴ The baseline report is accessible on the OECD website:
<http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm>

⁵ International Conference of the Great Lakes Region – Organisation for Economic Cooperation and Development – United Nations Group of Experts on the DRC.

The team carried out a second field mission covering the Democratic Republic of Congo (DRC), Rwanda and Burundi, from the 28 January to 17 February 2012, meeting with participants and conducting semi-structured interviews with key players from government agencies supervising the mining sector, industry and civil society. The team and Pact, a US-based non-governmental organisation which is implementing the iTSCi programme, co-organised two workshops on the implementation of due diligence in the Kivus. These exercises, held in Goma and Bukavu, were attended by economic actors participating in the pilot project (cooperatives, associations of *négociants, comptoirs*); representatives of the state services supervising the mining sector (SAESSCAM, Division des Mines, CEEC); civil society and other relevant stakeholders (namely, the Police des Mines and the *VIII Région Militaire*, the army regiment deployed in South Kivu).

The report released after the second reporting cycle, hereinafter interim progress report, aimed at providing a detailed analysis of the progress made by participants in the implementation of the five-step due diligence framework⁶.

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

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

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

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

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

⁶ The interim progress report is accessible on the OECD website:

<http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm>

⁷ CENADEP is Centre National d'Appui au Développement et à la Participation populaire; BEDEWA is Bureau of Studies, Observation and Coordination of the Regional Development; OGP is Observatoire Gouvernance et Paix; BEST is Bureau d'Etudes Scientifiques et Techniques.

both the Office of Democracy and Good Governance and with representatives of the German development agency *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ), which provides technical support to the ICGLR.

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

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

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

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

SECTION III: HIGH LEVEL FINDINGS

Key trends and Common Practices

- *During the first cycle of the pilot implementation phase, the IPIS team often encountered a sceptical attitude of economic actors towards due diligence, especially in the DRC. The second cycle showed early signs of change, and during the third reporting cycle the team observed growing commitment on the side of participants to proceed with the implementation of the OECD Guidance. This shift in attitudes reflects various key factors that greatly impacted on-the-ground efforts to implement due diligence. Changes in the DRC legal framework, the enactment of Dodd-Frank Section 1502 and new requirements set by downstream industry (like those contained in the Conflict-Free Smelter program) as well as upstream industry (through the iTSCI programme, together with a deeper understanding of due diligence as an opportunity to meet downstream customers' expectations, led to a gradual but steady shift from reluctance to progressive meaningful engagement.*
- *The iTSCI programme has expanded over the last twelve months and pilot projects like the Partnership for Social and Economic Sustainability and Solutions for Hope have become operational in Katanga, thus creating market access opportunities for responsibly sourced minerals from both Rwanda and the DRC. The pilot projects use closed pipelines relying on joint industry schemes designed to implement due diligence upstream and downstream in the supply chain (namely iTSCI and the Conflict-Free Smelter programme, CFS).*
- *The recently launched Conflict-Free Tin Initiative (CFTI), developed within the framework of the pilot implementation phase of the OECD Guidance, has created market opportunities for responsibly sourced tin from one mine in the province of South Kivu in the DRC. Together with Solutions for Hope and the Partnership for Social and Economic Sustainability, this pilot project shows an increased level of reliance on industry programmes designed to operationalise due diligence in the 3T upstream supply chain. Coordination among existing initiatives and increased cooperation between downstream and upstream actors in the supply chain through direct involvement of downstream companies in upstream due diligence or through donor facilitation is emerging as a common feature.*
- *There is potential for growing convergence towards common understanding of due diligence expectations thank to the common reference to the OECD Guidance at national, regional and international level. This creates opportunities for donors, public-private partnerships and regional organisations like the ICGLR to foster progressive alignment and secure financial support for scaling up existing sourcing schemes.*
- *It is estimated that the impact of 3T mining on conflict has been significantly reduced the recent escalation of violence in the Kivus has heightened awareness of the need to carry out due diligence in conflict-affected and high-risk areas.*

Remaining challenges

- *Opportunities for coordination, dialogue and synergies need to be further explored and seized, to maximize the impact of different initiatives on the ground, minimise risk of duplication of efforts, reduce costs and increase transparency in the sector. In particular, donors can exercise their leverage to promote the progressive integration of donor-sponsored initiatives into regional certification efforts.*
- *Most participants have not adopted a risk management plan; further capacity-building efforts are needed to ensure that upstream actors design and implement thorough plans to mitigate risks arising in their supply chains.*
- *During the one-year pilot implementation phase, participants have increasingly developed a deeper understanding of the OECD Guidance, yet further capacity-building efforts are needed to ensure that all economic actors active in the 3Ts sector in the GLR get acquainted with the concept of due diligence and the tools/schemes developed to properly implement it.*

SECTION IV: IMPLEMENTING THE OECD GUIDANCE IN THE ICGLR COUNTRIES: IS DUE DILIGENCE A DRIVER FOR CHANGE?

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

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

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

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

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

The early stages of due diligence implementation

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

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

⁸ Zingg S. & Hilgert F., Bisië, *A one year snapshot of the DRC's principal cassiterite mine*, IPIS, November 2011, pp. 6-7. Enough Project, *Field Dispatch: Behind the Ban - An Update from Congo*, October 2010.

consequences of this presidential suspension were mostly negative.⁹ The security situation did not improve, criminal networks within the FARDC strengthened their positions, livelihood of the local population was significantly affected and room for due diligence implementation was very limited.

Box 1. EICC-GEI & the Conflict-Free Smelter program

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

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

The lifting of the presidential ban in the DRC occurred just one month prior the introduction of new industry requirements set by the electronics end-user industry that developed the Conflict-Free Smelter program intended to help companies subject to US law to meet new disclosure requirements. After 1 April 2011, all smelters aiming to obtain a conflict-free status had to show documentation from a credible in-region sourcing program verifying their conflict-free sources.¹⁰ This requirement translated in practice into a refusal of companies to buy minerals that were not tagged by the iTSCI system, the only in-region sourcing programme that was considered credible by the CFS program at that point in time. Since the iTSCI tagging scheme was only available in the DRC province of Katanga and in Rwanda, the two Kivu provinces and Maniema continued to face a de facto sourcing embargo.

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

To avoid a de facto ban on their minerals and meet market expectations created by regulatory pressure and downstream industry adjustments to it, the Rwandan authorities introduced binding traceability requirements alongside a ministerial regulation covering smuggling in mineral trading (adopted on 10 March 2011). According to article 4 of this regulation, “transportation of minerals is only allowed, when the consignment shows the source mine, its value and when it has the right tag”.¹¹

⁹ Verbruggen D., Francq E & Cuvelier J., *Guide to current mining initiatives*, IPIS, April 2011, p. 17., Zingg S. & Hilgert F., *Bisië, A one year snapshot of the DRC's principal cassiterite mine*, IPIS, November 2011, p. 7. Geenen S., *Le pari qui paralysait: la suspension des activités minières artisanales au Sud-Kivu*, in *L'Annuaire de l'Afrique des Grands Lacs (2010-2011)*. Enough Project, *Why a Certification Process for Conflict Minerals is urgent*, Feb 2011.

¹⁰ GeSI and EICC Announce Update to Conflict-Free Smelter Program, April 22, 2011 (<http://www.eicc.info/documents/EICCPRCFSUpdate.pdf>);

¹¹ Ministerial Regulation N°001/MINIFOM/2011, *Fighting smuggling in mineral trading*, 10 March 2011, Available in Official Gazette n°12 of 12/03/2011, p.35.

Box 2. iTSCi *

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

The programme has Memoranda of Understanding in place with the Governments of DRC, Rwanda and Burundi, as well as with the ICGLR. iTSCi is currently operational in around 500 mines in Rwanda and the Katanga Province of the DRC and has 43 accepted members, 37 provisional members and 4 associate members spread over 17 countries. Moreover the iTSCi programme supports the practical implementation of the OECD's Due Diligence Guidance as well as the UN Security Council Resolution 1952/2010 due diligence guidelines. iTSCi has contracted Channel Research to conduct risk assessments and audits for the programme, which are a useful tool for companies to establish their due diligence practices, in addition to the ground teams of Pact supporting on-going risk monitoring.

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

Following a Memorandum of Understanding signed in September 2010 between ITRI and the Rwandan mining authorities, 80% of the mineral supply chain was included in the Rwandan tagging system by the end of March 2011.¹²

First steps of the DRC Katangese provincial government to take ownership over its 3T mineral sector date back to 9 October 2009, when a provincial *arrêté* in Katanga¹³ established that mineral ore mined in Katanga should be exported exclusively via the province export hubs and could not be transferred to export points in other Congolese provinces. With the launch of iTSCi in the province at the end of March 2011,, made possible by local industry support, Katangese 3T minerals continued to have international market access.

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

¹² Channel Research, *iTSCi Risk Assessment Rwanda, Key issues & Recommendations for mitigation measures*, p14.

¹³ Provincial Decree No. 2009/0035, *Arrêté provincial instituant les modalités de transfert de la cassitérite et ses accompagnateurs de la province du Katanga vers d'autres provinces*, 9 October 2009.

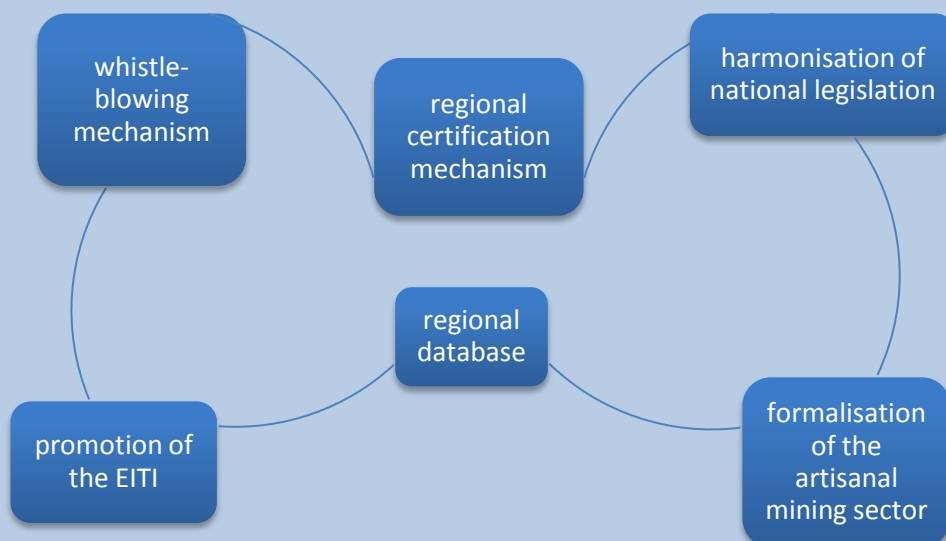
¹⁴ ICGLR, *The six tools of the RINR*, (www.icglr.org/IMG/pdf/THE_SIX_TOOLS_OF_THE_RINR.pdf)

Box 3. ICGLR

Established in 2004, the ICGLR is the highest-level peace process in the African Great Lakes Region. At a December 2006 summit, the ICGLR adopted a stability Pact for the region, containing ten Protocols, which entered into force in June 2008.* The “Protocol on the fight against the Illegal Exploitation of Natural Resources” provides the legal basis for the Regional Initiative on Natural Resources (RINR). The commitment to implement the RINR, was finally signed by all heads of the eleven ICGLR member states at a summit in Lusaka in December 2010.**

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

6 tools of the RINR



*https://icglr.org/IMG/pdf/Pact_on_Security_Stability_and_Development_in_the_Great_Lakes_Region_14_15_December_2006-2.pdf.

**Available at <https://icglr.org/spip.php?article89>

The Integration of Due Diligence in national legal frameworks and ongoing initiatives

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

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

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

Developments in the DRC

Following the disruption in trade during the presidential ban, the DRC government undertook serious attempts to reform the 3T-mining sector to meet new market demand for conflict-free minerals driven by regulatory pressure and simultaneously satisfy new international standards for responsible sourcing developed jointly with the OECD through the cooperation established with the ICGLR. Prior to lifting the presidential suspension of all mining activities in March 2010, all stakeholders of the mining sector were asked to sign an '*Acte d'engagement*' under which they committed to contribute to formalisation efforts, traceability and certification initiatives led by the Congolese government within the framework of the International Conference of the Great Lakes Region (ICGLR).¹⁵ In addition to these '*Actes*', the national Minister of Mines called for the creation of '*Commissions de suivi des activités minières*' at provincial level, comprised of the signatories to the *Actes d'engagement*.

On 18 April 2011, the national Minister of Mines approved the terms of reference to validate mine sites as a first step towards certification efforts. In principle, validation missions and reports could have generated useful information for upstream companies carrying out risk assessment for due diligence purposes. A first multi-stakeholder validation mission¹⁶ covering the mines around the trading centre

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

¹⁶ The missions are composed by the administration des mines, SAESSCAM, the Mining Police, the Cabinet du Ministre Provincial des Mines, MONUSCO, the private sector and civil society.

(*centre de négoce*) of Mugogo took place in June-July 2011 and a second mission visiting the mines around the Rubaya centre was carried out in August 2011. Following these validation missions 19 sites were declared “green”, meaning that mining operations could be carried out and minerals sold.¹⁷ The findings of the validation teams are valid for a period of six months, starting from the date of the signature of validation reports by Ministerial decree. However, the fact that the Ministerial decree was only signed on 23 March 2012¹⁸, more than 7 months *after the missions took place*, undermined the credibility of the process, considering the ever-evolving security dynamics on the ground and limited the potential use of validation missions report by upstream companies for purposes of their risk assessments.

Box 4. Centres de Négoce

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

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

First steps to implement the ICGLR framework in ICGLR countries

From 7 to 9 November 2011, the ICGLR Steering Committee convened in Bujumbura for its 5th meeting. Progress was made on Tool 2 of the RINR, Harmonisation of Legislation, by adopting model legislation titled “The Prevention and Suppression of the Illegal Exploitation of Minerals in the Great Lakes Region Act”, also known as the “Model Law” which is fully harmonised with the OECD Guidance.¹⁹ As far as the RCM tool of the RINR is concerned, considerable progress was made through the formal adoption of the Regional Certification Manual.

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

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

¹⁸ See *arrêté ministériel* 0189/CAB.MIN/MINES/01/2012

¹⁹ ICGLR Technical Workshop on Legal Harmonisation related to the RINR, 25-26 June 2012, Kampala, Final Report.

implementing the Regional Certification Mechanism of the ICGLR in the DRC on 29 February 2012.²⁰ 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 8 of this Ministerial Order requires economic actors to exercise due diligence to ensure that they do not contribute to human rights abuses or conflict in the DRC. The same article also establishes that every actor is obliged to incorporate the standards established by the OECD Guidance into their management systems. Article 9 states that third-party audits of exporters will be conducted in accordance with standards and procedures of the ICGLR Certification Manual and Annexes I, II and III of the OECD Guidance. Since ICGLR audits will be consistent with OECD requirements, they may provide upstream actors in the supply chain good basis for carrying out their own on-the-ground risk assessments as outlined in Step 2 of the Guidance.

One month later, the RCM was adopted by Rwanda through MINIRENA²¹ no. 02/2012 of 28 March 2012. While the regulation does not make explicit reference to the OECD Guidance, conflict-related standards are indirectly incorporated by virtue of harmonisation with the ICGLR certification scheme. The five-step framework as well as conflict-related standards under Annex II of the OECD Guidance have been integrated into the criteria to generate the Mine Inspection Report (reproduced in the Annexes) for certification purposes.

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

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

In the first half of 2012, the Burundian Government took steps to integrate Burundi into the main international initiatives for building conflict-free and transparent supply chains of 3T minerals. A new Mining Code has been finalised and is being reviewed by the Cabinet²². Upon the Cabinet's approval, it will be examined by the National Assembly, and then by the Senate. At the point of writing, Burundian mining officials have confirmed that the new Mining Code will be officially adopted by the end of 2012.

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

²⁰ *Arrêté ministériel portant mise en oeuvre du mécanisme régional de certification de la Conférence Internationale de la Région des Grands Lacs*, 29 February 2012.

²¹ MINIRENA stands for Ministry of Natural Resources.

²² IPIS interview with *Direction Mines et Carrières*, September 2012

Burundian authorities are working with iTSCI to initiate tagging as soon as possible. Following the signature of the Memorandum of Understanding between iTSCI and the government of Burundi in November 2011, the Partners had fruitful meetings in August 2012, but limited production and lack of donor support have made it difficult to justify commencing the programme. t

Thirty mine sites have already been identified for tagging, and a team of fifteen people is currently being recruited to act as field agents for iTSCI/Pact and tag the bags. Their office will be located in Ngonzi, in Northern Burundi. The main 3Ts exporters of the country (a total of eighteen companies) expressed high interest in becoming iTSCI members²³, if start-up funding for the programme is found.

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

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

While the exporters in the Kivu provinces continued to struggle for market access for their minerals, the Katanga province saw the development of a new sourcing model. In July 2011, Motorola Solutions and the tantalum capacitor manufacturer AVX Corporation, launched Solutions for Hope (SfH) to source conflict-free tantalum from the DRC using a closed-pipe supply line with a defined set of suppliers from the mine to the end-user.²⁴ The pipeline processes minerals smelted by F&X at their facilities in the Guangdong province in China and originating from three mines in Northern Katanga (Mai Baridi, Kisengo and Luba) where Mining Mineral Resources (MMR) owns research permits.

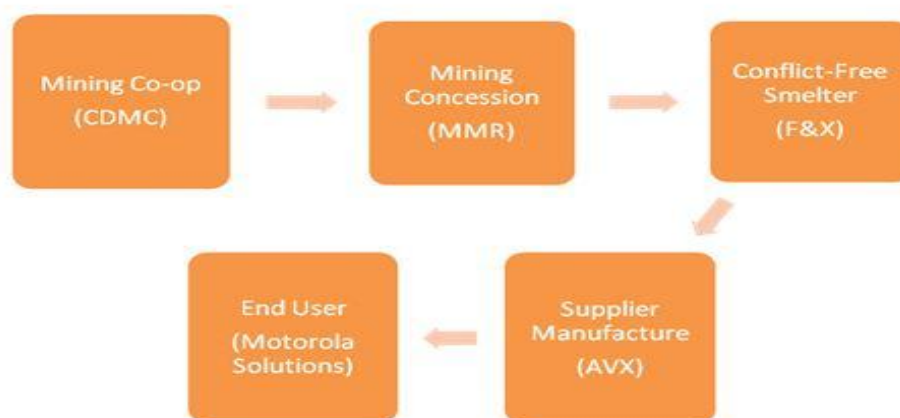
At all three mines, artisanal miners and *négociants* (local traders) are members of the *Coopérative Des Artisanaux Miniers du Congo* (CDMC), the largest cooperative of the province, which has played a key role in raising awareness on due diligence for responsible sourcing of mineral since April 2011²⁵. Traceability of minerals from mine site in the DRC up to the smelter in China is ensured by the iTSCI traceability system.

²³ Ibidem

²⁴ 'Solutions for Hope' Project Offers Solutions and Brings Hope to the People of the DRC. (<http://solutions-network.org/site-solutionsforhope/>)

²⁵ IPIS interview with SAESSCAM in Lubumbashi, August 2012

Figure 1. Solutions for Hope -- supply chain



Source: Solutions for Hope Website

Before the export, AVX Corporation takes ownership of the minerals, buying them at a global market price (i.e. the unofficial Metal Page²⁶ price being used for this), with added value retained in the region. However, on this point some concerns have been raised by an audit that was conducted by an independent auditor in February 2012²⁷. Even though AVX pays the market price to MMR, a risk seems to have emerged that MMR's and CDMC's pricing structures do not guarantee that diggers can negotiate the prices with the cooperative buyers. MMR and CDMC were therefore encouraged to engage in a greater communication and transparency effort towards the *creuseurs*, to make sure that open discussions and negotiations take place. To this end, the team engaged in further consultation with MMR, who pointed out that the price of minerals in the DRC is monitored at governmental level, following new requirements approved in October 2012²⁸, where a minimum price for on-site purchases is set. Hence, at all MMR sites the price is currently being decided by the company together with a wide range of stakeholders, taking into account the official minimum price.

Since the start of the Solutions for Hope (SfH) pilot, where only five companies were involved, membership has increased significantly. Today, a second smelter, the US-based Global Advanced Metals, and seven other end-users are participating in the project, bringing the total of participating companies to thirteen.²⁹ During the first year of the project, AVX made a total of seven shipments of ore lots, a quantity that represents 114 tonnes of tantalum ore³⁰, roughly 10% of AVX annual needs. AVX and MMR have now negotiated a long-term contract under which monthly shipments will take place.

Independent third party auditors have audited the entire supply chain of SfH. As far as the upstream suppliers are concerned, the due diligence processes implemented by MMR and CDMC have been

²⁶ Metal Page is not an official price, but rather the best estimate of current prices made by the journal itself.

²⁷ Mthembu-Salter G., *The 'conflict-free' status of minerals from Mai-Baridi and Luba, and the due diligence of MMR and CDMC: a follow-up evaluation*, Phuzumoya Consulting, February 2012, p.3.

²⁸ Note circulaire No. 10.7/097/CABMIN/AGRIPEL/KAT/2012 of 27 October 2012

²⁹ All participants: AVX, Coopérative Des Artisans Miniers du Congo (CDMC), F&X, Flextronics, Foxconn, Global Advanced Mining (GAM), HP, Intel, Mining Minerals Resources (MMR), Motorola Mobility, Motorola Solutions, Nokia, Research In Motion (RIM)

³⁰ Data as of October 2012; it should be noted that reference is made to gross metal ore weight, not to tantalum pentoxide T025

thoroughly evaluated in July 2011 and in February 2012³¹.

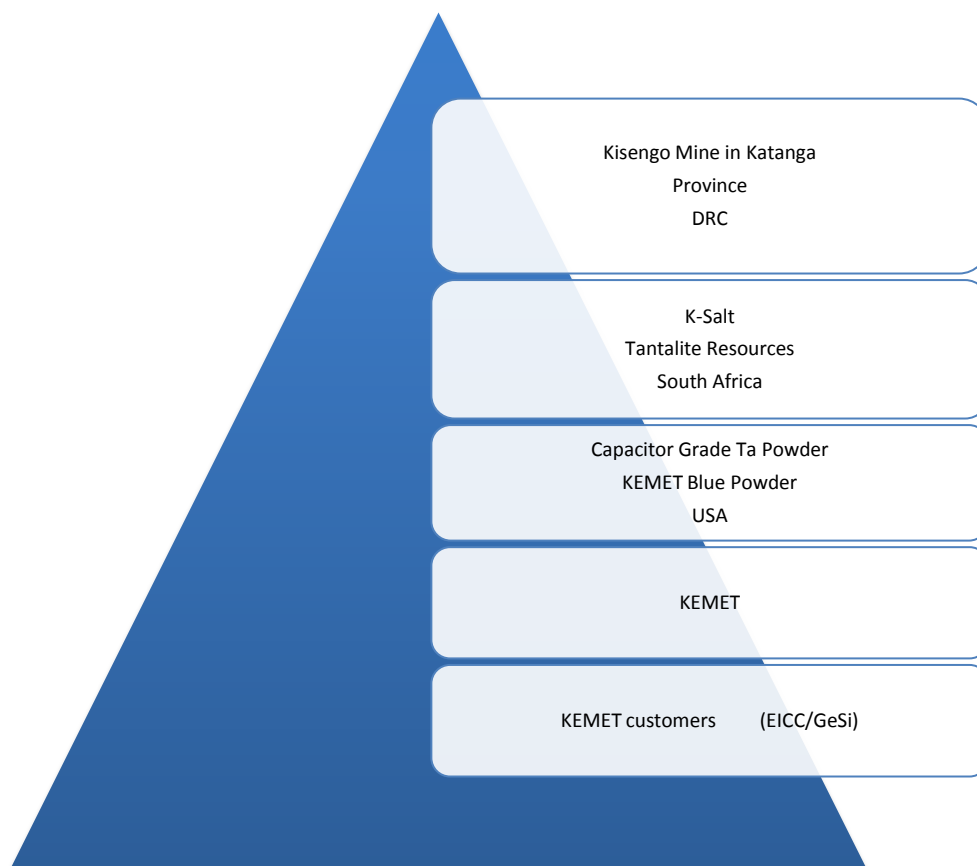
The available evidence disclosed in the audits suggests that mining output tagged as originating from Mai Baridi and Luba does come from these mines, as the risk of external material contaminating the supply chain prior to tagging is very low. In terms of linkages with conflict or armed groups, no evidence suggests that armed groups benefit directly or indirectly from the minerals trade at these CDMC/MMR mines. As of 2011, the overall finding concerning the conflict-free status of Mai Baridi and Luba is that it has been met³².

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

³¹ Mthembu-Salter G., *The 'conflict-free' status of minerals from Mai-Baridi and Kisengo, and the due diligence of MMR and CDMC: an evaluation. Executive Summary*, July 2011. Mthembu-Salter G., *The 'conflict-free' status of minerals from Mai-Baridi and Luba, and the due diligence of MMR and CDMC: a follow-up evaluation*, Phuzumoya Consulting, February 2012.

³² Ibid.

Figure 2. KEMET’ driven “Partnership for Social and Economic Sustainability”



The creation of the Public-Private Alliance for Responsible Minerals Trade (PPA)

In November 2011, the US Agency for International Development (USAID) and a coalition of private sector partners and civil society launched the Public-Private Alliance for Responsible Minerals Trade (PPA) in Washington, DC. The PPA is part of a broader framework of US aid policy and programmes aimed at breaking the link between the illicit minerals trade and human rights abuses³³.

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

The US Department of State and USAID have allocated approximately \$3.2 million in the PPA to support certification and traceability schemes³⁴. At the point of writing, 30 companies, trade associations and other organisations are part of the PPA.

³³ U.S. Department of State to Launch Public-Private Alliance for Responsible Minerals Trade, 9 November 2011 (<http://www.state.gov/r/pa/prs/ps/2011/11/176883.htm>).

³⁴ Ibid.

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

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

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

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

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

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

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

After having passed the *note circulaire* making it mandatory to comply with the Guidance and the *arrêté* calling for national implementation of the ICGLR framework³⁵, the DRC Government kept up with its commitment in May 2012, through the suspension of two Chinese-owned *comptoirs*, CMM (previously known as TTT Mining) and Huaying. Both *comptoirs* are headquartered in Goma, North Kivu (but also

³⁵ This piece of legislation, already analyzed in Section 2b, paved the way for effective domestication of the ICGLR regional certification mechanism in the DRC

operate in South Kivu), and had allegedly been sourcing their cassiterite from Bisie, the largest mine of tin ore in Eastern DRC, and at that time under the control of FARDC military units.

In their 2011 final report, the UNGoE had already identified the two Chinese-owned trading houses, affirming that they had been selling their untagged materials to smelters, refiners and trading companies based in China, where no proof of due diligence is required, thus inferring that they were not complying with the OECD Guidance³⁶. Furthermore, the UNGoE Group had argued that it had evidence that these *comptoirs* had made purchases that financed armed groups and criminal network within the FARDC³⁷. Therefore, on 15 May 2012, following on the UNGoE's findings, the national Congolese Ministry of Mines suspended the activities of Huaying and CMM (formerly active with the name TTT Mining) for violating the *note circulaire* on due diligence³⁸. Despite being an administrative measure, the *note* is binding insofar as it entails sanctions for mining companies and mineral exporters that do not conduct due diligence. Furthermore, Article 8 of the subsequent piece of legislation – *arrêté* – that integrated the ICGLR regional certification mechanism in DRC legal framework, explicitly refers to due diligence as a mandatory process for every company currently active in the exploitation and trade of minerals in the DRC³⁹. More recently, an *arrêté ministériel* issued on 19 June 2012 confirmed the suspension of these *comptoirs*, reiterating that it is the DRC's intent to formalize its mining sector and sanction all those that violate due diligence requirements⁴⁰.

Besides enforcing existing due diligence regulation, the DRC mining authorities continued to look for solutions to restart trade in the Kivu Provinces. Significant efforts to increase transparency along trade routes up to export points have led the DRC Government to introduce strict measures regarding minerals transfers between provinces. On 19 June 2012, the DRC Government banned all transfers across provinces, with the aim of creating added value in the mining/producing provinces, as well as avoiding transportation of minerals through conflict areas, where illegal taxation could take place⁴¹. From now on, the province of origin must thus coincide with the province of export.

This decision is especially relevant for Maniema, a province that does not have any international border, where minerals are usually extracted and transferred to Goma (North Kivu) or Bukavu (South Kivu)⁴². In 2010, a customs office was set up in Maniema to ensure that all taxes and duties were paid at the provincial point of export. The objective of this 2010 decision was to ensure that the added value of the mining activities would stay in the province and benefit the population of Maniema, while the Kivus provinces would solely function as outwards corridors⁴³. However, since the Kivu provinces are conflict-affected, the transportation of minerals through these corridors, negatively affects their market access. By the official prohibition on inter-provincial mineral transfers, the DRC government wants to encourage mining companies to base themselves in Maniema provinces and to export materials via Katanga province or Province Oriental. On 5 November 2012, a first lot of 150 tonnes of stocked cassiterite were

³⁶ Report of the Group of Experts on the Democratic Republic of the Congo (2 December 2011), *UN Doc. S/2011/738*, p. 5.

³⁷ *Ibid.*

³⁸ No. 002/CAB.MIN/MINES/01/2011 of 6 September 2011.

³⁹ No. 0052/CAB.MIN/MINES/01/2012 of 29 February 2012

⁴⁰ No. CAB/MIN/MINES/01/0506/2012 of 19 June 2012

⁴¹ No. CAB/MIN/MINES/01/0506/2012 of 19 June 2012

⁴² The transfer to Goma/ Bukavu used to be carried out by plane, up until the ban on transfer flights led to road transfers.

⁴³ IPIS interview with Division des Mines in Goma, August 2012

exported from Kindu, the capital of Maniema, through the port of Kalemie in the Tanganyika district of Katanga Province. The transportation from Kindu to Kalemie took place by train..

To reassure the conflict free character of the mine sites, representatives of the DRC Government (namely the Division de Mines) together with representatives of civil society and industry, BGR and MONUSCO conducted a validation mission in Maniema from 8 to 19 August 2012. The validation team visited 21 out of the 37 sites located near the trading hub of Kalima⁴⁴. Only one site, located just outside the SAKIMA concession, was flagged as non-compliant with OECD standards. In fact, the observers witnessed that a cooperative had established parallel administration there and imposed illegal taxes on diggers (3% charge if the digger was willing to sell his material within the cooperative system and 8% if he preferred to sell it out of the cooperative circuit)⁴⁵.

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

Also in North Kivu incentives to restart the mineral trade were explored. The possibility of a validation mission to Bisie has been discussed in the past months and a validation team was originally asked to travel to the mine at the beginning of September 2012⁴⁶. However, due to the lack of security in Walikale⁴⁷, the mission has been canceled. Even though the large mining basin of Bisie is currently free from armed groups or FARDC occupation, armed groups still allegedly control almost two thirds of Walikale territory⁴⁸. Since Bisie is located in a remote corner of the province, the validation team would have had to walk more than 50 km in the forest, facing the risk of encountering Mayi Mayi rebels enroute. It was suggested to replace this long hike with a helicopter flight⁴⁹, yet this option would negate the purpose of the validation mission, which is not simply concerned with a spot-check of mine sites, but also with thorough controls of trading routes.

As far as mine sites in Masisi are concerned, the issue of concessions titles, coupled with the lack of stability due to the presence of Mayi Mayi Nyatura⁵⁰ and the inaccessibility of mine sites in Ngungu⁵¹, make it unlikely that a validation mission to sites not previously validated will be deployed any time soon.

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

⁴⁴ 17 of those are located within the SAKIMA concession.

⁴⁵ Preliminary information obtained by IPIS during an interview with relevant stakeholders involved in the validation mission, August 2012

⁴⁶ IPIS interview with representatives of *comptoirs* and civil society organizations (namely PACT and BEDEWA) in Goma, August 2012.

⁴⁷ An agent of Division des Mines in Goma described the situation as "*très volatile*" and referred to deadly incidents involving FARDC and rebel groups occurred in Bakano in June and July 2012 (IPIS interview with Division des Mines in Goma, August 2012).

⁴⁸ IPIS interview with representatives of Enough Project in Goma, August 2012

⁴⁹ IPIS interview with PACT representative in Goma, August 2012

⁵⁰ IPIS interview with PACT representative in Goma, August 2012

⁵¹ Ngungu is located 20 km from the CdN of Rubaya

section of the *Fédération des Entreprises Congolaises* (FEC) and the ANEMKI organized a joint *comptoirs*-civil society meeting on Walikale development needs⁵². All participants agreed that economic actors involved in the extraction and trade of Walikale minerals should contribute to the territory's development⁵³. Shortly afterwards, it was mandated at national level that economic actors sourcing from Walikale were to transfer 180\$ per ton⁵⁴ to a newly established development fund⁵⁵. However, both economic actors and CSOs severely criticized this plan, as they found out that funds were diverted to the personal accounts of provincial officers. A cross-category alliance bringing together *comptoirs*, *négociants*, CSOs and customary chiefs from Walikale denounced this corrupted action, at the point of writing, was trying to liaise with provincial authorities to create a process/mechanism to collect the development funds.

Actions of donors to break through the de facto embargo faced by the Kivu's

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

Firstly, in August 2012, PROMINES signed a *Protocole d'Accord* with IPIS, to launch a comprehensive mapping project in Eastern DRC. During 18 months, the IPIS mapping team will build the capacity of the Congolese Cadastre Minier (CAMI), the Mining Administration and SAESSCAM to collect data regarding the security situation and to present them on a map. Nine teams, based in nine towns⁵⁶, will provide updates on the security situation around the mine sites across Eastern DRC. During the project, four maps will be produced and on-line available for the general public. The first map is expected by the beginning of March. This mapping exercise is expected to help companies identify and assess risks at the mine-site level.

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

Currently one general committee and five subcommittees are set up at Nyabibwe. The general committee consists of 30 persons representing (1) the different subcommittees, (2) the *chef du centre*, (3) the FARDC, (4) SAESSCAM, (5) *Division des Mines*, (6) the *creuseurs*, (7) the *negociants*, and (8) the exporters. Each of the five subcommittees is made up out of 10 persons, representing different categories of the local community (church communities, women associations, etc.) A first training given by OGP, took place in at the beginning of 2012, where the members of the committee familiarised with the current international and regional standards in relation to 3T mining, such as the OECD Guidance and the ICGLR

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

⁵³ *Note à son Excellence Monsieur le Ministre National des Mines*, 6 July 2012

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

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

⁵⁶ Bunia (Ituri), Goma, Walikale, Butembo (as for North Kivu), Bukavu, Uvira, Shabunda (in South Kivu), Kindu (Maniema) and Kalemie (Katanga).

framework and the risk of human rights violations surrounding mining activities. A second 5-day training on incident reporting and the current tax and other regulations of the mining sector was given at the beginning of August. A similar set-up at Rubaya is foreseen, yet due to the security situation, not all field trips have taken place.

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

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

A third difference to existing pipeline projects, is that this initiative is largely donor-driven. Acting as “neutral broker”, the Dutch Ministry of Foreign Affairs, convened key industry partners and other relevant stakeholders. All stakeholders involved in the CFTI participate in regular conference calls⁵⁷ aiming at tracking progress, identifying challenges and potential ways forward as well as learning from each other’s experience on the ground. Broader risk-related issues such as security and political developments in the DRC are also discussed on a regular basis. Finally, social and labour issues, namely health and safety standards to be applied at mine site level, feature prominently on CFTI’s agenda. In this specific regard, a CFTI delegation is planning a field visit to Nyabibwe, in order to further assess what improvements are needed and then design specific next steps for the project⁵⁸.

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

The downstream users that have committed to participate in the project are Royal Philips Electronics, Tata Steel, Motorola Solutions, Research In Motion (RIM). Alpha Cookson and AIM Metals & Alloys are the solder companies, Traxys is the international trader and Malaysia Smelting Corporation (MSC) will be the smelter. The activities have started with Kalimbi in the Nyabibwe mine, with the first bags tagged in October 2012. At the point of writing, only one exporter from South Kivu has been vetted and is enabled to take part in the pilot. As soon as others will qualify to re-start their activities, a full list of exporters will become publicly available on iTSCi’s website⁵⁹.

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

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

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

⁵⁷ IPIS interview with international traders involved in the CFTI pilot project, December 2012

⁵⁸ IPIS email exchange with CFTI stakeholders, facilitated by the Dutch Ministry of Foreign Affairs

⁵⁹ IPIS/OECD email exchange with the Dutch Ministry of Foreign Affairs in charge of the CFTI pilot project

companies and government authorities had the opportunity to get familiarized with the process and to identify potential challenges. In October 2012, the first meeting of the ICGLR Audit Committee took place in order to launch the committee activities and elaborate an operational plan of action.

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

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

Figure 3: The structure of the ICGLR Regional Certification Mechanism



Mine Site Inspections

At the national level, mine site inspections should take place on an annual basis. The inspection will determine whether the mine site meets the requirements set out in the ICGLR manual. If there is full compliance with the standards, the mine will be labeled as a "green" (i.e. certified) mine site. When compliance with the standards is lacking, the mine will be labeled either "yellow" or "red"⁶⁰. In Rwanda, a defined methodology and a mine-site inspection form, (see Annex 1), have been developed. In July 2012 the first inspection of the country's largest mine, Rutongo, took place. Currently five dedicated mine site and traceability inspectors who will carry out more inspections are being recruited.

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

⁶⁰ For further elaboration on the ICGLR Standards, please see the interim progress report, accessible here: <http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheoecdduediligenceguidance.htm>

project that ran in the country from November 2008 to June 2011.⁶¹ The first mines that will go through the inspection are the 5 the mining companies that were certified as compliant in the CTC pilot.

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

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

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

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

Chain of Custody Tracking

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

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

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

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

Export Certification

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

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

Regional Mineral Tracking and Analysis via an ICGLR database

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

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

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

Third Party Audits of mineral exporters

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

⁶² Rwanda Natural Resources Authority / Geology and Mines Department *Implementation Scheme for the Regional Certification Mechanism in Rwanda, Overview*, Kigali, November 2012, p. 4.

⁶³ The database is available at <https://icglr.org/spip.php?article94> last accessed 12/10/2012.

⁶⁴ Interview with the ICGLR Database Manager, 31st of August 2012, Bujumbura, Burundi.

⁶⁵ Rwanda Natural Resources Authority / Geology and Mines Department *Implementation Scheme for the Regional Certification Mechanism in Rwanda, Overview*, Kigali, November 2012, p.6.

At the Regional level, the ICGLR Audit Committee is composed of 10 members:

- 3 representatives of the private sector
- 4 government representatives
- 3 civil society representatives

Eight of the representatives will be from the region, while 2 persons (one from the private sector and one from civil society) will be international representatives.

The Audit Committee fulfills the following tasks:

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

The first meeting of the Audit Committee took place in Kigali in October 2012 in order to launch the committee activities and elaborate an operational plan of action. As the Committee estimated the number of exporters to be audited at 50, it aims at accrediting 5 auditors. When an accredited auditor undertakes an audit, he or she needs to submit the audit report to the audit committee within 60 days after the audit. In the established plan of action, it is foreseen to begin first audits between June and August 2013.

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

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

The office of the Independent Mineral Chain Auditor (IMCA)

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

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

At the time of writing, the office of the IMCA has yet to be installed. As such, evaluation of the chain of custody conformity may be taken over by an independent consultant, so that the issuance of the first certificates can take place.

In the light of harmonisation of different risk identification and assessment systems in the region, it would be advisable to streamline the collection of the on-the-ground information under the different programs. As such, it would be recommendable if both the information obtained by the DRC validation teams and the information collected under the iTSCi incident reporting protocol could be shared with the IMCA. Likewise, a good communication system between the IPIS mapping team (see above) and the office of the IMCA should be established.

The whistle blowing tool of the RIN

The whistle blowing tool of the RIN goes hand in hand with the RCM. The whistle blowing mechanism aims at collecting first-hand information on illegal exploitation and trade of minerals in the Great Lakes Region. Whistleblowers will be able to transfer information by SMS and online submissions, specifically designed to protect the anonymity of the informants.⁶⁶ The alerts will be received and processed by the office of the IMCA, which can start a preliminary investigation into these reports and, if necessary, transfer them to the competent authority at the Member State level for further investigation and prosecution.⁶⁷

After several feasibility studies, the decision was taken to pilot the system in the provinces of North and South Kivu.⁶⁸ Since it was concluded in those feasibility studies that the overall risks threatening the functioning and success of the whistle blowing mechanism are high, the ICGLR Secretariat initiated a fact-finding mission to the Kivu provinces with support of GIZ.⁶⁹ Based on the findings of this mission, which took place from 18 July until the 15 August 2012, a comprehensive risk analysis and risk mitigation procedure was developed.

Following the study several recommendations were made in relation to the design of the system. Firstly, it was recommended to set up the system with a strong bottom-up approach, so investigation (and prosecution) could take place at a ground level, and could be followed closely by civil society.⁷⁰ In an environment where government institutions are corrupt and likely to be complicit in the conflict mineral trade, this is the only option to ensure that whistleblower reports will lead to prosecution and that informers can have trust in the system.⁷¹

Notwithstanding the anonymity of whistleblowers, informers may still face intimidation or threats when revealing sensitive information. If they get the impression that reports are not acted upon, there is a risk they will stop coming forward with their concerns.⁷² Following the lack of rule of law, a credible security and judicial infrastructure, it is highly recommended that a joint institutionalised framework composed of governmental authorities and civil society would be established at all levels with a view to facilitating a

⁶⁶ ICGLR-GIZ *Note de Concept Atelier de formation de la société civile sur le mécanisme d'alerte Initiative Régionale de la CIRGL sur les Ressources Naturelles* Bukavu, 12-14 septembre 2012.

⁶⁷ ICGLR-GIZ, *Risk analysis on the implementation of a whistle-blowing mechanism in Eastern DRC's Kivu provinces within the framework of the ICGLR Regional Initiative on Natural Resources (RINR)*, 22 August 2012 p. 10.

⁶⁸ ICGLR-GIZ *Note de Concept Atelier de formation de la société civile sur le mécanisme d'alerte Initiative Régionale de la CIRGL sur les Ressources Naturelles* Bukavu, 12-14 septembre 2012.

⁶⁹ ICGLR-GIZ, *Risk analysis on the implementation of a whistle-blowing mechanism in Eastern DRC's Kivu provinces within the framework of the ICGLR Regional Initiative on Natural Resources (RINR)*, 22 August 2012 p. 1.

⁷⁰ Ibid. p. 11

⁷¹ Ibid.

⁷² Ibid.

quick and effective follow-up and to assure that received reports are followed by investigation and lead to prosecution, if necessary.⁷³

Thirdly, the delivery of a broad communication and training program about the whistle blowing mechanism is recommended.⁷⁴ In order to reach all potential informers and raise awareness about the whistle blowing system and its expected benefits, a 3-day training for civil society was organized from the 12-14 September 2012, followed by a 5-day training for the judicial sector.⁷⁵

⁷³ Ibid.

⁷⁴ Ibid. p. 12

⁷⁵ Both trainings were organised by the Secretariat of the ICGLR with the support of GIZ.

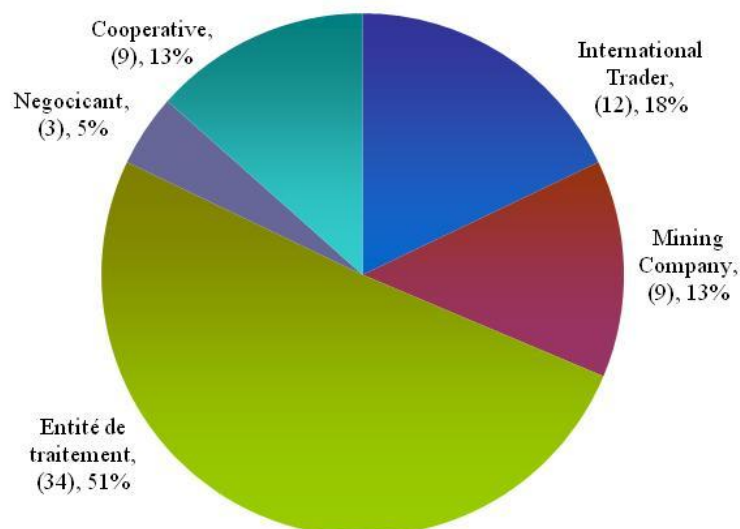
SECTION V. MEASURES TAKEN BY UPSTREAM INDUSTRY TO IMPLEMENT DUE DILIGENCE

Description of the participants

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

- 9 cooperatives or federations of cooperatives representing artisanal miners, based in the DRC (North Kivu, Katanga) and Rwanda,
- 3 associations of *négociants* based in the DRC (North Kivu and South Kivu),
- 34 *comptoirs/ entités de traitement* based in the DRC (Katanga, North Kivu, South Kivu, Maniema), Rwanda and Burundi,
- 9 international concentrate traders based in Europe, Asia, Africa, Australia, and North America,⁷⁶
- 12 mining companies based in the DRC, Burundi and Rwanda.

Figure 4: Description of the participants



⁷⁶ In order to respect the confidentiality requests of some international traders, it is not possible to be specific in all cases.

Of the 67 companies participating in the pilot in Cycle 3, 37 (55%) were members of iTSCi.

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

Detailed findings on due diligence implementation

STEP1: Establish strong company management systems

Adopting a supply chain due diligence & structuring internal management system

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

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

The first meeting of Save Act Mine (hereinafter SAM) took place on 13 February 2012 and was followed by several workshops where processing entities had the chance to join a broader dialogue with CSOs, *négociants* and cooperatives⁷⁷. A key accomplishment of SAM has been the ability to reach out to actors of the supply chain, like transporters, that had not been meaningfully involved so far⁷⁸.

The team took part in a full-day workshop of the main processing entities (*entités de traitement*) in North Kivu⁷⁹. Participants ranged from the Chinese-owned exporters (*comptoirs*) that had been suspended in May to the first smelting company in North Kivu (African Smelting Group, albeit not operational yet) to the ANEMKI, the main *négociants* association. The workshop focused on ways to efficiently translate the OECD Guidance into practice, and participants were given the opportunity to discuss policy drafting. Furthermore, participants shared their policy documents with the IPIS team.

It is noteworthy that one of the Chinese-owned *comptoirs* that had been suspended in May has now adopted a policy. The 6-page document, "*La politique interne au sein de l'entité de traitement*", published on 18 July 2012, addresses all the main points listed under Annex II of the Guidance. The policy draws from the main national and international legal and policy instruments, including but not limited to the DRC Mining Code, the legislation calling for the implementation of due diligence at the national level, the OECD Guidance and the EITI principles. Reference is also made to international human rights law, since the company engages in checking with their suppliers that "extraction of minerals is not carried out in ways that amount to a violation of the human rights of the diggers"⁸⁰.

⁷⁷ IPIS interview with SAM representatives in Goma, August 2012

⁷⁸ At the point of writing, SAM was planning to schedule an ad hoc workshop for transporters and their contribution to supply chain due diligence

⁷⁹ The workshop was held at SAM's headquarters in Goma, on 23 August 2012

⁸⁰ For the policy of Huying see Annex XX

Besides the drafting of a policy, the Guidance also encourages companies to structure internal management systems to support supply chain due diligence. As far as this step is concerned, thirty participants indicated the name of at least one individual who performs this oversight function. In accordance with the Guidance, all of them tend to assign this task to senior staff that have experience in managing conflict-related risk, corruption-related risk or, most frequently, a background in mineral procurement. Designating staff responsible to support supply chain due diligence is also a requirement of iTSCi membership.

Challenges

The majority of the DRC-based participants pointed out that the lack of a translation of the Guidance into the local languages (namely Swahili and Lingala) risks hampering on-the-ground implementation of due diligence. At mine site level, *creuseurs* and field personnel from cooperatives operating in remote areas have very limited knowledge of French⁸¹; therefore, a version of the Guidance (or of its Easy-To-Use version) in an African working language would be greatly beneficial to these communities.

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

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

More outreach activities, such as workshops and capacity-building sessions, need to take place in the region, especially in Uganda and Burundi. Such activities also need to be replicated within the DRC, targeting new market entrants, such as the *Fédération des Coopératives Minières du Katanga* (FECOMIKAT) in Katanga⁸². Unlike processing and exporting entities, most Katangese cooperatives still lack rigorous due diligence policies. In addition, several members of the FECOMIKAT come from the copper/cobalt sector and have only recently started to work on 3T.

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

⁸¹ IPIS interview with representatives of SAM and of COMIMPA, a cooperative active in Walikale

⁸² FECOMIKAT is an entity bringing together all cooperatives active in the province in 3Ts and copper/cobalt. For further detail, please see *Rapport de l'atelier de réflexion de la FECOMIKAT pour la redynamisation de l'artisanat minier au Katanga*, 26 July 2012

Box 5. From the “*Actes d’engagement*” to a clear and coherent supply chain policy

During this third cycle of visits, several *entités de traitement* shared their policies on responsible supply chains of minerals with IPIS. In addition, several participants shared with the team a document called the “*Acte d’Engagement*”, whereby they commit publicly to abide by the *note circulaire* calling for the implementation of due diligence (No.002/CAB.MIN/MINES/01/2011).

All participants were encouraged to incorporate the model policy contained in Annex II of the Guidance into their own company policies. The *Acte d’Engagement* cannot replace supply chain policies as it does not elaborate on the company’s position regarding serious abuses associated with the extraction, transport or trade of minerals, direct or indirect support to armed groups, smuggling and money laundering. In addition, the *Acte* does not envisage any risk management measures which are a crucial component of due diligence as outlined in Annex II.

Establishing a system of control and transparency over the mineral supply chain

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

Box 6. iTSCI in Katanga

The iTSCI programme continued to grow over the first half of 2012.

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

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

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

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

A mining company active in Katanga has put in place an electronic system to monitor and keep track of production and export figures. The database was launched in January 2012. The company’s due diligence

team observed that there were some mistakes in the data collected by iTSCi through the logbooks. As they believe these errors are due to the logbooks being filled in by hand, they encouraged iTSCi to pursue plans to introduce bar-coding and electronic data transfer wherever practical.

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

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

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

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

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

During a meeting of the *Comité de Pilotage* held in August in Lubumbashi, representatives of companies, cooperatives and other stakeholders (notably SAESSCAM) engaged in frank discussions on instances of misconduct at mine site level in Mitwaba and Kahendwa. Armed attacks and various incidents had been reported at both sites in the first half of 2012⁸³. In light of this, every mining/ exporting company and cooperative that is active in those areas and attended the meeting was asked by the Minister to brief the plenary on whether the mining areas in Manono and Mitwaba faced risks linked to the presence of either the FARDC or armed groups and, if they believed so, to suggest what measures should be taken by iTSCi⁸⁴.

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

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

⁸⁴ Despite the fact that all economic actors in the room agreed that neither Manono nor Mitwaba faced security threats, and that for that matter tagging should not be suspended, local researchers reported that the population around Manono was displaced by 100 kilometers because of escalating violence.

the company's risk assessment strategy. Cases of discrepancies, persistent smuggling or linkages with armed actors would be verified and investigated more thoroughly, thus allowing companies to draw a clearer picture of risks on the ground.

STEP 2: Identify and Assess Risks in the Supply Chain

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

Most iTSCi pilot participants stated that they rely on the iTSCi risk assessment, in addition to undertaking their own risk assessment⁸⁵.

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

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

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

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

These reports provide cyclic check-ups of iTSCi as an entity, collecting evidence on situations that may threaten the integrity of the programme.

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

<http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheoecdguidance.htm>

Companies should complement these general reports with risk assessment documentation of their own which would be tailored to their supply chain.

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

A recently-released status report on Katanga⁸⁶ by Pact stated that a total of 93 incidents were reported from January to June 2012, of which over half (51) remain open. These incidents include: cave-ins causing death; tags missing or stolen; attempts to infiltrate minerals from non-approved mine sites into the iTSCi system; involvement of customary authorities in mining activities; state agents erroneously filling in the logbooks. Follow-up is in most cases ensured through the local or provincial multi-stakeholder groups.

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

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

The maps, which highlight current and potential threats from armed groups active in mining areas across the Eastern regions of DRC, could be used by companies to check whether the mine sites that they are sourcing from are actually conflict-free.

Dynamics on the ground change very quickly, therefore constant updating of the maps from *Cadastre Minier* would be needed.

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

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

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

⁸⁶ iTSCi, *Status Report iTSCi Katanga*, January-June 2012.

With the pilot project coming to a close, it is critical for upstream participants to demonstrate that thorough and sustainable risk management plans are in place.

Even though 45% of participants⁸⁷ stated they had made reference to Annex II of the Guidance to determine how to deal with risks arising in their supply chains, only one company has shared their risk management plan with the team.

Illustrative example

The largest mining and exporting company in Katanga⁸⁸ has released a risk management plan to evaluate and respond appropriately to risks of violation of their conflict-free minerals policy. The company has set the target of generating risk assessments on a monthly basis. The company's compliance department will be evaluating data gathered at mine sites and along transport routes against the company's policy and overall due diligence standards.

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

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

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

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

⁸⁷ See the interim progress report, accessible here:

<http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheoecdduediligenceguidance.htm>, pag. 60.

⁸⁸ SAESSCAM estimated that 85% of the 3T exports from Katanga are from this company's sites or from sites where their partners own concessions.

STEP 4: Carry out independent third-party audits

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

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

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

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

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

CFS personnel involved in audit activities affirmed they rely greatly on the iTSCi documentation stored at smelter's level, thus checking whether the smelting company has been following the traceability procedures⁸⁹. Some confusion regarding the role played by different programs still persist, in particular as to whether Channel Research performs audits under Step IV (third-party independent audit of smelters). Channel Research makes checks on the smelter as an iTSCi member. This combined with the validation performed under the Conflict-Free Smelter Programme should provide the information required under Step IV of the OECD Guidance.

To date fifteen tantalum processors have completed the CFS audit procedure and been designated as a Conflict Free Smelter. At least two of these are known to purchase material from the Great Lakes Region, and an in-region audit of the supplier of these smelters was also conducted by an independent consultant⁹⁰ to ensure that the smelter's due diligence practices conformed to the OECD Due Diligence Guidance.

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

⁸⁹ IPIS interview with CFS representatives, September 2012

⁹⁰ Namely Gregory Mthemba-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>

not possible for the team to confirm that they source from the Great Lakes region. To date, no tungsten smelters have approached the CFS board or is scheduled to undergo the audit. Over the next 12-18 months, CFS will be working to expand beyond tantalum and reach out to smelters of other metals.

STEP 5: Report annually on supply chain due diligence

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

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

Further capacity-building efforts are needed with regards to Step V. Upstream companies need to be targeted by experts- led workshops and training on corporate reporting activities that go beyond internal documents and address social, environmental and due diligence practices.

SECTION VI – CHANGES ON THE GROUND: ACHIEVEMENTS, ONGOING CHALLENGES AND LESSONS LEARNT

Achievements in the past 18 months

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

Meanwhile, previously initiated initiatives continued to develop at a very high pace. The iTSCi expanded very quickly and is now covering all mine sites in Rwanda and Katanga, one site in South Kivu and has now (December 2012) begun to expand in Maniema. It is estimated that almost 18.000 tons of tagged minerals have left the region since the start of the project.

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

In Rwanda, both government authorities and mining companies benefitted from their experience of the BGR led Certified Trading Chains pilot project (implemented at 5 mines), when putting the preparatory steps to issue the first certificates in place. In the DRC, the BGR programme is tailored exclusively to support the Ministry of Mines in their efforts to set the regional certification mechanism in place.

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

On-going challenges

The Kivu provinces

International traders and smelters find it difficult to source from the Kivu provinces, given the requirements set by the CFS and the limited quantity of minerals that willing downstream companies can absorb. Up until now, downstream companies driven by regulatory pressure have interpreted due diligence conservatively as a guarantee of 100% conflict-free materials. To meet this interpretation, companies choose to source from geographical areas that are designated 'conflict free'. The activities of armed groups around Mitwaba in Northern Katanga followed by the deployment of a permanent MONUSCO base⁹¹, show that continuous vigilance is required as the situation may degenerate rapidly even in provinces commonly regarded as conflict-free.. Certainly, customers' requirements driven by regulatory pressure has a bearing on sourcing decisions. The request of downstream-users for iTSCi-tagged material, in combination with the reality that iTSCi has not been able to expand its operations outside of Katanga and Rwanda due to either security reasons or lack of funding, means that there is a

⁹¹ <http://radiookapi.net/en-bref/2012/10/15/katanga-la-societe-civile-salue-la-presence-des-casques-bleus-de-la-monusco-mitwaba/>

more limited market access for minerals originating from the Kivu provinces, Maniema (up until recently), Burundi and Uganda. Exporters who do manage to find a market for untagged minerals are obliged to sell them at very low prices. Following the set-up of the Conflict Free Tin Initiative by the Dutch Government in collaboration with iTSCI, tin coming from the Kalimbi site will be tagged and sold at competitive price for the first time in 18 months.

Smuggling

Over the past two years, cross-border smuggling has increased substantially. In their latest report, published in late November 2012, the UN Group of Experts on the DRC described smuggling patterns in the region, and reiterated that the ores with higher values per kilo such as tungsten and coltan are currently being smuggled more⁹². As long as there are no traceability or certification schemes in place that cover the whole region and most notably, the Kivu provinces, Uganda and Burundi, smuggling and contamination of clean material will continue to pose a threat to formalisation and due diligence initiatives.

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

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

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

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

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

State capacity and ownership

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

⁹² UN Group of Experts on the DRC, Final Report S/2012/843, 15 November 2012, accessible here: <http://www.un.org/sc/committees/1533/egroup.shtml>

⁹³ Universally recognized definition in the 1995 International Co-operative Alliance Statement on the cooperative identity, the 2001 UN Guidelines aimed at creating a supportive environment for the development of cooperatives and the 2002 ILO Recommendation No. 193 on the promotion of cooperatives.

not implementing due diligence, the Congolese government lacks capacity and resources to enforce the *note circulaire* rigorously.

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

Data collection, transmission and sharing.

The production of reliable statistics in the DRC remains a challenge for the government services due to the poor road and communication infrastructure and the limited available budget for on-site government control.⁹⁴ By concluding a partnership with the iTSCi Programme, the government expected to reinforce its capacity to collect data for mineral statistics. Currently, data are collected using logbooks in paper format. Instead of logbooks, government officials often use draft notebooks which delay several weeks to several months the transmission and process of raw data in the iTSCi database in London. While the number of government agents deployed to collect data has quadrupled in Katanga⁹⁵, with all the costs associated with the expansion of the service, the authorities were disappointed that insufficient capacity building of government data specialist has as yet been carried out by iTSCi to enable government agents to produce their own reliable statistics. A pilot electronic bar-coding project should commence by the end of 2012. Logbooks would be replaced by Personal Digital Assistants (PDAs). These are electronic handled devices that are easy to use. However, since they need a phone network and electronic power to operate, it is unlikely that PDAs will entirely replace logbooks in the foreseeable future. Data sharing needs further improvement. iTSCi argues that since the government has a carbon copy of the logbooks used to collect raw data, they do have access to the data. The ITRI MoU with the ICGLR requires the parties to agree on data access standards. This has not happened, yet. ICGLR members, the ICGLR Secretariat, with their consultants, and iTSCi are encouraged to continue discussion on data-sharing, taking into account capacity constraints which may be eased by more effective ways of data transfer and maintenance.

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

⁹⁴ See the OECD Pilot Implementation baseline report p4. The baseline report is accessible on the OECD website: <http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/implementingtheguidance.htm>

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

Lessons learnt

- Cooperation between upstream and downstream companies, including through donor support for expanding traceability to so called conflict-provinces is enabling market access for responsibly sourced minerals.
- Conflict-free designations may turn out to be artificial in highly dynamic environments where situations can degenerate rapidly. There is therefore a need to strengthen mechanisms of alert or early warning, so to enable timely responses to identified risks, in accordance with Annex II of the Guidance.
- Capacity building efforts should be replicated outside the DRC and Rwanda. More outreach activities, such as workshops, need to take place in the region, especially in Uganda and Burundi.
- Efforts to restart trade in the Kivus should be scaled up. The Dutch-sponsored Conflict Free Tin Initiative is proving that it is possible for Kivu-sourced minerals to reach the international market. Possibilities to expand the scope of this initiative to other sites are being explored.
- The harmonisation and coordination processes between different initiatives should be speeded up. In section III.3 c several opportunities for harmonisation have been indicated. Most importantly, the different entities undertaking audits of both mine sites and companies should together explore how different audits can be consolidated or at least streamlined to minimise audit fatigue.
- The issue of “*audit fatigue*” and the costs for industry associated with the implementation of concurrent in-region schemes, raised by several upstream companies during IPIS’ second cycle of field visits, remains a challenge and needs to be addressed in multi-stakeholder forums, where the potential for harmonisation, increased coordination, and audit reduction can be best exploited. Many upstream participants do not distinguish audits from visits for the purpose of research and/or visits from downstream buyers. Further capacity-building efforts are needed with regards to Step 5. Upstream companies need to be targeted by expert- led workshops and training on corporate reporting activities that go beyond internal documents and address social and due diligence practices.
- In the interim report, the team pointed out that 30 companies had adopted a policy commitment setting forth due diligence principles. Awareness-raising activities carried out in the region helped companies become more familiar with the OECD Guidance including drafting their own policies in accordance with the model policy provided in Annex II of the Guidance

ANNEX 1.

République Démocratique du Congo



MINISTRE DES MINES

Le Ministre

Kinshasa, le 10 JUL 2012

N° CAB.MIN/MINES/01/0601/2012

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 dévoués »
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement
« Avec l'assurance de ma haute considération »
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre du Budget ;
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de la défense nationale et Anciens Combattants
- Monsieur le Ministre de l'Intérieur, Sécurité, Décentralisation et Affaires coutumières ;
- Monsieur le Vice-Ministre de l'Intérieur ;
- Monsieur le Vice-Ministre des Affaires Etrangères ;
- Monsieur le Secrétaire Général des Mines ;
- Monsieur le Directeur Général du CEEC ;
- Monsieur le Coordonnateur Général du SANS SCAM
- Monsieur le Président de la chambre des Mines (Tous) à Kinshasa/Gombe
- Honorable Président de l'Assemblée Provinciale du Nord-Kivu ;
- Madame la Ministre Provinciale des Mines ;
- Monsieur le Chef de Division Provinciale et Géologie du Nord-Kivu ;
- ✓ Monsieur le Vice-Président de la Chambre des Mines/filière stannifère.
(Tous) à GOMA

Objet : Exploitation Minière et contribution spéciale des opérateurs miniers au développement des Zones minières productrices de la filière stannifère de la province du Nord-Kivu.

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

Monsieur le Gouverneur,

Subséquemment à ma lettre n°CAB.MIN/MINES/01/0506/2012 du 19 juin 2012 ayant trait à l'objet repris en marge, j'ai l'avantage de revenir sur le point 7 relatif à la contribution spéciale des opérateurs miniers à la réalisation des projets de développement dans votre Province en général et dans les territoires où se déroulent les activités minières en particulier.

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

▪ Les Coopératives minières	: 30\$/Tonne des minerais produits
▪ Les Négociants	: 50 \$/Tonne des minerais achetés
▪ Les entités de traitement	: 75 \$/Tonne des minerais à l'exportation
▪ Les transporteurs des minerais	: 25\$/Tonne des minerais à transporter.
Total	: 180\$/Tonne

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

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

• Territoire où se déroulent les activités minières	: 130\$/Tonne
• Province du Nord-Kivu	: 50 \$/Tonne
Total	: 180\$/Tonne

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

Pour une gestion transparente de ces ressources financières, il y a donc lieu de mettre en place un comité provincial de développement au niveau provincial et un comité local de développement au niveau de chaque territoire composé des Délégués de la province et de toutes les parties prenantes. Aussi, je salue, à juste titre, l'initiative prise par les opérateurs miniers et les notables du territoire de Walikale qui ont répondu positivement à ma lettre précitée. Cette action doit s'étendre à tous les territoires de votre province.

S'agissant des frais dits non repris par la nomenclature ni nationale, ni provinciale, ils doivent être supprimées, notamment les frais payés à la DGI, à l'aéronautique civile, au Ministère provincial des Mines, à la Division provinciale des Mines, au SAESSCAM et à tout autre service public de l'Etat. Seules les taxes instituées par des textes légaux et réglementaires à l'exportation doivent être perçues par le CEEC, dans un guichet unique et celles liées à l'exploitation artisanale par le SAESSCAM dans un autre guichet unique. Elles doivent être couvertes par des documents comptables officiels à délivrer par les services percepteurs. Le tout à répartir à la fin du mois au profit des entités, services et organismes publics.

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

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

Martin KABWELULU



MINISTRE DES MINES

Le Ministre

Kinshasa, le 19 JUN 2012

N° CAB.MIN/MINES/01/ 0506 /2012

Transmis copie pour information :

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- Monsieur le Secrétaire Général des Mines ;
- Monsieur le Président de la chambre des Mines (Tous) à Kinshasa/Gombe
- Honorable Président de l'Assemblée Provinciale du Nord-Kivu ;
- Madame la Ministre Provinciale a.i des Mines ;
- Monsieur le Chef de Division Provinciale et Géologie du Nord-Kivu ;
- ✓ Monsieur le Vice-Président de la Chambre des Mines/filière stannifère.
(Tous) à GOMA

Objet : Exploitation Minière
dans la Province du
Nord-Kivu

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

Monsieur le Gouverneur,

Par la présente, je vous rappelle que la République Démocratique du Congo a toujours été accusée par certaines ONGS internationales des ressources naturelles et certains organismes internationaux de ne pas maîtriser et contrôler de manière efficiente les activités d'exploitation des

minerais dans la partie Est de notre pays en général et dans la Province du Nord-Kivu en particulier, en dépit de toutes les mesures prises pour assainir ce secteur en vue de rompre le lien entre l'exploitation illégale des minerais et le financement des activités des groupes armés non-étatiques nationaux qu'étrangers qui sont à la base de l'insécurité récurrente dans cette partie de la République.

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

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

1. Les comptoirs TTT Mining (actuel CMM) et Huaying restent suspendus sur l'ensemble du territoire national jusqu'à nouvel ordre;
2. Les lots des minerais de deux comptoirs suspendus provenant de la Province du Maniema sont autorisés à être exportés. Il en est de même des lots des minerais des autres comptoirs provenant de la même Province, considérée comme Zone libre des conflits, sont autorisés à être exportés ;
3. Tous les produits miniers provenant des sites non qualifiés et non validés des territoires de Walikalé, Masisi et autres de votre Province doivent être saisis et gardés, sous votre entière responsabilité, dans des dépôts choisis par l'Autorité provinciale ;
4. La mesure de la transformation de comptoirs de la filière stannifère en entités de traitement doit se poursuivre sans désenclaver de telle manière qu'en fin de cette année, il n'y est plus en activité que des entités de traitement.

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

Martin KABWELULU

AMABWIRIZA YA MINISITIRI N°002//2012/MINIRENA YO KUWA 28/03/2012 AGENA UBURYO BW'YUBAHIRIZWA RY'UBUZIRANENGE BW'AMABUYE Y'AGACIRO MU KARERE	MINISTERIAL REGULATIONS N°002//2012/MINIRENA OF 28/03/2012 ON THE REGIONAL CERTIFICATION MECHANISM FOR MINERALS	INSTRUCTIONS MINISTERIELLES N°002//2012/MINIRENA DU 28/03/2012 SUR LE MECANISME DE CERTIFICATION REGIONAL DES MINERAIS
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<u>Ingingo va 13:</u> Ahacururizwa amabuye y'agaciro	<u>Article 13:</u> Mineral trading centers	<u>Article 13:</u> Comptoirs d'achat et vente des minerais
<u>Ingingo va 14:</u> Raporo y'ubucuruzi bw'amabuye y'agaciro	<u>Article 14:</u> Mineral trading report	<u>Article 14:</u> Rapport sur le commerce des minerais
<u>Ingingo va 15:</u> Amabuye y'agaciro yafatiwe muri forode	<u>Article 15:</u> Fraudulent minerals	<u>Article 15:</u> Minerais en fraude
<u>Ingingo va 16:</u> Ibihano byo kutubahiriza aya mabwiriza	<u>Article 16:</u> Sanctions for breaking these regulations	<u>Article 16:</u> Sanctions en cas de violation des présentes Instructions
<u>Ingingo va 17:</u> Ivanwaho ry'ingingo zinyuranye n'aya mabwiriza	<u>Article 17:</u> Repealing provision	<u>Article 17:</u> Disposition abrogatoire
<u>Ingingo va 18:</u> Igihe aya mabwiriza atangira gukurikizwa	<u>Article 18:</u> Commencement	<u>Article 18:</u> Entrée en vigueur

AMABWIRIZA YA MINISITIRI N°002/2012/MINIRENA YO KUWA 28/03/2012 AGENA UBURYO BW'YUBAHIRIZWA RY'UBUZIRANENGE BW'AMABUYE Y'AGACIRO MU KARERE	MINISTERIAL REGULATIONS N°002/2012/MINIRENA OF 28/03/2012 ON THE REGIONAL CERTIFICATION MECHANISM FOR MINERALS	INSTRUCTIONS MINISTERIELLES N°002/2012/MINIRENA DU 28/03/2012 SUR LE MECANISME DE CERTIFICATION REGIONAL DES MINERAIS
Minisitiri w'Umutungo Kamere,	The Minister of Natural Resources,	Le Ministre des Ressources Naturelles,
Hashingiwe ku Masezerano ku Mutekano, Umutuzo n'Iterambere mu Karere k'Ibiyaga Bigari, yashyizweho umukono i Nairobi ku wa 15/12/2006 nk'uko yemejwe n'Ireka rya Perezida n° 44/01 ryo ku wa 15/11/2007;	Pursuant to the PACT on Security, Stability and Development in the Great Lakes Region, signed in Nairobi on 15/12/2006 as ratified by the Presidential Order n° 44/01 of 15/11/2007;	Vu le Pacte sur la Sécurité, la Stabilité et le Développement dans la Région des Grands Lacs, signé à Nairobi le 15/12/2006, tel que ratifié par l'Arrêté Présidentiel n° 44/01 du 15/11/2007;
Hashingiwe ku Itegeko n° 37/2008 ryo ku wa 11/05/2008 rigenga ubucukuzi bw'amabuye y'agaciro na kariyeri;	Pursuant to Law n° 37/2008 of 11/05/2008 on mining and quarry exploitation;	Vu la Loi n° 37/2008 de la 11/05/2008 portant exploitation des mines et carrières;
Asubiye ku mabwiriza ya Minisitiri n° 001/MINIFOM/2011 yo kuwa 10 wenerurwe 2011 ku kurwanya ubucukuzi bw'amabuye y'agaciro butubahirije amategeko;	Having reviewed the Ministerial Instructions n° 001/MINIFOM/2011 dated 10 th March 2011 on fighting smuggling in mineral trading;	Revu l'Instruction Ministérielle n° 001/MINIFOM/2011 du 10 mars 2011 sur la lutte contre la fraude dans le commerce de minerais;
Hashingiwe ku bushake bw'ishyirwaho ry'Uburyo bw'Iyubahirizwa ry'Ubuziranenge mu bucukuzi, ikurikirana n'igenzurwa ry'umutungo kamere mu karere k'Ibiyaga bigari;	Pursuant to the commitment to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region";	Conformément à l'engagement de mettre en place un mécanisme régional de certification de l'exploitation, de contrôle et de vérification des ressources naturelles dans la région des Grands Lacs;
Hashingiwe ku masezerano ya Lusaka yo ku	Pursuant to the Lusaka Declaration of	Vu la Déclaration de Lusaka du 15 Décembre

<p>wa 15/12/2010 ashyiraho ingamba 6 z'Inama Mpuzamahanga ku Karere k'Toiyaga Bigali (ICGLR) zo kurwanya ikoreshwa ry'umutungo kamere ritubahirije amategeko (RINR): Uburyo bw'Iyubahirizwa ry'Ubuziranenge mu Karere; Guhuza n'Amategeko Igihugu Kigenderaho; Amakurushingiro ku karere ku nzira z'amabuye y'agaciro; Ivugurura ry'Urwego rw'Abacukuzi Bato ku iyubahiriza ry'amategeko; Guteza Imbere Ubushake bwo Gukorera mu Mucyo ku Nganda Zicukura (EITI); Gushyiraho Uburyo bwo Gutangaza Amakuru ku icukurwa n'icukurwa ry'amabuye y'agaciro ritubahirije amategeko;</p>	<p>December 15, 2010, of the Six Tools of Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) of the International Conference on the Great Lakes Region (ICGLR) to curb illegal exploitation of natural resources: a Regional Certification Mechanism; Harmonization of National Legislation; a Regional Database on Mineral Flows; Formalization of the Artisanal Mining Sector; Promotion of the Extractive Industries Transparency Initiative (EITI); Whistle Blowing Mechanism;</p>	<p>2010, des Six Mécanismes de l'initiative régionale contre l'exploitation illégale des ressources naturelles de la Conférence Internationale sur la Région des Grands Lacs (CIRGL) pour freiner l'exploitation illégale des ressources naturelles: un Mécanisme de Certification Régional; d'harmonisation des législations nationales; une base de données régionale sur les flux de minerais; la formalisation du secteur minier artisanal; la promotion de l'Initiative pour la Transparence dans les Industries Extractives (ITIE); le Mécanisme de dénonciation;</p>
<p>Hitawe ku kibazo gihangayikishije isi yose kirebana n'amabuye y'agaciro aturuka mu bice birimo amakimbarane yiswe "amabuye y'agaciro yo mu makimbarane" yo mu Karere k'Toiyaga Bigali ndetse no ku ngaruka zishoboka zo kutemerwa ku masoko mpuzamahanga kw'amabuye y'agaciro yo mu Rwanda bitewe n'amategeko y'abanyamerika ku mabuye y'agaciro aturuka mu bice birimo amakimbarane yiswe "Dodd-Frank Wall Street Reform and Consumer Protection Act";</p>	<p>Recognizing the international concern regarding 'conflict minerals' from the Great Lakes Region, and the potential impact on international market access for Rwandan minerals posed by the conflict mineral provisions of the United States Dodd-Frank Wall Street Reform and Consumer Protection Act;</p>	<p>Conscient de l'inquiétude internationale sur les «minerais de conflit» dans la Région des Grands Lacs, et l'impact potentiel sur l'accès des minerais rwandais au marché international posés par les dispositions des minerais de conflit dans la loi des Etats-Unis Dodd-Frank sur la réforme de Wall Street et la protection des consommateurs.</p>
<p>Hashingiwe kandi ku kamaro k'urwego rw'ubucukuzi bw'amabuye y'agaciro mu Rwanda n'uruhare rwarwo mu gutanga akazi</p>	<p>Considering the importance of the mining sector in Rwanda, and its contribution to employment and economic development;</p>	<p>Considérant l'importance du secteur minier au Rwanda et sa contribution à l'emploi et au développement économique;</p>

n'iterambere ry'ubukungu.

Atanze amabwiriza akurikira:

Gives the following instructions:

Emet les instructions suivantes:

Ingingo ya mbere: Aho Uburyo bwa ICGLR ku iyubahirizwa ry'ubuziranenge mu Karere (RCM) bukoreshwa - Igitabo cy'amabwiriza ku Buziranenge

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

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

Amabuye y'agaciro arebwa n'aya mabwiriza muri iki gihe: gasegereti, wolufuramu, koluta na zahabu agomba gucururwa, gucuruzwa, koherezwa mu mahanga no kwinjira mu gihugu ari uko yubahirije amahame shingiro yose n'uburyo yubahirizwa nk'uko yashyizweho n'Inama Mpuzamahanga mu Karere k'Ibiyaga Bigali (ICGLR) mu Buryo bwayo kw'Iyubahirizwa ry'Ubuziranenge mu Karere (RCM) - Igitabo cy'amabwiriza ya ICGLR ku Buziranenge.

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

Les Minerais actuellement concernés: la Cassitérite, la Wolframite, le Coltan (Niobo-Tantalite), et l'Or doivent être extraits, achetés, vendus, exportés et importés en pleine conformité avec les normes et procédures définies par le Mécanisme Régional de Certification (MRC) de la Conférence Internationale sur la Région des Grands Lacs (CIRGL). — dans Manuel de certification (ci-après «Manuel de Certification de la CIRGL»).

Ingingo ya 2: Urubushya rwo kohereza no gutumiza mu mahanga amabuye y'agaciro arebwa n'aya mabwiriza

Article 2: Permission to Import and Export Designated Minerals

Article 2: Autorisation d'importation et d'exportation des minerais concernés

Guhira ku wa 15/12/2012, nta muntu wemerewe kohereza mu mahanga amabuye y'agaciro arebwa n'aya mabwiriza keretse yaragenzuwe n'umukozi w'urwego rubifitiye ububasha agatanga icyemezo cy'ubuziranenge cya ICGLR ku mabuye agomba koherezwa. Na none nta muntu n'umwe wemerewe kwinjira mu gihugu kiri

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

À partir du 15 Décembre 2012, personne n'est autorisé à exporter des minerais désignés sauf si un agent du gouvernement dûment autorisé a inspecté l'expédition des minerais et a délivré un certificat de la CIRGL couvrant l'expédition des minerais. Aussi, personne n'est autorisé à importer des minerais désignés à partir d'un autre État membre de

muri ICGLR amabuye y'agaciro yavuzwe haruguru keretse ayo mabuye aherekajwe n'icyemezo cy'ubuziranenge cya ICGLR cyatanze n'igihugu kiri muri ICGLR.	unless those minerals are accompanied by an ICGLR Certificate issued by that Member State.	la CIRGL à moins que ces minerais soient accompagnés d'un certificat émis par cet État membre de la CIRGL.
Itariki yo gutangiraho ishobora kwizwa inyuma ya 15/12/2012 iyo igihugu kiri muri ICGLR gitanze ibisobanuro mu nyandiko ku Bunyamabanga bwa ICGLR. Kugeza ku wa 15/12/2012 amabuye y'agaciro arebwa n'aya mabwiriza ashobora koherezwa mu mahanga, kwinjizwa mu gihugu afite cyangwa adafite icyangombwa cy'ubuziranenge bwa ICGLR.	The starting date can be extended beyond December 15, 2012, provided the Member State provides a written justification to the ICGLR Secretariat. Up to December 15, 2012, Designated Minerals may be imported or exported either with, or without, an ICGLR Certificate.	La date de prise d'effet peut être prolongée au-delà du 15 décembre 2012, si l'État membre fournit une justification écrite au la Secrétariat de la CIRGL. Jusqu'au 15 Décembre 2012, les minerais concernés peuvent être importés ou exportés, qu'ils soient avec ou sans certificat de la CIRGL.
Amabuye y'agaciro arebwa n'aya mabwiriza ashobora gutumizwa mu gihugu kiri muri ICGLR nta cyemezo cya ICGLR afite, mu gihe igihugu aturutse kitaratangira gutanga ibyemezo bya ICGLR kandi kikaba cyaratanze ibisobanuro mu nyandiko ku bunyamabanga bwa ICGLR nk'uko byasobanuwe haruguru. Muri icyo gihe ayo mabuye agomba guherekezwa n'impapuro zigaragaza uburyo yakurikiranwe nk'uko biteganywa n'amahame shingiro ya ICGLR. Ibi birareba n' amabuye y'agaciro arebwa n'aya mabwiriza yatumiye mu gihugu kitari muri ICGLR. Bityo rero, ayo amabuye y'agaciro arebwa n'aya mabwiriza yatumiye hanze y'igihugu agomba koherezwa mu mahanga adafite icyemezo cya ICGLR. Bene ayo mabuye ntagomba kuvangwa n'amabuye	Designated Minerals may be imported from an ICGLR Member State into Rwanda without an ICGLR Certificate, if that Member State has not started issuing ICGLR certificates and has provided written justification to the ICGLR Secretariat as defined above. In this case Designated Minerals still have to be accompanied by a chain of custody documentation meeting the ICGLR chain of custody standards. The same applies to Designated Mineral imports from non-ICGLR Member States. Thus imported Designated Mineral shipments have to be exported without an ICGLR certificate. These Designated Mineral shipments shall not be physically mixed with Designated Minerals eligible for or carrying an ICGLR certificate.	Les minerais concernés peuvent être importés d'un État membre sans certificat de la CIRGL, si cet État membre n'a pas encore commencé à délivrer des certificats de la CIRGL et a soumis une justification écrite au secrétariat de la CIRGL comme définis ci-haut. Dans ce cas, les minerais concernés doivent être accompagnés par la documentation adéquate de la chaîne de possession selon les normes de la CIRGL. C'est le même cas pour l'importation des minerais désignés venant d'un pays qui n'est pas membre de la CIRGL. Ainsi les envois des minerais concernés importés seraient exportés sans certificat de la CIRGL. Ces envois de minerais concernés ne doivent pas être physiquement mélangés avec des minerais concernés éligibles pour ou portant

y'agaciro ateganyijwe guhabwa cyangwa afite icyemezo cya ICGLR.

un certificat de la CIRGL.

Amabuye y'agaciro yose arebwa n'aya mabwiriza yoherezwa mu mahanga agomba kugira icyemezo cy'aho aturuka. Amabuye y'agaciro yinjijwe mu Rwanda aturutse mu kindi gihugu hanyuma akoherezwa mu mahanga yitwa ko yongeye koherezwa mu mahanga.

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

Tous les minerais destinés à être exportés doivent avoir un certificat d'origine. Tous les minerais importés au Rwanda à partir d'un autre Etat et par la suite exportés doivent être classés comme réexportation.

Ingingo ya 3: Igenzura y'ibirombe by'amabuye y'agaciro

Article 3: Mine Site Inspections

Article 3: Inspections des sites miniers

Ibirombe bicukurwamo amabuye y'agaciro arebwa n'aya mabwiriza bigomba kugenzurwa hakurikijwe amahame shingiro n'uburyo akoresheye nk'uko ateganywa mu gitabo cy'amabwiriza cya ICGLR ku buziranenge no mu bitabo ngenderwaho by'gihugu bikomoka ku mabwiriza ya ICGLR ku buziranenge. Umukozi wa Leta ubifitiye ububasha agomba kugenzura buri kirombe cy'amabuye y'agaciro mu Rwanda nibura rimwe mu mwaka, akagenzura niba mine yubahiriza amahame shingiro nk'uko ateganywa mu gitabo cy'amabwiriza ya ICGLR ku buziranenge.

Mine sites producing Designated Minerals shall be inspected according to the standards and procedures outlined in the ICGLR Certification Manual and the national reference documents derived from the ICGLR Certification Manual. An authorized government agent shall inspect each mine site in Rwanda at least once per year, and verify that the mine site is in conformity with the regional mine site standards as set out in the ICGLR Certification Manual.

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

Igenzura ry'ikirombe cy'amabuye y'agaciro rigomba kugira ibisabwa mu gushyirwa mu cyiciro cy'ibara rinukura; icyiciro cy'ibara

The mine site inspection shall include ICGLR red- and yellow-flag standards as well as progress criteria. As a result of the mine site

L'inspection du site minier doit comprendre les normes de la CIRGL des cotes rouge et jaune ainsi que des critères de progrès.

ry'umuhondo n'ibikurikizwa mu kuzamurwa mu ntera. Nyuma y'igenzura, ikirombe cy'amabuye y'agaciro kizemererwa gukorera (mu cyiciro cy'ibara ry'icyatsi), mu cyiciro cy'ibara ry'umuhondo cyangwa niba nta buziranenge cyemerewe (icyiciro cy'ibara ry'umutuku).	inspection, the mine site shall be designated Certified (green-flagged), Yellow-flagged, or Un-Certified (red-flagged).	Comme résultat de l'inspection du site minier, le site minier doit être désigné Certifié (coté vert), coté Jaune, ou non-certifié (coté rouge).
Ibirombe by'amabuye y'agaciro byubahiriza amabwiriza y'ubuziranenge ya ICGLR yose uko yakabaye byemererwa ubuziranenge (bishyirwa mu cyiciro cy'ibara ry'icyatsi).	Mine sites that are in complete conformity with ICGLR standards shall be declared Certified (green-flagged).	Les sites miniers qui sont en complète conformité avec les normes de la CIRGL doivent être déclarés certifiés (cotés vert).
Ibirombe by'amabuye y'agaciro byemerewe ubuziranenge (biri mu cyiciro cy'ibara ry'icyatsi), byemerewe gucukura amabuye y'agaciro arebwa n'aya mabwiriza kandi iyoherezwa ryayo mu mahanga ribabwa ubuziranenge. Ibirombe by'amabuye y'agaciro bitubahiriza Ihame shingiro rimwe cyangwa menshi ari mu cyiciro cy'ibara ry'umuhondo nk'uko atondetse mu gitabo cy'amabwiriza ya ICGLR ku Buziranenge bishyirwa mu cyiciro cy'ibara ry'umuhondo. Ibi birombe bibabwa igihe cy'amezi atandatu (6) yo gukosora amakosa yose yaba yaratumye bitubahiriza ibisabwa no gusaba ko byakongerwa gukorera igenzura.	Certified mine sites (green-flagged sites) are permitted to produce Designated Minerals for Certified Export. Mine sites that are in non-conformity with one or more of the Yellow-flag standards listed in the ICGLR Certification Manual shall be declared Yellow-flagged. Yellow-flagged mine sites have six months in which to correct whatever issues put the mine in non-conformity, and to request and receive a follow-up mine site inspection.	Les sites miniers certifiés (sites cotés vert) sont autorisés à produire des minerais destinés à l'exportation certifiée. Les sites miniers qui sont en non-conformité à une ou plusieurs des normes de la cote jaune énumérées dans le manuel de certification de la CIRGL doivent être déclarés cotés jaune. Les sites miniers cotés jaune ont une période de six (6) mois pour rectifier les situations ayant mis la mine en non-conformité, doivent demander et recevoir une inspection de suivi de la mine.
Ibirombe biri mu cyiciro cy'ibara ry'umuhondo byemererwa gukomeza gucukura amabuye y'agaciro nk'aho bifite	Mine sites that are Yellow-flagged are permitted to continue producing Designated Minerals for Certified Export while they	Les sites miniers cotés jaune sont autorisés à continuer de produire des minerais destinés à l'exportation certifiée alors qu'ils corrigent les

ubuziranenge ari nako bikosora ibitarubahirijwe byo muri icyo cyiciro.	correct the yellow-flag violations.	violations aux normes de la cote jaune.
Iyo ikirombe cyo mu cyiciro cy'ibara ry'umuhondo kidashoboye gukosora amakosa yagaragaye mu igenzura cyangwa ngo gisabe gukorerwa irindi mu gihe cy'amezi atandatu (6) kibura ubuziranenge (gishyirwa mu cyiciro cy'ibara ritukura).	Yellow-flagged mine sites that fail to effect corrections and pass a follow up mine site inspection within the six (6) month period are declared Un-Certified (red-flagged).	Les sites miniers cotés jaune qui échouent de corriger la situation et qui ont été inspectés pour suivi dans une période de six (6) mois après l'inspection précédente sont déclarés non-certifiés (cotés rouge).
Ikirombe kitubahiriza ibigenderwaho byaba byinshi cyangwa kimwe byo mu cyiciro cy'ibara ritukura nk'uko atondekanijwe mu gitabo cy'amabwiriza ya ICGLR ku buziranenge yitwa ko itagira ubuziranenge (ishyirwa mu cyiciro cy'ibara ritukura). Mine zitigeze zikorerwa igenzura mu gihe kirenze umwaka nazo zifatwa nk'izidafite ubuziranenge.	Mine sites that are in non-conformity with one or more of the Red-flag standards listed in the ICGLR Certification Manual shall be declared Un-Certified (red-flagged). Mine Sites that have not been inspected for more than one year shall also be declared Un-Certified.	Les sites miniers qui ne sont pas en conformité avec une ou plusieurs des normes cote rouge énumérées dans le manuel de certification de la doit CIRGL doivent être déclarés non-certifiés (coté rouge). Les sites miniers qui n'ont pas été inspectés depuis plus d'un an doivent également être déclarés non-certifiés.
Itoirumbye byose bidafite ubuziranenge bihagarikirwa gucukura amabuye y'agaciro arebwa n'aya mabwiriza mu gihe cy'amezi atandatu (6). Mu mpera z'aya mezi atandatu (6), ikirombe gishobora gusaba gukorerwa igenzura bundi bushya. Nyir'ikirombe cyangwa ugukoreramo ashobora kujuririra ibyavuye mu igenzura ashingiyeye ku mabwiriza yo kujurira nk'uko agaragara mu gitabo cy'amabwiriza ya ICGLR ku buziranenge.	Un-Certified mine sites are barred from producing Designated Minerals for Certified Export for a period of six (6) months. At the end of this six (6) month period, the mine site may request a new mine site inspection. Mine site owners or operators may appeal the findings of a mine site inspection, as per the appeal procedures delineated in the ICGLR Certification Manual.	Les sites miniers non-certifiés sont empêchés de produire des minerais destinés à l'exportation certifiée pour une période de six (6) mois. À la fin de cette période de six (6) mois, le site minier peut demander une nouvelle inspection de suivi. Les propriétaires ou les exploitants du site minier peuvent interjeter appel contre des conclusions d'une inspection du site minier, selon les procédures de recours définies dans le manuel de certification de la CIRGL.

Ingingo ya 4: Inkomoko n'itwarwa ry'amabuye y'agaciro

Amabuye y'agaciro arebwa n'aya mabwiriza agomba gutwarwa hakurikijwe amahame shingiro ku ikurikirana n'irindwa ry'amabuye y'agaciro nk'uko ateganyijwe mu gitabo cy'amabwiriza cya ICGLR ku buziranenge. Amabuye y'agaciro arebwa n'aya mabwiriza atwawe hanze y'imbago z'ahafitiwe uruhushya rwo gucukura (ahacukurwa n'imbago z'ahafitiwe uruhushya) bigomba guherekezwa n'inyandiko, utumenyetso n'izindi nyandiko zigaragaza inkomoko y'amabuye y'agaciro atwawe. Utumenyetso, n'izindi nyandiko biherekeje ayo amabuye bigomba kugaragaza inkomoko nyakuri y'amabuye y'agaciro atwawe; ni ukuvuga ko utumenyetso, cyangwa inyandiko bigomba kugaragaza neza uburyo amabuye y'agaciro yakurikiranwe, yarinze ku birebana n'iyubahirizwa ry'ubuziranenge bwayo kuva ku kirombe aho acukurwa kugeza aho yoherezwa, hakubiyemo n'intera zose yanyuzemo.

Ingingo ya 5: Uburyo bwo kohereza mu mahanga n'itangwa ry'ubuziranenge bwa ICGLR

Amabuye y'agaciro arebwa n'aya mabwiriza agomba koherezwa mu mahanga hakurikijwe

Article 4: Traceability and Transport of Minerals

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

Article 5: Export and ICGLR Certification Procedures

Designated Minerals shall be exported according to the standards and procedures

Article 4: Traçabilité et transport des minerais

Les Minerais concernés doivent être transportés conformément aux normes de la chaîne de possession décrites dans le manuel de certification de la CIRGL. Les Minerais concernés transportés hors des zones minières sous licence (concessions et périmètres possédant des permis miniers) doivent être accompagnés d'enregistrements, d'étiquettes ou d'autres documents qui montrent la mine d'origine des minerais transportés. Les étiquettes, enregistrements ou documents accompagnant l'envoi des minerais désignés doivent fournir une traçabilité totale pour les minerais qui sont transportés, c'est-à-dire que les étiquettes, les enregistrements ou les documents doivent être en mesure de montrer toute la chaîne de possession des minerais, de la mine au point d'exportation, y compris les étapes intermédiaires.

Article 5: Procédures d'exportation et de certification de la CIRGL

Les minerais concernés doivent être exportés selon les normes et les procédures décrites

ibipimo ndengerwaho n'uburyo biteganywa mu gitabo cy'amabwiriza cya ICGLR ku buziranenge, ibi ntibireba amabuye y'agaciro arebwa n'aya mabwiriza yatumiye mu mahanga agomba kongera koherezwa kandi akaba adateganyirijwe icyemezo cya ICGLR nk'uko biteganywa n'ingingo ya 2 y'aya mabwiriza. Mbere yo guhabwa icyemezo cya ICGLR cy'ubuziranenge ku mabuye y'agaciro arebwa n'aya mabwiriza, yoherezwa mu mahanga, umukozi wa Leta agomba kugenzura ibyoherezwa mu mahanga n'impapuro zibiherekeje, akagenzura ko:

(a) amabuye y'agaciro yose arebwa n'aya mabwiriza yacukuye muri mine yahawe ubuziranenge (yashyizwe mu cyiciro cy'ibara ry'icyatsi) cyangwa mu cyiciro cy'ibara ry'umuhondo. Amabuye y'agaciro arebwa n'aya mabwiriza ashobora no kuba yaravanywe mu kindi gihugu kiri muri ICGLR aya kuba afite icyemezo cya ICGLR cy'ubuziranenge. Amabuye y'agaciro arebwa n'aya mabwiriza ntashobora guturuka mu kinombe kidafite ubuziranenge (iri mu cyiciro cy'ibara rituruka);
(b) uwohereza amabuye mu mahanga agomba kuba afite impapuro zisobanura mu buryo burambuye uburyo amabuye y'agaciro yakurikiranwe, yarinze kuva acukurwa cyangwa ahumizwa kugeza yoherezwa mu mahanga;

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

(a) All of the Designated Minerals were sourced from a Certified (green-flagged) or Yellow-flagged mine site. Designated Minerals may also be sourced from imports from other Member States of the ICGLR, provided those imports were accompanied by an ICGLR Certificate. Designated Minerals may not be sourced from an Un-certified (red-flagged) mine site;
(b) The exporter has traceability documentation showing full chain of custody of all of the Designated Minerals from the mine site or point of importation to the point of export;

dans le manuel de certification de la CIRGL. Ceci ne concerne pas les minerais destinés à la réexportation et non-éligibles pour un certificat de la CIRGL comme stipulé à l'article 2 de cette instruction. Avant de délivrer un certificat de la CIRGL à une cargaison à l'exportation des minerais désignés, un agent de l'Etat doit inspecter la cargaison et les documents qui l'accompagnent, et vérifier que:

(a) tous les minerais concernés ont été extraits d'un site minier certifié (coté vert) ou coté jaune. Les Minerais désignés peuvent également être d'origine d'importations en provenance d'autres États membres de la CIRGL, à condition que ces importations fussent accompagnées d'un certificat de la CIRGL. Les Minerais concernés ne peuvent provenir d'un site minier non-certifié (coté rouge);
(b) L'exportateur dispose d'une documentation montrant la traçabilité de la chaîne complète de possession de tous les minerais concernés de la mine ou de point d'importation au point d'exportation;

(c) Uwohereza we ubwe ntagomba kuba adafite ubuziranenge (ari mu cyiciro cy'ibara rinukura).	(c) The exporter is not itself Un-Certified (red-flagged).	(c) l'exportateur n'est pas lui-même non-certifié (coté rouge).
Abohereza bafite ubuziranenge (buri mu cyiciro cy'ibara ry'icyatsi) cyangwa icy'ibara ry'umuhondo nibwo bonyine bahabwa icyemezo cyo kohereza mu mahanga.	Only Certified (green-flagged) or Yellow-flagged exporters may receive ICGLR Certificates for their exports.	Seuls les exportateurs certifiés (coté vert) ou coté jaune peuvent recevoir des certificats pour leurs exportations.
Igihe umukozi wa Leta anyuzwe n'ibisabwa muri (a),(b), na (c) ko ari iby'ukuri agomba kuzura no gusinya icyangombwa cy'ubuziranenge cya ICGLR. Umukozi wa kabiri wa leta ufite uburenganzira bwo gusinya ku cyemezo cya ICGLR yongerera kureba impapuro yanyurwa agashyira umukono ku cyemezo cya ICGLR cy'ubuziranenge.	If the government official is satisfied that conditions (a), (b), and (c) are true, they should fill in and sign the ICGLR Certificate. A second government official, authorized to sign ICGLR Certificates, should then review the documentation and, if satisfied, countersign the ICGLR Certificate.	Si l'agent de l'Etat est convaincu que les conditions (a), (b) et (c) sont vraies, il doit remplir et signer le certificat de la CIRGL. Un second fonctionnaire du gouvernement, autorisé à signer les certificats de la CIRGL, devrait alors examiner la documentation et, s'il est satisfait, contresigner le certificat de la CIRGL.
Icyo cyemezo cya ICGLR kigira agaciro mu gihe cy'amezi atandatu (6). Uwohereza amabuye mu mahanga yomekaho n'icyo cyemezo cya ICGLR ari nacyo gihuma ibyoherejwe mu mahanga bigira ubuziranenge.	The ICGLR Certificate then becomes valid for a period of six (6) months. The exporter then attaches the ICGLR Certificate to the export shipment, which then becomes a Certified Export.	Le certificat de la CIRGL devient alors valide pour une période de six (6) mois. L'exportateur attache ensuite le certificat de la CIRGL à la cargaison d'exportation, qui devient alors une exportation certifiée.
Ingingo ya 6: Iyemezo bya ICGLR	Article 6: ICGLR Certificates	Article 6: Les certificats CIRGL
Iyemezo bya ICGLR bigomba gukorwa kandi bigatangwa na Leta y'u Rwanda hakurikijwe ibipimo ngenderwaho n'uburyo bitateganywa mu gitabo cy'amabwiriza cya	ICGLR Certificates shall be produced and issued by the Rwandan Government, according to the standards and procedures outlined in the ICGLR Certification Manual.	Les Certificats de la CIRGL doivent être produits et délivrés par l'Etat Rwandais, selon les normes et les procédures décrites dans le manuel de certification de la CIRGL.

ICGLR ku buziranenge. Ibyemezo bya ICGLR bigomba kuba biteye kandi birimo amakuru akurikira: ICGLR Certificates shall contain the following features and information: Les Certificats de la CIRGL doivent contenir les éléments et renseignements suivants:

- | | | |
|--|--|---|
| 1° izina ry'igihugu gitanze icyemezo; | 1° the name of the issuing country; | 1° le nom du pays émetteur; |
| 2° imimero yihariye iranga icyemezo; | 2° a unique serial number identifying the Certificate; | 2° un numéro particulier d'identification du certificat; |
| 3° Izina, aderesi yemewe mu mategeko na aderesi y'uwohereza mu mahanga we ubwe n'andi makuru yose asabwa ku mwirondoro w'uwohereza; | 3° the name, legal address and physical address of the exporter, as well as any other information required to identify the exporter; | 3° le nom, l'adresse officielle et l'adresse physique de l'exportateur, ainsi que toute autre information nécessaire pour identifier l'exportateur; |
| 4° amazina, aderesi y'uwatumiye mu mahanga n'andi makuru yose yakenerwa mu kumumenya; | 4° the name, legal address and physical address of the importer, as well as any other information required to identify the importer; | 4° le nom, l'adresse officielle et l'adresse physique de l'importateur, ainsi que toute autre information nécessaire pour l'identifier; |
| 5° imimero yihariye y' uwoherereje mu mahanga cyangwa imimero y'ibyasabwe koherezwa mu mahanga; | 5° the exporter's unique lot number or export order number for the lot/shipment; | 5° le numéro particulier du lot de l'exportateur ou le numéro de la commande destinée à l'exportation pour le lot / la cargaison; |
| 6° ibisobanuro by'amabuye y'agaciro arebwa n'aya mabwiriza harimo ubwoko bw'amabuye y'agaciro, ubwiza bwa yo, ibiro n'icyiciro by'ibipakiwe; | 6° a description of the Designated Minerals, including the type of ore or concentrate, weight and grade of the lot/shipment; | 6° une description des minerais concernés, y compris le type de minerai ou de concentré, le poids et la catégorie du lot /de la cargaison; |
| 7° izina ry'aho amabuye y'agaciro aturutse (izina ry'igihugu cyangwa "bihuriweho" igihe amabuye | 7° the national origin of the material (either name of country, or "mixed" in the case of lots containing material | 7° l'origine nationale des minerais (soit le nom du pays, ou «mixte» dans le cas des lots contenant des minerais |

y'agaciro avanze aturutse mu bihugu bibiri cyangwa byinshi);	from two or more nations mixed together);	mélangés provenant de deux ou plusieurs nations);
8° agaciro k'ibyohererejwe;	8° the value of the lot/shipment;	8° la valeur du lot / de la cargaison;
9° igihe byohererejweho;	9° the date the lot is shipped;	9° la date d'envoi du lot;
10° inzira bizacamo n'ikigo gishinzwe kubitwara (kiramutse kizwi);	10° the shipment route and the transport company responsible for transporting the shipment, if known;	10° l'itinéraire d'acheminement et la société de responsable du transport de la cargaison, si elle est connue;
11° ikigo cya Leta gitanga icyemezo, izina, urwego rw'umurimo na numero y'irangamuntu (ibonetse) by'umukozi uhagarariye Leta, wagenzuye impapuro ziherekeje ibyoherezwa mu mahanga akanemeza ko hatangwa icyemezo cy'ubuziranenge cya ICGLR;	11° the Government issuing authority and the name, position and identification number (where available) of the government representative responsible for verifying the documentation associated with the export and recommending the issuance of an ICGLR Certificate;	11° l'autorité gouvernementale émettrice et le nom, le poste et l'identification (si possible) du représentant du gouvernement chargé de vérifier la documentation associée à l'exportation et de la recommandation pour émission d'un certificat de la CIRGL;
12° itariki ibyoherezwa byagenzuriweho n'uhagarariye Leta;	12° the date the lot is verified by the Government representative;	12° la date où le lot est vérifié par le représentant du gouvernement;
13° izina n'umukono by'uhagarariye Leta wahawe ububasha bwo kugenzura no gushyira umukono ku cyemezo cya ICGLR kugira ngo kigire agaciro;	13° the name and signature of the government representative empowered to countersign the ICGLR Certificate to render it valid;	13° le nom et la signature du représentant du gouvernement habilité à contresigner le certificat de la CIRGL pour le rendre valide;
14° itariki icyemezo cya ICGLR cyashyiriweho umukono (agaciro kacyo gatangirira kuri iyi tariki);	14° the date that the ICGLR Certificate is countersigned (the certificate is valid from this date);	14° la date à laquelle le certificat de la CIRGL est contresigné (le certificat est valable à partir de cette date);

15° itariki icyemezo kizarangiraho cyangwa igihe icyemezo kimara gifite agaciro.	15° the date that the Certificate expires, or the validity period of the Certificate.	15° la date à laquelle le certificat expire, ou la période de validité du certificat.
Byongeye buri cyemezo cya ICGLR kigomba kuba gifite umutwe "Icyemezo cy'Inama Mpuzamahanga ku Karere k'Tbiyaga Bigari" n'amagambo akurikira: aya mabuye yacukwe, acuruzwa kandi yoherezwa mu mahanga byubahirije ibipimo ngenderwaho bya ICGLR".	Additionally, each ICGLR Certificate shall bear the title "International Conference on the Great Lakes Region (ICGLR) Certificate" and the following statement: "The minerals/metals in this lot have been mined, traded and handled in accordance with the requirements of the ICGLR standards".	De plus, chaque certificat de la CIRGL portent le titre de «Certificat de la Conférence Internationale sur la Région des Grands Lacs (CIRGL)» et la déclaration suivante: «Les minerais / métaux dans ce lot ont été extraits, échangés et traités conformément aux exigences des normes de la CIRGL".
Buri cyemezo cya ICGLR kigomba gucapwa mu ndimi zombi icyongereza n'igifaransa. Izindi ndimi zishobora kongerwaho.	Each ICGLR Certificate shall be printed in both English and French. Additional languages may be added.	Chaque certificat de la CIRGL doit être imprimé en anglais et en français. Des langues supplémentaires peuvent être ajoutées.
<u>Ingingo 7:</u> Kugenzura umutungo w'abohereza amabuye mu mahanga bikoze n'abagenzuzi bigenga	<u>Article 7:</u> Third Party Audits of Exporters	<u>Article 7:</u> Audits des exportateurs par des auditeurs indépendants
Abohereza mu mahanga amabuye y'agaciro arebwa n'aya mabwiriza bagomba kugenzurwa hakurikijwe ibipimo ngenderwaho n'uburyo bitaganywa mu gitabo cy'amabwiriza ku buziranenge cya ICGLR.	Exporters exporting Designated Minerals shall be audited according to the standards and procedures outlined in the ICGLR Certification Manual.	Les exportateurs exportant des minerais concernés doivent être audités selon les normes et les procédures décrites dans le manuel de certification de la CIRGL.
Umugenzuzi w'umutungo wigenga wemejwe na komite y'igenzura ya ICGLR agomba kugenzura umuntu wese wohereza amabuye y'agaciro mu mahanga nibura rimwe mu	A Third Party Auditor accredited by the ICGLR Audit Committee shall perform an audit on each exporter at least once per year, and verify that the exporter is in conformity	Un auditeur indépendant accrédité par le Comité d'Audit de la CIRGL doit effectuer une vérification à chaque exportateur au moins une fois par an, et vérifier que

mwaka, akagenzura niba yubahiriza ibipimo ngenderwaho byo mu karere nk'uko bigaragara mu gitabo cy'amabwiriza ku buziranenge cya ICGLR.	with the regional standards as set out in the ICGLR Certification Manual.	L'exportateur est en conformité avec les normes régionales énoncées dans le Manuel de Certification de la CIRGL.
Uwo mugenzuzi wemejwe na komite y'igenzura ya ICGLR agomba guhitamo zimwe muri mine zigemurira uwohereza amabuye mu mahanga nk'uko biteganywa mu gitabo cy'amabwiriza cya ICGLR ku iyubahirizwa ry'ubuziranenge, akagenzura ibyavuye mu igenzura rya mine.	The Third Party Auditor shall also audit a representative sample of mine sites supplying the exporter, as defined in the ICGLR Certification Manual, to verify national mine site inspection results.	L'auditeur indépendant doit également auditer un échantillon représentatif des sites miniers qui approvisionnent l'exportateur, tels que définis dans le Manuel de Certification de la CIRGL, afin de vérifier les résultats nationaux de l'inspection des sites miniers.
Uwohereza amabuye mu mahanga afite inshingano zo gushaka no guhamba umugenzuzi w'umutungo wigenga kimwe n'ikurikirana ry'amagazuru yabaho. Mu bivuye mu igenzura uwohereza amabuye mu mahanga ashobora guhabwa icyemezo cy'ubuziranenge (ashyizwe mu cyiciro cy'ibara ry'icyatsi), icy'ibara ry'umuhondo cyangwa ntahabwe icyemezo cy'ubuziranenge (ashyizwe mu cyiciro cy'ibara ritukura).	It is the responsibility of the exporter to commission and pay for the Third Party Audit, as well as any follow-up audits. As a result of the Third Party Audit, the exporter shall be designated Certified (green-flagged), Yellow-flagged, or Un-Certified (red-flagged).	Un exportateur de minerais a la responsabilité de chercher et de payer l'audit indépendant, ainsi que tous les audits de suivi. Comme résultat de l'audit indépendant, l'exportateur est désigné certifié (coté vert), coté jaune ou non-certifié (coté rouge).
Abohereza amabuye mu mahanga bubahirije ibipimo ngenderwaho bya ICGLR byose bagomba kwemererwa ubuziranenge (gushyirwa mu cyiciro cy'ibara ry'icyatsi).	Exporters that are in complete conformity with ICGLR standards shall be declared Certified (green-flagged).	Les exportateurs qui sont en complète conformité avec les normes de la CIRGL doivent être déclarés certifiés (cotés vert).
Abohereza amabuye mu mahanga bahawe ubuziranenge bemerewe gucukura amabuye	Certified exporters (green-flagged exporters) are permitted to produce Designated Minerals	Les Exportateurs certifiés (exportateurs cotés vert) sont autorisés à produire des minerais

y'agaciro kugira ngo yoherezwe mu mahanga afite ubuziranenge. Abohereza hanze batubahirije rimwe cyangwa menshi mu mahame yo mu cyiciro cy'ibara ry'umuhondo nk'uko agaragara mu gitabo cy'amabwiriza ya ICGLR ku buziranenge atangazwa ko ashyizwe mu cyiciro cy'ibara ry'umuhondo. Abari mu cyiciro cy'ibara ry'umuhondo bahabwa igihe cy'amezi atandatu (6) yo gukosora ibyo batubahirije kandi bagashaka ubakurikiranira akanarangiza igenzura ryo ku ruhande rwa gatafu.

Abohereza mu mahanga bari mu cyiciro cy'umuhondo bemerewe gukomeza kwohereza mu mahanga amabuye y'agaciro bireba ari nako bakosora amakosa yakozwe mu iyubahirizwa ry'amahame yo mu cyiciro cy'ibara ry'umuhondo. Iyo Uwohereza amabuye y'agaciro mu mahanga wo mu cyiciro cy'ibara ry'umuhondo ananiwe gukosora amakosa kandi ngo akurikirane amagenzura yo ku ruhande rwa gatafu mu gihe cy'amezi atandatu atangazwa nk'utemerewe ubuziranenge (ashyirwa mu cyiciro cy'ibara ritukura).

Abohereza amabuye y'agaciro mu mahanga bananiwe kubahiriza rimwe cyangwa amahame menshi yo mu cyiciro cy'ibara ritukura nk'uko biteganywa mu gitabo cy'amabwiriza ya ICGLR ku buziranenge

for Certified Export. Exporters that are in non-conformity with one or more of the Yellow-flag standards listed in the ICGLR Certification Manual shall be declared Yellow-flagged. Yellow-flagged exporters have six (6) months in which to correct whatever issues put the exporter in non-conformity, and to commission and complete a follow-up Third Party Audit.

Exporters that are Yellow-flagged are permitted to continue Certified Exports of Designated Minerals while they correct the yellow-flag violations. Yellow-flagged exporters that fail to effect corrections and pass a follow up Third Party Audit within the six month period are declared Un-Certified (red-flagged).

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

destinés à l'exportation certifiée. Les exportateurs qui sont en non-conformité à une ou plusieurs des normes de la cote jaune énumérées dans le Manuel de Certification de la CIRGL doivent être déclarés cotés jaune. Les exportateurs cotés jaune ont six (6) mois pour corriger les faits les ayant conduits en non-conformité, et de commander et compléter un audit de suivi par des tiers.

Les exportateurs cotés jaune sont autorisés à continuer les exportations certifiées de minerais concernés alors qu'ils corrigent les violations à la cote jaune. Les exportateurs cotés jaune qui échouent d'effectuer des corrections et de passer un audit de suivi indépendant durant une période de six mois sont déclarés non-certifiés (cotés rouge).

Les exportateurs qui ne sont pas en conformité avec une ou plusieurs des normes de la cote rouge énumérées dans le Manuel de Certification de la CIRGL doivent être déclarés non certifiés (cotés rouge).

bagomba gutangazwa ko nta buziranenge bafite (bashyirwa mu cyiciro cy'ibara rinukura).

Abohereza amabuye y'agaciro mu mahanga batigeze bagenzurwa mu gihe kirenze umwaka umwe nabo bagomba gutangazwa ko badafite ubuziranenge.

Abohereza amabuye y'agaciro mu mahanga badafite ubuziranenge ntibemerewe kohereza mu mahanga mu gihe cy'amezi atandatu (6), iyo kirangiye uwohereza amabuye y'agaciro mu mahanga ashobora gusaba gukorerwa igenzura ryigenga.

Uwohereza amabuye y'agaciro mu mahanga ashobora kujurira ibyavuye mu igenzura ryigenga nk'uko biteganywa mu gitabo cy'amabwiriza ya ICGLR ku buziranenge.

Exporters that have not been audited for more than one year shall also be declared Un-Certified.

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

Exporters may appeal the findings of a Third Party Audit, as per the appeal procedures delineated in the ICGLR Certification Manual.

Les exportateurs qui n'ont pas été audités depuis plus d'un an doivent également être déclarés non certifiés (cotés rouge).

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

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

Ingingo ya 8: Amakurushingiro n'ikurikiranwa ry'amabuye y'agaciro yo mu karere

Hashingiwe ku bipimo ngenderwaho n'uburyo buteganywa mu gitabo cy'amabwiriza ya ICGLR ku buziranenge, urwego rushinzwe ubucukuzi mu Rwanda rugomba kugira amakuru shingiro ku birombe by'ubucukuzi n'amakurushingiro ku bohereza amabuye y'agaciro mu mahanga.

Article 8: Databases and Regional Mineral Tracking

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

Article 8: Bases de données et de suivi régional des minerais

En conformité avec les normes et les procédures du manuel de certification de la CIRGL, les autorités chargées des mines au Rwanda doivent créer une base de données des sites miniers et une base de données des exportateurs.

Leta y'u Rwanda ishobora gukora amakurushingiro ku ikurikiranwa ry'amabuye y'agaciro. Amakurushingiro ku bitombe by'amabuye y'agaciro agomba kugaragaragaza uko buri kirombe gihagaze hakurikijwe ibyiciro by'ubuziranenge; ikiri mu cyiciro cy'umuhondo n'icyiciro kitemerewe ubuziranenge.

Amakurushingiro ku bohereza mu mahanga agomba kubamo buri wese wohereza mu mahanga amabuye arebwa n'aya mabwiriza uba mu Rwanda hakurikijwe icyiciro cy'ubuziranenge, icy'umuhondo n'icyiciro kitemerewe ubuziranenge kuri buri munu wese wohereza mu mahanga.

Amakurushingiro ku ikurikiranwa ry'amabuye y'agaciro agomba kugira inyangirakuraho irambuye ku musaruro w'amabuye y'agaciro arebwa kuri buri kirombe kiri mu Rwanda, ayagurishijwe, ayaguzwe n'ayanyuze ku mipaka y'u Rwanda; amabuye y'agaciro arebwa n'aya mabwiriza yoherejwe aturutse mu Rwanda n'abohereza amabuye mu mahanga batuye mu Rwanda, andi mabwirishamibare ku makuru y'umusaruro, ubucuruzi n'iyoherezwa mu mahanga ry'amabuye y'agaciro arebwa n'aya mabwiriza mu Rwanda.

The Rwanda Government may also create a Mineral Tracking Database. The Mine Site database shall contain the entire active mine sites in Rwanda producing Designated Minerals, along with the status – Certified, Yellow-flagged, Un-certified – of each mine site.

The Database of Exporters shall contain all of the exporters in Rwanda who export Designated Minerals, along with the status – Certified, Yellow-flagged, Un-certified – of each exporter.

The Mineral Tracking Database shall contain detailed records on: the production of Designated Minerals at each mine site in Rwanda; the sale, purchase and transport of Designated Minerals within the borders of Rwanda; the export from Rwanda of Designated Minerals by each exporter located in Rwanda; other statistics and information on the production, trade and export of Designated Minerals in Rwanda.

L'Etat Rwandais peut également créer une base de données de suivi des minerais. La base de données des sites miniers doit contenir l'ensemble des sites miniers actifs au Rwanda produisant des minerais concernés, avec le statut - Certifié, Coté jaune, Non-certifiés - de chaque site minier.

La Base de données des exportateurs doit contenir tous les exportateurs au Rwanda qui exportent des minerais concernés, avec le statut - Certifié, Coté jaune, Non-certifiés - de chaque exportateur.

La base de données de suivi des minerais doit contenir des données détaillées sur: la production de minerais concernés à chaque site minier au Rwanda, la vente, l'achat et le transport des minerais concernés sur le territoire du Rwanda; les exportations en provenance du Rwanda des minerais concernés par chaque exportateur situé au Rwanda; autres statistiques et informations sur la production, le commerce et l'exportation de minerais concernés au Rwanda.

<p>Mu koroshya umurimo wa ICGLR ku iyubahirizwa ry'ubuziranenge mu karere, ibigize amakurushingiro kuri mine, amakurushingiro ku bohereza amabuye mu mahanga n'amakurushingiro ku ikurikiranwa ry'amabuye y'agaciro bigomba kumenyeshwa byose uko byakabaye ku gihe gihoraho ubunyamabanga bwa ICGLR.</p>	<p>To facilitate the regional mineral tracking function of the ICGLR Regional Certification Mechanism, the contents of the Mine Site Database, Database of Exporters, and Mineral Tracking Database shall be shared in their entirety on a regular basis with the ICGLR Secretariat.</p>	<p>Pour faciliter la fonction de suivi régional des minerais du Mécanisme Régional de Certification de la CIRGL, les contenus de la base de données des sites miniers, de la base de données des exportateurs, et de la base de données de suivi des minerais doivent être partagés dans leur intégralité sur une base régulière avec le Secrétariat de la CIRGL.</p>
<p>Ingingo ya 9: Umugenzuzi wigenga wa ICGLR w'uruberekane rw'amabuye y'agaciro</p>	<p>Article 9: ICGLR Independent Mineral Chain Auditor</p>	<p>Article 9: Auditeur Indépendant de la Chaîne des Minerais de la CIRGL</p>
<p>Hashingiwe ku bipimo ngenderwaho n'uburyo biteganywa mu gitabo cy'amabwiriza y'ubuziranenge cya ICGLR, Umugenzuzi Wigenga wa ICGLR ku ruhererekane rw'amabuye y'agaciro (IMCA) ahabwa ububasha bwo gukoresha iperereza ryigenga ku nzira imwe cyangwa nyinshi z'uruberekane rw'amabuye y'agaciro mu gihugu icyo ari cyo cyose kiri muri ICGLR.</p>	<p>In accordance with the standards and procedures of the ICGLR Certification Manual, the ICGLR Independent Mineral Chain Auditor (IMCA) is empowered to conduct independent investigations of any or all parts of the mineral chain in any of the ICGLR Member States.</p>	<p>En conformité avec les normes et les procédures du manuel de certification de la CIRGL, l'Auditeur Indépendant de la Chaîne des Minerais de la CIRGL (AICM) est habilité à mener des enquêtes indépendantes sur tout ou partie de la chaîne des minerais dans l'un des États membres de la CIRGL.</p>
<p>Ubuyobozi bw'u Rwanda bugomba gutanga uburenganzira mbere na nyuma y'uko bumenyeshwa imiterere n'ubwoko bw'iperereza.</p>	<p>The Rwandan authorities commit to grant permission to all investigations by the IMCA after being fully informed as to the nature and scope of the investigations.</p>	<p>Les autorités du Rwanda devront lui accorder une autorisation avant et après avoir été pleinement informées de la nature et de l'objet de l'enquête.</p>
<p>Abayobozi ba Guverinoma y'u Rwanda, abohereza amabuye y'agaciro mu mahanga, amasosiyete cyangwa amakoperative by'ubucukuzi bw'amabuye y'agaciro</p>	<p>Rwandan Government authorities, exporters, mining companies or cooperatives, and all others involved in the production, trade, or transport of minerals, or regulation of the</p>	<p>Les autorités gouvernementales Rwandaises, les exportateurs, les sociétés ou les coopératives minières, et tous les autres impliqués dans la production, le commerce,</p>

n'abandi bese barebwa n'umusaruro, ubucuruzi, ubwikorezi by'amabuye y'agaciro, amategako y'ubucuruzi mu Rwanda bagomba kugira imikoranye n'umugenzuzi wigenga w'uruberekane rw'amabuye y'agaciro (IMCA).	mineral trade in Rwanda shall extend their full cooperation to the IMCA.	le transport, ou la réglementation du commerce des minerais au Rwanda doivent apporter leur pleine coopération à l'AICM.
Ingingo ya 10: Kwemererwa kugura no gucuruzwa amabuye y'agaciro	Article 10: Permission to buy and to sell minerals	Article 10: L'Autorisation d'achat et de vente des minerais
Nta muntu wemerewe kugura cyangwa gucuruzwa amabuye y'agaciro atanditse mu bitabo by'ubucuruzi.	No one is allowed to purchase or sell mineral substances without commercial registration.	Nul n'est autorisé d'acheter ni de vendre des minerais s'il n'est enregistré au registre de commerce.
Ingingo ya 11: Gufungura ahacururizwa amabuye y'agaciro	Article 11: Opening a mineral trading center	Article 11: Ouverture du comptoir d'achat et vente des minerais
Uretse abafite uburenganzira bwo gucuruzwa amabuye y'agaciro bemewe kandi byamenyeshejwe Minisitiri ifite ubucuruzi mu nshingano zayo, umuntu cyangwa ishyirahamwe ryifuza kugura no gucuruzwa amabuye y'agaciro rigomba kwandikira Minisitiri ufite ubucuruzi mu nshingano ze rimusaba uruhushya rwo gufungura ahagurirwa hakanacururizwa amabuye y'agaciro, akanasobanura ubwoko bw'amabuye y'agaciro azacuruzwa.	Apart from those with mining licenses recognized by the Ministry of Trade and Industry (MINICOM) as also involved in trading, a person or a company that wishes to buy or sell minerals must apply to the Minister of Commerce requesting for permission to trade in the same, clearly specifying the type of mineral(s).	Exception faite aux titulaires de titres miniers agréés et dont le Ministère ayant le commerce dans ses attributions (MINICOM) est dûment informé, toute personne physique ou morale désirant exercer l'activité d'achat et de vente des minerais ou des pierres précieuses doit adresser au Ministre ayant le commerce dans ses attributions, une demande d'autorisation d'ouverture d'un comptoir d'achat et de vente des minerais, spécifiant les types de minerais ou de pierres précieuses qui l'intéressent.
Imirimo y'ubucuruzi itangira uruhushya rwa Minisitiri y'Ubucuruzi n'Inganda (MINICOM) rwabonetse no kubyemererwa	Trading activities shall begin after the Ministry of Commerce and Industry (MINICOM) has given the permission and	Les activités de commerce ne commencent qu'après l'autorisation du Ministère du Commerce et de l'Industrie (MINICOM)

n'ikigo cy'Igihugu Gishinzwe Umutungo Kamere mu Rwanda/ ishami rya cya Jewoloji na Mine (RNRA/GMD).

the Rwanda Natural Resources Authority/ Geology and Mines Department (RNRA/GMD) has given its consent.

après avis du Département de Géologie et des Mines (RNRA/GMD) de l'Agence Rwandaise des Ressources Naturelles.

Ingingo ya 12: Inyemezabwishyu

Article 12: Payment voucher

Article 12: Justificatif de paiement

Uwaguze amabuye y'agaciro agomba kuba afite Inyemezabwishyu y'aho yayaguze kandi amabuye y'agaciro yemerewe gucuruzwa ni agaragaza aho yacukuwe gusa hakurikijwe ibipimo ngenderwaho bya ICGLR mu ikurikirana n'irindwa ry'amabuye y'agaciro. Kandi mine ayo mabuye yacukwemo ikaba itari mu cyiciro cy'ibara rinukura nk'uko biteganywa n'ingingo ya 3 y'aya mabwiriza.

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

L'acheteur de minerais concernés doit posséder un bon de paiement établi par le vendeur. Seuls peuvent être achetés les minerais désignés dont la mine source est connue à travers les normes de la chaîne de possession de la CIRGL et le site minier n'est pas classifié comme coté rouge selon l'article 3 de cette instruction.

Ingingo ya 13: Ahacururizwa amabuye y'agaciro

Article 13: Mineral trading centers

Article 13: Comptoirs d'achat et vente des minerais

Ahacururizwa amabuye y'agaciro hagenwa n'ikigo cy'Igihugu Gishinzwe Umutungo Kamere mu Rwanda, Ishami rya Jewoloji na Mine.

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

Les comptoirs d'achat et vente des minerais sont désignés par l'Office Rwandais des Ressources Naturelles, Département de la Géologie et des Mines.

Ingingo ya 14: Raporo y'ubucuruzi bw'amabuye y'agaciro

Article 14: Mineral trading report

Article 14: Rapport sur le commerce des minerais

Abacuruzi b'amabuye y'agaciro bagomba gukora raporo buri kwezi z'ibaguzwe n'ibyagurishijwe zikoherezwa Minisiteri y'Ubucuruzi n'Inganda (MINICOM) bakagenera kopi Minisiteri y' Umutungo

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

Les commerçants des minerais doivent soumettre au ministère du Commerce (MINICOM) des rapports mensuels du total des achats et des ventes, avec copie au ministère des Ressources Naturelles et à

Kamere (MINIRENA) n'Ikigo cy'Igihugu Resources Authority/ Geology and Mines l'Office Rwandais des Ressources Naturelles, gishinzwe umutungo kamere Ishami rya Department (GMD). Département de Géologie et des Mines (GMD).

Ingingo ya 15: Amabuye y'agaciro yafatiwe muri forode

Article 15: Fraudulent minerals

Article 15: Minerais en fraude

Amabuye y'agaciro ya forode ni amabuye y'agaciro arebwa adaherekeje n'impapuro zabugenewe zigaragaza uko amabuye y'agaciro yakurikiranwe n'uburyo yarinze.

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

Les minerais frauduleux sont des minerais désignés non accompagnés par la documentation adéquate de la chaîne de possession.

Amabuye y'agaciro afatiwe muri forode n'inzeho zishinzwe umutekano cyangwa abakozi b'Ikigo cy'Igihugu cy'Imisoro n'Amahoro (RRA) azashyikirizwa Ikigo cy'Igihugu gishinzwe Umutungo Kamere mu Rwanda, ishami rya Jeworoloji na mine (GMD) na cyo kikazita ku burinzi bw'ayo mabuye kandi gifatanyije n'ubundi buyobozi bireba kikazakora ibisabwa byose mu gukemura icyo kibazo.

Fraudulent minerals will be impounded by the security services or the Rwanda Revenue Authority (RRA) and will be handed to the Rwanda Natural Resources Authority/ Geology and Mines Department (GMD), which will take custody of the impounded minerals and under consultations with relevant authorities initiate further steps as required.

Les minerais pris en fraude par les services de sécurité ou l'Office Rwandais des Recettes (RRA) sont remis à l'Office Rwandais des Ressources Naturelles, Département de Géologie et des Mines (GMD) qui assure la garde des minerais pris en fraude et en consultation avec les autorités compétentes initie d'autres étapes nécessaires.

Ingingo ya 16: Ibihano byo kutubahiriza aya mabwiriza

Article 16: Sanctions for breaking these regulations

Article 16: Sanctions en cas de violation des présentes Instructions

Umunu wese ufatiwe mu bucuruzi bw'amabuye y'agaciro mu buryo bwa forode azahanishwa ibihano biteganywa n'ingingo ya 103 y'Itegeko n° 37/2008 ryo ku wa 11/08/2008 rigenga ubucukuzi bw'amabuye y'agaciro na kariyeri.

Anybody caught in fraudulent mineral trade shall be subject to sanctions provided by Article 103 of Law n° 37/2008 of 11/08/2008 on mining and quarry exploitation.

Quiconque sera pris en fraude de minerais sera puni par les peines prévues par l'article 103 de la Loi n°37/2008 du 11/08/2008 portant exploitation des mines et des carrières.

<u>Ingingo va 17:</u> Ivanwaho ry'ingingo zinyuranye n'aya mabwiriza	<u>Article 17:</u> Repealing provision	<u>Article 17:</u> Disposition abrogatoire
Ingingo zose z'amabwiriza abanziriza aya kandi zinyuranye na yo zivanyweho.	All prior regulations contrary to this Instruction are hereby repealed.	Toutes les dispositions antérieures et contraires aux présentes instructions sont abrogées.
<u>Ingingo va 18:</u> Igihe aya mabwiriza atangira gukurikizwa	<u>Article 18:</u> Commencement	<u>Article 18:</u> Entrée en vigueur
Aya mabwiriza atangira gukurikizwa ku muni yashyirwemo umukono.	These regulations shall come into force on the date of their signature.	Les présentes instructions entrent en vigueur le jour de leur signature.
Kigali, kuwa 28/03/2012	Kigali, on 28/03/2012	Kigali, le 28/03/2012
(sé)	(sé)	(sé)
KAMANZI Stanislas Minisitiri w'Umutungo Kamere Bibonywe kandi bishyizwemo Ikirango cya Repubulika:	KAMANZI Stanislas Minister of Natural Resources Seen and sealed with the Seal of the Republic:	KAMANZI Stanislas Ministre des Ressources Naturelles Vu et scellé du Sceau de la République:
(sé)	(sé)	(sé)
KARUGARAMA Tharcisse Minisitiri w'Ubutabera/Intumwa Nkuru ya Leta	KARUGARAMA Tharcisse Minister of Justice / Attorney General	KARUGARAMA Tharcisse Ministre de la Justice / Garde des Sceaux

ANNEX 2.

MINE INSPECTION REPORT



**Rwanda Natural Resources Authority (RNRA)
Geology and Mines Department (GMD)**

Template format: v 1.2 (31 July 2012)

HOW TO USE THIS FORM FOR MINE INSPECTIONS

1. Framework

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

2. Definition of "mine site"

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

3. Scope of inspection

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

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

4. Mine site classification (artisanal vs. industrial)

Mine sites are classified as "industrial" or "artisanal" according to ICGLR regional certification terminology.

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

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

5. Report compilation


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

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

(c) The data compiled in the latter sections shall be presented and discussed at a GMD inspection committee meeting. Both the lead mine inspector responsible for a given report, and the chair of the GMD inspection committee shall then sign the "mine site inspection declaration" on the last page.

(d) The “mine site operator consultation” form shall then be signed by the responsible manager to acknowledge that inspection report results have been communicated in full to the mine site operator. The identified main problems and proposed remedial actions shall be copied into a mine book available at each mine site.

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

Database-relevant data are marked with the following symbol: 

6. Inspection process: inspection planning meeting

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

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

7. Inspection process: inclusion of other data sources

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

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

8. Inspection process: interview methodology

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

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

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

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

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

In keeping with the considerations of the ICGLR certification manual (Appendix 8.5) the sum of individual production subsites on the concession to be inspected should represent the majority of

minerals produced at the mine site (concession) level.

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

10. Inspection process: records inspection methodology

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

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

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

11. Inspection process: lack of evidence

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

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

12. Progress criteria level descriptors

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

Progress criteria and associated level descriptors are as follows:

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

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

Note: equivalent to CTC standard 2.1

Level descriptors:

- 4 = Gross salary of employees is at least equal to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are regular¹ and fair². The mine site operator verifies or spot-checks that artisanal miners receive due payments from sub-contractors.
- 3 = Gross salary of employees is at least equal to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are regular and fair.
- 2 = Gross salary of employees is equal or slightly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are somewhat regular and fair (although the pricing system applied by the company is not verifiable).
- 1 = Gross salary of employees is equal or significantly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are somewhat regular and potentially inadequate.
- 0 = Gross salary of employees is significantly inferior to the salary level of comparable enterprises in Rwanda. Payments sub-contractors receive for their delivered products are irregular and inadequate.

Explanations for the standard:

¹ at least once a month

² "fair" refers to a pricing system applied by the company which is verifiable and broadly reflects world market prices for the mined commodity

The mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer

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

Note: equivalent to CTC standard 2.3

Level descriptors:

- 4 = The mine site operator supports workers' efforts to form a workers' organization and to engage in collective bargaining.
- 3 = The mine site operator allows the formation of a workers' organization but does not actively support it or its efforts to initiate collective bargaining.
- 2 = The mine site operator remains neutral regarding the formation of a workers' organization; it has not, however, made an effort to support a discussion of workers' organizations and collective bargaining.
- 1 = The mine site operator restricts the conditions under which a workers' organization can be formed and allowed to operate and is reluctant to engage in collective bargaining.
- 0 = The mine site operator actively opposes the formation of a workers' organization and any initiative at collective bargaining.

The mine site operator ensures occupational health and safety in all its operations

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

Note: equivalent to CTC standard 2.5

Level descriptors:

- 4 = Occupational injuries and work-related health problems are minimal and when they occur the mine site operator takes immediate measures to assist in treating them.
- 3 = Occupational injuries and work related health problems occur occasionally and when they occur the mine site operator takes measures to assist in treating them.
- 2 = Occupational injuries and work related health problems occur occasionally and the mine site operator is willing to help but does not have a clear procedure for treating them.
- 1 = Occupational injuries and work-related health problems are frequent and the mine site operator takes no responsibility in treating them.
- 0 = The mine site operator takes no responsibility for the health and safety of workers.

The mine site operator provides appropriate protective safety equipment and training to all workers

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

Note: equivalent to CTC standards 2.4 and 2.6

Level descriptors:

- 4 = The mine site operator provides essential protective safety equipment¹ to workers. A dedicated training staff offers training courses regularly on safety and health.
- 3 = The mine site operator provides most of the essential protective safety equipment for workers. mine site operator personnel offer training courses regularly on safety and health as part of their on-going responsibilities.
- 2 = The mine site operator provides very little protective safety equipment for workers. mine site operator personnel offer training courses occasionally on safety and health.
- 1 = The mine site operator does not provide any protective safety equipment for workers. Maintaining safe practices is the informal responsibility of foremen or other on-site operators and the mine site operator makes no special provisions to promote safe practices.
- 0 = The mine site operator obliges artisanal groups to work on their own and resists any intervention. The mine site operator has no intention of organizing training for workers.

Explanations:

¹ appropriate for the specific risks associated with a specific type of work.

The mine site operator has conducted an environmental impact study (delineating ways to reduce or mitigate that impact) as a base for the implementation of an environmental management plan

Category: Progress criteria (Artisanal & Industrial); Environment

Note: equivalent to CTC standard 5.1

Level descriptors:

- 4 = The mine site operator has completed an environmental impact assessment, and has developed and is implementing an environmental management and protection plan followed by regular reviews that aim to improve environmental performance.
- 3 = The mine site operator has completed an environmental impact assessment but has not yet developed and/or implemented an environmental management and protection plan.

- 2 = The mine site operator has committed itself to completing an environmental impact assessment in the near future.
- 1 = The mine site operator claims to practice environmental protection but has no immediate plans to complete an environmental impact assessment and does not have a documented environmental management plan.
- 0 = The mine site operator is not concerned about its environmental impacts.

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

Category: Progress criteria (Artisanal & Industrial); Environment

Note: partly equivalent to CTC standard 5.2

Level descriptors:

- 4 = A systematic plan for the disposal of dangerous substances and toxic chemicals hazardous materials has been prepared and implemented;
- 3 = A systematic plan for the disposal of dangerous substances and toxic chemicals has been prepared. Dangerous substances and toxic chemicals from site operations are reused or recycled, if possible, or disposed of responsibly;
- 2 = Dangerous substances and toxic chemicals from site operations are disposed of responsibly but no systematic plan has been prepared.
- 1 = Dangerous substances and toxic chemicals from site operations are not disposed of responsibly. However, the company has concrete plans to undertake dangerous substances and toxic chemicals disposal.
- 0 = Dangerous substances and toxic chemicals from site operations are not disposed of responsibly and no systematic plan for dangerous substances and toxic chemicals disposal is envisaged.

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

Category: Progress criteria (Artisanal & Industrial); Environment

Note: partly equivalent to CTC standard 5.2

Level descriptors:

- 4 = A systematic plan for the disposal of mine waste and tailings has been prepared and implemented; waste rocks dumps and tailings dams are properly planned, constructed, and their performance is monitored.
- 3 = A systematic plan for the disposal of mine waste and tailings has been prepared. Mine waste and tailings from site operations are reused or recycled, if possible, or disposed of responsibly; waste rock dumps and tailings disposal are properly constructed.
- 2 = Mine waste and tailings from site operations are disposed of responsibly but no systematic plan has been prepared.
- 1 = Mine waste and tailings from site operations are not disposed of responsibly. However, the company has concrete plans to undertake hazardous materials and waste disposal.
- 0 = Mine waste and tailings from site operations are not disposed of responsibly and no systematic plan for hazardous material disposal, waste rock dumps and tailings disposal is envisaged.

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

Category: Progress criteria (Artisanal & Industrial); Environment

Note: partly equivalent to CTC standard 5.3

Level descriptors:

- 4 = A mine closure plan exists and the site operation makes provision to cover the full costs of rehabilitation and any monitoring or treatment that may be required after closure; the adequacy of plans and provisions is reassessed regularly.
- 3 = A mine closure plan exists and the site operation makes provision to cover the full costs of rehabilitation and any monitoring or treatment that may be required after closure.
- 2 = A mine closure plan exists and the site operation makes provisions to partially cover costs of rehabilitation and any monitoring or treatment that may be required after closure.
- 1 = A mine closure plan does not yet exist, and no provisions have yet been made to cover costs of rehabilitation and any monitoring or treatment that may be required after closure; however, there is intent to do provide a plan and to make provisions in the future.
- 0 = A mine closure plan does not exist and no provisions have been made.

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

Category: Progress criteria (Artisanal & Industrial); Formality/Transparency

Note: equivalent to CTC standard 1.4

Level descriptors:

- 4 = A written mine site operator-wide policy forbids officials, employees, partners and sub-contractors from accepting fraudulent payments or making them to government officials; the policy is actively promoted and enforced by mine site operator management.
- 3 = A written mine site operator -wide policy forbids officials and employees from accepting fraudulent payments or making them to government officials; the policy is actively promoted and enforced by mine site operator management.
- 2 = An unwritten mine site operator -wide policy forbids company personnel from accepting fraudulent payments or making them to government officials.
- 1 = The mine site operator discourages accepting fraudulent payments or making them to government officials recognizing all the while that some payments may be necessary and therefore leaves the decision to site managers.
- 0 = The mine site operator regards fraudulent payments as a part of doing business.

The mine site operator organizes regular consultations regarding mineral exploitation and related topics with the local community (including representatives of local women's groups or associations, and local civil society organizations) and local authorities

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.1

Level descriptors:

- 4 = The mine site operator meets regularly with a body of representatives from nearby communities to address grievances and other community concerns; representatives are chosen by the communities to represent diverse interests and affiliations.
- 3 = The mine site operator meets irregularly with an body of representatives from nearby communities to address grievances and other community concerns; representatives are chosen by communities to represent diverse interests and affiliations.
- 2 = The mine site operator has met once or twice with representatives from nearby communities to address grievances and other community concerns; representatives are chosen by local leaders.
- 1 = mine site operator /community interaction is restricted to occasional interaction with one or two local leaders.
- 0 = There is no mine site operator /community interaction.

The mine site operator supports local enterprises to supply its operations

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.2

Level descriptors:

- 4 = The mine site operator supports small and medium enterprises which provide essential supplies and services to the mining operations and generate income for local populations.
- 3 = The mine site operator purchases supplies locally where materials are available and has the intention of contributing to the development of small and medium enterprises capable of providing needed supplies and services.
- 2 = The mine site operator does not support local supply chains but has intentions of doing so.
- 1 = The mine site operator recognizes the value of supporting local supply chain development but has taken no initiatives.
- 0 = The mine site operator is opposed to supporting local supply chain development.

The mine site operator has developed and put into practice an integrated program for the development of local infrastructure and local social services including livelihood security and capacity building in nearby communities

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.3

Level descriptors:

- 4 = The mine site operator's local development strategy includes support for long-term livelihood security, building of social and physical infrastructure and capacity building at the local and regional level.
- 3 = The mine site operator's local development strategy is limited to support for long term livelihood security and construction of social and physical infrastructure at the local and regional level.

- 2 = The mine site operator's local development strategy is limited to support for construction of social and physical infrastructure at the local level.
- 1 = The mine site operator intends, at some point in the future, to articulate and support a local development strategy.
- 0 = The mine site operator shows little interest in promoting local development.

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

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.4

Level descriptors:

- 4 = Acquisition of lands, trees or bushes, water bodies, and residences in the area of the site has taken place with full consultation between the mine site operator and local and central authorities and all claims have been settled equitably.
- 3 = Although acquisition of lands, trees and residences in the area of the site has taken place without consultation between the mine site operator and local and central authorities, no claims or disputes have arisen.
- 2 = Acquisition of lands, trees and residences in the area of the site has taken place without consultation with local and central authorities and some claims remain under dispute.
- 1 = Acquisition of lands, trees and residences in the area of the site has taken place without consultation between the mine site operator and local and central government authorities; communities are seeking legal redress for their claims.
- 0 = Acquisition of lands, trees and residence is carried out by the company with little regard for the consequences; the mine site operator ignores community claims for redress.

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

Category: Progress criteria (Artisanal & Industrial); Communities

Note: equivalent to CTC standard 4.5

Level descriptors:

- 4 = Based on investigations on the impact its operations have on women, the mine site operator has developed policies and is implementing a strategy to ensure a positive impact on women in its workforce and in nearby communities.
- 3 = The mine site operator has undertaken investigations on the impact its operations have on women, but has not yet developed policies and/or implemented strategies to ensure a positive impact on women in its workforce and in nearby communities.
- 2 = The mine site operator has committed itself to undertaking an assessment of the impact its operations have on women in the near future.
- 1 = There are no investigations on the impact of mine site operator operations on women, but the company claims to respect gender issues in policies and strategies.
- 0 = The mine site operator is not aware of gender issues.

MINE INSPECTION FORM

v 1.2 (31 July 2012)

Rwanda Natural Resources Authority
Geology & Mines Department













Inspected mine site (parameter):		Date(s) of inspection:	
Inspector(s):		Inspection number:	
Inspected mine subsites:		National mine site number:	RW- _____

1. IDENTIFICATION OF MINE SITE OPERATOR

Mine site operator's office and GMD office

1.1 Name of mine site operator		Tel.:		E-mail:	
1.2 Operator's P.O. box & national ID code		Headquarters address:	<input type="text"/> <input type="checkbox"/> foreign company <input type="checkbox"/> local company <input type="checkbox"/> cooperative		
1.3 Name of responsible operations manager		Tel.:		E-mail:	
1.4 Name & national ID of mine site owner (if different from operator)		Tel.:		E-mail:	
1.5 Main buyer of minerals from mine site	Specify name & address 1. _____ 2. _____				














2. IDENTIFICATION OF MINE SITE LOCATION			
<i>Mine site operator's office and GMD office (e.g., GIS)</i>			
2.1 Administrative location	District: 	Sector: 	Cell: 
2.2 GPS coordinates (of main mining activities)	UTM: 	Degree-minute-second: 	Surface area [ha]: 
	East <input type="text"/>	East <input type="text"/>	
	South <input type="text"/>	South <input type="text"/>	

3. PERMIT & INSURANCE DETAILS			
<i>Mine site operator's office and GMD office</i>			
3.1 Permit type		3.2 Permit number (ministerial decree no.)	
3.3 Date issued		3.4 Expiry data	
3.5 ICGLR mine site classification	<input type="checkbox"/> "artisanal" <input type="checkbox"/> "industrial"		
3.6 Mine site operator insured in RSSF	<input type="checkbox"/> yes <input type="checkbox"/> no	Other insurance company (specify):	

4. PRODUCTION DETAILS

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

Note which subsites were inspected: _____

4.1 Mined minerals	Specify order of economic importance  <input type="checkbox"/> cassiterite <input type="checkbox"/> wolframite <input type="checkbox"/> coltan <input type="checkbox"/> gold <input type="checkbox"/> mixed concentrate (cassiterite-coltan) <input type="checkbox"/> other (specify) _____												
4.2 Type of mine	Specify numbers <table border="1"> <thead> <tr> <th></th><th>ACTIVE</th><th>ABANDONED</th></tr> </thead> <tbody> <tr> <td>Large open pit(s)</td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr> <td>Small open pit(s)</td><td><input type="text"/></td><td><input type="text"/></td></tr> <tr> <td>Underground (tunnels)</td><td><input type="text"/></td><td><input type="text"/></td></tr> </tbody> </table> 		ACTIVE	ABANDONED	Large open pit(s)	<input type="text"/>	<input type="text"/>	Small open pit(s)	<input type="text"/>	<input type="text"/>	Underground (tunnels)	<input type="text"/>	<input type="text"/>
	ACTIVE	ABANDONED											
Large open pit(s)	<input type="text"/>	<input type="text"/>											
Small open pit(s)	<input type="text"/>	<input type="text"/>											
Underground (tunnels)	<input type="text"/>	<input type="text"/>											
4.3 Start / progress of mining activities	<input type="checkbox"/> recent  <input type="checkbox"/> colonial workings Specify year, if possible _____ Typical depth of pits or tunnels [m] (specify range):  Other comments: _____												
4.4 Typical production per miner per day [kg] ([g] for gold)	<table border="1"> <tr> <td>Specify range: </td><td>Verified through:</td><td>Type of minerals:</td></tr> <tr> <td>_____</td><td><input type="checkbox"/> books/records</td><td><input type="checkbox"/> preconcentrate</td></tr> <tr> <td></td><td><input type="checkbox"/> spot checks</td><td><input type="checkbox"/> concentrate</td></tr> </table>	Specify range: 	Verified through:	Type of minerals:	_____	<input type="checkbox"/> books/records	<input type="checkbox"/> preconcentrate		<input type="checkbox"/> spot checks	<input type="checkbox"/> concentrate			
Specify range: 	Verified through:	Type of minerals:											
_____	<input type="checkbox"/> books/records	<input type="checkbox"/> preconcentrate											
	<input type="checkbox"/> spot checks	<input type="checkbox"/> concentrate											
4.5 Productive capacity of mine site per month [tons] (at the time of inspection)	Mining (pre-concentrate) 	Specify range: _____	Verified through: <input type="checkbox"/> books/records <input type="checkbox"/> spot checks										
	Processing (concentrate) 	Specify range: _____	Verified through: <input type="checkbox"/> books/records <input type="checkbox"/> spot checks										
	Transport (pre-concentrate or concentrate)	Specify range: _____	Verified through: <input type="checkbox"/> books/records <input type="checkbox"/> spot checks										
4.6 Annual production [t] (specify for each economic mineral; [kg] for gold)	2011  2010 	2009  2008 	Data source:										

5. MINE WORKERS (= EMPLOYEES SUBCONTRACTORS, and ARTISANAL MINERS)		
<i>Mine site operator's office and on-site verification</i> <i>Note which subsites were inspected:</i> _____		
5.1 Total number of workers	Qualifications and age distribution (specify group <35 years of age)	Comments / Action
All mine workers (f/m) <div style="border: 2px solid black; height: 30px; width: 100%;"></div>		<div style="border: 1px solid black; height: 50px; width: 100%;"></div> <p>note that "mine workers" includes all persons (employees, subcontractors, artisanal miners) who are directly involved in mining</p>
Male miners <div style="border: 2px solid black; height: 30px; width: 100%;"></div>		
Female miners <div style="border: 2px solid black; height: 30px; width: 100%;"></div>		
Security (f/m) <div style="border: 2px solid black; height: 30px; width: 100%;"></div>		
Permanent employees (f/m) <div style="border: 2px solid black; height: 30px; width: 100%;"></div>		
5.2 Verified number of workers through: <input type="checkbox"/> registration <input type="checkbox"/> insurance records <input type="checkbox"/> payment records <input type="checkbox"/> spot checks on site 5.3 Is there any seasonal fluctuation in the number of workers? <input type="checkbox"/> yes <input type="checkbox"/> no 5.4 In case there is significant seasonal fluctuation, to which season do the above numbers correspond? <input type="checkbox"/> high season <input type="checkbox"/> average <input type="checkbox"/> low/off-season 5.5 A workers' organization exists <input type="checkbox"/> yes <input type="checkbox"/> no 5.6 Is there any evidence that mine site operator supports workers' organization? (specify) <input type="checkbox"/> yes <input type="checkbox"/> no _____		

6. SALARIES / PAYMENTS

Mine site operator's office and on-site verification

Note which subsites were inspected: _____

6.1 Monthly salary / payments [FRW] in categories	Frequency of salary/payments:	Comments / Action
<p>Highest salary on site:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Lowest salary on site:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Typical employee salary for management level:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Typical employee salary for technician level:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Typical subcontractor payments per month:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Typical artisanal miner payments per month:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div> <p>Typical casual/ temporary worker payments per day:</p> <div style="border: 1px solid black; height: 25px; width: 100px;"></div>		<p>Payments to subcontractors & miners:</p> <p>6.2 Payment is done via:</p> <p>Cash <input type="checkbox"/></p> <p>Bank transfer <input type="checkbox"/></p> <p>6.3 The mine site operator:</p> <p>- pays directly to miners <input type="checkbox"/></p> <p>- pays miners indirectly through subcontractors <input type="checkbox"/></p> <p>- verifies that individual miners receive their due payments from subcontractors <input type="checkbox"/></p> <p>6.4 Prices paid per kg minerals [RWF] - specify for each (pre-) concentrate type -</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>All of the above information was verified through:</p> <p><input type="checkbox"/> records</p> <p><input type="checkbox"/> interviews/spot checks</p>

7. PAYMENTS & TAXATION

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

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

1. _____

2. _____

3. _____

4. _____

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

☐ yes ☐ no (specify) _____

7.3 Government officials extract unauthorized payments from the mine site:

☐ yes (specify) ☐ no _____

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

☐ yes (specify) ☐ no _____

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

☐ yes (specify) ☐ no _____

7.6 Payments to government are made in

☐ cash; specify which payment and where it is made: _____

☐ bank transfer (verify records)

☐ variable (specify) _____

7.7 Payments to government are made public:

☐ yes; specify how (e.g., EITI): _____

☐ no; specify why not: _____





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

☐ yes; specify: ☐ no _____

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

☐ yes; specify: ☐ no _____

Comments / action:

8. CONFLICT RISKS		
<i>Mine site operator's office, RRA, GMD, RNRA offices, local authorities / police offices, local community members / civil society, ICGLR (whistle blowing)</i>		
Item	Observation Yes No	For each 'yes'-answer, specify as many details as possible: (use extra sheet if necessary)
8.1 Regional conflict risks - mine site operator/ owner is involved in doing mining business with DRC, BDI, or UGA-based companies/ persons - cross-country mining and trading activities of mine site operator/ owner are not clearly separated financially and physically - police reports on illegal activities or incidents on mine site	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
8.2 Armed groups - State armed groups (Rwanda Defense Forces, police) are stationed on/near mine site - Non-state armed groups are stationed on/near mine site - Public/private security forces are stationed on/near mine site - any of the above groups is participating in: (1) illegally controlling mine site access; (2) illegally taxing / extorting minerals or money from the mine site (e.g., from workers) (3) illegally taxing / extorting minerals or money from the mine site owner or operator - any of the above groups is involved in human rights violations	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<div style="border: 1px solid black; height: 300px; position: relative;"> <div style="position: absolute; top: 50px; left: 50px;">  </div> <div style="position: absolute; top: 600px; left: 50px;">  </div> <div style="position: absolute; top: 640px; left: 50px;">  </div> <div style="position: absolute; top: 680px; left: 50px;">  </div> </div> <p>Red flag: non-state armed groups Yellow flag: public/private security</p>
Which sources of information have been used to fill this section?		

9. POLICIES

Mine site operator's office, on-site verification

Note which subsites were inspected: _____

Written policy	available?	Communicated to all workers?	enforced?
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(ticked boxes = yes, un-ticked boxes = no)

Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health & safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIV / AIDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anti-corruption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Due Diligence (OECD)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For cooperatives only:

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

☐ yes (specify) ☐ no

Comments / Action:

10. OCCUPATIONAL HEALTH & SAFETY MANAGEMENT			
<i>Mine site operator's office (and subsite offices, and GMD office)</i>			
Item	Available?		Comments / Action
	Yes	No	
10.1 Emergency procedures - Written emergency plan - Site plan / maps - Responsible persons nominated (contact names, phone no.)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
10.2 First aid - First aid responsible person(s) - Adequate first aid equipment - Location of first aid equipment marked	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
10.3 Job safety - Written safety instructions/ manual for all workers - Written risk assessment for special job descriptions - Documented training appropriate for position - Standard operational procedures developed for specific tasks / risks - Dedicated health & safety officer available - <u>For cooperatives only:</u> are safety instructions and appropriate training provided verbally? (specify details)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
10.4 Accident / injury reporting - Monthly records/report of all accidents (differentiating severity) - Records/reports on fatalities (accident resulting in death) - Records/reports on injuries - Records/reports on incidents (hazards/risks which might not yet result in accident)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

10.5 Hygiene - Hygienic toilets / urinals at mining sites - Hygienic showers / changing rooms / breast-feeding rooms (central location) - gender-sensitive (f/m) toilets and changing rooms - Adequate supply of drinking water for all mine workers	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
10.6 HIV/AIDS - Condoms accessible on site - Information brochures available - Regular sensitizing program	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

11. ENVIRONMENTAL MANAGEMENT		
<i>Mine site operator's office and GMD/REMA office (submitted reports)</i>		
Item	Observation Yes No	Comments / Action
11.1 Mine emissions - baseline study available - water quality monitored/managed - vibrations monitored/managed - dust monitored/managed - chemicals monitored/managed - noise monitored/managed	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
11.2 Environmental management - Environmental Impact Assessment/ Declaration (EIA/EID) available - Environmental Management Plan (EMP) available - EIA/EID systematically implemented (e.g., based on EMP) - Management system for mine waste and tailings in place - Management system for dangerous/toxic substances in place (in case there are any) - regular environmental monitoring takes place (documented)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
11.3 Environmental reclamation - mine closure plan available - sufficient provisions have been made for mine closure and monitoring (specify amount [FRW])	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	




12. GEOLOGICAL RESEARCH INFORMATION

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

Item	Observation		Other observations
	Yes	No	
Exploration activities - a structured exploration program exists - a (exploration) geologist is available on site - geological mapping takes place - geological reports are compiled - pitting / trenching for geochemical analysis takes place - drilling for geochemical analysis and core logging takes place (specify how many meters have been drilled in present year) <div style="text-align: right;">_____meters</div> - samples are regularly submitted for geochemical analysis - reserves/resources models are developed (estimate available) - other exploration activities take place (specify)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Specify present year exploration expenditure: RWF _____ Specify mineral deposit type <input type="checkbox"/> placer (alluvial) <input type="checkbox"/> hydrothermal vein (hard rock) <input type="checkbox"/> pegmatite (hard rock) <input type="checkbox"/> weathered pegmatite (eluvial) <input type="checkbox"/> other: _____ Specify typical grade range for primary mineralization: _____ Specify reserves/resource estimate (if available): _____
Comments / Action:			

13. MINING AND PROCESSING METHODS		
On-site verification		
Note which subsites were inspected: _____		
Item	Observation Yes No	Comments / Action
13.1 Mining equipment - use of compressors - use of heavy machinery (e.g., excavators, bulldozers) - use of jack hammers - use of water pumps - well-maintained equipment conditions - operator training plan (specify if systematic or ad hoc on-the-job)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
13.2 Mining methods - ground sluicing - hand panning - hammer & chisel - drilling & blasting	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
13.3 Mined material (preconcentrate) - hard rock - loose / poorly consolidated material (alluvial, eluvial) - reprocessing of dumps/tailings - mined material (preconcentrate) is subject to processing - lack of processing likely causes loss of fine-grained mineralization	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	


13.4 Processing equipment - jigs - shaking tables - magnetic separator - other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	- specify plant feed grade _____ - plant output grade _____ - plant throughput per day [t] _____
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14. RESPECT OF LAWS		
<i>On-site verification, mine site operator's office, GMD & RNRA offices, local authorities / police offices, local community members</i> <i>Note which subsites were inspected: _____</i>		
Item	Observation Yes No	Comments / Action
14.1 Mining law / regulations - awareness by management of national laws, regulations (incl. ICGLR), permit provisions, and policies - mining operation compliant with permit obligations / registration	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
14.2 Labor code - work schedule available - insurance scheme for all workers - all workers registered	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
14.3 Child labor (<16 years) - children participating in mining - children provide supplementary services (e.g., water transport) - children present in mine sites (e.g., for playing)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
14.4 Forced labor - mining is (partly) associated with forced labor - minerals or money is extorted from mine workers	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	 <div style="border: 1px solid black; height: 40px; width: 150px; margin-top: 5px;"></div> If applicable, specify who is extorting minerals or money:

15. DUE DILIGENCE & MINERAL TRACEABILITY

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

Note which subsites were inspected:

Item	Observation		Comments / Action
	Yes	No	
15.1 Due diligence - mine site operator is familiar with the contents of the OECD Due Diligence Guidance (DDG) - mine site operator has put in place policies related to the DDG - mine site operator performs DDG risk assessments - mine site operator is implementing DDG risk management	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	
15.2 Mineral traceability - mine site operator is participating in the iTSCi scheme - mine site operator is participating in a different traceability scheme (specify) _____ - mine site operator agrees to AFP (Analytical Fingerprint) sampling - AFP sampling has already taken place	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	

<p>15.3 Risk assessments / audits have been carried out on the mine site:</p> <p> <input type="checkbox"/> ITSCI risk assessment <input type="checkbox"/> CTC audit <input type="checkbox"/> ICGLR audit <input type="checkbox"/> other (specify): _____ </p> <p>Date of risk assessment / audit: _____</p> <p>Responsible organization: _____</p> <p>Are the above risk assessment / audit reports available to mine inspectors?</p> <p> <input type="checkbox"/> yes <input type="checkbox"/> no </p> <p>Were the above risk assessment / audit results integrated in the present inspection report?</p> <p> <input type="checkbox"/> yes <input type="checkbox"/> no </p> <p>Comments / Action:</p>	<p>15.4 Tagging / mineral registration is performed:</p> <p> <input type="checkbox"/> directly at individual mine subsites <input type="checkbox"/> in tagging / registration offices <input type="checkbox"/> both (tagging at some, but not all mine subsites) </p> <p>- number of tagging agents allocated to all mine subsites: _____</p> <p>15.5 Are any untagged * minerals entering the mine site / are mixed with mine site production?</p> <p> <input type="checkbox"/> yes; specify: _____ <input type="checkbox"/> no </p> <p>15.6 Are any untagged * minerals exiting the mine site?</p> <p> <input type="checkbox"/> yes; specify: _____ <input type="checkbox"/> no </p> <p style="font-size: small;">* "untagged" = minerals not traceable according to ICGLR regional certification chain of custody standards. Verification by multiple sources (e.g., police) required.</p>
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16. SECURITY		
<p><i>On-site verification, mine site operator's office</i></p> <p><i>Note which subsites were inspected:</i> _____</p>		
Item	Observation <div style="display: flex; justify-content: space-around; font-weight: normal;"> Yes No </div>	Comments / Action
<p>- professional security forces (working for the mine site operator) control the mine site</p> <p>- sufficient number of security forces available for control</p> <p>- security staff are sensitized to human rights protection</p> <p>- security staff are sensitized to prevent / report influx of external minerals on mine sites</p> <p>- security risk assessments are performed and documented</p>	<div style="display: flex; flex-direction: column; align-items: center; gap: 10px;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>	

17. PERSONAL PROTECTIVE EQUIPMENT (PPE)			
<i>On-site verification (explain in case there are differences between subsites)</i> <i>Note which subsites were inspected: _____</i>			
Item			Comments / Action
17.1 Head protection	yes	no	
- hard hats provided	<input type="checkbox"/>	<input type="checkbox"/>	
- correct for the task	<input type="checkbox"/>	<input type="checkbox"/>	
- being worn	<input type="checkbox"/>	<input type="checkbox"/>	
17.2 Footwear	yes	no	
- boots provided	<input type="checkbox"/>	<input type="checkbox"/>	
- correct for the task	<input type="checkbox"/>	<input type="checkbox"/>	
- being worn	<input type="checkbox"/>	<input type="checkbox"/>	
17.3 Protective clothing	yes	no	
- overalls provided	<input type="checkbox"/>	<input type="checkbox"/>	
- correct for the task	<input type="checkbox"/>	<input type="checkbox"/>	
- being worn	<input type="checkbox"/>	<input type="checkbox"/>	
17.4 Eye / face/ ear protection	yes	no	
- equipment provided	<input type="checkbox"/>	<input type="checkbox"/>	
- correct for the task	<input type="checkbox"/>	<input type="checkbox"/>	
- being worn	<input type="checkbox"/>	<input type="checkbox"/>	
17.5 Other PPE (specify, e.g., fallguards): _____			
17.6 PPE distribution managed through store	yes	no	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. MINE SAFETY RISKS & HAZARDS

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

Note which subsites were inspected: _____

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


18.4 Processing plant safety - plant entry/exit controlled - adequate warning signs posted - appropriate PPE usage enforced	<input type="checkbox"/> <input type="checkbox"/>	
18.5 Blasting safety - structured blasting schedule - safe blasting standard operational procedures - experienced/licensed blasting professionals in charge	<input type="checkbox"/> <input type="checkbox"/>	

19. ENVIRONMENTAL STATUS		
On-site verification		
Note which subsites were inspected: _____		
Item	Observation Yes No	Comments / Action
19.1 Environmental status - any contaminated mine water (incl. high sediment load) released into water bodies, rivers, swamps - protection of endangered species or forests violated - national park or similar boundaries violated - erosion problems - other recent environmental damage (specify) - any historic environmental mining liabilities (specify) - local communities report environmental problems (specify)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Note that the first question includes panning/ ground sluicing minerals in rivers <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
19.2 Environm. interventions - environmental expert / manager on site - nursery available - tailing dams constructed and well maintained - settling ponds constructed and well maintained - erosion protection measures implemented (e.g., terracing) - other (specify)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>
19.3 Environmental reclamation - backfilling of excavations - piled soil protected from erosion	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<div style="border: 1px solid black; height: 50px; width: 100%;"></div>
19.4 Based on above, the mine site operator is in non-conformity with Rwandan environmental laws: - critical non-conformity - serious non-conformity	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<div style="border: 1px solid black; height: 80px; width: 100%;"></div>

20. COMMUNITY RELATIONS

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

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

Item	Observation		Comments / Action
	Yes	No	
20.1 A meeting forum with community representatives and the mine site operator staff exists Since when? _____ - regular meetings take place (specify details) - all community groups/factions are represented on the forum (specify details) - mine site operator works with local enterprises (e.g., food supply; specify details)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
20.2 The mine site operator has developed a consulted local development strategy : <input type="checkbox"/> yes <input type="checkbox"/> no If present, the strategy includes: <input type="checkbox"/> livelihood security <input type="checkbox"/> gender aspects <input type="checkbox"/> local infrastructure <input type="checkbox"/> education <input type="checkbox"/> capacity building <input type="checkbox"/> other (specify): _____ <input type="checkbox"/> the items noted above occur as ad-hoc interventions without a formal strategy in place			20.3 Consultations (documented) between local authorities, communities and the mine site operator take place: <input type="checkbox"/> yes <input type="checkbox"/> no Consultations include: <input type="checkbox"/> land acquisition <input type="checkbox"/> use of water bodies <input type="checkbox"/> use of forest <input type="checkbox"/> mining impacts on local residents <input type="checkbox"/> other (specify): _____
20.4 Based on the above, mine site operator is in non-conformity with Rwandan community laws: - serious non-conformity - (ordinary) non-conformity	yes <input type="checkbox"/> <input type="checkbox"/>	no <input type="checkbox"/> <input type="checkbox"/>	 <div style="border: 1px solid black; width: 250px; height: 80px; margin-top: 5px;"></div>

SUMMARY OF INSPECTION FINDINGS & RECOMMENDATIONS

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

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

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

Main problems at mine site

Proposed remedial actions

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

☐ red-flagged (uncertified) as of _____

☐ yellow-flagged as of _____;

☐ green-flagged (certified) as of _____



Grace period ends on _____



REGIONAL CERTIFICATION RED/YELLOW FLAG STANDARDS

*This section summarizes red and yellow flag standards of the Regional Certification Mechanism of ICGLR. These standards have been incorporated into Rwandan law through ministerial regulation n° 002/2012 of 28/03/2012. Assigning a **red flag** implies an immediate shutdown of the inspected mining operation for a minimum period of 6 months. Assigning a **yellow flag** implies the inspected mine site operator has a grace period of 6 months (starting from the date of inspection) to comply with the respective standard. Should the mine site operator fail to do so within this grace period, he shall immediately be assigned a red flag.*


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


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

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



- ☐ Non-state armed groups or their affiliates illegally control mine sites [8.2]
- ☐ Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites [8.2]
- ☐ Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners or mine site operators [8.2]
- ☐ Non-state armed groups are operating within the legal boundaries of the mine site [8.2]
NOTE: this standard is red flag for "industrial" mine sites only; for "artisanal" mine sites it is yellow flag
- ☐ Children below the minimum working age as defined in Rwanda (16 years) are employed in exploitation at the mine site [14.3]
- ☐ Forced labor is practiced on the mine site; workers are required to work for no compensation; workers are required on certain days of the week to surrender the fruits of their labor to the mine site boss [14.4]
- ☐ The mine site operator is in critical non-conformity with Rwandan laws regarding environmental performance [19.4]
NOTE: this standard is red flag for "industrial" mine sites only; for "artisanal" mines it does not exist
- ☐ Payments are made by the mine site owner or mine site operator to illegal or criminal organizations [7.8]
- ☐ Payments are made by the mine site owner or mine site operator to political parties or political organizations in contravention of Rwandan laws [7.5]
- ☐ Designated minerals from another unknown mine site are entering into the mine site or/and are being mixed with the designated minerals produced at the mine site [15.5]

<input type="checkbox"/>	Mineral shipments exit the mine site without having been registered or recorded by a chain of custody system that can track the minerals to their next destination beyond the mine site [15.6]	
	<u>NOTE:</u> this standard is red flag for "industrial" mine sites only; for "artisanal" mine sites it is yellow flag	
<input type="checkbox"/>	The mine site is not registered with Rwandan mining authorities and/or is not in conformity with Rwandan laws and regulations regarding mineral title [14.1]	
	<u>NOTE:</u> this standard is red flag for "industrial" mine sites only; for "artisanal" mines it is a progress criteria	
<input type="checkbox"/>	Mine site operator is in critical non-conformity with Rwandan laws regarding community relations [20.4]	
	<u>NOTE:</u> this standard is red flag for "industrial" mine sites only; for "artisanal" mines it does not exist	
The inspection found violations of the following ICGLR yellow flag standards (yes/no):		
<input type="checkbox"/>	Public or private security forces or their affiliates illegally control mine sites [8.2]	
<input type="checkbox"/>	Public or private security forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites [8.2]	
<input type="checkbox"/>	Public or private security forces or their affiliates illegally tax or extort money or minerals from mine site owners or mine site operators [8.2]	
<input type="checkbox"/>	The mine site operator is in serious non-conformity with Rwandan laws regarding environmental performance [19.4]	
	<u>NOTE:</u> this standard is yellow flag for "industrial" mine sites only; for "artisanal" mines it does not exist	
<input type="checkbox"/>	Government officials (mines officials, secret service, municipal or provincial governments, military units etc) extract significant taxation or other payments that are disproportionate to any service provided from the workers or production of a mine site, in a manner not authorized by Rwanda's mining code or regulations [7.3]	
<input type="checkbox"/>	Mine site owner, mine site operators, intermediaries, traders, export companies, or any other upstream actors in the chain of custody and operating on the mine site offer, promise, give or demand bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees, and royalties paid to government for the purposes of mineral extraction, trade, handling, transport, and export [7.9]	
<input type="checkbox"/>	Mine site owner, mine site operators, or any other upstream actors in the chain of custody operating on the mine site do not pay all taxes, fees, and royalties related to mineral extraction, trade, and export from conflict-affected and high-risk areas to governments, and fail to disclose such payments in accordance with the principles set forth under the Extractive Industries Transparency Initiative (EITI) [7.2, 7.7]	
	<u>NOTE:</u> this standard is yellow flag for "industrial" mine sites only; for "artisanal" mines it is a progress criteria	
<input type="checkbox"/>	The mine owner or operator refuses to provide sample material for an Analytical Fingerprint (AFP) test or similar diagnostic tool to a government mine site inspector or designated agent of the ICGLR [15.2]	
<input type="checkbox"/>	Mine site operator is in non-conformity with Rwandan laws regarding community relations [20.4]	
	<u>NOTE:</u> this standard is yellow flag for "industrial" mine sites only; for "artisanal" mines it does not exist	



REGIONAL CERTIFICATION PROGRESS CRITERIA	
<p><i>For each standard (progress criteria) below, assign a rating between 0-4. The rating should be assigned based on level descriptors indicated in the inspections manual. Level descriptors should be assigned using the findings of this inspection [as indicated by the reference numbers].</i></p>	
Progress Criteria	Rating
Payment, pricing and distribution systems for artisanal miners and subcontractors, as well as salary levels for employees are fair, legal, and regulated [6.1-6.4]	<input type="text"/>
The mine site operator guarantees and supports the right of workers to organize and negotiate collectively with their employer [5.6]	<input type="text"/>
The mine site operator ensures occupational health and safety in all its operations [9, 10, 18]	<input type="text"/>
The mine site operator provides appropriate protective safety equipment and training to all workers [10.3, 17]	<input type="text"/>
The mine site operator has conducted an environmental impact study (delineating ways to reduce or mitigate that impact) as a base for the implementation of an environmental management plan [11.2]	<input type="text"/>
The mine site operator has a system in place to manage and treat dangerous substances and toxic chemicals used in the production process [11.2]	<input type="text"/>
The mine site operator has a system in place to manage mine waste and tailings [11.2]	<input type="text"/>
The mine site operator has an appropriate plan for mine closure (including rehabilitation) and has set aside funds for its implementation [11.3]	<input type="text"/>
The mine site operator actively combats all forms of corruption and fraud [9]	<input type="text"/>
The mine site operator organizes regular consultations regarding mineral exploitation and related topics with the local community (including representatives of local women's groups or associations, and local civil society organizations) and local authorities [20.1]	<input type="text"/>
The mine site operator supports local enterprises to supply its operations The mine site operator has developed and put into practice an integrated program for the development of local infrastructure and local social services including livelihood security and capacity building in nearby communities [20.1, 20.2]	<input type="text"/>
The mine site operator has documents demonstrating obtaining free and informed consent before acquiring land or property from local communities and authorities [20.3]	<input type="text"/>
The mine site operator designs and implements mining operations in a gender-sensitive way, and has developed and is putting in place a strategy for the improvement of the conditions of women working in the mine's area of influence, and for guaranteeing their fundamental rights [9, 10.5, 20.2]	<input type="text"/>
Average progress criteria rating 	<input type="text"/>

Additional Comments

Additional Comments

Additional Comments

MINE SITE OPERATOR CONSULTED/INFORMED ON INSPECTION FINDINGS		
<p><i>This section documents that the mine site operator (represented by responsible staff and confirmed by the responsible manager) has understood and accepts the inspection process and all its findings.</i></p>		
Name(s) of main mine site operator representative(s) accompanying the inspection	Job title	Signature
1.		
2.		
3.		
Name of responsible manager	Comments by manager on inspection	Signature

MINE SITE INSPECTION DECLARATION	
<p><i>This section certifies that the lead mine inspector takes responsibility for all inspection results. The section is countersigned by the chair person of the national mine inspections committee.</i></p>	
Name of responsible lead mine inspector	Institution & job title
	
<p>I hereby certify that I have performed the above inspection as accurate as possible and to the best of my knowledge and skills. I have respected the methodology outlined in national mine site inspection manuals as well as the ICGLR certification manual and Appendix. I take full responsibility for the accurate reporting of the inspection findings.</p>	
_____	_____
Signature	Place & date
Name of inspections committee chair	Institution & job title
<p>I hereby certify that the above inspection findings have been consulted with the national mine inspections committee. The committee agrees on the accuracy of this inspection's findings.</p>	
_____	_____
Signature	Place & date

GMD DIRECTOR STATEMENT	
Name of responsible director	Institution & job title
<p>I herewith confirm that the above mine inspection, including the rating on the mine's certification status, has been performed according to the standards of the Geology and Mines Department (GMD) of the Rwanda Natural Resources Authority. These standards meet the respective requirements of the International Conference on the Great Lakes Region (ICGLR).</p>	
<p>_____</p> <p>Signature</p>	<p>_____</p> <p>Place & date</p>
<p>_____</p> <p>STAMP</p>	



www.oecd.org/daf/investment/mining