



# Manual of the Regional Certification Mechanism (RCM) of the International Conference on the Great Lakes Region (ICGLR)

SECOND EDITION



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## Foreword

This manual describes the minimum Requirements of the Regional Certification Mechanism (RCM) and the necessary processes for its implementation. The RCM is one of the Six Tools of the Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) within Member States of the International Conference on the Great Lakes Region (ICGLR). As a procedural guide, the Requirements of the Manual aim at establishing responsible mineral supply chains from mine sites to export points taking into account intermediaries such as mines/miners, traders, transporters, processing entities and exporters of the four Designated Minerals, namely: Tin, Tantalum, Tungsten and Gold, commonly referred to as "3TG".

At the conclusion of the Special Summit of ICGLR Heads of State and Government on the Fight against the Illegal Exploitation of Natural Resources held in the Republic of Zambia, in December 2010, and attested by a signature of the Lusaka Declaration, the twelve ICGLR Member States embarked on the process of certification of Designated Minerals. The First Edition of the RCM Manual was developed in 2011 with the support of the Organization for Economic Co-operation and Development (OECD). Five years into implementation, the Ministers in charge of Mines of the ICGLR Member States at their 4<sup>th</sup> Meeting held in Brazzaville, Republic of Congo in October 2016, mindful of the changing international and regional environment decided to revise the Manual with a view to incorporating lessons learnt and adapting agreed best practices. The main objective was to ensure the Manual is more user friendly and easier to implement and overcame any identified inefficiencies.

The process of revision of the RCM Manual was based on an inclusive and consultative approach for all stakeholders in the supply chain, from upstream to downstream. This included ICGLR Member States and other Governments, multilateral institutions and development partners, the private sector and civil society. All these stakeholders were openly involved in the eighteen months long consultation period. The consultation also included an online consultation process.

Following this process the document was ultimately approved by the 19<sup>th</sup> Meeting of the Regional Committee of the ICGLR on Natural Resources, held in Ngozi, Republic of Burundi, in October 2019; thus marking the formal end of the process of revision and adoption of the Manual.

In comparison with the previous Edition, this Second Edition RCM Manual presents innovations including (i) clearer focus on conflict related aspects; (ii) increased adaptation to market realities and Member State capacities; (iii) more efficient use of resources through institutional restructuring.

In accordance with the recommendations of the 19<sup>th</sup> Meeting of the ICGLR Regional Committee on Natural Resources, the Regional Certification Mechanism Manual will be evaluated every 2 years to determine if it should be revised.

## Table of Contents

List of Tables.....	6
List of Figures.....	6
Preamble .....	7
Glossary of Terms / Definitions .....	10
Section I — Purpose and Scope of RCM.....	17
1. Purpose.....	17
2. Scope .....	18
Section II — The ICGLR Regional Certification Mechanism.....	19
1. Mine Site Inspection and Validation Requirements .....	19
2. Chain of Custody Requirements within Member States.....	27
3. Third Party Audit Requirements.....	31
4. ICGLR Export and Certificate Requirements .....	41
5. ICGLR Regional Mineral Database and Member State Mineral Database Requirements .....	44
Section III — Administrative Matters .....	47
Appendix A: Mine Site Inspection and Validation.....	52
Appendix A1: Mine Site Inspection Report Information .....	52
Appendix A2: Inspection Criteria for Artisanal and Small-scale Mines and Designated Minerals Sourced therefrom .....	53
Appendix B: Information Requirements for Chain of Custody Tracking.....	61
Appendix B1. Chain of Custody Information Requirements for Designated Minerals Sourced from Industrial Mine Sites.....	61
Appendix B2. Chain of Custody Information Requirements for Designated Minerals sourced from Artisanal and Small-scale Mine Sites .....	63
Appendix C: Standard information regarding ICGLR Export and Certificates .....	68
Appendix C1: Standard information required when applying for an ICGLR Certificate ..	68
Appendix C2: Standard Characteristics of ICGLR Certificates .....	68
Appendix D: Data Requirements for Regional Mineral Database and Member State Database.....	71
Appendix E: Third Party Audits.....	72
Appendix E1: Audit Criteria for Exporters.....	72
Appendix E2: Accreditation Body (Audit Committee) Requirements.....	76
Appendix E3: Accreditation Standards for Third Party Auditors.....	76
Appendix F: Operating Guidelines for the ICGLR Audit Committee .....	80
Appendix G: Appeals Procedure .....	83
Appendix H: RCM Review and Revision Process .....	87

## List of Tables

Table 1: Mine Site Status.....	17
Table 2: Exporter Status .....	30
Table 3: Red (Not Valid) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom .....	50
Table 4: Yellow (Provisionally Valid) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom .....	52
Table 5: Red (Not Valid) Criteria for Industrial Mines and Designated Minerals sourced therefrom .....	54
Table 6: Yellow (Provisionally Valid) Criteria for Industrial Mines and Designated Minerals sourced therefrom .....	56
Table 7: Red (Not Valid) criteria for Exporters .....	69
Table 8: Yellow (Provisionally Valid) criteria for Exporters .....	71

## List of Figures

Figure 1. Mine Site Status Flow Chart.....	19
Figure 2. Exporter Status Flow Chart.....	31

# The Regional Certification Mechanism of the International Conference on the Great Lakes Region (ICGLR)

## Preamble

MEMBER STATES,

RECOGNISING that the illicit trade in tantalum, tin, tungsten, and gold (hereafter referred to as Designated Minerals) is a matter of serious regional and international concern, which can be directly linked to the fuelling of armed conflict and to the activities of armed groups engaged in illegal activity and/or serious human rights abuses;

FURTHER RECOGNISING that armed groups engaged in illegal activity and/or serious human rights violations can include both rebel movements and otherwise legal armed units from the army or police or other national or international force acting illegally by engaging in or profiting from the extraction, trade or transport of Designated Minerals, or else by engaging in serious human rights abuses of their fellow nationals engaged in the extraction, trade or transport of Designated Minerals;

FURTHER RECOGNISING that the trade in Designated Minerals can be directly linked to the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons;

DEPLORING the devastating impact of conflicts fuelled by the trade in Designated Minerals on the peace, safety and security of people in the countries of the Great Lakes Region and the systematic and gross human rights violations that have been perpetrated in such conflicts;

NOTING the negative impact of such conflicts on regional stability and the obligations placed upon states by the United Nations Charter regarding the maintenance of international peace and security;

EMPHASIZING the obligations placed upon Member States by the Pact on Security, Stability and Development in the Great Lakes Region, and in particular the obligation to maintain peace and security in the region in accordance with the Protocol on Non-aggression and Mutual Defence in the Great Lakes Region;

BEARING IN MIND that urgent regional action is imperative to prevent the problem of the illegal exploitation and trade of Designated Minerals from negatively affecting the

trade in legitimate minerals, which can make a critical contribution to the economies of the producing, processing, exporting and importing states of the Great Lakes Region;

RECALLING that the Pact on Security, Stability and Development in the Great Lakes Region contains a specific Protocol on the Fight Against the Illegal Exploitation of Natural Resources;

REAFFIRMING the commitment of Member States under the Protocol on the Fight Against the Illegal Exploitation of Natural Resources “To put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region”;

NOTING that the Pact on Security, Stability and Development in the Great Lakes Region, as amended in 2012, recognizes the important role of civil society in efforts to address the illegal exploitation of natural resources;

CONVINCED that the opportunity for Designated Minerals to play a role in fuelling armed conflict can be seriously reduced by introducing an ICGLR Regional Certification Mechanism for minerals designed to exclude non-RCM conformant Designated Minerals from the legitimate trade;

RECALLING that the Regional Certification Mechanism of the ICGLR, established to find a solution to the problem of Designated Minerals, has been developed in consultation with concerned stakeholders, including Member States, regional producers, traders and Exporters, regional civil society, international industry and international civil society;

RECALLING the urgent need for all ICGLR Member States to fully implement the Six Tools of the RINR, especially the RCM, and the Self-Financing Mechanism, as approved by the 7th Summit of ICGLR Heads of State and Government;

REAFFIRMING that the ICGLR considers that a regional tracking and certification scheme for Designated Minerals, based on national laws and practices and meeting regionally agreed norms and standards, verified by regionally accredited Third-Party Audits, will be the most effective system by which the problem of the illegal trade of Designated Minerals can be addressed;

WELCOMING the complementary international initiatives being taken to address this problem, including the Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance), Conflict Minerals provisions of the United States Dodd–Frank Wall Street Reform and Consumer Protection Act, EU Conflict Minerals regulations (2017/821), and the Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains;

ACKNOWLEDGING voluntary self-regulation initiatives by industry and recognizing that such voluntary self-regulation contributes to ensuring adherence to the Standards for Chain of Custody (CoC) of Designated Minerals as set out by the ICGLR;

RECOGNISING that an ICGLR RCM for minerals will only be credible if all Member States have established procedures for credible Mine Site Inspection and validation systems designed to confirm that mine sites meet ICGLR Requirements, internal CoC Systems designed to eliminate the presence of Designated Minerals in the chain of production, trade, transport and export of Designated Minerals within their own territories, and certification procedures designed to confirm each Certified export was produced, traded, processed and exported in conformance with regionally established ICGLR Standards, while taking into account that differences in production methods, trading practices, and institutional controls may require different approaches to meet the accepted ICGLR Standards;

FURTHER RECOGNISING that the ICGLR RCM for Designated Minerals must be consistent with international law governing international trade;

TAKING INTO ACCOUNT the ICGLR ASM Gold Strategy, as approved by the 5th Meeting of Ministers in charge of Mines of ICGLR Member States, as a reference to support the implementation of the RCM in the artisanal gold sector;

ACKNOWLEDGING that state sovereignty should be fully respected, and the principles of equality and mutual beneficiation should be adhered to;

REAFFIRMING the spirit of regional African cooperation expressed by twelve Heads of State in signing the Pact on Security, Stability and Development in the Great Lakes Region;

RECOGNIZING the efforts of ICGLR Member States in the framework of the African Mining Vision which advocates, *inter alia*, transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development through mineral value addition and transformation;

RECOGNIZING the importance of the environment, human rights, community development, health and safety; having incorporated these aspects into their national legislative frameworks;

RECONFIRMING the vision of a peaceful and prosperous Great Lakes Region as described in the Pact and Protocols;

RECOMMEND THE FOLLOWING PROVISIONS:

## Glossary of Terms / Definitions

For the purposes of the ICGLR RCM the following definitions apply:

**ACCREDITATION BODY:** the ICGLR Audit Committee is the body who accredits ICGLR Third Party Auditors (TPAs).

**AFFILIATES<sup>1</sup>:** Supply chain actors who work directly with non-State armed groups or public or private security forces to facilitate the extraction, trade or manipulation of minerals. These actors include traders, consolidators, intermediaries and others.

**ANALYTICAL MINERAL DETERMINATION (AMD):** A combination of scientific techniques, which might be used as an additional tool to assist with the determination of the origin of Designated Minerals. AMD is applicable to all Designated Minerals, where technological solutions exist. Analytical Fingerprint (AFP) is a form of AMD for tantalum, tin and tungsten.

**ARTISANAL AND SMALL-SCALE MINING (ASM):** Artisanal and Small-scale Mining (ASM) – formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally labour intensive and uses traditional tools such as pickaxes, shovel and chisel. There is minimal, low capital mechanisation. ASM can include men and women working on an individual basis as well as those working in family groups, in partnership, or as members of cooperatives or other types of legal associations and enterprises involving hundreds or even thousands of miners.<sup>2</sup>

**BUYER:** A person or company that purchases mineral ore, most often but not exclusively from artisanal producers and exports mineral ore to customers outside of the country.

**CHAIN OF CUSTODY (CoC):** A record of the sequence of individuals or entities which have custody of Designated Minerals as they move through the upstream supply chain<sup>3</sup>, as well as associated records of the Lot(s) being moved, and the actions performed on the Lot(s) at any given point in the chain (production, combination, transportation, export, etc.) This process concludes with the issuance of an ICGLR Certificate for the export of Designated Minerals.

**CHAIN OF CUSTODY (CoC) SYSTEM:** A system that can track mineral flows from a valid mine site to the point of export, demonstrating for each export of Designated Minerals the status of the mine site or sites from which the minerals originated, and the intermediate Supply Chain Actors (if any) who handled the minerals or portions of the minerals between mine site and Exporter.

**CHAIN OF CUSTODY (CoC) PROGRAMME:** A programme implemented by Member States to manage CoC Systems. This includes the regulating and licensing of CoC Systems.

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<sup>1</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (ed. 3)*.

<sup>2</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Area (ed. 3)*.

<sup>3</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (ed. 3)*.

**COMPLIANCE:** Mandatory adherence to a law, regulation or rule. Compliance applies to laws and regulations that you have no option but to follow or potentially face penalties.

**CONFORMANCE:** Voluntary adherence to a standard, specification, requirement, design, process or practice.

**CONTROL<sup>4</sup>:** of mines, transportation routes, points where minerals are traded and upstream actors in the supply chain means (i) overseeing extraction, including by granting access to mine sites and/or coordinating sales to intermediaries, export companies or international traders; (ii) making recourse to any forms of forced or compulsory labour to mine, transport, trade or sell minerals; or (iii) acting as a director or officer of, or holding beneficial or other ownership interests in, upstream companies or mines.

**COUNTRY OF ORIGIN:** The country where the Designated Minerals has been mined or extracted.

**DOCUMENTATION:** Consists of any written or electronically generated information intended to provide verified and verifiable data to the ICGLR, an ICGLR Member State and/or source recognized by the ICGLR and the relevant Member States.

**DOWNSTREAM:** The minerals supply chain from smelters/refiners to retailers. “Downstream companies” include metal traders and exchanges, component manufacturers, product manufacturers, original equipment manufacturers (OEMs) and retailers. DOWNSTREAM may also relate to the relationship of any point in the mineral supply chain from the mine site moving towards the final point of the supply chain i.e. retailers.

**ELIGIBLE MEMBER STATES:** Member States that are eligible to have their government, industry and civil society representatives serve on the Audit Committee. To qualify as Eligible, a Member State must: have in place operational systems and procedures capable of certifying mine sites as per Section II.1 and Appendix A; systems for assuring CoC of Designated Minerals as per Section II.2 and Appendix B; and have in place systems for certifying mineral exports and issuing ICGLR Certificates, as per Section II.4 and Appendix C.

**EXPORT:** The legal, physical leaving or sending out of material from any part of the geographical territory of a Member State to another state.

**EXPORTER/EXPORTING ENTITY:** Any company, cooperative, individual or other entity that is licensed to export Designated Minerals from a Member State.

**EXTORT<sup>5</sup>:** from mines, transportation routes, points where minerals are traded, or upstream companies means the demanding, under the threat of violence or any other penalty, and for which the person has not voluntarily offered, sums of money or minerals, often in return for granting access to exploit the mine site, access transportation routes, or to transport, purchase, or sell minerals.

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<sup>4</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (ed. 3)*.

<sup>5</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (ed. 3)*

**FOLLOW UP AUDIT:** An audit undertaken in accordance with the Requirements of the ICGLR THIRD PARTY AUDIT SYSTEM at the request of an Exporter after the Exporter has received any major and/or minor non-conformance finding(s). The Follow Up Audit looks specifically at areas of non-conformance with regard to the ICGLR RCM.

**FOLLOW UP INSPECTION:** A Mine Site Inspection undertaken at the request of a Mine Site Operator after the site on which the Operator exploits minerals has not received a Valid (Green) Status at inspection. The Follow-Up Inspection looks specifically at areas of non-conformance under the initial Inspection with regard to the ICGLR RCM.

**GRACE PERIOD:** A specified period granted to Mine Site Operators and Exporters that have received any minor non-conformance finding(s) under a Mine Site Inspection or ICGLR Third Party Audit, during which the Operator or Exporter can continue to operate while attempting to rectify the non-conformance.

**GRADE:** The quantity of metal or metal oxide in a sample of mineral ore; normally expressed as a percentage of the total.

**ICGLR CERTIFICATE:** A forgery resistant document issued by a Member State with a format identified in Appendix C, which identifies a shipment of Designated Minerals as being in conformance with the Requirements of the RCM

**ICGLR THIRD PARTY AUDIT (ICGLR TPA):** An ICGLR TPA is a systematic, independent, documented process for obtaining records, statements of fact or other relevant information and assessing them objectively to determine the extent to which the Requirements specified by the ICGLR RCM are fulfilled by Exporters. The responsibility for initiating an ICGLR TPA falls on the Exporter and covers the supply chain from the point of export up to the mine site from which minerals are sourced.

**INDUSTRIAL MINING:** Mineral extraction undertaken by a corporation, cooperative or other corporate entity on a formally recognized mineral claim or title, generally using capital intensive technology and advanced machinery and equipment.

**INDUSTRY or MINING INDUSTRY:** Refers collectively to registered companies, co-operatives or individuals involved in the mining, processing and trading of Designated Minerals within the economy of the ICGLR Member States and where applicable also refers to those operating outside of ICGLR Member States.

**INTERNATIONAL FORCES:** Any armed force from one or more foreign states legally deployed within the territory of an ICGLR Member State.

**IMPORT:** The legal physical entering of material to any part of the geographical territory of a Member State.

**IMPORTER:** An individual, company or other legal entity that is licensed to receive a shipment of Designated Minerals exported by an Exporter located within one of the Member States of the ICGLR.

**LEGITIMATE ARTISANAL AND SMALL-SCALE MINING:** The legitimacy of artisanal and small-scale mining is a difficult concept to define because it involves a number of situation-specific factors. For the purposes of the OECD Guidance, legitimate refers, among others, to artisanal and small-scale mining that is consistent with applicable laws. When the applicable legal framework is not enforced, or in the absence of such a framework, the assessment of the legitimacy of artisanal and small-scale mining will take into account the good faith efforts of artisanal and small-scale miners and enterprises to operate within the applicable legal framework (where it exists) as well as their engagement in opportunities for formalisation as they become available (bearing in mind that in most cases, artisanal and small-scale miners have very limited or no capacity, technical ability or sufficient financial resources to do so). In either case, Artisanal and small-scale mining, as with all mining, cannot be considered legitimate when it contributes to conflict and serious abuses associated with the extraction, transport or trade of minerals as defined in Annex II of the OECD Guidance.<sup>6</sup>

**LICENCED CHAIN OF CUSTODY (CoC) SYSTEM:** An ICGLR CoC System whose service provider or Supply Chain Operator has proven that its processes and procedures for implementing and maintaining a CoC in the Member State has met all the Requirements of the ICGLR RCM and the Member States CoC Programme and whose service is therefore fit for purpose and licensed to operate in the individual Member State.

**LOT or MINERAL LOT:** A quantity of Designated Minerals shipped as a unit from a seller to a purchaser. See also SHIPMENT

**LOT NUMBER (EXPORT ORDER NUMBER):** The unique identifying number assigned by an Exporter to each Lot of Designated Minerals shipped from an Exporter.

**MAJOR NON-CONFORMANCE:** Based on objective evidence, the absence of, or a significant failure to implement and/or maintain conformance to the Requirements.

**MINERAL:** Used to collectively refer to ore, pre-concentrate, and concentrate where further differentiation may not be necessary or possible (e.g., “mineral storage”); note that this usage differs from the usual geological definition.

**MINOR NON-CONFORMANCE:** Based on objective evidence, the failure to implement and/or maintain conformance to the Requirements and that also represents a minor issue that could lead to a major non-conformance if not addressed.

**MEMBER STATE:** A country that is a member of the ICGLR, including all its agencies and institutions responsible for operationalising the RCM.

**MINE SITE:** Any location of mining recognized by a Member State, corresponding to an area and operations regulated as a single mining concession/permit, but possibly corresponding to a part of a concession/permit or to mining operations recognized under another form of regulation by the Member State, including those mine sites that meet the definition of legitimate ASM.

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<sup>6</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (ed. 3).

**MINE SITE INSPECTION:** A Mine Site Inspection is an evaluation of a mine site and determination of its conformity with the Requirements of the RCM. Mine sites are inspected annually by each Member State, by a mine site inspector employed or engaged by the Member State.

**MINE SITE OPERATOR:** The person, cooperative, association, company or other entity exercising legal control over the ownership and / or process of production of a given mine site.

**MINE SITE OPERATOR LOT NUMBER:** The unique identifying number assigned by a Mine Site Operator to each lot of Designated Minerals shipped from a mine site.

**MINERAL CHAIN:** The series of steps and processes through which minerals are extracted, traded, processed and exported from the region.

**NON-STATE ARMED GROUPS:** Rebel movements or armed criminal entities engaged in illegal activity and/or serious human rights abuse.

**OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas (Third Edition) (OECD Due Diligence Guidance):** Defines the framework for detailed due diligence as a basis for responsible global supply chain management of minerals.

**ORE:** Mined mineralized rock (hard rock, alluvial, eluvial etc), without any further processing.

**PROCESSOR:** Any person or business including but not limited to a trader, buyer, service provider or Exporter that physically or chemically treats mineral ore in order to increase or otherwise adjust the purity of that mineral ore.

**PROCESSOR COUNTRY:** A Member State where processing, refining and/or aggregating of designated minerals takes place prior to export. The terms Producer Country and Processor Country are not mutually exclusive. Some Member States may be a producer country and processor country.

**PRODUCER COUNTRY:** A Member State where Designated Minerals are mined.

**PUBLIC OR PRIVATE SECURITY FORCES:** Any legal armed national or international force, or individuals or larger units employed or otherwise engaged by a private security firm.

**REGIONAL MINERAL DATABASE (RMD):** The database maintained by the ICGLR to contain all data required to track mineral flows according to the terms of the RCM. The RMD covers mine site, CoC and export data required by the RCM. It permits query functions in line with the Purpose of the RCM. For a full list of datasets see Appendix D.

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**RISK ASSESSMENT:** Means identifying potential negative impacts (including Red or Yellow Status criteria Appendix A2) for organizations' ability to operate. Negative impacts include issues that could lead to business-critical conditions for the organization.

**REQUIREMENT:** The description of a verifiable set of details and/or instructions that must take place in order to meet the objectives of the RCM.

**SERIOUS HUMAN RIGHTS ABUSES<sup>7</sup>:**

1. any forms of torture, cruel, inhuman and degrading treatment;
2. any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily;
3. the worst forms of child labour;
4. other gross human rights violations and abuses such as widespread sexual violence;
5. war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.

**SHIPMENT or MINERAL SHIPMENT:** A quantity of Designated Minerals that is physically transported as a unit from one location to another. A shipment may comprise of multiple upstream Lots. See also LOT.

**STATUS:** The outcome of an evaluation an Exporter or Mine Site under the RCM

- Exporter Status: Determined by Third Party Audit process (Section II.3). An Exporter can be Valid (Green), Provisionally Valid (Yellow), Not Valid (Red), or Not Audited (Blue).
- Mine Site Status: Determined by a Mine Site Inspection process (Section II.1). A mine site can be Valid (Green), Provisionally Valid (Yellow), Not Valid (Red), or Not Inspected (Blue).

**THIRD PARTY AUDITOR (TPA):** A TPA is a person or body (Audit Firm) that is independent of the person or organization that forms the subject of the audit and is further independent of user interests in the subject of the audit, as defined in the ICGLR procedures for Accrediting TPAs (Appendix E). Only third-party audit companies and auditors accredited by the Audit Committee may be used for ICGLR TPA audits.

**TRADER:** A person or company (ex. trader, field trader, broker, négociant, petit négociant, manager or trading centre) that primarily buys and sells minerals within the borders of a Member State (i.e. is not a registered/licensed Exporter of minerals).

**UPSTREAM:** The mineral supply chain from the mine to smelters/refiners. Upstream companies include miners (artisanal and small-scale or large-scale producers), local traders or Exporters from the country of mineral origin, international concentrate traders, mineral re-processors and smelters/refiners. UPSTREAM may also relate to the relationship of any point in the mineral supply chain from the final point of the supply chain i.e. retailers, moving towards the mine site.

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<sup>7</sup> As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (ed. 3)

**VALIDATED ICGLR CERTIFICATE:** An ICGLR Certificate that has been issued and countersigned by Member State officials in compliance with the Export Procedures delineated in Section II.4 and Appendix D.

## Section I — Purpose and Scope of RCM

### 1. Purpose

The purpose of this manual is to describe the minimum Requirements of the International Conference of the Great Lakes Region (ICGLR) Regional Certification Mechanism (RCM) and how they shall be implemented in Member States. These minimum Requirements can be made more rigorous according to the ICGLR Member State requirements.

The objective of the ICGLR RCM is to provide for mineral supply chains that have not directly or indirectly provided support to non-state armed groups and or public or private security forces engaged in illegal activity and/or serious human rights abuse in and between Member States of the ICGLR with a view to eliminating support to armed groups that sustain or prolong conflict, and/or otherwise engage in serious human rights abuses. The Requirements described herein are intended to prevent non-state armed groups and public or private security forces from interfering illegally at any point along the supply chain or committing serious human rights abuses related to the supply chains of minerals.

Under the ICGLR RCM, a mineral supply chain must be free of support for non-state armed groups and public or private security forces including international armed forces who: (a) “illegally control mine sites or otherwise control transportation routes, points where minerals are traded and upstream actors in the supply chain”; (b) “illegally tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are traded”; and/or (c) “illegally tax or extort intermediaries, export companies or international traders.”<sup>8</sup> The ICGLR RCM also targets the following serious human rights abuses: (i) “any forms of torture, cruel, inhuman and degrading treatment”; (ii) “any forms of forced or compulsory labour, which means work or service which is exacted from any person under the menace of penalty and for which said person has not offered himself voluntarily”; (iii) “the worst forms of child labour”<sup>9</sup>; (iv) “other gross human rights violations and abuses such as widespread sexual violence”; and, (v) “war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.”<sup>10</sup>

The ICGLR RCM further seeks to promote the mineral sector's role in the peaceful economic and social development within the Member States of the Great Lakes Region (GLR) by establishing common regional standards for transparency both of mineral flows and of payments to government from the mineral industry consistent with the EITI standard.

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<sup>8</sup> As per *OECD Due Diligence Guide for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, Annex II (ed. 3).

<sup>9</sup> As per *ILO Convention No. 182 on the Worst Forms of Child Labour (1999)*

<sup>10</sup> As per *OECD Due Diligence Guide for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, Annex II (ed. 3)

## 2. Scope

### Geographic Scope

1. The RCM and its Requirements are applicable to ICGLR Member States and RCM Actors operating therein.

### Mineral Scope

2. Designated Minerals are minerals, originating in the territory of the Member States, that are subject to the provisions of the ICGLR Regional Certification Mechanism
  - a) The list of Designated Minerals is:
    - i) Cassiterite: Metals (including derivative metals), minerals, ores and mineral concentrates that contain tin (Sn) (cassiterite and other tin minerals)
    - ii) Coltan: Metals (including derivative metals), minerals, ores and mineral concentrates that contain niobium (Nb) or tantalum (Ta) (Coltan, columbite, tantalite, niobite, pyro-chlorite and other Nb-Ta minerals)
    - iii) Gold: Metals (including derivative metals), minerals, ores and mineral concentrates that contain gold (Au)
    - iv) Wolframite: Metals (including derivative metals), minerals, ores and mineral concentrates that contain tungsten (W) (wolframite and other tungsten minerals)
  - b) The ICGLR Regional Committee on the Fight Against the Illegal Exploitation of Natural Resources (ICGLR Regional Committee) may at its discretion add or remove minerals from the list above.

### Regional Certification Mechanism Actors

3. RCM Actors are comprised of the following:
  - a) ICGLR:
    - i) ICGLR Executive Secretary
    - ii) ICGLR Secretariat
    - iii) ICGLR Regional Committee
    - iv) ICGLR Audit Committee
      - (1) ICGLR Third Party Auditors,
  - b) Member States
  - c) Supply Chain Actors (dealing in Designated Minerals within ICGLR Member States):
    - i) Exporters
    - ii) Processors
    - iii) Transporters
    - iv) Buyers and Sellers
    - v) Mine Site Operators
    - vi) Other actors that may deal in Designated Minerals within ICGLR Member States
  - d) Chain of Custody (CoC) Systems and Third-Party due diligence providers.

## **Section II — The ICGLR Regional Certification Mechanism**

### **1. Mine Site Inspection and Validation Requirements**

#### **Introduction**

ICGLR Mine Site Inspection and Validation is a process by which mine sites that produce or sell Designated Minerals are assessed against criteria that relate to the Purpose of the Regional Certification Mechanism (RCM). The objective is to ensure that the exploitation, processing, aggregation and/or sale of Designated Minerals from a mine site does not directly or indirectly provide support to non-state armed groups and / or public or private security forces engaged in illegal activity and/or serious human rights abuses<sup>11</sup>.

The ICGLR RCM requires that mine sites are inspected annually by a Mine Site Inspector employed or engaged by the Member State (a third party).

Information that must be included in a Member State Mine Site Inspection report is included Appendix A1. The Criteria for Mine Site Inspection and Validation for Artisanal and Small-scale Mines and Industrial Mines is provided in Appendix A2.

The result of Mine Site Inspections shall determine the Status given to the mine site. The different Mine Site Statuses are detailed alongside their definitions and outcomes in Table 1 and Figure 1 below.

Where a mine site has more than one Mine Site Operator, the Status of a mine site and the associated outcome shall apply to all Operators.

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<sup>11</sup> Additional Analytical Mineral Determination techniques, including AFP, may be applied by RCM Actors to assist with the determination of the origin of Designated Minerals.

## Mine Site Status

Status	Definition	Outcome
<b>Not Inspected (Blue)</b>	<p>A mine site that has not yet been inspected according to the ICGLR RCM Requirements and / or a Valid (Green) mine site that has not been re-inspected within the last year.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. A mine site can retain Blue Status for a maximum of 3-years; if not inspected in 3-years it would be become Red Status</li> <li>2. A previously Not Valid (Red) mine site or Provisionally Valid (Yellow) mine site cannot become Not Inspected (Blue) unless it has subsequently received a Valid (Green) Status.</li> </ol>	<p>Mine site can produce and sell minerals for certified export if the exporter has conducted an on-the-ground Risk Assessment, a copy of that assessment is made publicly available and shared with the Member State and ICGLR Secretariat and no Red Status Criteria risks have been identified.</p> <p>If Yellow Status Criteria are identified as part of the on-the-ground risk assessment the mine site shall have 6-months to mitigate the non-conformance or demonstrate significant measurable improvements for the Yellow Status Criteria identified. If after 6-months the Yellow Status Criteria have not been mitigated or the mine site does not demonstrate significant measurable improvement the Exporter shall immediately suspend or discontinue engagement with the mine site.</p>
<b>Valid (Green)</b>	<p>A mine site that has been inspected according to the ICGLR RCM Requirements and meets all Criteria as detailed in Appendix A2.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. A mine site can retain Green Status for a maximum of 1-year.</li> <li>2. A Green Mine Site must be re- inspected annually</li> </ol>	<p>Mine site can produce and sell minerals for certified export.</p>
<b>Provisionally Valid (Yellow)</b>	<p>A mine site that has been inspected according to the ICGLR RCM Requirements and is non-conformant with one or more of the Provisionally Valid (Yellow) Criteria as detailed in Appendix A2.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. A Provisionally Valid mine is given a grace period of 6 months in which to correct the infraction(s) or demonstrate significant measurable improvement towards resolution.</li> <li>2. A Provisionally Valid mine site must request a Follow-Up Inspection within 6-months of the entry into force of the Status. Failure to do so will result in the Status becoming Not Valid (Red).</li> </ol>	<p>Mine site can produce and sell minerals for certified export during the time that its Status is Provisionally Valid (Yellow).</p>

**Table 1. Mine Site Status**

### Mine Site Status

#### Not Valid (Red)

A mine site that:

1. Has been inspected according to the ICGLR RCM Requirements and violates one or more of the Red Status Criteria as detailed in Appendix A2, or,
2. Has been Provisionally Valid (Yellow) and has not requested a Follow-Up Inspection within 6 months
3. Has had a Follow-Up Inspection that identified non-conformance with one or more Red Status Criteria and Yellow Status Criteria has not been resolved or shown significant measurable improvement.

**NB.**

- Three-month minimum suspension period is applicable for all Not Validated mine sites.
- Mine site associated with Red Status Criteria (see Appendix A2) are suspended for a minimum period of three months and until a mine site inspection has verified that the identified red status criteria issues have been resolved.

Mine site **cannot** produce or sell minerals for a minimum period of three months and until it has been re-Inspected and Validated

**Table 1. Mine Site Status**

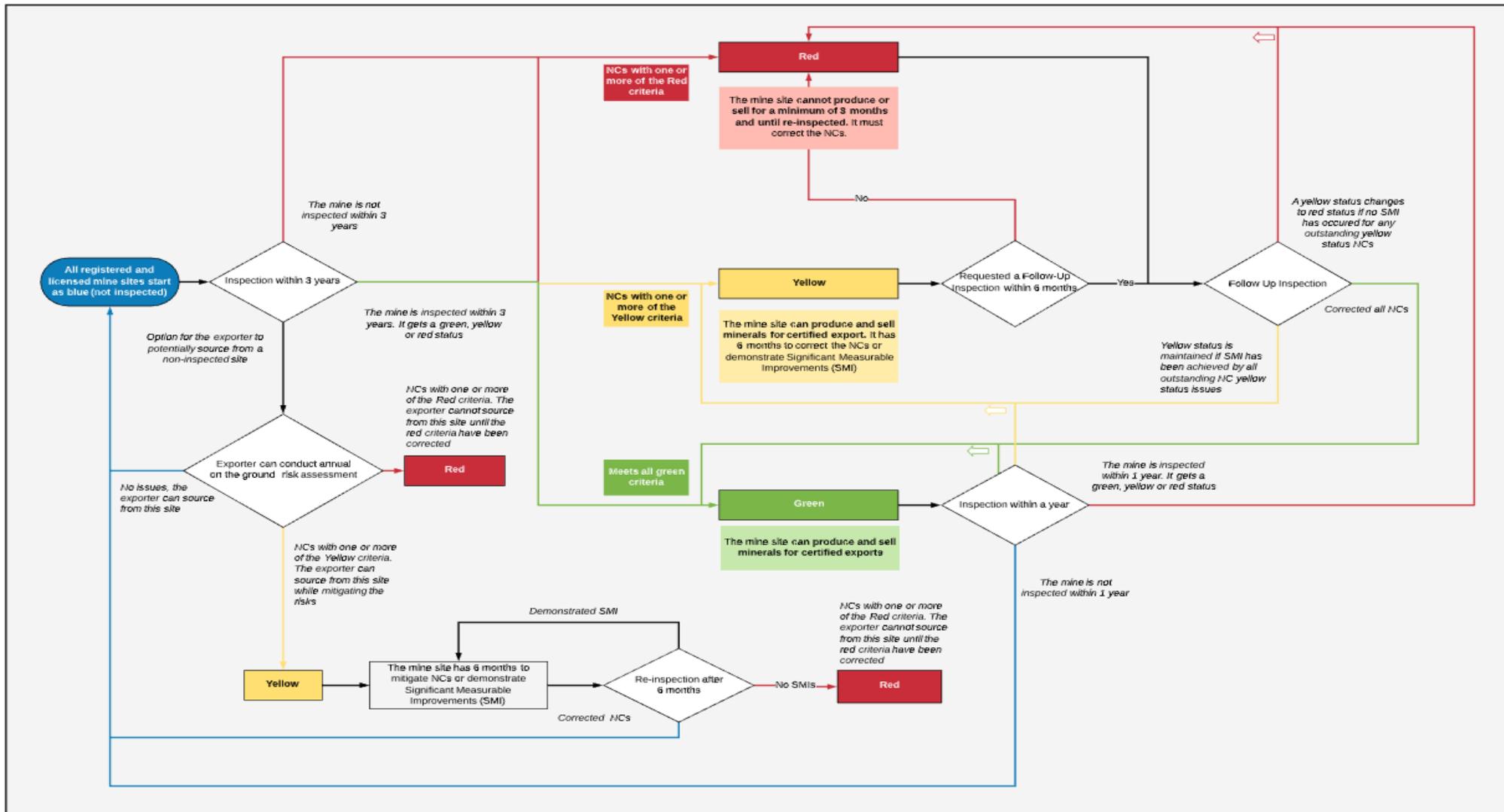


Figure 1. Mine Site Status Flow Chart

## **Responsibilities of Regional Certification Mechanism Actors**

### **The ICGLR Secretariat shall:**

- 1.1. Identify differences in the Member State Mine Site Inspection processes and work with Member States to minimize these differences to improve effectiveness and reduce cost.

### **Third-Party Auditors shall:**

- 1.2. Inform the Member State and Audit Committee and include in their audit report, when carrying out Audits of Exporters if and when they identify potential non-conformances with Red / Yellow Status Criteria at a mine site.

### **Each Member State shall:**

- 1.3. Designate a competent Lead Government Agency that will be responsible for the process of regulating and implementing the Mine Site Inspection and Validation process in line with the Requirements of the RCM (Section II.1, Appendix A).
  - 1.3.1. Mine Site inspection shall be conducted by a Member State Mine Site Inspector. A Mine Site Inspector shall be an employee or agent of the Member State's Lead Government Agency, designated by that agency with the authority to conduct Mine Site Inspections.
  - 1.3.2. Member States may allow non-governmental officials to observe the Mine Site Inspection.
  - 1.3.3. Member States may use a third-party contractor to conduct the Mine Site Inspections.
  - 1.3.4. Mine Site Inspection shall have the option of being unannounced, but not unknown (i.e. Mine Site Inspectors must notify Mine Site Operators of their presence).
- 1.4. Develop Standards and Procedures for inspecting and validating mine sites in accordance with the ICGLR RCM Requirements (Section II.1, Appendix A).
  - 1.4.1. Must uphold the Standards and Procedures for inspection and validation of mine sites in effect within their borders as detailed in the RCM. Member States may not remove criteria from the list contained in Appendix A, nor may they move criteria to less rigorous rankings.
- 1.5. Conduct Mine Site Inspections on an annual basis on mine sites with legal mineral titles and/or those recognised as legitimate ASM.
  - 1.5.1. Initiate annual mine site inspections in a timely manner and respond to the request of mine site operators to conduct such inspections.
  - 1.5.2. Undertake a Mine Site Inspection using a methodology that ensures at a minimum the collection of data in line with the standard information Requirements as detailed in Appendix A1 – Mine Site Inspection Report Information.
  - 1.5.3. Declare as part of the Mine Site Inspection the Status of the mine site as: Valid (Green), Not Valid (Red), or Provisionally Valid (Yellow). The Criteria by which a mine site must be evaluated are given in Appendix A2.
    - 1.5.3.1. Complete and submit Mine Site Inspection reports to the Lead Government Agency within a period of 2-weeks.

- 1.5.3.1.1. Where a mine site has been declared Not Valid (Red) inform the Lead Government Agency immediately.
- 1.6. Where a mine site has been declared Not Valid (Red), it will maintain its Status as Not Valid (Red) for a minimum period of three months and until such time as the mine site resolves all red status criteria and for all yellow status criteria demonstrates significant measurable improvement or resolves all yellow status criteria within six months. Assessment of this shall be based upon a follow-up inspection. During this time the mine site cannot produce or sell minerals.
- 1.7. Where a mine site has been declared Provisionally Valid (Yellow), grant a grace period of 6 months (measured from the date of the Mine Site Inspection report being issued) during which time the mine site can produce and sell minerals for certified export.
  - 1.7.1. During this grace period, the Mine Site Operator and / or Exporter may request a Follow-Up Inspection by the Member State's Mine Site Inspector. The Follow-Up Inspection shall be:
    - 1.7.1.1. Conducted within 6 months of the mine site being declared Provisionally Valid Yellow.
    - 1.7.1.2. Undertaken in line with the relevant Procedures.
      - 1.7.1.2.1. Where the Follow-Up Inspection identifies conformance with all mine site Criteria (Appendix A2), the Member State shall declare the mine site Valid (Green) Status.
      - 1.7.1.2.2. Where the Follow-Up Inspection identifies significant measurable improvement of all yellow status criteria, the Member State shall declare the Mine Site Provisionally Valid (Yellow) Status.
      - 1.7.1.2.3. Where the Follow-Up Inspection does not identify resolution or significant measurable improvement of all yellow status criteria, the Member State shall declare the Mine Site Not Valid (Red) Status and suspend the operation for a minimum of three months. In this scenario follow the Procedure outlined in 1.6.
      - 1.7.1.2.4. Where no Follow-Up Inspection has been requested and the 6-month grace period has elapsed, the Member States shall declare the mine site Not Valid (Red) Status and suspend the operation for a minimum of three months. In this scenario follow the Procedure outlined in 1.6.
      - 1.7.1.2.5. Where a Follow-Up Inspection has been requested but has not been actioned by the Member State, the Mine Site Operator shall remain Provisionally Valid (yellow) status until such inspection occurs. The Mine Site Operator shall provide evidence of SMI with regard to any issues identified during the mine site inspection and continue to make written requests for a follow up inspection on a quarterly basis.
- 1.8. Where a mine site has been declared Valid (Green), carry out annual Mine Site Inspection in line with the Procedures detailed in 1.5. The mine site can continue to produce and sell minerals for that qualify for certified export.

- 1.9. Where an inspection has not yet been carried out or a Valid (Green) mine site has not been inspected within the past year (12 months), the mine site shall be designated Not Inspected (Blue). The mine site may produce and sell minerals for certified export if an On-the-ground Risk Assessment has been completed by a Exporter and no Red Status Criteria risks have been identified. A copy of the Risk Assessment report shall be made publicly available and shared with the Member State and the ICGLR Secretariat. Blue status is retained for a maximum period of three years, after which the mine site automatically reverts to Not Valid (Red) status if no inspection has been carried out. In this scenario follow the Procedure outlined in 1.6.
- 1.10. Conduct a Mine Site Inspection of any mine site reported as having potential non-conformance with Red Status or Yellow Criteria by relevant actors of the RCM.
- 1.11. Require Exporters operating in and sourcing minerals from Member States to report to the Member State if they identify any potential non-conformance with Red / Yellow Status Criteria at mine sites.
- 1.12. Require Exporters to perform an annual On-the-ground Risk Assessment for sites that have a Not Inspected (Blue) Status and share the reports with the Member State and ICGLR Secretariat. Risk assessment reports must consider the Criteria detailed in Appendix A2 and be made publicly available by the Exporter and via the Member State Databases and Regional Mineral Database (RMD).
- 1.13. Develop a Procedure for dealing with Designated Minerals originating from Not Valid (Red) mine sites including material that may have been confiscated, such that after a specified period it qualifies for an ICGLR Certificate.
- 1.14. Publish Mine Site Inspection reports and mine site Status on the Member State Mineral Database within 2 weeks of completion by the Mine Site Inspector for onward transfer to the RMD.
- 1.15. Where a mine site has been declared Not Valid (Red) Status, inform the ICGLR Secretariat within 7 days

**The Mine Site Operator shall:**

- 1.16. Request a Mine Site Inspection from the Member State and follow-up in adequate intervals i.e. quarterly basis, in case no Inspection is conducted.
- 1.17. Extend full cooperation to Member State Mine Site Inspectors during the conduct of Mine Site Inspections.
- 1.18. Be informed by the Member State of the outcome of the Mine Site Inspection and obtain a copy of the associated report, prior to the entry into force of the determined mine site Status.
- 1.19. Where the mine site has been declared Not Valid (Red), the mine site operator shall immediately:

- 1.19.1. Cease the production and sale of Designated Minerals.
  - 1.19.2. Undertake to put in place measures to redress non-conformance with RCM Requirements.
  - 1.19.3. Request in writing a Follow-Up Inspection from the Member State upon resolution of all Red Status Criteria and demonstration of significant measurable improvement and / or resolution of all Yellow Status Criteria.
- 1.20 Where the mine site has been declared Provisionally Valid (Yellow) Status:
- 1.20.1. Undertake to put in place measures to resolve and / or demonstrate significant measurable improvement of all Yellow Status Criteria within 6 months.
  - 1.20.2. Request in writing a Follow-Up Inspection from the Member State within 6 months from the entry into force of the Provisionally Valid (Yellow) Status.
    - 1.20.2.1 Where a follow up inspection has been requested but has not been actioned by the Member State, the Mine Site shall keep the Provisionally Valid (Yellow) Status until such inspection occurs. The mine site operator shall provide evidence of SMI with regard to any issues identified during the mine site inspection and continue to make written requests for a follow up inspection on a quarterly basis.
    - 1.20.2.2. Failure to request a Follow-Up Inspection within this period will result in the mine site being declared Not Valid (Red) Status.

**Exporters shall:**

- 1.21. Before sourcing Designated Minerals from Not Inspected (Blue) Status mine sites conduct an On-the-ground Risk Assessments.
  - 1.21.1. Provide copies of all On-the-ground Risk Assessment reports to the Member State Lead Government Agency for Mine Site Inspections and Validation and the ICGLR Secretariat.
  - 1.21.2. On-the-ground Risk Assessments may be unannounced, but the Mine Site Operator must be notified of the presence of the person conducting the On-the-ground Risk Assessment.
- 1.22. Immediately notify the Member State when, as part of an On-the-ground Risk Assessment, it identifies potential non-conformance with Red / Yellow Status Criteria (Appendix A2) on a mine site that is Valid (Green), Provisionally Valid (Yellow) or Not Inspected (Blue).
- 1.23. Not Source from any mine site with Not Valid (Red) Status, or from which it identifies potential non-conformance with Red Status Criteria as part of On-the-ground Risk Assessments.

## 2. Chain of Custody Requirements within Member States

### Introduction

The Chain of Custody (CoC) is a record of the sequence of individuals or entities which have custody of Designated Minerals as they move through the upstream supply chain, as well as associated records of the Lot(s) being moved, and the actions performed on the Lot(s) at any given point in the chain (production, combination, processing, trading, transportation, export, etc.).

The RCM requires that CoC Systems provide tracking (and records) of the CoC for all Designated Minerals prior to the receipt of an ICGLR Certificate for Designated Mineral Lot(s). An ICGLR Certificate (Section II.4) is required before a Designated Mineral Lot can be officially exported<sup>12</sup>.

Member States are responsible for regulating, licensing and assuring CoC Systems operate in conformance with the RCM Requirements through the implementation of a CoC Programme.

Exporters are responsible for ensuring the implementation of a Licensed CoC System for the Designated Minerals within their supply chain. CoC Systems may be implemented by licensed third party providers, Exporters or Member States.

Appendix B details the required CoC information that each upstream buyer and seller must provide for the purchase and sale of Designated Minerals sourced from 1) Industrial Mine Sites, and 2) Artisanal Small-scale Mine Sites.

### **Multiple CoC Systems are Permitted**

Member States may have multiple CoC Systems:

- i. Private CoC Systems shall be licensed by Member States. These may be either company (Exporter) managed or third-party assurance provider managed.
- ii. Member States may also choose to operate their own CoC systems, which will be regulated by the Member State regulator.
- iii. Member States will ensure that when multiple CoC Systems are operational, the CoC Systems will operate in fair and equitable manner. Failure of a CoC System to do so may result in their license being revoked.

### **Responsibilities of Regional Certification Mechanism Actors**

**The ICGLR Secretariat shall:**

- 2.1. Engage with Member States on the implementation and continuous improvement of their CoC Programmes, with a view to sharing experiences from the region.

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<sup>12</sup> Additional Analytical Mineral Determination techniques, including AFP, may be applied by RCM Actors to assist with the determination of the origin of Designated Minerals.

2.2. Upon request of a Member State coordinate bi/multi-lateral mediation related to CoC Programme disputes.

2.3. Conduct as needed ad-hoc RCM conformance evaluation of CoC systems.

**Each Member State shall:**

2.4. Designate a Lead Government Agency that will be responsible for the CoC Programme.

2.5. Put in place a regulatory framework for a licensing system, consistent with the Requirements of the RCM, by which CoC Systems for Designated Minerals must operate. This shall include, inter alia:

2.5.1. Format and content of CoC information to be collected by CoC Systems (Appendix B)

2.5.2. Transparency and reporting Requirements of CoC Systems.

2.5.3. License fee Requirements for CoC Systems.

2.5.4. Requirement to notify the Member State and ICGLR Secretariat of any significant modifications to the CoC System.

2.5.5. Framework for annual financial reporting by CoC Systems.

2.6. Ensure that CoC System(s) implemented meet the RCM Requirements.

2.6.1. Where a CoC System does not meet the RCM Requirements the Member State reserves the right to not license / revoke its license to operate.

2.7. Collect CoC information (Appendix B) from CoC Systems to be collated in the Member State Mineral Database.

2.8. Share CoC Information (Appendix B) as is required by the RCM for use in the Regional Mineral Database (RMD).

2.9. Provide all Information from the domestic CoC Programme and Licensed System(s) as may be requested and required by the ICGLR.

2.10. Resolve any disputes between CoC Systems that are reported.

2.11. When required request the ICGLR Secretariat to coordinate bi/multi-lateral mediation related to CoC Programme disputes.

**All Buyers and Sellers shall:**

2.12. Conform to the OECD Annex II<sup>13</sup>

2.13. Only source Designated Minerals from mine sites with a Status permitted by the RCM Requirements: Valid (Green); Provisionally Valid (Yellow); and Not Inspected (Blue).

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<sup>13</sup> As per *OECD Annex II Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict and High-Risk Areas (ed 3)*.

- 2.14. Only buy or sell Designated Minerals with accompanying CoC Information as detailed in Appendix B.
- 2.15. Not purchase Designated Minerals where the incoming Lot(s) do not match the accompanying CoC Information
- 2.16. Not separate Lots during transport.
- 2.17. Be responsible for putting in place tracking and accounting procedures that capture:
  - 2.17.1. For all Designated Minerals originating from Industrial Mine Sites, the Information Requirements detailed in Appendix B1 - CoC Information Requirements for Designated Minerals Sourced from Industrial Mine Sites.
  - 2.17.2. For all Designated Minerals originating from Artisanal and Small-scale Mine Sites the information Requirements detailed in Appendix B2 - CoC Information Requirements for Designated Minerals Sourced from Artisanal and Small-scale Mine Sites.
- 2.18. Upon request by the ICGLR or Member State, allow Analytical Mineral Determination (AMD) sampling of Designated Minerals at all stages of the supply chain.
- 2.19. Provide, upon request by the ICGLR, information and documentary evidence regarding CoC, risk management systems and beneficial ownership.
- 2.20. Maintain CoC documentation for all Designated Mineral purchases and sales in line with RCM Requirements for a period of 5 years.

**In addition, each Exporter Shall:**

- 2.21. Put in place management systems that meet the minimum Requirements as set out in the RCM manual, including:
  - 2.21.1. A Licensed CoC System that documents the sequence of custody of Designated Minerals as they move through the supply chain from mine site through to export and / or smelter / refinery (upstream supply chain).
  - 2.21.2. In the case that it sources from Not Inspected (Blue) Status mine sites, put in place On-the-ground Risk Assessment and reporting procedures for the evaluation of those mine sites against RCM mine site Criteria (Appendix A2).
- 2.22. Publish details regarding the CoC System it uses.
- 2.23. Ensure that the CoC System that it uses transmits/ permits the transmission of CoC data (except for pricing data) in the format required to the Member State on a monthly basis, or as required by Member State regulation (whichever is more frequent).
- 2.24. Transmit, where applicable, their data (except for pricing data) in the format required to the Member State on a monthly basis, or as required by Member State regulation (whichever is more frequent).

**Each Chain of Custody System Shall:**

- 2.25. Provide a CoC tracking solution that meets at a minimum the CoC Requirements of the RCM.
- 2.26. Apply for and obtain a License from the Member State CoC Programme prior to becoming operational.
- 2.27. Pay all licensing fees as required by the Member State CoC Programme.
- 2.28. Where the ICGLR, during the course of an ad hoc evaluation of a CoC System, discovers non-conformances with the Requirements of the RCM, take immediate measures to bring the CoC System into conformance.
- 2.29. Transmit their data (except for pricing data), where applicable, in the format required to the Member State on a monthly basis, or as required by Member State regulation (whichever is more frequent).
- 2.30. Allow, upon request by the ICGLR or a Member State Mine Inspection Agency or their designated agents:
  - 2.30.1. Access to CoC data and records associated with the System.
  - 2.30.2. Evaluation of the CoC System at all stages of the supply chain.
- 2.31. Maintain CoC documentation for all Designated Mineral purchases and sales in line with RCM Requirements for a period of 5 years.
- 2.32. Accept the work of other Licensed CoC Systems and immediately inform the Member State and ICGLR Secretariat of any dispute.
- 2.33. Notify the Member State and ICGLR Secretariat if any significant changes are made to the CoC System.
- 2.34. Provide annually a financial report to the Member State and ICGLR Secretariat.

### 3. Third Party Audit Requirements

#### Introduction

The ICGLR Third Party Audit programme assures independent verification that Exporters' mineral chains from mine site to export are in conformance with RCM Requirements<sup>14</sup>.

The scope of the ICGLR Third Party Audit programme covers the mineral supply chain from mine site(s) to export. For Producer Countries, Audits shall examine the mineral chain from the Exporter being audited, back up the mineral chain to the minerals' point of origin in a mine site or sites, and include all Supply Chain Actors who mine, buy, sell, transport or handle the minerals on their journey from mine to export. Exporter status criteria is provided in Appendix E1.

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

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

Non-conformance by any of the upstream Supply Chain Actors and mine sites from which the Exporter is sourcing automatically results in a corresponding level of non-conformance being assessed on the Exporter.<sup>15</sup>

The ICGLR Third Party Audit Programme is governed by a tri-partite Audit Committee, which has representation from government, local and international industry, and local and international civil society. Local industry and civil society representatives on the Audit Committee are democratically elected from among stakeholders in each eligible Member State. Given the extent of gender and human rights risks in the minerals sector, the Audit Committee should ensure adequate representation of women's rights and human rights organizations and equitable representation of women and men on the committee (See Section III, Administrative Matters).

Under the ICGLR Third Party Audit Programme all 3TG exporters are subject to ICGLR Third Party Audits (ICGLR TPAs) managed directly by the ICGLR Audit Committee.

ICGLR TPAs require auditors to perform on-site inspections along the mineral chain, up to and including mine sites. Audits examine the Exporter's Management Systems and

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<sup>14</sup>Additional Analytical Mineral Determination techniques, including AFP, may be applied during the course of an ICGLR Third Party Audit to assist with the determination of the origin of Designated Minerals.

<sup>15</sup> Explanatory note: For example, if the TPA finds that a trader supplying to an Exporter is in non-conformance with Red Status Criteria then the Exporter itself is also found to be non-conformant (Not Valid (Red Status)). An Audit finding that a mine site is in Not Valid (Red Status) will not automatically result in an Exporter receiving Red Status, unless it can be shown that the Exporter was not sourcing material from that mine site while its status was Not Valid (Red Status).

each supply chain actor's conformity with RCM Requirements. ICGLR TPAs also perform a review of the Exporter's risk-assessment and risk management processes that investigates, evaluates, mitigates and reports on the OECD Due Diligence Guidance Requirements – the risk and factual circumstances of conflict and conflict-financing associated with the Exporter's mineral supply chain. The detailed Standards and Procedures for ICGLR TPAs are given in Appendix E - Third Party Audits.

### **Other Audit Programmes**

The Audit Committee may propose Audit Programmes differing from the ICGLR TPA for gold exporters not exceeding a maximum annual threshold of exports. These Audit Programmes would need to be adopted by the ICGLR Regional Committee prior to their entry into force.

<b>Exporter Status</b>		
<b>Status</b>	<b>Definition</b>	<b>Outcome</b>
<b>Not Audited (Blue)</b>	<p>An Exporter that has not yet received an ICGLR TPA and has requested an Audit prior to the end of the first year of operation or a Valid Exporter that has requested an ICGLR TPA (with a minimum of 3-months' notice prior to the expiration of its existing TPA) but has not yet received an ICGLR TPA.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. Exporters must have initiated the audit process within one year of the effective date of the Revised RCM Manual Second Edition).</li> <li>2. An Exporter can retain Blue Status until their first ICGLR TPA is completed and thereafter for a maximum of 3-years.</li> </ol>	<p>The Exporter may purchase and/or produce Designated Minerals for certified export.</p>
<b>Valid (Green)</b>	<p>An Exporter that has had an ICGLR TPA and no non-conformances were identified.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. An Exporter can retain Green Status for a maximum of 3-years.</li> <li>2. A Green Status Exporter must be re-Audited, at a minimum, once every 3-years.</li> </ol>	<p>The Exporter may purchase and/or produce Designated Minerals for certified export.</p>
<b>Provisionally Valid (Yellow)</b>	<p>An Exporter that has had an ICGLR TPA and one or more of the Provisionally Validated (Yellow) Criteria as detailed in Appendix E1 were identified. A Follow-Up Audit can result in the re-classification of an Exporter as Provisionally Valid (Yellow) only if Significant Measurable Improvement of all yellow Status Criteria is observed.</p> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. A Provisionally-Valid (Yellow) Exporter is given a grace period of 6-months in which to correct the infraction(s) or demonstrate significant measurable improvement towards resolution.</li> <li>2. A Provisionally-Valid (Yellow) Exporter must request a Follow-up ICGLR TPA within 6-months of the entry into force of the Status. Failure to do so will result in the Status becoming Not Valid (Red).</li> </ol>	<p>Exporter can purchase and/or produce minerals for certified export during the time that it is classified Provisionally Validated (Yellow) Status.</p>
<b>Not Valid (Red)</b>	<p>An Exporter that:</p> <ol style="list-style-type: none"> <li>1. Has had an ICGLR TPA and one or more major non-conformances were identified, and / or,</li> <li>2. Has not requested a Follow-Up Audit within 6-months of receiving a Provisionally Valid (Yellow) Status, and /or,</li> <li>3. Has had a Follow-Up Audit but has not been adjudged to have resolved the Not Valid (Red) Status Criteria and Provisionally Valid (Yellow) Status Criteria has not been resolved or shown significant measurable improvement, and/or,</li> <li>4) has not requested an ICGLR TPA prior to the end of the first year of operation.</li> </ol> <p><b>NB.</b></p> <ol style="list-style-type: none"> <li>1. A minimum suspension period of three months is applicable for Not Valid (red) exporters.</li> </ol>	<p>Exporter is not allowed to purchase, process and / or produce minerals for export.</p>

**Table 2. Exporter Status**

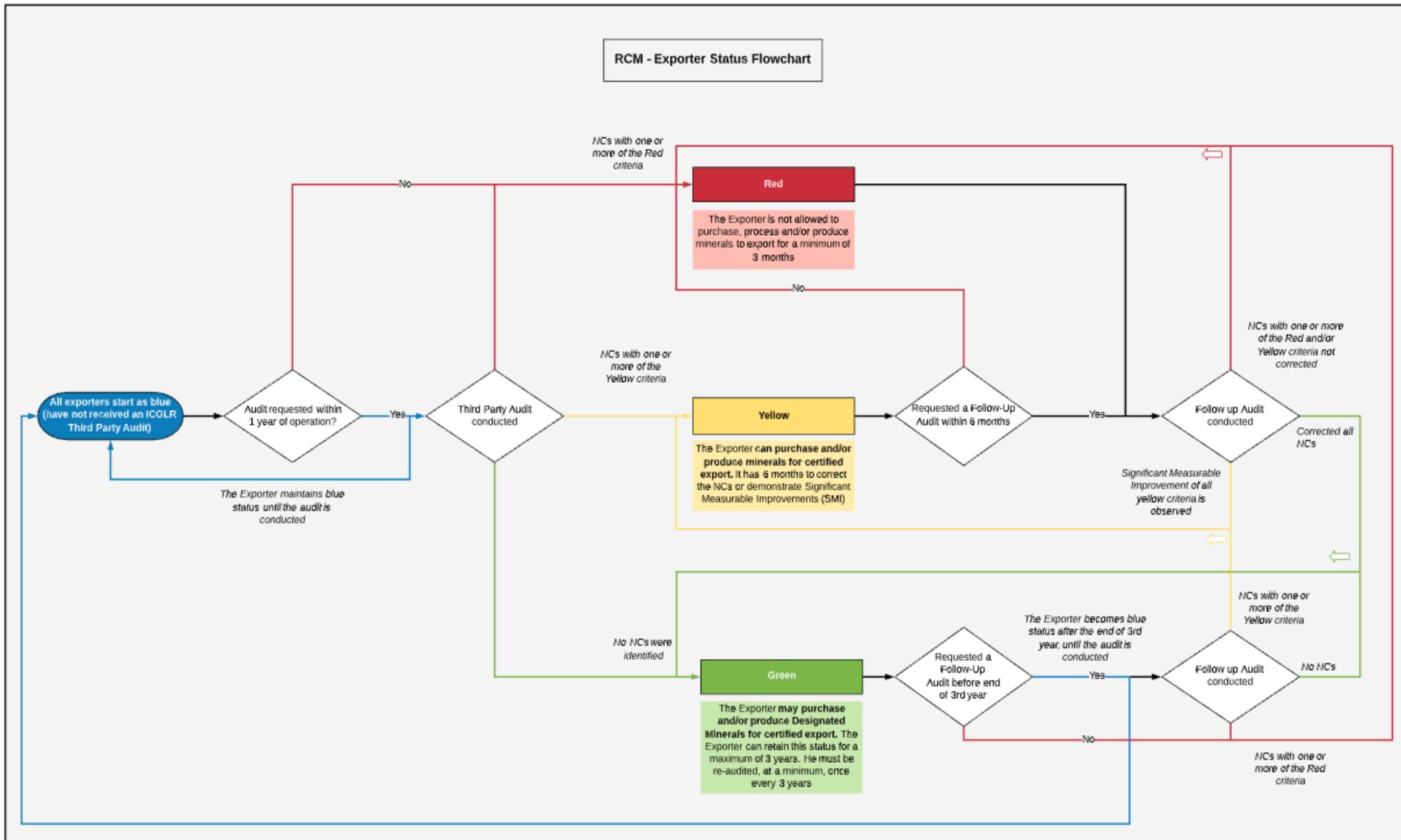


Figure 2. Exporter Status Flow Chart

## Responsibilities of Regional Certification Mechanism Actors

### All relevant RCM Actors shall:

- 3.1. Extend full cooperation to TPAs in the deliverance of their functions, including through *inter alia*: requisite authorisations, freedom of movement, security and the provision of information and documentary evidence when requested.

### The ICGLR Secretariat shall:

- 3.2. Ensure that standard contracts are in place with the Accredited Audit Firms and Exporters.
- 3.3. Support administratively the Audit Committee and the realisation of its functions associated with the ICGLR Third Party Audit programme.
- 3.4. Coordinate the bid and selection process of the TPA firm once the Exporter has requested an audit be conducted.
- 3.5. Support and protect TPAs working in the field within the Member States.
- 3.6. Validate the proposed Exporter Status based on the recommendation of the TPA and as communicated by the ICGLR Audit Committee.

### The ICGLR Audit Committee shall:

- 3.7. Develop and revise the Procedures, methodology, templates and tools for ICGLR TPAs.
- 3.8. Develop and provide a standard audit and auditor contract template to be used:
  - 3.8.1. Between all TPAs and the ICGLR Secretariat.
  - 3.8.2. Between all Exporters and the ICGLR Secretariat.
- 3.9. Serve as the Accreditation Body for the accreditation of TPAs in accordance with the Standards identified in Appendix E2 - Accreditation Body Requirements and use the Accreditation Standards in Appendix E3 - Accreditation Standards for Third Party Auditors.
  - 3.9.1. The Audit Committee may engage a competent third party to conduct the Accreditation Process.
- 3.10. Withdraw Accreditation from a TPA if in the considered opinion of the Audit Committee the TPA fails to meet the Requirements detailed in Appendix E.
- 3.11. Determine the frequency with which ICGLR TPAs of Exporters shall be conducted. Audits must take place at a minimum once every 3 years.
- 3.12. Review draft ICGLR TPA reports and provide feedback to TPAs.
- 3.13. Review and approve final reports produced by TPAs, including the proposed Exporter Status.
  - 3.13.1. Inform the ICGLR Secretariat of any change to Exporter Status.

- 3.14. Provide copies of the Final Audit Report to the Member State and Exporter.
- 3.15. Publish Summary Audit Reports on the ICGLR website and transfer them to the RMD Unit for upload to the RMD.
- 3.16. Manage the Appeals Process as described in Appendix G - Appeals Procedure.

**Third-Party Auditors shall:**

- 3.17. Conduct audits of Exporters (smelters, processors, comptoirs, mines or other exporting entities) in accordance with the Procedures (as detailed in this section), and templates and tools developed by the Audit Committee
- 3.18. Disclose to the Audit Committee any potential conflict of interest with Exporters prior to conducting a Third-Party Audit
- 3.19. Have a signed contract in place with the ICGLR Secretariat prior to the conduct of an ICGLR TPA.
- 3.20. Undertake the following elements during the Audit process:
  - 3.20.1. Conduct a literature review:
    - 3.20.1.1. Review relevant publications, particularly publications that address the conflict situation in the region under audit. Relevant publications include but are not limited to local and international media, recent UN reports, recent NGO reports, academic publications and corporate documents and publications (including corporate risk review documents and public reports required by the OECD Due Diligence Guidance).
    - 3.20.1.2. The findings of the literature review shall form part of the Audit Report. ICGLR TPAs must undertake not to use information for commercial gain.
  - 3.20.2. Evaluate Exporters' On-the-ground Risk Assessments:
    - 3.20.2.1. Evaluation shall pay particular attention to the suggested questions in Part C of the *Guiding note for upstream company risk contained in the Supplement on Tin, Tantalum and Tungsten* that forms part of the OECD Due Diligence Guidance.
    - 3.20.2.2. Include the findings of Exporters' On-the-ground Risk Assessments in the audit report.
    - 3.20.2.3. Conduct in-country interviews<sup>16</sup> with key stakeholders:
    - 3.20.2.4. Stakeholders shall include, inter alia, the relevant management and staff of the Exporter, relevant local government officials (i.e. in Mines, Customs, Police or other branches), civil society, knowledgeable local NGOs, UN Experts or Political Officers, mineral traders and their employees, mineral producers performing all steps within the mineral production system, including those who in some cases are not formally

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<sup>16</sup>The audit report shall include a list of interview subjects, the date and place of the interview, and the main findings of the interview. (Names can be kept confidential to protect the physical safety of the interview subject) Where names are recorded by Auditor in work sheets, these shall be retained by the auditor and kept confidential to protect the physical safety of the interview subject.

registered as miners who are hauling, processing tailings, crushing and other tasks.<sup>17</sup>

- 3.20.2.5. Interviews shall evaluate the Exporters' compliance with the Requirements of the RCM, and in particular with obtaining information regarding the presence of conflict-affected minerals in the mineral chain, the contribution of exported minerals to the funding of conflict in the region and/or various forms of Human Rights abuses, including various forms of Sexual and Gender Based violence.
- 3.20.3. Conduct a records review of financial, CoC and other programs to verify that the various Supply Chain Actors are fulfilling the system Requirements regarding CoC and conflict financing:
- 3.20.3.1 The reviews shall take place in the Supply Chain Actors' normal place of business.
- 3.20.3.2 In examining the records of Exporters, traders, miners or other actors in the mineral chain, TPAs shall inspect a percentage of the records to justify general conclusions about the totality of the record set. If this percentage is less than 100%, the TPA shall justify the chosen sample size (the percentage of records examined) in writing, demonstrating that the chosen sample size gives accurate results concerning the remaining, unexamined records. The ICGLR Audit Committee may provide guidance on how to select an acceptable sample size to be utilized by all TPAs.
- 3.20.4. Inspect a number of suppliers and mine sites:
- 3.20.4.1. Sample size must permit reasonable conclusions about the effectiveness of the Exporters management system as it pertains to the totality of their suppliers and mine sites. Where the percentage of suppliers and mine sites selected for inspection is less than 100%, the auditor shall justify the chosen sample size (the percentage of suppliers and mine sites examined) in writing, demonstrating that the chosen sample size gives reasonable assurance concerning the remaining, unexamined suppliers and mine sites. The ICGLR Audit Committee may, provide guidance on how to select an acceptable sample size to be utilized by all TPAs.
- 3.20.5. Examine the operations of the Exporters' traders/suppliers and miners in their normal place of business.
- 3.20.5.1. TPAs may work with Member States to receive all the necessary approvals and assistance to visit mine sites and entities associated with the Exporter's supply chain.
- 3.20.6. Examine transportation routes:
- 3.20.6.1. Consider, in particular, illegal taxation by armed groups on transportation routes and Designated Minerals being transported from mine site to Exporter. The examination of transportation routes should include, *inter alia*:
- 3.20.6.1.1. Physical inspection of the routes, with a regard for barriers where illegal tariffs are exacted.

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<sup>17</sup> Auditors shall strive to protect the physical safety and well-being of interview subjects. Where advisable, either for the physical safety of interview subjects or in the interests of full disclosure, interviews should be conducted in a safe location, away from the interview subjects place of employment. SGBV is extremely sensitive and auditors should have sufficient sensitivity and capacity to deal responsibly and capably to interview such scenarios. Protection of the wellbeing of potential or actual victims must be very explicit.

- 3.20.6.1.2. Interviews with porters and traders involved in the transport of material.
- 3.20.6.1.3. Interviews with managers and pilots of airplanes/airlines involved in the transportation of minerals.
- 3.20.6.1.4. Examination of the financial and other records of airlines involved in the transport of minerals.
- 3.20.6.1.5. Interviews with managers and drivers of trucks or trucking firms involved in the transport of minerals.
- 3.20.6.1.6. Examination of the financial and other records of trucking firms involved in the transport of minerals.
- 3.20.6.2. When verifying transportation routes, TPAs may wish to use GPS devices, hand-held atomic spectrometers, or other analytical or positioning technologies.
- 3.20.6.3. Details of the transport route examination, including investigations undertaken and results shall form part of the ICGLR TPA.
- 3.20.7. Examine the capacity of operation and records of the Exporter and its upstream suppliers:
  - 3.20.7.1. In each case analyse whether the production or volume of minerals produced, traded or exported is consistent with the supporting documentation, with the physical capacity of the mine site (taking seasonal variations into account), trader, supplier, or Exporter, and with the information obtained from site inspections and interviews.
  - 3.20.7.2. The capacity review analysis shall form part of the ICLGR TPA.
- 3.21. Submit Draft and Final ICGLR TPAs reports consistent with the Procedures, methodology and templates developed by the ICGLR Audit Committee.
  - 3.21.1. Audit evidence should include check lists, photographs, field notes, etc.
  - 3.21.2. The list of field visits undertaken (where, when) shall form part of the ICGLR TPA.

**Each Member State shall:**

- 3.22. Provide information as requested by the ICGLR TPA as it pertains to their Mine Site Inspection and Validation, CoC System(s) and Export Certificate programs.
- 3.23. Where an Exporter is declared Not Valid (Red) Status, maintain its Status as Not Valid (Red) until such time as the Exporter resolves all Red Status Criteria and demonstrates significant measurable improvement and / or resolves all Yellow Status Criteria within six months. Assessment of this shall be based upon a Follow-up ICGLR TPA. During this time the Exporter is not allowed to purchase and / or produce minerals.
  - 3.23.1. The Member State shall therefore:
    - 3.23.1.1. Cease to issue ICGLR Certificates to the Exporter.
    - 3.23.1.2. Verify that no stockpiling of Designated Material takes place throughout the period
- 3.24. Where an Exporter has been declared Provisionally Valid (Yellow), grant a grace period of 6 months (measured from the date of the Status being validated by

- the ICGLR Secretariat), within which time the Exporter can purchase and / or produce minerals for certified export.
- 3.24.1. During this grace period, the Exporter shall request, at their own expense, a Follow-Up ICGLR TPA. The Follow-Up ICGLR TPA shall be:
- 3.24.1.1. Conducted within 6 months of the Exporter being declared Provisionally Valid (Yellow) Status.
- 3.24.1.2. Undertaken in line with the Procedures detailed in this manual.
- 3.24.1.2.1. Where the Follow Up ICGLR TPA identifies conformance with all RCM Requirements, the Member State shall declare the Exporter Valid (Green) Status.
- 3.24.1.2.2. Where the Follow Up ICGLR TPA identifies significant measurable improvement of all Yellow Status Criteria, the Member State shall declare the Exporter Provisionally Valid (Yellow) status.
- 3.24.1.2.2. Where the Follow-Up ICGLR TPA does not identify resolution or significant measurable improvement of all Yellow Status Criteria, the Member State shall declare the Exporter Not Valid (Red) Status.
- 3.24.1.2.2.1. In this scenario follow the procedure outlined in 3.23.
- 3.24.1.2.3. Where no Follow-Up ICGLR TPA has been requested and the 6-month grace period has elapsed, the ICGLR Secretariat shall declare the Exporter Not Valid (Red) Status.
- 3.24.1.2.3.1. In this scenario follow the procedure outlined in 3.23.
- 3.25. Where an Exporter has been declared Valid (Green) Status continue to issue ICGLR Certificates in accordance with the RCM Requirements.
- 3.26. Where an ICGLR TPA has been requested but has not been carried out within the first 12 months of the effective date of entry into force of the Revised RCM Manual and the Exporter is therefore Not Audited (Blue) Status continue to issue ICGLR Certificates in accordance with the RCM Requirements during this time.
- 3.26.1. If the Exporter has not had an ICGLR TPA by the end of this time period, the Exporter shall automatically receive Not Valid (Red Status). The Member State will therefore follow procedures detailed in 3.23.
- 3.27. Provide all information from the domestic CoC Programme and Licensed System(s) as may be requested and required by the ICGLR.
- 3.28. Facilitate the access of TPAs to all audit locations, including mine sites, trading centres, and Exporter sites.
- 3.28.1. This includes timely provision of visas, ordres de mission, sauf-conduit, and other assistance as requested by the TPA.

**Exporters shall:**

- 3.29. Be solely responsible for conformance of its risk management systems and operations with the RCM Requirements.
- 3.30. Initiate the ICGLR TPA process by informing the ICGLR Secretariat that an audit needs to be conducted.

- 3.30.1. The Exporter is solely responsible to:
  - 3.30.1.1. Assure it initiates the process three months prior to its Status expiring.
  - 3.30.1.2. Pay for ICGLR TPAs.
  
- 3.31. Have a signed contract in place with ICGLR Secretariat prior to the conduct of an ICGLR TPA on its operations.
  
- 3.32. Extend full cooperation to the TPA during the conduct of the ICGLR TPA.
  - 3.32.1. Provide information from the CoC System as may be requested and required by the TPA. This includes data that may be maintained by a third-party assurance system.
  - 3.32.2 Provide other information as requested by the TPA that may be managed by a third-party assurance system.
    - 3.32.2.1. Failure to provide the requested information will lead the Exporter to be assessed as Not Valid (Red Status)
    - 3.32.2.2 Provide, upon request by the TPA, information and documentary evidence regarding CoC, risk management systems and beneficial ownership.
  
- 3.33. Have the right to review and comment on the Draft ICGLR TPA and obtain a copy of the associated Report, prior to the entry into force of the determined Status.
  
- 3.34. Where the Exporter has been declared Not Valid (Red) Status, immediately:
  - 3.34.1. Operate in conformance with the outcome Requirements of the RCM by ceasing the production, purchase and export of Designated Minerals.
  - 3.34.2. Undertake to put in place measures to resolve the non-conformance with RCM Requirements.
  - 3.34.3. Request a Follow-Up ICGLR TPA from an accredited TPA once non-conformances with RCM Requirements have been resolved.
  
- 3.35. Where an Exporter has been declared Provisionally Valid (Yellow) Status:
  - 3.35.1. Undertake to put in place measures to resolve the non-conformance with RCM Requirements or demonstrate significant measurable improvement in this regard within 6 months.
  - 3.35.2. Request a Follow-Up ICGLR TPA from an accredited TPA within 6 months from the entry into force of the Provisionally Valid (Yellow) Status.
    - 3.35.2.1. Failure to request a Follow-Up ICGLR TPA within this period will result in the Exporter Status automatically becoming Not Valid (Red) Status.

**Chain of Custody (CoC) Systems and Third-Party due diligence providers shall:**

- 3.36 Provide all data, information and documentation that is requested by the TPA.

## **4. ICGLR Export and Certificate Requirements**

### **Introduction**

Under the RCM, only where Exporters are Valid, Provisionally Valid or Not Audited (Green, Yellow, Blue Status) (Section II.3 Third Party Audit Requirements) and can demonstrate that each export Lot is in conformance with mine site and CoC Requirements will the Exporter receive an ICGLR Certificate from the Member State from which it is to be exported. This will serve as the sole recognised document that a Designated Mineral export was mined and traded in compliance with the RCM.

Requirements in this section are organized into two sub-sections;

- A. the Requirements for the issuance of an ICGLR Certificate, and
- B. Requirements for the ICGLR Certificate.

Appendix C details the standard information Requirements regarding ICGLR export and ICGLR Certificates.

### ***4.1. Requirements for the issuance of an ICGLR Certificate***

#### **Responsibilities of Regional Certification Mechanism Actors**

**Each Member State shall:**

4.1.1. Designate a Lead Government Agency that will be responsible for overseeing RCM Requirements with regards to the issuance of ICGLR Certificates for Designated Minerals for export.

4.1.2. Provide to the ICGLR Secretariat a list of the names and copies of the signatures of the Member State representatives empowered to countersign ICGLR Certificates to render them valid.

4.1.3. Ensure the designated Lead Government Agency examines each export Lot of Designated Minerals and ensure that all the required supporting documentation concerning mine sites, CoC, and Exporters meets the Requirements of the RCM before completing and submitting the ICGLR Certificate for countersignature by the relevant Member State official.

4.1.4. Issue the ICGLR Certificate to the Exporter for the mineral Lot(s) to be exported. The ICGLR Certificate is only where Exporters are Valid, Provisionally Valid or Not Audited (Green, Yellow, Blue Status).

4.1.5. Maintain a record, for a minimum of five (5) years, of all documentation submitted by the Exporter associated with the ICGLR Certificate application process.

4.1.6. Maintain a record of the official(s) responsible for verifying the Lot(s) for export, including:

4.1.6.1. Name, position, personal identification number, Export Order Number, ICGLR Certificate unique serial number and the date the Export Lot was verified.

4.1.7. Transfer export and Certification records to the ICGLR Secretariat for use in the RMD.

4.A.8. Provide export and Certification records as requested by the ICGLR.

**Exporters shall:**

4.1.9. Maintain a CoC System and its accompanying records in line with the Requirements laid out in Section II.2 and Appendix B. Provide this CoC information to the designated Lead Government Agency when applying for an ICGLR Certificate

4.1.10. Maintain a record, for a minimum of five (5) years, all documentation submitted to the Member State Lead Government Agency as part of the ICGLR Certificate application process.

4.1.11. Upon receipt of a valid ICGLR Certificate, export the Lot of Certified Designated Minerals while the ICGLR Certificate is still valid.

4.1.11.1. A copy of the ICGLR Certificate shall accompany the shipment of the export Lot.

4.1.11.2. A copy of the ICGLR Certificate shall be provided to the downstream buyer.

4.1.12. Provide export and Certification records as requested by the ICGLR.

## ***4.2. The ICGLR Certificate Requirements***

### **Responsibilities of Regional Certification Mechanism Actors**

**The ICGLR Secretariat shall:**

4.2.1. Maintain a list of the names and copies of the signatures of the Member State representatives empowered to countersign ICGLR Certificates.

4.2.2. Be responsible for developing a template of the ICGLR Certificate, which meets the minimum Requirements as outlined in Appendix C2: Standard Characteristics of ICGLR Certificates.

4.2.3. Be responsible for maintaining and managing the database of MS ICGLR Certificate designs and versions and ensuring this is accessible and communicated to Customs units of nations importing and exporting designated minerals.

**Each Member State shall:**

- 4.2.4. Member States may, at their discretion, create and add further information Requirements to their ICGLR Certificates.
  - 4.2.4.1. In this case Member States shall communicate additional information Requirements to ICGLR Secretariat and relevant RCM Actors.
- 4.2.5. Provide ICGLR Certificates for use by the designated Lead Government Agency responsible for the issuance of ICGLR Certificates.
- 4.2.6. Ensure that each ICGLR Certificate includes meaningful security and anti-counterfeiting measures to prevent fraud.
- 4.2.7. Transfer a copy of the Member State template of the ICGLR Certificate to the RMD for public reference.

## 5. ICGLR Regional Mineral Database and Member State Mineral Database Requirements

### Introduction

The RMD and Member State Mineral Databases will host mine site, CoC and Exporter data, which is to be obtained as part of the Mine Site Inspection, CoC tracking and export components of the RCM. Details of CoC datasets to be held in the database are provided in Appendix A - C. In addition, the RMD will host Third Party Audit reports and any information relevant to the functions of the RCM, including the status of mine sites, CoC systems and Exporters. A full list of the required data fields is provided in Appendix D.

Member States are required to collect data defined in the RCM and upload it periodically to the RMD, in the format and scope specified in the RCM. This data, while held by the Member State, constitutes a Member State Database, with a structure equivalent to the RMD.

The ICGLR Secretariat will be responsible for the maintenance of the RMD, which will be hosted in a manner that ensures that it is accessible to all designated stakeholders for purposes identified in this document, for example on a cloud server.

The RMD will have an interface that supports data interpretation by performing all queries required by the RCM. Queries will permit, for example, an overview of flows of Designated Minerals within, between and exiting ICGLR Member States. It will therefore be used for the purpose of identifying and understanding anomalies related to the Purpose of the RCM that may warrant further investigation.

In addition, the RMD will be used by relevant RCM stakeholders to verify the latest Status of mine sites, CoC systems and Exporters.

As such, the RMD is an essential oversight and investigative reference tool of the RCM.<sup>18</sup>

Specific datasets in the RMD, as defined by the ICGLR Secretariat, will be accessible to the public.

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<sup>18</sup> A detailed RMD specification has been developed and approved by the ICGLR (2017). This document provides details regarding its structure, function, data input and transfer and query functions.

## **Responsibilities of Regional Certification Mechanism Actors**

### **The ICGLR Secretariat shall:**

- 5.1. Establish the RMD Unit.
  - 5.1.1. Maintain sufficient funding of the RMD Unit, including, *inter alia*, RMD server hosting, staff engaged in outreach to Member States, staff providing support to ICGLR users, IT support and clerical staffing.
- 5.2. Oversee the development and maintenance of the RMD that collates all mine site, CoC and Exporter data, and other datasets detailed in Appendix D, at the regional level.
- 5.3. Be responsible for informing Member States of obligations under the RCM on uploading data to the RMD.
- 5.4. Support Member States' data transfers by providing them with data preparation tools and database format specifications based on the RMD, as well as managing the data transfer procedures.
- 5.5. Provide training to Member States on data formatting according to RMD specifications and on data transfer procedures.
- 5.6. Utilise the RMD, as necessary, to assess and evaluate regional mineral flows.

### **The ICGLR Audit Committee shall:**

- 5.7. Share validated ICGLR TPA, reports with the RMD Unit for upload to the RMD.
- 5.8. Communicate any change in Exporter Status to the RMD Unit and relevant Member State authority responsible for the maintenance of the Member State Mineral Database.

### **The Regional Mineral Database Unit shall:**

- 5.9. Support the maintenance the RMD, including assuring data transfer from Member States, data cleaning and data input.
- 5.10. Support the training of Member State officials on data input and transfer.
- 5.11. Support the training of relevant ICGLR Officials in the use of the RMD.

**Each Member State shall:**

- 5.12. Designate a Lead Government Agency responsible for overseeing matters related to the Member State Mineral Database.
- 5.13. Develop and maintain an up to date Member State Mineral Database to host all country-level mine site, CoC and Exporter data as required by the RCM (see Appendices A-C). The database must be compatible with the RMD.
- 5.14. Be responsible for ensuring that all mine site, CoC and Exporter data collected in line with RCM Requirements is collated in a Member State Mineral Database. Data shall be collected from government officials or affiliates, CoC Systems and Exporters.
- 5.15. Transfer to the RMD in a compatible format and timely manner, all country-level mine site, CoC and Exporter data contained within the Member State Mineral Database.
- 5.16. Extend full cooperation to and facilitate the work of the RMD Unit.

**Government officials (or affiliates), Chain of Custody Systems and Exporters collecting Regional Certification Mechanism data in Member States shall:**

- 5.17. Transfer to the Member State Mineral Database in a compatible format and timely manner, any mine site, CoC and Exporter data collected in line with the Requirements of the RCM (Appendices A-C).
- 5.18. Extend full cooperation to and facilitate the work of the Lead Government Agency responsible for overseeing matters related to the Member State Mineral Database.

## Section III — Administrative Matters

This section deals with administrative matters relating to the implementation and ongoing management of the Regional Certification Mechanism (RCM). This section covers matters in addition to all matters identified in Section II.

### **The ICGLR Executive Secretary shall:**

1. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
2. Ensure that all provisions of the Appeals Procedure are followed without prejudice and shall not interfere in the proceedings and decision-making of the Audit Committee.
3. Publish annually a Financial Report on the cost to the Region (Secretariat and Member States) regarding the implementation of the RCM.
4. Initiate a review (and as necessary) a revision process, at a minimum, each five (5) years from the date of publication of the current version of the RCM Manual. This shall be done in accordance with the process detailed in Appendix H.
5. Reach out to external stakeholders to increase acceptance of the RCM system and the ICGLR certificate as a proof for conflict free sourcing of minerals.

### **The National Coordinators of the ICGLR shall:**

6. Undertake, with the support of the ICGLR Secretariat, outreach to civil society and industry stakeholders in their Member State to educate these stakeholders on the roles and responsibilities of members of the Audit Committee.
7. Announce, support and supervise the election of civil society Audit Committee representatives and industry Audit Committee representatives in their respective Member States. Announcement will include the sharing of candidate criteria (see below) and of the selection process.
8. Respect the determination of local civil society and local industry in the election of civil society Audit Committee representatives and industry Audit Committee representatives in their Member State.
9. Indicate, to the Regional Committee and ICGLR Secretariat, the name(s) of the civil society representatives and/or industry representatives elected from their Member State to serve on the Audit Committee.
10. Present, to the Regional Committee and the Conference Secretariat, separate election reports on the elections for civil society Audit Committee representatives and industry Audit Committee representatives. These election reports shall contain:
  - 10.1. The names and contact details for each of the civil society or industry members who participated in the election

- 10.2. The names and contact details for each person who presented themselves as a candidate for either the civil society or industry representative position on the Audit Committee
- 10.3. The date and place in which the elections were held
- 10.4. The results of the elections, including the names and contact details of the elected representatives. A justification of how the elected representatives meet the Candidate Criteria and Guidelines provided in Appendix F: Operating Guidelines for the ICGLR Audit Committee
- 10.5. Signatures of all participants in the elections on a document in which they attest that the election was free and fair.
- 10.6. The Audit Committee civil society and industry representatives from a particular member state shall not be considered duly elected until election reports as specified have been delivered to and accepted by the ICGLR Regional Committee.

**The ICGLR Regional Committee shall:**

11. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
12. Establish the ICGLR Audit Committee.
13. Invite government representatives to serve on the Audit Committee, indicating candidates either from the Regional Committee itself or from other competent government representative as the Regional Committee may choose.
14. Invite regional civil society stakeholders to serve on the Audit Committee, accepting the candidate(s) forwarded by the National Coordinators of eligible Member States, and elected by civil society in each eligible Member State.
15. Invite an international civil society stakeholder to serve on the Audit Committee, as identified by the ICGLR Secretariat.
16. Invite regional industry stakeholders to serve on the Audit Committee, accepting the candidate(s) forwarded by the National Coordinators of eligible Member States, and elected by regional industry in each eligible Member State.
17. Invite an appropriate international industry stakeholder to serve on the Audit Committee, as identified by the ICGLR Secretariat.
18. Have the authority to change the number of representatives serving on the Audit Committee, respecting always the principle of tripartite representation, with significant representation from government, industry, and civil society.
19. Add or remove minerals from the List of Designated Minerals.
20. Be empowered to request and require such information on regional trade data from the ICGLR Regional Mineral Database (RMD) as they may require for their deliberations.

21. Facilitate the discussion of Member States to harmonize tax and fee structures to help reduce the incentives for smuggling. Work with Member States to reduce inconsistencies within the various regional Member State frameworks.
22. Develop a template for RCM Annual Financial Report for Member States to use in the preparation of their annual report.

**The ICGLR Secretariat shall:**

23. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
24. Upon request of a Member State coordinate bi/multi-lateral mediation of all RCM related disputes.
25. Develop a business model for the operation of the ICGLR Regional Certification Mechanism, taking into account fees from operators, accreditation fees and costs, certification fees and costs, and other expenses and sources of revenue.
26. Identify inconsistencies across Member State legal and regulatory frameworks.
27. Evaluate eligibility of Member States to determine admissibility of government, civil society and industry representatives for the Audit Committee.
28. Develop and implement a process to identify appropriate international industry and civil society stakeholders to serve on the Audit Committee for approval by the Regional Committee.
29. Publish and make publicly available all annual reports, audit reports, list of accredited Third-Party Auditors (TPAs), all relevant publications and appropriate RMD information, bearing in mind the ICGLR policy which eliminates pricing information from ICGLR reports.
30. Prepare an annual report on the cost, implementation and performance of the ICGLR RCM.
31. Organise and implement as appropriate adequate training measures for:
  - 31.1. Designated Government Authorities charged with implementing the provisions the ICGLR certification system.
  - 31.2. Authorities in charge of the use and handling of ICGLR Certificates and the Mine Site Standards.
  - 31.3. Authorities in charge of inspecting and evaluating mine sites according to the applicable ICGLR Mine Site Standards.
  - 31.4. Artisanal and Small-Scale Miners, who shall receive adequate training on the ICGLR Requirements and assistance in their implementation.
32. Inform other stakeholders as necessary or desirable.
33. Publish the election reports described above on the ICGLR website.

33.1 Upon request by an RCM Actor, apply AMD techniques to assist in the determination of the origin of the Designated Minerals.

**The Audit Committee shall:**

34. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
35. Conduct, as needed, independent investigation and report on systemic issues related to the Purpose of the RCM, in particular where they may not be identified through the Standards and Procedures of the RCM.
36. Follow the Operating Guidelines as identified in Appendix F.
37. Have representation from Member States, local and international industry and local and international civil society. All members of the Audit Committee have equal voting rights, be they from government, regional industry, international industry, regional civil society or international civil society.
38. Be composed of members that are democratically elected from within their peer groups.
39. The government, regional civil society and regional industry representatives on the Audit Committee shall be drawn from Eligible Member States as determined by the ICGLR Secretariat. To qualify as Eligible, a Member State must have in place or be close to having in place systems capable of certifying mine sites; systems for registering Chain of Custody (CoC) Systems for Designated Minerals; and have in place systems for certifying mineral exports and issuing ICGLR Certificates.
40. At full capacity, have representation from the various stakeholders in the quantities as follows:
  - 40.1. 6 representatives of Member States
  - 40.2. 3 representatives of regional industry
  - 40.3. 3 representatives of regional civil society
  - 40.4. 1 representative of international industry
  - 40.5. 1 representative of international civil society
41. Ideally, the composition of the government, member state industry, and member state civil society members on the Audit Committee shall be arranged so that there is representation from every Member State in the ICGLR. (i.e. if the Regional Committee first chooses the 6 government members, the remaining seats for industry and civil society will then assigned to other Member States, who will democratically elect representatives from within the peer groups of their respective Member States). Gender equity should also be considered for the composition of the Audit Committee.
42. Audit Committee members shall serve for a period of 3 years.
  - 42.1. The Audit Committee may stagger the terms of the members to allow for ongoing continuity.
  - 42.2. Members can serve 3 terms.

**Member States Shall:**

43. Incorporate the RCM into their national legal and regulatory frameworks and develop complementary tools and processes required to fully implement the Requirements of the RCM Manual.
44. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
45. Submit to the ICGLR Executive Secretariat an RCM Financial Report by April 1 for the previous year. Details and content of the report and report template to be developed by the ICGLR Regional Committee.
46. Submit to the ICGLR Secretariat and make publicly available a list of all national taxes and associated tax rates associated with the mining, trading, processing and export of Designated Minerals.
47. Provide access to and cooperate with the ICGLR and in no way inhibit their movement during the course of conducting their activities.

## **Appendix A: Mine Site Inspection and Validation**

### **Appendix A1: Mine Site Inspection Report Information**

#### **Standard Information Requirements on Mine Site Inspection Forms**

##### **Inspector Information:**

1. The date of the inspection
  
2. The identification of the mine site inspector including:
  - 2.1. Full name
  - 2.2. Title or position
  - 2.3. Government agency
  - 2.4. Government identification number, if applicable

##### **Mine Site Information**

3. A unique mine site identification number
  
4. Mining Activity Status (Active, Non-active, Abandoned)
  
5. The location of the mine site
  - 5.1. Given in latitude and longitude (degrees, minutes, seconds) WGS 84 format
  - 5.2. Given in the terms used by the Member State national mining cadastre, and
  - 5.3. Given in local geographic terms (province/state, municipality/chefferie/district)
  
6. The type or types of Designated Mineral(s) produced at the mine site
  
7. Mineral Licensing Information concerning the site, including:
  - 7.1. The type of mineral license covering the mine site (claim, exploration permit, mining license, artisanal permit, unlicensed, other type)
  - 7.2. The identification number of the mining license, in the terms used by the national mineral claims systems (if available, in the case of artisanal and small-scale miners)
  - 7.3. The identification and full details of the owner of the mineral license
  - 7.4. The identification and full details of the Mine Operator/s if different from the owner
  
8. A checklist of mine site conformance with each of the Mine Site Inspection Criteria detailed in Appendix 2A.
  - 8.1. Details of why the mine site was adjudged to be in conformance or non-conformance with each of the Mine Site Inspection Criteria.
  
9. The Status of the mine site: Valid (Green), Provisionally Valid (Yellow) Not Valid (Red), or Not Inspected (Blue).

## Appendix A2: Inspection Criteria for Artisanal and Small-scale Mines and Designated Minerals Sourced therefrom

The Red and Yellow criteria are contained in Tables below.

**Table 3: Red (Not Valid) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom**

<b>RED STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
1. Non-state armed groups or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain.	1. Children below the minimum working age as defined in that Member State are employed at the mine site or the worst forms of child labour as defined by the ILO are present at the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used.	1. Payments are made by the mine site owner or operator to illegal or criminal organizations.
2. Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded.	2. Forced labour is practiced on the mine site; workers are required to work for no compensation; workers are required on certain days of the week to surrender the fruits of their labour to the mine site boss.	2. Payments are made by the mine site owner or operator to political parties or political organizations, in contravention of a Member State's laws. <sup>19</sup>
3. Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, export companies, or any other upstream actors in the Chain of Custody (CoC).	3. Any forms of torture, cruel, inhuman and degrading treatment are practiced or identified at the mine site.	3. Designated Minerals sourced in a Not Valid (Red) mine site are entering into the mine site or being mixed with Designated Minerals produced at the mine site.

<sup>19</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

<b>RED STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
	4. Other gross human rights violations and abuses such as widespread sexual violence are practiced or identified associated with the mining activities.	
No other red status criteria.	5. War crimes or other serious violations of international humanitarian law, crimes against humanity or genocide are associated with the mine site.	No other red status criteria.
	No other red status criteria.	

**Table 4: Yellow (Provisionally Valid) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom**

<b>YELLOW STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
1. Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain.	No Yellow Status Criteria.	1. Mineral shipments exit the mine site without having been registered or recorded by a CoC system that can track the minerals to their next destination beyond the mine site
2. Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the CoC.		2. Government officials (mines officials, secret service, municipal or provincial governments, military units etc.) extract significant taxation or other payments that are disproportionate to any service provided from the workers or production of a mine site, in a manner not authorized by the Member State’s mineral code or mineral regulations
3. Public or Private Security Forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded.		3. Material from another unknown mine site is entering into the mine site or being mixed with the material.

<b>YELLOW STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
		4. Mine site owner, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the chain of custody and operating on the mine site, offer, promise, give or demand bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export. <sup>20</sup>
		5. Mine site owner, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the chain of custody and operating on the mine site, do not pay all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas (CAHRAs) to governments and fail to disclose such payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).
		6. The mine owner or operator refuses to allow Analytical Mineral Determination (AMD) sampling to the ICGLR or Member State.

<sup>20</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

**Table 5: Red (Not Valid) Criteria for Industrial Mines and Designated Minerals sourced therefrom**

<b>RED STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
1. Non-state armed groups or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain.	1. Children below the minimum working age as defined in that Member State are employed at the mine site or the worst forms of child labour as defined by the ILO are present at the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used	1. Payments are made by the Mine Site Owner or Operator to illegal or criminal organizations.
2. Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded.	2. Forced labour is practiced on the mine site; workers are required to work for no compensation; workers are required on certain days of the week to surrender the fruits of their labour to the mine site boss.	2. Payments are made by the Mine Site Owner or Operator to political parties or political organizations, in contravention of a Member State's laws. <sup>21</sup>
3. Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, Exporters, or any other upstream actors in the CoC.	3. Any forms of torture, cruel, inhuman and degrading treatment are practiced or identified at the mine site;	3. Designated Minerals sourced in a Not Valid (Red) mine site are entering into the mine site or being mixed with Designated Minerals produced at the mine site.
	4. Other gross human rights violations and abuses such as wide spread sexual violence are practiced or identified associated the mining activities.	4. Mineral shipments exit the mine site without having been registered or recorded by a CoC System that can track the minerals to their next destination beyond the mine site.

<sup>21</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

<b>RED STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
No other red status criteria.	5. War crimes or other serious violations of international humanitarian law, crimes against humanity or genocide are associated with the site.	5. The mine site is not registered with Member State mining authorities and or is not in conformity with all Member State laws and regulations regarding mineral title.
	No other red status criteria.	No other red status criteria.

**Table 6: Yellow (Provisionally Valid) Criteria for Industrial Mines and Designated Minerals sourced therefrom**

<b>YELLOW STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
1. Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain.	No Yellow Status Criteria.	1. Government officials (mines officials, secret service, municipal or provincial governments, military units etc.) extract significant taxation or other payments that are disproportionate to any service provided from the workers or production of a mine site, in a manner not authorized by the Member State's mineral code or mineral regulations.
2. Public or Private Security Forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded.		2. Mine site owner, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the CoC and operating on the mine site, offer, promise, give or demand bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export. <sup>22</sup>
3. Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the CoC.		3. Mine site owner, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the chain of custody and operating on the mine site, do not pay all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas to governments and fail to disclose such payments in accordance with the principles set forth under EITI.

<sup>22</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

<b>YELLOW STATUS CRITERIA</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
No other Yellow Status Criteria.		4. The Mine Site Owner or Operator refuses to provide sample material for an Analytical Mineral Determination (AMD) sampling to the ICGLR or Member State.

## **Appendix B: Information Requirements for Chain of Custody Tracking**

### **Appendix B1. Chain of Custody Information Requirements for Designated Minerals Sourced from Industrial Mine Sites**

#### **1. Standard Information Requirements for Mine Site Operators for each Lot**

- 1.1. A unique mine operator lot number for the lot.
- 1.2. The identification of the mine owner and operator (if different), including name, address and mine site location/permit/concession given with reference to the Mine Site Identification in the ICGLR Regional Mineral Database (RMD), government identification number.
- 1.3. The identification of the customer or recipient, including name, address and site location and government identification number.
- 1.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%).
- 1.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the lot, along with any other payments made to government for the purpose of extraction, trade, transport or processing of the lot
- 1.6. The date when the lot is sealed
- 1.7. The date when the lot is shipped
- 1.8. Name of the responsible staff person(s) who verified the documentation associated with the Lot.

#### **2. Additional Information Requirements for Mine Site Operators for each Lot of Designated Minerals Sourced from other Industrial Mines**

- 2.1. All of the information requirements in 1.1-1.8 above plus:
- 2.2. A unique purchase order number for the external purchase
- 2.3. The identification of the mine site and mine operator from which the external purchase was sourced, including name, address and mine site location given with reference to the Mine Site Identification in the RMD, government identification number.
- 2.4. A description of the material, including the ore type (i.e.cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
- 2.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the external purchase, along with any other payments made to government for the purpose of extraction, trade, transport or processing of the external purchase
- 2.6. The date of the purchase
- 2.7. Name of the responsible staff person(s) who accepted the Designated Mineral Lot and verified the origin

### **3. Additional Information Requirements for Mine Site Operators for each Mixed Lot of Designated Minerals Sourced from other Industrial Mines**

- 3.1. All of the information Requirements in 2.1-2.7 above plus
- 3.2. A new unique mixed Lot number
- 3.3. The weight/mass, ore type, and grade of the mixed Lot
- 3.4. The purchase order numbers of each externally purchased Lot included in the mixed lot, along with the weight and grade of ore that each externally purchased Lot contributed to the mixed Lot.
- 3.5. Name of the responsible staff person(s) who accepted the Designate Mineral Lot(s) and verified the origin

### **4. Information Requirements for Mineral Processor, Centre de Traitements, Comptoirs, or Smelters Lot of Designated Minerals Sourced from Industrial Mines**

#### **4.1. Information Requirements: Purchases**

- 4.1.1. A unique Mineral Processor, Centre de Traitement, Comptoir, or Smelter purchase order number for the purchase
- 4.1.2. The mine operator Lot number or mixed Lot number
- 4.1.3. The identification of the mine site(s) and mine(s) operator including name, address, site location, government identification number
- 4.1.4. A description of each Lot of Designated Minerals, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
- 4.1.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the incoming Lot, along with any other payments made to government for the purpose of extraction, trade, transport, or processing of the incoming Lot
- 4.1.6. The date that the processor took physical possession of the Lot
- 4.1.7. The method by which the Lot was transported from mine site to processor
- 4.1.8. The transportation route used for the shipment of the incoming Lot
- 4.1.9. Name of the responsible staff person(s) who accepted the Designate Mineral Lot and verified the origin

#### **4.2. Information Requirements: Sales**

- 4.2.1. A unique Mineral Processor, Centre de Traitement, Comptoir, or Smelter lot number or purchase order number for the outgoing Lot
- 4.2.2. The identification of the comptoir, processor or smelter, including name, address and site location
- 4.2.3. The identification of the customer or recipient, including name, address and site location
- 4.2.4. A description of the material, including the ore type (i.e.cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%)
- 4.2.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot, along with any other payments made to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot
- 4.2.6. The comptoir purchase order number of every incoming Lot of
- 4.2.7. Approved mineral ore that was used to produce the outgoing Lot
- 4.2.8. The weight of mineral ore from each incoming Lot (identified via purchase order number) used to produce the outgoing Lot

- 4.2.9. The date when the outgoing Lot is sealed
- 4.2.10. The date when the outgoing Lot is shipped
- 4.2.11. The route and transport company responsible for transporting the shipment
- 4.2.12. Name of the staff responsible person(s) who verified the documentation associated with the Lot.
- 4.2.13. An ICGLR Certificate number, if for export

## **Appendix B2. Chain of Custody Information Requirements for Designated Minerals sourced from Artisanal and Small-scale Mine Sites**

### **1. Standard Information Requirements for Mine Site Operators for each Lot**

- 1.1. A unique mine site lot number for the Lot
- 1.2. The identification of the artisanal and small-scale mine site where the mineral was sourced, including the locally accepted name, address and location, a government identification number (where applicable) and the Mine Site Identification as it exists in the RMD.
- 1.3. The identification of the artisanal and small-scale mine operator or miner who produced the material, including name, national ID number or artisanal mining license number
- 1.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available its grade (i.e. 45%)
- 1.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal Lot, along with any other payments made to government officials for the purpose of extraction, trade, transport or processing of the artisanal Lot
- 1.6. Where the Lot consists of more than one sack, the number of sacks in the Lot.
- 1.7. The trading centre, town, city or comptoir to which the Lot is to be transported
- 1.8. The date when the Lot is registered and sealed
- 1.9. The date when the Lot is shipped
- 1.10. CoC System used
- 1.11. Name, organization and identification number of the responsible person(s) who verified the documentation associated with the Lot

### **2. Standard Information Requirements for Traders for each Lot of Designated Minerals**

#### **2.1. Information Requirements: Purchases**

- 2.1.1. The unique mine site Lot number assigned to the Lot at the mine site
- 2.1.2. The identification of the artisanal and small-scale mine site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the RMD.
- 2.1.3. The identification of the artisanal and small-scale mine operator or miner who produced the material, including name and national ID number or artisanal mining license number
- 2.1.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available its grade (i.e. 45%)
- 2.1.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal Lot, along

with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal Lot.

- 2.1.6. Where the Lot consists of more than one sack, the number of sacks in the Lot.
- 2.1.7. The method by which the Lot was transported from mine site to the trading centre, town, or city where the trader took physical possession of the Lot.
- 2.1.8. Transportation routes.
- 2.1.9. Locations where minerals are consolidated, traded, processes or upgraded, or any other place where the trader took physical possession of the mine site Lot.
- 2.1.10. The identification of all other upstream CoC actors
- 2.1.11. The trading centre, town, or city where the trader took physical possession of the mine site Lot.
- 2.1.12. The date that the trader took possession of the mine site Lot.

## **2.2. Additional Information Requirements for Traders for each Mixed Lot of Designated Minerals Sourced from Artisanal and Small-scale Mine Sites**

- 2.2.1. All information Requirements in 2.1 (see above).
- 2.2.2. A new unique mixed Lot number shall be assigned to the mixed Lot.
- 2.2.3. The weight, ore type, and grade of the mixed Lot.
- 2.2.4. The mine site Lot numbers of each mine site Lot included in the mixed Lot, along with the weight and grade of ore that each mine site Lot contributed to the mixed Lot.
- 2.2.5. Name of the responsible staff person(s) who accepted the Designate Mineral Lot(s) and verified the origin.

## **2.3. Information Requirements: Sales**

- 2.3.1. A unique trading centre Lot number for the outgoing Lot.
- 2.3.2. The identification of the trader, including name, address and site location and government identification number.
- 2.3.3. The identification of the customer or recipient, including name, address and site location and government identification number.
- 2.3.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and where available grade (i.e. 45%).
- 2.3.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the Lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the Lot.
- 2.3.6. The number of sacks in the outgoing Lot.
- 2.3.7. The trading centre, town, or city where the outgoing Lot originated.
- 2.3.8. The date when the outgoing Lot is sealed.
- 2.3.9. The date when the outgoing Lot is shipped.
- 2.3.10. Name of the responsible staff person who verified the documentation associated with the Lot.

## **2.4. Additional Information Requirements for Traders who Process and Sell Designated Minerals**

- 2.4.1. All information Requirements in 2.1-2.3 (see above).
- 2.4.2. The nature of the discarded material (i.e. rock from cassiterite ore).
- 2.4.3. The weight of the discarded material.
- 2.4.4. The number of sacks remaining in the Lot at the completion of processing.

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

## **2.5. Mine site Lots kept intact**

- 2.5.1. The mine site Lot number
- 2.5.2. The identification of the artisanal and small-scale mine site where the mine site Lot was sourced,
- 2.5.3. The weight of the mine site Lot
- 2.5.4. The number of sacks in the mine site Lot

## **2.6. Mine site Lots separated into components**

- 2.6.1. All information Requirements in 2.5.
- 2.6.2. The total Lot weight and the number of sacks in the original mine site Lot.
- 2.6.3. The total Lot weight and the number of sacks remaining in the original mine site Lot after processing.
- 2.6.4. The total weight of the new component Lot and the number of sacks in the new component Lot.
- 2.6.5. The total number of component Lots into which the mine site Lot has been divided.
- 2.6.6. The mine site Lot number.
- 2.6.7. The identification of the artisanal and small-scale mine site where the mine site Lot was sourced.
- 2.6.8. A notation that this is a component Lot.
- 2.6.9. The weight of the component Lot and the number of sacks in the component Lot.
- 2.6.10. The number of component Lots into which the mine site Lot has been divided.

## **3. The Mineral Processor, Comptoir or Smelter:**

### **3.1. Incoming Minerals: Purchase direct from Artisanal and Small-scale producers:**

- 3.1.1. A unique mineral processor, comptoir, or smelter purchase order number for the purchase
- 3.1.2. The unique mine site Lot number assigned to the Lot at the mine site
- 3.1.3. The identification of the artisanal and small-scale mine site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the RMD.
- 3.1.4. The identification of the artisanal and small-scale Mine Operator or miner who produced the material, including name, national ID number or artisanal mining license number, address, as well as other relevant information

- 3.1.5. A description of the material, including the ore type (i.e. cassiterite) and weight (i.e. 1000kg) and where available the grade (i.e. 45%)
- 3.1.6. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal Lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal Lot.
- 3.1.7. Where the Lot consists of more than one sack, the number of sacks in the Lot.
- 3.1.8. The method by which the Lot was transported from mine site to comptoir.
- 3.1.9. Transportation routes.
- 3.1.10. Locations where minerals are consolidated, traded, processed or upgraded.
- 3.1.11. The identification of all other upstream intermediaries, consolidators or other actors in the upstream supply chain
- 3.1.12. The date that the comptoir took physical possession of the mine site Lot.
- 3.1.13. The purity of the mineral ore in the Lot as a whole.

### **3.2. Incoming Minerals: Purchase from an Artisanal Trader:**

- 3.2.1. A unique comptoir purchase order number for the purchase.
- 3.2.2. The unique trading center Lot number assigned to the Lot at the trading centre or trader's place of business.
- 3.2.3. The identification of the trader, including name, address and site location, government identification number, as well as other relevant information.
- 3.2.4. A description of the material, including the ore type (i.e. cassiterite) and its weight (i.e. 1000kg), and where available the grade (i.e. 45%).
- 3.2.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport or processing of the artisanal Lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport or processing of the artisanal Lot.
- 3.2.6. Where the incoming Lot consists of more than one sack, the number of sacks in the Lot.
- 3.2.7. Information regarding each of the mine site Lots or component Lots that make up the incoming Lot, including:
  - 3.2.7.1. The mine site Lot number.
  - 3.2.7.2. The identification of the artisanal and small-scale mine site where the mine site Lot or component Lot was sourced, as it exists in the RMD.
  - 3.2.7.3. The weight of the mine site Lot or component Lot.
  - 3.2.7.4. The purity of the mineral ore. Where the purity has not previously been established by the Artisanal Trader, the comptoir, processor or smelter shall determine and record the purity for each mine site Lot or component Lot.
- 3.2.8. The trading centre, town, or city where the Lot originated.
- 3.2.9. The date when the Lot was sealed.
- 3.2.10. The date when the Lot was shipped.
- 3.2.11. The method by which the Lot was transported from the trader to the comptoir, processor or smelter.
- 3.2.12. Transportation routes.
- 3.2.13. Locations where minerals are consolidated, traded, processed or upgraded.
- 3.2.14. The identification of all other upstream CoC actors.
- 3.2.15. Name of the responsible staff person working for the comptoir, processor or smelter who verified the documentation associated with the Lot.

### **3.3. Information Requirements: Sales**

- 3.3.1. A unique Mineral Processor, Centre de Traitement, Comptoir, or Smelter Lot number or purchase order number for the outgoing Lot.
- 3.3.2. The identification of the comptoir, processor or smelter, including name, address and site location.
- 3.3.3. The identification of the customer or recipient, including name, address and site location.
- 3.3.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%).
- 3.3.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot, along with any other payments made to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot.
- 3.3.6. The comptoir purchase order number of every incoming Lot.
- 3.3.7. Approved mineral ore that was used to produce the outgoing Lot.
- 3.3.8. The weight of mineral ore from each incoming Lot (identified via purchase order number) used to produce the outgoing Lot.
- 3.3.9. The date when the outgoing Lot is sealed.
- 3.3.10. The date when the outgoing Lot is shipped.
- 3.3.11. The route and transport company responsible for transporting the shipment.
- 3.3.12. Name of the staff responsible person(s) who verified the documentation associated with the Lot.
- 3.3.13. An ICGLR Certificate number, if for export.

## **Appendix C: Standard information regarding ICGLR Export and Certificates**

### **Appendix C1: Standard information required when applying for an ICGLR Certificate**

1. A unique Exporter Lot number or export order number for the Lot.
2. The identification of the Exporter including name, address and site location, as well as other relevant information required to identify the Exporter.
3. The identification of the customer or recipient, including name, address and shipping destination, as well as other relevant information required to identify the customer or importer.
4. A description of the material, including the ore type (i.e. cassiterite), its weight/mass (i.e. 1000kg), and grade (i.e. 45%).
5. The declared Customs Value in USD.
6. Details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, processing or export of the outgoing Lot, along with any other payments made to governmental officials for the purpose of extraction, trade, transport, processing or export of the outgoing Lot.
7. The comptoir purchase order number of every incoming Lot of Approved mineral ore that was used to produce the outgoing Lot.
8. The weight/mass of mineral ore from each incoming Lot (identified via purchase order number) used to produce the outgoing Lot.
9. The date when the Lot is sealed.
10. The date when the Lot is shipped.
11. The route and transport company responsible for transporting the shipment.
12. Name of the responsible staff person who verified the documentation associated with the Lot.

### **Appendix C2: Standard Characteristics of ICGLR Certificates**

1. Each ICGLR Certificate shall contain, at a minimum, the following standard characteristics:
  1. A Title: "ICGLR Certificate"
  2. The ICGLR Logo

2. The Statement: "The Designated Mineral in this Lot has been mined, traded and handled in accordance with the Requirements of the ICGLR Regional Certification Mechanism."
3. The name of the issuing Member State.
4. A unique serial number identifying the ICGLR Certificate.
5. The name, legal address and physical address of the Exporter.
6. The name, legal address and physical address of the importer.
7. The Exporter's unique Lot number or export order number for the Lot.
8. A description of the Designated Mineral, including the type of ore or concentrate, weight/mass and grade of the Lot.
9. The country / countries of origin of the material.
10. The declared Customs value in USD of the Lot.
11. The date the Lot is shipped.
12. The shipment route and the transport company responsible for transporting the shipment, if known.
13. The Member State Issuing authority and the name, position and identification number (where available) of the Member State representative responsible for verifying the documentation associated the export with the export and recommending the issuance of an ICGLR Certificate.
14. The date the Lot is verified by the Member State representative.
15. The name and signature of the Member State representative empowered to countersign the ICGLR Certificate to render it valid.
16. The date that the ICGLR Certificate is countersigned (ICGLR Certificate is valid from this date).
17. The date that the ICGLR Certificate expires and its validity period (the Certificate shall be no more than 90 days later than the date of issuance).
18. Contain the relevant International Harmonized Commodity Description and Coding System.

***Each ICGLR Certificate shall be printed in both English and French. Additional languages may be added at the discretion of the Member State.***

*\*Note: Only countries exporting Designated Minerals shall be required to issue an ICGLR Certificate. Supply Chain Actors in transit countries must be able to demonstrate that Designated Minerals in their custody are accompanied by a valid ICGLR Certificate issued by the exporting country. Where Designated Minerals are imported by ICGLR Member States from another/multiple other ICGLR Member States and then subsequently mixed, processed or treated in any way a new ICGLR Certificate shall be required, which shall replace all other ICGLR Certificates associated with the Designated Minerals constituting the new export lot.*

## **Appendix D: Data Requirements for Regional Mineral Database and Member State Database**

1. All Mine Site data required by the Regional Mineral Database (RCM) as part of the Mine Site Inspection and Certification process.
2. All CoC data required by the RCM as part of CoC tracking.
3. All Exporter data required by the RCM for export of Designated Mineral / ICGLR Certificate Issuance.
4. All reports produced by ICGLR bodies, including reports by the Regional Committee and Third-Party Auditors (TPAs).
5. Current and historic (last 5 years) RCM Status (Green, Yellow, Red, Blue) of Mine Sites, CoC Systems and Exporters.
6. A scanned copy of ICGLR Certificates issued as well as scanned copies of any paper-based Validation of mine sites, traders, Exporters, etc.
7. On-the-ground Mine Site Risk Assessment reports produced by Exporters.

## Appendix E: Third Party Audits

### Appendix E1: Audit Criteria for Exporters

The Red and Yellow criteria for Exporter status are contained in the Tables below:

**Table 7: Red (Not Valid) criteria for Exporters**

<b>RED STATUS CRITERIA EXPORTER</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
1. Non-state armed groups or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the supply chain up to and including the Exporter.	1. Children below the minimum working age as defined in that Member State are employed at the mine site or the worst forms of child labour as defined by the ILO are present at the mine site or in the Exporter's supply chain.	1. Payments are made to illegal or criminal organizations by any of the supply chain actors in the Exporter's supply chain.
2. Non-state armed groups or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded up to and including the Exporter.	2. Forced labour is practiced in the Exporter's supply chain; or workers are required to work for no compensation; workers are required on certain days of the week to surrender the fruits of their labour to a third party.	2. Payments are made to political parties or political organizations, in contravention of a Member State's laws by any of the supply chain actors in the Exporter's supply chain. <sup>23</sup>
3. Non-state armed groups or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, export companies, or any other upstream actors in the Chain of Custody (CoC) up to and including the Exporter.	3. Any forms of torture, cruel, inhuman and degrading treatment are practiced or identified in the Exporter's supply chain.	3. Designated Minerals sourced in a Not Valid (Red) mine site are entering into the Exporters supply chain or being mixed with Designated Minerals produced in a clean supply chain.

<sup>23</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

<b>RED STATUS CRITERIA EXPORTER</b>		
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>
	4. Other gross human rights violations and abuses such as wide spread sexual violence are practiced or identified associated with the Exporter's activities.	
No other red status criteria.	5. War crimes or other serious violations of international humanitarian law, crimes against humanity or genocide are associated with the Exporter.	No other red status criteria.
	No other red status criteria.	

**Table 8: Yellow (Provisionally Valid) criteria for Exporters**

<b>YELLOW STATUS CRITERIA EXPORTER</b>			
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>	<b>Management System</b>
1. Public or Private Security Forces or their affiliates illegally control mine sites or otherwise control transportation routes, points where minerals are traded and any upstream actor in the Exporter's supply chain.	No Yellow Status Criteria.	1. Mineral shipments exit the mine site without having been registered or recorded by a CoC system that can track the minerals from mine site through the Exporter's supply chain.	1. The Exporter has not established a strong company management system in line with the OECD Supplement on Tin, Tantalum and Tungsten or Supplement on Gold.
2. Public or Private Security Forces or their affiliates illegally tax or extort money or mineral shares from mine site owners, Mine Site Operators, intermediaries, traders, Exporters or any other upstream actors in the Exporter's CoC.		2. Government officials (mines officials, secret service, municipal or provincial governments, military units etc.) extract significant taxation or other payments that are disproportionate to any service provided from supply chain actors in the Exporter's supply chain in a manner not authorized by the Member State's mineral code or mineral regulations.	2. The Exporter did not identify and assess risk in their supply chain in line with the OECD Supplement on Tin, Tantalum and Tungsten or Supplement on Gold.
3. Public or Private Security Forces or their affiliates illegally tax or extort money or minerals at points of access to mine sites along transportation routes or at points where minerals are traded in the		3. Material from another unknown source is entering into the Exporter's supply chain.	3. The Exporter did not design and implement a strategy to respond to identified risks in line with the OECD Supplement on Tin, Tantalum and Tungsten or

Exporter's supply chain.			Supplement on Gold.
<b>YELLOW STATUS CRITERIA EXPORTER</b>			
<b>Conflict</b>	<b>Human Rights</b>	<b>Formality/Transparency</b>	<b>Management System</b>
		4. Any supply chain actor in the Exporter's supply chain, offer, promise, give or demand bribes to conceal or disguise the origin of minerals, to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export. <sup>24</sup>	4. The Exporter did not report annually on supply chain due diligence in line with the OECD Supplement on Tin, Tantalum and Tungsten or Supplement on Gold.
No other Yellow Status Criteria		5. Any supply chain actor in the Exporter's supply chain, does not pay all taxes, fees, and royalties related to mineral extraction, trade and export from conflict-affected and high-risk areas (CAHRAs) to governments and fail to disclose such payments in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).	No other Yellow Status Criteria
		6. Any supply chain actor in the Exporter's supply chain refuses to allow Analytical Mineral Determination (AMD) sampling to be	

<sup>24</sup> See OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997); and the United Nations Convention Against Corruption (2004)

## **Appendix E2: Accreditation Body (Audit Committee) Requirements**

### **Accreditation Requirements**

1. The Audit Committee must be operating in accordance with the Requirements of ISO 17011:2017.
2. The Audit Firm and the auditors must be accredited by the Audit Committee.
3. Prior to approval of an auditor / audit firm, an Audit Committee representative may carry out at least one witnessed assessment, where the Audit Committee representative accompanies the TPA on an ICGLR Third-Party Audit (ICGLR TPA) using the applicable ICGLR standards. The Audit Committee representative shall collect objective evidence to assist in the determination of TPA staff competence.
4. The TPA shall be subject to annual surveillance visits by the Accreditation Body (Audit Committee) including witnessing audits.

## **Appendix E3: Accreditation Standards for Third Party Auditors**

### **1. Independence**

1.1. A prospective TPA shall not be eligible to conduct ICGLR TPAs of Exporters unless such Auditor is independent from such Exporter as well as its applicable suppliers, traders, miners, contractors and subsidiaries to the following extent:

1.1.1. Neither the TPA nor any of its employees involved in the monitoring of an Exporter shall, currently and for the 3-year period preceding the audit, have any business or financial relationship with, including holding any equity or debt securities of, the Exporter, suppliers, traders, miners, or mine sites to be audited.

1.1.2. Neither the TPA nor any of its employees involved in the audit of an Exporter shall provide other services to the Exporter, suppliers, traders, miners, or mine sites to be audited, or shall not have provided other services to the Exporter, suppliers, traders, miners, or mine sites to be audited in the 24-month period prior to the conduct of the audit.

1.1.3. The TPA shall implement a policy and procedures for avoidance of conflict of interests. The TPA shall continue to maintain this policy and procedures to protect the independence of its monitoring. If accredited by the ICGLR, the TPA must pledge to continue to comply with the foregoing independence criteria throughout the period of its accreditation.

1.2. The TPA shall be independent of all other RCM Actors.

1.3. An TPA shall conduct its auditing in a neutral, impartial manner and shall that the content of its audit report shall be complete, accurate and not misleading.

1.4. An TPA shall have the obligation to report to the ICGLR any breach of any mechanism established by such TPA to protect the independence of its auditing and any steps taken by such TPA to remedy such breach.

1.5. An TPA shall exercise professional judgment at all times and not allow any fees or business relationships to influence its findings or reporting.

### **2. Confidentiality**

2.1. Auditors and audit firms shall maintain confidentiality as defined within their contractual agreements.

### **3. Audit Team Composition**

- 3.1. Given that the required Professional and Background knowledge components include significant knowledge of regional conflicts, conflict financing, local political structures, and other local knowledge, it is recommended that TPAs include in their team at least one member with deep expertise in the region - preferably a person either native to the region or with years of experience living and working in the region. Additionally, it is recommended that TPAs include in their team at least one member with deep expertise in human rights including women's rights and child rights as needed to sensitively collect and analyse data and information concerning worst forms of human rights abuses.

#### **4. Qualifying Characteristics of Third-Party Auditors**

4.1. In order to qualify as a TPA of the ICGLR, a prospective Auditor (which may be one or more individuals) must be associated with an accredited Audit Firm and shall demonstrate the following core competencies for each Member State for which it seeks accreditation:

- 4.1.1. The list of Requirements below applies to the audit team, not to individual TPAs. It is the responsibility of the lead auditor in the team to ensure that all team members fulfil the required criteria on independence
- 4.1.2. Professional Knowledge
- 4.1.2.1. Advanced knowledge of auditing principles, procedures and techniques
- 4.1.2.2. Knowledge of the standards outlined in the RCM and its appendices, as well as international certification and due diligence standards and guidelines, in particular the OECD Due Diligence Guidance.
- 4.1.2.3. Advanced knowledge and experience in auditing CoC Systems for commodities.
- 4.1.2.4. Knowledge of conflict financing in the African context.
- 4.1.2.5. Demonstrated experience auditing financial documents and tracking money flows.
- 4.1.3. Background Knowledge
- 4.1.3.1. Knowledge of geology and of the mining industry, and in particular of ASM and transportation of minerals.
- 4.1.3.2. Knowledge of local social and political conditions, with insight into how these conditions may affect conflict financing (especially mineral related conflict financing) in the region.
- 4.1.3.3 Knowledge of local social and cultural conditions and related gender and human rights risks to be applied in the conduct of auditing such as interview methods that are culturally appropriate and provide sufficient sensitivity to and protection of the safety and security of potential victims of human rights abuses.
- 4.1.3.4. Linguistic skills appropriate to each Member State or territory to be audited.
- 4.1.3.5. Knowledge of the ICGLR region, the recent conflicts in that region, and the role played by minerals in these conflicts.
- 4.1.4. Auditing Mineral Chains
- 4.1.4.1. Demonstrated ability to conduct third-party auditing, including the professional competence, capacity and relevant skills or technical qualifications necessary to perform each of the following processes to assess compliance with the RCM Requirements:
- 4.1.4.1.1. Gathering information from local knowledgeable sources
- 4.1.4.1.2. Interviewing workers at Exporters, traders, processors and mine sites
-

- 4.1.4.1.3. Interviewing management at Exporters, traders, processors, and mine sites.
- 4.1.4.1.4. Travelling along mineral transportation routes to remote trading centres and remote mining sites, visually reviewing these areas and conducting interviews and document.
- 4.1.4.1.5. Review and analysing CoC, financial and other records.
- 4.1.4.2. Ability to maintain the confidentiality of information and confidence of those interviewed.
- 4.1.4.3. Ability to synthesize, cross check, verify and, where applicable, quantify information gathered in the auditing process from all relevant sources.
- 4.1.5. Analysis and Reporting
  - 4.1.5.1. Ability and commitment to conduct an impartial and objective evaluation of the information gathered to assess compliance with RCM Requirements
  - 4.1.5.2. Professional competence in reporting instances or situations of non-compliance to the Exporter and to the ICGLR, including methods for substantiation of findings.
  - 4.1.5.3. Capacity to report findings in a timely fashion.
  - 4.1.5.4. Ability and commitment to maintain accountability for information gathered from the monitoring process.

## **5. Application Requirements for Prospective Third-Party Auditors**

- 5.1 A prospective Third-Party Auditor may seek accreditation to conduct audits for one or more countries. In seeking accreditation, a prospective Third-Party Auditor shall:
- 5.1.1 Submit to the ICGLR Audit Committee an application demonstrating satisfaction of the foregoing criteria of independence and qualifying characteristics;
  - 5.1.2. Submit to the ICGLR Audit Committee a list of Third-Party Audits conducted;
  - 5.1.3. Remit to the ICGLR the required Accreditation Fee as defined by the Audit Committee, used to process the prospective Auditor's accreditation application;
  - 5.1.4. Agree to undergo training in ICGLR standards and methodology as deemed appropriate by the ICGLR Audit Committee;
  - 5.1.5. If requested by the Audit Committee, conduct a trial audit on at least one mineral chain (mine site to Exporter) with an observer appointed by the ICGLR Audit Committee; and
  - 5.1.6. Agree to undergo any other application Requirements as specified by the ICGLR TPA.
  - 5.1.7. Prospective auditors shall demonstrate the capacity to ensure the ongoing quality, integrity and independence of their auditing work, including internal controls and professional staff development.
  - 5.1.8. Once accredited, a TPA must submit to the ICGLR Audit Committee a binding statement of intent to disclose any material change that may affect its ability to meet the independence criteria or qualifications of TPAs listed above.
  - 5.1.9. The Audit Committee shall respond to applications within 60 days of the point at which the application process completed.

## **6. Accountability of Third-Party Auditors**

- 6.1. A TPA shall be accountable to the ICGLR Audit Committee for professional misconduct or gross negligence in the conduct of its auditing or the preparation or content of its audit reports.
- 6.2. If a complaint concerning the professional misconduct or negligence of a TPA is submitted to the ICGLR Audit Committee, the ICGLR Audit Committee shall assess the reliability and severity of the complaint and inform the auditor of the contents of such complaint. In the event that the ICGLR Audit Committee determines that a TPA has committed such alleged misconduct or negligence, the ICGLR Audit Committee shall decide upon the appropriate sanction. The ICGLR Audit Committee shall have the authority to restrict, suspend, and/or remove all or part of the accreditation of such TPA.
- 6.3. TPAs shall be accredited for a 3-year period. This accreditation can be renewed for successive three-year periods thereafter.
- 6.4. In applying for re-accreditation with the ICGLR, the TPA shall:
  - 6.4.1. Disclose to the ICGLR Audit Committee any material change to its original application that may affect its independence or qualifications under the criteria set forth above;
  - 6.4.2. Pass an evaluation at the ICGLR Secretariat and at field level as deemed appropriate by the ICGLR Audit Committee

## **Appendix F: Operating Guidelines for the ICGLR Audit Committee**

### **Operational procedures of the Audit Committee**

1. The Audit Committee shall meet no less than twice per year.
2. The Audit Committee shall democratically elect its chair, vice-chair and rapporteur from representatives from within the region. (i.e. international representatives cannot be chair, vice- chair, rapporteur).
3. The Audit Committee shall be permitted to admit observers and or external advisors to committee meetings.
4. The Audit Committee shall make their findings and decisions public via the ICGLR web page.
5. The Audit Committee shall strive for consensus in all decision making.
6. Where unanimity is impossible, the Audit Committee shall take decisions on the basis of an expanded majority that requires both a numerical majority of votes, as well as a positive vote from each of the three stakeholder types (government, industry, civil society).
7. The Audit Committee shall be permitted to adjust their voting model in the review process.
8. The Audit Committee shall in developing and reviewing the relevant ICGLR Standards<sup>25</sup>:
  - 8.1. Identify and engage with all relevant stakeholders
  - 8.2. Develop a strategy for stakeholder consultation and dealing with stakeholder inputs
  - 8.3. Clearly define the elements of the Standards, their application and, where necessary, allow for national interpretations
9. Make details of changes to the Standard publicly available on the ICGLR website.

### **Financial Operation of Committees**

1. Members of the Audit Committee shall serve on a volunteer basis
2. The ICGLR Secretariat shall strive to develop a budget to facilitate the participation of Audit Committee members at all meetings.
3. If ICGLR funds are not available:
  - 3.1. For government members, transport costs to and from Audit Committee meetings as well as per diems for such meetings shall be paid by their respective Member State.
  - 3.2. For civil society members, transport costs to and from Audit Committee meetings as well as per diems for such meetings may be borne by the ICGLR secretariat, if alternate funding sources are not available.
  - 3.3. For industry members, transport costs to and from Audit Committee meetings as well as per diems for such meetings shall be the responsibility of the industry members.

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<sup>25</sup> As a guidance, the Setting Standards Module of the ISEAL Alliance (Emerging Initiatives Module 2) should be used.

## **ICGLR Audit Committee Membership**

1. The Regional Committee shall choose the government representatives on the Audit Committee
2. The regional civil society members on the Audit Committee shall be democratically elected from among their peers
3. The regional industry members on the Audit Committee shall be democratically elected from among their peers.
4. The international industry member on the Audit Committee shall be democratically elected from among their peers.
5. The international civil society member on the Audit Committee shall be democratically elected from among their peers.
6. The Audit Committee shall have a person from the ICGLR Secretariat to serve the Audit Committee in a secretarial and administrative support position.

## **Election of regional civil society and industry representatives to the Audit Committee**

Civil society and industry representatives in Eligible Member States shall:

1. Democratically elect, in an open and transparent manner, a representative from their Member State to serve on the ICGLR Audit Committee. One 'second' or 'alternate' representative will also be elected.

## **Regional Candidate Criteria & Guidelines**

1. Candidates for regional civil society and industry audit committee members should:
  - 1.1. Have a good reputation in their communities;
  - 1.2. Have a demonstrated commitment to good governance;
  - 1.3. Have an appreciation for accountability frameworks;
  - 1.4. Have experience in conflict resolution and/ or experience operating in multi-stakeholder decision-making bodies or forums; and
  - 1.5. Have good communication skills.
  - 1.6. Be knowledgeable of supply chains of the Designated Minerals; or
  - 1.7. Be knowledgeable of 'conflict minerals' in their respective countries and the region as a whole; and/or
  - 1.8. Have a good understanding of human rights law, inclusive of that specific to women's rights and gender risks that may derived from implementation of the RCM, and its application in the context of the Great Lakes Region.;
  - 1.9. Have experience reading and interpreting audit reports and/or other forms of investigative reporting;
  - 1.10. Have the ability to work in English or in French. The ability to speak both is desirable but not required.

## **Election of International (external to Great Lakes Region) Industry Members of the Audit Committee**

### **International civil society and industry representatives shall:**

1. Democratically elect, in an open and transparent manner, an industry and a civil society representative respectively to serve on the ICGLR Audit Committee. One 'second' or 'alternate' will also be elected.

### **Candidate Criteria & Guidelines**

2. Candidates for the International civil society and industry positions on the audit committee may come from a variety of backgrounds, and should:
  - 2.1. Have a good reputation;
  - 2.2. Have a strong understanding of, and/or demonstrated commitment to, good governance;
  - 2.3. Have an appreciation for accountability frameworks;
  - 2.4. Have experience in conflict resolution and/ or experience operating in multi-stakeholder decision-making bodies or forums; and
  - 2.5. Have good communication skills.
  - 2.6. Be able to work in English or in French. The ability to speak both is desirable but not required.
  - 2.7. Be very knowledgeable of supply chains;
  - 2.8. Be extremely knowledgeable of 'conflict minerals' or the mining sector in the context of the Great Lakes Region; and/or
  - 2.9. Have a good understanding of human rights law and/or
  - 2.10. Have experience reading and interpreting audit reports and/or other forms of investigative reporting.

## **Appendix G: Appeals Procedure**

### **Introduction**

The Appeals procedure provides a procedure for receiving, evaluating and deciding on appeals of decisions taken by the various ICGLR organizations performing audits and investigations. This section details the procedure to be followed by the ICGLR and the Appellant in the event of an appeal lodged against the ICGLR TPA.

### **General Requirements**

Only the entity that was subject to the adverse decision is eligible to lodge an appeal. The appeal shall not suspend the validity of the decision which is being appealed, unless otherwise decided by the Audit Committee. The ICGLR Executive Secretary shall ensure that all provisions of this procedure are followed without prejudice and shall not interfere in the proceedings and decision making of the Audit Committee.

In extraordinary cases the ICGLR Executive Secretary may extend any timelines indicated in this procedure. All Parties shall be notified accordingly. All incoming and outgoing correspondence, including the final decisions and follow-up actions, shall be written in English and French and made publicly available taking into account business confidential information.

All Parties involved in the process shall refrain from commenting publicly on the appeal until a decision is made and all Parties are notified. The number of appeals for a single incident is limited to one time – the Audit Committee decision is final.

### **Appeal Criteria**

The types of appeals covered by this Appeal Procedure include:

1. Substantive Appeals: regarding the determination of the ICGLR TPA
2. Procedural Appeals: regarding the implementation of the RCM.

### **Specific exclusions**

The following fall outside the scope of this Appeals Procedure:

- Complaints regarding changes to the RCM.
- Complaints that are trivial, malicious, vexatious, or appear to have been generated to gain competitive advantage.
- Complaints that are not supported by compelling, objective evidence, save for exceptional circumstances, complaints will not be investigated where they are based on hearsay alone. Anonymous complaints, unless they relate to a whistle-blowing situation (see above)

### **Appeal Procedure**

All appeals are processed and documented by the ICGLR Secretariat in an impartial manner. Impartial means that it is based on a consistent procedure that does not favour

one party over another, and documented means that the decision-making process and resulting decisions are written down and made available to all those who request them (i.e., a public report will document the process and outcome). The procedure is as follows:

### **Lodging an Appeal**

An appeal shall be received within 10 business days after notification of the ICGLR TPA Report. Appeals shall be made to the attention of the ICGLR Secretariat

The appeal shall:

- Contain the name and contact information of the Appellant and be signed by the legal representative of the Appellant;
- Specify the decision that is being appealed and the grounds on which the appeal is made;
- Be accompanied by relevant documented evidence;
- Indicate what steps were taken to resolve the issue prior to lodging the appeal;
- Contain an agreement to cover the costs of the appeals process, if and as allocated by the Regional Committee;
- Contain an agreement to adhere to the terms and provisions of this procedure.

### **Admission**

The ICGLR Secretariat shall acknowledge receipt of the appeal and confirm the acceptance or rejection of an appeal, based solely on compliance with the elements described above, within ten 10 business days of its receipt.

The ICGLR Audit Committee shall only evaluate appeals that meet all the conditions indicated in Section 2) and 3), above. In the event that the appeal is not in compliance with the Requirements above, the ICGLR Secretariat may provide a recommendation on how to correctly address it.

If the appeal is deemed inadmissible because it is not substantive or procedural, an explanation shall be provided to the Appellant in writing by the Secretariat, and this shall be recorded in the appeals register. No further action shall be taken.

Upon receipt of a valid appeal, the ICGLR Secretariat performs an initial review of the appeal to determine whether the appeal could be resolved without involvement of the Audit Committee, unless the Appellant expresses explicitly the wish to involve the Audit Committee at the outset.

### **Withdrawal**

Appeals may be withdrawn by the Appellant, at the Appellant's sole discretion at any time.

## **Documentation**

The ICGLR Secretariat records the received appeal in an appeal register, including the following:

- Date and who submitted the appeal
- Type and issue or topic of the appeal and information submitted with the appeal
- Determination of admission

The Appellant has the right to object to the appointment of any of the Audit Committee that may have a conflict of interest. If any member of the audit committee has a conflict of interest, they will be excluded from the appeals process and any and all discussions.

## **Timeline**

The Audit Committee will investigate, review and decide on the appeal or complaint within 45 business days of the determination of admission. The Audit Committee shall make every effort to complete the work by this deadline. In rare cases where additional time may be required, and it is the consensus of the panel that the additional time is necessary, then it shall notify the ICGLR Executive Director and request a specific, limited time extension.

## **Reasonable measure**

The Audit Committee shall take reasonable measures, including the convening of one or more sessions, deemed necessary for a sound judgment. Examples of such measures include:

- Consult experts, or
- Request additional information from the Appellant and/or others

## **Cooperation**

The lack of cooperation by the Appellant may be considered as grounds for discontinuation of the process. The Audit Committee shall decide through consensus if an appeals process shall be discontinued.

## **Determination**

The Audit Committee shall examine the evidence substantiating the appeal and report its evaluation and final decision to the ICGLR Secretariat. Appeal decisions shall be one of the following:

- Reject the appeal and maintain original determination.
- Uphold the appeal and overturn original determination.

## **Decision making**

The Audit Committee should decide on the appeal by consensus. If the Appeals Panel is not able to reach a decision by consensus it shall take a vote, with the decision being taken by simple majority. Should any member of the Audit Committee be unable to complete the decision process, such as being unwilling to vote or unresponsive to communications for 3 days or more, they will be removed from the decision process.

### **Decision format**

The written decision of the final determination of the Audit Committee shall be signed or confirmed electronically by all members of the Audit Committee and submitted to the Secretariat.

### **Appeal of decision**

The appeal decision shall be documented by the ICGLR Secretariat and communicated to the Appellate, including:

- The appeal decision
- How and when the appeal decision was reached
- Any new recommendation

### **Confidentiality**

The confidentiality of the complaint and complainant as well as the response shall be protected. Only the ICGLR Secretariat, legal counsel, and Audit Committee can be informed. It does not preclude the appellant from making a disclosure to customers or other interested parties.

## **Appendix H: RCM Review and Revision Process**

The RCM manual will be periodically reviewed, and where applicable, revised to account for practical implementation experience and broader advancements in the international normative framework for responsible sourcing of Designated Minerals.

Subsequent review and revision of the RCM will be guided by recognised best practice as outlined in the ISEAL Code of Good Practice: Setting Social and Environmental Standards<sup>26</sup>.

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<sup>26</sup> ISEAL Code of Good Practice: Setting Social and Environmental Standards. (Version 6.0, 2014).