



Dear Stakeholder,

The ICGLR's mission is to promote peace, security, and development in the African Great Lakes Region. It is for this reason that the ICGLR launched the Regional Initiative to fight against the illegal exploitation of Natural Resources (RINR) in 2010. The RINR is a regional framework to curb the link between the illegal exploitation and trade in the mining sector and conflict-financing and to turn mining and mineral trade into a catalyst for sustainable economic development. The RINR was designed by the ICGLR Conference Secretariat and thereafter officially approved by Heads of State and Government of the ICGLR Member States.

The core tool of the RINR is the Regional Certification Mechanism (RCM). The RCM sets the rules for the chain of custody systems of 3Ts (tin, tantalum, tungsten) and gold (G) in the Great Lakes Region. The 3TGs were selected due to the role they have played in fueling the war especially in the eastern provinces of the DRC. Putting the RCM into practice, the ICGLR launched the ICGLR RCM Manual in 2011. The standards and procedures described in this manual 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.

In recent years several studies were conducted by the ICGLR and its partners, namely (i) BGR, (ii) USAID/CBRMT and (iii) GIZ. These studies analyzed strengths and weaknesses of the RCM and included important recommendations for a revision of the RCM. In addition, the ICGLR Audit Committee conducted a preliminary evaluation of the RCM Manual in March 2017.

Six years into implementation of the RCM, the time has come to revise the RCM Manual to ensure it:

1. Reflects practical implementation experience;
2. Incorporates recommendations from various studies and stakeholders, as appropriate;
3. Provides clear and concise guidance that drives efficient and streamlined processes;
4. Leads to impactful results; and
5. Continues to strengthen the credibility of the RCM.

The ICGLR and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) have jointly commissioned a consultancy (led by Levin Sources and Responsible Trade) to revise the RCM Manual. The revision of the RCM Manual is also supported by additional partners including the Conflict Free Sourcing Initiative (CFSI), Public Private Alliance for Responsible Minerals Trade and USAID.

The ICGLR is committed to engaging external stakeholders in the revision process and are now ready to initiate a 60-day public consultation period on the draft revised RCM Manual (below). We currently invite your feedback. The consultation period for the draft revised manual is from 8th

August, 2018 to 7th October, 2018. We invite stakeholders to submit any comments using the feedback form accessible online as an accompaniment to this manual.

We request that all feedback forms be submitted to rcmrevision@gmail.com by October 7th, 2018.

Any questions on this program and the consultation process can be directed to the email above.

Respectfully yours,

ICGLR Secretariat

The Regional Certification Mechanism (RCM)

of the

International Conference on the Great Lakes Region (ICGLR)

Rev 1 Draft for Comment



Contents

Preamble	2
Section I — Purpose, Scope and Definitions	4
1. Purpose	4
2. Scope.....	4
3. Definitions	5
Section II — The ICGLR Regional Certification Mechanism.....	12
1. Mine Site Inspection and Certification Requirements	12
2. Chain of Custody Requirements within Member States.....	17
3. ICGLR Export and Certificate Requirements.....	22
3.1. Requirements for the issuance of an ICGLR Certificate.....	22
3.2. The ICGLR Certificate Requirements	23
4. ICGLR Regional Mineral Database and Member State Mineral Database Requirements	23
5. Third Party Audit Requirements	26
6. The Office of the Mineral Chain Ombudsman	34
Section III — Administrative Matters.....	36
Appendix A: Mine Site Inspection and Certification	40
Appendix A1: Mine Site Inspection Report Information	40
Appendix A2: Inspection Criteria for Artisanal and Small-scale Mines and Designated Minerals Sourced therefrom.....	40
Appendix B: Information Requirements for Chain of Custody Tracking	47
Appendix B1. Chain of Custody Information Requirements for Designated Minerals Sourced from Industrial Mine Sites	47
Appendix B2. Chain of Custody Information Requirements for Designated Minerals sourced from Artisanal and Small-scale Mine Sites.....	50
Appendix C: Standard information regarding ICGLR Export and Certificates.....	55
Appendix C1: Standard information required when applying for an ICGLR Certificate	55
Appendix C2: Standard Characteristics of ICGLR Certificates.....	55
Appendix D: Data Requirements for Regional Mineral Database and Member State Database	57
Appendix E: Third Party Audits	58
Appendix E1: Accreditation Body Requirements.....	58
Appendix E2: Accreditation Standards for Third Party Auditors	58
Appendix F: Operating Guidelines for the ICGLR Audit Committee.....	62
Appendix G: Appeals Procedure	65

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

Preamble

MEMBER STATES,

RECOGNISING that the illicit trade in tungsten, tin, tantalum and gold (hereafter referred to as Designated Minerals) is a matter of serious regional and international concern, which can be directly linked to the fueling 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 aimed at undermining or overthrowing legitimate governments, and otherwise legal armed units from the army or police or other national force acting illegally by engaging in or profiting from the extraction, trade or transport of Designated Minerals, or else by engaging in serious abuses of the human rights of their fellow nationals engaged in the extraction, trade or transport of Designated Minerals;

FURTHER RECOGNISING that the trade in designated materials 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 fueled 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 Defense in the Great Lakes Region;

BEARING IN MIND that urgent regional action is imperative to prevent the problem of Designated Minerals from negatively affecting the trade in legitimate minerals, which 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 Against the Illegal Exploitation of Natural Resources;

REAFFIRMING the commitment of Member States under the Protocol 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”;

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

RECALLING that the ICGLR RCM, 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;

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, overseen by regionally accredited independent auditors, will be the most effective system by which the problem 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), and Conflict Minerals provisions of the United States Dodd–Frank Wall Street Reform and Consumer Protection Act;

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 certification 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 compliance 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;

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 eleven Heads of State in signing the Pact on Security, Stability and Development in the Great Lakes Region;

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

RECOMMEND THE FOLLOWING PROVISIONS:

Section I — Purpose, Scope and Definitions

1. Purpose

The purpose of this manual is to describe the Requirements and Standards of the International Conference of the Great Lakes Region (ICGLR) Regional Certification Mechanism (RCM) and how they shall be implemented in Member States.

The objective of the ICGLR RCM is to provide for mineral 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 Standards and Procedures 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 chain must be free from support for non-state armed groups or public or private security 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.”¹ 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”; (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.”²

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.

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:

¹ *OECD Due Diligence Guide for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, Annex II, paragraph 3. 3rd Edition

² *OECD Due Diligence Guide for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, Annex II, paragraph 3. 3rd Edition

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

- b) The Regional Committee of the ICGLR 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) Office of the Mineral Chain Ombudsman (OMCO)
 - v) 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) Smelters and Refiners
 - iii) Processors
 - iv) Transporters
 - v) Buyers and Sellers
 - vi) Mine Site Operators
 - vii) Other actors that may deal in Designated Minerals within ICGLR Member States
- d) Chain of Custody (CoC) Systems and Third Party due diligence providers.

3. Definitions

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

ACCREDITATION BODY means the ICGLR Audit Committee who accredit ICGLR Third Party Auditors (TPAs).

AFFILIATES³ includes négociants, consolidators, intermediaries, and others in the supply chain that work directly with non-state armed groups or public or private security forces to facilitate the extraction, trade or handling of minerals.

ANALYTICAL FINGERPRINT (AFP) refers to a combination of scientific techniques, which might be used as an optional tool to check whether or not the alleged origin of Designated Mineral concentrates as declared in accompanying documents is plausible.

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 low capital intensive and uses high labour-intensive technology. 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. For example, it is common for work groups of 4-10 individuals, sometimes in family units, to share tasks at one single point of mineral extraction (e.g. excavating one tunnel). At the organisational level, groups of 30-300 miners are common, extracting jointly one mineral deposit (e.g. working in different tunnels), and sometimes sharing processing facilities.⁴

BUYING AND PROCESSING COMPANY means a company that purchases mineral ore, most often but not exclusively from artisanal producers, processes mineral ore or mineral concentrate and exports mineral ore or mineral concentrate to customers outside of the country.

BUYING COMPANY means a 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) Means a record of the sequence of individuals or entities which have custody of Designated Minerals as they move through the upstream supply chain⁵, 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 Certified mine site to the point of export, demonstrating for each export of Designated Minerals the Certified mine site or sites from which the minerals originated, and the intermediate traders (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.

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.

CONTROL⁶ 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)

³ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

⁴ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.

⁵ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. p.65

⁶ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*

185 making recourse to any forms of forced or compulsory labour to mine, transport, trade or sell
186 minerals; or (iii) acting as a director or officer of, or holding beneficial or other ownership
187 interests in, upstream companies or mines.

188 COUNTRY OF ORIGIN means the country where a shipment of Designated Minerals has been
189 mined or extracted.

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

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

198 ELIGIBLE MEMBER STATES are Member States that are eligible to have their government,
199 industry and civil society representatives serve on the Audit Committee. To qualify as Eligible,
200 a Member State must: have in place operational systems and procedures capable of certifying mine
201 sites as per Section I.1 and Appendix A; systems for assuring CoC of Designated Minerals as
202 per Section II.2 and Appendix B; and have in place systems for certifying mineral exports and
203 issuing ICGLR Certificates, as per Section II.3 and Appendix C.

204 EXPORT means the legal, physical leaving or sending out of material from any part of the
205 geographical territory of a Member State.

206 EXPORTER/EXPORTING ENTITY means any company, cooperative, individual or other entity
207 that is licensed to export Designated Minerals from a Member State.

208 EXTORT⁷ from mines, transportation routes, points where minerals are traded, or upstream
209 companies means the demanding, under the threat of violence or any other penalty, and for which
210 the person has not voluntarily offered, sums of money or minerals, often in return for granting
211 access to exploit the mine site, access transportation routes, or to transport, purchase, or sell
212 minerals.

213 FOLLOW UP AUDIT means an independent ICGLR Third-Party Audit (ICGLR TPA) undertaken
214 at the request of an Exporter after the Exporter has received any major and/or minor non-
215 conformance finding(s). The Follow Up Audit looks specifically at areas of non-conformance
216 with regard to the ICGLR RCM.

217 FOLLOW UP INSPECTION means a Mine Site Inspection undertaken at the request of a Mine
218 Site Operator after the Operator has failed an inspection. The Follow-Up Inspection looks
219 specifically at areas of non-conformance under the initial Inspection with regard to the ICGLR
220 RCM.

221 GRACE PERIOD means a specified period granted to Mine Site Operators, Exporters and ICGLR
222 CoC Systems that have received any minor non-conformance finding(s) following an audit and
223 or violated the prescribed criteria either for Mine Site Inspection or CoC, during which the
224 Operator or Exporter can continue to operate while attempting to rectify the non-conformance as
225 per the ICGLR RCM or the condition that put them in violation.

226 GRADE means the quantity of metal or metal oxide in a sample of mineral ore; normally
227 expressed as a percentage of the total.

⁷ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*

-
- 228 ICGLR CERTIFICATE means a forgery resistant document provided by a Member State with a
 229 format identified in Appendix C, which identifies a shipment of Designated Minerals as being in
 230 conformance with the Requirements of the ICGLR RCM
- 231 ICGLR THIRD PARTY AUDIT (ICGLR TPA): An ICGLR TPA is a systematic, independent,
 232 documented process for obtaining records, statements of fact or other relevant information and
 233 assessing them objectively to determine the extent to which the Requirements specified by the
 234 ICGLR Standards are fulfilled by Exporters. The responsibility for initiating an ICGLR TPA falls
 235 on the Exporter and covers the supply chain from the point of export up to the mine site from
 236 which minerals are sourced.
- 237 INDUSTRIAL MINING means mineral extraction undertaken by a corporation, cooperative or
 238 other corporate entity on a formally recognized mineral claim or title, generally using advanced
 239 machinery and equipment (This can also include semi- industrial mining operations or operations
 240 where a mining company sub-contracts artisanal miners to extract minerals).
- 241 INDUSTRY means registered companies, co-operatives or individuals involved in the
 242 mining, processing and trading of Designated Minerals within the economy of the ICGLR
 243 Member States and where applicable also refers to those operating outside of ICGLR
 244 Member States.
- 245 IMPORT means the legal physical entering/bringing into any part of the geographical territory of
 246 a Member State.
- 247 IMPORTER means an individual, company or other legal entity that is licensed to receive a
 248 shipment of Designated Minerals exported by an Exporter located within one of the Member States
 249 of the ICGLR.
- 250 LICENCED CHAIN OF CUSTODY (CoC) SYSTEM means an ICGLR CoC System
 251 whose service provider or Supply Chain Operator has proven that its processes and
 252 procedures for implementing and maintaining a CoC in the Member State has met all the
 253 Requirements of the ICGLR RCM and the Member States CoC Programme and whose
 254 service is therefore fit for purpose and licensed to operate in the individual Member State.
- 255 LOT or MINERAL LOT means a quantity of Designated Minerals shipped as a unit from a seller
 256 to a purchaser. See also SHIPMENT
- 257 LOT NUMBER (EXPORT ORDER NUMBER) means the unique identifying number assigned
 258 by an Exporter to each Lot of Designated Minerals shipped from an Exporter.
- 259 MAJOR NON-CONFORMANCE: Based on objective evidence, the absence of, or a significant
 260 failure to implement and/or maintain conformance to the Requirements
- 261 MINOR NON-CONFORMANCE: Based on objective evidence, the failure to implement and/or
 262 maintain conformance to the Requirements and that also represents a minor issue that could lead
 263 to a major non-conformance if not addressed
- 264 MEMBER STATE: A country that is a member of the ICGLR, including all its agencies and
 265 institutions responsible for operationalising the RCM.
- 266 MINE SITE OPERATOR means the person, cooperative, association, company or other
 267 entity exercising legal control over the ownership and / or process of production of a given mine
 268 site.
- 269 MINE SITE OPERATOR LOT NUMBER means the unique identifying number assigned by a
 270 Mine Site Operator to each lot of Designated Minerals shipped from a mine site.

-
- 271 MINE SITE means any location of mining recognized by a Member State, corresponding to an
272 area and operations regulated as a single mining concession/permit, but possibly corresponding to
273 a part of a concession/permit or to mining operations recognized under another form of regulation
274 by the Member State. In the absence of, or non/partial application of relevant legal and regulatory
275 frameworks a mine site is recognised as such if it has *de facto* legitimacy.
- 276 MINE SITE INSPECTION: A Mine Site Inspection is an examination of a mine site and
277 determination of its conformity with the Requirements of the RCM. Mine sites are inspected
278 annually by each Member State, by a mine site inspector employed or engaged by the Member
279 State.
- 280 MINERAL CHAIN means the series of steps and processes through which minerals are extracted,
281 traded, processed and exported from the region.
- 282 NON-STATE ARMED GROUPS means rebel movements or armed criminal entities, aimed at
283 undermining or overthrowing legitimate government, or otherwise engaged in illegal activity
284 and/or serious human rights abuse.
- 285 OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected
286 and High-Risk Areas (Third Edition) (OECD Due Diligence Guidance) means the framework for
287 detailed due diligence as a basis for responsible global supply chain management of minerals.
- 288 OFFICE OF THE MINERAL CHAIN OMBUDSMAN (OMCO) is a quasi-autonomous oversight
289 and assurance mechanism of the RCM. The OMCO's primary purpose is to identify and resolve
290 through recommendations a) issues directly related to the performance of the RCM, and b)
291 systemic contextual issues that impact its implementation.
- 292 ORE means mined mineralized rock (hard rock, alluvial, eluvial etc), without any further
293 processing.
- 294 PROCESSOR means any person or business including but not limited to a trader or Exporter that
295 physically or chemically treats mineral ore in order to increase or otherwise adjust the purity of
296 that mineral ore.
- 297 PROCESSOR COUNTRY means Member States that process, refine or aggregate these minerals
298 prior to export. The terms Producer Countries and Processor Countries are not mutually exclusive.
299 Some Member States may be a mixture of both.
- 300 PRODUCER COUNTRY means a Member State that produces Designated Minerals.
- 301 PUBLIC OR PRIVATE SECURITY FORCES "Public or Private Security Forces" means legal
302 armed units from the army or police or other national force, or individuals or larger units employed
303 or otherwise engaged by a private security firm.
- 304 QUASI-AUTONOMOUS refers to an agency or entity that receives funding and / or is housed
305 within a structure from which it operates independently. The OMCO is a quasi-autonomous
306 function of the RCM.
- 307 RECONCILIATION – used in relation to the Regional Mineral Database (RMD) to mean the
308 comparison of quantities of minerals at two different points in the CoC such that quantities of
309 minerals in the upstream Lots that compose the downstream Lot can be compared, and any
310 discrepancies noted.
- 311 REGIONAL MINERAL DATABASE (RMD) is the database maintained by the ICGLR to
312 contain all data required to track mineral flows according to the terms of the RCM. The RMD
313 covers mine site, CoC and export data required by the RCM. It permits query functions in line
314 with the Purpose of the RCM. For a full list of datasets see Annex D.

315 SERIOUS HUMAN RIGHTS ABUSES⁸ means:

- 316 • any forms of torture, cruel, inhuman and degrading treatment;
- 317 • any forms of forced or compulsory labour, which means work or service which is exacted
- 318 from any person under the menace of penalty and for which said person has not offered
- 319 himself voluntarily;
- 320 • the worst forms of child labour;
- 321 • other gross human rights violations and abuses such as widespread sexual violence;
- 322 • war crimes or other serious violations of international humanitarian law, crimes against
- 323 humanity or genocide.

324 SHIPMENT or MINERAL SHIPMENT means a quantity of Designated Minerals that is physically

325 transported as a unit from one location to another. A shipment may comprise of multiple upstream

326 Lots. See also LOT.

327 STATUS (CERTIFICATION) refers to the status of a mine site under the RCM. A mine site can

328 be Certified (Green), Provisionally Certified (Yellow), Not Certified (Red), or Not Inspected

329 (Blue).

330 STATUS (LICENSING) refers to the status of a CoC System under the RCM. A CoC System can

331 be Licensed (Green), Provisionally Licensed (Yellow), Not Licensed (Red), or Not Verified

332 (Blue).

333 STATUS (VALIDATION) refers to the status of an Exporter under the RCM. An Exporter can be

334 Valid (Green), Provisionally Valid (Yellow), Not Valid (Red), or Not Audited (Blue).

335 SYSTEM-CRITICAL relates to criteria that can lead to Red Status when identified as part of the

336 Mine Site Inspection and Certification, CoC Verification and Exporter Validation components of

337 the RCM.

338 SYSTEM-NON-CRITICAL relates to criteria that can lead to Yellow Status when identified as

339 part of the Mine Site Inspection and Certification, CoC Verification and Exporter Validation

340 components of the RCM.

341 REQUIREMENT means the description of a verifiable set of details and/or instructions that must

342 take place in order to meet the Standard.

343 STANDARD means the description of a Process or Procedure as described as such in this Manual.

344 THIRD PARTY AUDITOR (TPA): A TPA is a person or body that is independent of the person

345 or organization that forms the subject of the audit and is further independent of user interests in

346 the subject of the audit, as defined in the ICGLR procedures for Accrediting TPAs (Appendix

347 E2). Only third-party audit companies and auditors accredited by the Audit Committee may be

348 used for RCM audits.

349 TRADER means a person or company (ex. trader, field trader, négociant, petit négociant, manager

350 or trading centre) that primarily buys and sells minerals within the borders of a Member State (i.e.

351 is not a registered/licensed Exporter of minerals).

352 UPSTREAM means the mineral supply chain from the mine to smelters/refiners. Upstream

353 companies “include miners (artisanal and small-scale or large-scale producers), local traders or

⁸ As per *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*

354 Exporters from the country of mineral origin, international concentrate traders, mineral re-
355 processors and smelters/refiners. UPSTREAM may also relate to the relationship of any point in
356 the mineral supply chain from the final point of the supply chain i.e. retailers, moving towards the
357 mine site.

358 **VALIDATED ICGLR CERTIFICATE** means an ICGLR Certificate that has been issued and
359 countersigned by Member State officials in compliance with the Export Procedures delineated in
360 Section 5 and Appendix 5.

Section II — The ICGLR Regional Certification Mechanism

1. *Mine Site Inspection and Certification Requirements*

Introduction: ICGLR Mine Site Inspection and Certification 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.

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

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

Red Criteria are considered to be “system-critical”, whilst Yellow Criteria are considered to be “system-non-critical”.

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 the table 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.

Mine Site Status		
Status	Definition	Outcome
Certified (Green)	A mine site that has been inspected according to the ICGLR RCM Standards and Procedures and meets all Criteria as detailed in Appendix A2. A Certified (Green) mine site may also be called a Green or Green Status mine site.	Mine site can produce and sell minerals for certified export.
Provisionally Certified (Yellow)	A mine site that has been inspected according to the ICGLR RCM Standards and Procedures and is non-conformant with one or more of the system-non-critical Criteria as detailed in Appendix A2. A Provisionally-Certified mine is given a grace period of 6 months in which to correct the infraction(s). A Provisionally Certified (Yellow) mine site may also be called a Yellow or Yellow Status mine site.	Mine site can produce and sell minerals for certified export during the 6-month grace period.
Not Certified (Red)	A mine site that 1) has been inspected according to the ICGLR RCM standards and procedures and violates one or more of the system-critical Criteria as detailed in Appendix A2 or 2) has been Provisionally Certified (Yellow) and has	Mine site cannot produce or sell minerals.

Mine Site Status		
Status	Definition	Outcome
	not requested a Follow-Up Inspection within 6 months 3) has had a Follow-Up Inspection that identified non-conformance with one or more system-critical and / or system-non-critical Criteria. A Not Certified (Red) mine site may also be called a Red or Red Status mine site.	
Not Inspected (Blue)	A mine site that has not yet been inspected according to the ICGLR RCM Standards and Procedures and / or a Certified (Green) mine site that has not been inspected within the past year. A previously Not Certified (Red) mine site or Provisionally Certified (Yellow) mine site cannot become Not Inspected (Blue) unless it has subsequently received a Certified (Green) Status. A Not Inspected (Blue) mine site may also be called a Blue or Blue Status mine site.	Mine site may produce and sell minerals for certified export if a Risk Assessment / Spot Check has been completed by a third-party assurance provider or valid Exporter, a copy of that assessment is shared with the Member State and no OECD ANNEX II risks have been identified.

Responsibilities of Regional Certification Mechanism Actors

The ICGLR Secretariat shall:

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

The Office of the Mineral Chain Ombudsman shall:

- 1.2. Inform the relevant Member State and include in its reports, when carrying out investigations related to its principal functions, if and when they identify potential non-conformances with system-critical and / or system-non-critical Criteria.

Independent Third-Party Auditors shall:

- 1.3. Inform the Member State and include in their audit report, when carrying out Audits of Exporters, Processors and traders, if and when they identify potential non-conformances with system-critical and / or non-system-critical Criteria.

Each Member State shall:

- 1.4. Designate a competent Lead Government Agency that will be responsible for the process of regulating and implementing the Mine Site Inspection and Certification process in line with the Requirements of the RCM (Section II.1, Appendix A).

- 1.4.1. Member States may use a third-party contractor to conduct the Mine Site Inspections.

-
- 398 1.4.2. Member States may allow non-governmental officials to observe the Mine Site
399 Inspection.
- 400 1.4.3. Mine Site inspection shall be conducted by a Member State Mine Site Inspector. A Mine
401 Site Inspector shall be an employee(s) or agent(s) of the Member State's Lead
402 Government Agency, designated by that agency with the authority to conduct Mine Site
403 Inspections.
- 404 1.4.4. Mine Site Inspection shall have the option of being unannounced, but not unknown (i.e.
405 Mine Site Inspectors must notify Mine Site Operators of their presence).
- 406 1.5. Develop Standards and Procedures for inspecting and certifying mine sites in accordance
407 with the ICGLR RCM Requirements (Section II.1, Appendix A).
- 408 1.5.1. Be prohibited from taking any measures that would make the Standards and Procedures
409 for certifying mine sites in effect within their borders less rigorous than the Standard
410 called for by the ICGLR RCM. Member States may not remove criteria from the list
411 contained in Appendix A, nor may they move criteria to less rigorous rankings.
- 412 1.6. Conduct Mine Site Inspections on an annual basis on mine sites with legal mineral titles and
413 those recognised to have *de facto* legitimacy.
- 414 1.6.1. Undertake a Mine Site Inspection using a methodology that ensures at a minimum the
415 collection of data in line with the standard information Requirements as detailed in
416 Appendix A1 – Mine Site Inspection Report Information.
- 417 1.6.2. Declare as part of the Mine Site Inspection the Status of the mine site as: Certified
418 (Green), Not Certified (Red), or Provisionally Certified (Yellow). The Criteria by
419 which a mine site must be evaluated are given in Appendix A2 – Inspection Criteria
420 for Mine Sites and Designated Minerals Sourced therefrom.
- 421 1.6.2.1. Complete and submit Mine Site Inspection reports to the Lead Government
422 Agency within a period of 2-weeks.
- 423 1.6.2.1.1. Where a mine site has been declared Not Certified (Red) inform the Lead
424 Government Agency immediately.
- 425 1.7. Where a mine site has been declared Not Certified (Red), maintain its Status as Not Certified-
426 (Red) for a minimum period of 6 months (measured from the date of the Mine Site Inspection
427 report being issued). During this timeframe the mine site cannot produce or sell minerals.
- 428 1.7.1. Following this period undertake a Follow-Up Inspection in line with the relevant
429 Procedures.
- 430 1.8. Where a mine site has been declared Provisionally Certified (Yellow), grant a grace period of
431 6 months (measured from the date of the Mine Site Inspection report being issued) during
432 which time the mine site can produce and sell minerals for certified export.
- 433 1.8.1. During this grace period, the Mine Site Operator and / or Exporter may request, at their
434 own expense, a Follow-Up Inspection by the Member State's Mine Site Inspector. The
435 Follow-Up Inspection shall be:
- 436 1.8.1.1. Conducted within 6 months of the receipt of the request.
- 437 1.8.1.2. Undertaken in line with the relevant Procedures.
- 438 1.8.1.2.1. Where the Follow-Up Inspection identifies conformance with all mine site
439 Criteria (Appendix 2B), the Member State shall declare the mine site
440 Certified (Green) Status.

-
- 441 1.8.1.2.2. Where the Follow-Up Inspection identifies continued non-conformance
 442 with one or more of the system-non-critical and / or system-critical Criteria
 443 (Appendix 2B), the Member State shall declare the mine site Not Certified
 444 (Red) Status.
- 445 1.8.1.2.2.1. In this scenario follow the Procedure outlined in 1.4.
- 446 1.8.1.2.3. Where no Follow-Up Inspection has been requested and the 6-month grace
 447 period has elapsed, the Member States shall declare the mine site Not
 448 Certified (Red) Status.
- 449 1.8.1.2.3.1. In this scenario follow the Procedure outlined in 1.4.
- 450 1.9. Where a mine site has been declared Certified (Green), carry out periodic Mine Site Inspection
 451 in line with the Procedures detailed in 1.3. The mine site can continue to produce and sell
 452 minerals for certified export.
- 453 1.10. Where an inspection has not yet been carried out or a Certified (Green) mine site has not been
 454 inspected within the past year (12 months), the mine site shall be designated Not Inspected
 455 (Blue). The mine site may produce and sell minerals for certified export if a Risk Assessment
 456 / Spot Check has been completed by a third-party assurance provider or valid Exporter, a copy
 457 of that assessment is shared with the Member State and no Organisation for Economic Co-
 458 operation and Development (OECD) Annex II Model Supply Chain Policy for a Responsible
 459 Global Supply Chain of Minerals from Conflict and High-Risk Areas (OECD Annex II) risks
 460 have been identified
- 461 1.11. Conduct a Mine Site Inspection of any mine site reported as having potential non-conformance
 462 with system-critical and / or system-non-critical issues / OECD Annex II risks by relevant
 463 actors of the RCM: The Office of the Mineral Chain Ombudsman (OMCO), the Third-Party
 464 Auditor (TPA) and / or Exporter / Assurance Systems risk reporting.
- 465 1.12. Require Exporters operating in and sourcing minerals from Member States to report to the
 466 Member State if they identify any potential system-critical and system-non-critical mine sites.
- 467 1.13. Require Exporters to perform an annual on-site Risk Assessment / Spot Check for sites that
 468 have a Not Inspected (Blue) Status and share these Risk Assessment / Spot Check reports with
 469 the Member State. Risk assessment reports must consider the Criteria detailed in Appendix A2
 470 and be made publicly available via the Member State Databases and Regional Mineral
 471 Database (RMD).
- 472 1.14. Develop a Procedure for dealing with Designated Minerals originating from Not Certified
 473 (Red) mine sites including material that may have been confiscated, such that after a specified
 474 period it qualifies for an ICGLR Certificate.
- 475 1.15. Publish Mine Site Inspection reports and mine site Status on the Member State Mineral
 476 Database within 2 weeks of completion by the Mine Site Inspector for onward transfer to the
 477 RMD.
- 478 1.16. Where a mine site has been declared Not Certified (Red) Status, inform the ICGLR Secretariat
 479 within 7 days
- 480 **The Mine Site Operator shall:**
- 481 1.17. Extend full cooperation to Member State Mine Site Inspectors during the conduct of Mine Site
 482 Inspections.
- 483 1.18. Have the right to be informed of the outcome of the Mine Site Inspection and obtain a copy of
 484 the associated report, prior to the entry into force of the determined mine site Status.

-
- 485 1.19. Where the mine site has been declared Not Certified (Red), immediately:
- 486 1.19.1. Operate in conformance with the outcome Requirements of the RCM by ceasing the
- 487 production and sale of Designated Minerals.
- 488 1.19.2. Undertake to put in place measures to redress non-conformance with RCM
- 489 Requirements.
- 490 1.19.3. Request a Follow-Up Inspection from the Member State not before 6 months from
- 491 the entry into force of the Not Certified (Red) Status.
- 492 1.20. Where the mine site has been declared Provisionally Certified (Yellow) Status:
- 493 1.20.1. Undertake to put in place measures to redress non-conformance with RCM
- 494 Requirements within 6 months.
- 495 1.20.2. Request a Follow-Up Inspection from the Member State within 6 months from the
- 496 entry into force of the Provisionally Certified (Yellow) Status.
- 497 1.20.2.1. Failure to request a Follow-Up Inspection within this period will result in the
- 498 mine site Status being declared Not Certified (Red).
- 499 **Exporters shall:**
- 500 1.21. Conduct annual on-the-ground Risk Assessments / Spot Checks at all Not Inspected (Blue)
- 501 Status mine sites from which they source Designated Minerals.
- 502 1.21.1. Provide copies of all Risk Assessment / Spot Check reports to the Member State Lead
- 503 Government Agency for Mine Site Inspections and Certification.
- 504 1.21.2. Risk Assessment / Spot Check may be unannounced, but the Mine Site Operator must
- 505 be notified of the presence of the person conducting the Risk Assessment / Spot Check.
- 506 1.22. Immediately notify the Member State when, as part of an independent Risk Assessment / Spot
- 507 Check, it identifies potential non-conformance with system-critical and system-non-critical
- 508 Criteria (Appendix A2) on a mine site that is Certified (Green), Provisionally Certified
- 509 (Yellow) or Not Inspected (Blue).
- 510 1.23. Not Source from any mine site with Not Certified (Red) Status, or from which it identifies
- 511 potential non-conformance with system-critical Criteria as part of independent Risk
- 512 Assessments / Spot Checks and management systems.

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, 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).

Member States are responsible for establishing a CoC Programme that regulates, licenses and assures the transparency of CoC System(s) in conformance with the RCM Requirements.

Exporters are responsible for ensuring the implementation of a Licensed CoC System for the Designated Minerals in 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 2) ASM Sites.

The OMCO provides verification of a Member State's CoC System(s) to ensure it meets the RCM CoC Requirements. Based on the verification process a CoC System is assigned a Status as outlined in the table below.

Multiple Systems are Permitted

- Member States may have multiple CoC Systems.
 - Private CoC Systems shall be licensed by Member States. These may be either company (Exporter) managed or third-party assurance provider managed.
 - Member States may also choose to operate their own CoC systems, which will be regulated by the Member State regulator.
 - 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.
- The CoC System(s) must meet the Standards set out in this section.

CoC Systems Status		
Status	Definition	Outcome
Licensed (Green)	A CoC System that is licensed by a Member State and verified by the OMCO. If not 1) verified within 1 year of making significant changes to the system and / or 2) verified at a minimum once every 5 years, the CoC System becomes Not Valid (Red).	CoC System is authorized to operate.

Provisionally Licensed (Yellow)	A CoC System that is licensed by a Member State and the OMCO has identified a non-conformance to the Requirements of the RCM. A Provisionally Licensed (Yellow) CoC System is given a grace period of 6 months in which to correct the infraction(s). A Provisionally Licensed (Yellow) CoC System may also be called a Yellow or Yellow Status CoC System.	CoC System is permitted to operate during the 6-month grace period.
Not Valid (Red)	A CoC System that 1) is not licensed by a Member State, 2) is found by the OMCO to not have corrected the non-conformances of the previous verification within 6 months and / or 3) has not requested an OMCO verification within the time period specified in Member State regulation.	CoC System is not permitted to operate.
Not Verified (Blue)	A CoC System that has been licensed by a Member State but not verified by the OMCO.	CoC System is permitted to operate for 1 year pending verification by the OMCO.

Responsibilities of Regional Certification Mechanism Actors

The ICGLR Regional Committee shall:

2.1. Review OMCO verification reports on CoC Systems and:

2.1.1. Determine the appropriate Status to be applied.

2.1.2. Provide guidance to both CoC Systems and Member State Programmes on necessary corrective measures, where non-conformance with RCM Requirements is identified.

2.1.2.1. Where on-going systemic non-conformance with RCM Requirements is identified after the 6-month grace period, the Regional Committee shall reserve the right to advise Member States to suspend the issuance of ICGLR Certificates to the CoC System, for a defined period or until the non-conformance is redressed.

2.1.3. Where the Status of a CoC System is the subject of change immediately advise a) the CoC System and Member State in which it operates b) the RMD Unit.

2.2. Review OMCO verification reports on Member State CoC Programmes and provide guidance to Member States on necessary corrective measures, where non-conformance with RCM Requirements is identified.

The Office of the Mineral Chain Ombudsman shall:

2.3. Undertake verification of Member State CoC Programmes and CoC Systems to ensure that they meet the Requirements of the RCM. This includes new and / or modified CoC Systems within one year of the effective change.

2.3.1. Be permitted to request samples to conduct Analytical Fingerprinting (AFP) testing for Risk Assessments / Spot Checks.

2.4. Provide Verification reports on Member State CoC Programmes and CoC Systems to the ICGLR Regional Committee.

2.4.1. Verification reports should provide details of any non-conformances and make recommendations for corrective measures. Where systemic non-conformance is identified the OMCO may recommend the Regional Committee assign a Provisionally Licensed (Yellow) status to the CoC System and allow a 6-month grace period to correct the non-conformance(s). Alternatively, the OMCO may, after a Follow-Up Verification, recommend Not Valid (Red) Status, for a defined period or until such time as the non-conformance(s) are redressed.

Each Member State shall:

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

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

2.6.1. Format and content of CoC Information to be collected by CoC Systems (Appendix B)

2.6.2. Transparency and reporting Requirements of CoC Systems.

2.6.3. License fee Requirements for CoC Systems.

2.6.4. Requirement to notify the Member State of any significant modifications to the CoC System.

2.6.5. Requirement to have their CoC System verified:

2.6.5.1. Within 1 year of the effective date of being licensed.

2.6.5.2. Within 1 year where any significant modifications have been made to the CoC System.

2.6.5.3. At a minimum, once every 5 years.

2.7. Put in place a licensing system, consistent with the Requirements of the Member State regulatory framework, by which all private CoC Systems for Designated Minerals will be licensed.

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

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

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

2.10. Share CoC Information (Appendix B) as is required by the RCM for use in the RMD.

2.11. Provide all Information from the domestic CoC Programme and Licensed System(s) as may be requested and required by a TPA and the OMCO.

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

All Buyers and Sellers shall:

-
- 599 2.13. Conform to the OECD Annex II⁹
- 600 2.14. Only source Designated Minerals from mine sites with a Status permitted by the RCM
- 601 Requirements (Certified – Green; Provisionally Certified – Yellow; and Not Inspected -
- 602 Blue).
- 603 2.15. Only buy or sell Designated Minerals with accompanying CoC Information as detailed in
- 604 Appendix B.
- 605 2.16. Not purchase Designated Minerals where the incoming Lot(s) do not match the
- 606 accompanying CoC Information
- 607 2.17. Not separate Lots during transport.
- 608 2.18. Be responsible for putting in place tracking and accounting procedures that capture:
- 609 2.18.1. For all Designated Minerals originating from Industrial Mine Sites, the Information
- 610 Requirements detailed in Appendix B - CoC Information Requirements for
- 611 Designated Minerals Sourced from Industrial Mine Sites.
- 612 2.18.2. For all Designated Minerals originating from ASM Sites the information
- 613 Requirements detailed in Appendix B2 - CoC Information Requirements for
- 614 Designated Minerals Sourced from ASM Sites.
- 615 2.19. Upon request by a TPA, the OMCO, or a Member State Mine Inspection Agency or their
- 616 designated agents, allow AFP sampling (or similar diagnostic technique) of Designated
- 617 Minerals at all stages of the supply chain.
- 618 2.20. Provide, upon request by the TPA or the OMCO, information and documentary evidence
- 619 regarding CoC, risk management systems and beneficial ownership.
- 620 2.21. Maintain CoC documentation for all Designated Mineral purchases and sales in line with
- 621 RCM Requirements for a period of 5 years.
- 622 **In addition, each Exporter Shall:**
- 623 2.22. Put in place management systems that meet the minimum Requirements as set out in the
- 624 RCM manual, including:
- 625 2.22.1. A Licensed CoC System that documents the sequence of custody of Designated
- 626 Minerals as they move through the supply chain from mine site through to export
- 627 and / or smelter / refinery (upstream supply chain).
- 628 2.22.2. In the case that it sources from Not Inspected (Blue) Status mine sites, put in place
- 629 Risk Assessment / Spot Check and reporting procedures for the evaluation of those
- 630 mines sites against RCM mine site Criteria (Appendix A2).
- 631 2.23. Publish details regarding the CoC System it uses.
- 632 2.24. Assure that the CoC System that it uses transmits their data (except for pricing data) in the
- 633 format required to the Member State on a monthly basis, or as required by Member State
- 634 regulation (whichever is more frequent).
- 635 **Each Chain of Custody System Shall:**

⁹ OECD Annex II Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict and High-Risk Areas

-
- 636 2.25. Provide a CoC tracking solution that meets at a minimum the CoC Requirements of the
637 RCM.
- 638 2.26. Apply for and obtain a License from the Member State CoC Programme prior to becoming
639 operational.
- 640 2.27. Pay all licensing fees as required by the Member State CoC Programme.
- 641 2.28. Be responsible for requesting and paying for a CoC System Verification by the OMCO.
- 642 2.29. Where the ICGLR Regional Committee determines that a CoC System is not in
643 conformance with the RCM Requirements (Yellow or Red Status), take immediate
644 measures to bring the CoC System into conformance.
- 645 2.30. Transmit their data (except for pricing data) in the format required to the Member State on a
646 monthly basis, or as required by Member State regulation (whichever is more frequent).
- 647 2.31. Allow, upon request by a TPA, the OMCO, or a Member State Mine Inspection Agency or
648 their designated agents:
- 649 2.31.1. Access to CoC data and records associated with the System.
- 650 2.31.2. Evaluation of the CoC System at all stages of the supply chain.
- 651 2.32. Maintain CoC documentation for all Designated Mineral purchases and sales in line with
652 RCM Requirements for a period of 5 years.
- 653 2.33. Recognize the work of other Licensed CoC Systems and immediately inform the Member
654 State and OMCO of any dispute.
- 655 2.34. Provide annually a financial report to the OMCO.
- 656 2.34.1. One report for each Member State they operate in.
- 657 2.34.2. Content and format developed by the OMCO.

3. 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.5 Third Party Audit Requirements) and can demonstrate that each export Lot is in conformance with mine site and CoC Requirements will they be validated for export.

A validated Lot of Designated Minerals will 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.

Standards and Procedures in this section of the manual relate to 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.

3.1. Requirements for the issuance of an ICGLR Certificate

Responsibilities of Regional Certification Mechanism Actors

Each Member State shall:

3.1.1. 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.

3.1.2. 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.

3.1.3. Ensure the designated lead 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 counter-signature by the relevant Member State official.

3.1.4. Issue the ICGLR Certificate to the Exporter for the mineral Lot(s) to be exported.

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

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

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

3.1.7. Transfer export and Certification records to the RMD Unit for use in the RMD.

3.1.8. Provide export and Certification records as requested by a TPA and the OMCO.

Exporters shall:

3.1.9. 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

3.1.10. 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.

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

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

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

3.1.12. Provide export and Certification records as requested by a TPA and the OMCO.

3.2. The ICGLR Certificate Requirements

Responsibilities of Regional Certification Mechanism Actors

The ICGLR Secretariat shall:

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

The Office of the Mineral Chain Ombudsman shall:

3.2.2. As part of the verification of Member State CoC Programmes, ensure that the Member State process for issuing ICGLR Certificates meets the RCM minimum Requirements as outlined in Section 3A.

3.2.3. Periodically review ICGLR Certificates on the RMD database to ensure that they correspond to the list of the names and copies of the signatures of the Member State representatives empowered to countersign ICGLR Certificate held by the ICGLR Secretariat.

Each Member State shall:

3.2.4. Be responsible for developing a Member State template of the ICGLR Certificate, which meets the minimum Requirements as set Appendix C2: Standard Characteristics of ICGLR Certificates

3.2.5. Member States may, at their discretion, create and add further information Requirements to their ICGLR Certificates.

3.2.5.1. In this case Member States shall communicate additional information Requirements to relevant RCM Actors.

3.2.6. Provide ICGLR Certificates for use by the designated Lead Government Agency responsible for the issuance of ICGLR Certificates.

3.2.7. Ensure that each ICGLR Certificate includes meaningful security and anti-counterfeiting measures to prevent fraud.

3.2.8. Transfer a copy of the Member State template of the ICGLR Certificate to the RMD for public reference.

4. 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. The required datasets are detailed in Appendix A - D. In addition, the RMD will host ICGLR Third Party Audit (ICGLR TPA) reports, OMCO reports and any information relevant to the functions of the RCM, including the Status of mine sites, CoC systems and Exporters. The required datasets are detailed 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 with the 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 in the Great Lakes Region (GLR). 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.

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.

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

Responsibilities of Regional Certification Mechanism Actors

The ICGLR Secretariat shall:

4.1. Establish an RMD Unit.

4.1.1. 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.

4.2. Oversee the development and maintenance of an RMD that collates all mine site, CoC and Exporter data, and other datasets detailed in Appendix D, at the regional level.

4.3. Be responsible for informing Member States of obligations under the RCM on uploading data to the RMD.

4.4. 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.

4.5. Provide training to Member States on data formatting according to RMD specifications and on data transfer procedures.

4.6. Utilise the RMD, as necessary, to assess and evaluate regional mineral flows.

4.7. Permit the OMCO to perform specific queries and analyses using the RMD to support the fulfilment of its mandated Office.

The Regional Committee shall:

4.8. Inform the ICGLR Secretariat and the RMD Unit when a CoC System status changes.

4.8.1. Transfer the OMCO report associated with the decision (if applicable).

- 4.9. Share for upload to the RMD, guidance documents provided to Member States on corrective measures to be taken to improve CoC Programmes, where non-conformance with RCM Requirements is identified.

The Office of the Mineral Chain Ombudsman shall:

- 4.10. Share finalised reports resulting from independent investigations such as armed group involvement in the minerals sector and illicit mineral flows.
- 4.11. Perform specific queries and analyses using the RMD to support fulfilment of their mandated office.

The ICGLR Audit Committee shall:

- 4.12. Share validated ICGLR TPA reports with the RMD Unit for upload to the RMD.
- 4.13. Communicate any change in Exporter Status to the agency overseeing the Member State Database and RMD.

The Regional Mineral Database Unit shall:

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

Each Member State shall:

- 4.17. Shall designate a Lead Government Agency responsible for overseeing matters related to the Member State Mineral Database.
- 4.18. 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.
- 4.19. 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.
- 4.20. Transfer to the ICGLR RMD in a compatible format and timely manner, all country-level mine site, CoC and Exporter data contained within the Member State Mineral Database.
- 4.21. 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:

- 4.22. 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).
- 4.23. Extend full cooperation to and facilitate the work of the Lead Government Agency responsible for overseeing matters related to the Member State Mineral Database.

5. *Third Party Audit Requirements*

Introduction: The Independent ICGLR TPA system assures independent verification that Exporters mineral chains from mine site to export are in in conformance with RCM Requirements and Standards.

The scope of the ICGLR TPA 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 those actors who mine, buy, sell, transport or handle the minerals on their journey from mine to export, including but not limited to producers (industrial and/or ASM), traders, processors, smelters and Exporters.

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

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

Non-conformance by any of the upstream traders, suppliers or sites of origin from which the Exporter is sourcing automatically results in a corresponding level of non-conformance being assessed on the Exporter; that is, if the TPA finds that a trader supplying to an Exporter is in system-critical non-conformance 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 Certified (Red Status) will not automatically result in an Exporter receiving Red Status, unless it can be shown that the Exporter was sourcing material from that mine site while its status was Not Certified (Red Status).

The ICGLR TPA system is managed 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. The Audit Committee accredits auditors and sets the standards and terms of reference for ICGLR TPAs.

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 each supply chain actor's conformity with RCM Standards and Requirements. 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 for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (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.

Based on the findings of the ICGLR TPA an Exporter is then assigned an Exporter Status. Definitions and the outcome of each Status are outlined in the following table.

Exporter Status		
Status	Definition	Outcome
Valid (Green)	An Exporter that has had an ICGLR TPA and no non-conformances were identified.	The Exporter may export Designated Minerals with valid ICGLR Certificates.
Provisionally Valid (Yellow)	An Exporter that has had an ICGLR TPA and one or more system-non-critical non-conformances were identified. A Follow-Up ICGLR TPA cannot result in a Provisionally Valid Status.	Exporter can purchase and / or produce minerals for certified export during a 6-month grace period. The Exporter must resolve the non-conformance(s) and be re-audited within 6 months. If the non-conformance is not resolved or the Exporter is not re-audited, the Exporter Status will become Not-Valid (Red)
Not Valid- (Red)	An Exporter that 1) has had an ICGLR TPA and one or more major non-conformances were identified and / or 2) has not requested a Follow-Up Audit within 6-months of receiving a Provisionally Valid (Yellow) Status and /or 3) has had a Follow-Up Audit but has not been adjudged to have resolved the system-non-critical non-conformance(s) and / or 4) has not received an ICGLR TPA in the last 3 years.	Exporter is not allowed to purchase and / or produce minerals for certified export for a minimum period of 6 months and until such time as it is audited by a TPA and receives Valid (Green) Status
Not Audited (Blue)	An Exporter that has not yet received an ICGLR TPA. Exporters must be audited within one year of the effective date of the Revised RCM Manual (2018).	The Exporter may purchase and/or produce Designated Minerals for certified export.

853 **Responsibilities of Regional Certification Mechanism Actors**

854 **The ICGLR Secretariat shall:**

- 855 5.1. Ensure that standard contracts are in place with the Accredited Audit Firms and
856 Exporters.
- 857 5.2. Support administratively the Audit Committee and ICGLR TPA process.
- 858 5.3. Support and protect TPAs working in the field within the Member States.
- 859 5.4. Validate the proposed Exporter Status based on the recommendation of the ICGLR
860 TPA report and as communicated by the ICGLR Audit Committee.

861 **The Office of the Mineral Chain Ombudsman shall:**

5.5. Inform the relevant Member State and Audit Committee and include in their reports, when carrying out investigations related to its primary functions, if they identify potential Red or Yellow Status issues relating to an Exporter.

5.6. Review the TPA reports and report to the Audit Committee and relevant Member State any issues of concern and / or anomalies. This information shall be incorporated into the OMCO's reports and on-going assessments of risk in the region.

The ICGLR Audit Committee shall:

5.7. Develop and revise the Procedures, methodology, templates and tools for ICGLR TPAs consistent with Appendix E.

5.8. Develop and provide a standard contract template to be used:

5.8.1. Between all TPAs and the ICGLR Secretariat.

5.8.2. Between all Exporters and the ICGLR Secretariat.

5.9. Serve as the Accreditation Body for the accreditation of TPAs in accordance with the Standards identified in Appendix E1 - Accreditation Body Requirements and use the Accreditation Standards in Appendix E2 - Accreditation Standards for Third Party Auditors.

5.9.1. The Audit Committee may engage a competent third party to conduct the Accreditation Process.

5.10. 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.

5.11. Determine the frequency with which ICGLR TPAs of Exporters shall be conducted. Audits must take place at a minimum once every 3 years.

5.12. Review draft ICGLR TPA reports and provide feedback to TPAs.

5.13. Review and approve final reports produced by TPAs, including the proposed Exporter Status.

5.13.1. Inform the ICGLR Secretariat of any change to Exporter Status.

5.14. Provide copies of the Final Audit Report to the Member State and Exporter.

5.15. Publish Summary Audit Reports on the ICGLR website and transfer them to the RMD Unit for upload to the RMD.

5.16. Manage the Appeals Process as described in Appendix G - Appeals Procedure.

Third-Party Auditors shall:

5.17. Conduct audits of Exporters (smelters, processors, comptoirs, mines or other exporting entities) in accordance with the Procedures, templates and tools developed by the Audit Committee and detailed in Appendix E - Standards and Procedures for Third Party Audits.

5.18. Have a signed contract in place with the ICGLR Secretariat prior to the conduct of an ICGLR TPA.

5.19. Undertake the following elements during the Audit process:

5.19.1. Conduct a literature review:

-
- 901 5.19.1.1. Review relevant publications, particularly publications that address the conflict
 902 situation in the region under Audit. Relevant publications include but are not
 903 limited to local and international media, recent UN reports, recent NGO reports,
 904 academic publications and corporate publications (notably corporate risk
 905 review documents required by the OECD).
- 906 5.19.1.2. The findings of the literature review shall form part of the Audit Report.
 907 ICGLR TPAs must undertake not to use information for commercial gain.
- 908 5.19.2. Evaluate Exporters Risk Assessments / Spot Checks:
- 909 5.19.2.1. Evaluation shall pay particular attention to the suggested questions in Part C of
 910 the *Guiding note for upstream company risk contained in the Supplement on*
 911 *Tin, Tantalum and Tungsten* that forms part of the OECD Due Diligence
 912 Guidance.
- 913 5.19.2.2. Include the findings of the Risk Assessment / Spot Check in the audit report.
- 914 5.19.2.3. Conduct in-country interviews¹⁰ with key stakeholders:
- 915 5.19.2.4. Stakeholders shall include, inter alia, the relevant management and staff of the
 916 Exporter, relevant local government officials (i.e. in Mines, Customs, Police or
 917 other branches), civil society, knowledgeable local NGOs, UN Experts or
 918 Political Officers, mineral traders and their employees, mineral producers¹¹.
- 919 5.19.2.5. Interviews shall evaluate the Exporters' compliance with the Requirements of
 920 the RCM, and in particular with obtaining information regarding the presence
 921 of conflict-affected minerals in the mineral chain, or the contribution of
 922 exported minerals to the funding of conflict in the region.
- 923 5.19.3. Conduct a records review of financial, CoC and other programs to verify that the
 924 various actors are fulfilling the system Requirements regarding CoC and conflict
 925 financing:
- 926 5.19.4. The reviews shall take place in the Actors' normal place of business.
- 927 5.19.5. In examining the records of Exporters, traders, miners or other actors in the mineral
 928 chain, TPAs shall inspect a percentage of the records to justify general conclusions
 929 about the totality of the record set. If this percentage is less than 100%, the TPA shall
 930 justify the chosen sample size (the percentage of records examined) in writing,
 931 demonstrating that the chosen sample size gives accurate results concerning the
 932 remaining, unexamined records. The ICGLR Audit Committee may provide
 933 guidance on how to select an acceptable sample size to be utilized by all TPAs.
- 934 5.19.6. Inspect a number of suppliers and mine sites:

¹⁰ 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.

¹¹ 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.

-
- 935 5.19.6.1. Sample size must permit reasonable conclusions about the effectiveness of the
 936 Exporters management system as it pertains to the totality of their suppliers and
 937 mine sites. Where the percentage of suppliers and mine sites selected for
 938 inspection is less than 100%, the auditor shall justify the chosen sample size
 939 (the percentage of suppliers and mine sites examined) in writing, demonstrating
 940 that the chosen sample size gives reasonable assurance concerning the
 941 remaining, unexamined suppliers and mine sites. The ICGLR Audit Committee
 942 may, provide guidance on how to select an acceptable sample size to be utilized
 943 by all TPAs.
- 944 5.19.7. Examine the operations of the Exporters' traders/suppliers and miners in their
 945 normal place of business.
- 946 5.19.7.1. TPAs may work with Member States to receive all the necessary approvals and
 947 assistance to visit mine sites and entities associated with the Exporter's supply
 948 chain.
- 949 5.19.8. Examine transportation routes:
- 950 5.19.8.1. Consider, in particular, illegal taxation by armed groups on transportation
 951 routes and Designated Minerals being transported from mine site to Exporter.
 952 The examination of transportation routes should include, inter alia:
- 953 5.19.8.1.1. Physical inspection of the routes, with a regard for barriers where illegal
 954 tariffs are exacted.
- 955 5.19.8.1.2. Interviews with porters and traders involved in the transport of material.
- 956 5.19.8.1.3. Interviews with managers and pilots of airplanes involved in the
 957 transportation of minerals.
- 958 5.19.8.1.4. Examination of the financial and other records of airlines involved in the
 959 transport of minerals.
- 960 5.19.8.1.5. Interviews with managers and drivers of trucks or trucking firms
 961 involved in the transport of minerals.
- 962 5.19.8.1.6. Examination of the financial and other records of trucking firms
 963 involved in the transport of minerals.
- 964 5.19.8.2. When verifying transportation routes, TPAs may wish to use GPS devices,
 965 hand held spectrometers, or other technologies.
- 966 5.19.8.3. Details of the transport route examination, including investigations undertaken
 967 and results shall form part of the ICGLR TPA.
- 968 5.19.9. Examine the capacity of operation and records of the Exporter and its upstream
 969 suppliers:
- 970 5.19.9.1. In each case analyse whether the production or volume of minerals produced,
 971 traded or exported is consistent with the supporting documentation, with the
 972 physical capacity of the mine site (taking seasonal variations into account),
 973 trader, supplier, or Exporter, and with the information obtained from site
 974 inspections and interviews.
- 975 5.19.9.2. The capacity review analysis shall form part of the ICLGR TPA.
- 976 5.20. Submit Draft and Final ICGLR TPAs consistent with the Procedures, methodology and
 977 templates developed by the ICGLR Audit Committee.

5.20.1. Audit evidence should include check lists, photographs, field notes, etc.

5.20.2. The list of field visits undertaken (where, when) shall form part of the ICGLR TPA.

Each Member State shall:

5.21. Provide information as requested by the ICGLR TPA as it pertains to their Mine Site Inspection and Certification, CoC System(s) and Export Certificate programs.

5.22. Where an Exporter has been declared Not Valid (Red) Status, maintain its Status as Not Valid (Red) for a minimum period of 6 months (measured from the date of the Status being validated by the ICGLR Secretariat). During this timeframe and until such time as the Exporter receives a Valid (Green) Status from a Follow-Up ICGLR TPA, the Exporter is not allowed to purchase and / or produce minerals.

5.22.1. The Member State shall therefore:

5.22.1.1. Cease to issue ICGLR Certificates to the Exporter.

5.22.1.2. Verify that no stockpiling of Designated Material takes place throughout the period

5.22.2. Following the grace period, the Exporter may engage a TPA to conduct a Follow-Up ICGLR TPA.

5.22.2.1. Only where the Follow-Up ICGLR TPA finds the Exporter to be Valid (Green) Status shall the Member State recommence the issuance of ICGLR Certificates to the Exporter in line with RCM Requirements.

5.23. 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.

5.23.1. During this grace period, the Exporter shall request, at their own expense, a Follow-Up ICGLR TPA. The Follow-Up ICGLR TPA shall be:

5.23.1.1. Conducted within 6 months of the receipt of the request.

5.23.1.2. Undertaken in line with the Procedures detailed in this manual.

5.23.1.2.1. Where the Follow Up ICGLR TPA identifies conformance with all RCM Requirements, the Member State shall declare the Exporter Valid (Green) Status.

5.23.1.2.2. Where the Follow-Up ICGLR TPA identifies continued non-conformance with RCM Requirements, the Member State shall declare the Exporter Not Valid (Red) Status.

5.23.1.2.2.1. In this scenario follow the procedure outlined in 5.22.

5.23.1.2.3. 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.

5.23.1.2.3.1. In this scenario follow the procedure outlined in 5.22.

5.24. Where an Exporter has been declared Valid (Green) Status continue to issue ICGLR Certificates in accordance with the RCM Requirements.

-
- 1018 5.25. Where an ICGLR TPA has not been carried out within the first 12 months of the
 1019 effective date of the Revised RCM Manual (2018) and the Exporter is therefore Not
 1020 Audited (Blue) Status continue to issue ICGLR Certificates in accordance with the
 1021 RCM Requirements during this time.
- 1022 5.25.1. If the Exporter has not had an ICGLR TPA by the end of this time period, the
 1023 Exporter shall automatically receive Not Valid (Red Status). The Member State will
 1024 therefore follow procedures detailed in 5.22.
- 1025 5.26. Provide all information from the domestic CoC Programme and Licensed System(s) as
 1026 may be requested and required by a TPA and the OMCO.
- 1027 5.27. Facilitate the access of TPAs to all audit locations, including mine sites, trading
 1028 centres, and Exporter sites.
- 1029 5.27.1. This includes timely provision of visas, ordres de mission, sauf-conduit, and other
 1030 assistance as requested by the TPA.
- 1031 **Exporters shall:**
- 1032 5.28. Be solely responsible for conformance of its risk management systems and operations
 1033 with the RCM Requirements.
- 1034 5.29. Initiate the ICGLR TPA process by requesting bids from one or more Accredited Audit
 1035 Firms and informing the ICGLR Secretariat that they have initiated the Audit process.
- 1036 5.29.1. The Exporter is solely responsible to:
- 1037 5.29.1.1. Assure it initiates the process prior to its Status expiring.
- 1038 5.29.1.2. Pay for ICGLR TPAs.
- 1039 5.30. Have a signed contract in place with ICGLR Secretariat prior to the conduct of an
 1040 ICGLR TPA on its operations.
- 1041 5.31. Extend full cooperation to the TPA during the conduct of the ICGLR TPA.
- 1042 5.31.1. Provide information from the CoC System as may be requested and required by the
 1043 TPA. This includes data that may be maintained by a third-party assurance system.
- 1044 5.31.2. Provide other information as requested by the TPA or OMCO that may be managed
 1045 by a third-party assurance system.
- 1046 5.31.2.1. Failure to provide the requested information will lead the Exporter to be
 1047 identified as Not Valid (Red Status)
- 1048 5.31.3. Provide, upon request by the TPA or OMCO, information and documentary
 1049 evidence regarding CoC, risk management systems and beneficial ownership.
- 1050 5.32. Have the right to review and comment on the Draft ICGLR TPA and obtain a copy of
 1051 the associated Report, prior to the entry into force of the determined Status.
- 1052 5.33. Where the Exporter has been declared Not Valid (Red), immediately:
- 1053 5.33.1. Operate in conformance with the outcome Requirements of the RCM by ceasing the
 1054 production, purchase and export of Designated Minerals.
- 1055 5.33.2. Undertake to put in place measures to resolve the non-conformance with RCM
 1056 Requirements.

33

6. The Office of the Mineral Chain Ombudsman

Introduction: The OMCO is a quasi-autonomous oversight and assurance mechanism of the RCM. The OMCO is governed by the ICGLR Executive Secretary, but the Office itself is required to be impartial and operationally independent and may be performed by a third-party organisation.

The OMCO's primary purpose is to identify and resolve (through recommendations) a) issues directly related to the performance of the RCM, and b) systemic contextual issues that impact its implementation. The OMCO has three principal functions:

1. **To evaluate, verify and report on Member State CoC Programmes and CoC Systems to ensure that they meet the Requirements of the RCM**
2. **To conduct independent investigation and report on systemic issues related to the Purpose of the RCM**, in particular where these are unlikely to be identified through the Standards and Procedures of the RCM.
3. **To undertake and publish ongoing risk assessments of conflict and conflict financing resulting from the illegal exploitation and trade of Designated Minerals** within, between and from Member States.

The OMCO does not have executive authority to change the Status of mine sites, CoC Systems and Exporters based on the findings resulting from the deliverance of its principal functions. Instead, the OMCO shall advise the relevant entity to pursue the appropriate course of action.

The OMCO shall be directed by the Chief Executive Office of the OMCO (CEO OMCO), who shall designate support staff to carry out the functions of the OMCO in line with the needs of the Office and the resources at its disposal.

The CEO OMCO is appointed by the ICGLR Executive Secretary for a 5-year term pursuant to an independent selection process.

Responsibilities of Regional Certification Mechanism Actors

All relevant RCM Actors shall:

- 6.1. Undertake responsibilities related to the functions of the OMCO.
- 6.2. Fulfil additional responsibilities detailed in the present section.
- 6.3. Extend full cooperation to the OMCO in the deliverance of its principal functions, including through the provision of information and documentary evidence when requested.

The ICGLR Regional Committee shall:

- 6.4. Develop and update the Terms of Reference of the OMCO, in accordance with the functions and responsibilities of the Office as detailed in the RCM Requirements.
- 6.5. Recommend to the Executive Secretary the staff and / or the third-party organisation based on an independent selection process to serve as the OMCO.

The ICGLR Executive Secretary shall:

- 6.6. Appoint the OMCO staff and / or third-party organisation based on the recommendation of the ICGLR Regional Committee.
- 6.7. Assure that the OMCO performs the duties of the Office as outlined in the Terms of Reference developed by the Regional Committee.

1107 **The Chief Executive Officer of the Office of the Mineral Chain Ombudsman shall:**

1108 6.8. Serve for a term of 5 years. Be permitted to serve 2 consecutive terms.

1109 6.9. Establish and maintain as needed and in line with available resources a team of experts,
1110 with expertise in the mining sector, mineral chain of custody, conflict and conflict
1111 financing, risk assessment, and other disciplines as required.

1112 6.9.1. Each member of the team will be approved by the ICGLR Regional Committee. The
1113 team members will serve under the Chief Executive Officer of the Office of the
1114 Mineral Chain Ombudsman (CEO OMCO).

1115 6.10. Be responsible for defining and updating a strategy for the OMCO to fulfil its principal
1116 functions.

1117 6.11. Draft and submit an annual report on the activities of the OMCO to the ICGLR
1118 Executive Secretary.

1119 **The Office of the Mineral Chain Ombudsman shall:**

1120 6.12. Execute its principal functions as detailed in the introduction to this section.

1121 6.13. Submit completed reports to the Regional Committee for review prior to transferring
1122 them to the RMD Unit for publication. Reports shall be made public.

1123 6.14. Cooperate with the ICGLR Whistleblowing Mechanism, as required, for the fulfilment
1124 of its principal functions.

1125 6.15. Operate with integrity, impartiality and independence.

1126 6.16. Participate in the meetings of the Audit Committee:

1127 6.16.1. Participate as an expert but without voting rights.

1128 6.16.2. Report on the state of mineral supply chains in the Member States.

1129

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.

The National Coordinators of the ICGLR shall:

4. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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:
 - 9.1. The names and contact details for each of the civil society or industry members who participated in the election
 - 9.2. 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
 - 9.3. The date and place in which the elections were held
 - 9.4. 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
 - 9.5. Signatures of all participants in the elections on a document in which they attest that the election was free and fair.
 - 9.6. 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.

1171 **The ICGLR Regional Committee shall:**

- 1172 10. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
- 1173 11. Establish the ICGLR Audit Committee.
- 1174 12. Invite government representatives to serve on the Audit Committee, indicating candidates either
1175 from the Regional Committee itself or from other competent government representative as the
1176 Regional Committee may choose.
- 1177 13. Invite regional civil society stakeholders to serve on the Audit Committee, accepting the
1178 candidate(s) forwarded by the National Coordinators of eligible Member States, and elected by
1179 civil society in each eligible Member State.
- 1180 14. Invite international civil society stakeholders to serve on the Audit Committee, accepting the
1181 candidate democratically selected from within international civil society.
- 1182 15. Invite regional industry stakeholders to serve on the Audit Committee, accepting the candidate(s)
1183 forwarded by the National Coordinators of eligible Member States, and elected by regional
1184 industry in each eligible Member State.
- 1185 16. Invite international industry stakeholders to serve on the Audit Committee, accepting the candidate
1186 democratically selected from within international civil society.
- 1187 17. Have the authority to change the number of representatives serving on the Audit Committee,
1188 respecting always the principle of tripartite representation, with significant representation from
1189 government, industry, and civil society.
- 1190 18. Add or remove minerals from the List of Designated Minerals.
- 1191 19. Be empowered to request and require such information on regional trade data from the ICGLR
1192 Regional Mineral Database (RMD) as they may require for their deliberations.
- 1193 20. Recommend to the Executive Secretary staff and / or the third-party organisation based on an
1194 independent selection process to serve as the Office of the Mineral Chain Ombudsman (OMCO).
- 1195 21. Receive and review copies of the reports of the OMCO and take appropriate actions in a timely
1196 manner.
- 1197 22. Facilitate the discussion of Member States to harmonize tax and fee structures to help reduce the
1198 incentives for smuggling. Work with Member States to reduce inconsistencies within the various
1199 regional Member State frameworks.
- 1200 23. Develop a template RCM Annual Financial Report for Member States to use in the preparation of
1201 their annual report.

1202 **The ICGLR Secretariat shall:**

- 1203 24. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
- 1204 25. Develop a business model for the operation of the ICGLR Regional Certification Scheme, taking
1205 into account fees from operators, accreditation fees and costs, certification fees and costs, and other
1206 expenses and sources of revenue.
- 1207 26. Identify inconsistencies across Member State legal and regulatory frameworks.
- 1208 27. Publish and make publicly available all annual reports, audit reports, list of accredited Third-Party
1209 Auditors (TPAs), appropriate regional database information, reports of the OMCO, and all other
1210 relevant publications, bearing in mind the ICGLR policy which eliminates pricing information
1211 from ICGLR reports.

-
- 1212 28. Prepare an annual report on the cost, implementation and performance of the ICGLR RCM.
- 1213 29. Organise and implement as appropriate adequate training measures for
- 1214 29.1.Designated Government Authorities charged with implementing the provisions the ICGLR
1215 certification system, in particular
- 1216 29.2.Authorities in charge of the use and handling of ICGLR Certificates and the Mine Site
1217 Standards.
- 1218 29.3.Authorities in charge of inspecting and evaluating mine sites according to the applicable
1219 ICGLR Mine Site Standards.
- 1220 29.4.Artisanal and Small-Scale Miners (ASMs), who shall receive adequate training on the ICGLR
1221 Requirements and assistance in their implementation.
- 1222 30. Other stakeholders as necessary or desirable.
- 1223 31. Published the election reports described above on the ICGLR website.
- 1224 **The Audit Committee shall**
- 1225 32. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.
- 1226 33. Have representation from Member States, local and international industry and local and
1227 international civil society. All members of the Audit Committee have equal voting rights, be they
1228 from government, regional industry, international industry, regional civil society or international
1229 civil society.
- 1230 34. Be composed of members that are democratically elected from within their peer groups.
- 1231 34.1.Audit Committee members shall serve for a period of 3 years.
- 1232 34.2.The Audit Committee may stagger the terms of the members to allow for ongoing continuity.
- 1233 34.3.Members can serve 3 terms
- 1234 35. The government, regional civil society and regional industry representatives on the Audit
1235 Committee shall be drawn from Eligible Member States. To qualify as Eligible, a Member State
1236 must have in place or be close to having in place systems capable of certifying mine sites; systems
1237 for registering Chain of Custody (CoC) Systems for Designated Minerals; and have in place
1238 systems for certifying mineral exports and issuing ICGLR Certificates.
- 1239 36. At full capacity, have representation from the various stakeholders in the quantities as follows:
- 1240 36.1.5 representatives of Member States
- 1241 36.2.3 representatives of regional industry
- 1242 36.3.3 representatives of regional civil society
- 1243 36.4.1 representative of international industry
- 1244 36.5.1 representative of international civil society
- 1245 37. Ideally, the composition of the government, member state industry, and member state civil society
1246 members on the Audit Committee shall be arranged so that there is representation from every
1247 member state in the ICGLR. (i.e. if the Regional Committee first chooses the 5 government
1248 members, the remaining seats for industry and civil society will then assigned to other Member
1249 States, who will democratically elect representatives from within the peer groups of their respective

1250 Member States). Gender equity should also be considered for the composition of the Audit
1251 Committee.

1252 **Member States Shall**

1253 38. Discharge of all Requirements and Responsibilities outlined in Section II of the RCM Manual.

1254 39. Submit to the ICGLR Executive Secretariat an RCM Financial Report by April 1 for the previous
1255 year. Details and content of the report and report template to be developed by the ICGLR Regional
1256 Committee.

Appendix A: Mine Site Inspection and Certification

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 (ASMs))
 - 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: Certified (Green), Provisionally Certified (Yellow) Not Certified (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 1a: RED (Not Certified) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom

RED STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
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 in exploitation in the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used.	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.
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).	No other red status criteria.	3. Designated Minerals sourced in a Not Certified (Red) mine site are entering into the mine site or being mixed with Designated Minerals produced at the mine site.
No other red status criteria.		No other red status criteria.

Table 1b: Yellow (Provisionally Certified) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom

YELLOW STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
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 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

YELLOW STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
		mineral extraction, trade, handling, transport and export
		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 Finger Print (AFP) sampling or sampling for a similar diagnostic tool to a government mine site inspector, auditor, or designated agent of the ICGLR

Table 2a: Red (Not Certified) Criteria for Industrial Mines and Designated Minerals sourced therefrom

RED STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
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 in exploitation in the mine site. Where a Member State has not defined a minimum working age, the standard of the International Labour Organisation (ILO) shall be used.	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.
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. Mine Site Operator is in serious non-conformity with the Member State laws regarding working conditions.	3. Designated Minerals sourced in a Not Certified (Red) mine site are entering into the mine site or being mixed with Designated Minerals produced at the mine site. 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.
	No other Red Status Criteria.	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.

Table 2b: Yellow (Provisionally Certified) Criteria for Industrial Mines and Designated Minerals sourced therefrom

YELLOW STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
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.
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.

YELLOW STATUS CRITERIA		
Conflict	Human Rights	Formality/Transparency
No other Yellow Status Criteria.		4. The Mine Site Owner or Operator refuses to provide sample material for an AFP test or similar diagnostic tool to a government mine site inspector or designated agent of the ICGLR.

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. The mine site/permit/concession from which the mineral was sourced, given with reference to the Mine Site Identification as it exists in the RMD.
- 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 lot, along with any other payments made to government for the purpose of extraction, trade, transport or processing of the lot
- 1.7. The date when the lot is sealed
- 1.8. The date when the lot is shipped
- 1.9. 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 1:1.1-1.9 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 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

- 1369 payments made to government for the purpose of extraction, trade, transport, or
1370 processing of the outgoing Lot
- 1371 4.2.6. The comptoir purchase order number of every incoming Lot of
- 1372 4.2.7. Approved mineral ore that was used to produce the outgoing Lot
- 1373 4.2.8. The weight of mineral ore from each incoming Lot (identified via purchase order number)
1374 used to produce the outgoing Lot
- 1375 4.2.9. The date when the outgoing Lot is sealed
- 1376 4.2.10. The date when the outgoing Lot is shipped
- 1377 4.2.11. The route and transport company responsible for transporting the shipment
- 1378 4.2.12. Name of the staff responsible person(s) who verified the documentation associated
1379 with the Lot.
- 1380 4.2.13. An ICGLR Certificate number, if for export
- 1381

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 (ASM) site where the mineral was sourced, using both the local accepted name and the Mine Site Identification as it exists in the RMD.
- 1.3. The identification of the ASM 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 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 ASM 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 ASM 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.

1419 2.1.7. The method by which the Lot was transported from mine site to the trading centre, town,
1420 or city where the trader took physical possession of the Lot.

1421 2.1.8. Transportation routes.

1422 2.1.9. Locations where minerals are consolidated, traded, processes or upgraded, or any other
1423 place where the trader took physical possession of the mine site Lot.

1424 2.1.10. The identification of all other upstream CoC actors

1425 2.1.11. The trading centre, town, or city where the trader took physical possession of the mine
1426 site Lot.

1427 2.1.12. The date that the trader took possession of the mine site Lot.

1428 **2.2. Additional Information Requirements for Traders for each Mixed Lot of Designated** 1429 **Minerals Sourced from Artisanal and Small-scale Mine Sites**

1430 2.2.1. All information Requirements in 2.1 (see above).

1431 2.2.2. A new unique mixed Lot number shall be assigned to the mixed Lot.

1432 2.2.3. The weight, ore type, and grade of the mixed Lot.

1433 2.2.4. The mine site Lot numbers of each mine site Lot included in the mixed Lot, along with
1434 the weight and grade of ore that each mine site Lot contributed to the mixed Lot.

1435 2.2.5. Name of the responsible staff person(s) who accepted the Designate Mineral Lot(s) and
1436 verified the origin.

1437 **2.3. Information Requirements: Sales**

1438 2.3.1. A unique trading centre Lot number for the outgoing Lot.

1439 2.3.2. The identification of the trader, including name, address and site location and government
1440 identification number.

1441 2.3.3. The identification of the customer or recipient, including name, address and site location
1442 and government identification number.

1443 2.3.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e.
1444 1000kg), and where available grade (i.e. 45%).

1445 2.3.5. Values and details of all taxes, fees or royalties paid to government for the purpose of
1446 extraction, trade, transport or processing of the Lot, along with any other payments made
1447 to governmental officials for the purpose of extraction, trade, transport or processing of
1448 the Lot.

1449 2.3.6. The number of sacks in the outgoing Lot.

1450 2.3.7. The trading centre, town, or city where the outgoing Lot originated.

1451 2.3.8. The date when the outgoing Lot is sealed.

1452 2.3.9. The date when the outgoing Lot is shipped.

1453 2.3.10. Name of the responsible staff person who verified the documentation associated with
1454 the Lot.

1455 **2.4. Additional Information Requirements for Traders who Process and Sell Designated** 1456 **Minerals**

- 1457 2.4.1. All information Requirements in 2.1-2.3 (see above).
 1458 2.4.2. The nature of the discarded material (i.e. rock from cassiterite ore).
 1459 2.4.3. The weight of the discarded material.
 1460 2.4.4. The number of sacks remaining in the Lot at the completion of processing.

1461 *Note: A mine site Lot may consist of several sacks (i.e. a 2000kg mine site Lot might consist of 40*
 1462 *separate 50kg sacks). A trader may choose to maintain the Lot intact (ship all 40 sacks together), or*
 1463 *to separate a mine site Lot into separate components (break up the mine site Lot into two or more*
 1464 *groups of sacks). The paragraphs below cover the procedure to be followed in either alternative.*

1465 **2.5. Mine site Lots kept intact**

- 1466 2.5.1. The mine site Lot number
 1467 2.5.2. The identification of the ASM site where the mine site Lot was sourced,
 1468 2.5.3. The weight of the mine site Lot
 1469 2.5.4. The number of sacks in the mine site Lot

1470 **2.6. Mine site Lots separated into components**

- 1471 2.6.1. All information Requirements in 2.5 (see incoming mine site lots above).
 1472 2.6.2. The total Lot weight and the number of sacks in the original mine site Lot.
 1473 2.6.3. The total Lot weight and the number of sacks remaining in the original mine site Lot after
 1474 processing.
 1475 2.6.4. The total weight of the new component Lot and the number of sacks in the new
 1476 component Lot.
 1477 2.6.5. The total number of component Lots into which the mine site Lot has been divided.
 1478 2.6.6. The mine site Lot number.
 1479 2.6.7. The identification of the ASM site where the mine site Lot was sourced.
 1480 2.6.8. A notation that this is a component Lot.
 1481 2.6.9. The weight of the component Lot and the number of sacks in the component Lot.
 1482 2.6.10. The number of component Lots into which the mine site Lot has been divided.

1483 **3. The Mineral Processor, Comptoir or Smelter:**

1484 **3.1. Incoming Minerals: Purchase direct from Artisanal and Small-scale producers:**

- 1485 3.1.1. A unique comptoir purchase order number for the purchase
 1486 3.1.2. The unique mine site Lot number assigned to the Lot at the mine site
 1487 3.1.3. The identification of the ASM site where the mineral was sourced, using both the local
 1488 accepted name and the Mine Site Identification as it exists in the RMD.
 1489 3.1.4. The identification of the ASM Operator or miner who produced the material, including
 1490 name, national ID number or artisanal mining license number, address, as well as other
 1491 relevant information

- 1492 3.1.5. A description of the material, including the ore type (i.e.cassiterite) and weight (i.e.
1493 1000kg) and where available the grade (i.e. 45%)
- 1494 3.1.6. Values and details of all taxes, fees or royalties paid to government for the purpose of
1495 extraction, trade, transport or processing of the artisanal Lot, along with any other
1496 payments made to governmental officials for the purpose of extraction, trade, transport or
1497 processing of the artisanal Lot.
- 1498 3.1.7. Where the Lot consists of more than one sack, the number of sacks in the Lot.
- 1499 3.1.8. The method by which the Lot was transported from mine site to comptoir.
- 1500 3.1.9. Transportation routes.
- 1501 3.1.10. Locations where minerals are consolidated, traded, processed or upgraded.
- 1502 3.1.11. The identification of all other upstream intermediaries, consolidators or other actors in
1503 the upstream supply chain
- 1504 3.1.12. The date that the comptoir took physical possession of the mine site Lot.
- 1505 3.1.13. The purity of the mineral ore in the Lot as a whole.
- 1506 **3.2. Incoming Minerals: Purchase from an Artisanal Trader:**
- 1507 3.2.1. A unique comptoir purchase order number for the purchase.
- 1508 3.2.2. The unique trading center Lot number assigned to the Lot at the trading centre or trader's
1509 place of business.
- 1510 3.2.3. The identification of the trader, including name, address and site location, government
1511 identification number, as well as other relevant information.
- 1512 3.2.4. A description of the material, including the ore type (i.e.cassiterite) and its weight (i.e.
1513 1000kg), and where available the grade (i.e. 45%).
- 1514 3.2.5. Values and details of all taxes, fees or royalties paid to government for the purpose of
1515 extraction, trade, transport or processing of the artisanal Lot, along with any other
1516 payments made to governmental officials for the purpose of extraction, trade, transport or
1517 processing of the artisanal Lot.
- 1518 3.2.6. Where the incoming Lot consists of more than one sack, the number of sacks in the Lot.
- 1519 3.2.7. Information regarding each of the mine site Lots or component Lots that make up the
1520 incoming Lot, including:
- 1521 3.2.7.1. The mine site Lot number.
- 1522 3.2.7.2. The identification of the ASM site where the mine site Lot or component Lot was
1523 sourced, as it exists in the RMD.
- 1524 3.2.7.3. The weight of the mine site Lot or component Lot.
- 1525 3.2.7.4. The purity of the mineral ore. Where the purity has not previously been established
1526 by the Artisanal Trader, the comptoir, processor or smelter shall determine and
1527 record the purity for each mine site Lot or component Lot.
- 1528 3.2.8. The trading centre, town, or city where the Lot originated.
- 1529 3.2.9. The date when the Lot was sealed.

- 1530 3.2.10. The date when the Lot was shipped.
- 1531 3.2.11. The method by which the Lot was transported from the trader to the comptoir,
1532 processor or smelter.
- 1533 3.2.12. Transportation routes.
- 1534 3.2.13. Locations where minerals are consolidated, traded, processes or upgraded.
- 1535 3.2.14. The identification of all other upstream CoC actors.
- 1536 3.2.15. Name of the responsible staff person working for the comptoir, processor or smelter
1537 who verified the documentation associated with the Lot.
- 1538 **3.3. Information Requirements: Sales**
- 1539 3.3.1. A unique Mineral Processor, Centre de Traitement, Comptoir, or Smelter Lot number or
1540 purchase order number for the outgoing Lot.
- 1541 3.3.2. The identification of the comptoir, processor or smelter, including name, address and site
1542 location.
- 1543 3.3.3. The identification of the customer or recipient, including name, address and site location.
- 1544 3.3.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e.
1545 1000kg), and grade (i.e. 45%).
- 1546 3.3.5. Values and details of all taxes, fees or royalties paid to government for the purpose of
1547 extraction, trade, transport, or processing of the outgoing Lot, along with any other
1548 payments made to government for the purpose of extraction, trade, transport, or
1549 processing of the outgoing Lot.
- 1550 3.3.6. The comptoir purchase order number of every incoming Lot.
- 1551 3.3.7. Approved mineral ore that was used to produce the outgoing Lot.
- 1552 3.3.8. The weight of mineral ore from each incoming Lot (identified via purchase order number)
1553 used to produce the outgoing Lot.
- 1554 3.3.9. The date when the outgoing Lot is sealed.
- 1555 3.3.10. The date when the outgoing Lot is shipped.
- 1556 3.3.11. The route and transport company responsible for transporting the shipment.
- 1557 3.3.12. Name of the staff responsible person(s) who verified the documentation associated
1558 with the Lot.
- 1559 3.3.13. An ICGLR Certificate number, if for export
- 1560

Appendix C: Standard information regarding ICGLR Export and Certificates

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

1. A unique comptoir 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

Each ICGLR Certificate shall contain, at a minimum, the following standard characteristics:

1. A Title: "ICGLR Certificate"
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.

- 1597 9. The country of origin of the material (either name of country, or “mixed” in the case of Lots
1598 containing material from two or more countries mixed together).
- 1599 10. The declared Customs value in USD of the lot.
- 1600 11. The date the Lot is shipped.
- 1601 12. The shipment route and the transport company responsible for transporting the shipment, if
1602 known.
- 1603 13. The Member State Issuing authority and the name, position and identification number (where
1604 available) of the Member State representative responsible for verifying the documentation
1605 associated the export with the export and recommending the issuance of an ICGLR Certificate.
- 1606 14. The date the Lot is verified by the Member State representative.
- 1607 15. The name and signature of the Member State representative empowered to countersign the
1608 ICGLR Certificate to render it valid.
- 1609 16. The date that the ICGLR Certificate is countersigned (ICGLR Certificate is valid from this
1610 date).
- 1611 17. The date that the ICGLR Certificate expires and its validity period (the Certificate shall be no
1612 more than 90 days later than the date of issuance).
- 1613 18. Contain the relevant International Harmonized Commodity Description and Coding System.
- 1614 **Each ICGLR Certificate shall be printed in both English and French. Additional languages**
1615 **may be added at the discretion of the Member State.**

1616

Appendix D: Data Requirements for Regional Mineral Database and Member State Database¹²

1. All Mine Site data required by the Regional Mineral Database (RCM) as part of the Mine Site Inspection and Certification process (see Appendix xxa, xxb etc.)
2. All CoC data required by the RCM as part of CoC tracking (see Appendix xx)
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, Office of the Mineral Chain Ombudsman (OMCO) and Third-Party Auditors (TPAs).
5. Current and historic 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 certification of mine sites, traders, Exporters, etc.

¹² For specific content of the RMD in terms of data fields, formats and permitted content, please refer to the latest ICGLR RMD Specification document.

Appendix E: Third Party Audits

Appendix E1: Accreditation Body 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, 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 including witnessing audits.

Appendix E2: Accreditation Standards for Third Party Auditors

Standards for Third Party Auditors

A. Independence

1. A prospective Independent 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 Neither the Independent 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.
 - 2.1 Neither the Independent TPA nor any of its employees involved in the monitoring of an Exporter shall provide other services to the Exporter, suppliers, traders, miners, or mine sites to be audited, or shall not have provided other services to the Exporter, suppliers, traders, miners, or mine sites to be audited in the 24-month period prior to its consideration to be an Independent TPA. Other services may include, among other things, monitoring, remediation, or training.
 - 3.1 The TPA shall implement a policy and procedures for avoidance of conflict of interests. The Independent TPA shall continue to maintain this policy and procedures to protect the independence of its monitoring. If accredited by the ICGLR, the Independent TPA must pledge to continue to comply with the foregoing independence criteria throughout the period of its accreditation.
2. An Independent 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.
3. An Independent TPA shall have the obligation to report to the ICGLR any breach of any mechanism established by such Independent TPA to protect the independence of its auditing and any steps taken by such Independent TPA to remedy such breach.
4. An Independent TPA shall exercise professional judgment at all times and not allow any fees or business relationships to influence its findings or reporting.

B. Qualifying Characteristics of Independent Third-Party Auditors

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

1. Audit Team Composition

1.1. Given that the required Professional and Background knowledge components include significant knowledge of regional conflicts, conflict financing, local political structures, and other local knowledge, it is strongly recommended that Independent 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.

1.2. 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 fulfill the required criteria on independence

1.3. Professional Knowledge

1.3.1. Advanced knowledge of auditing principles, procedures and techniques

1.3.2. 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.

1.3.3. Advanced knowledge and experience in auditing CoC Systems for commodities.

1.3.4. Knowledge of conflict financing in the African context.

1.3.5. Demonstrated experience auditing financial documents, and tracking money flows.

1.4. Background Knowledge

1.4.1. Knowledge of geology and of the mining industry, and in particular of ASM and transportation of minerals.

1.4.2. 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.

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

1.4.4. Linguistic skills appropriate to each Member State or region to be audited.

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

1.5. Auditing Mineral Chains

1.5.1. Demonstrated ability to conduct independent third-party auditing, including the professional competence, capacity and relevant skills or technical qualifications necessary to perform each of the following processes to assess compliance with the RCM Requirements:

1.5.1.1. Gathering information from local knowledgeable sources

1.5.1.2. Interviewing workers at Exporters, traders, processors and mine sites

1.5.1.3. Interviewing management at Exporters, traders, processors, and mine sites.

1710 1.5.1.4. Travelling along mineral transportation routes to remote trading centres and remote
1711 mining sites, visually reviewing these areas and conducting interviews and
1712 document.

1713 1.5.1.5. Review and analysing CoC, financial and other records.

1714 1.5.2. Ability to maintain the confidentiality of information and confidence of those interviewed.
1715 See the separate note on protecting sources.

1716 1.5.3. Ability to synthesize, cross check, verify and, where applicable, quantify information
1717 gathered in the auditing process from all relevant sources.

1718 1.6. Analysis and Reporting

1719 1.6.1. Ability and commitment to conduct an impartial and objective evaluation of the
1720 information gathered to assess compliance with RCM Requirements

1721 1.6.2. Professional competence in reporting instances or situations of non-compliance to the
1722 Exporter and to the ICGLR, including methods for substantiation of findings.

1723 1.6.3. Capacity to report findings in a timely fashion.

1724 1.6.4. Ability and commitment to maintain accountability for information gathered from the
1725 monitoring process.

1726 C. Application Requirements for Prospective Independent Third-Party Auditors

1727 **A prospective Independent Third-Party Auditor may seek accreditation to conduct audits for**
1728 **one or more countries. In seeking accreditation, a prospective Independent Third-Party**
1729 **Auditor shall:**

1730 1. Submit to the ICGLR Audit Committee an application demonstrating satisfaction of the foregoing
1731 criteria of independence and qualifying characteristics;

1732 2. Submit to the ICGLR Audit Committee a list of Independent Audits conducted;

1733 3. Remit to the ICGLR the required Accreditation Fee as defined by the Audit Committee, used to
1734 process the prospective Auditor's accreditation application;

1735 4. Agree to undergo training in ICGLR standards and methodology as deemed appropriate by the
1736 ICGLR Audit Committee;

1737 5. If requested by the Audit Committee, conduct a trial audit on at least one mineral chain (mine site to
1738 Exporter) with an observer appointed by the ICGLR Audit Committee; and

1739 6. Agree to undergo any other application Requirements as specified by the ICGLR TPA.

1740 Committee

1741 1. Prospective auditors shall demonstrate the capacity to ensure the ongoing quality, integrity and
1742 independence of their auditing work, including internal controls and professional staff development.

1743 2. Once accredited, an Independent TPA must submit to the ICGLR Audit Committee a binding
1744 statement of intent to disclose any material change that may affect its ability to meet the independence
1745 criteria or qualifications of Independent TPAs listed above.

1746 3. The Audit Committee shall respond to applications within 60 days of the point at which the
1747 application process completed.

1748 D. Accountability of Independent Third-Party Auditors

- 1749 4. An Independent TPA shall be accountable to the ICGLR Audit Committee for professional
1750 misconduct or gross negligence in the conduct of its auditing or the preparation or content of its audit
1751 reports.
- 1752 5. If a complaint concerning the professional misconduct or negligence of an Independent TPA is
1753 submitted to the ICGLR Audit Committee, the ICGLR Audit Committee, shall assess the reliability
1754 and severity of the complaint and inform the auditor of the contents of such complaint. In the event
1755 that the ICGLR Audit Committee determines that an Independent TPA has committed such alleged
1756 misconduct or negligence, the ICGLR Audit Committee shall decide upon the appropriate sanction.
1757 The ICGLR Audit Committee shall have the authority to restrict, suspend, and/or remove all or part
1758 of the accreditation of such Independent TPA.
- 1759 6. Independent TPAs shall be accredited for a 3-year period. This accreditation can be renewed for
1760 successive three-year periods thereafter.
- 1761 7. In applying for re-accreditation with the ICGLR, the Independent TPA shall:
- 1762 7.1. disclose to the ICGLR Audit Committee any material change to its original application that may
1763 affect its independence or qualifications under the criteria set forth above;
- 1764 7.2. pass an evaluation at the ICGLR Secretariat and at field level as deemed appropriate by the
1765 ICGLR Audit Committee
- 1766

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.
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 Standards¹³:
 - 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

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.

ICGLR Audit Committee Membership

1. The Regional Committee shall choose the government representatives on the Audit Committee

¹³ As a guidance, the Setting Standards Module of the ISEAL Alliance (Emerging Initiatives Module 2) should be used.

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 and its application in regional context;
 - 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

- 1838 2. Candidates for the International civil society and industry positions on the audit committee may come
1839 from a variety of backgrounds, and should:
- 1840 2.1. Have a good reputation;
- 1841 2.2. Have a strong understanding of, and/or demonstrated commitment to, good governance;
- 1842 2.3. Have an appreciation for accountability frameworks;
- 1843 2.4. Have experience in conflict resolution and/ or experience operating in multi-stakeholder
1844 decision-making bodies or forums; and
- 1845 2.5. Have good communication skills.
- 1846 2.6. Be able to work in English or in French. The ability to speak both is desirable but not required.
- 1847 2.7. Be very knowledgeable of supply chains;
- 1848 2.8. Be extremely knowledgeable of ‘conflict minerals’ or the mining sector in the context of the
1849 Great Lakes Region; and/or
- 1850 2.9. Have a good understanding of human rights law and/or
- 1851 2.10. Have experience reading and interpreting audit reports and/or other forms of investigative
1852 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 or Mineral Chain Ombudsman.

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:

- Substantive Appeals: regarding the determination of the ICGLR TPA or the investigation of Ombudsman determination's content.
- 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

1892 An appeal shall be received within 10 business days after notification of the ICGLR TPA Report or
1893 Ombudsman decision. Appeals shall be made to the attention of the ICGLR Secretariat

1894 The appeal shall:

- 1895 • Contain the name and contact information of the Appellant and be signed by the legal
1896 representative of the Appellant;
- 1897 • Specify the decision that is being appealed and the grounds on which the appeal is made;
- 1898 • Be accompanied by relevant documented evidence;
- 1899 • Indicate what steps were taken to resolve the issue prior to lodging the appeal;
- 1900 • Contain an agreement to cover the costs of the appeals process, if and as allocated by the
1901 Steering Committee;
- 1902 • Contain an agreement to adhere to the terms and provisions of this procedure.

1903 **Admission**

1904 The ICGLR Secretariat shall acknowledge receipt of the appeal and confirm the acceptance or
1905 rejection of an appeal, based solely on compliance with the elements described above, within ten 10
1906 business days of its receipt.

1907 The ICGLR Audit Committee shall only evaluate appeals that meet all the conditions indicated in
1908 Section 2) and 3), above. In the event that the appeal is not in compliance with the Requirements
1909 above, the ICGLR Secretariat may provide a recommendation on how to correctly address it.

1910 If the appeal is deemed inadmissible because it is not substantive or procedural, an explanation shall
1911 be provided to the Appellant in writing by the Secretariat, and this shall be recorded in the appeals
1912 register. No further action shall be taken.

1913 Upon receipt of a valid appeal, the ICGLR Secretariat performs an initial review of the appeal to
1914 determine whether the appeal could be resolved without involvement of the Audit Committee, unless
1915 the Appellant expresses explicitly the wish to involve the Audit Committee at the outset.

1916 **Withdrawal**

1917 Appeals may be withdrawn by the Appellant, at the Appellant's sole discretion at any time.

1918 **Documentation**

1919 The ICGLR Secretariat records the received appeal in an appeal register, including the following:

- 1920 • Date and who submitted the appeal
- 1921 • Type and issue or topic of the appeal and information submitted with the appeal
- 1922 • Determination of admission

1923 The Appellant has the right to object to the appointment of any of the Audit Committee that may
1924 have a conflict of interest. If any member of the audit committee has a conflict of interest, they will
1925 be excluded from the appeals process and any and all discussions.

1926 **Timeline**

1927 The Audit Committee will investigate, review and decide on the appeal or complaint within 45
1928 business days of the determination of admission. The Audit Committee shall make every effort to
1929 complete the work by this deadline. In rare cases where additional time may be required, and it is

1930 the consensus of the panel that the additional time is necessary, then it shall notify the ICGLR
1931 Executive Director and request a specific, limited time extension.

1932 **Reasonable measure**

1933 The Audit Committee shall take reasonable measures, including the convening of one or more
1934 sessions, deemed necessary for a sound judgment. Examples of such measures include:

- 1935 1. Consult experts, or
- 1936 2. Request additional information from the Appellant and/or others

1937 **Cooperation**

1938 The lack of cooperation by the Appellant may be considered as grounds for discontinuation of the
1939 process.

1940 The Audit Committee shall decide through consensus if an appeals process shall be discontinued.

1941 **Determination**

1942 The Audit Committee shall examine the evidence substantiating the appeal and report its evaluation
1943 and final decision to the ICGLR Secretariat. Appeal decisions shall be one of the following:

- 1944 1. Reject the appeal and maintain original determination.
- 1945 2. Uphold the appeal and overturn original determination.

1946 **Decision making**

1947 The Audit Committee should decide on the appeal by consensus. If the Appeals Panel is not able to
1948 reach a decision by consensus it shall take a vote, with the decision being taken by simple majority.
1949 Should any member of the Audit Committee be unable to complete the decision process, such as
1950 being unwilling to vote or unresponsive to communications for 3 days or more, they will be removed
1951 from the decision process.

1952 **Decision format**

1953 The written decision of the final determination of the Audit Committee shall be signed or
1954 confirmed electronically by all members of the Audit Committee and submitted to the Secretariat.

1955 **Appeal of decision**

1956 The appeal decision shall be documented by the ICGLR Secretariat and communicated to the
1957 Appellate, including:

- 1958 1. The appeal decision
- 1959 2. How and when the appeal decision was reached
- 1960 3. Any new recommendation

1961 **Confidentiality**

1962 The confidentiality of the complaint and complainant as well as the response shall be protected. Other
1963 than the ICGLR Secretariat, legal counsel, and Audit Committee. It does not preclude the appellant
1964 from making a disclosure to customers or other interested parties.