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
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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.” 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.”

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:

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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).
AFFILIATES\textsuperscript{3} 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.\textsuperscript{3}

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 chain\textsuperscript{5}, 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.

CONTROL\textsuperscript{5} 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)

\textsuperscript{3} As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- Affected and High-Risk Areas.
\textsuperscript{4} As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- Affected and High-Risk Areas.
\textsuperscript{5} As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- Affected and High-Risk Areas. p.65
\textsuperscript{6} As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- Affected and High-Risk Areas.
making recourse to any forms of forced or compulsory labour to mine, transport, trade or sell minerals; or (iii) acting as a director or officer of, or holding beneficial or other ownership interests in, upstream companies or mines.

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

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

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

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

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

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

EXTORT\(^7\) from mines, transportation routes, points where minerals are traded, or upstream companies means the demanding, under the threat of violence or any other penalty, and for which the person has not voluntarily offered, sums of money or minerals, often in return for granting access to exploit the mine site, access transportation routes, or to transport, purchase, or sell minerals.

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

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

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

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

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\(^7\) As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas
ICGLR CERTIFICATE means a forgery resistant document provided by a Member State with a format identified in Appendix C, which identifies a shipment of Designated Minerals as being in conformance with the Requirements of the ICGLR RCM.

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

INDUSTRIAL MINING means mineral extraction undertaken by a corporation, cooperative or other corporate entity on a formally recognized mineral claim or title, generally using advanced machinery and equipment. This can also include semi-industrial mining operations or operations where a mining company sub-contracts artisanal miners to extract minerals.

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

IMPORT means the legal physical entering/bringing into any part of the geographical territory of a Member State.

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

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

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

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

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

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

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

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

MINE SITE OPERATOR LOT NUMBER means the unique identifying number assigned by a Mine Site Operator to each lot of Designated Minerals shipped from a mine site.
MINE SITE means any location of mining recognized by a Member State, corresponding to an area and operations regulated as a single mining concession/permit, but possibly corresponding to a part of a concession/permit or to mining operations recognized under another form of regulation by the Member State. In the absence of, or non/partial application of relevant legal and regulatory frameworks a mine site is recognised as such if it has de facto legitimacy.

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

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

NON-STATE ARMED GROUPS means rebel movements or armed criminal entities, aimed at undermining or overthrowing legitimate government, or otherwise engaged in illegal activity and/or serious human rights abuse.

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

OFFICE OF THE MINERAL CHAIN OMBUDSMAN (OMCO) is a quasi-autonomous oversight and assurance mechanism of the RCM. 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.

ORE means mined mineralized rock (hard rock, alluvial, eluvial etc), without any further processing.

PROCESSOR means any person or business including but not limited to a trader or Exporter that physically or chemically treats mineral ore in order to increase or otherwise adjust the purity of that mineral ore.

PROCESSOR COUNTRY means Member States that process, refine or aggregate these minerals prior to export. The terms Producer Countries and Processor Countries are not mutually exclusive. Some Member States may be a mixture of both.

PRODUCER COUNTRY means a Member State that produces Designated Minerals.

PUBLIC OR PRIVATE SECURITY FORCES “Public or Private Security Forces” means legal armed units from the army or police or other national force, or individuals or larger units employed or otherwise engaged by a private security firm.

QUASI-AUTONOMOUS refers to an agency or entity that receives funding and / or is housed within a structure from which it operates independently. The OMCO is a quasi-autonomous function of the RCM.

RECONCILIATION – used in relation to the Regional Mineral Database (RMD) to mean the comparison of quantities of minerals at two different points in the CoC such that quantities of minerals in the upstream Lots that compose the downstream Lot can be compared, and any discrepancies noted.

REGIONAL MINERAL DATABASE (RMD) is the database maintained by the ICGLR to contain all data required to track mineral flows according to the terms of the RCM. The RMD covers mine site, CoC and export data required by the RCM. It permits query functions in line with the Purpose of the RCM. For a full list of datasets see Annex D.
SERIOUS HUMAN RIGHTS ABUSES\textsuperscript{S} means:

\begin{itemize}
  \item any forms of torture, cruel, inhuman and degrading treatment;
  \item 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;
  \item the worst forms of child labour;
  \item other gross human rights violations and abuses such as widespread sexual violence;
  \item war crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
\end{itemize}

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

STATUS (CERTIFICATION) refers to the status of a mine site under the RCM. A mine site can be Certified (Green), Provisionally Certified (Yellow), Not Certified (Red), or Not Inspected (Blue).

STATUS (LICENSING) refers to the status of a CoC System under the RCM. A CoC System can be Licensed (Green), Provisionally Licensed (Yellow), Not Licensed (Red), or Not Verified (Blue).

STATUS (VALIDATION) refers to the status of an Exporter under the RCM. An Exporter can be Valid (Green), Provisionally Valid (Yellow), Not Valid (Red), or Not Audited (Blue).

SYSTEM-CRITICAL relates to criteria that can lead to Red Status when identified as part of the Mine Site Inspection and Certification, CoC Verification and Exporter Validation components of the RCM.

SYSTEM-NON-CRITICAL relates to criteria that can lead to Yellow Status when identified as part of the Mine Site Inspection and Certification, CoC Verification and Exporter Validation components of the RCM.

REQUIREMENT means the description of a verifiable set of details and/or instructions that must take place in order to meet the Standard.

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

THIRD PARTY AUDITOR (TPA): A TPA is a person or body that is independent of the person or organization that forms the subject of the audit and is further independent of user interests in the subject of the audit, as defined in the ICGLR procedures for Accrediting TPAs (Appendix E2). Only third-party audit companies and auditors accredited by the Audit Committee may be used for RCM audits.

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

UPSTREAM means the mineral supply chain from the mine to smelters/refiners. Upstream companies “include miners (artisanal and small-scale or large-scale producers), local traders or

\textsuperscript{S} As per OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict- Affected and High-Risk Areas
Exporters from the country of mineral origin, international concentrate traders, mineral re-processors and smelters/refiners. UPSTREAM may also relate to the relationship of any point in the mineral supply chain from the final point of the supply chain i.e. retailers, moving towards the mine site.

VALIDATED ICGLR CERTIFICATE means an ICGLR Certificate that has been issued and countersigned by Member State officials in compliance with the Export Procedures delineated in 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.

<table>
<thead>
<tr>
<th>Status</th>
<th>Definition</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certified (Green)</td>
<td>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.</td>
<td>Mine site can produce and sell minerals for certified export.</td>
</tr>
<tr>
<td>Provisionally Certified (Yellow)</td>
<td>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.</td>
<td>Mine site can produce and sell minerals for certified export during the 6-month grace period.</td>
</tr>
<tr>
<td>Not Certified (Red)</td>
<td>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</td>
<td>Mine site cannot produce or sell minerals.</td>
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The M
ceral Certification Scheme of the International Conference on the Great Lakes Region (ICGLR)

Rev 1 Draft for Comment

<table>
<thead>
<tr>
<th>Mine Site Status</th>
<th>Definition</th>
<th>Outcome</th>
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<tr>
<td>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.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Not Inspected (Blue)</td>
<td>A mine site that has not requested a Follow-Up Inspection within 6 months 3) has had a Follow-Up Inspection that identified non-conformance with one or more 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.</td>
<td></td>
</tr>
</tbody>
</table>

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.
1.4.2. Member States may allow non-governmental officials to observe the Mine Site Inspection.

1.4.3. Mine Site inspection shall be conducted by a Member State Mine Site Inspector. A Mine Site Inspector shall be an employee(s) or agent(s) of the Member State’s Lead Government Agency, designated by that agency with the authority to conduct Mine Site Inspections.

1.4.4. Mine Site Inspection shall have the option of being unannounced, but not unknown (i.e. Mine Site Inspectors must notify Mine Site Operators of their presence).

1.5. Develop Standards and Procedures for inspecting and certifying mine sites in accordance with the ICGLR RCM Requirements (Section II.1, Appendix A).

1.5.1. Be prohibited from taking any measures that would make the Standards and Procedures for certifying mine sites in effect within their borders less rigorous than the Standard called for by the ICGLR RCM. Member States may not remove criteria from the list contained in Appendix A, nor may they move criteria to less rigorous rankings.

1.6. Conduct Mine Site Inspections on an annual basis on mine sites with legal mineral titles and those recognised to have de facto legitimacy.

1.6.1. Undertake a Mine Site Inspection using a methodology that ensures at a minimum the collection of data in line with the standard information Requirements as detailed in Appendix A1 – Mine Site Inspection Report Information.

1.6.2. Declare as part of the Mine Site Inspection the Status of the mine site as: Certified (Green), Not Certified (Red), or Provisionally Certified (Yellow). The Criteria by which a mine site must be evaluated are given in Appendix A2 – Inspection Criteria for Mine Sites and Designated Minerals Sourced therefrom.

1.6.2.1. Complete and submit Mine Site Inspection reports to the Lead Government Agency within a period of 2-weeks.

1.6.2.1.1. Where a mine site has been declared Not Certified (Red) inform the Lead Government Agency immediately.

1.7. Where a mine site has been declared Not Certified (Red), maintain its Status as Not Certified- (Red) for a minimum period of 6 months (measured from the date of the Mine Site Inspection report being issued). During this timeframe the mine site cannot produce or sell minerals.

1.7.1. Following this period undertake a Follow-Up Inspection in line with the relevant Procedures.

1.8. Where a mine site has been declared Provisionally Certified (Yellow), grant a grace period of 6 months (measured from the date of the Mine Site Inspection report being issued) during which time the mine site can produce and sell minerals for certified export.

1.8.1. During this grace period, the Mine Site Operator and / or Exporter may request, at their own expense, a Follow-Up Inspection by the Member State’s Mine Site Inspector. The Follow-Up Inspection shall be:

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

1.8.1.2. Undertaken in line with the relevant Procedures.

1.8.1.2.1. Where the Follow-Up Inspection identifies conformance with all mine site Criteria (Appendix 2B), the Member State shall declare the mine site Certified (Green) Status.
1.8.1.2.2. Where the Follow-Up Inspection identifies continued non-conformance with one or more of the system-non-critical and/or system-critical Criteria (Appendix 2B), the Member State shall declare the mine site Not Certified (Red) Status.

1.8.1.2.2.1. In this scenario follow the Procedure outlined in 1.4.

1.8.1.2.3. Where no Follow-Up Inspection has been requested and the 6-month grace period has elapsed, the Member States shall declare the mine site Not Certified (Red) Status.

1.8.1.2.3.1. In this scenario follow the Procedure outlined in 1.4.

1.9. Where a mine site has been declared Certified (Green), carry out periodic Mine Site Inspection in line with the Procedures detailed in 1.3. The mine site can continue to produce and sell minerals for certified export.

1.10. Where an inspection has not yet been carried out or a Certified (Green) mine site has not been inspected within the past year (12 months), the mine site shall be designated Not Inspected (Blue). The mine site may produce and sell minerals for certified export if 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 Organisation for Economic Cooperation and Development (OECD) Annex II Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict and High-Risk Areas (OECD Annex II) risks have been identified.

1.11. Conduct a Mine Site Inspection of any mine site reported as having potential non-conformance with system-critical and/or system-non-critical issues/OECD Annex II risks by relevant actors of the RCM: The Office of the Mineral Chain Ombudsman (OMCO), the Third-Party Auditor (TPA) and/or Exporter/Assurance Systems risk reporting.

1.12. Require Exporters operating in and sourcing minerals from Member States to report to the Member State if they identify any potential system-critical and system-non-critical mine sites.

1.13. Require Exporters to perform an annual on-site Risk Assessment / Spot Check for sites that have a Not Inspected (Blue) Status and share these Risk Assessment / Spot Check reports with the Member State. Risk assessment reports must consider the Criteria detailed in Appendix A2 and be made publicly available via the Member State Databases and Regional Mineral Database (RMD).

1.14. Develop a Procedure for dealing with Designated Minerals originating from Not Certified (Red) mine sites including material that may have been confiscated, such that after a specified period it qualifies for an ICGLR Certificate.

1.15. Publish Mine Site Inspection reports and mine site Status on the Member State Mineral Database within 2 weeks of completion by the Mine Site Inspector for onward transfer to the RMD.

1.16. Where a mine site has been declared Not Certified (Red) Status, inform the ICGLR Secretariat within 7 days

The Mine Site Operator shall:

1.17. Extend full cooperation to Member State Mine Site Inspectors during the conduct of Mine Site Inspections.

1.18. Have the right to be informed of the outcome of the Mine Site Inspection and obtain a copy of the associated report, prior to the entry into force of the determined mine site Status.
1.19. Where the mine site has been declared Not Certified (Red), immediately:

1.19.1. Operate in conformance with the outcome Requirements of the RCM by ceasing the production and sale of Designated Minerals.

1.19.2. Undertake to put in place measures to redress non-conformance with RCM Requirements.

1.19.3. Request a Follow-Up Inspection from the Member State not before 6 months from the entry into force of the Not Certified (Red) Status.

1.20. Where the mine site has been declared Provisionally Certified (Yellow) Status:

1.20.1. Undertake to put in place measures to redress non-conformance with RCM Requirements within 6 months.

1.20.2. Request a Follow-Up Inspection from the Member State within 6 months from the entry into force of the Provisionally Certified (Yellow) Status.

1.20.2.1. Failure to request a Follow-Up Inspection within this period will result in the mine site Status being declared Not Certified (Red).

Exporters shall:

1.21. Conduct annual on-the-ground Risk Assessments / Spot Checks at all Not Inspected (Blue) Status mine sites from which they source Designated Minerals.

1.21.1. Provide copies of all Risk Assessment / Spot Check reports to the Member State Lead Government Agency for Mine Site Inspections and Certification.

1.21.2. Risk Assessment / Spot Check may be unannounced, but the Mine Site Operator must be notified of the presence of the person conducting the Risk Assessment / Spot Check.

1.22. Immediately notify the Member State when, as part of an independent Risk Assessment / Spot Check, it identifies potential non-conformance with system-critical and system-non-critical Criteria (Appendix A2) on a mine site that is Certified (Green), Provisionally Certified (Yellow) or Not Inspected (Blue).

1.23. Not Source from any mine site with Not Certified (Red) Status, or from which it identifies potential non-conformance with system-critical Criteria as part of independent Risk 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.

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<thead>
<tr>
<th>CoC Systems Status</th>
<th>Definition</th>
<th>Outcome</th>
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<tbody>
<tr>
<td><strong>Licensed (Green)</strong></td>
<td>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).</td>
<td>CoC System is authorized to operate.</td>
</tr>
</tbody>
</table>
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:
2.13. Conform to the OECD Annex II9

2.14. Only source Designated Minerals from mine sites with a Status permitted by the RCM Requirements (Certified – Green; Provisionally Certified – Yellow; and Not Inspected - Blue).

2.15. Only buy or sell Designated Minerals with accompanying CoC Information as detailed in Appendix B.

2.16. Not purchase Designated Minerals where the incoming Lot(s) do not match the accompanying CoC Information.

2.17. Not separate Lots during transport.

2.18. Be responsible for putting in place tracking and accounting procedures that capture:

2.18.1. For all Designated Minerals originating from Industrial Mine Sites, the Information Requirements detailed in Appendix B - CoC Information Requirements for Designated Minerals Sourced from Industrial Mine Sites.

2.18.2. For all Designated Minerals originating from ASM Sites the information Requirements detailed in Appendix B2 - CoC Information Requirements for Designated Minerals Sourced from ASM Sites.

2.19. Upon request by a TPA, the OMCO, or a Member State Mine Inspection Agency or their designated agents, allow AFP sampling (or similar diagnostic technique) of Designated Minerals at all stages of the supply chain.

2.20. Provide, upon request by the TPA or the OMCO, information and documentary evidence regarding CoC, risk management systems and beneficial ownership.

2.21. Maintain CoC documentation for all Designated Mineral purchases and sales in line with RCM Requirements for a period of 5 years.

In addition, each Exporter Shall:

2.22. Put in place management systems that meet the minimum Requirements as set out in the RCM manual, including:

2.22.1. A Licensed CoC System that documents the sequence of custody of Designated Minerals as they move through the supply chain from mine site through to export and / or smelter / refinery (upstream supply chain).

2.22.2. In the case that it sources from Not Inspected (Blue) Status mine sites, put in place Risk Assessment / Spot Check and reporting procedures for the evaluation of those mines sites against RCM mine site Criteria (Appendix A2).

2.23. Publish details regarding the CoC System it uses.

2.24. Assure that the CoC System that it uses transmits their data (except for pricing data) in the format required to the Member State on a monthly basis, or as required by Member State regulation (whichever is more frequent).

Each Chain of Custody System Shall:

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9 OECD Annex II Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict and High-Risk Areas
2.25. Provide a CoC tracking solution that meets at a minimum the CoC Requirements of the RCM.

2.26. Apply for and obtain a License from the Member State CoC Programme prior to becoming operational.

2.27. Pay all licensing fees as required by the Member State CoC Programme.

2.28. Be responsible for requesting and paying for a CoC System Verification by the OMCO.

2.29. Where the ICGLR Regional Committee determines that a CoC System is not in conformance with the RCM Requirements (Yellow or Red Status), take immediate measures to bring the CoC System into conformance.

2.30. Transmit their data (except for pricing data) in the format required to the Member State on a monthly basis, or as required by Member State regulation (whichever is more frequent).

2.31. Allow, upon request by a TPA, the OMCO, or a Member State Mine Inspection Agency or their designated agents:

   2.31.1. Access to CoC data and records associated with the System.

   2.31.2. Evaluation of the CoC System at all stages of the supply chain.

2.32. Maintain CoC documentation for all Designated Mineral purchases and sales in line with RCM Requirements for a period of 5 years.

2.33. Recognize the work of other Licensed CoC Systems and immediately inform the Member State and OMCO of any dispute.

2.34. Provide annually a financial report to the OMCO.

   2.34.1. One report for each Member State they operate in.

   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

<table>
<thead>
<tr>
<th>Status</th>
<th>Definition</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid (Green)</td>
<td>An Exporter that has had an ICGLR TPA and no non-conformances were identified.</td>
<td>The Exporter may export Designated Minerals with valid ICGLR Certificates.</td>
</tr>
<tr>
<td>Provisionally Valid (Yellow)</td>
<td>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.</td>
<td>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)</td>
</tr>
<tr>
<td>Not Valid- (Red)</td>
<td>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.</td>
<td>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</td>
</tr>
<tr>
<td>Not Audited (Blue)</td>
<td>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).</td>
<td>The Exporter may purchase and/or produce Designated Minerals for certified export.</td>
</tr>
</tbody>
</table>

### Responsibilities of Regional Certification Mechanism Actors

**The ICGLR Secretariat shall:**

1. Ensure that standard contracts are in place with the Accredited Audit Firms and Exporters.
2. Support administratively the Audit Committee and ICGLR TPA process.
3. Support and protect TPAs working in the field within the Member States.
4. Validate the proposed Exporter Status based on the recommendation of the ICGLR TPA report and as communicated by the ICGLR Audit Committee.

**The Office of the Mineral Chain Ombudsman shall:**
The ICGLR Audit Committee 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.

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:
5.19.1.1. Review relevant publications, particularly publications that address the conflict situation in the region under Audit. Relevant publications include but are not limited to local and international media, recent UN reports, recent NGO reports, academic publications and corporate publications (notably corporate risk review documents required by the OECD).

5.19.1.2. The findings of the literature review shall form part of the Audit Report.

ICGLR TPAs must undertake not to use information for commercial gain.

5.19.2. Evaluate Exporters Risk Assessments / Spot Checks:

5.19.2.1. Evaluation shall pay particular attention to the suggested questions in Part C of the Guiding note for upstream company risk contained in the Supplement on Tin, Tantalum and Tungsten that forms part of the OECD Due Diligence Guidance.

5.19.2.2. Include the findings of the Risk Assessment / Spot Check in the audit report.

5.19.2.3. Conduct in-country interviews with key stakeholders:

5.19.2.4. Stakeholders shall include, inter alia, the relevant management and staff of the Exporter, relevant local government officials (i.e. in Mines, Customs, Police or other branches), civil society, knowledgeable local NGOs, UN Experts or Political Officers, mineral traders and their employees, mineral producers.

5.19.2.5. Interviews shall evaluate the Exporter’s compliance with the Requirements of the RCM, and in particular with obtaining information regarding the presence of conflict-affected minerals in the mineral chain, or the contribution of exported minerals to the funding of conflict in the region.

5.19.3. Conduct a records review of financial, CoC and other programs to verify that the various actors are fulfilling the system Requirements regarding CoC and conflict financing:

5.19.4. The reviews shall take place in the Actors’ normal place of business.

5.19.5. In examining the records of Exporters, traders, miners or other actors in the mineral chain, TPAs shall inspect a percentage of the records to justify general conclusions about the totality of the record set. If this percentage is less than 100%, the TPA shall justify the chosen sample size (the percentage of records examined) in writing, demonstrating that the chosen sample size gives accurate results concerning the remaining, unexamined records. The ICGLR Audit Committee may provide guidance on how to select an acceptable sample size to be utilized by all TPAs.

5.19.6. Inspect a number of suppliers and mine sites:

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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 worksheets, 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.
5.19.6.1. Sample size must permit reasonable conclusions about the effectiveness of the Exporters management system as it pertains to the totality of their suppliers and mine sites. Where the percentage of suppliers and mine sites selected for inspection is less than 100%, the auditor shall justify the chosen sample size (the percentage of suppliers and mine sites examined) in writing, demonstrating that the chosen sample size gives reasonable assurance concerning the remaining, unexamined suppliers and mine sites. The ICGLR Audit Committee may, provide guidance on how to select an acceptable sample size to be utilized by all TPAs.

5.19.7. Examine the operations of the Exporters’ traders/suppliers and miners in their normal place of business.

5.19.7.1. TPAs may work with Member States to receive all the necessary approvals and assistance to visit mine sites and entities associated with the Exporter’s supply chain.

5.19.8. Examine transportation routes:

5.19.8.1. Consider, in particular, illegal taxation by armed groups on transportation routes and Designated Minerals being transported from mine site to Exporter. The examination of transportation routes should include, inter alia:

5.19.8.1.1. Physical inspection of the routes, with a regard for barriers where illegal tariffs are exacted.

5.19.8.1.2. Interviews with porters and traders involved in the transport of material.

5.19.8.1.3. Interviews with managers and pilots of airplanes involved in the transportation of minerals.

5.19.8.1.4. Examination of the financial and other records of airlines involved in the transport of minerals.

5.19.8.1.5. Interviews with managers and drivers of trucks or trucking firms involved in the transport of minerals.

5.19.8.1.6. Examination of the financial and other records of trucking firms involved in the transport of minerals.

5.19.8.2. When verifying transportation routes, TPAs may wish to use GPS devices, hand held spectrometers, or other technologies.

5.19.8.3. Details of the transport route examination, including investigations undertaken and results shall form part of the ICGLR TPA.

5.19.9. Examine the capacity of operation and records of the Exporter and its upstream suppliers:

5.19.9.1. In each case analyse whether the production or volume of minerals produced, traded or exported is consistent with the supporting documentation, with the physical capacity of the mine site (taking seasonal variations into account), trader, supplier, or Exporter, and with the information obtained from site inspections and interviews.

5.19.9.2. The capacity review analysis shall form part of the ICGLR TPA.

5.20. Submit Draft and Final ICGLR TPAs consistent with the Procedures, methodology and 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.
5.25. Where an ICGLR TPA has not been carried out within the first 12 months of the effective date of the Revised RCM Manual (2018) and the Exporter is therefore Not Audited (Blue) Status continue to issue ICGLR Certificates in accordance with the RCM Requirements during this time.

5.25.1. If the Exporter has not had an ICGLR TPA by the end of this time period, the Exporter shall automatically receive Not Valid (Red Status). The Member State will therefore follow procedures detailed in 5.22.

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

5.27. Facilitate the access of TPAs to all audit locations, including mine sites, trading centres, and Exporter sites.

5.27.1. This includes timely provision of visas, ordres de mission, sauf-conduit, and other assistance as requested by the TPA.

Exporters shall:

5.28. Be solely responsible for conformance of its risk management systems and operations with the RCM Requirements.

5.29. Initiate the ICGLR TPA process by requesting bids from one or more Accredited Audit Firms and informing the ICGLR Secretariat that they have initiated the Audit process.

5.29.1. The Exporter is solely responsible to:

5.29.1.1. Assure it initiates the process prior to its Status expiring.

5.29.1.2. Pay for ICGLR TPAs.

5.30. Have a signed contract in place with ICGLR Secretariat prior to the conduct of an ICGLR TPA on its operations.

5.31. Extend full cooperation to the TPA during the conduct of the ICGLR TPA.

5.31.1. Provide information from the CoC System as may be requested and required by the TPA. This includes data that may be maintained by a third-party assurance system.

5.31.2. Provide other information as requested by the TPA or OMCO that may be managed by a third-party assurance system.

5.31.2.1. Failure to provide the requested information will lead the Exporter to be identified as Not Valid (Red Status)

5.31.3. Provide, upon request by the TPA or OMCO, information and documentary evidence regarding CoC, risk management systems and beneficial ownership.

5.32. Have the right to review and comment on the Draft ICGLR TPA and obtain a copy of the associated Report, prior to the entry into force of the determined Status.

5.33. Where the Exporter has been declared Not Valid (Red), immediately:

5.33.1. Operate in conformance with the outcome Requirements of the RCM by ceasing the production, purchase and export of Designated Minerals.

5.33.2. Undertake to put in place measures to resolve the non-conformance with RCM Requirements.
<table>
<thead>
<tr>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1057</td>
<td>5.33.3. Request a Follow-Up ICGLR TPA from an accredited TPA not before 6 months from the entry into force of the Not Valid (Red) Status.</td>
</tr>
<tr>
<td>1058</td>
<td></td>
</tr>
<tr>
<td>1059</td>
<td>5.34. Where an Exporter has been declared Provisionally Valid (Yellow) Status:</td>
</tr>
<tr>
<td>1060</td>
<td>5.34.1. Undertake to put in place measures to resolve the non-conformance with RCM Requirements within 6 months.</td>
</tr>
<tr>
<td>1061</td>
<td></td>
</tr>
<tr>
<td>1062</td>
<td>5.34.2. Request a Follow-Up ICGLR TPA from an accredited TPA within 6 months from the entry into force of the Provisionally Valid (Yellow) Status.</td>
</tr>
<tr>
<td>1063</td>
<td></td>
</tr>
<tr>
<td>1064</td>
<td>5.34.3. Failure to request a Follow-Up ICGLR TPA within this period will result in the Exporter Status automatically becoming Not Valid (Red).</td>
</tr>
<tr>
<td>1065</td>
<td></td>
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<td>1066</td>
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</tr>
</tbody>
</table>
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 at 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.
The Chief Executive Officer of the Office of the Mineral Chain Ombudsman shall:


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

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

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

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

The Office of the Mineral Chain Ombudsman shall:

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

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

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

6.15. Operate with integrity, impartiality and independence.

6.16. Participate in the meetings of the Audit Committee:

6.16.1. Participate as an expert but without voting rights.

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.
The ICGLR Regional Committee shall:

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

11. Establish the ICGLR Audit Committee.

12. Invite government representatives to serve on the Audit Committee, indicating candidates either from the Regional Committee itself or from other competent government representative as the Regional Committee may choose.

13. Invite regional civil society stakeholders to serve on the Audit Committee, accepting the candidate(s) forwarded by the National Coordinators of eligible Member States, and elected by civil society in each eligible Member State.

14. Invite international civil society stakeholders to serve on the Audit Committee, accepting the candidate democratically selected from within international civil society.

15. Invite regional industry stakeholders to serve on the Audit Committee, accepting the candidate(s) forwarded by the National Coordinators of eligible Member States, and elected by regional industry in each eligible Member State.

16. Invite international industry stakeholders to serve on the Audit Committee, accepting the candidate democratically selected from within international civil society.

17. Have the authority to change the number of representatives serving on the Audit Committee, respecting always the principle of tripartite representation, with significant representation from government, industry, and civil society.

18. Add or remove minerals from the List of Designated Minerals.

19. Be empowered to request and require such information on regional trade data from the ICGLR Regional Mineral Database (RMD) as they may require for their deliberations.

20. Recommend to the Executive Secretary staff and/or the third-party organisation based on an independent selection process to serve as the Office of the Mineral Chain Ombudsman (OMCO).

21. Receive and review copies of the reports of the OMCO and take appropriate actions in a timely manner.

22. Facilitate the discussion of Member States to harmonize tax and fee structures to help reduce the incentives for smuggling. Work with Member States to reduce inconsistencies within the various regional Member State frameworks.

23. Develop a template RCM Annual Financial Report for Member States to use in the preparation of their annual report.

The ICGLR Secretariat shall:

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

25. Develop a business model for the operation of the ICGLR Regional Certification Scheme, taking into account fees from operators, accreditation fees and costs, certification fees and costs, and other expenses and sources of revenue.

26. Identify inconsistencies across Member State legal and regulatory frameworks.

27. Publish and make publicly available all annual reports, audit reports, list of accredited Third-Party Auditors (TPAs), appropriate regional database information, reports of the OMCO, and all other relevant publications, bearing in mind the ICGLR policy which eliminates pricing information from ICGLR reports.
28. Prepare an annual report on the cost, implementation and performance of the ICGLR RCM.

29. Organise and implement as appropriate adequate training measures for
   29.1. Designated Government Authorities charged with implementing the provisions the ICGLR certification system, in particular
   29.2. Authorities in charge of the use and handling of ICGLR Certificates and the Mine Site Standards.
   29.3. Authorities in charge of inspecting and evaluating mine sites according to the applicable ICGLR Mine Site Standards.
   29.4. Artisanal and Small-Scale Miners (ASMs), who shall receive adequate training on the ICGLR Requirements and assistance in their implementation.

30. Other stakeholders as necessary or desirable.

31. Published the election reports described above on the ICGLR website.

The Audit Committee shall

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

33. Have representation from Member States, local and international industry and local and international civil society. All members of the Audit Committee have equal voting rights, be they from government, regional industry, international industry, regional civil society or international civil society.

34. Be composed of members that are democratically elected from within their peer groups.
   34.1. Audit Committee members shall serve for a period of 3 years.
   34.2. The Audit Committee may stagger the terms of the members to allow for ongoing continuity.
   34.3. Members can serve 3 terms

35. The government, regional civil society and regional industry representatives on the Audit Committee shall be drawn from Eligible Member States. To qualify as Eligible, a Member State must have in place or be close to having in place systems capable of certifying mine sites; systems for registering Chain of Custody (CoC) Systems for Designated Minerals; and have in place systems for certifying mineral exports and issuing ICGLR Certificates.

36. At full capacity, have representation from the various stakeholders in the quantities as follows:
   36.1.5 representatives of Member States
   36.2.3 representatives of regional industry
   36.3.3 representatives of regional civil society
   36.4.1 representative of international industry
   36.5.1 representative of international civil society

37. Ideally, the composition of the government, member state industry, and member state civil society members on the Audit Committee shall be arranged so that there is representation from every member state in the ICGLR. (i.e. if the Regional Committee first chooses the 5 government members, the remaining seats for industry and civil society will then assigned to other Member States, who will democratically elect representatives from within the peer groups of their respective
Member States). Gender equity should also be considered for the composition of the Audit Committee.

**Member States Shall**

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

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

<table>
<thead>
<tr>
<th>Conflict</th>
<th>Human Rights</th>
<th>Formality/Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
<td>1. Payments are made by the mine site owner or operator to illegal or criminal organizations.</td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>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).</td>
<td>No other red status criteria.</td>
<td>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.</td>
</tr>
<tr>
<td>No other red status criteria.</td>
<td></td>
<td>No other red status criteria.</td>
</tr>
</tbody>
</table>
Table 1b: Yellow (Provisionally Certified) criteria for Artisanal and Small-scale Mines and Designated Minerals sourced therefrom

<table>
<thead>
<tr>
<th>YELLOW STATUS CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conflict</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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</td>
</tr>
</tbody>
</table>
### YELLOW STATUS CRITERIA

<table>
<thead>
<tr>
<th>Conflict</th>
<th>Human Rights</th>
<th>Formality/Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>mineral extraction, trade, handling, transport and export</td>
</tr>
<tr>
<td>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).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 2a: Red (Not Certified) Criteria for Industrial Mines and Designated Minerals sourced therefrom

<table>
<thead>
<tr>
<th>RED STATUS CRITERIA</th>
<th>Conflict</th>
<th>Human Rights</th>
<th>Formality/Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conflict</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
<td>1. Payments are made by the Mine Site Owner or Operator to illegal or criminal organizations.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>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.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>3. Mine Site Operator is in serious non-conformity with the Member State laws regarding working conditions.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>4. The mine site is not registered with Member State mining authorities and is not in conformity with all Member State laws and regulations regarding mineral title.</td>
<td>5. The mine site is not registered with Member State mining authorities and is not in conformity with all Member State laws and regulations regarding mineral title.</td>
<td></td>
</tr>
</tbody>
</table>
Table 2b: Yellow (Provisionally Certified) Criteria for Industrial Mines and Designated Minerals sourced therefrom

<table>
<thead>
<tr>
<th>Conflict</th>
<th>Human Rights</th>
<th>Formality/Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>No Yellow Status Criteria.</td>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>
## YELLOW STATUS CRITERIA

<table>
<thead>
<tr>
<th>Conflict</th>
<th>Human Rights</th>
<th>Formality/Transparency</th>
</tr>
</thead>
<tbody>
<tr>
<td>No other Yellow Status Criteria.</td>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>
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
4.2.6. The comptoir purchase order number of every incoming Lot of
4.2.7. Approved mineral ore that was used to produce the outgoing Lot
4.2.8. The weight of mineral ore from each incoming Lot (identified via purchase order number)
        used to produce the outgoing Lot
4.2.9. The date when the outgoing Lot is sealed
4.2.10. The date when the outgoing Lot is shipped
4.2.11. The route and transport company responsible for transporting the shipment
4.2.12. Name of the staff responsible person(s) who verified the documentation associated
        with the Lot.
4.2.13. An ICGLR Certificate number, if for export
Appendix B2. Chain of Custody Information Requirements for
Designated Minerals sourced from Artisanal and Small-scale Mine Sites

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

1.1. A unique mine site lot number for the Lot

1.2. The identification of the artisanal and small-scale mine (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.
2.1.7. The method by which the Lot was transported from mine site to the trading centre, town, or city where the trader took physical possession of the Lot.

2.1.8. Transportation routes.

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

2.1.10. The identification of all other upstream CoC actors.

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

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

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

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

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

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

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

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

2.3. Information Requirements: Sales

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

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

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

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

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

2.3.6. The number of sacks in the outgoing Lot.

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

2.3.8. The date when the outgoing Lot is sealed.

2.3.9. The date when the outgoing Lot is shipped.

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

2.4. Additional Information Requirements for Traders who Process and Sell Designated Minerals
2.4.1. All information Requirements in 2.1-2.3 (see above).

2.4.2. The nature of the discarded material (i.e. rock from cassiterite ore).

2.4.3. The weight of the discarded material.

2.4.4. The number of sacks remaining in the Lot at the completion of processing.

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

2.5. Mine site Lots kept intact

2.5.1. The mine site Lot number

2.5.2. The identification of the ASM site where the mine site Lot was sourced,

2.5.3. The weight of the mine site Lot

2.5.4. The number of sacks in the mine site Lot

2.6. Mine site Lots separated into components

2.6.1. All information Requirements in 2.5 (see incoming mine site lots above).

2.6.2. The total Lot weight and the number of sacks in the original mine site Lot.

2.6.3. The total Lot weight and the number of sacks remaining in the original mine site Lot after processing.

2.6.4. The total weight of the new component Lot and the number of sacks in the new component Lot.

2.6.5. The total number of component Lots into which the mine site Lot has been divided.

2.6.6. The mine site Lot number.

2.6.7. The identification of the ASM site where the mine site Lot was sourced.

2.6.8. A notation that this is a component Lot.

2.6.9. The weight of the component Lot and the number of sacks in the component Lot.

2.6.10. The number of component Lots into which the mine site Lot has been divided.

3. The Mineral Processor, Comptoir or Smelter:

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

3.1.1. A unique comptoir purchase order number for the purchase

3.1.2. The unique mine site Lot number assigned to the Lot at the mine site

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

3.1.4. The identification of the ASM Operator or miner who produced the material, including name, national ID number or artisanal mining license number, address, as well as other relevant information
3.1.5. A description of the material, including the ore type (i.e. cassiterite) and weight (i.e. 1000kg) and where available the grade (i.e. 45%).

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

3.1.7. Where the Lot consists of more than one sack, the number of sacks in the Lot.

3.1.8. The method by which the Lot was transported from mine site to comptoir.

3.1.9. Transportation routes.

3.1.10. Locations where minerals are consolidated, traded, processed or upgraded.

3.1.11. The identification of all other upstream intermediaries, consolidators or other actors in the upstream supply chain.

3.1.12. The date that the comptoir took physical possession of the mine site Lot.

3.1.13. The purity of the mineral ore in the Lot as a whole.

3.2. Incoming Minerals: Purchase from an Artisanal Trader:

3.2.1. A unique comptoir purchase order number for the purchase.

3.2.2. The unique trading center Lot number assigned to the Lot at the trading centre or trader’s place of business.

3.2.3. The identification of the trader, including name, address and site location, government identification number, as well as other relevant information.

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

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

3.2.6. Where the incoming Lot consists of more than one sack, the number of sacks in the Lot.

3.2.7. Information regarding each of the mine site Lots or component Lots that make up the incoming Lot, including:

3.2.7.1. The mine site Lot number.

3.2.7.2. The identification of the ASM site where the mine site Lot or component Lot was sourced, as it exists in the RMD.

3.2.7.3. The weight of the mine site Lot or component Lot.

3.2.7.4. The purity of the mineral ore. Where the purity has not previously been established by the Artisanal Trader, the comptoir, processor or smelter shall determine and record the purity for each mine site Lot or component Lot.

3.2.8. The trading centre, town, or city where the Lot originated.

3.2.9. The date when the Lot was sealed.
3.2.10. The date when the Lot was shipped.

3.2.11. The method by which the Lot was transported from the trader to the comptoir, processor or smelter.

3.2.12. Transportation routes.

3.2.13. Locations where minerals are consolidated, traded, processed or upgraded.

3.2.14. The identification of all other upstream CoC actors.

3.2.15. Name of the responsible staff person working for the comptoir, processor or smelter who verified the documentation associated with the Lot.

3.3. Information Requirements: Sales

3.3.1. A unique Mineral Processor, Centre de Traitement, Comptoir, or Smelter Lot number or purchase order number for the outgoing Lot.

3.3.2. The identification of the comptoir, processor or smelter, including name, address and site location.

3.3.3. The identification of the customer or recipient, including name, address and site location.

3.3.4. A description of the material, including the ore type (i.e. cassiterite), its weight (i.e. 1000kg), and grade (i.e. 45%).

3.3.5. Values and details of all taxes, fees or royalties paid to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot, along with any other payments made to government for the purpose of extraction, trade, transport, or processing of the outgoing Lot.

3.3.6. The comptoir purchase order number of every incoming Lot.

3.3.7. Approved mineral ore that was used to produce the outgoing Lot.

3.3.8. The weight of mineral ore from each incoming Lot (identified via purchase order number) used to produce the outgoing Lot.

3.3.9. The date when the outgoing Lot is sealed.

3.3.10. The date when the outgoing Lot is shipped.

3.3.11. The route and transport company responsible for transporting the shipment.

3.3.12. Name of the staff responsible person(s) who verified the documentation associated with the Lot.

3.3.13. An ICGLR Certificate number, if for export

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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.
9. The country of origin of the material (either name of country, or “mixed” in the case of Lots containing material from two or more countries mixed together).

10. The declared Customs value in USD of the lot.

11. The date the Lot is shipped.

12. The shipment route and the transport company responsible for transporting the shipment, if known.

13. The Member State Issuing authority and the name, position and identification number (where available) of the Member State representative responsible for verifying the documentation associated the export with the export and recommending the issuance of an ICGLR Certificate.

14. The date the Lot is verified by the Member State representative.

15. The name and signature of the Member State representative empowered to countersign the ICGLR Certificate to render it valid.

16. The date that the ICGLR Certificate is countersigned (ICGLR Certificate is valid from this date).

17. The date that the ICGLR Certificate expires and its validity period (the Certificate shall be no more than 90 days later than the date of issuance).

18. Contain the relevant International Harmonized Commodity Description and Coding System. Each ICGLR Certificate shall be printed in both English and French. Additional languages may be added at the discretion of the Member State.
Appendix D: Data Requirements for Regional Mineral Database and Member State Database\textsuperscript{12}

1. All Mine Site data required by the Regional Mineral Database (RCM) as part of the Mine Site Inspection and Certification process (see Appendix xx, 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.

\textsuperscript{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. 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.
1.5.1.4. Travelling along mineral transportation routes to remote trading centres and remote mining sites, visually reviewing these areas and conducting interviews and document.

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

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

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

1.6. Analysis and Reporting

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

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

1.6.3. Capacity to report findings in a timely fashion.

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

C. Application Requirements for Prospective Independent Third-Party Auditors

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

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

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

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

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

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

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

Committee

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

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

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

D. Accountability of Independent Third-Party Auditors
4. An Independent TPA shall be accountable to the ICGLR Audit Committee for professional misconduct or gross negligence in the conduct of its auditing or the preparation or content of its audit reports.

5. If a complaint concerning the professional misconduct or negligence of an Independent TPA is submitted to the ICGLR Audit Committee, the ICGLR Audit Committee, shall assess the reliability and severity of the complaint and inform the auditor of the contents of such complaint. In the event that the ICGLR Audit Committee determines that an Independent TPA has committed such alleged misconduct or negligence, the ICGLR Audit Committee shall decide upon the appropriate sanction. The ICGLR Audit Committee shall have the authority to restrict, suspend, and/or remove all or part of the accreditation of such Independent TPA.

6. Independent TPAs shall be accredited for a 3-year period. This accreditation can be renewed for successive three-year periods thereafter.

7. In applying for re-accreditation with the ICGLR, the Independent TPA shall:
   7.1. disclose to the ICGLR Audit Committee any material change to its original application that may affect its independence or qualifications under the criteria set forth above;
   7.2. pass an evaluation at the ICGLR Secretariat and at field level as deemed appropriate by the ICGLR Audit Committee.
Appendix F: Operating Guidelines for the ICGLR Audit Committee

Operational procedures of the Audit Committee

1. The Audit Committee shall meet no less than twice per year.

2. The Audit Committee shall democratically elect its chair, vice-chair and rapporteur from representatives from within the region. (i.e. international representatives cannot be chair, vice-chair, rapporteur).

3. The Audit Committee shall be permitted to admit observers and or external advisors to committee meetings.

4. The Audit Committee shall make their findings and decisions public.

5. The Audit Committee shall strive for consensus in all decision making.

6. Where unanimity is impossible, the Audit Committee shall take decisions on the basis of an expanded majority that requires both a numerical majority of votes, as well as a positive vote from each of the three stakeholder types (government, industry, civil society).

7. The Audit Committee shall be permitted to adjust their voting model in the review process.

8. The Audit Committee shall in developing and reviewing the relevant ICGLR Standards:

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
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**
2. Candidates for the International civil society and industry positions on the audit committee may come from a variety of backgrounds, and should:

2.1. Have a good reputation;

2.2. Have a strong understanding of, and/or demonstrated commitment to, good governance;

2.3. Have an appreciation for accountability frameworks;

2.4. Have experience in conflict resolution and/or experience operating in multi-stakeholder decision-making bodies or forums; and

2.5. Have good communication skills.

2.6. Be able to work in English or in French. The ability to speak both is desirable but not required.

2.7. Be very knowledgeable of supply chains;

2.8. Be extremely knowledgeable of ‘conflict minerals’ or the mining sector in the context of the Great Lakes Region; and/or

2.9. Have a good understanding of human rights law and/or

2.10. Have experience reading and interpreting audit reports and/or other forms of investigative reporting;
Appendix G: Appeals Procedure

Introduction

The Appeals procedure provides a procedure for receiving, evaluating and deciding on appeals of decisions taken by the various ICGLR organizations performing audits and investigations. This section details the procedure to be followed by the ICGLR and the Appellant in the event of an appeal lodged against the ICGLR TPA 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
An appeal shall be received within 10 business days after notification of the ICGLR TPA Report or Ombudsman decision. Appeals shall be made to the attention of the ICGLR Secretariat

The appeal shall:

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

Admission

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

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

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

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

Withdrawal

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

Documentation

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

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

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

Timeline

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

**Reasonable measure**

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

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

**Cooperation**

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

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

**Determination**

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

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

**Decision making**

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

**Decision format**

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

**Appeal of decision**

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

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

**Confidentiality**

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