



---

# OVERVIEW OF THE ICGLR REGIONAL INITIATIVE ON THE FIGHT AGAINST THE ILLEGAL EXPLOITATION OF NATURAL RESOURCES

## Contents

I. Background.....	2
II. The RINR Steering Structure .....	3
III. About the Six Tools of the RINR.....	3
III. 1. TOOL I: REGIONAL CERTIFICATION MECHANISM.....	3
III. 1. 1.Mine Site Inspection and Certification .....	4
III. 1. 2.Mineral Chain of Custody (CoC) Tracking.....	6
III. 1. 3.Export and Certification Procedures.....	7
III. 1. 4.Regional Mineral Tracking via an ICGLR Database .....	7
III. 1. 5.Third Party Audits .....	8
III. 2. TOOL II: HARMONISATION OF NATIONAL LEGISLATIONS.....	11
III. 3. TOOL III: REGIONAL DATABASE ON MINERAL FLOWS .....	11
III. 4. TOOL IV: FORMALISATION OF ARTISANAL MINING SECTOR .....	12
III. 5. TOOL V: EITI PEER LEARNING MECHANISM.....	17
III. 6. TOOL VI: WHISTLE-BLOWING MECHANISM .....	18

## **I. Background**

The Great Lakes Region is a frequently cited example of the paradox of plenty. On the one hand, it disposes of substantial amount of natural resources which are in great demand on the global market. On the other hand, the region's recent history has been marked by the disastrous effects of armed conflicts. So far, the abundance of natural resources has not yet been transformed into inclusive socio-economic wellbeing.

The key problem of this predicament is the missing linkage between the supply chain of natural resources and the formal economy of the ICGLR Member States. The exploitation and trade within the region are all too frequently conducted illegally. Consequently, the wealth deriving from natural resources is very unequally distributed and often finances rebel activities which further destabilise the region.

In response to the persistent problem of socio-economic inequality and the trade of conflict minerals, the ICGLR has developed a comprehensive approach to put an end to the exploitative use of natural resources. The Regional Initiative against the Illegal Exploitation of Natural Resources (RINR), - referred to as the Initiative, - particularly aims at breaking the link between mineral revenues and rebel financing.

As part of the Pact on Security, Stability and Development in the Great Lakes Region, which was signed by the twelve Heads of State in Nairobi on the 15<sup>th</sup> of December 2006, the Protocol on the Fight against the Illegal Exploitation of Natural Resources outlines the actions that Member States have agreed to take. This Protocol provides the legal basis for the implementation of the Initiative which conversely aims at translating the Protocol into concrete actions.

Four years after the signing of the Pact of Nairobi, the ICGLR Heads of State and Government further committed themselves to this pressing issue by holding a Special Summit in Lusaka, Zambia. At this occasion, they decided upon the use of six specific tools which the Initiative shall put into practice. Furthermore, this Special Summit served as a forum to expand partnerships with other relevant programs in the domain of natural resource exploitation such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas.

In general, the Initiative promotes dialogue between the ICGLR Member States on issues related to the illegal exploitation of natural resources and provides them with tools aimed at breaking the link between armed conflicts and revenues from natural resources. The principal approach is the setup of a regional certification system for tin, tantalum, tungsten and gold, commonly known as 3TGs. The supply chains of these minerals which have proven to be related to armed conflicts will be audited and certified within the framework of the ICGLR Regional Certification Mechanism which is the core tool of the Initiative.

## II. The RINR Steering Structure

The ICGLR Regional Committee on the Fight against Illegal Exploitation of Natural Resources, provided for in the Protocol and the Regional Initiative on the Fight against Illegal Exploitation of Natural Resources, is the primary organ responsible for the implementation of the Protocol and the Regional Initiative on the Fight against Illegal Exploitation of Natural Resources. Article 25 of the Protocol outlines the mission of the committee which is summarized as ensuring and steering effective implementation of the Protocol and the Regional Initiative in Member States.

The ICGLR Regional Committee on the fight against illegal exploitation of natural resources, is composed of one representative of each Member State, selected from a pool of men and women reputed for their high moral standing, impartiality and competence with respect to curbing the illegal exploitation of natural resources. The Regional Committee reports and submits its recommendations to the Regional Inter-Ministerial Committee (RIMC) of the ICGLR Ministers of Foreign Affairs which reports to the Heads of State Summit of the Conference.

Throughout this process, the ICGLR Secretariat assumes the advisory and technical role to Member States through the Regional Committee on the fight against illegal exploitation of natural resources and the Regional Inter-Ministerial Committee. The establishment and operationalization of ICGLR supervision and monitoring structures such as Third-Party Audits (TPAs), Regional Database on Mineral Flows, Analytical Fingerprinting (AFP) and Whistle-blowing Mechanism (WBM) is another way of monitoring the efficiency of the Initiative in contributing to the restoration of peace by curbing the link between the funding of recurring armed rebel activities and mineral exploitation in the region.

## III. About the Six Tools of the RINR

*The Initiative* operates six specific tools in its effort to curb the illegal exploitation of natural resources in the Great Lakes Region. This approach was designed by the ICGLR Conference Secretariat and thereafter officially approved by the twelve Heads of State and Government of the ICGLR Member States. The considerable successes that *the Initiative* has achieved since then are evidence of the utter utility of these tools which are hereafter described in detail.

### III. 1. TOOL I: REGIONAL CERTIFICATION MECHANISM

The Regional Certification Mechanism (RCM) focuses on four minerals, namely tin, tantalum, tungsten and gold (3TGs) referred to as “**Conflict Minerals**” under

the Dodd-Frank Consumer Protection Act (1502), and as “**Designated Minerals**” under the ICGLR mineral certification scheme.

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

The RCM comprises of the following main elements: (1) Mine Site Inspection and Certification; (2) Mineral Chain of Custody (CoC) Tracking; (3) Mineral Export and Certification; (4) Mineral Tracking Database; and the (5) Third Party Audits (TPA).

### **III. 1. 1. Mine Site Inspection and Certification**

ICGLR Mine Site Inspection and Validation is a process by which mine sites that produce or sell Designated Minerals are assessed against criteria that relate to the Purpose of the Regional Certification Mechanism (RCM). The objective is to ensure that the exploitation, processing, aggregation and/or sale of Designated Minerals from a mine site does not directly or indirectly provide support to non-state armed groups and / or public or private security forces engaged in illegal activity and/or serious human rights abuses<sup>1</sup>.

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

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

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 below.

---

<sup>1</sup> Additional Analytical Mineral Determination techniques, including AFP, may be applied by RCM Actors to assist with the determination of the origin of Designated Minerals.

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.

- **Not Inspected (Blue)** - A mine site that has not yet been inspected according to the ICGLR RCM Requirements and / or a Valid (Green) mine site that has not been re-inspected within the last year.

A mine site can retain Blue Status for a maximum of 3-years; if not inspected in 3-years it would become Red Status.

A previously Not Valid (Red) mine site or Provisionally Valid (Yellow) mine site cannot become Not Inspected (Blue) unless it has subsequently received a Valid (Green) Status.

- **Valid (Green)**– A mine site that has been inspected according to the ICGLR RCM Requirements and meets all Criteria.

A mine site can retain Green Status for a maximum of 1-year.

A Green Mine Site must be re- inspected annually.

- **Provisionally Valid (Yellow)**– A mine site that has been inspected according to the ICGLR RCM Requirements and is non-conformant with one or more of the Provisionally Valid (Yellow) Criteria as detailed in Appendix A2

A Provisionally Valid mine is given a grace period of 6 months in which to correct the infraction(s) or demonstrate significant measurable improvement towards resolution.

A Provisionally Valid mine site must request a Follow-Up Inspection within 6-months of the entry into force of the Status. Failure to do so will result in the Status becoming Not Valid (Red).

- **Not Valid (Red)** – A mine site that:
  1. Has been inspected according to the ICGLR RCM Requirements and violates one or more of the Red Status Criteria as detailed in Appendix A2 of the RCM Manual, or,
  2. Has been Provisionally Valid (Yellow) and has not requested a Follow-Up Inspection within 6 months

3. Has had a Follow-Up Inspection that identified non-conformance with one or more Red Status Criteria and Yellow Status Criteria has not been resolved or shown significant measurable improvement.

Three-month minimum suspension period is applicable for all Not Validated mine sites.

Mine site associated with Red Status Criteria (see Appendix A2 of the RCM Manual) are suspended for a minimum period of three months and until a mine site inspection has verified that the identified red status criteria issues have been resolved.

### **III. 1. 2. Mineral Chain of Custody (CoC) Tracking**

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

The RCM requires that CoC Systems provide tracking (and records) of the CoC for all Designated Minerals prior to the receipt of an ICGLR Certificate for Designated Mineral Lot(s). An ICGLR Certificate (Section II.4 of the RCM Manual) is required before a Designated Mineral Lot can be officially exported<sup>2</sup>.

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

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

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

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

---

<sup>2</sup> Additional Analytical Mineral Determination techniques, including AFP, may be applied by RCM Actors to assist with the determination of the origin of Designated Minerals.

Member States may have multiple CoC Systems:

- a. Private CoC Systems shall be licensed by Member States. These may be either company (Exporter) managed or third-party assurance provider managed.
- b. Member States may also choose to operate their own CoC systems, which will be regulated by the Member State regulator.
- c. 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.

### **III. 1. 3. Export and Certification Procedures**

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

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

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

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

### **III. 1. 4. Regional Mineral Tracking via an ICGLR Database**

“Tracking of Regional Mineral Flows” via a public ICGLR Database is one of the main pillars of the ICGLR Certification scheme. Tracking and reconciling mineral flows within and between Member States will assure all stakeholders (Member State governments, local and international NGOs, private sector, end users and others) of the integrity of Certified mineral flows from the region. The Database makes it possible to track and balance the production, purchases and exports of Exporters, mines, mining regions, and Member States. Developing and implementing the Regional Mineral Tracking Database is the responsibility of the ICGLR Secretariat. Member States, mines, traders, processors, exporters and other actors in the mineral chain are required to provide all data (**except for**

**pricing information, which will remain confidential)** on their production, purchases, sales and exports to the ICGLR Secretariat as and when required. The ICGLR Database will be publicly accessible, as a way of establishing and maintaining the credibility of the ICGLR Mineral Tracking and Certification Scheme.

### **III. 1. 5. Third Party Audits**

The ICGLR Third Party Audit programme assures independent verification that Exporters' mineral chains from mine site to export are in conformance with RCM Requirements<sup>3</sup>.

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

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

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

Non-conformance by any of the upstream Supply Chain Actors and mine sites from which the Exporter is sourcing automatically results in a corresponding level of non-conformance being assessed on the Exporter.<sup>4</sup>

The ICGLR Third Party Audit Programme is governed by a tri-partite Audit Committee, which has representation from government, local and international industry, and local and international civil society. Local industry and civil society

---

<sup>3</sup>Additional Analytical Mineral Determination techniques, including AFP, may be applied during the course of an ICGLR Third Party Audit to assist with the determination of the origin of Designated Minerals.

<sup>4</sup> Explanatory note: For example, if the TPA finds that a trader supplying to an Exporter is in non-conformance with Red Status Criteria then the Exporter itself is also found to be non-conformant (Not Valid (Red Status)). An Audit finding that a mine site is in Not Valid (Red Status) will not automatically result in an Exporter receiving Red Status, unless it can be shown that the Exporter was not sourcing material from that mine site while its status was Not Valid (Red Status).

representatives on the Audit Committee are democratically elected from among stakeholders in each eligible Member State. Given the extent of gender and human rights risks in the minerals sector, the Audit Committee should ensure adequate representation of women's rights and human rights organizations and equitable representation of women and men on the committee (See Section III, Administrative Matters of the RCM Manual).

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

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

- **Not Audited (Blue)** - An Exporter that has not yet received an ICGLR TPA and has requested an Audit prior to the end of the first year of operation or a Valid Exporter that has requested an ICLGR TPA (with a minimum of 3-months' notice prior to the expiration of its existing TPA) but has not yet received an ICGLR TPA.

Exporters must have initiated the audit process within one year of the effective date of the Revised RCM Manual Second Edition).

An Exporter can retain Blue Status until their first ICGLR TPA is completed and thereafter for a maximum of 3-years.

An Exporter that has had an ICGLR TPA and no non-conformances were identified.

- **Valid (Green)** - An Exporter that has had an ICGLR TPA and no non-conformances were identified.

An Exporter can retain Green Status for a maximum of 3-years.

A Green Status Exporter must be re-Audited, at a minimum, once every 3-years.

- **Provisionally Valid (Yellow)** - An Exporter that has had an ICGLR TPA and one or more of the Provisionally Validated (Yellow) Criteria as detailed in Appendix E1 were identified. A Follow-Up Audit can result in the re-classification of an Exporter as Provisionally Valid (Yellow) only if Significant Measurable Improvement of all yellow Status Criteria is observed.

A Provisionally-Valid (Yellow) Exporter is given a grace period of 6-months in which to correct the infraction(s) or demonstrate significant measurable improvement towards resolution.

A Provisionally-Valid (Yellow) Exporter must request a Follow-up ICGLR TPA within 6-months of the entry into force of the Status. Failure to do so will result in the Status becoming Not Valid (Red).

- **Not Valid (Red)** - An Exporter that:
  1. Has had an ICGLR TPA and one or more major non-conformances were identified, and / or,
  2. Has not requested a Follow-Up Audit within 6-months of receiving a Provisionally Valid (Yellow) Status, and /or,
  3. Has had a Follow-Up Audit but has not been adjudged to have resolved the Not Valid (Red) Status Criteria and Provisionally Valid (Yellow) Status Criteria has not been resolved or shown significant measurable improvement, and/or,
  4. Has not requested an ICGLR TPA prior to the end of the first year of operation.

A minimum suspension period of three months is applicable for Not Valid (red) exporters.

## **Other Audit Programmes**

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

### ***III. 2. TOOL II: HARMONISATION OF NATIONAL LEGISLATIONS***

As prescribed in Article 22 of the Protocol on the Fight against the Illegal Exploitation of Natural Resources, the legal provisions of the Protocol are to be domesticated by the ICGLR Member States into their national legislations. Furthermore, the Lusaka Declaration committed all Member States to domesticating the Protocol on the Fight against the Illegal Exploitation of Natural Resources in the Great Lakes Region.

The harmonization approach comprises the identification of key differences between legal frameworks governing the mineral sector in the different Member States and the legal provisions of the Protocol. The harmonization of national legislations is a prerequisite for any step towards the implementation of the Protocol on the Fight against the Illegal Exploitation of Natural Resources.

The ICGLR Secretariat has developed a Model Law to guide the process in Member States.

### ***III. 3. TOOL III: REGIONAL DATABASE ON MINERAL FLOWS***

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

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

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

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

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

As such, the RMD is an essential oversight and investigative reference tool of the RCM.<sup>5</sup>

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

### ***III. 4. TOOL IV: FORMALISATION OF ARTISANAL MINING SECTOR***

Formalization is a process that seeks to integrate the Artisanal and Small-Scale Mining (ASM) Sector into the formal economy. Effective formalization increases transparency and thereby helps reduce fraud. This applies to the extraction, processing and trading of minerals within the Member States. Further activities include capacity building in the respective ministries and agencies of Member States and the setting up of the required infrastructure for pilot tracking of mineral supply chains.

The main purpose of this tool is to encourage the transformation of the artisanal mining to improve taxation systems, provision of extension services and capacity building. It aims at improving regulations, particularly in terms of simplifying registration and accounting requirements and increasing productivity.

The process of formalization includes the development or adaptation of mining (and other) laws or policies to address the challenges facing ASM. There is growing official recognition by ICGLR that ASM is an activity that can make significant contributions to poverty alleviation but that it needs support in order to overcome associated social and environmental challenges.

---

<sup>5</sup> A detailed RMD specification has been developed and approved by the ICGLR (2017). This document provides details regarding its structure, function, data input and transfer and query functions.

The following are recommended actions to formalize ASM in the ICGLR Member States:

1. The Region has taken the necessary steps to lead the formalization of ASM by implementing the RINR and by approving the necessary instruments for it. Countries need to domesticate the regional instruments as recommended in the ICGLR Declarations. Such domestication requires that Member States pass legal instruments for ASM formalization. While doing so, it is key to separate the Artisanal Mining from the Small-Scale Mining. The other level of separation is by main commodities, i.e. precious metals, 3Ts, industrial minerals, low value and high volume minerals etc. **There is need to harmonize the concepts in the region in order to prevent cross-border misapplications.**
2. The Legal framework need to be clear about the sector in terms of definitions of the sector. Such definition need to be flexible to accommodate the complexity of the sector – and must incorporate elements related to mechanization, production level, initial capital investment, depth of the operations, size of the concession (allocated minimum plot), number of workers, and land tenure, be considered to an extent that all practitioners and interested parties understand the meaning of Artisanal Mining Sector (or subsector) in relation to the Small, Medium and Large Scale sectors (or subsectors). Thus, an initial step is to review and update the legal framework and set the minimum requirements for legalization in a way that it is accessible and affordable to the miners. The country legislation needs also to take cognisance of the ancillary laws and negotiate its customization to comply with requirements of the ASM subsectors. For example, the Environmental requirements<sup>6</sup> may need to be simplified for the ASM sector and or waved for lower level of the ASM, (may need only a checklist or an environmental statement) and still be able to have mechanisms that prevent abuses that may result in overlooking the negative impacts (environmental, social, cultural and illegality (illicit trade of minerals, traffic, child labour, slavery, etc)). On the similar path, the land and forestry laws need to be adapted to accommodate the ASM sector as non-competitive and guaranty that mined out land can be used for other activities. The fiscal law needs to be adapted to accrue associated revenues and compound to high level of cost benefit, rather than

---

<sup>6</sup> Understood as the major hinder to formalization of the ASM

attempting to prohibitively suction the miners. **There is need to minimise the legal requirements for ASM to acceptable and accessible levels.**

3. It seems that some countries have the political determination but do not have the economic/financial capacity to promote ASM. Very few Member States in the region do promote ASM as a way for mining in Africa or a way to pursue the Africa Mining Vision. This is a decision that each Member State needs to take, by understanding that ASM is not opposite to LSM. The transition from the lower level of the subsector into the next level need to be clearly legislated and in a flexible way to accommodate the socio economic and cultural dynamics of the sector in each country. The legal framework needs to be clear enough to prevent misuse of the incentives provided to the lower level by operators of the other levels. The transition to the next level could be associated to the organizational structure of the miners (e.g. association, cooperative, small business enterprise, etc.), or timeframe (after a number of renewals of the lower level permit, miners are obliged to move into next level (e.g. as it is done in Ethiopia)) or by virtue of non-compliance to any of the lower level prerequisites. Thus, a clear path from lower **level into next level needs to be well defined in the legislation.**
4. Issues related to human rights, modern slavery, human trafficking, child labour, mineral traffic, illicit financial flows require a regional approach and harmonization of concepts, laws and regulations. This may result in adoption and implementation of regional instruments that may need only subscription and not necessarily domestication in the national laws. These are the cases of regional certifications, some of them already under implementation. The movement of miners and minerals in the Member States need to be regulated and harmonised. Similar harmonization of procedures is called for all actors (Governments, CSO, Development Partners, etc.) in the region. **Thus, Member States are called to act together in a synchronized manner and share information and experiences.**
5. **Development of National Formalization Strategy** – each country needs to develop an ASM formalization strategy which will prioritise the commodities and streamline the institutions to be established or revitalised to implement Formalization. **The Strategy** needs to be inclusive (e.g. conflict, culture, traditions, and gender sensitive) enough to take into

consideration all stakeholder's (Governments, land owners, LSM, buyers, processors, smelters, end-users, etc.) interests including the Artisanal Miners' needs and aspirations. The **strategy that will bread thoroughly into the "African LSM"** needs to clearly recognise the importance of the ASM beyond revenue tax collection. The strategy must also incorporate incentives for promotion of sustainable mining associations and cooperatives that can nurture into mining houses (mining business enterprises) in short period. The **National Formalization strategy** must also incorporate elements of local practices in each country, for example the land allocation structures and natural resource management traditional structures. The Strategy needs to consider adequate (knowledgeable, resourced and decentralised) governance structures.

6. Governments are encouraged to simplify the formalization processes for ASM while monitoring the free riders in the process. A recommended option is evaluation of **strategic environmental assessments** and the **licencing of areas** (designated areas) for ASM, rather than each mining licence. Governments are also recommended to empower the local authorities (decentralize) and available private structures to register ASM. The Miners Card could be allocated by a non-State entity (e.g. a miners' business centre operator) or miners' associations congregation. Encourage recognition of traditional ownership of resources (mainly land) and align it with formalization of ASM process<sup>7</sup>.
7. Governments are encouraged to make available detailed geological data<sup>8</sup> for ASM in a ready-to-use format that will allow them to take decision for acquiring licences. The experience of Exploration and Mining Licence already applied in some countries is a good practice, where the first six month or so are considered exploration phase and no mining taxes are applicable. Governments will need to make adequate geological assessment of the ASM areas (assign designated areas for ASM) and provide environmental licence which will make it mandatory to comply with specific environmental minimum requirement for the practitioners (challenge for many Governments). **There is need to encourage Geological assessment and Environmental licencing of the ASM areas.**

---

<sup>7</sup>A valid example is the establishment of Designated Areas Committees at District or Provincial level as it is done in Ghana.

<sup>8</sup>It is important to prevent misuse of geological data by non-legible actors.

8. Governments need to promote fair market for ASM; in such cases, it is important that the revenue authorities are well engaged in the process.
  - a. Regional processing and buying centres or business centres for ASM and SMEs
  - b. Regional mineral fairs that could link producers and buyers (the experience of the **Arusha Gem Fair** can be replicated and expanded).
  - c. Access to international auctions
9. The region needs to promote value addition of ASM production by evaluating the competitive advantages (for the region) in order to locate processing infrastructures (e.g. availability of electricity, water, access to port, laboratories, technology, etc.). **Promote Regional Inputs and infrastructure sharing in order to derive more shared value (regionally).**
10. Access to technical assistance to the miners and adopt certification (e.g. Miners, blasters) that is valid for the region, where possible. The Government may provide technical assistance and charge on cost recovery (non-profit) fee at sales point.
11. Gradually implement Regional and National Certification mechanisms considering the level and evolution of the formalization process, and promote the participation of ASM actors in the full value chain.
 

e.g. DRC has passed a Ministerial Decree that obliges any actor involved in the chain of custody in the DRC to adopt and respect the OECD-compliant standards of the ICGLR RCM, this is in line with contribution to the respect of the human rights. Article 9 of the Decree indicate that the third-party audits will be conducted in accordance with the standards and procedures of the ICGLR Certification Manual and annexes I, II and III and the OECD guidance.
12. Involve the LSM companies in order to successfully implement the certification mechanisms and the audit schemes for ASM. The present Guide will also benefit from involvement of LSM for its implementation, as it would result in less conflicts between the two sectors and promote coexistence between the two and promote partnership between ASM and LSM. This will encourage the ASM to follow appropriate mining, health, safety and environmental standards. **The LSM can contribute for formalization of ASM.**

13. Ensure transparency, gender equity and fairness in the formalization of ASM by adopting internationally accepted principles for licence attribution (e.g. **first come first serve**). And promote the use of local languages and simple drawings to advocate for ASM formalization among the stakeholders. **Communicate to the right audience.**

E.g. Associate awareness of ASM formalization with other national campaigns that might be related to other sectors (malaria national campaigns which could relate environmental good practices and clean mining).

14. In the medium to long term, Member States to integrate ASM topics in the education curricula in order to cultivate the minimum standards, good environmental and mining practices, but also to incubate home grown technologies for miners. **Promote technical education that enables local fabrication of mining tools.**

### ***III. 5. TOOL V: EITI PEER LEARNING MECHANISM***

The Extractive Industry Transparency Initiative (EITI) is an international standard which aims at improving transparency of revenues from extractive activities in countries that produce oil, gas and mineral resources through the disclosure of taxes and other payments made by companies operating in the extractive sector and through the disclosure by government bodies of revenues received from these companies.

The mechanism aims to reduce the risk of embezzlement of revenues from the extractive industries.

It is also a process through which stakeholders, through periodic reports put together by independent administrators, avail to populations the declarations on state revenues and contextual information coming from natural resource exploitation such as taxes, signature, bonus, production bonus, royalties, dividend and other taxes.

The EITI is one of the six tools of the ICGLR Regional Initiative on the fight against the illegal exploitation of natural resources in the Great Lakes Region adopted in December 2010 by ICGLR Special Summit of Heads of State and Government held in Lusaka, Zambia.

The ICGLR was mandated to foster EITI implementation in its Member States through the promotion of peer-learning.

Out of the twelve ICGLR Member States, five – Democratic Republic of Congo, Central Africa Republic, Republic of Congo, Tanzania and Zambia – are full members of the EITI international community as they are implementing the Initiative.

Others such as Angola, Burundi and Uganda have declared their intention to comply with the EITI Standards.

In order to technically support Member States to better implement the EITI, the ICGLR Secretariat has carried out studies and developed the following reports:

- 1. Status of the implementation of the Extractive Industry Transparency Initiative (EITI) in ICGLR Member States.***
- 2. Pilot Study: Advancing Transparency in Artisanal and Small-Scale Mining and the Mineral Supply Chains in the Great Lakes Region.***

### ***III. 6. TOOL VI: WHISTLE-BLOWING MECHANISM***

The Whistleblowing Mechanism (WBM) is an excellent citizen tool. The tool relies on the capitalization of first-hand information about the illegal exploitation and trade in minerals through the collection and monitoring of information about these activities. The tool allows anyone who has information about violations of the standards of the Regional Certification Mechanism to submit this information anonymously, either via the internet or by SMS (text message) to a server managed by the ICGLR Secretariat. The whistleblowing alerts are based on the following three main scenarios: (i) the presence of armed groups on the mine site or along the mineral routes; (ii) mineral fraud and smuggling; and (iii) serious violations of human rights, including sexual and gender-based violence.

The SMS and web-based technical platforms are designed to ensure anonymity; hence the protection of informants is ensured by allowing the exchange of information without the ability to identify the location or identity of the person sending the information. All data is transmitted to the secure platform so that all information is processed from the same interface. The first message sent initiates transmission dialogue between the informant and the whistleblowing expert through the technical platform. A file number is sent automatically and will allow the informant to send additional messages related to the same file. As in the case of internet transmission, the personal information of the informant such as the telephone number cannot be identified or plotted.