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ADVOCACY PAPER ON STRENGTHENING TRACEABILITY, CERTIFICATION, AND ACCOUNTABILITY IN HIGH-RISK MINERAL SUPPLY CHAINS

"From Source to End User: Ensuring the Integrity of Mineral Supply Chains"

Areas of Operation: DRC, Great Lakes Region, Europe, Asia, and North America

Initiative sponsor: Sustainable Mining Vision Platform (VMD)
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Areas of operation: DRC, Great Lakes region, Europe, Asia, and North America

1. CONTEXTE ET JUSTIFICATION

The mining and trade of minerals in conflict-affected areas pose risks of financing armed groups, human rights violations, fraud, smuggling, and concealment of the minerals' origin.

In eastern Democratic Republic of the Congo, persistent instability in certain mining areas disrupts production, marketing, traceability, and export channels, creating a risk that minerals from high-risk areas will enter regional and international supply chains with origins that are difficult to verify.

The case of Rubaya, in the Masisi territory, illustrates these risks. Reports and investigations, notably by the United Nations Group of Experts and Global Witness, have documented flows of coltan originating from this area that have entered international supply chains after passing through regional channels. This situation raises questions about the effectiveness of existing mechanisms in guaranteeing the true origin of the minerals.

It also raises the question of the responsibility of actors throughout the supply chain (producers, traders, transporters, exporters, importers, processors, smelters, refineries, and buyers), particularly with regard to their obligations in terms of traceability, certification, and due diligence. The challenge thus goes beyond the mere issue of borders: it concerns the integrity and accountability of the entire supply chain, from production to the end user. The goal is to guarantee the verifiable origin of minerals and to ensure that actors whose misconduct, illicit practices, or violations have been established can be held accountable in accordance with applicable law. This situation directly calls upon regional and international mechanisms for traceability, certification, and due diligence, notably the ICGLR Regional Certification Mechanism, as well as international principles regarding the responsible sourcing of minerals.

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This situation directly calls for regional and international mechanisms for traceability, certification, and due diligence, notably the ICGLR Regional Certification Mechanism, as well as international principles regarding the responsible sourcing of minerals. In this context, the Sustainable Mining Vision (VMD) and its partner organizations advocate four requirements:

- verifying the origin of minerals;
- ensuring the integrity of traceability and certification;
- strengthening due diligence by all stakeholders;
- holding stakeholders accountable when their involvement in illicit practices, breaches, or violations is established.

The goal is to ensure that no minerals whose origin cannot be reasonably demonstrated and verified are introduced into international trade, and that no actor responsible for established breaches can evade the applicable accountability mechanisms.

2. ADVOCACY ISSUE

Despite the existence of national, regional, and international mechanisms for traceability, certification, and due diligence, risks remain that minerals from conflict-affected areas will enter regional and international supply chains. These risks are linked in particular to the difficulty of verifying the actual origin of minerals, shortcomings in traceability and certification systems, discrepancies between production and export data, and weaknesses in due diligence and oversight of actors throughout the supply chain.

The central issue can thus be formulated as follows:
How can verification of origin, traceability, certification, and due diligence for at-risk minerals be strengthened in order to prevent their entry into international supply chains and hold stakeholders accountable when violations are identified?

Cette problématique comporte quatre dimensions interdépendantes :

2.1. Vérification de l'origine et traçabilité

La circulation transfrontalière et le mélange éventuel de minerais provenant de différentes sources peuvent rendre difficile la vérification de leur origine réelle. Il est donc nécessaire de renforcer les mécanismes permettant de démontrer et de documenter l'origine des minerais, particulièrement lorsqu'ils proviennent de zones à haut risque.

2.2. Certification et contrôle des flux

Les insuffisances dans le rapprochement des données de production, de commercialisation et d'exportation peuvent permettre à des incohérences de passer inaperçues. Le renforcement de la certification doit ainsi s'accompagner d'une vérification des volumes, des itinéraires et des documents de traçabilité.

2.3. Diligence raisonnable

Les acteurs de la chaîne d'approvisionnement doivent être en mesure d'identifier, d'évaluer et de gérer les risques liés à l'origine des minerais, aux intermédiaires, aux itinéraires et aux conditions de commercialisation. Ils doivent également rapportés sur la mise ne œuvre de ces actions.

2.4. Responsabilité des acteurs

La responsabilité ne doit pas se limiter aux acteurs présents dans les zones minières. Lorsque des manquements, pratiques illicites ou violations sont établis, les acteurs intervenant aux différents niveaux de la chaîne d'approvisionnement doivent pouvoir être identifiés et tenus responsables conformément au droit applicable et aux mécanismes pertinents.

This issue has four interrelated dimensions:

2.1. Verification of Origin and Traceability

Cross-border movement and the potential mixing of minerals from different sources can make it difficult to verify their actual origin. It is therefore necessary to strengthen mechanisms for demonstrating and documenting the origin of minerals, particularly when they come from high-risk areas.

2.2. Certification and Monitoring of Flows

Shortcomings in reconciling production, marketing, and export data can allow inconsistencies to go unnoticed. Strengthening certification must therefore be accompanied by verification of volumes, routes, and traceability documents.

2.3. Due Diligence

Supply chain actors must be able to identify, assess, and manage risks related to the origin of minerals, intermediaries, routes, and marketing conditions. They must also report on how these measures are implemented.

2.4. Responsibility of Stakeholders

Responsibility should not be limited to stakeholders present in mining areas. When breaches, illegal practices, or violations are established, stakeholders operating at all levels of the supply chain must be identifiable and held accountable in accordance with applicable law and relevant mechanisms.

3. CIVIL SOCIETY POSITION PROMOTED BY THE VMD

The VMD and its partners advocate an approach based on four principles:

- **Traceability**: ensuring that all minerals can be traced back to a verifiable source.
- Due diligence: requiring supply chain actors to identify and manage risks related to the origin of minerals.
- **Accountability**: enabling the identification and implementation of accountability mechanisms against actors whose involvement in illicit activities has been established.
- **Redress**: promoting, when liability and harm have been established, access to mechanisms for restitution, confiscation, redress, or compensation provided for under applicable law.

4. OVERALL OBJECTIVE OF THE ADVOCACY EFFORT

Strengthen the integrity of the supply chain for high-risk minerals, from source to end user, to prevent illicit trade and ensure accountability among all stakeholders.

5. SPECIFIC OBJECTIFS

1. Strengthen verification and traceability of the origin of high-risk minerals, particularly those sourced from conflict-affected areas.

2. Strengthen certification and monitoring mechanisms for mineral flows by improving the reconciliation of data on production, marketing, transportation, and export.

3. Increase the effective implementation of due diligence by all actors in the supply chain, from production to end users.

4. Strengthen the identification and accountability of actors involved in illicit practices, failures to meet due diligence obligations, or supply chain-related violations.

5. Strengthen cooperation and transparency among national, regional, and international stakeholders to prevent minerals of dubious origin from entering international supply chains.

6. EXPECTED OUTCOMES

These objectives may correspond to the following outcomes:

Outcome 1: Mechanisms for verifying the origin and traceability of high-risk minerals are strengthened, making it easier to determine their actual source.

Outcome 2: Certification and supply chain monitoring mechanisms are improved, particularly through better reconciliation of production, marketing, transportation, and export data.

Outcome 3: Supply chain actors more effectively fulfill their due diligence obligations, particularly with regard to identifying, assessing, and managing risks.

Outcome 4: Actors involved in established breaches, illicit practices, or violations can be identified and held accountable under applicable law.

Outcome 5: Cooperation among national, regional, and international mechanisms for traceability, certification, and due diligence is strengthened.

Outcome 6: The likelihood that minerals of unverifiable origin or linked to high-risk areas will enter regional and international supply chains is reduced.

7. ADVOCACY REQUESTS

Request 1: Make the ICGLR Ad Hoc Technical Commission Operational

The VMD calls on the ICGLR to provide the Ad Hoc Technical Commission with the necessary resources to verify the origin, volumes, routes, and traceability documents of high-risk minerals.

Request 2: Strengthen the Regional Certification Mechanism

The VMD calls on the ICGLR to strengthen the controls of the Regional Certification Mechanism to ensure that certificates are based on verifiable origin and reliable traceability.

Request 3: Strengthen Oversight of High-Risk Minerals

The VMD calls for the implementation of enhanced verification of high-risk shipments, particularly in cases of uncertain origin, data inconsistencies, or suspicious routes.

Request 4: Strengthen Due Diligence

The VMD calls on the ICGLR and member states to strengthen the implementation of due diligence by all actors in the supply chain.

Request 5: Ensure Accountability and Cooperation

The VMD calls for strengthened mechanisms to identify and hold actors accountable in cases of established violations, as well as enhanced cooperation and information sharing among states and regional mechanisms.

8. ADVOCACY TARGETS

- ICGLR
- ICGLR Member States
- Government of the DRC
- African Union
- United Nations
- European Union
- United States
- Relevant Asian countries
- Mining companies and traders
- Smelters and refineries

- Financial institutions
- Parliaments
- Media
- Civil society

9. KEY MESSAGES OF THE CAMPAIGN

« Ore does not become legal simply because it crosses a border. »