



ICGLR-OECD-UN GoE JOINT MEETING

ON IMPLEMENTATION OF DUE DILIGENCE FOR RESPONSIBLE MINERAL SUPPLY CHAINS IN THE GREAT LAKES REGION

29-30 November 2011

Venue: OECD Conference Centre, 2 rue André Pascal, 75016 Paris, France.

Badges: On arrival, you must register at the reception desk to obtain a visitor's badge. Please bring your passport or identity card with you. Please arrive well in advance of the start of the meeting to allow sufficient time for the registration formalities. *For security reasons, you must wear your visitor's badge at all times.*

ANNOTATED AGENDA

Moderator: *Mr. Nick Bates, former DFID Expert on the Great Lakes Region and natural resources, and Senior Consultant, Resource Consulting Services*

DAY 1: 29 November 2011 - Conference Room 10 - CC10

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| 9:00 - 9:30 | Registration |
| 9:30 – 10:00 | Welcome remarks by the Hosts: ICGLR, OECD Secretariat, UN Group of Experts on the DRC |
| 10:00 – 10:15 | Introduction by the Moderator: agenda and objectives. |
| 10:15 - 12:15 | SESSION 1 – High level findings of the pilot implementation phase of the OECD Due Diligence Guidance and the 2011 final report of the UN Group of Experts on the DRC |
| 10:15 – 10:30 | Presentation by IPIS on the objectives, methodology, participation and high-level findings from the upstream baseline report |
| 10:30 -10:45 | Discussion |
| 10:45– 11:00 | Summary of the findings on the implementation of due diligence guidelines in the 2011 final report of the UN Group of Experts on the DRC |
| 11:00– 11:15 | Discussion |
| 11:15 – 11:30 | Coffee Break |
| 11:30 – 11:45 | Presentation by BSR on the objectives, methodology, participation and high-level findings from the downstream baseline report |
| 11:45 – 12:00 | Discussion |

12:00-12:15 Wrap-up and introduction to the afternoon session

12:15 – 13:45 **Lunch**

13:45 – 17:50 **SESSION 2 – Upstream implementation of due diligence**

13:45 – 16:00 Step-by-Step Presentation by IPIS on the detailed findings and practical challenges for upstream implementation of due diligence followed by discussion on practical challenges and clarifications of the OECD Due Diligence Guidance

Issues for discussion:

- *Why is it important to have a supply chain policy that covers both standards and risk management strategies as well as efficient internal and external communication matters?*
- *What are the different interpretations of the notion of “armed groups” among upstream and downstream actors in the supply chain?*
- *What is the relationship between due diligence, traceability and chain of custody?*
- *How issues of child labour at mine sites should be addressed?*
- *What does “supporting the implementation of EITI principles” mean for upstream companies?*
- *Which due diligence recommendations can companies carry out individually, and which recommendations can be met through industry scheme or other collaborative initiatives?*
- *To what extent can iTSCi be relied upon by members to carry out due diligence, focusing specifically on (i) establishing chain of custody and/or traceability systems; and (ii) carrying out on-the-ground risk assessment and management, with particular regard to circumstances unique to the member’s supply chain?*
- *How could existing mineral stocks be disposed?*

Reference Documents:

- 📄 Upstream baseline report of the OECD pilot implementation phase prepared by IPIS
- 📄 iTSCi background documents
- 📄 Discussion Note on Child Labor in Katanga Mines, prepared by Karen Hayes, Director of Pact’s Mines to Markets Initiative and Senior Technical Advisor, iTSCi, Pact

16:00 – 16:15 *Coffee break*

16:15-17:50 How national and regional traceability and certification initiatives can be relied upon to implement specific elements of due diligence?

Issues for discussion:

- *How can the DRC Centres de Négoce project and related validation of mine sites be used by upstream companies to carry out on-the-ground risk assessments under the OECD Guidance? Do the criteria used for mine sites qualifications reflect the standards contained in Annex II of the OECD Guidance?*

Discussants:

- Mr. Paul Mabolia Yenga, Chair of the ICGLR Regional Committee against the Illegal Exploitation of Natural Resources and Coordinator of the Kimberley Process, Minister of Mines, Democratic Republic of the Congo
- Dr. Bali Barume, Senior Engineer, Mineral Certification, BGR and Uwe Naehrer, Director, Mineral Certification, BGR

Issues for discussion:

- *How can mine sites inspections and third-party audits of exporters under the ICGLR Regional Certification Mechanism be used by upstream companies to carry out on-the-ground risk assessment and risk management under the OECD Guidance?*
- *How can coordination among in-region initiatives be ensured in order to design cost-effective and efficient responsible sourcing practices? In particular, how could the risk of multiple audits on the same upstream actors under different industry, regional and national schemes be avoided or minimised? Would mutual recognition among the different in-region programmes be a feasible option in the short-medium term?*
- *How can OECD and UN GoE due diligence training and ICGLR certification training be carried out to maximize implementation of due diligence and ICGLR certification as soon as possible?*

Discussant:

- Mr. Eddy Mbona, Regional Expert in Natural Resources, ICGLR Secretariat

Reference Documents:

- 📄 Upstream baseline report of the OECD pilot implementation phase
- 📄 ICGLR Regional Certification Manual
- 📄 Annex IV of the OECD Guidance: Suggested measures to create economic and development opportunities for artisanal small-scale miners
- 📄 “Note Circulaire” on OECD Due Diligence and UN Security Council Resolution 1952, Ministry of Mines, Democratic Republic of the Congo

17:50 – 18:00 Wrap up from the moderator and introduction to Day 2

DAY 2: 30 November 2011 - Conference Room 12 - CC12

9:30 – 11:00 SESSION 3 - Opportunities for downstream involvement in upstream due diligence: Creating the right incentives and building trust and credibility in upstream due diligence efforts

Brief presentations:

- **Update on the Public Private Alliance for Responsible Minerals Trade**, Mr. Adam Keith, Desk Officer, African Great Lakes Region, U.S. Department of State
- **Update on the Solutions for Hope project**, Mr. Michael Loch, Extractives Co-chair, Global e-Sustainability Initiative (GeSI)

Issues for discussion:

- *How can downstream industry create incentives for upstream actors to carry out due diligence?*
- *Can the “closed pipeline” model be replicated elsewhere than in Katanga? What actions should be taken to make that possible?*

Reference Documents:

📄 Public Private Alliance for Responsible Minerals Trade, overview and work plan

11:00 – 11:30 **SESSION 4 – Progress report by the OECD and GIZ on donor coordination for enabling in-region due diligence and certification efforts**

Discussants:

- Ms. Juana de Catheu and Mr. Nezar Tamine, OECD Secretariat
- Dr. Markus Wagner, GIZ

11:30 – 11:45 **Coffee Break**

11:45 -16:30 **SESSION 5 – Downstream due diligence implementation**

11:15 – 16:15 **Step-by-Step Presentation by BSR on the detailed findings and practical challenges for downstream implementation of due diligence followed by discussion on practical challenges and clarifications of the OECD Due Diligence Guidance**

11:45 – 13:00 **Issues for discussion:**

- *How can all relevant downstream industries be involved in the implementation of the OECD Guidance (ICT, jewellery, tools, chemicals, plastics, pharmaceuticals, construction, packaging, etc.)*
- *How can sufficient and balanced coverage of all relevant parts of the supply chain be ensured?*

Reference Documents:

📄 Downstream baseline report of the OECD pilot implementation phase prepared by BSR

13:00 – 14:00 **Lunch**

14:00 – 16:15 **Discussion on emerging practices, progress made and remaining practical challenges and clarifications of the OECD Due Diligence Guidance**

Issues for discussion

- *What concrete measures have individual downstream companies already taken to implement due diligence? Where have they faced the most challenging and are there examples of emerging practice to overcome those challenges?*
- *Why is Annex II of the Guidance relevant to downstream companies?*
- *Which elements of the OECD Guidance and UN GoE due diligence guidelines present the best opportunities for industry collaborative schemes, such as the EICC-GeSI CFS program?*
- *Would participants in the pilot share information on the smelters sourcing from the Great Lakes region and their participation in the CFS program?*
- *Can the EICC-GeSI CFS program be regarded as an implementing tool to operationalise Step 4 of the Guidance, or would it be worth exploring alternative options to ensure third-party independent audits of smelters?*
- *How will EICC and GeSI validate smelter's conformance to the OECD Guidance and UN due diligence guidelines? Will formal parameters for assessing conformance be developed and published?*
- *How can due diligence progress be demonstrated and measured? Can the ICGLR-OECD-UN GoE forum on implementation of the OECD and UN GoE due diligence recommendations assist with the development of indicators for assessing progress and any other implementing tools?*

Reference Documents:

- 📄 Downstream baseline report of the OECD pilot implementation phase prepared by BSR
- 📄 EICC-GeSI Tin, Tantalum and Tungsten Audit Standard and Instructions
- 📄 EICC-GeSI Conflict Minerals Reporting Template

16:15 – 16:30 Coffee break

16:30 – 17:45 SESSION 6 – Proposed Next Steps

Participants will discuss the next steps and possibly agree on a concrete action plan in anticipation of the next meeting of the ICGLR-OECD-UN GoE forum on implementation of the OECD and UN GoE due diligence recommendations, planned for 2-3-4 May 2012.

17:45 – 18:00 *Closing remarks by the Hosts: ICGLR, OECD Secretariat, UN Group of Experts on the DRC*