



# MANUAL FOR THE CERTIFICATION OF ORES IN THE GOLD INDUSTRY IN THE DEMOCRATIC REPUBLIC OF THE CONGO

## Principles, Guidelines and Standards

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Mining Ministry, Kinshasa – Gombe, DR Congo

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## Foreword

After many years and the several wars in the region of the Great Lakes, the gold mining activity in the East of the Democratic Republic of the Congo is characterised by heavy fraud as most enterprises in the sector are working without any official license and do not respect the laws of the industry.

In fact, thousands of manual miners, found at many generally illegal sites, work in the North of the province of Katanga, the provinces of Maniema, North Kivu, Eastern Province and South Kivu.

Illegal gold mining is a scourge with consequences for the environment, social and sanitary issues and economically disastrous. It also contributes to funding negative forces (armed gangs) that operate in the region of the Great Lakes.

The fight against illegal gold mining and fraud has become imperative for the pacification of the region, improvement of the state revenue and the situation of the population affected by said mining activities.

This reference paper has been developed by the Ministry of Mining of the DR Congo with the assistance of BGR's department of Technical Cooperation, specialised in development projects in the field of geosciences and natural resources.

This document is based on requirements that allow the use of the trade mark CTC in the sales of gold. The sites and enterprises who wish to obtain a certificate from the control chain CTC will have to comply.

It also applies to traders, trading companies and treatment and transformation companies.

# 1. Introduction

This manual is a public and normative document which specifies the requirements that enterprises in the gold business have to respect (mining, trade and all sorts of treatment and/or transformation and marketing) to obtain a certificate for gold ores in DR Congo.

Certification of the trading chain aims at guaranteeing the customer that products sold with a CTC certificate come from sources, where the origin and legality have been verified according to the CTC standard.

The sites and enterprises in the gold business have to comply with the general principles and requirements of the CTC standard (chapter 7). Compliance with the said CTC requirements allow the enterprise (mine, trader, trading company, treatment or transformation company, refinery or distributor) to show that they follow the basic principles of moral, which is increasingly demanded by the general public and international organisations.

This also has to come up to the additional requirements that are specific to gold mining, especially with regard to traceability and protection of the environment (chapter 8).

This document was made following the CTC principles and criteria and adapted to the mining context in DR Congo, especially by studying and taking into account the texts of the following laws and regulations:

- The Mining Law (Le Code Minier – law no. 007/2002 of 11<sup>th</sup> July, 2002);
- The Labour Law (Le Code du Travail – law no. 015/2002 of 16<sup>th</sup> October, 2002);
- The Mining Regulation (Le Règlement Minier – decree no. 038/2003 of 26<sup>th</sup> March, 2003).

It is quite obvious that the entire information, recommendations and requirements of all these different documents cannot be fully reflected in this manual. Nevertheless, it is complete with regard to the Mining Law, Labour Law and the Mining Regulation.

This standard integrates the guidelines of OECD and the requirements of the ILO standards for the organisation of small production companies for the regulation of the situation in manual mining and small mines (EMAPE).

It also integrates the requirements of Fair Trade by accounting for social, economic and environmental development.

In the public consultation, experts from different departments of the Ministry of Mining and actors from the industry have come together in two workshops in Kinshasa and Bukavu. The two workshops, organised by the Ministry of Mining and BGR, with nearly 150 participants from Kinshasa and the five provinces in the East of DR Congo have brought all relevant parties together, namely:

The manual miners (creuseurs), traders, local communities, trading companies, treatment and transformation enterprises, banks, industrial mining companies, the national armed forces, the national police, MONUSCO, representatives of the embassies and of the provincial governments for the five provinces concerned (North Kivu, South Kivu, Maniema, Katanga and Eastern Province).

The same as with every normative document, this reference document is under evolution and, when a regional certification document is developed and recognised by the council of CIRGL, that document will prevail all

documents used on national level. In that event, the holders of a CTC certificate will have twelve (12) months to adapt to the regional standard and to achieve validation under that standard.

This manual in its current form will be used for an initial phase of eighteen (18) months in DR Congo and subsequently be suggested as a model for certification in the gold business on national level to the member states of CIRGL.

It contains the following elements:

- The general requirements, which have been defined according to the CTC principles and criteria and the indicators set by the Ministry of Mining and BGR are made appropriate for controls. This list takes the need for compliance of mining operations with local, national and regional regulations into account;
- The additional specific requirements for the gold business;
- The methods for the evaluation of compliance with the requirements of the manual, from the pit throughout exportation;
- The list of laws and regulations that apply to mining operations in DR Congo.

This manual is publicly available and serves to support the respect for national, regional and international regulations.

The vision of CTC certification for gold, following the example of the Kimberley process, is to create a clean and responsible industry, prepared to contribute to the development of local communities and the DR Congo.

It is about creating a legal, organised, profitable gold industry that uses modern technology and behaves responsibly with regard to social and environmental aspects.

**This activity will develop progressively in a context of good governance, legality and participation of all parties involved. This will reinforce the contribution to the creation of decent employment, local development, struggle against poverty and for social peace, stimulated by a rising demand when the final consumers of minerals from the East of DR Congo are tranquillised.**

## **2. Legal base, standards and reference documents**

### ***2.1. Legal base***

- Mining Law (Code Minier – law no. 007/2002 of 11<sup>th</sup> July, 2002);
- Ministerial Order (Arrêté Ministériel no. 214/CAB.MINES-HYDRO/01/2003 of 19<sup>th</sup> June, 2003) containing regulations on mining and marketing of gold from manual production;
- Ministerial Order (Arrêté Ministériel no. 2305 of 5<sup>th</sup> February, 2007) containing evaluation procedures as well as procedures for the certification of mineral substances;
- Directives for environment, health, safety and mining operations by the IFC (International Finance Corporation de Banque Mondiale);
- Aide-Mémoire 2.2 Module of 11<sup>th</sup> April 2008, project for the improvement of transparency and control in the sector of resources from the mining industries in DR Congo, supported by the Federal Republic of Germany;



- Bilateral negotiations between Congo and Germany in December, 2008, followed by signing a memorandum of understanding;
- Protocol, point 5.1.2.2, new engagement: technical cooperation, “Assistance in the control of the mining sector – implementation of a certification system for mineral substances, except diamonds”.

## ***2.2. Standards and reference documents***

- EHS directives, directives for the environment, health and safety, mining - IFC (World Bank);
- OECD Guidelines for Multinational Enterprises (2000);
- OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones (2006);
- Standard of the 8<sup>th</sup> annual conference of the World Bank’s initiative Communities and Small-Scale Mining in Brasilia, Brazil, October 2008;
- KPCS (Global): Protocol on the import and export of raw diamonds;
- MCEP (Australia): Environmental, social and economic performance of a mining site;
- ICMC (South Africa): Code for the use of cyanides in gold mines;
- ISO 9000, ISO 14000 and ISO CSR: Definition of the social responsibility of a society, protection of the environment, health and safety;
- The Zero standard for fair trade with gold from manual mining, as well as for the associated silver and platinum (ARM Module 2007).

### ***2.3. List of the statutory and regulatory requirements for mining activities in DR Congo***

- Mining Law;
- Labour Law;
- Mining Regulation, etc.

## **3. Area of application**

This manual applies to manual and industrial gold mining in DR Congo:

- on pit level to manual mining;
- to industrial mining;
- to trading posts;
- to treatment and transformation enterprises and throughout the logistic chain (transport chain).

## **4. Definitions**

- **Normative document (ISO/CEI Guide 2):** Document which contains rules, guidelines or characteristics for activities and their results.
- **Evaluation of compliance (ISO/CEI Guide 2):** All activities with the target of direct or indirect determination whether or not the applicable requirements have been satisfied.

- **Requirement (ISO/CEI Guide 2):** Expression in the contents of a normative document, defining the criteria that have to be fulfilled.
- **Reference document:** Document explaining the criteria, rules, characteristics and guidelines, which should be fulfilled by a product, process, authority or enterprise.
- **Tracking:** Ability to keep a certain level of control over a process, e.g. an industrial process to follow especially the input and output during a given period of time, without assuring traceability.
- **Documented system:** Collection of written procedures.
- **Traceability (ISO 9000):** Ability to keep historical records. The implementation is subject to examination.

## 5. The CTC standard

The implementation of a certification system will allow to create zones, in which the above mentioned minerals are produced and marketed respecting the national laws and international guidelines and standards. The certification process will contribute to a transformation of the informal sector into a regulated sector. This formalisation is a necessary step to guarantee transparency throughout the logistic chain, including production, treatment and/or transformation, transports and marketing. This transparency will allow to reduce the looming conflicts around illegal mining and fraud in the mining sector.

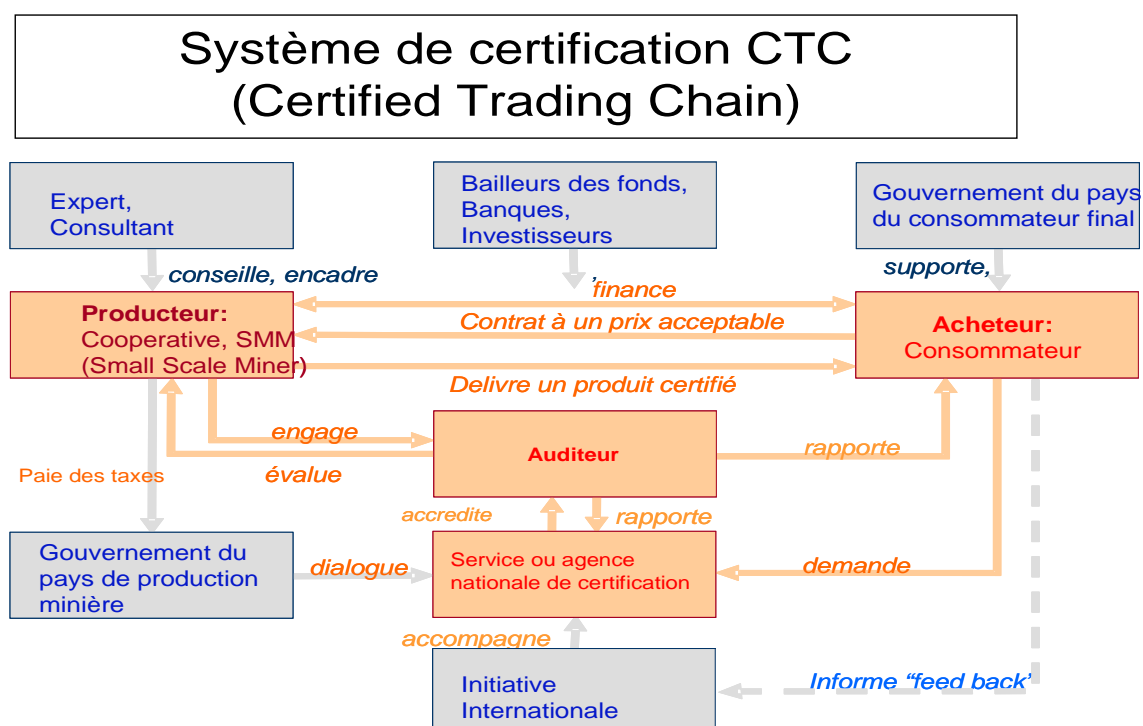
The certification process will open the way for international investors to supply themselves with minerals from Central Africa without running the risk of being associated with illicit trade and armed conflicts in the region, which may harm the image of their trade marks. Supplies from certified

sources will lead to an increase in the investments into efficient mining of mineral resources.

Traceability of traded minerals will force the involved commercial companies and the mineral transformation industry to select the sources for their supplies with due diligence.

This mechanism will allow for a competitive advantage of certified products on international level and lead to a reduction of supply contracts from non-certified sources. The marketing of certified products from legal production and transparent trade should finally lead to an expansion of legal production.

An improvement in the control of the production and tax income from the companies within the certified trading chain, will allow to reduce corruption and to raise exports. The implementation of the CTC certification system in DR Congo will automatically lead to a rise in the state revenue.



## **6. Advantages of the CTC certification system**

To international investors, the option of certification brings the opportunity to produce or purchase minerals from Central Africa without harming their reputation. This will lead to a rise in investments into the region. At the same time, the increased traceability will oblige society and consumers to apply due diligence in the selection of their providers. This mechanism will lead to a reduction in the share reached by non-certified products, while the share of certified minerals with a transparent origin will rise.

The improvement of controls in the production and payment of taxes by the companies within the certified trading chain will allow to fight fraud and improve the share of legally produced exports. Consequently, the implementation of CTC in DR Congo should lead to a rise in tax income from the mining industry. The access of illegal groups and their allies to the revenue of the mining sector should disappear on the long term. This in turn, will lead to a reduction of conflicts that aim at destabilising legitimate governments and pacification in the region of the Great Lakes.

Certification will contribute to:

- improvement of traceability and transparency;
- improvement of standards ;
- regulation of the informal sector;
- reinforcement of competences;
- growth in the sector;
- increase of the state revenue;
- optimum use of the resources of the mining sector for sustainable development;
- prevention of conflicts.

Certification is an option that would not have become necessary if the laws and regulations on mining and the international standards on transparency had been duly respected. However, taking into account the

weakness of national institutions in the post-conflict countries and the problems with regard to the implementation of measures to guarantee transparency in these countries, certification has shown to be the best approach to resolve the functional shortcomings in the mining sector.

The CTC manual for gold has been adapted to the realities in the mining sector of DR Congo in accordance to the Mining Law and Regulation and to the specific characteristics of the gold business.

It integrates the requirements of international standards for the manual and industrial mining sector.

## **7. Principles and standards generated by the CTC system**

### ***7.1 Transparency***

Origin, weight and quantity of the produced and marketed minerals as well as all the taxes, levies, fees and other dues provided for by the law and paid become transparent. The certification system accounts both for traceability of minerals throughout the supply chain (production, treatment and/or transformation, distribution and marketing) and appropriate tracking of documents and control of the quantities in question.

### ***7.2 Decent work conditions***

The audited enterprise does not employ children and will embark on a process of continuous progress in the work conditions as well as health and safety of the workers. Among other aspects, this will also guarantee fair wages at the site. The minimum age for work in mines in DR Congo is 15 years for light labour (Labour Law, Art. 6).

### ***7.3 Safety***

The enterprise will look after ensuring safety in the mine and prevention of the major risks in respect of workers' rights.

#### ***7.4 Development of social aspects and the communities***

The enterprise will organise consultations with local communities regarding the social, economic and institutional development and takes the sensitive aspects into account.

#### ***7.5 Protection of the environment***

The enterprise makes efforts for a continuous process of improvement in its environmental performance and will respect all legal requirements with regard to water, air, soil, energy, fauna and flora, as far as applicable. CTC certification encourages actively better environmental practise for prevention and recovery, as well as the application of appropriate and efficient production methods.

### **8. Additional requirements for the gold business**

#### ***8.1. Traceability***

##### **Present limits**

Tracking gold is a challenge. Gold may be transported in small quantities, is ductile and malleable, may be molten and alloyed with other metals. After blending, it loses all distinctive properties.

The supply chain for gold from DR Congo is long and passes through many hands. At the present time, there exists no traceability of gold extracted from the Congolese underground, except for industrial production.

Monitoring mining activities relies on the declarations made by the mining enterprises. This system is not reliable and leads to underestimation by CEEC.

The accredited gold trading companies in DR Congo collect and process information concerning the gold they purchase and the identity of the

vendor. There are many accredited gold trading companies, however few of them have the ability to operate and none has a strong performance. The official statistics cover a very small part of the production.

The vast majority of the gold produced in DR Congo goes through neighbouring countries and escapes any control. The sites where gold from DR Congo is refined, are mainly in Middle Eastern and Asian countries. Gold from different sources is mixed there to produce jewellery. To guarantee traceability is not a priority to those companies.

Regardless of those limitations, there are important opportunities for the improvement of traceability. An improvement of the situation on regional level is in the hands of CIRGL. In fact, a consolidation of the export and production statistics of the several CIRGL member countries and the comparison of these data with their actual geologic capacities, will allow to identify the supply sources and the related fraud.

Moreover, within due diligence of OECD, more parties will engage in favour of an improved traceability.

In the end, the modernisation and restoring of the mining sector under way in DR Congo will contribute to an improved tracking and control. The industrial projects in the gold mining sector are a first step in that direction.

Many investors are also interested in projects with the capacity to develop manual mining in DR Congo towards small mines or semi-industrial production.

The CRM project, which includes an induction furnace, where the gold minerals will be treated and transformed into gold bullions, goes towards the same direction. Once the bullions are made and carry the seal of CRM and CEEC, they allow to be identified throughout the logistic chain until they reach the refinery.



One of the principle questions of procedures and origin, that should be analysed by the CTC system, is the supply chain, which should be in compliance with the required standards and procedures. The control procedures should be implemented at the key points of transfer.

All gold and certified gold products have to be identified and distinct at all times and all points of transfer. They always have to be isolated from all non-certified products. These transfer points have to be identified and may vary according to the relevant sort of mine.

The standard refers first of all to primary and detritus gold, where it has to be considered that gold may be found in combination with other metals. The improvement of traceability of gold produced in DR Congo from the pit throughout exportation, which is to say, improvement of tracking this gold throughout the steps of production, trade, treatment and/or transformation and transport, will allow the use of a market instrument to reduce fraud and illegal gold trade.

In fact, one of the principle factors for illegal gold exportation from DR Congo are porous national borders which in fault of measures allows smuggling gold that was illegally extracted from the underground of DR Congo to neighbouring countries. Gold that has been produced illegally in DR Congo can thus easily enter the business in Burundi, Uganda, Rwanda and Tanzania.

Consequently, the regional statistics show a disparity between the official production in the different countries in the region and the export figures for the same countries.

## **8.2. Social requirements**

## **Payment of a fair price**

A heavily fluctuating gold price over the past twenty years rose from less than USD300 per ounce (28.35 grams) to more than USD1,300 today. It is difficult if not impossible to fix a minimum price today. The reference price will be defined based on the London fixing and account for the basic principles.

### **8.3. *Environmental requirements***

The certified enterprise respects all legal requirements with regard to the environment, especially with regard to water, air, soil, energy, noise and waste, as far as applicable.

The enterprises that have installations that massively use chemical, toxic or dangerous substances, are subject to specific measures to limit the risk to the environment.

## **Management of toxic substances, such as mercury and cyanide**

The use of mercury and cyanide in manual mining is strictly forbidden in DR Congo, however, in spite of the risk for the environment, the total elimination of mercury and cyanide in manual mining of gold is generally no realistic goal. Therefore, measures should be taken to reduce the use of these two harmful substances within a specified time frame by implementing practice and modern technologies that are suitable for the reduction of the negative impact on the environment. Thus, CTC certification is guided by recommendations that follow the ARM zero standard:

- 1) If mercury is used in the treatment of the minerals, a concentration process (gravimetric concentration, manual separation, etc.) has to be used before amalgamation to reduce the share of minerals and rock that get in touch with the mercury gradually to less than 10%. This condition principally aims at a progressive reduction of the quantity of minerals that is treated by amalgamation.
- 2) Heating of the mercury must not be done at the lodgements. This must only happen in workshops of the enterprise where isolation and safety are guaranteed and where there are appropriate equipment and qualified staff.
- 3) The instruments and tools used for this work or getting in touch with the mercury may not be used for any other activity.
- 4) The use of nitric acid to dissolve mercury from amalgam is prohibited.
- 5) All leftovers of cyanide must be neutralised before a responsible evacuation.
- 6) Neither explosives, nor cyanide, mercury, nitric acid, nor other toxic substances used in treatment processes may be stored in the lodgements.
- 7) The residues from the amalgamation process (mineral concentrates, once they have been treated with mercury) and the cyanide waste solutions may not be disposed of in water or where they may get in touch with water bodies.
- 8) In open-pit mines, the angle of the slopes and height of the benches must not exceed the values that are commonly seen as safe for the quality of soil or rock concerned.
- 9) Rests of fuel and fuel containers may not be disposed in water bodies.

- 10) In the case of placer depots, the enterprise must ensure to reduce the disposal of suspended solids into the water bodies (turpitude) and, wherever possible, recycle the water used for the treatment of the minerals.

Hydrocarbons used and waste generated during operations, must be treated properly.

## **9. Methods to evaluate compliance**

### ***9.1. Control process***

#### **General requirements**

##### ***9.1.1. Organisation and responsibility***

The enterprise must put in place an organisation where the responsibilities are clearly identified.

The enterprise must ensure the training of the staff that intervenes in the chain of traceability or gold tracking.

The staff that intervene in tracking and traceability should have the necessary qualification to do the work entrusted to them.

##### ***9.1.2. Documentary system***

#### **Registration**

**Production data is registered and stored for periodic statistics on the level of mining sites, treatment and/or transformation companies and refineries.**

The enterprise has to maintain the data for three (3) years.

**On the level of traders, trading companies and refineries**

All persons and enterprises that have gold for their business, must have a register for purchases, sales, incomings and outgoings. Format and contents are defined by the national Ministry of Mining and its appropriate technical services. This register must be disposable at any time and presented to the authorities on request.

***9.1.3 Management of incomings and outgoings***

**Incomings**

**Validation of the site**

The buyer of the gold (trader, trading company, treatment or transformation company or refinery) have to verify that the manual mining enterprise hold the validation documents required by law (See Mining Law and Regulation).

**Verification of the goods**

The buyer must make sure that the gold comes from the actual site and corresponds to the description provided in the presented documents.

## **Outgoings**

**The controlled enterprise must clearly identify the quantity of the sold gold.**

The enterprise must have a register of quantities, where incomings and outgoing are listed. This register must be kept up to date and contain the following information:

- Incomings received: gold received
- Incomings on stock: gold on stock
- Outgoing sold: sold gold
- Outgoing on stock: Gold that has been sold but not yet shipped, i.e. gold under customs control.

## **Requirements for subcontractors**

The enterprise may subcontract transports, maintenance and transformation of gold under the condition that the subcontractors have undergone validation. The subcontractors must hold all documents required by law.

Spot checks are planned at the critical control points at the sites of the subcontractors.

### **9.2. *Evaluation process***

The process for the evaluation of compliance is covered by a specific document. The principle steps are as follows:

- Planning the operation based on the documents received;
- A pre-audit is mandatory for the certification of the site and will show the ability of the enterprise to satisfy the requirements of the CTC manual or not;
- Initial audit to evaluate compliance with the whole of the requirements of this manual.

During the steps of the audit on site, the independent auditors check the compliance of the presented documents with prerequisites, the procedures and their implementation, as well as the implemented and planned mining activities.

This process is marked by consultations that allow taking the interests of the relevant local, national and regional parties into account.

### ***9.3. Validity of the CTC certificate for the site***

The CTC certificate has a validity of three (3) years.

A periodic routine verification (audit) is done once a year and looks into corrective measures under way.

The certificate may be withdrawn after the verification, if the obligations and recommendations from audits have not been respected. After three (3) years, a full audit is mandatory for the renewal of the certificate.

An enterprise that has failed to receive a certificate after the first audit (basic audit) may file a new application for certification when improvements have been made.

When a certificate has been withdrawn, the enterprise may file a new application for certification after improvements have been made.

#### **9.4. National Accreditation Agency**

The national accreditation agency is the Commission of Certifications at the Ministry of Mining.

The Minister in charge of Mining appoints the members of said Agency by Ministerial Order.

#### **For the Certification Work group:**

Mr Uwe Näher, BGR, project director

Prof Bali Barume, BGR, Bukavu Office

Mrs Geneviève Kizekele, director of the certification workgroup

Mr Mandza Andia, rapporteur



## 10. Annexes

### ***Annex 1 - Abbreviations***

ARM	Association for Responsible Mining (Zero standard for fair trade of gold from manual mining and the associated silver and platinum)
BGR	Federal Institute for Geosciences and Natural Resources (Bundesanstalt für Geowissenschaften)
CAMI	Mining cadastre (Cadastre Minier)
CEEC	Centre for Evaluation, Expertise and Certification of Precious and Semi-Precious Minerals (Centre d’Evaluation, d’Expertise et de Certification des Substances Minérales Précieuses et Semi-précieuses)
CTC	Certified Trading Chain
CTCPM	Technical Unit for the Coordination of Mining Planning (Cellule Technique de Coordination et de Planification Minière)
CIRGL	International Conference on the Great Lakes Region (Conférence Internationale sur la Région des Grands Lacs)
CRM	Mining Research Centre (Centre de Recherche Minières – Bukavu)
DPEM	Direction for the Protection of the Mining Environment (Direction de la Protection de l’Environnement Minier)
EMAPE	Manual mining and small scale mining (Exploitation Minière Artisanale et à Petite Echelle)
ICMC	International Cyanide Management Code
IFC	International Finance Corporation (Member of World Bank Group)
ITIE	Extractive Industries Transparency Initiative (Initiative pour la Transparence dans les industries Extractives)
KPCS	Kimberley Process Certification Scheme
MCEP	Mining Certification Evaluation Project

MMSD	Mining Minerals and Sustainable Development
MONUC	renamed MONUSCO, effective 1st July, 2010 (translator's note)
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (Mission des Nations Unies pour la Stabilisation du Congo)
OCDE	OECD - Organisation for Economic Co-operation and Development (Organisation de Coopération et Développement Economique)
OIT	ILO International Labour Organisation (Organisation International de Travail)
ONG	NGO Non-governmental Organisation (Organisation Non-Gouvernemental)
RDC	DR Congo – Democratic Republic of the Congo (République Démocratique du Congo)
SAESSCAM	Service for Assistance and Training in Small Scale Mining (Service d'Assistance et d'Encadrement du Small Scale Mining)
WWF	World Wildlife Fund

## ***Annex 2: Statistics of Gold from Manual Mining***

COMPARATIVE TABLE OF GOLD EXPORTS									
First Trimester 2009/2010									
Period	Volume/Kg			Value/USD			Short/average		
	2009	2010	Variation	2009	2010	Variation	2009	2010	Variation
January	6.946	12.696	82.78%	151,527.00	393,149.00	159.46%	21,815.00	30,966.36	41.95%
February	46.768	25.602	-45.26%	1,272,438.00	755,492.00	-40.63%	27,207.44	29,509.10	8.46%
March	1.200	19.379	1514.92%	33,210.00	610,184.00	1737.35%	27,675.00	31,486.86	13.77%
April	10.520	17.529	66.63%	260,740.00	561,841.00	115.48%	24,785.17	32,052.09	29.32%
May	0.579	19.000	3181.52%	14,707.16	624,924.00	4149.11%	25,533.26	32,890.73	28.82%
June	19.060	12.489	-34.48%	497,031.91	431,605.00	-13.16%	26,077.22	34,558.81	32.52%
<b>TOTAL</b>	<b>85.073</b>	<b>106.695</b>	<b>25.42%</b>	<b>2,229,654.07</b>	<b>3,377,195.00</b>	<b>51.47%</b>	<b>26,208.71</b>	<b>31,625.79</b>	<b>20.67%</b>

### Third Trimester 2009/2010

Period	Volume/Kg			Value/USD			Short/average		
	2009	2010	Variation	2009	2010	Variation	2009	2010	Variation
July	33.860	26.499	-21.74%	811,515.00	880,099.00	8.45%	23,966.77	33,212.53	38.58%
August	23.280	8.278	-64.44%	601,965.38	272,293.00	-54.77%	25,857.61	32,893.57	27.21%
September	30.660	12.448	-59.40%	849,648.00	438,363.00	-48.41%	27,711.93	35,215.53	27.08%
<b>TOTAL</b>	<b>87.800</b>	<b>47.225</b>	<b>-46.21%</b>	<b>2,263,128.38</b>	<b>1,590,755.00</b>	<b>-29.71%</b>	<b>25,775.94</b>	<b>33,684.59</b>	<b>30.68%</b>

Sources: C.E.E.C., Divisions Provinciales (Sud-Kivu, Nord-Kivu, Province Orientale)

**Second SEMESTER 2009**

Period	Volume/Kg	Value/USD		Short/average
	2009	2009		2009
July	33,862	811.515,00		23.966,67
August	25,243	601.965,38		25.857,61
September	27,577	849.648,00		27.711,93
October	10,001	302.285,00		30.225,47
November	20,730	613.241,00		29.582,29
December	17,706	569.340,00		32.155,20
<b>TOTAL</b>	<b>135,119</b>	<b>3.747.994,38</b>		<b>27.738,35</b>

### ***Annex 3 – 21 Points***

<b>1. Transparency</b>	<b>2. Decent work conditions</b>	<b>3. Safety</b>	<b>4. Development of communities</b>	<b>5. Environment</b>
1.1 Prohibition of support for criminal organisations	2.1 Abolition of child work	3.1. Hygiene, health and safety at work	4.1. Regular consultations with the interested parties (civil society, population and authorities)	5.1. Study about the impact on the environment
1.2 Fight against corruption and fraud	2.2 Freedom of association and collective bargaining	3.2. Access to information and education on safety in the mine	4.2 Support for local enterprises	5.2. Management and treatment plan for mining waste (dangerous waste, toxic substances)
1.3 Refusal to illegal funding of political organisations	2.3 Payment of fair wages	3.3 Safety training for a sufficient number of employees	4.3 Integral development plan requirement	5.3. Ecological rehabilitation: Plan for closure and rehabilitation
1.4 Annual declaration of payments to the state according to the EITI process		3.4. Respect for human rights	4.4 Social consultations with the interested parties before using the ground	
1.5 Compliance with the law (légalité)		3.5. Safety audit and mine rescue plan		
1.6 Traceability				

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Principles	Requirements	Reference standards	Legal base in DR Congo	Remarks and recommendations
Transparency	1.1 Prohibition of support for criminal organisations	OECD Directive II. 10	Mining Law, Articles 299, 302, 303, 304 & 305, Nairobi Pact, Chapter II Article 9, Law from 2004 on money laundering and financing of terrorism	The CTC certification process will not support the organisations that take part in any way in armed conflicts, including funding a conflict or using revenues for activities that facilitate the purchase of arms.
Transparency	1.2. Fight against corruption and fraud	OECD Directive IV. 1,2,3,4 EITI criteria 1 & 3, Nairobi Pact Chapter II Art. 9, Kimberley process (statistics)	Penal Code Art. 147 to 149 (corruption), Mining Law 307, Art. 299, 302, 303, 304, 305, (fraud), Ministerial Order 0534, /2008	Assure regular rotation of officials in intervening services (Inter-ministerial order No. 0711 of 15th October, 2010).
Transparency	1.3 Refusal to illegal funding of political organisations	OECD Directive IV 6, OECD II. 11, Risk awareness Tool 2.3	Law No. 04/002 of 15th March, 2004, Articles 23 & 26 regarding the funding of political parties	Prohibition of funding for political parties outside the legal frame based on law No. 04/002
Transparency	1.4 Declaration of payments according to the EITI principles	OECD Directive X, EITI criterion 3	Decree EITI	GTZ project on Good Governance in the mining sector, acceleration of DR Congo's aggregation to the EITI principles

Transparency	1.5 Compliance with the law (légalité)	ARM standard, principle A6	Mining Law, Articles 109 & 279	Compliance with the law, formalising and regulating the not yet addressed spaces.
Transparency	1.6 Traceability	Manual for procedures of traceability of mining products from the pit throughout exportation	Inter-ministerial order No. 0711 of 15th October, 2010	Process of following the stages in the mining product transformation industry from the pit to marketing, throughout the steps of treatment
Decent work conditions	2.1. Abolition of child labour	OECD Directive IV.1, ILO Conventions 138 & 182	Labour Law Art. 6, 15 years (light work); 16 years, Labour Law Article 124	ILO Conventions 138 & 182 regarding the minimum age of employment and the elimination of the worst forms of child labour
Decent work conditions	2.2 Freedom of association and collective bargaining	OECD Directive IV.1(a),	2006, Article 37, Labour Law, Articles 36 & 272, Mining Regulation, Article 234	Finishing the cooperative mining project 2007 (CTCPM)
Decent work conditions	2.3 Payment of fair wages	OECD Directive IV.4(a),	Constitution Article 36, paragraph 2, Labour Law Article 87, SMIG, Ordinance 08/04, 30th April, 2008	Constitution Article 36, Paragraph 2, Labour Law Article 87, SMIG, Ordinance 08/04 30th April, 2008, 1680FC (3USD) minimum or 80USD per month
Safety	3.1. Directive on Hygiene, health and safety at work	OECD Directive IV.4(b), OHSAS 18000, EHS Directives, 1.2 by the World Bank (IFC), ILO Convention 155 176	Mining Law Articles 112 & 306, Mining Regulation Annex V, Articles 2 & 11 (mercury and explosives)	Draft decree HSA



Safety	3.2. Access to information and education on safety in the mine	Directive OCDE, II.8, Standard ARM 3.4.1 et 3.4.2	Mining Regulation Annex IX, Chapter 6, Mining Regulation Annex IX, Chapter 6, first & second section	
Safety	3.3 Safety training for a sufficient number of employees	Standard ARM 3.4.1 et 3.4.2	Mining Regulation, Annex 9, Chapter 6	Experts report SAESSCAM of 16 <sup>th</sup> February, 2010
Safety	3.4. Respect for human rights	Universal Declaration of Human Rights (UNO)	Constitution Article 16; Labour Law Articles 159 & 163, Mining Regulation Article 492	
Safety	3.5. Safety audit and mine rescue plan	OHSAS 18000, ISO 14001, Mine rescue plan, EHS Directives 1.2 & 1.3 by the World Bank (IFC)	Mining Regulation Articles 416 & 417, Annex IX Ch. 6 (safety measures)	Code of Conduct for manual miners, audits by DPEM and SAESSCAM
Social development	4.1. Regular consultations with the interested parties (civil society, population and authorities)	ARM standard A.5, ILO convention 169	Mining Code, specifications, PV, PAR Recommendations:	Recommendations: Regular review of the specifications, consultations with the civil society and local experts
Social development	4.2 Support for local enterprises	Forest Stewardship Council Principle 5.4 MCEP, No. 9. (e) iii.		Include the recommendation for local purchasing into the specifications
Social development	4.3 Integral development plan requirement	OECD Directive II, General Policy No. 3	Annex IX to the Mining Regulation Articles 127 & 452	Plan for sustainable development, studies about the impact on the environment

Social development	4.4 Social consultations with the interested parties before using the ground	OECD Directive II, 5; ILO convention 169	Mining Law, Article 154 lit. D, Articles 279 & 281, Mining Regulation Articles 302, 320 & 477	Survey on pro and contra, training on and dissemination of the Mining Law, review of the Mining Law in 2012
Environment	5.1. Study about the impact on the environment	OECD Directive V 1(a) & 3, EHS Directives by the World Bank & IFC	Mining Regulation Annex IX Article 3, Articles 410 to 414, 417, Annex II, Articles 14 & 15	Building a structure in charge of the management of the funds for environmental rehabilitation, financial safety. Obligatory EIE, see Mining Law Annex IX Article 3
Environment	5.2. Management and treatment plan for mining waste (dangerous waste, toxic substances)	OECD Directive V 6 & 6B, EHS Directives by the World Bank and IFC	Mining Regulation Annex IX Title 5 Chapter 7 Articles 122 & 123	
Environment	5.3. Ecological rehabilitation: Plan for closure and rehabilitation	OECD Directive V, EHS Directives by the World Bank and IFC	Mining Regulation Annex IX Title 5, Chapter 7, Annex V Article 3, Annex II Paragraph 3	

## ***Annex 4 – Procedures for Traceability of Mining Products***

### **I. PROCEDURES FOR TRACEABILITY OF MINING PRODUCTS**

#### **I.1 Before mining activity**

The manual miners, traders, treatment and transformation companies and the bearers of mining and transport rights do their business under the condition of following the rules defined by the Mining Law and its application measures.

#### **I.2 The stages for traceability of traded mining products**

The procedures in this chapter cover the flow of material from the mine through production, purchase, transport, transfer until the reception of the load and stocking of the mining products at authorised warehouses.

##### **a) Production operations (or extraction from the mine):**

- Authorities involved:
  - Mining administration;
  - SAESSCAM.
  
- Operations and documents to fill-in:

For the gold business, packaging adheres to the CEEC system (bags that may not be opened, according to weight).

- dimension of a small bag: 29 x 19 cm;
- dimension of a medium sized bag: 40 x 45 cm;
- dimension of a large bag: 80 x 65 cm

- The document stating manual production (annex no. 1) issued by the Mining Administration and countersigned by SAESSCAM (collection of statistical data).

##### **b) Transport operations for mining products from the pit to the trade post by authorised transport enterprises.**

##### **c) Purchase at the trade post:**

- Authorities involved:
  - Mining Administration;
  - SAESSCAM.
- Services involved from time to time:
  - Officer for the territory;
  - Civil society;
  - BGR/EITI.
- Service with continuous involvement:
  - Police (PIR).
- Operations and documents to be filled-in:
  - Probable new mixture (only for mining products from the same pit) and in this case new packing, sealing and labelling;
  - Receipts of the purchase of mineral substances from manual production, issued by SAESSCAM and countersigned by the Mining Administration.
- Fees to be paid:
  - Fees for the services received, payable to SAESSCAM by the manual miner and the purchaser, in accordance with the Order by the governor of the province.

**d) Transport of the mining products from the trade centre to the trading company:**

- Authorities involved:
  - Mining Administration;
  - SAESSCAM.
- Documents issued:
  - Authorisation for the transport of mining products from manual production by an authorised transport enterprise, countersigned by the Mining Administration and SAESSCAM (Annex no. 6).
- Levies, fees, taxes and other dues to be paid :
  - None to the Mining Administration and SAESSCAM.

**e) Transfer: Transport of the mining products from the province of production to the province of exportation**

- Authorities involved:
  - Mining Administration;
  - SAESSCAM;

- CEEC (the latter intervenes in the case of a transfer from a warehouse in one province to a warehouse in another province).
- Document issued by CEEC :
  - Transfer certificate for mining products from manual production from a warehouse in the province of production to a warehouse in the province of exportation (annex no. 8).
- Levies, fees, taxes and other dues to be paid:
  - Payment of a tax to a decentralised territorial entity (EAD), 1% of the purchase value to be paid to the province.
  - Payment of the counter value for the transfer certificate to CEEC.

#### **f) Reception**

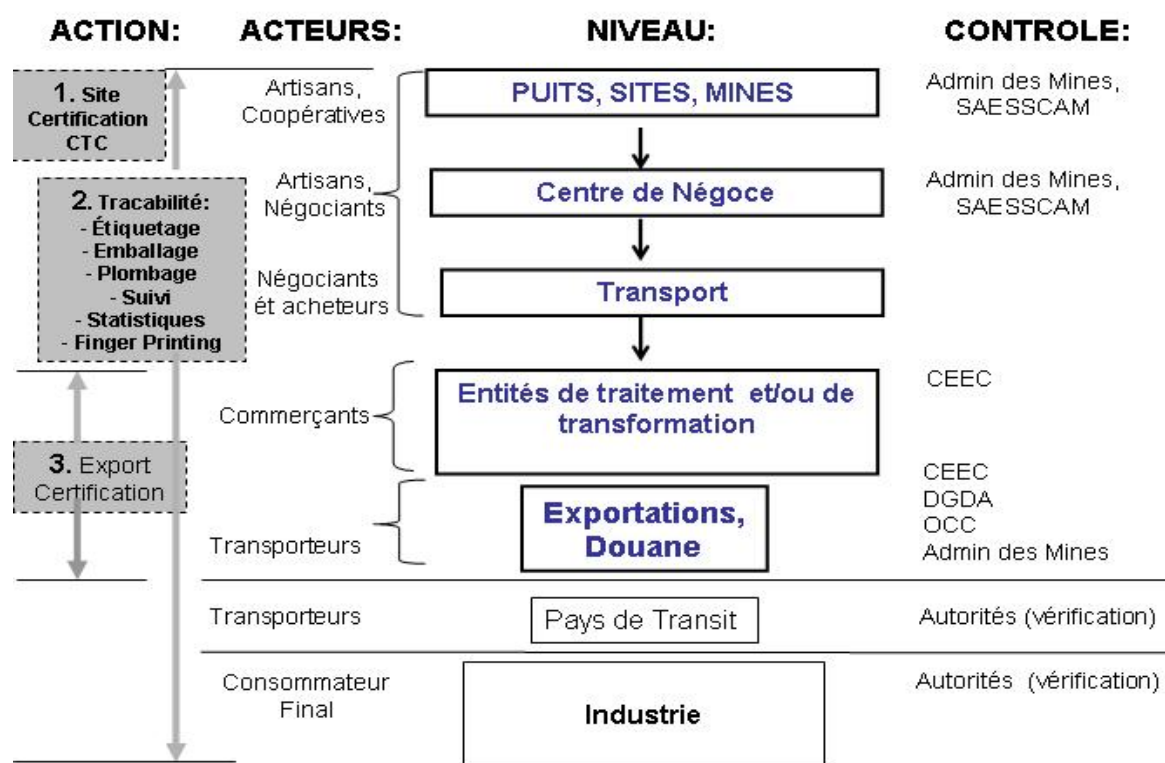
- Authorities involved:
  - Mining Administration;
  - SAESSCAM;
  - CEEC.
- Document issued by the Mining Administration:
  - Protocol stating the receipt of products from manual mining as a transfer from a warehouse in the province of production to a warehouse in the province of exportation (annex no. 9).

#### **g) Stocking mining products in a certified intermediate warehouse:**

- Authorities involved:
  - Mining Administration;
  - SAESSCAM;
  - CEEC;
  - Certified forwarder.
- Required documents:
  - Protocol for the grading of traded mining products (annex no. 10) issued by the Mining Administration and countersigned by SAESSCAM.
- Levies, fees, taxes and other dues to pay: none.

## Annex 5 – Logistic chain

### Chaîne Logistique CTC en RDC:



## ***Annexe 6 – CTC certification workgroup***

### **List of experts from the Ministry of Mining and BGR:**

### **List of experts from the state and other organisms:**

#### **1. Ministry of Mining - Ministère des Mines (Office of the Minister - Cabinet du Ministre)**

**Mrs Geneviève Kizekele**, Coordinator, Certification Commission (Commission de Certification);

**M. Trudon Banza**, director for the tin business (Chef de filière stannifère), Certification Commission;

**Mr Jean Ntoto Kitenge**, director for the gold business (Chef de filière aurifère), Certification Commission;

**Mr Achille Kiafua Tumanisa**, counsel for statistics and performance ;

**Mr Fidèle Kambembo Kisendu**, secretary of the Certification Commission.

#### **2. CEEC**

**Mr Aubert Mwilambwe Kakudji**, director of the Certification Division;

**Mr Thierry Sikumbili Boliki**, director of the CEEC branch office for Sud Kivu.

#### **3. CTCPM**

**Mr Raymond Mananga ma Muanda**, director of the service and department of research and mining techniques.

#### **4. SAESSCAM**

**Mr Alexis Mikwinzi**, assistant director of the data bank service (member of the workgroup until March, 2010);

**Mr Daly Ndala Mandongo**, in charge of the manual mining industry, education and dissemination;

**Mr Paul Mukenda wa Kamanda**, assistant general coordinator (member of the workgroup after April, 2010).

#### **5. CAMI**

**Mr Mandza Andia**, director of the legal department ;

**Mr Michel Ndete Kilinga**, director of the cartography department ;

**Mr Peter Lusa Lumbala**, director of the office of cartography.

## **6. DPEM**

- **Mr Jean-Marie Dovelé Nkanu Luvambanu**, director of the office for the protection of the mining environment.

## **7. BGR**

- **Prof. Bali Barume**, department of geology UOB, BGR Bukavu office;
- **Mr Uwe Näher**, director of the certification project for the tin industry.



## ***Annex 7 –Technical office of the CTC workgroup***

### **Technical Office of the CTC workgroup:**

1. Geneviève Kizekile;
2. Mandza Andia;
3. Achille Kiafua Tumanisa;
4. Raymond Mananga ma Muanda;
5. Jean Ntoto Kitenge;
6. Fidele Kambembo Kisendu

## ***Annex 8 - Contacts***

### **Contacts :**

For any questions, please contact:

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