

THE ITSCI LAUNDROMAT

How a due diligence scheme appears to
launder conflict minerals

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ABBREVIATIONS

3T: tin, tantalum and tungsten

BSP: Better Sourcing Programme

CDMC: *Coopérative des Artisans Miniers du Congo*

CEEC: *Centre d'Évaluation, Exportation et Certification*

CNDP: *Congrès national pour la défense du peuple*

COOPERAMMA: *Coopérative des Exploitants Miniers de Masisi*

CJX: Congo Jia Xin

DRC: Democratic Republic of the Congo

Éts. Rica: *Établissements Rica*

GMD: Geology and Mines Department

ILO: International Labour Organization

IPIS: International Peace Information Service

ITA: International Tin Association

ITSCI: International Tin Supply Chain Initiative

ICGLR: International Conference on the Great Lakes Region

KAVX: KYOCERA AVX

MOU: Memorandum of Understanding

MSA: Minerals Supply Africa

MSC: Malaysia Smelting Corporation Berhad

OECD: Organisation for Economic Co-operation and Development

OTIC: Ningxia Orient Tantalum Industry Co, Ltd

RMAP: Responsible Minerals Assurance Process

RMB: Rwanda Mines, Petroleum and Gas Board

RMI: Responsible Minerals Initiative

RMMC: Refractory Metals Mining Company Ltd

RPF: Rwandan Patriotic Front

SAEMAPE: *Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Échelle*

SAKIMA: *Société Aurifère du Kivu et du Maniema*

SMB: *Société Minière de Bizunzu*

SOGECOM: *Société Générale de Commerce SARL*

Thaisarco: Thailand Smelting & Refining Co Ltd

TIC: Tantalum-Niobium International Study Center

UNGoE: United Nations Group of Experts on the Democratic Republic of Congo

WBH: Wolfram Bergbau und Hütten

WMP: Wolfram Mining and Processing

EXECUTIVE SUMMARY

Minerals extracted by hand from the African Great Lakes region are in huge demand. The Democratic Republic of the Congo (DRC) and Rwanda produce nearly half the world's coltan, the main ore of tantalum, as well as large amounts of tin and tungsten ores – collectively known as 3T minerals. The metals obtained from the smelted 3T minerals are widely used in electronic equipment such as mobile phones, computers and automotive and aeronautical systems.



But the Congolese army and rival armed groups that dispute power over parts of eastern DRC have for decades viewed control of mines and the minerals trade as a vital source of income. Along with the lack of effective governance in DRC and neighbouring countries, this has led the trade of minerals from DRC being linked to violent conflict and serious human rights abuses. In an attempt to improve the sector's governance, the regions' governments, the UN, the International Conference on the Great Lakes Region (ICGLR) and the Organisation for Economic Co-operation and Development (OECD), in consultation with industry and civil society, drew up new guidelines and procedures over a decade ago. As part of this effort, industry interests set up traceability systems which, working alongside government validation of mines, were intended to establish a supply of "conflict-free", responsibly sourced minerals.

In this report, Global Witness brings together evidence of how the most widely used of these schemes appears to facilitate the laundering of minerals originating from mines controlled by abusive militias or that use child labour. Furthermore, the scheme many international companies are relying on to source responsibly, is also used to launder huge amounts of minerals that have been smuggled and trafficked, new evidence suggests.

Our report is based on field research in over 10 mining areas in DRC's North and South Kivu provinces, interviews with over 90 individuals from governments, industry, civil society and academia and dozens of videos recorded by local researchers, which Global Witness has reviewed. The results of this work corroborated research findings conducted by other credible organisations such as the UN and the Belgian research institute International Peace Information Service (IPIS).

ITSCI

In 2009 the International Tin Association (ITA), with the subsequent participation of the Tantalum-Niobium International Study Center (TIC), set up the International Tin Supply Chain Initiative (ITSCI).

ITSCI aims to provide a reliable chain of custody of minerals that are not linked to child labour or the influence of armed groups or the army. In DRC, this means that minerals must originate from mines validated by the government as free from these associations; in Rwanda, where armed groups are not known to be active, it means among other things that minerals have not been smuggled from DRC. In both countries, government agents acting on ITSCI's behalf seal and tag bags of legitimate minerals before they are transported for processing or export. In 2018, the OECD evaluated ITSCI's standard as fully aligned with its own due diligence guidance on mineral supply chains. However, our investigation reveals that the reality on the ground looks very different.

Laundering of minerals from unvalidated mines in DRC

Our findings suggest that ITSCI's system has permitted the laundering of tainted minerals in DRC. Large amounts of minerals from unvalidated mines, including ones with militia involvement or that use child labour, enter the ITSCI supply chain and are exported, evidence suggests. ITSCI's incident reporting frequently appears to downplay or ignore incidents that seriously compromise its supply chain.

The most extensive evidence of the scheme's failure in DRC comes from the area around Nzibira, where a trading centre in South Kivu accounted for around 10% of minerals tagged in the province in 2020. In the first quarter of 2021, the production of the validated mines in Nzibira sector amounted to less than 20% of the nearly 83 tonnes of 3T minerals tagged there. Interviews with officials, traders, miners and others confirmed that the bulk of minerals tagged came from unvalidated mines in neighbouring territories, including mines occupied by militias and one where children frequently work. One of those mines was Lukoma, where a militia has used violence against the local population and forced miners to work unpaid, as well as exacting a levy from traders. The Ministry of Mines is said to tag bags despite being aware of this illegal levy.

ITSCI has been aware of the risk of conflict minerals contaminating its supply chain around Nzibira since at least 2014, when its own governance assessment acknowledged the danger. A 2015 report by a local NGO presented evidence of large volumes of tagged minerals being falsely attributed to unproductive validated mines in the area. These findings were corroborated by a consultant commissioned by the US NGO Pact, ITSCI's implementing partner, who also confirmed that tagged minerals came from areas controlled by militias. The consultant concluded that government officials and local ITSCI agents were aware of the situation and

were engaged in a cover-up. While ITSCI acknowledged allegations of laundering, it omitted from its public incident reporting mention of the most problematic issues identified by its own consultant, namely militia involvement and its own agents' complicity. ITSCI apparently failed to tackle the alleged problems, as—a 2018 UN report again found evidence of laundering of minerals from mines controlled by a militia and the Congolese army. This investigation documents that in 2021 the same problems seem to persist.

The situation in Nzibira is far from unique. In nearby Lubuhu, around 15 times as much cassiterite (tin ore) was tagged in the first quarter of 2021 as was produced in the two validated mines in the vicinity. One trader told Global Witness that he had declared minerals as coming from one of these mines despite it being common knowledge that it had been inactive for a year. A government official at another tagging site told Global Witness that he did not need to know where minerals came from in order to tag them. Some minerals tagged here again originated from a mine controlled by a militia that forces miners to work.



ITSCI tagging site at Kalimbi mine in Nyabibwe, DRC (*Global Witness*)

Drawing on witness interviews and reports by the UN and others, we have identified similar suspected failures of the ITSCI scheme at another seven tagging centres in North and South Kivu, and we have learned of at least ten other mines controlled by armed groups where it appears that minerals are being or have recently been laundered into the system.

ITSCI's minimal field staff and lack of oversight make it easy for miners and traders to launder minerals. Sources further allege that, without authorisation, ITSCI field staff actively collaborate with miners and officials to launder minerals and in some cases take a cut of the illicit proceeds. Government agents, who are typically paid poorly, aim to tag as many bags of minerals as possible, regardless of their origin. This is considered a matter of national pride and a response to the rampant smuggling of minerals from DRC to Rwanda. Rwanda has for a long time profited from smuggled minerals from DRC, as UN and NGO reports have continually documented.

The sheer volume of illicitly tagged minerals and the lack of effective action to address a known problem suggest that ITA, the body with ultimate oversight of ITSCI, ignores them. Tagging high volumes of minerals is in ITA's interest as the system is largely funded by levies paid by the exporters of tagged 3T minerals from the Great Lakes region, creating perverse incentives which undermine ITSCI's control function. Moreover, ITA finds itself in an obvious conflict of interest in running a system supposed to prevent tainted 3T minerals from entering international markets, while representing some of the largest 3T minerals buyers.

When approached for this report, ITA and Pact disagreed that the above-stated shares of minerals were illegitimately introduced into the ITSCI scheme in Nzibira or Lubuhu, and denied that ITSCI's supply chains in Nzibira and Nindja are contaminated with minerals from mines linked to armed conflict and child labour. ITSCI also disagreed that it has failed to monitor or take appropriate action with regard to the Nzibira



Armed militiaman supervising forced labour at Biholo mine (from video obtained by Global Witness).

supply chain. ITSCI denied any conflict of interest and denied any allegation of downplaying or ignoring incidents in its supply chains. Pact denied that its agents are often aware of the laundering of minerals and stated that the organisation applied internal processes to identify cases of misconduct.

Mineral trafficking and outbursts of violence in Rubaya

Concerning evidence of ITSCI's failings comes from the Rubaya area in North Kivu, which is estimated to account for at least 15% of the world's coltan supply. When the concession holder *Société Minière de Bizunzu* (SMB) decided to switch from ITSCI to a rival traceability scheme in December 2018, ITA allegedly issued its downstream members with alerts warning them about security and traceability issues with the company's concession in an apparent attempt to undermine both the company and the rival scheme. This ultimately culminated in 120 tonnes of SMB-owned minerals being blocked. SMB had already been struggling financially, which often resulted in late payments to miners who consequently trafficked minerals to a neighbouring concession to be sold. These actions exacerbated these pre-existing tensions between SMB and artisanal miners, who began to protest against late payment and to sell minerals from the concession to another company, *Société Aurifère du Kivu et du Maniema* (SAKIMA). The situation eventually erupted into violence in 2019 and 2020 leaving at least five dead. ITSCI's actions here may have undermined its own objective of breaking the link between minerals and conflict.

Minerals trafficked by miners from SMB's concession to SAKIMA's neighbouring concession are then illicitly introduced into the ITSCI supply chain, data published by the UN suggests. ITSCI's baseline mine production estimates, on which it relies to assess the output of taggable minerals, exceed mine production estimates from a UN source tenfold at some of SAKIMA's mines, with

the discrepancy likely to be accounted for by trafficked minerals. Officials may have fraudulently introduced hundreds of tonnes of coltan from the SMB concession into ITSCI supply chains in 2020 alone. The shift of coltan volumes in favour of SAKIMA should have been unmistakable given its massive scale.

Any minerals laundered via SAKIMA and tagged by ITSCI would subsequently be exported by two ITSCI member companies, which have become the leading coltan exporters in North Kivu – *Coopérative des Artisanaux Miniers du Congo* (CDMC) and *Société Générale de Commerce SARL* (SOGECOM), evidence suggests. Global Witness has identified CDMC's chairman to be British businessman and former TIC president John Crawley.

ITSCI stated that it has “no reason to consider” that its baseline mine production data is inaccurate and rejected any allegation of having abused the ITSCI incident system or of having contributed to the outbreak of violence in the Rubaya area. Crawley and CDMC denied that he is chairman of, or has any connection to CDMC. CDMC added that it has never been informed of or shown any evidence of cross-concession mineral fraud at Rubaya. SOGECOM denied purchasing coltan directly from SAKIMA in 2019 and 2020. SAKIMA did not respond to our invitation to comment.

Rwanda

In Rwanda, where ITSCI's scheme was first widely-used, the introduction of huge quantities of minerals smuggled from DRC was present from the outset. The possibility of tagging tainted minerals in Rwanda, which has only a small mining sector, and exporting them as if they were legitimate appears to have incentivised mineral smuggling from DRC to Rwanda. A key person involved in setting up the ITSCI scheme in Rwanda estimated that for some years only about 10% of the minerals the country exported were actually extracted there, with the rest being smuggled from DRC.

The Rwandan government is fully aware that the country's production figures are inflated by smuggling, multiple industry sources told Global Witness. Neither the government nor the ITSCI programme publishes the sort of mine-level production data which might be able to prove otherwise. While ITSCI has taken action against some minor incidents of mineral smuggling, large companies that have exported the bulk of the smuggled minerals were reportedly left alone. The most important of these companies was Minerals Supply Africa (MSA), for some years the largest exporter of 3T minerals from Rwanda: one source estimates that between 2011 and 2017 only a tiny share of its exports from Rwanda was actually mined there. Swiss businessman Chris Huber (currently under criminal investigation for war crimes in DRC) has also allegedly profited from using the ITSCI scheme to launder smuggled minerals through at least three companies. Smuggling from DRC to Rwanda has decreased since around 2014, at which time the ITSCI programme began to expand its presence in DRC. Nevertheless, smuggling of 3T minerals has continued to pay much better than mining.

Some industry sources have even suggested that the laundering of smuggled minerals was the very reason why ITSCI was set up. They have alleged that the CEO of MSA collaborated with ITA and Rwanda's then Defence Minister to establish a government-backed traceability scheme that he envisaged would counter the risk posed to this illegal trade by stricter regulation in end-user countries.

ITSCI strongly rejected the claim that the ITSCI programme facilitates the laundering of high volumes of smuggled minerals in Rwanda and denied any allegation of wilful wrongdoing or collusion. The Rwandan Mines, Petroleum and Gas Board states that it is fully compliant with OECD and ICGLR guidelines. Chris Huber denies any ties to companies involved in alleged smuggling and these companies deny having exported smuggled minerals from Rwanda. MSA

denied that it has laundered smuggled minerals through the ITSCI system.

International supply chains

Tracing supply chains, we have identified companies that have likely sourced smuggled and/or conflict minerals, including smelters and intermediaries in Hong Kong, Dubai, Thailand, Kazakhstan, Austria, Malaysia and China (see map). We have found these minerals may end up in products by international brands such as Apple, Intel, Samsung, Nokia, Motorola and Tesla.

Many international companies sourcing 3T minerals for their products, including for computers, electronics and cars, arguably do too little to detect smuggling, fraud, conflict links and child labour in the supply chain. Instead of investing proper resources to identify, address and be transparent about such issues in their supply chains, many smelters rely heavily on ITSCI. Similarly, downstream companies often rely heavily on an industry programme run by the Responsible Minerals Initiative (RMI), which in turn relies on ITSCI, despite the scheme's apparent systemic flaws. Our findings suggest that two major smelters that have likely sourced conflict minerals are certified as conforming to the RMI standard.

Apple and Intel have reportedly monitored their Rwanda supply chains since around 2011 and have been warned about the high risk of sourcing smuggled minerals, but have seemingly applied



A display of iPhone 13 smartphones containing tantalum in the Apple Inc. store in London, 2021 (Chris Ratcliffe/Bloomberg via Getty Images).

few meaningful mitigation measures. Neither company has publicly acknowledged the risk of buying minerals smuggled from DRC, according to our research. Other companies have knowingly sourced smuggled minerals from Rwanda, industry sources told Global Witness.

In response to questions from Global Witness, Apple, Intel, Nokia and Samsung all reiterated their commitment to responsible sourcing and referred us to respective policies, reports and initiatives in which they participate. Motorola and Tesla did not respond to our request for comment.

Key recommendations:

International Tin Association and Tantalum-Niobium International Study Center:

- > Reform the governance structure of the ITSCI system to avoid conflicts of interest between its members and the traceability and due diligence functions of the system.
- > Publish detailed mine-level production data for minerals tagged by ITSCI along with other information that ITSCI has promised to make public.

Government of the Democratic Republic of Congo:

- > Conduct a thorough, independent assessment of the implementation of the ITSCI scheme and depending on the findings of this, consider revoking the scheme's permission to operate and consider the options for replacing ITSCI with a scheme run by an independent institution.
- > Improve links between, on the one hand, due diligence and traceability processes and, on the other hand, formalisation of artisanal mines and local sustainable economic development, in order to create incentives for upstream stakeholders to support responsible supply chains.

- > Strengthen efforts to disarm, demobilise and reintegrate members of non-state armed groups.

Government of Rwanda:

- > Enforce measures to intercept smuggled minerals entering the country and to repatriate them to the country of origin.
- > Publish key data for each mine, including production data, number of miners, location and the holder of the mining title.

3T exporters in the Democratic Republic of Congo and Rwanda:

- > Conduct supply chain due diligence in line with the OECD Due Diligence Guidance, including identifying and mitigating risks, and reporting in detail, as legally required, on the risks encountered and the steps taken to mitigate these risks on an annual basis.

Responsible Minerals Initiative:

- > Reduce reliance on ITSCI and other upstream assurance mechanisms by requiring smelters to conduct their own due diligence beyond reviewing data from upstream assurance mechanisms.

US government:

- > Enforce section 1502 of the Dodd-Frank Act with respect to companies sourcing minerals from the African Great Lakes region.

European Commission:

- > Fully scrutinise and hold accountable audited companies and companies that are members of recognised industry schemes, to ensure that they meet the full requirements of the Minerals Regulation and do not rely solely on the membership of a scheme or an audit to meet the relevant obligations.

Countries without due diligence legislation for minerals from conflict-affected and high-risk areas:

-
- > Put in place legislation mandating responsible supply chain due diligence in line with OECD Due Diligence Guidance requirements and sanction companies not adhering to this.

Downstream companies:

- > Conduct their own due diligence and avoid as far as possible reliance on assurances from industry schemes.

1. INTRODUCTION

For around two decades, minerals mined by hand have financed and fuelled armed conflicts in the east of the Democratic Republic of the Congo (DRC). During these often complex conflicts, the DRC army and rebel groups, including both local groups and others from or supported by DRC's neighbours Rwanda, Uganda and Burundi, have fought over access to these valuable resources, often carrying out horrific human rights abuses.¹

Around 10 years ago, key actors — including the governments of DRC, Rwanda, Uganda and Burundi, brought together in the International Conference on the Great Lakes Region (ICGLR), the UN, the Organisation for Economic Co-operation and Development (OECD), in consultation with industry bodies and a number of civil society organisations² – drew up a system of rules, guidelines and programmes in an attempt to improve governance of the extraction of and trade in minerals linked to conflict: gold, tin, tantalum and tungsten (see box p.12).³

This report focuses on tin, tantalum and tungsten (collectively known as 3T metals). After processing, 3T minerals are widely used in electronics, in the automotive and aviation sectors, and for chemical and medical equipment.⁴

The African Great Lakes region is the world's most important region for the mining of columbite–tantalite ore, which yields tantalum as well as niobium, and is more commonly known under its informal name of “coltan”.⁵ DRC and Rwanda are estimated to have contributed 44% of the global tantalum supply in 2019,⁶ whereas in global terms the region plays a less important role in tin and tungsten production.⁷ Most 3T ores in the African Great Lakes region are extracted by artisanal miners using simple tools.⁸ Providing employment for hundreds of thousands, artisanal mining is an important source of income for the population in DRC.⁹

In the regulatory system that emerged in DRC, only minerals from mines validated as “conflict-free”¹⁰ and transported to trading posts using a traceability system¹¹ can receive an ICGLR certificate with which they may then be exported.¹² Neighbouring countries Rwanda, where traceability is also a legal requirement,¹³ and to a lesser degree Uganda¹⁴ and Burundi,¹⁵ where it is not, also use traceability systems that are supposed to impede conflict minerals from entering their supply chains.



Coltan mine in DRC's Rubaya area (*Global Witness*)

Companies using minerals, or products containing minerals, originating from areas affected by conflict or a high risk of human rights abuses are supposed to identify such risks in their supply chains, act to prevent them and publicly report on these efforts, according to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, the global standard on responsible minerals sourcing.¹⁶ In the USA¹⁷ and the EU,¹⁸ such due diligence has been mandatory for 3T minerals and gold since 2010 and 2021 respectively.

The global tin and tantalum industries have come to play a key role in the regulatory system for 3T minerals in the African Great Lakes region. In 2009, the International Tin Association (ITA, previously the International Tin Research Institute, ITRI) launched the ITRI Tin Supply Chain Initiative (now International Tin Supply Chain Initiative, ITSCI), which was later joined by the

Tantalum–Niobium International Study Center (TIC), another industry association.¹⁹ ITSCI offers a traceability and due diligence system, often referred to as a “bagging-and-tagging” system, through which minerals supposedly free from associations of armed conflict and child labour are transported in sealed bags to the exporter and from there to smelters.²⁰ The ITSCI system is implemented by the American NGO Pact in collaboration with the governments of the host countries.²¹ ITSCI has become by far the most important traceability scheme for 3T minerals, particularly in DRC and Rwanda,²² though it also operates in Burundi and Uganda. The Responsible Minerals Initiative’s (RMI) Responsible Minerals Assurance Process (RMAP), a widely used industry programme that supports smelters and refiners in responsible sourcing from conflict-affected and high-risk areas, relies on ITSCI (see chapter 4).²³

In 2018, an OECD assessment of industry schemes concluded that ITSCI’s traceability and due diligence standard was 100% aligned with the OECD Due Diligence Guidance.²⁴ In April 2021, ITSCI celebrated its 10th anniversary by hosting



Artisanal miners in Nyabibwe area, DRC (*Global Witness*)

an event entitled “A decade of success” at an annual OECD forum.²⁵

However, the reality on the ground in DRC and Rwanda stands in stark contrast to this self-congratulation, our investigation strongly suggests. Global Witness set out to assess the

operation of the ITSCI scheme in DRC’s South Kivu and North Kivu provinces and in Rwanda, by means of field research, reviewing dozens of videos recorded by local researchers and conducting interviews with over 90 actors from governments, the private sector, civil society and academia, cross-referencing our findings with UN and NGO investigations and other sources. Our research shows that ITSCI appears to have spectacularly failed in its original goal of ensuring traceability of “conflict-free” minerals, instead apparently tagging massive amounts of minerals from unvalidated mines, including mines occupied by armed groups and/or where children work (see sections 2.1 and 2.2). While ITSCI has long been aware of these issues, there seems to be no evidence of change (see section 2.1).

ITSCI’s traceability system, which at least in DRC is to a large extent ultimately paid for by artisanal miners, therefore does little to cut the connection between minerals and armed conflict, evidence suggests. In some cases, it has been alleged ITSCI field officers accept bribes in return for ignoring issues (see section 2.4.3). Our investigation further alleges how a powerful TIC insider abuses the system to access and launder trafficked minerals that helped to fuel violence in a major mining area (see sections 2.3.3 and 2.3.4).

Furthermore, the evidence suggests ITSCI’s incident reporting system has not always represented the reality on the ground and has been subject to abuse: compromising reports have been left unpublished to protect members from repercussions and the system is apparently sometimes used to undermine rival traceability schemes and to intimidate companies that use them (see sections 2.3.1 and 2.5).

In Rwanda, from the outset, the ITSCI system was seemingly used to launderer huge amounts of minerals smuggled from DRC, effectively enabling Rwanda's ongoing profiteering of the country's resources. Industry sources even suggest that the laundering of smuggled DRC minerals in Rwanda was the very reason the ITSCI system was set up. The CEO of the largest exporter of smuggled minerals from DRC allegedly collaborated with others in ITA and with Rwanda's then Defence Minister to establish a traceability scheme that would counter the risks posed by stricter regulation and growing civil society concerns, and enable their lucrative laundering of minerals from DRC to continue (see section 3.3). This practice has tailed off, however, as ITSCI's expansion in DRC has instead encouraged the domestic laundering and direct export of minerals linked to conflict or human rights abuses, our research suggests.

International companies should have been long aware of these issues but they have seemingly carried on profiting from minerals that have been smuggled and are tainted by conflict and human rights abuses. Tainted minerals continue to enter international supply chains and, as a result, consumers of electronics and other products risk indirectly contributing to violence and child exploitation in DRC (see chapter 4).

KEY ELEMENTS OF THE SYSTEM GOVERNING 3T MINERAL EXTRACTION AND TRADE IN DRC AND RWANDA

Validation of mines

Under DRC law tin, tantalum, tungsten and gold mines are validated using a traffic-light system based on the one outlined in the ICGLR's Regional Certification Mechanism.²⁶ For a mine to be validated "green", it must be visited and rated by either a joint mission of DRC government officials and representatives of international organisations and civil society, a DRC government inspector accompanied by various

government officials and a civil society representative, or an independent auditor. In theory, joint missions go to conflict and high-risk areas and inspectors go to conflict-free areas, whereas for independent auditors there are no restrictions mentioned.²⁷ Government inspectors have only recently been trained in South Kivu and carried out their first mission in 2021, according to a Ministry of Mines official.²⁸

For a site to be rated "green", there must be no armed groups or "uncontrolled elements" of the Congolese security forces present, and no children under 15 years or pregnant women must be involved in mining and mineral trading activities.²⁹ A "yellow" rating means that there are minor irregularities, while "red" denotes major irregularities concerning the presence of armed forces, children or pregnant women.³⁰

Minerals may be extracted and exported from mines rated "green" after they are validated by way of ministerial decree, as well as from mines rated "yellow" if this is within six months of corrective measures being applied, but not from mines rated "red".³¹

However, a recent decree from November 2021 introduces important changes. Following the updated Manual of the ICGLR Regional Certification Mechanism from 2019,³² it allows exporters to conduct risk assessment and rating of mines themselves. Unvalidated mines receive a "blue" status if no risks related to the "red" status are detected by the exporter. Mines previously validated "green" that have not been inspected within one year also receive a "blue" status. Minerals from blue-rated mines may be extracted and sold. If they are not inspected within three years they become "red".³³ The research for this report has been undertaken before this decree has been put in place and it is too early to assess what the impact of the new decree will be. However, while the blue status addresses the problem of the slow process of certifying and validating mines in DRC, the option for exporters to assess mines themselves seems to open the

door wide for abuse.

In Rwanda inspectors of the Rwanda Natural Resources Authority check similar criteria regarding the involvement of armed actors and children in mines.³⁴

Traceability

Tin, tantalum and tungsten mined in DRC and Rwanda must be transported from mines to the point of export using a system that ensures traceability, according to DRC and Rwandan legislation.³⁵

The ITSCI system is the dominant traceability system in both countries. RCS Global, a service provider, offers an alternative traceability system called Better Mining³⁶ (formerly known as the Better Sourcing Programme) in DRC and Rwanda, but this is used by a much smaller number of companies.

The day-to-day operation of the ITSCI scheme is reliant on government officials. In DRC, agents from the *Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Échelle* (SAEMAPE), a government unit under the Ministry of Mines, seal bags of minerals at mines with “mine tags” and enter associated data in logbooks, such as the number of the tag (attributed to a certain mine), weight and mine of origin. Traders can open the bags for initial processing purposes, after which point the Ministry of Mines’ Technical branch, the Mining Division, tags them with “trader tags” before they are transported to the exporting company and from there to the smelter.³⁷ In Rwanda, the process is very similar, with officers of the Rwanda Mines, Gas and Petroleum Board (RMB) weighing and tagging bags of minerals both at the mine and again after initial processing.³⁸



From above: ITSCI mine tag used in Rwanda; ITSCI trader tag used in Rwanda; ITSCI tag sealing a bag of minerals (UNGoE³⁹).

ITA’s implementing partner Pact supports the national government’s work, monitoring supply chains and distributing tags to government counterparts.⁴⁰ Pact collects information about human rights, traceability and security incidents along supply chains, and ITSCI reports these incidents to members and on its website.⁴¹

Smelters and downstream companies purchasing minerals from supply chains monitored by ITSCI can use this information for due diligence purposes.⁴² ITSCI categorises incidents according to risk types (such as chain of custody, human rights, corruption) and level of seriousness. Level

1 incidents are considered priority issues requiring immediate and high-level attention and possible disengagement from suppliers.⁴³ Low-level incidents are considered Level 3 and intermediate or repeated issues are Level 2.

ITSCI provides further information about each incident, including location, date, stakeholders involved, actions taken by involved stakeholders, and the status of the incident.⁴⁴ According to ITSCI, during a period of up to six months following an incident, ITSCI and involved stakeholders verify information, monitor the situation and implement mitigation actions, after which incidents are closed. At that point, incidents are labelled “resolved” if the “ITSCI team and/or involved stakeholders have agreed and implemented actions which have resulted in satisfactory mitigation”.⁴⁵ Conversely, they are labelled “unresolved” if the involved stakeholders have either not agreed to or not effectively implemented all recommended mitigation actions. If the ITSCI team did not find enough evidence to support an allegation or suggest a need for mitigation, incidents are labelled “inconclusive”.⁴⁶

ICGLR certificate

In DRC, 3T minerals to be exported are issued with an ICGLR certificate by the *Centre d’Évaluation, Exportation et Certification* (CEEC) operating under the Ministry of Mines.⁴⁷ In

Rwanda, the RMB issues these certificates and oversees the export of minerals.⁴⁸ The ICGLR certificate is supposed to guarantee conformance with mine site and chain-of-custody requirements of the exported minerals.⁴⁹



Example of an ICGLR certificate of export for DRC (UNGoE⁵⁰)

Due diligence

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas is the internationally recognised standard for responsible sourcing, which has been developed in the context of the wars in DRC. The Guidance sets out a five-step process (see graphic below) that companies in mineral supply chains originating in conflict and high-risk areas from the African Great Lakes region and also elsewhere are supposed to follow in order to ensure that their mineral purchases do not contribute to conflict or human rights abuses.



OECD’s five-step due diligence process⁵¹

2. LAUNDERING OF MINERALS FROM UNVALIDATED MINES IN THE DEMOCRATIC REPUBLIC OF THE CONGO: A SYSTEMIC PROBLEM

Global Witness has conducted field research in over 10 mining areas in DRC's North and South Kivu provinces during 6 months in 2021 and has reviewed dozens of videos recorded by local researchers and reports by other credible organisations that have assessed the operation of the ITSCI scheme in the country. In this chapter, we present two detailed case studies suggesting that ITSCI's traceability function is being severely undermined by government officials and ITSCI field officers responsible for implementing it. Our research suggests that these officials are systematically tagging minerals from unvalidated mines and in doing so are introducing tainted minerals disguised as "clean" into international supply chains. In other words, far from ensuring that minerals traded come from "conflict-free" mines, ITSCI has effectively been used for massive mineral laundering, evidence suggests.

The first case study (section 2.1) shows how, in the Nzibira, Lubuhu and Chaminunu areas, large quantities of minerals have been tagged despite coming from unvalidated mines, some of which have been subject to interference from armed groups, evidence suggests. Following this in-depth case study, we present several other cases where similar issues apparently have arisen elsewhere in North and South Kivu (section 2.2).

The second case study (section 2.3) sets out the evidence suggesting that ITA attempted to undermine a company that moved to a rival traceability system, and events ultimately led to a fatal outbreak of violence. This case study also presents evidence suggesting how minerals from that company's concession have been trafficked and taken to a neighbouring concession, where they have apparently been laundered into the ITSCI scheme prior to being exported by ITSCI member companies, with those profiting from this trafficking including an ITSCI insider.

The chapter continues with an analysis of the failings of ITSCI's traceability (section 2.4) and due diligence (section 2.5) systems in DRC.



The trading centre at Nzibira (used however as office space instead of as a tagging point in recent years) (Global Witness)

2.1 CONTAMINATION OF ITSCI SUPPLY CHAINS AT NZIBIRA, LUBUHU AND CHAMINUNU

2.1.1 Minerals tagged at Nzibira

Nzibira town, in South Kivu's Walungu Territory, is a major provincial hub for trading and initial processing of 3T minerals. Over 270 tonnes of 3T minerals were tagged here in 2020,⁵² according to DRC government statistics, representing around 10% of all minerals tagged by ITSCI in South Kivu that year.⁵³

Under the ITSCI scheme, traders are supposed to bring minerals in sealed bags from green-rated mines⁵⁴ in the sector⁵⁵ to the trading centre in Nzibira where, after any initial processing, they can be resealed with ITSCI trader tags, ready to be transported to exporters.⁵⁶

However, our research suggests a large discrepancy between the volume of minerals being tagged and the volume of minerals produced in the green-rated mines in Nzibira sector. "Unfortunately, most of the validated mines [around Nzibira] are unproductive, they are undergoing engineering works. The miners have abandoned them,"⁵⁷ one local industry expert commented.



The abandoned Chembeke mine in Nzibira sector, in early 2021 (Global Witness)

There are seven mines in Nzibira sector that the Ministry of Mines considers to be rated green.⁵⁸ Based on estimates from government and industry officials, these mines produced under 5,400kg of 3T minerals per month in the first quarter of 2021.⁵⁹ Meanwhile, government statistics show a production of over 27,600kg of 3T minerals per month from these mines in the same period.⁶⁰ Ministry of Mines production statistics are based on tagged minerals as recorded in ITSCI logbooks.⁶¹ However, government officials commonly attribute minerals from unvalidated mines to green-rated ones, according to sources.⁶² The above figures suggest that less than 20% of the minerals tagged at Nzibira in early 2021 came from the sector's green-rated mines. It follows that the remaining 80% were therefore illicitly introduced into the ITSCI supply chain (see chart below).⁶³ Global Witness does not suggest that all minerals from unvalidated sites are linked to conflict or human rights abuses, but we find it very concerning that such a large share of tagged minerals apparently comes from mines which are not inspected. These findings point to very serious shortcomings in the ITSCI traceability system.

Local sources confirmed to Global Witness that large volumes of minerals from unvalidated mines have been brought to Nzibira.⁶⁴ "All traders in Nzibira buy minerals from unvalidated



Almost 23 tonnes of 3T minerals were attributed to the Chembeke mine in the first quarter of 2021 (Global Witness)

mines,”⁶⁵ a Ministry of Mines official commented. The above data suggests that these minerals have been tagged and attributed in ITSCI’s logbooks to the largely unproductive green-rated mines around Nzibira.

Through conversations with government officials, local chiefs, traders, miners and civil society

actors, we have been able to identify several of the sources of the minerals contaminating the ITSCI supply chain at Nzibira.

“All traders in Nzibira buy minerals from unvalidated mines” – Ministry of Mines official

Comparison of tagged minerals and estimated production of green-rated mines in Nzibira sector⁶⁶

Green-rated mines in Nzibira sector	Tagged minerals (kg) (January – March 2021)	Estimated production (kg) (January – March 2021)
Mahamba	5,250	438
Kanyungu	4,575	1,050
Mushangi D8	11,307	6,852
Zola-Zola D23	16,028	1,710
Chembeke	22,825	348
Chaminyago	8,012	1,920
Tshosho*	14,862	3,810
Total	82,859	16,128

*Tshosho mine has not been validated by an official mission but is considered to be green-rated due to its proximity to green-rated mines. This is common practice according to DRC government officials. Global Witness has requested evidence of the legal basis for this practice but had not received this by the time of publication.

Some have originated from the highly productive⁶⁷ but unvalidated Lukoma mine in Nindja *collectivité*, according to four separate sources.⁶⁸ Until May 2021, Lukoma was occupied by a *Raia Mutomboki* group called “Force Populaire pour la Paix” led by Mabuli Shabadeux, sources say.⁶⁹ *Raia Mutomboki*, “outraged citizens” in Kiswahili, are loosely coordinated groups of local armed men and women who, at the movement’s inception, professed to defend the local population in particular, against

Rwandan rebels but have in many places evolved into brutal and abusive militia.⁷⁰

Various factions have fought sporadically among themselves for access to the Lukoma mine⁷¹ and used violence against the population.⁷² Lukoma has been occupied by various armed groups since the Second Congo War (1998–2003), according to a government official.⁷³ At the time of our research, miners worked between one and three hours a week for the faction led by Mabuli Shabadeux and traders paid a levy of 10,000



Tagging point at Chaminyago mine, with no miners or SAEMAPE agents present at the time of visit in 2021 (Global Witness).

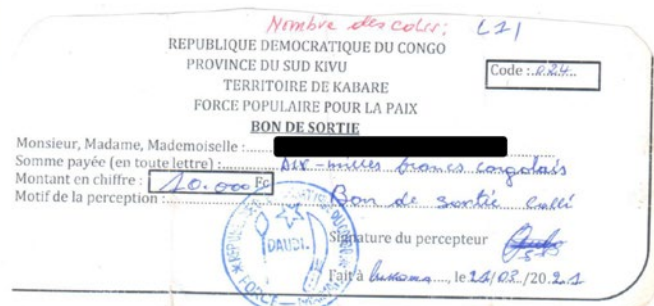
Congolese francs (around \$5) per 50kg parcel of cassiterite to the same armed group, according to sources and documentary evidence (see photos below).⁷⁴ One interviewee pointed out that the Ministry of Mines officials responsible for applying tags would often see such proof of payment documents declaring that armed groups had profited from the minerals, but tag the bags anyway.⁷⁵

Some minerals tagged at Nzibira have also originated in Shabunda Territory to the west of Nzibira, including from mines around the town of Luyuyu, according to a government official.⁷⁶ Mines around Luyuyu were reportedly occupied by a *Raia Mutomboki* faction led by Bitota Bikambi until around June 2020.⁷⁷ A government official from Shabunda told Global Witness that a *Raia Mutomboki* group has successfully pressured the local office of the government agency

SAEMAPE to hand over 15% of its levy on minerals.⁷⁸

Other minerals originate from mines in Burhinyi in Mwenga Territory, according to several local sources.⁷⁹ The highly productive but unvalidated Chigubi mine⁸⁰ is situated close to a residential area and Global Witness has seen children working here.⁸¹

In its response, the South Kivu branch of SAEMAPE wrote that Global Witness’s estimate of the level of contamination of minerals tagged in Nzibira is too high.⁸² ITSCI wrote that it believes that our estimate of mine production in the Nzibira area is inaccurate and that there is “a discrepancy between what is listed as green sites in validation decrees and what actual sites are integrated into a supply chain managed by local authorities and supporting national and international due diligence expectations.”⁸³ ITSCI did not specify what discrepancy it believes to exist in this particular case. ITSCI denied that minerals from the Lukoma mine, mines around Luyuyu and the Chigubi mine enter ITSCI supply chains, referring to the discussion at a local stakeholder committee for Nzibira in August 2021 during which SAEMAPE and mining cooperatives rejected the allegation with regard to the Lukoma mine, referring to the lack of evidence or testimonies regarding minerals entering the supply chain from mines in the vicinity of Luyuyu and referring to the considerable distance



Proofs of payment (bons de sortie) of levies on transported minerals issued by a *Raia Mutomboki* group known as the “Force Populaire pour la Paix” (Global Witness)

involved and the fact that the issue had not been raised as a concern by stakeholders with regard to the Chigubi mine.⁸⁴

Not a new problem – and one that continues to escape ITA’s internal controls

ITA is aware of the risk of ITSCI’s supply chain being contaminated with minerals linked to armed conflict from the area around Nzibira. In 2014, the scheme’s own Governance Assessment of the area read:

“Important to mention is that minerals coming from Shabunda territory that are transported by road follow the [...] route via Nzibira to Bukavu, and potentially present a risk of contaminating minerals originating from Nzibira and Luntunkulu [...] This is an issue of concern because, according to stakeholder [sic] interviewed, several mine areas and transport routes in Shabunda are under the control of armed groups.”⁸⁵

Since at least 2015, the UN and civil society organisations have reported on how these risks have played out in practice. The four at the time green-rated mines from which minerals were supposed to be tagged at Nzibira showed hardly any sign of activity in 2015, according to a report by the Congolese NGO Max Impact, which visited them in July of that year. Yet nearly 1,800kg of tagged cassiterite were attributed to one mine alone, Chembeke, during a single week at the end of June 2015, according to logbook entries quoted by Max Impact.⁸⁶

Max Impact’s findings were later confirmed and expanded upon by a consultant commissioned by Pact, according to a copy of a study seen by Global Witness.⁸⁷ The consultant estimated that between roughly 250kg and 1,200kg of cassiterite were produced per month by the green-rated mines around Nzibira at the time of their visit from end of March to early April 2016. This stands in contrast to the 41,000kg and 38,000kg of 3T minerals that were tagged by SAEMAPE and



ITSCI logbooks – evidence presented by Max Impact (Max Impact, 2015)

Division of Mines agents respectively during March 2016 as having originated from those mines, according to government officials and an ITSCI field officer the consultant refers to in his report.⁸⁸ We calculate that at most just 3% of minerals that received an ITSCI mine tag during March 2016 when the consultant visited came from the mines they were attributed to.⁸⁹

The consultant also identified areas of origin of minerals fraudulently introduced into the ITSCI system via tagging at Nzibira, which broadly correspond to our findings in 2021:

- > The area of the Lukoma mine, which was controlled by a *Raia Mutomboki* faction.⁹⁰ Part of the production was transported to Bukavu and part went to Nzibira.
- > Mines in Shabunda Territory, which were under the control of five different factions of the *Raia Mutomboki*.⁹¹ Part of this production was transported to Bukavu by air, while a large part went by road through Nzibira.⁹²

The consultant's verdict was clear:

- > The four validated mines around Nzibira did not have the physical capacity to produce an average of 30 tonnes of cassiterite per month.
- > ITSCI's Nzibira supply chain was being used to launder minerals from unvalidated mines, including those controlled by armed groups.
- > Government officials and ITSCI field officers assigned to Nzibira were aware of this situation and tried to cover it up.⁹³

ITSCI refers to some of these findings in an incident report dated the same day as the consultant's report:⁹⁴ “[...] minerals from non-ITSCI sites in Lutunkulu or from Shabunda are allegedly tagged in or around Nzibira town and enter the ITSCI supply chain. Local and provincial authorities are allegedly involved.”⁹⁵

However, the incident report omits the most problematic details. For example, there is no mention of the extent to which the supply chain is contaminated, of the high risk that minerals linked to militias are entering the system, or of the involvement of ITSCI's own agents – even though the consultant's report clearly highlights these issues. ITSCI gives the incident a seriousness rating of “2”, even though an incident that carries a high risk of minerals linked to armed conflict or serious human rights abuse entering the supply chain should qualify as a level “1”, giving it the highest priority level, according



Nzibira town (Global Witness)

to ITSCI's own criteria.⁹⁶ Furthermore, ITSCI's incident report refers to “information received from a whistle blower”⁹⁷ instead of stating that it commissioned the study and in its response to Global Witness ITSCI and Pact denied having commissioned the study.⁹⁸ However, the study held by Global Witness bears the ITSCI logo, the properties of the word document mention the name of a senior Pact officer as its author, the document gives detailed instructions how the template should be filled in and shared with Pact, and a source confirmed to Global Witness that Pact commissioned the report.⁹⁹

Instead of fully reporting the issues that the consultant's report had confirmed, ITSCI turned on Max Impact. In a separate incident report carrying the same date as the consultant's report, ITSCI refers to Max Impact's findings but also alleges that the NGO has been paid “to heavily criticise the ITSCI system”,¹⁰⁰ without providing any further information by whom it would have been paid. ITSCI reported issues highlighted by Max Impact as “resolved” eight days later, without stating that the report of the consultant engaged by Pact had confirmed Max Impact's findings,¹⁰¹ although a senior Pact officer reportedly confirmed this to Max Impact in private.¹⁰² ITSCI rated the incident as a “3”, the lowest level, even though the issues highlighted by Max Impact again constituted a serious risk to ITSCI supply chains.¹⁰³

According to a source, after the publication of its report, an ITSCI field officer warned members of a local committee which follows up on ITSCI incidents, not to share any information with Max Impact.¹⁰⁴ The source also told Global Witness that he learned that Pact had suspended for a month the payment to this local committee of an allowance to cover its expenses, because it suspected that members of the committee had shared information with Max Impact.¹⁰⁵

Research of the UN Group of Experts on DRC (UNGoE), which monitors the United Nations

sanctions regime on DRC,¹⁰⁶ suggests that ITSCI failed to address the problems highlighted both by Max Impact and the consultant. A 2018 UNGoE report states that 3T minerals from areas in Shabunda controlled by *Raia Mutomboki* factions and the Congolese army have been laundered by tagging agents who attributed them to the unproductive Chaminyago mine and other validated mines close to Nzibira.¹⁰⁷ The *Raia Mutomboki* received 10% of the mine production for “war effort” and the Congolese army received 10% for “security effort”, the report found. The UNGoE report identified the Bukavu-based exporter *Établissements Rica* (Éts. Rica) as one of the leading buyers from a mine through which the minerals were laundered.¹⁰⁸ Before the publication of the UNGoE report, ITSCI had published several incident reports indicating that production levels of green-rated mines around Nzibira could be lower than the levels of minerals tagged there, but these incidents were closed as inconclusive or unresolved.¹⁰⁹ ITSCI had not opened an incident about the allegation of conflict minerals entering its supply chain at Nzibira prior to publication of the UNGoE report, which implies that ITSCI apparently failed to monitor the situation effectively despite previous red flags. In response to the UNGoE, ITSCI said that it would investigate,¹¹⁰ wrongly rated the incident referring to the UNGoE findings “2” and closed it, marking it as inconclusive, after Éts. Rica failed to provide any explanation and the allegations were denied by a local multi-stakeholder committee.¹¹¹

ITSCI opened a new incident referring to a similar allegation six months later. This was closed after the Mining Division in Bukavu, the very entity whose officers were accused of being involved in the fraud, dispatched an agent to Nzibira and concluded that the rumours were unfounded.¹¹²

In a further incident report from 2020, ITSCI reported allegations that minerals from Shabunda were transiting through Nzibira town to an unknown destination and stated that it

would investigate the allegations and ensure that any such minerals did not enter its supply chain. In an update, ITSCI stated that it could not confirm the allegations and that the incident had been closed as “unresolved”.¹¹³

Our research strongly suggests that the contamination of the Nzibira supply chains with conflict minerals still hasn’t been effectively addressed.

In response to all of this evidence, ITSCI and Pact wrote that it is entirely wrong to suggest that they have failed to monitor or take appropriate action related to the Nzibira supply chain.¹¹⁴ ITSCI stated that it monitors the situation, particularly with regard to armed groups in Shabunda but that there are no indications that these groups target 3T minerals, and that it has opened multiple incidents with regard to “plausibility concerns” and armed groups’ activities, has held meetings and has made visits. ITSCI “considers such actions to be an excellent example of the process of mitigation of risks through engagement with affected stakeholders to plan that mitigation”.

ITSCI further wrote that it has strong evidence that the Max Impact report is biased against ITSCI.¹¹⁵ ITSCI didn’t provide details what evidence it holds and in which way the report was biased against ITSCI. ITSCI also wrote that the report we refer to as consultant study above had several limitations, including contradictory testimonies from stakeholders, a reliance on third-party reports, and limited time spent at the mines.¹¹⁶ Pact wrote that its personnel conducted its own investigation, which was discussed with authorities and stakeholders and resulted in various actions¹¹⁷ but apparently hasn’t been published. ITSCI denied that there has been any failure to report on substantiated, balanced or evidenced findings of the consultant’s report.

Timeline of Nzibira supply chain contamination

2014 ITSCI Governance Assessment warns of the risk of conflict-affected minerals from Shabunda entering the supply chain at Nzibira

2015 Max Impact alleges that minerals have been fraudulently attributed to unproductive mines around Nzibira

2016 According to a Pact consultant's findings at least 97% of minerals tagged at Nzibira during March were from unvalidated mines, including conflict minerals, and that ITSCI officers have tried to cover up this situation

2018 The UNGoE finds that conflict minerals from Shabunda have been laundered at Nzibira

2021 Global Witness finds that 80% of minerals tagged at Nzibira during the first quarter of the year were from unvalidated mines, and that these included conflict minerals

With regard to the assigning of incident seriousness ratings, ITSCI wrote that it treats incidents alleged by third-party reports which are not reasonably evidenced and without clear impact differently from reports where a “connection to non-state armed groups is reasonably identified”. It wrote that its ratings attributed to the cases discussed above are correct, as, with regard to the incident opened in response to Max Impact’s report, it is sceptical of “the level of evidence of impact on minerals and notably the source of that evidence” and with regard to the incident related to what Global Witness refers to as the consultant’s report, it “found no evidence of minerals related to armed conflict to have entered the supply chain”.¹¹⁸ ITSCI didn’t explain why it rated the incident

related to the UNGoE report lower than the evidence the report seems to require. Pact denied having suspended any payment to a local committee, or its staff taking any action to silence such a committee, and stated that it is not in charge of such committees.¹¹⁹

2.1.2 Minerals tagged at Lubuhu

As at Nzibira, the two validated mines in the adjacent Luhago sector of Nindja *collectivité* (part of Kabare Territory) – Kachuba and Muhinga¹²⁰ – are not very productive, producing around 2 tonnes of cassiterite in the first quarter of 2021, according to estimates of government officials and an industry expert.¹²¹ Although these are the only two validated 3T mines in the sector from which minerals therefore may legitimately be tagged at the selling point in the town of Lubuhu,¹²² almost 30 tonnes of cassiterite were tagged there in the same period, according to official government data.¹²³ This suggests that over 90% of the minerals tagged at Lubuhu in early 2021 were illegitimately introduced into the ITSCI supply chain.

Corroborating this deduction, government sources informed us that minerals tagged at Lubuhu originate from unvalidated mines in Nindja such as the Lukoma mine,¹²⁴ and from Shabunda Territory.¹²⁵ “Last time, I declared 1.5 tonnes [of minerals] from Lukoma under the name Kachuba. That was in November 2020 when everybody knew that Kachuba had not been productive for a year,”¹²⁶ one trader explained.

In early 2021, the local chief of Nindja rerouted a share of the minerals being brought from the Lukoma mine for illicit tagging through the area he controls,¹²⁷ local sources informed us. This is because the mineral trade brings a wide range of livelihood opportunities for the local population, for example through retail for traders.¹²⁸ We were further informed that the local Mining Division offices at Nzibira and Luhago compete to tag minerals.¹²⁹

Comparison of tagged minerals and estimated output of green-rated mines in Luhago sector¹³⁰

Green-rated mines in Luhago sector	Tagged minerals (kg) (January–March 2021)	Estimated production (kg) (January–March 2021)
Kachuba	15,186	870
Muhinga	14,730	1,152
Total	29,916	2,022

ITSCI wrote that its records do not show production of anywhere approaching 30 tonnes from Kachuba and Muhinga during the first quarter of 2021, but did not state how much these mines produced during that period according to its own data. It wrote that it disagrees entirely that over 90% of minerals tagged at the Lubuhu trading centre during the first quarter of 2021 were illegitimately introduced into the ITSCI system and that it does not consider this figure to be plausible on the basis of its information. It denies that the trading centre’s supply chain is contaminated by minerals from Lukoma and Shabunda.¹³¹

2.1.3 Minerals tagged at Chaminunu

En route to Bukavu, some of the minerals from Nindja’s Lukoma mine pass through Chaminunu village in Kalehe Territory where they are fraudulently tagged by government officials, our research reveals.¹³² Cassiterite is usually attributed to the Kainga mine and wolframite (an important tungsten ore) to the Ngandju mine. Yet neither of these two green-rated mines were in production when Global Witness visited in 2021.¹³³

As with minerals tagged at Nzibira and Lubuhu, our research suggests that some minerals tagged at Chaminunu originate in Shabunda Territory,¹³⁴

though a government official responsible for tagging them told us that he does not know their exact origin. He further said that it is not necessary for him to know where the minerals are from in order to tag them,¹³⁵ despite determining the origin of minerals being one of the key purposes of the ITSCI scheme.

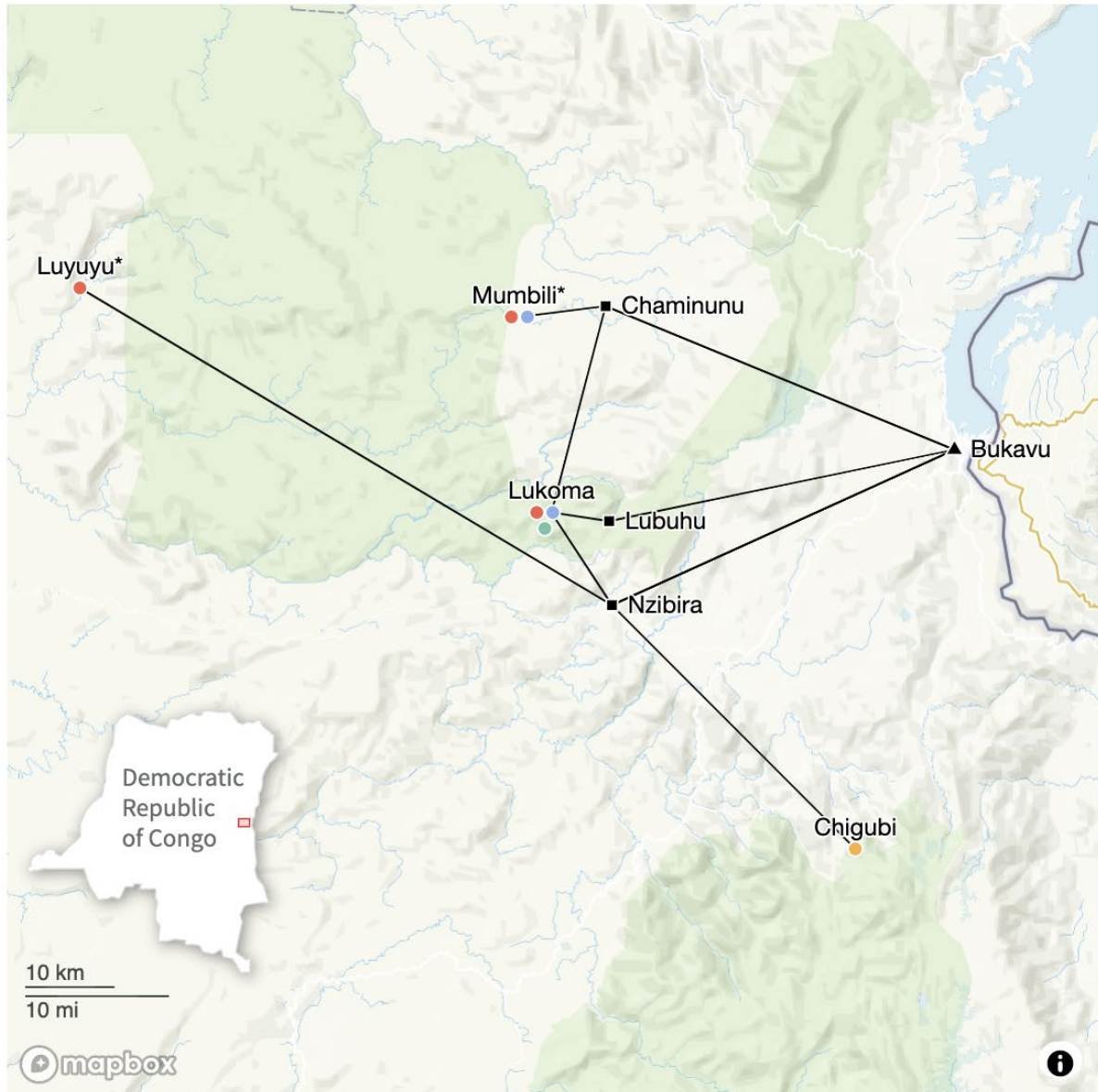
More specifically, our research shows that some minerals tagged at Chaminunu originated around Mumbili village in Shabunda Territory, where a *Raia Mutomboki* group led by Bitota Bikambi controlled the mines at the time of research.¹³⁶ A government official cited a case in which a 200kg bag of minerals belonging to the group was introduced into the ITSCI system.¹³⁷ The same official informed us that the militia forces miners to work, collecting the minerals that they extract.¹³⁸ Furthermore, four sources told Global Witness that attacks by another *Raia Mutomboki* militia along the route from Shabunda to Chaminunu are frequent and that traders must pay an illegal levy to pass several roadblocks that the militia controls.¹³⁹

ITSCI denied that minerals from Lukoma are tagged by government officials in Chaminunu and stated that, given the insecurity in the area, SAEMAPE agents are reportedly not currently visiting Chaminunu.¹⁴⁰

3T trading routes and tagging in the Nzibira, Lubuhu and Chaminunu area

● Mine ■ Hub ▲ Point of export

Problems identified: ● Conflict finance ● Human rights abuses ● Children at work
● Protected area



Note: * Mines around the stated location

Source: Data from Global Witness research as well as the UNGoE and IPIS



Artisanal miner with bags of 3T minerals in Nzibira area (Global Witness).

2.1.4 Minerals from Nindja collectivité tagged in Bukavu

Some minerals from Nindja *collectivité* arrive untagged in Bukavu. There they often receive tags attributed to mines in Katogota in Uvira Territory, according to a government official.¹⁴¹ A government official in Uvira Territory confirmed to Global Witness that tags attributed to Katogota

are often used for minerals tagged in Bukavu.¹⁴² These minerals originating from various illegitimate mines are labelled “*tout venant*” (“coming from anywhere”).¹⁴³ Two government officials in Uvira Territory explained that they regularly receive tags for the mines in Luvungi and Kamanyola sectors in Katogota, regardless of their limited production. One of them said that

this happens despite the ITSCI agent being well aware of the mines' low production.¹⁴⁴

ITSCI wrote that it conducts regular plausibility assessments at all ITSCI mines, with an emphasis on mines in the Nzibira and Katogota areas, but has not found any conclusive evidence confirming our allegation. It denied that field agents are aware of the mines' low production and do not report it accurately.¹⁴⁵

2.2 MINERALS FROM OTHER PROBLEMATIC MINES, OR OF UNKNOWN ORIGIN, LAUNDERED THROUGH THE ITSCI SUPPLY CHAIN

Our research and that of the UNGoE and the Belgian NGO International Peace Information Service (IPIS) shows that Nzibira, Lubuhu and Chaminunu are not isolated cases, but rather examples that illustrate a general pattern across North and South Kivu Provinces, pointing to

Tainted minerals entering the ITSCI scheme in DRC



Note: * Mines around the stated location

Source: Data from Global Witness research as well as the UNGoE and IPIS

deep-seated problems with the ITSCI scheme. The map on page 26 illustrates the extent of these observed irregularities between 2019 and 2021.

ITSCI wrote that “it takes allegations of minerals from non-approved areas entering the ITSCI supply chain very seriously, as well as allegations of human rights abuses and child labour”, and that “such risks have already been reported through its incident reporting mechanism but have not so far been able to be substantiated”.¹⁴⁶

Nyabibwe area: Illicit storage facilities; laundering of minerals from a mine where a criminal gang operates; child labour in a mine

According to a trader and two artisanal miners, it is easy to introduce minerals from unvalidated mines into the ITSCI supply chain in Nyabibwe area in South Kivu’s Kalehe Territory.¹⁴⁷

One trader told Global Witness that he brings minerals from the unvalidated Chambeo mine,¹⁴⁸ in an area where a criminal gang operates, and that these are then attributed to a validated mine in the Nyabibwe area.¹⁴⁹

Some of the minerals from unvalidated mines tagged at Nyabibwe are kept in illicit storage facilities before being laundered into the ITSCI system, two sources informed Global Witness.¹⁵⁰ Some of these facilities have allegedly been controlled by Ministry of Mines officials since early 2020.¹⁵¹

Sources further reported unexplained increases in the weight of bags of minerals that have been washed and tagged. The likely explanation mentioned by three interviewees is that traders top up bags of washed and tagged minerals with material for which they have not paid taxes.¹⁵²

Global Witness has also seen children working in the Kalimbi mine near Nyabibwe.¹⁵³

ITSCI wrote that it does not have any information about Chambeo as a mine and that according to



Illicit storage facility at the entrance of the Koweit mine near Nyabibwe, Kalehe Territory (Global Witness, 2021)

its information there are no criminal gangs in the area.¹⁵⁴

Numbi area: Contamination of ITSCI supply chain with tout venant minerals; children working in a mine

In the area around Numbi town in the northern part of Kalehe Territory, it is mainly coltan and cassiterite that are mined.¹⁵⁵ Government officials in Numbi responsible for tagging referred to *tout venant* minerals (see also 2.1.4) as a “positive” and therefore desirable “contamination” of the ITSCI supply chain.¹⁵⁶ One official estimated that more than 40% of the minerals tagged in Numbi could be from elsewhere, mainly North Kivu.¹⁵⁷

Global Witness has seen children working at Numbi’s Filon II mine, where ITSCI operates.¹⁵⁸

ITSCI wrote that it has not “found any formal evidence of North Kivu minerals tagged at ITSCI

sites in Numbi”. It also said that it has documented wrongdoing by staff from SAEMAPE and the Mining Division in the Numbi area and that actions have been taken by these agencies’ provincial directors to address the risks in the mineral supply chains.¹⁵⁹

Children working in artisanal mines

Children are often present at artisanal mines in DRC, despite the Congolese mining law forbidding this.¹⁶⁰ Global Witness has witnessed the presence of children at several mines in the ITSCI supply chain, including at Nyabibwe (the Kalimbi mine),¹⁶¹ Bitale (the Chigubi mine)¹⁶² and Numbi (the Filon II mine).¹⁶³ In addition, Global Witness has obtained video material showing children at mines in the areas of Nyabibwe (the Kalimbi mine)¹⁶⁴ and Rubaya (the Gakombe mine)¹⁶⁵ as well as at the Kamatale mine.¹⁶⁶ Minerals from the Kalimbi and Kamatale mines are tagged by ITSCI and minerals from Gakombe enter the Better Mining supply chain (see sections 2.2 and 2.3).

In 2019, IPIS observed children at around one-third of the mines covered by ITSCI and concerningly found no statistically significant difference in the presence of children between these and mines not covered by a due diligence programme.¹⁶⁷



Children at the Kalimbi mine, September 2020 (from video material obtained by Global Witness).

Child labour is a complex problem often driven by poverty issue. Some children go to mines for a few hours per week, particularly during school holidays. Several children with whom Global Witness spoke in 2021 said that they worked part-time in mines to earn money to pay their school fees.¹⁶⁸ Many parents in DRC continue to pay primary school fees,¹⁶⁹ despite President Félix Tshisekedi’s election campaign promise to make this free.¹⁷⁰ However, researchers have also witnessed children who have abandoned school at a young age and work long hours every day.¹⁷¹ An interviewee in Numbi told Global Witness that children working in mines are often orphans and have nobody to take care of them.¹⁷² Some children work in notoriously risky tunnels¹⁷³ that adults cannot access due to their size,¹⁷⁴ and may be paid half of what an adult would receive.¹⁷⁵

Biholo mine: Miners forced to work for armed groups

The UNGoE has reported that in 2019, at the then-unvalidated¹⁷⁶ Biholo coltan and cassiterite mine in North Kivu’s Masisi Territory, armed Alliance of Patriots for a Free and Sovereign Congo and *Nyatura Forces de Défense des Droits de l’Homme* combatants physically intimidated miners, forced them to work for them one day per week, and in addition demanded payments of up to \$2,000 per week (see also the video “Forced labour at Biholo mine” [here](#), based on video material obtained by Global Witness). Until they left the Biholo mine in November 2019, minerals from Biholo were transported to Ngungu where they were introduced into the ITSCI supply chain.¹⁷⁷

Itombwe area: Congolese army illegally taxing ITSCI-tagged minerals from a nature reserve

In 2019, IPIS reported that minerals from the Zombe and Shakatembo and other mines in the Itombwe Nature Reserve in Mwenga Territory, South Kivu were being tagged with ITSCI tags in Mwenga town. Reportedly, some of the minerals had been illegally taxed by units of the Congolese army.¹⁷⁸ A letter to government officials from Itombwe’s chief of sector from 2019 referred to “large quantities of cassiterite” leaving for Mwenga, as well as for Uvira and Kaziba.¹⁷⁹

Kamatatale mine: Armed group extracting minerals; children working in the mine

In 2020, the UNGoE reported that minerals from Masisi Territory’s Kamatatale mine, where Nyatura Matata combatants extracted and sold minerals until around October 2019, had been sold to traders running depots in Ngungu, where they entered the ITSCI supply chain. The minerals from the mine were tagged mostly on behalf of the *Société Aurifère du Kivu et du Maniema SA*

(SAKIMA) for onward sale to the *Coopérative des Artisans Miniers du Congo* (CDMC).¹⁸⁰

Furthermore, video material obtained by Global Witness shows children mining at Kamatatale in 2020.¹⁸¹

Chugi mine: Minerals from mine controlled by armed group entering ITSCI supply chain

According to IPIS, in 2019 coltan from the Chugi mine, which is adjacent to the validated Bihula mine and under control of a *Nyatura* militia, entered the ITSCI supply chain in Kibabi.¹⁸²

Mines in Lubutu Territory: Laundering of minerals connected to an armed group and human rights abuses by Congolese army

IPIS reported in 2019 that minerals coming from an area along River Osso and under the control of the Mai Mai Simba militia had been tagged as originating from the validated Mapamboli mine in Maniema’s Lubutu Territory.¹⁸³ Similarly, cassiterite from the Kanda ya nini mine, where soldiers were involved in arbitrary arrests and the extortion of miners, were reportedly tagged as



Armed APCLS combatants in the Biholo mine forcing miners to work for them, 2019 (from video material obtained by Global Witness).

originating from green-rated mines around Ntufia.¹⁸⁴

Itebero area: Minerals from national park laundered into ITSCI supply chain

IPIS reported in 2019 that minerals from the various unvalidated cassiterite mines including Nguba and Mbobolo mines in the Itebero area of the Kahuzi Biega National Park were being laundered into the ITSCI supply chain through green-rated mines, such as the Bukumo and Idambo mines.¹⁸⁵

Mines in Masisi Territory: Validated green despite the presence of armed groups

The UN reported in 2019 that the Kibanda mine in Masisi Territory was under the control of disputing *Nyatatura* factions and *Nduma Défense du Congo-Rénové* militia, but was nevertheless green-rated.¹⁸⁶ That same year, IPIS reported that the Kavuta/Katovu and Rwandanda mines in Masisi Territory, both validated green, were also controlled by the *Nyatatura* militia. Minerals from the latter mines were reportedly being tagged by ITSCI in Kibabi town.¹⁸⁷

2.3 INTRA-CONCESSION MINERAL TRAFFICKING AND AN ALLEGATION OF ITSCI'S BULLYING TACTICS PROVOKING VIOLENCE IN THE RUBAYA AREA

Masisi Territory in North Kivu is home to some of the world's largest coltan mines, which together represent at least 15% of global primary supply, according to the UNGoE.¹⁸⁸ The most important coltan concessions are around Rubaya town and are held by the companies *Société Minière de Bizunzu* (SMB) and SAKIMA.¹⁸⁹

Our research shows that an apparent attempt by ITSCI to undermine its competitors has exacerbated existing tensions between SMB and miners of the *Coopérative des Exploitants Miniers de Masisi* (COOPERAMMA), who extract minerals

on the concessions of both companies. This in turn appears to have contributed to outbreaks of violence in 2019 and 2020.

Despite this violence and widespread mineral theft, recent research suggests that an ITSCI insider (see section 2.3.3) has willingly purchased and profited from a large share of Rubaya's coltan.

2.3.1 Rivalry and bullying in the traceability business

Ethnic tensions between SMB's leadership and COOPERAMMA miners, as well as SMB's ongoing failures to pay COOPERAMMA miners on time, meant that the relationship between the company and the cooperative had become very fragile by the end of 2018.¹⁹⁰

In January 2019, ITSCI lost SMB's membership in its traceability scheme to one of its competitors, RCS Global's Better Mining scheme.¹⁹¹ SMB announced the switch publicly, invoking reasons of cost and due diligence.¹⁹² In a letter to DRC's Ministry of Mines seen by Global Witness, SMB explained that in its view ITA deployed too few agents to ensure effective traceability.¹⁹³

Losing one of its largest traceability customers was not something that ITSCI apparently accepted lightly. When SMB decided to leave the scheme in mid-December 2018, ITSCI immediately halted provision of traceability and due diligence services to the company, despite the contractual one-month notice period, according to SMB.¹⁹⁴

The day after SMB sent its letter to ITSCI, announcing the termination of the contract, ITSCI published four incident alerts concerning SMB, two of which were level 1. Three of them referred to events from two months earlier.¹⁹⁵ According to an SMB representative, ITSCI sent the alerts directly to ITSCI members, including smelters and downstream companies – without engaging in prior discussion with SMB, which was the usual procedure, or even informing SMB about the

incidents. The alerts reportedly scared off SMB’s international customers, who apparently became afraid of buying potentially tainted minerals as a result.¹⁹⁶

SMB, government officials and an ITSCI field officer had agreed how outstanding incidents should be dealt with subsequent to the termination of SMB’s ITSCI membership,¹⁹⁷ but according to SMB, ITSCI ignored this agreement.¹⁹⁸ The dispute culminated in the holding up for over a year of two containers of SMB’s tagged coltan and half a container of tagged cassiterite, destined for export and together worth around \$2 million, according to SMB.¹⁹⁹

After SMB had left the scheme, ITSCI continued to issue incident alerts related to SMB but without a clear connection to ITSCI supply chains.²⁰⁰ SMB told Global Witness that as a result it was unable to sell at least 120 tonnes of minerals.²⁰¹

In 2019, ITSCI’s alleged use of incident reporting to undermine companies such as SMB that had switched to another traceability scheme led to

the intervention of the Ministry of Mines. In a letter to ITA, Pact and RCS Global, the Ministry of Mines cited the aforementioned events and insisted that each scheme concentrate exclusively on issuing alerts regarding minerals in its own supply chain in order to prevent abuse.²⁰²

This was not the first time that ITSCI had received such a warning. In an April 2018 email, the Ministry’s Secretary-General told ITA that he “unequivocally condemns” ITA and Pact’s “attitude” towards reporting incidents arising out of supply chains other than those covered by the ITSCI scheme.²⁰³ The email cited an alert regarding the Kachuba mine in South Kivu’s Kabare Territory.²⁰⁴ The Better Sourcing Programme (BSP) (which later became RCS Global’s Better Mining) had planned to implement its programme at Kachuba, but ITA alerted its international members, including smelters sourcing ITSCI-tagged minerals that also intended to buy minerals under the BSP scheme, to a nearby military presence and the companies then abandoned their plans to source from



Mine on the SMB concession (*Global Witness*)

Kachuba, an industry expert with direct knowledge of the matter told Global Witness.²⁰⁵

The alleged abuse of incident reporting to squeeze out RCS Global suggests that ITSCI is more concerned with maintaining its dominant status for traceability than with its stated goal of creating “responsible mineral supply chains that avoid contributing to conflict [and] human rights abuses”.²⁰⁶

ITSCI denied that the contract with SMB included a one-month notice period and wrote that it regrets that SMB terminated the contract without “prior notice or discussion of termination that would have benefited advance planning”. It stated that it reports incidents in an unbiased way and not in order to punish any actor, that it followed normal procedures at all times and that “SMB did not provide any further answer or feedback to any of the incidents sent to them”. It suggested that “companies buying from SMB, noting failures to resolve incidents of violence and lack of stakeholder engagement by SMB, may have determined to disengage.”²⁰⁷

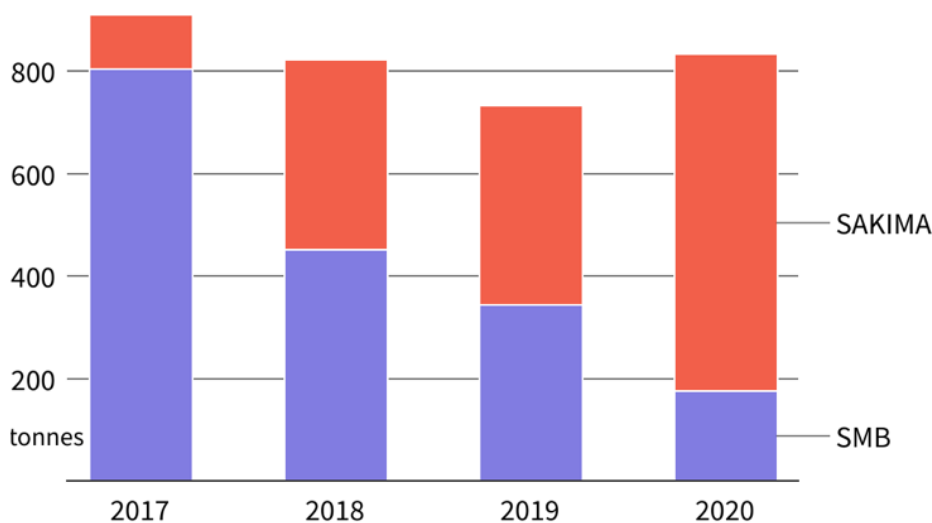
2.3.2 Cross-concession trafficking of minerals

According to Ministry of Mines tagging data, SMB’s official coltan production at its Rubaya concession decreased from around 800 tonnes in 2017 to around 175 tonnes in 2020, while SAKIMA’s production at its adjacent concession there increased from just over 100 tonnes to around 660 tonnes during the same period (see column chart below).²⁰⁸

Such a huge shift as the data suggests in the production volumes of the two concessions should be manifest in a high number of artisanal miners working on the SAKIMA concession and in visible signs of mining activity, such as washing areas, huts and tracks to the mines.²⁰⁹

However, this does not seem to be the case. According to eyewitnesses interviewed by the UNGoE, there were only between 70 and 150 artisanal miners in the Nyagisenyi mine during 2020, reportedly the most productive of the SAKIMA mines.²¹⁰ It officially produced almost 210 tonnes of coltan, whereas the Gakombe mine on

Official coltan production at the SMB and SAKIMA concessions in the Rubaya area 2017–2020, measured in terms of minerals tagged by ITSCI and Better Mining



Source: UNGoE

the SMB concession, with around 1,000 miners active throughout 2020, recorded slightly less than 100 tonnes. Satellite imagery over a two-year period analysed by the UNGoE lacked typically visible signs of mining activity at Nyagisenyi and several other mines on the SAKIMA concession with high recorded production.²¹¹

Furthermore, various sources strongly question the official production data for the SAKIMA mines. Local miners estimate the output of three of the supposedly most productive mines, which together account for over 55% of the total official coltan production of the SAKIMA concession, at around 6 to 7 tonnes per month, while UN sources estimate an even lower figure of between 2 and 3 tonnes per month.²¹² According to these estimates, the three mines would produce only 72–84 tonnes or 24–36 tonnes per year respectively, a far cry from the 402 tonnes that the Ministry of Mines recorded for them in 2020.²¹³

It is important to note that what the Ministry of Mines publishes as “production” figures, as shown in the graph above, corresponds to the

volume of minerals entering the two traceability schemes (ITSCI on SAKIMA’s concession and – since 2019 – Better Mining on SMB’s).²¹⁴ The use of these figures will misrepresent the actual production of a concession or mine if minerals from elsewhere have been trafficked and fraudulently introduced into a scheme’s supply chain there.

North Kivu Ministry of Mines agencies and ITSCI refer to a re-demarcation of the SMB concession in 2018 during which SMB lost access to a river in order to explain why SMB’s production declined.²¹⁵ However, according to SMB the delineation of its concession boundaries had no effect on its production, as no mine was affected.²¹⁶

The UNGoE has reported on cross-concession mineral trafficking from the SMB to the SAKIMA concession since at least 2018,²¹⁷ referring to testimonies of artisanal miners describing their own trafficking activities. ITSCI is aware of the cross-concession trafficking²¹⁸ and, since September 2019, has reportedly implemented “improved tagging procedures, including additional controls”.²¹⁹



Google Earth image of Nyagisenyi mine from April 2020 lacking signs of significant artisanal mining activity (*Google Earth*).



During a field visit to the Nyagisenyi mine in January 2021, a UN source encountered only a few miners instead of the thousands that would have been expected to be present in order to produce the volumes of coltan recorded from the mine (UN).

One of ITSCI's controls involves the restricted distribution of tags according to baseline production estimates. This is to ensure that the number of tags issued is broadly in line with the mine's production.²²⁰ However, ITSCI's baseline production estimates for the SAKIMA concession are inconsistent with the aforementioned estimates by the UN and local sources (see table below), despite having been updated in 2019 as part of the "improved tagging procedures".²²¹

In 2020, ITSCI estimated a production of over 31 tonnes per month for the three mines mentioned above – over 10 times the upper limit of the UN estimates (see table on p.35).²²² This suggests that ITSCI may distribute at least 10 times as many tags as would have been necessary to tag the three mines' actual production, which evidence suggests is used to tag the excess minerals trafficked from the neighbouring SMB concession. As the chart on page 32 shows, the strong fall in officially recorded "production"

levels on the SMB concession has been broadly matched by the rise in production on the SAKIMA concession, so that the total production recorded for both concessions combined has remained relatively stable. This, the proximity of the two concessions, the numerous reports and testimonies concerning minerals allegedly stolen from the SMB concession being tagged on the SAKIMA concession, and the fact that the coltan production of other mines in North Kivu is fairly low,²²³ together suggest that most of the coltan assumed to be fraudulently tagged on the SAKIMA concession originates on the SMB concession.

According to the Ministry of Mines tagging data for the three of the most productive SAKIMA mines, around 350 tonnes of coltan from the SMB concession may have been illicitly tagged by ITSCI on the SAKIMA concession in 2020 alone – allowing ITSCI to collect the levy from the exporters of that coltan.²²⁴ The glaring

Comparison of ITSCI baseline production estimates for mines in SAKIMA's Rubaya concession with estimates from artisanal miners and UN sources²²⁵

Mines	ITSCI monthly baseline production estimate (tonnes)	Estimated monthly production according to artisanal miners (tonnes)	Estimated monthly production according to UN sources (tonnes)
Nyagisenyi	19.8	5-6	1-2
Birambo	4.7	1	1
Mululu	6.8	0 (not operational)	0 (not operational)
Total	31.3	6-7	2-3

discrepancy between the volumes of tagged minerals and the likely levels of actual production suggests that ITA and its partners prefer to ignore the issue.

Significantly, ITSCI's own action against SMB, which led to the holding up of minerals destined for export and to the loss of customers, and exacerbated SMB's difficulties in paying COOPERAMMA miners on time, may have indirectly encouraged these miners to step up their trafficking of minerals from the SMB concession to the adjacent SAKIMA concession for sale there, according to the UNGoE.²²⁶

The data on page 32 also suggests that RCS Global's Better Mining scheme has failed to curb the trafficking of minerals from the SMB to the SAKIMA concession.²²⁷

North Kivu's Mining Division and the North Kivu branch of SAEMAPE wrote that the changes in the production levels of the two concessions can be explained by factors such as two new mines, Anemima and Comiale, on the SAKIMA concession; and by SMB's decision to reduce the number of working days.²²⁸ However, the two mines mentioned by the two government

agencies apparently haven't produced any minerals according to the Mining Division's own reports from 2019 and 2020.²²⁹ ITSCI stated that it has "no reason to consider" its baselines to be inaccurate, referring to a 2020 baseline assessment, which is regularly updated by its field staff. It pointed to "unreliable payment to miners by SMB" and suspension of ITSCI tagging in 2018, as reasons why production on SMB's concession has declined. ITSCI also wrote that, together with government officials and COOPERAMMA and SAKIMA representatives, it has conducted three missions reviewing ITSCI procedures and that it considers Global Witness's estimated volume of trafficked and fraudulently tagged minerals on the basis of baseline estimates to be inadequate.²³⁰ Pact denied having distributed too many tags.²³¹ John Crawley told us on this point that there "is no convincing rationale either to doubt the official production figures' accuracy [for the SMB and SAKIMA concession] or conclude they support a conclusion of smuggling over more obvious explanations". According to him "[t]he most obvious reason that SMB's production declined is the non- and/or months of late payment of

artisanal miners”.²³² RCS Global wrote that its system is designed to keep SMB’s value chains free from potentially tainted minerals but that it is not the right tool to prevent mineral theft, that it has nevertheless flagged incidents linked to mineral theft on SMB’s Rubaya concession as well as the presence of illegal buyers.²³³ SAKIMA had not replied to Global Witness’s invitation to comment by the time of publication of this report.

2.3.3 An ITSCI insider allegedly profiting from trafficked minerals

Unlike SMB, which exports the minerals from its Rubaya concession, minerals tagged on the SAKIMA concession are exported by other companies. In 2020, these exporters were CDMC and *Société Générale de Commerce SARL* (SOGECOM), according to the UNGoE.²³⁴ As SAKIMA’s coltan “production” figures increased, the export figures of these two companies also increased. As there are hardly any other important coltan mines in North Kivu, the two companies have apparently profited from the coltan trafficked from the SMB concession, and have become the largest coltan exporters in North Kivu, (see table below).

Coltan exports from North Kivu

	Coltan exported from North Kivu (tonnes)			
	SMB	CDMC	SOGE COM	All other companies
2017	944	0	0	49
2018	503	488	0	75
2019	319	339	35	8
2020	217	392	490	0

Cross-concession mineral trafficking has been documented by the UNGoE²³⁵ and ITSCI²³⁶ since

at least 2018, so both CDMC and SOGECOM cannot credibly claim to be unaware of the issue.

CDMC is connected to two prominent industry figures – John Crawley, the company’s chairman²³⁷ (see photo and box on p.38), and Chris Huber, who worked with CDMC during 2020 according to the UNGoE²³⁸ (see box on p.38).

During the last decade, Crawley and Huber have been key players in Rubaya’s coltan trade. From at least 2014 to 2017, the Hong Kong-based company East Rise Corporation Limited, of which Crawley is an executive director, bought most of SMB’s coltan.²³⁹ Two mining experts told Global Witness that Huber financed the coltan buying from SMB, and one of them added that he did so through East Rise.²⁴⁰ In 2017, however, SMB began a dispute with Crawley and Huber, according to the same two experts.²⁴¹ That same year, CDMC set up an office in North Kivu,²⁴² and by 2018 CDMC exported almost as much coltan from North Kivu as SMB.²⁴³ CDMC exported all its North Kivu coltan to Star Dragon Corporation Ltd, an apparent front for Crawley and Huber (see box p.38).²⁴⁴

ITSCI’s faulty tagging of trafficked minerals from the SMB concession has helped Crawley and Huber to maintain their control over Rubaya’s coltan, despite shifting allegiances.

Crawley has close ties to ITSCI as a former president of TIC in 2017 and 2018,²⁴⁵ the tantalum trade association whose director sits on ITSCI’s governance committee.²⁴⁶ He remained a member of TIC’s executive committee at least until 2020.²⁴⁷

In 2019 and 2020, CDMC, Crawley and Huber further extended their control over coltan in the Rubaya area. In 2019, CDMC acquired three new concessions from the Ministry of Mines.²⁴⁸ Then, in December 2020, CDMC entered into a joint venture with SAKIMA called Congo Fair Mining, which is 70% owned by CDMC and 30% by SAKIMA.²⁴⁹ Under the joint venture contract,

Congo Fair Mining gained control of SAKIMA's Rubaya concession and its entire output.²⁵⁰ SOGECOM denied having sourced minerals originating from the SMB concession, citing its due diligence process, which includes site visits

and supply chain traceability. Furthermore, it denied buying coltan directly from SAKIMA in 2019 and 2020 and wrote that it considers the cited government coltan export figures from 2020 to be exaggerated.²⁵¹



A 2020 meeting at the Congolese Ministry of Mines showing Crawley as chairman of CDMC ("PCA CDMC") seated next to the company's CEO ("DG CDMC").²⁵²

CDMC wrote that "CDMC has never been informed nor shown evidence of mineral fraud between the SMB and SAKIMA concession," referring to whistle-blowers it posted along its supply chains, monitoring missions and local monitoring committees. Seemingly contradicting this statement, it also wrote that it is aware of an ITSCI incident report²⁵³ from 2019 that refers to minerals from the SMB concession being tagged on the SAKIMA concession and that it had assessed the associated risks.²⁵⁴ CDMC further denied that one of the three concessions mentioned above is in its possession (without naming which one)²⁵⁵ and that John Crawley has been its chairman.²⁵⁶ Crawley himself denied any connection to CDMC and Star Dragon and wrote that "a claim that [he has] any special ability, via his various positions at the TIC, or otherwise to 'manipulate' ITSCI is completely false." He further wrote that no TIC member can be part of the ITSCI governance committee, and that all information on the governance committee is confidential.²⁵⁷ Chris Huber denied having worked with CDMC during 2020 and also denied any connection to Star Dragon Limited or East Rise Corporation Ltd.²⁵⁸ ITSCI denied that a large share of the coltan CDMC and SOGECOM exported from North Kivu during 2018–2020 originated

from the SMB concession, referring to the SAKIMA's concession's larger surface and "activities of other companies", which it didn't further define. Furthermore, it wrote that the TIC president and TIC committees have no role in the ITSCI governance committee and that John Crawley has never "held any position on or had a controlling influence on the ITSCI Governance Committee". It denied that ITA or ITSCI have created difficulties for any company and said that they would have no motivation to do so.²⁵⁹ Nevertheless, Global Witness stands by all the claims that it has made. SAKIMA and Star Dragon had not replied to Global Witness's invitation to comment by the time of publication of this report.

The international businessmen controlling Rubaya's coltan

Behind Rubaya's coltan trade lie British businessman and ITSCI insider John Crawley and his long-time Swiss business partner Chris Huber.

Crawley either owns or is a director of a number of companies extracting and trading DRC's minerals, including the Hong Kong-based East Rise,²⁶⁰ the DRC-based Tantalum Mining Katanga SARL and Kisengo Mining Company SARL,²⁶¹ as

well as others in the US,²⁶² Brazil,²⁶³ South Africa²⁶⁴ and, until 2020,²⁶⁵ Switzerland.²⁶⁶

Huber, meanwhile, has been under criminal investigation in Switzerland since 2018 for "suspected pillage" in DRC, a war crime under Swiss law.²⁶⁷ According to the NGOs TRIAL International and the Open Society Justice Initiative, which filed the complaint, Huber's company Medivals Minerals Ltd was granted four mining concessions by RCD-Goma, a Rwandan-backed rebel movement that illegally occupied large parts of eastern DRC and massacred thousands between 1998 and 2003.²⁶⁸



John Crawley during TIC's 61st Annual Conference (*Global Witness*).

The UNGoE also reported in 2009 that Huber had that year purchased minerals originating from DRC mines occupied by armed forces,²⁶⁹ and that he had ties to Rwanda's ruling Rwandan Patriotic Front (RPF).²⁷⁰

Crawley and Huber's ventures in Africa's Great Lakes region have been intertwined for well over a decade.²⁷¹ In 2009, Huber acted as a consultant on Rwanda and DRC for Refractory Metals Mining Company Ltd (RMMC),²⁷² of which Crawley was a director.²⁷³ That same year, Huber also served as a consultant for African Ventures Ltd, a company incorporated by Crawley's father, financed by RMMC²⁷⁴ and described as a "front" for Huber by the UNGoE.²⁷⁵ Huber was also an early investor in and director of Niotan Inc., a US-based tantalum processing company in 2012 bought by Kemet Corporation, of which Crawley was an executive

officer and director.²⁷⁶ Huber and Crawley are also connected via their apparent front Hong Kong-based Star Dragon Ltd, which shares a company secretary – Strategy Consultants Ltd – with Crawley's East Rise Corporation Ltd²⁷⁷ and an address with RMMC and African Ventures.²⁷⁸ The UNGoE reported in 2009 that RMMC²⁷⁹ and African Ventures Ltd²⁸⁰ have sourced conflict minerals from DRC and this report presents evidence that East Rise Corporation Ltd may have sourced large amounts of smuggled minerals from Rwanda in the early 2010s (see sections 3.2.2 and chapter 4).



A rare glimpse of Chris Huber

John Crawley denied having control over Rubaya's coltan and having any connection to African Ventures Ltd, Star Dragon Ltd and any company of which Chris Huber is a director, shareholder or officer.²⁸¹ Huber denied having any connection to Star Dragon Ltd or East Rise Corporation Ltd and wrote that RMMC does not share an address with African Ventures and that

African Ventures is not a front for him.²⁸²

2.3.4 Violence erupts

As described above, ITSCI's ostensibly punitive action against SMB, which damaged the company's reputation and led to the holding up of valuable consignments of the company's minerals from late 2018, compounded SMB's pre-existing financial difficulties and exacerbated the already poor relationship between the company and COOPERAMMA miners. With disruption to sales, SMB could not pay miners.

Being unable to support families, unpaid COOPERAMMA miners protested against SMB and increasingly sold coltan from the SMB concession to SAKIMA. In turn, the police guarding the SMB concession used excessive violence to curb what they regarded as mineral theft. These actions sparked a cycle of violence in the Rubaya area in 2019 and 2020, as documented by the UNGoE. (See also the video "Violence in Rubaya" [here](#) based on video material obtained by Global Witness)

In June 2019, three COOPERAMMA miners were shot dead by mining police guarding the SMB concession after they had allegedly entered illegally.²⁸³ In 2020, the mining police beat several other artisanal miners for alleged illegal entry and detained more in underground cells on the SMB concession after a clash, the UNGoE reported.²⁸⁴

On at least two occasions, COOPERAMMA members distributed machetes and assault rifles to miners to use in the clashes.²⁸⁵ One COOPERAMMA member told miners "to cut" or "attack" the police with the machetes.²⁸⁶ In the course of 2020, at least seven armed clashes took place between mining police stationed on the SMB concession and armed individuals, some of whom were COOPERAMMA members.²⁸⁷ At least two further miners were killed during outbreaks of violence in 2020.²⁸⁸



Injured man, October 2020 (from video material obtained by Global Witness).

Tensions between the SMB leadership and COOPERAMMA miners have been a longstanding source of conflict in the Rubaya area, so there was always a prospect that ITSCI's action towards SMB might provoke violence.²⁸⁹ Despite this, ITSCI pursued its competition strategy, exacerbating existing tensions which eventually erupted into clashes. With its actions ITSCI effectively undermined its central objective of breaking the connection between minerals and conflict.²⁹⁰

ITSCI wrote that it entirely rejects any allegation that it "played any role in increasing tensions in Masisi" or that "ITSCI or any organisation associated with ITSCI provokes violence". It further wrote that "SMB's difficulties, including the long standing cash flow issues, are unrelated to activities of ITSCI", that SMB is known for fuelling tensions and driving acts of violence, and that these tensions are reported by ITSCI.²⁹¹ SMB wrote to Global Witness that "it happened that security forces guarding SMB's concession could use force against assailants not otherwise identified" but that they did not use force against artisanal miners.²⁹²



Two dead bodies in mine pit (Gasasa mine), June 2020 (from video material obtained by Global Witness).

2.4 FAILURES OF ITSCI'S TRACEABILITY SYSTEM IN DRC

2.4.1 Lack of oversight and failures of cooperation and enforcement

A striking revelation that emerged from Global Witness's interviews with traders and government officials is just how easy it is for miners and traders to launder minerals in DRC.²⁹³ In principle, government officials should act as gatekeepers, checking minerals before they are permitted to enter the ITSCI system.

Multiple factors facilitate the laundering. Insufficient staffing levels mean that ITSCI's government partner SAEMAPE is often not permanently present at green-rated mines where it is supposed to tag minerals.²⁹⁴ In 2020, an IPIS survey found that SAEMAPE staff visited almost 40% of the ITSCI mines surveyed less than once a month.²⁹⁵ Minerals are therefore often stored – either at a mine, in a dedicated storage facility elsewhere or in traders' homes – while awaiting the arrival of SAEMAPE agents to tag them. Overall, mineral bags were sealed away from the mine at 42% of all mines that IPIS visited for another study from 2019.²⁹⁶ Furthermore, IPIS

found that traders were issued with tags by Ministry of Mines agents and commonly tagged their bags themselves.²⁹⁷ This arrangement contradicts ITSCI's rules²⁹⁸ and is highly vulnerable to abuse. All of these factors increase the risk of minerals from unvalidated or red-rated mines entering the system.

Government officials responsible for tagging minerals receive a very low salary, or sometimes none at all, which exacerbates the situation since it incentivises them to sell tags or ask for money in exchange for tagging.²⁹⁹ In Numbi, for example, most government agents receive only a monthly allowance (*prime*), based on the tax revenue generated by their unit,³⁰⁰ instead of a regular salary. In Nyabibwe, SAEMAPE agents receive a *prime* of just \$50–100 and some retain the status of “intern” even if they have worked for SAEMAPE for years.³⁰¹ Congo's Mining Division agents are often paid even less; in Nyabibwe, they receive an allowance of just \$30 per month.³⁰²

Running the ITSCI tagging system constitutes a substantial workload for SAEMAPE and the Mining Division. Yet, although they undertake the bulk of the work,³⁰³ the agencies receive no

financial compensation from ITSCI³⁰⁴ and are reportedly regularly undermined by ITSCI agents. A high-ranking government official told Global Witness that he and his colleagues feel exploited by ITSCI, as they effectively do the scheme's work but are not paid by it.³⁰⁵ Contrary to the claim of ITA's implementing partner Pact that ITSCI helps to "reinforce the authority and resources of the state",³⁰⁶ senior Ministry of Mines officials suggest that ITSCI agents do not respect government hierarchies. Instead they distribute tagging material, and give orders regarding its distribution, directly to agents in local offices without involving their superiors, thus undermining their authority.³⁰⁷ A senior SAEMAPE official at the provincial level explained that Pact would generally not inform him about incidents, preferring to share the information only with the Secretary-General of the Ministry of Mines.³⁰⁸

The effectiveness of the government's contribution to the operation of the ITSCI scheme is further compromised because ITSCI does not provide government officials with its baseline assessments,³⁰⁹ which are a primary means of checking whether mine production levels implied by the quantities presented for tagging are realistic.³¹⁰ Furthermore, not making these assessments public makes it difficult for third parties to hold ITSCI and its partners to account.

Pact also has a very limited number of agents on the ground,³¹¹ with its representatives rarely

present at mines.³¹² According to an IPIS survey from 2020, more than half of a sample of mines where ITSCI operated were visited less than once a month by an ITSCI agent.³¹³

The South Kivu branch of SAEMAPE told Global Witness that it is present in all validated mines but that the slow validation process is one reason for the contamination of the supply chain.³¹⁴ ITSCI wrote that it works with governments in a cooperative partnership, with capacity building being at the core of what it does; that it shares information extensively with its government partners through its formal reporting mechanisms, engages with all involved stakeholders and regularly works with senior officials in assessing and resolving incidents; that it collaborates closely with provincial directors of the Mining Division and SAEMAPE in particular in carrying out baseline assessments; and that, while it advocates "for a transparent approach to baseline estimates", it has "found that in sharing baseline estimates production can tend to 'increase' to what is the perceived maximum level".³¹⁵ In its response, Pact supported ITSCI's points on close collaboration with government partners, adding that local and provincial multi-stakeholder committees are important for information sharing. It denied that it undermines government hierarchies as it does not have "authority to take action against state agents".³¹⁶



Initial processing of 3T minerals, Nzibira area (Global Witness)

2.4.2 Mineral laundering as unofficial policy

Global Witness's research shows that fraudulent tagging is not merely an occasional issue caused by lack of control over rogue individual officials. Rather, in areas that Global Witness visited, government officials responsible for tagging minerals seem eager to introduce as many minerals as possible into the ITSCI supply chain, regardless of their origin. This has seemingly become the unofficial general policy and is supported by senior government agents.³¹⁷ In one area visited by Global Witness, two local offices of the Mining Division even competed for access to minerals and the right to tag them.³¹⁸

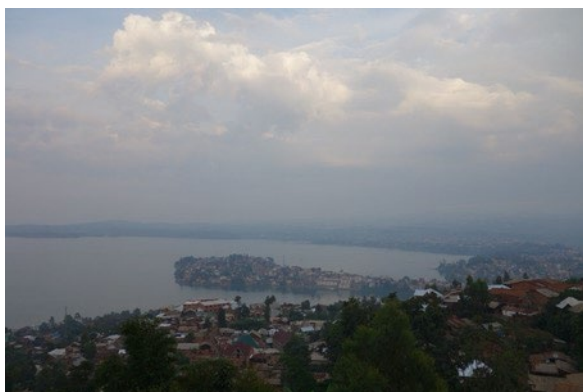
The aim of introducing all minerals into the ITSCI system, regardless of their legitimacy, is widely supported by stakeholders. One frequently cited factor that seems to unite Ministry of Mines officials,³¹⁹ representatives of cooperatives,³²⁰ traders³²¹ and even civil society actors³²² is the fact that minerals that are not tagged in DRC are likely to be illicitly tagged in Rwanda (see also

chapter 3). As one trader put it: "It's just patriotic spirit to make sure that minerals that can be rejected don't become "green" on the other side of Lake Kivu."³²³

2.4.3 ITSCI's apparent complicity and conflict of interest

Global Witness has found little evidence to suggest that ITSCI agents intervene when the traceability system is abused.³²⁴ While there is evidence that they are aware of the laundering of minerals, it appears that they tend not to interfere³²⁵ – indeed in some cases the organisation's representatives reportedly assist the abuse in question. Two interviewees from Kabare Territory told Global Witness that the various mining agencies, the local mining cooperative and the ITSCI agent engage in a team effort to introduce minerals into the ITSCI supply chain.³²⁶ One government official from another territory told us that ITSCI agents know the statistics they declare for certain mines do not represent the reality of those mines' production, but that they do not challenge this.³²⁷ Another

government official stated that the local ITSCI agent would take a share of the illicit levy that the government agents exact in return for tagging minerals, in recognition of his “assistance” in introducing minerals into the ITSCI supply chain.³²⁸



View of Bukavu, with Rwanda visible on the other side of Lake Kivu (Global Witness).

ITSCI’s main tool to assess whether the quantities of tags issued are realistic seems to be its baseline estimates of mine production,³²⁹ but the proportion of minerals of illegitimate origin being tagged, which we have documented to be over 90% in Luhago sector (see section 2.1.2) and around 80% in Nzibira sector (see section 2.1.1) during the first quarter of 2021, demonstrates the failure of this approach. At Rubaya, ITSCI’s baseline for 2020 production at three of SAKIMA’s mines, published by the UNGoE, was more than 10 times higher than UN estimates (see section 2.3.2), giving ample scope for laundering. Adding further evidence, a government official in Katogota in Uvira Territory told Global Witness that his office would always receive tags, whether or not the mines were producing.³³⁰

In an effort to tackle the problem of laundered minerals, ITSCI has set up “lockboxes” for the storage of tags: these are secured with three separate locks, with SAEMAPE, the Mining Division and the relevant cooperative of artisanal miners each having the key to one lock.³³¹ Yet this system remains vulnerable to abuse: “We estimate how much we can attribute to this or that mine and then we put the material [tags]³³² in the lockbox,”³³³ a government official

explained to Global Witness, adding that there are no ITSCI agents present to carry out any checks.³³⁴

The sheer scale of illicit tagging of minerals which in some cases has been reported before suggests that not only the ITSCI and government agents on the ground, but also their senior management, is aware of the issue but ignore it.

An unaddressed serious problem within ITSCI is that tagging high volumes of minerals is actually in its interest. The ITSCI scheme is mainly funded by levies paid by the exporters of tagged 3T minerals from the Great Lakes region.³³⁵ Ninety seven percent of ITSCI’s funding from 2019 came from upstream actors according to an ITSCI financial report.³³⁶ Pact writes that “the wider the reach of the system and the more production that passes through it, the lower the cost of participation” that ITSCI can offer to its members.³³⁷ This approach to finance creates an incentive to maximise the quantity of minerals tagged, undermining ITSCI’s aim of controlling what minerals enter its supply chains.



Traders carrying bags of 3T minerals from mine to the Nzibira (Global Witness).

A key problem with the ITSCI scheme that seems to lie at the heart of many identified issues is ITA's and TIC's conflict of interest between on the one hand running a scheme aiming to stop tainted 3T minerals from being sold on international markets and on the other hand representing many of the major buyers of 3T minerals. Its governance committee consists entirely of representatives from the tin and tantalum industry bodies,³³⁸ whose members include some of the most powerful companies dealing with tin and tantalum.³³⁹ Furthermore, ITSCI's governance structures seem unsatisfactory: there are only two individuals on its governance committee, one of them is overseeing the ITSCI programme at ITA, and the scheme lacks any board or supervisory committee to whom the ITSCI programme manager must report.³⁴⁰

The Rubaya case study (see section 2.3) shows both how the ITSCI scheme may have been abused by some of its members to gain access to trafficked minerals, and how fatal violence may have been caused in part from tensions stoked by ITSCI's action against the mining company SMB when the latter switched to a rival traceability scheme. The case shows how far ITSCI has gone in order to maximise the volume of minerals that it tags and thereby maintains its near-monopoly position as a traceability and due diligence provider for DRC's 3T mineral flows.

In its response to Global Witness, ITSCI denied any high levels of contamination of its supply chains in DRC and Rwanda and wrote that it considers its controls to be effective. It denied that "field agents are aware of the mines' low production and do not report it adequately", referring to the lack of financial incentives for staff in the volume of produced minerals. ITSCI wrote that it disagrees with Global Witness's and the UNGoE's estimates of minerals from problematic sources contaminating its supply chain and that it considers its baseline methodology, based on assessments carried out by trained ITSCI staff, who take account of testimonies from miners and production records,

to be robust. Furthermore, it wrote that it uses its incident mechanism to determine connections to conflict finance. It denied any conflict of interest, stating that ITA and TIC member companies are not involved in ITSCI governance, that persons with commercial interest are not eligible to sit on its governance committee, and that it is "in the interests of all 3T industry members to ensure that the ITSCI system credibly and accurately" addresses risks. It also rejected any allegation that it "played any role in increasing tensions in Masisi" and wrote that it does not hold a monopoly status.³⁴¹ Pact denied that its agents are often aware of the laundering of minerals but refrain from interfering. Pact also wrote that it applies internal processes to identify cases of misconduct, four of which have been reported over the last five years in DRC, and that the contracts of the staff involved have been terminated. It further stated that checks are carried out by Pact representatives on tag distributions for lockboxes and that "government officials and cooperatives do not decide how much minerals should be attributed to a certain mine," but that instead the distribution of tags is based on ITSCI baseline estimates.³⁴² Nevertheless, Global Witness stands by all the claims that it has made.

2.4.4 Economic injustice

Mines covered by a due diligence system have a greater state presence, which is in turn associated with higher taxation, according to an IPIS study from 2020.³⁴³ This reflects a positive effect of ITSCI in DRC: the scheme has given the Ministry of Mines a tool to administer artisanal mineral flows more effectively – even though, as shown above, production statistics do not necessarily reflect the true origin of minerals as minerals from unvalidated or red-rated mines are often fraudulently attributed to green-rated mines. The miners themselves, however appear to get little in return for the taxes they pay.³⁴⁴

Similar observations apply to ITSCI's own levy. Pact declares that "the [ITSCI] system is free to

artisanal miners.”³⁴⁵ As noted above, the bulk of the cost of ITSCI’s traceability scheme is indeed covered by exporting companies.³⁴⁶ However, three senior mining officials told Global Witness³⁴⁷ that the cost of this is ultimately borne by the artisanal miners, as the levy costs are subtracted from the miners’ official selling price. Academic research seems to support this conclusion.³⁴⁸

In essence, then, the artisanal miners – the poorest and least powerful link in the supply chain – end up bearing the cost of an apparently broken traceability system.

ITSCI wrote to Global Witness that exporters do not make levy payments to ITSCI but that other upstream actors cover 80% or more of its funding and that miners do not bear the cost of the system.³⁴⁹ ITSCI didn’t clarify which upstream actors cover the bulk of its funding and didn’t provide any evidence supporting its statement that artisanal miners wouldn’t ultimately bear the cost of the system.

2.5 ITSCI’S FLAWED DUE DILIGENCE SYSTEM

ITSCI collects and publishes detailed information about risks related to security, human rights and chain-of-custody issues along its supply chains and about how these risks have been addressed. To date it has publicly reported over 2,500 incidents in both North Kivu (starting in January 2014) and South Kivu (starting in July 2012).³⁵⁰

According to its website, ITSCI shares summaries of incidents with its members on a monthly basis, though these are only made public at a later stage.³⁵¹ At the time of publication, the latest public incident reports for North and South Kivu date to the end of December 2020.³⁵²

When timely and detailed, incident reporting can be an important tool for due diligence purposes, as it allows the public, customers, investors and shareholders to assess information about the measures companies are taking to identify and

address risks in the dynamic contexts they work in.³⁵³ The ITSCI incident reporting system has been lauded by an OECD Alignment Assessment as an example of good practice.³⁵⁴ However, our research reveals a number of instances where ITSCI seems to have abused its incident reporting system.

First, ITSCI seems to have downplayed serious incidents, giving the impression of mostly minor incidents.³⁵⁵ Global Witness has identified various cases of minerals connected to armed groups entering the ITSCI supply chain, or where there is a high risk of this having occurred, such as minerals from the Lukoma mine (see section 2.1) or the Chambeo mine (see section 2.2), which ITSCI has not reported although might have been expected to do so. In several other cases when serious traceability issues have occurred, ITSCI only reported incidents after other organisations, such as the UNGoE, reported them, as was the case with ITSCI reports on Nzibira³⁵⁶ (see section 2.1.1), the Kamatale mine³⁵⁷ (see section 2.2) and the Biholo mine³⁵⁸ (see section 2.2). In all these cases, ITSCI wrongly classified the incident as a “2”³⁵⁹ instead of the highest seriousness rating of “1”, which its own criteria indicated should have been applied.³⁶⁰ The Nzibira case study provides an example of ITSCI reporting only very selectively on its own problematic findings, omitting the worst issues (see section 2.1.1).³⁶¹



Cassiterite at mine in Kalonge area (Global Witness).

Second, ITSCI often appears wilfully to have ignored incidents in which key players in the 3T

market have been involved. A former Pact manager responsible for the ITSCI Rwanda programme told Global Witness that no severe incidents detailing wrongdoing by some of the large companies had been published by ITSCI, despite him reporting such incidents to ITSCI's secretariat (see section 3.1.4). Furthermore, according to industry sources, a powerful ITSCI member abused the incident system to get rid of competitors (see section 3.3).³⁶²

Third, while ITSCI appears willing to overlook certain incidents relating to its large member companies, it has issued detailed alerts about a company that had already switched to a rival traceability scheme, apparently in an attempt to undermine both the company and the rival scheme, and published alerts relating to another mine where it was planned to use the predecessor of the same rival scheme (see section 2.3.1). ITSCI apparently also attempted to use an incident report to discredit an NGO that had pointed out weaknesses in its system (see section 2.1.1).

Furthermore, it is also problematic that ITSCI strongly relies on its government counterparts and other actors in the verification and follow-up of incidents,³⁶³ who usually have no interest in exposing the flaws of the system as shown above (see section 2.4.2)

These examples tend to show how ITSCI's due diligence incident reporting is vulnerable to abuse. While incident reporting is a crucial element of a due diligence system, it can become a powerful tool enabling control over access to or exclusion from the market concerned. This is particularly problematic if such a system is run by an actor such as ITSCI which has weak governance structures and whose members have strong interests in the market.

ITSCI strongly denied that its incident system is flawed and disagrees that it gives a misleading impression that incidents are mostly minor, referring to 271 reported level 1 incidents for

South and North Kivu between 2016 and 2020. It denied that it often fails to report on cases of minerals connected to armed groups having entered the ITSCI supply chain, stating that it has reported about armed groups in multiple incidents and that it is well aware of the security situation at and around the Lukoma site.³⁶⁴ It wrote that that it is aware of a pit at Kibuye mine called Chambeo but that according to its information there are no criminal gangs at the Kibuye mine.³⁶⁵ It wrote that it finds its "categorisation [of the level of seriousness] in relation to UNGoE cases" mentioned above to be correct and stated that it follows "an investigative and iterative approach to initially raise the incident, and verify all allegations made and evaluate evidence found to determine if incidents should be raised to higher level of seriousness or not". It strongly denied having wilfully ignored incidents or abused its incident system, stating that it reported in an unbiased way and not in order to punish any actor.³⁶⁶



Artisanal miners in Rubaya area, DRC (*Global Witness*).

3. ITSCI'S ROLE IN RWANDA

ITSCI's involvement in Rwanda helps to contextualise its reported failures in DRC. In the recent past, the fates of DRC and Rwanda have been closely connected in tragic ways, with minerals playing a crucial role. During the Second Congo War (1998–2003), Rwanda was heavily involved in looting DRC's minerals, which were used to finance Rwanda's war machine (see box on p.53).

In this chapter, we analyse how minerals from DRC have continued to be smuggled into Rwanda

on a large scale, despite ITSCI's presence in both countries, with evidence suggesting the ITSCI scheme has actually been acting as a driver of this illegal activity, particularly in the first years after its set-up on which we focus in this chapter. Instead of providing traceability of minerals free from links to conflict, illegality and human rights abuses, ITSCI may have obscured the origin and facilitated the laundering of tainted minerals, all the while providing a veneer of legitimacy that the international community has been willing to accept at face value despite the obvious warning signs.

3.1 THE LARGE-SCALE LAUNDERING OF SMUGGLED MINERALS FROM DRC

3.1.1 The ITSCI scheme's incentivising of smuggling

While ITSCI first started operating in DRC at a slow pace, the scheme was rolled out much faster in Rwanda. ITSCI's first pilot project was established at the Kalimbi mine in DRC's South Kivu Province in 2010, but this remained the only mine in the province covered by the scheme until the end of 2013.³⁶⁷ This slow roll-out was mainly due to a blanket suspension of mining imposed by the DRC government in North Kivu, South Kivu and Maniema provinces, supposedly to "clean up the sector"³⁶⁸ in reaction to international pressure.³⁶⁹ In North Kivu, another DRC province where minerals were strongly linked to conflict,³⁷⁰ the ITSCI roll-out started only in 2014 after the government signed a peace agreement with the (Rwandan-backed) armed group M23.³⁷¹ In the far less challenging context of Rwanda, ITSCI was launched in 2010³⁷² and by April 2011 it covered all legal 3T mines and exporters in the country.³⁷³ By 2012, 97% of all 3T exports carried ITSCI tags.³⁷⁴

As in DRC, ITA collaborated with Pact to implement the ITSCI scheme in Rwanda. Global Witness spoke to a former Pact manager in charge of the ITSCI project in Rwanda from 2011

to 2014. He was responsible for checking whether the number of tags distributed to mines by the Geology and Mines Department (GMD), ITSCI's Rwandan government partner, was in line with their production.³⁷⁵

Frequently, when he or his team visited a mine to inspect it, there was no one mining. Nevertheless, such mines were issued with tags by the GMD, he told Global Witness.³⁷⁶ On the basis of his observations and production data from before the ITSCI system started, he estimates that in the early days of the ITSCI scheme only about 10% of the minerals exported by Rwanda were actually mined there, the rest having been smuggled from DRC into the country prior to export. In the following years the in-country production increased due to efforts by the Rwandan government to promote mining, but at the same time smuggling also increased, with the result that according to the former Pact manager still only around 10% of exported minerals were Rwandan in origin.³⁷⁷ Other mining experts who have worked for a long time in Rwanda's mining sector offer similar estimates.³⁷⁸

The failure to stop smuggled minerals from entering the ITSCI supply chain in Rwanda has combined with other factors to encourage smuggling of minerals from DRC. From April 2011 on, the Conflict-Free Smelter Programme, which in the current form is run by Responsible Minerals Initiative (RMI), requested smelters to source through schemes "verifying their conflict-free sources",³⁷⁹ which made it increasingly difficult for Congolese exporters to find buyers.³⁸⁰ Furthermore, when DRC made traceability a legal requirement for exported 3T minerals in 2012,³⁸¹ the slow roll-out of the ITSCI system in the difficult context of the DRC meant that most minerals could not be legally exported any more, providing a further incentive to smuggle minerals to a country where they could be fraudulently tagged prior to export.

ITSCI stated that since its beginning it has frequently reported "incidents regarding

plausibility questions”.³⁸² ITSCI said that it does not consider the former Pact manager quoted above to be a reliable source, finding his statements far-fetched and exaggerated.³⁸³ Pact wrote that its former manager’s statement to the effect that frequently, when he or his team visited a mine to inspect it, there was no one mining, is exaggerated.³⁸⁴

3.1.2 The disparity between Rwanda’s mineral production and its exports masked by a lack of transparency

Global Witness³⁸⁵ and other organisations³⁸⁶ have continually pointed out that Rwanda’s mineral export figures cannot plausibly correspond to the production of its relatively small mining sector. Meanwhile, the UNGoE has regularly documented smuggling of 3T minerals from DRC to Rwanda and other neighbouring countries,³⁸⁷ likely accounting for this difference to a large degree.³⁸⁸ Occasional glimpses into production data bear out this picture. The contrast between figures for exported minerals and domestic production is particularly stark in the case of coltan. Global Witness has spoken to an industry expert, who has worked in Rwanda and visited most concessions,³⁸⁹ who estimates Rwanda’s total coltan production from mines on the concessions to be around 5–7 tonnes per month, with a smaller amount coming from mines that are not part of formal concessions.³⁹⁰ Even if experts have different opinions as to how much coltan is produced in Rwanda, it seems unlikely that the total comes anywhere close to the 1,000–2,400 tonnes of coltan that Rwanda has exported every year since 2012³⁹¹ (see graph on p.52) and that made Rwanda the world’s largest coltan exporter in 2014.³⁹²

Another industry expert explained that in the context of informal discussions, government officials from the Rwanda Mines, Petroleum and Gas Board (RMB) had confirmed that Rwandan 3T export figures far exceeded the production of Rwandan mines.³⁹³ A former mine operator told Global Witness: “The Rwanda Mining and Gas

Board is fully aware of what’s happening, they have all the data: companies have to report on turnover, staffing levels etc. on a monthly basis, so they can easily check.”³⁹⁴ A further industry source told Global Witness that most mining companies do not make significant investments and lack even basic equipment such as a vehicle or compressors used to drill rocks.³⁹⁵

The Rwandan government has vehemently denied such allegations, albeit without providing any proof to the contrary.³⁹⁶ The true production level of Rwandan mines could easily be revealed if the government were to publish production data disaggregated at the mine level. Experts could visit a mine and easily check if the production figure given was realistic. However, the Rwandan government does not publish any mine production data.³⁹⁷

ITSCI does not publish any production data at mine level either, even though such data is not usually considered a commercial secret in the mining sector. Many mining companies publish production data on their websites – often with pride.³⁹⁸ Global Witness spoke to industry sources operating concessions in Rwanda who spoke openly about their mine production.³⁹⁹

ITSCI’s secrecy around basic data contradicts its own assurances. In 2011, when ITSCI was seeking international support, it presented a five-year plan to the US Securities and Exchange Commission, in which it promised to make a wide range of data available to the public – including, for the DRC, production data per mine, number of miners per mine, weight purchased and sold per trading point, and average mineral sales prices.⁴⁰⁰ For Rwanda, ITSCI promised “an equivalent level of information” as for DRC “in relation to mineral production from local mines under the scheme [...] although some changes may be made in cases where the supply chain structure is different to the DRC”.⁴⁰¹ Global Witness is not aware that any of the promised data for either country has been made publicly available.



Attempted smuggling of coltan from North Kivu to Rwanda in 2017, documented by the UNGoE. 580kg coltan were hidden between the lower plank and the chassis of a car (UNGoE⁴⁰²).

In response to these allegations, ITSCI wrote that it is wrong to state that the promised data has not been made available, referring to the ITSCI website.⁴⁰³ It did not however specify where on the website the data can be found and Global Witness has not been able to find the respective data on its website. ITSCI also wrote that production data in the artisanal and small-scale mining sector of the Great Lakes region is considered confidential information, referring to a “highly competitive” nature of the sector.⁴⁰⁴ This statement however, seems to be contradicted by the fact that DRC Ministry of Mines reports that are available to many stakeholders report production data for artisanal and small-scale mines.⁴⁰⁵ Furthermore, ITSCI wrote that it rejects any accusation of undue secrecy and maintains that it acts as a responsible data holder.⁴⁰⁶

The RMB wrote that Rwanda is fully compliant with OECD and ICGLR guidelines and that “since 2011, Rwanda has been tracing all 3T minerals exported from the country”, using trained staff. It wrote that mining companies in Rwanda have been heavily investing in mining and processing

machinery for over a decade, leading to significant production increments. It also wrote that in 2012 the country’s security services impounded approximately 200 tonnes of 3T minerals and returned them to DRC.⁴⁰⁷ The RMB has not responded to Global Witness’s follow-up question as to what quantity of smuggled 3T minerals have been returned to DRC in subsequent years.

3.1.3 Trade in smuggled minerals crowds out mining initiatives

An industry expert told Global Witness that he had mapped out Rwanda’s coltan mines in 2016 but had found only a few sites with very limited production, and that even promising sites were often not active because it was much cheaper to buy tags and minerals from DRC than to invest in legitimate mining in Rwanda.⁴⁰⁸ A former mine operator in Rwanda told Global Witness that buying smuggled minerals is cheaper than mining minerals, which entails various costs such as machinery, protective equipment for miners and taxes.⁴⁰⁹ This suggests that allowing smuggled minerals to pass through Rwanda has resulted in

genuine domestic mining initiatives being crowded out.

3.1.4 ITSCI ignores minerals smuggled to Rwanda

Minerals, particularly coltan from DRC, continue to be smuggled across the border to Rwanda, as UNGoE reports regularly document.⁴¹⁰ Often smuggled minerals have been brought directly to trading posts in the outskirts of the capital Kigali, where they are tagged.⁴¹¹ One mine operator in Rwanda told Global Witness: “Tags are a commodity – you buy and sell. Everybody with a mining licence gets tags and can sell them on.” Sometimes tags are sold years after they were issued, he commented.⁴¹²

The former Pact manager previously mentioned in section 3.1.1 told Global Witness that ITSCI working hours were from 8am to 5pm but minerals were smuggled from 5pm to 8am.⁴¹³ He said that he had proposed to ITA various measures to tackle the problem, including monitoring operations at the Congolese–Rwandan border, but that these were not accepted.⁴¹⁴

The former Pact manager told Global Witness that ITA often failed to publish details of alerts involving the larger companies. He would report issues regarding smuggling to ITA, but it would select which of his reports were published.⁴¹⁵ He claimed that ITA published some incident reports related to smaller companies, some of which consequently had to close down.⁴¹⁶ Meanwhile, he said that it protected the companies exporting the largest amounts of smuggled material – such as MSA (see section 3.2.1) and Tawotin, to which Chris Huber has ties (see section 3.2.2). “MSA and others should have been closed,” he said, but added that this would have been tantamount to closing the whole of Rwanda, as mining was the country’s largest export sector.⁴¹⁷

He told Global Witness that he regularly met with ITSCI’s auditors, who he said were aware of the disparity between Rwanda’s domestic coltan

production and its export figures.⁴¹⁸ However, ITSCI’s audit reports on MSA for 2013–2014,⁴¹⁹ on Tawotin for 2014⁴²⁰ and on Wolfram Mining and Processing (WMP) for 2014⁴²¹ – all three being companies that were reportedly involved in large-scale exports of smuggled minerals (see section 3.2) – include an identical declaration that no evidence was found that the company “is involved in [...] fraudulent misrepresentation of the origin of minerals” or has “supported non-state armed groups.” In the case of another such company, Rwanda Rudniki, the 2011 report concluded “no issues identified”.⁴²²

A former CEO of a company in Rwanda’s minerals sector told Global Witness that in 2014 he had asked ITA to investigate a tagged consignment of white coltan mixed with black coltan, which he had received from a miner that year. He suspected it to originate from DRC, because white coltan usually comes from there but is frequently mixed with Rwanda’s black coltan to avoid detection. After more than a year, ITA informed him that he had to either return the white coltan to the miner who had sold it to him, or proceed with the purchase at his own risk. The long delay in replying, the suggestion to buy the coltan despite the high risk of it being smuggled and that ITSCI apparently hasn’t published an incident report raises further questions about whether ITA takes the issue of smuggled minerals very seriously.⁴²³

“ITSCI working hours were from 8am to 5pm but the minerals were smuggled from 5pm to 8am” –

Former Pact manager

In its response to Global Witness, ITSCI strongly denied that it has wilfully ignored evidence of smuggling and stated that it has well-established procedures for incident management in place, that it does not choose which incidents it reports and that it would have no reason to do so. ITSCI referred to “around 83 incidents related to MSA

and around 25 related to Tawotin”. It wrote that it has no information on any proposal from the former Pact manager. ITSCI referred to other incidents that it has reported involving suspicious white coltan, stating that the aforementioned former CEO “raised his suspicion of source only after other example incidents had been raised”,⁴²⁴ which seems to imply that ITSCI does not necessarily report new incidents if it has reported on similar cases before.⁴²⁵ Pact wrote to Global Witness that former supervisors of the former Pact manager are not aware of any specific recommendations he made. While acknowledging that there were problems during that time period, Pact wrote that “the reporting system as an internal control was working” and that 521 incidents were reported between 2011 and 2014, which resulted in follow-up actions.⁴²⁶

3.1.5 ITSCI's roll-out in DRC reduces smuggling to Rwanda but facilitates the laundering of tainted minerals in DRC

Laundering DRC's illicit 3T minerals was, and to a lesser extent likely still is, a very profitable business for Rwanda. Whereas DRC loses export

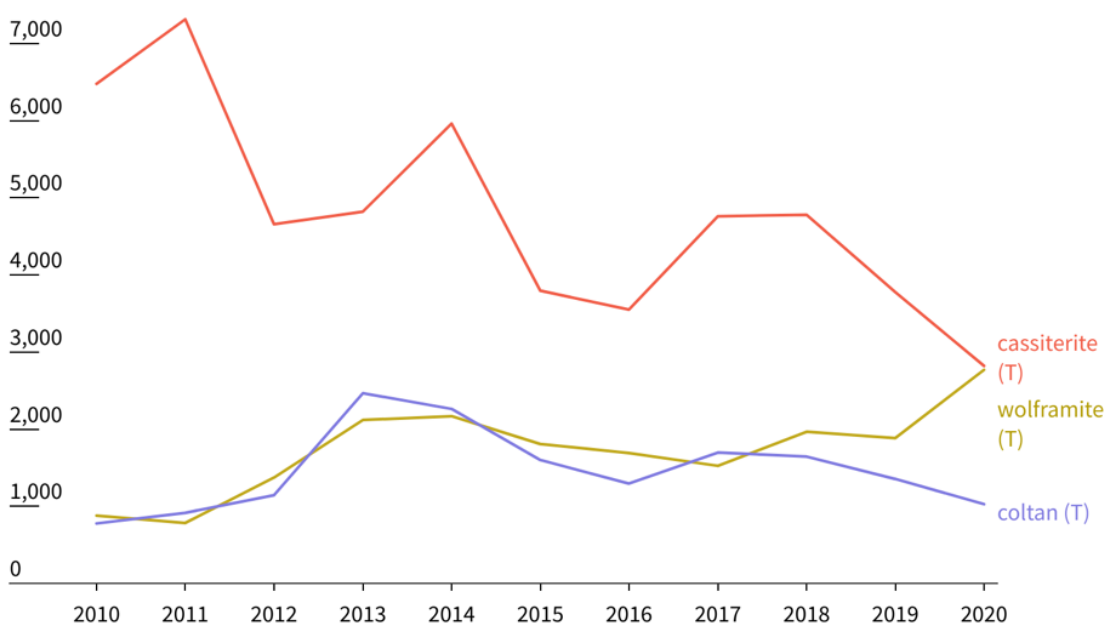
tax income from smuggled minerals, Rwanda levies its own royalty on exported minerals, set at 4% since 2014.⁴²⁷ In 2014, this has earned Rwanda \$174 million from 3T minerals, represented almost a quarter of Rwanda's export revenue.⁴²⁸

Rwandan export figures, particularly for coltan and wolframite, increased during the expansion of the ITSCI system in Rwanda, until 2013–14. However, after peaking in 2013 (coltan) and 2014 (cassiterite, wolframite), export figures have declined and by 2019 revenues from 3T exports had fallen to less than 10% of the country's total export revenue.⁴²⁹

Academics and an industry expert point out that with the roll-out of the ITSCI system in DRC, the quantity of DRC minerals smuggled to Rwanda has decreased (though the smuggling has not stopped entirely),⁴³⁰ which is likely to be the reason for the observed decline in 3T exports.

As already noted, in the face of the continued smuggling of DRC's minerals to Rwanda for tagging and eventual export, for many DRC Ministry of Mines officials the ITSCI scheme became a tool by which they could ensure that an

Rwandan 3T exports (tonnes)



Source: UN Comtrade; National Bank of Rwanda

increasing share of DRC's 3T minerals (whether from validated mines or not) went into legal channels and that the country therefore benefited from tax revenue. This is reflected in coltan export data, which shows DRC's exports increasing significantly from 2013 to 2017, while the total exports of the two countries remained more or less the same (see graph below).

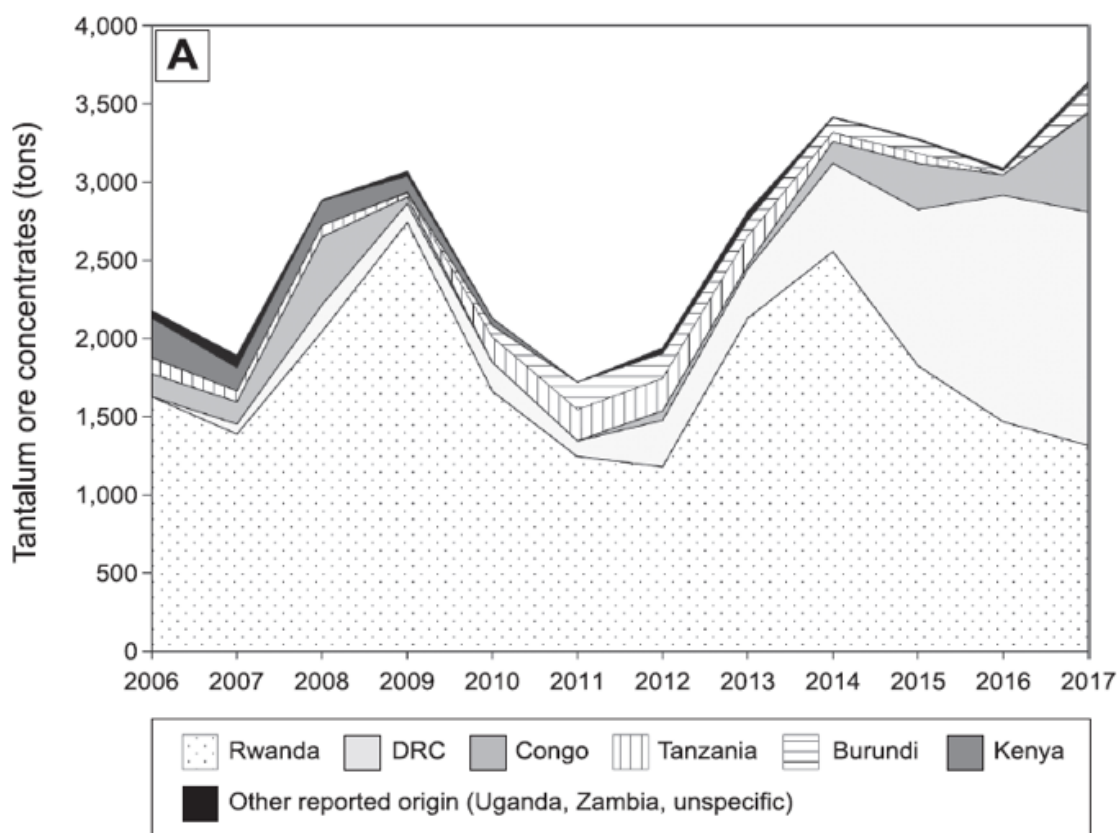
However, DRC officials' perceived "patriotic duty" to tag as many 3T minerals as possible has meant that they allowed and facilitated large amounts of minerals from unvalidated mines, including mines connected to armed conflict, to enter the system (see section 2.4.3).

Instead of ensuring the promised traceability of minerals free from links to conflict, illegality and human rights abuses, the ITSCI scheme appears

to be used to launder and rubber-stamp smuggled and often conflict-affected minerals with what is widely perceived as a "conflict-free certificate", on which actors in the 3T and electronics markets rely.

ITSCI strongly denied that it has obscured mineral origin or facilitated smuggling.⁴³² Pact wrote that it records and monitors cases of mineral fraud transparently and that it is inaccurate to assert that high volumes of smuggled minerals have been tagged, nor that Pact has been aware of a high volume of smuggled minerals. It also wrote that Pact and the Rwandan government have enhanced traceability procedures and controls over the years.⁴³³ Nevertheless, Global Witness stands by all the claims that it has made.

Origin of tantalum ore imported from the African Great Lakes region⁴³¹



Source: Philip Schütte, BGR (2019).

Rwanda's long history of profiting from DRC's mineral resources

For a long time, Rwanda has been involved in looting and smuggling of DRC's minerals into Rwanda.

A UN panel of experts on DRC reported in 2001 that over a six-month period in 1998–99, Rwandan forces present in DRC's war zones had taken from DRC and transported to Rwanda between 2,000 and 3,000 tonnes of cassiterite and between 1,000 and 1,500 tonnes of coltan.⁴³⁴ During an 18-month coltan boom beginning around 2000, it is estimated that the Rwandan Patriotic Army generated \$250 million in revenue from looting DRC's coltan,⁴³⁵ controlling the bulk of coltan exports.⁴³⁶

At this time Rwanda's military and commercial activities in eastern DRC were centrally managed by RPA's Congo Desk. The large income generated by the Congo Desk was kept separate from Rwanda's national budget but exceeded it to a large degree, and is believed to have been used to supplement the RPA's military budget.⁴³⁷

When the Second Congo War officially ended in 2003,⁴³⁸ the flow of minerals over the border continued. DRC's vast mineral wealth became a source of funding for some of Rwanda's proxy armed groups operating in eastern DRC. Bosco Ntaganda, a leading member of the *Congrès national pour la défense du peuple* (CNDP), a Rwandan-backed armed group operating in North and South Kivu provinces between 2006 and 2009, likely amassed several million US\$ by smuggling minerals over the DRC–Rwanda border.⁴³⁹

UNGoE reports⁴⁴⁰ show that Congolese minerals, including those linked to conflict, continue to be smuggled into Rwanda and exported as Rwandan minerals. According to industry sources Global Witness spoke to, Rwanda's then-Defence Minister James Kabarebe organised flows of smuggled minerals from DRC during the 2010s, and evidence suggests ITSCI has played a key role

in laundering these minerals (see section 3.3).



General Bosco Ntaganda at his base close to Goma in 2009. In 2019 the International Criminal Court found him guilty of war crimes and crimes against humanity⁴⁴¹ (*Lionel Healing/AFP, via Getty Images*).

3.2 THE EARLY PROFITEERS FROM THE ITSCI SCHEME

3.2.1 Minerals Supply Africa

MSA, whose CEO was the now-deceased British businessman David Bensusan, was incorporated in Rwanda in 2008.⁴⁴² MSA was for a long time the main exporter of 3T minerals from the country. From 2008 to the present, it has been owned by the Switzerland-based Cronimet Central Africa AG, which became 3T International AG in February 2020 and has been in the process of liquidation since September 2020.⁴⁴³ Throughout that period, 3T International AG and before it Cronimet Central Africa AG have been ultimately owned by the German Cronimet Holding GmbH.⁴⁴⁴

In 2009, one year prior to ITSCI's establishment in Rwanda,⁴⁴⁵ the UNGoE reported that around two-thirds of the minerals MSA sourced from DRC were not declared to the DRC government.⁴⁴⁶ At the time, around 70% of MSA's exports came from DRC and around 30% from Rwanda, Bensusan told the UNGoE.⁴⁴⁷ While admitting that he had bought smuggled minerals, Bensusan told Global Witness in 2010 that since around May or June 2009, MSA had imported minerals legitimately from DRC to Rwanda.⁴⁴⁸ In the first seven months of that year, MSA imported 1,945 tonnes of cassiterite from DRC to Rwanda,⁴⁴⁹ equating to



MSA compound in Kigali in 2013 where allegedly hundreds if not thousands of tonnes of smuggled minerals from DRC have been brought to.

75% of total cassiterite re-exports from Rwanda for the whole year.⁴⁵⁰ The UN viewed the similarity in Congolese export and Rwandan re-export statistics as an encouraging sign that smuggling was decreasing and that MSA had begun to import minerals from DRC legally.⁴⁵¹

Claiming that he was “a poacher who turned gamekeeper”,⁴⁵² Bensusan played a central role in setting up ITSCI and MSA became a founding member (see section 3.3).⁴⁵³ Following ITSCI’s establishment in Rwanda, from 2011 to 2013 MSA’s 3T exports soared – all officially tagged as Rwandan minerals, according to export data seen by Global Witness. In 2013 MSA was responsible for almost a third of all 3T minerals exported from Rwanda.⁴⁵⁴

However, far from being transformed, Bensusan’s soaring business was allegedly still based almost entirely on minerals smuggled from DRC, according to industry sources Global Witness

spoke to who also claim that he made little effort to hide this in mining circles.⁴⁵⁵

While MSA did trade some 3T minerals mined in Rwanda,⁴⁵⁶ an industry source who was close to the company estimates that only a tiny proportion of its exports came from Rwanda



Billboard advertising the H&B Mining Company Ltd., 2018.

during the period 2009–16, the rest being smuggled from DRC.⁴⁵⁷ Contradicting MSA’s assertion in its 2014 business plan to the effect that from April 2011 it had stopped buying minerals from DRC,⁴⁵⁸ the same source claimed

that many of the trucks they had seen between 2011 and 2015 entering the MSA compound in Kigali to unload their minerals had DRC licence plates.⁴⁵⁹

MSA’s ITSCI-tagged 3T mineral exports from Rwanda

	Coltan (t)	Wolframite (t)	Cassiterite (t)	Total 3T (t)
2011	0	0	990	990
2012	341	366	967	1,674
2013	940	962	1,126	3,028
2014⁴⁶⁰	265	192	460	917
2015	N/A	N/A	N/A	N/A
2016	614	96	908	1,619
2017 (Jan–Oct)	318	40	632	990

According to three industry sources, MSA touted the mines operated by H&B Mining Company Ltd in Rwamagana district near Kigali as its most productive.⁴⁶¹ However, according to a Pact baseline estimate of the mines’ production from October 2011, that Global Witness has seen, they were yielding only 57kg of coltan and 160kg of cassiterite per day. Even if the 40 miners counted by Pact worked every day of the year and there were no interruptions to operations, the mines would have been unable to yield more than around 20 tonnes of coltan and 60 tonnes of cassiterite per year, representing about 6% of the coltan and cassiterite MSA exported from Rwanda in 2012.

MSA denied that it has laundered smuggled minerals through the ITSCI system.⁴⁶² Cronimet Holding GmbH wrote to Global Witness that it was unable to reply to the allegations.⁴⁶³ ITSCI denied that MSA has abused the ITSCI system to launder smuggled minerals.⁴⁶⁴

3.2.2 Chris Huber’s network of companies in Rwanda

Another minerals trader who apparently used the freshly set-up ITSCI scheme for laundering purposes was Chris Huber (see also p.36-39). He has, or has had, close ties to, a number of 3T companies in Rwanda, including Rwanda Rudniki, Tawotin Ltd and Wolfram Mining and Processing (WMP).

From 2007 to 2014,⁴⁶⁵ Huber had a joint venture with the mining company Rwanda Rudniki⁴⁶⁶ representing Hong Kong-based company Niotan Ltd (renamed Refractory Metals Mining Company Limited (RMMC) in 2008).⁴⁶⁷

Rwanda Rudniki’s concessions yielded only modest amounts of 3T minerals: for 2012 and 2013 combined, total production was only around 15.5 tonnes of coltan and 16.5 tonnes of cassiterite, according to unpublished Rwanda Rudniki documents seen by Global Witness. However, the company exported much larger

quantities of ITSCI-tagged minerals in those same years, according to another unpublished document: in 2012 almost 120 tonnes of cassiterite and 232 tonnes of coltan, and in 2013 67 tonnes of cassiterite and 157 tonnes of coltan. A source with direct knowledge of the matter told Global Witness that Rwanda Rudniki did not buy minerals from other mines in Rwanda.⁴⁶⁸

How then could Rwanda Rudniki have obtained ITSCI tags for 18 times more minerals than its mines produced? In reality, so the same source told us, most of the minerals Rwanda Rudniki exported were smuggled from DRC.⁴⁶⁹ This

allegation is supported by UNGoE findings from 2012 when it reported an instance, at least, of smuggled coltan being delivered to Rwanda Rudniki.⁴⁷⁰ Another company to which Huber has close ties is Tawotin Ltd. According to two industry sources, Huber is Tawotin's ultimate beneficial owner,⁴⁷¹ while Boniface Mbanza, the chairman of Rwanda Rudniki,⁴⁷² was listed as managing director as of 2018.⁴⁷³ At the same date Mbanza was also the managing director and a board member of Nitora Rwanda Ltd, of which Chris Huber was a founding shareholder.⁴⁷⁴



Rwanda Rudniki premises, around 2021.

According to data seen by Global Witness, in 2013 Tawotin exported 430 tonnes of coltan and 42 tonnes of cassiterite, all tagged by ITSCI; in 2016 it exported 211 tonnes of coltan, 68 tonnes of wolframite and one tonne of cassiterite, all tagged by ITSCI; and between January and October 2017 alone, it exported 250 tonnes of coltan, 22 tonnes of wolframite and 5 tonnes of cassiterite, again all tagged by ITSCI. However, given Rwanda's low coltan production, it seems unlikely that these volumes of minerals could all have originated from Rwanda. An industry source explained to Global Witness that they have regularly seen traders, some of whom they

recognised as Congolese, transporting coltan to the Tawotin compound.⁴⁷⁵

The third company with close ties to Huber is WMP, of which he is a board member according to a Rwandan corporate registry document from 2021.⁴⁷⁶ According to data seen by Global Witness, in 2012 WMP exported 84 tonnes of cassiterite and 110 tonnes of wolframite; in 2013, 154 tonnes of cassiterite and 36 tonnes of wolframite; in 2016, 57 tonnes of cassiterite and 40 tonnes of coltan; and from January to October 2017, 98 tonnes of wolframite and 27 tonnes of cassiterite – all tagged by ITSCI. According to Pact's own baseline estimate for cassiterite, the

WMP mines had a capacity of around 79kg per day, which under the best conditions would amount to less than 29 tonnes per year. Corroborating the suspicion of laundering raised by this data, an industry source told Global Witness that persons with direct knowledge had told him that WMP bought smuggled minerals.⁴⁷⁷



Chris Huber as identified on a poster at the WMP office in Gifurwe.

The same source told Global Witness on the basis of his own direct knowledge that, in order to justify his supposedly high Rwanda mineral production, Chris Huber ran a number of so-called “dummy mines” – mines with little or no mining activity to which smuggled minerals were attributed in the ITSCI logbooks. Huber once sent the source together with a Tawotin employee to visit at least four dummy mines where the Tawotin employee collected “evidence” of mining activities for ITSCI.⁴⁷⁸ At these mines a deception was organised every two months – on these occasions, people from the nearby area were assembled and dressed up as miners in work clothes and helmets to give the impression that there were mining activities going on; after photos had been taken, they were sent home

again. The source, a trained mining engineer, noted that the so-called mines he visited were a gravel pit, a barren pegmatite pit, a granite outcrop where bricks were produced and an alluvial site in the forest. None of the visited mines produced any 3T minerals, according to the source.⁴⁷⁹

Chris Huber denied that Niotan Ltd is or was his company and claimed that Niotan Ltd withdrew from the joint venture with Rwanda Rudniki in early 2011. He wrote that he is not a beneficial owner of Tawotin Ltd. He also denied having run dummy mines and having organised a deception at any such mines. He stated that it would not be possible to launder minerals through such dummy mines as Pact and GMD check all mines regularly.⁴⁸⁰ Boniface Mbanza denied that Rwanda Rudniki has exported smuggled minerals and wrote that the difference between the production of its mines and the export figures can be explained by the company’s purchases from approved Rwandan mines.⁴⁸¹ Tawotin Ltd denied that Chris Huber is or has been its ultimate beneficial owner, and denied having done business with any mine connected to Chris Huber. It further denied having exported smuggled minerals from DRC and stated that it carries out due diligence on all mines it sources from.⁴⁸² Tawotin did not reply to Global Witness’s question as to which Rwandan mines it sources minerals from. WMP did not reply to Global Witness’s invitation to comment. ITSCI wrote that Pact’s baseline estimate for WMP’s production dates from the first months of the ITSCI implementation in Rwanda, when processes and procedures were being established at a rapid rate. ITSCI wrote that it considers the allegations of exports of ITSCI-tagged smuggled minerals to be unfounded and wrong, without specifically commenting on the three companies discussed above. It denied that Chris Huber abused the ITSCI system to launder smuggled minerals.⁴⁸³ Nevertheless, Global Witness stands by all the claims that it has made.

3.3 HOW ITSCI BECAME AN INSTRUMENT FOR LEGITIMISING THE TRADE IN MINERALS SMUGGLED FROM DRC TO RWANDA

ITSCI's setting up of a system covering almost all of Rwanda's exported 3T minerals in a very short time⁴⁸⁴ was possible only with the strong backing of certain players in the tin industry and the Rwandan government.

MSA's CEO David Bensusan correctly anticipated that the 2010 Dodd-Frank Act, which overhauled US financial regulation and contained a provision on mineral sourcing from central Africa, would change the way in which MSA could do business by making due diligence measures a requirement, at least on paper.⁴⁸⁵ According to industry sources, Bensusan saw that a fraudulent traceability scheme would offer a way to continue trading in smuggled and conflict-affected minerals from DRC.⁴⁸⁶ Using his strong connections with key individuals in the Rwandan government, he allegedly began to work closely from around 2010 with Kay Nimmo,⁴⁸⁷ who had been sent to Rwanda to set up a traceability and due diligence scheme on behalf of ITA and later came to be ITSCI's public face.⁴⁸⁸ ITA, representing tin smelting companies processing around two-thirds of the estimated world tin production at the time,⁴⁸⁹ shared Bensusan's concern that, without such a scheme, in the wake of the Dodd-Frank Act it might become impossible for international companies to purchase 3T minerals from the Great Lakes region.⁴⁹⁰

According to the same industry sources cited above, Bensusan worked with the Rwandan government to draft legislation that made traceability a legal obligation for 3T minerals being exported from Rwanda.⁴⁹¹ A ministerial order from 2010 refers to "mineral source tracing systems" as a requirement for trading posts engaged in the export of minerals.⁴⁹² A

ministerial regulation on "fighting smuggling in mineral trading" from 2011 stipulates that "all minerals to be exported must have the certificate of origin, traceability documents and must be tagged,"⁴⁹³ which created a de facto monopoly for ITSCI.⁴⁹⁴



David Bensusan at DRC-Rwandan border in 2013.

According to the same sources, Bensusan often claimed that he "founded" ITSCI together with General James Kabarebe, Rwanda's defence minister from 2010 until 2018,⁴⁹⁵ who helped him to get the aforementioned ministerial regulation passed making use of a traceability scheme mandatory.⁴⁹⁶ A first Memorandum of Understanding (MOU) establishing a collaboration on implementing ITSCI was apparently signed by ITA, the Rwandan government and MSA's parent company Cronimet Central Africa AG in 2010.⁴⁹⁷ In later years, Bensusan reportedly bragged that being a party to the MOU allowed him to be the "best whistle-blower" to ITA, as he could tell Kay Nimmo which competitors he wanted to "get rid of", the same sources told Global Witness.⁴⁹⁸ According to the same industry sources cited above, Bensusan explained that most of the 3T minerals traded by MSA were sourced by Kabarebe from DRC and that they shared the profits between them.

Bensusan even explained with a certain pride to his mineral industry colleagues in Rwanda that his main partner was Kabarebe, whom he would meet every Sunday in Kigali to discuss business.⁴⁹⁹ International visitors were said to be sometimes surprised that Bensusan appeared unaware where MSA's minerals came from – the reason for this apparently being that Kabarebe sourced smuggled minerals from DRC and organised their transportation to the MSA premises.⁵⁰⁰ The same industry sources claim that according to Bensusan, Kabarebe's other main associate was Chris Huber, who also obtained access to large volumes of smuggled 3T minerals from DRC.⁵⁰¹

The involvement of the country's defence minister in producing a regulation that enabled ITSCI's establishment in Rwanda may seem surprising. As noted in the box on p.53, however, Rwanda's recent military endeavours have been strongly connected to the illegal exploitation of minerals from DRC. By the end of the 1990s, Kabarebe played a key role on Rwanda's Congo

Desk, which was responsible for looting DRC's minerals during the Congo Wars.⁵⁰² His apparent key role in Rwanda's minerals sector, organising the transport of smuggled minerals, shows a continuity in Rwanda's strategy of supporting smuggling of DRC minerals to Rwanda instead of importing them legally. The minerals sector in Rwanda reportedly remains strongly militarised, with many key personnel in mining companies having a military background, and the Rwandan military intervening in mining operations with arrests and the seizure of property.⁵⁰³

According to ITA, its initial working group on ITSCI included Thailand Smelting & Refining Co Ltd (Thaisarco), the Malaysia Smelting Corporation Berhad (MSC) and Traxys,⁵⁰⁴ while other companies closely associated included MSA's parent company Cronimet Central Africa, Crawley's RMMC, Trademet, Huaying Trading Company, World Mining Company and Comptoir Panju.⁵⁰⁵ All these companies were cited in UNGoE reports published in 2008 and 2009 as



Rwandan army chief addressing Rwandan troops pulling out of eastern Congo in 2002 (REUTERS/Antony Njuguna).

either exporting or sourcing Congolese minerals connected to armed conflict.⁵⁰⁶

According to the same industry sources referred to above, ITA's key role in rolling out a responsible minerals sourcing scheme in the African Great Lakes region, while its members stood to be among the main beneficiaries, was cynically referred to by many industry colleagues as "letting the fox guard the henhouse" and became a running joke within the Rwandan mining industry.⁵⁰⁷

Bensusan reportedly made clear to industry colleagues that he regarded ITSCI as a farce with the sole purpose of preserving his trade in DRC minerals.⁵⁰⁸ At the MSA offices, Bensusan and Nimmo would reportedly sometimes joke that the ITSCI program was "a laugh", but that it was "what the [3T] minerals industry wants", the same industry sources told Global Witness.⁵⁰⁹

ITSCI and Kay Nimmo wrote that "ITSCI is not a 'fraudulent traceability scheme' and was not deliberately established with the aim of supporting fraud and smuggling". With regard to David Bensusan's remarks reported above, they stated that they were not party to his personal views, actions or discussions and that he "was a well-known personality and frequently made outspoken and unusual remarks in public and private situations". They further wrote that Kay Nimmo engaged with hundreds, if not thousands, of individuals in relation to the ITSCI programme and that David Bensusan was just one of them.⁵¹⁰ ITSCI wrote that ITA never held any MOU with Cronimet or MSA and that it does not hold a monopoly status. ITSCI strongly denied that David Bensusan could have abused the ITSCI whistleblowing procedures. It wrote that if he had done so he would have risked expulsion and that it would have been impossible for him to get rid of competitors, as company suspensions or expulsions from ITSCI are based on evidence of actions contrary to the OECD Due Diligence Guidance and/or ITSCI procedures and decisions are taken by the ITSCI Governance Committee.⁵¹¹

Kay Nimmo wrote that she was not a regular visitor to the MSA office. She strongly denied having wilfully engaged in negative behaviour.⁵¹² Chris Huber denied having had "any association with [James Kabarebe]" or having been "the beneficiary of any minerals from him".⁵¹³

4. TAINTED MINERALS ENTERING INTERNATIONAL SUPPLY CHAINS

As this report has shown, there is compelling evidence that large quantities of minerals that are smuggled, trafficked and potentially connected to armed conflict and human rights abuses are laundered into the ITSCI supply chain in DRC and Rwanda. These minerals subsequently make their way onto international markets.

4.1 CONFLICT MINERALS AND TRAFFICKED MINERALS FROM DRC ENTERING INTERNATIONAL SUPPLY CHAINS

In both 2020 and 2021, export companies Éts Rica, CDMC, SOGECOM and Congo Jia Xin (CJX) all bought minerals tagged in Lubuhu, according to a Ministry of Mines database seen by Global Witness. A large proportion of the minerals tagged in Lubuhu came from the militia-occupied Lukoma mine, as documented in section 2.1.2. In 2020 SOGECOM⁵¹⁴ and Éts Rica⁵¹⁵ also bought minerals from Nzibira, where there has been tagging of conflict-linked minerals from the Lukoma mine and mines around Luyuyu as well as minerals from the Chigubi mine, where children have been seen working, as documented in section 2.1.1.

From South Kivu's capital Bukavu, where the companies mentioned above have offices these minerals enter international supply chains. In 2020 and the first quarter of 2021, CDMC sent its minerals from South Kivu to Hong Kong-based Star Dragon Corporation Ltd (see section 2.3.3), SOGECOM to Halcyon Inc in Dubai and CJX to Noviva DWC LLC, also in Dubai.⁵¹⁶ From January

to July 2020, Éts Rica sent its minerals from South Kivu to Thaisarco in Thailand and from July 2020 to March 2021 to MSC in Malaysia, according to DRC government data.⁵¹⁷ MSC and Thaisarco are among the largest smelters of 3T minerals from the African Great Lakes region⁵¹⁸ and many international brands report that these two smelters are in their 3T supply chains. For example, Tesla, Motorola, Apple and Intel listed both MSC and Thaisarco as suppliers in 2020.⁵¹⁹



Tesla automobile containing 3T minerals (*Smith Collection/Gado/Getty Images*).

The analysis in section 2.3.3 shows that since 2018 and 2019 respectively, CDMC and SOGECOM have apparently been buying large amounts of minerals originating in SMB's Rubaya concession and trafficked to the SAKIMA concession. In 2019 and 2020, the SMB concession became the site of fatal clashes and other human rights abuses (see section 2.3.4).⁵²⁰ As with the minerals from Lubuhu, CDMC again exported its minerals to Star Dragon Corporation Ltd in 2018–20.⁵²¹ According to government statistics, SOGECOM exported its coltan to Halcyon Inc in 2019 and 2020, apart from a small amount that went to Giangzhou, also based in Dubai.⁵²² In 2020 the UNGoE reported that SMB exported minerals connected with the violence on its concession to Jiujiang Jinxin Non-ferrous Metals Co Ltd, Cheng Du Metallic Materials Co Ltd and Kalon Resources Limited.⁵²³

According to the UNGoE, minerals from the Biholo and Kamatale mines in North Kivu's Masisi Territory, where armed groups profited from

mining in 2019 (see section 2.2), have frequently been sold to SAKIMA for onward sale to CDMC.⁵²⁴ Again, in 2019 CDMC's minerals from North Kivu went to Star Dragon Corporation in Hong Kong, which is connected to John Crawley and Chris Huber.⁵²⁵

Companies have a responsibility to assess and mitigate risks in their own supply chains, according to the OECD Due Diligence Guidance.⁵²⁶ Under that framework, smelters in particular are seen as control points in mineral and metal supply chains that are well positioned to have a significant overview of and influence⁵²⁷ over the upstream supply chain, and can relatively easily exert leverage on their suppliers.⁵²⁸ If these companies identify risks, they should react with mitigation measures – or even suspend relationships with suppliers, in the case of risks of materials linked to armed conflict or serious human rights abuses entering their supply chains.⁵²⁹

The OECD Due Diligence Guidance recommends that for their due diligence purposes smelters and upstream companies in particular should conduct on-the-ground assessments and consult a wide range of sources of information, such as local contacts, publications by the UN, media and NGOs, and market analysis.⁵³⁰ Given the flaws of ITSCI's due diligence system (see section 2.5), this is all the more important for companies buying 3T minerals from sources that use the ITSCI scheme. However, a 2018 OECD assessment found that many smelters relied exclusively on ITSCI and took its assessments for granted.⁵³¹

Many downstream companies rely on RMI's Responsible Minerals Assurance Process (RMAP) for smelters and refiners,⁵³² which in turn relies heavily on ITSCI.⁵³³ In fact, RMI accepts both ITSCI and RCS Global's Better Mining as upstream assurance mechanisms⁵³⁴ through which participating smelters and refiners can demonstrate conformity with the RMI standard when sourcing from conflict-affected and high-risk areas. RMI has not made publicly available⁵³⁵

the audit guidance document detailing the requirements that can be outsourced to assurance mechanisms,⁵³⁶ and as such has avoided accountability for the methods by which it assesses smelters.

However, from the available documents⁵³⁷ and Global Witness's email exchange with RMI,⁵³⁸ it seems that in order to conform to the RMAP 3T standards, smelters that are ITSCI or Better Mining members are required only to review the relevant information generated by the respective programme, store it for five years and mitigate risks where they estimate that this is possible. This reliance on the upstream assurance mechanisms is highly problematic, given ITSCI's failure to provide reliable traceability and due diligence services, as demonstrated in the present report.

MSC and Thaisarco, which have probably both sourced conflict minerals from the Lukoma mine (see above) are both RMAP-conformant smelters.⁵³⁹

In response to these allegations SOGECOM wrote that according to its due diligence efforts it has not obtained minerals originating from the Lukoma or Chigubi mines, or mines around Luyuyu, and it denied having sourced conflict minerals.⁵⁴⁰ SOGECOM also denied having bought minerals directly from SAKIMA and further denied having sourced minerals originating from SMB's Rubaya concession.⁵⁴¹ Éts Rica denied having sourced conflict minerals.⁵⁴² CDMC denied that minerals from Lukoma are tagged in Lubuhu, denied having sourced minerals coming from the SMB concession and denied having bought minerals from the Biholo mine. It stated that the Kamatale mine has not been impacted by any Nyatura armed group and claimed that it follows the security situation through its own sources and information from ITSCI.⁵⁴³ SMB wrote that it has not exported any conflict minerals and that it reported the deterioration in the security situation to the local monitoring committee.⁵⁴⁴



Tin smelter in Indonesia, 2013 (Dimas Ardian/Bloomberg via Getty Images).

Halcyon Inc supported SOGECOM's assertions and denied that minerals sourced by SOGECOM have been connected to conflict and/or to child labour and affirmed its commitment to responsible sourcing.⁵⁴⁵ Noviva wrote that its due diligence relies on regular field visits, dialogue with CJX and ITSCI incident reports, and denied that minerals it has sourced from CJX could be connected to armed conflict, referring to the ITSCI traceability system as a source of assurance on this.⁵⁴⁶ MSC wrote that it is committed to and engaged with the ITSCI system and reviews all incidents reports provided by ITSCI, that on various occasions it has sent its staff to various mines to ensure that minerals procured are from legitimate sources, that it has only procured minerals which have passed due diligence and traceability processes and that it has been audited under the RMAP and its predecessor supply chain transparency protocol.⁵⁴⁷

RMI wrote that due diligence remains the responsibility of individual companies and that companies audited by RMI, when using an upstream assurance mechanism, which is voluntary, should understand any gaps between the scope of the mechanism's activities and the requirements of the OECD Guidance and review and understand all information generated by the upstream assurance mechanism.⁵⁴⁸

CJX, SAKIMA and Star Dragon Corporation had not replied to Global Witness's invitation to comment by the time of publication of this report. Global Witness was unable to reach Giangzhou, Jiujiang Jinxin Non-ferrous Metals Co Ltd, Kalon Resources Limited or Cheng Du Metallic Materials Co Ltd to invite them to comment.

4.2 MINERALS SMUGGLED FROM DRC TO RWANDA ENTERING INTERNATIONAL SUPPLY CHAINS

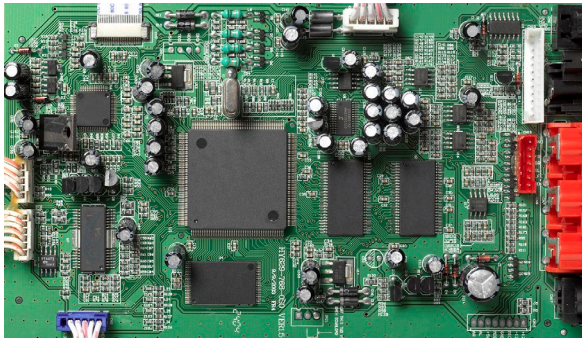
In Rwanda, meanwhile, between 2011 and 2017, all three companies connected to Chris Huber – Rwanda Rudniki, Tawotin and WMP – exported

apparently smuggled minerals to MSC and Crawley's Hong Kong-based East Rise, according to Rwandan government documents seen by Global Witness. For Rwanda Rudniki and WMP, the Austria-based Wolfram Bergbau und Hütten (WBH) is also listed as a buyer.

During its operations in Rwanda, MSA sent almost all the minerals it exported to its parent company Cronimet Central Africa AG, which allowed it to conceal the ultimate buyer of the minerals, as the Rwandan export documents list only the direct buyer.⁵⁴⁹ However, a Rwandan government document seen by Global Witness mentions Malaysia as a "transport route" in 2011 and 2012, suggesting that MSC may have received many of the minerals. The document also mentions the Ulba Metallurgical Plant in Kazakhstan as the buyer of a few shipments in 2012. Two industry sources told Global Witness that MSC bought minerals from MSA from around 2010 to early 2015 at least, as did the Chinese companies Ningxia Orient Tantalum Industry Co, Ltd (OTIC) and Yunnan Tin Company, according to the same sources.⁵⁵⁰

Many international brands reported MSC, WBH, OTIC and Yunnan Tin Company as suppliers during the period from 2013 to 2017. For example, Hewlett-Packard reported MSC as a supplier in 2013–17, and Nokia and Blackberry identified WBH as a smelter in their supply chain in 2013, meaning that all four brands may have sourced products containing 3T minerals originating with one of the companies linked to Huber.⁵⁵¹

Despite ample published evidence that minerals from DRC have been smuggled to Rwanda on a large scale and for a protracted period,⁵⁵² many companies' due diligence reports reviewed by Global Witness indicate that they have failed to identify, mitigate and report on this risk in line with the OECD standard.⁵⁵³



Computer motherboard with capacitors made of tantalum (Getty images).

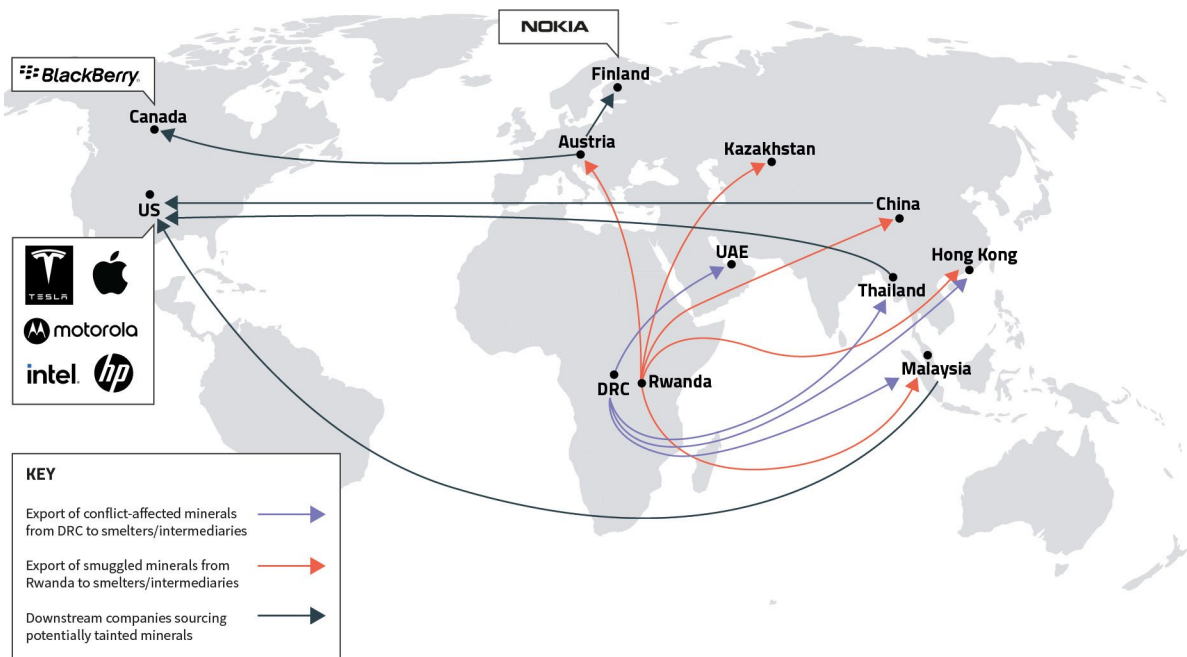
Two mining industry sources told Global Witness that from around 2013 they had repeatedly warned delegations of international companies, including Apple and Intel, that they estimated smuggled minerals to account for up to 90% of minerals exported from Rwanda and that they had shared evidence of this.⁵⁵⁴ Other companies that they warned about the high risk of receiving smuggled minerals originating in DRC when sourcing from Rwanda were consumer electronics companies Motorola and Samsung and electronic component manufacturers KYOCERA AVX Component Corporation (KAVX,

formerly AVX Corporation) and Kemet.⁵⁵⁵ The same industry sources also told Global Witness that they had met with MSC, Ningxia Orient Tantalum Industry Co Ltd and Yunnan Tin Company and told these companies that it was clear that they were buying smuggled minerals.⁵⁵⁶

Apple wrote in 2013 that it was mapping its supply chain for conflict minerals and that its “suppliers are using conflict-free sources of tantalum”.⁵⁵⁷ Intel wrote in the same year that it does not aim to eliminate minerals from conflict areas but rather tries to obtain minerals from specific sources that do not directly or indirectly finance or benefit armed groups.⁵⁵⁸ Yet Apple⁵⁵⁹ and Intel⁵⁶⁰ – both widely seen as leaders in responsible sourcing efforts⁵⁶¹ – have continued to source 3T minerals from Rwanda and have not reported in their annual reports any associated risk of buying minerals smuggled from DRC.⁵⁶²

In response to these allegations Chris Huber denied any connection to Tawotin and Rwanda Rudniki subsequent to 2011.⁵⁶³ John Crawley

International supply chains of ITSCI-laundered tainted minerals



Note: This graph shows some of the key geographies of minerals supply chains investigated in this report and does not reflect the complexity of minerals supply chains which usually include many more tiers from mine to downstream company.

wrote that East Rise has not sourced 3T material that had been smuggled from the DRC into Rwanda; that all the coltan that East Rise purchases from Rwanda has corresponded to the type produced by Rwandan mines, and is different from the type from mines in North Kivu; and that East Rise has only sourced a fraction of the minerals exported from Rwanda and of Rwanda's domestic production capacity.⁵⁶⁴ WBH wrote that since 2014, with improved procedures following the application of the OECD Due Diligence Guidance and due to the issue of possible smuggling in Rwanda, it has sourced material in Rwanda only from selected mines where it has on-the-ground visibility and does not rely on ITSCI tagging alone. It further wrote that WMP is not included on any sanction list, that its Gifurwe mine was the first to be audited by BGR in 2010 and that WBH had no reason to doubt the plausibility of the production attributed to WMP and purchased by WBH.⁵⁶⁵

KAVX wrote that it was an original member of various organisations addressing conflict minerals such as the Responsible Business Alliance or "Solutions for Hope"; that it helped to develop a programme able to determine the origin of minerals; and that the findings of this programme led to KAVX's decision immediately to stop buying any material from MSA.⁵⁶⁶ Yunnan Tin Company affirmed its commitment to the OECD Guidance and denied having sourced smuggled minerals on the basis of a review of its procurement information.⁵⁶⁷ Kemet wrote that it engaged in the Great Lakes region while other companies withdrew, and that it identifies the provenance of all its minerals and avoids sourcing conflict minerals on the basis of its due diligence activity, which includes RMI audits.⁵⁶⁸ Samsung referred to its commitment to responsible sourcing and its participation in various initiatives such as the RMI.⁵⁶⁹ Neither Samsung nor Kemet replied to Global Witness's question as to what mitigation measures they have taken with respect to the risk of inadvertently sourcing smuggled minerals from

Rwanda, to which they were allegedly alerted by mining industry colleagues. Nokia wrote that it requests all smelters and refiners in its supply chains to be in conformity with RMI's RMAP and that WBH is compliant.⁵⁷⁰

Apple wrote that its responsible sourcing standards strictly prohibit all illegal trade practices, including the use of smuggled materials; that it requires suppliers to take immediate action to address issues; and that it has directed the removal from its supply chain of 146 3T and gold and seven cobalt smelters and refiners.⁵⁷¹ Intel wrote that it is committed to responsible sourcing and that for its due diligence it relies to a large extent on information and assurances from its direct suppliers, RMI and ITSCI.⁵⁷² Apple and Intel did not comment on the above-mentioned risks in their supply chains nor on the alleged warning given to their representatives about the high risk of inadvertently sourcing smuggled minerals from Rwanda.

Global Witness was unable to reach Ulba Metallurgical Plant to invite it to comment. WMP, Ningxia Orient Tantalum Industry Co Ltd, Blackberry, HP and Motorola had not replied to Global Witness's invitation to comment by the time of publication of this report.

CONCLUSION

A good ten years after measures to break the connection between minerals and conflict were put in place in the African Great Lakes region, this report offers a sobering picture of the state of responsible sourcing from that region.

Global Witness has documented how the ITSCI scheme, which plays a central role in certifying minerals from the region, appears to have massively failed in its original goal of ensuring the traceability of responsibly mined minerals. Large quantities of minerals enter the scheme's supply chain from unvalidated mines in DRC, including mines linked to armed conflict, human rights abuses and child labour the evidence shows; moreover many of the minerals entering the scheme have apparently been trafficked or smuggled. ITSCI's controls do not seem to prevent this, and in some cases it even denies that its system is contaminated despite problems having been documented over a period of years.

There is an obvious conflict of interest in tin and tantalum industry associations, which represent some of the most powerful companies dealing with these metals, running a scheme which is supposed to stop unethically or illegally produced and smuggled minerals from being sold onto international markets. With exporters from the Great Lakes region paying the bulk of the ITSCI scheme's cost, ITSCI's financial structure creates perverse incentives that undermine its control function. ITSCI's pretence of traceability enables its members to go on buying tainted 3T minerals from the world's leading coltan-producing region that they would otherwise be unable to sell. It also appears that ITSCI's weak governance structures have seemingly allowed powerful ITSCI members to abuse the system for competitive purposes.

In Rubaya, ITSCI's punitive actions against a member that decided to switch to a competitor, are even likely to have contributed to a chain of events that led to fatal violence.

It appears that from the very outset, the broad-based international initiative aimed at improving governance of the minerals sector in the Great Lakes region and establishing responsible mineral supply chains from the region, involving the UN, the OECD, the ICGLR and others, has been undermined. Industry sources suggest that a system was set up in the knowledge that it would end up rubber-stamping tainted minerals, abusing the trust extended by the international community to the coalition around ITA despite many of its members' track record of often irresponsible sourcing.

The spectacular failure of ITSCI's traceability and due diligence services which this report evidences makes clear that a self-policing approach to supply chain governance cannot work. We should not be surprised at the outcome when putting the fox in charge of the henhouse. Instead of self-regulation, the industry needs to be held accountable by stringent due diligence regulations and be penalised when it breaks those laws.

The failure is not confined to ITSCI itself, however. The tainted minerals in its supply chains have been purchased by major smelters and end up in the products of brands that are household names. So-called leaders in responsible sourcing have failed to act despite red flags, leaving consumers with little knowledge or choice other than to continue buying products whose production has caused harm to people and planet.

ITSCI's failure to run an effective traceability system does not mean that traceability as an approach to conflict minerals has itself failed. However, even if an independent actor could do a better job, the experiences of the past 10 years show some of the difficulties inherent in the approach. Such a system can only work with the support of governments and other stakeholders along the mineral supply chains in DRC, Rwanda and producer and end user countries. Accordingly, supply chain governance probably

needs to be rooted in the formalisation of artisanal mines and in the sustainable economic development of mining communities and the populations of producer countries in general. The cost of the system also needs to be shared in a just manner rather than being allowed to fall

predominantly on the poorest. Attention must also be paid to the question of what should happen to material excluded from the supply chain of responsibly produced minerals – a question which the current system unfortunately hardly ever addresses.



Temporary settlements of artisanal miners, Nzibira area (*Global Witness*)

RECOMMENDATIONS

International Tin Association and Tantalum-Niobium International Study Center:

- > Reform the governance structure of the ITSCI system to avoid conflicts of interest between its members and the traceability and due diligence functions of the system.
- > Publish detailed mine-level production data for minerals tagged by ITSCI along with other information that ITSCI has promised to make public.
- > Cooperate with independent investigations into the structural and systematic failing of the ITSCI scheme.

Government of the Democratic Republic of Congo:

- > Conduct a thorough, independent assessment of the implementation of the ITSCI scheme and depending on the findings of this, consider revoking the scheme's permission to operate and consider the options for replacing ITSCI with a scheme run by an independent institution.
- > Ensure that government personnel are paid adequately and on time.
- > Penalise personnel who fraudulently introduce minerals into traceability schemes.
- > Improve links between, on the one hand, due diligence and traceability processes and, on the other hand, formalisation of artisanal mines and local sustainable economic development, in order to create incentives for upstream stakeholders to support responsible supply chains.
- > Strengthen efforts to disarm, demobilise and reintegrate members of non-state armed groups.
- > Penalise members of the army, particularly high-ranking officers, who illicitly profit from minerals.

- > Enforce regulation of companies' due diligence reporting.

Government of Rwanda:

- > Enforce measures to intercept smuggled minerals entering the country and to repatriate them to the country of origin.
- > Dismantle the smuggling networks.
- > Publish key data for each mine, including production data, number of miners, location and the holder of the mining title.
- > Facilitate the wide use of the 'analytical fingerprint' technology which allows the origin of 3T minerals to be determined.

3T exporters in the Democratic Republic of Congo and Rwanda:

- > Conduct supply chain due diligence in line with the OECD Due Diligence Guidance, including identifying and mitigating risks, and reporting in detail, as legally required, on the risks encountered and the steps taken to mitigate these risks on an annual basis.
- > Make full use of the diverse sources of secondary information available and complement these with information generated by their own on-the-ground spot checks on their supply chains.

International Conference of the Great Lakes Region:

- > Critically assess the implementation of the Regional Certification Mechanism and act upon abuses.

Responsible Minerals Initiative:

- > Reduce reliance on ITSCI and other upstream assurance mechanisms by requiring smelters to conduct their own due diligence beyond reviewing data from upstream assurance mechanisms.
- > Clearly and publicly, in a prominent place on its website, state companies' responsibility for due diligence and the limitations of industry schemes.

-
- > Make audit guidance documents publicly available.

US government:

- > Enforce section 1502 of the Dodd–Frank Act with respect to companies sourcing minerals from the African Great Lakes region.
- > Closely review Conflict Minerals Reports filed by companies and impose penalties on companies that file incomplete, false or misleading reports.

European Commission:

- > Fully scrutinise and hold accountable audited companies and companies that are members of recognised industry schemes, to ensure that they meet the full requirements of the Minerals Regulation and do not rely solely on the membership of a scheme or an audit to meet the relevant obligations.
- > Review the implementation of the Minerals Regulation, close loopholes and enforce it with penalties.

EU Member States:

- > Investigate 3T importers thoroughly and proactively, without exempting them from scrutiny because they are part of an industry scheme or source from white-listed smelters or refiners.
- > Disclose the names of importers.

European Union:

- > Ensure that the Corporate Sustainable Due Diligence Directive (CSDDD) becomes an effective mechanism for holding corporates to account for their mineral sourcing, and is not undermined by reliance on ineffective third-party verification systems, weak transparency and disclosure requirements, and the absence of meaningful stakeholder engagement. [[Read more here](#)]

Countries without due diligence legislation for minerals from conflict-affected and high-risk areas:

- > Put in place legislation mandating responsible supply chain due diligence in line with OECD Due Diligence Guidance requirements and sanction companies not adhering to this.

Organisation for Economic Co-operation and Development:

- > Conduct a new alignment assessment of ITSCI and other industry schemes, evaluating whether the scheme's implementation is aligned with the OECD standard, based on a detailed on-the-ground assessment.

Downstream companies:

- > Demand high-quality reports from suppliers, engage with and follow up on the risks identified and report on these in their own annual due diligence reports.
- > Conduct their own due diligence and avoid as far as possible reliance on assurances from industry schemes.

ENDNOTES

- ¹ Global Witness (2009): *Faced with a gun*, p.4; Global Witness (2010): *The hill belongs to them*, p.4. <https://www.globalwitness.org/en/campaigns/conflict-minerals/conflict-minerals-eastern-congo/>
- ² A former GW staff member was a member of the ITSCI Advisory Panel from December 2011 to April 2018, when they resigned. This report is not based on any information or data that Global Witness received in connection with that staff member's ITSCI role.
- ³ See e.g. ICGLR (2010): *Lusaka Declaration of the ICGLR Special Summit to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region*; OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. Third edition. <https://www.oecd.org/corporate/mne/mining.htm>
- A first edition of the OECD Guidance was developed between 2009-2011.
- ⁴ Bali Barume, Uwe Naeher, Désirée Ruppen, Philip Schütte (2016): "Conflict minerals (3TG): Mining production, applications and recycling", *Current Opinion in Green and Sustainable Chemistry* 1, p.10. <https://www.sciencedirect.com/science/article/abs/pii/S2452223616300037>
- ⁵ Bali Barume, Uwe Naeher, Désirée Ruppen, Philip Schütte (2016): "Conflict minerals (3TG): Mining production, applications and recycling", *Current Opinion in Green and Sustainable Chemistry* 1, p.9. <https://www.sciencedirect.com/science/article/abs/pii/S2452223616300037>; Philip Schütte, Uwe Naeher (2020): "Tantalum supply from artisanal and small-scale mining: A mineral economic evaluation of coltan production and trade dynamics in Africa's Great Lakes region", *Resources Policy* 69, Article 101896, p.1. <https://www.sciencedirect.com/science/article/pii/S0301420720309272>
- ⁶ Phillipe Schutte (2021): *Tantalum: Sustainability information*, Bundesanstalt für Geowissenschaften und Rohstoffe (BGR), p.5. https://www.researchgate.net/publication/350401182_Sustainability_Information_Tantalum; UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S_2021_560_E, Annex 42.
- ⁷ Bali Barume, Uwe Naeher, Désirée Ruppen, Philip Schütte (2016): "Conflict minerals (3TG): Mining production, applications and recycling", *Current Opinion in Green and Sustainable Chemistry* 1, pp.1, 9 and 10. <https://www.sciencedirect.com/science/article/abs/pii/S2452223616300037>
- ⁸ Website Bundesanstalt für Geowissenschaften und Rohstoffe (BGR) (Federal Institute for Geosciences and Natural Resources), Conflict minerals (https://www.rinnen-workshop.de/EN/Themen/Min_rohstoffe/CTC/Concept_MC/Conflict-Minerals/cmc_conflict_minerals_node_en.html)
- ⁹ Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (2017): *Global trends in artisanal and small-scale mining (ASM): A review of key numbers and issues*, p.7. <https://www.iisd.org/system/files/publications/igf-asm-global-trends.pdf>
- ¹⁰ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, article 4.
- ¹¹ Arrêté ministériel 0057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la conférence internationale sur la région des grands lacs (CIRGL) en République Démocratique du Congo, article 7 ; ICGLR (n.d.) *ICGLR Regional Certification Mechanism (RCM) – Certification manual*, p.17. <https://docplayer.net/17171344-icglr-regional-certification-mechanism-rcm-certification-manual.html>
- ¹² Arrêté ministériel 0057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la conférence internationale sur la région des grands lacs (CIRGL) en République Démocratique du Congo, articles 7 and 14; Ministère des Mines et Ministère des Finances, République Démocratique du Congo (2014): *Manuel des procédures de traçabilité des produits miniers: De l'extraction à l'exportation*, p.20.
- ¹³ Official Gazette n°12 of 21.03.2011: Ministerial regulations no001/minifom/2011 dated on 10 March 2011 fighting smuggling in mineral trading, articles 3, 4 and 6.
- ¹⁴ ITSCI website, About ITSCI (<https://www.ITSCI.org/about-ITSCI/>).
- ¹⁵ ITSCI website, About ITSCI (<https://www.ITSCI.org/about-ITSCI/>).
- ¹⁶ OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. <https://www.oecd.org/corporate/mne/mining.htm>
- ¹⁷ Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) (https://www.cftc.gov/sites/default/files/idc/groups/public/@swaps/documents/file/hr4173_enrolledbill.pdf); Dodd-Frank Wall Street Reform and Consumer Protection Act [As Amended Through P.L. 116–136, Enacted March 27, 2020] ([COMPS-9515.pdf \(govinfo.gov\)](https://www.govinfo.gov))
- ¹⁸ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2017:130:TOC>
- ¹⁹ ITSCI website, Our governance and finance (<https://www.itsci.org/governance-funding/>); Pact website, Features (<https://www.pactworld.org/features/ITSCI-decade-success>); The tungsten industry is not represented in ITSCI's governance structures (ITSCI website, Our governance and finance: <https://www.itsci.org/governance-funding/>)
- ²⁰ ITSCI profile on LinkedIn (<https://www.linkedin.com/company/itsci>)
- ²¹ Pact (2019): *Voluntary principles on security and human rights report for the calendar year 2019*, p.3.
- ²² IPIS (2020) *Evaluating due diligence programs for conflict minerals*, p.7; Rupert Cook, Paul Mitchell (2014): *Evaluation of mining revenue streams and due diligence implementation costs along mineral supply chains in Rwanda*, Bundesanstalt für Geowissenschaften und Rohstoffe, p.11. <https://www.levinsources.com/assets/pages/report-evaluation-mining-revenue-streams-due-diligence-costs-minerals-rwanda.pdf>; Hester Postma, Sara Geenen (2020): *Flagged and tagged by ITSCI: The potential and risks of non-state supply chain regulation*, University of Antwerp Institute of Development Policy, Analysis and Policy Brief 40., p.22. <https://medialibrary.uantwerpen.be/files/8518/23b4a61d-d1db-4541-a635->

[aefd4a8842ca.pdf?_ga=2.90263257.2101648890.1645020978-1932247854.1645020978](#)

²³ OECD (2018): *Alignment Assessment of Industry Programmes with the OECD Minerals Guidance*, pp.89, 91.

²⁴ OECD (2018): *Alignment Assessment of Industry Programmes with the OECD Minerals Guidance*, p.14.

See also ITSCI website, Purpose (<https://www.ITSCI.org/purpose/#results>)

²⁵ ITSCI website, ITSCI's session at the OECD Forum on Responsible Mineral Supply Chains (<https://www.ITSCI.org/2021/04/24/ITSCI-session-at-the-14th-forum-on-responsible-mineral-supply-chains/>)

²⁶ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, articles 1, 3 and 9 ; ICGLR (n.d.): *ICGLR Regional Certification Mechanism (RCM) – Certification manual*, first edition, p.11.

²⁷ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, articles 4, 5.

²⁸ Global Witness interview with government official, 8/2021 (Global Witness interview N2).

²⁹ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, articles 9, 10.

³⁰ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, article 9.

³¹ Arrêté ministériel 0919/CAB.MIN/MINES/01/2015 du 29 octobre 2015 fixant les procédures de qualification et de validation des sites miniers des filières aurifère et stannifère en RDC, articles 9, 10 and 12.

³² ICGLR (2019): *Manual of the Regional Certification Mechanism*, second edition, p.20

³³ Arrêté ministériel 00677/CAB.MIN/MINES/ANSK/01/2021 du 12 novembre 2021 fixant les procédures de qualification et de validation des sites miniers des filières aurifère, stannifère, cupro-cobaltifère et des pierres de couleurs en RDC, article 5.

³⁴ Rwanda Natural Resources Authority (2012): *Mine inspection report*, pp.31–32.

³⁵ Arrêté ministériel 0057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la conférence internationale sur la région des grands lacs (CIRGL) en République Démocratique du Congo, article 7 ; Official Gazette n°12 of 21.03.2011: Ministerial regulations no001/minifom/2011 dated on 10 March 2011 fighting smuggling in mineral trading, articles 3, 4 and 6.

³⁶ RCS Global, Better Mining (<https://www.rcsglobal.com/bettermining/>).

³⁷ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.16. <https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>; Yves Bawa/Pact (2012): *ITSCI projet de traçabilité des 3T en RDC*. p.13 ; ITSCI website, About ITSCI (<https://www.itsci.org/about-itsci/>)

³⁸ Hester Postma, Sara Geenen (2020): *Flagged and tagged by ITSCI: the potential and risks of non-state supply chain regulation*, University of Antwerp Institute of Development Policy, Analysis and Policy Brief 40, pp.11–13. <https://medialibrary.uantwerpen.be/files/8518/23b4a61d-d1db-4541-a635->

[aefd4a8842ca.pdf?_ga=2.90263257.2101648890.1645020978-1932247854.1645020978](#)

³⁹ UNGoE (2015): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2015/19, pp.127, 132; UNGoE (2017): Final report of the group of experts on the Democratic Republic of the Congo S/2017/1091, p.24.

⁴⁰ Pact (2015): *Unconflicted*, pp.8-9. (<https://www.pactworld.org/sites/default/files/unconflicted.pdf>); Global Witness interview with government official, 9/2021 (Global Witness interview N2).

⁴¹ ITSCI (2021): ITSCI programme incident and outcome review, p.1 (https://www.itsci.org/wp-content/uploads/2021/02/ITSCI-incident-review-summary-Nov-2019-to-Oct-2020_EN.pdf); Pact (2015): *Unconflicted*, pp.8-9 (<https://www.pactworld.org/sites/default/files/unconflicted.pdf>); Hester Postma, Sara Geenen (2020): *Flagged and tagged by ITSCI: the potential and risks of non-state supply chain regulation*. University of Antwerp Institute of Development Policy, Analysis and Policy Brief 40, p.14. (https://medialibrary.uantwerpen.be/files/8518/23b4a61d-d1db-4541-a635-aefd4a8842ca.pdf?_ga=2.90263257.2101648890.1645020978-1932247854.1645020978)

ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

⁴² ITSCI (2016): *ITSCI joint industry traceability and due diligence programme*, p.11. (<https://www.ITSCI.org/traceability/>).

⁴³ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

⁴⁴ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

⁴⁵ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

⁴⁶ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

⁴⁷ Arrêté ministériel 0057/CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en œuvre du mécanisme régional de certification de la conférence internationale sur la région des grands lacs (CIRGL) en République Démocratique du Congo, article 11.

⁴⁸ Rwanda Mines Petroleum and Gas Board (2020): Notice on mineral certificates.

⁴⁹ ICGLR (2019): *Manual of the Regional Certification Mechanism*, second edition, p.41.

⁵⁰ UNGoE (2014): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2014/428, p.84.

⁵¹ OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. (<https://www.oecd.org/corporate/mne/mining.htm>)

⁵² Government production statistics for 3T minerals from Walungu Territory, 2020.

⁵³ ITSCI overview: Quarter 1 of 2021. ITSCI website, Mineral Tonnage Data (<https://www.itsci.org/mineral-tonnage-data/>)

Average mine production (kg/month) for South Kivu for 2020: 222,770kg. 12 (months) *222,770kg = 2,673 tonnes/year (in 2020)

⁵⁴ According to the ICGLR Regional Certification Mechanism mines must be reinspected every year (ICGLR (2019): *Manual of the Regional Certification Mechanism*, second edition, p.20), which has rarely been the case in DRC. Global Witness here refers to mines

which have been validated green by the DRC government at some point – not necessarily in the previous year. No 3T mines are validated yellow in the Nzibira sector.

⁵⁵ Global Witness interview with government official, 2021 (Global Witness interview G17); Global Witness interview with government official, 2021 (Global Witness interview G19).

In the area around Nzibira, Chembeke, Kanyungu, Mahamba, Mushangi D8, Chaminyago and D23 Zolazola mines have been rated green, while Tshosho mine has not been validated by an official mission but is considered to be green-rated due to its proximity to green-rated mines. This is common practice according to government officials. Global Witness has requested evidence of the legal basis for this practice, but has not received this.

⁵⁶ Global Witness interview with government official, 2021 (Global Witness interview G17); ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.16. (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>); Yves Bawa/Pact (2012): *ITSCI Projet de traçabilité des 3T en RDC*, p.13.

⁵⁷ Global Witness interview with private sector representative, 2021 (Global Witness interview G10).

⁵⁸ Global Witness interview with government official, 2021 (Global Witness interview G17); Global Witness interview with government official, 2021 (Global Witness interview G19).

⁵⁹ Global Witness interview with government official, 2021 (Global Witness interview G11); Global Witness interview with government official, 2021 (Global Witness interview G12); Global Witness interview with government official, 2021 (Global Witness interview G13).

Global Witness interview with private sector representative, 2021 (Global Witness interview G14); Global Witness interview with government official, 2021 (Global Witness interview G15).

⁶⁰ Government production statistics for 3T minerals from Walungu Territory, 2021.

In its response to Global Witness the South Kivu Provincial Directorate of SAEMAPE shared a production figure for the Nzibira sector of 71,315kg for the first quarter of 2021, somewhat lower than the figure for tagged minerals at Nzibira seen by Global Witness for that period but still vastly higher than the estimated production of 16,000kg (South Kivu branch of SAEMAPE, Opportunity to comment response, 26/12/21).

⁶¹ Global Witness interview with government official, 10/2021 (Global Witness interview Y1); Global Witness interview with government official, 9/2021 (Global Witness interview N2).

⁶² Global Witness interview with government official, 2021 (Global Witness interview A7); Global Witness interview with focus group, 2021 (Global Witness interview G2); Global Witness interview with government official, 2021 (Global Witness interview A9).

⁶³ These minerals could have come either from red or unvalidated mines around Nzibira or from green or yellow mines from another sector. According to sources, most minerals tagged at Nzibira came from unvalidated mines. The Ministry of Mines considers it to be illegitimate to introduce minerals from other sectors than the one the mines are part of into a traceability system even if they originate from green- or yellow-rated mines. According to our information there are no yellow-rated mines in the Nzibira sector.

⁶⁴ Global Witness interview with government official, 2021 (Global Witness interview G6); Global Witness interview with civil society representative, 2021 (Global Witness interview G3).

⁶⁵ Global Witness interview with government official, 2021 (Global Witness interview G6).

⁶⁶ Government production statistics for 3T minerals from Walungu Territory, 2021; Global Witness interview with government official,

2021 (Global Witness interview G11); Global Witness interview with government official, 2021 (Global Witness interview G12); Global Witness interview with government official, 2021 (Global Witness interview G13); Global Witness interview with private sector representative, 2021 (Global Witness interview G14); Global Witness interview with government official, 2021 (Global Witness interview G15).

In its response to Global Witness the South Kivu Provincial Directorate of SAEMAPE shared a production figure for the Nzibira sector of 71,315kg for the first quarter of 2021, somewhat lower than the figure for tagged minerals at Nzibira during that period seen by Global Witness but still vastly higher than the estimated production of 16,000kg (South Kivu branch of SAEMAPE, Opportunity to comment response, 26/12/21).

⁶⁷ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with civil society representative, 2021 (Global Witness interview G3); Global Witness interview with trader, 2021 (Global Witness interview G5); Global Witness interview with mining cooperative representatives, 2021 (Global Witness interview G7).

⁶⁸ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with focus group, 2021 (Global Witness interview G2); Global Witness interview with civil society representative, 2021 (Global Witness interview G3); Global Witness interview with trader, 2021 (Global Witness interview G5).

⁶⁹ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with government official, 2021 (Global Witness interview G6); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview G14); Global Witness interview with government official, 2021 (Global Witness interview G16).

⁷⁰ Jason Stearns, 2013, *“Raia Mutomboki: The Flawed Peace Process in the DRC and the Birth of an Armed Franchise”*, pp. 8-9, (<https://www.refworld.org/docid/51c8273f4.html>)

⁷¹ Global Witness interview with ITSCI field staff, 2021 (Global Witness interview G4); Global Witness interview with private sector representative, 2021 (Global Witness interview G10); Global Witness interview with government official, 2021 (Global Witness interview G12).

⁷² Global Witness interview with ITSCI field staff, 2021 (Global Witness interview G4); Global Witness interview with civil society representative, 2021 (Global Witness interview G3); Global Witness interview with mining cooperative representatives, 2021 (Global Witness interview G7); Global Witness interview with focus group, 2021 (Global Witness interview G2).

⁷³ Global Witness interview with government official, 2021 (Global Witness interview G16).

⁷⁴ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with focus group, 2021 (Global Witness interview G2); Global Witness interview with civil society representative, 2021 (Global Witness interview G3).

⁷⁵ Global Witness interview with focus group, 2021 (Global Witness interview G2).

⁷⁶ Global Witness interview with government official, 2021 (Global Witness interview E1); Global Witness interview with government official, 2021 (Global Witness interview E2).

⁷⁷ Global Witness interview with government official, 2021 (Global Witness interview E1); Global Witness interview with government official, 2021 (Global Witness interview E2).

⁷⁸ Global Witness interview with government official, 2021 (Global Witness interview E2).

⁷⁹ Global Witness interview with local administration, 2021 (Global Witness interview D1); Global Witness interview with civil society representative, 2021 (Global Witness interview D4); Global Witness interview with trader, 2021 (Global Witness interview D5); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview D6).

⁸⁰ Global Witness interview with mining cooperative representative, 2021 (Global Witness interview D6); Global Witness interview with trader, 2021 (Global Witness interview D5).

⁸¹ Global Witness interview, 2021 (Global Witness interview L1); Global Witness interview, 2021 (Global Witness interview L2).

⁸² South Kivu Provincial Directorate of SAEMAPE, Opportunity to comment response, 29/11/21.

⁸³ ITA, Opportunity to comment response, 15/12/21, 10/01/21.

⁸⁴ ITA, Opportunity to comment response, 15/12/21.

⁸⁵ Synergy (2014): *ITRI Tin Supply Chain Initiative (ITSCI) governance assessment: Nzibira, Luntukulu, Lemera and Katogota. (South Kivu, DRC)*, p.23.

⁸⁶ Max Impact (2016): *Evaluation de l'implémentation du système de traçabilité dans la province du Sud-Kivu*, pp.8–13.

⁸⁷ Rapport d'investigation, chaine de Nzibira, 2016.

⁸⁸ Rapport d'investigation, chaine de Nzibira, 2016.

"SAESSCAM" average: $20.670+31.115+38.418 = 90.203$; $90.203/3 = 30.068$ t

"Mines" average: $27.773+38.970+41.000 = 107.743$ t; $107.743/3 = 35.914$ t

⁸⁹ Rapport d'investigation, chaine de Nzibira, 2016.

⁹⁰ Rapport d'investigation, chaine de Nzibira, 2016.

⁹¹ Rapport d'investigation, chaine de Nzibira, 2016.

⁹² Rapport d'investigation, chaine de Nzibira, 2016.

⁹³ Rapport d'investigation, chaine de Nzibira, 2016.

The report refers to BEPAT agents being informed about the issues mentioned in the report and trying to cover them up. BEPAT is an NGO contracted by PACT to support the implementation of the ITSCI programme in DRC.

⁹⁴ ITA, Opportunity to comment response, 15/12/21.

⁹⁵ ITSCI incident SK/2016/0065 of 18/04/16. (<https://www.itsci.org/incident-summaries-public/>)

⁹⁶ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>); OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. (<https://www.oecd.org/corporate/mne/mining.htm>), pp.20–21.

⁹⁷ ITSCI incident SK/2016/0065 of 18/04/16. (<https://www.itsci.org/incident-summaries-public/>)

⁹⁸ Pact, Opportunity to comment response, 22/12/21; ITA, Opportunity to comment response, 15/12/21.

⁹⁹ Global Witness interviews with civil society representative, 10/2021; 1/2022 (Global Witness interviews Y2, Y3); Rapport d'investigation, chaine de Nzibira, 2016.

¹⁰⁰ ITSCI incident SK/2016/0064 of 18/04/16. (<https://www.itsci.org/incident-summaries-public/>)

¹⁰¹ ITSCI incident SK/2016/0064 of 18/04/16. (<https://www.itsci.org/incident-summaries-public/>)

¹⁰² Global Witness interviews with civil society representative, 10/2021; 01/2022 (Global Witness interviews Y2, Y3).

¹⁰³ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>)

¹⁰⁴ Global Witness interviews with civil society representative, 07/2021; 10/2021; 01/2022 (Global Witness interviews Y1, Y2, Y3).

¹⁰⁵ Global Witness interviews with civil society representative, 10/2021; 01/2022 (Global Witness interviews Y2, Y3).

¹⁰⁶ United Nations Security Council website, Group of experts (<https://www.un.org/securitycouncil/sanctions/1533/work-and-mandate>)

¹⁰⁷ UNGoE (2018): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2018/1133, paragraphs 84–87.

¹⁰⁸ UNGoE (2018): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2018/1133, paragraphs 86–87.

¹⁰⁹ ITSCI incidents: SK/2016/0124, SK-2017-0056, SK-2017-0103, SK-2017-0232, SK-2018-0035 (incident dated 01/01/2017 but incident report opened 26/02/18). (<https://www.itsci.org/incident-summaries-public/>)

¹¹⁰ UNGoE (2018): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2018/1133, paragraph 89.

¹¹¹ ITSCI incident SK-2019-0001. (<https://www.itsci.org/incident-summaries-public/>)

A further incident (SK-2019-0004) published by ITA refers to two further mines, in addition to the Chaminyago mine mentioned in the above incident, through which minerals from Shabunda were laundered according to the UNGoE.

¹¹² ITSCI incident SK-2019-0181 (incident opened 31/07/19). (<https://www.itsci.org/incident-summaries-public/>)

¹¹³ ITSCI incident SK-2020-0014 (incident opened 30/01/20). (<https://www.itsci.org/incident-summaries-public/>)

¹¹⁴ Pact, Opportunity to comment response, 22/12/21; ITA, Opportunity to comment response, 15/12/21.

¹¹⁵ ITA, Opportunity to comment response, 15/12/21.

¹¹⁶ ITA, Opportunity to comment response, 15/12/21.

¹¹⁷ Pact, Opportunity to comment response, 22/12/21.

¹¹⁸ ITA, Opportunity to comment response, 15/12/21.

¹¹⁹ Pact, Opportunity to comment response, 22/12/21.

¹²⁰ Global Witness interview with government official, 2021 (Global Witness interview G17); Global Witness interview with focus group, 2021 (Global Witness interview G2).

¹²¹ Global Witness interview with government official, 2021 (Global Witness interview G11); Global Witness interview with government official, 2021 (Global Witness interview G12); Global Witness interview with government official, 2021 (Global Witness interview G13); Global Witness interview with private sector representative, 2021 (Global Witness interview G14); Global Witness interview with government official, 2021 (Global Witness interview G15).

¹²² Global Witness interview with government official, 2021 (Global Witness interview G17); Global Witness interview with government official, 11/2021 (Global Witness interview O2); Global Witness interview with government official, 12/2021 (Global Witness interview O3).

¹²³ Government production statistics for 3T minerals from Luhago sector, 2021.

In its response to Global Witness, the South Kivu Provincial Directorate of SAEMAPE shared a production figure for the Luhago sector of 24,906kg for the first quarter of 2021, somewhat lower than the figure for tagged minerals at Nzibira seen by Global Witness during that period but still vastly higher than the estimated production of 2,000kg” (South Kivu Provincial Directorate of SAEMAPE, Opportunity to comment response, 26/12/21).

¹²⁴ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with focus group, 2021 (Global Witness interview G2); Global Witness interview with civil society representative, 2021 (Global Witness interview G3).

¹²⁵ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with government official, 2021 (Global Witness interview E1).

¹²⁶ Global Witness interview with trader, 2021 (Global Witness interview G9).

¹²⁷ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with focus group, 2021 (Global Witness interview G2); Global Witness interview with ITSCI field staff, 2021 (Global Witness interview G4); Global Witness interview with mining cooperative representatives, 2021 (Global Witness interview G7).

¹²⁸ Global Witness interview with trader, 2021 (Global Witness interview A1); Global Witness interview with manager, 2021 (Global Witness interview A2); Global Witness interview with focus group, 2021 (Global Witness interview A8).

¹²⁹ Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with government official, 2021 (Global Witness interview G6); Global Witness interview with trader, 2021 (Global Witness interview G9).

¹³⁰ Government production statistics for 3T minerals from Luhago sector, 2021; Global Witness interview with government official, 2021 (Global Witness interview G11); Global Witness interview with government official, 2021 (Global Witness interview G12); Global Witness interview with government official, 2021 (Global Witness interview G13); Global Witness interview with private sector representative, 2021 (Global Witness interview G14); Global Witness interview with government official, 2021 (Global Witness interview G15).

In its response to Global Witness, the South Kivu Provincial Directorate of SAEMAPE shared a production figure for the Luhago sector of 24,906kg for the first quarter of 2021, somewhat lower than the figure for tagged minerals at Nzibira seen by Global Witness during that period but still vastly higher than the estimated production of 2,000kg” (South Kivu Provincial Directorate of SAEMAPE, Opportunity to comment response, 26/12/21).

¹³¹ ITA, Opportunity to comment response, 15/12/21.

¹³² Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with mining cooperative representatives, 2021 (Global Witness interview G7); Global Witness interview with government official, 2021 (Global Witness interview G1); Global Witness interview with government official, 2021 (Global Witness interview A9).

¹³³ Global Witness interview with government official, 2021 (Global Witness interview A7); Global Witness interview with civil society representative, 2021 (Global Witness interview A3); Global Witness interview with government official, 2021 (Global Witness interview A6).

¹³⁴ Global Witness interview with manager, 2021 (Global Witness interview A2); Global Witness interview with trader, 2021 (Global

Witness interview A1); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview A4).

¹³⁵ Global Witness interview with government official, 2021 (Global Witness interview A6).

¹³⁶ Global Witness interview with government official, 2021 (Global Witness interview E2).

¹³⁷ Global Witness interview with government official, 2021 (Global Witness interview E2).

¹³⁸ Global Witness interview with government official, 2021 (Global Witness interview E2).

¹³⁹ Global Witness interview with manager, 2021 (Global Witness interview A2); Global Witness interview with civil society representative, 2021 (Global Witness interview A3); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview A4); Global Witness interview with government official, 2021 (Global Witness interview A6); Global Witness interview with government official, 2021 (Global Witness interview A7).

¹⁴⁰ ITA, Opportunity to comment response, 15/12/21.

¹⁴¹ Global Witness interview with government officials, 2021 (Global Witness interview H4).

¹⁴² Global Witness interview with government official, 2021 (Global Witness interview F1).

¹⁴³ Global Witness interview with government official, 10/2021 (Global Witness interview O1); Global Witness interview with government official, 2021 (Global Witness interview F1).

¹⁴⁴ Global Witness interview with government official, 2021 (Global Witness interview F1); Global Witness interview with government official, 2021 (Global Witness interview F3).

¹⁴⁵ ITA, Opportunity to comment response, 15/12/21.

¹⁴⁶ ITA, Opportunity to comment response, 15/12/21.

¹⁴⁷ Global Witness interview with trader, 2021 (Global Witness interview C1); Global Witness interview with artisanal miner, 2021 (Global Witness interview C5); video footage from Kalimbi mine, 09/2019.

¹⁴⁸ Global Witness interview with artisanal miner, 2021 (Global Witness interview C5).

¹⁴⁹ Global Witness interview with artisanal miner, 2021 (Global Witness interview C5).

¹⁵⁰ Global Witness interview with trader, 2021 (Global Witness interview C1); Global Witness interview with civil society representative, 2021 (Global Witness interview C9).

¹⁵¹ Global Witness interview with trader, 2021 (Global Witness interview C1); Global Witness interview with trader, 2021 (Global Witness interview C3).

¹⁵² Global Witness interview with government official, 2021 (Global Witness interview C2); Global Witness interview with civil society representative, 2021 (Global Witness interview C9); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview C7).

¹⁵³ Global Witness field report, Nyabibwe, 2021.

¹⁵⁴ ITA, Opportunity to comment response, 15/12/21, 10/01/22.

¹⁵⁵ IPIS website, Carte de l'exploitation minière artisanale dans l'Est de la RD Congo (<https://ipisresearch.be/mapping/webmapping/drcongo/v6/>)

¹⁵⁶ Global Witness interview with government official, 2021 (Global Witness interview B2); Global Witness interview with trader, 2021 (Global Witness interview B10).

¹⁵⁷ Global Witness interview with government official, 2021 (Global Witness interview B2).

¹⁵⁸ Global Witness field report, Numbi, 2021.

¹⁵⁹ ITA, Opportunity to comment response, 15/12/21.

¹⁶⁰ Loi n°18/001 du 09 mars 2018 modifiant et complétant la Loi n° 007/2002 du 11 juillet 2002 portant Code minier, Article 19bis.

¹⁶¹ Global Witness field report, Nyabibwe, 2021.

¹⁶² Global Witness interview, 2021 (Global Witness interview L1).

¹⁶³ Global Witness field report, Numbi, 2021.

¹⁶⁴ Video footage of children in Kalimbi mine, 09/2020.

¹⁶⁵ Video footage of child in Gakombe mine, 11/2019.

¹⁶⁶ Video footage of child in Kamatale mine, 08/2020.

¹⁶⁷ IPIS (2020) *Evaluating due diligence programs for conflict minerals*, pp.11, 27.

¹⁶⁸ Global Witness field report, Numbi, 2021; Global Witness interview with government official, 2021 (Global Witness interview C8).

Global Witness field report, Nyabibwe, 2021.

¹⁶⁹ Radio Okapi (2020): “RDC : reprise de la prise en charge des enseignants par les parents dans certaines écoles”, 23 November, (<https://www.radiookapi.net/2020/11/23/emissions/dialogue-entre-congolais/rdc-reprise-de-la-prise-en-charge-des-enseignants-par/>).

¹⁷⁰ La Libre Afrique (2019): “RDC: gratuite de l’enseignement?” Dans quelques mois », promet Tshisekedi”, 03 September (<https://afrique.lalibre.be/40608/rdc-gratuite-de-l-enseignement-dans-quelques-mois-promet-tshisekedi/>).

¹⁷¹ Video footage of children in Kalimbi mine, 09/2020; Video footage of child in Nyabibwe, 06/2020; Video footage of child in Kiporo mine, 12/2019.

¹⁷² Global Witness interview with mining cooperative representative, 2021 (Global Witness interview B8).

¹⁷³ The Times (2019): “Congo’s miners dying in hell tunnels to power your mobile”, 09 March (<https://www.thetimes.co.uk/article/congos-miners-dying-in-hell-tunnels-to-power-your-mobile-dtcw285ht>).

¹⁷⁴ Video footage of child in Kamatale mine, 08/2020.

¹⁷⁵ Video footage of child in Nyabibwe, 06/2020.

¹⁷⁶ Global Witness interview with government official, 10/2021 (Global Witness interview Y2).

¹⁷⁷ UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraph 99.

ITA wrote to the UNGoE that it “was aware of the presence of Nyatura combatants at Biholo until June 2019, and said it would investigate further” (UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraph 101.)

¹⁷⁸ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.51.

¹⁷⁹ Chef de secteur d’Itombwe (2019): Instructions formelles sur la situation de colis d’Itombwe et Consort, 15/01/2021.

¹⁸⁰ UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraphs 97, 99, 100.

¹⁸¹ Video footage of child in Kamatale mine, 08/2020.

¹⁸² IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.30.

¹⁸³ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.51.

¹⁸⁴ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.51.

¹⁸⁵ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.52.

¹⁸⁶ UNGoE (2019): Midterm report of the Group of Experts on the Democratic Republic of the Congo, S/2019/974, paragraph 44.

¹⁸⁷ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, pp. 30, 51.

¹⁸⁸ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, paragraph 59.

¹⁸⁹ SMB holds concession PE4731; SAKIMA holds concession PE76 (among other concessions), almost completely surrounding PE4731. ([DRC Mining Cadastre Map Portal – Trimble Landfolio \(cami.cd\)](https://www.drcminingcadastre.gov.cd/)).

¹⁹⁰ COOPERAMMA (2017): Dénonciation des abus commise par MHI/SMB de 2013 à nos jours, 10 June.

¹⁹¹ Reuters (2019): Congo miner SMB leaves ITSCI responsible-sourcing scheme over cost, 08 February ([Congo miner SMB leaves ITSCI responsible-sourcing scheme over cost | Reuters](https://www.reuters.com/article/itsci-responsible-sourcing-scheme-over-cost/congo-miner-smb-leaves-itsci-responsible-sourcing-scheme-over-cost-idCAKCN19Z0001))

¹⁹² SMB (2019): Press release: Change of SMB’s ores certification scheme, 21 January, ([Better Sourcing Archives - SMB \(smb-sarl.com\)](https://www.smb-sarl.com/))

¹⁹³ SMB (2020): Concerne violation répétées par ITA de votre directive (letter), 4 July, p.3.

¹⁹⁴ SMB (2018): Termination of the Collaboration Agreement between SMB Sarl and Itsci on PE4731 in Masisi, Letter SMB, 12 December; ITSCI (2018): Email acknowledging termination of collaboration between SMB and ITSCI, 20 December.

¹⁹⁵ ITSCI incidents: NK-2018-0198; NK-2018-0199; NK-2018-0200; NK-2018-0201 (<https://www.itsci.org/incident-summaries-public/>)

¹⁹⁶ Global Witness interview with SMB, 08/2021, 1/2022.

¹⁹⁷ Report: Réunion d’analyse et traitement des incidents enregistré par ITSCI sur la chaine SMB Sarl du PE4371.

¹⁹⁸ Global Witness interview with SMB, 08/2021.

¹⁹⁹ Global Witness interview with SMB, 08/2021.

²⁰⁰ Itsci incident Summaries, see e.g. NK-2018-0207, NK-2018-0208, NK-2018-0218, NK-2019-0030, NK-2019-0031, NK-2019-0075, NK-2020-0046, NK-2020-0054; NK-2020-0059; NK-2020-0089 (<https://www.itsci.org/incident-summaries-public/>).

²⁰¹ Global Witness interview with SMB, 8/2021.

²⁰² Joseph Ikoli, Secretary General of DRC Ministry of Mines (2019), Réf: 1650/BUR.SG/Mines/IK.YA/01/2019, Votre lettre du 16 Avril 2019, 3 June.

²⁰³ Joseph Ikoli, Secretary General of DRC Ministry of Mines (2018): ITSCI Alert : FARDC participating in mineral trade, Kachuba, Kabare Territory, South Kivu, DRC SK-2018-0044-(level)-1, 3 April.

- ²⁰⁴ Joseph Ikoli, Secretary General of DRC Ministry of Mines (2018): ITSCI Alert : FARDC participating in mineral trade, Kachuba, Kabare Territory, South Kivu, DRC SK-2018-0044-(level)-1, 3 April.
- ²⁰⁵ Global Witness interview with industry expert, 5/2021 (Global Witness interview P1)
- ²⁰⁶ ITSCI website, Purpose ([Purpose - ITSCI](#))
- ²⁰⁷ ITA, Opportunity to comment response, 15712721
- ²⁰⁸ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, Annex 48, p.168.
- ²⁰⁹ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, Annex 48, p.168.
- ²¹⁰ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, Annex 48, p.168.
- ²¹¹ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, Annex 48, p.168.
- ²¹² UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 48, table 1.
- ²¹³ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 48, table 1.
- ²¹⁴ Global Witness interview with government official, 10/2021 (Global Witness interview Y1).
- ²¹⁵ North Kivu directorate of SAEMAPE, North Kivu Mining Division, Opportunity to comment response, 4/12/21; ITA, Opportunity to comment response, 15/12/21.
- ²¹⁶ Global Witness interview with SMB, 1/2022.
- ²¹⁷ UNGoE (2018): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2018/1133, annex 12; UNGoE (2019): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2019/974, para 47; UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, para 67; UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, para 97.
- ²¹⁸ ITSCI incidents: NK-2019-0019
- ²¹⁹ UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, para. 97; ITSCI incidents, NK-2020-0024 (<https://www.itsci.org/incident-summaries-public/>).
- ²²⁰ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.16, 29. <https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>
- ²²¹ ITSCI incidents, NK-2019-0019 (<https://www.itsci.org/incident-summaries-public/>).
- ²²² UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 48, table 1 indicates that the ITA estimate for monthly production from Nyagisenyi, Birambo and Mululu mines totalled 31.2 tonnes, and it is stated earlier (p.167) that this represents 55% of production at SAKIMA's PE76 concession.
- ²²³ Most coltan exported from North Kivu comes from the SAKIMA and SMB concessions. In 2017 the figure was 91% (total North Kivu coltan exports were 995,609kg, whereas total SMB and SAKIMA production combined was 909,602kg). In 2020, it was 74% (total North Kivu coltan exports were 1,031,740kg, whereas total SMB and SAKIMA production combined was 767,238kg). Data from Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2021): *Rapport annuel 2020*, p.60. Global Witness is not aware of any evidence of large-scale coltan trafficking from any other mines to the Rubaya area.
- ²²⁴ Reflecting the discrepancy between the UN estimate of the combined production of the Nyagisenyi, Birambo and Mululu mines of 2–3 tonnes per month, corresponding to 24–36 tonnes per year, and official Ministry of Mines production data of 402 tonnes for the same mines in 2020. The volume of trafficked minerals is likely considerably higher if all mines on the SAKIMA concession were taken into account.
- ²²⁵ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 48, table 1. Estimates are based on interviews in December 2020 and January and February 2021.
- ²²⁶ UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraph 97; UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, paragraph 67; annex 48.
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- ²³¹ Pact, Opportunity to comment response, 22/12/21.
- ²³² John Crawley, Opportunity to comment response, 15/12/21.
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- ²³⁷ See photo and caption on p.37; See also UNGOE2021: S/2021/560. Annex 49.
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- ²³⁹ Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2018): *Rapport annuel 2017*, p.30; Division Provinciale des Mines Nord Kivu (2017): *Rapport annuel 2016*; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2016): *Rapport annuel 2015*, p.1; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2015): *Rapport annuel 2014*, p.25; East Rise Corporation Limited, corporate document, Form NAR1, 2021, Hong Kong Companies Directory (<https://www.cr.gov.hk/>).
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²⁵⁹ ITA, Opportunity to comment response, 15/12/21.

²⁶⁰ East Rise Corporation Limited, corporate document, Form NAR1, 2021, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>).

²⁶¹ TIC (n.d.): Annual Review 2018, p.41, (https://www.tanb.org/images/T_I_C_%20Annual%20Review%202018.pdf).

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²⁶⁴ Corporate document for Ulba Tantalum Africa, 03/07/2021.

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²⁶⁶ Corporate document for Minerals Resources International Ltd, 06/08/2019, Commercial register of canton Zug.

²⁶⁷ Trial International (2019): "Pillage: Swiss businessman under criminal investigation for war crimes committed in the DRC", 12 December ([Pillage: Swiss businessman under criminal investigation for war crimes in the DRC - TRIAL International](#)); [Bloomberg \(2019\): "Switzerland investigates metal trader over Congo war allegations", 12 December \(Swiss Probe Metal Trader Over Congo-War Allegations - Bloomberg\)](#)

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²⁷⁰ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 175.

²⁷¹ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 215.

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²⁷³ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 214.

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²⁷⁷ Star Dragon Corporation Limited, corporate document, Form NAR1, 2021, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>);

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²⁷⁸ Star Dragon Corporation Limited, corporate document, Form NAR1, 2021, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>); RMMC, corporate document, Form NAR1, 2021, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>); African Ventures, corporate document, Form AR1, 2008, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>).

African Ventures registered office in 2008 was Room 1008A, Shing Chuen Industrial Building, 25 Shing Wan Road, Shatin, Hong Kong, which is the address where RMMC and Star Dragon Corporation Limited's company records are kept.

Furthermore, one of Star Dragon's directors (Star Dragon corporate documents) serves as a director for the Nigerian company Astro Minerals Limited, for which Huber is also listed as a director (Nigeria 24, [ASTRO MINERALS LIMITED - Company, directors and contact details | Nigeria24](#)). Huber wrote to Global Witness that he does not know a company called Astro (Chris Huber, Opportunity to comment response, 20/12/21).

²⁷⁹ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, para. 174–177, 214.

- ²⁸⁰ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paras. 170-174, 214.
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- ²⁸² Chris Huber, Opportunity to comment response, 20/12/21.
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- “ITSCI’s purpose is to create responsible mineral supply chains that avoid contributing to conflict, human rights abuses, or other risks.”
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- ²⁹² SMB, Opportunity to comment response, 15/12/21.
- ²⁹³ Global Witness interview with trader, 2021 (Global Witness interview G9); Global Witness interview with artisanal miners, 2021 (Global Witness interview B6); Global Witness interview with trader, 2021 (Global Witness interview G5); Global Witness interview with government official, 2021 (Global Witness interview B4).
- ²⁹⁴ Yves Bawa/Pact (2012): *ITSCI projet de traçabilité des 3T en RDC*. p.13; ITSCI website, About ITSCI (<https://www.itsci.org/about-itsci/>)
- ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.16. (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>).
- ²⁹⁵ IPIS (2020): *Evaluating due diligence programs for conflict minerals*, pp.20, 44. (<https://ipisresearch.be/wp-content/uploads/2021/03/eval-ddp-20210217.pdf>); email from IPIS, 15/11/21.
- ²⁹⁶ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.9.
- ²⁹⁷ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.9.
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- ²⁹⁹ Global Witness interview with trader, 2021 (Global Witness interview C1); Global Witness interview with trader, 2021 (Global Witness interview C3); Global Witness interview with government official, 2021 (Global Witness interview C8); Global Witness interview with government official, 2021 (Global Witness interview B4); IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.10; Christoph Vogel, Josaphat Musamba, Ben Radley (2018): “A miner’s canary in eastern Congo: Formalisation of artisanal 3T mining and precarious livelihoods in South Kivu”, *The Extractive Industries and Society* 5(1), pp.73–80 (<https://www.sciencedirect.com/science/article/abs/pii/S2214790X16301241>).
- ³⁰⁰ Global Witness interview with government official, 2021 (Global Witness interview B4); Global Witness interview with government official, 2021 (Global Witness interview O6).
- ³⁰¹ Global Witness interview with government official, 2021 (Global Witness interview C2); Global Witness interview with government official, 2021 (Global Witness interview C8).
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- ³⁰⁶ Pact (2015): *Unconflicted*, p.18. (<https://www.pactworld.org/sites/default/files/unconflicted.pdf>)
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- ³⁰⁹ Global Witness interview with government official, 2021 (Global Witness interview C6); Global Witness interview with government official, 2021 (Global Witness interview J1); Global Witness interview with government official, 9/2021 (Global Witness interview N2).
- ³¹⁰ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.16, 29. (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>)
- ³¹¹ Global Witness interview with government official, 5/2021 (Global Witness interview M1).
- ³¹² Global Witness interview with civil society representative, 2021 (Global Witness interview G3); Global Witness interview with government official, 2021 (Global Witness interview C4); Global Witness interview with trader, 2021 (Global Witness interview G5).
- ³¹³ IPIS (2020): *Evaluating due diligence programs for conflict minerals*, p.26.
- ³¹⁴ Direction Provinciale du Sud Kivu de SAEMAPE, Opportunity to comment response, 29/11/21.
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2021 (Global Witness interview B4); Global Witness interview with civil society representative, 2021 (Global Witness interview B7); Global Witness interview with mining cooperative representative, 2021 (Global Witness interview B8); Global Witness interview with trader, 2021 (Global Witness interview B9); Global Witness interview with trader, 2021 (Global Witness interview B10); Global Witness interview with mining cooperative representatives, 2021 (Global Witness interview G7); Global Witness interview with civil society representative, 2021 (Global Witness interview G8).

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³¹⁹ Global Witness interview with government official, 2021 (Global Witness interview B2); Global Witness interview with trader, 2021 (Global Witness interview G5); Global Witness interview with government official, 2021 (Global Witness interview A7); Global Witness interview with government official, 9/2021 (Global Witness interview N2).

³²⁰ Global Witness interview with mining cooperative representative, 2021 (Global Witness interview B8).

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³²⁹ OECD (2018): *Alignment assessment of industry programmes with the OECD Minerals Guidance*, p.54.

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³³⁸ ITSCI website, "Our governance and finance", accessed 21/02/22 (<https://www.itsci.org/governance-funding/>)

³³⁹ ITA website, "International Tin Association membership", accessed 21/02/22 (<https://www.internationaltin.org/international-tin-membership/>); TIC website, "Member list", accessed 21/02/22 (<https://www.tanb.org/members-list>).

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³⁴⁴ IPIS (2019): *Mapping artisanal mining areas and mineral supply chains in eastern DR Congo*, p.45.

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ITSCI (2020): *Financial summary for the year 2019*.

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³⁴⁸ Ben Radley, Christoph Vogel (2015): "Fighting windmills in Eastern Congo? The ambiguous impact of the 'conflict minerals' Movement", *The Extractive Industries and Society*, 2(3) pp.406–410 (<https://www.sciencedirect.com/science/article/abs/pii/S2214790X1500088X>)

³⁴⁹ ITA, Opportunity to comment response, 15/12/21, 10/01/22.

³⁵⁰ ITSCI website, Summaries of Incidents and Resolution, accessed 24/02/22 (<https://www.itsci.org/incident-summaries-public/>).

³⁵¹ ITSCI website, Summaries of Incidents and Resolution (<https://www.itsci.org/incident-summaries-public/>).

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³⁵³ OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, pp. 52, 111 (<https://www.oecd.org/corporate/mne/mining.htm>).

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NK-2020-0090 (from 02/06/2020) and NK-2020-0092 (from 02/06/2020).

³⁵⁸ ITSCI website, Summaries of Incidents and Resolution (<https://www.itsci.org/incident-summaries-public/>).

NK-2020-0091 (from 02/06/2020).

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SK-2019-0181 (from 31/07/19), NK-2020-0091 (from 02/06/2020) and NK-2020-0092 (from 02/06/2020) report about minerals linked to armed conflict and/or serious human rights abuses entering the ITSCI supply chain but are rated as “2” instead of “1”, the most serious level.

³⁶⁰ ITSCI website, Summaries of Incidents and Resolution (<https://www.itsci.org/incident-summaries-public/>).

Incidents reported by ITSCI are allocated one of three levels of seriousness, where 3 is the lowest, and 1 the highest level. Priority issues requiring immediate and high-level attention and possible disengagement in the supply chain according to the OECD Due Diligence Guidance are classified as level 1.

Regarding disengagement, see OECD (2016) *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, pp.21–22, paragraphs 1–4 of Annex II (<https://www.oecd.org/corporate/mne/mining.htm>).

Disengagement with suppliers is considered necessary if there is a reasonable risk of armed groups or serious human rights abuses in the supply chain of a company.

³⁶¹ ITSCI website, Summaries of Incidents and Resolution (<https://www.itsci.org/incident-summaries-public/>).

ITSCI incident SK/2016/0065 of 18/04/16.

³⁶² Confidential memorandum from industry source, 2021.

³⁶³ ITSCI website, Summaries of Incidents and resolution (<https://www.itsci.org/incident-summaries-public/>).

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³⁶⁵ ITA, Opportunity to comment response, 10/01/22.

³⁶⁶ ITA, Opportunity to comment response, 15/12/21.

³⁶⁷ UNGoE (2014): Final report of the group of experts on the Democratic Republic of the Congo, S/2014/42, para. 211.

³⁶⁸ RFI (2010): “Kabila suspends mining in eastern DRC”, 10 September (<https://www.rfi.fr/en/africa/20100910-kabilia-suspends-mining-eastern-drc>).

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³⁷⁰ IPIS (2011): *RDC, minerais et groupes armés*. Map.

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³⁷² ITSCI (2018): “Rwanda government improving inspection and controls”, 2 March (<https://www.itsci.org/2018/03/02/rwanda-government-improving-inspection-controls/>).

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³⁷⁴ Estelle Levin-Nally, Rupert Cook (2015): *Comparative study of certification and traceability systems in the Democratic Republic of the Congo*, PROMINES, p.86 (<https://www.levinsources.com/knowledge-centre/publications/comparative-study-of-certification-and-traceability-systems-in-the-drc>).

³⁷⁵ Global Witness interview with former Pact manager, 05/2021 (Global Witness interview V1).

³⁷⁶ Global Witness interviews with former Pact manager, 05/2021, 09/2021 (Global Witness interviews V1, V3).

³⁷⁷ Global Witness interviews with former Pact manager, 05/2021, 09/2021 (Global Witness interviews V1, V3).

³⁷⁸ Bay View Group LLC and The Spalena Company LLC v. Republic of Rwanda, ICSID Case No. ARB/18/21, Claimants’ reply memorial on the merits, 13 March 2020, paragraph 128 (<https://www.italaw.com/sites/default/files/case-documents/italaw11433.pdf>).

³⁷⁹ OECD (2011): *Upstream pilot implementation of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, pp.7, 49 (<https://www.oecd.org/corporate/mne/49301591.pdf>).

³⁸⁰ Philip Schütte, Gudrun Franken, Patricie Mwambarangwe (2015): *Certification and due diligence in mineral supply chains – Benefit or burden?* BGR, p.7 (<https://docplayer.net/20199928-Certification-and-due-diligence-in-mineral-supply-chains-benefit-or-burden.html>).

³⁸¹ Arrêté ministériel 0057/CAB.MIN/MINES/01/2012 du 29 Février 2012 portant mise en œuvre du mécanisme régional de certification de la conférence internationale sur la région des grands lacs (CIRGL) en République Démocratique du Congo, article 7.

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³⁸³ ITA, Opportunity to comment response, 15/12/21.

³⁸⁴ Pact, Opportunity to comment response, 22/12/21.

³⁸⁵ Global Witness (2009): *Faced with a gun, what can you do?* p.71 (<https://www.globalwitness.org/en/campaigns/democratic-republic-congo/faced-gun-what-can-you-do/>); Global Witness (2010): *The hill belongs to them: The need for international action on Congo’s conflict minerals trade*, p.13 (<https://www.globalwitness.org/en/archive/hill-belongs-them-need-international-action-congos-conflict-minerals-trade/>); Global Witness (2011): *Congo’s minerals trade in the balance*, p.21 (<https://cdn.globalwitness.org/archive/files/congo's%20minerals%20trade%20in%20the%20balance%20low%20res.pdf>).

³⁸⁶ UNGoE (2014): Final report of the group of experts on the Democratic Republic of the Congo, S/2014/42, paragraph. 222.

³⁸⁷ UNGoE (2012): Final report of the group of experts on the Democratic Republic of the Congo, S/2012/843, p.4; UNGoE (2014): Final report of the group of experts on the Democratic Republic of the Congo, S/2014/42, paragraph 200; UNGoE (2015):

Midterm report of the group of experts on the Democratic Republic of the Congo, S/2015/797, paragraph 56.

³⁸⁸ Until around 2011 the export of processed minerals from DRC or other countries made up a relatively large share of Rwanda's total 3T exports, particularly of tin ore, but according to re-export data from UN Comtrade, this became insignificant from around 2011 (UN Comtrade database: <https://comtrade.un.org/data/>).

³⁸⁹ The presidential order N°63/02 from 12/02/2014 repealed the then existing mining concessions and later mining regulations don't seem to use the term "concession" anymore although apparently it has continued to be used in the mining industry. We refer to the term as defined in the mining regulations before 2014.

³⁹⁰ Global Witness interview with industry sources, 08/2021 (Global Witness interview R4); Global Witness interview with industry sources, 10/2021 (Global Witness interview R7).

³⁹¹ Data from UN Comtrade database (<https://comtrade.un.org/data/>) and National Bank of Rwanda (<https://www.bnr.rw/browse-in/statistics/external-sector-statistics/>).

³⁹² International Mining (2014): "Rwanda tops the world's coltan (columbite–tantalite) exports", 18 December. <https://im-mining.com/2014/12/18/rwanda-tops-the-worlds-coltan-columbite-tantalite-exports/>

³⁹³ Global Witness interviews with industry expert, 05/2021, 09/2021 (Global Witness interviews P11, P12).

³⁹⁴ Global Witness interview with former employee of mining company, 5/2021 (Global Witness interview S1).

³⁹⁵ Global Witness interview with industry sources, 04/2021 (Global Witness interview R3); Global Witness interview with industry sources, 10/2021 (Global Witness interview R6).

³⁹⁶ Bay View Group LLC and The Spalena Company LLC v. Republic of Rwanda, ICSID Case No. ARB/18/21, Respondent's counter-memorial, 16 August 2019, paragraphs 5,6 (<https://www.italaw.com/sites/default/files/case-documents/italaw10438.pdf>).

³⁹⁷ Bay View Group LLC and The Spalena Company LLC v. Republic of Rwanda, ICSID Case No. ARB/18/21, Hearing transcript day 8, 30 June 2021, p.9 (<https://www.italaw.com/sites/default/files/case-documents/italaw16290.pdf>).

³⁹⁸ See e.g. Barrick Gold Corporation (2019): "Kibali breaks records across board, all key production parameters above plan", 28 January (<https://www.barrick.com/English/news/news-details/2019/Kibali-Breaks-Records-Across-Board/default.aspx>); ITA (2020): "Alphamin announces record output in Q2", 9 July (<https://www.internationaltin.org/alphamin-announces-record-output/>); NS Energy website, "Rutongo Tin Mines", accessed 21/02/22 (<https://www.nsenergybusiness.com/projects/rutongo-tin-mines/>). For artisanal and small-scale mines, IPIS publishes the numbers of artisanal miners working at mines in DRC that it has visited, which is an indicator of production (see <https://ipisresearch.be/mapping/webmapping/drcongo/v6>).

³⁹⁹ Global Witness interview with employee of mining company, 4/2021 (Global Witness interview T1); Global Witness interview with former employee of mining company, 5/2021 (Global Witness interview S1).

⁴⁰⁰ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.35 (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>).

⁴⁰¹ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda*, p.35 (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>).

⁴⁰² UNGoE (2017): Final report of the group of experts on the Democratic Republic of the Congo S/2017/1091, p.23.

⁴⁰³ ITA, Opportunity to comment response, 15/12/21.

⁴⁰⁴ ITA, Opportunity to comment response, 15/12/21.

⁴⁰⁵ See e.g. Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2020): *Rapport annuel 2019*; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2021): *Rapport annuel 2020*.

⁴⁰⁶ ITA, Opportunity to comment response, 15/12/21.

⁴⁰⁷ RMB, Opportunity to comment response, 10/12/21.

⁴⁰⁸ Global Witness interviews with industry expert, 5/21, 9/21 (Global Witness interviews P11, P12).

⁴⁰⁹ Global Witness interview with former employee of mining company, 5/2021 (Global Witness interview S1).

⁴¹⁰ UNGoE (2019): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2019/974, paragraphs 45, 46; UNGoE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraph 104; UNGoE (2020): Midterm report of the group of experts on the Democratic Republic of the Congo, S/2020/1283, paragraphs 42, 43; UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, paragraph 74.

⁴¹¹ Global Witness interview with former employee of mining company, 4/2021 (Global Witness interview T1).

⁴¹² Global Witness interview with former employee of mining company, 4/2021 (Global Witness interview T1).

⁴¹³ Global Witness interviews with former Pact manager, 05/2021, 09/2021 (Global Witness interview V1, V4).

⁴¹⁴ Global Witness interview with former Pact manager, 05/2021 (Global Witness interview V1).

⁴¹⁵ Global Witness interviews with former Pact manager, 05/2021, 08/2021 (Global Witness interviews V1, V2).

⁴¹⁶ Global Witness interview with former Pact manager, 05/2021 (Global Witness interview V1).

⁴¹⁷ Global Witness interview with former Pact manager, 05/2021 (Global Witness interview V1).

⁴¹⁸ Global Witness interview with former Pact manager, 05/2021 (Global Witness interview V1).

⁴¹⁹ ITSCI (2014): *ITSCI's Audit Report: Minerals Supply Africa Ltd, July 2013–June 2014*.

⁴²⁰ ITSCI (2014): *ITSCI's Audit Report: Tawotini Ltd, July 2013–June 2014*.

⁴²¹ ITSCI (2015): *ITSCI's Audit Report: Wolfram Mining & Processing, January–December 2014*.

⁴²² ITSCI (2012): *ITSCI's Audit Report: Rwanda Rudniki Ltd, April–December 2011*.

⁴²³ Global Witness interview with industry source, 11/2021 (Global Witness interview X1).

Rwanda 8, former CEO of company in mining sector in Rwanda, 4/11/21

⁴²⁴ ITA, Opportunity to comment response, 15/12/21.

⁴²⁵ ITA, Opportunity to comment response, 15/12/21.

⁴²⁶ Pact, Opportunity to comment response, 22/12/21.

⁴²⁷ Rupert Cook, Paul Mitchell (2014): Evaluation of mining revenue streams and due diligence implementation costs along mineral supply chains in Rwanda, BGR, p.20 (<https://www.levinsources.com/knowledge-centre/publications/evaluation-of-mining-revenue-streams-and->

[due-diligence-implementation-costs-along-mineral-supply-chains-in-rwanda](#)).

⁴²⁸ National Bank of Rwanda (2020): *Annual report 2019-2020*, p.194 (https://www.bnr.rw/fileadmin/user_upload/BNR_Annual_Report_Web_English.pdf)

⁴²⁹ National Bank of Rwanda (2020): *Annual report 2019-2020*, pp.195-197 (appendix 15). (https://www.bnr.rw/fileadmin/user_upload/BNR_Annual_Report_Web_English.pdf)

More recently, Rwanda has also exported large volumes of gold that do not correspond to its own production and most likely come from elsewhere – including from DRC, from where gold continues to be smuggled both to Rwanda and to other neighbouring countries.

See various recent UNGoE reports, e.g. S/2020/482, para 64 for testimony on smuggling from DRC to Rwanda and elsewhere; S/2019/469, para 168 for evidence of around 300kg of gold per month smuggled from Bukavu to Bujumbura and Kigali; S/2020/482 annex 43 for official Rwanda figures for 2019: 5,256.8kg of gold imports, from Burundi, Burkina Faso, the DRC, Guinea and Tanzania; 1,201kg Rwandan production.

⁴³⁰ Philip Schütte (2019): “International mineral trade on the background of due diligence regulation: A case study of tantalum and tin supply chains from East and Central Africa”, *Resources Policy* 62, August, p.685 (<https://www.sciencedirect.com/science/article/abs/pii/S0301420718304720>); Claude Iguma Wakenge, Dennis Dijkzeul, Koen Vlassenroot (2018): “Regulating the old game of smuggling? Coltan mining, trade and reforms in the Democratic Republic of the Congo”, *Journal of Modern African Studies* 56(3), p.510 (<https://www.cambridge.org/core/journals/journal-of-modern-african-studies/article/abs/regulating-the-old-game-of-smuggling-coltan-mining-trade-and-reforms-in-the-democratic-republic-of-the-congo/05712554B4495F58822864E5F88B0077>);

Bay View Group LLC and The Spalena Company LLC v. Republic of Rwanda, ICSID Case No. ARB/18/21, Witness statement, former director of Rwandan minerals company, 26/02/2019.

⁴³¹ Philip Schütte (2019): “International mineral trade on the background of due diligence regulation: A case study of tantalum and tin supply chains from East and Central Africa”, *Resources Policy* 62, August, p.683 (<https://www.sciencedirect.com/science/article/abs/pii/S0301420718304720>).

⁴³² ITSCI, Opportunity to comment response, 15/12/21.

⁴³³ Pact, Opportunity to comment response, 22/12/21.

⁴³⁴ UN Panel of Experts (2001): *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, Report S/2001/357, para. 33 (<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%202001%20357.pdf>).

⁴³⁵ UN Panel of Experts (2001): *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, Report S/2001/357, para. 130 (<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S%202001%20357.pdf>).

⁴³⁶ UN Panel of Experts (2002): *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, Report S/2002/1146, paras. 75–76

(<https://www.securitycouncilreport.org/un-documents/document/drc-s-2002-1146.php>).

⁴³⁷ UN Panel of Experts (2002): *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, Report S/2002/1146, paras. 70–71

(<https://www.securitycouncilreport.org/un-documents/document/drc-s-2002-1146.php>).

⁴³⁸ Inter-Congolese political negotiations (Sun City Agreement), 2002 (http://peacemaker.un.org/sites/peacemaker.un.org/files/CD_03_0402_SunCityAgreement.pdf).

⁴³⁹ UN Panel of Experts on the DRC (2011): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2011/738, paragraph 487, (<https://www.un.org/securitycouncil/sanctions/1533/panel-of-experts/expert-reports>).

⁴⁴⁰ UNGoE (2019): *Midterm report of the group of experts on the Democratic Republic of the Congo*, S/2019/974, paragraphs. 45–46; UNGoE (2020): *Midterm report of the group of experts on the Democratic Republic of the Congo*, S/2020/1283, paragraphs. 42–43; UNGoE (2020): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2020/482, paragraphs. 104–107; UNGoE (2021): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2021/560, paragraph 74.

⁴⁴¹ International Criminal Court website, Ntaganda Case, The Prosecutor v. Bosco Ntaganda, ICC-01/04-02/06 (<https://www.icc-cpi.int/drc/ntaganda>).

⁴⁴² Opencorporates website, “Minerals Supply Africa (M.S.A) Ltd”, accessed 21/02/22, (<https://opencorporates.com/companies/rw/101613796>).

⁴⁴³ MSA, Opportunity to comment response, 08/12/21.

⁴⁴⁴ Corporate document for Cronimet Central Africa AG, 20/09/2021, from Nexis Diligence; Corporate document for 3T International AG, 05/12/2021, from Nexis Diligence.

⁴⁴⁵ ITSCI (2018): “Rwanda government improving inspection and controls”, 2 March (<https://www.itsci.org/2018/03/02/rwanda-government-improving-inspection-controls/>)

⁴⁴⁶ UNGoE (2009): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2009/603, paragraph 208.

⁴⁴⁷ UNGoE (2009): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2009/603, paragraph 209.

⁴⁴⁸ Global Witness interview with David Bensusan, 25/10/2010.

⁴⁴⁹ UNGoE (2010): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2010/596, paragraph 284.

⁴⁵⁰ UN Comtrade database (<https://comtrade.un.org/data/>)

Rwanda declared 2,602,621kg of tin ores and concentrates re-exports in 2010 (Harmonized System code 260900).

⁴⁵¹ UNGoE (2010): *Final report of the group of experts on the Democratic Republic of the Congo*, S/2010/596, paragraph 284.

⁴⁵² Confidential memorandum from industry source, 2021.

⁴⁵³ ITSCI (2010): “Supply chains unite to start iTSCI mineral traceability project in DRC”, 19 March (<https://www.itsci.org/2010/03/19/supply-chains-unite-to-start-itsci-mineral-traceability-project-in-drc/>).

⁴⁵⁴ Rwandan exports of 3T minerals for 2013: 9,405 tonnes (UN Comtrade database); 3,028/9,405 = 0.32.

- ⁴⁴⁵ Confidential memoranda from industry source; Global Witness interviews with industry sources, 08/2021, 10/2021 (Global Witness interviews R4, R6).
- ⁴⁴⁶ Global Witness interview with industry sources, 08/2021 (Global Witness interview R4).
- ⁴⁴⁷ Global Witness interviews with industry source, 04/2021, 10/2021 (Global Witness interviews R2, R6).
- ⁴⁴⁸ MSA (2014): *Business plan*, p.13.
- ⁴⁴⁹ Global Witness interviews with industry source, 04/2021, 10/2021 (Global Witness interviews R2, R6).
- ⁴⁵⁰ Shipment data for 2014 is likely incomplete.
- ⁴⁵¹ Global Witness interviews with industry source, 04/2021, 08/2021 (Global Witness interviews R2, R4); Global Witness interview with former employee of mining company, 08/2021 (Global Witness interview T2); ITSCI (2018): “International Delegates see benefits of ITSCI first-hand”, 10 December (<https://www.itsci.org/2018/12/10/international-delegates-see-benefits-of-itsci-first-hand/>).
- ⁴⁵² MSA, Opportunity to comment response, 08/12/21.
- ⁴⁵³ Cronimet Holding GmbH, opportunity to comment response, 07/12/21.
- ⁴⁵⁴ ITA, Opportunity to comment response, 15/12/21.
- ⁴⁵⁵ Global Witness interview with industry source, 09/2021 (Global Witness interview W5).
- ⁴⁵⁶ Memorandum of Understanding between Niotan Ltd and Rwanda Rudniki. Niotan Ltd is “represented by Director Christoph Huber”.
- ⁴⁵⁷ RMMC, Niotan Ltd: Certificate of change of name, 2008, Hong Kong Companies Directory, (<https://www.cr.gov.hk/>).
- Niotan Ltd is different from the company Niotan Inc mentioned in box on p.38.
- ⁴⁵⁸ Global Witness interview with industry source, 12/2021 (Global Witness interview W8).
- ⁴⁵⁹ Global Witness interview with industry source, 08/2021 (Global Witness interview W3).
- ⁴⁶⁰ UNGoE (2012): Final report of the group of experts on the Democratic Republic of the Congo, S/2012/843, paragraph 174.
- ⁴⁶¹ Global Witness interview with industry source, 04/2021 (Global Witness interview W1); Global Witness interviews with industry sources, 04/2021, 09/2021 (Global Witness interviews R1, R5).
- ⁴⁶² Bay View Group LLC, and The Spalena Company LLC v. Republic of Rwanda, ICSID Case No. ARB/18/21, Respondent’s rejoinder on jurisdiction and merits, 29 May 2020, p.118, para. 337 (<https://www.italaw.com/sites/default/files/case-documents/italaw11596.pdf>).
- ⁴⁶³ Rwanda development board/Office of registrar general (2018): Full registration information of domestic company, Tawotin Ltd.
- ⁴⁶⁴ Rwanda development board/Office of registrar general (2018): Full registration information of domestic company, Nitora Rwanda Ltd.
- ⁴⁶⁵ Global Witness interview with industry source, 11/2021 (Global Witness interview W7).
- ⁴⁶⁶ Rwanda development board/Office of registrar general (2021): Full registration information of domestic company, Wolfram Mining & Processing Ltd.
- ⁴⁶⁷ Global Witness interview with industry source, 09/2021 (Global Witness interview W2).
- ⁴⁷⁸ Global Witness interview with industry source, 04/2021 (Global Witness interview W1).
- ⁴⁷⁹ Global Witness interview with industry source, 08/2021 (Global Witness interview W4).
- ⁴⁸⁰ Chris Huber, Opportunity to comment response, 20/12/21.
- ⁴⁸¹ Boniface Mbanza, Opportunity to comment response, 15/12/21.
- ⁴⁸² Tawotin, Opportunity to comment response, 09/12/21.
- ⁴⁸³ ITA, Opportunity to comment response, 15/12/21.
- ⁴⁸⁴ Estelle Levin-Nally, Rupert Cook (2015): *Comparative study of certification and traceability systems in the Democratic Republic of the Congo*, PROMINES, pp.86–87 (<https://www.levinsources.com/knowledge-centre/publications/comparative-study-of-certification-and-traceability-systems-in-the-drc>).
- ⁴⁸⁵ Global Witness interview with industry sources, 04/2021 (Global Witness interview R3).
- ⁴⁸⁶ Confidential memorandum from industry source, 2021; Global Witness interview with industry sources, 04/2021 (Global Witness interview R3).
- ⁴⁸⁷ Global Witness interviews with industry sources, 04/2021, 10/2021 (Global Witness interviews R3, R6).
- ⁴⁸⁸ Assent Compliance (2017): “2017 Top 100 Conflict Mineral Influence Leaders” (<https://www.assentcompliance.com/conflict-minerals/top-100/>).
- ⁴⁸⁹ International Tin Association (2011): “Top tin producers in 2010”, 2 February. <https://www.internationaltin.org/top-tin-producers-in-2010/>
- ⁴⁹⁰ ITSCI (2011): *ITSCI 5-year plan: DRC & Rwanda* (<https://www.sec.gov/comments/s7-40-10/s74010-326.pdf>).
- ⁴⁹¹ Global Witness interview with industry sources, 04/2021 (Global Witness interview R3).
- ⁴⁹² Ministerial Order N°003/Minifom/2010 of 14/09/2010 on requirements for granting the licence for purchasing and selling mineral substances in Rwanda, Chapter II, Article 14, 4°. (https://rwandatrade.rw/media/Ministerial_granting_purchasing%20and%20selling%20Mineral%20substances%20in%20Rwanda.pdf).
- ⁴⁹³ Official Rwandan Gazette n°12 of 21.03.2011: Ministerial Regulations No001/MINIFOM/2011 dated on 10 March 2011 fighting smuggling in mineral trading, Articles 3– 4, 6.
- ⁴⁹⁴ Estelle Levin-Nally, Rupert Cook (2015): *Comparative study of certification and traceability systems in the Democratic Republic of the Congo*, PROMINES, p.86, table 7 (<https://www.levinsources.com/knowledge-centre/publications/comparative-study-of-certification-and-traceability-systems-in-the-drc>).
- ⁴⁹⁵ Edmund Kagire (2018): “Kagame reshuffles Cabinet, removes powerful Defence minister”, *The East African*, 19 October (<https://www.theeastafrican.co.ke/news/ea/Rwanda-President-Kagame-reshuffles-Cabinet/4552908-4812854-orqx6p/index.html>).
- ⁴⁹⁶ Confidential memorandum from industry source, 2021.
- ⁴⁹⁷ Confidential memorandum from industry source, 2021; Global Witness interview with industry sources, 10/2021 (Global Witness interview R6).

⁴⁹⁸ Confidential memorandum from industry source, 2021; Global Witness interview with industry sources, 10/2021 (Global Witness interview R6).

⁴⁹⁹ Confidential memorandum from industry source, 2021; Global Witness interview with industry sources, 04/2021 (Global Witness interview R4).

⁵⁰⁰ Confidential memoranda from industry source, 2021.

⁵⁰¹ Confidential memoranda from industry source, 2021.

⁵⁰² UN Panel of Experts (2002): *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, Report S/2002/1146, paras. 70–71

(<https://www.securitycouncilreport.org/un-documents/document/drc-s-2002-1146.php>).

⁵⁰³ Global Witness interview with industry source, 08/2021 (Global Witness interview W4); Global Witness interview with industry source, 04/2021 (Global Witness interview R2); Bay View Group LLC and The Spalena Company LLC v. Republic of Rwanda, ICSD Case No. ARB/18/21, Memorial, 1 March 2019, paragraphs 65, 229 (<https://www.italaw.com/sites/default/files/case-documents/italaw10438.pdf>).

⁵⁰⁴ UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 303; ITSCI (2009): “DRC Mines Ministry backs ITRI cassiterite traceability project”, 12 October. (<https://www.itsci.org/2009/10/12/drc-mines-ministry-backs-itri-cassiterite-traceability-project/>); Estelle Levin (2010): Mineral certification schemes in the African Great Lakes Region: A comparative analysis, ICGLR (<https://www.levinsources.com/assets/pages/report-giz-icglr-mineral-certification-schemes-great-lakes-region-qlr.pdf>).

⁵⁰⁵ ITSCI (2010): “Supply chains unite to start ITSCI mineral traceability project in DRC”, 19 March (<https://www.itsci.org/2010/03/19/supply-chains-unite-to-start-itsci-mineral-traceability-project-in-drc/>).

ITSCI (2009): “DRC Tin Supply Chain Initiative”, 10 July (<https://www.itsci.org/2009/07/10/drc-tin-supply-chain-initiative/>).

⁵⁰⁶ Thaisarco: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraphs 165, 178, 210.

MSC: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraphs 165, 174, 178.

Traxys: UNGoE (2008): Final report of the group of experts on the Democratic Republic of the Congo, S/2008/773, paragraph 86.

Cronimet: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraphs 209.

RMMC: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraphs 174–177, 214.

Trademet: UNGoE (2008): Final report of the group of experts on the Democratic Republic of the Congo, S/2008/773, paragraph 88; UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraphs 168, 170, 178.

Huaying: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, para. 165.

World Mining Company: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 165.

Comptoir Panju: UNGoE (2009): Final report of the group of experts on the Democratic Republic of the Congo, S/2009/603, paragraph 165.

⁵⁰⁷ Confidential memorandum from industry source, 2021.

⁵⁰⁸ Confidential memorandum from industry source, 2021.

⁵⁰⁹ Confidential memorandum from industry source, 2021.

⁵¹⁰ Kay Nimmo, Opportunity to comment response, 15/12/21; ITA, Opportunity to comment response, 15/12/21.

⁵¹¹ ITA, Opportunity to comment response, 15/12/21.

⁵¹² Kay Nimmo, Opportunity to comment response, 15/12/21; ITA, Opportunity to comment response, 15/12/21.

⁵¹³ Chris Huber, Opportunity to comment response, 20/12/21.

⁵¹⁴ SOGECOM Sarl (2021): *Rapport annuel sur l'exercice de devoir de diligence concernant la chaîne d'approvisionnement par la société général de commerce. Exercice : 2020*, p.12.

⁵¹⁵ Éts Rica (2021): *Rapport annuel 2020 sur la mise en exécution des exigences du guide de l'OCDE sur le devoir de diligence raisonnable pour les chaînes d'approvisionnement en minerais exemptes du lien avec le conflit*, p.5.

⁵¹⁶ DRC Ministry of Mines, export statistics for South Kivu, 2020, 2021.

⁵¹⁷ DRC Ministry of Mines, export statistics for South Kivu, 2020, 2021.

⁵¹⁸ Philip Schütte, Gudrun Franken, Patricie Mwambarangwe (2015): Certification and Due Diligence in Mineral Supply Chains – Benefit or Burden? P.6

⁵¹⁹ Data retrieved from U.S. Securities and exchange commission website, Filings & forms (<https://www.sec.gov/edgar>).

Other brands supplied by both MSC and Thaisarco include Sony, Amazon, Honda, Dell, Hewlett-Packard, Blackberry, LG, Xerox, Caterpillar, General Motors, PepsiCo, Disney and Starbucks.

⁵²⁰ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 48.

⁵²¹ Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2019): *Rapport annuel 2018*, p.34; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2020): *Rapport annuel 2019*, p.45; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2021): *Rapport annuel 2020*.

⁵²² Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2020): *Rapport annuel 2019*, p.45; Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2021): *Rapport annuel 2020*.

⁵²³ UNGoE (2021): Final report of the group of experts on the Democratic Republic of the Congo, S/2021/560, annex 49.

⁵²⁴ UNGOE (2020): Final report of the group of experts on the Democratic Republic of the Congo, S/2020/482, paragraphs. 97, 99–100.

⁵²⁵ Division Provinciale des Mines et Géologie, Nord-Kivu, RDC (2020): *Rapport annuel. 2019*, p.47.

⁵²⁶ OECD (2016): *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, pp.41–46.

⁵²⁷ RMI website, Why focus on smelters/refiners as the key point in the supply chain? (<http://www.responsiblemineralsinitiative.org/about/faq/general-questions/why-focus-on-smelters/refiners-as-the-key-point-in-the-supply-chain/>).

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