



Telephone
+44 (0)1727 875 544

Email
itsci@internationaltin.org

Internet
<http://www.internationaltin.org>
and
<http://www.itsci.org>

International Tin Association Ltd
Secretariat ITSCI Programme
Unit 3, Curo Park, Frogmore,
St. Albans, Herts AL2 2DD, UK

ITSCI response to the 2023 Final report of the Group of Experts on the DRC

ITSCI actions and control mechanisms to address risks in the Great Lakes Region

July 2024

On 4th July 2024, the UN Group of Experts (GOE) published its [2023 Final report on the DRC \(S/2024/432\)](#). ITSCI deplores the deterioration of the situation in North Kivu, DRC and wider regional impacts and welcomes the GOE report which adds context to our work bringing incidents of all OECD Annex II risks to the attention of stakeholders and encouraging actions, including individual accountability.

The GOE report covers multiple locations and risks in the DRC, including but not only, on ITSCI implementation areas and/or 3T minerals. It highlights risks related to armed groups interfering with mining activities, mineral fraud, and impact on 3T supply chains including situations reported and acted on by ITSCI. In this response we provide specificity on risks associated with ITSCI supported supply chains and describe **example progressive achievements resulting from ITSCI and stakeholder actions**.

ITSCI recognises the importance of addressing risks and continuous improvement of our efforts to support communities in high-risk areas already at risk of exploitation and harmful de-risking of supply chains. Our conclusion describes planned follow-up from GOE recommendations. We note differences between ITSCI and other mineral trade figures and continue to seek clarity on this important information.

ITSCI disengagement from 'Rubaya'

- GOE discusses risks to mineral supply chains from the 'Rubaya' area. Rubaya is the name of the mineral trading town in Masisi Territory in North Kivu Province although its name is often used to refer to various mines and locations in the wider area, creating possible confusion. See [Annex A and D](#) for clarification.
- The 'Rubaya area' and much but not all of Masisi territory are to date the only 3T mining area suffering the presence of M23.¹
- **ITSCI is currently suspended in Masisi territory** and has been suspended twice previously in 2023 as security issues required. See [Annex B](#) for detail.

Focused ITSCI action plan regarding risks of mineral fraud in Rwanda

- The GOE states that there has been an unprecedented 50% increase in coltan export from Rwanda between 2022 and 2023. This figure does not reflect coltan exports recorded by ITSCI which increased by 25%. ITSCI cannot comment on non-ITSCI minerals² and non-ITSCI actors who operate in Rwanda.
- Gradual growth and increased production is not unexpected considering the development and formalisation of the mining sector, including due to support from investors and donors, and documented in Rwanda in recent years.

¹ Developments in June 2024 indicate movements of M23 in Lubero territory, although currently in areas where there are no ITSCI-monitored mines.

² Trade figures are available from various databases but are known to contain frequent discrepancies resulting from recording errors and gaps as well as timing of recording over year end. For example, the UN Comtrade system currently reports an 11% annual increase in Rwandan coltan exports although this is likely under-reporting.

- Nevertheless, we acknowledge and expect internal fraud within Rwanda due to high numbers of informal mine sites, as well as cross-border fraud. **Various actions and controls have been continually introduced by ITSCI** both at mine and export level. For example;
 - New requirements on companies to record additional details on **mineral characteristics** at different stages of the supply chain.
 - Re-emphasising the importance of the **due diligence list** of mines that is shared with ITSCI members for additional checks and supplier engagement. Any mining company added to that list also receives a joint ITSCI and RMB communication with explanation and recommended actions.
 - Further training for Rwandan exporters focused on **improving and documenting plausibility assessment** at mine sites and prior to export.
 - Repeating **inventory of informal sites** in Rwanda shared with RMB with recommendations for formalisation.
 - Enhancing stakeholder participation in District Mining Task Forces (DMTFs) led by Rwandan local authorities who have a mandate in mitigating against illegal activities, including fraud. **This cooperation has led to closure of illegal mineral trading depots.**
 - Fostering **accountability of state services** by organising joint mine visits with RMB officers to follow-up on various issues, including plausibility concerns at mine sites.

Risks from 'Wazalendo', M23 and NDC-R transparently reported

- GOE highlights multiple concerns around 'self-defence' armed groups acting in loose coalition with the DRC Government to fight against the M23 and ITSCI shares these concerns. **ITSCI continues to define Wazalendo as non-state armed groups** despite their semi-formal relationships with the Congolese army (FARDC).
- ITSCI has **recorded multiple reports of abuses** by Wazalendo elements, in addition to those by rogue FARDC, and works to address these incidents, as explained below.
- Unlike GOE, ITSCI has so far, no reports of confirmed involvement of PARECO-FF in mining activities at ITSCI-monitored mines.
- **ITSCI acknowledges PARECO-FF general presence in Masisi Territory.** This includes on non-ITSCI ex-PE 4731 where Better Mining provided due diligence services from January 2019 to February 2023 (see **Annex A**) as well as in different locations in Masisi territory, i.e., in villages, controlling transport routes, or fighting alongside FARDC against M23.
- Until the beginning of May 2024 and the latest suspension of ITSCI tagging in Masisi territory, there were **no reports of M23 involved in mining activities at any ITSCI-monitored sites.**
- M23-controlled areas had been a concern for mineral transport routes from Masisi territory to North Kivu provincial capital Goma (see maps in **Annex D**). This risk resulted in suspension of ITSCI tagging in 2023 and 2024 and led to additional actions (see below).
- ITSCI has recorded activities of non-state armed group NDC-Rénové (NDC-R). Unlike GOE reporting these relate to Lubero territory, North Kivu, and risks of NDC-R setting up barriers on transport routes in that territory. Minerals from Masisi territory are not transported on those routes and not impacted by risks in Lubero territory.

ITSCI actions to address risks from non-state armed groups and mineral fraud in the DRC

ITSCI took multiple steps to record risks, raise awareness of local stakeholders, discuss disengagement or potential for mitigation with those stakeholders, and record progress of actions. For instance:

- ITSCI together with local leaders and stakeholders directly engaged with leaders of 'Wazalendo' groups **who committed to non-interference in or collection of illegal taxes on transport of ITSCI-tagged minerals.**
- Following further awareness raising with Wazalendo and state security forces, **41 barriers were removed** to reduce risks of illegal taxation, Wazalendo withdrew from certain mining areas, and reported cases of illegal taxation decreased.

- To bypass M23 controlled areas, **an alternative mineral transport route was established and agreed by all stakeholders**, via South Kivu to transport minerals from Masisi, including state security escort to reduce risks of illegal taxation by ‘Wazalendo’.³
- ITSCI documented 18 incidents on the continuation of mining activities during the 2023 and 2024 suspensions of tagging in Masisi territory, the transport of untagged minerals and/or cases of mineral fraud. This includes records of the 36 tonnes of minerals seized by North Kivu authorities (also reported by GOE), and a further 40 tonnes of minerals stored at mine sites in early 2024.⁴
- To address plausibility risks in Masisi territory in earlier years prior to M23 action, **ITSCI had heightened control mechanisms with requirements for additional chain-of-custody documentation at the mine level**, moving tagging points closer to the pits, supporting the set-up of registered depots to store documented minerals, increasing joint plausibility assessment with state services and ensuring tight controls of tag distribution based on those assessments.

GOE reports of high risks related to gold do not directly impact ITSCI

- ITSCI currently supports **3T mineral supply chains only**. ITSCI does not work with gold supply chains. We share concerns of GOE on risks presented by uncontrolled gold supply chains.
- GOE sections III and IV.B reporting on Ituri Province and Fizi Territory, South Kivu Province relate to gold mining. **There are no ITSCI activities nor ITSCI-tagged mineral transports in either area.**
- ITSCI does record and address incidents related to gold in our other operational areas if these raise risks for 3T supply chains. For example, 14 incidents were recorded in 2023 in North and South Kivu Province.

Concluding remarks and commitments

ITSCI has demonstrated long-term commitment to the implementation of the OECD Guidance in Conflict-Affected and High-Risk Areas **achieved through cooperative engagement** with local, national and international stakeholders, including the GOE with whom we have regular engagement.

We acknowledge the recommendations of the GOE directed to our stakeholders and will continue efforts to **encourage accountability for rogue FARDC and other individuals** responsible for human rights abuses and illegal activities linked to 3T minerals impacting the ITSCI Programme.

All concerns reported by GOE have been evaluated for links to ITSCI supply chains. Any new risks have been recorded as incidents for continued follow-up including with local and provincial multi-stakeholder committees, **advocating for actions and providing guidance on risk management** (see [Annex C](#)). This includes GOE information related to the use of children or to the presence and interference of certain armed groups in mining activities.

We aim to increase emphasis on the need for company due diligence and suggested measures when communicating our first-hand, up-to-date information on risks to ITSCI members. Earlier this year, ITSCI organised a webinar for ITSCI smelters to provide updates and guidance on the situation in North Kivu. We will continue targeted support in the future.

ITSCI holds cross-checked verified trading statistics on relevant supply chains which is regularly reported to members, partner governments and through our website. We will liaise with national governments in the region regarding publication of official data which may include non-ITSCI trade.

END

³ This achievement was made in April 2024, prior to new advancements of M23 in Masisi and suspension of activities at the beginning of May 2024.

⁴ This list is not exhaustive. ITSCI opened further incident reports indicating volumes of untagged minerals mined despite the suspension of activities and later identified and documented by state services during joint assessment visits with ITSCI.

Additional resources for more information

- Read our [ITSCI Annual reports](#) including updates on continuous improvements. The 2023 Annual report is now published.
- Review ITSCI [whistleblowing policy](#) and [contact information](#)
- Contact us at itsci@internationaltin.org.
- For media enquiries, contact comms@itsci.org

Annex A: Clarification about ‘Rubaya area/mine’ i.e. former mining concession ‘PE 4731’

- What is sometimes referred to as the “Rubaya mine” corresponds to a mining concession formerly covered by exploitation permit PE 4731 of company Société Minière de Bisunzu Sarl (SMB) next to Rubaya town. Rubaya town is in a different concession area.
- Rubaya is in Masisi Territory which is towards the south of the North Kivu Province. The M23 initially concentrated activities to the east of the province.
- SMB participated in ITSCI from 2014 until December 2018 and during that time ITSCI monitored activities on that concession.
- From December 2018 to February 2023 the company SMB chose to use the services of BSP, now RCS/Better Mining, for their due diligence support.
- In February 2023, mining state services and mining police reportedly left the concession.
- In March 2023, the National Minister of Mines officially contacted SMB regarding reports of minerals from ITSCI-monitored mining concession PE 76 exported by SMB and therefore, as a preventive measure, suspending exports and mining activities from SMB. The DRC government also expressed other concerns about SMB mining operations and its owners.
- In July 2023, the National Minister of Mines signed a ministerial decree withdrawing mining rights on PE 4731 from SMB.
- ITSCI is present in Masisi territory, including in Rubaya town, but excluding ex-PE 4731, to support mineral traceability and due diligence unless activities are suspended for security reasons. Masisi is a territory twice the size of the country of Luxembourg and where mining activities have largely grown in the last 5 years, from 38 active sites at the beginning of 2019 to 82 in 2023.

Annex B: Chronology of key updates and changes in the ITSCI Programme in Masisi territory related to non-state armed group M23

- July 2022: [Update](#) on presence of M23 in North Kivu Province
- March 2023: [Suspension of ITSCI activities](#) following the presence of M23 in Rubaya town
- May 2023: [ITSCI tagging resumed](#) in Masisi territory
- December 2023: [Suspension](#) of the ITSCI Programme
- April 2024: [ITSCI resumed](#) in Masisi territory following positive security developments
- Since May 2024: [Suspension of activities](#) following presence of M23 in Rubaya town. This suspension remains in place to date.

In each case of suspension, all traceability tools including ITSCI tags were inventoried and removed from ITSCI-monitored sites. In each instance of activities resumption, ITSCI jointly evaluated with state services the situation at each mine site and **confirmed that there was no presence or interference of non-state armed groups in mining activities at those sites.**

During periods of suspension, ITSCI recorded incidents related to mining activities continuing at mine sites, the transport of untagged minerals or cases of mineral fraud.

Annex C: Overview of risk discussion and mitigation by multi-stakeholder committees

- In Masisi territory, there are four active local committees whose meetings are facilitated by ITSCI.
- Throughout 2022 and 2023, 16 meetings were held in Rubaya town and 15 meetings in Ngungu town. During those meetings, a total of 85 incidents were discussed, including concerning risks related to Wazalendo, state security forces and mineral fraud.
- In South Kivu, ITSCI facilitates regular meetings of a total of 33 local multi-stakeholder committees across the province and regularly share information on risks and incidents, providing guidance for their mitigation. For instance;

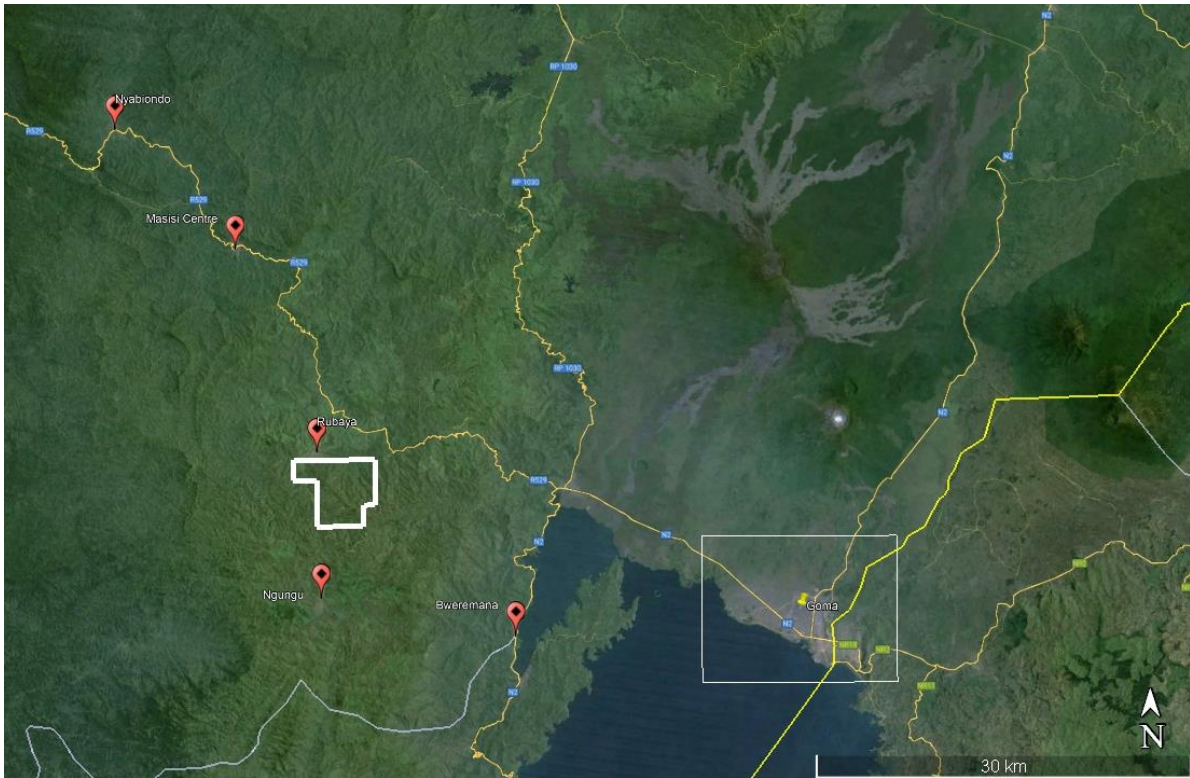
- ITSCI raised risks of mineral fraud at three local committees all located within a 15km radius in the Numbi area, which borders with Masisi territory. Between January and May 2024, a total of 15 meetings were facilitated by ITSCI at those committees, during which 42 incidents related to risks of mineral fraud or of ‘Wazalendo’ were discussed.
- In 2024, ITSCI raised risks of illegal taxation by state and non-state armed groups on the alternative mineral transport route used for minerals from Walikale territory, North Kivu, which could no longer be transported via Masisi territory. Following multiple discussions at local and provincial multi-stakeholder committees and local security councils, the issue was brought to the attention of authorities in Kinshasa who subsequently sent a delegation on the ground, resulting in the removal of those barriers.
- In another area of South Kivu, the local committee discussed the instance of clashes among two non-state armed groups which occurred in the vicinity of an active ITSCI mine, which led to the temporary suspension of activities at the ITSCI mine as precautionary measure.
- Another committee discussed the case of non-state armed group Mai-Mai Kifwafwa present at a non-ITSCI site. As a result, following awareness-raising by ITSCI on the implications of such incident for mineral supply chains, the local traditional authority used his influence to forbid local negociants to purchase any minerals from that non-ITSCI site, thus reducing the risk of direct support of mining activities to the non-state armed group.
- These examples are not exhaustive.

Annex D: Maps

Map of North Kivu Province, including territories



The ITSCI Programme is currently present in the following territories of North Kivu Province: Goma, Masisi, Walikale, and Lubero.



This map shows all locations in Masisi territory with a local multi-stakeholder committee: towns of Rubaya, Ngungu, Bweremana, Nyabiondo, and Masisi. The white square represents former PE 4731 of SMB.