

In a 5<sup>th</sup> July 2024 memo, RMI announced they are pausing consideration of ITSCI recognition. We regret the release of this RMI communication, the content of which ITSCI was not fully informed of in advance, and, at a time when ITSCI and RMI were engaged in continued efforts to achieve improved mutual understanding, as acknowledged in the RMI memo. Noting that;

- RMI's focus on ITSCI not meeting 'terms' ignores the primary need for RMI's own recognition process to be clarified and updated, a need that RMI now acknowledges.
- RMI's approach to continue with an ongoing recognition programme for other mechanisms while acknowledging that the process needs updating raises concerns over fairness as it removes any level playing field.
- RMI's activities to clarify RMAP audit requirements in general are welcome, although industry feedback indicates efforts to explain the standard to date have had limited success.
- ITSCI acknowledges risks in North Kivu, is designed to adapt to such risks, and continues to monitor the situation, take actions and communicate those risks transparently through reporting processes.

Overall, recognition is not an essential element of company due diligence and can create risks of company over-reliance on 'recognised' schemes. It is only potentially useful if achieving reduction of repeat work and increased efficiency. RMI's approach to recognition lacks clarity, appears selective and has not achieved that aim. ITSCI information collected and provided through OECD-aligned systems remains valuable for supporting company due diligence.

To enable future cooperation and enhance company due diligence, it would be helpful for RMI to update the RMAP Standard as well as the RMI Recognition Process.

### *Need for clarification of RMI recognition process*

ITSCI has been in discussion with RMI for several years in a significant effort to understand RMI's recognition process. More recently this included requesting clarification on how RMI 'terms' of recognition, that were first communicated by RMI in September 2023, are defined by that process. Due to unresolved prevailing questions on process, **ITSCI took the decision in December 2023 to pause the RMI recognition** while continuing engagement with RMI to achieve enhanced clarity and achieve resolution. This is explained in a [statement published at the time](#).

Early January 2024, ITSCI drafted a Supplement to the [January 2023 ITSCI-RMI Understanding](#) and shared this with RMI in a further effort to **achieve clarification of process, and then enable a discussion of 'terms' aiming for a resolution**. Since then, ITSCI pushed dialogue forward. Progress made in the past months is now unfortunately stopped by RMI's announcement which instead adds new factors of consideration for recognition, raises questions on changed expectations and therefore undermines previous efforts to gain clarity on the recognition process.

ITSCI welcome RMI's acknowledgment that clarifications to its systems and communications are needed, and, that the current RMI recognition policy and approach requires updating. RMI's announcement that the RMI recognition programme is ongoing while acknowledging issues with its process is itself unclear. **Continuing RMI recognition of other upstream programmes or mechanisms while pausing it for ITSCI is extremely concerning and unfair, removing any level playing field in RMI**

**recognition.** Without pause in recognition for all programmes, this approach creates yet more confusion and uncertainty for the industry.

ITSCI also notes ongoing confusion across industry regarding varying or changing RMAP requirements and audit decisions and will continue to engage with RMI to seek clarification.

### *ITSCI supporting responsible sourcing from conflict-affected areas*

As an OECD-Fully Aligned upstream programme, ITSCI continues to support companies with their due diligence efforts in responsibly sourcing 3T minerals from Conflict-Affected and High-Risk Areas (CAHRA). This includes supporting **continued engagement in support of local livelihoods and avoiding de-risking** when companies consider situations allow.

ITSCI completed a second Alignment Assessment to OECD methodology undertaken by a recognised and independent expert. According to the OECD methodology, there is no requirement to conduct field visits in every country or location where an upstream mechanism is implemented since the programme's processes are generally applicable. The assessor completed extensive stakeholder interviews and evaluated documents evidencing ITSCI implementation in all high-risk areas.

An *“OECD Alignment Assessment is an independent evaluation of the extent to which the design and implementation of an industry programme is aligned with the due diligence recommendations that are set out in the OECD Guidance”*. In this regard, **ITSCI was designed with the same standard, system, and scope for all implementing areas, including North Kivu and Rwanda.**

By increasingly focusing on individual situations and risks, RMI appears to be taking on company responsibility for risk management in contradiction with the OECD Guidance recommendations and RMI's own 20<sup>th</sup> May memo which acknowledged “recognition can contribute to a level of smelter/refiner overreliance on upstream systems.” **RMI's recent communications and actions, as well as lack of clarity on recognition process and RMAP audit expectations contradict RMI's stated aim of enabling responsible sourcing from CAHRA.**

### *ITSCI in North Kivu*

Serious risks are present and changeable in areas where ITSCI is implemented, which is to be expected in CAHRA. This context does not put into question ITSCI's processes to report risks in alignment with OECD Guidance, support risk assessment and mitigation, including by engaging with and supporting relevant local stakeholders.

The very dynamic nature of CAHRA requires ongoing on-the-ground monitoring. ITSCI operates in the field entirely through Great Lakes Region-based organisations and staff who provide local expertise, and who are independent and free of conflict of interest. **Through their presence in the field as well as the networks and trust they have built over the last 15 years, ITSCI field teams are very well placed to collect, verify, and evaluate reliable and up-to-date information from the ground.**

This also applies for North Kivu Province in the DRC and in particular in the Masisi territory where the security situation has been challenging in the last 1.5 year. We acknowledge the increased risks in that area and have continued to share information with stakeholders, including with the UN Group of

Experts. This situation has led to multiple actions including suspensions and resumptions of ITSCI at all relevant sites in Masisi territory in 2023-2024.<sup>1</sup>

ITSCI continues to monitor the situation closely, including monitoring in mining areas in Masisi territory under DRC state control, while actively engaging with all relevant stakeholders to support resumption of activities where and when possible. **These efforts have led to successful mitigation of certain risks and are currently ongoing.**

ITSCI information is available in a timely basis to all companies who choose to participate in the programme to understand and monitor risks.

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<sup>1</sup> [Suspension in March 2023](#), [resumption in May 2023](#), [suspension in December 2023](#), [resumption in April 2024](#). The last suspension [was announced in May 2024](#) and to date, remains in place.