

Comparing Principles for More Responsible Mining

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SUMMARY

We sought to compare and determine common principles of multiple initiatives towards developing certification and verification for more responsible mining and sourcing of minerals (initiatives include the Golden Rules, ARM/Standard Zero, DDI, CRJP, and ICMM).

The initiatives mostly shared the following principles:

- Respect for human rights and workers' rights.
- General support for environmental protection and restoration.
- Transparency/disclosure and accountability requirements.

The various efforts generally had the following principles in common:

- Community consultation/consent or Free Prior and Informed Consent.
- Contribution to sustainable development.
- Consideration of conflict zone problems.
- Compliance with national (host country) laws.
- A system for verification/certification.

Additional principles of potential importance include:

- Support of rights of indigenous people.
- Consideration of relocation/displacement.
- Proper clean-up and closure of mines.
- Protection of ecologically important and protected areas.
- Proper tailings disposal (not in water bodies).
- Responsible use of water and energy.
- Contaminant/toxics management.
- Use of the precautionary principle and science.

Content of principles varies significantly between initiatives for several of these topics.

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BACKGROUND

Several initiatives for large-scale and small-scale mining have sought to identify principles for more responsible mining. In order to advance efforts towards certification and verification and identify areas where different parties are likely to agree, we compared statements of principles across the following initiatives:

- No Dirty Gold's Golden Rules.¹
- Association for Responsible Mining (ARM) / draft Standard Zero.²
- Diamond Development Initiative (DDI) / draft Mwadui Principles.³
- Council for Responsible Jewellery Practices (CRJP) Principles.⁴
- International Council on Mining and Metals (ICMM) and the Mining Certification Evaluation Project (MCEP).⁵
- Framework for Responsible Mining (FRM).⁶
- Mining, Minerals, and Sustainable Development.⁷
- The Green Lead Project.⁸
- The Diamond Trading Company (DTC) Best Practice Principles.⁹
- Voluntary Principles on Security and Human Rights.¹⁰

In several cases an initiative included more precise standards (e.g., Standard Zero, FRM, MCEP) but we only examined the stated principles in this report. Some standards in those initiatives represented principles that were stated in other initiatives but were not listed in this comparison because they were not stated principles (e.g., Standard Zero has a child labor standard but child labor is not explicitly addressed in its stated principles so we did not count it).

Note: a few other initiatives related to responsible mining did not present principles that seemed relevant to this analysis. Although the Extractives Industry Review covers many topics relevant to this analysis, its recommendations beyond three general categories (promote pro-poor public and corporate governance in the oil, gas, and mining sectors; strengthen environmental and social components of World Bank Group interventions in extractive industries; and respect human rights) are more specific than the principles we are considering here.¹¹ The EIR may be more useful in developing standards than principles. Similarly, the International Cyanide Management Code represents relatively specific standards for cyanide management rather than principles. Also, the Initiative for Responsible Mining Assurance (IRMA) has principles, but these are starting points for proceeding with discussions and are not as relevant to this analysis. Finally, we grouped the MCEP principles with the ICMM principles even though the former are slightly different and have some additional detail because the MCEP principles are based on the ICMM principles.

¹ <http://nodirtygold.org/goldenrules.cfm>

² <http://www.communitymining.org/>

³ from Ian Smilie, Partnership Africa Canada

⁴ <http://responsiblejewellery.com/what.htm>

⁵ http://www.icmm.com/icmm_principles.php and http://www.minerals.csiro.au/sd/SD_MCEP.htm

⁶ <http://www.frameworkforresponsiblemining.org/docs.html>

⁷ <http://www.iied.org/mmsd/finalreport/index.html>

⁸ <http://www.greenlead.com/Brochures.html>

⁹ www.debeersgroup.com/NR/rdonlyres/FAFC09A7-810C-4E97-B33B-155A45643DF4/215/BPP.pdf

¹⁰ <http://www.voluntaryprinciples.org/principles/index.php>

¹¹ Striking a better balance. The World Bank Group and Extractive Industries. The Final Report of the Extractive Industries Review. 2003.

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTOGMC/0,,contentMDK:20306686~menuPK:592071~pagePK:148956~piPK:216618~theSitePK:336930,00.html>

A. DIFFERENCES IN COMPLETENESS OF INITIATIVES

1) POINTS IN COMMON

Social Issues

- Almost all agree that operations should respect human rights and workers' rights (inclusion of child labor & collective bargaining in workers' rights varies between efforts).
- Most initiatives generally agree that some form of community consent is needed (varies in content between efforts).
- Most initiatives agree that activities should contribute to sustainable development.
- Half of the initiatives address the problem of operating in conflict zones (varies in content between efforts).
- Half of the initiatives agree on the need for at least equal opportunity.
- Several of the initiatives agree on the recognition of the rights of indigenous people.

Environmental Issues

- Almost all agree for the general need to support environmental protection and restoration.
- Several initiatives address tailings disposal (content varies between efforts).

Legality Issue

- Half of initiatives note the importance of complying with national (host country) law.

Certification Issue

- Half of initiatives indicate a need for some form of certification (content varies).

Business/Economics Issues

- Almost all agree that transparency/disclosure and accountability are necessary (content varies).

Initiatives may share support for additional principles because they may also support policies that are not explicitly stated in their draft or final principles.

2) POINTS OF DIFFERENCE

Several issues are shared by only some of the institutional efforts but may nonetheless be important. These include:

Social Issues

- Three initiatives note the importance of the relocation/displacement issue.

Environmental Issues

- Several initiatives indicate that operations should not be located in protected areas (at least legal protected areas).
- A water and energy use management principle is present in CRJP principles.
- Contaminant principles are supported by the Golden Rules and partially by ARM.
- The protection of waterways from tailings disposal is present in the Golden Rules and partially in ARM.
- The importance of a precautionary approach is present in FRM.
- The importance of a scientific approach is present in ICMM principles.

Business/Economics Issues

- Three initiatives noted the need for adequate resources for clean-up and closure of mines.
- A few initiatives indicate their rejection of bribery, corruption, and money laundering.
- A few initiatives note the importance of efficiency.

B. TEXT OF INITIATIVE PRINCIPLES BY TOPIC¹²

1) SOCIAL PRINCIPLES

a) Consultation / Free, Prior and Informed Consent (FPIC)

- Golden Rules:

“Obtain the free, prior, and informed consent of affected communities.”

- ARM:

“Where indigenous peoples or other ethnic groups are owners of the territory and are different from the miners themselves, ASM organisations will undertake consultations based on respect for local cultural practices in order to reach agreements with the local traditional authority and community, with regards to the impacts and benefits of mining operations and trading in that indigenous territory.”

- DDI:

“Communities are consulted and benefit collectively from mining activities;”

- ICMM/MCEP:

“Consult with interested and affected parties in the identification, assessment and management of all significant ... impacts associated with our activities. ... Engage with and respond to stakeholders through open consultation processes.”

- FRM:

“... participatory decision making... Specific rights recognized by international instruments for indigenous peoples include their rights to existence as peoples, self-determination, control over their territories, cultural integrity, a healthy and productive environment, political organization and expression, and fair compensation for damage to their lands. These international agreements form the basis for the rights of indigenous peoples to free, prior, and informed consent to any development activities that affect their territories and livelihoods.”

- MMSD:

“Respect and reinforce the fundamental rights of human beings, including ..., cultural autonomy, Support representative democracy, including participatory decision-making. ... Ensure decisions are made at the appropriate level in accordance with subsidiarity where possible.”

b) Human Rights

- Golden Rules:

“Respect basic human rights outlined in international conventions and law”

- ARM:

“The standards for Fair Trade Gold are based on the Universal Declaration of Human Rights and on later UN declarations regarding the cultural, social and economic rights of individuals.”

- DDI:

“Respect for basic human rights and labour standards, including freedom to organize, no forced labour, no child labour and no discrimination, in accordance with the eight core ILO Principles (see below);... Respect for human rights by security forces employed to guard assets;”

¹² We included topics that multiple initiatives addressed or that were of stated importance in a particular initiative.

- CRJP:

“We believe in and will respect the fundamental human rights and the dignity of the individual, according to the United Nations Declaration of Human Rights.

We will not use corporal punishment under any circumstances and will prohibit the use of degrading treatment, harassment, abuse, coercion or intimidation in any form.”

- ICMM/MCEP:

Uphold fundamental human rights ... in dealings with employees and others who are affected by our activities. ... Ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance.

- FRM:

“The Leading Edge issue recommendations of the framework are aligned with UN conventions and other agreements governing human rights, ...”

- MMSD:

“Respect and reinforce the fundamental rights of human beings, including civil and political liberties, cultural autonomy, social and economic freedoms, and personal security”

- Voluntary Principles:

“... we recognize that security and respect for human rights can and should be consistent; ... we recognize that we share the common goal of promoting respect for human rights, particularly those set forth in the Universal Declaration of Human Rights, and international humanitarian law; ..., Companies recognize a commitment to ... be mindful of the highest applicable international standards, and to promote the observance of applicable international law enforcement principles (e.g., the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), particularly with regard to the use of force; Risk assessments should consider the available human rights records of public security forces, paramilitaries, local and national law enforcement, as well as the reputation of private security. Risk assessments should consider the local prosecuting authority and judiciary’s capacity to hold accountable those responsible for human rights abuses and for those responsible for violations of international humanitarian law in a manner that respects the rights of the accused. ... [Companies] should consider ... the feasibility of ... adequate controls to prevent misappropriation or diversion of equipment which may lead to human rights abuses.” [Additional relevant principles regarding Interactions between companies and public security and between companies and private security.]

c) Workers’ Rights

- Golden Rules:

“Respect workers’ rights and labor standards, including safe working conditions.” [Includes 8 core ILO conventions in details.]

- ARM:

“... must respect the human rights, as well as the social, economic, cultural, and labour rights of each and every person involved as fundamental principles. The rights of women, disadvantaged groups and individuals, including migrant workers, are specifically included. The standards for Fair Trade Gold are based on the concept of decent work of the ILO. Work in community based artisanal and small-scale mining is to be performed in conditions of freedom, equality, safety, and human dignity, allowing the access of small producers, workers and their families to a decent standard of living.”

- DDI:

“Respect for basic human rights and labour standards, including freedom to organize, no forced labour, no child labour and no discrimination, in accordance with the eight core ILO Principles (see below); ... Safe and healthy working conditions;”

- CRJP:

“We will not tolerate the use of child labour. We will not use any forced, bonded, indentured or prison labour, nor restrict the freedom of movement of employees and dependents. We are committed to high standards of health and safety in our operations. We will not prevent workers from associating freely. Where laws prohibit these freedoms, we will support parallel means of dialogue. We will not use corporal punishment under any circumstances and will prohibit the use of degrading treatment, harassment, abuse, coercion or intimidation in any form. We will adhere to working hours and remuneration legislation, or, where no such legal requirements have been established by law, the prevailing local industry standards.”

- ICMM/MCEP:

“Ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour. ... Provide for the constructive engagement of employees on matters of mutual concern. ... Rehabilitate and reintegrate employees into operations following illness or injury, where feasible.”

- FRM:

The Leading Edge issue recommendations of the framework are aligned with UN conventions and other agreements governing ... basic labor rights...”

- DTC:

“... we neither engage in, nor encourage in any manner, the following practices which are regarded as unacceptable and against the public interest and that of the diamond industry: The use of child labour; ... ; Practices which intentionally or recklessly endanger or harm the health or welfare of individuals. We are committed to the highest industry ethics including the following: ... ; the provision of proper working conditions (including the health, safety and well-being of workers); the dignity of individuals and best practices to ensure the fair treatment of individuals;...”

d) Indigenous Rights

- CRJP:

“We will recognise and respect the rights of indigenous peoples and the value of their traditional, cultural and social heritage.”

- ICMM/MCEP:

“Respect the culture and heritage of local communities, including indigenous peoples.”

- FRM:

“The Leading Edge issue recommendations of the framework are aligned with UN conventions and other agreements governing ..., indigenous people’s rights, it has been necessary to single out the rights of indigenous peoples and women because these groups are often marginalized and/or disproportionately impacted by mining activities. ... it has been necessary to single out the rights of indigenous peoples and women because these groups are often marginalized and/or disproportionately impacted by mining activities. Specific rights recognized by international instruments for indigenous peoples include their rights to existence as peoples, self-determination, control over their territories, cultural integrity, a healthy and productive environment, political organization and expression, and fair compensation for damage to their lands. These international agreements form the basis for the rights of indigenous peoples to free, prior, and informed consent to any development activities that affect their territories and livelihoods.”

- MMSD:

“Respect and reinforce the fundamental rights of human beings, including ..., cultural autonomy,”

e) Conflict Zones

- Golden Rules:

“Ensure that operations are not located in areas of armed or militarized conflict”

- ARM:

“The FT process will not support organizations who are involved with armed conflict in any way, including financing conflict or the use of revenue to engage in activities that facilitate the purchasing of arms.”

- DDI:

“Operations are not established in areas of armed or militarized conflict;”

- DTC:

“The injury and hardship suffered by local populations (and the potential for it) when conflicts arise in diamond producing areas are unacceptable, as is seeking to profit from such conflicts. ...we neither engage in, nor encourage in any manner, the following practices which are regarded as unacceptable and against the public interest and that of the diamond industry: buying and trading rough diamonds from areas where this would encourage or support conflict and human suffering; ...; practices which intentionally or recklessly endanger or harm the health or welfare of individuals. We are committed to the highest industry ethics including the following: action to address concerns arising out of the misuse of rough diamonds in support of conflict and regular discussion on other issues relevant to the gem diamond industry to enable appropriate and timely industry responses;”

- Voluntary Principles:

“Civil society, home and host government representatives, and other sources should be consulted to identify risks presented by the potential for violence. Risk assessments should examine patterns of violence in areas of Company operations for educational, predictive, and preventative purposes.”

f) Relocation / Forced Displacement

- Golden Rules:

“Ensure that projects do not force communities off their lands”

- DDI:

“Ensure that projects do not force communities off their lands;”

- ICMM/MCEP:

Minimise involuntary resettlement, and compensate fairly for adverse effects on the community where they can be avoided.

g) Encourage Sustainable Development

- ARM:

“should contribute to the sustainable human development of their communities. Therefore, fair trade labelling of ASM gold and associated precious metals should improve the quality of life of men and women workers, their families, and the community that hosts ASM endeavours, respecting the conceptions and priorities of each community.”

- DDI:

“Communities ... benefit collectively from mining activities;”

- CRJP:

“We will support the development of communities where we operate, contributing to their social and

economic welfare.”

- ICMM/MCEP:

“Work with ... stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector’s contribution to sustainable development within national sustainable development strategies. ... Integrate sustainable development considerations within

the corporate decision-making process. ... Plan, design, operate and close operations in a manner that enhances sustainable development. ... Provide sustainable development training to ensure adequate competency at all levels among our own employees and those of contractors. ... Report on our ... contribution to sustainable development.”

- FRM:

“The principles are sustainable development, ...”

- MMSD:

“Maximize human well-being. ... Ensure a fair distribution of the costs and benefits of development for all those alive today. ... Seek to sustain improvements over time; ensure that depletion of natural resources will not deprive future generations through replacement with other forms of capital.”

- Voluntary Principles:

“... we recognize the value of engaging with civil society and host and home governments to contribute to the welfare of the local community while mitigating any potential for conflict where possible;”

h) Equal Opportunity & Anti-discrimination, Equity

- ARM:

“equality should exist among men and women in all rights, access to resources, the use of earnings, and participation and incidence in decision-making processes. In organizations, processes and aspects where there is no equality, measures and actions shall be taken in order to attain it.”

- CRJP:

“We will not discriminate based on race, ethnicity, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, marital status, physical appearance, age, or any other applicable prohibited basis in the workplace, such that all individuals who are “fit for work” are accorded equal opportunities and are not discriminated against on the basis of factors unrelated to their ability to perform their job.”

- ICMM/MCEP:

“Implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of our activities”

- FRM:

“The principles are ..., equity, The Leading Edge issue recommendations of the framework are aligned with UN conventions and other agreements governing ... women’s rights. ... Recognition of the disparity between men and women in their access to and enjoyment of human rights has led to several declarations and international instruments that seek to promote the empowerment of women. Specific objectives set forth in these instruments include increasing their participation in decision making, eliminating violence and abuse, and providing equal access to health care and education.”

- MMSD:

“Ensure a fair distribution of the costs and benefits of development for all those alive today. Respect and reinforce the fundamental rights of human beings, including civil and political liberties, ..., social and economic freedoms,”

2) ENVIRONMENT PRINCIPLES

a) General Support of Environmental Protection & Restoration

- Golden Rules:
“ensure that ... gold and other metals ... were not produced at the expense of communities, workers, or the environment.”
- ARM:
“should contribute to environmental protection, human health and ecological restoration in its operations and communities.”
- DDI:
“There is appropriate environmental protection and rehabilitation”
- CRJP:
“We will conduct our businesses in an environmentally responsible manner. We will manage our environmental footprint by eliminating or minimising negative environmental impacts.”
- ICMM/MCEP:
“Seek continual improvement of our environmental performance. ... Implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value. ... Assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects – from exploration through closure. Implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts. ... Report on our ... environmental performance”
- FRM:
“The Leading Edge issue recommendations of the framework are aligned with UN conventions and other agreements governing human rights, basic labor rights, right to development, right to a healthy environment, ...”
- MMSD:
“Promote responsible stewardship of natural resources and the environment, including reparations for past damages. Minimize waste and environmental damage along the whole of the supply chain. Operate within ecological limits and protect critical natural capital.”
- DTC:
“We are committed to the highest industry ethics including the following: ... ; full compliance with international best practice and the related regulatory framework with respect to the environment;”

b) Protected Areas and Ecologically Important Areas

- Golden Rules:
“Ensure that projects are not located in protected areas, fragile ecosystems, or other areas of high conservation or ecological value”
- DDI:
“Projects are not introduced into protected areas or fragile ecosystems”
- ICMM/MCEP:
“Respect legally designated protected areas.”

c) Tailings Disposal

- Golden Rules:

“Refrain from dumping mine wastes into the ocean, rivers, lakes, or streams.”

- ARM:

“... where toxic substances are used, where tailings are dumped into water bodies, and where biodiversity is negatively affected by mining operations, measures should be taken to identify, manage and mitigate negative impacts.”

- CRJP:

“We will ensure the efficiency of our business operations by managing our waste”

- ICMM/MCEP:

“Provide for safe storage and disposal of residual wastes and process residues.”

d) Managed Use of Water & Energy; Materials Stewardship; Research for Efficiency

- CRJP:

“We will ensure the efficiency of our business operations by managing our waste and our use of water and energy.”

- ICMM/MCEP:

“Facilitate and encourage responsible product design, use, re-use, recycling and disposal of products. Conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy.”

e) Contaminants

- Golden Rules:

ensure that projects do not contaminate water, soil, or air with sulfuric acid drainage or other toxic chemicals

- ARM:

“where toxic substances are used, where tailings are dumped into water bodies, and where biodiversity is negatively affected by mining operations, measures should be taken to identify, manage and mitigate negative impacts”

f) Precautionary Principle

- FRM:

“The principles are ..., precaution,”

g) Science

- ICMM:

“Implement risk management strategies based on valid data and sound science”

3) LEGALITY PRINCIPLES

- **ARM:**

“The legalization of the Artisanal and Small-scale Mining is a condition that is fundamental and necessary, yet not sufficient, for achieving social and environmental responsibility in a sustained manner. Only gold produced at legal operations will be certified as Fair Trade Gold.”

- **DDI:**

“Adherence to national laws.”

- **CRJP:**

“We are committed to conducting our businesses to a high ethical standard, and to ensuring integrity, transparency and conformance with applicable law.”

- **ICMM/MCEP:**

“Comply with or exceed the requirements of host-country laws and regulations.”

- **Voluntary Principles:**

“Companies recognize a commitment to act in a manner consistent with the laws of the countries within which they are present, ...”

4) CERTIFICATION PRINCIPLES

- Golden Rules:
“seek independent, third-party verification that gold and other metals ... meet the [Golden Rules]... seek independent, third-party verification of secondary content”

- ARM:
“any fair trade or eco-labelling scheme should encompass is the certification that the gold and the product “Chain of Custody” are in conformity with the required standards and procedures.”

- DDI:
“with time, encouragement, technical support and training, signatories are expected to open their activities to independent verification to demonstrate that they are operating in accordance with the Mwadui Principles.”

- ICMM & MCEP:
“Implement ... independently verified reporting arrangements with our stakeholders.”

- Greenlead:
“Independent third party verification must be used to guarantee the credibility of Green Lead Certification.”

5) BUSINESS/ECONOMICS PRINCIPLES

a) Disclosure / Transparency & Integrity / Accountability

- Golden Rules:

“Fully disclose information about social and environmental effects of projects”

- ARM:

“any fair trade or eco-labelling scheme should encompass is the certification that the gold and the product “Chain of Custody” are in conformity with the required standards and procedures. The CoC should thus cover both the tracking/traceability of the gold all along the processing/transformation, distribution and marketing chain, as well as the proper tracking of the documentation (and control of the quantity concerned). CoC procedures are implemented at the key points of transfer. At each point of transfer, all certified gold or gold products must be identified and segregated at all moments from non-certified gold or gold products. These points have to be identified in each CoC and may vary according to the type of mining or gold product traded.”

- DDI:

“Transparency and fairness on payments, prices and transactions

- CRJP:

“We are committed to conducting our businesses to a high ethical standard, and to ensuring integrity, transparency and conformance with applicable law. We will adhere to the Kimberley Process Certification System and the World Diamond Council voluntary system of warranties. We will fully and accurately disclose the material characteristics of the products that we sell. We will take reasonable measures to ensure the physical integrity and security of product shipments. We will respect commercial confidentiality and data privacy.”

- ICMM/MCEP:

“Implement effective and transparent engagement, communication and independently verified reporting arrangements with our stakeholders.”

- FRM:

“The principles are ..., accountability and transparency,”

- MMSD:

“Ensure transparency through providing all stakeholders with access to relevant and accurate information. Ensure accountability for decisions and actions, which are based on comprehensive and reliable analysis.”

- Greenlead:

“The process must be open, honest and transparent. All relevant information, data and audit reports must be available in the public domain for inspection.”

- DTC:

“We are committed to the highest industry ethics including the following: ... ; full disclosure at all levels of the diamond distribution chain and, most importantly, to consumers, of all treatments to natural diamonds and with respect to wholly or partly synthetic stones and compliance with the rules, regulations and guidelines published from time to time by the diamond industry’s governing bodies.”

b) Guarantees for Clean-up & Closure

- Golden Rules:

“Cover all costs of closing down and cleaning up mine sites”

- ICMM/MCEP:

“Design and plan all operations so that adequate resources are available to meet the closure requirements of all operations.”

- FRM:

“The principles are ..., and polluter responsibility (the “polluter pays” principle).”

c) Bribery, Corruption, Money Laundering

- ARM:

“complies with all international conventions and national laws surrounding anti-money laundering.”

- CRJP:

“We will not engage in bribery and/or corruption. We will not tolerate money laundering and/or financing of terrorism.”

- ICMM/MCEP:

“Implement policies and practices that seek to prevent bribery and corruption.”

d) Governance

- MMSD:

“Encourage free enterprise within a system of clear rules and incentives. Avoid excessive concentration of power through checks and balances. Encourage cooperation in order to build trust & shared goals and values.”

- Greenlead:

“Collaboration and cooperation between the Lead industry, Governments, NGOs and Community Groups throughout the product chain is critical to ensure that all Green Lead projects are multi-stakeholder joint ventures.”

e) Efficiency

- FRM:

“The principles are ..., efficiency,”

- MMSD:

“Ensure efficient use of all resources, natural and otherwise, by maximizing rents.”