

Comparison between the OECD Gold Supplement and World Gold Council Conflict- Free Gold Standard

October 2012

*A summary for
implementing companies*

1. Purpose and methodology

Purpose

The World Gold Council commissioned PwC to conduct a comparative study to show the degree of alignment between the World Gold Council's *Conflict-Free Gold Standard* (**'the Conflict-Free Gold Standard'**); the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (**'the Due Diligence Guidance'**); and the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas – Supplement on Gold* (**'the Gold Supplement'**). This work was first undertaken during the drafting of the Conflict-Free Gold Standard to give the World Gold Council independent feedback that could be taken into account in the drafting process. An update to the study was completed when the Conflict-Free Gold Standard was completed. A summary of our overall views on alignment of the purpose, role and content of the two standards is given in our Viewpoint Report: *Golden opportunity: Building an industry commitment to conflict-free gold production*.

This report presents details of the results of our comparative study. The analysis provides:

- a factual comparison of where the Gold Supplement goes further than the Conflict-Free Gold Standard in its requirements, and vice versa; and
- areas where the Conflict-Free Gold Standard sets criteria which would require reliance on existing processes to deliver conformance with the criteria.

This report has been prepared for companies implementing the Conflict-Free Gold Standard. The intention is to signpost areas where the Gold Supplement and Conflict-Free Gold Standard differ. With this information, implementing companies should be able to determine where their response to the Conflict-Free Gold Standard needs to be supplemented in order to meet the full Gold Supplement criteria. Areas where the Conflict-Free Gold Standard goes beyond the Gold Supplement are also highlighted in this document.

We advise this document is read in conjunction with our overall Viewpoint Report (available on our website). We also stress that implementing companies and other interested stakeholders should read and consider the relative requirements of the Conflict-Free Gold Standard, Due Diligence Guidance and Gold Supplement in addition to this summary.

Methodology

We compared the criteria of the Due Diligence Guidance and the Gold Supplement with those of the Conflict-Free Gold Standard, and vice versa. Because many of the requests of the Due Diligence Guidance are contained in the supporting Gold Supplement, we primarily used the Gold Supplement for our analysis, after reviewing for any differences between the Due Diligence Guidance and the Conflict-Free Gold Standard.

As the purpose of the factual analysis was to compare the alignment of the Gold Supplement and the Conflict-Free Gold Standard, the tables in Section 3 are prepared on an exception basis, showing key criteria included in the Gold Supplement but not the Conflict-Free Gold Standard (Table 1), and vice versa (Table 2). For the information of implementing companies, the final column of Table 1 highlights areas where the Conflict-Free Gold Standard seeks to leverage existing business processes.

Note: Where Gold Supplement criteria relate specifically to supply chain due diligence on sourced gold, we considered this fully covered by the Conflict-Free Gold Standard. Part D of the Conflict-Free Gold Standard asks companies to conduct due diligence on all externally sourced gold using the Gold Supplement, should initial due diligence fail to reasonably determine that there are no links between the externally sourced gold and areas considered conflict-affected or high-risk (p.33 of the Conflict-Free Gold Standard). We therefore considered the Conflict-Free Gold Standard to be fully aligned in relation to externally sourced gold and as such this is not referenced in the by exception comparison tables in Section 3.

2. At a glance comparison

The Due Diligence Guidance and the Conflict-Free Gold Standard have been designed to be complementary. They are not intended to be a perfect fit. Not all of the demands of the Due Diligence Guidance are applicable to mining companies. The World Gold Council has also been conscious not to mandate additional procedures which it expected to be covered by gold extraction companies' existing business processes. This will avoid undue burden and cost for implementing companies as under the Conflict-Free Gold Standard they would then have had to seek assurance on implementation. This would likely have added little value to the implementing companies or the industry as a whole.

An “at a glance” comparison of the Gold Supplement and the Conflict-Free Gold Standard is presented below.

Commonalities		
The Gold Supplement		The Conflict-Free Gold Standard
• Duties to other supply chain parties to support assurance requirements • More prescriptive management systems requirements • Higher levels of detail in expected disclosures	• Ultimate desired outcome • Definitions of key concepts • Identification of conflict • Management systems • Information requirements • Transport practices • Accountability	• Assessment of conflict • Corporate procedures • Mine security requirements • Whistle blowing and stakeholder engagement • Assurance requirements

In Section 3 we present our factual comparison and considerations for implementing companies. The key areas where implementing companies need to consider the adequacy of their arrangements in the context of the requirements of the Conflict-free Gold Standard and the Gold Supplement are:

- *Determining the management systems required for robust implementation* – the Gold Supplement asks for some prescriptive requirements. The Conflict-Free Gold Standard expects companies to have management processes already in place to address some of the requirements; in other areas it explains the basis of the systems and processes needed for companies to work from.
- *Supply chain collaboration* – the Gold Supplement, with its focus on due diligence across the gold supply chain, is more specific in its demands and emphasises that all supply chain parties should collaborate and share information. In Table 1 we highlight for companies implementing the Conflict-Free Gold Standard the likely information required by downstream supply chain parties not explicitly stated in the Conflict-Free Gold Standard.
- *Disclosures* – Table 1 highlights the Gold Standard's expected disclosures; the Conflict-Free Gold Standard requires a statement of conformance while also mandating some key disclosure content.
- *Assurance* – Independent audits of refiners are an integral part of the due diligence processes in the Due Diligence Guidance and Gold Supplement. The Conflict-Free Gold Standard requires assurance on state of conformance which should be publicly reported. There is an assumption that implementing companies will already have some assurance on key processes. Assurance planning will therefore need to meet the requirements of the Conflict-Free Gold Standard.

3. Detailed comparison

Two tables are presented below:

- **Table 1** – showing a factual comparison, on an exception basis, of Gold Supplement criteria which differ from those of the Conflict-Free Gold Standard. The final column of Table 1 presents considerations for implementing companies, showing areas where the Conflict-Free Gold Standard seeks to leverage existing business processes, or specific considerations to note such as linkage to other key initiatives.
- **Table 2** – showing a factual comparison, on an exception basis, of the areas where Conflict-Free Gold Standard requirements go further than those of the Gold Supplement.

TABLE 1:

Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
STEP 1: ESTABLISH STRONG COMPANY MANAGEMENT SYSTEMS		
A. Adopt and commit to a supply chain policy for identifying and managing risks for gold potentially from conflict-affected and high-risk areas (p.13).	The Gold Supplement asks companies to implement a policy that is “consistent with the standards set forth in the model supply chain policy” (p.13). The model supply chain policy is contained in Annex II of the Due Diligence Guidance (p.20). The model supply chain policy contains specific commitments relating to: • Serious abuses of human rights • Direct or indirect support to non-state armed groups • Support to public and private security forces • Bribery and fraudulent misrepresentation of mineral origin • Money laundering • Payment of taxes, fees, and royalties due to governments • Engagement and disengagement with upstream suppliers when risks of malpractice regarding the above issues are identified Please refer to p.20 – p.24 of the Due Diligence Guidance for the requirements under each of the bullets above. The Conflict-Free Gold Standard similarly requires companies to have “public commitments and other supporting documentation to protect human rights, conform to international humanitarian law and not cause, support or benefit unlawful armed conflict” (p.18). While not as prescriptive on the specific topics noted in the Due Diligence Guidance, its list of reference sources for mining companies devising these commitments includes the Due Diligence Guidance. The Conflict-Free Gold Standard therefore expects companies to consider the Due Diligence Guidance requirements and incorporate them where relevant.	Alignment between the Gold Supplement and the Conflict-Free Gold Standard is dependent on the extent to which mining companies can demonstrate that they have used the Due Diligence Guidance as a reference for designing and implementing their commitments.

Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
C. Establish a system of transparency, information collection and control over the gold supply chain (p.13).	The Gold Supplement is more prescriptive in its expectations of what information management systems should generate than the Conflict-Free Gold Standard. This includes: • Information regarding the form, type and physical description of gold and gold-bearing materials • Information regarding the weight and assay of gold and gold-bearing materials of input, and determinations of the weight and assay of gold inputs and outputs • Unique reference numbers for each input and output • Dates of input and output, purchases and sales The Gold Supplement also asks that the above information is maintained for a minimum of five years. The Conflict-Free Gold Standard states that companies should have appropriate management systems which “(i) track the flow of gold and gold-bearing material within the mine’s area of control and (ii) minimise the risk or incidence of illegal addition or theft of gold and gold bearing material” (p.29). This is a key area where the Conflict-Free Gold Standard expects processes and reporting to be in place. The Gold Supplement contains requirements to provide customs officials with access to complete information regarding all shipments that “cross international borders, or to which they otherwise have jurisdiction” (p.14). This requirement is covered by the Conflict-Free Gold Standard for externally sourced gold because the Conflict-Free Gold Standard requires implementation of the Due Diligence Guidance. However, the Conflict-Free Gold Standard does not mention this for members’ own gold production.	The Conflict-Free Gold Standard assumes that a company’s existing business processes and procedures would deliver the Gold Supplement information requirements and therefore does not add further expectation through the Standard. Implementing companies need to assess their arrangements if seeking to meet the requirements of the Gold Supplement.
Specific recommendations for refiners (p.16):	These recommendations are for refiners and therefore are not covered in the Conflict-Free Gold Standard which targets mining companies only. The Gold Supplement asks parties at different points in the supply chain to obtain information from gold mining companies to meet their due diligence requirements. For example, under the Gold Supplement, refiners are asked to: • Coordinate and support physical security practices used by upstream companies • Inspect all shipments for conformity to the information provided by the supplier on the types of gold • Verify weight and quality information provided by the gold producer As the Conflict-Free Gold Standard has “been developed to support refiners in meeting their due diligence requirements” (p.2), the Conflict-Free Gold Standard expects these requirements to be met.	Implementing companies need to make an assessment of their own arrangements to determine if these will meet the requirements of the Gold Supplement.

Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
STEP 2: IDENTIFY AND ASSESS RISKS IN THE SUPPLY CHAIN		
<i>Section I – Risk assessment for medium and large-scale gold mining companies and artisanal and small-scale mining enterprises ('gold producers'):</i>		
C. Map the factual circumstances of the gold producer's red flagged operations and other sources of gold, underway and planned (p.20).	As this requirement relates to supply chain due diligence, the Conflict-Free Gold Standard covers it with regard to externally sourced gold. The Conflict-Free Gold Standard states that companies should “track the flow of gold and gold bearing material within the mine’s area of control” (p.29), but there is no reference in the Conflict-Free Gold Standard to how data collection and maintenance should be assigned or governed. The Gold Supplement asks companies to obtain evidence of factual circumstances of gold extraction, processing, trade, handling, transport and export. Although some aspects may be covered by the Conflict-Free Gold Standard (e.g. asking for systems tracking the flow of gold around the mine, due diligence on security providers and compensation to governments) certain information is not specified, for example current production and capacity of mine, ‘Know Your Counterparty’ (KYC) details of all third-party service providers handling the gold and operating licenses. The Gold Supplement assigns responsibility for gathering data to gold producers (p.21). The Conflict-Free Gold Standard does not set out specific responsibilities for gold mining companies in the same way. Under the Gold Supplement, part of the gold producer’s responsibility is to provide assessment teams with access to mines, records and documentation (p.21).	Implementing companies need to review the ability of their existing business processes and procedures to deliver the information required under the Gold Supplement. Implementing companies will need to determine how they will deliver and organise collaboration, in particular with their supply chain parties. This is necessary as the Conflict-Free Gold Standard specifically expects that implementation will “support refiners in meeting their due diligence requirements” (p.2).

Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
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STEP 3: DESIGN AND IMPLEMENT A STRATEGY TO RESPOND TO IDENTIFIED RISKS

Section I – Risk management for upstream companies

B. Enhance engagement with suppliers and the internal systems of transparency, information collection and control over the gold supply chain (p.35).	The Conflict-Free Gold Standard covers certain aspects of this requirement. Engagement with upstream companies is covered by Part D of the Conflict-Free Gold Standard, which requires companies to conduct due diligence in accordance with the Gold Supplement requirements on all externally-sourced gold (p.33). Its Security section requires employee and third-party security services not to support human rights abuses (p.21). It requires companies to demonstrate that payments and benefits-in-kind have been recorded accurately, according to stated policies and public commitments. It also requires that gold is not transported by organisations that support conflict (p.30). The Conflict-Free Gold Standard is not as prescriptive as the Gold Supplement regarding what information should be collected and maintained in its management systems, as outlined in Step 1 C above. The difference in the factual requirements is highlighted here to signpost this likely information demand to gold producing companies implementing the Conflict-Free Gold Standard.	As above, implementing companies need to review the ability of their existing business processes and procedures to deliver and share the information likely to be required by downstream companies under the Gold Supplement.
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STEP 4: CARRY OUT INDEPENDENT THIRD PARTY AUDIT OF REFINER'S DUE DILIGENCE PRACTICES

Specific recommendations for all upstream companies (p.44).	These recommendations ask upstream companies to cooperate with downstream parties to grant access to their information and sites as part of the latter's due diligence efforts. The Conflict-Free Gold Standard does not state such an explicit requirement.	See above for the expectation that the implementation of the Conflict-Free Gold Standard will support the due diligence processes defined in the Gold Supplement.
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STEP 5. REPORT ANNUALLY ON SUPPLY CHAIN DUE DILIGENCE

A. Annually report or integrate into annual sustainability or corporate responsibility reports, additional information on due diligence (p.45).	Summary The Gold Supplement contains a higher level of detail in expected disclosures than the Conflict-Free Gold Standard. While the two documents are aligned with regards to some disclosure requirements, the Conflict-Free Gold Standard, in line with other corporate reporting frameworks, leaves management accountable for determining the scope and level of disclosures that need to be made to support their statement of conformance. The following rows highlight: (i) where disclosure requirements of the Conflict-Free Gold Standard align with those of the Gold Supplement, and (ii) where the Gold Supplement asks for additional disclosures. The comments are split according to the three disclosure headings set out for upstream companies in the Gold Supplement: 1. Company management systems 2. Company risk assessment in the supply chain 3. Risk management	The Conflict-Free Gold Standard states that "further public disclosure [beyond what is required by the Conflict-Free Gold Standard]...is a matter for the company to determine at its discretion" (p.4). Subsequently, it is the responsibility of implementing companies to decide whether additional disclosures should be made.
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Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
1. Company management systems (p.45)	The Conflict-Free Gold Standard’s disclosure requirements are <u>aligned with</u> those of the Gold Supplement relating to “<i>Company management systems</i>” in the following areas (the Gold Supplement requirements are shown in italics): • <i>The company supply chain due diligence policy</i> – The Conflict-Free Gold Standard recommends that implementing companies provide a link to their “public commitment(s) to human rights” (p.5). • <i>The management structure responsible for due diligence</i> – The Conflict-Free Gold Standard states that the Conflict-Free Gold Report should include the management structure responsible for conformance with [the] Standard (p.4). • <i>Information on payments made to governments in line with EITI criteria and principles (where relevant)</i> – The Conflict-Free Gold Standard recommends that implementing companies disclose “payments made to governments, in line with instruments that specifically address transparency of payments considerations, such as the EITI...” (p.5). The Gold Supplement asks for a number of additional disclosures, specifically (p.45): • <i>The internal systems of transparency, information collection and control over the gold supply chain and how these operate.</i> • <i>How the company has strengthened its due diligence efforts in the reporting period.</i> • <i>The company’s database and record keeping system.</i> • <i>The company’s methods for sharing information about due diligence throughout the supply chain.</i>	See summary row above.

Gold Supplement requirement	Comparison between the Gold Supplement and the Conflict-Free Gold Standard	Considerations for implementing companies
2. Company risk assessment in the supply chain (p.45)	The Conflict-Free Gold Standard’s disclosure requirements are <u>aligned with</u> those of the Gold Supplement relating to “<i>Company risk assessment in the supply chain</i>” in the following area (the Gold Supplement requirements are shown in italics): • <i>How the company identified high-risk operations</i> – Whilst the Conflict-Free Gold Report asks companies to disclose “the names and locations of the operations located in areas assessed to be ‘conflict-affected or high risk’” (p.4), it does not explicitly ask companies to disclose their identification methods. However, the Conflict-Free Gold Standard requires companies to identify conflict-affected and high-risk areas using internationally-recognised guidance. As such, the methodology for identifying high-risk operations is implicit through conformance with the Conflict-Free Gold Standard. The Gold Supplement asks for a number of additional disclosures, specifically (p.45): • <i>The steps taken to map the factual circumstances of high-risk operations.</i> • <i>The methodology, practices and information yielded by on-the-ground assessment teams in high-risk operations, including how the company collaborated with other upstream companies.</i>	See summary row above.
3. Risk management (p.45)	The Conflict-Free Gold Standard’s disclosure requirements are <u>aligned with</u> those of the Gold Supplement relating to “<i>Risk management</i>” in the following areas (the Gold Supplement requirements are shown in italics): • <i>The efforts made by the company to monitor and track performance for risk mitigation and results of follow-up after six months to evaluate improvement</i> • <i>The steps taken to manage risk, including a summary of the strategy for risk mitigation</i> – The Conflict-Free Gold Report produced under the Conflict-Free Gold Standard should include “a summary disclosure of activities underway to achieve conformance at any operation where there is a Deviation from Conformance at the time of disclosure” (p.4). The Gold Supplement asks for a number of additional disclosures, specifically (p.45 – 46): • <i>How internal control systems, such as chain of custody or traceability systems, have been strengthened to collect and maintain information.</i> • <i>The number of instances where the company has decided to disengage with suppliers and/or supply chains.</i>	See summary row above.

Where the Conflict-Free Gold Standard goes further

Table 2 below is prepared on an exception basis, showing key requirements in the Conflict-Free Gold Standard not fully covered in the Gold Supplement. This analysis is provided to inform implementing companies of the areas where by implementing the Conflict-Free Gold Standard they will go further than the guidance contained in the Gold Supplement.

TABLE 2:

Conflict-Free Gold Standard requirement	Differences between the Conflict-Free Gold Standard and Gold Supplement
CONFORMANCE, PUBLIC DISCLOSURE AND EXTERNAL ASSURANCE	
5. Responsibilities of Assurance Providers (p.5)	Companies implementing the Conflict-Free Gold Standard are required to produce a Conflict-Free Gold Report to provide a management conclusion on the company's overall conformance on a site-by-site basis (p.4). External assurance is required on this report, with the assurance provider issuing an independent assurance report covering a 12-month period (p.5). However, under the Gold Supplement, mining companies are asked to report on their practices, but are not subject to an external audit. Refiners are the only party in the gold supply chain who are suggested to be independently audited under the Gold Supplement (p.41). In addition, as highlighted in Section 2 above, the Due Diligence Guidance, and by extension the Gold Supplement, do not mandate external assurance of conformance in the same manner as required by the Conflict-Free Gold Standard.
PART A: CONFLICT ASSESSMENT	
2. Recognition of Conflict (p.14)	The Conflict-Free Gold Standard offers more detailed requirements on identifying whether a gold producer mines or transports gold in a conflict-affected or high-risk area. In addition to setting out which reference sources to consult, it specifies that companies should primarily use the Conflict Barometer produced by the Heidelberg Institute for International Conflict Research to assess whether an area should be considered conflict-affected or high-risk (p.14). In comparison, the Gold Supplement lists broader sources of information, including “research reports from governments, international organisations, NGOs and media, industry literature relating to mineral extraction, or other public statements” (p.19). As a result, it does not provide as precise an indicator on what constitutes a conflict-affected or high-risk area. The clearer requirements of the Conflict-Free Gold Standard highlight its practicality; it sets a firmer benchmark on whether a region is to be considered conflict-affected or high-risk. The Conflict-Free Gold Standard states that companies should regularly monitor international sanctions (p.13) and whether an area is “conflict-affected or high risk” (p.15) in line with the UN Guiding Principles on Business and Human Rights. It also states that formal assessments should be undertaken at least annually, recognising the continuous shifting of political situations. By contrast, the Gold Supplement does not specify how often a country's situation should be reviewed. The Conflict-Free Gold Standard provides guidance regarding what companies should do in the event of any uncertainty arising on the classification of an area, and asks companies to share the reasons for their decisions with their assurance provider (p.15).

Conflict-Free Gold Standard requirement	Differences between the Conflict-Free Gold Standard and Gold Supplement
PART B: COMPANY ASSESSMENT	
1. Commitment to Human Rights (p.18)	The Conflict-Free Gold Standard is more strongly aligned to the Voluntary Principles on Security and Human Rights (VPs). It requires implementation of the VPs, or systems consistent with the VPs, as part of the commitment to human rights (p.18). The Conflict-Free Gold Standard thus provides clearer guidance as to what company conformance entails with regards to its commitment to human rights. In comparison, the Gold Supplement only references the VPs with regards to the training and screening of security personnel (p.23).
2. Corporate Activities (p.19)	The Conflict-Free Gold Standard offers clearer and more detailed guidance regarding the standards of practices which mining companies should adhere to achieve conformance. For example, the Conflict-Free Gold Standard specifically uses the occurrence of formal proceedings or investigations and credible allegations of human rights abuses as an indicator of how well a mining company respects human rights (p.20). The Gold Supplement does not make such detailed reference to allegations of breaches of human rights of mining companies, asking more broadly for evidence of serious abuses at mining sites (p.23) without setting specifics as to what this might entail.
3. Security (p.29)	The Conflict-Free Gold Standard provides more specific guidance with regards to mine security than the Gold Supplement, describing different requirements for private and public security providers, and providing clear guidance as to what constitutes conformance with the Conflict-Free Gold Standard (p.21). This is based on whether security providers have “been found responsible, convicted or credibly implicated in the previous two years of committing or aiding or abetting serious human rights abuses or breaches of international humanitarian law”. Whilst the Gold Supplement asks companies to obtain information in similar areas (p.23), it does not set criteria in as clear a manner as the Conflict-Free Gold Standard.
5. Engagement, Complaints and Grievances (p.34)	The Conflict-Free Gold Standard places greater emphasis on proactive stakeholder engagement on the part of mining companies (p.25). It asks companies to implement a ‘whistle-blower’ programme and to identify and “[engage] regularly with local stakeholders...and [maintain] a grievance process through which those affected by the mine’s operations can raise concerns”. Although the Gold Supplement also asks companies to implement a whistle-blowing programme (p.15), this is meant to function as an “early-warning risk mechanism”. The Gold Supplement does not explicitly ask companies to implement a stakeholder identification process. The Conflict-Free Gold Standard uses the UN Guiding Principles as a reference point (p.25), offering clearer guidance regarding what engagement efforts should achieve and what constitutes conformance. In comparison, the Gold Supplement asks mining companies to “establish or support the creation, where appropriate, of community-monitoring networks and/or multi-stakeholder information units” (p.22), with minimal detail as to what these should comprise or achieve. The Conflict-Free Gold Standard further emphasises that companies should engage with marginalised groups such as women, young people and indigenous peoples. Taken together, the requirements included in the Conflict-Free Gold Standard are more demanding and significantly more practical to implement than those in the Gold Supplement.



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