MAENDELEO DIAMOND STANDARDS

MANUAL FOR ARTISANAL AND SMALL-SCALE DIAMOND MINING
Published by
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April 2019

The Maendeleo Diamond Standards™ have been developed for use in any country with artisanal alluvial diamond production. Special protocols and annexes specific to individual countries will be available as additions to the generic document.

This manual is a living document that will be updated as needed in line with the evolving context on the ground of artisanal mining.

DDI invites readers and users to share comments. For questions, comments or suggestions, please write to: info@ddiglobal.org

1 “Maendeleo Diamonds” and “Maendeleo Diamond Standards™” are registered trademarks of the Diamond Development Initiative and refer only to rough diamonds that have been certified by DDI as meeting the standards described in this manual. The names may not be used to describe diamonds after they have been purchased, traded, sold or processed through the diamond pipeline without the express agreement of DDI. DDI will consider proposals for auditable chain-of-custody arrangements with buyers who do wish to carry the name through to retail. For more information, please contact: info@ddiglobal.org
FOREWORD

This manual describes the Maendeleo Diamond Standards™ (MDS) and the MDS Certification System. Since the initiation of the Kimberley Process Certification Scheme (KPCS) in 2003, a plethora of systems, protocols and guidance documents have been developed for diamonds, coloured stones and precious minerals. Until now, however, there has been no a comprehensive approach to artisanal diamond mining, not least because of the complexity, informality and opacity of the sector.

The artisanal diamond fields of Africa and the conflict diamonds they produced were at the epicentre of several of the worst conflicts in recent memory. And while better regulation and improved diligence are part of a preventive response to conflict, they are not enough. For the average artisanal diamond miner, little has changed in twenty years.

Maendeleo is a Swahili word meaning development and progress. The MDS Certification System is more than a set of rules, therefore; it is a unique effort to support artisanal diamond miners and their communities, and to ensure their inclusion in a broader system of responsible supply chains. The idea is not just better prices for artisanally mined diamonds, but a system of legalized mining operations that respect human rights, health and safety, and support environmental sustainability.

The Standards are an outcome of several pilot efforts in recent years, developed and managed by the Diamond Development Initiative and its partners, mainly in Sierra Leone. This Manual and its companion documents are, however, generic—in the sense that with country-specific addenda, this document can be used in most countries where diamonds are mined artisanally.

The Diamond Development Initiative looks forward to expanding the MDS Certification System, and to working with governments, civil society, industry, miners and their communities as we learn to apply and make the Maendeleo Diamond Standards more effective.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreword</td>
<td>5</td>
</tr>
<tr>
<td>About the Diamond Development Initiative</td>
<td>9</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>11</td>
</tr>
<tr>
<td>Executive Summary</td>
<td>13</td>
</tr>
<tr>
<td>About This Manual</td>
<td>15</td>
</tr>
<tr>
<td>Part A: Certified Artisanally Mined Diamonds</td>
<td>17</td>
</tr>
<tr>
<td>Introduction</td>
<td>18</td>
</tr>
<tr>
<td>Making the Case for Certified Artisanally Mined Diamonds</td>
<td>18</td>
</tr>
<tr>
<td>Harnessing the Development Potential of Artisanally Mined Diamonds</td>
<td>19</td>
</tr>
<tr>
<td>Who Benefits from Certification?</td>
<td>20</td>
</tr>
<tr>
<td>Maendeleo Diamonds Defined</td>
<td>20</td>
</tr>
<tr>
<td>How It Works: Maendeleo Diamond Standards Certification System</td>
<td>21</td>
</tr>
<tr>
<td>The Steps to Certification</td>
<td>24</td>
</tr>
<tr>
<td>Commercialization of Maendeleo Diamonds</td>
<td>26</td>
</tr>
<tr>
<td>Part B: The Maendeleo Diamond Standards</td>
<td>28</td>
</tr>
<tr>
<td>Summary Charter</td>
<td>30</td>
</tr>
<tr>
<td>The MDS Certification System: Three Necessary Prerequisites</td>
<td>32</td>
</tr>
<tr>
<td>Eligibility</td>
<td>33</td>
</tr>
<tr>
<td>Defining the Principles of the Maendeleo Diamond Standards and Related Provisions</td>
<td>33</td>
</tr>
<tr>
<td>1. Legality</td>
<td>35</td>
</tr>
<tr>
<td>2. Consent and Community Engagement</td>
<td>40</td>
</tr>
<tr>
<td>3. Human and Worker’s Rights</td>
<td>47</td>
</tr>
<tr>
<td>4. Health and Safety at the Mining Site</td>
<td>57</td>
</tr>
<tr>
<td>5. Violence-Free Operations</td>
<td>66</td>
</tr>
<tr>
<td>6. Environmental Management</td>
<td>73</td>
</tr>
<tr>
<td>7. Interactions with Large-Scale Mining (Where Applicable)</td>
<td>83</td>
</tr>
<tr>
<td>8. Site Closure</td>
<td>87</td>
</tr>
<tr>
<td>Annex</td>
<td>93</td>
</tr>
<tr>
<td>Annex A: Glossary of Terms</td>
<td>94</td>
</tr>
<tr>
<td>Indicative Words and Interpretations</td>
<td>104</td>
</tr>
<tr>
<td>Annex B: International Standards, Guidelines and Other Sources Consulted</td>
<td>105</td>
</tr>
</tbody>
</table>
ABOUT THE DIAMOND DEVELOPMENT INITIATIVE

Established in 2007 to parallel the Kimberley Process, the Diamond Development Initiative (DDI) is a registered non-profit organization governed by an international Board of Directors that includes representatives from industry, academia and civil society. The organization is a member of the Kimberley Process Certification Scheme (KPCS) with independent observer status that since its inception, has collaborated with industry, governments and non-governmental organizations in African and South American countries with alluvial artisanal and small-scale diamond production.

DDI works for a world in which artisanal and small-scale miners have access to the opportunities, information and tools they need to work with dignity in flourishing, self-sustaining communities, as valued actors in the formal economy and as contributors to their country’s development. Towards this end, DDI boosts sustainable community development through bottom-up approaches bringing governments, private sector and civil society together, to address the human development challenges of the artisanal and small scale diamond mining (ASDM) sector to effect systematic socioeconomic change.

Having received practical and material support from a cross-section of academia, private sector, governmental; multilateral and bilateral development organizations, DDI helps transform ASDM communities through innovative programs and by championing diverse multi-stakeholder partnerships between the above listed actors, and artisanal miners. The effort complements regulatory efforts by promoting good governance and fostering the integration of development solutions favouring positive socioeconomic outcomes for: miners; their communities; and the ASDM sector as a whole, while improving responsible sourcing in jewellery supply chains.

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2 DDI International is registered in the United States as a non-profit 501 (c) 3 public charity (EIN/tax ID# 51-0616171). DDI Canada, an affiliate of DDI International, is registered in Canada as a non-profit charitable organization, Registration #84188 3606 RR0001.
ACKNOWLEDGEMENTS

The editing support for this document was provided by Raynold Wonder Alorse, Dr. Kate McGuinness, Caitlin Sievert and the DDI Board of Directors. The Maendeleo Diamond Standards owes their development to the contributions of staff, friends and partners. DDI is grateful for all the support so generously volunteered in this regard and expresses its heartfelt appreciation for all the suggestions, comments and guidance without which realisation of this worthy initiative would not have been possible.
EXECUTIVE SUMMARY

The Maendeleo Diamond Standards (MDS)³ establish responsible production protocols that are adapted to the specific conditions of the artisanal and small-scale diamond mining (ASDM) sector. These Standards provide for a transparent certification system designed to build a bridge between the diamond sector and responsible supply chains. They are intended to help artisanal, small-scale diamond miners find new markets for their product, and to give the diamond market access to responsibly sourced artisanal diamonds— with inbuilt integrity and traceability.

The MDS Standards system address the mode of production and socio-economic context of the ASDM sector in Kimberley Process compliant countries, but goes well beyond this to encompass associated human rights issues. The standards align with international instruments, including the Universal Declaration of Human Rights, the International Labour Organization (ILO) conventions on labour rights and the Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the Responsible Jewelry Council Code of Practices. They are voluntary, practical and cost-effective. The MDS Standards have been developed in consultation with artisanal and small-scale diamond miners who are committed to improving their own practices, increasing their family livelihoods and benefitting the communities to which they belong.

The MDS comprise eight Principles⁴ covering legality, consent and community engagement, human and worker’s rights, health and safety, violence-free operations, environmental management, interactions with large-scale mining and site closure (see Fig.1 below). Each Principle consists of a related series of Provisions defined by measurable requirements, concrete performance criteria and a list of acceptable audit evidence. The Principles are tailored to local conditions in the form of provisions relevant for each location and certification cycle.

The certification system is implemented on a modular basis to best reflect realities on the ground. Certification is valid for a six-month period and must be regularly renewed. To receive certification, miners at eligible mining sites must fulfill the provisions applicable to their location and the type of mining operations they undertake. Evidence of compliance must be verified by independent third-party auditors. Provisions are identified for each certification cycle. Compliance is a progressive achievement that builds on gains consolidated in the previous certification cycle.

³ Maendeleo Diamonds™ and "Maendeleo Diamond Standards"® are registered trademarks of DDI. The terms ‘MDS system’ and ‘MDS Certification system’ are referenced throughout the manual. The Maendeleo Diamond Standards (MDS) USE a non-linear systems approach, focussing on interrelationships between parts that form the whole. The MDS is a system comprising many parts, referred to in the manual as ‘principles’ or ‘pillars’. None of these stands in isolation; all interact to improve the whole. For more on systems thinking, please see: Williams and Hummelbrunner (2011). Systems Concepts in Action: A Practitioner’s Toolkit. Stanford, Calif: Stanford Business Books.

⁴ ‘Principles’ and ‘Pillars’ are interchangeable in the context of the MDS system and/or MDS certification system.
The Maendeleo Diamond Standards aim to unlock the development potential of ASDM through a pragmatic certification process that enables progressive improvement over time (see Fig.1 illustrating the MDS Certification cycle).

![Diagram of MDS Certification cycle]

1. LEGALITY
2. CONSENT & COMMUNITY ENGAGEMENT
3. HUMAN & WORKERS RIGHTS
4. HEALTH & SAFETY ON SITE
5. NON-VIOLENCE
6. ENVIRONMENTAL MANAGEMENT
7. INTERACTION WITH LARGE-SCALE MINING
8. SITE CLOSURE

Measurable Requirements
+ Performance Criteria
+ Acceptable Audit

FIGURE 1
ABOUT THIS MANUAL

This manual is organized in two parts – Parts A and B, see Fig 2 below. It also provides an annex for Glossary of Terms (Annex A) and a list of resources consulted (Annex B).

<table>
<thead>
<tr>
<th>PART A</th>
<th>PART B</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ MAKES THE CASE FOR CERTIFIED ARTISANALLY MINED DIAMONDS BY FOCUSING</td>
<td>▪ FOCUSSING ON THE EIGHT PRINCIPLES AND A SERIES OF RELATED PROVISIONS</td>
</tr>
<tr>
<td>THE UNTAPPED DEVELOPMENT POTENTIALS OF THE ARTISANAL AND SMALL-SCALE</td>
<td>THAT COMPROMISE MAENDELEO DIAMOND STANDARDS (MDS), WHICH SERVE TO</td>
</tr>
<tr>
<td>DIAMOND MINING (ASDM) SECTOR.</td>
<td>ASSURE THE MDS CERTIFICATION SYSTEM.</td>
</tr>
<tr>
<td>▪ EXPLAINS HOW THE MAENDELEO DIAMOND STANDARDS CERTIFICATION SYSTEM</td>
<td>▪ PROVIDES DEFINITIONS AND BRIEF EXPLANATIONS OF EACH PRINCIPLE,</td>
</tr>
<tr>
<td>WORKS, INCLUDING REFERENCE TO KEY ENTITIES LINKED TO IT.</td>
<td>INCLUDING REFERENCING OF OTHER RELEVANT STANDARDS TO WHICH</td>
</tr>
<tr>
<td></td>
<td>THERE IS ALIGNMENT.</td>
</tr>
<tr>
<td></td>
<td>▪ THIS IS FOLLOWED BY A DETAILED OVERVIEW OF THE SPECIFIC PROVISIONS</td>
</tr>
<tr>
<td></td>
<td>THAT ACCOMPANY EACH PRINCIPLE, ALONG WITH RELEVANT PERFORMANCE</td>
</tr>
<tr>
<td></td>
<td>CRITERIA AND ACCEPTABLE AUDIT EVIDENCE.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ANNEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ PROVIDES A FULL GLOSSARY OF TERMS AT THE END OF MANUAL.</td>
</tr>
<tr>
<td>▪ PROVIDES A LIST OF RESOURCES CONSULTED IN THE FORMULATIONS OF MDS.</td>
</tr>
</tbody>
</table>

FIGURE 2
PART A: CERTIFIED ARTISANALLY MINED DIAMONDS
INTRODUCTION

Today’s consumers want to know that the goods they buy are produced responsibly. This is particularly true in relation to diamonds. Controversy over conflict or blood diamonds and reports on human rights abuses in diamond mining areas have raised consumer awareness to new levels. Companies have reacted by developing responsible sourcing protocols to improve consumer confidence in their products and to support more sustainable development.

Responsible sourcing protocols in the diamond industry are generally designed for large-scale, concessionaires and other entities that operate in a formalized manner. These Industrial-level standards and protocols are not conceived bearing in mind the context-specific artisanal and small-scale diamond-mining sector.

The MDS address this challenge by championing a transparent certification system tailored to ASDM miners. These Standards complement existing protocols by extending and adapting them to the needs of miners and their local conditions. Notably, the Maendeleo Diamond Standards are also designed to build a bridge between this sector and responsible supply chains. As a result, ASDM miners will have access to new markets for the diamonds they produce, and the world diamond market gains access to a supply of responsibly sourced artisanally mined diamonds.

The MDS incorporates lessons learned from pilot projects in Kono District of Sierra Leone, home to a large concentration of artisanal diamond miners. The Maendeleo Diamond Standards have been carefully formulated over several years, with input from these miners, industry experts and government mining officials. The Standards have been written, however, for application in any country hosting artisanal alluvial diamond production. Additional country-specific protocols will be developed as annexes to future versions of the MDS.

MAKING THE CASE FOR CERTIFIED ARTISANALLY MINED DIAMONDS

Artisanal and small-scale diamond mining produces up to 20% of the world’s rough diamond supplies on an annual basis. It is an important driver of local employment and income generation in diamond-rich regions around the world, notably in the countries producing artisanally mined alluvial diamonds. Leveraging this potential can have a significant development impact.

Although diamonds are a source of great wealth for some and diamond jewellery may require great wealth to purchase, most artisanal diamond miners live in abject poverty. Without investment and dedicated effort, the artisanal diamond-mining sector will continue to fall short

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5 World Bank (2013). Artisanal and small-scale mining
of its potential to improve the lives of artisanal and small-scale diamond miners, and contribute
to the development of the communities to which they belong.

The MDS address the mode of production and socio-economic context of the ASDM sector. The
MDS certification system includes measurable minimum requirements and concrete
performance criteria that simultaneously help in applying oversight to this sector, and improving
the conditions in which artisanal and small-scale diamond mining takes place.

HARNESSING THE DEVELOPMENT POTENTIAL OF ARTISANALLY MINED DIAMONDS

Certification is based on meeting a set of mandatory legal, socio-economic and environmental
requirements designed to establish better and more productive mining operations in order to
transform artisanal and small-scale mining, and help create positive, measurable impacts in
mining communities. These requirements are adapted to local conditions in the form of specific
provisions defined on a location basis (e.g. a specific zone in a country). Provisions are also
identified for each certification cycle, building on gains consolidated in the previous cycle.
Compliance with the Maendeleo Diamond Standards is therefore a progressive achievement that
reflects realities on the ground. This pragmatic approach enables a positive process of
improvement over time.

Certification relies on third-party verification by independent auditors. The certification system
assured by the Maendeleo Diamond Standards helps to formalize the ASDM sector through
better mining practices and professionalized operations. It also contributes to ensuring the
traceability of artisanally mined rough diamonds from site to the first buyer.

The Maendeleo Diamond Standards system includes a due diligence program for buyers, which
covers Know Your Customer (KYC), Anti-Money Laundering (AML), and traceability. Where a
commercial entity intends to use the Maendeleo Diamonds label, a segregation policy, and
procedures that enable the maintenance of the integrity of certified artisanally mined diamonds
from miners to consumers are also included.

Overall, better oversight of this sector through clear and transparent Standards, a reliable
certification system and integrating artisanally mined diamonds into responsible supply chains
can boost access to new markets for artisanal and small-scale miners - thereby increasing their
earning power- and help ensure sustainable development through the payment of fair prices by
buyers. Through a credible certification system specifically tailored to the needs of ASDM miners,
mining operations can become true engines of sustainable development and contribute to
resilience within communities. This potential is reflected in the strong uptake for such a process
among miners themselves, who can more effectively benefit from the diamonds they produce
through improved working conditions, increased production capacities and implementation of
best practices.
WHO BENEFITS FROM CERTIFICATION?

Certification benefits several stakeholders in the ASDM sector, including miners, government, industry stakeholders, and consumers.

- **Miners** seeking to optimize artisanally mined alluvial diamond production and improve the socio-economic conditions of their own families and communities.
- **Governments** seeking to better regulate and make progress on transforming the artisanal and small-scale diamond mining sector in their country.
- **Industry members** seeking to diversify diamond sourcing to include certified artisanally mined diamonds from responsible supply chains.
- **Consumers** seeking to purchase responsibly mined and sourced diamond jewellery.

MAENDELEO DIAMONDS DEFINED

Maendeleo Diamonds are artisanally mined in conflict-free zones and produced safely in consenting and engaged communities through violence-free operations with respect for human and worker rights using practices that promote environmental responsibility.

*The term Maendeleo* is a Swahili word meaning “development”. It also connotes the ideas of improvement and advancement. Maendeleo Diamonds come with an assurance for diamond buyers and consumers alike. They contribute to sustainable development, improve livelihoods in mining communities and support responsible mining practices at artisanal and small-scale diamond mines.
HOW IT WORKS: MAENDELEO DIAMOND STANDARDS CERTIFICATION SYSTEM

Eligibility for Participation

To take part in the MDS Certification process, ASDM sites must:

- Be located in zones or countries that are compliant with the Kimberley Process Certification Scheme (KPCS);
- Be free from government-led and non-state actor violence and abuses;
- Not be undertaken in any protected or conservation areas;
- Be licensed or be in the process of being licensed and able to provide evidence to this effect.

Key Terms

- **Conflict-free zones** are areas in compliance with the Kimberley Process Certification Scheme that are free of armed and/or physical conflict or violence. In alignment with the OECD definition of Conflict-affected and high-risk areas⁴, this includes violence generated by criminal networks, or other risks of serious and widespread harm to people, extra-legal actions on the part of state or non-state actors resulting in violence, forced labour, the worst forms of child labour and violations of international humanitarian law.
- **Safely** means mining operations and related activities that do not endanger the health and well-being of miners and their communities.
- **Consenting and engaged communities** means that free, prior, informed and ongoing consent for mining operations is provided by communities throughout the mining process.
- **Violence-free operations** means that miners can operate without fear of physical or mental harm.
- **Respect for human and worker rights** means mining operations and related activities that are consistent with the basic rights and freedoms of workers, including the payment of legislated minimum wages.
- **Promote environmental responsibility** means encouraging and facilitating work practices that minimize the environmental impact of artisanal and small-scale diamond mining.
- **Child Labour** refers to employment of anyone under the age of 15 - in alignment with ILO convention 138 (concerning minimum age)¹⁵ - and “work that deprives children of their childhood, their potential, their dignity and that is harmful to their physical and mental development,” including work that is mentally, physically, socially or morally dangerous and harmful¹⁵
- **Fair pricing** means a price that has been mutually agreed through dialogue and participation, provides a fair return to miners and can be sustained by the market.¹⁵
Voluntary Nature of Participation

MDS certification system is entirely voluntary. It depends on the buy-in and ownership of ASDM miners. The MDS certification system is designed so that ASDM site operators and miners can participate without incurring prohibitive participation and auditing costs. Importantly, the MDS certification system aims to support eligible mining sites to progressively improve their operations over time. The chart below (fig.2 in Executive Summary), covers the complete set of documents related to the MDS Certification System and operational documents for its implementation.

Certification Validity Period

To receive certification, eligible mining sites must fulfill specific provisions applicable to their location and certification cycle. Certification is valid for a six-month period, which is also defined as the “certification cycle”. Certification must be renewed on a regular basis.

![Diagram of the MDS Certification System](image)

**FIGURE 3**

**NOTE:** No DDI representatives or independent third-party auditors are directly engaged in commercial transactions throughout the MDS certification system nor do they benefit from any financial gains through certified artisanally mined diamonds or Maendeleo Diamonds.
The Role of Government

Government support for the MDS Certification process is important at national and local levels where licenses and approvals are required, but it can also be important in a broader development sense. The MDS Certification system aims to turn dysfunctional and sometimes illegal activities into undertakings that offer safe and fair livelihoods for citizens and their communities. In that sense it warrants serious moral and practical encouragement from governments.

Key Terms

The certifiable entity

The main unit of application for the Maendeleo Diamond Standards and related Provisions is the ASDM site as defined by the mining licence.

Related entities:

- For the purposes of this manual, listed below are a generic list of roles and responsibilities common to ASDM sites. The list is based on the Sierra Leone experience and should not be considered exhaustive; it may vary according to location and country-specific contexts
  - The SITE OPERATOR is the main accountable actor and point of contact in the MDS certification system. The site operator has the consent of the licence holder and may in some cases be the same person.
  - The LICENCE HOLDER is the person(s) with exclusive rights, issued through a licence by a government agency, to mine a specific site.
  - MINERS is an all-encompassing term for workers at artisanal and small-scale diamond mining sites, including diggers, gravel transporters, washers, group heads, title holders, land owners and other actors with similar responsibilities. This term also includes transient, migrant and temporary workers at the site.
- The AUDITOR is an independent, locally based organization contracted by DDI to conduct site assessments and audits to ensure that the mining site conforms to the specific provisions applicable to that location and certification cycle.

See Annex A for a full Glossary of Terms.
THE STEPS TO CERTIFICATION

The MDS certification system consists of five steps (see overview chart below), starting with pre-assessment of mine sites and ending with the sale of certified artisanally mined diamonds through the MDS transaction chain.

![Diagram of Steps to MDS Certification]

**FIGURE 5**

**Step 1 - Enrolment**

An ASDM site commits to participating in the MDS certification system by signing a Memorandum of Understanding (MOU) between the site operator and DDI. In cases where the site operator is not the licence holder, an addendum to the MOU is signed between the licence holder and DDI.

**Step 2 – Training**

ASDM miners and site operators receive training on a range of topics allowing ASDM miners and site operators to meet context specific provisions towards obtaining MDS certification. Tailored to be context specific, collective training sessions are held in local communities with subject matter comprising inter alia: ethical diamond production; mining techniques; environmental management; health and safety; planning processes; and assessment tools.

**Step 3 – Implementation of Standards and Ongoing Support**

Once training is completed, ASDM miners and site operators begin implementation of the provisions relevant to their location. To facilitate compliance, miners and site operators have access to additional on-site training, monitoring and mentoring to support ongoing implementation.
Step 4 – Site Audit Process

Participating mining operations are independently verified by a third-party auditor to ensure that their operations are consistent with the specific provisions applicable to their location and to their particular certification cycle. Mining operations may be audited up to three times per certification cycle. This is the six-month period that certification remains valid (also see Step 5 below). During the certification cycle, site visits are random and not announced, thus offering greater assurance that compliance is genuine.

Locally based organizations with proven expertise are contracted to perform site audits. These organizations must be familiar with the local communities and conditions where ASDM occurs, in addition to ensuring compliance with specific provisions. Moreover, auditors are required to have relevant monitoring and evaluation experience which may be complemented with a specialisation in one of the eight MDS principle areas. All auditors undergo extensive training in the MDS certification system. In addition, they are equipped with a detailed assessment handbook and suggested audit questionnaire that they can adapt for greater applicability to local conditions.

Step 5 – Certification

Following completion of the site audit process, ASDM operations that are found to comply with the provisions applicable to their location and to their particular certification cycle, receive certification. The MDS certification system generates two types of certificate:

- **Mining Operation Certificate:** Mining Operation Certificates are valid for and must be renewed on a six-month basis, beginning from the date of issue. This reflects the progressive improvements that the MDS certification system aims to achieve. This certificate includes the geographic location of the mining site, the date of audits, the name of the site operator and other relevant information, including a list of the provisions against which the site was audited. The site certificate is issued to the site operator. It must be produced upon request for inspection by interested parties. Copies of certificates are held by DDI.

- **Certificate of Assurance:** The Certificate of Assurance warranties that diamonds produced at certified mining operations have been mined in accordance with

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6 The Diamond Development Initiative recognizes that diamonds continue to be used for money laundering, tax evasion and organized crime. However, it is beyond the scope of practice for artisanal and small-scale diamond mining site operators or miners to ensure that their diamonds are not used for these purposes following their entry into the legitimate market.
Maendeleo Diamond Standards at known and traceable ASDM sites, including a list of the provisions against which the ASDM site was evaluated and audited (see site certificate above). The Certificate of Assurance accompanies each parcel of diamonds produced at an MDS certified mining site throughout the supply chain to ensure traceability. Copies of all certificates are held by DDI.

Any change to the mining operations at an MDS certified site triggers a certification review. Changes are tracked in two primary ways: through verification assessments from the independent third-party auditors; and through multi-layered monitoring structures, which include ASDM site visits by DDI representatives and community-based monitoring conducted through local administrative structures. In addition, ASDM site operators can request a certification review by contacting a designated DDI representative.

COMMERCIALIZATION OF MAENDELEO DIAMONDS

MDS diamonds may be sold through responsible supply chains in both the local and global diamond trading pipelines. Buyers interested in participating in the MDS certification system must apply stringent due diligence procedures and fulfill the following criteria:

- **Complete the Maendeleo Diamond Buyer Questionnaire (MDBQ)**
  - The questionnaire collects key information that enables DDI to conduct an adequate due diligence review and evaluation of prospective buyers. The MDBQ covers basic business information, operational scope, information about relevant internal policies (ethical sourcing, conflict minerals, know your customer (KYC) requirements, anti-money laundering (AML) and other industry-leading practices and legal requirements), participation in other verification schemes, compliance with the Kimberley Process and the World Diamond Council System of Warranties.

- **Sign a Memorandum of Understanding with DDI**
  - Approved buyers sign a Memorandum of Understanding with DDI which entitles them to use the MDS certification mark.

- **Buyers wishing to retain the MDS label beyond export must enter into an agreement with DDI and demonstrate capacity to apply diamond traceability through an auditable chain of custody replete with segregation policy and procedure(s)**
  - DDII’s traceability and segregation policy for buyers wishing to keep the Maendeleo Diamonds label, helps preserve the validity of the authenticity of Maendeleo Diamonds. It provides business to business and end customers with...
verification that the diamond products they purchase have been responsibly sourced as part of the MDS system. This is a traceable chain of custody that maintains the integrity of Maendeleo Diamonds from the miner to the consumer.
PART B: THE MAENDELEO DIAMOND STANDARDS
This section of the manual sets out the three necessary prerequisites to be eligible for Maendeleo Diamonds Standards (MDS) certification. It also provides a detailed overview of the Maendeleo Diamond Standards and their related Provisions (see fig. 1 below from Executive Summary).

The Maendeleo Diamond Standards are composed of eight specific principles covering legality, consent & community engagement, human and worker’s rights, health & safety, violence-free operations, environmental management, interactions with large-scale mining and site closure.

Each of these Principles or Pillars consists of a related series of primary Provisions. These are defined by measurable minimum requirements and specific performance criteria. Each primary Provision is accompanied by a list of acceptable audit evidence. In addition to these, each Principle also contains Supplemental Benchmark Provisions. These are to measure the ongoing evolution of ASDM site operations and encourage a progressive and expanding, voluntary commitment to increasing socio-economic and environmental standards, above and beyond the
minimum obligations. The Supplemental Benchmark Provisions - identical to the primary Provisions - are defined by progress requirements linked to specific performance criteria and acceptable audit evidence.

Implementation of the Maendeleo Diamond Standards system is designed as a modular approach adapted to and reflective of local conditions. In order to obtain MDS certification, it is mandatory for eligible mining sites to fulfill basic minimum requirements relevant to that particular mining site. It is also necessary to produce evidence of having done so.

These basic provisions can be a mix of mandatory minimum requirements and related supplemental benchmark progress requirements, as appropriate to context. This flexible modular approach enables progressive improvement of operations over time, and measurable impact data that can track concrete changes in ASDM practices.

NOTE: Not all Principles and Provisions may apply equally to each ASDM site seeking or having obtained MDS certification. The particular principle and associated provisions applicable may vary as per the type of operation undertaken and the location of the diamond mining site in question. For example, Principle 7 only applies to ASDM operations located in close proximity to large-scale mining sites. The provisions determined for one location may also vary in relation to those of other countries, depending on local context. A mining site that has already been through a certification cycle is subject to fulfilling a different and broader set of provisions than a site that is new to the MDS certification system. Certification status may be maintained when all relevant provisions have been met.

SUMMARY CHARTER

Principle 1: Legality

- Intended to reiterate the status of the Maendeleo Diamond Standards as a voluntary certification system that does not aim to supersede or replace national laws or legal frameworks. Where the laws and regulations or their enforcement create a comparatively lower threshold, the site operator(s) shall actively aspire to the higher, voluntary Provisions of the Standards.
  - Minimum Requirements: designed to formalize the ASDM sector by ensuring legal compliance and traceability for the diamonds mined at artisanal and small-scale mining sites.
  - Progress Requirement: seeks to encourage site operator(s) participation in government programs and initiatives to formalize artisanal mining processes over the medium and long term.
**Principle 2: Consent and Community Engagement**
- Helps ensure that communities are involved in discussions and negotiations around the potential benefits (e.g. economic growth and employment opportunities) and known impacts (e.g. environmental and loss of economic resources with mine closure) of such projects.
  - Minimum Requirements: designed to facilitate the building of positive, mutually beneficial relationships and understanding between the site operator(s) and the local communities affected by or located in areas where mining operations and related activities occur.
  - Progress Requirements: active involvement of the responsible mining parties in community development initiatives, beyond direct mining operations, over the medium and long term.

**Principle 3: Human and Worker’s Rights**
- Intended to help ensure that artisanal and small-scale diamond mining site operator(s) conduct their mining and related activities—over which they exercise control and influence—in a manner that is consistent with the basic rights and freedoms of their workers, and the individuals and communities involved in or affected by said mining operations.
  - Minimum Requirements: designed to establish the basic rights of individuals working at (or related to) mining sites at all times.
  - Progress Requirements: seek to develop rights-based approaches to mining operations over the medium and long term.

**Principle 4: Health and Safety at the Mining Site**
- Intended to minimize the risks to health and safety that are directly associated with ASDM operations and related activities.
  - Minimum Requirements: designed to achieve the most basic health and safety standards for miners.
  - Progress Requirements: aim to achieve higher levels of health and safety, including preventative planning, at mining sites over the medium and long term.

**Principle 5: Violence-Free Operations**
- Intended to promote violence-free mining operations.
  - Minimum Requirements: aim to ensure that everyone at an ASDM site can work without fear of physical or mental harm.
  - Progress Requirements: seek to foster artisanal and small-scale diamond mining (ASDM) as an endeavour that enhances violence prevention and conflict resolution over the medium and long term both at mining sites and in the community at large.
Principle 6: Environmental Management
- Intended to progressively diminish the potential for environmental degradation of the natural surroundings (including soil, water, air and biodiversity) in the communities where mining operations and related activities and/or their impact occur.
  - Minimum Requirements: adopt an approach focused on raising awareness and to build capacities for basic, preventative and remedial action that reduce negative impacts of ASDM sites and on the surrounding environment.
  - Progress Requirements: aim to facilitate greater responsibility with respect to environmental impact, along with enabling the gradual attainment of capacities for mitigation and remediation of environmental impacts.

Principle 7: Interactions with Large-Scale Mining (Where Applicable)
- Intended to improve the relationship between the ASM and LSM sectors.
  - Minimum Requirements: aim to equip artisanal and small-scale diamond miners and site operator(s) with the necessary guidance required to successfully navigate LSM-ASM relations.
  - Progress Requirements: seek to build constructive relationships based on greater transparency, mutual respect and nonviolent interactions between ASM and LSM operations over the medium to long term.

Principle 8: Site Closure
- Intended to address the role of the site operator(s) in social and economic planning for the cessation of mining operations and related activities and rehabilitation of the mining site.
  - Minimum Requirements: aim to reduce the geophysical impact of the mining site lifecycle, in particular at the time a mine closes.
  - Progress Requirements: seek to mitigate, in greater detail, the broader negative effects of site closures on mining communities, especially the social, economic and environmental effects associated with site closure.

THE MDS CERTIFICATION SYSTEM: THREE NECESSARY PREREQUISITES

Prerequisite 1. Membership in and compliance with the Kimberley Process Certification Scheme and free of conflict
- A zone or country’s membership in, and compliance with the Kimberley Process Certification Scheme (KPCS) is a necessary prerequisite for an ASDM site to be eligible for MDS participation. The KPCS encourages membership by all countries engaged in the rough diamond trade, and requires members to ensure official certification of all exported rough diamonds.
- Mining sites in countries that are not members of the Kimberley Process cannot be MDS certified.

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7 See: http://www.kimberleyprocess.com/
Prerequisite 2. Mining sites are located in areas free from human rights abuses and violence

- The MDS system is a mechanism through which ASDM sites can be integrated into global supply chains. Therefore, it is important that those sites be located in areas that are free from government and non-state actor-led human rights abuses and violence.

Prerequisite 3. Mining operations and related activities do not occur in any type of protected or conservation areas

- The MDS system aims to increase the environmental responsibility of the ASDM sector mining sites cannot, therefore be located on protected lands or in conservation areas. Mining sites operating in excluded or protected areas, for environmental, ecological or cultural reasons, are not eligible for MDS certification.

- These conditions are non-negotiable.

ELIGIBILITY

Eligibility to participate in the MDS certification system is assessed on the following five criteria for compliance with the Kimberley Process:\(^8\)

1. Site operator(s) shall not carry out diamond mining operations and related activities in areas of armed or violent conflict.
2. Site operator(s) shall not aid nor abet the preparation and/or perpetration of armed or violent conflict.
3. Mining operations and/or related activities shall not overlap with processes at or related to any sites located in conflict zones.
4. After a conflict, mining operations shall not be carried out on previously inhabited land that was seized or otherwise misappropriated.
5. Site operator(s) shall not do business or otherwise engage with any and all individuals, companies or entities subject to UN, US, UK, Canadian and/or EU sanctions or who appear on any government or international organization sponsored list of “special designated persons”, “politically exposed persons”, or those suspected of engaging in money laundering or terrorist financing.

These compliance criteria are non-negotiable.

DEFINING THE PRINCIPLES OF THE MAENDELEO DIAMOND STANDARDS AND RELATED PROVISIONS

Each Principle and its related Provisions are defined below. More specifically, this section covers the formal definition of each principle, provides a brief statement of intent or purpose, a general explanation of what the Provisions are designed to achieve through the minimum requirements, and what they aspire to achieve over time through the progress requirements. Relevant

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\(^8\) Eligibility is determined by the Diamond Development Initiative during pre-assessment site visits.
international standards, regulations and/or laws to which the Standard refers and is aligned are also indicated, along with an overview of the specific topics addressed by the minimum requirements.

**NOTE:** All documentation pertaining to a mining site, including documentation resulting from Provisions within the MDS Standards system and documentation related to acceptable audit evidence, must be held securely, be made readily available upon request, and be kept up to date for audit purposes. This note applies to all Standards and related Provisions without exception and as relevant for site audits.

**NOTE:** Unless otherwise specified, the terms “mining site”, “mining operations” and any other related terms refer to an artisanal and small-scale diamond mining site and related activities.
1. **LEGALITY**

**Definition**

For the purposes of the Maendeleo Diamond Standards, LEGALITY is defined as compliance with national laws in the countries where artisanal and small-scale diamond mining takes place. All eight Standards and their related Provisions are legally consistent with the national regulations in force.

The primary purpose of this principle is to establish the Maendeleo Diamond Standards as a voluntary certification system that does not aim to supersede or replace national laws or legal frameworks. Where the laws and regulations in force, or their enforcement, create a comparatively lower threshold, the site operator(s) should actively aspire to the higher, voluntary Provisions of the Standards.

The four (4) Provisions outlined under minimum requirements are mandatory and designed to formalize the ASDM sector by ensuring legal compliance and traceability for the diamonds mined at MDS certified mining sites. The Provision linked to the progress requirement seeks to encourage site operator(s) participation in government actions to formalize artisanal and small-scale diamond mining processes over the medium and long term.

The Legality principle is formulated in reference to national mining laws and regulations, and relevant international laws that a country has ratified. The Provision related to bribery and corruption refers to the United Nations Convention Against Corruption. It also refers to the principles of Know Your Customer (KYC) and Anti-Money Laundering (AML).

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9 As necessary, the Diamond Development Initiative can provide guidance on relevant national laws.
The Legality principle has four (4) mandatory minimum requirements. These include:

- Provision 1.1: Licensing of the site, ongoing compliance, and records of production
- Provision 1.2: Bribery and corruption
- Provision 1.3: Smuggling
- Provision 1.4: Traceability

**PROVISION 1.1: LICENSING OF THE SITE, ONGOING COMPLIANCE, AND RECORDS OF PRODUCTION**

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s), and/or, where applicable, license holder(s), land owner(s) or surface renter(s), shall be duly licensed and maintain compliance with the national mining regulations (including environmental regulations) in force for managing mining operations, as well as applicable national systems for records of production, sales records and any other diamond production tracking requirement.
- Agreements between land owners and license holders shall be duly concluded.

**PERFORMANCE CRITERIA**

- Holds a valid artisanal or small-scale diamond mining license or has evidence of application for licensing dated within six months of enrolment in the MDS certification system.
- Completed and submitted all other necessary documentation required by national regulations and policies in force.
- Identified the site operator(s), if different from the license holder(s).
- Completed an agreement between the license holder(s) and the site operator(s), if these are two different parties.
- Have a current record of all miners and other workers employed at the site, including transient, migrant, and temporary miners and workers (hereafter simply referred to as “miners” unless otherwise specified).
- Can produce copies of sales or transaction records at the time of audit.
- Ongoing operations at the mining site are consistent with documentary evidence submitted during the original license application.

**ACCEPTABLE AUDIT EVIDENCE**

- Site license or evidence of license application; e.g. payment receipt for application or other official documentation that indicates a license is in process.
- Completed government-issued documents and forms.
### PROVISION 1.2: BRIBERY AND CORRUPTION

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) and miners shall not be involved in and neither aid nor abet bribery and/or corruption.
- Site operator(s) and miners, and where applicable license holder(s), land owner(s) or surface renter(s), shall inform the relevant authorities (e.g. anti-corruption agencies) of incidents of bribe requests, corruption or similar illegality.

**PERFORMANCE CRITERIA**

- Site licenses and/or land usage rights have not been obtained through the use of direct or indirect offers or promises of bribes or other undue or improper advantages on the part of the site operator(s) and miners, and where applicable, license holder(s), land owner(s) or surface renter(s).
- Incidents of bribe requests, corruption or similar illegality are reported to the relevant authorities.

**ACCEPTABLE AUDIT EVIDENCE**

- There is no indication of bribery, corruption or similar illegality.
- Interviews with site operator(s), miners and/or community leaders and relevant agencies; e.g. anti-corruption agencies.

### PROVISION 1.3: SMUGGLING

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) and miners shall not participate in smuggling or similar illegality.
- Site operator(s) and miners shall inform the relevant authorities (e.g. law enforcement or anti-corruption agencies) of incidents of smuggling or similar illegality.

**PERFORMANCE CRITERIA**

- Miners do not participate in smuggling or similar illegality.
- Incidents of smuggling or similar illegality are reported to the relevant authorities.

**ACCEPTABLE AUDIT EVIDENCE**

- Site operator(s) and miners shall not participate in smuggling or similar illegality.
- Site operator(s) and miners shall inform the relevant authorities (e.g. law enforcement or anti-corruption agencies) of incidents of smuggling or similar illegality.
- There is no indication of smuggling or similar illegality
- Interviews with site operator(s), miners and/or community leaders and relevant agencies; e.g. law enforcement or anti-corruption agencies

### PROVISION 1.4: TRACEABILITY

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<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
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| Site operator(s) shall ensure the traceability of all diamonds from an MDS certified mining site by completing, keeping up to date and securing all required documentation, including maintaining transaction receipts from the license holder to the dealer, in conformity with national laws, KPCS requirements and the MDS certification system. | - Diamonds from an MDS certified mining site are fully traceable, in accordance with the Traceability Policy.  
- All required documentation related to the traceability of artisanally mined diamonds from an MDS certified mining site, including transactions receipts and, if necessary, photos of all diamonds, is complete, held securely and up to date.  
- All required documentation related to the traceability of diamonds from an MDS certified mining site is readily available for review and inspection upon request, in accordance with national laws, KPCS requirements and the MDS certification system.  
- Information included in the diamond manifest¹² is consistent with documentation/records kept by site operator(s). |

### ACCEPTABLE AUDIT EVIDENCE

- Documentation on diamonds originating from an MDS certified mining site.  
- Sales or transaction records that conform to national laws, KPCS requirements and the MDS certification system.

**NOTE:** In many countries, the government mining authority provides templates for such documentation.

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¹² Document giving comprehensive details and record of diamonds extracted. A requirement for each MDS mining site
### PROVISION 1.5 (SUPPLEMENTAL BENCHMARK): INVOLVEMENT IN POLICY/REGULATION DEVELOPMENT AND ALLOCATION OF RETROCEDED FUNDS

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<tr>
<th>REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
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<tbody>
<tr>
<td>▪ Site operator(s) should support the process of establishing legal frameworks and regulatory mechanisms in the artisanal and small-scale diamond mining sector where such frameworks do not currently exist and participate in the implementation of projects or activities made possible by retroceded funds.</td>
<td>▪ Engaging with government efforts to create legal frameworks and regulatory mechanisms for the artisanal and small-scale diamond mining sector.</td>
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<tr>
<td>▪ Engaging with government efforts to create legal frameworks and regulatory mechanisms for the artisanal and small-scale diamond mining sector.</td>
<td>▪ Assisting with capacity building by sharing lessons learned, best practices and other relevant experiences with local and/or government officials engaged in formalizing artisanal and small-scale diamond mining operations.</td>
</tr>
<tr>
<td>▪ Assisting with capacity building by sharing lessons learned, best practices and other relevant experiences with local and/or government officials engaged in formalizing artisanal and small-scale diamond mining operations.</td>
<td>▪ Actively providing feedback and input, through appropriate established government channels, that contribute to helping national authorities develop legal frameworks and policies for the artisanal and small-scale diamond mining sector.</td>
</tr>
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### ACCEPTABLE AUDIT EVIDENCE

- Meeting minutes, memos, correspondence.
- Interviews with site operator(s) and relevant local and/or government officials.
2. CONSENT AND COMMUNITY ENGAGEMENT

Definitions

For the purposes of the Maendeleo Diamond Standards, **CONSENT** is defined as the need for local communities to agree to the operation of mining sites in their communities, confirm that mining sites can operate safely in their community and have a voice in decisions about the activities that take place at the mining site throughout the course of its lifecycle. This aspect of the Standard helps ensure that communities are involved in discussions and negotiations around the potential (e.g. economic growth and employment opportunities) and known impacts (e.g. environmental and loss of economic resources with site closure) of such projects. Consent must be free, prior, and informed. It must also be continuous and broad-based, including all layers of a community.

**COMMUNITY ENGAGEMENT** is defined as the collaborative processes through which the aspirations, concerns, needs, and values of the local community and all of its members (especially vulnerable and marginalized groups) are incorporated in the planning and decision making of artisanal and small-scale diamond mining operations and related activities for the betterment of the community.\(^{13}\)

The two (2) Provisions outlined under minimum requirements are mandatory and designed to facilitate the building of positive, mutually beneficial relationships and understanding between the site operator(s) and the local communities affected by or located in areas where their mining operations and related activities occur. The three (3) Provisions linked to the progress requirements encourage the active involvement and engagement of the site operator(s) in community development initiatives, beyond direct mining operations, over the medium and long term.

\(^{13}\) Adapted from the Brisbane Declaration, August 2005.
The Consent and Community Engagement pillar is based on the principle -protected by international human rights standards- of free, prior and informed consent (FPIC)\(^{14}\) and more generally, refers to the idea of a social licence to operate as this has evolved from broader notions of corporate social responsibility.\(^{15}\) It also draws on the international conventions establishing the rights of indigenous peoples, namely International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples and the UN Declaration on the Rights of Indigenous Peoples.\(^{16}\)

The Consent and Community Engagement Standard has two (2) mandatory minimum requirements for certification. These include:

- Provision 2.1: Consent for mining operations
- Provision 2.2: Community dialogue

### PROVISION 2.1: CONSENT FOR MINING OPERATIONS

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<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
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<tbody>
<tr>
<td>Site operator(s) shall obtain free, prior and informed consent from community leaders and/or rightful occupiers or owners of the land to use the land for artisanal and small-scale diamond mining purposes.</td>
<td>The mining site has been obtained through legal means and based on free, prior and informed consent.</td>
</tr>
<tr>
<td>Site operator(s) shall discuss the social impact assessment (Provision 2.4) and the environmental impact assessment (Provision 6.2) with the local community as part of the discussion concerning consent.</td>
<td>The local community, community leaders and/or rightful owners/occupiers of the land have been informed about the nature of any proposed mining operations and the possible impacts/risks of such operations, as well as any proposed benefits.</td>
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<tr>
<td>- Those who may be impacted by site operations (especially vulnerable and marginalized groups) have been included in discussions related to obtaining consent.</td>
<td>- Concerns, issues and/or disagreements between site operator(s) and the local community,</td>
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together with any agreements or commitments that have been entered into in order to achieve their resolution, have been recorded.

- Consent has been given by community leaders and/or the rightful occupiers or owners of the land to use the land for artisanal and small-scale diamond mining operations prior to the commencement of operations.

- A written agreement (such as a Memorandum of Understanding) between the site operator(s) and the local community has been prepared and signed.

- Community leaders and/or rightful owners/occupiers of the land are provided with copies of the social impact assessment(s) (Provision 2.4) and the environmental impact assessment(s) (Provision 6.2).

<table>
<thead>
<tr>
<th>ACCEPTABLE AUDIT EVIDENCE</th>
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<tbody>
<tr>
<td>- Documentation for license application</td>
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<td>- Meeting minutes</td>
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<td>- Documentation of obtained consent, such as written agreements</td>
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<tr>
<td>- Documentation related to the resolution of any concerns, issues or disagreements that may have arisen</td>
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<tr>
<td>- Dialogue, and provision of impact assessments when available, confirmed through interviews with members of the local community, community leaders and/or rightful occupiers or owners of the land</td>
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<tr>
<td>- No evidence of coercion or undue pressure</td>
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**NOTE:** Documentation may be held and provided by the site operator(s), community leaders and/or rightful occupiers or owners of the land.
## PROVISION 2.2: COMMUNITY DIALOGUE

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<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
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| - Site operator(s) shall maintain ongoing dialogue with the local community, community leaders and local officials in which the mining site(s) is located, about mining operations throughout the life cycle (from exploration to closure) of the mining site. | - Relevant local community leaders, community members and local officials are consulted and informed about:  
  - The start of new artisanal and small-scale diamond mining operations  
  - Ongoing site operations  
  - Site closure plans  
  - Ongoing operations at the mining site are consistent with documentary evidence submitted during the original license application. |

### ACCEPTABLE AUDIT EVIDENCE

- Documentation for license application  
- Observation of current site operations by independent third-party auditors  
- Dialogue, confirmed through interviews with site operator(s), miners, community leaders, local officials and community-based monitors  
- Documentation of obtained consent, such as written agreements  
- Meeting minutes  
- Dialogue, and provision of impact assessments when available, confirmed through interviews with members of the local community, community leaders and/or rightful occupiers or owners of the land  
- Documentation related to the resolution of any concerns, issues or disagreements that may have arisen  
- No evidence of coercion or undue pressure

**NOTE:** Documentation may be held and provided by the site operator(s), community leaders and/or rightful occupiers or owners of the land.

## PROVISION 2.3 (SUPPLEMENTAL BENCHMARK): COLLABORATION WITH THE COMMUNITY

<table>
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<tr>
<th>REQUIREMENT</th>
<th>PERFORMANCE CRITERIA</th>
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<tr>
<td>Site operator(s), acting as representatives of the mining</td>
<td>Site operator(s) participates in community development planning</td>
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operation and miners, shall collaborate with the local community, community leaders and local NGOs in community development planning meetings and other relevant community-based mechanisms (such as community grievance procedures) designed to identify and determine local community needs and priorities.

- Site operator(s) represents the mining operation at community meetings and other community-based mechanisms.
- Site operator(s) collaborates on an ongoing basis with local community planning processes.
- Site operator(s) can identify the key needs and priorities that have been determined by the local community.
- There are equitable and appropriate relationships with the local community, community leaders, local NGOs and local officials with regard to community development planning and other relevant issues.

**ACCEPTABLE AUDIT EVIDENCE**

- Records of participation in relevant community meetings.
- Records of discussion with relevant local authorities (local officials and/or community leaders) regarding community development plans.
- Interviews with local community members, community leaders, local NGOs and/or local officials, as appropriate.
- Documentation review and interviews to confirm community grievance procedures are implemented, community is aware, and community uses said procedures, where applicable.

**NOTE:** Records may be held and provided by the site operator(s), community leaders, local NGOs and/or local officials.
### PROVISION 2.4 (SUPPLEMENTAL BENCHMARK): SOCIAL IMPACT AND PROTECTION

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<tr>
<th>REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
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<tr>
<td>- Site operator(s) should carry out a social impact assessment based on recent social baseline data, at an appropriate level of detail, and in a manner and format that is suitable for their level of mining.</td>
<td>- Recent social baseline data, (a summary of the current economic, cultural, social, demographic and geographic environment within which the project will take place) has been used to assess potential social impacts (e.g. livelihoods) of mining site operations to the local community.</td>
</tr>
<tr>
<td>- The social impact assessment should identify potential risks and disruptions to the local community where their operations take place.</td>
<td>- Meetings with local community leaders, community members and relevant local authorities have been held to assess and discuss potential social risks and impacts.</td>
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<td>- Meetings are held regularly (e.g. at least twice per year) throughout the life cycle of the mining site.</td>
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<td>- Community leaders, relevant local authorities and/or rightful owners/occupiers of the land are provided with copies of the social impact assessment(s).</td>
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<td>- The identified social risks and impacts have been documented and this information is held securely, readily available, and up to date.</td>
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### ACCEPTABLE AUDIT EVIDENCE

- Documents pertaining to social impact assessment.
- Meeting minutes or confirmation of meetings.
- Dialogue confirmed through interviews with community leaders and local officials.
### PROVISION 2.5 (SUPPLEMENTAL BENCHMARK): LOCAL DEVELOPMENT

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<tr>
<th>REQUIREMENTS</th>
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<tr>
<td>▪ When mining sites are profitable and where feasible, site operator(s) should contribute towards the advancement of infrastructure development, skills training and capacity building of the surrounding local community.</td>
<td>▪ Deliberate actions have been undertaken, such as hosting information and/or training courses for the local community, that contribute to the promotion of the health, safety and security of its members.</td>
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<td>▪ Efforts to promote local knowledge and skill sharing on mining and alternative livelihoods have been initiated.</td>
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<td></td>
<td>▪ Where feasible, available materials from mining operations and related activities are adapted to contribute to and improve various forms of local infrastructure development.</td>
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### ACCEPTABLE AUDIT EVIDENCE

- Documentation about training courses; e.g. syllabi, photos, testimonials, etc.
- New initiatives in the local community co-sponsored by the site operator(s) for local infrastructure development
- Observation on site by independent third-party auditors
- Interviews with local community leaders, local NGOs, local officials and/or community-based monitors, as appropriate
3. HUMAN AND WORKER’S RIGHTS

Definition

For the purposes of the Maendeleo Diamond Standards, HUMAN AND WORKER’S RIGHTS are defined as a set of legal and human rights related to labour relations between miners and the site operator(s). These rights specifically encompass: the prevention of physical and emotional abuse and the elimination of all forms of forced or coerced labour; freedom of association, organization and collective bargaining; equitable pay; non-discrimination; and the elimination of child labour.

The primary intention of this pillar is to help ensure mining site operator(s) conduct their mining and related activities—over which they exercise control and influence—in a manner that is consistent with the basic rights and freedoms of their workers, as well as the individuals and communities involved in or affected by said mining operations.

The seven Provisions outlined under minimum requirements are mandatory and designed to establish, at all times, the basic rights of individuals working at or related to the mining site. The four Provisions linked to the progress requirements seek to develop rights-based approaches to mining operations over the medium and long term. These Provisions also are based on the underlying assumption that, for health and safety reasons, no night-time operations take place at mining sites. They also complement other Provisions that address cross-cutting issues related to human and worker’s rights.
This pillar and its related Provisions reflect the main areas addressed in the eight core Conventions of the ILO\(^\text{17}\) ratified by all countries of interest and its notion of Decent Work\(^\text{18}\). Decent Work involves occupational activities undertaken in conditions that uphold equity, freedom, human dignity and security. This Standard also refers to the UN Charter of Human Rights, the UN Guiding Principles on Business and Human Rights and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.\(^\text{19}\) With respect to discrimination against women, this Standard takes as a frame of reference the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).\(^\text{20}\)

The Human and Worker’s Rights Standard has six (6) mandatory minimum requirements for certification. These include:

- Provision 3.1: General rights and responsibilities
- Provision 3.2: Child labour
- Provision 3.3: Involvement of youth
- Provision 3.4: Fair wages
- Provision 3.5: Forced, involuntary, trafficked and slave labour (including debt bondage)
- Provision 3.6: Discrimination and discrimination against women

### PROVISION 3.1: GENERAL RIGHTS AND RESPONSIBILITIES

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<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
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<tbody>
<tr>
<td>Site operator(s) shall respect human rights and observe national and international laws pertaining to human and worker’s rights.</td>
<td>Site operator(s) and miners have received appropriate information about human and worker’s rights.</td>
</tr>
<tr>
<td>Site operator(s) shall encourage all miners to learn about and respect human and worker’s rights</td>
<td>There are no human or worker’s rights abuses at the mining site.</td>
</tr>
<tr>
<td>Any and all human or worker’s rights violations are reported to the relevant</td>
<td></td>
</tr>
</tbody>
</table>

\(^{17}\) Please note: the links to the relevant ILO Core Conventions are embedded in the list that follows: C-029 Forced Labour 1930; C-087 Freedom of Association and Protection of the Right to Organize 1948; C-098 Right to Organize and Collective Bargaining 1949; C-100 Equal remuneration 1951; C-105 Abolition of Forced Labour 1957; C-111 Discrimination (Employment and Occupation) 1958; C-138 Minimum Age Convention 1973; C-182 Elimination of the Worst Forms of Child Labour 1999.


[http://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf](http://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf) and see:

\(^{20}\) See: [https://www.un.org/womenwatch/daw/cedaw/](https://www.un.org/womenwatch/daw/cedaw/)
| responsibilities in accordance with national and international law. | authorities and actions have been taken to avoid abuses being repeated. |

**ACCEPTABLE AUDIT EVIDENCE**

- Evidence of miner sensitization to human and worker rights.
- Records of reported human or worker’s rights abuses, where applicable.
- Observation of on-site conditions by independent third-party auditors.
- Interviews with site operator(s), miners, community leaders, local NGOs, community-based monitors and/or relevant authorities, as appropriate.

**PROVISION 3.2: CHILD LABOUR**

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) and miners shall ensure that child labour is prohibited in mining operations and related activities, including acting as community helpers or providing assistance to family members that could be construed as labor related to mining operations.

- In the event that children are present at the mining site, site operator(s) and miners shall ensure children do not engage in any activities that are potentially dangerous or harmful to their health, safety and security.

- In the event that children of school age are present at the mining site, site operator(s) and miners shall ensure said children do not engage in any activities that could interfere with their education.

- Site operator(s) shall verify worker documentation to ensure age of potential and actual miners.

**PERFORMANCE CRITERIA**

- No children 14 years of age or younger are employed by the mining operation, including acting as community helpers or providing assistance to family members that could be construed as labour related to mining operations, in accordance with Provision 1.1.

- No children 14 years of age or younger are engaged in any activities that are potentially dangerous or harmful to their health, safety, and security.

- No children 14 years or younger are engaged in any activities that could interfere with their education.

- Records are maintained on the age of all miners working at the mining site; e.g. copies of birth certificates, voter cards, miner registration listing and so on.

**ACCEPTABLE AUDIT EVIDENCE**

- Records documenting age of miners.
- Observation on site by independent third-party auditors.
- Consultation with community leaders, local schools and teachers, local NGOs, local officials and community-based monitors, as appropriate.

### PROVISION 3.3: INVOLVEMENT OF YOUTH

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) shall ensure that young persons (i.e. anyone who is 15 years old and above but under 18 years old) employed at the mining site do not engage in any work or use equipment and/or substance(s) that is dangerous or potentially harmful to them.</td>
<td>Records are maintained on the age of all young persons working at the mining site, whether employed or providing assistance to family members and/or as community helpers.</td>
</tr>
<tr>
<td>In the event that young persons not employed by the mining operation are providing assistance at the mining site as family members and/or community helpers, site operator(s) shall ensure that such assistance does not include engaging in any work or using equipment and/or substance(s) that is dangerous or potentially harmful to them.</td>
<td>Young persons are not engaged in any underground/subsoil, underwater work or activities that are otherwise dangerous and potentially harmful to their health, safety and security.</td>
</tr>
<tr>
<td>In addition, site operator(s) shall ensure that employment or such assistance does not interfere with the schooling, physical and/or social development of said young persons.</td>
<td>All youth involvement in mining site operations and related activities, whether employed or providing assistance to family members and/or as community helpers, is monitored and approved by the site operator(s).</td>
</tr>
<tr>
<td>Records are maintained on the age of all young persons working at the mining site, whether employed or providing assistance to family members and/or as community helpers.</td>
<td>No young person uses dangerous or potentially harmful equipment and/or substance(s) at the mining site.</td>
</tr>
<tr>
<td>Young persons are not engaged in mining site activities during times that interfere with their schooling.</td>
<td>Young persons are not engaged in mining site activities during times that interfere with their schooling.</td>
</tr>
</tbody>
</table>

### ACCEPTABLE AUDIT EVIDENCE

- Records documenting age of miners.
- Observation on site by independent third-party auditors.
- Consultation with community leaders, local schools and teachers, local NGOs, local officials and community-based monitors, as appropriate.
- Monitoring records of youth involvement in mining operations and related activities.
## PROVISION 3.4: FAIR WAGES

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
</table>
| - Site operator(s) shall financially remunerate miners with at least the legislated minimum wage. In countries where minimum wage is not legislated, site operators shall remunerate miners with adequate living wage for all work performed.  
- Site operator(s) shall enter into a work agreement with each miner that details the rights and obligations of both the miner and the site operator(s), including specific reference to financial remuneration.  
- Financial remuneration shall be a fair reflection of miners’ roles in contributing to the value added through their mining operations and activities.  
- Said financial remuneration shall be documented and provided in a manner that conforms to the prior and reasonable arrangements with the miner. | - There are work agreement(s) with all miners that detail the rights and obligations of both the miner(s) and site operator(s), including specific reference to financial remuneration.  
- There are up-to-date records of work agreements, including financial remuneration and, where applicable, proceed-sharing arrangements, in accordance with Provision 1.1.  
- The number of work agreements and, where applicable, proceed-sharing arrangements, corresponds with the number of miners working at the mining site.  
- Where applicable, there are proceed-sharing arrangements between the site operator(s) and the miner(s).  
- Miners receive equal pay for work of equal value.  
- Men and women receive equal pay for work of equal value.  
- There are up-to-date miner financial remuneration records that state payments received by whom, when and rate of pay.  
- All relevant records are held securely and readily available upon request. |

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21 In accordance with the ILO Minimum Wage Fixing Recommendation, 1970 No. 135  
### ACCEPTABLE AUDIT EVIDENCE

- Work agreements between site operator(s) and miner(s)
- Proceed-sharing agreements, where applicable
- Miner financial remuneration records
- Interviews with miners

### PROVISION 3.5: FORCED, INVOLUNTARY, TRAFFICKED AND SLAVE LABOUR

#### MINIMUM REQUIREMENTS (MANDATORY)

- Site operator(s) and miners shall not engage in, support or benefit from the use of involuntary, forced, coerced, trafficked or compulsory labour or any practices similar to slavery (e.g. debt bondage).  

- Apply in conjunction with Provision 5.4 (Debt Bondage & Forced, Coerced or Compulsory labour).

#### PERFORMANCE CRITERIA

- Financial remuneration is paid to miners directly and consistently.
- Miners are free to leave employment after a reasonable notice period, as set out in the work agreement.
- There is no case of involuntary, forced, coerced or compulsory labour.

### ACCEPTABLE AUDIT EVIDENCE

- Miner financial remuneration records.
- Work agreements between site operator(s) and miner(s).
- Observation on site by independent third-party auditors.
- Interviews with miners.

### PROVISION 3.6: (A) DISCRIMINATION / (B) DISCRIMINATION AGAINST WOMEN

#### MINIMUM REQUIREMENTS (MANDATORY)

#### PERFORMANCE CRITERIA

#### PROVISION 3.6 A: DISCRIMINATION

- Site operator(s) shall not engage in discriminatory practices against persons or groups of persons on the basis of race, colour, sex, sexual orientation, language, nationality, social origin, political or other affiliation, religion, ethnicity, and any other characteristic.

- Miners are fairly and equitably treated.
- Site operator(s) does not practice or condone any form of discrimination on the basis of factors unrelated to a

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22 Practices similar to slavery include debt bondage and serfdom, as defined by the supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery. See 5.4 for MDS specific provision. See: [http://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx](http://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx)
### PROVISION 3.6 B: DISCRIMINATION AGAINST WOMEN

- Site operator(s) shall not make any distinction, exclusion or restriction to employment on the basis of sex, irrespective of their marital status and consistent with international standards.
- Discrimination in the workplace is prohibited, including in decisions related to hiring, remuneration, overtime, access to training, promotion or termination.
- Where mining operations include or overlap with related activities undertaken by women, at or near the mining site, the women are respectfully and fairly treated, regardless of whether they are directly associated with the mining site.
- The policies or processes devised and implemented for mining site operations do not reflect or reinforce inequalities between women and men.
- Equal employment opportunities exist for all persons.
- Women and men are treated equally at the mining site.
- There are no grievances against the mining operation in relation to employment practices and/or discrimination.

### ACCEPTABLE AUDIT EVIDENCE

- Records of reported incidents related to employment practices and/or discrimination, where applicable.
- Observation on site by independent third-party auditors.
- Interviews with miners.
- Interviews with women who work at or near the mining site.
- Review of hiring, promotion, training, working hour and termination records.
### PROVISION 3.7 (SUPPLEMENTAL BENCHMARK): WORKING HOURS

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) should institute a work schedule of no more than 40 hours per week during daylight, or the standard workweek established by national law.</td>
<td>There are overtime work agreements with miners that detail compensation at special overtime rates for hours beyond the stipulated 40 hours per week or the standard workweek established by national law.</td>
</tr>
<tr>
<td>Site operator(s) should pay overtime wages to miner(s) at one and a half times the standard pay rate.</td>
<td>Miners are informed of overtime work arrangements in advance.</td>
</tr>
<tr>
<td>Site operator(s) should stipulate these conditions in work agreements with miner(s).</td>
<td>There are overtime work agreements with miners that detail compensation at special overtime rates for hours beyond the stipulated 40 hours per week or the standard workweek established by national law.</td>
</tr>
</tbody>
</table>

*Applied in conjunction with considerations detailed in Provision 3.4 (Fair Wages).*

### ACCEPTABLE AUDIT EVIDENCE

- Work agreements on hours of work and overtime arrangements.
- Documentation on overtime worked and related miner financial remuneration records.
- Observation on site by independent third-party auditors of regular working hours being respected.
- Interviews with miners.

### PROVISION 3.8 (SUPPLEMENTAL BENCHMARK): LABOUR ASSOCIATIONS

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) should not seek to impede, obstruct, undermine or interfere with the right of workers, individuals and communities to freely associate and/or organize themselves into groupings or collectives of their choice, including but not limited to labour and worker’s cooperatives.</td>
<td>Unionization, free association and/or other legitimately constituted grouping and collectives are permitted at the mining site.</td>
</tr>
<tr>
<td>Unionization, free association and/or other legitimately constituted</td>
<td></td>
</tr>
</tbody>
</table>

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23 ILO Convention C-029 concerning forced or compulsory labour states an average working day of 8 hours (Article 18).
groupings or collectives are not obstructed or undermined.

- No retaliation against miners who choose to associate or not associate.

## ACCEPTABLE AUDIT EVIDENCE

- Observation on site by independent third-party auditors.
- Interviews with site operator(s) and/or miners.
- Documentation of union/association/cooperative or similar activity (minutes, election results).

## PROVISION 3.9 (SUPPLEMENTAL BENCHMARK): WORK AGREEMENT PROVISIONS

### REQUIREMENTS

- If part of the work agreement includes meals or other similar provisions to miners, site operator(s) should provide these on a consistent basis.
- Site operator(s) should not make wage deductions for the payment of taxes or special items supplied to a miner for the purpose of maintaining him/her in a fit condition to carry on work under special conditions of employment; e.g. supplying special tools and/or safety clothing.

### PERFORMANCE CRITERIA

- Agreed provisions of the work agreement are provided on a consistent basis.
- If payment deductions are taken from miner financial remuneration, such provisions are at least equivalent in value to the money payment they are taken to represent.
- Miners are not overcharged for the provisions they receive from site operator(s).
- The payment of taxes or payment for special items supplied to a miner for the purpose of maintaining him/her in a fit condition to carry on work under special conditions of employment (e.g. supplying of special tools and/or safety clothing) are not deducted from miner financial remuneration.

## ACCEPTABLE AUDIT EVIDENCE

- Miner financial remuneration records
- Observation on site by independent third-party auditors
• Interviews with miners

<table>
<thead>
<tr>
<th>PROVISION 3.10 (SUPPLEMENTAL BENCHMARK): DUE DILIGENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROGRESS REQUIREMENTS</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>• Site operator(s) should implement a due diligence process (an assessment) to identify, prevent and mitigate actual and potential impacts on human and worker’s rights.24</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCEPTABLE AUDIT EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Documentation on assessment of actual and potential impacts on human and worker’s rights where applicable, including reports published by human rights organizations.</td>
</tr>
<tr>
<td>• Interviews with site operator(s) and miner(s) to confirm implementation of a due diligence process.</td>
</tr>
</tbody>
</table>

24 Upon request, the Diamond Development Initiative can provide an assessment template.
4. HEALTH AND SAFETY AT THE MINING SITE

**Definition**

For the purposes of the Maendeleo Diamond Standards, HEALTH AND SAFETY is defined as the hygiene and safety relating to all places where the site operator(s) and miners need to be or to go as a result of their artisanal or small-scale diamond mining work, and which are under the direct or indirect control of the mining operation.

The overall intention of this Pillar is to minimize the risks to health and safety that are directly associated with mining operations and related activities. The six Provisions outlined under minimum requirements are mandatory and designed to achieve basic health and safety standards for miners. The five Provisions linked to the progress requirements aim to achieve higher levels of health and safety at mining sites over the medium and long term.

The formulation of this pillar and its related Provisions is based on applicable sections of ILO Convention 155 on Occupational Safety and Health and the Working Environment, and ILO Convention 176 on Safety and Health in Mines Convention. The Provision related to clean water refers World Health Organization (WHO) guidelines on drinking water quality.

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25 See, respectively: ILO Convention C155 concerning occupational safety and Health and ILO Convention C176 concerning safety and Health in mines.

The Health and Safety Pillar has six mandatory minimum requirements for certification. These include:
- Provision 4.1: Access to clean water
- Provision 4.2: Sanitary facilities
- Provision 4.3: First aid and safety procedures
- Provision 4.4: Raising health and safety concerns
- Provision 4.5: No intoxication at the mining site
- Provision 4.6: Commercial sex work and sexual exploitation

### PROVISION 4.1: ACCESS TO CLEAN WATER

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) shall provide miners with access to clean drinking water at the mining site.</td>
<td>Clean drinking water, free of charge, is readily and consistently available to all miners at the mining site.</td>
</tr>
</tbody>
</table>

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors that the water is from a well or other reliable source used to provide clean drinking water to the community where mining operations take place.
- Water testing results.
- Interviews with miners.

### PROVISION 4.2: SANITARY FACILITIES

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) shall provide all miners with access to adequate sanitary facilities at the mining site.</td>
<td>There are satisfactory sanitary facilities and/or arrangements at the mining site at all times.</td>
</tr>
<tr>
<td></td>
<td>Miners readily have access to sanitary facilities, free of charge</td>
</tr>
<tr>
<td></td>
<td>There are adequate provisions for the disposal of effluent and other waste products that conform to the environmental and health and safety regulations in force.</td>
</tr>
<tr>
<td></td>
<td>Hand washing stations, with clean water and soap, are available - free of charge - at the mining site.</td>
</tr>
</tbody>
</table>
### ACCEPTABLE AUDIT EVIDENCE

- Observation on site by independent third-party auditors of available sanitary facilities
- Cleaning/maintenance records
- Interviews with miners

### PROVISION 4.3: FIRST AID AND SAFETY PROCEDURES

#### MINIMUM REQUIREMENTS (MANDATORY)

- Site operator(s) and at least one other miner shall be trained in basic safety procedures, including first aid and emergency response.
- Site operator(s) shall provide basic protective equipment (e.g. gloves, glasses, masks and boots) to all miners.
- Site operator(s) shall ensure that use of basic protective equipment is mandatory.

#### PERFORMANCE CRITERIA

- In addition to the site operator(s), at least one miner is on site at all times who has been trained in basic safety procedures, including first aid and emergency response.
- There are documented basic safety guidelines for the site.
- Miners are educated on the basic safety guidelines.
- Basic protective equipment is available to all miners while performing duties, without charge or penalties.
- Basic protective equipment is in working condition and broken equipment is repaired and/or replaced in a timely manner.
- Miners use the basic protective equipment provided at all times.

#### ACCEPTABLE AUDIT EVIDENCE

- Documentation related to basic safety guidelines.
- Miner work agreements.
- Miner financial remuneration records.
- Observation on site by independent third-party auditors of basic protective equipment and whether it is in use by miners at all times.
- Interviews with miners, in particular with the miner(s) trained in basic safety procedures.
- Records for repair, maintenance and/or replacement of equipment.
- Documentation related to training of miners and miner designated for first aid and emergency response.

<table>
<thead>
<tr>
<th>PROVISION 4.4: RAISING HEALTH AND SAFETY CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM REQUIREMENTS (MANDATORY)</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
<tr>
<td>▪ Site operator(s) shall have a channel or mechanism for miners to express health and safety concerns without any fear of retribution.</td>
</tr>
<tr>
<td>▪ Site operator(s) shall inform miners of their right to and the means by which they can express health and safety concerns.</td>
</tr>
<tr>
<td>▪ Site operator(s) shall not allow any miners with evident or reported serious communicable diseases or illnesses (e.g. tuberculosis, malaria) at the mining site.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCEPTABLE AUDIT EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Documentation on health and safety concerns (where applicable), including channel for expressing these.</td>
</tr>
<tr>
<td>▪ Observation on site by independent third-party auditors.</td>
</tr>
<tr>
<td>▪ Interviews with miners.</td>
</tr>
<tr>
<td>▪ Sick leave records.</td>
</tr>
<tr>
<td>▪ Documentation shared with miners explaining their right to express health and safety concerns without retaliation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROVISION 4.5: NO INTOXICATION AT THE MINING SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM REQUIREMENTS (MANDATORY)</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
<tr>
<td>▪ Site operator(s) shall prohibit intoxication at the mining site and</td>
</tr>
<tr>
<td>PROVISION 4.6: COMMERCIAL SEX WORK AND SEXUAL EXPLOITATION</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>MINIMUM REQUIREMENTS (MANDATORY)</td>
</tr>
<tr>
<td>■ Site operator(s) shall prohibit commercial sex work, sexual intimidation, sexual exploitation and the exchange of sexual favours at the mining site.</td>
</tr>
<tr>
<td>■ Site operator(s) and miners shall not award work based on the expectation of sex or sexual favours.</td>
</tr>
<tr>
<td>PERFORMANCE CRITERIA</td>
</tr>
<tr>
<td>■ Commercial sex work and all forms of sexual intimidation, exploitation and harassment are prohibited at the mining site and by the site operator(s) and miners.</td>
</tr>
<tr>
<td>■ There is no commercial sex work taking place at the mining site.</td>
</tr>
<tr>
<td>■ Incidents of sexual intimidation, exploitation and harassment are reported to the relevant authorities.</td>
</tr>
<tr>
<td>■ There is a record of reported incidents of sexual intimidation, exploitation and harassment, where applicable.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCEPTABLE AUDIT EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Observation on site by independent third-party auditors</td>
</tr>
<tr>
<td>■ Communication of prohibition of sexual exploitation and sex work (training, signs, policies)</td>
</tr>
<tr>
<td>■ Interviews with site operator(s) and miners</td>
</tr>
<tr>
<td>■ Interview with women working at or near the mining site</td>
</tr>
</tbody>
</table>
### PROVISION 4.7 (SUPPLEMENTAL BENCHMARK): COMPLETE TRAINING: FIRST AID AND SAFETY

**PROGRESS REQUIREMENTS**

- Site operator(s) should maintain fully functional first aid kits at the mining site at all times.
- Site operator(s) should develop a safety plan for the mining site.

**PERFORMANCE CRITERIA**

- Fully functional first aid kits are available and accessible at the mining site at all times.
- Miners know where said first aid kits are located.
- Miners are trained in basic first aid and safety.
- A safety plan has been developed for the mining site.

**ACCEPTABLE AUDIT EVIDENCE**

- Documentation about basic first aid and safety training course; e.g. syllabi, photos, testimonials, etc.
- Documentation related to the safety plan.
- Observation on site by independent third-party auditors.
- Interviews with miners.

### PROVISION 4.8 (SUPPLEMENTAL BENCHMARK): RESPONSIBLE MINING TECHNIQUES

**PROGRESS REQUIREMENTS**

- Site operator(s) should implement responsible mining techniques that allow for exploration of potential mining sites and optimize mining practices.
- For mining site exploration, site operator(s) should use sampling methods and keep detailed pit records for each sample pit dug.
- Mining sites should use location appropriate pits and adhere to regulated pit sizes.

**PERFORMANCE CRITERIA**

- Responsible mining techniques are implemented during exploration of potential mining sites and to optimize mining practices at working sites (also see specific techniques immediately below).
- Proper sampling methods are used for mining site exploration and abandoned sampling pits are backfilled.
- Pit records are created and maintained during the exploration process, including the size of the pit,
depth of overburden and gravel, volume of gravel extracted, quantity of diamonds and grade of the pit (carats per meter squared).

- Trenching is used for mining deposits in swamps, old river channels, river flats and low terraces. Large pits are used for mining high terraces.
- Retention ponds are used to settle out solids to minimize siltation of natural water course and streams.
- Mining sites utilize crude and/or mechanized equipment (e.g. mechanical jig [first, rougher stage]) and hand sieves (final, cleaner stage) to optimize mining and process recovery.

### ACCEPTABLE AUDIT EVIDENCE

- Records of pit sampling
- Observation on site by independent third-party auditors

### PROVISION 4.9 (SUPPLEMENTAL BENCHMARK): HEALTH AND SAFETY RISK MANAGEMENT PROGRESS REQUIREMENTS

- Site operator(s) should take actionable steps to prevent and minimize health and safety and general workplace risks (e.g. equipment safety) to miners and, when applicable, to the local community. In addition, actionable steps should be taken to prevent and minimize risks resulting from alcohol and substance abuse, violence and gender-based violence, sexual intimidation, exploitation and harassment, and other similar factors.

### PERFORMANCE CRITERIA

- Accidents, injuries and loss of life are reported to the relevant authorities.
- Records are maintained of reported accidents, injuries and loss of life, including the cause or suspect cause of the incident.
- Relevant authorities and community representatives conduct monitoring and routine checks on the work practices and working conditions of miners.
**ACCEPTABLE AUDIT EVIDENCE**

- Documentation of accident, injury and loss of life reports.
- Reports of monitoring and routine checks by relevant authorities and community-based monitors.
- Observation on site by independent third-party auditors of alcohol and drug use.
- Interviews with miners.
- Interview with women working at or near the mining site.

**PROVISION 4.10 (SUPPLEMENTAL BENCHMARK): EQUAL SANITATION**

**PROGRESS REQUIREMENTS**

- Site operator(s) should ensure that sanitary facilities adequately reflect the distribution of male and female workers.

**PERFORMANCE CRITERIA**

- Male and female miners have equal access to sanitary facilities at the mining site at all times.
- There are separate sanitary facilities for male and female miners at the mining site at all times.
- The number of sanitary facilities reflects the actual distribution of male and female workers.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors of the available sanitary facilities.

**PROVISION 4.11 (SUPPLEMENTAL BENCHMARK): EMERGENCY PREPAREDNESS**

**PROGRESS REQUIREMENTS**

- Site operator(s) should create an emergency preparedness plan for the mining site and ensure that all miners and local community members are aware of this plan and can implement it.

**PERFORMANCE CRITERIA**

- An emergency preparedness plan for the mining site has been drawn up in collaboration with community leaders and relevant local officials.
- Miners and the local community are informed about the emergency preparedness plan for the mining site and have conducted practice drills.
Miners are selected to be responsible for implementing the emergency preparedness plan, as required.

ACCEPTABLE AUDIT EVIDENCE

- Documentation of emergency preparedness plans and communication thereof
- Interviews with community leaders, relevant local officials and miners
- Interviews with community leaders, relevant local officials and miners responsible for implementation of the emergency preparedness plan
5. VIOLENCE-FREE OPERATIONS

**Definition**

For the purposes of the Maendeleo Diamond Standards, VIOLENCE-FREE OPERATIONS is defined as a mining site that is free from violence for all those who work there.

VIOLENCE is defined as the “intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation”.

This pillar also includes GENDER-BASED VIOLENCE. This is defined as all acts perpetrated against women, men, boys and girls on the basis of their sex, which causes or could cause them physical, sexual, psychological, emotional or economic harm, including the threat to take such acts, or to restrict or deprive an individual of fundamental freedoms on the basis of gender.

The primary intention of this pillar is to promote violence-free mining operations. The four Provisions outlined under minimum requirements are mandatory and aim to ensure that everyone at the mining site can work without fear of physical or mental harm. The two Provisions linked to the progress requirements seek to foster conflict prevention and resolution in artisanal and small-scale diamond mining over the medium and long term.
This pillar and its related Provisions reflect the conditions required to ensure that mining takes place free from violence. It refers to the World Health Organization definition of violence and adapts the definition of gender-based violence from Southern African Development Community Protocol on Gender and Development²⁷.

The Violence-Free Operations Standard has four mandatory minimum requirements for certification. These include:

- Provision 5.1: Violence-free interactions among miners
- Provision 5.2: Gender and violence
- Provision 5.3: Violence-free interactions with large-scale mining operations
- Provision 5.4: Debt bondage and forced, coerced or compulsory labour

**PROVISION 5.1: VIOLENCE-FREE INTERACTIONS AMONG MINERS**

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) and miners shall not allow disputes to degenerate into violent interactions among miners.</td>
<td>Violent interactions at the mining site are addressed through actions such as issuing warnings, enforcing a leave of absence or termination, as appropriate.</td>
</tr>
<tr>
<td>Site operator(s) and miners shall not use or allow the use of corporal punishment, physical or emotional abuse against individuals or communities under any circumstances.</td>
<td>Records are kept of actionable steps taken.</td>
</tr>
<tr>
<td>Site operator(s) shall ensure that miners are not subjected to harsh or degrading treatment, sexual, physical or other type of harassment, mental, physical or verbal abuse, coercion or intimidation.</td>
<td>Miners can carry out the full extent of their tasks without fear or physical or mental harm.</td>
</tr>
<tr>
<td>Site operator(s) shall take actionable steps against miners who engage in violence or abusive acts.</td>
<td>Miners are aware of their right to a violence-free work environment and of their right to report acts of violence to the relevant authorities (e.g. local police)</td>
</tr>
<tr>
<td>There are no attempted or actual incidents of corporal punishment, degrading treatment or harassment nor any other forms of physical and psychological abuse or intimidation carried out in the course of mining operations and related activities.</td>
<td></td>
</tr>
</tbody>
</table>

²⁷ For relevant links, see previous footnotes on defining the terms “violence” and “gender-based violence”.
<table>
<thead>
<tr>
<th>ACCEPTABLE AUDIT EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Records of incident reports, where applicable.</td>
</tr>
<tr>
<td>▪ Documentation of disciplinary process/procedure/policy and communication thereof, where applicable.</td>
</tr>
<tr>
<td>▪ Interviews with site operator(s), miners and local law enforcement officers.</td>
</tr>
<tr>
<td>▪ Observation on site by independent third-party auditors.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROVISION 5.2: GENDER AND VIOLENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM REQUIREMENTS (MANDATORY)</td>
</tr>
<tr>
<td>▪ Site operator(s) shall not use violence (physical or psychological) or corporal punishment against women, including sexual violence or harassment, under any circumstances.</td>
</tr>
<tr>
<td>▪ Site operator(s) shall take actionable steps against miners who engage in violence or abusive acts against women.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Women working in an environment free from hostility and allows them to perform their tasks without fear of violence or harassment, sexual or otherwise. Women are aware of their right to a violence-free, including sexual violence, and harassment-free work environment and of their right to report incidents of violence and harassment to site operator(s) and/or relevant authorities (e.g. police)</td>
</tr>
<tr>
<td>▪ Allegations and incidences of violence towards and sexual abuse of women and girls are documented and reported to the relevant authorities.</td>
</tr>
<tr>
<td>▪ Perpetrator(s) of gender-based violence at the mining site is expelled from the site and his/her work agreement is terminated.</td>
</tr>
</tbody>
</table>
### PROVISION 5.3: VIOLENCE-FREE INTERACTIONS WITH LARGE-SCALE MINING OPERATIONS (WHERE APPLICABLE)

#### MINIMUM REQUIREMENTS (MANDATORY)

- Site operator(s) shall neither permit nor encourage artisanal and small-scale miners (ASM) or others acting on their behalf to invade, use violence or engage in vigilantism against large-scale mining (LSM) operations.

- Site operator(s) shall take actionable steps against artisanal and small-scale miners who invade, use violence or engage in vigilantism against LSM operations.

- *Applied in conjunction with Provision 7.2 (Basic Engagement with LSM Operations).*

#### ACCEPTABLE AUDIT EVIDENCE

- Records of incidence reports, where applicable.
- Records of actionable steps taken, where applicable.
- Interviews with site operators, miners, LSM representatives, community leaders, community monitors and relevant local law enforcement officers.

### PROVISION 5.4: DEBT BONDAGE AND FORCED, COERCED OR COMPULSORY LABOUR

#### MINIMUM REQUIREMENTS (MANDATORY)

#### PERFORMANCE CRITERIA

- Records of incidence reports, where applicable.
- Records of actionable steps taken, where applicable.
- Interviews with site operators, miners, LSM representatives, community leaders, community monitors and relevant local law enforcement officers.
### Site operator(s) and miners shall not engage in, support or benefit from the use of forced, coerced or compulsory labour as part of mining operations. This includes but is not limited to debt bondage, where individuals or groups of persons are compelled to provide labour in lieu of repaying a financial debt or obligation, and where a reasonable assessment of their work is more valuable than the debt owed.

- Site operator(s) shall not instigate or participate in any effort to coercively retain miners by any means, including but not limited to threatening them or others associated with them, withholding their financial remuneration and/or documents, or taking any action or omission to retain their services involuntarily.

- Site operator(s) shall financially remunerate miners directly and shall not pay traditional or any other authorities or persons as a form of debt bondage.

| **Applied in conjunction with Provision 3.5 (Forced, Involuntary, Trafficked & Slave Labour).** |

- Direct or indirect use of force or intimidation is not used against miners to induce them to work.

- Miners work at the mining site of their own free will and do not partake in mining and related activities as a result of force or coercion.

- Miners are aware of their rights and the illegal nature of forced, coerced and compulsory labour.

- Allegations or assumptions of debt bondage are reported to the relevant authorities through a means that protects the victim and others associated with them.

- Miners have freedom of movement during the course of their employment.

- Financial remuneration is paid to the miners directly and consistently and not to a third party.

- There is a written record of any withholding of financial remuneration and/or documents.

### ACCEPTABLE AUDIT EVIDENCE

- Miner financial remuneration records.
- Reports to relevant authorities, where applicable.
- Observation on site by independent third-party auditors.
- Interviews with miners, community leaders and site operator(s).

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28 The terms “forced labour” or “compulsory labour” shall refer to all work or service that is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily, in accordance with ILO Conventions 1930 and 105 Abolition of Forced Labour 1957. Please note: relevant links are embedded in the foregoing list.
### PROVISION 5.5 (SUPPLEMENTAL BENCHMARK): CONFLICT PREVENTION AND RESOLUTION

**Progress Requirements**

- Where applicable, site operator(s) should take all reasonable measures to participate in conflict prevention and resolution initiatives and/or activities lawfully organized in the local community where mining operations take place.

**Performance Criteria**

- Site operator(s) participates in relevant initiatives and/or activities, where applicable, that systematically fulfil their obligations in good faith, under the terms and conditions of any peace agreement(s) and/or conventions in force.

- There are procedures in place to facilitate non-violent conflict and dispute resolution between miners, as well as between site operator(s) and miners, and between miners and the local community where mining operations take place.

- Conflicts and disputes between miners, as well as between miners and the local community are mediated through non-violent means.

- Where available, site operators and/or miners participate in training courses related to mediation, nonviolent conflict and/or dispute resolution.

**Acceptable Audit Evidence**

- Documentation about training courses; e.g. syllabi, photos, testimonials, etc.
- Observation on site by independent third-party auditors.
- Interviews with community leaders, miners and site operator(s).

### PROVISION 5.6 (SUPPLEMENTAL BENCHMARK): GENDER-BASED VIOLENCE

**Minimum Requirements**

- Site operator(s) should participate in community efforts to raise awareness of gender-based violence and support community female empowerment programs.

**Performance Criteria**

- Site operator(s) and miners participate in relevant community initiatives and/or activities that combat gender-based violence and promote female empowerment.
Where possible, there are employment opportunities for women that promote female empowerment.

**ACCEPTABLE AUDIT EVIDENCE**

- Employment records and work agreement with women. Observation on site by independent third-party auditors.
- Interviews with community leaders, especially women leaders.
6. ENVIRONMENTAL MANAGEMENT

Definition

For the purposes of the Maendeleo Diamond Standards, ENVIRONMENTAL MANAGEMENT is defined as efforts to control and mitigate the impact on and interaction with the environment in order to preserve and restore natural resources that are affected by artisanal and small-scale diamond mining.

The overall intention of this pillar is to progressively diminish the potential for negative environmental impacts and degradation of the natural surroundings (including soil, water, air and biodiversity) in the communities where these activities and/or their impact occur. This pillar aims to facilitate greater responsibility with respect to environmental impact, along with enabling capacities for mitigation and remediation of environmental impacts that goes beyond paying associated fees to authorities.

The eight Provisions outlined under minimum requirements are mandatory and adopt an approach focused on raising awareness in order to build capacities for basic, remedial action to mitigate negative environmental impacts of artisanal and small-scale diamond mining. The seven Provisions linked to the progress requirements are designed to create a systematic setting and incentives for artisanal and small-scale diamond miners to cultivate an obligation to practise environmental responsibility.

This pillar and its related Provisions provide basic guidance about environmental management. It also complements the distinct responsibilities of other actors, including companies, governments and various relevant entities, with regard to environmental responsibility.

The Environmental Management Standard has eight mandatory minimum requirements for certification. These include:

- Provision 6.1: Training to mitigate environmental impact
- Provision 6.2: Environmental impact assessment
- Provision 6.3: Protected areas
- Provision 6.4: No littering
- Provision 6.5: Waste and emissions management
- Provision 6.6: Topsoil
- Provision 6.7: Excavation depth
- Provision 6.8: Open pits

### PROVISION 6.1: TRAINING TO MITIGATE ENVIRONMENTAL IMPACT

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) and miners shall actively learn and take training to implement mining and processing methods/techniques that demonstrably mitigate environmental impacts at the mining site and implement these processing methods/techniques.

**PERFORMANCE CRITERIA**

- Mining and processing methods/technique(s) that demonstrably minimize/mitigate impact on the environment are being applied at the mining site.\(^\text{30}\)

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors that mining and processing methods and techniques are being implemented to mitigate environmental impacts.
- Interviews with site operator(s), miners and training facilitator(s).

### PROVISION 6.2: ENVIRONMENTAL IMPACT ASSESSMENT

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) shall carry out an environmental impact assessment in a manner and format that is suitable for their level of mining.

**PERFORMANCE CRITERIA**

- An environmental impact assessment has been completed that uses up-to-date baseline information consistent with the environmental management plan(s) required under the applicable regulations in force.

\(^{30}\) For example, use of the trenching method to dig in areas where the pitting method is typically used; adopting techniques that minimize land degradation; land remediation and revegetation; adequately refilling open pits; and use of other generally accepted methods to restore the land so that it is suitable for agricultural or other activities.
- Site operator(s) shall maintain a record of specified environmental factors related to their mining operations and related activities.
- Site operator(s) shall regularly engage with the local community about environmental impacts.
- Applied in conjunction with Provisions 2.1 (Consent for Mining Operations), 2.2 (Community Dialogue) and 2.3 (Collaboration with Community).
- The local community has been engaged to discuss environmental impacts and has awareness of these impacts.
- The local community is regularly (e.g. every six months) updated with respect to environmental impacts and community leader(s) are provided with copies of the environmental impact assessment(s).
- There are records of specified environmental factors related to mining operations and related activities.

**ACCEPTABLE AUDIT EVIDENCE**

- Documentation of environmental impact assessment with site operator and community leader(s)
- Observation on site by independent third-party auditors
- Record of specified environmental factors
- Interviews with site operator(s), community leaders and relevant local officials

**NOTE:** In many countries, the government mining authority provides templates for such documentation.

**PROVISION 6.3: PROTECTED AREAS**

**MINIMUM REQUIREMENTS (MANDATORY)**

- Site operator(s) shall not undertake mining operations in excluded and/or protected areas that are duly designated as such by national authorities, including but not limited to areas protected for ecological or cultural reasons.

**PERFORMANCE CRITERIA**

- Mining operations have not been established or undertaken in excluded and/or protected areas that are duly designated as such by the relevant authorities.

**ACCEPTABLE AUDIT EVIDENCE**

- Assessment by independent third-party auditors of mining site location.
- Maps of excluded and/or protected areas.
- GPS coordinates.

### PROVISION 6.4: LITTER MANAGEMENT

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Site operator(s) and miners shall not leave litter, trash and garbage (e.g. paper, cans, bottles, etc.) lying in an open or public place.</td>
<td>- The mining site is free of litter, trash and garbage.</td>
</tr>
<tr>
<td>- In particular, site operators must ensure that equipment that is no longer in use is not abandoned at mining site or near bodies of water.</td>
<td>- The mining site has appropriate means litter, trash and garbage disposal and these receptacles are being used at the mining site.</td>
</tr>
</tbody>
</table>

### ACCEPTABLE AUDIT EVIDENCE

- Observation on site by independent third-party auditors.
- Observed presence or prevalence of litter (e.g. alcohol bottles, debris, etc.).
- License of waste (litter) disposal contractor, when applicable.
- Documentation of waste (litter) disposal/waste (litter) pick-up (e.g. receipts, agreement).

### PROVISION 6.5: WASTE AND EMISSIONS MANAGEMENT

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Site operator(s) shall identify significant wastes and emissions to air, water and land generated in mining operations. This may be included in the environmental impact assessment.</td>
<td>- Significant wastes and emissions to air, water and land that are generated in mining operations have been identified.</td>
</tr>
<tr>
<td>- Site operator(s) shall responsibly manage the identified wastes and emissions by taking into account environmental impact considerations in relation to cost considerations.</td>
<td>- The identified wastes and emissions are responsibly managed in relation to environmental impact considerations and cost of disposal.</td>
</tr>
<tr>
<td>- Site operator(s) shall apply the principles of reduce, recover, re-use and recycle to reduce environmental impact of wastes and emissions, where applicable.</td>
<td>- The principles of reduce, recover, re-use and recycle are being used to reduce environmental impact, where applicable.</td>
</tr>
<tr>
<td>- Wastes and emissions are being disposed of in an appropriate manner and designated location, in</td>
<td></td>
</tr>
</tbody>
</table>
- Site operator(s) and miners shall dispose of all wastes and emissions in an appropriate manner and designated location, in compliance with applicable regulations in force. Where applicable regulations do not exist, site operator(s) shall adopt prevailing international standards.

### ACCEPTABLE AUDIT EVIDENCE

- Documentation on environmental impact assessment, with specific attention to identified wastes and emissions.
- Observation on site by independent third-party auditors.
- License of waste disposal contractor, when applicable.
- Documentation of waste disposal/waste arrangements (e.g. receipts, contractual agreement).

#### PROVISION 6.6: TOPSOIL

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>In processing topsoil, site operator(s) shall properly store it within the boundaries of the production area in a manner that minimizes associated risks of erosion.</td>
<td>- Topsoil is stored near the mining site.</td>
</tr>
<tr>
<td>Site operator(s) shall also deposit overburden close to excavation (but keep it separate from topsoil) in order to facilitate backfilling, where feasible.</td>
<td>- Topsoil is protected from the risk of erosion and contamination.</td>
</tr>
<tr>
<td></td>
<td>- Overburden is deposited near the mining site.</td>
</tr>
<tr>
<td></td>
<td>- Backfilling takes place, as required.</td>
</tr>
</tbody>
</table>

### ACCEPTABLE AUDIT EVIDENCE

- Observation on site by independent third-party auditors.

#### PROVISION 6.7: EXCAVATION DEPTH

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) know the legal excavation limits.</td>
<td></td>
</tr>
</tbody>
</table>
- Site operator(s) shall ensure that excavations do not exceed a depth of 10 metres.
- Excavations correspond to the legal limits for artisanal and small-scale diamond mining operations.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors.
- Interviews with site operator(s).

## PROVISION 6.8: OPEN PITS

### MINIMUM REQUIREMENTS (MANDATORY)

- Site operator(s) shall ensure that open pits are either backfilled or otherwise refilled/blocked appropriately, in order to enhance revegetation (assisted or un-assisted), as well as to prevent the safety and health risks associated with open pits.
- Site operator(s) shall ensure that unfilled and/or unblocked open pits that are currently in use are secured against safety and health risks to miners and local communities.

### PERFORMANCE CRITERIA

- Pits are appropriately filled and/or blocked.
- Unfilled and/or unblocked open pits are secured against safety and health risks to miners and local communities.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors

## PROVISION 6.9 (SUPPLEMENTAL BENCHMARK): EXTRACTED GRAVEL AND ROAD ROUTES

### PROGRESS REQUIREMENTS

- Where practical, site operator(s) should ensure that areas designated for processing extracted gravel and the road route(s) required to access the mining site are located where there is the least impact on the environment; i.e. minimum vegetation clearing.

### PERFORMANCE CRITERIA

- Processing areas and road routes are located where environmental impact has been demonstrably minimized.
- Consent has been obtained from the local community for location of processing areas and roads.
Site operator(s) should engage the local community to obtain consent for location of processing areas and roads.

Applied in conjunction with Provisions 2.1 (Consent for Mining Operations), 2.2 (Community Dialogue) and 2.3 (Collaboration with Community).

### PROVISION 6.10 (SUPPLEMENTAL BENCHMARK): DREDGING (WHERE APPLICABLE)

**Progress Requirements**

- Site operator(s) should ensure that dredging or the diversion of water bodies in order to mine the riverbed are only undertaken with permission from the appropriate authorities and consent from the local community.

  Applied in conjunction with Provisions 2.1 (Consent for Mining Operations), 2.2 (Community Dialogue) and 2.3 (Collaboration with Community).

**Performance Criteria**

- Permission and approval has been sought and obtained from the relevant authorities, in cases of dredging and diversion of water bodies.
- Consent has been obtained from the local community, in cases of dredging and diversion of water bodies.

**Acceptable Audit Evidence**

- Relevant authorizations
- Written or verbal confirmation by relevant authorities
- Written or verbal confirmation of local community consent

### PROVISION 6.11 (SUPPLEMENTAL BENCHMARK): WATER POLLUTION

**Progress Requirements**

- Site operator(s) should limit siltation and other forms of water pollution by

**Performance Criteria**

- Relevant authorizations
- Written or verbal confirmation by relevant authorities
- Written or verbal confirmation of local community consent
refraining from depositing tailings and other waste or contaminated material in the water, or where these could be absorbed into and/or pollute the streams, rivers or other waterways on and near the mining site.

- Procedures are in place to control and mitigate the direct or indirect discharge of pollutants into surrounding water bodies.
- Community leaders are sensitized about the need to monitor water pollution.
- Community leaders are informed about the resources required to periodically test water.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors
- Interviews with community leaders and/or other relevant authorities

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### PROVISION 6.12 (SUPPLEMENTAL BENCHMARK): TAILINGS AND WASTE MATERIALS

**PROGRESS REQUIREMENTS**

- Where feasible, site operator(s) should ensure that tailings and other waste material are treated in order to prevent their uncontrolled release into the environment and to mitigate environmental impact.

  - In addition, site operator(s) should ensure that said waste material (including tailings) is stored in a manner that prevents it from running off, overflowing or being washed away into the environment.

**PERFORMANCE CRITERIA**

- Treatment of tailings and other waste material is suitable for the level and scale of mining operations.
- Tailings and other waste material are treated through de-watering in settling ponds or other appropriate tailings disposal facilities/methods.
- Tailings and other waste material is stored safely and in a manner that mitigates its negative environmental impact through run off, overflow or being washed away.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors.

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### PROVISIONS 6.13 (SUPPLEMENTAL BENCHMARK): CONSERVATION

**PROGRESS REQUIREMENTS**

**PERFORMANCE CRITERIA**
Where feasible, site operator(s) should carry out conservation measures in an area that is in close proximity to the mining operation in order to contribute towards offsetting the specific environmental impacts associated with mining operations and related activities.

In so doing, site operator(s) should use native plant species and other environmentally suitable vegetation to enhance the possibilities of developing a sustainable ecosystem.

On their own or in collaboration with other entities, site operator(s) has made demonstrable efforts to facilitate and/or implement the protection, preservation, management or restoration of natural resources, such as biodiversity, soil and water—as far as possible within their means.

Indigenous plant specimens have not been removed from the larger mining area.

**ACCEPTABLE AUDIT EVIDENCE**

- Observation on site by independent third-party auditors.
- Interviews with community leaders, local NGOs and local officials, as appropriate.

**PROVISION 6.14 (SUPPLEMENTAL BENCHMARK): PROGRESSIVE REHABILITATION**

**PROGRESS REQUIREMENTS**

- Site operator(s) should develop a concise plan for environmental management when carrying out their operations, even when not legally required by national law.

- Site operator(s) should update and review the environmental management plan on a regular basis (at least once per year) to ensure that this plan remains relevant as the mining site changes and develops.

- Site operator(s) should implement a progressive rehabilitation strategy for mining areas as soon as the disturbed area is no longer needed for mining purposes in order to reduce future

**PERFORMANCE CRITERIA**

- An environmental management plan that is appropriate to the level and scope of the mining operations and related activities has been developed and implemented in collaboration with the local community.

- Areas of the mining site that are no longer being used for mining purposes have been rehabilitated.

- An up-to-date record of specific environmental factors related to mining operations is maintained.

- The local community has been informed and educated about the environmental management plan and its importance.
- Site operator(s) should regularly inform the local community of changes and developments at the mining site that impact the environment and result in revisions to the environmental management plan.

- *Applied in conjunction with Provisions 2.1 (Consent for Mining Operations), 2.2 (Community Dialogue) and 2.3 (Collaboration with Community) and 8.2 (Mining Site Rehabilitation).*

### ACCEPTABLE AUDIT EVIDENCE

- Documentation for environmental management plan (including updates) and relevant records
- Documentation of communication with local community
- Interviews with community leaders and relevant local officials to confirm community collaboration and consent, including information sharing and education
7. INTERACTIONS WITH LARGE-SCALE MINING (WHERE APPLICABLE)

Definition

For the purposes of the Maendeleo Diamond Standards, INTERACTIONS WITH LARGE-SCALE MINING (LSM) is defined as the relationship that exists between LSM operations and artisanal and small-scale diamond mining (ASM) operations in locations were these two types of mining sites overlap or are located in close proximity. This Standard only applies to these conditions.

The overall intention of this pillar is to improve the relationship between the ASM and LSM sectors. The two (2) Provisions outlined under minimum requirements are mandatory and aim to equip ASM site operator(s) and miners with the necessary guidance required to successfully navigate LSM-ASM relations for the betterment of the ASM. The single Provision linked to the progress requirement seeks to structure and build constructive relationships based on mutual
respect and nonviolent interactions between ASM and LSM operations over the medium to long term.

This pillar and its related Provisions generally draw on existing standards in the extractive sector (e.g. Responsible Jewellery Council, International Council on Mining and Metals [ICMM], etc.) but re-orient these to focus on building the capacities of ASM miners and site operators. It also adapts the notion of corporate social responsibility and the related idea of a social licence to operate to the context of LSM-ASM relations.

The Interactions with Large-Scale Mining Standard has three mandatory minimum requirements. These include:

- Provision 7.1: Awareness of LSM obligations
- Provision 7.2: Violence-free interactions with LSM operations
- Provision 7.3: Basic engagement with LSMs operations

### Provision 7.1: Awareness of LSM Obligations

<table>
<thead>
<tr>
<th>Minimum Requirements (Mandatory)</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) shall be aware of the details of the large-scale mining (LSM) concession and the community development obligations of the concessionaire and how this may affect their ASM operations.</td>
<td>Site operator(s) has obtained relevant documentation on the LSM concession and corresponding obligations to community development. Site operator(s) can demonstrate awareness of how LSM operations may specifically affect their ASM operations.</td>
</tr>
</tbody>
</table>

Acceptable Audit Evidence

- Documentation about training courses related to ASM-LSM relations; e.g. syllabi, photos, testimonials, etc.
- Interviews with site operator(s), community leaders, miners and/or LSM personnel.

### Provision 7.2: Basic Engagement with LSM Operations

<table>
<thead>
<tr>
<th>Minimum Requirements (Mandatory)</th>
<th>Performance Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASM Site operator(s) shall cooperate with LSM operations through participation in consultations and meetings initiated by LSM operators or government representatives</td>
<td>ASM site operator(s) has identified him/herself to appropriate LSM personnel as the designated responsible party for the ASM site.</td>
</tr>
</tbody>
</table>
throughout the life cycle of LSM operations.

- ASM site operator(s) has been trained in basic engagement with LSM personnel.
- ASM site operator(s) knows about and applies standard mechanisms for ongoing cooperation and engagement between ASM-LSM operations.
- ASM site operator(s) and LSM personnel have consulted and met together.
- A local ASM-LSM committee has been established to address issues of interest; e.g. community development, skills transfer, employment, technical cooperation, mechanization, etc.
- There are communication channels to discuss emerging issues.

**ACCEPTABLE AUDIT EVIDENCE**

- Documentation about training courses related to ASM-LSM relations; e.g. syllabi, photos, testimonials, etc.
- Written documentation confirming consultation and meetings between ASM site operator(s) and LSM personnel, including reference to establishment of local ASM-LSM committee and committee implementation (e.g. charter, minutes).
- Interviews with ASM site operator(s) and relevant LSM personnel to confirm that both parties are aware of their rights and obligations as these are detailed in the mining license.

**PROVISION 7.3 (SUPPLEMENTAL BENCHMARK): INFORMING WORKERS**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASM site operator(s) should inform all miners at the site about ASM-LSM</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>agreements, meetings and other interactions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ ASM site operator(s) should continue to keep miners informed about new developments between ASM and LSM operations.</td>
</tr>
</tbody>
</table>

**ACCEPTABLE AUDIT EVIDENCE**

- Records of ASM-LSM agreements, meetings and other interactions
- Interviews with miners to confirm knowledge about outcomes of ASM-LSM engagements
8. SITE CLOSURE

**Definition**

For the purposes of the Standards, SITE CLOSURE is defined as the period of time when the activities at an artisanal or small-scale diamond mining site have ended, and final decommissioning and mine reclamation are being completed.

This pillar is intended to address the role of the site operator(s) in social, economic and environmental planning for the cessation of mining operations and related activities and rehabilitation of the mining site. The two Provisions outlined under minimum requirements are mandatory and aim to reduce the environmental impact of the mining site lifecycle, in particular at the time a mine closes. The six Provisions linked to the progress requirements seek to mitigate the broader negative effects of site closure on mining communities and raise professional standards in order to foster greater responsibility for the local community affected by site closure.

This pillar and its related Provisions draw on consultations with artisanal and small-scale diamond site operators, miners and local communities that have been affected by site closure. This pillar and its related Provisions also refers to practices related to mine closure for LSM operations and adapts these to the context of artisanal and small-scale mining operations.

The Site Closure Standard has two mandatory minimum requirements:

- Provision 8.1: Planning site closure
- Provision 8.2: Mining site rehabilitation
## PROVISION 8.1: PLANNING SITE CLOSURE

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) shall designate an individual or group of individuals to serve jointly or with community representatives as point-person(s) for creating a social and environmental site closure plan.</td>
<td>An individual or group of individuals have been appointed to serve as point-person(s) for creating a social and environment site closure plan.</td>
</tr>
<tr>
<td>Applied in conjunction with Provision 2.1 (Consent for Mining Operations).</td>
<td>The site operator(s) and/or point-person(s) consult with the local community regarding social and environmental plans for site closure.</td>
</tr>
</tbody>
</table>

**The local community is consulted on an ongoing basis to discuss the social and environmental impact of site closure.**

**Site operator(s) encourages and facilitates local community involvement in carrying out planned site closure tasks; e.g. cleaning the mining site, such as garbage and litter removal; rehabilitation efforts, such as planting vegetation.**

**Site operator(s) have track record in complying with site closure Provisions 8.1 and 8.2 at previous MDS certified mining sites under their control.**

### ACCEPTABLE AUDIT EVIDENCE
- Written documentation of site closure plan, if available.
- Written documentation of previous track record with site closure compliance at MDS certified mining site(s), where applicable.
- Observation on site by independent third-party auditors.
- Interviews with miners, local community leaders and relevant local officials about site closure planning and consultation with the local community.

## PROVISION 8.2: MINING SITE REHABILITATION

<table>
<thead>
<tr>
<th>MINIMUM REQUIREMENTS (MANDATORY)</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
</table>
- At the end of mining operations, the site operator(s) shall ensure that the production and processing areas are adequately rehabilitated.  
  

- Mining site production and processing areas have been rehabilitated, including but not limited to: contouring waste dumps, ploughing and revegetation, clean up and storage of residue or other appropriate means that rehabilitate former mining site land for other use.

- Former mining site is not harmful to local community.

**ACCEPTABLE AUDIT EVIDENCE**

- Photographs of before and after, where available.
- Observation by independent third-party auditors.
- Interviews with community leaders.

**PROVISION 8.3 (SUPPLEMENTAL BENCHMARK): DOCUMENTATION OF SITE CLOSURE**

**PROGRESS REQUIREMENTS**

- Site operator(s) should maintain up-to-date records of supporting document(s) submitted during the original license application, which relate to decommissioning of the mining site and the reclamation plan at the time of mining site closure.

**PERFORMANCE CRITERIA**

- There is an environmental rehabilitation plan that can be feasibly implemented during the process of mining site closure.

- Site operator(s) and designated point-persons(s) update site closure plans on a regular basis, as necessary, to ensure plans reflect current mining site operations.

- Records are available on the information relating to the mining site closure and environmental rehabilitation objectives that were submitted with mining license application, as required by regulations in force.
**ACCEPTABLE AUDIT EVIDENCE**

- Written documentation confirming site closure, rehabilitation plans, inspections by relevant authorities; e.g. environmental ministry or agencies; mining authorities

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**PROVISION 8.4 (SUPPLEMENTAL BENCHMARK): DISPOSAL OF WASTE AND EQUIPMENT (WHERE APPLICABLE)**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) should ensure that all structures and equipment at the mining site are removed and appropriately disposed of upon closure of the mining site.</td>
<td>Various degradable and non-degradable materials have been appropriately treated and disposed of, in compliance with environmental standards and legal obligations in force.</td>
</tr>
</tbody>
</table>

---

**ACCEPTABLE AUDIT EVIDENCE**

- Waste disposal records.
- Observation on site by independent third-party auditors.

---

**PROVISION 8.5 (SUPPLEMENTAL BENCHMARK): INTEGRATED SITE/MINE CLOSURE (WHERE APPLICABLE)**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>In areas of overlapping activities, site operator(s) should cooperate as fully as possible, according to their means and capacity, with large-scale mining operator(s) and other relevant parties to proactively manage integrated mine closure planning and activities.</td>
<td>Site operator(s) has engaged and sought to cooperate with relevant personnel at large-scale mining operations.</td>
</tr>
</tbody>
</table>

Also see Standard 7.

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<tbody>
<tr>
<td></td>
<td>Site operator(s) has engaged and sought to cooperate with relevant personnel at large-scale mining operations.</td>
</tr>
<tr>
<td></td>
<td>There are plans in place for integrated mining site closure activities.</td>
</tr>
<tr>
<td></td>
<td>Integrated mining site closure activities have been implemented.</td>
</tr>
</tbody>
</table>

---

**ACCEPTABLE AUDIT EVIDENCE**

- Site operator(s) has engaged and sought to cooperate with relevant personnel at large-scale mining operations.

- There are plans in place for integrated mining site closure activities.
- Integrated mining site closure activities have been implemented.

**PROVISION 8.6 (SUPPLEMENTAL BENCHMARK): EXTERNAL CONSULTATION**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) and designated point-person(s) should consult external experts to assist in the mining site closure planning process, as needed and when feasible.</td>
<td>External experts have or will be contacted, as needed and feasible, to assist in the planning process for mining site closure. External experts include individuals and groups relating to and specializing in all areas of the Maendeleo Diamond Standards and related Provisions; e.g. environmental NGOs, local officials, human rights NGOs, academics related to mining or environmental conservation.</td>
</tr>
</tbody>
</table>

**ACCEPTABLE AUDIT EVIDENCE**

- Evidence of consultant with external experts; e.g. contracts, emails, phone records, etc.

**PROVISION 8.7 (SUPPLEMENTAL BENCHMARK): FINANCIAL RESOURCES FOR SITE CLOSURE**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) and designated point-person(s) should create a financial plan for site closure to ensure that costs associated with mining site closure are accounted for and covered; e.g. final miner financial remuneration, rehabilitation efforts.</td>
<td>There is a financial plan that covers all of the costs associated with mining site closure activities and that can be feasibly implemented during the process of site closure.</td>
</tr>
</tbody>
</table>

**ACCEPTABLE AUDIT EVIDENCE**

- Financial planning documentation related to site closure

**PROVISION 8.8 (SUPPLEMENTAL BENCHMARK): SECURING FINANCIAL RESOURCES**

<table>
<thead>
<tr>
<th>PROGRESS REQUIREMENTS</th>
<th>PERFORMANCE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site operator(s) should secure the necessary financial resources to carry out the mining site closure.</td>
<td>The financial resources necessary to carry out the mining site closure.</td>
</tr>
<tr>
<td>Site closure plans and hold these funds in a qualified and approved financial institution.</td>
<td>plans, as detailed in the financial plan for site closure (Provision 8.7 above), have been secured.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>▪ Site operator(s) can demonstrate that these funds are held only by qualified and approved financial institutions; e.g. banks or micro-credit institutions.</td>
<td></td>
</tr>
</tbody>
</table>

**ACCEPTABLE AUDIT EVIDENCE**

- Relevant records from qualified and approved financial institutions
**ANNEX A: GLOSSARY OF TERMS**

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>abuse</td>
<td>to treat a person with cruelty or violence, especially with regularity or repeatedly</td>
</tr>
<tr>
<td>acceptable audit evidence</td>
<td>evidence that independent third-party auditors can use to verify that an MDS Provision has been fulfilled; evidence can consist of official and informal documents, meeting notes, interviews, syllabi and so on</td>
</tr>
<tr>
<td>accountability</td>
<td>acknowledging and assuming responsibility for actions, decisions, practices etc., particularly in the context of work</td>
</tr>
<tr>
<td>agent</td>
<td>person or entity acting on behalf of another or group of others; e.g. in transactions</td>
</tr>
<tr>
<td>Anti-Money Laundering (AML)</td>
<td>a set of procedures, laws and/or regulations designed to stop and uncover the practice of generating income through illegal means</td>
</tr>
<tr>
<td>Artisanal Diamond Mining (ADM)</td>
<td>mining of alluvial diamonds conducted by individuals and small groups of miners using low-tech, traditional techniques for extraction; labour intensive, with low capital investment</td>
</tr>
<tr>
<td>Artisanal and Small-scale Diamond Mining (ASDM) sector</td>
<td>Artisanal and small-scale diamond mining (ASDM) sector comprises formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASDM is normally not capital intensive and uses high labor-intensive technology</td>
</tr>
<tr>
<td>audit</td>
<td>an official inspection of mining site operations to verify compliance with MDS provisions, conducted by an independent third-party</td>
</tr>
<tr>
<td>auditor (independent third-party)</td>
<td>an individual or group of persons, not affiliated with DDI or the mining site, appointed to conduct the audit</td>
</tr>
<tr>
<td>backfilling</td>
<td>refilling open pits that are created as soil and overburden are dug out or excavated during mining</td>
</tr>
<tr>
<td>bribery</td>
<td>an offer or acceptance of money, gifts or anything of value in exchange for influence or an act in one’s favour from a government/community official or leader</td>
</tr>
<tr>
<td>buyers</td>
<td>individuals and companies who purchase rough diamonds; buyers participating in the MDS system must be approved through a due diligence process established by DDI</td>
</tr>
<tr>
<td>certification cycle</td>
<td>the six-month period during which MDS certification is valid, starting from the date of issue; reflecting the progressive improvements that the Maendeleo Diamonds Standards and related Provisions aim to achieve in artisanal and small-scale mining operations, MDS certification must be renewed on a cyclical basis</td>
</tr>
<tr>
<td>certification review</td>
<td>a formal assessment of a certified mining site to evaluate continued compliance with relevant MDS Provisions,</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>child labour</td>
<td>the employment of anyone under the age of 15, that deprives children of their childhood, their potential, their dignity and that is harmful to physical and mental development; this includes work that is mentally, physically, socially or morally dangerous and/or harmful to children.</td>
</tr>
<tr>
<td>coercion</td>
<td>act of persuading another or a group of others to do something against their will by using force or threats; e.g. forced displacement</td>
</tr>
<tr>
<td>collaboration</td>
<td>cooperating or working jointly with another or groups of others to achieve a common goal; e.g. community development</td>
</tr>
<tr>
<td>collective</td>
<td>a group of people who come together with a common issue or interest (e.g. mining, farming) to work together towards or share in a common objective and/or to share knowledge and skills; a collective has a non-hierarchical management structure and no single member has the authority of a manager</td>
</tr>
<tr>
<td>collective bargaining</td>
<td>process of carrying out voluntary negotiations between an employer and a group representing workers on issues related to working conditions, remuneration, etc.</td>
</tr>
<tr>
<td>commercial sex worker</td>
<td>a person who receives money or goods in exchange for sexual services and who defines those activities as income generating, even if that person does not consider sex work as his/her occupation.</td>
</tr>
<tr>
<td>community-based monitoring</td>
<td>monitoring activities by an interested community, so that the community can make independent choices about its own development.</td>
</tr>
<tr>
<td>community consent</td>
<td>the engagement of communities and individuals in decisions related to resource extraction; consent entails that communities and individuals are involved in discussions around the potential (e.g. economic growth and employment opportunities) and known impacts (e.g. environmental risks) of such projects; consent must be free, prior and informed and the local community, especially vulnerable and marginalized groups and individuals, must participate in discussions</td>
</tr>
<tr>
<td>community development</td>
<td>purposeful actions undertaken locally by site operators on their own or in partnership with others, to facilitate, generate or enhance social conditions, information and infrastructural services.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th><strong>community engagement</strong></th>
<th>resources in the localities where their artisanal or small-scale diamond mining operations occur</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>community leader(s)</strong></td>
<td>the collaborative processes through which the aspirations, concerns, needs and values of the community and its members are incorporated in the planning and decision-making of mining operations and related activities for the betterment of the community(^\text{34})</td>
</tr>
<tr>
<td><strong>compliance</strong></td>
<td>an all-encompassing term for traditional and/or elected male and female officials who preside over the community in which mining operations take place (e.g. traditional authorities, local government leaders, ethnic representatives, elected politicians, local administrators, chiefs, elders local officials and other relevant government/public officials with similar titles)</td>
</tr>
<tr>
<td><strong>compliance management</strong></td>
<td>adhering to specified requirements or provisions</td>
</tr>
<tr>
<td><strong>concession</strong></td>
<td>taking corrective action(s) to become compliant with specified requirements or provisions</td>
</tr>
<tr>
<td><strong>concessionaire</strong></td>
<td>an agreement with the government and/or local authority that grants land rights for mining use</td>
</tr>
<tr>
<td><strong>conflict diamond</strong></td>
<td>the holder of a concession or grant for the use of land for mining purposes</td>
</tr>
<tr>
<td><strong>conservation measures</strong></td>
<td>rough diamonds used by rebel movements to finance wars against legitimate governments;(^\text{35}) also known as “blood diamonds”</td>
</tr>
<tr>
<td><strong>consultation</strong></td>
<td>a type of project conducted or technology implemented to protect, preserve and carefully manage natural resources and the environment</td>
</tr>
<tr>
<td><strong>cooperative</strong></td>
<td>(1) to engage with an expert (e.g. environmental management expert) in order to seek advice; and (2) to meet with a group or individual for discussion to receive input and/or feedback on a certain topic or matter (e.g. consulting with a community on development objectives)</td>
</tr>
<tr>
<td><strong>corporate punishment</strong></td>
<td>democratically self-governed groups of people organized for a joint purpose to meet common economic, social or cultural objectives; a cooperative is similar to a collective; however, a cooperative may have a hierarchical management structure; e.g. an elected board of directors makes key decisions on behalf of the group</td>
</tr>
<tr>
<td><strong>corruption</strong></td>
<td>punishment intended to cause physical harm or pain to an individual</td>
</tr>
<tr>
<td><strong>debt bondage</strong></td>
<td>dishonest or unethical conduct of a person with a position of authority for the sake of personal benefit and gain</td>
</tr>
<tr>
<td></td>
<td>a person’s pledge of his/her labour or services as security for the repayment for a debt or other obligation</td>
</tr>
</tbody>
</table>

\(^{34}\) Adapted from the Brisbane Declaration, August 2005.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>decent work</strong></td>
<td>occupational activities undertaken in conditions that uphold equity, freedom, human dignity and security&lt;sup&gt;36&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>development</strong></td>
<td>to work towards ending poverty, combating inequalities, building peaceful, just and inclusive communities, protecting human rights and promoting gender equality and the empowerment of women and girls, ensuring the protection of plants and natural resources and creating conditions for inclusive and sustainable economic growth and shared prosperity&lt;sup&gt;37&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>dialogue</strong></td>
<td>a conversational exchange between an auditor and one or more people on topics relating to mining site operations and practices</td>
</tr>
<tr>
<td><strong>Diamond Development Initiative (DDI)</strong></td>
<td>An organization whose aim is to gather all interested parties into a process that seeks to address, in a comprehensive way, the political, social and economic challenges facing the artisanal and small-scale diamond mining sector in order to optimize the beneficial development impact of artisanal diamond mining to miners and their communities within the countries in which the diamonds are mined&lt;sup&gt;38&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>diamond manifest</strong></td>
<td>a document giving comprehensive details and records of diamonds extracted from a mining site</td>
</tr>
<tr>
<td><strong>diamond pipeline</strong></td>
<td>route that a diamond follows from the mining site to the end user</td>
</tr>
<tr>
<td><strong>diamond value chain</strong></td>
<td>the channel of supply for diamonds through different phases at which successive mining and/or processing operations increase the value of diamonds from the previous phase; typically includes exploration, mining, sorting, polishing, dealing, jewellery manufacturing and ultimately retail</td>
</tr>
<tr>
<td><strong>diggers</strong></td>
<td>worker in diamond mining operations who clears vegetation, boulders, removes overburden, etc; referred to by the generic term “miners” in this manual</td>
</tr>
<tr>
<td><strong>entity</strong></td>
<td>person, group of persons, organization(s), establishment(s), etc., that has a distinct or separate existence from others that it otherwise is associated or affiliated with</td>
</tr>
<tr>
<td><strong>environmental degradation</strong></td>
<td>the process of making the environment progressively worse through depletion and pollution of resources (e.g. air, water, soil) and the destruction of ecosystems; any negative change in the environment</td>
</tr>
<tr>
<td><strong>environmental impact assessment</strong></td>
<td>an evaluation or estimation of the potential negative effects of artisanal and small-scale diamond mining operations and</td>
</tr>
</tbody>
</table>

<sup>36</sup> Adapted from the ILO definition of “decent work” and its corresponding agenda on decent work. See: [http://www.ilo.org/global/topics/decent-work/lang--en/index.htm](http://www.ilo.org/global/topics/decent-work/lang--en/index.htm)


<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>environmental management</td>
<td>progressively diminishing the potential for environmental degradation that results from interactions between artisanal and small-scale diamond mining operations and related activities and the natural surroundings (including soil, water, air and biodiversity) of the communities where these activities and/or their impact occur; actively taking measures to prevent environmental degradation</td>
</tr>
<tr>
<td>environmental management plan</td>
<td>a plan developed specifically in relation to the mining site that ensures all possible measures to protect the environment are identified and implemented</td>
</tr>
<tr>
<td>environmental remediation</td>
<td>the removal of pollution or contaminants from the surrounding environments, such as soil, groundwater, sediment or surface water</td>
</tr>
<tr>
<td>environmental risks</td>
<td>actual or potential threat of negative impacts to the environment that would lead to environmental degradation</td>
</tr>
<tr>
<td>ethical sourcing</td>
<td>ensuring products are created in safe working environments by workers who are well treated and fairly paid and through means that protect and respect the environment; also referred to as “responsible sourcing”</td>
</tr>
<tr>
<td>fair pricing</td>
<td>a price that has been mutually agreed by all through dialogue and participation, which provides fair wages to the producers and can also be sustained by the market</td>
</tr>
<tr>
<td>fair wage</td>
<td>provision of an adequate living wage and equal remuneration for work of equal value</td>
</tr>
<tr>
<td>financial remuneration</td>
<td>payment (cash) received by miners in exchange for work or services provided</td>
</tr>
<tr>
<td>flow of goods</td>
<td>the system through which diamonds travel from one owner to another or from one location to another</td>
</tr>
<tr>
<td>forced labour</td>
<td>being employed against one’s will due to physical violence, threat of violence or other coercive methods, including indebtedness or hardship to themselves or their associates; enforced labour in return for various forms of protection, rights, etc.</td>
</tr>
<tr>
<td>freedom of association</td>
<td>the right to join or leave a group of one’s own choosing, and for the group to take collective action to pursue the common interests or otherwise of its members</td>
</tr>
<tr>
<td>gender-based violence</td>
<td>all acts perpetuated against women, men, boys and girls on the basis of their sex that causes or could cause them physical, sexual, psychological, emotional or economic harm, including the threat to take such acts, or to restrict or deprive</td>
</tr>
</tbody>
</table>


40 A fair wage is defined in accordance with In accordance with the ILO Minimum Wage Fixing Recommendation, 1970 No. 135.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>an individual of fundamental freedoms on</td>
<td>an individual of fundamental freedoms on the basis of gender[^1]</td>
</tr>
<tr>
<td>the basis of gender[^1]</td>
<td></td>
</tr>
<tr>
<td>gender-related</td>
<td>pertaining or relating to how and what issues impact males and females differently</td>
</tr>
<tr>
<td>gravel transporters</td>
<td>mine worker(s) who transports extracted gravel to recovery site</td>
</tr>
<tr>
<td>grievance procedure this</td>
<td>means of dispute resolution, usually a hierarchical structure for formally presenting and settling disputes, especially at the mining site</td>
</tr>
<tr>
<td>harassment</td>
<td>behaviour of an offensive nature that is disturbing, upsetting or viewed as threatening to another person; it is characteristically repetitive</td>
</tr>
<tr>
<td>health and safety</td>
<td>hygiene and safety, as well as physical elements, relating to all places where miners need to be or to go as a result of artisanal and small-scale diamond mining work, and which are under the direct or indirect control of the mining operation</td>
</tr>
<tr>
<td>human and worker’s rights</td>
<td>defined as a set of legal and human rights related to labour relations between miners and the site operator(s); these rights specifically encompass: the prevention of physical and emotional abuse and the elimination of all forms of forced or coerced labour; freedom of association, organization and collective bargaining; equitable pay; non-discrimination; and the elimination of child labour</td>
</tr>
<tr>
<td>identification marking</td>
<td>process of using various signs or methods to classify or categorize a mining product</td>
</tr>
<tr>
<td>intermediaries</td>
<td>person(s) or entity acting as a go-between for others at different points in a transaction</td>
</tr>
<tr>
<td>intimidation</td>
<td>to purposefully frighten or threaten someone in order to make them do what one wants</td>
</tr>
<tr>
<td>Kimberley Process (KP)</td>
<td>a joint government, industry and civil society initiative to stop the flow of conflict diamonds, as defined by the Kimberley Process Certification Scheme (KPCS) through regulatory mechanisms, aimed specifically at countries with artisanal mining sectors; established by United Nations General Assembly Resolution 55/56 on 29 January 2001; has 54 participants representing 81 countries, and participants such as the World Diamond Council and the Diamond Development Initiative (DDI), among other organizations</td>
</tr>
</tbody>
</table>

[^1] This term is often used interchangeably with the phrase “violence against women”. The definition above is adapted from Southern African Development Community, Protocol on Gender and Development.

<table>
<thead>
<tr>
<th><strong>Kimberley Process Certification Scheme (KPCS)</strong></th>
<th>the regulations and protocols established by the Kimberley process in 2003 to prevent “conflict diamonds” from entering the mainstream rough diamond market.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Know Your Customer (KYC)</strong></td>
<td>due diligence processes to identify the identity of customers, clients or agents with whom a business engages to ensure that they are compliant with national and international laws governing anti-corruption, anti-bribery and anti-terrorist measures and practices</td>
</tr>
<tr>
<td><strong>labourers</strong></td>
<td>person(s) who mainly carries out physical work for wages in various roles, including diggers, gravel transporters, washers, etc.; referred to by the generic term “miners” in this document</td>
</tr>
<tr>
<td><strong>land owners</strong></td>
<td>person(s) who own the rights to land that is being mined or is a potential mining site; in most artisanal and small-scale diamond producing countries with customary land rights, this role is typically carried out by clan chiefs, traditional authorities, etc.</td>
</tr>
<tr>
<td><strong>Large-Scale Mining (LSM)</strong></td>
<td>industrialized mining at a high volume usually undertaken by companies and big firms with major investments, using complex methods, sophisticated machines and well developed production processes</td>
</tr>
<tr>
<td><strong>legal frameworks</strong></td>
<td>the essential conceptual structures on which various laws, regulations, ordinances and so on are modeled</td>
</tr>
<tr>
<td><strong>legality / legally</strong></td>
<td>to operate in compliance with national laws in the countries where artisanal and small-scale diamond mining occurs</td>
</tr>
<tr>
<td><strong>license holder</strong></td>
<td>person(s) accorded the permission to mine in a particular area with responsibility and obligations for dealing with authorities and/or sub-contracting mining to artisanal or small-scale mining operations</td>
</tr>
<tr>
<td><strong>local community</strong></td>
<td>a group of interacting people sharing an environment; refers to those groups of people who are affected by artisanal and small-scale diamond mining operations and related activities because they live on or near the mining site</td>
</tr>
<tr>
<td><strong>local officials</strong></td>
<td>refers to local government and administrative actors; e.g. local councils, local chiefdoms or chiefs and similar elected officials</td>
</tr>
<tr>
<td><strong>MDS certification</strong></td>
<td>a voluntary, cost-effective and progressive system of certification based on meeting a set of mandatory legal, socio-economic and environmental requirements (provisions) that establish better and more productive mining operations for artisanal and small-scale miners and help create positive impacts in their communities; based on a six-step process that includes, inter alia, registration, training, implementation and independent third-party audits</td>
</tr>
<tr>
<td><strong>MDS certified mining site</strong></td>
<td>a mining site that is compliant with all applicable provisions of the MDS system and that has been audited and deemed certifiable by an independent third-party auditor</td>
</tr>
<tr>
<td><strong>Maendeleo Diamond</strong></td>
<td>a diamond that has been certified as MDS compliant.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Maendeleo Diamond Standards (MDS)</strong></td>
<td>A comprehensive set of standards (as described in the present document) for safe, ethical artisanal diamond production.</td>
</tr>
<tr>
<td><strong>Memorandum of Understanding (MoU)</strong></td>
<td>a formal agreement between two or more parties that indicates the objectives and summarizes the essential terms of the subject matter of the agreement</td>
</tr>
<tr>
<td><strong>miners</strong></td>
<td>an all-encompassing term for workers at artisanal and small-scale diamond mining sites, including diggers, gravel transporters, washers, group heads; this term also includes transient, migrant or temporary workers at the site</td>
</tr>
<tr>
<td><strong>minimum requirement</strong></td>
<td>the lowest mandatory measurable level of compliance derived from the MDS Provisions</td>
</tr>
<tr>
<td><strong>mining operation</strong></td>
<td>processes and procedures being carried out to obtain and process products from a mine</td>
</tr>
<tr>
<td><strong>mining site</strong></td>
<td>a specific designated area, as defined by a license, where mining is allowed</td>
</tr>
<tr>
<td><strong>mining site life cycle</strong></td>
<td>all stages of mining operations, from exploration to closure and reclamation, through which all mines travel</td>
</tr>
<tr>
<td><strong>Non-Governmental Organization (NGO)</strong></td>
<td>a non-profit organization geared toward the provision of benefit to society, operating independently from the government.</td>
</tr>
<tr>
<td><strong>operationalize</strong></td>
<td>the process of actualizing a concept, idea or plan in a way that can be measured and its impact(s) assessed</td>
</tr>
<tr>
<td><strong>overburden</strong></td>
<td>rock, soil and other material overlying a mineral deposit; in the process of surface mining, this needs to be stripped away in order to get to the mineral deposits for extraction</td>
</tr>
<tr>
<td><strong>performance criteria</strong></td>
<td>specified activities, skills, knowledge or understanding that provide evidence an MDS Provision has been accomplished or achieved (performed)</td>
</tr>
<tr>
<td><strong>progress requirement</strong></td>
<td>a higher level, non-mandatory requirement in the MDS Provisions that establishes a benchmark for measuring the evolution of mining site operations and related activities over time, encouraging higher levels of voluntary compliance with other socio-economic and environmental standards</td>
</tr>
<tr>
<td><strong>provision</strong></td>
<td>sub-clauses of the Maendeleo Diamond Standards that provide instructional details for implementing mandatory and progress requirements; accompanied by specific performance criteria and acceptable audit evidence</td>
</tr>
<tr>
<td><strong>registration system</strong></td>
<td>mechanism, process, methods, tools or procedures for accounting for, recording and documenting actors and operators in the mining sector</td>
</tr>
<tr>
<td><strong>rehabilitation</strong></td>
<td>the act of restoring something to its original state; e.g. environmental rehabilitation</td>
</tr>
<tr>
<td><strong>responsible sourcing</strong></td>
<td>ensuring products are created in safe working environments by workers who are well treated and fairly paid and through</td>
</tr>
</tbody>
</table>
| **Responsible supply chain** | a responsible supply chain is a link of business actors who jointly adopt, implement and coordinate values, strategies and tactics in order to connect all levels of corporate social responsibility to the business processes in the chain.  
<p>| <strong>Rough diamond</strong> | diamond in its natural state after extraction and before it is processed during the cutting and polishing phases |
| <strong>Safely</strong> | mining activities that do not endanger the health and well-being of miners, workers, operators and the community where the mining site is located |
| <strong>Safety plan</strong> | a documented procedure designed to prevent and deal with mining site hazards with a high chance of occurrence |
| <strong>Sales record</strong> | a record of products sold during a particular time frame kept by a specific person, usually the site operator(s) |
| <strong>Site certificate</strong> | Issued to MDS certified artisanal and small-scale diamond mining sites; lists geographic location of the mining site, the date of audits, name of site operator and other relevant information, including applicable provisions against which site was evaluated; valid for an initial six-month period, beginning from the date of issue |
| <strong>Site closure</strong> | the cessation of mining operations and related activities and the rehabilitation of the mining site; planned site closure is intended to mitigate the negative social, economic and environmental factors typically associated with site closure |
| <strong>Site closure plan</strong> | a document detailing plans and procedures for site closure |
| <strong>Site operator</strong> | the main accountable actor and point of contact at the mining site, during the MDS certification system; the site operator may also be the license holder for the mining site |
| <strong>Small-scale diamond mining</strong> | mining of alluvial diamonds conducted by small to medium-sized groups of miners using simple equipment and tools supplemented by minimal to moderate mechanization requiring some capital and investment; although some small-scale diamond operations may grow into large-scale operations, they generally do not have the potential for large-scale economic exploitation |
| <strong>Social impact assessment</strong> | a planning process for assessing or estimating the potential social consequences (risks and benefits) that are likely to occur due to new or changed mining operations; oriented to minimizing risks and maximizing benefits |
| <strong>Social risks</strong> | actual or potential threat of negative impacts (e.g. loss of income, maldevelopment) to a community, group of people or an individual |</p>
<table>
<thead>
<tr>
<th><strong>stakeholder</strong></th>
<th>an individual or group of people with an interest or concern in something</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>standard</strong></td>
<td>a definition, limit or rule of a desirable level of quality and technical specifications on topics relating to mining operations that is used to measure the performance of artisanal and small scale mining practices and procedures, in accordance with international practices and norms</td>
</tr>
<tr>
<td><strong>surface renter</strong></td>
<td>someone who has leased landed from its owner for the use of said land for mining purposes</td>
</tr>
<tr>
<td><strong>sustainable / sustainability / sustainably</strong></td>
<td>practices that meet the needs of the present without compromising the ability of future generations to meet their own needs</td>
</tr>
<tr>
<td><strong>tailings</strong></td>
<td>the residue materials left over after the process of separating diamonds from the surrounding or closely mixed invaluable stone, known as “gangue”; it is distinct from overburden because tailings are the waste materials left after the diamond has been extracted from the gangue, whereas overburden is the material that lies on top of diamond and gangue deposits</td>
</tr>
<tr>
<td><strong>traceability</strong></td>
<td>quality or ability of tracking and distinguishing diamond products along successive stages of the local and/or international diamond pipeline</td>
</tr>
<tr>
<td><strong>traceability certificate</strong></td>
<td>warranties that diamonds produced at MDS certified sites have been mined at known and traceable artisanal and small-scale diamond mining sites; accompanies each parcel of diamonds (along with the Kimberley Process certificate and all other required export documents) throughout the supply chain to ensure traceability</td>
</tr>
<tr>
<td><strong>verification</strong></td>
<td>process of confirming that a mining operation and/or related activity is being carried out in accordance with specified guidelines and regulations</td>
</tr>
<tr>
<td><strong>violence</strong></td>
<td>the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation</td>
</tr>
<tr>
<td><strong>violence-free</strong></td>
<td>an artisanal or small-scale mining site that is free from physical or mental harm for all those who work there; every miner at a site can operate without fear of physical or mental harm</td>
</tr>
<tr>
<td><strong>washers</strong></td>
<td>worker(s) in mining operations responsible for concentrating and recovering diamonds; referred to by the generic term “miners” in this document</td>
</tr>
</tbody>
</table>


| waste material(s) | unwanted and non-reusable materials left behind after diamond extraction with little or no economic value, including rock, sand, soil, mine water, etc. |
| work agreement | a negotiated and legally binding arrangement between the mining site operator(s) and miner(s) that outlines the obligations of the site operator(s) and miner(s), financial remuneration, and any provision of benefits and payment deductions, if applicable |
| workers | person(s) who mainly carries out physical work for wages in various roles, including diggers, gravel transporters, washers, etc.; referred to by the generic term “miners” in this document |
| youth | anyone between the ages of 15 and 18 years of age |

Certain words (shall, shall not) are used in the Maendeleo Diamond Standards and related Provisions to specify the mandatory minimum levels of compliance with the Standards. Other words (should, should not) are associated with progress requirements and denote improvement over time.

INDICATIVE WORDS AND INTERPRETATIONS

| SHALL | This word, or the terms REQUIRED or MUST, means that the Provision constitutes a mandatory minimum requirement to be in compliance with the Maendeleo Diamond Standards. |
| SHALL NOT | This phrase, or the phrase MUST NOT, indicates the need to completely refrain from undertaking an action or series of actions as stipulated in the relevant Provision. |
| SHOULD | This word, or the word RECOMMENDED, indicates a higher standard to aspire to and progressively attain over time. It further indicates encouragement to strive for this higher standard whenever feasible. |
| MAY | This word, or the word OPTIONAL, indicates that the specified Provision is not obligatory and may be implemented on a discretionary basis. |
ANNEX B: INTERNATIONAL STANDARDS, GUIDELINES AND OTHER SOURCES CONSULTED

International and Regional Laws & Treaties

- International Labour Organization (1923) C-014 Weekly Rest (Industry) Convention, 1921
- International Labour Organization (1932) C-029 Forced Labour Convention, 1930
- International Labour Organization (1951) C-098 Right to Organize and Collective Bargaining, 1949
- International Labour Organization (1953) C-100 Equal Remuneration, 1951
- International Labour Organization (1959) C-105 Abolition of Forced Labour, 1957
- International Labour Organization (1976) C-138 Minimum Age Convention, 1973
- Kimberley Process (October, 2006) The Kimberley Process Certification Scheme: Third Year Review
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 30 April 1957
- United Nations (1948) Universal Declaration of Human Rights
- United Nations (August, 2005) Brisbane Declaration on Community Engagement
- World Economic Forum Mining & Metals Industry Partnership (February 2014) Scoping Paper: Mining and Metals in a Sustainable World

National Law

- Government of Sierra Leone (2009) Guidelines for applying for an artisanal mining licence
- Government of Sierra Leone (2009) Regulation to the Mines and Minerals Act

Codes of Practice and Standard Guides

- Aluminium Stewardship Initiative (December, 2014) ASI Performance Standard Version 1
- Aquaculture Stewardship Council (January, 2012) ASC Tilapia Standard Version 1.0
- Bettercoal (June 27, 2013) Bettercoal Code Version 1
- Canadian Business for Social Responsibility (April, 2009) CSR Frameworks Review for the Extractive Industry
- Equator Principles Association (June, 2013) Equator Principles III
- Extractive Industries Transparency Initiative (January, 2015) EITI Standard
- Fairtrade International (November 2013) Fairtrade Standard for Gold from Artisanal and Small-Scale Mining, including associated precious metals Forest Stewardship Council (July, 2015) FSC Principles and Criteria for Forest Stewardship
- Initiative for Responsible Mining Assurance (July, 2014) Standard for Responsible Mining Draft v1.0
- International Institute for Environment and Development (June, 2012) MMSD +10: Reflecting on a decade of mining and sustainable development
- ISEAL Alliance (March, 2014) ISEAL Code of Good Practice for Setting Social and Environmental Standards, Draft Version 5.2
- Responsible Jewellery Council (December 2009) Principles and Code of Practices
- Responsible Jewellery Council (November 2013) Code of Practices
- Social Accountability International (June, 2014) Social Accountability 8000
- United National Global Compact (2010) UN Global Compact Management Model
- World Diamond Council (2014) System of Warranties

Other Sources

- Lahiri-Dutt, Kuntala (2011) Gendering the Field: Towards Sustainable Livelihoods for Mining in Mining Communities, Australian National University Press: E Press
- United Mineworkers Union, Sierra Leone – Terms and Conditions of Work for Grassroots Diggers and Miners Engaged in Diamond and Gold Mining Activities in Sierra Leone
- World Resources Institute (February 2009) Breaking Ground: Engaging Communities in Extractive and Infrastructure Projects