

可再生能源背后的代价

——深入了解刚果民主共和国新兴的锂行业

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目录

第一部分：引言	1
刚果（金）新兴的锂产业介绍	3
第二部分：调查结果	3
刚果（金）锂业供应链的潜在风险	3
专栏：持有马诺诺市周边许可证的公司	4
调查结果详情	4
专栏：丛茂槐	10
专栏：达思康矿业合资经营协议	12
负责任锂生产的现行法律须被遵守	13
专栏：为什么披露实益所有权信息至关重要	14
专栏：尊重人权与环境	14
建议	15
锂开采和交易（包括供应链在内）对人类和环境带来的风险方面的建议	15
合同、支付款项和实益所有权的透明度方面的建议	16
结语	16
附录 1 特许权	18
附录 2 全球见证简报中提及的特许权持有企业的所有权及其他关联的概括性图表样本	20
尾注	21

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第一部分：引言

人们对刚果民主共和国（以下简称“刚果（金）”）惊人的矿产资源早已司空见惯，¹而该国似乎还发现了更多矿藏。

据业内专家和矿业出版物的说法，刚果（金）南部马诺诺市（Manono）附近尚未开发的硬岩锂矿床可能是世界上最大的锂矿之一。²锂和钴可用于生产电动汽车、风力涡轮机和太阳能电池，³对可再生能源技术至关重要。刚果（金）也是全球最大的锂和钴生产国之一⁴。

“我们不能指望继续像以前那样消耗能源或材料来满足地球上所有人的需求。”

凯特·拉沃思（Kate Raworth），甜甜圈经济学

到 2040 年，全球锂需求可能增长 40 倍（参见图 1，国际能源署（IEA）数据），⁵而能源转型可能用到的其他电池金属（如钴、镍、锰、稀土元素）的需求也将呈指数级增长（参见图 2）。

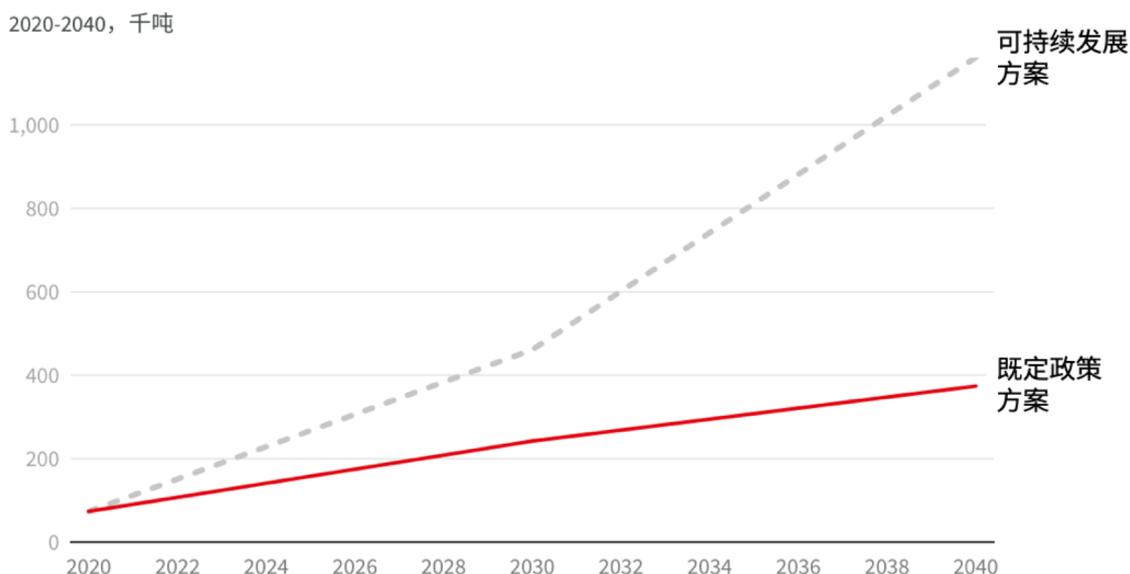
我们的经济活动对生态转型的需求从未如此紧迫。⁶政府间气候变化专门委员会（Intergovernmental Panel on Climate Change，简称 IPCC）2021 年的报告认为，可以明确的是，人为影响已经导致大气层、海洋和陆地变暖，人类引起的气候变化已经影响到全球每个地区的许多天气和气候极端事件。⁷

并且，整个电池金属供应链（从所用金属的开采到报废环节）上的企业，包括投资者和金融机构，都应制定相应的政策和做法，以确保转型不依赖于掠夺性和有害的经济和社会模式，以及——也许最具讽刺意味的是——对环境的危害。⁸尽管欧盟和中国已提议通过立法要求汽车制造商负责回收电池，⁹但目前还没有哪个国家在法律上要求企业公开报告其锂供应链。

为了不让全世界已经问题重重的自然资源进一步受到侵害，全球见证（Global Witness）认为，当前和未来交易¹⁰或使用刚果（金）锂的投资机构、银行和企业有责任确保他们所投资、购买、使用或交易的锂的来源是负责的，

图 1: 国际能源署数据, 按方案划分的锂需求总量

按方案划分的锂需求总量



数据来源: 国际能源署

遵循避免造成、助长或关联于人权侵犯、腐败和环境危害的原则。¹¹

而且, 我们不能指望继续像以前那样消耗能源或材料来满足地球上所有人的需求。¹² 因此, 除了全球 (尤其是北半球) 需要减少消费模式和提高循环性之外, 在制造过程中和在产品里使用刚果 (金) 锂的企业也必须开始采用可循环的方式, 比如对报废锂进行再利用¹³ 和回收。¹⁴ 而且, 除非我们做出改变, 否则为实现能源转型开采电池生产所需矿物的现行模式将加剧脱碳分化导致的不平等, 例如, 让生活在矿区的人反而陷入能源贫困。¹⁵

全球见证对刚果 (金) 未来锂供应链的潜在风险进行了调查和分析, 我们在此列出了我们的调查结果, 以助企业、投资机构及其母国政府和刚果 (金) 政府现在从现在起就采取措施, 在刚果 (金) 开始生产锂之前解决这些问题。

本简报以《经济合作与发展组织关于对来自受冲突影响和高风险区域的矿石的负责任供应链进行尽职调查的国际指南》(简称《经合组织指南》) 为基础, 概述了与刚果 (金) 未

来锂生产相关的潜在风险, 包括在支付款项、合同和实益所有权方面缺乏透明度, 以及环境和社会方面的风险。¹⁶ 在此框架下, 企业必须识别和处理实际或潜在的风险, 以防止或减轻与其活动或业务往来相关的不利影响。遵循这一框架可以为负责任、低影响和透明的锂交易和采购提供支持, 从而真正惠及刚果 (金) 民众。

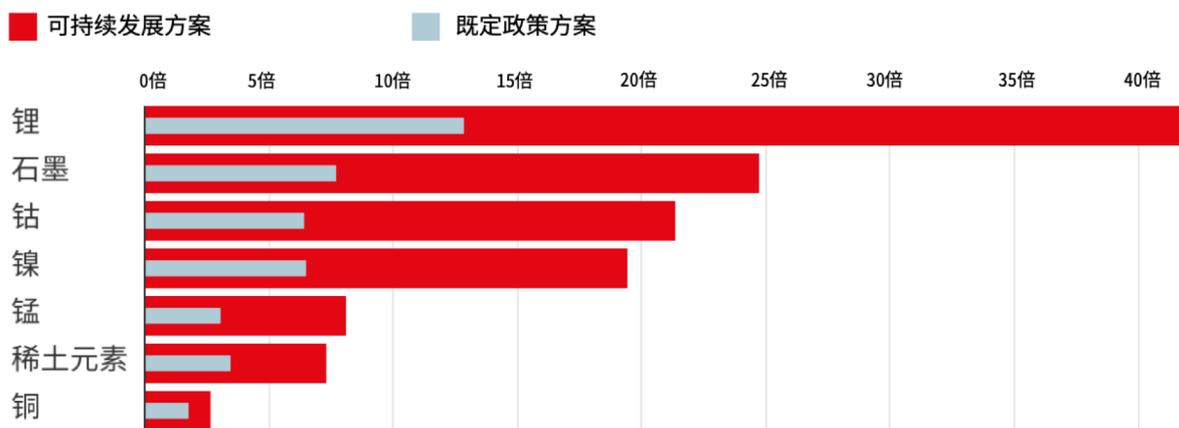
现行的刚果 (金) 法律以及关于矿产生产及供应链的国际法和原则中已有适用于锂的部分, 尽管它们并不完善 (参见下文“应适用负责任锂生产的现行法律、指南和原则”)。如果这些法律和原则得到全面、有力的执行, 应该能从经济上或实践上降低刚果 (金) 锂业助长人权侵犯、环境危害或腐败行为的风险。

如果这些风险得到缓解, 刚果 (金) 的锂生产就更有可能是作出重要贡献, 既推动负责任的可再生能源以替代破坏气候的化石燃料资源, 又确保对当地社区和当地环境的保护。

图 2：国际能源署数据，按方案划分的清洁能源技术对选定矿产的需求增长

按方案划分的清洁能源技术对选定矿产的需求增长

2040年相对于2020年的需求增长



数据来源：国际能源署

刚果（金）新兴的锂产业介绍

在刚果（金）南部，已经有三家国际公司宣布了有意勘探或生产锂（参见专栏：持有马诺诺市周边许可证的公司）。他们的采矿特许权集中在马诺诺市周边，根据公司信息，其中一些采矿特许权最早可能在 2023 年开始生产。

马诺诺市毗邻刚果（金）坦噶尼喀省（Tanganyika province）的锂矿和其他矿藏，¹⁷ 大约有 12 万居民，¹⁸ 他们主要靠当地小规模农业和一些小规模或手工采矿业为生¹⁹。据当地人说，该市没有可靠的电力供应，居民目前的饮用水取自当地挖的地下水井。²⁰ 居民的收入主要来自小规模经济活动，包括手采锡矿和钽矿以及在马诺诺市及其周边稍广的地域内务农。²¹

在为本简报做调研时，马诺诺市的一位居民告诉全球见证：“我们希望锂能为我们市的发展之类的事务提供资金。”卢本巴希（该地区首府，位于马诺诺以南约 700 公里处）大主教最近告诉刚果（金）媒体，“要让马诺诺的居民开始感受到开发其财富的正面影响，这是当务之急，也是不可或缺、合乎法律和迫在眉睫的。”²²

“我们希望锂能为我们市的发展之类的事务提供资金”

马诺诺居民，2021

这一矿产有潜力做到这些。根据 AVZ 矿业有限公司（AVZ Minerals Limited，简称 AVZ）的数据，靠近马诺诺市的较大含锂岩体之一罗氏杜尔（Roche Dure）的锂储量约为 4 亿吨，²³ 正如 AVZ2021 年 9 月 30 日的财务报告所载，该公司现在持有两个含锂特许权：马诺诺锂锡项目（Manono Lithium and Tin Project）的 75% 和马诺诺扩展项目（Manono Extension）的 100%。²⁴

第二部分：调查结果

刚果（金）锂业供应链的潜在风险

全球见证对公开的公司注册、合同文件、公司报告、社交媒体文章进行了初步的案头审查，与矿业主管部门和专家、民间社会团体成员以及坦噶尼喀和上洛马米省（Haut-Lomami）（全球见证采矿特许权调查样本中包括这两省）

的居民进行了 22 次访谈。我们重点研究了包含 51 个采矿特许权（大部分仍处于研究阶段）的样本集，这些特许权位于马诺诺市周边及西南方向约 150 公里处（参见附录 1 和地图 1）。

全球见证发现了涉及以下三方面的潜在锂供应链风险：

- > **调查结果一：** 缺乏关于锂矿开采（尤其是硬岩锂开采）的环境风险的详细公开信息，社区对这些潜在负面影响的认识明显偏低；
- > **调查结果二：** 疑似政治敏感人物参与刚果（金）的锂行业，未公开披露实益所有权信息，公司所有权之间存在关联可能导致锂矿特许权及最终的锂供应被少数几个人掌控（参见附录 2）；
- > **调查结果三：** 与未来锂生产相关的合同和支付款项未披露或仅部分披露。

专栏：持有马诺诺市周边许可证的公司

有几十家公司持有马诺诺市周边的采矿许可证（参见附录 1）。截至 2021 年 9 月，已有三家公开宣布计划在该地区的采矿特许区勘探、钻探或生产锂。

这三家公司是：

- > 澳大利亚上市公司 AVZ 矿业有限公司，负责马诺诺锂锡项目和马诺诺扩展项目；²⁵
- > 科瑞德克资源有限公司（Critical Resources Limited）（2021 年 6 月更名，此前名称为富时商品有限公司（Force Commodities Ltd）²⁶，也是澳大利亚上市公司，涉及基托洛-卡通巴（Kitolo-Katumba）和卡努卡（Kanukua）锂项目²⁷；以及
- > 在加拿大和法兰克福上市的 Tantalex 资源公司，涉及巴克内尔（Bucknell）锂项目和基托洛-卡通巴（Kitolo-Katumba）锂尾矿项目。²⁸

根据刚果（金）采矿登记处的公开信息，其他几十家公司也持有这一探明的锂矿床周边的采矿研究许可证。²⁹ 其中一些研究许可证可能最终会变成锂开采许可证。³⁰ 本简报中的建

议面向所有就刚果（金）锂进行生产或计划生产，或开展勘探的企业及其投资机构，而不仅限于那三家已经公开宣布有意勘探、钻探或生产的公司。

AVZ 计划在 2023 年开始生产锂。³¹ 截至 2021 年 9 月，该公司的前三大股东为宜宾天宜锂业科创有限公司、华友国际矿业（香港）有限公司和 BNP Paribas Nominees Pty Ltd ACF Clearstream。³² AVZ 已经与深圳盛新锂能集团股份有限公司³³ 和宜宾天宜锂业科创有限公司达成了三份承购协议³⁴。宜宾天宜是全球领先的电池材料生产商，是全球最大的锂离子电池制造商宁德时代新能源科技股份有限公司（Contemporary Amperex Technology，简称宁德时代（CATL））的供应商。³⁵

全球见证注意到，AVZ 于 2021 年 10 月 29 日在其截至 2020 年 9 月 30 日的季度活动报告中宣布，一家由宁德时代部分拥有的公司（见上文）苏州天华时代新能源产业投资有限责任公司（CATH Energy Technologies）将出资 2.4 亿美元，以获得“马诺诺项目 24% 的股权”，“还将按比例支付开发该项目的部分资金，该交易总额将超过 4 亿美元，但最终项目所需资金还有待核实”。³⁶

尽管科瑞德克资源有限公司（Critical Resources Limited）在 2018 年就开始了锂矿钻探，但尚未宣布生产日期。³⁷

Tantalex 公司于 2021 年 8 月就开始在其中一个特许区钻探，但也尚未宣布锂生产日期。³⁸

调查结果详情

- > **调查结果一：** 缺乏关于锂矿开采（尤其是硬岩锂开采）的环境风险的详细公开信息，社区对这些潜在负面影响的认识明显偏低；

锂市场和投资者论坛上充斥着关于刚果（金）锂矿床及其规模和质量的新闻，当然还有对公司股价的猜测。

然而，在这些喧嚣的网上讨论中，似乎很少有声音关注刚果（金）锂矿开采是否周详地

考虑到了环境问题，矿山会如何影响矿区人民的生活，或整体上如何影响刚果（金）的贫困和发展问题。

这些都是进行锂生产之前需要考虑的关键问题，企业必须根据刚果（金）法律（见下文）的要求以及《经合组织指南》和《国际金融公司绩效标准》（IFC Performance Standards）的规定，与当地受影响的社区进行有意义的磋商，并披露潜在的环境和社会影响。³⁹ 这些披露应是投资机构、金融机构和制造商对马诺诺锂供应开展尽职调查和风险评估时的核心内容，⁴⁰ 也是刚果（金）政府关注的重点。

2014 年的一项刚果（金）部长令规定了环境保护的规则和程序机制，要求开采和使用刚果（金）自然资源的企业进行环境与社会影响评估，且公众可要求查阅。⁴¹ 此外，《矿业法》（Mining Code）配套规则的第 450 条和第 451 条要求企业进行环境与社会影响评估（ESIA），并制定环境与社会管理计划，⁴² 而 *octies* 第 25 条则要求技术协调和采矿规划部（Cellule Technique de Coordination et de Planification Minière，简称：技规部）这个政府机构在其网站上发布环境和社会影响评估综合报告。⁴³ 企业的义务包括与社区进行对话，阐明在他们地区采矿的正面和负面影响，回答他们可能提出的问题和存在的担忧，并以书面形式向当地行政部门、主管机构和民间社会团体传达环境和社会影响评估概要。⁴⁴

AVZ 在其给投资者的 2020 年报中表示，达思康矿业（Dathcom Mining）⁴⁵ 是一家拥有马诺诺项目许可证 100% 权益的合资公司，已委托“对马诺诺锂和锡项目”进行全面的环境与社会影响评估，“目的是确定采矿活动区域生物多样性基线，并与当地社区利益相关方协商，让他们开始了解即将进行的经济活动，听取他们对达思康矿业（Dathcom）的意见和要求。”⁴⁶ 2021 年 8 月 18 日，刚果（金）矿业部环境保护司（Direction de Protection de emiafrica）签署了马诺诺项目的《环境与社会影响评估》。⁴⁷

AVZ 的可行性研究做出了多项环境承诺，⁴⁸ 并在公司网站上提供了一份温室气体评估。⁴⁹

但网站上找不到关于废水处理、有害物质活动以及空气、水、土地和地下水污染管理的详细计划。⁵⁰ 一位民间社会团体代表告诉全球见证，他们想要查看 AVZ 的环境与社会影响评估副本，但没能拿到。⁵¹

全球见证发函给 AVZ，指出环境与社会影响评估副本无法该公司网站上找到，亦未提供给民间社会团体，这违背了刚果（金）2003 年 3 月 26 日关于采矿的第 038/2003 号法令第 25 条及 2018 年 6 月 8 日第 18/024 号补充法令的法律规定。AVZ 没有对此说法作出直接回应。全球见证还要求提供一份马诺诺项目的环境与社会影响评估，但也没有收到。AVZ 给全球见证提供的环境规划文件清单包含在尾注中。⁵² AVZ 告诉全球见证，它致力于发展卓越的环境、社会与治理（简称 ESG）实践，以“支持可持续发展”并“留下持久的社会经济效益”。AVZ 在回应全球见证提出的提供环境与社会影响评估副本的要求时，AVZ 还表示，“AVZ 迄今为止在马诺诺项目上进行的所有工作都是探索性的，旨在确定是否存在可行项目”。AVZ 还认为它清楚其环境、社会与治理义务，并“已开始为项目制定环境、社会与治理承诺”。最后，AVZ 指出，采纳和实施环境、社会与治理承诺取决于政府是否批准其最终可行性研究、授予采矿许可证、给予修复附近水电站的权利，也取决于最终投资决定和项目融资情况。该公司指出，达思康矿业尚未拿到刚果（金）政府的勘探许可证。

AVZ 在其公开声明和可行性研究中表示，它已联系了当地社区，计划制定社会发展计划，并计划建设当地基础设施，包括医院和学校。⁵³ 该公司还公开表示，它与马诺诺利益相关方的会议通过达思康矿业简易股份公司（Dathcom Mining SAS）进行了记录，记录透明，完全可审计。⁵⁴ 全球见证向 AVZ 索要记录副本，但没有收到对此要求的直接回应。

尽管全球见证所访谈的社区成员经常表示希望矿业公司能为该地区创造就业，改善基础设施，但对于从 AVZ 和其他目前在该地区运营的公司（或明显代表着这些公司的机构）那里得到的信息或看到的迹象，社区成员的理解很

不一样，对公司的承诺也没有明确、一致的理解。

全球见证采访的一位人士曾参加过几次（他所称的）“AVZ”和“社区”之间的会议，他证实已经有过一些讨论，但他表示，据他们所知，该公司没有发布任何对社区的承诺，没有见到任何环境承诺或是社会承诺的书面文本。⁵⁵在对全球见证的回应中，AVZ 指出，法律要求矿业公司留出一定比例的收入用于社区发展和支助（当地称之为“cahier de charge”），公司为此注册了 AVZ 基金会，预计将由一个当地居民组成的委员会根据“一套透明的机构章程”来管理该基金会，其委员会将定期轮换成员，以“确保所有利益相关者平等”。AVZ 提供的关于环境管理和社会经济发展的其他信息可以在尾注中找到，包括 AVZ 和达思康矿业的尽职调查管理系统。⁵⁶

当地媒体《棕榈树》（Le Palmier）周报的报道称，当地人说法达思康矿业和 AVZ 已经开始在马诺诺“秘密”进行锂生产。⁵⁷全球见证没有证据表明秘密生产的说法是真实的，写在这里只是为了说明对采矿活动及其影响的令人困惑和不确定的程度。在对全球见证的回复中，AVZ 明确表示马诺诺项目目前没有进行锂生产，“[任]何在马诺诺已开始生产锂的报道都是不正确的，因为我们还没有到这一开发阶段”。AVZ 说它已经完成了“钻探活动”，并已将 13 吨散装样品运至澳大利亚实验室进行冶金测试工作，测试结果已公开宣布。

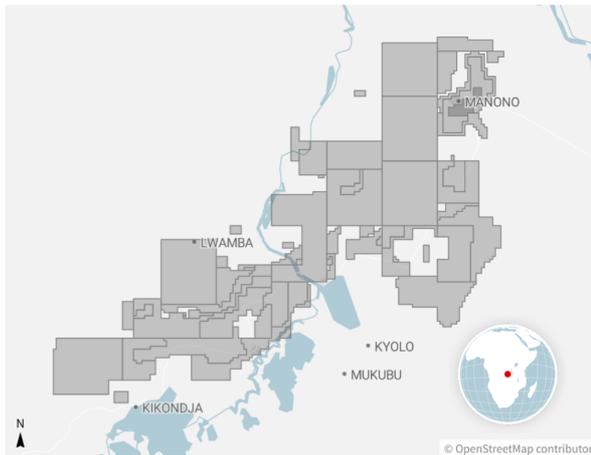
全球见证在网上找不到由 Tantalex 资源公司⁵⁸或科瑞德克资源有限公司（Critical Resources Limited）所做的可供公开获取的环境与社会影响评估副本，也找不到未来进行环境与社会影响评估这些评估的计划。当地社区两位人士告诉全球见证，他们没听说 Tantalex 资源公司进行了任何社区协商，但有另一位人士说他们参加了 Tantalex 公司组织的一次会议，会上 Tantalex 公司让该地区从事手工采矿的当地合作社离开，回到其官方指定的手工采矿区。⁵⁹

在回应有关环境和社会影响评估活动的问题时，Tantalex 公司告诉全球见证该公司正处

图 3: 刚果民主共和国马诺诺 (MANONO) 附近的采矿特许权分布图

刚果民主共和国马诺诺 (MANONO) 附近的采矿特许权分布图

全球见证对 51 个采矿特许权的所有权进行了审查，涵盖一系列矿产，包括那些拥有锂研究和勘探许可证的单位，所审查的特许权区块跨越马诺诺 (Manono) 镇周围及其南部地区。截至 2021 年 9 月 15 日，特许权所有权的数据是准确的。



地图来源: DRC Mining Cadastre Map Portal

于“在刚果（金）勘探活动的初期”，⁶⁰并且“一旦资源确认，Tantalex 公司会努力完成可行性研究，详细说明可能的生产方式，确定对环境和社区的影响（完整的环境和社会影响评估研究）。这些是在任何国家对任何项目立项的标准流程，Tantalex 公司将严格遵守。”

Tantalex 公司指出它“仍处于确定资源是否存在的阶段，在此之前，对未来生产和/或社区经济利益的任何期望值的提高都不符合我们股东、社区利益相关方和合作伙伴的利益。尽管如此，我们还是举行了与地方管理人员和社区利益相关方的会议，他们都非常了解并支持我们目前在该地区的活动。”在提到《经合组织指南》的应用时，Tantalex 公司表示它“确实计划在潜在的锂业务中应用《经合组织指南》中的政策和程序，即便并无任何迹象向 Tantalex 公司表明马诺诺地区是经合组织定义的受冲突影响及高风险区域。”有关《经合组织指南》的进一步讨论，请参见下文“应适用负责任的锂生产的现行法律、指南和原则。”

对于全球见证提出的提供信息和置评请求，科瑞德克资源公司（Critical Resources）均未回应。

> **调查结果二：**疑似政治敏感人物参与刚果（金）的锂行业，未公开披露实益所有权信息，公司所有权之间存在关联可能导致锂矿特许权及最终的锂供应被少数几个人掌控。

全球见证分析了刚果（金）企业登记处⁶¹及政府公报上的公开信息，发现少数公司和个人，包括被报道曾担任前总统顾问的个人，可能使他成为一位政治敏感人物，现在或过去持有、部分持有或参与了锂矿床沿线至少 17 项采矿特许权。（参见附件 2）

其中包括一名现任部长——居伊·洛安多·姆博约（Guy Loando Mboyo），⁶² 以及据报道是中国公民的丛茂槐（Cong Mao Huai），他有时也使用 Cong Maohuai, Simon Cong, Simon Cong Mao 等姓名⁶³（见下文专栏：丛茂槐）。有报道称此人与刚果（金）前总统约瑟夫·卡比拉·卡邦格（Joseph Kabila Kabange）及其弟弟佐伊·卡比拉（Zoe Kabila）关系密切，并据称是前总统的顾问⁶⁴。佐伊·卡比拉曾是部分锂矿所在地上洛马米省省长，2021 年 5 月卸任。⁶⁵

丛茂槐告诉全球见证，他曾担任前总统约瑟夫·卡比拉·卡邦格或其弟弟佐伊·卡比拉的顾问的说法并不真实。他说他见过这两个人，但他与他们之间的任何一个人都没有业务关系，也“从未担任过他们任何一个人的顾问”。丛茂槐接着表示，他第一次与卡比拉总统会面是在 2007 年，当时他担任闵国璋的翻译，并以中国企业集团（the Groupement des entreprises chinoises, GREC）代表的身份与卡比拉先生会面，他还以加丹加中国商会会长的身份以及他类似的刚果（金）华侨华人联合会主席的身份受到卡比拉总统的“几次”接见。丛茂槐接着说，这些都是为了“许多不同企业的共同经济利益”而进行的“正常、公开和透明的讨论”，他“从来没有”在担任顾问角色中，为自己或其他任何人或实体代表谋求不正当的影响。

关于佐伊·卡比拉先生，丛茂槐表示，两人于 2020 年 2 月会面，但由于 AVZ 已接手并作为马诺诺项目的大股东，丛茂槐建议卡比拉省长直接与 AVZ 联系。

丛茂槐还告诉全球见证，他对他是政治敏感人物（PEP）的说法表示困惑。根据 OECD 和 FATF 对该术语的定义（特别是 FATF 的第 12 和 22 条建议，将政治敏感人物定义为“被赋予或被赋予重要公共职能的个人，例如国家元首或政府首脑、高级政治家、高级政府官员、司法或军事官员、国有企业高级管理人员、重要政党官员”）。丛茂槐进而表示，他不是政治人物，不担任政府职务，不履行任何重要的公职。相反，他是一名“民营企业家”，虽然会见过政治敏感人物，但据他所知，他并没有和这些人做生意。

刚果（金）的一家国有企业科米尼埃股份有限公司（La Congolaise d'exploitation minière, Cominière），或其总经理阿萨纳西·姆万巴·米索（Athanasie Mwamba Misao）与全球见证分析样本中的 13 项特许权有关联。⁶⁶

居伊·洛安多·姆博约⁶⁷或其妻子琳达·黛博拉（Linda Déborah）（“波波·伊莉特（Bobo Elite）”）⁶⁸与全球见证调查中持有特许权的两家公司有关联。⁶⁹洛安多·姆博约自 2021 年 4 月起担任国务部长，掌管区域规划。他于 2017 年 8 月 21 日至 2019 年 5 月 1 日期间担任 AVZ 的非执行董事，离职时持有该公司的 4 千万股股份。⁷⁰根据 AVZ 于 2019 年 5 月 2 日董事局更新的信息，洛安多·姆博约在当选参议员后辞去 AVZ 任职，因为其“新职位在宪法上与上市公司的董事职位不相容”。⁷¹在对全球见证的回应中，AVZ 表示，出于利益冲突的考虑，他们于 2019 年 4 月 1 日致函洛安多·姆博约，要求他在被任命为参议员之后辞职。他们还指出，姆博约对此表示同意，并于 2019 年 5 月 1 日从公司离职。根据刚果（金）企业登记处的最新信息，在撰写本文时，姆博约持有至少另外两家矿业公司的股份。⁷²

全球见证 2021 年 10 月致函居伊·洛安多·姆博约，他表示，因为部长职责繁重，目前正在国内外出差，请求给予更多的时间来回应全球见证提供的置评机会。置评截止日期过后，姆博约向全球见证提供了一封 8 页的信，作出了更完整的回应。在他初次回应全球见证时，他表示，在对指控进行初步调查后，根据自己的回忆，他认为指控中大部分信息是不正确的。

洛安多·姆博约部长在后一次更全面的回复中进一步指出，2017 年至 2019 年 5 月 1 日期间，他在 AVZ 行使了非执行董事的职能，他

在这一职位不对公司的日常运营承担任何责任，他出于公司给出的原因（见上文），并根据刚果（金）法律和刚果（金）参议院的规则，从AVZ董事会辞职。姆博约部长接着表示，他无法对与AVZ有关的事项发表意见，这些事项应该直接向该公司提出。最后，部长提到AVZ时指出，作为一家受澳大利亚证券交易所（ASX）监管的澳大利亚上市公司，有充分的保证可以在适当尊重社会、道德和环境关切的情况下，为刚果（金）民众的利益持续生产锂。

洛安多部长还指出，目前，他没有担任香港卓越矿业有限公司（HongKong Excellen Co. Mining Limited）（已于2019年4月3日放弃参与）和香港益森投资刚果（金）有限责任公司（HongKong Yisen Investment Congo SARL）（已于2019年3月1日放弃参与）这两家公司的股东，也没有担任Musoshi铜矿的董事，尽管他曾是一家名为Societe d'Exploitation Miniere de Musoshi（SEM）股份有限公司的顾问，但已于2019年4月29日致函退出了该公司。

此外，部长指出，开发刚果（金）丰富的自然资源和保护环境需要大量的金融手段，这只能通过负责任的国际和外国投资来获得，而且刚果（金）人民及其选出的代表和公务员有权决定相关国家发展计划的模式。部长指出，正是由于这些原因，他不再从事法律工作（尽管他仍然是其律师事务所的创始人和所有者），他和他的妻子创建了维达基金会（WIDAL FONDATION），他决定作为独立候选人参加选举。同样由于这些原因，他被选入参议院，并被提名为部长。部长以尊重的口吻表达了不认同全球见证将他视为政治敏感人物。部长答复的其余部分载于此处的尾注。⁷³

全球见证组织试图通过多种电子邮件渠道联系波波·伊莉特·琳达·黛博拉，但最初没有收到任何回复。⁷⁴全球见证还向波波·伊莉特·琳达·黛博拉快递了一封信，让她有机会对本报告中有关她的材料置评，她对此进行了回复。波波·伊莉特·琳达·黛博拉在寄给全球见证的回信中表示，她很难理解一份关于锂的报告与她有什么关系，但出于对完全透明和社会责任的信念，她作出了回应。波波·伊莉特·琳达·黛博拉接着表示，她对全球见证向她提出的所有事实

上和法律上的指控提出强烈质疑。她指出，根据提供给她的法律建议，互联网上关于刚果（金）企业的公开信息是专门用来通知公众的，而关于刚果（金）企业及其活动的官方信息是由刚果（金）的相关主管机构掌握的。另请参见下文波波·伊莉特·琳达·黛博拉的进一步回复内容。

全球见证调查的特许权样本中，有六项现为或曾为与丛茂槐有关联的公司所持有、部分持有，或通过这些公司获取，包括AVZ马诺诺项目（PR13359）和Tantalex公司的一项特许权（PR13698），⁷⁵（亦见下文专栏：丛茂槐）

丛茂槐还是达索米尔矿业资源有限责任公司（Dathomir Mining Resources Sarl）的经理，该公司直到2021年9月都是AVZ在达思康矿业简易股份公司（Dathcom Mining SAS）的合资伙伴之一。⁷⁶达索米尔矿业资源有限责任公司由达索米尔国际公司（Dathomir International Corp）全资拥有，丛茂槐是公司法定代表人。在AVZ的2018年和2017年公司年报中，达索米尔矿业资源有限责任公司均被列为AVZ的最大股东。⁷⁷一年后，在AVZ的2019年年报中，达索米尔矿业资源有限责任公司不再出现在AVZ的前20大股东之列。

在回应对本次简报的置评请求时，AVZ告诉全球见证，达索米尔公司（Dathomir）收购了它在AVZ的股权，作为AVZ为其在马诺诺项目中的60%权益支付的对价的一部分，并且“我们2018年年报提供的信息是截至2018年6月30日，达索米尔公司持有AVZ共2.4亿股（12.71%）的权益”，关于股东的详情载于其2018年年报。

丛茂槐向全球见证证实，他是达索米尔矿业资源有限责任公司的经理，在2017年5月23日，达索米尔矿业资源有限责任公司将其持有的达思康矿业简易股份公司60%的股本出售给AVZ Minerals Ltd，AVZ作为主要股东负责达思康矿业简易股份公司运营的日常管理。丛茂槐补充说，自2017年以来，他一直是达索米尔矿业资源有限责任公司的非控股合伙人，这限制了他的参与。丛茂槐告诉全球见证，达思康矿业简易股份公司由达索米尔矿业资源有限责任公司和科米尼埃股份有限公司（Cominière SA）

于 2016 年 10 月 24 日成立。他补充说，在合资企业成立和 AVZ 收购大部分股份之间的五个月期间，他曾担任达索米尔矿业资源有限责任公司的代表，并曾短暂担任达思康矿业简易股份公司的总裁。

AVZ 告诉全球见证，在投资马诺诺项目之前，公司“对相关公司和个人进行了尽职调查”，这“包括对当地企业监管机构的独立调查”。AVZ 表示，他们的尽职调查并未“揭示参与马诺诺项目的个人与约瑟夫·卡比拉·卡邦格或其任何家庭成员之间有任何不当关联”。AVZ 还补充道，“同样，没有发现丛茂槐参与马诺诺项目方面有可担心之处”。

丛茂槐和姆博约之间的商业来往似乎由来已久。2017 年 8 月 21 日起，姆博约担任 AVZ 的非执行董事，同一时期，丛茂槐任法定代表人的达索米尔矿业资源有限责任公司是 AVZ 的最大股东。⁷⁸ 2017 年丛茂槐作为拉吉资源控股有限公司（Lucky Resources Holding Company Limited）的代表，姆博约作为顶峰投资有限公司（Summit Reward Investment Limited）的代表，与浙江华友钴业有限公司的全资子公司华友国际矿业签署了一份合作协议，该信息来自华友网站。⁷⁹ 至少从 2018 年起，丛茂槐还与姆博约一起被列为 Societe Miniere d' Exploitation de Musoshi（SEM）股份有限公司的董事。⁸⁰ 在这位部长的维达基金会（WIDAL FONDATION）网站上，姆博约称丛茂槐“*humble, rempli de sagesse et est un visionnaire*（谦逊、智慧、有远见）”。⁸¹ 丛茂槐告诉全球见证，居伊·洛安多·姆博约（Guy Loando Mboyo）创立了一家律师事务所，并作为他和他公司的代表律师。但是自 2019 年，姆博约因参选参议员，就不再亲自担任“我和我公司的代表律师”。

在回应本报告问题时，华友向全球见证表示，2017 年 8 月，华友钴业通过其全资子公司华友国际矿业（香港）有限公司（以下简称“华友国际矿业”）认购 AVZ 增发股份，华友钴业“已聘请相关中介机构，按照公认的商业标准和行业道德，对澳大利亚上市公司 AVZ、刚果（金）的马诺诺项目及其采矿权进行了尽职调查。华友钴业只是 AVZ 的少数股东，并未

实际参与公司的管理运营，也未实际参与马诺诺项目。”⁸²

华友还补充道，“华友钴业在进行上述两起海外投资和并购时，并未从任何公共渠道、媒体新闻和其他机构发现丛茂槐和居伊·洛安多·姆博约是政治敏感人物的信息”。华友提供的经合组织尽职调查的信息见尾注。⁸³

此外，姆博约的妻子波波·伊莉特·琳达（Bobo Elite Linda）可能因一家名为基巴利-伊图里资源（Kibali-Ituri Resources）的有限责任公司而与丛茂槐形成关联。一份似乎是 2016 年公司注册文件的未签名副本⁸⁴ 将波波·伊莉特·琳达列为公司合同一方，该文件可在刚果（金）企业登记处先前网站上找到，另外还有一位名叫闵国暉（Min Guo Wei）的人，据称是刚果（金）总统的经济顾问，名下有多家刚果（金）企业。⁸⁵ 全球见证无法核实所引述的这家公司是否曾经成立，或该文件是否已正式确立或签署。

丛茂槐和闵国暉有很多业务往来。⁸⁶ 丛茂槐告诉全球见证，他认识闵国暉，一位退休的采矿专家。自 2007 年起，他聘请闵国暉为他工作，闵国暉“参与”了达索米尔国际（Dathomir International）的工作。丛茂槐表示他“没有理由相信他（闵国暉）与前总统卡拉比有业务往来”，尽管这是丛茂槐的理解，闵国暉曾与前总统会面。丛茂槐还告诉全球见证，根据他对术语的理解，闵国暉不是一位政治敏感人物。丛茂槐说，他同意政治敏感人物（PEP）的参与应仅限于“合法的执行刚果民主共和国的法律”，并且“授予相关合同的访问权”应以刚果（金）法律要求的方式进行披露，并且“这也应是我的业务中所采用的方式”。

全球见证就这些问题询问了科米尼埃公司（Cominière）及其总裁阿萨纳西·姆万巴·米索，以及丛茂槐、闵国暉和波波·伊莉特·琳达。

在给全球见证的回复中，波波·伊莉特·琳达·黛博拉告诉全球见证，她是维纳思集团有限责任公司（Winners Group Sarl）的创始人和管理人，该公司于 2016 年 1 月与一家名为达索

米尔国际公司的实体（注册地为塞舌尔，法定代表人为闵国暉）共同创建了基巴利-伊图里资源有限责任公司（Kibali-Ituri Resources Sarl），各占 10%和 90%的社会资本份额。波波·伊莉特·琳达·黛博拉表示，她不是法律专家，因此无法就闵国暉或丛茂槐的政治敏感人物身份发表意见，不过她指出，根据她收到的法律建议，全球见证关于这些人身份的说法并不准确。波波·伊莉特·琳达·黛博拉称，在 2016 年 8 月 3 日或 4 日作出一项决定后，基巴利-伊图里资源有限责任公司自 2016 年 7 月 29 日起更名为达索米尔矿业资源有限责任公司，与此同时，丛茂槐接替闵国暉担任总裁。波波·伊莉特·琳达·黛博拉对博特曼资本研究集团（Boatman Capital Research，简称博特曼资本）或其任何分支机构报告中的所有事实认定提出了质疑。最后，波波·伊莉特·琳达·黛博拉表示，作为刚果（金）公民，她承诺完全遵守，而且就她所知，她也做到了完全遵守刚果（金）法律以及在刚果（金）适用的所有国际协定或准则。

全球见证致函丛茂槐，请他就本简报事项置评时，他要求给予更多时间来作出回应。全球见证延迟了丛茂槐的回应期限，而他确实在约定的期限内做出了回复。全球见证并没有意识到有这一回应，直到丛茂槐于 2021 年 12 月 17 日通知全球见证⁸⁷。

闵国暉没有回应全球见证请他就本简报中的问题做出回应或置评的请求。

全球见证给科米尼埃公司去函，收信人为阿萨纳西·姆万巴·米索，给该公司和他个人置评的机会。但没有收到他们任何一方的回应。

专栏：丛茂槐

据报道，丛茂槐曾是刚果（金）前总统约瑟夫·卡比拉⁸⁸的顾问，如果属实则表明他是一位政治敏感人物，他也是加丹加中华商会主席（Chairman of the Katanga Chinese Chamber of Commerce）、刚果（金）华侨华人联合会主席（Chairman of the Congo Overseas Chinese Association）。⁸⁹他在刚果（金）持有或成立了多家矿业公司。⁹⁰

丛茂槐告诉全球见证，他曾在 2008 年至 2015 年期间担任加丹加中华商会主席，并自 2015 年起担任刚果（金）华侨华人联合会主席。他还补充说，他很高兴通过参与这些非政府组织，为刚果（金）的经济增长做出了贡献。

根据刚果（金）工商登记处的资料，丛茂槐目前还拥有 MCC 资源有限责任公司（MCC Resources sarl），在全球见证调查样本中，该公司持有靠近马诺诺周边的两项采矿特许权。⁹¹

丛茂槐告诉全球见证，虽然他确实是 MCC 资源有限责任公司的股东，但在 2021 年 3 月 10 日前后，他已经将其所有的股份转让给另一个人，但他目前无权透露此人身份。

米纳罗矿产资源公司（Mineral Mining Resources, MMR）⁹²是成立于坦桑尼亚的文马特集团（Vinmart Group）下的一家公司⁹³，管理、拥有或部分拥有全球见证调查样本中另外 8 项采矿特许权。⁹⁴其中两项特许权是与科瑞提克资源公司（Critical Resources）之间的一项合作的主要内容。⁹⁵米纳罗矿产资源公司告诉全球见证，没有成立合资企业，该合作于 2020 年已停止。米纳罗矿产资源公司补充道，它没有从事与锂相关的采矿活动。米纳罗矿产资源公司还表示，它“提倡遵守经合组织指南”...]米纳罗矿产资源公司的所有精矿生产均 100%经 ICGLR 认证为无冲突。科瑞德克资源公司没有回应全球见证提出的提供信息和置评请求。

Tantalex 公司或森士多环球有限公司（SandStone Worldwide Ltd）（Tantalex 的全资子公司）控制另外六项特许权的公司中持有股份。⁹⁶2017 年，森士多环球有限公司（SandStone Worldwide Ltd）在巴哈马上市。⁹⁷

全球见证样本中的另外三项特许权由皇冠矿业（Crown Mining）持有，该公司由艾哈迈德·塔吉丁（Ahmed Tajideen）于 2012 年在刚果（金）成立。⁹⁸2017 年，全球见证报道了艾哈迈德·塔吉丁是刚果（金）富途集团（the Congo Futur conglomerate）的老板和所有者，

该集团自 2010 年以来已被美国财政部列入制裁名单。⁹⁹ 艾哈迈德·塔吉丁本人并未受到制裁。¹⁰⁰ 根据全球见证审阅的官方文件，皇冠矿业在 2017 年 12 月 12 日的年度股东大会上，让卡迈勒·斯鲁尔（Kamal Srour）接替了塔吉丁，担任公司的管理合伙人。在给全球见证的回复中，皇冠矿业告诉全球见证，卡迈勒·斯鲁尔是皇冠矿业唯一的“法定副经理”，艾哈迈德·塔吉丁（他们的拼法为 Ahmed Tajeddine）“因自身原因离开了公司”，对于卡迈勒·斯鲁尔接替艾哈迈德·塔吉丁一事，“公司员工是满意的”。回复还指出，艾哈迈德·塔吉丁和卡迈勒·斯鲁尔之间没有任何关系，既非“近亲也非远亲”。皇冠矿业还说明，他们没有为锂矿开采编制尽职调查报告，因为他们没有在其特许矿区内开展工业或手工开采锂的活动。皇冠矿业表示，他们为其位于马诺诺的三个特许矿区进行的钶钽铁矿和锡矿开采编写了一份年度尽职调查报告，该报告可在皇冠矿业网站上查阅。

> **调查结果三：**与未来锂生产相关的合同和支付款项未披露或仅部分披露。

全球见证还发现，尽管刚果（金）矿业法要求刚果（金）有关部门公布采矿合同以及关于矿业公司实际股东的信息，但就我们样本中的锂项目而言，仅有一份采矿合同和一份口头协议文件（口述记录）在网上公开了全文。并且，有关采矿合同及其附录和附加条款的信息应在合同签署后 60 天内于矿业部的官方刊物和网站上公布。¹⁰¹ 由国家有关部门公布 2021 年 1 月 1 日之后签订的合同或授予的许可证也是“采掘业透明度倡议（Extractives Industry Transparency Initiative，简称 EITI）”实施国的要求。¹⁰²

可公开获得的文件是一份 2016 年国企科米尼埃股份有限公司和达索米尔矿业资源有限责任公司设立合资企业达思康矿业公司的程序文件（见专栏），以及一份 2010 年马诺诺周边锂开采特许权的合同，¹⁰³ 该合同后因争议被刚果（金）政府撤回。¹⁰⁴

此外，刚果（金）有关部门似乎并没有按照刚果（金）法律和刚果（金）必须遵守的采掘业透明度倡议（EITI）标准的要求，披露企业支付的与锂开采特许权相关的所有款项。¹⁰⁵

在本次调研过程中，全球见证找出了与马诺诺锂项目有关的六份交易合同样本，这些合同的全文和付款细节在采掘业透明度倡议（EITI）网站¹⁰⁶ 或刚果（金）相关部委的网页上都找不到。¹⁰⁷ 这些合同内容包括：

> AVZ 与迪拜私营企业 Medidoc FZE 2016 年签订的初步合同的买卖条款，AVZ 通过该合同获得了马诺诺市的两项锂开采特许权（PR4029 和 PR4030）。据 AVZ 的文献资料记载，为获取特许权，该公司在 2016 年向 Medidoc FZE 支付了 20 万美元现金，并发行了 3000 万股股票，2017 年 4 月 30 日之后又再次发行了 2000 万股。¹⁰⁸ AVZ 在回复全球见证时确认，AVZ 拥有 PR4029 和 PR4030 的 100% 权益，并在 2016 年 9 月 19 日和 2016 年 10 月 31 日的澳大利亚证券交易所公告中“概述了该权益的收购条款”。AVZ 告诉全球见证，安迪·赖特梅尔（Andy Reitmeier）博士是 Medidoc FZE 的 100% 所有者。

> AVZ、科米尼埃公司和达索米尔矿业资源公司合资成立达思康矿业简易股份公司的确切条款和开始日期。首先，有关合资企业成立日期的公开信息尚不清楚。其次，AVZ 为设立合资企业支付的总金额以及支付给了哪一方也不清楚（见下文专栏：2016 年达思康公司合资经营协议，其中包括 AVZ 就这一问题向全球见证所作的回应）。

> 关于 Tantalex 公司和米诺有限责任公司（Minor Sarl）¹⁰⁹ 于 2021 年 7 月达成的约束性协议的详细信息还无法找到。Tantalex 公司的一份公司新闻稿指出，通过这份购股选择权协议，Tantalex 公司可以获得米诺康矿业简易股份有限公司（Minocom Mining SAS）高达 52% 的股份。米诺康矿业简易股份有限公司是 PR13698 和 PR13348 的开采特许权所有方，由米诺有限责任公司（Minor Sarl）（70%）和科米尼埃公司（30%）合资设立，这一合资协议的条款也无法找到；¹¹⁰ Tantalex 公司在回应全球见证时表示，“TTX SAU 与米诺康矿业简易股份有限公司之间的最终协议书正在定稿，并将在刚果（金）获得法律认可，因此，这些信息也将会按照刚果（金）法律公开。”

> 2016 年 7 月，科米尼埃股份有限公司与枫豪国际有限公司（SandStone Worldwide Limited）签署了合资经营合同，创建了 United Cominière，在合同签署 30 天后，Tantalex 公司向科米尼埃股份有限公司支付

了 5 万美元，并获得了合资企业 70% 的控股权。¹¹¹ 在 2017 年 1 月的 Tantalex 公司技术报告中，该公司公布了合资经营合同的首页截图。全球见证无法在网上找到该合同的其他细节。在回应全球见证时，Tantalex 公司表示，“UC 和 UMC 合资经营合同的文书已经做过公证，并获得法律认可，我看不出有任何理由不通过刚果（金）的法律系统公布这些。”

> 2017 年 12 月，科瑞德克资源公司与科米尼埃股份有限公司就基托洛-卡通巴（Kitola Katamba）锂项目达成合资合同，该合资合同的全文尚未公开；¹¹²

> 2018 年 1 月，科瑞德克资源公司与 Mining Mineral Resources（简称 MMR）就卡努卡（Kanuka）锂项目合资企业签订了合资经营合同，该合同全文没有公开。MMR 告诉全球见证，合资公司尚未成立，“虽然富时公司 Force（科瑞德克资源公司旧称）确实开始了勘探活动，但富时公司 Force 在 2020 年上半年就停止了这些活动，双方此后没有进一步合作。”¹¹³

除了上文提到的之外，此处列出的其他合同方没有回应全球见证的置评请求。

刚果（金）法律要求公开披露采矿合同。这些披露信息对于需要检查刚果（金）锂生产及其供应链风险的企业而言非常重要。由于缺乏关于这些合同的公开信息，凸显了考虑或从事刚果（金）锂业投资或交易的企业开展恰当的尽职调查的需要，以降低助长危害行为的风险，包括与治理和透明度有关的风险。

专栏：达思康矿业合资经营协议

为什么披露合同和实益所有权对刚果（金）锂业供应链尽职调查很重要？

例如，2016 年公布的关于创建达思康矿业的合资经营口头承诺（口述记录）¹¹⁴ 以及刚果（金）企业登记处的公开信息，让各方可以开展尽职调查，对这些信息进行比较和评估等。也让感兴趣的利益相关方可以进行尽职调查，以建立达思康矿业简易股份公司的初始所有权结构。全球见证的分析着眼于创建合资企业的时间表，以及已支付的一些款项。

根据这些公开的资料，全球见证发现：

- > 2016 年 9 月 23 日，代表科米尼埃股份有限公司的阿萨纳西·姆万巴·米索与代表达索米尔矿业资源有限责任公司的丛茂槐达成初步协议。2016 年 11 月 24 日，双方签署了承诺设立合资企业达思康矿业的口头协议（口述记录）；¹¹⁵
- > 创建合资企业达思康矿业简易股份公司的文件于 2019 年 1 月 11 日签署；¹¹⁶
- > 达思康矿业股份责任有限公司于 2019 年 12 月 9 日在刚果（金）企业登记处登记。在线登记条目显示，达思康矿业股份责任有限公司的运营始于 2016 年 12 月 15 日。¹¹⁷
- > 最后，双方各自向采掘业透明度倡议（EITI）提交的数据显示，达思康矿业股份责任有限公司所称的在 2019 年支付给刚果（金）政府的金额与刚果（金）政府所称的在 2019 年从达思康矿业股份责任有限公司收到的金额之间存在明显差异。¹¹⁸

在回应全球见证时，AVZ 表示，科米尼埃股份有限公司和达索米尔矿业资源有限责任公司“签订了勘探合资协议，列出了他们在马诺诺项目勘探方面的主要合作条款和条件”，并表示“2016 年 11 月 28 日，科米尼埃股份有限公司、AVZ 和达索米尔签订了一份有约束力的条款清单，根据该条款清单，AVZ 同意以 50 万美元的价格从达索米尔手中收购达思康矿业 60% 的股份，但必须进行尽职调查”。AVZ 表示，达思康矿业股份责任有限公司于 2016 年 12 月 16 日成立。¹¹⁹

AVZ 告诉全球见证，报告的付款额差异可能“是刚果（金）政府和达思康矿业所计算的财务会计年度不同导致的”。

“全球见证”向科米尼埃公司发送了一封致阿萨纳西·姆万巴·米索的信，让该公司和他本人有机会发表意见，但没有收到他们任何一方的回应。

合同披露与实益所有权

根据刚果（金）企业登记处的信息，达索米尔国际公司是达索米尔矿业资源有限责任公司的唯一股东。博特曼资本研究集团的一份报告¹²⁰显示，达索米尔国际公司是一家总部位于塞舌尔的公司，其股东是伯利兹的福斯特服务有限公司（Foster Services Ltd）。

全球见证从伯利兹登记处获取了福斯特服务有限公司的企业注册文件，但其中没有记录实益所有权信息，因此，全球见证也无法确定福斯特服务公司或其作为达索米尔国际公司股份的最终实益所有人。当全球见证联系福斯特服务有限公司的注册代理机构（总部位于巴拿马），并请他们提供这一信息时，注册代理机构表示他们会将这一请求转达给负责人，并表示已将收到的信件转发给福斯特服务有限公司的法定代表人，提请他们注意。全球见证没有收到任何其他回应。

博特曼资本的报告还称，当达索米尔矿业资源有限责任公司成立时，其董事是中国商人闵国暉（见上文），¹²¹他也是华刚矿业（Sicomines）的原始股东之一。¹²²华刚矿业是刚果（金）政府与几家中国公司共同设立的一家大型合资企业。全球见证就博特曼资本研究集团报告中的指控联系了该集团，但博特曼的回应是“无可奉告”。

由于达索米尔矿业资源有限责任公司的最终实益所有人未公开披露，因此，尚不清楚谁最终从 AVZ 支付给该公司的款项中受益。¹²³从茂槐告诉全球见证，福斯特服务公司是达索米尔国际公司的股东，并且福斯特服务公司代表他持有这些股份，换句话说，他是达索米尔国际公司的最终实益所有人。在这种情况下，不透明的所有权结构可能会增加供应链风险，尤其是因为不清楚与该公司相关的款项最终由谁获得。

AVZ 告诉全球见证，他们对福斯特服务有限公司进行了“负面新闻和制裁搜索”，但没有搜到“任何负面结果”。该公司还告诉全球见证，他们对闵国暉进行了负面新闻和制裁检查，但由于“有太多人使用 Min Guo Wei 这一姓名”，导致搜索无法进行。

全球见证邀请闵国暉就简报中提出的问题作出回应或置评，但他没有回应。

负责任锂生产的现行法律须被遵守

刚果（金）的锂矿在全球格局中具有地缘政治重要性。2020 年，全球锂产量约为 34.5 万吨，预计到 2030 年，这一数字将翻两番，¹²⁴该国的锂储量可能很快就会在全球销量大增。然而，尽管对刚果（金）而言，其矿产生位居世界前列已是司空见惯，但同样常见是，矿业交易往往给民众和环境带来了不利影响，遭到了腐败、不透明、不负责任供应链的玷污。

全球见证此前曾揭露过，自美国因刚果（金）采矿业腐败而对其实施制裁以来，¹²⁵通过与大宗商品贸易巨头嘉能可（Glencore）及其前合作伙伴丹·格特勒（Dan Gertler）进行交易而从刚果（金）采购的铜和钴让刚果（金）人民损失了 14 亿美元的收入。¹²⁶我们绘制了刚果（金）的一些黄金、钽、锡的供应链图，这些供应链为腐败、冲突、人权侵犯和环境破坏行为提供了资金。¹²⁷2020 年 8 月，我们揭露了一笔价值 8 亿美元的迪兹瓦（Deziwa）铜矿交易案可能会再次让刚果（金）蒙受损失。¹²⁸

经济合作与发展组织已经制定了《经合组织指南》，¹²⁹该指南目前已成为负责任矿产供应链的国际标准，为企业和投资机构评估和应对包括锂在内的任何矿产供应链的风险提供了详细的五步框架。

全球见证认为，鉴于此前在刚果（金）采矿业发现的治理、社会和环境方面的风险，《经合组织指南》是适用的。¹³⁰

此外，中国五矿化工进出口商会（简称五矿商会）推出的《中国负责任矿产供应链尽责管理指南》（Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains）（第二版正在修订中）¹³¹适用于在供应链的任何环节开采或使用矿产和矿产品的所有中国企业，反映了与《经合组织指南》相同的基于风险的矿产供应链检查流程。¹³²

刚果（金）尚未在法律上要求生产或交易锂及其他矿产的企业按照经合组织标准进行供

供应链尽职调查。¹³³ 不过，全球见证认为，生产、交易或投资刚果（金）锂的负责任企业¹³⁴ 应该从一开始就采纳适用于所有矿产的《经合组织指南》，投资机构也应实施这一国际标准。此外，全球见证在接下来的尾注中列出了负责任矿企应该遵守的指南。¹³⁵ 负责任的企业还应适用《国际金融公司绩效标准》。¹³⁶

在刚果（金），相关主管部门公布采矿合同、支付款项和实益所有权信息是一项法律要求。¹³⁷ 而且，自 2007 年以来，刚果（金）一直是“采掘业透明度倡议（EITE）”成员国，这些成员国承诺提高合同透明度，并公开披露关于石油、天然气和矿产资源开采的任何合同、许可证、特许权或其他协议的全文。¹³⁸ 此外，所有采掘业透明度倡议（EITI）实施国都必须披露在 2021 年 1 月 1 日之后签订的所有合同和发放的许可证。¹³⁹

中国五矿进出口商会制定的《中国对外矿业投资社会责任指引》（简称“《五矿商会矿业指引》”）¹⁴⁰ 也包括了劳工、环境保护、供应链尽职调查、社区参与和人权等方面的标准。除了供应链检查，《五矿商会矿业指引》还呼吁实施企业按照全球透明度标准——特别是采掘业透明度倡议（EITI）和多个股票交易所上市规则——披露向东道国政府支付的款项。¹⁴¹ 近年来，中资企业对刚果（金）矿业投资规模不断扩大，工程承包额度和劳务输出人数居于非洲各国前列，因此《五矿商会矿业指引》尤其值得关注。¹⁴² 2019 年，中国在刚果（金）的外商直接投资额达 9.3 亿美元。¹⁴³ 中国商务部列出了 28 家在刚果（金）运营的矿业投资合作企业。¹⁴⁴

专栏：为什么披露实益所有权信息至关重要

正如全球见证在多个场合指出的，为了做出合理和负责任的投资决策，投资机构需要知道他们在与谁打交道，他们的业绩记录如何，以及如果存在任何利益冲突该怎么办。如果犯罪分子和腐败分子能够隐藏在秘密或匿名拥有的公司背后，股东和投资者就很难管理所有类型的风险——无论是金融风险还是非金融风险。这是因为有时几乎不可能确定与投资机构

和企业做生意的那个公司由谁真正拥有和控制（也称为“实益所有人”）。¹⁴⁵

现在，全球有越来越多的司法管辖区还要求金融市场参与者就其投资的潜在不利影响作出尽职调查政策声明。¹⁴⁶ 特别是，欧盟要求投资机构必须公布其“尽职调查”政策的详情，以确保他们能够系统地识别、预防、减轻这些不利影响，并查明后果。¹⁴⁷ 欧盟和其他地区投资刚果（金）锂业的机构应该在这方面进行严格检查。

最后，尽管刚果（金）法律没有明确要求对参与矿业交易的政治敏感人物进行正式确认，¹⁴⁸ 但负责任的企业和投资机构应对所有被认定涉足刚果（金）锂业的政治敏感人物进行身份确认并开展专门的尽职调查。¹⁴⁹ 正如全球见证在其他地方指出的，政治敏感人物的参与意味着这类人带来了其可以获取国家资金或者收受贿赂等方面风险。¹⁵⁰ 刚果（金）目前宽松的关于利益冲突的规则可能会让此类个人利用其职位谋取私利。全球见证长期以来一直倡议刚果（金）政府解决这种潜在的利益冲突问题。除非禁止政治人物、军人、公务员和其他拥有决策权或接近决策权的人从刚果（金）采矿业获利，否则腐败官员就有机会做出或施加影响做出有利于自己或家人/朋友的决策（比如以低价分配采矿权），这些决策会让刚果（金）的自然资源财富从国库流失到私人银行账户。¹⁵¹ 政治敏感人物染指公司所有权或管理是腐败风险增加的一个危险信号¹⁵²，应作为风险予以应对。政治敏感人物所拥有或与之有关联的公司应接受“强化的尽职调查”程序，开展额外检查，以确保没有可疑情况发生。

此外，如果没有得到适当的监管和控制，将一种矿产的控制权交给少数人的供应链整合，可能构成与潜在的垄断行为和滥用支配地位的剥削行为相关的供应链风险。¹⁵³ 这可能会影响产品的价格，导致企业行使公权力，¹⁵⁴ 造成不平等的影响¹⁵⁵，引发对国家收入产生负面影响的寻租行为等。¹⁵⁶

专栏：尊重人权与环境

企业必须确保自身、子公司及其供应商的运营遵守国际环境和人权标准。《联合国工商

企业与人权指导原则》（United Nations Guiding Principles on Business and Human Rights，简称《联合国指导原则》）概述了企业应如何履行其责任。¹⁵⁷澳大利亚已经同意执行《联合国指导原则》，宣布有意在刚果（金）南部生产锂的 AVZ 矿业公司和科瑞德克资源有限公司就是在该国注册的。¹⁵⁸ Tantalex 资源公司的注册地加拿大¹⁵⁹也支持在海外运营的加拿大企业实施包括《联合国指导原则》¹⁶⁰在内的最佳实践。《经合组织指南》（见上文）旨在帮助采矿业的企业履行《联合国指导原则》所规定的尊重人权的企业的责任，并落实《经合组织跨国企业准则》（OECD Guidelines for Multinational Enterprises）。¹⁶¹根据《联合国指导原则》、《经合组织跨国企业准则》和《经合组织指南》，企业必须持续、主动地识别、预防、减轻其业务、产品和业务关系给民众和环境带来的实际和潜在风险，并说明如何处理这些风险，还应在出现不利影响时提供适当的补救。¹⁶²全球见证和其他民间社会团体一直主张，这应包括明确提及尊重土地和环境维护者的权利。¹⁶³企业还必须遵守所有关于环境保护、健康与安全、自然资源开采与管理、野生动物保护、废弃物管理¹⁶⁴、有害物质活动以及空气、水、土地与地下水污染的现行法律或国际环境标准（以较严的为准）。¹⁶⁵

这些都是特别重要的考量因素，因为关于锂伟晶岩开采的具体社会环境影响的研究似乎相对有限。¹⁶⁶刚果（金）还应吸取本国钴业的经验教训，该行业已经表明了手工钴矿开采过程中人接触毒性物质的影响¹⁶⁷及其潜在的负面环境影响。¹⁶⁸

建议

刚果（金）自然资源行业的风险（包括环境和社会方面的危害以及治理不善问题）往往是由于交易信息不公开造成的。刚果（金）新一代的能源和矿产交易应该伴随着新一代的透明度。应该从公开采矿合同、支付款项以及研究、勘探、生产、交易以及融资的所有细节，以及公布刚果（金）锂企业的真正所有者等基本事项做起，这样就可以清楚地知道这些关键

行业的收入流向，谁最终受益，最终由谁负责。至关重要，社区有权获得及时、准确和可查询的信息，以便据此作出决策。企业必须减轻其活动可能产生的负面社会和环境的影响，充分尊重受其活动影响者的权利。计划未来从事刚果（金）锂交易的企业也必须做到以下几点：

锂开采和交易（包括供应链在内）对人类和环境带来的风险方面的建议

1. 生产、使用或交易刚果（金）锂的企业必须确保自身、子公司及其供应商的运营遵守国际环境、社会标准及刚果（金）所有现行法律（以较严的为准），包括环境保护、健康与安全、自然资源开采与管理、野生动物保护、废弃物管理、有害物质活动以及空气、水、土地与地下水污染等方面；

2. 企业还必须按照《经合组织指南》及其他现行法律和国际标准，公布和实施强有力的尽职调查政策和程序，以预防、识别、减轻和说明其运营（包括供应链和业务关系）给社会和环境带来的危害。这些政策和程序应包括有意义的细节内容，至少包括哪位高层人员负责整体监管、如何实施和监督，以及对继续危害环境和供应商划出暂停或终止合同的明确红线；

3. 企业必须通过披露项目相关信息，并就直接和间接影响当地社区的事项与当地社区进行有意义的协商，让当地社区参与进来；

4. 参与锂生产或交易任何阶段的投资机构（包括股东）和融资机构应进行公开报告（包括上述（1）、（2）和（3）方面的证据），以此作为其提供资金支持或进行投资的要求；

5. 刚果（金）政府必须确保所有相关国家部门及时发布一份企业环境与社会影响评估概要，其中包含所有已发现的风险和缓解措施，并以可查询的方式在线发布，以当地语言印刷版在当地广泛分发，以及在可能的情况下通过广播和书面传播。

6. 刚果（金）政府应增补现行供应链尽职调查法律，要求生产或交易锂的企业根据《经

合组织指南》公布和实施强有力的尽职调查政策和程序。

7. 投资企业的母国政府应制定和实施相关法律，要求专门针对涉及环境破坏、冲突和人权侵犯的行为进行供应链尽职调查；并公开明确各企业仍然对自己的尽职调查负有个体责任。

合同、支付款项和实益所有权的透明度方面的建议

1. 在刚果（金）锂业经营的所有企业都应遵守采掘业透明度倡议（EITI）实施国的要求，确保其合同能够公开，并向刚果（金）政府提供完整和最新的实益所有权信息以供发布；

2. 刚果（金）应更新法律，要求企业在自己的网站上公布采矿合同；

3. 投身刚果（金）锂业的企业、投资机构和金融机构必须适当调查并公开报告在其自身及其子公司供应链上，或其提供财务支持或投资的公司或供应链中发现的任何政治敏感人物；刚果（金）政府应采取措施修订其法律要求，禁止政治家、军人、公务员及其他身居或接近决策职位的人等政治敏感人物从刚果（金）采矿业获利；

4. 刚果（金）政府必须确保与刚果（金）锂业有关的所有支付款项和合同（包括合资合同）都是透明的，并根据刚果（金）法律公开这些支付款项和合同的细节。

5. 作为采掘业透明度倡议（EITI）实施国，刚果（金）政府必须确保所有刚果（金）锂合同进行公开的项目层面的报告。一般来说，腐败可能发生在石油和采矿业的层面，如果没有按项目对支付款项进行详细、公开的报告，就无法确切地知道资金流向。

结语

地球的气候危机迫切需要进行能源转换，但不是不惜任何代价，尤其是不能让对这种状况所负责任最小的社区和国家来承担沉重代价。当前的资源开采模式不仅直接导致了当前的气候紧急情况，而且毁掉了很多社区和土地，使

一些国家更加贫困，扩大了不平等，尤其是在治理体系薄弱的国家。腐败和不透明的交易漠视了民众决定自身发展道路的权利。虽然多利益相关方可以在改善开采成果方面发挥作用，但刚果（金）政府以及直接参与和投资于最终的锂生产、交易和使用的企业必须确保刚果（金）的锂生产不会助长人权侵犯、环境危害或腐败行为。

马诺诺可能是刚果（金）储量巨大的矿藏周边的数百个城镇中的任何一个，这些城镇的矿产在国际上交易，城镇的居民却经济困窘，往往在对社会和环境有害的条件下生活和工作，常常无法感受到矿产资源为他们带来的环境、社会或经济效益。就像马诺诺以北的南基伍省（South Kivu）盛产黄金的卡米图加市（Kamituga），该市建在金矿区之上，黄金从那里出口到世界各地，但那里的道路在雨天无法通行，矿山坍塌是常事。¹⁶⁹或者像马诺诺以南毗邻钴矿的科卢韦齐市（Kolwezi），国际特赦组织（Amnesty International）和非洲资源观察（Afrewatch）记录了那里的手采矿矿工（包括儿童）极其危险的工作条件。¹⁷⁰

尽管刚果（金）不乏这样的例子——除了这里列举的两个例子之外——但这些问题并不仅仅存在于刚果（金）。在世界各地——在巴西¹⁷¹、在欧洲各地¹⁷²、在缅甸¹⁷³——资源在满足我们所谓的市场需求的同时，也给生活在这些巨大财富周边的民众造成了负面影响。

基于本简报中的建议，全球见证呼吁这些企业、个人和金融机构进行供应链尽职调查，通过尽职调查，他们必须识别并降低任何他们发现的与侵害行为有关的包括环境和腐败在内的风险。

企业不应等待法律要求他们对其锂供应链进行基于风险的检查。

由于对化石燃料不负责任的管理，人类已经酿成了一场环境危机。如果现在以生态转型的名义重复这些错误，那将是一个可怕的讽刺。马诺诺的锂矿床必须以尊重社区及其环境的方式进行妥善管理。如果做不到这一点，那么承

受后果的将不仅是马诺诺的民众，而是我们所有人。

附录 1 特许权

	公司名称（据刚果（金）矿权登记局（CAMI）信息）	PE（开采许可证）或 PR（研究许可证）	特许权编号
1	AVZ Minerals Congo Sarlu	PR	4029
2	AVZ Minerals Congo Sarlu	PR	4030
3	United Cominiere SA	PR	12448
4	United Cominiere SA	PR	12447
5	Cooperative Miniere Pour Le Developpement Communautaire	PR	14730
6	La Congolaise d'exploitation miniere/Cominiere SA	PR	12453
7	La Congolaise d'exploitation miniere/Cominiere SA	PE	13247
8	Minocom Mining SAS	PR	13348
9	Minocom Mining SAS	PR	13698
10	MCC Resources sarl	PR（因未付款而失效）	14069
11	MCC Resources sarl	PR（因未付款而失效）	14068
12	Widal Mining Sarl	PR	14537
13	Dathcom Mining SA	PR “正在转变” 为 PE	13359
14	Dathcom Mining SA	PR（因未付款而失效）	12454
15	Kanuka Mining Company	PR “正在转变” 为 PE	4100
16	Kanuka Mining Company	PE	13082
17	Crown Mining	PE	13081
18	Crown Mining	PR “部分转变” 为 PE	4076
19	Crown Mining	PR	4072
20	Group Emanuel sarl	PR	14713
21	In put mining	PR	14500
22	In put mining	PR	14499
23	Rubaco sarl	PR	14665
30	Rubaco Sarl	PR	14659
24	Equity management sarl	PR（因未付款而失效）	12674
25	Equity management sarl	PR（因未付款而失效）	12676

	公司名称（据刚果（金）矿权登记局（CAMI）信息）	PE（开采许可证）或 PR（研究许可证）	特许权编号
26	Air Marine Africa sarl	PR（因未付款而失效）	14636
27	Compagnie Miniere de Katoto	PR	14476
28	Walni Mineral Company sarl	PR（因未付款而失效）	4295
29	DRC Mining Exploration and Facility Business sarl	PR	14154
31	MMR	PR	14518
35	MMR	PR“部分转变”为PE	5227
32	Rocbelt Congo sarl	PR（因未付款而失效）	13984
33	Societe de recherche geologique et miniere	PR	14079
34	Societe de recherche geologique et miniere	PR	14081
36	Societe d'exploitation des gisements de Malemba Nkulu	PR“转变”为PE	12204
37	Societe d'exploitation des gisements de Malemba Nkulu	PR“转变”为PE	12205
38	Societe d'exploitation des gisements de Malemba Nkulu	PE	13065
39	Societe d'exploitation des gisements de Malemba Nkulu	PR“正在转变”为PE	12203
40	Nyota Mining Sarl	PR（因未付款而失效）	14410
41	Stanvic Mining sarl	PR	14454
42	Stanvic Mining sarl	PR	14773
43	Ste Mit Minerals sarl	PR	14834
44	Ste Mit Minerals sarl	PR“权利授予”	14922
45	United Materials Congo sarl	PR“挂失”	13590
46	United Materials Congo sarl	PR“权利撤销”	13591
47	African Congo Mining sarl	PR（因未付款而失效）	14493
48	Societe Congo Holding sarl	PR	13942
49	HongKong Excellen Mining Investment Congo sarl	PR	12450
50	Societe d'exploitation miniere	PR“权利撤销”	6646
51	Mineral development Investment	PR	13438

尾注

¹ Amongst others, the DRC holds some of the world's most significant cobalt deposits, according to the US Geological survey, see US Geological survey, 2020, Cobalt Data Sheet - Mineral Commodity Summaries 2020, <https://pubs.usgs.gov/periodicals/mcs2020/mcs2020-cobalt.pdf>. It also has some of the world's largest deposits of primary supply of tantalum, see United Nations Group of Experts on the Democratic Republic of Congo, 2021, para. 59, <https://www.undocs.org/en/S/2021/560>.

² Global Witness consulted five expert individuals with first-hand knowledge of the DRC's mining sector. See also US Geological Survey, 2021, <https://pubs.usgs.gov/periodicals/mcs2021/mcs2021-lithium.pdf>, and for example, Argus Media DRC's Manono claims largest hard rock Li resource, 2 August 2018, available at: <https://www.argusmedia.com/pt/news/1727972-drcs-manono-claims-largest-hard-rock-li-resource?page=1>.

³ US Geological survey, 2020, Cobalt Data Sheet - Mineral Commodity Summaries 2020, available at: <https://pubs.usgs.gov/periodicals/mcs2020/mcs2020-cobalt.pdf>.

⁴ Paulo de Sa, Jane Korinek, Resource efficiency, the circular economy, sustainable materials management and trade in metals and minerals', OECD, 2021, p.26, <https://www.oecd-ilibrary.org/deliver/69abc1bd-en.pdf?itemId=%2Fcontent%2Fpaper%2F69abc1bd-en&mimeType=pdf>. According to the World Economic Forum (WEF), an electric vehicle battery can contain as much lithium as 1000 smartphones, see World Economic Forum, A New Circular Vision for Electronics, Time for a Global Reboot, Platform for Accelerating the Circular Economy, January 2019, p.11, http://www3.weforum.org/docs/WEF_A_New_Circular_Vision_for_Electronics.pdf, see also International Renewable Energy Agency, End of Life Management, Solar Photovoltaic Panels, June 2016, www.irena.org/documentdownloads/publications/irena_ieapvps_end-of-life_solar_pv_panels_2016.pdf.

⁵ This estimate is accurate in a scenario in which humanity collectively achieves climate stabilisation well below a 2°C global temperature rise by 2040, according to the International Energy Association (IEA), see IEA, The Role of Critical Minerals in Clean Energy Transitions, Report Extract, Executive Summary, May 2021, available at: <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions/executive-summary>.

Academics point out that estimated future demand and supply scenarios for lithium vary, however, see for example, Vikström, H., et al, Lithium availability and future production outlooks, Applied Energy, Volume 110, 2013, Pages 252-266, <https://doi.org/10.1016/j.apenergy.2013.04.005>.

⁶ Guillaume Pitron, The Rare Metals War: the dark side of clean energy and digital technologies, p. xi Foreword by Hubert Védrine.

⁷ Intergovernmental Panel on Climate Change, 9 August 2021, Sixth Assessment Report, Headline Statements from the Summary for Policymakers, available at: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Headline_Statements.pdf.

⁸ Ensuring clean and green battery and other lithium-using supply chains must be a priority for businesses and governments. See Amnesty International's February 2021

paper, of which Global Witness was a co-signee, laying out a set of principles ensuring that lithium-ion batteries, which power electric vehicles and many electronic devices, and are essential minerals in renewable technologies climate change, are not linked to human rights abuses or environmental harm. This includes supporting the need to promote a more efficient use of resources, fewer vehicles, and the development of new battery technologies and other human rights-consistent solutions to climate change. See Amnesty International, 4 February 2021, Powering change: Principles for businesses and governments in the battery value chain available at: <https://www.amnesty.org/en/documents/act30/3544/2021/en/>

⁹ European Parliamentary Research Service, (EPRS), July 2021, New EU regulatory framework for batteries Setting sustainability requirements, Briefing, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689337/EPRS_BRI\(2021\)689337_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689337/EPRS_BRI(2021)689337_EN.pdf). Regarding the Chinese law, see THE OFFICIAL REGULATION ON A CHINESE GOVERNMENT WEBSITE IN CHINESE LANGUAGE ONLY: <http://www.gov.cn/zhengce/zhengceku/2021>. SEE ALSO Administrative Measures for the Echelon Utilization of New Energy Vehicle Power Batteries, August 19, 2021, 《新能源汽车动力电池梯次利用管理办法》 [the measures for the Management of echelon Utilization of Power batteries for New Energy vehicles], and SMM News, 7 September 2021, The Ministry of Industry and Information Technology interprets the measures for the Management of echelon Utilization of Power batteries for New Energy vehicles, at <https://news.metal.com/newscontent/101590252/The-Ministry-of-Industry-and-Information-Technology-interprets-the-measures-for-the-Management-of-echelon-Utilization-of-Power-batteries-for-New-Energy-vehicles/>

¹⁰ Lithium is not currently traded as a commodity on an exchange, although exchanges like the London Metals Exchange (LME) are taking steps to establish trading contracts for the metal, see LME, <https://www.lme.com/en/Metals/EV/Lithium-prices>. Since 2019, the LME has established a Lithium Committee, see London Metals Exchange, 2019, The LME established guidance for responsible trading of its metal brands in 2019, <https://www.lme.com/en-GB/About/Responsibility/Responsible-sourcing>

¹¹ The risks of additional environmental harm and the abuse of human rights in the supply chains of battery metals needed for the energy transition are being increasingly well documented by a range of organizations. For example: Business and Human Rights Resource Centre, August 2019, Transition Minerals Tracker, <https://www.business-humanrights.org/en/from-us/briefings/transition-minerals-tracker-analysis-of-renewable-energy-mining-companies-human-rights-practice/>; SOMO, 22 December 2020, The Battery Paradox: How the electric vehicle boom is draining communities and the planet <https://www.somo.nl/the-battery-paradox/>; Institute for Sustainable Futures, 17 April 2019, Responsible minerals sourcing for renewable energy, University of Technology, Sydney, <https://www.earthworks.org/publications/responsible-minerals-sourcing-for-renewable-energy/>; Ate, August 2020, Batteries at the Centre of e-mobility, a review of

social and environmental impacts, <https://sehen-und-handeln.ch/content/uploads/2019/03/battery.pdf>;

¹² Kate Raworth, Exploring Doughnut Economics, <https://www.kateraworth.com/doughnut/>

¹³ As documented by Harper, G., Sommerville, R., Kendrick, E. *et al.* Recycling lithium-ion batteries from electric vehicles. *Nature* 575, 75–86 2019, available at: <https://doi.org/10.1038/s41586-019-1682-5>, in the waste management hierarchy, re-use is considered preferable to recycling. See also, Ahmadi, L., Young, S.B., Fowler, M. *et al.* A cascaded life cycle: reuse of electric vehicle lithium-ion battery packs in energy storage systems. *Int J Life Cycle Assess* 22, 111–124 (2017).

<https://doi.org/10.1007/s11367-015-0959-7>; and Pagliaro, M., Meneguzzo, F., Lithium battery reusing and recycling: A circular economy insight, *Heliyon*, Volume 5, Issue 6, 2019, <https://doi.org/10.1016/j.heliyon.2019.e01866>

¹⁴ Global recycling rates for lithium are low, including due to raw material price fluctuations, product design without consideration of second-life uses, inefficient collection infrastructure, technological and safety concerns, transparency issues regarding secondary processes and the hibernation of electronics, see Church, C., and Wuennenberg, L., ‘Sustainability and Second Life: The Case for Cobalt and Lithium Recycling, International Institute for Sustainable Development (IISD)’, March 2019, www.iisd.org/sites/default/files/publications/sustainability-second-life-cobalt-lithium-recycling.pdf. See also, Liu, C., Lin, J., Cao, H., Zhang Y., Sun, Z. Recycling of spent lithium-ion batteries in view of lithium recovery: A critical review, *Journal of Cleaner Production*, Volume 228, 2019, Pages 801-813, <https://doi.org/10.1016/j.jclepro.2019.04.304>

¹⁵ Unless the majority of current business models change, the negative impacts of mineral extraction for battery metals, which can include human rights and environmental damage, will be borne by producer countries like, in this context, the DRC and its communities. Meanwhile, many of these countries and communities risk seeing far fewer of the benefits of low-carbon technologies and renewable energy sources, a situation that has been called the decarbonization divide, see for example: Sovacool, B.K., Hook, A., Martiskainen, M., Brock, A., Turnheim, B., The decarbonisation divide: Contextualizing landscapes of low-carbon exploitation and toxicity in Africa, *Global Environmental Change*, Volume 60, 2020, <https://doi.org/10.1016/j.gloenvcha.2019.102028>; and Payne, C. The decarbonisation divide. *Nat Hum Behav* 4, 236 (2020). <https://doi.org/10.1038/s41562-020-0843-8>. On energy poverty see, for example Jason B.Aamodt, Blake M Feamster, 2015, The role of appropriate sustainable energy technologies (ASETs) as a means for promoting access to energy for all, in: Guruswamy, L. (Ed.). (2015). *International Energy and Poverty: The emerging contours* (1st ed.). Routledge. <https://doi.org/10.4324/9781315762203>

¹⁶ The risks of environmental harm and the abuse of human rights in battery supply chains is well documented by a range of civil society and other organizations.

¹⁷ The last census in DRC took place in 1984. Global Witness spoke to two local residents of Manono with knowledge of the town, who estimated the town’s inhabitants at around 120,000

¹⁸ According to testimony from three Congolese individuals with first-hand knowledge of the town.

¹⁹ The AVZ Minerals “Fly-Through” of the Manono Lithium and Tin project gives a visual idea of the town’s proximity to the planned mining area, see <https://avzminerals.com.au/flythrough>. Historically, Manono has long been the site of mining activity. This is exemplified, from the view of the coloniser, for example, in Belgian Congo-American Survey, 1954: A Publication Devoted to the Promotion of Trade Relations Between Belgium, the Belgian Congo and the United States of America, 1 January 1954, which states, “[t]here-fourths of the production of the Belgian Congo and Ruanda-Urundi are exported in the form of concentrates of tin-bearing ores which are among the purest in the world; certain ones reach nearly 77 percent tin and the average is around 74 percent, while the remaining fourth consists of metal tin coming from the foundry of Manono. The largest part of the exported tin-bearing ores is melted in Hoboken, near Antwerp; the tin thus produced uniformly carries the mark UMHK like that of Manono; it assays a minimum of 99.95 percent tin and is at premium on the market”, available at:

<https://play.google.com/store/books/details?id=XD8VAQAAMAJ&rdid=book-XD8VAQAAMAJ&rdot=1>

²⁰ Three local residents confirmed to Global Witness that the town is without a national electricity supply or a mains water supply. See also Construction21, 21 June 2019, Manono: Electrification of an isolated city, <https://www.construction21.org/infrastructure/h/manono-electrification-of-an-isolated-city.html>

²¹ According to three local residents interviewed by Global Witness.

²² Le Palmier, 2021 年 8 月 12 日, Cinquantième anniversaire du diocèse de Manono : la population doit bénéficier la richesse minière, <https://palmiermagazine.com/societe/cinquantieme-anniversaire-du-diocese-de-manono-la-population-doit-beneficier-de-la-richeesse-de-lexploitation-miniere-mgr-fulgence-muteba-aux-autorites-administratives-locales/12/08/2021/>

²³ The Assay TV, 6 March 2020, Nigel Ferguson, AVZ Minerals, available at:

<https://www.youtube.com/watch?v=0ljRukywlDY>

²⁴ The Manono Project comprises concession PR13359. The Manono Extension Project comprises concession PR4029 and PR4030, see <https://avzminerals.com.au/manono-extension>.

AVZ’s recent statements about the Manono Project include the following:

The AVZ website previously stated that “AVZ holds 60 percent of the Manono Project with rights to secure additional interests; Project covers 188km² in southern Democratic Republic of Congo (DRC); Hosts lithium pegmatites with a strike length of 13km+ centred on an historical Tin mining operation; Outstanding results received from AVZ’s initial drilling program at Manono in 2017, including 235m @ 1.66 percent Li₂O, 202.8m @ 1.57 percent Li₂O and 250.9m @ 1.48 percent Li₂O; Roche Dure Mineral Resource of 400 million tonnes grading 1.65 percent Li₂O, 715ppm Sn, 34ppm Ta is world-class in scale and grade. The Manono Project is owned by AVZ (60 percent), La Congolaise d’Exploitation Minière SA (25 percent) (Cominière, a State-owned enterprise) and Dathomir Mining Resources SARL (15 percent) (Dathomir, a privately-owned company). AVZ is responsible for funding

expenditure to completion of a feasibility study and a decision to mine” see https://avzminerals.com.au/manono-mine_as accessed 9 September 2021.

26 May 2021 Investor Presentation stated that the Manono Project was “60 percent owned by AVZ Minerals Limited (15 percent under Option from Dathomir Mining Resources) and 25 percent owned by DRC Government”, available at <https://static1.squarespace.com/static/5934d2ae6b8f5beb5ba23f3/t/60aded15bf07274532e661ad/1622011179582/20210526+-+ASX+Investor+Presentation.pdf>. Last accessed 28 October 2021.

30 June 2021 financial report, “AVZ Minerals Limited has secured a further 15 percent equity in the Manono Project from Dathomir Mining Resources SARL. AVZ Minerals now has a 75 percent interest in the Manono Project following completion of the acquisition in August 2021”, see AVZ Minerals Ltd, Financial Report, 30 June 2021, page 8, available at

<https://static1.squarespace.com/static/5934d2ae6b8f5beb5ba23f3/t/615579380738f0539e42988d/1632991553107/20210930+-+AVZ+Full+Year+Statutory+Accounts.pdf>. Last accessed 28 October 2021.

21 September 2021 ASX announcement stated, “AVZ secures rights to an additional 10 percent equity in Manono Project for US\$15.5 M • AVZ to own 75 percent of Manono Project on completion of transaction • Ongoing discussions to acquire additional equity in Manono Project”, available at <https://static1.squarespace.com/static/5934d2ae6b8f5beb5ba23f3/t/5f67fde3c9621301a2198d07/1600650725499/ASX+Announcement+21092020.pdf>. Last accessed 28 October 2021.

In its reply to Global Witness, AVZ’s stated that “as at the date of this letter, AVZ Minerals Limited (AVZ) holds a 75 percent interest in the Manono Project (PR 13359) and a 100 percent interest in the Manono Extension Project (PR4029 and PR4030). The increase in our interest from 60 percent to 75 percent is explained in detail in our Australian Securities Exchange (ASX) announcement dated 21 September 2020.”

²⁵ Ibid.

²⁶ Force Commodities Ltd, which is the named company on the publicly-available documentation available to Global Witness, was renamed Critical Resources Limited on 31 May 2021. The company is referred to using its current name, Critical Resources Limited, throughout this briefing.

²⁷ In its 30 June 2021 Half Yearly Report and Accounts, Critical Resources Limited states “[n]o work was completed on the project during the period” in its review of accounts for the Kitotolo-Katamba Project and the Kanuka Project, see <https://wcsecure.weblink.com.au/pdf/CRR/02419547.pdf>. Last accessed 31 October 2021.

The last work conducted by the company, then called Force Commodities Ltd, appears to have been drilling activity which took place in 2019, according to company reports on the Critical Resources Limited website, when the company reported, amongst others, “[a]ssay results on the first batch of samples processed from the Phase 1 drilling program indicated the presence of shallow low grade (0.20 percent Li₂O and 0.39 percent Li₂O) lithium hosted in mica schists”, see <https://wcsecure.weblink.com.au/pdf/4CE/02168638.pdf>.

The company name change was reported on 31 May 2021, at: <https://wcsecure.weblink.com.au/pdf/4CE/02379990.pdf>. Last accessed 31 October 2021.

Critical Resources Limited did not respond to Global Witness when Global Witness invited them to comment on the matters raised in this report.

²⁸ Tantalex Resources, Bucknell Lithium Exploration Project, available at: <https://www.tantalex.ca/bucknell-lithium-exploration-project> and Manono Kitotolo Lithium Tailings Project, available at: <https://www.tantalex.ca/manono-kitotolo-lithium-tailings-project>.

See for example, Tantalex update, 19 October 2021, Tantalex Resources Corporation Extends Phase 1 Drilling on Manono Lithium & Tin Tailings, which states that ‘Tantalex controls 25km of a 70km long geologic trend (“pegmatite corridor”) which extends from the AVZ Manono Lithium Tin Project, located immediately east of PR12448 in the north, to Force Commodities Kitotolo-Katamba Lithium Project, located immediately to the west of PR12447 in the south. The “pegmatite corridor”, is highly prospective for further discoveries and to this day remains highly unexplored.’

In its 7 October 2021 reply to Global Witness, Tantalex stated that, “United Cominiere conducted a brief lithium exploration drilling program in 2018 on licence 12448 for which there has not been any follow-up exploration work performed since then. Minocom SAS has recently started drilling on the licence 13698 and to date there have not been any results received as to whether there is effectively lithium present at all. Results are expected in the next 2 months and will provide us indication of the grades of lithium and the quantities as well. United Materials Congo has not conducted any work on any of their licences since they have acquired them in 2017.”

²⁹ See **Annex 1** for a complete list of all companies holding concessions in the Global Witness sample.

³⁰ In DRC a research permit is granted for specific resources. However, once research is conducted, a company can apply for an exploration permit for different resources to those in its initial research permit. In the area around Manono, some of the research permits do not include lithium, even though company and media reports state that the company is eventually going to mine lithium. Global Witness interview with DRC mining official, July 2021.

³¹ According to publicly-available AVZ Minerals Limited literature, AVZ intends to produce lithium by 2023, see Investor Presentation, 26 May 2021, available at: <https://static1.squarespace.com/static/5934d2ae6b8f5beb5ba23f3/t/60aded15bf07274532e661ad/1622011179582/20210526+-+ASX+Investor+Presentation.pdf>

³² AVZ Minerals Ltd, Top 20 Shareholders as of 31 August 2021, 31 August 2021, accurate as of 14 September 2021, <https://avzminerals.com.au/top-20-shareholders>

³³ The company’s first offtake agreement was with GFL International Co. Limited, a subsidiary of Ganfeng Lithium Co Ltd, per AVZ’s announcement on 24 December 2020, <https://static1.squarespace.com/static/5934d2ae6b8f5beb5ba23f3/t/5fe3df7002b953270aa60e56/1608769393907/20201223+AVZ+Signs+First+Offtake+with+Ganfeng+%28FINAL%29.pdf>

³⁴ YouTube, 9 March 2021, AVZ Minerals’ Nigel Ferguson details second lithium offtake deal for its Manono

project, <https://www.youtube.com/watch?v=2igkxJciBhA>

³⁵ Green Car Congress, 2 April 2021, AVZ signs binding SC6 offtake agreement with major Chinese lithium converter Yibin Tianyi, supplier to CATL, see: <https://www.greencarcongress.com/2021/04/20210402-avz.html>

³⁶ AVZ Mineral Ltd, 29 October 2021, [Activities Report for the Quarter ending 30 September 2021](https://www.avzminerals.com.au/quarterly-reports), available at: <https://www.avzminerals.com.au/quarterly-reports>. Last accessed 2 November 2021.

³⁷ In its 28 November 2018 announcement, the company reported that 'Initial stage of Phase 1 RC drilling program at the Kitotolo-Katamba Lithium Project is now complete with 97 holes and approx. 4,200 metres drilled', see: <https://www.criticalresources.com.au/announcements>, and 'Force Commodities drilling 20,000 metres of RC and diamond at DRC lithium projects', Proactive, undated, see: <https://www.proactiveinvestors.com.au/companies/news/310175/force-commodities-drilling-20000-metres-of-rc-and-diamond-at-drc-lithium-projects-10175.html>

³⁸ According a Tantalex media communication, Tantalex began drilling works on the Manono-Kitotolo lithium and tin tailings project, PR13698, on 12 August 2021. In a March 2021 MineAfrica presentation the company lays out the following bullet-pointed information: "Resource Definition program on Manono-Kitotolo Lithium, Tin and Tantalum Tailings Project - Near term industrial production of tin and tantalum concentrates on Manono properties - Additional exploration for spodumene pegmatites downstrike from Historical MK mine - Feasibility Study with Xime Group (Guangdong) for tantalum refinery in Manono area - African Project Portfolio expansion in 2021 with an additional 1-2 near-term production assets. - Ensuring environmental and social sustainability in all activities and projects - Hands-on management. More than 200 staff in the DRC and a vast network throughout the continent with our major shareholder AfriMet Resources, an African focused metals trader.", available at: https://static1.squarespace.com/static/577c05a95016e168f25b1d1b/t/60477b4500f9b8533943ae1b/1615297358407/ITX_Corporate_Presentation_MineAfrica_2021.pdf, last accessed 28 October 2021.

Information on the Tantalex website covers PR12447, PR12448, both green field sites, and the PR13698 tailings deposit, see <https://static1.squarespace.com/static/577c05a95016e168f25b1d1b/t/58889cecc03596e478e8126a3/1485348079791/Tantalex+NI+43-101+Technical+Report+1-24-17%5B13841%5D.pdf> and <https://www.tantalex.ca/manono-kitotolo-lithium-tailings-project> both last accessed 9 October 2021.

³⁹ See OECD Due Diligence Guidance for Responsible Business Conduct, third edition, 2016, Introduction, which states: Due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict. Due diligence can also help companies ensure they observe international law and comply with domestic laws, including those governing the illicit trade in minerals and United Nations sanctions. Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions. For the purposes of this Guidance, "risks" are defined in relation to the potentially

adverse impacts of a company's operations, which result from a company's own activities or its relationships with third parties, including suppliers and other entities in the supply chain. Adverse impacts may include harm to people (i.e. external impacts), or reputational damage or legal liability for the company (i.e. internal impacts), or both. Such internal and external impacts are often interdependent, with external harm coupled with reputational damage or exposure to legal liability. Available at:

<https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.htm>. See also the International Finance Corporation Performance Standards on Environmental and Social Sustainability, 1 January 2012, https://www.ifc.org/wps/wcm/connect/24e6bfc3-5de3-444d-be9b-226188c95454/PS_English_2012_Full-Documents.pdf?MOD=AJPERES&CVID=jkV-X6h

⁴⁰ The OECD Guidance recommends that companies assess the environmental risks of their area of operation, see Tin, Tantalum and Tungsten supplement, Annex Guiding Note for Upstream Company Risk Assessment, C.1.a, (p.58), and Gold supplement, Step 2, footnote 20, page 78, for example.

⁴¹ Chapitres 6 et 7, Décret n° 14/019 du 02 août 2014 fixant les règles de fonctionnement des mécanismes procéduraux de la protection de l'environnement, available at : <https://www.leganet.cd/Legislation/Droit/percent20administratif/Environnement/D.19.019.02.08.21.4.htm>

⁴² Décret N° 038/2003 du 26 mars 2003 portant règlement minier tel que modifié et complété par le décret N°18/024 DU 08 JUIN 2018, available at : https://www.droitcongolais.info/files/753.06.18_Reglement-minier-du-8-juin-2018.pdf

⁴³ Décret N° 038/2003 du 26 mars 2003 portant règlement minier tel que modifié et complété par le décret N° 18/024 d 08 juin 2018 (Textes coordonnés), Article 25 octies, available at : http://congominer.org/system/attachments/assets/000/01/550/original/J.O._n_percentC2_percentB0_sp_percentC3_percentA9cial_du_12_juin_2018_REGLEMENT_MINIER_Textes_coordonn_percentC3_percentA9s.pdf?1553851275. Global Witness was unable to locate any ESIA for lithium projects discussed in this briefing, on the CTCPM website, see <https://ctcpm.cd/site/grand-projet/>

⁴⁴ *Ibid.* Separately, and most recently, in July 2021, DRC's Deputy Prime Minister and Minister of Environment, Eve Baziaba, adopted new measures for the sustainable management of DRC's natural resources. According to an 11 July 2021 ministerial press release, the measures were adopted in order to "improve the management of the environmental sector, promote good governance and to implement a strategy of improving the tax base", see *Vice Primature, 11 July 2021, RDC/Conseil des ministres : Eve Baziaba fait adopter 10 mesures urgentes pour la gestion durable des ressources naturelles*, available at : <https://medd.gouv.cd/rdc-conseil-des-ministres-eve-baziaba-fait-adopter-10-mesures-urgentes-pour-la-gestion-durable-des-ressources-naturelles/>

⁴⁵ According to the Mining Cadastre, Dathcom Mining controls 100 percent of PR13359, which is the site of AVZ's Manono Project. *According to the same source, Dathcom Mining also controls 100 percent of PR12454 concession within the Global Witness sample.*

As at 9 September 2021, the RCCM company record, available online, lists the following company shareholders for Dathcom Mining SAS:

1. AVZ INTERNATIONAL PTY LTD représenté par FERGUSON MUNRO NIGEL, né(e) le 03/12/1962 à KUCHING, AU
2. DATHCOMIR MINING RESSOURCES SARL représenté par CONG MAOHUAL, né(e) le 22/10/1962 à KINSHASA, CD
3. LA CONGOLAISE D'EXPLOITATION MINIERE représenté par MWAMBA MISAO ATHANASE, né(e) le 14/05/1948 à KALEMIE, CD

For further information on Dathcom Mining SAS and to read AVZ's responses to Global Witness' questions about the joint venture, please see box "The Dathcom Joint Venture" below.

⁴⁶ AVZ Minerals Ltd, 29 October 2021, AVZ Delivers Highly Positive Definitive Feasibility Study for Manono Lithium and Tin Project, 21 April 2020, page 59, <https://avzminerals.com.au/manono-project-definitive-feasibility-review>, last accessed 28 October 2021. On page 12 of the same report, AVZ states that Dathcom Mining has already completed an ESIA for PR13359.

⁴⁷ AVZ Minerals Ltd, 18 August 2021, *Manono Lithium and Tin Project Corporate Update*, and AVZ Minerals receives environmental approval for Manono lithium-tin project, <https://avzminerals.com.au/asx-announcements>;

⁴⁸ AVZ Minerals Ltd, 21 April 2020, AVZ Delivers Highly Positive Definitive Feasibility Study for Manono Lithium and Tin Project, sections 1.8 Environmental and Social Impact Assessment, pages 58-61 and section 3.9 Renewable Energy Operated Facilities, pages 101-103, <https://avzminerals.com.au/manono-project-definitive-feasibility-review>

⁴⁹ AVZ's Greenhouse Gas Assessment, which concludes: "To contextualise the Project's GHG emissions, the Project's emission intensity (i.e. total emissions per tonne of product produced) for both SC6 and PLS production were compared to published emission intensities for other lithium production facilities. Comparison of the Project's emission intensity with other available intensities for SC6 production, suggests that the Project will use technology that will result in a substantially less emission-intensive production than other existing facilities in Western Australia. The Project's emissions intensity for LCE production is lower than the emission intensities for other mineral mines.", available at <https://avzminerals.com.au/manono-project-greenhouse-gas-assessment>

⁵⁰ The AVZ feasibility study, available online, states that "many baseline biodiversity studies were done" including:

- "Soil sample analysis
- Air Quality sample analysis
- Noise sample analysis
- Surface, ground and wastewater sampling and analysis
- Radiological study
- Fauna trapping and analysis
- Flora count and documentation
- Stakeholder Consultations".

The results of the samples are not included in the online documentation. The Feasibility study contains

information on the Tailings Storage Facility (TSF) in section 1.14, pages 48-51, see "AVZ Delivers Highly Positive Definitive Feasibility Study for Manono Lithium and Tin Project", AVZ, 21 April 2020, page 53, <https://avzminerals.com.au/manono-project-definitive-feasibility-review>

⁵¹ Global Witness interview with civil society organisation

⁵² In their response to Global Witness for this report, AVZ provided copies of the following internal AVZ documents:

Hypower Environmental Management Plan;
Mine Closure Plan;
Manono Mine Environmental Management Plan ;
MN to KD and ISS Environmental Management Plan;
Sustainable Development Plan.

⁵³ The Assay TV: Nigel Ferguson, AVZ Minerals, [from 06.15 onwards, for example] available at: <https://www.youtube.com/watch?v=0ljRukywlDY>; and AVZ Minerals Ltd, 21 April 2020, AVZ Delivers Highly Positive Definitive Feasibility Study for Manono Lithium and Tin Project", page 53, <https://avzminerals.com.au/manono-project-definitive-feasibility-review>

⁵⁴ AVZ Minerals Ltd, 21 April 2020, AVZ Delivers Highly Positive Definitive Feasibility Study for Manono Lithium and Tin Project, page 60, <https://avzminerals.com.au/manono-project-definitive-feasibility-review>

⁵⁵ Global Witness interviews with individuals with knowledge of the matter. In its Quarterly Activity Report for the Quarter ending 31 December 2019, AVZ states that EmiAfrica Consultants and AVZ team members met with "local chiefs and dignitaries to appraise them of the company's intentions to mine the Roche Dure deposit, to obtain their input and address any concerns they have about the future activities of Dathcom Mining SA", see Quarterly Activity Report for the Quarter ending 31 December 2019, AVZ, page https://www.asx.com.au/asxpdf/20200131/pdf/44dp3nmr_q99wtl.pdf Global Witness wrote to EmiAfrica to request copies of the ESIA and copies of information about community engagement. EmiAfrica told Global Witness that they were unable to respond to our request because of their terms of engagement with their client, and that they had passed Global Witness' request to Dathcom.

⁵⁶ In its reply to Global Witness, AVZ stated that the company had a "Conflict Minerals Policy" that "indicates" that the company "develop and implement a due diligence management system that aligns with OECD and UN guidelines for company due diligence on minerals from Conflict Affected and High-Risk Areas" and that Dathcom's "Conflict Minerals Policy also reflects the same position".

AVZ also stated that it was "committed to the continued development of its environmental management programme" and had adopted internal environmental policies including an "Environmental Management Plan for mining activities, hydro power, logistics staging point at Kabondo Dianda and a [...] a mine closure plan" as well as a Corporate Social Responsibility Policy outlining commitments to contributing to the communities in which it operates.

AVZ also stated that it had commenced “formal engagement with the Manono community” to create a “Social Vision and Social Development Plan” and that “[o]ver the last 12 months, we have focused on understanding the immediate and short-term needs of the Manono community and providing support where it is most valued and needed, developing a deeper awareness of community sensitivities, and building on the future social vision of the Manono community”. The company stated that it had engaged with the DRC Government to establish a Special Economic Zone at Manono, to “further maximise community employment opportunities”.

Finally, AVZ gave the following examples of its work in the local community to date, including:

Casual employment of “over 900 local people in infrastructure repair including 300 artisanal miners who were working at Roche Dure where our exploration was taking place. Over US\$1 million distributed to the local population in casual salaries”

Commissioning an unexploded ordinance clearing company in the area;

Training and support to “Super Appetit” a new lunch provision company, to supply meals to workers during 2017 and 2018 drilling;

airlift of medical supplies to Manono hospital during the wet seasons when roads were impassable

Logistical support to WHO polio vaccination program

Sanitary assistance during COVID-19 pandemic

Financial support for International Womens’ Day activities

“Ongoing repair and maintenance of the fire damaged main bridge over the river Lukoshi”

“Maize seeds purchased in Lubumbashi distributed freely to Manono farmers”

“Airlift of sick personnel, not Dathcom employees, to Lubumbashi for hospital treatment”

“Dissemination of medicines to the local hospital if not needed or used by Dathcom personnel”

“sponsoring new football strips and a trophy for the annual football league competition”

“random acts of kindness”

⁵⁷ Le Palmier Hebdo, 21-28 August 2021, stated that “According to our sources on site in Manono, Dathcom Mining and AVZ Minerals are already in full exploitation and are secretly exporting while they are still in the prospecting phase. According to the same sources, Dathcom Mining is already unofficially exploiting lithium. This state of affairs is not well appreciated by several analysts who believe that Manono has problems in road infrastructure, electrical energy etc. and this lithium exploitation could help in one way or another to the population of Manono to help themselves. ”»

⁵⁸ The Tantalex feasibility study for the Bucknell Lithium exploration project has a short section on environmental and social risks, which is not the EISA itself, which states: “17.1. Environmental Studies: Not applicable at the early stage of the Project. 17.3. Social or Community Impact: The social impact on the town of Manono and surrounding villages can only be positive. According to the World Bank (2014) 63 percent of the DRC population lives in poverty, and the per capita income was USD\$380 per year (2012). The influx of exploration money will provide jobs and additional taxes for Manono.”, see “NI

43-101 Technical Report of the Buckell Li-Sn-Ta Project Manono, Tanganyika Province Democratic Republic of Congo prepared for Tantalex Resources Corporation”, 25 January 2017, page 30, available at:

<https://www.tantalex.ca/buckell-lithium-exploration-project>; There is no environmental or social impact information available on the Tantalex Resources website concerning the Manono Kitolo Lithium Tailings project, see <https://www.tantalex.ca/manono-kitotolo-lithium-tailings-project>

⁵⁹ Global Witness interviews with individuals familiar with the matter.

⁶⁰ In its response to Global Witness, Tantalex also stated that that United Cominière had “conducted a brief lithium exploration drilling program in 2018 on licence 12448 for which there has not been any follow-up exploration work performed since then.” The company also stated that “Minocom SAS has recently started drilling on the licence 13698 and to date there have not been any results received as to whether there is effectively lithium present at all. Results are expected in the next 2 months and will provide us indication of the grades of lithium and the quantities as well.” Finally, Tantalex said, “United Materials Congo has not conducted any work on any of their licences since they have acquired them in 2017.”

⁶¹ Registre de Commerce et du Crédit Mobilier (RCCM), available at <https://rccm.cd/rccm/index.html>

⁶² Details of Ministor Loando Mboyo’s holdings are included in endnotes 71 and 75 below.

⁶³ Mr. Cong Maohuai clarified to Global Witness that his full name is Cong Maohuai, and that is his only name, although cultural confusions between nomenclature in the DRC and also western style conventions such as those used in the UK, had resulted in his name appearing in various other forms, and Simon is a name he took on when he first arrived and uses informally for ease of communication in the DRC.

⁶⁴ See for example: Africa Intelligence, 25 September 2018, China’s go-to man for Katanga, Simon Cong, takes control of Musoshi copper, <https://www.africaintelligence.com/mining-sector-exploration-production/2018/09/25/china-s-go-to-man-for-katanga-simon-cong-takes-control-of-musoshi-copper.108325089-art>

Africa Intelligence, 29 September 2018, China-DR Congo middleman Simon Cong goes into copper mining with Gecamines; Congo Virtuel, 23 April 2021, Propriétaire de Kempinski Hôtel Fleuve Congo, Cong Maohuai/Mao Huai dit Simon Cong, proche de Zoé Kabila va développer une mine de cuivre non loin de Likasi,

<https://congovirtuel.com/information/proprietaire-de-kempinski-hotel-fleuve-congo-cong-mao-huai-dit-simon-cong-proche-de-zoe-kabila-va-developper-une-mine-de-cuivre-non-loin-de-likasi/>; Sun Line, General Manager Jiang Weiming of Shenglun Logistics visited Shenglun Congo (Kinshasa) Company for investigation, available at: https://sun-line.cn/index.php?m=default.news_detail&cid=6&ccid=59&did=150;

Congo Virtuel, 25 October 2020, Simon Cong, patron de business chinois en RDC, proche de Zoé Kabila Mbala se retire du projet lithium de Manono, <https://congovirtuel.com/information/simon-cong-patron-de-business-chinois-en-rdc-proche-de-zoe-kabila-mbala-se-retire-du-projet-lithium-de-manono/>

⁶⁵ The Africa Report, 12 May 2021, DRC: Zoe Kabila has been removed as governor of Tanganyika province,

<https://www.theafricareport.com/87277/drc-zoe-kabila-has-been-removed-as-governor-of-tanganyika/>

⁶⁶ The concessions are as follows, based on information from the Congolese Mining Cadastre (CAMI) and the DRC's Business Registry (RCCM), all last accessed on 21 September 2021:

PR12448 and PR12447 held by United Cominière, in which Cominière, represented by Athanase Mwamba Misao, is a shareholder, see <https://rccm.cd/rccm/index.html>

PR12453 and PE13247 held by La Congolaise d'exploitation minière/Cominière SA, see <https://rccm.cd/rccm/index.html>

PR13348 and PR13698 held by Mincom Mining SA in which Cominière, represented by Athanase Mwamba Misao, is a shareholder, see <https://rccm.cd/rccm/index.html>

PR13359 and PR12454 held by Dathcom Mining, in which Cominière, represented by Athanase Mwamba Misao, is a shareholder, see <https://rccm.cd/rccm/index.html>

PR12204, PR12205, PR13065 and PR12203 held by Societe d'exploitation des gisements de Malemba Nkulu (SEGMAL), in which Cominière is a shareholder, according to a copy of the statute reviewed by Global Witness.

PR12450 held by HongKong Excellen Mining Investment Congo sarl, in which Athanase Mwamba Misao, is a shareholder, see <https://rccm.cd/rccm/index.html>

Cominière SA was represented by the company's Director General Athanase Mwamba Misao. In some cases, Athanase Mwamba Misao appears to hold directorships or shareholdings as a private individual.

⁶⁷ Mboyo gained a seat in the Senate in 2019, see <http://www.senat.cd/index.php/vos-senateurs/les-108-senateurs> and subsequently stepped down from the Senate in April 2021, when he was named as Minister.

⁶⁸ The Widal Foundation website refers to "sa chère épouse Madame Déborah Linda LOANDO" (his dear wife Madame Deborah Linda Loando). <https://www.fondationwidal.org/site/apropos.php>. The Minister's Wikipedia page confirms that his wife was born "Deborah "Bobo" Elite Linda, last consulted on 9 September 2021.

⁶⁹ PR14537 is held by Widal Mining sarl, in which Widal Properties sarl was described as a 75 percent shareholder, on the 20 February 2019 company statute. The director of Widal Properties sarl was recorded as Linda Bobo Elite, Mboyo's wife, according to the Congolese Company Registry as last accessed on 22 September 2021. Minister Mboyo was also a shareholder in HongKong Excellen Mining Investment Limited (HongKong Excellen), according to the most up to date company records available on the Congolese company registry, as last accessed on 12 November 2021, alongside Athanase Mwamba Misao and another individual. HongKong Excellen holds concession PE12450. Widal Mining and HongKong Excellen share the same phone numbers (+243 813 699 899), which is also the same phone number associated with HongKong Yisen Investment, another company that holds mining concessions near to Manono and in which the Minister was recorded as a shareholder, alongside Athanase Mwamba Misao and another individual, according to the company registry, last accessed on 12 November 2021. HongKong Excellen and Yisen also share the same registration address (119

Boulevard Tsashi or Tshatsi, there are multiple spellings on the Congolese registry) as multiple companies owned by Cong Maohuai, including the Fleuve Hotel Congo.

In his response to Global Witness, Minister Mboyo told Global Witness that he is not currently a shareholder of HongKong Excellen Mining Investment Limited, or HongKong Yisen Investment. Please also see Minister Mboyo's response to Global Witness, in the main body of the text, above. In her response to Global Witness, Bobo Elite Linda Déborah told Global Witness that she would make no comment on her husband's goods and activities and that all questions should be addressed to him directly. Please also see Bobo Elite Linda Déborah's responses to Global Witness, in the main body of the text, above.

⁷⁰ AVZ Minerals Limited, 2019, annual report, available at: <https://avzminerals.com.au/annual-reports>

⁷¹ AVZ Minerals Limited Board Update, 2 May 2019, available at: <https://static1.squarespace.com/static/5934d2ae6b8f5beeb5ba23f3t/5cca38f0e79c7006d075ebce/1556756721773/20190501+Board+Update.pdf>

⁷² These are Hongkong Yisen Investment Congo (shareholder), Societe d'exploitation miniere de Musoshi (director, alongside Cong Maohuai and Min Guo Wei); HongKong Excellen Mining Investment Congo (shareholder), last accessed 18 November 2021.

⁷³ In addition to the response laid out in the main body of the text, Minister Loando Mboyo also stated in his letter to Global Witness that:

According to the DRC's rules regarding conflict of interest, his law firm and himself could not represent clients who had interests against the State or its public institutions, including before the courts and tribunals;

He was unable to reply to any question asked that required him to divulge confidential information about himself, his cabinet and his clients during the time that he was a lawyer, and that where Global Witness had invited comment on such matters the Minister was restricted by privilege and confidentiality.

The Boatman Capital Report contained various erroneous factual assertions;

That he was not currently a shareholder in HongKong Excellen Co. Mining Limited, which he renounced on 3 April 2019, or in HongKong Yisen Investment Congo SARL, which he renounced on 1 March 2019;

That he does not currently represent Summit Reward Investment Limited as since his arrival in the public service he has retired from his legal office;

That he is not currently director of a copper mine at Musoshi, although he had been an advisor to a company called Societe d'Exploitation Miniere de Musoshi SA (SEM SA), from which he had stood down by letter, on 29 April 2019;

That his status as a PEP is a legal question which must be settled by the provisions of DRC law, including international conventions and agreements to which it is a party and which are in force in its territory. He is convinced that he has fully satisfied the requirements of the law and regulations in force in the DRC, in particular by having made a complete and accurate declaration of all his assets to the Constitutional Court on 23 June 2021 or around that date, which is publicly available;

That he based his entry into the public service on three pillars: transparency, ethics and total commitment to the well-being of the Congolese people. His priorities are strictly focused on the DRC and the interests of its more than 100 million citizens. The abundant mineral resources of the DRC constitute the heritage of the country, in the same way that does the environment.

⁷⁴ Global Witness wrote to Déborah Linda Elite at three email addresses that are publicly-available on the Congolese business registry, provided for Elite or companies for which she is recorded as sole shareholder. All email addresses bounced back. Global Witness couriered a copy of our letter inviting Elite's comments and giving an opportunity to explain, to a company address in Kinshasa for which Elite is the sole shareholder and director, including with our email contact information provided and received a response whose main points are included in the body of the text, above.

⁷⁵ These concessions are:

PR13359 and PR12454 held by Dathcom Mining SAS. Dathcom Mining SAS is a joint venture in which Cong owned one of the companies in the venture.

PR13359 is the site of AVZ's Manono Project, as above.

PR14069 and PR14068 held by MCC Resources sarl, a company owned by Cong according the DRC company registry.

PR13348 and PR13698 held by Minocom Mining SAS. Minocom Mining SAS is directed by Cong Maohuai according to the DRC company registry, and Min Guo Wei is a 30 percent shareholder in the company, alongside Athanase Mwamba Misao. PR13698 is the site of Tantalex's Kitotolo Lithium Tailings Project. The DRC Official Gazette, dated 15 June 2017, records that Min Guo Wei was the original director of Minocom Mining SAS.

On 7 July 2021 Tantalex announced that it had entered into a binding Letter of Intent (LOI) with Minor Sarl, including an earn-in option agreement allowing for TTX SAU, a wholly owned subsidiary of Tantalex, to acquire up to 52 percent of the shares in Minocom Mining SAS.

According to Tantalex documents, TTX will acquire 25 percent of shares in Minocom Mining SAS, for US\$2million and 20,000 shares in Tantalex, in addition to a sum of US\$3million already paid to Minocom Mining SAS, see: "Tantalex Resources Corporation Expands Lithium & Tin Resource Area on Manono-Kitotolo Tailing Project and announces start of drilling", 7 July 2021, <https://www.tantalex.ca/press-releases>

PR12450 held by HongKong Excellen Mining Co Limited, a company which shares the same registration address (119 Boulevard Tsashi/Tshatsi) as multiple other companies owned by Cong Maohuai.

⁷⁶ According to the Congolese company registry, Cong Maohuai is the director of Dathomir Mining Resources, and Dathomir International Corp, represented by Cong Maohuai, is its sole shareholder. See box: The Dathcom Joint Venture, below.

⁷⁷ AVZ annual report 2018, available at: <https://avzminerals.com.au/annual-reports>

⁷⁸ AVZ annual report 2018, page 59, available at: <https://avzminerals.com.au/annual-reports>

⁷⁹ The agreement ended in 2019. See Zhejiang Huayou Cobalt Industry Co., Ltd. Announcement on the foreign investment of overseas wholly-owned subsidiaries, December 2017, available at:

http://pg.jrj.com.cn/acc/CN_DISC/STOCK_NT/2017/12/16/603799_Is_1204233016.PDF

⁸⁰ The most up-to-date RCCM publicly-available records, last accessed on 12 November 2021, include the following directors for Societe Miniere d'Exploitation de Musoshi SA (SEM): Cong Maohuai, Min Guo Wei, Loando Mboyo Guy. Global Witness has also reviewed a 28 December 2017 copy of the SEM SA statute, showing the company was established by SODIMICO SA, and BVI registered Shining Mining Company Limited, represented by Cong Maohuai, also available on line on Twitter here:

<https://twitter.com/equityechidna/status/991535630373933056> In his response to Global Witness, Minister Loando Mboyo state that he is not currently director of a copper mine at Musoshi, although he had been an advisor to a company called Societe d'Exploitation Miniere de Musoshi SA (SEM SA), from which he had stood down by letter, on 29 April 2019. Please also see Minister Mboyo's response to Global Witness, above.

⁸¹ « Ce monde professionnel aujourd'hui constitué de plusieurs années d'expérience tant au niveau national mais aussi international, dans les secteurs des mines, droit des Affaires, investissement privé, etc. a servi de tremplin pour rencontrer un client partenaire, devenu mentor, M. Cong Maohuai, connu sous le nom de Monsieur Simon. « M. Simon est humble, rempli de sagesse et est un visionnaire » souligne Guy Loando et à ce jour, il est l'une des rares personnes à avoir compris ce que plusieurs jusqu'à ce jour ne comprennent de sa vision. » See <https://www.fondationwidal.org/site/fondateur.php>

⁸² Huayou also stated, in its response to Global Witness, that in December 2017, Huayou Cobalt acquired 51 percent of Lucky Resources Holding Company Limited through its wholly-owned subsidiary Huayou International Mining. The company said that Huayou Cobalt "hired relevant intermediaries agency to conduct due diligence on Lucky Resources Holding Company Limited and its subsidiary Congo (DRC) New Minerals Investment SARLU in accordance with the recognized business standards and ethics of the industry, Huayou International Mining has withdrawn from Lucky Resources Holding Company Limited in August 2019."

⁸³ In response to Global Witness, Huayou Cobalt stated that it has "taken the lead to establish and implement a cobalt supply chain due diligence management system in the industry, to draw a cobalt supply chain's map, to identify and mitigate supply chain risks, and continued to improve the management level of supply chain due diligence, especially for those from high-risk areas, such as DRC's cobalt artisanal mining, joint stakeholders of supply chain, through a systematic method to regulate artisanal mining, and continuously improve the direct or indirect social responsibility risks of suppliers, which are highly recognized by industry stakeholders. Based on the basic principle of legal compliance, Huayou Cobalt has continuously improved its organizational structure and management system model. It has achieved legal compliance for investment and operation by promulgating and implementing the "Code of Business Ethics and Conduct" and "Administrative Measures on Outbound Investment and M&A" etc. company's Regulation."

⁸⁴ According to an unsigned 2016 copy of an incorporation document for Kibali-Ituri Resources sarl, Dathomir International Corp., incorporated in the Seychelles, and represented by Min Guo Wei, and Congolese company WINNERS GROUP Sarl, registration RCCM

CD/KIN/RCCM/14-B-3844, managed by Bobo Elite Linda, available at:

<http://guichetunique.cd/IMG/pdf/jo.00878.16.pdf>.

According to an investor report by Boatman Capital (see box on the Dathomir Mining joint venture in the text), on 29 July 2016 Kibali-Ituri Resources changed its name to Dathomir Mining Resources, and Cong Maohuai became its director. Please also see Bobo Elite Linda Déborah's response to Global Witness, in the main body of the text, above.

⁸⁵ A Sichuan Investment Group Co Ltd announcement on the Invest.com website dated 27 November 2015, refers to Min Guo Wei as an economic advisor to the President, see, Sichuan Investment Group Co Ltd, 27 November 2105, Min Guowei, Economic Advisor to the President of the Democratic Republic of the Congo, and his delegation visited Sichuan Investment Group, <https://www.invest.com.cn/news/group-news/405.html>; see also Chuantou news, <http://scijyt.com/chuantou-news/405.html>, and also

https://www.baidu.com/s?wd=%E5%88%9A%E6%9E%9C%E6%B0%91%E4%B8%BB%E5%85%B1%E5%92%8C%E5%9B%BD%E6%80%BB%E7%BB%9F%E7%BB%8F%E6%B5%8E%E9%A1%BE%E9%97%AE%E9%97%B5%E5%9B%BD%E6%9A%90&rsv_spt=1&rsv_iqid=0xda018d72000051f2&issp=1&f=8&rsv_bp=1&rsv_idx=2&ie=utf-8&tn=baiduhome_pg&rsv_enter=1&rsv_dl=ib&rsv_sug3=1

Min Guo Wei is also General Manager of China-Africa Mining Investment Management (Beijing) Co., Ltd, see <https://www.tianyancha.com/company/5078768>. In DRC, the 15 March 2014 Official Government Gazette lists Min Guo Wei as the president of the management board for MIKAS sarl, a mining company. He is also associated with Minor sarl, Musoshi and Minocom Mining, via shareholding, and was an original signatory Executive Director of La Sino-congolaise Des Mines S.A. (Sicomines), see above.

⁸⁶ According to the most up-to-date documents on the public Congolese business registry, last accessed on 14 November 2021, Min Guo Wei is a director in SEM SA alongside Cong Maohuai and Guy Loando Mboyo. Min Guo Wei is also the listed representative of MINOR sarl, which Cong Maohuai owns, and Min Guo Wei is also a shareholder in Minocom Mining SAS, a company directed by Cong Maohuai.

<https://twitter.com/equityechidna/status/991535630373933056>. In his response to Global Witness, Minister Loando Mboyo state that he is not currently director of a copper mine at Musoshi, although he had been an advisor to a company called Societe d'Exploitation Miniere de Musoshi SA (SEM SA), from which he had stood down by letter, on 29 April 2019. Please also see Minister Mboyo's response to Global Witness, above.

⁸⁷ In addition to the response laid out in the main body of the text, Mr. Cong Maohuai also stated in his letter to Global Witness that:

he always directed his team to operate in strict compliance with applicable law, and that he supported national and international efforts to create fair and transparent business environments, that his extraction businesses operated in accordance with the Mining Code and Regulations of the DRC and that his contracts were approved by the CAMI.

he was aware of and understood the importance of the OECD Guidance, the UNGPs and the CCCMC Guidance and that, although the OECD had not produced a tailored supplement for lithium, that he “undoubtedly agree[d]” that the OECD Guidance provided a helpful “due diligence framework and model mineral supply chain policy to be broadly followed in relation to lithium mining in the DRC”.

the articles of the UN Food and Agriculture Voluntary Guidelines drafted specifically for investors and enterprises, should be “broadly followed by responsible mining companies” and that the spirit of the IFC standards is reflected in the OECD Guidance and UNGPs.

to the extent that he is involved in development of DRC's lithium sector, he would use this body of knowledge to managed human rights impacts, which change over time, and that the “approach to ESG management” of DRC's lithium mining would inevitably evolve as “the stage of a project matures”.

⁸⁸ See supra Note 64.

⁸⁹ According to Global Witness online research, Mr. Cong is the chairman of the Congo Katanga Chinese Chamber of Commerce (Chinese name is 刚果（金）加丹加中华商会), see Chinese Academy of International Trade and Economic Cooperation Ministry of Commerce/Bureau de l'Économie et du Commerce de l'Ambassade de la République Populaire de Chine en République Démocratique du Congo, December 2020,

Guide for Countries and Regions on Overseas Investment and Cooperation of the 2020-Congo',

<http://www.mofcom.gov.cn/dl/gbdqzn/upload/gangguojin.pdf> page79-80. Cong Maohuai is also the chairman of the Congo Overseas Chinese Association (Chinese name is 刚果（金）华侨华人联合会), established in 2016, see: <http://cd.chineseembassy.org/chn/lqfw/t1384366.htm>. See also, Sun Line, “General Manager Jiang Weiming of Shenglun Logistics visited Shenglun Congo (Kinshasa) Company for investigation”, available at: https://sun-line.cn/index.php?m=default.news_detail&cid=6&ccid=59&did=150

The Chinese Chamber of Commerce in the Democratic Republic of the Congo is a non-governmental organization composed of overseas Chinese, established in 2002. It is a non-profit, non-political association with the status of a legal person, headquartered in Kinshasa. The executive board of the Chamber of Commerce consists of a chairman, 11 vice-chairmen, a secretary-general and 4 deputy secretary-generals. <http://news.sina.com.cn/w/2002-10-08/1839759312.html>

⁹⁰ For example, Amani Gold Limited, in which Cong Maohuai is a director. Amani Gold Limited holds the Giro Gold Project, see: <https://www.amanigold.com/wp-content/uploads/2020/10/02288277.pdf> Cong Maohuai is an Amani Gold Limited director alongside Klaus Eckhof, who was also Chairman of AVZ Minerals Limited until June 2018, during which period Dathomir Mining Resources sarl, managed by Cong, was a joint venture party of AVZ, see AVZ Annual Report 2018, available at <https://avzminerals.com.au/annual-reports>. According to the Congolese company registry, Cong is also a shareholder in the Societe d'exploitation miniere de Matala, and the Societe Mines Dor Resources.

⁹¹ MCC Resources sarl holds PR14069 and PR14068, although both are recorded as “lapsed due to non-payment” on the DRC mining cadastre website. Cong

Maohuai is manager and sole shareholder of MCC Resources sarl.

According to a June 2021 United Nations Group of Experts on the Democratic Republic of Congo report, MCC is also the concession holder on which Muchacha Mining Complex is situated, an illegal gold mining site in the Okapi Wildlife reserve, a World Heritage site in DRC's Ituri province. According to the United Nations report, the Congolese army (FARDC) provided illegal security to miners at Muchacha during 2021. See para. 126, available at: <https://www.undocs.org/en/S/2021/560> Cong Maohuai did not provide a response to the UN Experts for the UN report.

⁹² According to publicly-available documents on the Congolese company registry, MMR is managed by Hitesh Chug. Its three shareholders, according to RCCM filings, are Societe Shukrana Limited, Societe Piran Investments Ltd and Societe Kalyan Limited, available at: <https://rccm.cd/rccm/> Last accessed 9 September 2021.

⁹³ See the Vinmart Group website, available at: <https://www.vinmartgroup.com/associates.aspx> and Vinmart Group's LinkedIn page <https://www.linkedin.com/company/vinmart-group-of-companies>

⁹⁴ These are PR4100 and PR13082, held by Kanuka Mining Company, in which Chug is a shareholder, and PR14518, PR5227 held by MMR and PR12204, PR12205, PR13065 and PR12203 held by Societe d'exploitation des gisements de Malemba Nkulu, in which MMR, represented by Chug, is a shareholder.

⁹⁵ These are PR4100 and PR13082. See 'Kanuka Lithium JV – Formal Decision to Proceed', 14 January 2018 statement, now hosted on the Critical Resources website available at: <https://www.criticalresources.com.au/announcements>. See also a 15 January 2018 press statement issued by James Sullivan of Force Commodities stating that: "The Kanuka Lithium Project Joint Venture, to be held 51 percent by Force and 49 percent by MMR will focus on two contiguous licenses: granted Mining License PE13082 and Exploration License PR4100", available at: <https://www.juniorminingnetwork.com/junior-miner-news/press-releases/2360-asx/4ce/40615-force-commodities-kanuka-lithium-jv-formal-decision-to-proceed.html>

⁹⁶ These are:

PE13698 and PR13348 held by Minocom Mining SAS, whose director, according to the Congolese business registry, is Cong Maohuai, and in which Tantalex's wholly owned subsidiary TTX SAU acquired up to 52 percent of the shares in July 2021 (see above);

PR13590 and PR13591 held by United Materials Congo sarl, whose majority shareholder is SandStone Worldwide Ltd, listed in the Bahamas and a wholly owned subsidiary of Tantalex;

PR12448 and PR12447 held by United Cominière, a joint venture between SandStone Worldwide Limited and Cominière.

⁹⁷ Global Witness has reviewed a copy of the SandStone Worldwide Ltd 2017 declaration to the Registrar General of the Bahamas, which states that the company records are being maintained by Trident Corporate Services of the Bahamas Limited.

⁹⁸ According to the Mining Cadastre, Crown Mining Sarl holds an exploration permit, PE13081, for gold, copper,

cobalt, diamonds and tin. The company also holds two two research permits, PR4076 and PR4072, see annex 1. The 15 January 2012 Official Government Gazette, reviewed by Global Witness, lists Ahmed Tajideen (spelled Ahmed Tajeddine in the company's response to Global Witness) as the statutory director of Crown Mining Sarl. The 1 June 2018 Official Government Gazette, also reviewed by Global Witness, notes that partners Ahmed and Ali Tajideen ceased partnership and that Kamal Srour was designated associate manager in place of Ahmed Tajideen.

⁹⁹ U.S. Department of the Treasury, 12 September 2010, <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20101209>

¹⁰⁰ Global Witness, 9 February 2019 Unsanctioned Trade, , available at: <https://www.globalwitness.org/documents/18809/unsanctioned-trade-2017-lowres.pdf>. Three members of Ahmed Tajideen's family were added to the terrorism sanctions list by the US Treasury. In March 2012 Reuters reported that Congo Futur and Trans-M were both controlled by Ahmed Tajideen, who told the journalist "I am the majority shareholder of both companies. I created both companies independently of each other. My brothers have nothing to do with the companies", see page 5 of "Unsanctioned Trade".

¹⁰¹ Article 7 *quater*. Loi n°18/001 du 09 mars 2018 modifiant et complétant la Loi n° 007/2002 du 11 juillet 2002 portant Code minier. Accessed at: https://www.mines-rdc.cd/fr/wp-content/uploads/Code%20minier/J.O._n%C2%B0_spe%C3%ACcial_du_28_mars_2018_CODE_MINIER%20DE%20LA%20RDC.PDF#page=40

¹⁰² EITI Standard, 2019, 2.2, See EITI, Requirements for EITI Implementing Countries, <https://eiti.org/contract-transparency#requirements-for-eiti-implementing-countries>

¹⁰³ The parties to the 2010 contract were Cominière, represented by Justin Nyembo Mutahile and Athanese Mwambo Misao, and DBB Resources Corporation, registered in the British Virgin Islands and represented by Lugunda Lubamba Francis, available at: https://www.resourcecontracts.org/contract/ocds-591adf-4534496341/view#. A 17 December 2010 Securities and Exchange Commission Notice of Exempt Offering for Securities records a company name change from DBB Resources Corporation to Global Tin Corp, see: https://www.sec.gov/Archives/edgar/data/1507757/000150775710000001/xslFormDX01/primary_doc.xml

¹⁰⁴ The 2016 *process-verbal* document states that Dathcom Mining would take over seven mining titles, PR12436, PR12449, PR12450, PR12454, PR12206, PR12459 and PR12461, which had been withdrawn from Manomin Minerals, the previous concession owner. According to The Boatman Capital report, Manomin subsequently sought international arbitration following withdrawal of its titles. In February 2017, when AVZ acquired a stake in the PE13359 mining title, a title previously part of the Manomin concession, then-AVZ executive chairman Klaus Eckhof noted in a public release by the company that an "action by a third party in DRC claiming that a historic mining right at Manono was invalidly cancelled has been dismissed by the DRC Supreme Court of Justice", available at: <https://www.asx.com.au/asxpdf/20170508/pdf/43j34yz43twlb2.pdf> Klaus Eckhof requested additional time to respond to Global Witness' invitation to comment to

matters arising from this brief. Global Witness extended the comment period, but Klaus Eckhof did not provide a further response.

¹⁰⁵ As outlined above, disclosure of payments is a requirement of Congolese law. See Decret N° 038/2003 du 26 mars 2003 portant règlement minier tel que modifié et complète par le décret N° 18/024 d 08 juin 2018 (Textes coordonnés), Article 54bis https://www.mines-rdc.cd/fr/wp-content/uploads/Code_percent20minier/J.O._n_percentC2_percentB0_spe_percentC3_percentACcial_du_28_mars_2018_CODE_MINIER_percent20DE_percent20LA_percent20RDC.PDF

¹⁰⁶ EITI-RDC website, ‘Consultez ici les principaux contrats miniers’, undated, available at : <https://www.itierdc.net/carte-de-la-rdc-cliquable/contrats-miniers/>

¹⁰⁷ See <https://www.mines-rdc.cd/ressourcecontracts/>

¹⁰⁸ ‘AVZ to complete acquisition of Manono extension lithium, tin and tantalum project in the Democratic Republic of Congo’, AVZ Minerals Limited, 31 October 2016. Available at: <https://www.asx.com.au/asxpdf/20161031/pdf/43cjtcvd3d6fwf.pdf>. Klaus Eckhof, when in post as AVZ’s Executive Chairman, also conducted separate business with Medidoc FZE, when in 2016 he paid the company US\$250,000 in cash and 40,000 ordinary shares for a 60 percent stake in Tendao gold project <https://www.asx.com.au/asxpdf/20161103/pdf/43cm1gwvjgnrrp.pdf> Global Witness has been unable to establish the ultimate beneficial owner of Medidoc FZE. Klaus Eckhof did not respond to Global Witness on this point.

¹⁰⁹ See detail in endnote 75 above.

¹¹⁰ ‘Tantalex Resources Corporation Expands Lithium & Tin Resource Area on Manono-Kitotolo Tailings Project and Announces Start of Drilling’, *Junior Mining Network*, 7 July 2021,

<https://www.juniorminingnetwork.com/junior-miner-news/press-releases/2584-cse/ttx/102736-tantalex-resources-corporation-expands-lithium-tin-resource-area-on-manono-kitotolo-tailings-project-and-announces-start-of-drilling.html>

¹¹¹ Raymond P. Spanjers P. Geo, 25 January 2017, NI 43-101 Technical Report of the Buckell Li-Sn-Ta Project Manono, Tanganyika Province Democratic Republic of Congo prepared for Tantalex Resources Corporation., The JV included concessions PR12447 and PR12448. Page 9 and Appendix F, <https://static1.squarespace.com/static/577c05a95016e168f25b1d1b/t/58889cec03596e478e8126a3/1485348079791/Tantalex+NI+43-101+Technical+Report+1-24-17%5B13841%5D.pdf>

¹¹² Force Commodities, 28 September 2018, Additional Mining License Included in Kitolo Lithium Project Acquisition, ,

<https://www.asx.com.au/asxpdf/20170928/pdf/43mqb2lpgc080q.pdf>

¹¹³ "The Kanuka Lithium Project Joint Venture (Force 51 percent, MMR 49 percent) includes granted Mining License PE13082 and Exploration License PR4100 and extends over an area of 194km². The Kanuka Lithium Project Joint Venture is located 5km immediately south of AVZ Mineral’s ‘worldclass’ Manono-Kitotolo Lithium Project licenses and 20km east of the Company’s Kitotolo Lithium Project”, KANUKA LITHIUM PRODUCTION

PROJECT UPDATE, 23 May 2018,

<https://wcsecure.weblink.com.au/pdf/4CE/01983984.pdf>

¹¹⁴ Process verbal de negociation entre Cominière SA and Dathomir Resources sarl, available at :

<https://www.mines-rdc.cd/ressourcecontracts/contract/ocds-591adf-0616740576/view#/pdf>

¹¹⁵ *Ibid*

¹¹⁶ Global Witness obtained a copy, from the Congolese company registry and not yet available on the registry website, of the document signed by Nigel Munro Ferguson for AVZ International (PTY) Ltd, a subsidiary of AVZ Minerals Ltd, alongside Simon Cong Maohuai for Dathomir Mining Resources sarlu and Athanes Mwambo Misao for Cominiere, creating Dathcom Mining SAS.

¹¹⁷ See Congolese company registry online webpage for Dathcom Mining SA, available at <https://rccm.cd/rccm/>

¹¹⁸ For 2019, Dathcom (listed as “for AVZ, formerly Dathomir, on the EITI website) reported USD118,460 in payments, whereas the state declared that it had received USD436, 934 a discrepancy of USD308,474 which after adjustments also stayed the same. See

<http://itierdc-data.masiavuvu.fr/donnees-itie/>

¹¹⁹ AVZ also stated in their response that “that on 27 January 2017, AVZ, Cominière SA, Dathomir, and Dathcom entered into an Initial Joint Venture Agreement with respect of PR 13359 and additional PRs 12436, 12449, 12450 and 12454. The agreement was documented in writing. A detailed overview of the terms of the Initial Joint Venture Agreement, including the payment terms, is provided in our ASX announcement dated 2 February 2017.”

¹²⁰ The Boatman Capital Report is available online at: <https://theboatmancapital.com/wp-content/uploads/2021/06/Boatman-Report-on-AVZ-Minerals-July-2019.pdf>, last accessed 29 October 2021.

¹²¹ *Ibid*.

¹²² Congolese Gazette, dated 1 April 2011, lists Min Gou Wei as a Sicominex founder. See also Global Witness, March 2011, China and Congo: Friends in Need, , available at: https://cdn.globalwitness.org/archive/files/library/friends_in_need_en_lr_1.pdf

¹²³ In its 2020 Interim Financial report, the company disclosed that AVZ executed a Share Sale Purchase Agreement for an additional 10 percent equity stake in Dathcom Mining SA (which holds 100 percent of the Manono Project) from its joint venture partner, Dathomir Mining Resources. The company also disclosed that AVZ had secured 5 percent equity interest from Dathomir Mining for a total consideration of US\$5.5M, with an advance payment already made of US\$500,000. The report states, “AVZ will own 75 percent of the joint venture company, Dathcom Mining SA upon completion of both agreements. The remaining 25 percent of the joint venture company is owned by La Congolaise D’Exploitation Minière SA, the DRC Government”. Available at: <https://avzminerals.com.au/annual-reports> See also endnote 70 above, which details the most recent changes in shareholding of Dathcom Mining SA.

¹²⁴ Fast Markets, 22 July 2021, Lithium supply and demand to 2030,

<https://www.fastmarkets.com/article/3999803/lithium-supply-and-demand-to-2030#:~:text=A%20total%20of%20345%2C000%20tonnes.2%20million%20tonnes%20in%202030> and see IEA report above.

¹²⁵ Global Witness, 9 March 2021, Global Witness welcomes the reversal of US sanctions reprieve granted to mining magnate Dan Gertler, <https://www.globalwitness.org/en/press-releases/global-witness-welcomes-reversal-us-sanctions-reprieve-granted-mining-magnate-dan-gertler/>

¹²⁶ Global Witness, undated, Secret Sales Publications, The Core Documents, available at: <https://www.globalwitness.org/en/archive/secret-sales-publications/> and Global Witness, 16 May 2014, Glencore and the Gatekeeper, <https://www.globalwitness.org/en/archive/glencore-and-gatekeeper/>

¹²⁷ Global Witness, undated, Responsible Minerals, available at: <https://www.globalwitness.org/en/campaigns/conflict-minerals/>

¹²⁸ Global Witness, 6 August 2021, The Deal for Deziwa, available at: <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/deal-deziwa/>

¹²⁹ See OECD Due Diligence Guidance for Responsible Business Conduct, third edition, 2016. Available at: <https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.htm>.

¹³⁰ Conducting due diligence for responsible supply chains of minerals from

conflict-affected and high-risk areas is an on-going, proactive and reactive

process through which companies can ensure that they respect human rights and do not contribute to conflict. The OECD Guidance notes that conflict-affected and high-risk areas are identified by the presence of armed conflict, widespread violence or other risks of harm to people. Under this definition, high-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence. Such areas are often characterised by widespread human rights abuses and violations of national or international law. See OECD Due Diligence Guidance for Responsible Business Conduct, Introduction, third edition, 2016. Available at: <https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.html>

¹³¹ The CCCMC is supervised by the Chinese Ministry of Commerce. The guidelines were drafted with input from international and Chinese partners, including Global Witness and the Organisation for Economic Co-operation and Development, following a public consultation and year-long drafting process. Available at: <http://www.cccmc.org.cn/docs/2021-04/20210429175116015947.pdf>

¹³² Key elements of the guidelines include:

A 5-step risk-based supply chain check process for minerals, reflecting [Due Diligence Guidance](#) developed by the OECD and recognised as international best practice. This reflects companies' individual responsibility to carry out their supply chain due diligence, conduct a third party audit of the process, and publish their related policies and practices.

Checks for risks of contributing to conflict and serious human rights abuses, reflecting the OECD Guidance, and risks associated with other serious misconduct, reflecting CCCMC's 2014 [Guidelines for Social Responsibility in Outbound Mining Investments](#).

Applicability to all Chinese companies who are extracting or using minerals and mineral products at any point in the supply chain, see elow.

Applicability to all mineral resources, with an initial focus on gold, tin, tungsten and tantalum.

Not specific to particular country or region.

"Chinese companies" in this Guideline include legal entities registered in China for profitmaking purposes, as well as [overseas companies owned or controlled by Chinese companies](#). In addition, companies in other countries can also use this Guideline as a guiding document to prevent and mitigate adverse impacts, and make positive contributions to social welfare, environmental protection and economic development.

Refer to: Page 8, <http://www.cccmc.org.cn/docs/2021-04/20210429175116015947.pdf>

For additional information, see Global Witness, <https://www.globalwitness.org/en/press-releases/new-chinese-guidelines-offer-mineral-companies-chance-reduce-conflict-corruption-risks-and-show-value-host-communities/>

China has also recently introduced "[Green development guidelines for overseas investment and cooperation](#)" which stress the need to "Encourage the practice of environmental impact assessments and due diligence in accordance with internationally accepted standards".

¹³³ For companies producing and trading tin, tantalum, tungsten and gold in the DRC, this is already a legal requirement. See Arr

êté ministerial N.0057.CAB.MIN/MINES/01/2012 du 29 février 2012 portant mise en oeuvre du mécanisme régional de certification de la Conférence Internationale sur la Région des Grands-Lacs « CIRGL » en République Démocratique du Congo, Article 8

¹³⁴ The third edition of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas provides clarification on the scope of the Guidance by removing language in the Introduction that was perceived to limit its application only to the supply chains of tin, tantalum, tungsten and gold. The updated edition clarifies that the Guidance provides a framework for detailed due diligence as a basis for responsible supply chain management of all minerals. See OECD Due Diligence Guidance for Responsible Business Conduct, Foreword, third edition, 2016. Available at: <https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.html>

¹³⁵ Global Witness believes that responsible mining companies intent on contributing to achieving sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development should adhere to the United Nations Food and Agriculture Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, see Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, FAO,

2012, <http://www.fao.org/tenure/voluntary-guidelines/en/> In addition, companies should use the guidance produced by the [Interlaken Group](#) lays out how companies should implement the [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries and Forestry in the Context of National Food Security \(VGGT\)](#), which were themselves the result of extensive consultation with governmental, private sector and civil society representatives, and are endorsed by 193 governments. The Interlaken Group guidance, entitled '[Respecting Land and Forest Rights](#)' (the Interlaken Guidance), is unique in being the only authoritative agribusiness guidance actually written by representatives from the private sector, together with civil society and governments. It lays out what companies need to do to comply with the VGGT, what indicators of compliance might look like, and which resources exist to support efforts towards compliance. The guidance covers a range of project types: greenfield investments, brownfield investments, existing holdings, joint ventures or mergers and acquisitions, plus procurement and supply chains, see 'Voluntary guidelines for agribusiness, and their relevance to defenders', *Global Witness*, 20 August 2018, <https://www.globalwitness.org/en/campaigns/environmental-activists/voluntary-guidelines-agribusiness-and-their-relevance-defenders/>

¹³⁶ International Finance Corporation, 2012, Environmental and Social Performance Standards https://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Sustainability-At-IFC/Policies-Standards/Performance-Standards

¹³⁷ Article 54 bis, Loi n° 18/001 du 09 mars 2018 modifiant et complétant la Loi n° 007/2002 du 11 juillet 2002 portant Code minier. Accessed at: <https://www.mines-rdc.cd/fr/wp-content/uploads/Code%20minier/J.O. n%C2%B0 spe% C3%ACcial du 28 mars 2018 CODE MINIER%20DE%20 LA%20RDC.PDF#page=8>

¹³⁸ See ITIE-RDC, undated, 'Dans cette section vous trouverez les textes légaux qui régissent l'ITIE-RDC, les PV des réunions du Comité Exécutif, les documents de mise en œuvre', , at https://www.itierdc.net/new_itie-rdc/ On its website, the Extractive Industry Transparency Initiative (EITI) DRC states: At the height of the commodity boom in 2007, when the DRC began implementing the EITI, decades of conflict, political instability, corruption, looting and mineral smuggling had decimated the mining sector, which used to be DRC's engine of growth, and left the government with large liabilities for its state-owned enterprises (SOEs) that had become practically insolvent. Despite the country's vast natural resources, 63% percent of the 75 million Congolese citizens were living below the poverty line of less than one dollar per day in 2012, according to the World Bank. Available at: <https://eiti.org/democratic-republic-of-congo>

¹³⁹ EITI Standard, 2019, 2.2, See EITI, Requirements for EITI Implementing Countries, <https://eiti.org/contract-transparency#requirements-for-eiti-implementing-countries>

¹⁴⁰ CCCMC drafted the Guidelines in association with the Chinese Ministry of Commerce and the German development agency GIZ, following a year-long drafting process and public consultation.

¹⁴¹ CCCMC, 2015, Chinese due diligence guidance for responsible mineral supply chains, , available at: https://www.globalwitness.org/documents/18138/201512_Chinese_Due_Diligence_Guidelines_for_Responsible_Min

[eral Supply Chains - En_K83fxzt.pdf](#) and Global Witness, 2 December 2015 Global Witness welcomes progressive new Chinese mineral supply chain guidelines, , see:

<https://www.globalwitness.org/en/press-releases/global-witness-welcomes-progressive-new-chinese-mineral-supply-chain-guidelines/>

¹⁴² Mofcom, 2020, China's Foreign Investment Cooperation and Development Report 2020, page 3, <http://www.mofcom.gov.cn/dl/gbdqzn/upload/gangguojin.pdf>

¹⁴³ Mofcom, 2020, China's Foreign Investment Cooperation and Development Report 2020, <http://images.mofcom.gov.cn/fec/202102/20210202162924888.pdf> The report states that from the perspective of financial flows, China's investment in Africa in 2019 will mainly flow to Congo (DRC), Angola, Ethiopia and other countries. Among them, the flow of direct investment in the Democratic Republic of the Congo was US\$930 million, a year-on-year increase of 44.8 percent.

¹⁴⁴ See, Guide to countries (regions) for foreign investment and cooperation Democratic Republic of Congo, Mofcom, available at:

<http://www.mofcom.gov.cn/dl/gbdqzn/upload/gangguojin.pdf>

¹⁴⁵ Global Witness, undated, Anonymous Company Owners, available at: <https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/anonymous-company-owners/>

¹⁴⁶ [Global Witness, 9 December 2019, 'EU Investor disclosure regulation.](#) <https://www.globalwitness.org/en/campaigns/european-union-brussels-global-witness-eu/eu-investor-disclosure-regulation/>

¹⁴⁷ This Regulation lays down harmonised rules for financial market participants and financial advisers on transparency with regard to the integration of sustainability risks and the consideration of adverse sustainability impacts in their processes and the provision of sustainability-related information with respect to financial products. For more information, see: Global Witness, 9 December 2019, EU Investor Disclosure Regulation' <https://www.globalwitness.org/en/campaigns/european-union-brussels-global-witness-eu/eu-investor-disclosure-regulation/>

¹⁴⁸ The DRC's 2018 Mining Code revision does not prohibit members of the security forces and senior public officials from holding industrial mining rights, as long as done so via a company. See, Decret N° 038/2003 du 26 mars 2003 portant règlement minier tel que modifié et complète par le décret N° 18/024 d 08 juin 2018 (Textes coordonnés), Article 54bis <https://www.mines-rdc.cd/fr/wp-content/uploads/Code%20minier/J.O. n%C2%B0 spe% C3%ACcial du 28 mars 2018 CODE MINIER%20DE%20 LA%20RDC.PDF> See also, "New Democratic Republic of Congo mining law could leave the door open to corrupt deals", *Global Witness*, 12 March 2018, available at:

<https://www.globalwitness.org/en/press-releases/new-democratic-republic-congo-mining-law-could-leave-door-open-corrupt-deals/>

¹⁴⁹ As Global Witness has laid out elsewhere, senior government officials or their relatives and associates who, by reason of their high-level position may be deemed vulnerable to corruption, have become known in law and

policy circles as ‘PEPs’ (politically-exposed persons). To say that somebody is a PEP is not to say that they are corrupt; the head of every state in the world is a PEP, see “Time to Dig Deeper”, *Global Witness*, page 23, available at <https://www.globalwitness.org/en/campaigns/democratic-republic-congo/time-dig-deeper/>

¹⁵⁰ Global Witness, 15 February 2019, A Dud Deal, page 4 <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/a-dud-deal/>. See also “Twelve red flags: corruption risks in the award of extractives sector licenses and contracts”, *Natural Resource Governance Institute* (NRGI), April 2017; ‘Banks and Money, how the Financial System enables looting at a devastating human cost’, *Global Witness*, 1 October 2015, https://www.globalwitness.org/documents/18012/Banks_and_Dirty_Money_Global_Witness.pdf

¹⁵¹ Global Witness’ recommendations for Democratic Republic of Congo’s new mining law, Point (1) Conflict of Interest, October 2015, available at: https://www.globalwitness.org/documents/18091/GW_D_RC_mining_code_analysis_-_15.10.15.pdf

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¹⁵⁵ Ennis, S., Gonzaga, P., Pike, C., Inequality: A hidden cost of market power, *Oxford Review of Economic Policy*, Volume 35, Issue 3, Autumn 2019, Pages 518–549, <https://doi.org/10.1093/oxrep/grz017>

¹⁵⁶ R. Quentin Grafton & John Williams 2020), Rent-seeking behaviour and regulatory capture in the Murray-Darling Basin, Australia, *International Journal of Water Resources Development*, 36:2-3, 484-504; ‘Nigeria: Evidence of corruption and the influence of social norms’, U4 Expert Answer, 24 September 2014, page 2, available at: https://www.transparency.org/files/content/corruptionqas/Nigeria_overview_of_corruption_and_influence_of_social_norms_2014.pdf

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¹⁵⁷ See UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011), UN Doc HR/PUB/11/04, Framework (2011), UN Doc HR/PUB/11/04, www.ohchr.org/Documents/Publications/GuidingPrinciples

[esBusinessHR_EN.pdf](#) The OECD Due Diligence Guidance for Responsible Business Conduct, which was adopted in May 2018, offers practical guidance on human rights, environmental due diligence and corruption for businesses, <https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.htm>.

¹⁵⁸ <https://humanrights.gov.au/our-work/business-and-human-rights/about-business-and-human-rights>

¹⁵⁹ AVZ Mining Limited (stock symbol AVZ) principal place of business is registered in Australia, see <https://avzminerals.com.au/corporate-directory> and the company is listed on the Australian stock exchange, <https://www2.asx.com.au/markets/company/avz>. Critical Resources Limited (stock symbol CRR) (formerly Force Commodities Ltd, stock symbol 4CE), is also registered in Australia <https://www2.asx.com.au/markets/company/crr>. Tantalex Resources Corporation (stock symbol TTX and 1TO) is registered in Canada, see <https://www.sedar.com/DisplayProfile.do?lang=EN&issuerType=03&issuerNo=00029657> and is listed on the Canadian stock exchange, [https://thecse.com/en/listings/mining/tantalex-resources-corporation#:~:text=TANTALEX%20is%20a%20mining%20company,Exchange%20\(symbol%3A%201TO\)](https://thecse.com/en/listings/mining/tantalex-resources-corporation#:~:text=TANTALEX%20is%20a%20mining%20company,Exchange%20(symbol%3A%201TO)) and on the Frankfurt stock exchange <https://www.boerse-frankfurt.de/equity/tantalex-resources-corp>.

¹⁶⁰ See, for example, OHCHR Working Group on the issue of human rights and transnational corporations and other business enterprises – Questionnaire, 1 June 2017 https://www.ohchr.org/Documents/Issues/Business/UNG_PsBHRnext10/inputs/states-igos/Canada.pdf

¹⁶¹ The OECD Guidelines for Multinational Enterprises are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. Australia and Canada are both adherent countries to the OECD Guidelines for Multinational Enterprises <https://www.oecd.org/corporate/mne/>

¹⁶² See OECD Due Diligence Guidance for Responsible Business Conduct, third edition, 2016, page 13 and Footnote 2. Available at: <https://www.oecd.org/investment/duediligence-guidance-for-responsible-business-conduct.htm>.

¹⁶³ Since 2012, Global Witness has been gathering data about land and environmental defenders. In that time, a grim picture has come into focus – with the evidence suggesting that as the climate crisis intensifies, violence against those protecting their land and our planet also increases. It has become clear that the unaccountable exploitation and greed driving the climate crisis is also driving violence against land and environmental defenders, see “Last Line of Defence”, *Global Witness*, 13 September 2021, <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

¹⁶⁴ Mine waste or tailings must not be stored in upstream dams, or disposed of into rivers, lakes, streams or the ocean. Mining companies must fully account for the costs of long-term mine waste storage, mining closure and reclamation, see: “Safety First – The Peoples’ Tailings Standard To End Mine Waste Disasters”, *Mining Watch*, 30 June 2020,

<https://miningwatch.ca/news/2020/6/30/safety-first-new-report-outlines-guidelines-end-minewastedisasters>.

¹⁶⁵ Amnesty International, 4 February 2021, Powering change: Principles for businesses and governments in the battery value chain-co-signed by Global Witness, <https://www.amnesty.org/en/documents/act30/3544/2021/en/>

¹⁶⁶ Academic papers analysing the socio-economic impacts of lithium mining, and particularly hard-rock mining, consistently note that these are as yet poorly studied and understood. For example, Ambrose, H., and Kendall, A., note that “These [battery] technologies are often deployed to improve environmental sustainability, yet the environmental effects and sustainability of the [lithium] resources they rely on are often not well understood, especially as demand increases over time”, see *Journal of Industrial Ecology*, 01 October 2019, <https://doi.org/10.1111/jiec.12949>; Datu Buyung Agusdinata et al, Socio-environmental impacts of lithium mineral extraction: towards a research agenda, 2018, available at:

<https://iopscience.iop.org/article/10.1088/1748-9326/aae9b1/meta>, See also, Chaves, C., et al, ‘Concerns about lithium extraction: A review and application for Portugal’, *The Extractive Industries and Society*, Volume 8, Issue 3, 2021, <https://doi.org/10.1016/j.exis.2021.100928>. Studies on current and future lithium extraction in South America show how environmentally and socially damaging different types of lithium mining can be, including potential adverse impacts on water sources, ecosystems, biodiversity and human health, see <https://www.tandfonline.com/doi/abs/10.1080/02646811.2020.1754596>

¹⁶⁷ Luboya, O., et al. “High Human Exposure to cobalt and other metals in Katanga, a mining area of the Democratic Republic of Congo”, 2009, *Environmental Research*, available at: https://www.academia.edu/29900872/High_human_exposure_to_cobalt_and_other_metals_in_Katanga_a_mining_area_of_the_Democratic_Republic_of_Congo?auto=citations&from=cover_page; and Van Brusselen D,

Kayembe-Kitenge T, Mbuyi-Musanzayi S, Lubala Kasole T, Kabamba Ngombe L, Musa Obadia P, Kyanika Wa Mukoma D, Van Herck K, Avonts D, Devriendt K, Smolders E, Nkulu CBL, Nemery B. ‘Metal mining and birth defects: a case-control study in Lubumbashi, Democratic Republic of the Congo.’, *Lancet Planet Health*. 2020 Apr; <https://pubmed.ncbi.nlm.nih.gov/32353296/>.

¹⁶⁸ Pulitzer Centre, April 2021, The Cost of Cobalt, Conversation with Fiona Lloyd-Davies and Robert Flummerfelt, <https://pulitzercenter.org/blog/conversation-fiona-lloyd-davies-and-robert-flummerfelt-cost-cobalt>

¹⁶⁹ The Africa Report, 11 January 2021, The rush for gold is one of the ugliest market forces in the world, , <https://www.theafricareport.com/55342/the-rush-for-gold-is-one-of-the-ugliest-market-forces-in-the-world/>

¹⁷⁰ Amnesty International and Afrewatch, 19 January 2017, This is what we die for, <https://www.amnesty.org/en/documents/afr62/3183/2016/en/>

¹⁷¹ Global Witness, undated, The climate-critical Amazon rainforest is under major threat from destructive agribusiness. Brazil is also one of the deadliest countries in the world for land and environmental defenders, many of them from indigenous communities, <https://www.globalwitness.org/en/all-countries-and-regions/brazil/>

¹⁷² Global Witness, 24 June 2021, New images of EU’s methane leaks expose deadly reality of gas industry, , <https://www.globalwitness.org/en/press-releases/eu-methane-leaks-expose-reality-of-gas-industry/> See also Global Witness, 20 November 2019, For the future of the UK and the planet: Global Witness’ Challenges for the 2019 UK General Elections, , <https://www.globalwitness.org/en/blog/for-the-future-of-the-uk-and-the-planet-global-witness-challenges-for-the-2019-uk-general-elections/>

¹⁷³ Global Witness, undated, Myanmar, <https://www.globalwitness.org/en/all-countries-and-regions/myanmar/>