

KAGEM OGM 2025 INDEPENDENT MONITOR REPORT

This represents the report from the Independent Monitor for the Operational Grievance Mechanism (“OGM”) that has been established at the Kagem Emerald Mine in Zambia (“Kagem”), majority owned by Gemfields Group Ltd. (“Gemfields”). The Independent Monitor was engaged in March 2023. The Independent Monitor is to provide reports on a regular basis regarding progress in establishing and implementing the OGM. This report is the second following a visit to the mine in July 2025, and the third report overall.

We refer to our January 2024 and August 2024 reports for background on the OGM and projects that Kagem has agreed to undertake, our methodology, the background, the various effectiveness criteria within UNGP 31, and the indicators we use for purposes of our assessment.¹ Nor do we include the attachments from our prior reports, reflecting our terms of reference and the assessment template.

Methodology. This report is based on: a visit to Zambia in July 2025; a review of numerous documents related to the OGM and agreed projects; public reports and analyses regarding human rights in Zambia generally and in the region more specifically; interviews and meetings with OGM personnel, Kagem personnel and leadership, Gemfields leadership, the OGM’s Independent Ombudsbody, and the OGM’s UNGPs expert; interviews with the two NGOs that have led sensitization meetings (DEGHA and Caritas); and interviews and meetings with community leaders, liaisons, approximately 60 claimants and other community residents (individually and within small groups). We have sought to respect confidentiality. Our methodology is similar to that undertaken in other Independent Monitoring assignments, and discussed in more detail in the report from last year.

Cooperation from all stakeholders, including Kagem and Gemfields personnel, Independent Ombudsbody members, DEGHA and Caritas, local community leaders and members – and most importantly, claimants – has been outstanding and appreciated.

Background. The OGM continues to operate against a complex set of local dynamics, including historical tensions between Kagem and communities immediately surrounding the mine. All stakeholders concur that the relationship has improved significantly in the last few years. While tensions remain, the OGM has become a central point of engagement between the community and the mine. Stakeholders also report that the existence of the OGM, and the dedication to it of Gemfields and site leadership and personnel, has led to a substantially heightened human rights consciousness at Kagem. They note a continued positive change – which we also observe – in terms of a respect for human rights and the OGM process. On a longer term basis, they note a complete turnaround from historical mine practices. Other community and agreed projects have further helped improve the prior relationship between the mine and community. In short, mine-community relations are moving in the right direction.

To be clear, there is lingering dissatisfaction among some community members. There remains discontent regarding alleged historic security-related human rights incidents that community members claim went unaddressed for many years. Community members have requested several projects that the mine may not be able or willing to provide. Employment opportunities, easy access to health care, and access to alternative livelihoods all remain elusive within the local communities.

¹ As noted last year, the information we gathered was considered against a template consisting of 36 indicators and 84 sub-indicators, which seek to translate UN Guiding Principles (UNGPs) 22, 29 and 31 into an assessment framework.

Continuing to build strong relationships with local communities is core to the ability of the OGM to gain trust and confidence among targeted stakeholders, and we encourage continued attention to it.

Key Observation: The OGM Is Well-Known and Being Utilized. Over the past year, the OGM has matured very substantially. Since our last visit, hundreds of grievances alleging significant human rights impacts have been lodged, and dozens of community sensitizations have occurred.

Relevant metrics associated with the OGM now include:

- 1933 OGM contacts since its launch 18 months ago. While some of those were information requests, there now have been 819 cases recorded, and 670 grievances that allege a significant or severe human rights impact.
- 157 cases have been closed, mostly because they were out of scope for the OGM (e.g., outside the relevant time period, did not involve the mine in some way, etc.) or involved group claims that could be readily addressed.
- There are 662 active cases, all of which have been filed since February 2024.
- That includes 57 cases submitted in March, 20 in May, 318 in June, and 201 in July.
- In terms of access points, there been 4 walk-ins, 818 contacts through grievance boxes, 1892 using the OGM toll free number, and 257 lodged grievances at meetings.
- In terms of typologies, most of the significant human rights grievances involve physical assaults (176), dog bites (160), or cracked houses (149). Other claims include injuries from being pursued by security personnel.
- Regarding sensitizations, DEGHA has been conducting 3 per month in 2025 in differing communities. In 2024, when Caritas led sensitizations, the number varied from 3 to 12 in terms of monthly sensitizations in different communities.
- There have been sensitization meetings and engagements with every ward. There have been more frequent meetings with Pilala and Sandowana, the communities adjacent to the mine, where the most significant human rights impacts have been alleged.

Last year, we noted our surprise that a greater number of severe human rights grievances had not been lodged. Our expectation is now met. The very substantial number of grievances reflects several important developments. It shows the continued commitment of OGM personnel, and Kagem and Gemfields leadership, to creating a robust and meaningful OGM, which we also witnessed. It shows the positive regard that community members have for OGM staff, which we heard repeatedly. It reflects the uniform feedback of claimants that they have been treated with respect when engaging with OGM personnel. It shows the repeated, engaged and active sensitization efforts of Caritas, DEGHA and OGM personnel; virtually all community members appear to be aware of the OGM and how to access it. It shows a growing trust in Kagem and the OGM - as we have said repeatedly, there is no greater reflection of OGM trust, accessibility and awareness than the number of individuals lodging grievances. It shows the lack of concern regarding retaliation; the number of anonymous claims is fairly limited, and there have not been concerns or external complaints about the OGM. We are highly comfortable that many, and perhaps most, core aspects of the OGM are

consistent with the spirit and letter of UNGP 31's effectiveness criteria, even under our exacting review.

Key Observation: Certain Aspects of the OGM are Consistent with Best Practice. Certain OGM practices are consistent with best practice for OGMs. That includes:

- The internal transparency and governance approach, consistent with UNGP 31(e). There are weekly management calls with site and Gemfields leadership in which individual cases and the OGM overall are discussed in detail. Management is highly engaged and proactive, with active discussions about all aspects of the OGM's activities.
- The OGM's Independent Ombudsbody is composed of three leading human rights experts in Zambia. Two have been named to the highly selective Zambian Human Commission, and the third is a longtime environmental and governance expert. Members include a highly respected church Bishop, the head of a prominent local NGO, and a board member of other leading NGOs. They also are highly committed and engaged. Indeed, if anything the Independent Ombudsbody can be further utilized as a resource on complex policy-related matters. *See* UNGP 31(c).
- The UNGPs expert is a leading authority, and is being consulted regularly on case prioritization, how to handle complex and serious cases, challenges with claimant follow-up due to lack of availability, and other discrete questions.

The quality of the expert advice and dedicated attention being paid to the OGM is worthy of replication, consistent with UNGP 31(c).

Key Observation: Most Aspects of the OGM Are Working Well, and as Intended. The OGM has implemented the overwhelming majority of our recommendations from last year.

- Case files are well organized and relatively complete. Each claim has a case number. There is a regular use of forms, as well as standard responses that has reduced miscommunication. The OGM is using a claims database (G-Trac) that is kept up-to-date with restricted access. The OGM generally considers potential eligibility rapidly, consistent with the OGM Protocol, and notifies claimants that they can appeal determinations to the Independent Ombudsbody, adding independence and accountability consistent with UNGP 31(a). Although the appeals process has not been used yet, the Independent Ombudsbody has considered two company-directed referrals, providing probing and lengthy analyses - although apparently had to request the entire case file, which should be provided as a standard course (and the OGM Protocol amended to reflect that).
- There are written protocols for dual-hatted employees and processing group claims. Predictability has greatly improved over the past year, consistent with UNGP 31(c).
- There is strong gender balance at the OGM and in DEGHA, with no reports of gender-based violence associated with accessing the OGM. *See* UNGP 31(b).
- DEGHA is delivering highly informative, succinct yet thorough sensitizations that run across communities. They incorporate key issues, such as the UNGPs framework and how the mine may or may not consider claims, and the types of human rights harms that might be lodged. DEGHA is also subject to certain basic KPIs, to measure their performance. These improvements cut across multiple aspects of UNGP 31. Likewise, the OGM intends to provide new flyers and posters to reinvigorate socialization of the

OGM's processes. Additional community meetings and open events also might be considered. *See* UNGP 31(b).

- OGM personnel also are highly attentive to issues and challenges on the ground, and many of the challenges facing the OGM that are noted in this report. They also are aware of key challenges with other OGMs. Confidentiality is highly respected by OGM personnel, who also are vigilant in protecting against bad faith and corruption by local actors. There have been no concerns about retaliation expressed to the OGM, or to us. *See* UNGP 31(b)
- While most cases have not had extensive investigation, those that have show a thorough and considered process. The files reflect the notes of interviews with claimants, witnesses, and relevant medical and documentary evidence. In other words, claims are being individually considered, consistent with a legitimate process under UNGP 31(a). The information gathered is being shared with claimants according to the files and our interviews, consistent with UNGP 31(d).
- Remedy to date has followed individual mediation directly between claimants and Kagem, and been rights-compatible under UNGP 31(f) and (h). It has included employment, and the purchase of in-kind goods (farming equipment and supplies) at a quantum equivalent to the OGM's calculation of harm suffered. Claimants say they understood the agreements, which do not waive rights to alternative means of remedy. *See* UNGP 29. They also were satisfied with the process, and said they would use the mechanism again if a problem arose, consistent with UNGP 31(a).

Key Observation: Certain Aspects of the OGM Warrant Attention. However, certain aspects of the OGM warrant immediate attention, while others may be addressed over the course of the next several months.

First, there currently are hundreds of human rights-related grievances, and no full-time staff or investigators to process or review them. There is some case prioritization - grievances outside the OGM or that do not raise significant human rights issues are handled quickly, and those that involve significant human rights allegations are prioritized, based on the advice of the UNGPs expert, on whether there is some potentially corroborating evidence. Still, the threat of a prolonged backlog is very real, which will threaten to undermine trust in the OGM under UNGP 31(a). The OGM is consulting with its appointed UNGPs expert on strategies, and perhaps should also consult with the Independent Ombudsbody, but it is imperative that the OGM develop an approach to work through the claims as quickly as possible. That almost certainly will require further resources, which we heard from several consulted stakeholders. *See* UNGP 31(c). That should include individuals trained in investigative processes, as well as additional personnel to address the claims themselves. It also will require a strategy that balances several competing OGM principles: on the one hand, a need for meaningful individual determinations based on a review of relevant evidence, and on the other hand, addressing claims in a timely way to avoid a loss of trust, plus a recognition that many of the claims have limited evidence, are not supported by a medical review, and involve non-permanent harms. No doubt a grouping matrix, even informal, will help in categorizing relevant claims and their severity and drive consistency and predictability (*see* UNGP 31(c)). Nonetheless, how to conduct individual determinations efficiently, knowing that they are likely not going to yield substantial remedy, while maintaining claimant confidence will be a delicate balance. We also note that under the Protocol, after six months the matter should be referred to the Independent Monitor to recommend a timeline for resolution; several cases are approaching that six month mark.

Second, in a related vein, as suggested by the Independent Ombudsbody, the OGM should be transparent about how it is going to move through the current backlog. That might mean publicly noting the number of cases and its goal to close a certain number of cases per month, and its progress against that goal. Being transparent about this issue will help maintain stakeholder confidence, consistent with UNGP 31(e).

Third, also related to UNGP 31(e), there is little visible evidence that core information about the OGM – its processes, its performance, or other components – are shared publicly outside of perhaps DEGHA briefings. No infographics, brochures or other materials are provided to claimants themselves to help illustrate how the process will work. Absent attending a sensitization meeting (or reading this report), external stakeholders are unaware of the meaningful progress made regarding the OGM, including the number of cases received, how they are being addressed, and other key facts.

Fourth, claimants already are expressing frustration about the lack of updates, consistent with 31(e). In short, they say they feel ignored. Regular updates or feed-back after claims have been filed is critical to maintain buy-in. The OGM certainly could improve in its efforts to regularly contact claimants about their outstanding grievances. However, in fairness, claimants can be difficult to reach. Most but not all have cell phones. For those that do, network coverage is poor and sometimes non-existent within the local communities. Load shedding also prevents claimants from charging phones. There can be a high level of transience. As the OGM tracker reveals, OGM personnel may repeatedly call claimants to no avail. This inability to contact claimants also should be addressed.

Fifth, also in a related vein, claimants also are concerned about delays, which likewise may jeopardize the OGM's legitimacy under UNGP 31(a). The claimants whose claims have resolved felt their claims – 4-5 months – took too long. For others with cases pending, some claimants have been interviewed and received medical assessments, but have not heard back. Others have not yet received assessments. They are unhappy with the follow-up after submitting grievances, and the infrequent contact from the OGM makes them feel ignored and lose trust in the process, though they remain hopeful. *See* UNGP 31(e). A focus on efficient resolutions should be a priority.

Sixth, while it may not be self-evident given the number of claims, the accessibility of the OGM can be improved. *See* UNGP 31(b). The toll free line does not always work, or it may ring and ring. As above, load shedding and poor networks make it difficult to call or receive calls. The toll free line is only available Monday through Friday, and there are no grievance boxes in key strategic locations (like Bulaya School and Pilala Market (at this point, as the prior box was destroyed)). There may be different ways to improve access, but addressing barriers is a core consideration under UNGP 31(b), and we very much recommend the OGM address this barrier.

Seventh, it is clear that the OGM no longer rigorously follows all aspects of the OGM Protocol, which makes the process less predictable under UNGP 31(b). There is no longer an Investigative Expert, as the Protocol contemplates. OGM personnel do not explain that an NGO can assist claimants in processing and mediating their claims, contrary to the Protocol and the forms created for the OGM (designed to be consistent with UNGP 31(d)). They also seem not to explain that claimants can have other assistance, such as a translator, transportation, legal assistance or otherwise, and no claimant has requested such support or brought representatives. The protocol even lists individuals that have left the company as still participating in the OGM. Further, there have been several procedures adopted, consistent with our recommendations and good practice, that have not been included in the OGM Protocol.

The OGM Protocol has not been updated since 2023, it seems. It does not reflect learnings from the OGM in its 18 months of operations, the sage insights of the Independent Ombudsbody or the UNGPs expert, input from Caritas and DEGHA after their many sensitization sessions or – most important – claimants, targeted stakeholders and community members. A thorough review and updating of the OGM Protocol is now warranted, and whatever the Protocol eventually reflects should actually be followed in practice consistent with UNGP 31(b). Periodic updates thereafter also should strongly be considered.

Eighth, while referenced above, to emphasize given its importance, no feedback is being obtained from claimants that have gone through the process consistent with UNGP 31(g). That is not contemplated under the OGM Protocol, and no separate guidance, form or process has been created to capture input from the stakeholders best position to provide it – those that have experienced the process.

Ninth, it is clear that most claimants want financial compensation and little else. They struggled to identify other potential remediation, noting farming assistance, assistance with animal husbandry and employment. Some are open to a cooperative, similar to the fish farm project. At the same time, as the Independent Ombudsbody has noted, there also is likely to be an inability to collect contemporaneous evidence because of the age of the claims, it may not be retained at the mine, there has been staff turnover, and claimants and clinics may not possess evidence after many years. How to address such cases will be part of prioritization, and a remedy matrix to drive consistency among the many determinations that likely will be forthcoming given the vast number of claims will help with predictability and transparency under UNGP 31(c) and (e). Equally important will be setting reasonable expectations. It will be important to begin to socialize the notion that cash compensation may be limited based on the claims submitted, which often do not include permanent injuries, may be inconsistent with medical evidence, generally lack contemporaneous documentary evidence, and only sporadically note witnesses (whose recollections of events many years in the past may lack clarity). That may be done by DEGHA in sensitizations or through other means, but we are concerned that expectations may not match the likely anticipated outcomes for most of the claims and undermine trust in the OGM. *See* UNGP 31(a).

Tenth, to maximize the advice of the Independent Ombudsbody (UNGP 31(c)), a site visit might be useful to remind them about locations of grievance boxes, to see DEGHA sensitizations, and to gain first hand insights into developments. That might be scheduled once per year. Additional information about, and engagement with, other OGMs – including the Mozambique OGM – also may be useful to provide them with further learnings and insights.

Summary of Analyses and Recommendations

Below we include a summary of our recommendations from last year, how they have been addressed, new observations, and further recommendations in light of the issues referenced above. As an important caveat, while we provide specific recommendations, it is most important that the OGM consider the issue or gap the recommendations are trying to address. OGM personnel are far better positioned to identify specific solutions, and our suggestions should be considered only as possible approaches to address the underlying circumstance we note.

	Prior Recommendations	Observations	Updated Recommendations
	UNGP 22		
1.	Provide guidance on how the OGM should consider the UNGPs “cause, contribute, directly linked” framework in application.	This is being done internally as claims are considered. DEGHA also is doing it externally as part of socializations. Both should be memorialized.	Amend the OGM Protocol and any DEGHA training materials to reflect the activities being done in practice.
	UNGP 29		
2.	Consider amending the OGM protocol to reflect the individualized determinations that are made, and thus make clear that as part of each determination of remedy, in consultation with the claimant and his/her representatives and considering the relevant risks, non-financial compensation may be prioritized.	This is being done in practice, and will be memorialized in the protocol	Amend the OGM Protocol to reflect the individualized remedy determinations that are being done in practice.
	UNGP 31(a): Legitimate		
3.	Create a short guidance to assist dual-hatted OGM personnel in performing their operational and OGM functions.	This has been done.	Incorporate the guidance that has been created into the OGM Protocol.
4.	Take steps to try to demonstrate publicly the independence and accountability built into the grievance process.	We strongly suspect this is not being communicated effectively by DEGHA.	Provide further training and messaging to DEGHA about OGM independence, including the specific ways it maintains independence and accountability, such as through the Independent Ombudsbody. Include that content in DEGHA training materials.
5.	Consider greater transparency about contacts made to the OGM to help engender greater trust.	There is strong socialization of contacts and grievances that are lodged, in terms of the total numbers, the types, the locations of contacts and grievances, and other information. There are limited public discussions of key metrics, however.	The OGM should seek greater means of transparency regarding key metrics, such as the total number of contacts and human rights-related cases, average time to closure, and other relevant data points. That might be done through the new Facebook page and during DEGHA socialization efforts,

			to help underscore that the OGM is being accessed, it is taking its mission seriously, and it is processing cases to their conclusion.
6.	Consider assisting Caritas (DEGHA) in their training materials by providing success stories, examples of the kinds of claims where remedy will be considered, the types of core OGM issues considered at its creation (such as security-related or forced labor abuses), or metrics that the OGM is actually being used and that grievances are being processed.	The NGO conducting socialization, now DEGHA, has been provided with substantive information about the OGM, including cases where remediation has been provided, and similar information. That has been incorporated into socialization presentations.	We recommend that this continue, and have been impressed with the sensitization approach by DEGHA.
7.	Develop a process for handling community-related or group claims.	The OGM has developed an approach to handle claims submitted on behalf of groups. However, there is not a process to handle claims that may be similar to each other, which the OGM treats as a common claim (e.g., group cases vs. “grouped” cases). We recommend developing a process to address these grouped claims, and incorporate it into the Protocol.	Incorporate the guidance regarding claims submitted on behalf of groups into the OGM Protocol and develop a procedure (incorporated into the Protocol) to handle similar claims regarding a single issue.
8.	Include in socialization efforts distinctions between a negative impact connected to company activities, and thus potentially within the scope of the OGM, and other issues, such as employment requests and projects that may simply benefit the communities.	DEGHA is providing these distinctions in its socialization efforts, differentiating between impacts caused or contributed to by mine activities itself, and impacts through suppliers and contractors, and those less connected to the mine. DEGHA also differentiates between proactive community projects and remediation efforts. DEGHA uses examples to	We recommend that this continue.

		help illustrate the point effectively.	
9.	Train Caritas to answer detailed questions about the distinctions between company-related harms and other kinds of claims, and provide Caritas with information about how previous grievances have been handled.	DEGHA has received training on the OGM and the kinds of questions typically raised, including harms related and not-related to Kagem, as well as past grievance handling. That information has been incorporated into socialization efforts by DEGHA.	We recommend that this continue.
10	Take steps to confirm that all contacts to the OGM, whether connected to company negative impacts or otherwise, receive responses and direct engagement	This poses a challenge. In large part, the OGM attempts to contact claimants after grievances are lodged, as evidenced by the OGM tracker and other records. However, inconsistent network coverage, load shedding that prevents phone charging, and transience all create difficulties in reaching claimants – after a claim is filed, and to provide updates and gather further information. This is a significant gap. The UNGPs expert has recommended that the OGM call claimants a certain number of times, and then consider the grievance on hold; if that approach is taken, it should be memorialized in the OGM Protocol.	Continue efforts to acknowledge claims after they are lodged, and make a stronger effort to provide consistent updates as a claim is being processed, to avoid having claimants feel ignored. In addition, develop strategies to close the gap posed by difficulties contacting claimants. We raise possible approaches by way of example, but defer to the OGM the best specific strategies: ask claimants during intake for alternative means of making contact, such as through community leaders, friends, relatives or Caritas or another community organization; the OGM periodically (monthly) might schedule community meetings, where claimants can ask about the status of claims; seek ways to improve network coverage in key communities, if that is feasible and practical; or the OGM might ask DEGHA to include in sensitizations the challenge of contacting claimants after claims are filed, and seek community feedback on how contacts can be improved. No doubt there are other possible approaches, but this is an important gap that should be filled.

11	Locate grievance boxes in locations that are not so publicly visible, perhaps in addition to their current locations.	This is currently being done, and new grievance boxes are being added periodically.	As noted above, review locations of grievance boxes, and evaluate whether additional boxes should be added.
UNGP 31(b): Accessible			
12	Apply KPIs to the socialization efforts of Caritas.	This has been done. The KPIs are (1) at least 3 socialization meetings per month, (2) Sandowana and Pilala will have socialization meetings at least one time per quarter, (3) minutes of all meetings are created, and (4) meeting a community OGM awareness index to gain insights into what the community understands.	Continue to follow the KPIs as identified.
13	Take steps to get a sense of what targeted stakeholders understand and do not understand about the OGM.	OGM personnel are planning to create a tool in conjunction with DEGHA to capture what stakeholders understand about the OGM. That tool has not yet been created.	We recommend that the tool is completed and implemented.
14	Increase the presence of posters in key strategic locations.	This is being planned, and poster design using simple processes has been created, although the use of posters in external environments can pose notable challenges in terms of durability.	We encourage completion of this planned task.
15	Conduct a stakeholder mapping related to local communities, and outline a strategic approach to socialization focusing on key stakeholders and groups.	Stakeholder mapping is ongoing.	We recommend that this process is completed.
16	Undertake efforts to enlist community leaders, NGOs and others to help socialize the OGM within their respective communities, beyond just Caritas.	There appears to be widespread understanding in local communities of the OGM. The prior radio advertisements plus Caritas and now DEGHA sensitizations have created a high level of awareness of the “2410 toll free line”	No recommendation.

		(as the OGM is colloquially called).	
17	Consider expanding access points through additional grievance boxes, and identifying additional groups and individuals who can be approached regarding claims.	<p>Access to the OGM is a gap that we very much recommend addressing. The OGM no longer uses community liaisons to accept and process grievances, apparently for budgetary reasons. DEGHA no longer accepts grievances, for reasons associated with quality control and consistency. Just as with contacting and updating claimants, load shedding and weak network lines make use of the toll free line a challenge. Claimants consistently report that when they are able to get through, it may ring and ring, or nobody answers. They also report that since the toll free line is only open Monday through Friday, that is limiting. Claimants also may not be able to write, and grievance boxes in key locations – such as Bulaya and Pilala – are not easily accessed. As a result, we are concerned about the ease with which affected stakeholders can access the OGM, a gap that should be addressed. As a related concern, with DEGHA no longer accepting grievances, claimants at or after a sensitization may not easily be able to lodge concerns (given toll line issues, literacy and grievance box placement).</p>	<p>We defer to the OGM the strategies to address this issue. Possible ideas should include: reevaluating the location of grievance boxes in key communities, such as Bulaya and Pilala, and making sure no further grievance boxes should be placed. They also could include reinitiating the community liaison access points, and more periodic OGM-led community meetings in key nearby communities. Because it would be optimal to allow claimants to submit grievances easily after a DEGHA sensitization, consider reevaluating whether DEGHA can accept claims, have DEGHA carry a portable grievance box or recording device in which claims can record grievances orally that are then provided to the OGM. Again, these ideas should merely be considered examples of possible approaches.</p>
18	Consider whether to create a physical grievance office accessible to community	While a physical grievance office is not feasible, more frequent community meetings may assist in	Continue to work to improve access to the OGM and claimant feedback approaches, whether through more

	members, and if not, evaluate whether in-person engagement is likely to yield additional meaningful grievances.	receiving grievances and providing claimant feedback.	community meetings or otherwise.
19	Increase transparency around the types of complaints and their outcomes on a community-by-community and thematic basis.	Consistent with recommendation 5, greater transparency remains relevant in a general sense – although this specific suggestion (regarding types of complaints and outcomes on a community-by-community basis) should be considered only as an example of the kind of transparency that may be appropriate.	See recommendation 5.
20	Continue through socialization to encourage claimants to provide sufficient contact information such that, even if they want to remain anonymous, they can be contacted to provide further information about the underlying issue.	This is being done through the socialization efforts of DEGHA.	We recommend that this continue.
UNGP 31(c): Predictable			
21	Create a meaningful case tracking and case filing system.	Kagem has created a detailed and thorough case tracking system, with individual case files. The tracker includes the name, the date the grievance was filed, the date the grievance was acknowledged, the community of the claimant, the access point used to lodge the complaint, a description of the claim itself, the status of follow-up efforts, whether the claim is open or closed, and the individually assigned case number. The case numbers themselves have not been updated in 60 days to reflect new cases, although Kagem is	We recommend that this process continue.

		considering a new number system which is creating the delay.	
22	Consider creating forms to allow for consistent entry of information related to contacts, feedback, engagement and case closure, along with other key aspects of the grievance process.	The OGM has created several forms that are being used in practice, including regarding intaking the grievance, the information to be explained to the claimant according to the protocol, whether the claimant would like support from an NGO and other safeguards, witnesses and evidence, facts learned during the investigation, and other details.	We recommend that this process continue. In addition: (a) A remediation matrix may help drive further consistency among mediated claims. (b) Update the OGM Protocol to reflect current practice and learnings over the past 18 months, with advice from the Independent Ombudsbody and UNGPs expert. (c) Include annual reviews of the Protocol for future potential updates. (d) Follow the Protocol as amended more rigorously.
23	Review existing cases to identify those alleging non-severe human rights impacts, including impacts to the community; train OGM personnel on how such cases should be handled, including adherence to existing timelines and processes, and track them separately.	The OGM currently tracks all potential human rights impacts the same way. It is considering whether to create alternative tracking for less severe impacts. Because claims alleging more severe impact should be prioritized, a separate tracking for other kinds of grievances may be useful. The Kagem team is consulting with the UNGPs expert on various approaches, recognizing the need to prioritize cases based on severity given the overall load.	Continue to evaluate whether a separate tracking system for severe and non-severe impacts, such as those involving day-to-day operational considerations, would aid prioritization and follow-up for cases alleging severe impacts.
24	Conduct further socializations to explain the process to claimants in simple terms, which can be reinforced with handouts and similar materials to remind claimants about the OGM's steps.	This process has not progressed, but is waiting approval in London to generate simplified content.	We continue to recommend the OGM consider simplified explanations for claimants, as in the report last year. That may include infographics, brochures or other materials provided to claimants themselves to help illustrate how the process will work.

25	Provide written instructions to OGM personnel about explaining the OGM processes, and when OGM personnel provide such explanations, document that in the files.	DEGHA has been provided socialization guidance consistent with this recommendation, and reports that it is explaining the OGM processes during socializations.	We recommend that this continue.
26	Consider indicative timelines regarding follow-up on claims that fall outside the OGM, and develop an approach to track those cases.	<p>The protocol currently has a 6 month indicative timeline for in-scope cases. There is a 5 day timeline to respond to claimants for out of scope cases. That is generally followed in practice, and tracked on the OGM tracker.</p> <p>However, given the substantial number of currently pending cases, the indicative timeline likely will not be met. The OGM is consulting with the UNGPs expert on potential strategies to address the outstanding cases, which will be important to retain trust in the OGM.</p> <p>In addition, there may be a mismatch in expectations with claimants seeking compensation for older claims involving non-permanent harms and limited evidence.</p>	<p>While there is an indicative timeline, the OGM now has two related problems: resources and an abundance of unresolved claims, more than 390 at present.</p> <p>(a) Given the very substantial number of existing human rights-related grievances, additional resources for the OGM and the Independent Ombudsbody are almost certainly necessary, at least in the short term (including individuals trained in investigative processes and to address claims themselves).</p> <p>(b) In addition, the OGM will be compelled to develop a thoughtful and clear strategy to address the outstanding claims.</p> <p>(i) That will include a prioritization approach, and potential grouping matrix to categorize claims.</p> <p>(ii) The strategy should be transparent, and could include relevant timelines in progressing certain number of cases each month.</p> <p>(iii) There also should be a clear management of expectations for claimants who desire compensation, yet may not have permanent injuries and reliable evidence to support their claims.</p>

			(iv) Notify claimants after 6 months that they can contact the Independent Monitor to suggest a timeline for resolution, per the OGM Protocol (or update the Protocol accordingly).
27	Consider closer management oversight and review related to the operation of the OGM consistent with its protocol.	The governance of the OGM aligns with best practice. There are weekly management calls with site leadership and Gemfields personnel in which cases and the OGM overall are discussed in detail. Management is highly engaged and proactive, with active discussions about all aspects of the OGM. The Independent Ombudsbody is composed of leading human rights experts in Zambia – two are on the highly selective Zambian Human Commission, and the third is a longtime environmental and governance expert; they include a church Bishop, the head of a leading local NGO, and a board member of other leading NGOs. They also are highly engaged. However, they had to request the entire case file during their review of cases, and believe a site visit may aid in them.	(a) Provide the entire case file to the Independent Ombudsbody when it is handling cases and/or appeals, which should be reflected in the OGM Protocol. (b) Consider providing the Ombudsbody a site visit on an annual basis.
UNGP 31(d): Equitable			
28	Consider whether alternative pathways to remedy might exist besides the courts of Zambia.	No alternative pathways to remedy outside of the court system have been identified.	
UNGP 31(e): Transparent			
29	Take concrete steps to respond to and update each claimant when a		See recommendation 10.

	grievance has been received, and do so in a timely fashion, even for community-related impacts and claims outside the scope of the OGM. Document those communications in the file.		
30	Develop a considered approach to apprising each claimant about the result of community-related grievances, and not just groups in the community or community leaders.		See recommendation 7.
31	Take care not to make statements that may be perceived as commitments, and document the nature of communications in the file to create a contemporaneous record and allow for review.	To avoid misunderstandings, the OGM is relying more heavily on consistent and stock responses, and all responses are documented in the tracker.	We recommend that this process continue.
32	For extremely common issues that are not alleging negative impacts caused or contributed to by Kagem or its value chain, develop a consistent response.	A consistent response has been created and is being used, as witnessed in the file itself.	We recommend that this process continue.
33	Consider using metrics and success stories as part of sensitization to help counter the narrative that there are no responses or positive outcomes when grievances are filed.	This is being done by DEGHA as part of socialization, in part. Providing additional metrics and updated success stories will be helpful.	Provide DEGHA with metrics, and provide updated success stories, for use in socialization processes.
34	Increase public reporting on the progress and operation of the OGM, including a description of the OGM protocol or the protocol itself.	Most of the public reporting on the OGM occurs through DEGHA. This is generally effective locally, but additional efforts to make public the OGM processes, how it can be accessed, key points of independence, and other	In addition to increased transparency around metrics, along with the use of additional flyers and simple handouts, the OGM might consider additional methods of discussing the OGM with international stakeholders also.

		fundamental principles remains important.	
UNGP 31(f): Rights-compatible			
35	Document in the file for each claimant when they have been advised about alternative pathways to address their claims		Note in the file that claimants are advised that they may be able to seek alternative relief through the courts.
UNGP 31(g): Source of Continuous Learning			
36	Develop a process to solicit and record feedback from individuals submitting claims.	There is no consistent feedback loop from claimants. Although only a handful of claims have gone through a full case evaluation, we suggest a formal process – perhaps even with a simple question (“do you have any suggestions or feedback about how the process can improve”) – during closeout meetings to obtain claimant feedback.	This remains relevant, and we encourage the OGM to actively seek the perspectives of those who have gone through the OGM to enable its continued enhancements.
37	Increase the number of metrics tracked in terms of contacts, and consider how the patterns of complaints and their resolution may inform changes to the mechanism.	The OGM is now tracking an increased number of metrics. These include the total number of contacts, the total number of open cases, the total number of closed cases, the number of cases remediated, the gender distribution of claimants, the type of access point used, the type of underlying allegation, the type of contact (including employment requests, information requests, community requests, human rights grievances, and other categories), and the average length of time between opening and closing. It also tracks metrics associated with socialization efforts, including the number of individuals who participate in socialization meetings	While the number of metrics being tracked has greatly increased, they have not yet been scrutinized to determine how the mechanism itself can be improved. We continue to suggest analyzing the patterns of complaints for insights it might yield.

		by month, and the number of community socialization meetings by month and location.	
38	Engage in a systematic analysis to identify relevant KPIs and future Independent Monitor reports can evaluate those KPIs, their appropriateness and to the extent to which they have been achieved.	The OGM has not yet developed KPIs, and we suggest they are developed.	By way of example, simple KPIs might include: updating the OGM Protocol on an annual basis, to reflect changes based on need, practice, and personnel change; resolve >90% human rights-related grievances within 6 months of submission, and >90% of non-human rights grievances within 30 days; attempt to provide an update at least once per month to claimants while their grievances are pending; and conduct at least 25 socialization meetings each calendar year. The UNGPs expert may have other KPIs to suggest, as well.
UNGP 31(h): Based on Engagement and Dialogue			
39	Actively seek feedback on the OGM during stakeholder engagement meetings, and develop a procedure for seeking the perspectives of affected stakeholders who have submitted relevant claims.	The Independent Monitor obtains such feedback, and the Independent Ombudsbody and local leaders provide the OGM with feedback. But further efforts to solicit feedback from the community also should be attempted.	This remains relevant. We encourage the OGM to actively seek feedback on the mechanism during group or socialization meetings to enable its continued enhancement. See Recommendation 36.