

Artisanal and Small-Scale Mining (ASM) Cobalt Framework Consultation

Global consultation provided by the Responsible Cobalt Initiative (RCI) and the Global Battery Alliance's Cobalt Action Partnership (GBA CAP)

Background

The Artisanal and Small-Scale Mining (ASM) Cobalt ESG Management Framework (hereinafter referred to as ASM Cobalt Framework) is a progressive set of expectations for the responsible sourcing of artisanal and small-scale mined cobalt in the Democratic Republic of the Congo that has been developed, consulted on, and supported by global cobalt supply chain actors, governments, international organizations, non-governmental organizations, and cobalt stakeholders.

In 2020, the Responsible Cobalt Initiative (RCI) sponsored The Impact Facility (TIF) to further develop a draft framework for ASM cobalt initially composed by the founding members of the Fair Cobalt Alliance (FCA). This resource was shared with the Responsible Minerals Initiative (RMI) and the Cobalt Action Partnership (CAP) partners for their feedback, and to serve as a starting point for the development of a common set of global expectations for responsible-produced cobalt across the supply chain. Since that time, the RCI and CAP have held introductory meetings with key DRC and global stakeholders, benchmarked the framework against relevant DRC standards and laws as well as other ASM standards, and made key changes to the format and content of the original document in line with key stakeholder feedback.

All the organizations working together recognize that on-the-ground improvements are needed to the ASM cobalt mine sites. Coordinated action and shared responsibility of all stakeholders across the cobalt supply chain is needed to produce and source ASM cobalt responsibly, respecting the human rights of all actors within their supply chain and contributing to positive impacts in the communities where their materials are sourced.

To achieve this goal, it is first necessary to reach a consensus with all stakeholders in the upstream and downstream of the cobalt supply chain on the threshold (minimum acceptable procurement requirement) for ASM cobalt, and then to channel funding and the provision of technical assistance for mine site improvements. Investments in mine sites, along with regular monitoring and assessment against the ASM Cobalt Framework which establishes clear, viable, and progressive requirements, will ultimately help to build a more inclusive and responsible cobalt supply chain.

Demand is growing for cobalt, and demand for responsibly sourced cobalt is growing even more rapidly. Ensuring there is a sufficient, sustainable supply of cobalt means including ASM miners – both women and men – as part of the process. Inclusivity and widespread support for miners is key. ASM provides a vital lifeline for millions of people worldwide. Our intention is to safeguard human rights and promote environmental stewardship by working with as many ASM sites as possible to improve conditions at the mine sites and within mining communities.

For more information on the history of this process, please see the ASM Cobalt Framework Vision.

Consultation Objectives

The objective of this stakeholder consultation process is to solicit input into the development of a common, global set of expectations for responsible ASM cobalt production that achieves progressive, measurable improvements of miners' working conditions and livelihoods and provides a globally recognized threshold for acceptability of cobalt by the entire value chain.

Simple, progressive, and uniform sourcing expectations that are validated via a multi-stakeholder consultation across the entire value chain provide for greater clarity for all, and more specifically, they:

- 1) Support the government's formalization efforts for the ASM cobalt sector.
- 2) Enable improvements at mine sites and contribute to an increase in the quality of life of mining communities.
- 3) Channel investment into mine site improvements from industry stakeholders.
- 4) Ensure cobalt is produced to a standard that complies with the DRC's legal requirements and meets global market expectations.
- 5) Provide all supply chain actors with more visibility to mine site performance.

We invite all stakeholders to engage in this process, from participation in the consultation to engagement in the implementation of the ASM Framework at ASM sites.

Draft ASM Cobalt Framework Overview

The ASM Cobalt Framework establishes a set of expectations in environment, social and governance (ESG) aspects for the mine sites in alignment with relevant Congolese laws and regulations, the OECD Due Diligence Guidance and the EGC Standard, with progressive levels of achievement formed to help sites meet these expectations over time and with assistance. The Framework is built on the fundamental principle of pragmatic, continuous improvement to ensure its applicability and viability, rather than creating hurdles to market entry that risk excluding the very communities that need support.

The ASM Cobalt Framework builds on current applicable standards for ASM (see text box) and is organized around seven (7) key principles.

Under each of these principles, the proposed expectations are listed as requirements and divided among four levels:

- **Pre-requisite:** Requirements confirm the mine operator commitment to working transparently towards meeting continuous improvement goals stipulated by the Framework, aiming at compliance with national and local law.
- **Pre-investment (Basic):** Requirements include minimum expectations that should be achievable without (significant) investment or external technical training. These requirements stipulate practices needed to address the risks specified in Annex II of the OECD's Due Diligence Guidance.

The standards reviewed in the development of the draft ASM Framework include, but are not limited to Certified Trading Chains (CTC), EGC Responsible Sourcing Standard, CRAFT, Fairtrade Standard for Gold and associated Precious Metals for Artisanal and Small-Scale Mining, OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains, Cobalt Refiner Supply Chain Due Diligence Standard.

- **Continuous Improvement:** Requirements describe enhanced production practices (to ensure workers' health and safety, increased market transparency, reduced environmental impact of mining activities, etc.) that require access to investment and technical support to be achieved.
- **Best Practice:** Requirements that represent best practices referenced by CTC and other recognized frameworks, to be aspired to over time.

As long as the mining cooperatives can make progress on improvements deemed to be within their own capacity (i.e., Pre-investment), then market actors will meet the mining cooperatives where they are and invest and engage to collectively achieve the more financially intensive improvements.

Enabling technical assistance and investment

To effectively support the ASM Cobalt Framework's adoption and improved practices on the ground, it is necessary to clarify the responsibility of all relevant supply chain actors, and further explore fund-raising mechanisms to invest in cobalt ASM governance, aiming to improve working conditions on the ground where it matters the most for the miners and create the incentives and conditions for ASM operators to access to the legal market. The mechanism to deliver this support will be informed by the consultation and in accordance with the joint vision of all parties.

NGOs will play a strategic and complementary role (especially at the community level) to ensure that the private sector is investing and held accountable for the creation of a more robust and responsible supply chain.

Consultation and Engagement Process

The global stakeholder consultation on the Draft ASM Cobalt Framework will take place throughout the months of June and July 2021, supported by Responsible Cobalt Initiative (RCI) and the Global Battery Alliance's Cobalt Action Partnership (GBA CAP). It will be carried out on behalf of the CAP by two NGOs, IMPACT and RESOLVE, who collectively have decades of experience carrying out multi-stakeholder consultations related to local, national, and regional governance; beneficiation and market expectations of high value commodities; and natural resources in high risk areas.

In-person consultations will be held in Lubumbashi and Kolwezi in the Democratic Republic of Congo (DRC) as well as in the nation's capital, Kinshasa. A mixed-research method will be deployed: workshops, individual interviews, focus groups, and small technical group meetings. The intent is to enable a large and representative number of actors in the artisanal mining sector, including women and men from surrounding communities, to directly inform the process. DRC stakeholders will also be invited to share comments in French (or English) on the consultation website and can submit detailed comments on the ASM Cobalt Framework within that document.

Likewise, for the international consultation outside of the DRC, a variety of methods will be used to allow multiple pathways for global industry, civil society, multi-stakeholder initiatives, and other international organizations to share input. Any interested, international stakeholder will be welcome to share individual feedback via an online survey and can submit detailed comments on the ASM Cobalt Framework within that document. The consultation will also leverage one-on-one interviews and group webinars organized in partnership with industry associations.

We welcome and actively invite interested international stakeholders to participate in the consultation through the above channels. The consultation sessions/interviews will provide simultaneous interpretation/consecutive interpretation in French, English, and Chinese depending on the language needs of the participants.

The results of the consultations will subsequently be made public in French, English, and Chinese.

For more information from RCI, please email rachelzhou@global-rci.org.

For more information from CAP Partners, please email cap@responsiblebusiness.org.

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2. ASM Cobalt Framework Feedback Form (ENG/FR/CHI)
3. ASM Cobalt Framework Vision (ENG/FR/CHI)

Appendix 1:

<p>Framework Technical Committee Address resolution of technical feedback and comments as they are received.</p>	<ul style="list-style-type: none"> • The Responsible Cobalt Initiative (RCI) • The Responsible Minerals Initiative (RMI) as the Project Management Office (PMO) for CAP • Fair Cobalt Alliance (FCA)
<p>CAP Multi-Stakeholder Steering Committee</p> <ul style="list-style-type: none"> • Strategic direction and oversight of the Cobalt Action Partnership, including its goals and objectives and annual workplan. • Approval and oversight of the annual operating budget and annual report. 	<ul style="list-style-type: none"> • The Democratic Republic of the Congo Ministry of Mines (DRC Government) • Natural Resources Canada (Canadian Government) • Glencore • Eurasian Resources Group (ERG) • Good Shepherd International Foundation • Pact <p>Steering Committee Observers:</p> <ul style="list-style-type: none"> • Organization for Economic Cooperation and Development (OECD) • Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) • United States of America Government, DRC Embassy • International Labor Organization (ILO) • International Committee of the Red Cross (ICRC) / Geneva Centre for Security Sector Governance (DCAF)
<p>CAP Implementing Partners</p> <ul style="list-style-type: none"> • Act as focal point for CAP in DRC and coordinate local activities/meetings. • Provide opportunities for sharing, learning, and leveraging collaboration to foster best practices throughout the cobalt value chain. • Contributing to DRC local engagement strategy and activities, and independently facilitating research collaboration, integration of knowledge and learning in the CAP process, support for fundraising. • Identify and scale ASM standard adoption and best practices. 	<ul style="list-style-type: none"> • United Nations Children’s Emergency Fund (UNICEF) • The Responsible Minerals Initiative (Project Management Office / PMO) • International Institute for Environment and Development (IIED) • CSR Europe • Fair Cobalt Alliance (FCA) • University of Geneva • New York University (NYU) Stern School