

A microscopic view of cobalt crystals, showing various polyhedral shapes and textures. The crystals are set against a light, textured background, possibly a mineral matrix. The overall image has a slightly faded, ethereal quality.

ASM COBALT NORMATIVE FRAMEWORK

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INTRODUCTION

The ASM Cobalt Normative Framework is the result of a collaborative multistakeholder effort in partnership with the DRC Minister of Mines aimed at establishing a pathway toward responsibly sourced ASM cobalt and participation for ASM miners in the growing cobalt market.

The Framework was developed with reference to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, the Certified Training Chains (CTC) Certification Handbook in the Democratic Republic of the Congo, the DRC Mining Code, EGC Responsible Sourcing Framework, CRAFT, and the Fairtrade Framework for Gold and associated Precious Metals for Artisanal and Small-Scale Mining.

This Framework is intended to provide a progressive improvement approach for ASM miners to align their operational processes, moving from levels within the framework related to minimum expectations for pre-investment, continuous improvement, and best practices. The Framework attempts to address the needs and realities of different operational models, including small-scale operations and cooperatives. While the Framework aims to provide adaptability for these different models, it may not anticipate or encapsulate all realities on the ground. Despite these limitations, it provides a framework for wide use and application with clear guidance on complex issues.

SCOPE:

This Framework is applicable to Artisanal and Small-Scale miners (ASM) of cobalt in the Democratic Republic of the Congo. It is not intended for use by large-scale mining operations or operations outside of the DRC. It is built around six key principles: good organizational governance, respecting workers' and affiliates' rights, ensuring workers' occupational health and safety and hygiene, contributions to community development, protecting the environment and stewarding natural resources, and trading transparently and fairly. The Framework does not cover all human rights, social risks, or environmental risks that mine sites may be faced with as part of their operational practices.

IMPLEMENTATION:

The Framework will be utilized within the Responsible Minerals Initiative (RMI) suite of Standards and Assurance tools and piloted by independent third-party assessors under the management of the RMI's audit operations team with over a decade of experience developing and implementing new minerals due diligence standards globally, including the Cobalt refiner standard. To support Framework implementation, the RMI has developed an assessment workbook tool with auditable questions and grading based on the Framework document. Both the Framework and workbook have been reviewed for auditability.

This Framework may also be used as a reference guide by ASM miners, cooperatives, auditors, DRC government agencies, and other stakeholders seeking to measure and support progressive

improvements at ASM operations. In order to assess performance and improvements, it may be used in conjunction with the RMI ASM Cobalt Assessment Workbook.

ASSESSMENT PROCEDURE:

In order to carry out an assessment of an ASM operation using this Framework, the organization should have been operational for a minimum period of three months prior to the assessment date. For organizations operating for a minimum of one year, the assessment period will cover the period from one year prior to the date indicated in the assessment workbook.




Assessment activities will include ASM mine site walkthroughs, document reviews, and interviews with miners, cooperative members, managers, any government and/or upstream scheme representatives present on site and community stakeholders.

FOOTNOTES

The footnotes throughout the document indicate the equivalent or near-equivalent references between this Framework and the Certified Trading Chains (CTC) Framework.

LEGEND:

The following icons are used to present the classifications of the Framework:

	Pre-Investment: This category applies to sites that are in the pre-investment stage, as well as all subsequent stages.
	Continuous Improvement: This category applies to sites that are established and functioning. They should apply both Pre-Investment and Continuous Improvement categories to meet the minimum requirements of the Framework.
	Best Practice: This category is for sites that have achieved the minimum requirements of the Framework (Pre-Investment and Continuous Improvement) and are seeking to implement the full Framework.

Prerequisites

0.1. Prerequisite: The organization commits to operate in respect of relevant local and national law.

0.2. Prerequisite: The organization commits to measurable, time-bound improvements.

0.3. Prerequisite: The organization allows access to the site (and site and organizational documents) for the regular monitoring and evaluation of conditions.

Principle 1: Good organizational governance

1.1. The organization operates accountably and transparently.



1.1.1. Pre-Investment. The organization shall publicly disclose its ownership structure, disclose any investors and proactively disclose political or military associations of any of its owners, investors or managers to the best of their ability.



1.1.2. Pre-Investment. The organization shall maintain a documented registry of contracts and transactions with third parties.



1.1.3. Pre-Investment. The organization shall document and communicate its management structure and line accountability to all workers.



1.1.4. Continuous Improvement. The organization shall have a charter that incorporates its responsibilities.



1.1.5. Best Practice. In accordance with the OECD Guide to Due Diligence and its supplement: The organization has a robust risk management system in place. The organization has a contextualized internal policy. The organization identifies and assesses risks from the mine site to the first sale of its production. The organization has designed and implements a strategy to mitigate risks and has a mechanism to track indicators of improvement on the ground. The organization publishes its annual due diligence implementation report.¹


1.2. The organization maintains financial records and a business plan.





1.2.1. Pre-Investment. The organization shall maintain a production register, updated on a continuous basis, enabling the cooperative to report on its production statistics and mineral flow. The register should include members involved in production.²

¹ CTC 1.12


² CTC 1.7


 1.2.2. Continuous Improvement. The organization keeps all reports and accounting documents in a transparent manner. No evidence of corruption and tax evasion is reported. No existence of parallel administration/accounting, no illicit/illegal payments.³

 1.2.3. Continuous Improvement. The organization conducted exploration and evaluated the deposit. It has developed a feasibility study and has a bankable business plan.⁴


 1.2.4. Continuous Improvement. The organization keeps all reports on financial flows in a transparent manner.⁵ All outgoing payments shall be documented through invoices, and preferably made via wire transfer.


1.3. The organization does not tolerate corruption or bribery.

 1.3.1. Pre-Investment. The organization regularly carries out awareness-raising measures on corruption, bribery, and tax evasion.⁶


 1.3.2. Continuous Improvement. The organization shall develop and implements a written policy to combat corruption, bribery, and tax evasion, including to identify and address allegations of corruption, bribery and tax evasion, and have provisions in its Internal Governance Rules that prohibit these acts.⁷

1.4. The organization addresses grievances adequately.

 1.4.1. Pre-Investment. The organization regularly carries out awareness-raising measures to inform workers, community members and stakeholders how to raise a grievance.

 1.4.2. Continuous Improvement. The organization shall develop and implements a documented, effective grievance mechanism, ensuring confidentiality and whistleblower protection, to receive and respond to grievances, including gender-based grievances, from all types of workers, affected community members and stakeholders.

1.5. The organization maintains a mine plan and inventory of available equipment.

 1.5.1. Pre-Investment. The organization has a site plan and has mapped all mineshafts (operational, under construction or abandoned).⁸

1.5.2. Continuous Improvement. All production equipment and materials are registered.⁹

³ CTC 1.2

⁴ CTC 3.3

⁵ CTC 1.4

⁶ CTC 1.2

⁷ CTC 1.2

⁸ CTC 3.2

⁹ CTC 3.2

1.6. The organization operates within the legal mining framework.



1.6.1. Pre-Investment. The organization acts in good faith to operate within the legal mining framework in terms of land authorization and is able to provide supporting documents for authorization (approvals and licenses).



1.6.2. Pre-Investment. The organization regularly carries out awareness raising on the risk of supporting armed groups, uncontrolled elements of the public and/or private armed forces.



1.6.3. Continuous Improvement. In the case of the registered mining cooperative, all operations shall be within a Zone d'Exploitation Artisanal (ZEA) instituted by ministerial order and assigned to the cooperative. In the case of a license's perimeter conceded for artisanal mining, the organization shall provide evidence of the existence of a written authorization from the license holder and, where applicable, the holder's request for renunciation duly filed with the Mining Cadastre. In the case of the small-scale miner, a valid mining title (PEPM) shall be held.¹⁰



1.6.4. Continuous Improvement. The organization develops and implements a written policy that prohibits support of any kind (logistical, financial, human resources and contributory work) to armed groups, uncontrolled elements of the public and private forces and other public security services, and has provisions in its Internal Governance Rules that prohibit this.¹¹

1.7. The organization honors its legal payment obligations to the government.



1.7.1. Continuous Improvement. The organization pays all duties, taxes, fees and charges as required by law. The organization allows access to proof of payment.¹²



1.7.2. Best Practice. The organization publishes all payments made to the Public Treasury, Provinces, Decentralized Territorial Entities and utilities in accordance with the Extractive Industries Transparency Initiative (EITI) framework. The organization discloses welfare payments and subsidies to third parties in accordance with its social commitments.¹³

Principle 2: Respecting workers' and affiliates' rights

2.1. The organization ensures all people affected by its activities are treated with dignity.

¹⁰ CTC 3.1

¹¹ CTC 1.1

¹² CTC 1.5

¹³ CTC 1.5



2.1.1. Pre-Investment. The organization regularly carries out awareness raising on all forms of torture, cruel, inhuman and degrading treatment in its supply chain.



2.1.2. Pre-Investment. The organization regularly carries out awareness raising on disciplinary action, including prohibiting corporal punishment.



2.1.3. Continuous Improvement. The organization develops and implements a written policy that prohibits all forms of torture, cruel, inhuman and degrading treatment in its supply chain, including a process to identify and address allegations of torture, cruel, inhuman and degrading treatment in its supply chain, and has provisions in its Code of Conduct and Internal Governance Rules that prohibit these acts.¹⁴



2.1.4. Continuous Improvement. The organization shall develop and implement a written policy on disciplinary action, including a process to identify and address allegations of corporal punishment and unallowable disciplinary actions, and has provisions in its Internal Governance Rules (approved by the labor inspector in charge) that prohibit these acts.¹⁵



2.1.5. Continuous Improvement. The organization ensures that security personnel (private or public) are trained to protect and secure the mine site according to the Voluntary Principles on Security, including preventing, combatting and reporting on sexual and gender-based violence, and sexual exploitation and abuse.¹⁶



2.1.6. Continuous Improvement. The organization implements a policy that prohibits support of any kind (logistical, financial, human resources and contributory work) to armed groups, uncontrolled elements of the public and/or private armed forces. This policy is communicated to all management, workers and/or affiliates, suppliers, subcontractors of the organization.



2.1.7. Best Practice. The organization develops a risk management strategy for interactions with security providers and a protocol for coordination and collaboration with public security institutions and their management/supervisory bodies. The focus should be on the lawful use of force, the protection of life, and freedom from physical harm. Through implementing this strategy, the organization commits itself to not create adverse security and human rights impacts on the community as a result of the presence of or interactions with security providers (public or private).



2.1.8. Best Practice. The organization identifies and engages local communities affected by its mining activities (documenting receipt of their free, prior, informed consent), recognizing and protecting their customary and legal rights of land tenure, access to land

¹⁴ CTC 1.10

¹⁵ CTC 2.4

¹⁶ CTC 4.4

resources and territories. At a minimum, local authorities, leaders and women's groups and associations will be engaged.

2.2. The organization facilitates representation of workers on site.¹⁷



2.2.1. Pre-Investment. The organization shall inform all worker groups, including washers, graders and transporters, when making decisions that will affect them, with due notice.



2.2.2. Pre-Investment. The organization regularly carries out awareness-raising measures on the principles of freedom of association.



2.2.3. Continuous Improvement. The organization shall develop and implement a written policy to recognize the rights of worker groups and trade unions (freedom of association).

2.3. The organization does not tolerate any forms of child labor.



2.3.1. Pre-Investment. The organization regularly carries out awareness raising on the risks of child labor, including that no children under the age of 18 should work at the mine site.¹⁸



2.3.2. Pre-Investment. The organization shall notify parents/guardians and civil society actors when children under the age of 18 are discovered working at the mine site to ensure that children are safely removed from the premises.



2.3.3. Continuous Improvement. The organization develops and implements a written policy that prohibits child labor (i.e., workers under the age of 18 at the site), including a process to identify and address incidents of child labor (including contacting the parents/guardians and appropriate authorities and civil society organizations) and has provisions in its Internal Governance Rules that prohibit this.



2.3.4. Continuous Improvement. No children under the age of 18 are working in secondary activities around the mine site (e.g., refreshment areas).¹⁹




2.3.5. Best Practice. The organization shall actively cooperate with relevant social organizations to support efforts to foster school attendance and childcare/ after school activities for children and families connected to the mine site.


2.4. The organization does not tolerate and is not linked to any forms of forced labor.


¹⁷ CTC 2.2

¹⁸ CTC 1.8


¹⁹ CTC 1.8


 2.4.1. Pre-Investment. The organization regularly carries out awareness raising on the risk of forced, compulsory, and bonded labor at the ASM site, including abuse and/or threats of abuse, unlawful restrictions on workers ability to trade and be compensated, and restrictions to workers freedom of movement or ability to terminate their employment/contract role.²⁰

 2.4.2. Continuous Improvement. The organization develops and implements a written policy that prohibits forced, compulsory, and bonded labor at the ASM site, including a process to identify and address allegations, and provisions in its Code of Conduct and Internal Governance Rules that prohibit these acts.²¹


 2.4.3. Continuous Improvement. All workers and affiliates shall hold either a contract or valid adherence agreement clearly outlining their rights and responsibilities.²²


2.5. The organization does not tolerate sexual or gender-based violence or harassment or sexual exploitation or abuse.

 2.5.1. Pre-Investment. The organization regularly carries out awareness raising on sexual and gender-based violence and harassment and sexual exploitation and abuse.²³

 2.5.2. Continuous Improvement. The organization develops and implements a written policy that prohibits sexual and gender-based violence and harassment, and sexual exploitation and abuse, including a process to identify and address allegations, and provisions in its Internal Governance Rules that prohibit these acts.²⁴

2.6. The organization does not tolerate discrimination of any sort, specifically not on the basis of gender.

 2.6.1. Pre-Investment. The organization regularly carries out awareness-raising measures on the principles on the promotion of equality between men and women in employment.

 2.6.2. Pre-Investment. The organization regularly carries out awareness raising on discrimination in terms of recruitment, promotion, access to training, remuneration, allocation of work, termination of employment, retirement or other activities on the basis of race, color, gender, sexual orientation, disability, marital status, age, religion, political opinion,

²⁰ CTC 1.9


²¹ CTC 1.9


²² CTC 1.9, 2.1

²³ CTC 1.11


²⁴ CTC 1.11


membership of unions or other workers' representative bodies, national extraction, geographic or social origin.²⁵


 2.6.3. Continuous Improvement. The organization develops and implements a written policy on the promotion of equality between men and women around the mine site, including to identify and address allegations of inequality, and has provisions in its Internal Governance Rules that prohibit this.²⁶


 2.6.4. Continuous Improvement. The organization develops and implements a written policy against all forms of discrimination (and includes proactive measures to promote diversity²⁷), including a process to identify and address allegations, and provisions in its Internal Governance Rules that prohibit this.

2.7. The organization ensures fair and equal compensation.


 2.7.1. Pre-Investment. Members receive their payments in proportion to their contributions in accordance with the cooperative principle.²⁸


 2.7.2. Continuous Improvement. Staff wages of salaried employees shall be at or above the minimum wage or are at or above the sector's comparable wages in the DRC and are paid regularly and on time. Salary is commensurate with the level of responsibility, generally applying the principle of equal pay for work of equal value. The organization compensates for overtime, which shall be voluntary.²⁹

 2.7.3. Continuous Improvement. The organization shall develop and implement an investment plan and budget to optimize productivity and overall income levels in consultation with women and men working across all workstations.

 2.7.4. Best Practice. The organization shall encourage workers across all workstations to participate in initiatives that increase financial literacy and household saving behavior.

2.8. The organization promotes fair working hours for all workers

 2.8.1. Pre-Investment. The organization regularly carries out awareness raising on working hours and rest periods for workers on site.

 2.8.3. Pre-Investment. The organization shall ensure that night work does not take place.


²⁵ CTC 2.5

²⁶ CTC 2.PM

²⁷ CTC 2.5


²⁸ CTC 2.3


²⁹ CTC 2.3


-  2.8.3. Continuous Improvement. The organization develops and implements a written policy on working hours and rest periods for workers on site, including a process to monitor and enforce these requirements.


Principle 3: Ensuring workers' occupational health and safety (OHS) and hygiene

3.1. The organization manages access to the site


 3.1.1. Pre-Investment. The organization shall keep a daily record of all workers entering the ASM site. People unfit for work, e.g., due to intoxication or illness, shall be refused entry and/or immediately removed from the site.


 3.1.2. Continuous Improvement. All workers have a valid artisanal miner's card and the mining cooperative membership card that must be presented upon entry to the site and accessible for the duration of the time on site.³⁰ Any membership is justified by an administrative document held by the mining cooperative. The conditions of membership set by the cooperative must be in accordance with the national legislation in force.³¹

 3.1.3. Continuous Improvement. Arrangements should be made for pregnant women, through discussions with site management or the human resources representative and the local women's association, to allow less dangerous tasks to be performed outside the mine site. Their remuneration must take into account the labor legislation in the DRC. Where appropriate, their remuneration shall not be affected.

 3.1.4. Continuous Improvement. The organization shall maintain adequate infrastructure and processes to control ingress into the mine. Signs should be installed at the entrance to the site with the operating procedure.

3.2. The organization ensures that the mining environment does not expose workers to unnecessary risk.


 3.2.1. Pre-Investment. The organization regularly carries out awareness raising on measures for the prevention of occupational risks, accidents and diseases in the mine, including the use of PPE, critical safety risks and access to medical supplies and assistance.


 3.2.2. Pre-Investment. The organization demonstrates efforts to be in compliance with legal requirements, including a legal maximum depth of 30 meters for open-pit mines. The organization will take appropriate measures to clearly mark and prohibit entry to unsafe and abandoned areas of the site and implement a moratorium on furthering non-compliant tunnel depth and the digging of horizontal tunnels (known as galleries).³²


³⁰ CTC 1.8, 2.1

³¹ CTC 2.1


³² CTC 4.1


 3.2.3. Continuous Improvement. The organization develops and implements a written Occupational Health and Safety (OHS) policy, including on the prevention of occupational risks, accidents and disease at the mine.³³


 3.2.4. Continuous Improvement. For small-scale operations, the existence of ventilation shafts for underground mines, adequate lighting, tunnels, and galleries with framework dimensions and good ground support. Existence of an efficient drainage system for underground mines. The establishment of a plan for the sustainable use of mining material.³⁴ For other operations, they shall ensure that all pits that exceed the national legal depth of 30 meters or pose a structural risk are backfilled completely or adequately strengthened.

 3.2.5. Best Practice. The organization shall establish and maintain a plan for the sustainable use of mining material.³⁵


3.3. The organization ensures that all workers on the mine sites are safe and trained appropriately on protective equipment.

 3.3.1. Pre-Investment. The organization shall ensure that all workers working underground use and maintain appropriate PPE.³⁶

 3.3.2. Continuous Improvement. The organization shall ensure that all workers (working underground, above ground or at on-site buying centers) are adequately trained on and practice the use of appropriate PPE for their respective tasks (such as helmets, steel-toed boots, respiratory protection, gloves and additional context-specific PPE). PPE is maintained at all times and renewed, if necessary, in accordance with the principles of use of each PPE.³⁷

 3.3.3. Continuous Improvement. The organization ensures that work processes, workplaces, technical machinery and equipment are safe for use. This includes the identification of high risks to safety, and training and precautions to safeguard workers against risk.

3.4. The organization ensures that first-aid care and adequate health and safety services are available to all workers and tailored to gendered needs.

 3.4.1. Pre-Investment. The organization shall have a safety plan that includes contingency measures in the event of an accident.³⁸

³³ CTC 4.2




³⁴ CTC 4.1

³⁵ CTC 4.1




³⁶ CTC 4.5

³⁷ CTC 4.5



³⁸ CTC 4.6

-  3.4.2. Continuous Improvement. The organization shall ensure that all workers have access to a first aid kit and emergency medical provision.
-  3.4.3. Continuous Improvement. The organization shall have a mine evacuation and rescue facility and function and test it regularly.³⁹
-  3.4.4. Continuous Improvement. The organization shall require routine medical and health inspections for its staff and facilities in accordance with legal provisions and with due consideration of gendered needs (e.g., separate latrines for women in a safe and secure environment.)⁴⁰

3.5. The organization ensures that basic utilities are available to all workers and that women's safety and security are fully taken into consideration.

-  3.5.1. Pre-Investment. The organization shall fulfill its general duty of care for the mine site workers, including ensuring that workers can access potable water, sanitary facilities and medical care with due consideration for gendered needs.⁴¹
-  3.5.2. Continuous Improvement. The organization shall ensure that all workers are provided with potable water on site.
-  3.5.3. Continuous Improvement. The organization shall ensure that all workers have access to sanitary and hygiene facilities, including safe and appropriate facilities for women.⁴²

3.6. The organization identifies and addresses workplace hazards and risk of occupational diseases.

-  3.6.1. Continuous Improvement. The organization shall carry out a risk analysis and develop and implement a written policy on the prevention of risks and occupational diseases. Information material on the prevention of risks, accidents and occupational illnesses at the workplace is made available.⁴³
-  3.6.2. Continuous Improvement. The organization shall identify, list and document dangerous incidents, risks related to exposure to toxic and/or radioactive substances and general risks in the workplace. The organization shall maintain a register of recorded accidents and illnesses (type, cause, action taken, gender breakdown.)⁴⁴

³⁹ CTC 4.2

⁴⁰ CTC 4.2

⁴¹ CTC 4.2

⁴² CTC 4.2

⁴³ CTC 4.3

⁴⁴ CTC 4.2



3.6.3. Continuous Improvement. The organization shall have a committee in place, with appropriate gender representation reflecting the percent of women at the site, to make decisions and implement actions in health and safety in the workplace.



3.6.4. Best Practice. The organization conducts regular radiation testing and inspections, especially if the site is known to have radiation issues, in cooperation with the services appointed by the state.

3.7. The organization provides workers with an equitable safety net for occupational accidents.



3.7.1. Best Practice. The organization shall provide all workers, including auxiliary workers, with a social security scheme or allowance covering compensation for loss of work related to occupational or workplace injury.

Principle 4: Contributions to Community Development

4.1. The organization contributes to the sustainable economic development of local communities.



4.1.1. Best Practice. The organization shall implement a local hiring and procurement policy in accordance with the relevant laws in the DRC.⁴⁵



4.1.2. Best Practice. The organization shall contribute to social development projects, drawn up in a participatory and inclusive manner involving, at a minimum, local authorities and women's and youth associations and carried out in accordance with the roadmap as established and report on its spending in accordance with its social commitments.⁴⁶



4.1.3. Best Practice. The organization shall form a coordinating committee responsible for ensuring the alignment, at the local development level, of the interventions of all organizations working in the same area.⁴⁷



4.1.4. Best Practice. The organization participates in initiatives not included in its commitment to the community or requiring the contribution of multiple organizations.⁴⁸

4.2. The organization ensures that all people resettled are adequately compensated to reach a living framework equal to or higher to their pre-resettlement status.

⁴⁵ CTC 5.2

⁴⁶ CTC 5.3

⁴⁷ CTC 5.4

⁴⁸ CTC 5.A



4.2.1. Best Practice. Where people are threatened with economic or physical displacement by mine-site activities, the organization shall conform to international best practices, including the World Bank OP/BP 4.12, Involuntary Resettlement policies, or the IFC Performance Framework 5 on Land Acquisition and Involuntary Resettlement. This includes sensitivity and responsiveness to the highly gendered impacts of relocation.

4.3. The organization engages in community dialogue.



4.3.1. Continuous Improvement. The organization develops and implements a written policy on local community engagement and can provide evidence of regular consultation with identified stakeholders, including local authorities, leaders, women's and youth groups.⁴⁹

Principle 5: Protecting the environment and stewarding natural resources

5.1. The organization minimizes its negative impact on the environment at the mine site and on affected communities, including emissions to air, soil and water.



5.1.1. Continuous Improvement. The organization has a water management plan and has implemented measures to rationalize its water consumption. Water treatment is carried out in a separate circuit and isolated from run-off water. The organization avoids polluting water sources used for agricultural purposes, livestock watering or feeding. Ore washing operations shall be carried out more than 500 meters upstream of any point of capture or habitual use by the local human and animal populations and more than 20 meters from any water source. It has established measures for the regular monitoring of water quality. It treats wastewater and drainage water before it is discharged into the natural environment. The quantity of uncontaminated runoff water entering the treatment circuit is rationalized.⁵⁰ The organization shall monitor and document water quality regularly.



5.1.2. Continuous Improvement. The organization has carried out an Environmental and Social Impact Assessment (ESIA) and developed an Environmental and Social Management Plan (ESMP) including regular updates (every 5 years and upon renewal of the mining title) in order to continuously improve its environmental performance.⁵¹




5.1.3. Continuous Improvement. The organization develops and implements a written policy on its commitment to comply with the requirements of Annex IV of the Mining regulations as amended and supplemented to date (2019).⁵²

⁴⁹ CTC 5.1


⁵⁰ CTC 6.5


⁵¹ CTC 6.1

⁵² CTC 6.1


 5.1.4. Continuous Improvement. The organization shall avoid polluting air (e.g., dust) and soil at the mine site and surrounding communities, including the identification and mitigation of air and soil pollution risks to the mine site and surrounding communities.


5.2. The organization shall manage waste responsibly.

 5.2.1. Continuous Improvement. The organization has a plan for the responsible management of toxic and radioactive materials.⁵³

 5.2.2. Best Practice. The organization shall maintain a management plan for mining discharges and waste, which includes their optimal treatment, storage and/or recycling. Discharges as well as chemicals and hazardous products are properly recycled, treated and stored.⁵⁴

5.3. The organization maintains regular Environmental, Social and Governance (ESG) reporting and a mine closure and rehabilitation plan.

 5.3.1. Continuous Improvement. The mining cooperative contributes to the rehabilitation funds set up to finance the implementation of mitigation and rehabilitation measures in the ZEAs with up to 5 percent of its annual revenues in accordance with Article 417 of the Mining Regulations in force. The mining cooperative commits to rehabilitate any part of the artisanal mining zone as soon as it has stopped working there rather than when finally ceasing all mining activities across the whole ZEA. The mining cooperative rehabilitates the contours of the relief and landscape to avoid accidents and minimize erosion, aerates soil where it is too compact and incorporate organic material into the topsoil at the sites where mining operations have ceased.⁵⁵

 5.3.2. Best Practice. The organization publishes an annual report on the implementation of the ESMP. The cooperative publishes an annual report describing the environmental impact of its mining activities and the management of impact. The cooperative focuses on the impact of surface and groundwater or aquifers flowing through or stagnating in the ZEA, and more specifically on the presence of springs, wells and boreholes and the likely use of these structures by the local population for consumption or other needs. The impact on vegetation caused by the development is described in this report.⁵⁶

Principle 6: Trading transparently and fairly

⁵³ CTC 6.4

⁵⁴ CTC 6.2

⁵⁵ CTC 6.3

⁵⁶ CTC 6.6

6.1. The organization commits to a non-discriminatory policy on fair and transparent pricing to all and facilitates efforts to achieve full traceability.



6.1.1. Pre-Investment. The organization regularly carries out awareness-raising measures to combat mining fraud and smuggling for workers and business partners.⁵⁷



6.1.2. Pre-Investment. The organization regularly carries out awareness-raising measures among traders and relevant staff on money laundering on a regular basis.⁵⁸



6.1.3. Continuous Improvement. The organization shall commit, in writing, to actively combat mining fraud and smuggling and has made provisions in its Internal Governance Rules to penalize them.⁵⁹



6.1.4. Continuous Improvement. The organization shall commit, in writing, to actively combat money laundering and has provisions in its Internal Governance Rules, which prohibit this.⁶⁰



6.1.5. Continuous Improvement. The organization shall commit, in writing, to comply with the different steps and procedures outlined in the Manual of Traceability Procedures in force in the DRC.⁶¹



6.1.6. Continuous Improvement. The organization shall document all transactions, including date, volume, area of origin, price, the physical form of the product when transacted, seller identity/trader identity, and permit number where available.

⁵⁷ CTC 1.3

⁵⁸ CTC 1.4

⁵⁹ CTC 1.3

⁶⁰ CTC 1.4

⁶¹ CTC 1.6

ANNEX

Definitions of Terms and Abbreviations

Artisanal and Small-Scale Mining (ASM): Formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally not capital intensive but is very labor intensive. ASM can include men and women working on an individual basis as well as those working in family groups, in partnership, or as members of cooperatives or other types of legal associations and enterprises involving hundreds or even thousands of miners.

Assessment: An evaluation of a person, organization, system, process, enterprise, project, or product.

Assessment Firm / Assessor / Assessment Team: The entity that carries out an independent assessment of a company against the assessment requirements and produces an assessment report.

Child Labor: The term “child labor” refers to any person under the age of 15, or under the age for completing compulsory schooling or under the age for employment in the country, whichever is greatest. In addition, the ILO Minimum Age Convention, 1973 (No. 138) specifies that: The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years. Refer to the definition of “Worst Forms of Child Labor” for details on types of employment or work that are likely to jeopardize the health, safety or morals of children and young persons. ([ILO Minimum Age Convention, 1973 \(No. 138\)](#))

Company: The entity or entities included in the scope of the Independent Third-Party Assessment. A company is a legal business entity with overall management responsibility of operations and administration of at least one refiner. A company can consist of a single facility and business processes (refining) or multiple facilities and business processes (in addition to refining).

Cooperative: A group of artisanal miners registered as an organization under the law.

Large-Scale Mining (LSM): For the purposes of this document, the definition includes all formal operations characterized by substantial capital, heavy equipment, high technology, and a significant workforce (large and medium in size) not considered to be within the SSM/ASM definition.

OECD Guidance: General term for the [Organization for Economic Co-operation and Development \(OECD\) Due Diligence Guidance for Responsible Supply Chains on Minerals from Conflict-Affected and High-Risk Areas](#).

Material: For the purposes of this document, “material” refers to any cobalt-containing material.

Mined Material: Mined materials or substances used in the primary production of metals.

Responsible Minerals Initiative (RMI): A global, collaborative, multi-industry initiative that supports responsible mineral production and supply chain due diligence by developing and encouraging the international uptake of a range of tools and resources, including independent third-party assessment programs. For more information, visit our [website](#).

Worst Forms of Child Labor: For the purposes of this document, the definition of Worst Forms of Child Labor (WFCL) of the [ILO Worst Forms of Child Labor Convention, 1999 \(No. 182\)](#) applies:

The term the worst forms of child labour comprises:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

On sub-clause (d), [ILO Recommendation 190](#) specifies that the following types of work should be considered (emphasis added):

- work which exposes children to physical, psychological or sexual abuse; b. work underground, under water, at dangerous heights or in confined spaces; c. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; d. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; e. work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

ZEAs: Zones d'Exploitation Artisanale, or Zones of Artisan Exploitation, areas duly zoned and authorized for artisanal mining.