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The Global Battery Alliance's Cobalt Action Partnership (GBA CAP) the CAP Project Management Office (PMO) and the CAP Steering Committee are pleased to announce the release of the **Report from Stakeholder Consultations on the Artisanal and Small-Scale Mining Cobalt ESG Management Framework ("Report")**. The consultation and report were commissioned by the CAP with the intention of learning from stakeholders - within the DRC, as well as actors across the global cobalt supply chain – how the Framework could be modified to achieve our shared goals. The hope is that this report will provide all stakeholders with helpful insights into how we might work together to improve conditions at ASM mine sites in the Democratic Republic of the Congo (DRC) and establish responsible ASM cobalt value chains. We encourage all stakeholders to carefully read the report so that, as a sector comprised of government, industry, and civil society stakeholders, we can modify and improve our approaches for collective action.

The Global Battery Alliance (GBA) is a multi-stakeholder initiative founded in 2017 to help establish a sustainable battery value chain by 2030. It mobilizes a partnership of 70+ businesses, governments, academics, and international and nongovernmental organizations. The Cobalt Action Partnership (CAP) is an initiative of the GBA, with an agreed vision to immediately and urgently eliminate child and forced labor from the cobalt value chain, contribute to the sustainable development of communities, and respect the human rights of those affected. The CAP is implemented by a consortium of organizations and supported by GBA members and stakeholders. For more information on the GBA and CAP, please visit the [GBA website](#).

Background on the consultation process:

The CAP has supported the development of expectations for ASM cobalt that can be recognized by all stakeholders within the DRC (including the artisanal sector, as well as regulatory bodies) and global actors throughout the supply chain - with the ultimate goal of promoting the incorporation of ASM into global supply chains, through a model that encourages investment and collaboration. The Framework comprises a set of expectations and clear, viable, and progressive requirements with the goal of helping to build a more inclusive and responsible cobalt supply chain. It is intended to align with existing national and international laws and standards, serving as a pathway to meeting more stringent expectations over time with partnership and investment. The Framework is open-access and can be used to assess progress over time and to establish uniform criteria that can be recognized and understood by all global and local stakeholders.

The organizations supporting the development of the Framework believe that creating an effective and inclusive framework – which is mutually accepted and recognized by global and local stakeholders – can only be achieved if affected stakeholders, particularly those in producing areas, are engaged, and recognized. For this reason, a global stakeholder consultation was commissioned as a first step to incorporate local voices, priorities, and insights from key stakeholders across the value chain.

The CAP Project Management Office developed a draft Terms of Reference (TOR) for running a public consultation on the Framework, which was approved by the CAP Steering Committee in early 2021. This TOR was circulated to CAP stakeholders, and Expressions of Interest (EOIs) were received. The CAP Steering Committee formed a sub-team to select a consultation facilitator among the proposals received, with the formal approval confirmed by the full CAP Steering Committee in March 2021. The

non-governmental organizations IMPACT and RESOLVE were selected to implement the consultation on behalf of the GBA CAP, in coordination with the Responsible Cobalt Initiative (RCI). IMPACT was the lead for Democratic Republic of the Congo (DRC)-based consultations, RESOLVE was the lead for English-speaking international consultations, and both organizations coordinated with RCI, which managed Chinese-language consultations for mid-stream refiners and stakeholders on the Framework. Following the consultation, IMPACT and RESOLVE consolidated the findings from the DRC-based and English-speaking consultations into a final report for publication. RCI will consolidate findings from the Chinese language consultations and share the results in a separate report. Both reports will be available on the [consultation website](#).

The IMPACT- and RESOLVE-led consultations engaged 145 organizations in the DRC and internationally that generously contributed their expertise and time to review the Framework. The national consultation process was comprised of workshops, individual interviews, focus groups, technical group meetings, and in-person consultations held in Lubumbashi, Kolwezi, and Kinshasa, DRC. The international consultation provided multiple pathways for the global industry, civil society, multistakeholder initiatives, and international organizations to share feedback via an online survey and online comment form, and virtual workshops. The consultation also leveraged one-on-one interviews and group webinars organized in partnership with industry associations. This consultation was conducted from June-July 2021, with consolidation of feedback and report writing in August 2021, and translations and formatting in September 2021.

The consultations resulted in extensive, insightful, and valuable feedback on the Framework and the GBA CAP's approach to implementation. In line with the CAP's goals of transparency and sharing key learnings with stakeholders in real-time, the CAP's goal was to have the report translated and delivered to stakeholders soon after the completion of the consultation process.

Next steps:

In the coming weeks, the CAP Steering Committee will be sharing information on how these findings will influence the CAP's governance structure, process, and future actions. The report provides a wealth of insights and perspectives that need to be carefully considered. It will take several weeks to closely examine these and determine our response and future actions. We make this report available to all stakeholders to share these important perspectives in the hope that the report will contribute to future collaborative efforts to achieve a responsible ASM cobalt supply chain. We greatly appreciate the time, resources, and feedback that stakeholders contributed to this consultation process.

We look forward to working with all stakeholders to find tangible ways to collaborate on these critical issues and support your objectives to increase investment and opportunities in the ASM cobalt sector.

The Cobalt Action Partnership Steering Committee



RESOLVE

**Report from Stakeholder Consultations on
the ASM Cobalt ESG Management Framework**

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1. Acronyms

3T	Tin, tantalum, tungsten
3TG	Tin, tantalum, tungsten, gold
ARECOMS	Agency for Regulation and Control of the Strategic Mineral Substance Markets
ASM	Artisanal and small-scale mining
CTC	Certified Trading Chains
CAP	Cobalt Action Partnership
CAHRAs	Conflict-Affected and High-Risk Areas
CRAFT	Code of Risk mitigation for Artisanal and small-scale miners engaging in Formal Trade
CSO	Civil society organization
DRC	Democratic Republic of Congo
EITI	Extractive Industry Transparency Initiative
EGC	<i>Entreprise Générale du Cobalt</i>
ESG	Environmental, social, and governance
FCA	Fair Cobalt Alliance
Framework	ASM Cobalt ESG Management Framework
GBA	Global Battery Alliance
IIED	International Institute for Environment and Development
ICGLR	International Conference of the Great Lakes Region
KYC	Know-your-customer or -counterparty
LSM	Large-scale mining
M&E	Monitoring and evaluation
NGOs	Non-governmental organizations
OHADA	Organization for the Harmonization of Business Law in Africa
OHS	Occupational health and safety
OECD	Organisation for Economic Co-Operation and Development
OECD Due Diligence Guidance	OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas
PEP	Politically exposed persons
PMO	Project Management Office
PPE	Personal protective equipment
RCI	Responsible Cobalt Initiative
RCM	Regional Certification Mechanism
RMAP	Responsible Minerals Assurance Program
RMI	Responsible Minerals Initiative
SAEMAPE	Service for Assistance and Management of Artisanal and Small-Scale Mining (<i>Service d'assistance et d'encadrement des mines artisanales et de petit échelle</i>)
SWOT	Strengths, weaknesses, opportunities, and threats
ZEA	Artisanal mining zone (<i>zone d'exploitation artisanale</i>)

2. Overview

One hundred and forty-five (145) organizations in Democratic Republic of the Congo (DRC) and internationally contributed their expertise and significant time to review the Framework, speak with IMPACT and RESOLVE, and listen to perspectives of peers and other stakeholders.

This report summarizes stakeholder perspectives and recommendations on the Framework's overall value, structure, its provisions and requirements, operationalization, and funding model. Additional conclusions and recommendations have been provided by the authors.

IMPACT and RESOLVE encourage readers to review the report in full to appreciate the depth and breadth of stakeholders' technical and strategic feedback. We also highlight several takeaways from the consultation to orient the detailed stakeholder recommendations:

1. **Process impacts perception.** The Global Battery Alliance's (GBA's) and Cobalt Action Partnership's (CAP's) past decision-making processes are not well understood by most stakeholders, including some who are very engaged in the cobalt sector. A lack of consistent information over time has created an environment of caution and critique of GBA's and CAP's activities—including the Framework—and affected the stakeholder reception of, and perceptions about, the Framework.
2. **Stakeholders raised important questions and concerns, but most are willing to engage constructively to make the Framework a robust and credible tool.** CAP has expressed its interest "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." There was no consensus on the consultation draft of the Framework across or within any particular group, but stakeholders across all groups, internationally and in DRC, participated actively and shared practical recommendations for strengthening and operationalizing the Framework. Many stakeholders also expressed interest or even an expectation of continued engagement.
3. **The Framework's progressive improvement and investment structure is fundamental to stakeholder support.** Congolese and international stakeholders alike reinforced that any requirements must also have financial and technical mechanisms to help the artisanal cobalt sector improve their performance—this is a strength of the Framework's structure and vision. Notwithstanding broad support for a progressive approach, many stakeholders stressed that the Framework does not yet sufficiently address the challenging issues of legality, and that progressive requirements must also be specific and measurable.
4. **Coordination across supply chain and development initiatives is critical to achieve Framework objectives, to secure DRC support for the Framework, and for resource mobilization.** The international private sector expressed interest in providing financial support to the artisanal cobalt sector, with many companies also stressing that they first expect enhanced communication and coordination among initiatives implementing supply chain and child labor programs in the region. Government of the DRC representatives and other stakeholders also noted that it is unfeasible to continuously track and engage separately with all international initiatives. Further, while CAP has undertaken benchmarking, stakeholders are looking for more information on how the Framework relates to the Certified Trading Chains (CTC) and *Entreprise*

Générale du Cobalt (EGC) Standards, or how it could in the future in the interest of clarity and common objectives.

5. **Artisanal sector supply chain tools and standards are critical, but broader engagement is needed for comprehensive, sustainable, and inclusive change.** International and Congolese stakeholders generally agreed on or at least recognized the need for due diligence and other supply chain standards and tools to define, monitor, and encourage improvements in the artisanal cobalt sector. Many also stressed that focusing on artisanal cobalt and due diligence alone is insufficient, recognizing that 1) the full supply chain (including large-scale cobalt operations, traders, processors, and downstream companies) are also accountable and have leverage to help with some challenges that artisanal producers alone cannot remedy; 2) excluding artisanal cobalt sources may mitigate reputational risks without supporting progress in the sector; and 3) in parallel, development-oriented investment and interventions beyond mine site boundaries are necessary to address root causes of unsafe and informal mining and child labor.

Finally, IMPACT and RESOLVE acknowledge the very active engagement and recommendations of a few stakeholders who a) assert that the EGC Standard is the sole, legitimate set of requirements for the Congolese artisanal cobalt sector; b) strongly advocate for the Framework to follow the single-requirement-per-issue structure like the EGC standard; or c) otherwise fully reject the Framework.

In this report, IMPACT and RESOLVE sought to give detail where possible regarding views that were particular to a stakeholder group or sector (e.g., international or Congolese stakeholders or both; private sector or NGO). We also aimed to give some sense of scale or majority-minority views by using descriptors such as “most,” “many,” or “few.” However, we refrained from overly specific attributions for several reasons:

1. IMPACT and RESOLVE committed to all consultation participants that comments would not be attributed to organizations or individuals (or discernable as such);
2. There were many issues for which stakeholders within a sector or group had different or nuanced views, and a generalizable statement could not be made;
3. In many cases, perspectives were generally, universally held across sectors or stakeholder groups;
4. Some issues raised only once or a few times are nonetheless highly relevant or could have significant impact.

IMPACT and RESOLVE also recognize multiple, relevant reports which may soon be issued on the artisanal cobalt sector but the findings of which we were unable to integrate or reference given timing. These reports include the Responsible Cobalt Initiative’s (RCI’s) stakeholder consultation, and reports on the artisanal cobalt sector by the International Institute for Environment and Development (IIED) and R. Deberdt of the University of British Columbia. The latter two reports in particular may provide additional contextual and socio-economic information as background to the current report.

3. Introduction

The Global Battery Alliance’s (GBA’s) Cobalt Action Partnership (CAP), the Responsible Cobalt Initiative (RCI), and their supply chain partners, developed the ASM Cobalt ESG Management Framework (Framework) as a means of fostering transparent, verifiable, and responsible ASM cobalt supply chains.

The 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 (DRC). It is intended to establish 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 Responsible Sourcing Standard (EGC Standard), with progressive levels of achievement formed to help sites meet these expectations over time and with assistance.

As a step in the development of the Framework, CAP engaged IMPACT and RESOLVE, two independent, international NGOs, as consultants to facilitate a stakeholder consultation on the draft Framework. This report describes the purpose, approach, and findings of this consultation process, as well as consultant recommendations to CAP and other stakeholders to support the realization of the Framework's objectives, as well as to help inform next steps for dialogue and coordination on the Framework.

4. Stakeholder Consultation: Purpose, Scope, Methodology, and Limitations

4.1. Purpose and Scope of Consultation

The objective of the stakeholder consultation process was 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 supply chain.

IMPACT and RESOLVE submitted a joint expression of interest in response to the circulation of terms of reference for a consultation facilitator, and were selected to assume the role of facilitator of the global multi-stakeholder consultation. The two NGOs were responsible for coordinating engagement with international and DRC stakeholders—government actors, upstream/midstream/downstream supply chain actors, NGOs, and other international and Congolese organizations.

Due to the limited time frame and resources, IMPACT and RESOLVE were asked to build off of CAP's existing work and its Partners' expertise to effectively carry out as broad and deep a consultation as possible, while acknowledging these limitations.

It was also understood from the outset that the Framework was in an initial draft stage and would be used as a starting point for stakeholder discussion and consultation, acknowledging that additional stakeholder engagement and the refining of the Framework would extend beyond the consultation time frame.

IMPACT and RESOLVE drafted and presented a strategic process for the Framework consultation to CAP Partners and CAP Steering Committee for their consideration and input before launching the consultations. The process detailed the consultation methodology, modes of engagement, consent and data management process, stakeholders to be consulted, and a draft work plan. A draft framing document which included sample questions was also shared.

4.2. Expected Outcomes of the Consultation

The consultation was intended to socialize, promote engagement, solicit feedback, and open a dialogue between global stakeholders. Specifically, the intent was to open up the draft Framework to be reviewed by all in order to inform next steps. Some of the questions that were explored included the

following: Does the Framework offer added value? Is it fit for purpose and have the potential to meet its objectives? Is it well-structured, clear, and accessible? Are the principles, provisions, and expectations clear and comprehensive? How should the Framework be operationalized and what is critical for its success?

The consultation sought to identify points of convergence and divergence of views that would be instrumental in shaping the work of CAP going forward. As such, the consultation was not designed to negotiate the text of a standard nor would it introduce a new standard. IMPACT and RESOLVE understand that some stakeholders were interested in a consensus-seeking process, although this was not in scope for this consultation.

4.3. Consultation Methodology and Process

The consultation by IMPACT and RESOLVE focused on Congolese stakeholders, and international stakeholders in western time zones. CAP also collaborated with RCI, who simultaneously led dialogues with stakeholders in China.

To the fullest extent possible, the consultation methodology and process were designed around the complexity and sensitivity of the cobalt sector and its fundamental role in the livelihoods of DRC's citizens. It also endeavored to create a safe space where stakeholders, both in-country and internationally, could speak openly without fear of repercussions or harm. IMPACT and RESOLVE ensured that the knowledge and consent of participating individuals was obtained for the collection and use of personal information. Participants were informed of how their contribution and identity would be treated and protected. In Annex 1, consultation participants are listed for transparency, but RESOLVE and IMPACT are not attributing comments to individuals or organizations in documents shared with CAP or publicly, without the consent of the commenter.¹ Unfortunately, in spite of these measures, risks were not altogether eliminated as the consultants were made aware of reputational threats to stakeholders which were subsequently reported to CAP's Project Management Office (PMO).

To maximize opportunities for engaged participation, mixed-research methods were used and included a combination of workshops, individual interviews, focus groups, and small technical group meetings. An online survey in English and French, as well as a three-part webinar series were added at a later stage of the consultation design at the request of CAP Partners. All stakeholders were also welcome to submit written comments in any format, including an opportunity to submit detailed comments on specific requirements within a Framework Excel document created for that purpose. CAP made the Framework and other background information on the Framework and consultation available online in English, French, and Chinese.²

In DRC, in-person consultations were held between June 23 and July 15, 2021 in Lubumbashi (Haut-Katanga) and Kolwezi (Lualaba), as well as in the nation's capital, Kinshasa. The intent of the in-person consultations in DRC was to enable a large and representative number of stakeholders in the artisanal mining sector to directly engage with and inform the Framework's development. In Lubumbashi and in Kolwezi, stand-alone full day workshops were held involving government representatives, the private

¹ Two stakeholders requested that this report include their written their feedback in full, with attribution. IMPACT and RESOLVE took the decision not to attach formal letters but rather sought to incorporate a summary of main themes from across all stakeholders and modes of feedback, and encourage stakeholders to share their comments directly with others if they chose to do so.

² The consultation website is available at <https://www.asm-cobalt.org/>.

sector, and civil society. In Kolwezi, the process culminated in a final multi-stakeholder restitution workshop (*atelier de mise en commun des résultats*), where participants collectively inserted their comments directly into the draft Framework (represented in Annex 3). In Lubumbashi, stakeholder comments were shared with participants immediately after their respective workshop (represented in Annex 3), but time did not allow for a multi-stakeholder restitution workshop in that province. In Kinshasa, IMPACT convened a full-day, multi-stakeholder workshop. With the exception of the one restitution workshop, all shared the same overall structure: a first presentation of the Framework—its origin, intent, and structure—followed by a discussion in plenary. Participants then broke out into a number of sub-groups to dive more deeply into the Framework itself and to debate amongst themselves. Each group then reported back to the plenary and the feedback was discussed and captured by a notetaker. On the margins of these workshops, the IMPACT team conducted informal one-on-one interviews. 102 individuals participated, representing 23 private sector, 36 government and 31 civil society across Haut-Katanga, Lualaba, and Kinshasa. A list of participating organizations and entities is available in Annex 1.

Outside of the DRC, in addition to the written feedback mentioned previously, a variety of methods were used to allow multiple pathways for global actors to share input. A total of 16 one-on-one interviews were carried out involving stakeholders representing different elements of the supply chain including key industry associations, international NGOs (implementing and advocacy), governments, and other international and multi-stakeholder organizations. Interviews hit on a core set of questions around the Framework’s purpose, scope, and implementation, but were also flexible to focus on interviewee priorities, and especially to explore potential solutions to any challenges or gaps identified.

A series of webinars were organized as another opportunity for stakeholders to opt-in to the consultation, provide another mode for sharing feedback, and also to provide a platform for stakeholders to hear directly from each other, should they choose to share comments publicly. Given the limitations of a webinar and different types of expertise among participants, the discussion and questions focused more the premise, structure, and implementation of the Framework, rather than detailed input. Each session included anonymous polling of all participants and discussion questions open to both verbal and written comments in the webinar chat box. Over the three sessions, 58 different organizations participated.

In total, across the IMPACT and RESOLVE consultation, 211 individuals representing 49 supply chain actors (including industry associations), 53 NGOs (including research institutes), 41 government and multi-lateral institutions (including 3 donor governments), and 2 consultancies participated.

Separately, RCI carried out several workshops and one-on-one interviews with its members and other Chinese stakeholders. Given different timelines and consultation facilitators, there are separate reports reflecting the DRC-based and international consultation, and the China-based consultation. The reports will be published as stand-alone, complementary analysis.

4.4. Limitations of the Consultation

The launch of the consultation in DRC coincided with enhanced restrictions to curb the spread of COVID-19. As a result, the number of attendees at the in-person workshops could not exceed 20 people, including facilitators and notetakers. Invitations were revised downward but, to the fullest extent possible, remained representative across the sector.

The bigger constraint was time, with a four- to six-week window carry out the consultation between June and July. Furthermore, an impressive volume of support documents, including the Framework itself and the consultation website, were being finalized and translated into French and Chinese during the early days of the consultation. In DRC this meant that there was less than one week between when invitations and accompanying documents were distributed, and the launch of the first consultations in Lubumbashi. As a result, participation in Lubumbashi was lower than in Kolwezi and Kinshasa, especially for the very first workshop which was intended to engage with government representatives from that province.

IMPACT and RESOLVE acknowledge that the short time frame and COVID-19 restrictions were a challenge for some stakeholders, but have confidence that the level of participation and quality of feedback resulted in a rich set of inputs across the entire supply chain. As CAP has acknowledged, the consultation is a first step, as stakeholder engagement typically occurs over an extended period of time, with a clear and accepted set expected outcomes, strategy, plan of action, and milestones.

4.5. Pre-Consultation Stakeholder Perspectives

The Framework was not initially designed through the result of a broad, multi-stakeholder process. DRC stakeholders were neither significantly involved in the needs assessment, design, or its drafting. Developed in 2020 and launched in 2021 by CAP, an international initiative which had no DRC representation at the time,³ the “Standard”—as it was initially referred to—was rebuked by many stakeholders, particularly in DRC. It was perceived to disregard and devalue DRC’s existing laws and its century-long history of mineral governance. For some stakeholders, it was an outright affront to DRC’s sovereignty.

CAP recognized the weakness of its approach and engaged with the Government of DRC, working to set the groundwork for a respectful partnership. The “Standard” was reframed as a Framework to reflect how it was intended not to replicate but to support the realization of existing laws or standards, and to leverage international buyers’ investments to bring more artisanal miners out of informality over time. In the months leading up to the consultation, CAP was increasingly intentional about learning from its initial missteps, and this informed the design and expectations of the consultation on the Framework.

While many positive steps were taken in the past months, lack of information among the majority of Congolese and international stakeholders meant that most came to the consultation with questions, a degree of skepticism, or stronger concerns.

At the beginning of each DRC workshop, the prevailing sentiment of many stakeholders was one of suspicion and even hostility to what was perceived as foreign-imposed standards. However, as the intent of the Framework was clarified and as DRC participants engaged with it at technical and operational levels, the resulting general sentiment was largely positive overall. It is worth noting that many in-country stakeholders expressed appreciation over the course of the workshops or in one-on-one conversations for CAP’s efforts to carry out consultations with stakeholders.

Most international stakeholders apart from the CAP Steering Committee were also not aware of how the objectives and content had evolved from late 2020 to the Framework’s release in June 2021. These past processes have impacted the Framework’s reception and views about how it can be implemented.

³ The Minister of Mines officially joined the CAP Steering Committee in the last quarter of 2020.

However, international stakeholders participated largely constructively and focused on not just concerns but possible responses and solutions.

5. Stakeholder Perceptions of the Framework Value, Objectives, and Limitations

5.1. Critical Issues and Factors Affecting the Framework

The Government of DRC has a robust set of laws and regulations applicable to the artisanal mining sector, including its Certified Trading Chains (CTC) standards applicable at the mine site level. The State-owned *Entreprise Générale du Cobalt* (EGC), has launched a set of standards that define the minimum requirements for EGC and its commercial partners to buy ASM cobalt responsibly. These require strictly controlled mine sites and production practices. Both the Responsible Minerals Initiative (RMI) and the Responsible Cobalt Initiative (RCI) have also developed their respective supply chain due diligence standards or guidelines applicable to cobalt refiners.

CAP has benchmarked the Framework against the CTC and EGC's Responsible Sourcing Standards. At the time of writing, both benchmarks were undergoing review that will include engagement with CTC and EGC to confirm the references in the Framework and assure alignment as a basis for cooperation going forward.

Set against this historical backdrop of the DRC's regulatory structure and the development of the Framework, a number of related issues were repeatedly articulated by stakeholders as critical to the Framework's success:

Government Roles and Mandates

The Government of DRC is expected to play a key role in all aspects of the Framework including the monitoring of compliance with the Mining Code and the legalization of ASM sites. There are also multiple entities with key roles, including the Ministry of Mines, EGC, the Agency for Regulation and Control of the Strategic Mineral Substance Markets (ARECOMS), *Service d'assistance et d'encadrement des mines artisanales et de petit échelle* (SAEMAPE, the DRC Government's ASM mining technical services agency), and *Centre d'Expertise, d'Evaluation et de Certification* (CEECC, the DRC Government agency which controls, tests, and certifies minerals). There are both national and provincial representatives of these entities, as well as additional, local and customary authorities with mandates or influence on the cobalt sector.

The November 2019 Ministerial Decree⁴ stipulates that 1) only the government may purchase cobalt from designated ASM sites; and 2) a government body (ARECOMS) will be established to carry out oversight and ensure good working conditions at ASM sites producing minerals designated as strategic. This oversight institution is also responsible for carrying out the certification of the ASM cobalt purchased by the government. Further, State-owned Gécamines announced the creation of EGC on 2 December 2019 to purchase all artisanally-mined cobalt produced in the DRC and implement the new law.

⁴ Democratic Republic of Congo's Prime Minister Sylvestre Ilunkamba, Ministerial Decree No. 19/16, *Portant création, organisation et fonctionnement de "autorité de régulation et de contrôle des marchés des substances minérales stratégiques*, November 5, 2019, Kinshasa.

As these are new directives and structures are in various stages of implementation, and although CAP is communicating and engaging with the national Ministry of Mines, EGC, and ARECOMS, many details are still unknown. While the consultation elicited a number of assertions from non-DRC stakeholders about “the Government’s” views, these do not necessarily reflect the current state nor the breadth of local, national, ministry, and agency perspectives.

Supply Chain Roles and Agency of ASM Actors

Key to the success of the Framework is the consideration of upstream and downstream actors that are not directly captured or implicated in the Framework. Midstream and downstream actors have a crucial role in supporting a responsible cobalt market, and large-scale mining (LSM) companies are key to addressing deeper, structural issues. During the DRC consultations, civil society insisted that the Framework should hold all supply chain actors to a set of principles, expectations and requirements instead of singularly focusing on the upper most part of the supply chain and on actors that have the least resources and room to maneuver. They insisted that LSM should respect their legal commitments to community development (referred to in the Mining Code as “cahiers de charge”).⁵ International civil society drew attention to the disproportionate focus on ASM and that ASM should not be held to higher requirements than LSM in terms of responsible business conduct. This speaks to a growing concern articulated by academics and civil society that corporate responsibility risks being outsourced to the miners themselves. This also links to a larger, important and long-standing debate in the tin, tantalum, tungsten, and gold (3TG) sectors about the value and the relative cost of supply chain due diligence, which is disproportionately borne by upstream actors.

Nearly all of viable cobalt mining concessions are currently under LSM control, and artisanal organizations typically have little or no power to influence the government to cede them land as a legal artisanal exploitation zone (known in DRC as *zone d’exploitation artisanale* or ZEA) or derogation. Given that most cooperatives cannot control these aspects of legal status, it may be impractical to frame legality as a continuous improvement requirement, without a significant change in the status quo of governance and land tenure.

Artisanal producers have little to no power to independently address many key risk factors that prevent artisanal cobalt from meeting international requirements, such as site legality. This underscores the importance of clarifying who is ultimately accountable for the enabling conditions or barriers to responsible production and trade. This should be acknowledged by the Framework but could also inform CAP’s strategy going forward.

Development versus Supply Chain Compliance Outcomes

International and Congolese stakeholders drew into sharper focus a tension that has become increasingly apparent in other mineral supply chains in Conflict-Affected and High-Risk Areas (CAHRAs): the limitations of a singular focus on supply chain due diligence in addressing socioeconomic risks. Congolese and international stakeholders spoke to the importance of not just due diligence but addressing “root causes” of risks. That is, mine site risk mitigation may

⁵ Guide d’élaboration du cahier des charges dans le secteur minier en RDC 2020, AFREWATCH, October 2020, <http://congomines.org/system/attachments/assets/000/001/990/original/.Guide-Elaboration-Cahier-des-charges.pdf?1603894764>.

reassure buyers but may not benefit all actors in the supply chain equally and may not lead to broad community development outcomes.⁶ For example, the removal of children from a particular cobalt supply chain provides benefit for companies in that supply chain but, unless underlying causes for children working in mine sites are addressed, those children will likely work at another mine site or in other sectors.

Some of the questions that arose during this consultation, vis-à-vis opportunities to dovetail compliance and development objectives, include the following: Can we design a tool which impels supply chain actors to be the vectors of change that women and men artisanal miners need to improve their working and living conditions, while managing material and reputational risks? How can we balance recognition of the challenging current context, knowing that ASM cobalt finds its way into global supply chains regardless, meeting artisanal miners at the limit of what they can achieve on their own and to support them to overcome the many barriers to safer and improved work conditions that are beyond their control? Is a development approach that centers the needs of miners and local communities, and a sourcing standard approach that prioritizes downstream needs and expectations, reconcilable?

The above questions point to key challenges that the Framework is intended to address. At the same time, Congolese and international stakeholders recognize that supply chain interventions alone will not achieve desired socioeconomic and development outcomes; this observation informed stakeholder recommendations outlined in section 8 on funding model design.

Transparency and Legitimacy

It is important to note that stakeholder perceptions about the GBA and by extension the CAP, as well as RCI and the Fair Cobalt Alliance (FCA), range from a general and genuine lack of understanding of these entities individually and the relationship between them, to stronger concerns about their legitimacy and mandate, transparency, and decision making. International civil society has also pointed to conflicts of interest in the GBA and its limited engagement with civil society. International private sector and NGO stakeholders also highlighted that they do not understand how GBA and CAP make decisions, with some also questioning the extent of meaningful, multi-stakeholder governance of the group. These issues do not necessarily impact the content of the Framework, but have and will continue to impact some stakeholders' acceptance of it.

5.2. Stakeholder Takeaways on the Framework's Potential Contributions and Limitations

Overall, especially once described and understood, many stakeholders expressed that they find the Framework quite comprehensive and a useful contribution to the challenges facing the ASM cobalt sector. In other words, the general sentiment across the supply chain was that it was fit for purpose, but that more work was required to make it clear and functional.

Stakeholders observed alignment between the Framework and many international norms and standards on responsible sourcing. Stakeholders did not outright accept the Framework in its current format, but in most cases recognized the baseline value of this tool and made helpful observations and

⁶ "Assessing the impact of due diligence programmes in Eastern DRC : A baseline study," *IPIS*, April 24, 2019, <https://ipisresearch.be/publication/assessing-impact-due-diligence-programmes-eastern-drc-baseline-study/>; Katho et al., *The Just Gold Project: Lessons for the Future of Artisanal Gold in Democratic Republic of Congo*, IMPACT, March 2021, https://impacttransform.org/wp-content/uploads/2021/03/IMPACT_Just-Gold-Lessons_March-2021_EN-web.pdf.

recommendations on how to improve and refine it—from technical, human rights, and risk management perspectives (see Section 7). Rather than pushing back or outright rejecting the tool, the majority of multi-stakeholders at both the local and international level were interested in identifying and working through concrete issues and challenges and further developing the Framework.

In DRC, several stakeholders representing the private sector and state actors had a positive view of the Framework’s intent and approach. They stressed how it offered clear “added value” due to its link with the Government of DRC’s priority of fostering development and creating a middle class in the country. It was also seen to have the potential to contribute to improved work conditions, to provide cooperatives with much needed skills and guidance, and to contribute to overall improved governance of the sector. The focus on rendering supply chains clean or responsible, often referred to as traceability,⁷ within a broader collaborative framework involving all stakeholders was also seen to provide added value.

As far as the Framework’s limitations, civil society in DRC saw value in including an explanation about the weaknesses of existing systems and regulations to better express what gap the Framework is explicitly seeking to address. Given the limitations of voluntary governance systems, some participants in DRC asked for the Framework to be more binding, although it was not specified how. Some participants also asked for the Framework to include a clear strategy to address the root causes of informal, unsafe mining and child labor, which will also require meaningful government and stakeholder engagement within and beyond Framework implementation.

Despite high-level, cross-sector shared interests in the Framework objectives, stakeholders may ultimately take a different position on certain requirements due to different technical interpretations, risk profiles, business or organizational interests, and other tradeoffs. In particular, there is some perceived dichotomy between designing for progressive improvement, the immediacy of protection of human rights, and reputational risk in cobalt sourcing. There also remain meaningful questions about implementing, resourcing, monitoring, communicating, and otherwise operationalizing the Framework and coordinating with all key actors (see Sections 8 and 9).

With these points in mind, there are specific exceptions to the general interest in further exploring and improving the Framework. There is a set of stakeholders who prefer a single benchmark rather than this Framework’s tiered, progressive structure. These stakeholders also typically support the EGC Standard in whole or at least in structure. Some of the organizations involved in creating the EGC Standard are also strong proponents of that tool, including its format and requirements. Two NGO letters expressing concern were sent to CAP. A Congolese NGO based in Lualaba vehemently rejected the Framework, having communicated this in writing directly with CAP. Another reinforced the need to recognize state sovereignty and asked that the CAP align with existing national initiatives, laws and regulations as well as the OECD Due Diligence Guidance. Finally, as described earlier, concerns about GBA governance, transparency, and decision making are currently a barrier for some stakeholders’ current level of appetite to engage deeply in the Framework. While these are not majority views, these stakeholders engaged robustly throughout the consultation process, and will likely remain actively engaged in future stages of the Framework, whether involved “at the table” or through other platforms.

⁷ It is important to note that private sector and state actors were not very familiar with the notion of due diligence and often tended to refer to traceability, which is narrowly focused on provenance and does not involve monitoring, risk mitigation, and reporting on the context of production and trade. Some of the comments (captured in Annex 3) specific to armed groups or the presence of public security forces further demonstrate a lack of awareness of the OECD Due Diligence Guidance and its intent and application. It was clear that more training on supply chain due diligence is needed in the provinces of Lualaba and Haut-Katanga.

6. Stakeholder Feedback on Framework Structure, Progressive Performance Levels, and Benchmarking

The consultations elicited stakeholder input on the overall design of the Framework, technical and detailed feedback on specific provisions and requirements, and issues which intrinsically link structure and content—with legality as the key example. Stakeholders shared many useful observations linked to progressive improvement in principle, as well as how this is realized in the Framework through the four performance categories (prerequisite, pre-investment, continuous improvement, best practice), and how requirements are sorted into these categories. While there are many common objectives across sectors, there are also a range of priorities and visions for how the Framework could or should be leveraged to support and encourage improved outcomes, which inform different perspectives on how and where to set the bar for some requirements.

6.1. Design for Progressive Improvement

In principle, stakeholders acknowledged that artisanal producers require time, technical capacity, and financial investment to assess, manage, and mitigate risks. Stakeholder feedback strongly supported Framework design elements which account for these realities and an enabling versus a punitive or solely compliance-oriented tool. The progressivity design is also a key element in local acceptability of the Framework in part because, according to local stakeholders, it's more likely to be applied; hence, its added value.

While the progressive improvement design is a strength of the Framework, challenges remain in realizing the goals of such an approach. Some stakeholders highlighted the necessity of actively incentivizing progress from pre-investment, to continuous improvement, and beyond. Downstream actors also particularly expressed interest in the pace of improved performance and how the Framework can balance incentives (e.g., investment) and consequences to enable steady progress. For example, one recommendation included a twelve- to eighteen-month limitation on remaining at the pre-investment level (and obtaining legal status). Conversely in DRC, it was felt that timeframes for achieving particular milestones or levels should be assessed on a cooperative by cooperative basis as capacities vary widely, and what is achievable will depend on the nature of the investment and on how it is delivered.

The ASM cobalt sector can also consider lessons from other commodities. One stakeholder cited the Roundtable on Sustainable Palm Oil, noting that most producers have not implemented further reforms once being certified to the entry level standard, given the lack of incentives. Another stakeholder also noted examples in the artisanal gold sector in Central and East Africa, whereby projects which focused on the provision of equipment and technical training for greater efficiency or productivity did not necessarily lead to sustained commitments to responsible supply chains or to lasting improvements. Ultimately, these examples may underscore the importance of identifying the specific interests that motivate behavioral change (e.g., up-front financing or net short-term revenue) versus a more generic concept of investment or incentives.

While all stakeholders shared a basic interest in a progressive approach, a few international stakeholders consistently advocated for a different design, with a single, auditable requirement per issue rather than three to four progressive requirements from pre-requisite to best practice. They proposed a focus on definitive requirements (e.g., no children under age 18) rather than descriptive

practices (e.g., engaging affected communities). Those who favored a single-requirement approach referenced the EGC Standard or the Fair Labor Association Code of Conduct used in manufacturing settings as a preferred model for the ASM cobalt sector. These stakeholders also recommended less complexity and breadth in requirements to support consumer and downstream assurance, measurable impacts, and immediate focus on priorities of child labor, and health and safety (rather than equal, immediate focus on economic development-oriented provisions).

6.2. Different Objectives, Different Performance Requirements

While most stakeholders saw value in defining multiple categories (prerequisite to best practice), stakeholders interpret multiple purposes for each of these categories and also differently prioritize their purpose. In particular, viewing the Framework as a sourcing tool for downstream companies would suggest different requirements than a purely development-oriented tool. See the table below for a summary of the range of perspectives that different stakeholders shared about what they saw as the primary purpose or definition of each performance level.

The choice to designate requirements as pre-investment or continuous improvement cannot always equally prioritize and serve both sourcing expectations and development objectives. Thus, clarifying primary, secondary, tertiary, and other purposes of the Framework—in order of priority rather than collectively—may be important in ultimately deciding where to set the bar for each requirement.

Relatedly, different companies have different risk tolerances and internal policies, which would mean different places at which these companies would set the bar for sourcing standards. Some companies viewed the current pre-investment category as the point at which they are willing to begin supply chain engagement (with milestones in place to reach the continuous improvement category), while other companies would not intentionally accept material into their supply chains until additional requirements are met under the continuous improvement category. This parallels the range of downstream expectations and requirements observed in other mineral and commodity supply chains, for both large-scale and small-scale production. It is also in keeping with a casting of the Framework as a continuum where each stakeholder can and should be able to “find themselves” according to their capacity and risk tolerance.

Performance Category	Range of Stakeholder Perspectives on Performance Category Purposes <i>One or more stakeholders interpreted the purpose of this category as a...</i>
Prerequisite	<ul style="list-style-type: none"> ● Threshold for supply chain engagement of any kind ● Signal for readiness for early technical support
Pre-investment	<ul style="list-style-type: none"> ● Threshold for supply chain engagement of any kind ● Threshold for activities that artisanal producers can achieve independently ● Threshold for receiving technical and financial assistance ● Full or partial threshold for sourcing (<i>differs by requirement</i>) ● Tool to document intermediate steps toward full CTC implementation
Continuous Improvement	<ul style="list-style-type: none"> ● Full or partial threshold for sourcing (<i>differs by requirement</i>) ● Threshold for receiving additional investment beyond initial technical and financial assistance ● Tool to document intermediate steps toward full CTC implementation
Best Practice	<ul style="list-style-type: none"> ● High performance level to inform longer-term progress, performance by a limited set of high-capacity artisanal producers with significant investment ● Guidance to inform priority community-oriented investments (vs. more direct mine site or supply chain investment)

6.3. Performance Expectations in View of ASM Capacity and Entrenched Structures

Stakeholders also shared recommendations that the Framework needs to further reflect the realities of current ASM capacity and context. Many recognized that a number of requirements at the pre-investment stage cannot be achieved completely independently by an artisanal operation, and may need external support such as capacity building (e.g., regional outreach and informational sharing, or train-the trainer programs), model policies on key issues, or other assistance. Further, a number of pre-investment requirements presume shared understanding about key terms which may have many interpretations from a local to international context. In some cases, actors and stakeholders all along the supply chain may also lack basic knowledge of laws and regulations. Upstream private sector actors particularly advocated for ongoing sensitization and capacity building as an important success factor for the Framework and the understanding and uptake of its principles and requirements.

An additional, critical contextual element within which the Framework must operate is the nature of cooperatives in DRC. Research has shown that most cooperatives tend to charge miners membership fees in some form or other with little to no benefit in return. They typically do not defend the interests of miners and can even be exploitative. They are often owned and operated by or in the interest of the

political and economic elite.⁸ Those cooperatives with the greatest capacity are typically those that are most closely tied to the political elite, and they in turn may present higher risk factors for key Framework requirements. DRC stakeholders repeatedly noted that, to bring as many artisanal mining actors into formality as possible, the Framework must be relevant and workable for cooperatives across the spectrum, not only those with the most resources and political connections.

For example, while a requirement to “carry out awareness-raising measures on corruption and bribery” (1.3.1) may not require significant, external, financial investment, the Framework’s objectives would be well-served by providing materials on definitions of anti-corruption or model policies, and concrete examples of activities that are not acceptable at the mine site or in the upstream supply chain. Corruption may not be understood consistently or may be experienced locally in a way that does not align with international expectations and definitions.

6.4. Benchmarking to Artisanal Standards

Framework authors have noted that the following standards and guidance were reviewed in the course of developing the Framework:

- 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 (OECD Due Diligence Guidance)
- Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains
- Cobalt Refiner Supply Chain Due Diligence Standard

While many stakeholders were generally aware of this step, many expressed interest in having access to a more detailed benchmarking analysis and mapping of the Framework against some of these standards. Many international stakeholders are uncertain about the relationship between the CTC, EGC Standard, Framework, and CRAFT. No matter the level of support of a stakeholder for the Framework or other approaches, there is widespread concern that these different tools could lead to competing requirements rather than complementary approaches.

As a downstream private sector representative described, benchmarking can help stakeholders better understand how the Framework fits within the landscape of artisanal standards, and to what extent requirements equate to, exceed, or have a lower performance level than other existing standards. Also importantly, a more detailed benchmarking could help Framework implementers better leverage lessons learned from artisanal standards which are already being implemented, such as CTC and CRAFT. In particular, because of its role in DRC’s law, local familiarity, and long-term application to the artisanal sector, stakeholders observed that it would be helpful to show not just how CTC elements are fully or partially covered by Framework requirements, but how comprehensively all CTC criteria are covered. Stakeholders were also interested in viewing the benchmarking to EGC.

⁸ Katho et al., *The Just Gold Project: Lessons for the Future of Artisanal Gold in Democratic Republic of Congo*, IMPACT, March 2021, p. 41-43, https://impacttransform.org/wp-content/uploads/2021/03/IMPACT_Just-Gold-Lessons_March-2021_EN-web.pdf; De Haan, Jorden & Sara Greenen, “Mining cooperatives in Eastern DRC: The interplay between historical power relations and formal institutions,” *The Extractive Industries and Society*, Volume 3, Issue 3, July 2016, pp 823-831.

In future, such benchmarking could enable learning, evolution, exchange of information, and best practices across all systems in the interest of global support for progressive improvement of ASM.

Some DRC civil society also argued for an analysis of the weaknesses of existing systems and standards—more typical of a strengths, weaknesses, opportunities, and threats (SWOT) analysis—which goes beyond a theoretical comparison of technical expectations or benchmarking exercise. A SWOT analysis would allow for a better understanding of results, weaknesses and/or barriers to implementation grounded in reality and the effectiveness of particular types of incentives and investments.

6.5. Reconciling Progressivity and Legality

Legality is the issue which garnered the most significant comments from DRC and international stakeholders regarding where to set the bar vis-a-vis pre-investment or continuous improvement categories. Key considerations and questions for integrating legal status into the Framework included defining legality, upstream and downstream compliance and risk management, nuance and flexibility in local application, and the extent to which progressivity is an appropriate frame for legality given governance, land tenure, and other key factors.

1. There is a need to define legality within the Framework. International stakeholders did not necessarily have a common definition of legality. DRC stakeholders were much more unequivocal in their definitions adding several references to existing national laws in their proposed edits to the Framework and stressed replacing the term “local laws” with “national laws” as all are subjected to the latter. Generally, both recommended that all references to legality and laws should be more clearly defined and annotated within the Framework. For example, Principle 3, defined as “Respecting and Complying with the Law,” could be much more broadly interpreted than intended, without requirements to underpin an expansive definition of legality. As one stakeholder observed, compliance with the full spectrum of relevant DRC law (including labor, mining, environment, and finance laws) may not be practically integrated into a single framework, especially when considering the need for monitoring and assurance.

That said, most international stakeholder comments regarding legality referred more specifically to legal status of mine sites (i.e., designation as a ZEA), cooperative’s legal designation, and miner registration (i.e., possession of a valid miner ID card, referred to as *cartes d’exploitant artisanal*).

2. Compliance and progressivity may be at odds in the Framework. Downstream actors who advocated for moving requirements of the mine site, cooperative, and miner legal status to the pre-investment category, highlighted the fundamental importance of legality to their own compliance programs. They underlined the challenge of accepting any framework which does not clearly require full, legal compliance. The construct of Section 3.1 as a binary determination as to an organization’s legality or illegality leaves little room for many companies to support progressivity in the face of compliance and reputational risks.

Most downstream and international stakeholders, even those with little direct experience as to the DRC artisanal mining sector, appreciated the challenges of mine site, cooperative, and miner legality. For example, many recognized the very limited access to miner registration cards (one condition of legality), and expressed interest in accommodating that reality. However, endorsing

a framework which explicitly does not require legality and which would document a lack of legal compliance, could present reputational risk to offtakers and downstream supply chain actors.

Another complication on the theme of legality is that there are instances in which national law does not align with international human rights or other norms. An often-cited example of this is DRC's Mining Code prohibition of pregnant women on mine sites; aligning the Framework with local law by prohibiting pregnant women at mine sites would contradict other international human rights norms. This is another example of why stakeholders must further parse and discuss "legality," and how the Framework can be an opportunity to highlight and engage national and international stakeholders on important issues affecting progress in the artisanal sector.

3. There is value in respecting law while recognizing governance and economic realities. Congolese stakeholders were unequivocal that the Framework cannot exist outside of or in parallel to the law and yet, they also called for flexibility. These stakeholders made clear that the norms in the Framework can be realistically applied, but that implementation and investment must include the support necessary to realize such norms. If the Framework is not adapted to local reality (e.g., accounting for governance and structural hurdles to legality), it will not be applied, just as certain existing standards, laws, and policies are already disregarded. For example, night work and work in tunnels are understandably prohibited by law given their significant risk, but it is recognized that miners often need or want to work despite such conditions. Stakeholders pointed to the fact that in order for miners to achieve more productivity (i.e. yields), night work must be encouraged but only if the law is revised. To deny access is to deny higher yields and hence, deny higher livelihoods. In the case of tunnels, these are also generally how veins are accessed, and so there is a significant incentive to ignore such a categorical prohibition. However, investment and government engagement could help address structural, ventilation, and lighting needs to make night or tunnel work safer.⁹ In this way, artisanal operations could achieve occupational health and safety objectives with engagement and improvement, rather than necessarily requiring an outright ban on certain activities. Civil society called on the government to create these safer conditions rather than expect, unrealistically so, that miners will forfeit the prospect of additional revenue that they need to survive.
4. Artisanal producers lack power, influence, and resources to achieve legal status. A fundamental factor in the question of how to place legality in the prerequisite, pre-investment, or continuous improvement spectrum is that of an artisanal operation's ability to achieve legal status. Mining on a ZEA is a key requirement for legality. However, both international and DRC stakeholders highlighted the lack of available, viable, and profitable ZEAs and the challenge of creating future ZEAs. Thus, artisanal producers have severely limited ability to "improve performance" in mine site legality.
5. Some see the Framework as a means of catalyzing reform. Ultimately, there was broad alignment among stakeholders of the significant barriers to legality and artisanal producers' ability to independently achieve legality. The debate about positioning legality in the Framework may fundamentally link to some stakeholders' vision that the Framework can be a tool to spur reform of government and improved performance of upstream actors. Some downstream actors

⁹ Some of the participating stakeholders in Kolwezi suggested that the government could rely on SAEMAPE to train miners in tunnel construction and safety or that LSM could dedicate expertise.

may also have a vision which includes reform and progress by attrition, i.e., closure of sites which cannot achieve legal and safety benchmarks. One private sector representative noted that, if legality is not a pre-investment condition in the Framework, it could be interpreted as a sign to government and other influential actors that illegality is acceptable to the supply chain and international actors. Instead, this stakeholder underscored the value of maintaining pressure as a means of enabling change.

6. CAP and stakeholders could consider parity in how legal status or legitimacy is achieved across artisanal minerals. One international stakeholder recommended looking to DRC's 3T sector, in which many artisanal sites do not hold a formal ZEA, but may have other forms of authorization and agreement between title holders and cooperatives. In the artisanal gold sector, cooperative capacity building and improved practice have preceded requests for mine site inspection, followed by site validation and granting of a ZEA. As noted earlier, government engagement could be an avenue to creating new ZEAs or an equivalent solution, such as a "derogation" intervention by the Ministry of Mines to designate land for artisanal mining.

7. Stakeholder Feedback on Provisions and Requirements

As stated above, the Framework's objectives resonated with most Congolese and international stakeholders. At the level of the Framework's Principles, stakeholders were receptive to the approach of aligning them with the CTC, and provided few other comments. However, stakeholders did share feedback on cross-cutting issues, and many took the opportunity to provide more detailed feedback on the Framework provisions and requirements. Inputs submitted in writing by international stakeholders, or verbally during the Kolwezi, Lubumbashi and Kinshasa workshops and stakeholder interviews, are incorporated in Annex 3. This section provides a brief overview of technical feedback to accompany, but not replace the more detailed comments submitted.

7.1. High-level Themes from Consultation on Provisions and Requirements

Stakeholders highlighted a number of issues and recommendations regarding requirements which merit careful, line-by-line consideration—. Some of these issues will require further dialogue to weigh options, decide, and articulate a rationale for the chosen option. Some of the themes of these issues include the following:

Principle 1: Good Organizational Governance

Stakeholders commented on grievance mechanisms provisions, including a recommendation that the Framework align with criteria in the OECD Guidelines for Multinational Enterprises. One cautioned against requirements that could be a "tick-box exercise," highlighting the need for a mechanism for on-site reporting to enable worker voice. This could be implemented via a community liaison at the site. DRC civil society stakeholders also called for indemnification in cases of grievances and harm to communities.

Another stakeholder recommendation vis-a-vis security and human rights impacts included consolidating all requirements on this theme within Principle 1. This could include a new requirement on "managing and mitigating human rights risks related to the activities and presence of security providers."

In DRC, it was also suggested that a requirement be added that the cooperative will adhere to cooperative principles and avoid influence peddling which includes the sponsoring of cooperatives by persons of political-administrative influence.

Principle 2: Respecting Workers' Rights

- a. Community rights and inclusion: In defining Principle 2, DRC stakeholders suggested that it be extended to include the rights of neighboring communities and not only workers in the supply chain.
- b. Rights and responsibilities: Some state actors argued that while miners should be entitled to rights to benefit and rights of association, they also have an obligation to act in ways that is non-threatening and non-violent (including against state agents).
- c. Child labor (2.2): Child labor remained a very high priority issue and stakeholders did not raise significant concerns regarding the framing of child labor requirements in the Framework. However, a few additional refinements were recommended. DRC stakeholders requested more definition around children and youth ("children under the age of 18" are referenced in 2.2.1, but no age or other distinctions are made in other requirements). State actors advocated for the definition to be reformulated as child protection and not limited to child labor in order to capture a fuller picture of children's participation in the sector. Additionally, the Framework could have pre-investment requirements parallel to how other risks are addressed, i.e., a requirement to raise awareness of child labor and create and implement a policy addressing child labor. Finally, some stakeholders recommended that mitigation measures include more engagement with effective, local organizations when children under 18 are found on-site. Rather than liaising solely with parents and guardians, artisanal organizations should identify and systematically collaborate with reputable, local entities engaged in the care of children, including NGOs, child protection police, and the Ministry of Social Affairs. Additionally, there could be more specificity regarding removal of children from the mine site and delivering them to safe care.

- d. Compensation (2.7) and Living Income (2.9): International and DRC stakeholders noted some structural issues with requirements related to compensation and living income. Notably, minimum wage in the DRC is kept very low, currently at 1,680 Congolese Francs (equivalent to \$0.84 USD as of August 2021). This does not represent a living wage. Some also observed that the sector’s “comparable wage” is being driven down year to year, and thus defining minimums in these terms may not benefit workers.

DRC and international stakeholders also noted that there are very few employees and salaried staff (e.g., only 3-5 office employees per cooperative) compared to the population of laborers in the artisanal sector. Thus, compensation terms specifying staff is not applicable or meaningful to most artisanal workers. As well, it was noted by DRC stakeholders that well-governed cooperatives should recognize miners as members first and foremost and not workers. The latter tend to be subject to exploitation, whereas the former—if in keeping with the Organization for the Harmonization of Business Law in Africa (OHADA)¹⁰—would respect miners’ rights and democratic life.

To account for this context, stakeholders made suggestions such as considering garment industry models or those used by international NGOs, in which the cost of a common goods and services such as basic nutritional needs, housing, healthcare, education, and savings is analyzed for a local economy to inform a proposed living income. Another suggestion was to peg any compensation metrics on living income to the US Dollar to mitigate against inflation.

Principle 3: Respecting and Complying with the Law

Legality with regards to mine site, cooperative, and miner registration status was a key topic for international stakeholders, particularly with regard to whether these are considered pre-investment or continuing improvement requirements. Stakeholders also urged including definitions of legality within the Framework. DRC stakeholders consistently recommended that references to national laws be more consistently explicit, which would also render the Framework more technically precise and robust.

This principle also references following EITI as a best practice; Congolese civil society argued for requirements to include publication of payments to the State and its “centralized entities”.

Principle 4: Ensuring Workers’ Occupational Health and Safety (OHS)

Health and safety issues were a primary concern to stakeholders across sectors. While there was general agreement that the Framework includes key issues, there were different views as to specific requirements should be defined, or at what performance category they should be set. These views were informed by a range of interests and priorities. Some stakeholders framed issues entirely from a human rights or supply chain risk standpoint, while others weighed both physical and economic security of miners. Ultimately, the Framework will be successful in addressing OHS challenges and objectives if it can address both safety and economic needs through its requirements, as well as implementation assistance and incentives.

¹⁰ OHADA’s Uniform Act on Cooperatives creates common definitions and requirements for the creation and governance of all cooperatives, unions, or federation of cooperatives in states which are signatories to the Treaty on the Harmonization of Business Law in Africa. The DRC is a State Party to the Treaty.

- a. Tunnels, open pits, and vertical shafts: Stakeholders broadly recognized that the status quo on tunneling and structures in artisanal cobalt operations is highly hazardous and unacceptable. There is widespread incidence of extremely unsafe horizontal and vertical tunnels in ASM cobalt sites and artisanal producers generally do not have the financial or technical resources to safely dig or reinforce such tunnels. Despite being legally prohibited, the government is not currently monitoring these sites and structures.

A number of stakeholders also acknowledged the economic motive behind this risk factor—the tunnels are a means of accessing profitable cobalt veins. Existing laws are insufficient to change conditions and incentives in the field without meaningful support, monitoring, and governance.

When considering possible amendments to the Framework’s requirements on tunnels, stakeholders shared specific clarifications or ideas including the following:

- As written, the Framework may conflate terms such as open pits versus underground tunnels, including vertical or horizontal shafts or galleries. DRC law and the CTC prohibit underground work of any kind on artisanal mine sites, with 30 m depth limits set for open pits rather than underground tunnels. As with other legality issues in the Framework (e.g., ZEA status), those implementing the Framework should determine whether full legal compliance is the intended benchmark, or a transitional and progressive improvement approach to compliance will be used.
- The Framework could prohibit underground tunnels and shafts.
- If taking a transitional approach to compliance, there could be a role for risk assessment and mitigation, recognizing that tunnel structure rather than depth alone would impact safety. For example, pre-investment requirements could include mapping, risk assessment, and a mitigation plan (including closure of unsafe tunnels) for all underground tunnels or shafts.
- The Framework could distinguish between existing and new tunnels (e.g., prohibition against additional or new underground structures).
- If the Framework could in future add requirements for other upstream, midstream, and downstream actors, an option could be to require offtakers to take on responsibility for removing overburden or filling tunnels and pits.

- b. Personal Protective Equipment (PPE): International stakeholders recommended additional clarification as to what is expected as “appropriate PPE,” as well as who is meant to provide PPE (e.g., cooperative leaders, external funders). There was also recognition of the importance of meaningful PPE training so that PPE use achieves its intended safety objectives.

DRC stakeholders discussed the extent to which PPE should be a pre-investment or continuous improvement requirement, with some mixed views but with a common view on the need for awareness-raising about PPE as a first step. Some expressed that cooperatives should independently account for PPE needs within their operational costs, while others said that some cooperatives cannot afford PPE.

Given these different circumstances, local stakeholders generally recommended that the Framework include PPE in the continuous improvement section so as to not limit economic opportunity.

- c. Incident Reporting: Feedback from the consultation from all stakeholder groups and among DRC stakeholders in particular, reinforced the importance of timely recording and reporting on health and safety incidents by supply chain actors, including cooperatives.

Principle 5: Contributions to Community Development

With regards to relocation and just compensation, participants in the Kinshasa workshop collectively agreed to a re-wording of the intent behind Principle 5. They specified that if households have to move to make way for an organization’s activities, “appropriate compensation” be adequately and equitably defined as a level of economic well-being that is “superior to that which they had prior to being relocated.”

Principle 6: Protecting the Environment and Stewarding Natural Resources

Some private sector actors in the DRC challenged Requirement 6.3.1, whereby the organization is expected to “maintain and execute a rehabilitation and mine closure plan” in line with legal requirements and contribute to the rehabilitation funds. They pointed out that mining cooperatives are already paying taxes to the State for site rehabilitation. As such, it is viewed as a State responsibility and the cooperative should not be doubly burdened. They asked that this requirement be removed.

Principle 7: Trading Transparently and Fairly

International and DRC stakeholders emphasized the importance of transparency within the Framework as a document, and in processes to revise, adopt, and implement the Framework. With regards to Principle 7 of the Framework, some observed that transparency and fair practice is critical throughout the supply chain. Understanding fair practice and pricing requires transparency first and potentially action to distribute benefits among supply chain actors.

Crosscutting: Economic Inclusion, Non-Discrimination, and Prohibition of Physical Abuse

DRC stakeholders recommended a number of additional requirements to support DRC actors and to prevent discrimination and abuse of nationals by non-nationals. In Principle 2, one recommendation was for organizations to introduce rules to “avoid discrimination” or unequal treatment of nationals (e.g., where nationals and non-nationals have different toilets, or where corporal punishment is used against nationals). It was also suggested that, as part of Principle 7, there should be regulations or provisions that favor DRC ownership of depots and *comptoirs*. On the theme of discrimination, whereas Principle 4 speaks of inclusivity, Provision 4.1 indicates that only those that are physically able should be allowed to work on site. Stakeholders advocated that the Framework should favor supporting or accompanying individuals with physical disabilities and not ban them.

Crosscutting: Gender

Women’s rights and specifically labor rights are an issue in which international norms—including as represented in the Framework—do not necessarily align with DRC’s Mining Code or all DRC stakeholder perspectives. For example, the Mining Code does not allow for pregnant women working at mine sites, and in the Kolwezi consultation, some state actors suggested additional

prohibitions of nursing mothers from working on site. At the same time, a national state representative in the Kinshasa workshop expressed support for the Framework's inclusion of women's rights and the explicit references to sexual and gender-based violence which align with the government's stated priorities.

There was no prevalent call to amend the Framework on gender themes, although topics related to gender and women's rights and some of the suggested edits to the Framework may merit further targeted discussion. It is recommended that this discussion involve more women who are directly and indirectly dependent on, or affected by the sector, to shed further light on the impacts of existing laws and regulations on their lives. This reality and their needs could inform alignment or at least clarify how the Framework will and will not align with local law and expectations, and the accompanying rationale.

Crosscutting: Youth Representation and Voice

Just as it is critical to ensure that women and gender equity are integrated throughout the Framework, DRC stakeholders also noted that youth (including those 18 years and over) must also be recognized and integrated as a distinct and important key stakeholder group from whom consent must be acquired, who are deserving of a place at the table and in decision making, and be included when promoting non-discrimination and equality.

Crosscutting: Other Roles – LSM, Midstream, Downstream

Linked to a range of issues and the general context of the ASM cobalt sector, a number of stakeholders mentioned the critical role of large-scale cobalt mining companies, midstream, and downstream supply chain actors in participating in and enabling progress in the sector. As described in the introduction of this report, many objectives and requirements of the Framework, including identifying potential ZEAs and enabling legal designation or a similar agreement allowing artisanal access to sites, relies on other actors. Fair pricing, investment, and other engagement and support by midstream and downstream actors is also a critical success factor. For these reasons, some stakeholders suggested that the current Framework may benefit from one or more additional principles on LSM, midstream, and downstream roles and responsibilities, or another accompanying set of elements linked in some way to the artisanal producer-focused Framework requirements.

7.2. Assurance: Auditability and Chain of Custody

Another characteristic that stakeholders highlighted in detailed feedback is the “auditability” of the Framework. While this is an element that may link more directly to its operationalization (see Section 8), many stakeholders highlighted the need for the Framework to have a format, definitions, and accompanying guidance to enable monitoring and evaluation, measurement of progress over time, and independent validation of assessment and reporting. While some may view assurance primarily as a tool for progressive improvement and economic development, others have a somewhat narrower compliance frame. These goals need not be in opposition, with strong cross-sector stakeholder interest in the Framework being a tool to spur and measure real, positive impact, including risk mitigation when problems are identified.

Monitoring and reporting on Framework implementation at the mine site level would also be complemented by a fuller assurance mechanism, including chain of custody and traceability to midstream and downstream due diligence systems. Chain of custody not only supports supply chain due

diligence, but can inform national production estimates, and generate better data on the cobalt trade and insights as to the extent of legal and illicit trade, provided this information is accessible to decision-makers and relevant stakeholders beyond certain programs, initiatives or systems. Chain of custody and traceability were not raised extensively in the consultation but echoes expectations of other minerals, industrial and artisanal, and presumably will be an important part of future discussions on the Framework.

7.3. Format and Usability of the Framework

Stakeholders shared a number of recommendations to improve the user experience and understanding of the Framework, including the following:

- Add definitions of key terms and acronyms. While the Framework’s format or structure was generally thought to be clear, there were many comments about the need for clearer and more consistent terminology and definitions throughout. This was both a general recommendation and one pertaining specifically to French terminology. DRC stakeholders expressed that the lexicon in French needed to be that which is used in DRC and more consistent with existing legal texts. Several of the recommendations captured in Annex 3 reflect this.
 - Clarify “legality.” Much greater clarity is needed in defining what is meant in the Framework with respect to “complying with the law.”
 - Add citations to DRC Mining Code, other national or regional law, standards (e.g., CTC), and international standards, guidance, and other normative frameworks. Adding these details will help clarify the source of, or rationale for, certain Framework elements. It will allow stakeholders to research and learn more about these documents and also likely give greater credibility to the Framework by showing its grounding in accepted national and international public and private governance mechanisms.
- Make the Framework more searchable and sortable. Some stakeholders may prefer to view the Framework by pre-requisite, pre-investment, continuous improvement, and best practice requirements, rather than by principle and provision. This flexibility and functionality can support different roles, positions, and interests of various users.

8. Stakeholder Feedback on Framework Operationalization

All participating stakeholders were interested in learning more about the planned process for implementing and monitoring the Framework.

8.1. Implementation

Throughout the consultations and as next steps, DRC stakeholders recommended a multi-stakeholder approach to finalize the Framework as well as to implement and monitor its implementation. Some proposed the establishment of a Monitoring Committee (*comité de suivi*) or a Cooperation Framework (*cadre de concertation*). A Coordination Mechanism was also suggested, which could host quarterly meetings to share information and coordinate. In Kinshasa, stakeholders suggested a Committee of Stakeholders as a clear and transparent mechanism for control, and monitoring and evaluation, stressing that this should be a permanent structure.

Stakeholders identified a number of conditions required for effective implementation of the Framework:

- **Basic awareness raising:** Stakeholders suggested information sharing on national laws applicable to the sector, the OECD Due Diligence Guidance, definitions within the Framework, model

policies, and templates. It was suggested that information sharing could occur across the provinces in various locations and days.

- Flexibility and adaptability: Congolese stakeholders indicated that if there is too much rigidity and too little adaptability to the local context, the Framework would be unworkable and not be applied.
- Relationship to other governance tools and standards: It was recommended that CAP consider options for interoperability between the Framework and other voluntary tools/frameworks/standards, starting with clear benchmarking. In DRC, stakeholders suggested moving away from a voluntary approach to make the Framework binding on all supply chain actors.
- Enabler of higher standards: CAP could also consider the Framework as an “enabler of the CTC,” and of the realization of higher standards as part of a continuum.

As mentioned elsewhere, stakeholders also shared issues and concerns which are important to comprehensively address the challenges in the sector, but which are beyond the scope of the Framework to resolve. These include the following:

- The limitations of the agency of ASM actors and questions linked to new Government of DRC directives and structures.
- The role of LSM companies: How to ensure that LSM is equally held to higher standards and what constructive role will they play make viable ZEAs available to artisanal miners?
- The role of mid/downstream companies: Without widespread engagement of mid- and downstream companies, there could be a two-tiered artisanal cobalt market in which a small number of “responsible” mines will have legal status and sourcing opportunities with formal markets. The majority of mine sites will continue to lack access to investment and therefore lack incentives to improve performance, although production and trade will continue.
- Land rights and access to viable ZEAs in a way that is secure and incentivizes artisanal miners: It is unclear what legal recourse and tools the Government of DRC may have at its disposal to cede land currently held by LSM companies to ASM cooperatives. For example, can this be done via a series of derogations, on a case-by-case basis, or by exemptions granted by the Minister of Mines? What incentive does the Government have to do so if it means taking away land from LSM? If and when ZEAs are made available, there remain outstanding questions about how artisanal miners would be absorbed in ZEAs in fair and ordered ways. How then can we move beyond a model mine approach? What do alternatives look like?
- The absence of land rights for the vast majority of Congolese in the region has translated into a lack of viable agricultural land and, relatedly, growing food insecurity. In fact, this food insecurity drives more and more people into informal artisanal mining, which only adds more pressure on the land and exposes more and more people to sector-related health and safety risks
- The Framework does not account for legacy environmental impacts from historical activities.
- The Framework’s success is also linked to governmental monitoring and enforcement, (e.g., labor inspectorate), or ways to address gaps in state roles. Congolese stakeholders also requested that the government should take on roles of surveying and exploration, to identify potential new, viable ZEAs.

8.2. Monitoring

Companies expressed the importance that the Framework be auditable, providing assurance to off-takers, downstream, and customers that mine site conditions are safe and respect human rights. This is linked to compliance and a company's own risk management and accountability.

Also referenced was the need for evidence of meeting the Framework's requirements and progressively improving over time. Such assessments could be included in audits (but not necessarily), or be carried out as self-assessments and/or independently by third-party assessors. Logically, these must also involve the state's regulatory agency, ARECOMS, once it is operational.

As well, a robust Monitoring and Evaluation (M&E) system could identify the impacts of the implementation of the Framework against its stated objectives and, ideally allow for learnings to be identified and to inform policies, programming and supply chain interventions. This is similar to the intent of the OECD M&E Framework that was launched in April 2021 as linked to the implementation of the OECD Due Diligence Guidance. In fact, there is an opportunity to build off the OECD's investment and align M&E frameworks and approaches, allowing to amplify learnings across commodities. The Framework aims to realize development objectives that extend beyond miners' working conditions and livelihoods to the "quality of life of mining communities," further underscoring the importance of a M&E framework that is fit for purpose and includes measuring development impacts.

Stakeholders emphasized the need to clearly communicate expectations regarding audits, self-assessments, third party assessments, and monitoring and evaluation systems. Some system is required in order for the downstream to have confidence in the Framework. "This is an industry obsessed with assurance," one stakeholder said. They added that the Framework in its current iteration doesn't describe this. As well, the Framework would also need to pair with a broader assurance system (e.g., chain of custody or traceability). Several Congolese stakeholders also questioned how the Framework supports traceability, chain of custody systems, or supply chain transparency more broadly. Making that link more explicit would maximize the utility or value of investment according to some, connecting the behaviors of supply chain actors with impacts upstream and in the everyday lives of women, men, and children in artisanal cobalt mining and mining-affected communities.

8.3. Process

While Congolese stakeholders generally thought that the Framework brings added value to the challenges of the cobalt sector, concerns over CAP's legitimacy, foreign imposition, and disrespect for existing national laws and systems still need to be acknowledged and addressed. This was made apparent when raised in the two aforementioned Congolese NGO letters.

Stakeholders generally seemed to appreciate the daunting challenge that CAP has committed to take on. However, CAP and the GBA's internal governance and communications' challenges are legacy issues that continue to frustrate members. Meanwhile in the DRC, while CAP's recent shift to attempt to genuinely partner with DRC stakeholders is appreciated, there is a call for further involvement, including direct participation of the Government in designing and building the Framework. The next steps will be critical. Goodwill, engagement and initial buy-in will only be sustained if there is clear and regular messaging about the process and decisions in a transparent way. As well, there needs to be robust conflict-of-interest protocols and practices within the GBA and CAP to ensure transparency does not undermine individual and collective efforts.

For many stakeholders, transparency in decision making vis-a-vis the uptake of the consultation's recommendations will be a key determinant of the Framework's potential success. Implementation and monitoring will require clearly defined and communicated processes to bring all stakeholders on board. For DRC stakeholders, respect for DRC sovereignty, laws, regulations, and roles will need to be evidenced at every stage. The extent to which the Framework is multi-stakeholder-governed tool going forward will also be key indicators of legitimacy. The meaningful participation of artisanal miners and local communities—women, men, and youth—in the further refinement of the Framework, its implementation, and monitoring will be important.

Finally, there is considerable frustration in the perceived duplication of supply chain interventions and child labor programming by international actors in the Congolese artisanal cobalt space, with varying degrees of local engagement and ownership. Most expressed wanting more clarity on benchmarking, the identification of strengths and gaps of each existing standard in order to better articulate and leverage what was felt to be the Framework's value addition. Using the Framework for shared learning about standard setting and implementation, as well as ASM formalization with global application was equally important to those who are already involved in a plethora of standard-setting exercises across commodities.

9. Stakeholder Feedback on a Funding and Investment Model Coordination

The concept of a technical assistance funding model is, by design, essential to realization of the Framework's objectives. DRC and international stakeholders across the consultation underscored this point, voicing support (and demand) for the critical need for investment, along with both design recommendations and important questions about how funding could be successful in practice. The integration of a technical assistance model directly into the Framework itself is also one of the key differences with existing standards.

This consultation did not collect information on funding levels (e.g., amount of annual or one-time contributions that companies or donors would be willing to commit to), but sought input on questions of whether, for what purposes, and under what conditions a funding model could be feasible and of interest.

9.1. The Potential and Priorities for Contributions

The multiple existing public- and private-sector-funded initiatives are evidence that companies and donors are willing and interested in supporting supply chain and development initiatives in the ASM cobalt sector and surrounding communities. GBA CAP, FCA, Cobalt for Development, RCI, UNICEF, the EGC-Trafigura collaboration¹¹, emerging work via CSR Europe, and other activities remain active and funded in and around Lubumbashi and Kolwezi. It is important to note that in the DRC and international forums such as the OECD, Congolese stakeholders and civil society in particular have repeatedly criticized the funding of international NGOs, entities, and consultancies which they feel overshadows local capacities, devalues local knowledge and expertise, and consumes a large share of much needed project resources.

¹¹ *Mutoshi Pilot Project*. <https://www.trafigura.com/responsibility/responsible-sourcing/mutoshi-pilot-project/>

Stakeholders in the third webinar were asked to rank potential criteria for prioritizing allocation of funds. While the sample size was modest (17 participants), a basic pattern included highest prioritization for fund allocation to mitigate the highest risks, maximizing equity and inclusivity, and maximizing number of individuals positively impacted; a medium prioritization of maximizing long-term, community impact; and less relative priority placed on maximizing funding to support artisanal producers best poised for continuous improvement, or for interventions to support downstream sourcing.

While it was challenging for companies to share detailed feedback of how they might engage in a coordinated funding model at this early stage, most companies indicated general interest in learning more and would be open to considering a future contribution of some type. Companies and other stakeholders shared several, high-level categories for funding priorities:

1. Sector-wide downstream co-funding to establish, monitor, and report on sector-wide upstream systems: While a main idea of the funding model is around delivering investment once certain “pre-investment” benchmarks have been achieved, most energy in the consultation was around activities to support the artisanal sector within the pre-investment category. As one stakeholder described, a top priority for investment should be on those activities which represent the gap between performance that artisanal producers can achieve independently and performance aligned with downstream sourcing expectations. Another observation was that a funding model should be sector-wide versus site-specific because miners and cooperatives move. Training should be supported for the same reason, given movement of miners between sites. Funding focused at a sector or regional level could also address a potential challenge that companies may have in directly funding cooperatives or other, specific organizations which would require know-your-customer (KYC) vetting.

A number of companies underscored the importance of broad, near-term private sector participation in funding the establishment of foundational tools and systems (e.g., risk assessment and management, grievance mechanisms, monitoring, chain of custody), applicable to the entire sector, both as a shared responsibility and to help ensure multi-stakeholder collaboration and appropriate market competition. Examples of ASM cobalt-sector-wide activities which are particularly logical as a shared responsibility of the full supply chain could include regional awareness raising, capacity building or train-the-trainer for miners or mining organizations, support for establishing management systems, drafting and disseminating model policies on key risk areas (e.g., anti-corruption, child labor), and similar activities which would support overall improved awareness including of basic legal texts applicable to the sector, and early steps to professionalization and improved management in the sector.

Stakeholders in the webinars also recommended funding efforts to mainstream gender issues and expand women’s access to mine sites, or regional efforts to identify legal artisanal cobalt sites.

There are also several, critical regional or sector-wide activities to fund regarding operationalization of the Framework, including monitoring, evaluation, and reporting, as well as general communications and awareness raising about the Framework itself, and the funding model. Communications ideas raised by stakeholders in the webinar included visual guidance about Framework, and descriptions of practical impacts of Framework

implementation to illustrate local value. These could be distributed via on-site visits, WhatsApp, radio spots, social media, local “champions” or leaders, and local NGOs.

2. Mine site-level investment: There were at least three types of mine site-level investment referenced including 1) early funding to support “pre-investment” performance or early direct costs such as PPE; these would largely overlap with sector-wide needs described above; 2) investment to be approved once a pre-investment performance level has been achieved, in support of further continuous improvement benchmarks; and 3) “best practices” investments which go well beyond the scope of what many companies and stakeholders see within reach of most sites at this stage. In the webinar, a specific recommendation was to fund actions to address physical safety risks at sites, such as removing overburden and assisting ASM producers to safely access ore.
3. Supply chain investment: Another key factor in funding for some would be the ability to link the mine site-level work of the Framework to responsible midstream minerals assurance systems (e.g., Responsible Minerals Assurance Program, RMAP). Companies have interest in knowing how funding implementation of the Framework would enable artisanal cobalt to enter systems with credible, independently validated processors and supply chains. Companies also recognize the importance of due diligence cost-sharing, as has been discussed by stakeholders in and around the OECD Forum on Responsible Mineral Supply Chains over the past several years.
4. Community development and international development: Many companies also expressed interest in supporting community development, including energy access, education, livelihoods development, and other projects. One stakeholder noted that the Framework’s best practices category could provide funders with ideas about additional community development projects, even if those investments are not tied to a specific mine site. An example of this could be 2.2.3, “The organization shall support efforts to foster school attendance and after school activities for children/families connected to the mine site.” In the webinar, stakeholders raised ideas such as youth education and employment opportunities, as well as strengthening the capacity of local authorities.

Others underscored and recognized that development is not about addressing symptoms but tackling root causes of informal, unsafe mining and child labor, which, when coupled with a M&E system designed based on best practices, can have lasting change. Distinguishing between community development and development to address root causes could be addressed within or external to a Framework-linked funding model.

Additionally, a stakeholder in the webinar encouraged the use of funds to support a second phase to the Framework consultations, to build agreement on requirements and align artisanal cobalt standards.

While most consultation discussions centered around private sector funding, stakeholders also observed that cobalt’s status as a critical mineral may make it attractive for more conventional investment, beyond corporate social responsibility or supplier engagement funding. As it has been difficult for companies to hedge and ensure security of cobalt supply, this could present conditions attractive to investors, such as through futures contracts or other investment vehicles. Investors were not interviewed in this consultation, but this could be a topic for future exploration.

Categories and priorities for funding are not mutually exclusive, which is also reflected in the significant number of and multiple types of ASM cobalt initiatives today. One company specifically noted that it would consider both early ASM cobalt sector or early mine site-level funding to enable pre-investment performance, as well as further supply-chain-specific investments to get artisanal cobalt from an assurance mechanism into supply chains. A funding model could accommodate multiple types of investment based on a holistic design, or via coordination and delineation between different funds focused on different categories of activities.

9.2. Governance, Coordination, and Conditions of Funding

Companies and other stakeholders also gave feedback on governance, structure, monitoring, and transparency conditions that would be important to supporting any funding model:

1. Transparent and open decision making, monitoring, and reporting. Stakeholders emphasized the importance of transparency and reporting about the Framework's implementation and impacts, as well as in decisions and actions related to the funding model and resource allocation. They noted that decisions should be based on clear criteria, linked to Framework requirements and documented, progressive improvement. Stakeholders noted that transparency supports good governance and accountability, as well as shared learning, to inform future work linked to the Framework, other initiatives, and the ASM sector more broadly.
2. Multi-stakeholder and locally-inclusive governance. Many stakeholders highlighted the importance for tripartite or multi-stakeholder governance including strong, local engagement of miners, civil society, women, and youth. In DRC, recommendations were not specific to funding but to the overall governance of the Framework and its implementation, which includes funding.
3. Local implementation partners to recognize local expertise and reinforce local capacity. International and local stakeholders also highlighted a key funding condition that resources for training, outreach, sensitization, monitoring, and other activities envisioned for a funding model should prioritize local experts and organizations, such as through identification of a roster of local NGOs and community-based organizations. This approach would further enforce the Framework's Principle 5 on contributions to community development.
4. Coordination or consolidation of initiatives: While there was broad recognition of the need for funding to support progressive improvement in the artisanal cobalt sector, a significant theme within the international consultations was the need or even a precondition to significantly enhance cooperation among initiatives working in artisanal cobalt mines and nearby communities. A number of company representatives called for structured coordination among multi-stakeholder, public, and private initiatives, with some advocating for an additional step of consolidation or merging of initiatives. At a minimum, stakeholders recommended a clearer mapping of initiatives and a harmonization or coordination effort of some level.

Some stakeholders also voiced support for a funding model that could be a vehicle to pool resources from and deliver resources to multiple initiatives. For example, if another initiative (not necessarily linked to the Framework) has been working on-site with one or

more cooperatives over time and can document progress toward Framework requirements, these sites may be candidates for investment from the fund. Additionally, training materials or manuals from one initiative could be shared with and adapted by others. One company indicated that they would contribute funding not individually but rather through RMI (presumably encouraging other members to contribute as well), as part of an industry- and sector-wide activity.

5. Direct supply chain or sourcing link (mixed). As described above, many companies and stakeholders emphasized the importance of funding sector-wide, baseline activities such as sensitization, capacity building, and establishing conditions to enable the implementation of the Framework and related activities. With this in mind, many prospective funders would not necessarily need a direct supply chain link or sourcing possibility to contribute funds. However, a direct supply chain and sourcing link may be a rationale needed by some companies to make a funding justification. Some observed that there is a high likelihood that artisanal cobalt from the DRC is in most major supply chains, although it is not necessarily mapped as such through formal systems. One company indicated that it would specifically tie any funding decisions about the Framework to the likelihood of sites becoming legal. Another company representative asserted that funding should not be decoupled from commercial engagement, in that funding is needed, but for ultimate success, downstream should also be willing to accept artisanal cobalt in their supply chain.
6. Mitigation against corruption, elite capture and discrimination. While local engagement and shared decision making is critical, any fund must also manage the potential for corruption and elite capture, risks which are embedded in structures and institutions which will likely participate in the Framework and funding model. Concern about corruption but also discrimination against DRC stakeholders are significant factors in calls for a transparent, tripartite governance model.

10. Consultation Conclusions and Recommendations

The Framework consultations yielded extensive, insightful, and valuable feedback on its content, implementation, resourcing, and enabling conditions. We acknowledge that we have likely not captured all of the considerable volume of feedback received, but hope that those who participated see their views represented and that they will remain engaged in helping inform and guide the evolution and implementation of the Framework.

In this section, IMPACT and RESOLVE share additional observations and recommendations. It does not replace the many, detailed stakeholder recommendations in previous sections and annexes – including specific feedback on the Framework requirements – but rather is intended as an additional set of ideas and actions for CAP’s consideration, based on the consultation and our collective experience.

10.1. Setting Realistic, Clear and Measurable Expectations

“Established by the Global Battery Alliance (GBA) in 2020, the CAP’s vision is to immediately and urgently eliminate child and forced labor, strengthen communities, and respect the human rights of

those affected by the value chain.”¹² In other public communications, the CAP indicates that its members have come together to “foster transparent and evidence-based responsible cobalt value chains to improve safety and working conditions, promote gender equality, address corruption and human rights abuses such as child labor and forced labor, mitigate negative environmental impacts, and meet ambitious sustainability targets, consistent with national regulations and relevant international standards.”¹³

CAP’s vision is appropriately ambitious. However, the Framework—which is limited in scope to artisanal cobalt organization interventions—should not be expected to address deep structural issues, eradicate poverty, and eliminate corruption. Lessons learned and research from other artisanal mining initiatives have demonstrated that responsible production and trade do not necessarily translate into development and security dividends at the broader community level, least not for the most marginalized.¹⁴

Thus, parallel to its further development of the Framework, we recommend that CAP develop a theory of change and program logic model. While CAP’s long-term goals are appropriately comprehensive, the Framework is one of many types of tools and interventions which will be needed from many actors to achieve it. Delineating the specific outcomes which the Framework is designed to achieve will help define indicators against which CAP will measure the Framework’s progress and set appropriate stakeholder expectations as well as clarify the extent of CAP’s accountability. A logic model can also illustrate complementary and collaborative activities that CAP members support, beyond the scope of the Framework, to achieve the long-term vision.

10.2. Establishing a Foundation of Transparent, Cooperative Governance

Meaningful, ongoing stakeholder engagement and communications will be an essential success factor for the Framework and more broadly, for the artisanal cobalt sector and CAP’s suite of activities and program. As such, CAP should consider structures and activities to enhance credibility and legitimacy with regard to overall governance, transparency, and stakeholder engagement. Some of these steps may have been taken or may be in development, but a lack stakeholder communications or awareness about roles and process has and will continue to significantly impact any products or activities of CAP.

Define and communicate GBA and CAP roles and governance structure. GBA and CAP should more clearly and transparently define roles and responsibility of different entities and groups, including GBA membership and structures, and specifically as related to the CAP Technical Committee, Steering Committee, Partners, and the Project Management Office. A charter, terms of reference, or similar document should be shared on the GBA website, or a CAP-specific website. This charter or an annex should be updated with specifics about the Framework’s governance and implementation.

¹² Global Battery Alliance Cobalt Action Partnership Overview, September 2020.
<http://www.responsiblemineralsinitiative.org/media/docs/GBA%20Cobalt%20Action%20Partnership%20Overview%20Sept%202020.pdf>

¹³ “DRC Minister of Mines Joins Cobalt Action Partnership,” *UNICEF*, December 23, 2020,

<https://www.unicef.org/drcongo/en/press-releases/drc-minister-mines-joins-cobalt-action-partnership>.

¹⁴ PRG, IPIS, SFR, and Ulula. Evaluating Due Diligence Programs for Conflict Minerals: A Matched Analysis of 3T Mines in Eastern DRC. Los Angeles and Antwerp, 2020.

Within the articulation of roles and responsibilities, CAP should describe and distinguish between those participants who will be in a consultation and advisory role, those with decision making authority, and those who “own” or maintain the Framework. As additional, formal roles may be added, including for implementation or fund management, additional terms of reference should be detailed and shared publicly.

The terms of reference should also describe protocols for membership or participation, communications, and decision making, including under what conditions consensus will be sought, among whom, and how consensus will be defined. If these already exist in some form (e.g. in the GBA’s Charter), it may be helpful for CAP to make these terms public, and revise or bolster them where needed for further clarity of process.

Create and publish a CAP technical work plan and stakeholder engagement plan. CAP has been actively engaging with a range of partners, but there have been questions and confusion about CAP activities, products, and the longer-term vision and opportunities for stakeholder engagement among external and some internal CAP partners. Increasing communications and information-sharing with internal and external groups, interested parties, and stakeholders can promote awareness, mitigate concerns about transparency, and highlight entry points for interested prospective partners or other stakeholders. More specifically, an annual work plan and stakeholder engagement plan can identify milestones for what CAP will do and how stakeholders can feed in to these activities.

Integrate local expertise and improve equity. In the DRC and international forums, Congolese stakeholders and civil society in particular have repeatedly criticized the funding of international NGOs, entities, and consultancies which they feel overshadows local capacities, devalues local knowledge and expertise, and consumes a large share of much needed project resources.

We also acknowledge the need for long-term work to de-colonialize the development sector.¹⁵ Additionally, we acknowledge that structural racism is embedded in all aid, as well as responsible sourcing and determinants of risk.

This is a significant issue impacting CAP and the Framework, and also applies well beyond CAP’s scope. We acknowledge that we have not meaningfully addressed it within this report. Nonetheless, we encourage CAP to consider how to maximize “localization” and equity of the Framework and its implementation, as a tool to build local benefit and support human rights without using risk as a rationale to disengage.

Scope potential role as a focal point between the DRC Government and international stakeholders. CAP has an opportunity to serve as a connector between the DRC and international stakeholders, offering a platform for engagement and information-sharing. A representative of the DRC’s national Ministry of Mines has indicated to CAP that it is directly approached by an increasingly dizzying number of international stakeholders, and expressed its aspiration to CAP that—given the breadth and depth of its membership including its important and growing collaboration with RCI—it acts as a single contact and coordination point with the international market. This would free up valuable Ministry resources to focus on its challenging

¹⁵ Time to Decolonise Aid, *Peace Direct*, May 2021, https://www.peacedirect.org/wp-content/uploads/2021/05/PD-Decolonising-Aid_Second-Edition.pdf.

work. In response to this direct request, CAP should also consider offering to advise the Government on international market expectations as it implements its new directives.

It is also suggested for CAP to follow up on the stated commitments of the Government of the DRC, ARECOMS, and EGC by engaging with these entities on a regular basis to understand and align with national systems as they evolve. We support what we understand to be CAP's intent to meet with officials and take the time to discuss key issues face-to-face as part of near-term next steps and before any future workshops.

Initiate more formal and regular coordination with international initiatives and systems. GBA and CAP, along with other industry and multi-stakeholder responsible sourcing and development initiatives working in the DRC cobalt sector (e.g., RCI, FCA, Cobalt for Development, EGC-Trafigura collaboration), should commit to constructive, cross-program coordination and agree on a shared plan for information-sharing and communications at a minimum, while exploring other potential synergies.

Programs may ultimately decide on a range of approaches, from non-cooperation and competition, to delineation of distinct purposes and scopes, to active collaboration, or even consolidation of specific activities or programs.

Whatever the outcome, it is incumbent on internationally-funded initiatives to clearly communicate their respective program goals in order to minimize confusion in the ASM cobalt sector and to maximize impacts of investments. Please see recommendations below related to Fund development for further discussion.

N.B.: This is not a recommendation to limit market competition to a single implementer or operator, but rather a vision of programmatic coordination that allows for multiple, coherent systems to thrive, giving options to the artisanal cobalt sector.

10.3. Designing and Communicating a Post-consultation Stakeholder Engagement Process

During this consultation process, stakeholders across all sectors expressed interest in and concern about CAP's process for review and responding to stakeholder feedback, including building broader agreement on Framework requirements. Below are recommendations specific to near-term next steps, based on process good practice and our assessment of stakeholder interest and need. These should also be considered in the context of the above recommendations on overall articulation of governance and roles, work plan, and stakeholder engagement plans.

Prioritize transparency for trust-building, accountability, communication and to spur engagement. CAP should prioritize transparency in all its activities and products. This will start with the publication of this consultation report (already agreed to by CAP in the consultants' terms of reference), and should continue with information-sharing on next steps from the consultation, including the proposed process and content for Framework revisions and the rationale for decisions. Lack of transparency or lack of regular stakeholder communications and access to information about activities and decision making has significantly affected the standing of GBA and CAP with Congolese and international stakeholders. Designing for transparency across all activities can help maintain and deepen multi-stakeholder engagement, including strong DRC partnerships and encouraging international market involvement and investment.

Prepare and seek agreement on a revisions process. The CAP Steering Committee should prepare a proposed plan outlining steps, timeline, roles, and protocols for a Framework revisions process, also clarifying the extent to which they will seek consensus and among which entities.

Based on our current understanding of the process, variations on two main approaches could be practical:

- **Internal CAP Subcommittee + Targeted, External Consultations.** CAP could establish a subcommittee (of CAP members only) to work through stakeholder feedback on the Framework, identify specific issues needing further stakeholder deliberation, and undertake bilateral stakeholder consultations or stakeholder workshops to discuss key issues. These consultations should engage CAP organizations as well as stakeholders external to CAP, including Congolese stakeholders and RCI.
- **Joint CAP + External Stakeholder Working Group.** CAP could identify a relatively small committee of expert stakeholders, by invitation, to work through Framework revisions. The role of this group would be to review and discuss the full range of potential Framework revisions, from objectives and structure to detailed requirements, and their aim would be to achieve consensus (i.e., no major objections) on a revised Framework. Working Group members would involve those within and external to CAP, including Congolese stakeholders and RCI, and they would ultimately make recommendations to the Steering Committee for adoption. The Steering Committee would be responsible for communicating whether any consensus recommendations were not accepted and why.

There could also be hybrids of these approaches; for example, the Joint Framework Working Group could seek targeted input of external experts and stakeholders on specific issues.

No matter the process adopted, while the Ministry of Mines is part of the Steering Committee, we further underscore the necessity of the Ministry's concurrence with, and participation in the proposed process.

Further, any process will need to determine how to engage Congolese and Chinese stakeholders. There is strong interest in having crossover activities which engage all stakeholders, to promote information-sharing and better understanding of different stakeholder perspectives. Engagement mechanisms will not only have to be meaningful and inclusive, but accessible as well.

Finally, the process will also ideally include mechanisms for direct involvement of (e.g., as part of the committee) or at least clear consultation points with other ASM cobalt or related initiatives (e.g., Cobalt for Development) and main implementers of ASM cobalt standards (CTC, EGC). This will of course depend on interest and willingness to collaborate among these other initiatives.

Consider the Congolese-stakeholder-recommended 'restitution workshop' and longer-term mechanisms for engaging Congolese and Chinese actors. Within the plans for the revisions process, CAP should consider that Congolese stakeholders expressed that they needed more time than the consultation afforded, and also that they are highly interested and engaged and want opportunities to dive deeper. An interim or initial step could be organizing a 'restitution workshop' as a capstone for this consultation, for key stakeholder groups to summarize their

current perspective on the Framework and what they would like to see moving forward. There could be many benefits in organizing this to include international stakeholders as well (virtually), so all parties can hear the range of perspectives.

DRC stakeholders recommended establishing a permanent, multi-stakeholder committee to help finalize the Framework and help monitor its implementation. It was also seen as an essential mechanism for, and contributor to, the Framework's validation process underscoring how buy-in is a long-term endeavor.¹⁶ These ideas could be integrated with the overall stakeholder engagement and work plan that CAP designs in finalizing and launching the Framework and funding model.

Engage expert(s) in a technical review on alignment with DRC mining law. CAP should seek a more formal technical review with regard to the CTC, the DRC Mining Code, and other legal references or alignment questions. Several Framework requirements linked to CTC requirements or interpretations of the law may not be accurate or may need to be more legally precise and refined, such as those on tunnels.

Report out on next discussion draft and stakeholder process, with quarterly (or more frequent) stakeholder communications. Once agreed on process and protocols, and preparing an overall work plan and stakeholder engagement plan, CAP should establish regular communications with external stakeholders (in English, French and Chinese). CAP already has an extensive email list and can also maintain the consultation website over time for this purpose.

Consider ISEAL best practices. ISEAL's Codes of Good Practice provide guidance on effective and credible sustainability systems with multi-stakeholder governance. They are required for ISEAL members but publicly available as guidance. These include a Standard-setting Code (developing, structuring, and revising standards, including multi-stakeholder consultation and decision-making); an Assurance Code (assessing and reporting on compliance); and an Impacts Code (monitoring and evaluation, measuring progress). While these codes in full may be beyond the scope and resources of the Framework and CAP, they can serve as a touchstone for Framework design, stakeholder engagement, and impact monitoring.

10.4. Clarifying Framework Objectives and Enabling a Continuum

The Framework has five listed objectives:

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.

¹⁶ The general view emerging from the DRC consultations is that this process could eventually culminate in a formal approval of the Framework.

These objectives are all important and they are not mutually exclusive. Yet, they cannot be immediately or simultaneously achieved. This is particularly true in making decisions about defining which requirements will be prerequisites, pre-investment criteria, or continuous improvement criteria.

In light of this, CAP should consider two main questions:

- What objective(s) will be the primary driver for how CAP defines the pre-investment requirements (i.e., downstream/international expectations, current ASM sector capacity, progressive improvement)?
- How can the Framework accommodate higher performance expectations and spur this improved performance over time?

While specific levels must be defined, CAP should also consider casting the Framework as a multipurpose tool to document initial and intermediate steps towards the full realization of CTC implementation and eventually, EGC standards. In other words, the Framework could serve as 1) a defined minimum performance (e.g., at the pre-investment level), 2) a 'continuum' that attempts to capture all stages of the formalization process, and 3) guidance for investment to spur improvements all along that continuum, so that fewer artisanal mining producers and traders will be left behind.

Parallels can be drawn between the Framework and the Regional Certification Mechanism (RCM) of the International Conference on the Great Lakes Region (ICGLR).¹⁷ Member States committed to implementing the RCM as the entry-level bar, with the option of introducing more stringent measures, which the DRC has done. The DRC's national certification manual refers explicitly to its ICGLR commitment and standards (enshrined in national law) and uses the CTC, among others tools, to implement relevant components of the regional standards at a level that is higher than what the ICGLR sets out at the regional level.

The Framework similarly lays out minimum requirements while supporting the achievement of higher standards, and so could represent stakeholders' shared commitment to improving the sector. Companies, some of which will have supplier requirements which exceed pre-investment performance levels, could independently decide where they situate themselves along this spectrum.

A more thorough benchmarking exercise would support this application of the Framework. If the Congolese national regulations and standards that are benchmarked in the Framework (notably CTC and EGC) are made clearer and more explicit, the Framework can serve to lay out a pathway to supporting the realization of improved performance. Mapping the range of supply chain stakeholder expectations on this continuum would also support a gap analysis and desperately needed coordination, in partnership with the Government of the DRC.

The Government of DRC could also be encouraged to facilitate and formalize cross-recognition to foster coherence among tools, standards, and laws while retaining market competition.

¹⁷ The [ICGLR](#) is a 12-member regional intergovernmental organization committed to advancing regional peace, security and development. In 2011, all member Heads of State signed the Lusaka Declaration which formally recognized and launched the development and implementation of six (6) tools to combat the illegal exploitation of natural resources with a dedicated focus. A [Regional Certification Mechanism](#) applicable to 3Ts and gold is one of these tools, setting regional standards adopted by all 12 Member States.

10.5. Acknowledging and Integrating Accountability Mechanisms for Other Actors

Within the Framework, CAP should articulate roles and expectations of supply chain and government actors beyond artisanal organizations. For private sector actors, CAP could achieve this by creating one or more new sections and requirements in the Framework tailored to different supply chain actors, or by encouraging complementary, parallel, public commitments with measurable and reportable actions. Negotiating such commitments could be a significant undertaking, but such an effort would recognize and respond to the fact that LSM companies and actors downstream of artisanal organizations play an equally fundamental role in accomplishing Framework objectives.

10.6. Scoping and Establishing a Coherent, Coordinated Funding Model

Stakeholders made a number of important recommendations on designing and governing a fund to accompany the Framework, which we encourage CAP to consider in full. We additionally recommend steps in the early scoping and structuring of a funding model, especially focused on supporting a coherent, cross-program resource framework. We recognize the significant challenges of and barriers to coordination, but see particular opportunity in the artisanal cobalt space given its relatively limited geography, known supply chain, well-identified actors, established public and private sector relationships, and already actively engaged stakeholder population locally and internationally.

Map existing funds, initiatives, and funding priorities. Before launching a fund, CAP should map current funds and programs in the ASM cobalt space, and identify touchpoints, added value, unique contributions, and possible coordination mechanisms.

CAP could also use the Framework itself (e.g., provisions or requirements) to map priority topics for intervention and investment. CAP Steering Committee could begin this mapping, and later invite other initiatives to map their own priorities to the Framework provisions/requirements.

Formalize cross-program relationships. CAP can likely secure some level of funding for Framework-specific elements, but given resources that will be needed, Framework-specific fundraising will likely have limited reach and resources without a coordinated approach and without clear alignment with the DRC's priorities. Likewise, any individual initiative will likely face significant stakeholder questions and practical limitations on the ability to raise resources without meaningful effort to coordinate among other programs.

One example of a multi-donor, multi-implementer, multi-project initiative could be the Global Environment Facility-funded planetGOLD program¹⁸, which works in partnership with governments, the private sector, artisanal gold communities, and implementing organizations in over a dozen countries to improve ASM gold's environment and production practices. The program is also exploring access to finance.

Coordination on a funding model could have a spectrum of features and levels of formality:

- Creating a shared, cross-programmatic theory of change in alignment with the DRC's priorities for the sector
- Reaching agreement on what each initiative will fund (and seek funding on) for specific categories of work in close cooperation with the Government of the DRC

¹⁸ Learn more about planetGOLD: <https://www.planetgold.org/about>, accessed September 3, 2021.

- Identifying activities of interest to multiple programs, and agreeing to pool funds for one or more categories of work (e.g., all contribute a percentage to a cross-cutting category of work, such as regional training, site work such as removing overburden to meet safety requirements, or assessments/monitoring)
- Creating a pooled fund with decentralized implementation, i.e., to allocate to groups who may not be directly linked to any one program but which are supporting miners to achieve Framework objectives (and which can document this effectively)
- Developing a common and harmonized monitoring, learning and evaluation framework that measures progress against the cross-programmatic theory of change
- Agreeing to share select monitoring and evaluation data and reporting that contributes to sector-wide learning
- Jointly hiring a local coordinator to manage work across programs
- Establishing a cross-program governance group

We understand that CAP cannot do this unilaterally and encourage other initiatives to engage constructively. We likewise strongly encourage all public and private sector funders to encourage this coordination to the greatest extent possible, and to consider how individual objectives and investments fit within the full spectrum of what is needed to support the ASM cobalt sector.

Move quickly to secure and deploy early money and early “wins.” While there are many issues of coordination, governance, and fundraising to sort out and set up, CAP should consider “quick wins” or early investment to deploy as soon as practical. Following through on investment can bolster the local support for the Framework, which has general interest but remains entirely abstract or conceptual at this time. Choosing initial, early, and timely investments can maintain moment, interest, and engagement as CAP continues to refine the Framework and other engagement and governance structures.

10.7. Designing for Legitimacy and Credibility in the Framework and Funding Model Implementation

Throughout the consultation, stakeholders underscored the importance of investing in the Framework’s legitimacy and credibility – from design through to implementation and evaluation. These expectations extended to the Funding Model, which is a defining feature of the Framework.

Co-design with Congolese stakeholders. As described earlier, there are calls at a local and national level in the DRC to establish a multi-stakeholder committee to not only help refine the Framework, but to support its implementation, monitoring, and evaluation. Congolese engagement including but not limited to government entities will be critical to the Framework’s ongoing local legitimacy and success.

Create criteria and a process to affirm locally and internationally credible focal point(s) and manager(s). CAP should create a Terms of Reference with criteria for key roles, including Framework implementation; holding and managing funds; and monitoring, learning and evaluation, as well as reporting. Terms of reference should consider whether and how entities engaged in implementation may also play a governance role. These terms of reference should

be the basis for selection criteria and a selection process, whether an open bidding process, a selected by-invitation application process, or otherwise.

These terms of reference and the overall selection process would ideally be reviewed by, and support sought from the CAP Steering Committee and Partners. As always, it is critical for these steps to engage the Government of the DRC. Fund and field implementers will directly represent CAP funders and so legitimizing the selection of these actors will be important to the overall credibility of CAP's investments and other activities.

CAP should also publish the selection criteria and process, and terms of reference, for the awareness of all stakeholders.

Design and institute intervention and investment due diligence protocols to address conflict of interest, know-your-counterparty (KYC) risks, and to support OHADA principles. Due diligence should be applied to the funding model management, selection of implementing organizations, and allocation of investments and other funds. To support good governance and credibility of the Framework, those making funding decisions and receiving funds should participate in and publish public declarations of conflict of interest.

Investments in the ASM cobalt sector are critical to making change but should be designed to mitigate entrenched, elite structures which limit benefit to those with greatest power and political connection. Given trends in the leadership of cooperatives in the DRC, there is likely a relationship between artisanal mine sites which are largest and best positioned for investment, and involvement of politically exposed persons (PEPs). Thus, investments in specific organizations or mines should be conditional upon transparency of the funded entity. This should include KYC assessments and disclosures, including to determine the risk of PEPs associated with mining entities, a risk mitigation plan, and monitoring and reporting on progressive improvement. The CAP should also ensure that its Framework lays out clearer steps towards and measures of realizing the principles enshrined in OHADA.¹⁹

If current projects become affiliated with CAP or the Framework, the same protocols should also be applied, even if done so mid-project.

10.8. Considering Context and Enabling Conditions for Framework Success

As discussed above, in order for the implementation of the Framework to be feasible and for its objectives realized, CAP should consider several key conditions including barriers to formalization. Generally, artisanal supply chain actors—even those who are willing and able—are highly limited in how much they can do: they have little to no control over land rights and permitting, and at various points of the legalization process, they are entirely dependent on the government to play its role. As a partner to the Government of the DRC and as a membership organization, CAP can still play a role:

Engage for the creation of viable sites where artisanal miners can work safely and securely.
The Ministry of Mines should be encouraged and supported in its efforts to actively explore

¹⁹ DRC is a signatory to the OHADA convention that provides guidelines and a legal framework for the structure and governance of legal cooperatives: <https://www.ohada.org/en/> See the OHADA Uniform Act on Cooperatives: http://biblio.ohada.org/pmb/opac_css/doc_num.php?explnum_id=487.

avenues via which ZEAs or an equivalent solution—using existing legal tools and interventions (e.g., derogation)—can be used to designate land for artisanal mining.

Encourage large-scale mining companies to be an active part of the solution. LSM companies, particularly those who are members of the GBA and CAP, should be encouraged to explore potential, viable portions of their concessions to cede to ASM, or otherwise to help identify and implement short and long-term solutions to the underlying land crisis that is intimately connected to insecurity and poverty. For example, LSM companies could contribute geological expertise to assessments of the viability of ZEAs throughout the region.

Explore opportunities to recognize “legitimacy” (vs. legality) to support artisanal sector progress. Congolese stakeholders stressed that the Framework should pair legality and flexibility. While these two concepts are often contradictory, the intention implied is that artisanal supply chain actors who demonstrate good faith efforts to operate legally should not be penalized or maligned when facing legal and administrative uncertainties that are beyond their control.

CAP could co-convene a technical workshop with relevant technical experts from the Ministry of Mines and artisanal supply chain actors to identify where there may be room for “legitimacy” (vs. legality) in the Framework. The latter effort should be in keeping with the language and spirit of the OECD Due Diligence Guidance. The Guidance is explicit that the private sector can and should engage with artisanal miners that are not legally registered, provided they are not associated with the serious human rights abuses described in its Annex II, and provided they demonstrate the willingness to engage in a credible legalization process.²⁰ Several of the Framework’s requirements attempt to qualify this willingness. CAP and other experts could identify additional criteria or documentation which could be accepted to demonstrate an artisanal organization’s meaningful effort to formalize and operate with respect for the law.

Participants of the proposed workshop could also reflect on the flexibility afforded to other minerals and sites in the DRC where due diligence is operational. For example, in DRC’s 3T sector, the ITSCI program does not exclusively implement traceability and due diligence with miners and cooperatives operating on ZEAs. The legitimacy of claims and titles is verified by ITSCI and Mining Ministry agencies as part of the mine site inspection and due diligence process. This may consist of a formal agreement between a title holder²¹ and an ASM cooperative, but operating on an ZEA is not a precondition for miners’ participation in the industry scheme nor are the miners’ referred to as “illegal.” The material purchased from those miners at those sites is bagged, tagged and eventually sold via legal trading channels and accepted by the international market.

The CRAFT code also describes approaches for recognizing a legitimate, artisanal operation in a country context in which a legal framework for ASM exists, but is neither actively implemented nor enforced.²² An example of recognizing legitimacy (vs. legality) may be to allow miners and

²⁰ See more about the OECD Due Diligence Guidance: “http://mneguidelines.oecd.org/FAQ_Sourcing-Gold-from-ASM-Miners.pdf, accessed September 3, 2021. This OECD FAQ interprets and simplifies the OECD Guidance for the ASM gold sector, but the principle elaborated above applies to all artisanally-mined minerals and metals.

²¹ The title holder is not necessarily a LSM company.

²² See CRAFT 2.0, Volume 2A, Module 2, Section 2.2 Country Context Case 2. The CRAFT Code is available at www.craftmines.org.

mining entities to provide evidence that they have applied for a mining card, permit or license as well as the payment of related administrative fees. However, the processing and issuance of these documents is often slow or delayed, which is clearly beyond the control of artisanal supply chain actors.

Deepen engagement with Chinese supply chain actors. CAP should consider the results of RCI's independent consultations and continue to work with RCI as a means to engage with, and to secure buy-in from, Chinese supply chain actors. RCI represents a key set of stakeholders to be considered as part of CAP's multi-stakeholder processes going forward.

10.9. Other Success Factors for Operationalizing the Framework, including Complementary Measures

Stakeholder Outreach. There was a universal view that capacity building, training, awareness raising, and sensitization of stakeholders in the DRC and internationally are essential to the Framework's success. However, these terms—which serve different purposes and require different strategies and approaches to achieve their objectives—were generally conflated. The CAP can and should support or directly carry out such activities but not without clearly defined objectives, outcomes and targets as well as accompanying strategies and plans. As well, because extension work or adult learning in developing country context is a dedicated field of expertise and because context matters, local specialists should design, guide and deliver the work.

The CAP should also, at a minimum, align and coordinate stakeholder outreach in DRC with government officials. Ideally, outreach should be designed as tri-partite (government, private sector and civil society) where feasible as it has been proven to be highly effective in ASM contexts (diamonds, gold, 3Ts) when carrying out education or enumeration campaigns particularly of sensitive nature, or research and mine site inspections. The Framework should also be rendered more accessible ("*vulgarisation*") i.e. less technical and available in local languages.

Stakeholder capacity building. Training is about skills transfer and it is but one part of capacity building. Capacity building goes further: it equips individuals to apply acquired skills and learnings in an effective way.

Throughout the consultation, key knowledge gaps of a technical nature were identified requiring targeted training and capacity building. In particular, improved knowledge and understanding of existing legal and regulatory requirements and expectations in DRC were believed to be fundamental to the Framework's buy-in. The Framework's mission as a tool to support adherence to national laws and regulations would be clearer and a culture of compliance would also be nurtured as a result.

In DRC, even the most basic knowledge of applicable laws and regulations is lacking, and best practices applicable to ASM are unknown. Equally apparent is the need for knowledge transfer and capacity building about the OECD Due Diligence Guidance targeting Congolese private sector and state actors in particular. The implementation of the OECD Due Diligence Guidance depends upon these actors playing their respective roles.

Stakeholder awareness raising and sensitization. The intended result of awareness raising is the acquisition of accurate knowledge whilst sensitization goes one step further as it produces a personal connection and investment. It's the difference between knowing and caring, both of which are preconditions for buy-in and implementation of the Framework.

All stakeholders along the supply chain would benefit from greater awareness about and sensitization to the Framework itself, its objectives and related processes. Of equally importance, is the need to target international actors about the DRC and the ASM sector more generally. Overall, the understanding of the context and the sector is poor, partly driven by sensationalist media coverage, which leads to expectations that may be misaligned with what is meaningful, needed and/or feasible in country. Such a lack of awareness or sensitization can also generate top-down approaches or “solutions” that have proven to be much less effective than those built on meaningful partnership with Congolese authorities and in-country actors for lasting change.

10.10. Basic Needs: Living Wage and Safety Nets for Women and Men

In poverty-stricken areas, systems uptake or even the ability to participate in projects may be limited until basic economic security is realized. This is particularly true for women who are responsible for managing the everyday life of their household and whose time is most severely limited or controlled by others. In other words, severe poverty—the face of which is predominantly female – will limit engagement and possibly uptake by actors who are most marginalized. This also underscores the importance of advocating for a living wage and not minimum wage, which is currently at 1,680 Congolese Francs (equivalent to \$0.84 USD as of August 2021).²³

Participants in the consultation in DRC underscored the importance of safety nets for miners, specifically access to health, accident and employment insurance provided by the mining entity or sector. Otherwise, any physical and/or financial set-back, however minor, can pull individual miners into a downward spiral and away from progressive improvement as desperation drives them to take on greater risks in order to survive.

10.11. Gender Equity.

Suggested Framework edits related to gender and women's rights may merit further targeted discussion. This discussion should involve more women who are active in sector as well as youth. In other sectors such as ASM gold, women miners have lobbied policymakers against further restrictions to their participation in the sector and, in one conference in Kinshasa held in 2017, strongly advocated for the ban against pregnant women working in and around mine sites to be lifted.²⁴ They argued that they can perform light tasks that are more lucrative than similar activities in other sectors at a time when the income is most needed. They also drew attention to the fact that no such restrictions exist in agriculture where women may work as hard or even more so, carrying heavy loads or performing manual labor.

It is recommended that CAP engage with the Ministry of Family and Gender, who participated in the consultations, to ensure that the Framework also aligns with the Ministry's priorities including as it

²³ <https://www.xe.com/currencyconverter/convert/?Amount=1680&From=CDF&To=USD> (Accessed September 3, 2021).

²⁴ “New Research on Congo's Artisanal Mining Sector: Policies Need to Include Women,” *IMPACT*, November 29, 2017, <https://impacttransform.org/en/new-research-on-congos-artisanal-mining-sector-policies-need-to-include-women/>.

relates to sexual and gender-based violence. For this reason, it is not advised to introduce additional measures that further control or restrict women’s participation in the sector, which also run against prevailing global analysis and trends in the sector. As well, it is important to note that women participants in the DRC consultations indicated that they did not want the Framework to refer to women as a marginalized.

The fundamental question CAP may want to ask itself is when considering various viewpoints on gender is the following: Does the Framework endeavor to promote and advance gender equality or does it promote gender equity? There were several comments on the Framework by Congolese actors, arguing for men and women to be referred to in equal measure or for terms to be “gender-neutral” (defaults to masculine nomenclature in French). However, the fact that women do not start from an equal footing and/or that they are less visible in the supply chain means that special considerations should be encouraged to address the barriers and limitations to women’s full and equal participation in the sector.²⁵ The same could be said about youth and marginalized groups for a more inclusive and transformative approach to the sector.

10.12. Data for Better Policies and Programming

Data collection in the ASM cobalt sector is occurring in multiple ways and at multiple levels. Whether it is data that is generated via research that is carried out in the larger mining and mining-affected communities, supply chain traceability and due diligence data, or project monitoring and evaluation data, there is no shortage of data collection.

Beyond the milestones and indicators of progressive improvement that the Framework itself provides or should provide, a larger monitoring, evaluation and learning (MEL) approach should be developed and deployed to know if and how the CAP is realizing its Theory of Change or large objectives. This MEL framework can be focused exclusively on the Framework, but ideally should extend to include all of CAP’s activities seeing as the Framework is but one tool—albeit an important one—to realize CAP’s objectives. The results of such a framework can be used to report back to the membership, stakeholders and the broader public. Importantly, it should also include “Learning” or a learning loop component: i.e. the generation of evidence-based analysis that can then be used to improve CAP’s approach and programming to more effectively achieve its stated goal. This may involve revisiting or tweaking CAP’s theory of change over time. CAP can draw its inspiration and possibly align with the OECD’s Monitoring and Evaluation Framework²⁶ that was launched in April 2021 and applies to its Due Diligence Guidance.

Perhaps most importantly, the data generated by CAP’s MEL framework—or any data generated by the CAP that is relevant to the upstream—should be shared with local stakeholders. Responsible supply chains tend to be set up to extract information from mining supply chains for assurance purposes for those buying the materials. However, local communities and actors including decision makers often do not have access to this information or at least not in a format that is tailored for their needs as linked to their efforts and accountabilities. The right data can both assure buyers and empower local actors to

²⁵ "Stakeholder Statement on Implementing Gender-Responsible Due Diligence and ensuring the human rights of women in Mineral Supply Chains," *OECD*, April 2019, <https://mneguidelines.oecd.org/Stakeholder-Statement-Implementing-Gender-Responsible-Due-Diligence-and-ensuring-human-rights-of-women-in-Mineral-Supply-Chains.pdf>.

²⁶ "Monitoring and Evaluation Framework: OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas," *OECD*, 2021, <http://mneguidelines.oecd.org/monitoring-and-evaluation-framework.pdf>. At the time of writing, the Framework was available in English and Spanish only.

improve policy and programming interventions, thereby accelerating the creation of the enabling conditions for sustainable responsible production and trade of cobalt.

Annex 1 – List of Consulted Parties

Participating Organizations in International Consultations

International Consultations (Webinars)

1. Apple (2)
2. Alliance for Responsible Mining
3. BASF
4. BMW Group
5. Cobalt Institute
6. Daimler
7. DCAF (2)
8. ERG
9. Everledger
10. Fair Cobalt Alliance (3)
11. Fairphone
12. Ford
13. General Motors
14. Geneva Center for Business and Human Rights (2)
15. Geoblock
16. Glencore
17. Global Battery Alliance (2)
18. HPE
19. Human Rights & Responsible Business
20. IIED
21. ILO
22. IMPACT (2)
23. INRS
24. Intel
25. International Tin Association
26. IPIS
27. JEITA
28. Kumi Consulting (2)
29. Levin Sources (3)
30. Mbarara Development Agency
31. Merck
32. Microsoft
33. Natural Resources Canada
34. NYU Stern
35. ONG Actes Durables
36. ONG N'TA KIA YOH
37. Pact
38. Renault-Nissan-Mitsubishi
39. RESOLVE (3)
40. Responsible Minerals Initiative (5)
41. Semtech
42. Sony Electronics
43. The Impact Facility (3)
44. Trafigura
45. UBC
46. Ujeengo Global Community International
47. US Dept. of Labor (3)
48. Women in Mining, Nigeria/JABRIDEP
NIG Ltd
49. World Gold Council

Interviews

1. Amnesty International
2. Apple
3. BMW Group
4. Cobalt Institute
5. ERG
6. Fairphone
7. Geneva Center for Business and Human Rights
8. GIZ
9. Glencore
10. Google
11. GSIF
12. NYU Stern
13. OECD
14. Pact
15. RAID
16. Trafigura

Written Comments

1. Amnesty International
2. Apple
3. Alliance for Responsible Mining
4. BASF
5. BGR
6. BMW Group
7. CASMIA
8. DCAF
9. Espoir ONGDH
10. Fairphone
11. Geneva Center for Business and Human Rights
12. Glencore
13. Good Shepherd International Foundation
14. IIED
15. INRSD
16. Kumi Consulting
17. Levin Sources
18. Mbarara Development Agency
19. NYU Stern
20. OECD
21. Pact
22. Umicore

Participating Organizations in DRC Consultations

Kolwezi Consultations

Civil Society

1. SOCIETE CIVILE FORCES VIVES
2. CAJJ
3. FEMMES ACTIVES
4. BIBISAWA ONG
5. CHILD WELL BEING TRACKING
6. PACT
7. USAID/PROSANI
8. LIZADEL
9. RSLF
10. CNDH
11. IMPACT FACILITY
12. BIT
13. CADRE DE CONCERTATION

Private Sector

1. CDM
2. SUD SOUTH
3. EMAK – Coopérative
4. RCS GLOBAL SASU (2)
5. COMUKAT
6. TFM
7. CG

8. COMIAKOL – Coopérative
9. SOMIDE
10. COMAKAT – Coopérative

State Services

1. SAEMAPE (3)
2. DIV PLAN (2)
3. MIN AFF SOCIALE
4. FONCTION PUBLIQUE (2)
5. DIV INTERIEUR
6. DIV EMPLOI ET TRAVAIL
7. DIRECTION ASM
8. ABG
9. Ministère de l'Education et Santé
10. Division des Mines (2)
11. Ministère de l'Environnement (2)
12. DIV GENRE
13. GUCE
14. MARCHE PUBLICS
15. DRLU
16. Direction de la Fonction Publique, Travail et suivi du Programme de la Réinsertion
17. MIN MINES (2)

Lubumbashi Consultations

Civil Society

1. ADGRN ONG
2. GANVE
3. AUDH
4. ASADHO
5. DRYFREN (2)
6. CNHD
7. OPED
8. OPN
9. JOYFORALL
10. ICC
11. AFREWATCH
12. SADRI
13. POM
14. CDH
15. MDR
16. IFKAT
4. CEEC (2)
5. ENVIRONNEMENT
6. UNILU
7. PREUSCC
8. SAEMAPE (3)
9. ADM
10. DGI
11. BF
12. DIV MINES
13. INSTITUT DE RECHERCHE

State Services

1. PMH (2)
2. DIV AFF SOCIAL
3. GPE

Private Sector

1. CMMD
2. CP
3. CMDC – Coopérative
4. EMAK – Coopérative
5. CMV
6. CMMD – Coopérative
7. CAMDA – Coopérative
8. COMEDC – Coopérative
9. PKM
10. CMM

Kinshasa Consultations

Civil Society

1. PWYP
2. FEJE
3. Cabinet du Ministre des mines
4. Direction des mines (2)
5. Ministère du Genre, Famille et Enfant
6. Secrétariat Général aux Mines (2)

State Services

1. SAEMAPE
2. CTCPM

Private Sector

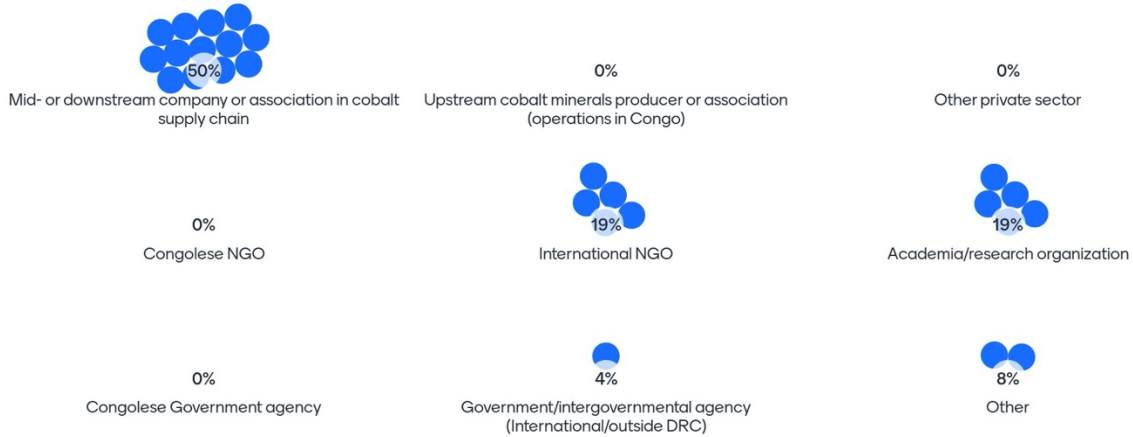
1. EGC
2. FEC
3. INTERSYNDICAT

Annex 2: Polling Results from 3 Virtual Stakeholder Dialogues

Polls - Dialogue 1: Introduction to the Consultation, Framework Overview, and Theory of Change (June 24, 2021)

What is your sector?

Mentimeter



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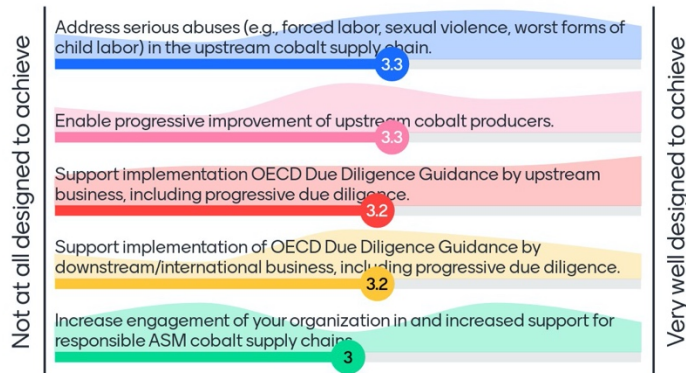
The following are the stated objectives of the Framework. To what extent do you find that the Framework is designed to achieve each of these?

Mentimeter



22

The objectives below represent some additional stakeholder interests in responsible sourcing. How well is the Framework designed to achieve these?



What problem(s)/issue(s) is the Framework best designed to address? (short answer)



Progressive improvement/Inclusive due diligence	identifying areas for investment that would improve ASM risk mitigation	Continual improvement and supporting progress in ASM cobalt - shared understanding of expectations that support compliance globally
Currently unsure, need more time.	Channeling investment, encouraging investment, flexibility for downstream actors	Supporting cobalt refiners that are buying ASM cobalt
child labour	Raise awareness for ASM cobalt from DRC	Start the formalization process of cobalt ASM sector
Documenting the levels of expectations for key aspects of DD.	Getting started with improvements	still lack clarity about that
Multi-stakeholder expectations for sourcing from ASM cobalt	Progressive improvements; engagement of supply chain actors with local players; child Labour in the chosen sites	not "cutting off livelihoods" but finding a transition to meet law/procurement requirements/compliance / RMAP
Providing comfort to international buyers of cobalt	It has helped getting interested parties to the table to begin a process that will lead to clear measurable standards that can be monitored	Identification of all the different "approaches" with their values and limitations

the need for progressive continuous improvement on ESG by ASM sites; supported by wider supply chain

Consolidating input and needs of various stakeholders.

Continuous improvement, allowing de-risking and increasing investment, a starting point

The framework is duplicative and confusing for the market. It is not clear how the framework will be used and by whom. The EGC Standard is surely sufficient.



What would be your top advice about how to strengthen the Framework in support of key objectives? (short answer)



TBD

show how it can help sites/coops get access to market and meet consumer expectations

Strengthen the fight against corruption

Ensure alignment with other standards

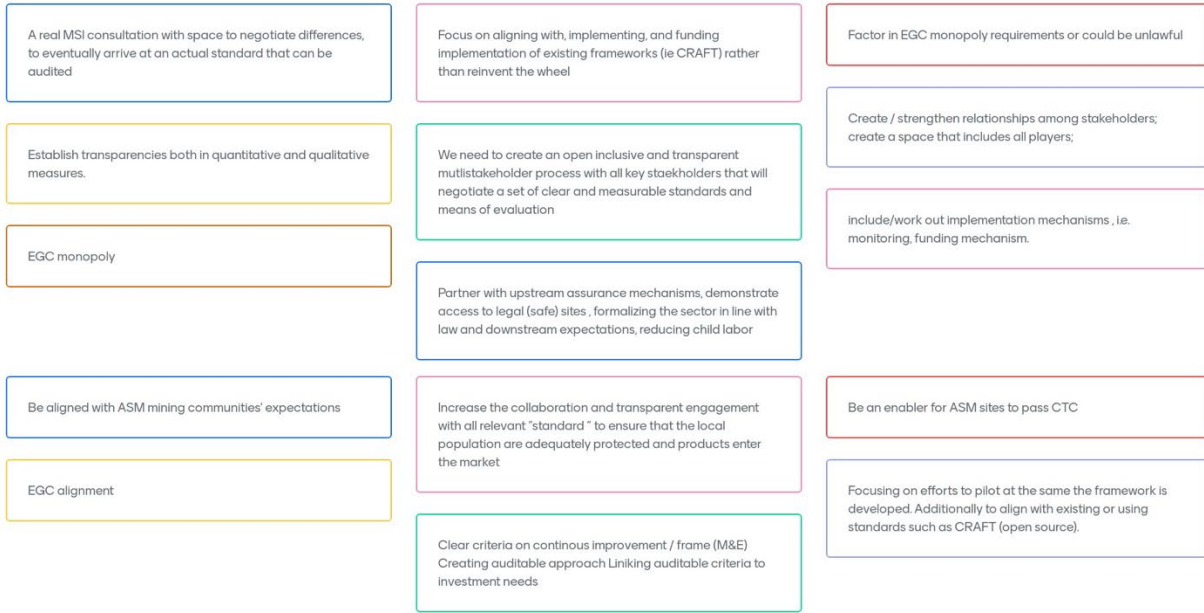
clear positioning of drc government vis a vis framework

Aim at compliance with local law

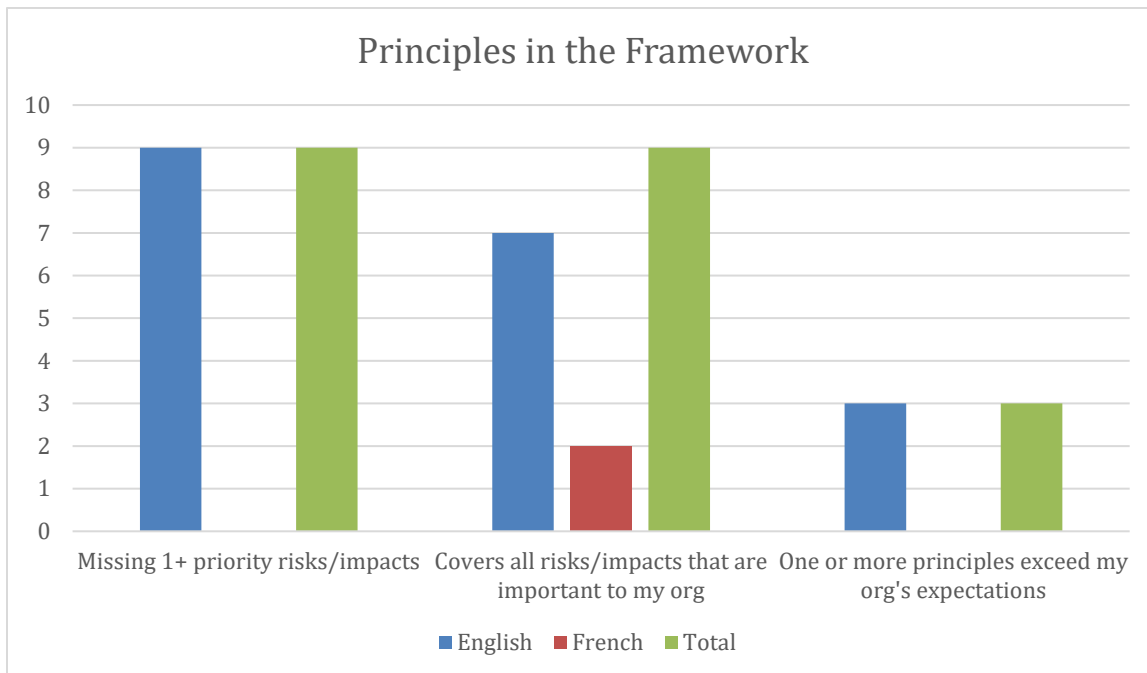
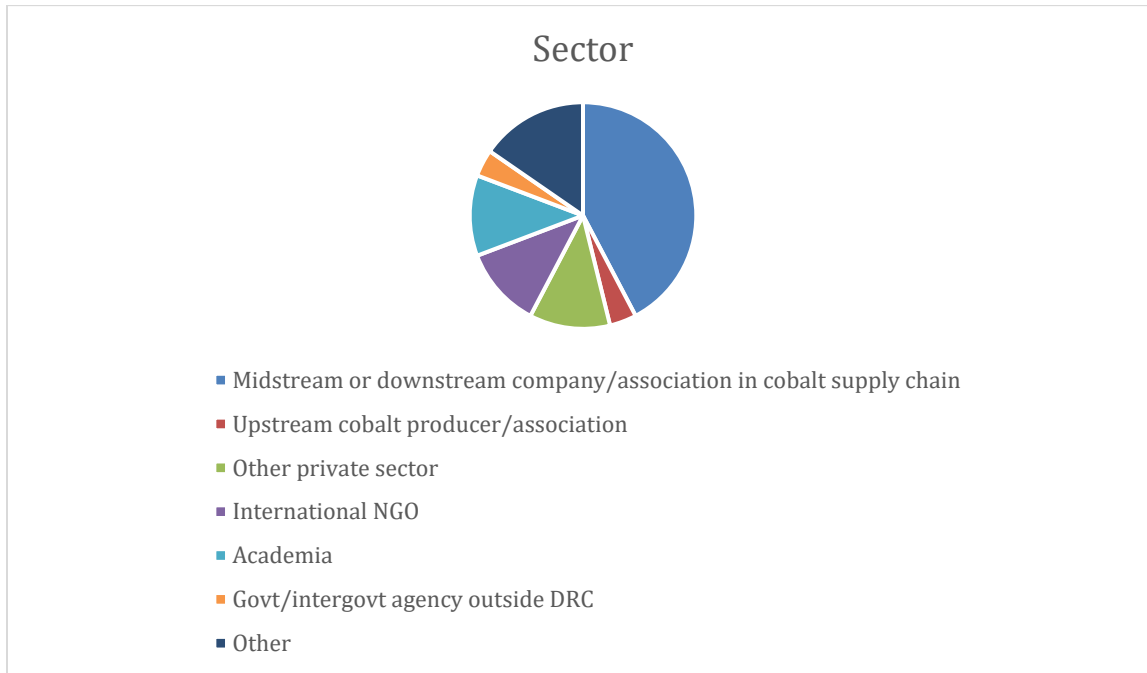
making sure to include and consolidate input from this vast group of interested parties

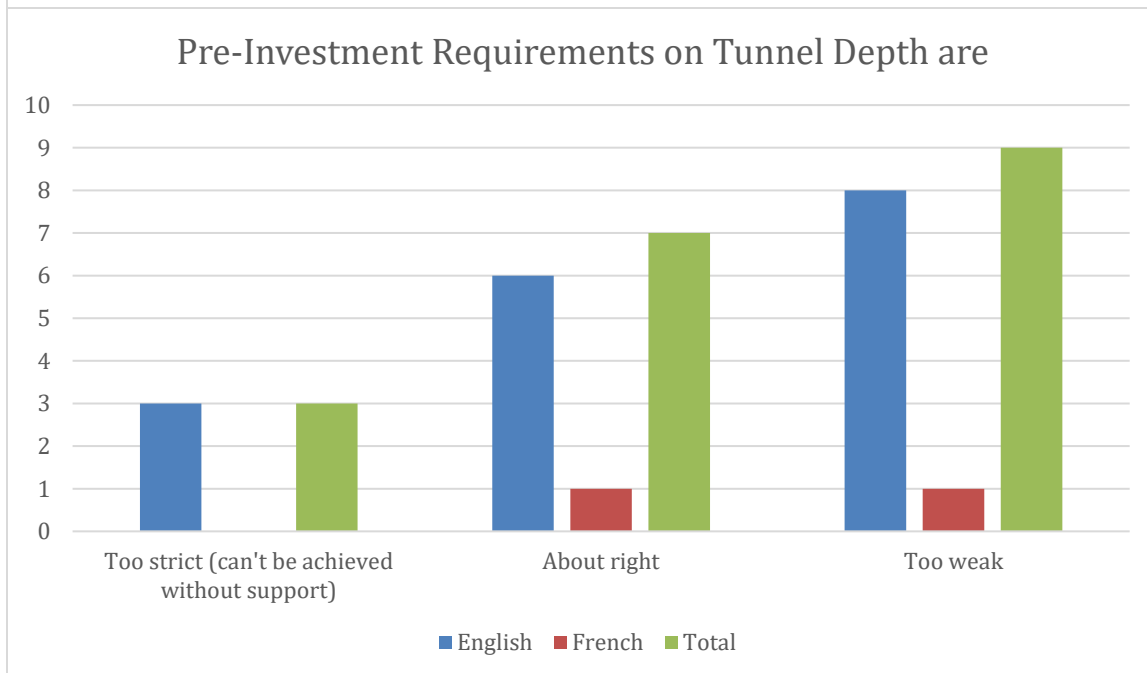
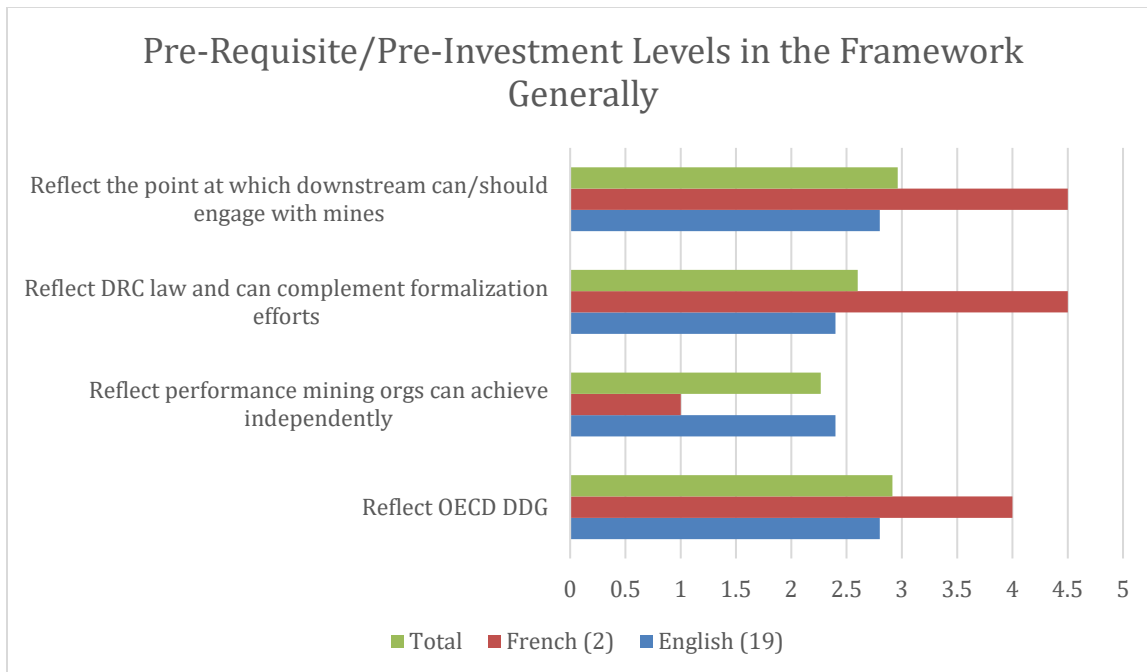
Clarify the role of ARECOMS vs EGC

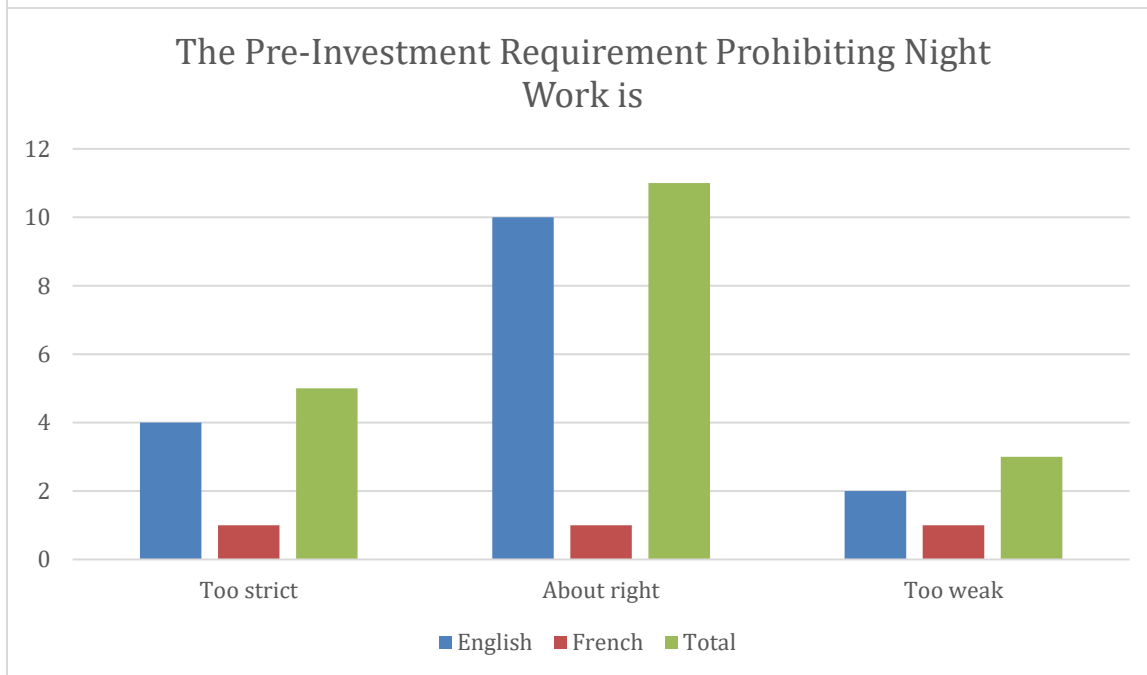
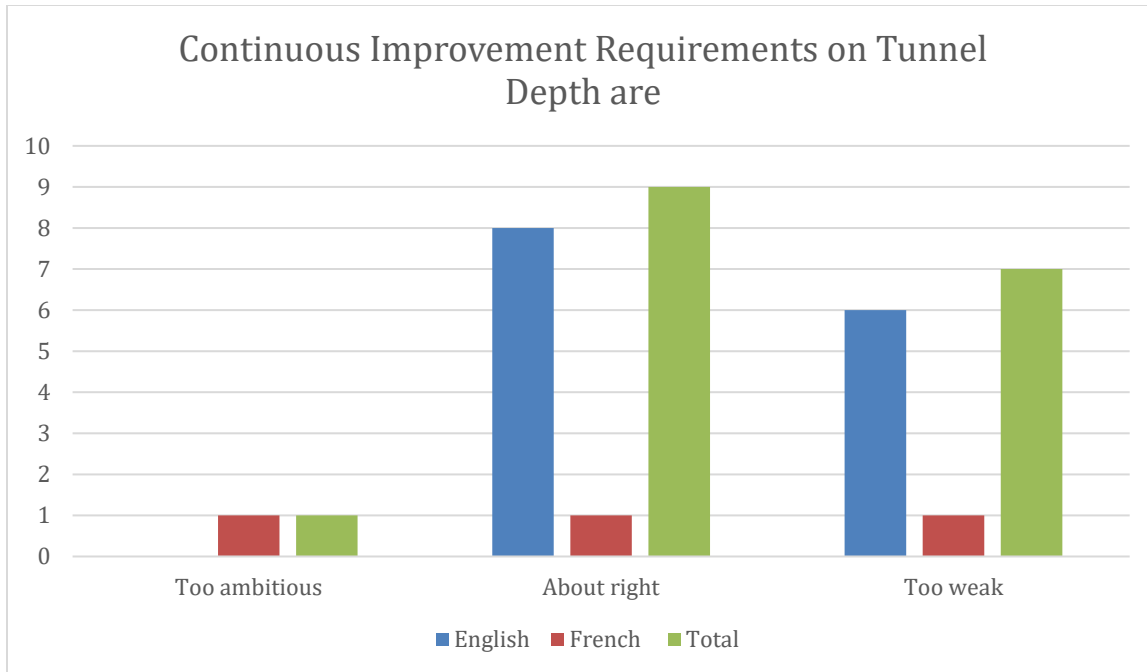
Explain relationship between various standards and this framework. Too confusing

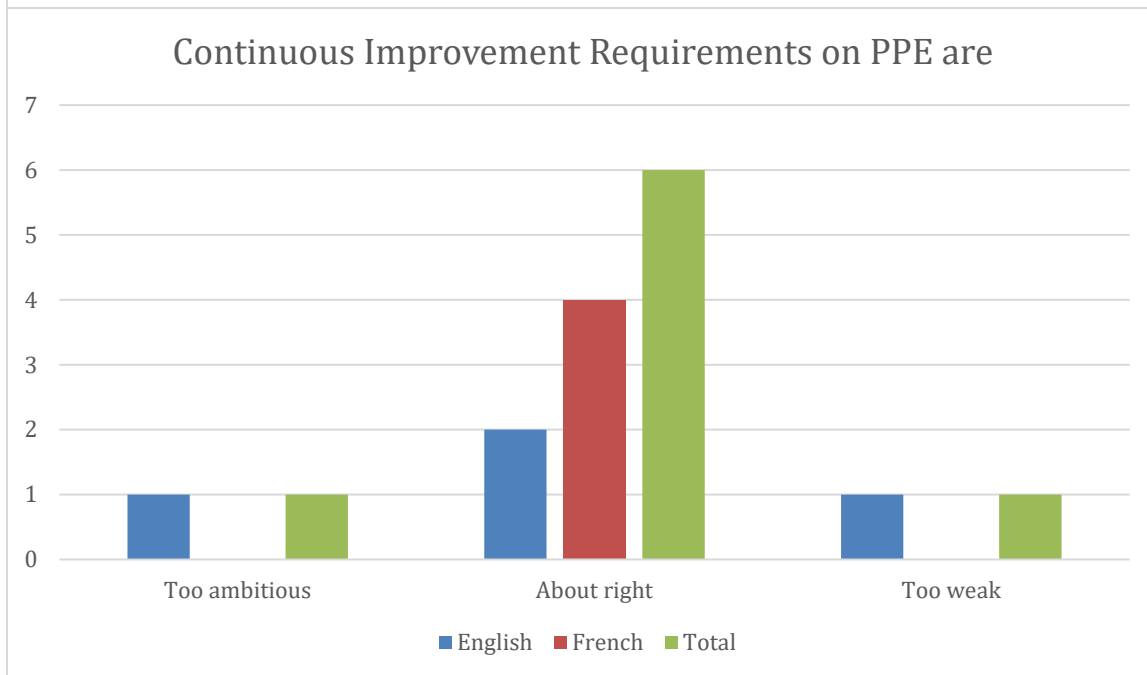
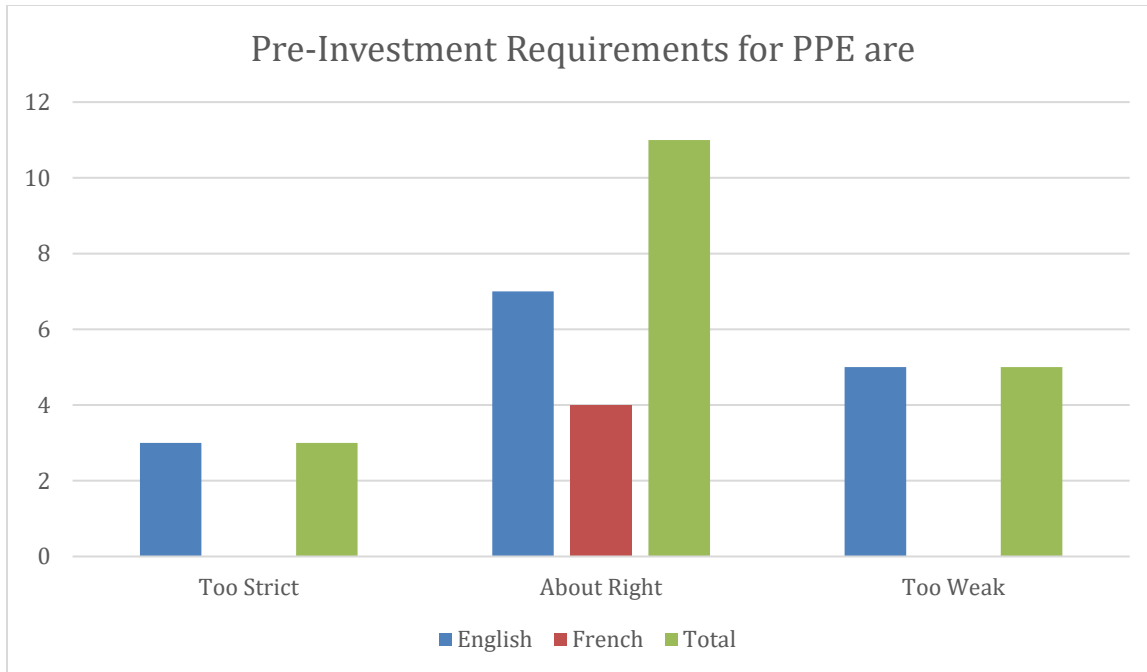


Polls - Dialogue 2: Framework (July 6, 2021)









For those of you who identified missing priorities, what are those?



None identified - all key issues addressed	More emphasis on fair wages	N/A
None	None	The need for the Framework.
responsible security arrangements, EGC alignment, clear benchmarks that can be audited vs. continuous improvement model	The Framework itself.	General risk-based approach/broader alignment with OECD -- eg. "the organization conducts risk identification and mitigation"
Role of security providers	Clarification about what happens when the lowest level of expectation is not met.	Under Principle 5: social and cultural disruption; indigenous rights (reflecting UNDRIP)6: replenishing of mine sites (say tree planting).



Pour ceux d'entre vous qui ont identifié des priorités/risques absents parmi les sept principes, quels sont-ils ?



Aucun	Aucun	Aucun
Alignment with EGC standard		



What requirement did we not yet ask about which you think is the most important to discuss and refine?



- Legality of operations
- Legality
- for preinvestment: what is legal vs what is best practice for safe Mining practices (PPE, ventilation, tunnel depth)



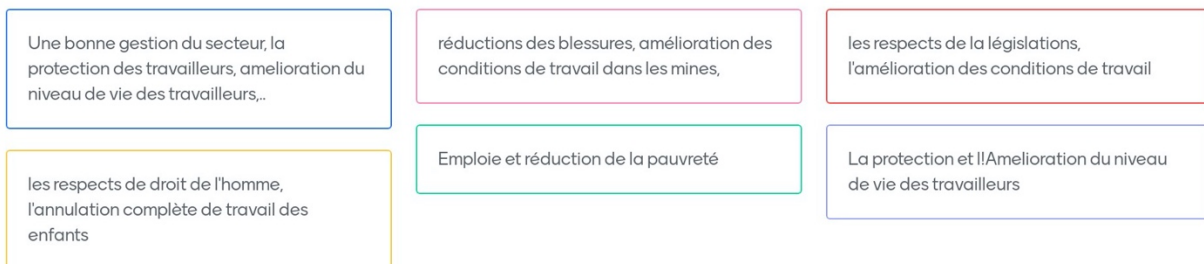
What kinds of outcomes would implementation of these provisions and requirements achieve over time, and which are most important to you?



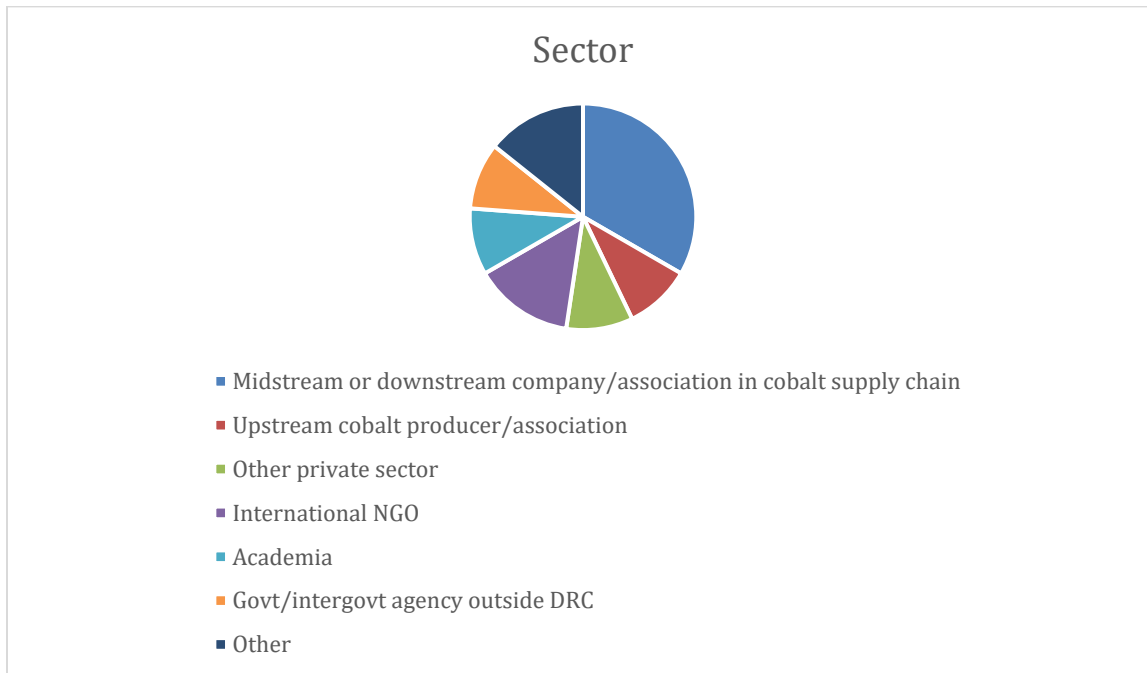
- Less workplace accidents
- safer working conditions
- fairer income & trading terms
- increased engagement by downstream to support responsible ASM
- decline in injuries and fatalities
- clear ways to assess and audit against the provisions, demonstrating improvement/areas for improvement trends
- overall improvement in site conditions (labor, human rights, transparency)
- Safe working conditions, and appropriate measures to address the problem of child labor when it's discovered
- incident management systems
- families achieving sustainable livelihoods without the need to send children to the mines
- Safe working conditions
- areas identified for investment to help improve the sector
- workers more aware of their rights
- safer mining practices, improvement in legal requirements (eg if 30 m is too deep, can help demonstrate), best practices at scale to reduce accidents,
- mine sites in compliance with basic human right standards, at a minimum: safe mining, no child labor, socio-economic development for mining communities
- Regarding PPE, tracking safety incidents, follow up (investigations) and reduction in incident severity and frequency
- a responsible, professional and formal ASM sector that provides livelihoods and income and is able to sell into responsible markets
- better health, safety/ better human rights protections / better governance of all aspects



Quels seraient les résultats de la mise en œuvre de ces dispositions et exigences sur la durée, et quels sont les résultats les plus importants?



Polls - Dialogue 3: Framework and Design of Enabling Fund (July 13; 2021)



What complementary activities or materials would help raise awareness and understanding of the Framework with local actors?

Mentimeter

Leaflets Handbook guides	pictorial tools	Shouldn't this question be put to local stakeholders? The framework as it stands is way too complicated for local cooperatives to use it as a management tool.
Use of local radio	Benchmarks against existing standards	
work with local NGOs or directly with coops local informational meetings at ground level, government meetings, guides- simplified,	Commitments from companies to engage commercially	Work with local radio to explain context and build trust
		Information showing the practical impacts on the ground to workers and local communities.
A short summary explaining the framework for social media, and local radio announcements, pictures of the minors	1. Conduct in-site visits/demonstrations 2. Develop videos/messages shared via radio, community gatherings, WhatsApp 3. Identify champions to help raise awareness	
des programmes de formation	Brochures papier, des programmes de formations	

Once Framework benchmarks are defined “on paper,” what measures do you recommend to implement and report on the Framework? Mentimeter

Clarity about support for ASM miners and how it benefits them

Most importantly, the benchmarks need to be defined!!! Right now, there is no goalpost, so also no level-playing field. Reporting needs to refer to this commonly defined goalpost! What constitutes compliance?

monitoring and reporting templates based on/improving on existing structures/systems

templates for assement, monitoring, with a gender lense

Reporting templates Assurance framework Clear guidance on how to report on meeting oecd requirements M&E program

A theory of change that shows how this will deliver change on the ground

Reporting is the second step. Defining the benchmark must come first.

standard, easy accessible assessment tools to measure performance -

1. Develop the benchmarks with stakeholders2. Develop a monitoring and evaluation systems3.Use the collective impact framework (<https://www.collectiveimpactforum.org/getting-started>)

International Cocoa Initiative has developed a CLMRS system which could be a resource for reporting models, developed for the cocoa supply chain, but could be adapted

des outils d'orientatation et d'evaluation, de suivi meme des modeles de rapport

Outils d'orientation et d'evaluation, de suivi, rapport

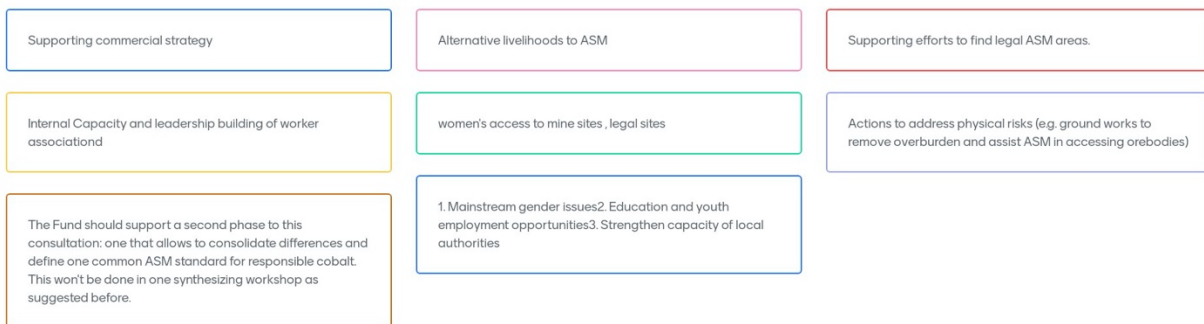
To complement and scale use of the Framework, a collective fund should be used for the following (please prioritize): Mentimeter



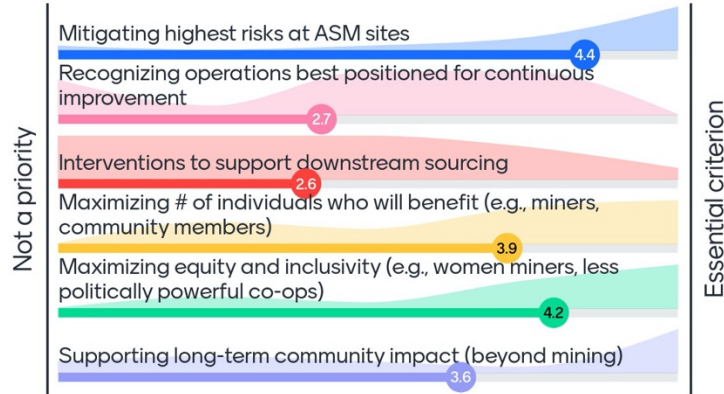
Pour étendre l'utilisation du Cadre, un fonds collectif devrait être utilisé pour les activités suivantes (veuillez établir un ordre de priorité)



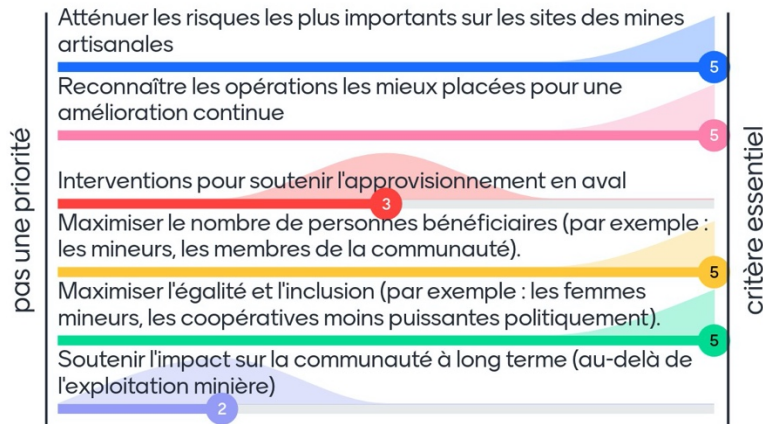
Do you have other recommendations on top priority activities, tools, or other interventions that the fund should support?



What criteria should be used to prioritize use of funds?

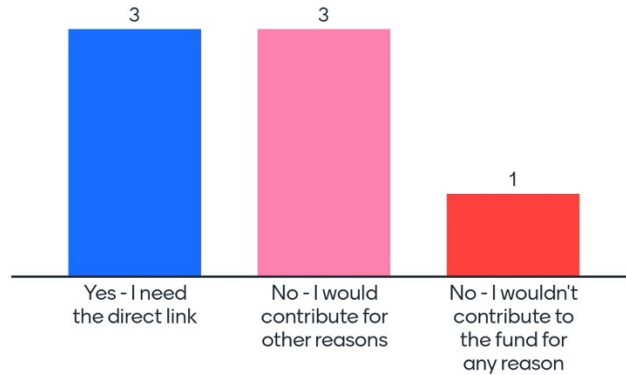


Quels critères devraient être utilisés pour prioriser les activités financées par le fonds



For Private Sector: Would you contribute to a fund if you plan to purchase or directly link the activity from an artisanal supply to your supply chain

Mentimeter

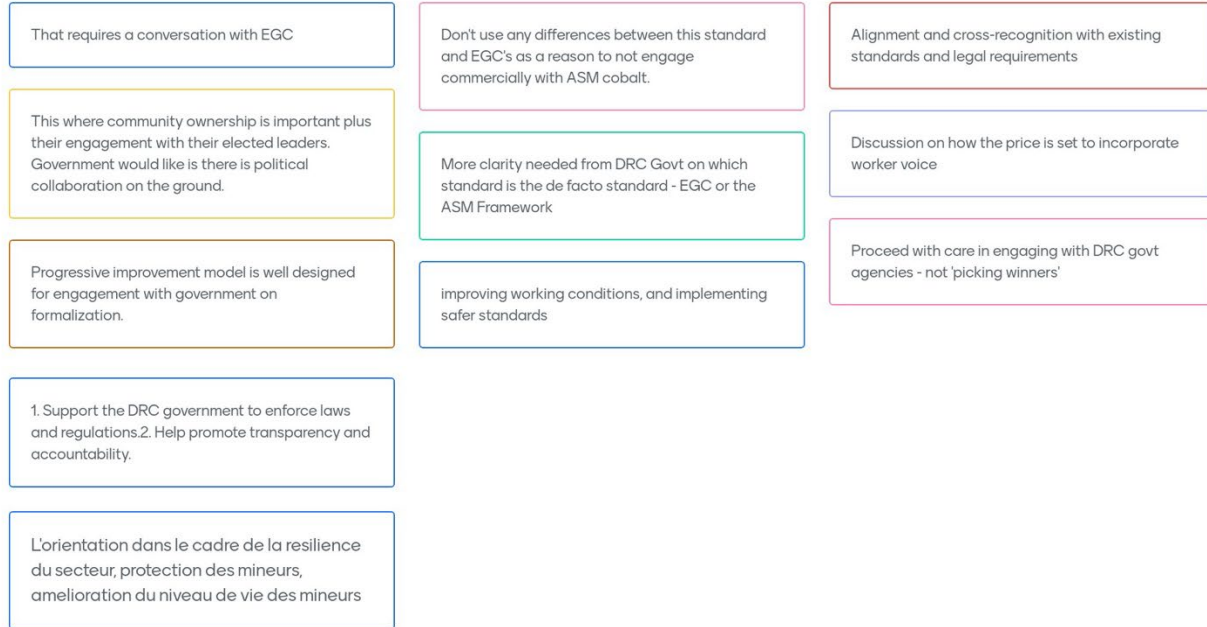


What structure and governance considerations are important to you in designing the fund, including management and decision-making

Mentimeter

Substantive and broad inclusion of diverse local actors	linked to assessment of the framework criteria -- ie, framework implementation determines funding priorities	Important it doesnt replicate already existing funds
Transparency, multistakeholder decision making.	Multi-stakeholder governance model, including EGC	A learning component to reflect on what has been achieved and what can be learned from others
There should be a joint management of the fund between miners and workers. This is critical because the power of the employer is always at play. All key decisions about allocation should be joint.	Not limiting to unilateral actions - ability to fund other existing initiatives rather than 'go it alone' every time	Informed by m&e and impact
1- Criteria to support miners (e.g., #mine sites, #miners, etc.) 2-Oversight procedures 3-Staff to support fund activities		
Implication des communautés		

How can the Framework be leveraged to support the DRC Government's priorities on formalization and other governance of the ASM cobalt sector?



That requires a conversation with EGC

Don't use any differences between this standard and EGC's as a reason to not engage commercially with ASM cobalt.

Alignment and cross-recognition with existing standards and legal requirements

This where community ownership is important plus their engagement with their elected leaders. Government would like is there is political collaboration on the ground.

More clarity needed from DRC Govt on which standard is the de facto standard - EGC or the ASM Framework

Discussion on how the price is set to incorporate worker voice

Progressive improvement model is well designed for engagement with government on formalization.

improving working conditions, and implementing safer standards

Proceed with care in engaging with DRC govt agencies - not 'picking winners'

1. Support the DRC government to enforce laws and regulations. 2. Help promote transparency and accountability.

L'orientation dans le cadre de la resilience du secteur, protection des mineurs, amelioration du niveau de vie des mineurs