



## Responsible Mining

# Cobalt

- This factsheet is based on these three reports:
- Cobalt Blues: Environmental pollution and human rights violations in Katanga's copper and cobalt mines (SOMO- April 2016)
  - Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt (Amnesty- January 2016)
  - Katanga Calling. Congolese Cobalt and Consumer Electronics (Friends of the Earth Netherlands/SOMO - December 2015)

April 2016



## What is the problem?

The southern part of Democratic Republic of Congo (DRC) accounts for more than half of the world's mined cobalt. But DRC's cobalt mining region is unstable, violent, and the rule of law is mostly absent.

In DRC, cobalt is extracted from both industrial and in artisanal mines. The industrial or large-scale cobalt mining industry uses heavy machinery and is mainly controlled by foreign companies. SOMO's recent report, Cobalt blues, describes how foreign cobalt mining companies are involved in land grabs, the destruction of community livelihoods, labour rights violations, failure to conduct legally required community consultation procedures, and how on multiple occasions security forces guarding cobalt mines have been involved in violence towards communities in the mine's vicinity. The industry also causes considerable environmental damage, including biodiversity loss and deforestation, air pollution, and contamination of water with toxic and radioactive elements, to the detriment of local people.

Unlike industrial mining, artisanal or small-scale mining in DRC is done mostly by hand, often using only rudimentary tools. The men, women, and an estimated 40,000 children in DRC's southern Katanga region alone mine in tunnels deep underground, often without any protective equipment.

In its recent report on artisanal cobalt mining, 'This is what we die for', Amnesty International stated that between September 2014 and October 2015 at least 72 artisanal cobalt miners died in collapsed tunnels and other underground incidents. The real figure is likely to be higher as incidents are not always

reported, alongside the human suffering caused by skin, lung and other diseases contracted by miners exposed to cobalt.

More than 40% of cobalt used globally is used in lithium-ion rechargeable batteries for mobile phones, laptops, electric cars etc. Four of the world's five largest rechargeable battery producers have manufacturing plants in China, namely Panasonic, Samsung SDI, LG Chem and Amperex Technology Limited. Together these four companies account for over 60 per cent of the world's total annual rechargeable battery production. In light of its research, Amnesty International approached 10-15 companies suspected of which potentially buying products from China that contain have batteries that use cobalt- cobalt which is likely to have come from DRC. Findings indicate that these companies, including the world's largest consumer electronics brands, fail to live up to the most basic due diligence requirements, and are usually unaware of the source of the cobalt they use.

## What should DRC's government do?

DRC's 2002 mining code specifies that mining companies are required to research impacts of their prospective mining operations, to inform affected communities, and to conduct community consultation procedures while maintaining constructive dialogues with those same communities. In SOMO's research (described above) it was found that large-scale cobalt mining companies consistently fail to live up to these requirements. DRC's government, however, has been unable to enforce its own mining code, leaving affected communities without the means to influence the construction of mines in their living environment.

## DRC's cobalt mining area



## International framework for responsible business conduct

The United Nations Guiding Principles on Business and Human Rights (UNGPs) set clear standards for business enterprises to respect human rights, conduct human rights due diligence and implement measures to prevent, address and redress any human rights violations. The principles stipulate human rights due diligence, and what companies should do to identify and assess any actual or potential adverse human rights impacts, through their own activities or as a result of their business relationships.

Part and parcel of improvements at artisanal mining sites are measures that are focused on ensuring internationally accepted labour rights as defined by the ILO and by the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Apart from eliminating child labour, these are:

ensuring safe working conditions, banning forced and compulsory labour; any forms of torture, cruel, inhuman and degrading treatment; other gross human rights violations and abuses such as widespread sexual violence; and accompanying measures focused on reaching a stable family income as well as sustainable communities.

## OECD conflict due diligence guidance

The Organisation for Economic Development and Cooperation (OECD) has developed Guidelines for Multi-national Enterprises. These guidelines form the basis for the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. This guidance is to help companies conduct conflict due diligence and provides a roadmap to help companies avoid contributing to conflict through their mineral purchasing practices.

In their recent research, Amnesty International found that DRC's mining code was drafted with the goal of attracting foreign, large-scale mining companies in order to revive the country's mining sector. Simultaneously, the mining code has made mining outside of a limited set of authorised mining zones illegal, and has thereby effectively outlawed most of the country's artisanal mining operations. This has arguably disqualified the sector from government regulation on issues such as child labour and workers' health and safety.

Policies and practices should aim to address child labour, safety and health issues, and other issues affecting artisanal cobalt mining, but should not be directed at eliminating artisanal cobalt mining as large numbers of people depend on it for their livelihoods. Among other things, DRC's government should: regulate unauthorised mining zones and thereby formalise artisanal cobalt mining operations; work towards effective law enforcement; and engage local stakeholders from large-scale mining areas to work towards the implementation of community consultation procedures, the diminishing of large-scale mining's negative environmental impact, and the protection of communities' and workers' human rights.

## What should companies in the supply chain do?

Companies using cobalt from DRC in their products have so far failed to conduct adequate human rights due diligence on their cobalt supply chains. As the research described above illustrates, many large cobalt-using companies – including major electronics brands – continue to be unable to determine from which mines their cobalt originates, making it impossible for them to identify and address human rights risks in those mines. Electronics companies and other companies making use of the mineral should acknowledge that their responsibility also applies to the mining phase, including the (artisanal) mining of cobalt.

Companies should stimulate and support their suppliers to engage in prevention, and implement effective remediation measures, engaging with actors in the supply chain as well as other local actors, to work towards progressive improvement in artisanal and small-scale mining.

Companies could join or set up in-region programmes or initiatives together with suppliers and local stakeholders to improve the situation in mining regions, including working conditions in artisanal mining.

Electronics industry organisations should stimulate learning and knowledge exchange around sustainability efforts in cobalt mining, and request continuous improvements from their members in this respect.

## More information

- Friends of the Earth Netherlands, SOMO, GoodElectronics Network, based on research by Premicongo, ACIDH and Afrewatch, Katanga Calling. Congolese Cobalt and Consumer Electronics, May 2015, <<http://bit.ly/1GUyMS2>>.
- Amnesty International and Afrewatch, This is what we die for. Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt, January 2016, <<http://bit.ly/1KoJuP4>>.
- U.S. Geological Survey, “Cobalt, statistics and information,” <<http://on.doi.gov/1N47g4e>>.
- Website of the Cobalt Development Initiative, no date, <<http://www.thecdi.com>>.
- Office of the High Commissioner for Human Rights (OHCHR), UN Guiding principles on business and human rights, 2011, <<http://bit.ly/18WbEUy>>.
- OECD, Guidelines for Multinational Enterprises, updated 25 May 2011, <<http://bit.ly/1xprNJv>>.
- OECD, OECD Due Diligence Guidance for Responsible Supply Chains of Minerals From Conflict-Affected and High-Risk Areas, second edition, 2013, <<http://bit.ly/1HN0zXh>>.
- SOMO, Afrewatch, ACIDH and Premicongo, Cobalt Blues: Environmental pollution and human rights violations in Katanga’s copper and cobalt mines, April 2016. <<http://www.somo.nl/>>.

## Colophon

### Responsible mining: Cobalt

April 2016

<b>Authored by</b>	Albert ten Kate en Vincent Kiezebrink / SOMO
<b>Published by</b>	the GoodElectronics Network
<b>Photo cover</b>	Myrthe Verweij
<b>Design</b>	Zeppa. – <a href="http://www.zeppa.nl">www.zeppa.nl</a>
<b>Layout</b>	Frans Schupp – <a href="http://www.fransschupp.nl">www.fransschupp.nl</a>
<b>ISBN</b>	978-94-6207-098-1



This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivs 4.0 Unported License.



This publication has been produced with funding of the European Union. The content of this publication is the sole responsibility of SOMO and can in no way be taken to reflect the views of the European Union.



The GoodElectronics Network brings together trade unions, grass roots organisations, campaigning and research organisations, academia, and activists who are concerned about human rights, labour rights, and sustainability issues in the global electronics supply chain. GoodElectronics sees it as its mission to contribute to improving corporate and public policies and practices with regard to protecting and respecting human rights and the environment in the global electronics supply chain, with a specific focus on big brand companies.

#### Goodelectronics

Sarphatistraat 30, 1018 GL Amsterdam, The Netherlands  
Telephone +31 20 639 12 91  
[info@goodelectronics.org](mailto:info@goodelectronics.org) – [www.goodelectronics.org](http://www.goodelectronics.org)

