

The following are responses to audience questions posed at the Wilson Center event hosted on October 4, 2022, [What Better Looks Like: Breaking the Critical Minerals Resource Curse](#).

Given the large volume of audience questions received, the Wilson Center shared selected questions with the event's panelists in order to provide detailed responses for those who tuned into the event, posed a question, or are interested in learning more.

Selected Questions for Panelists

Question:

What actions can the White House take to incentivize domestic mining and refining of critical minerals?

IRMA: Mining and mineral processing activities in the U.S. must adhere to high-level environmental and social standards to uphold the Biden Administration's promises to ensure environmental justice and a just energy transition. The IRMA [Standard for Responsible Mining](#) and [draft IRMA Standard for Mineral Exploration and Development \(IRMA-Ready\)](#) provide benchmarks for such standards. In particular, while it may be necessary to increase efficiencies in permitting procedures in the U.S., assessment and management of environmental and social factors cannot become casualties to an expedited permitting process. NGOs, directly affected communities, and other stakeholders and rights holders in the U.S. require robust and ongoing opportunities for engagement, support to enable meaningful engagement, respect for Indigenous rights and the right to Free, Prior, and Informed Consent (FPIC), access to information, access to local level grievance mechanisms and remedy, and robust assessment and management of environmental and social risks.

It is important to stakeholders around the world that the U.S. lead by example in its management of mining and refining critical minerals, demonstrating high level standards for members of the Mineral Security Partnership, the Energy Resource Governance Initiative, the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, and other U.S. partnerships. The U.S. can position itself as a "first mover" and enhance its competitiveness through becoming a responsible manager of environmental and social impacts in mining and mineral processing, upholding high-bar standards for sourcing critical minerals, and moving toward a circular economy through advancing opportunities for material durability, reuse, and recycling.

Question:

Should the U.S. rethink the limited scope of Section 1502 of the U.S. Dodd Frank Act concerning the sourcing of critical minerals? Could that send a message to the international community?

IRMA: Yes. Section 1502 of the U.S. Dodd Frank Act is limited to coverage of tin, tungsten, tantalum and gold from the Democratic Republic of the Congo (DRC). U.S. listed companies should be required to consider a broader range of environmental and social factors in the production of critical minerals with broader geographic coverage.

Pact: No. The Dodd-Frank Act (DFA) Section 1502 should not be extended to critical minerals such as cobalt. DFA 1502 was meant to break the link between minerals and conflict. Cobalt is not a conflict mineral in the way that tin, tantalum, and tungsten (the '3Ts') used to be. Pact believes that meaningful and measurable improvements in cobalt can be done in other ways, such as through coordinated industry action by the largest players. To be clear, both artisanal & small-scale mining (ASM) and LSM have human rights challenges and both ASM and LSM need reform to be a beneficial part of DRC's clean energy future. The solution is for both ASM and LSM to work together peacefully, and for dedicated programs to be developed for ASM to professionalize and formalize. Pact has shown that ASM and LSM can work peacefully and on a win-win commercial basis in the recent past (see:

<https://www.pactworld.org/library/mutoshi-pilot-project-local-economic-impact-project-aimed-for-malizing-artisanal-and-small>). Pact is currently working with the DRC government's *Entreprise Générale de Cobalt* (General Enterprise of Cobalt / EGC) to formalize ASM operations using a progressive improvement approach. Pact has helped EGC develop a standard that will be implemented by miners and cooperatives, with the support of diverse actors along the supply chain. This standard which was developed by DRC stakeholders for the DRC context. This standard also meets international market requirements.

Question:

Do you see a difference between platinum group metals (PGMs) and lithium when it comes to both availability and ethics in the mining practice? Is there a reason to focus our efforts more on either PGMs or lithium mining? (either for ethical reasons or for available supply)

IRMA: There are variations in complexity of supply chains related to PGMs and lithium that may require different approaches to tracking and tracing these materials and addressing relevant environmental and social risks and impacts. However, viewing these materials with a global lens, the number of producers and jurisdictions involved may be relatively small compared to other materials. This creates opportunities to concentrate efforts to promote responsible management in production and processing related to both PGMs and lithium. Enhanced efforts to responsibly introduce recycling and other aspects of circularity into both supply chains is important with a lens to addressing social issues (e.g. avoiding use of child labor and forced labor in used material collection/sorting) and environmental issues (e.g. energy use and related GHG emissions at the processing and refining stage) as we move toward a circular economy.

Question:

Given the U.S.'s role in advancing Women, Peace and Security, what type of programs would be most beneficial in helping to advance gender equality and inclusivity for employment opportunities via the DoS & the DoD programs?

IRMA: We recommend referring to IRMA's guidance on gender equality and gender protections, summarized [here](#). IRMA is reviewing related coverage and requirements as part of its regular standards review process. In this process we are reviewing a range of references on the topic, including those listed below:

1. PwC 2019. Mine 2019: Resourcing the Future. https://www.pwc.com/au/industry/mining/mine_2019.pdf
2. Mackenzie, W. (May 24, 2019) Why the Mining Industry Needs More Women. Forbes. <https://www.forbes.com/sites/woodmackenzie/2019/05/24/why-the-mining-industry-need-s-more-women/#31965f49585c>
3. Eftimi, A., Heller, K. & Strongman, J. (2009) Gender Dimensions of the Extractive Industries : Mining for Equity. Extractive Industries and Development Series No. 8. World

Bank, Washington, DC. © World Bank.

<https://openknowledge.worldbank.org/handle/10986/18236>

4. Atim, L., Mwangoka, M., Dr. Martins, L. & Rickard, S., (2020) Sexual and Gender-Based Violence in the Mining Sector in Africa GIZ and Women's Rights and Mining. Available at:
<https://womenandmining.org/wp-content/uploads/2020/09/Sexual-Gender-based-Violence-in-the-Mining-Sector-in-Africa.pdf>
5. Mining Journal (January 22, 2020) Few Miners on New Gender-Equality Index." Available at:
<https://www.mining-journal.com/leadership/news/1379468/few-miners-on-new-gender-equality-index>
6. World Bank. (2015) Gender and the Industries: An Overview. World Bank Group, No. 1. Available at: <https://olc.worldbank.org/content/gender-and-extractive-industries>
7. ActionAid South Africa. (2018) Mining in South Africa 2018: Whose Benefit and Whose Burden? Social Audit Baseline Report 2018. Available at:
http://www.osf.org.za/wp-content/uploads/2019/02/sar-5.3_online.pdf
8. Kemp, D., Keenan, J., Gronow, J., & Davidson, J. (2009) Why Gender Matters. Rio Tinto. Available at:
https://www.csr.m.uq.edu.au/media/docs/171/Why_Gender_Matters.pdf
9. Business for Social Responsibility (BSR). (2018) Gender Equality in Social Auditing Guidance. Available at:
http://www.bsr.org/reports/BSR_Gender_Equality_in_Social_Auditing_Guidance.pdf
10. Leepile, T. (2020) Breaking down the gender barriers in mining. Bee News, August 11. Available at:
<https://www.bee.co.za/post/2020/08/12/breaking-down-the-gender-barriers-in-mining>
11. UN Women (2016) Promoting Women's Participating in the Extractive Industries Sector: Examples of Emerging Good Practices. p. 13-15. Available at:
<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/promoting-womens-participation-in-extractive-industries.pdf?la=en&vs=1955>
12. Responsible Mining Foundation (RMF). (September 2020) Mining and the SDGs: How to address the materiality mismatch? Available at:
<https://www.responsibleminingfoundation.org/research/sdgs2020/>
13. RMF. Responsible Mining Index 2020: Results.
<http://2020.responsibleminingindex.org/en/results/thematic/315>
14. RMF. Responsible Mining Index 2022: Summary at pp. 36-37.
https://2022.responsibleminingindex.org/resources/RMI_Report_2022-Summary_EN.pdf
15. RMF. (2022) Why is Gender Still Off the Agenda of Mining Companies?
<https://www.responsibleminingfoundation.org/research/gender2022/>
16. Elizabeth Broderick & Co. (2022) Report into Workplace Culture at Rio Tinto.
<https://www.riotinto.com/-/media/Content/Documents/Sustainability/People/RT-Everyday-respect-report.pdf>
17. Eftimie, A. and Heller, K. International Finance Corporation, CommDev, Government of Canada. (2021) Integrating Gender in Mining Operations.
https://internationalwim.org/wp-content/uploads/2021/06/GenderEquityinMINING_FINforWEB.pdf
18. Saghalyan, A. and Ghazaryan, N. Mining.com. (February 2022) Women in Mining: The Need for Qualitative Diversity.
<https://www.mining.com/women-in-mining-the-need-for-qualitative-diversity/>
19. Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF), Swedish Environmental Protection Agency, International Institute for Sustainable Development (IISD), Learning for Nature, United Nations Development Programme

- (UNDP). (2022) Gender and Mining Governance [E-Learning Course].
<https://www.learningfornature.org/en/courses/gender-and-mining-governance-2022/>
20. IGF. (2022) Gender Responsive Policies in Artisanal and Small-Scale Mining.
<https://www.igfmining.org/event/gender-responsive-policies-artisanal-small-scale-mining/>
 21. IGF. (2022) Women and the Mine of the Future.
<https://www.igfmining.org/women-mine-future/>
 22. Lonmin Plc. (2010) Women in Mining: A Guide to Integrating Women in the Workforce.
https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_report_womeninmining
 23. Lyster, O. and Smith-Roberts, A., Levin Sources. IGF and IISD. (2022) Gender in Mining Governance: An Annotated Bibliography for Artisanal and Small-Scale Mining.
<https://www.iisd.org/system/files/2022-01/gender-mining-governance-bibliography-asm.pdf%2020>
 24. United Nations Development Programme (UNEP), World Economic Forum, Columbia Center on Sustainable Investments, and the Sustainable Development Solutions Network, (November 8, 2016) Mapping Mining to the Sustainable Development Goals.
<http://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/mapping-mining-to-the-sdgs--an-atlas.html>

United Nations. (2015) Sustainable Development Goals,
<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

Pact: Most people are unaware that 90% of all mine labor worldwide is from artisanal and small-scale miners (ASM). Few people realize that one third of all ASM are women. In DRC's cobalt sector, unfortunately there is scant data on the rates of women's participation. However, it is well recognized that women miners face greater challenges. In the mining sector globally, women receive lower wages and perform lower status jobs (such as washing, panning, and transporting) compared to their male counterparts. Women also face heightened health and safety risks, have lower access to training and education, and are more likely to be left out of mining formalization efforts due to discrimination or oversight because they aren't seen as 'real' miners despite often working alongside men. In DRC, women face heightened social and legal burdens (for example, pregnant women are legally forbidden from mining; often, menstruating women are not allowed on mine sites because they are considered bad luck). In its lengthy experience, Pact has observed that women need to be prioritized or else they are an afterthought. For any program, gender inclusion targets should be set to *at least* the percentage of women miners reflected in an accurate project baseline. Dedicated programs to help women access mine sites, change the perception of women's roles, provide assistance to move up the value chain, gain meaningful investment funding, secure specialized educational training, and serve as integrated, professionalized miners would go far to advance gender equity and inclusivity in DRC and beyond. Pact has deep expertise in this topic and would be happy to discuss more in another setting.

Question:

The Mineral Security Partnership includes much of the U.S.'s traditional allies & partners, but what can we do in working more closely with non-traditional partners who are integral to the critical mineral supply chain?

IRMA: Encourage these partners to review and improve their legal frameworks and management of the mining sector. Governments, NGOs, law firms, and others have used the IRMA [Standard for Responsible Mining](#) as a benchmark to assess and improve legal frameworks for the mining sector and their implementation at the mine site level. Mining

companies who adopt high-level standards like IRMA's [Standard for Responsible Mining](#) are also part of the solution, especially when they participate in independent third-party IRMA audits at the mine site level resulting in detailed, transparent public reporting on site-level impacts and performance. This type of independent audit process and transparent reporting responds to the needs of directly affected communities, NGOs, labor unions, purchasing companies, investors, governments, and others for disaggregated, timely, transparent environmental and social performance data at the mine site level.

In addition to the Mineral Security Partnership, the U.S. has opportunities to influence and work with other partners through its participation in the Energy Resource Governance Initiative, the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (a network including almost 80 countries), and other U.S. partnerships. While the U.S. is no longer an implementing country in the Extractive Industries Transparency Initiative (EITI), the U.S. continues to support the EITI through USAID. The EITI currently has over 50 participating countries working to enhance transparency and reduce corruption in the extractives sector and enhance contributions of the sector to sustainable development outcomes. The EITI operates through national multi-stakeholder groups that oversee the EITI process and implementation on national and subnational levels. Such multi-stakeholder governance is essential in addressing the broad range of issues relevant to the mining sector and the different impacts on communities, workers, companies, governments, and other stakeholders and rights holders.

Question:

Although this discussion is very interesting, it is so far focused exclusively on international mining. We need more mining of these elements in the US. Can you share some insights related to mining in the US?

IRMA: See comments on Question 1 above. See also IRMA's recent blog post on U.S. Mining Law Reform [here](#) and examples of gaps between the U.S. legal framework for the mining sector and the good international practices in the IRMA [Standard for Responsible Mining](#) [here](#).

Question:

Can you share efforts to prevent, control, and remediate pollution that should be pursued in parallel with mineral extraction?

IRMA: We encourage you to take a look at the good practices summarized in the IRMA [Standard for Responsible Mining](#), particularly [Chapter 4.1](#) et. seq.

Question:

Can you comment on the critical minerals sector's relationship with security issues and what kind of policies/incentives they see that could help detach this sector from its long relationship with conflicts?

IRMA: You may find the good practices in the IRMA [Standard for Responsible Mining](#) on these topics to be helpful guidance, including [Chapter 3.4 on Mining in Conflict-Affected and High Risk Areas](#) (CAHRAs) and [Chapter 3.5 on Security Arrangements](#).