



ECOS and KNU views on IWA 45 and recommendations for upcoming initiatives on critical minerals

Brussels/Berlin, October 2024

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Summary

The International Workshop Agreement (IWA) 45 document, developed by ISO and published in August 2024, aimed to provide guidance on existing sustainability standards and frameworks for critical mineral supply chains. The document mapped various existing standards and frameworks. We strongly welcome the recommendations on the issue of inclusiveness of civil society and Indigenous Peoples' groups. However, fundamental gaps remain in the document and the accompanying analysis such as defining best practice in sustainable critical mineral supply chains and an analysis of the effectiveness of existing standards and frameworks in improving sustainability outcomes.

Furthermore, the IWA 45 process was marked by a lack of scope clarity and inconsistent stakeholder engagement due to restricting access to the critical discussion sessions to in-person attendees. Key elements of the report such as the conclusions and recommendations were only presented after the conclusion of the workshops and were not subject to a consensus-building process as required by ISO's guidelines for the development of IWAs. The development of the document therefore lacked transparency.

ISO TMB Resolution 76/2023 states that the future work of ISO/PC 348 "Sustainable Raw Materials" should integrate the findings of IWA 45. ECOS and KNU therefore recommend that:

- ISO/PC 348 builds upon IWA 45 with a more rigorous analysis focused on defining best practices in the sustainability of critical mineral supply chains and understanding the effectiveness of existing standards and frameworks in helping users achieve best practice. This could be done through a Technical Report process which ensures broad, inclusive stakeholder engagement;
- Future work on a certifiable standard, as intended by ISO/PC 348, develops agreed sustainability outcomes and related criteria as well as measurement methodologies to assess standards users' progress towards these sustainability outcomes;
- The conclusions from clause 7.3. of IWA 45 on an adequate participation of environmental NGOs and Indigenous Peoples form the basis of the future work of ISO/PC 348.

Introduction

The International Workshop Agreement (IWA) 45 is a document developed by the International Organization for Standardization (ISO) in 2024 with the aim of providing guidance on sustainability in critical mineral supply chains. ECOS and KNU, along with other civil society organisations, were actively involved in this process, advocating for the adoption of stringent environmental and human rights safeguards. We supported the [Civil Society Guiding Principles](#), which include strong environmental management and circularity principles, vital protections for Indigenous Peoples' rights, and robust human rights due diligence across the entire supply chains of critical minerals.

Critical minerals are indispensable to producing clean technologies, which are key to achieving the energy transition. However, the rush to secure these materials must not come at the expense of environmental and human rights protections, especially for Indigenous Peoples and vulnerable communities and ecosystems affected by mining activities.

The aim of IWA 45 was to 'demystify' the standards landscape and assess whether further standardisation work would be needed. As per ISO TMB Resolution 76/2023, the outcomes of IWA 45 should set the basis for the future work of ISO/PC 348 on "Sustainable Raw Materials" whose work will kick off in October 2024.

This paper reflects ECOS and KNU's views regarding the process and outcomes of IWA 45, as well as the recommendations for the upcoming work undertaken by ISO/PC 348.

1. Comments on IWA 45

IWA 45 provides an overview of existing sustainability frameworks, guidelines, and standards relevant to the critical minerals sector, comparing 30 frameworks in a matrix on aspects such as governance structures, sustainability topic areas, and requirements. Its goal is to map the current standards landscape and help organisations navigate these tools.

While the IWA 45 process meant to provide an overview of existing guidance on the sustainability of critical mineral supply chains, the resulting document falls short of several essential aspects including:

- A clear understanding of what constitutes 'sustainability' in relation to critical mineral supply chains.
- Discussions on desired sustainability outcomes and sustainability performance objectives for critical mineral supply chains, alongside best practices for achieving these goals.
- A review and analysis of the requirements or guidance needed to help organisations achieve best practice.
- Method for assessing conformity with these sustainability requirements and evaluating progress towards agreed sustainability outcomes.

With regards to the analysis of sustainability topic areas, sustainability requirements and the Comparison Matrix, we have the following observations:

- The analysis is limited to listing sustainability topic areas, with a lack of consistency in the sustainability topic areas itemised by the Comparison Matrix and those listed in Clause 4 of IWA 45. The listing in Clause 4 lacks context and explanation.
- The document only provides high-level, general observations of commonalities and divergences between the existing standards and frameworks, without detailed analysis.
- The document fails to clearly connect the importance of multi-stakeholder governance and strong assurance schemes for critical mineral supply chains to achieve sustainability objectives requirements for performance monitoring, assessment and reporting.
- The matrix claims to offer an objective view, but the information is largely sourced from the certification organisations themselves. This self-reported data can be biased, presenting an overly favourable view of their frameworks. Without independent verification, the accuracy and impartiality of the data are questionable.
- It is not explained why the IWA 45 process made 'no attempt to determine the effectiveness of any of these instruments in improving sustainability'.

2. IWA 45 Process

2.1 Development process

The IWA 45 process was structured into a series of [three workshops](#) organised by Australia's national standardisation body, Standards Australia, in February, April and May 2024. These workshops intended to bring together a wide range of stakeholders, including industry representatives, government bodies, civil society organisations, and academic experts, to discuss and establish a consensus on key sustainability issues related to CRMs. However, the content-related discussion sessions that fed into the final report were only accessible to in-person attendees, thereby excluding stakeholders who did not have the time and financial means to travel to the US and Japan.

The way in which an IWA is developed has a strong bearing on the outcomes of the process and the representativeness and validity of the resulting document.

We would therefore like to address several points regarding the development process:

- **Lack of formulation of clear and agreed scope and objectives.** There was no New Work Item Proposal that clearly set out the scope and objectives of the project and the resulting document. The scope and objectives communicated at the information webinar were rather vague, referring to 'demystifying' the landscape of standards and frameworks. As the scope and objectives were not presented in writing at the outset of the process, it was not possible to ask questions or to provide feedback on the intended approach, nor to build consensus on the scope and objectives with workshop participants.
- **Lack of discussions of sustainability aspects of critical mineral supply chains.** The IWA 45 report addresses the question whether there is a need for ISO standardisation on the topic of sustainability of critical mineral supply chains. To answer this question, the IWA 45 process should have been focused on a discussion of the fundamental aspects of sustainability performance in relation to critical mineral supply chains, such as:
 - A discussion of what constitutes 'best practice' in sustainable critical mineral supply chains.
 - An assessment of existing standards with regards to their effectiveness of improving sustainability performance and outcomes.
 - An assessment of how sustainability performance is/should be measured and verified.

However, without any explanation or opportunity for stakeholder discussion, an assessment of existing standards and frameworks was purposely excluded. While the IWA 45 report states that 'sustainability frameworks, guidelines and standards [...] provide **best-practice** for the mining industry and corporations throughout the critical mineral supply chain', the IWA 45 process did not provide for any discussion of what constitutes such 'best practice'.

Furthermore, while there was a discussion panel on governance and assurance, this did not address the fact that assurance can only be meaningful when it is based on verifiable performance assessment against agreed best practice criteria and/or sustainability outcomes. Upon our questions on this subject, none of the frameworks represented were able to point to concrete evidence for the effectiveness of their schemes.

- **Lack of workshop participants' input into the development process, the analytical framework and the IWA 45 document.** The detailed plans for the development process and workshop design were not presented to workshop participants at the beginning of the process and it was

therefore not possible to provide feedback on the adequacy of the process in achieving the goals.

The analytical framework was not introduced or discussed with workshop participants, which meant feedback could only be provided after substantial amounts of work had already taken place and much of the feedback was therefore deemed 'too late'. Crucially, there was no opportunity to discuss or contribute to the conception of the analytical framework Standards Australia used in developing the Comparison Matrix, which forms a major part of the IWA 45 output. As a result, the analysis of the requirements contained in existing sustainability guides or frameworks is limited to a simple listing of environmental impacts addressed. No analysis is provided to answer questions such as:

- Do the requirements address all potentially significant environmental impacts of critical mineral supply chains? If not, what additional requirements are needed to address them?
- How and to what extent do the requirements adequately address potential environmental impacts? What if any changes are needed to ensure the requirements lead to best practice and improved sustainability performance?

ISO 14001 or other existing management system standards were excluded from the analysis without any plausible explanation despite a query raised by us at the second workshop.

While the second workshop had interesting discussion panels on a range of relevant topics, no outcomes from these discussions were agreed to flow into the IWA 45 document. In fact, much of the substantive development of the IWA 45 (including the analytical work and the development of the scope statement and document structure) appears to have taken place offline by the project leadership or even external consultants without any involvement of the workshop participants.

None of the *content* of the resulting IWA 45 document was discussed or agreed by the workshop participants to reach consensus. Written comments from workshop participants appear to have been copied in verbatim, sometimes resulting in contradictory statements¹.

- **Conclusions and recommendations of IWA 45 document were not approved by consensus.** Critically, the conclusions and recommendations presented in the pre-publication ISO IWA 45 (July 2024) were not discussed with workshop participants at any stage during the three workshops. While IWA 45 participants had an opportunity to provide feedback on the draft during a comment period, this input process did not facilitate meaningful engagement. The final set of conclusions and recommendation were not shared until the distribution of the pre-publication IWA when no further comments could be made. These should have been the subject of discussion during the third workshop, which should have been accessible both to in-person and online participants. The conclusions and recommendations presented in the pre-publication IWA 45 were *not* 'approved by consensus amongst the individual participants in the workshops' as they were neither formulated in during the workshop discussions, nor subject to a consensus-building process.

¹ E.g. Recommendation 7.3 starts by stating that Civil Society Organizations and Indigenous Peoples groups should not have 'merely listening sessions', a statement immediately followed by:

'IWA participants recommended the following to support this objective:

a) Listening sessions with developing countries, Indigenous peoples, survivors, communities impacted by mining and the NGOs that amplify their voices.'

Given that no analysis of the effectiveness of existing standards and frameworks to achieve agreed sustainability outcomes was undertaken, the assertion that no new ISO standards are needed in the upstream and midstream segments of the metals and minerals sector cannot be upheld. On the other hand, we share the view that existing standards should be further developed and made more robust by incorporating aspects of sustainability (in the context of revisions). We hope fragmentation of addressing sustainability topics could be avoided (JWG 6, TC 82/SC 7, PC 348).

2.2 Barriers to stakeholder participation

The ISO website states that 'International Workshop Agreements are prepared through a workshop mechanism outside of ISO committee structures, following a procedure that ensures the broadest range of relevant interested parties worldwide have the opportunity to participate, and are approved by consensus amongst the individual participants in the workshops.'

The design of the IWA 45 process has fallen short of this commitment:

- While two of three workshops were advertised as hybrid events, the workshop agendas were designed in a way that only in-person participants were able to take part in the substantive discussions to develop the IWA content.
- Online participants were only able to take part in the information sessions and panel discussions and Q&A. These parts of the workshop did not allow online participants to gain a sense of what was discussed as IWA content nor to contribute to or query this in a meaningful way.
- Standards Australia asked for written comments with very short deadlines (one week). Although we submitted comments under time pressure, we were not informed which comments were considered and why others were not.

As such, the IWA 45 procedure did not ensure that 'the broadest range of relevant interested parties worldwide have the opportunity to participate' and the resulting IWA document does not constitute an agreement that was 'approved by consensus among the individual participants in the workshop'.

A key takeaway from the IWA 45 process was the crucial need for broader stakeholder engagement, particularly from developing countries, Indigenous Peoples, and affected communities. The process also highlighted the importance of capacity-building and shared decision-making in the development of future standards.

The IWA 45 process therefore stands in stark contrast to the IWA 45 leadership's emphasis of the importance of an inclusive approach and as highlighted in the conclusions on the final document, which we very much welcome. The criticisms levelled at ISO processes were further developed during a discussion panel on inclusiveness of civil society and Indigenous Peoples' organisations.

Finally, the IWA contributor list does not distinguish between in-person and online participants. It is therefore difficult to assess which participants were able to contribute to the discussions of the IWA content and which were not and any stakeholder imbalance that may have resulted from the inconsistent access².

² Furthermore, the list is flawed: the listing of NGOs seems incomplete and the country assignment is partly wrong. For example, the KNU, established in Germany, assigned to Great Britain here.

3. ECOS and KNU recommendations

The IWA 45 process has provided a first step in mapping the landscape of existing standards and frameworks for sustainability of critical mineral supply chains.

However, a more thorough and rigorous analysis needs to be undertaken to establish to what extent existing standards and frameworks are effective in helping their users improve actual sustainability performance.

We recommend that ISO/PC 348 on Sustainable Raw Materials builds on the IWA 45 process with a standardisation deliverable such as a Technical Report, that allows for a clearly structured and participatory process with a scope, objectives and analytical framework arrived at through consensus-building.

We propose that the Technical Report's Terms of Reference addresses the fundamental questions which the IWA process has failed to address or partially addressed, including:

- How is 'sustainability' defined in relation to critical mineral supply chains and what does 'best practice' in sustainability of critical mineral supply chains look like?
- What are the desired sustainability outcomes (objectives for the protection of the environment with a focus on environmental conditions) and sustainability performance objectives (objectives for the performance of an organisation in respect of achieving sustainability outcomes with a focus on the organisation's management, operations, business model, etc)?
- To what extent do the existing frameworks effectively support organisations to systematically improve their sustainability performance based on the agreed best practice?
- What should a certifiable sustainability standard for critical mineral supply chains look like in terms of principles, guidance, sustainability criteria and requirements?
- What existing ISO standards such as ISO 14001 and ISO 14002-4 (under development) can serve this purpose or how can they be adapted to critical minerals supply chains?
- Which other existing ISO standards or standards under development should be considered (e.g. ISO/AWI 24961 Rare earths and lithium sustainability across the value chain: concentration, extraction, separation, conversion, recycling and reuse)
- How can sustainability performance of critical mineral supply chains be measured to prove conformity and progress in achieving best practice?
- How can issues such as traceability of critical minerals be addressed?

Undertaking such an exercise would provide ISO PC 348 with a more robust and reliable analysis of gaps in the existing standards landscape around sustainable critical minerals supply chains and how to address it. It would move the sector forward by establishing an agreed understanding of sustainability and best practice in relation to critical minerals and how this should be reflected in the forthcoming work of ISO/PC 348 including the NWIP on Sustainable Raw Materials.

Furthermore, it would help coordinate ongoing ISO activities relating to sustainability of mineral supply chains (e.g. work on rare earths).

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