



CRAFT

CRAFT 2.0

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CRAFT 2.0

Volume 1

Introduction and General Characteristics

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CRAFT 2.0 supersedes the [CRAFT 1.0](#) (July 31, 2018)
after the second round of public consultation

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¹ In the case of inconsistency between versions, reference defaults to the official language version: English, version number 2.0.

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The CRAFT Code is committed to gender equality and especially to the protection of women who are typically exposed to gender discrimination. Throughout all volumes of the CRAFT Code, for language economy and lack of convenient alternative, masculine language will be used as generic. Inclusive language will be used in those points where it is most necessary to visualize the role of women.



01. INTRODUCTION

The years since 2008 have seen the emergence of a strong body of frameworks initially applicable to 3T metals (tin, tungsten, tantalum) and gold originating from Conflict-Affected and High-Risk Areas. [The OECD Due Diligence Guidance \(OECD DDG\)](#), the US Dodd-Frank Act, the European Union (EU) Conflict Minerals Regulation and related instruments encourage or require downstream actors to further understand and “de-risk” their supply chains. This normative framework, increasingly binding, will also enhance them to develop compliance processes and protocols for implementing risk-based due diligence and chain of custody or traceability systems.

Supply chains sourcing from Artisanal and Small-scale Mining (**ASM**) are often quite complex, particularly if they lack clear “choke points”² determined by technology, as in the case of gold. Complex supply chains require complex due diligence processes that are costly. The situation is exacerbated by legal and reputational risks of sourcing from legitimate but still predominantly informal ASM mines. Consequently, many downstream supply chain actors have become reluctant to source minerals or metals from ASM or otherwise accept them in their supply chain. However, the rational response of many companies to avoid sourcing from ASM altogether further marginalizes the ASM sector and makes it easy prey for informal or criminal supply chain actors from buyers to armed groups.

In response to this critical challenge, the [Alliance for Responsible Mining \(ARM\)](#) and [RE-SOLVE](#), with initial funding support from the [European Partnership for Responsible Minerals \(EPRM\)](#), decided in 2016 to develop a market entry standard under open-source terms, enabling **OECD**-conformant ASM producers to deliver into legal supply chains.

The resulting **Code of Risk-mitigation for ASM engaging in Formal Trade – CRAFT**³ is intended to serve as an instrument for ASM and the downstream industry to validate its eligibility to sell and source minerals and metals originating from ASM in conformance

²Clearly defined key points of transformation in the supply chain that generally include relatively few actors that process a majority of the commodity, such as smelters in the case of 3T metals.



with the OECD DDG and legislations derived from it, like the EU regulation on conflict minerals entering in force in 2021. In response to demand from various supply chain actors and initiatives, the initial product scope on gold of Version 1.0 has been broadened in Version 2.0, opening the CRAFT for other commodities produced by ASM. The CRAFT is further intended to be responsive to reputational challenges of responsible supply chains by way of becoming a progressive improvement system of assurance for ASM products.

The CRAFT aims at facilitating engagement of the downstream supply chain actors with upstream ASM producers (miners, and processors and aggregators as applicable) at the point where the risks listed in the OECD DDG (commonly referred to as “Annex II risks”) are mitigable. The CRAFT is expected to support the efforts of legitimate producers from the ASM sector to sell their product to formal supply chains and, vice versa, help downstream supply chain actors to engage with legitimate ASM producers. By adhering to the CRAFT Code, ASM mineral producers act and operate in accordance with or exceeding the minimum parameters established by the OECD DDG for responsible mineral supply chains. ASM producers, therefore, meet the requirements that their clients (those who buy their product) are obligated to demand from them, according to international, regional and national laws and norms. Acting upon the conditions of formal markets is expected to facilitate the access of ASM mineral producers to those markets.

³The preferred usage of the acronym for “Code of Risk-mitigation ...” in written form is “CRAFT”. Where necessary for improved clarity, the pleonasm “CRAFT Code” may be used.

The **overall intent of the Code** is to promote the sustainable social, environmental, and economic development of the ASM sector, by leveraging demonstrable conformance with due diligence requirements as an instrument for generating a positive development impact for ASM producers. The CRAFT expects to be a tool principally for the miners, to empower them in understanding and complying with market expectations and due diligence needs. The CRAFT is also expected to be key for downstream actors to enable trade with the ASM supply-chain.

Supply chain schemes that incorporate and use the CRAFT for sourcing from ASM or for supporting ASM development are referred to as **CRAFT Schemes**. In order to accommodate the vast variety of upstream ASM producer setups, governing legal frameworks, and possible usage scenarios, the CRAFT is developed from the outset under Creative Commons (CC) **Open Source** license terms.⁴ As an open-source standard, the CRAFT may be freely used by any ASM producer, as well as by a wide variety of sourcing models, ASM development programs, supply chain initiatives or supply chain actors sourcing from ASM, i.e. by any supply chain scheme, as long as the CC license terms are respected.

According to the CC Open Source license terms of the CRAFT Code, ARM as the Code maintainer has very limited control over who uses the Code, for which purpose, and under which conditions. However, to ensure consistency in the application of the CRAFT, Version 2.0 introduces a new chapter (Volume 3) on guiding principles for CRAFT Schemes, on how Schemes are expected to interact with ASM producers and what claims may be made related to the usage of CRAFT. Volume 3 also strengthens the intent of the Code that CRAFT Schemes are expected to support ASM producers in their efforts to comply with the requirements of the CRAFT and improve their operations.

Open source also implies that the prescription of an exclusive certification scheme is impossible. CRAFT on its own is not a certification scheme! Many non-exclusive ways to determine conformance with the CRAFT, such as already existing assurance schemes of supply chain initiatives or due diligence procedures of supply chain operators, can co-exist. Notwithstanding, CRAFT may be incorporated into existing certification schemes and/or certification schemes may be built on top of CRAFT. This flexibility provided by the Open Source license eliminates from the outset the risk that the CRAFT creates additional “audit burden”.

⁴The widely used Creative Commons Attribution-Share-Alike 4.0 license (CC-BY-SA): <https://creativecommons.org/licenses/by-sa/4.0/>



02. CHARACTERISTICS AND SCOPE OF THE CRAFT CODE

2.1 TYPE OF STANDARD



- CRAFT is a voluntary sustainability standard.
- CRAFT is a progressive performance standard for ASM mineral producers.
- CRAFT is a process standard. This means it is not a product standard.

2.2 ORGANIZATIONAL SCOPE



CRAFT is a standard for mining at artisanal and small scale and uses the OECD definition of ASM: “**Artisanal and Small-scale Mining (ASM)**: Formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally low capital intensive and uses high labour-intensive technology. ‘ASM’ can include men and women working on an individual basis as well as those working in family groups, in partnership, or as members of cooperatives or other types of legal associations and enterprises involving hundreds or even thousands of miners.” (OECD 2016b) .



The organizational scope of the CRAFT is the **ASM Mineral Producer (AMP)**⁵, which may comprise any de facto or formally established organizational structure of producers (*production-based groups* of ASM miners as individuals or entities) and may optionally include processors as well as local and national aggregators if these, jointly with the miners, constitute a *supply-chain based group*.

The CRAFT is not prescriptive with regards to demanding any specific formally established organizational structure. Membership to the AMP is functional and not administrative.

⁵The term “ASMO” (ASM Organization) is a widely accepted and understood term for all kinds of organizational ASM setups. However, this term is used in other standards and refers mainly to formally established organized groups. This could lead to confusion, as the organizational scope of the CRAFT is broader. Therefore, the CRAFT intentionally uses a different term.

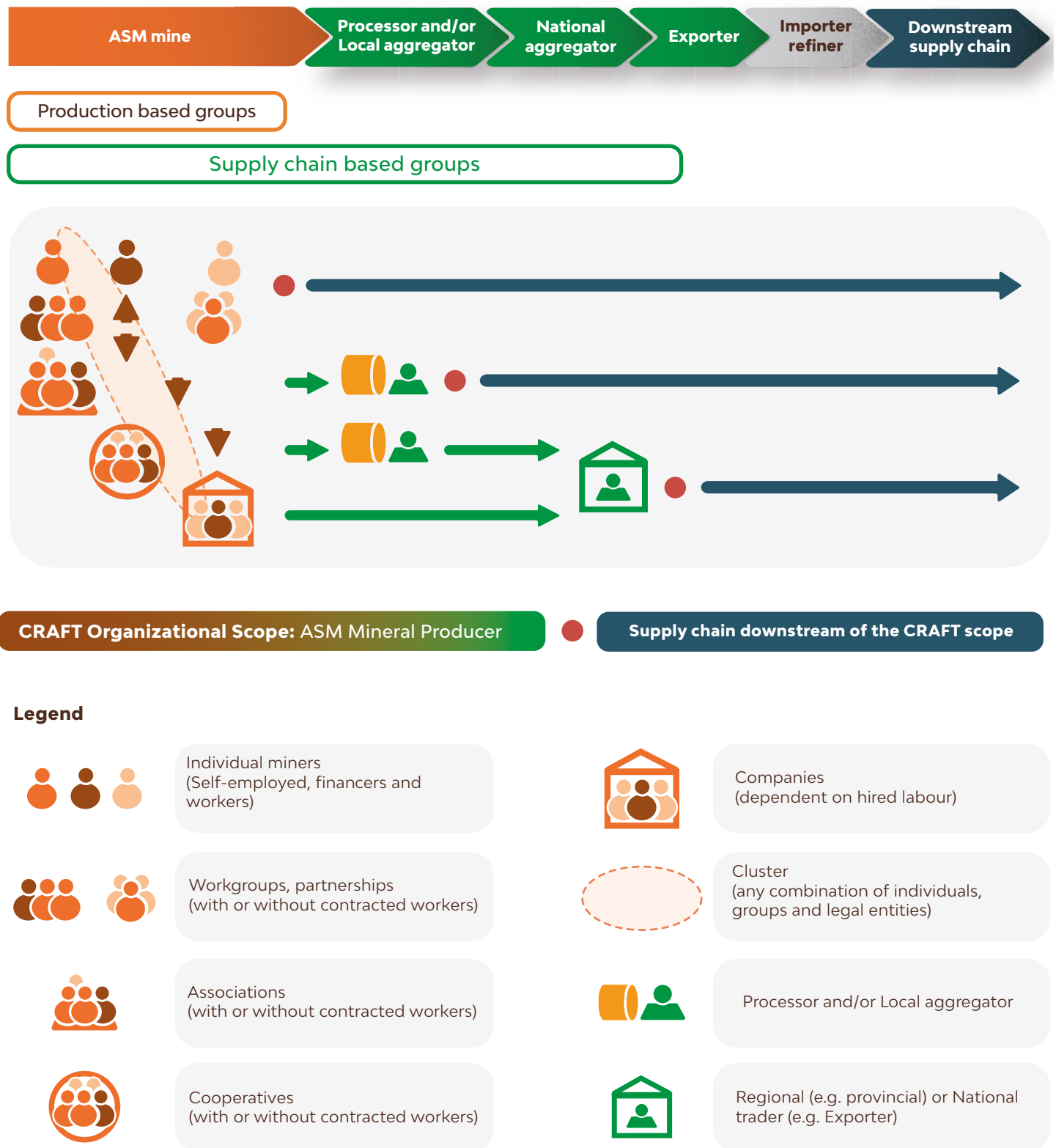


Figure 1: The organizational scope of CRAFT covers miners and optionally processors and/or aggregators at the upstream end of the supply chain, down to the point (i.e. red dot, point of assurance) where the mined and eventually processed product enters the supply chain downstream of the CRAFT scope.

Members of the AMP are all persons and entities working within the organizational scope. This includes natural persons regardless of being self-employed, employed, employing, financing, or holding ultimate ownership etc. as well as de-facto entities such as workgroups or partnerships and legal persons such as associations, cooperatives or companies, etc. In other words, anyone involved in the supply chain of the AMP down to the point where the product is sold and enters the supply chain downstream of the organizational scope is considered a “Member”, subject to the responsibilities described in the requirements of the Code.

The **main organizational scope** comprises production-based groups of *Members of an AMP*, engaged in the AMP’s ASM operation. These members are also referred to as “**Miners**”, and include all men and women involved in mineral extraction, selection, processing, or transportation of minerals from primary or secondary deposits, dumps and tailings.

For simplicity, three organizational types can be distinguished:

- **Individuals**
- **Groups** (family groups, partnerships, associations, cooperatives, companies, etc.)⁶
- **Clusters** (any combination of individuals and/or groups).

In the case of supply-chain based groups, **the extended organizational scope** may additionally include **Processors** and/or **Aggregators** as *Members of an AMP*. The term AMP then refers to Miners and linked Processors and/or Aggregators.

The difference between the main scope and extended scope is:

- an organizational structure of Miners without Processors and/or Aggregators (i.e. a production -based group or cluster) qualifies as an AMP;
- an organizational structure comprised of Miners and Processors and/or Aggregators, with stable internal commercial relations (i.e. a supply-chain based group) qualifies as an AMP;
- an organizational structure comprised of Processors and/or Aggregators without stable commercial relations with Miners (e.g. buying from random miners) does not qualify as an AMP.

Supply chain actors outside the organizational scope of the CRAFT (i.e. “downstream” in the logic of the CRAFT⁷), which source or have the intention to source minerals or metals from an AMP, are - for the sake of brevity - referred to with the catch-all term **BUYERS**.

⁶This encompasses all types of “ASM Enterprises”, per the definition of this term in the OECD DDG.

⁷In CRAFT, the terms “upstream” and “downstream” are used in relation to the point where minerals and metals produced by AMPs are sold to supply chain actors outside the organizational scope of the CRAFT (i.e. the red dot in Figure 1).



2.3 GEOGRAPHIC SCOPE



CRAFT has a global scope, without any excluded areas.

CRAFT is intended to be applicable to AMPs located in *Conflict-Affected and High-Risk Areas (CAHRAs)*⁸, as well as to AMPs located in low-risk areas not affected by conflict. Some requirements of CRAFT only apply if the AMP is located in a CAHRA.

The AMP must be operating in one single country. In transboundary ASM areas, all Members of the AMP must operate under the same jurisdiction. The internal supply chain of the AMP must not include cross-border transactions.

Valid scenarios of supply-chain based groups also exist, where international Large-Scale Mining (LSM) mines aggregate the product of ASM miners operating on their concession, or where agents of international BUYERS aggregate directly from ASM miners. In such cases, the limitation of the geographic scope to one single country implies that the organizational scope is limited to the nationally operating agents of such entities (i.e. only the nationally operating aggregating agent may be Member of the AMP, not the internationally operating entity).

⁸As per the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from *Conflict-Affected and High-Risk Areas*.

2.4 COMMODITY SCOPE



Version 1.0 of CRAFT was initially developed for ASM gold mining. Inspired by the broader commodity scope of the OECD DDG and demand from ASM supply chains actors of other minerals, Version 2.0 covers AMPs producing the following commodities in any tradable form:



Gold And Associated Precious Metals

(silver and/or in some cases platinum group metals). Typically sold by AMPs as ore, concentrate or doré.



Tin, tantalum and tungsten (3T)

Typically sold by AMPs as ore or concentrate.



Cobalt

Typically sold by AMPs as ore or concentrate.



Coloured gemstones

Typically sold by AMPs as rough (including mineral specimen) or cut and polished stones.

If an AMP producing any of the above commodities is conformant to the CRAFT (i.e. at least candidate status; see chapter 4.2 below), the AMP can promote the sale of all its mineral products as “originating from a CRAFT-conformant AMP”. For more details on claims, see **volume 3**.

For the above commodities, CRAFT has been validated through piloting, public consultation, deliberation in the Standard Committee and enactment by the Code Maintainer (ARM). Notwithstanding, this does not preclude the possibility to evaluate and test the applicability of the CRAFT for other commodities produced by ASM. Based on feedback to the code maintainer from piloting CRAFT for other commodities, the Commodity Scope of future versions of CRAFT may be broadened.

03. OVERVIEW OF THE CRAFT CODE

3.1 NEW STRUCTURE OF THE CRAFT VERSION 2.0

For improved readability, CRAFT 2.0 was rewritten and restructured into three much shorter but more topic- and audience-centred Code Volumes and one more comprehensive Guidance Book.

Volumes 1 to 3 constitute the **CRAFT Code**, containing all binding text.

Volume 4 is the **Guidance Book**, which contains all guidance and explanatory notes, as well as further background information and suggested tools where available and applicable. All text in Volume 4 is non-binding.

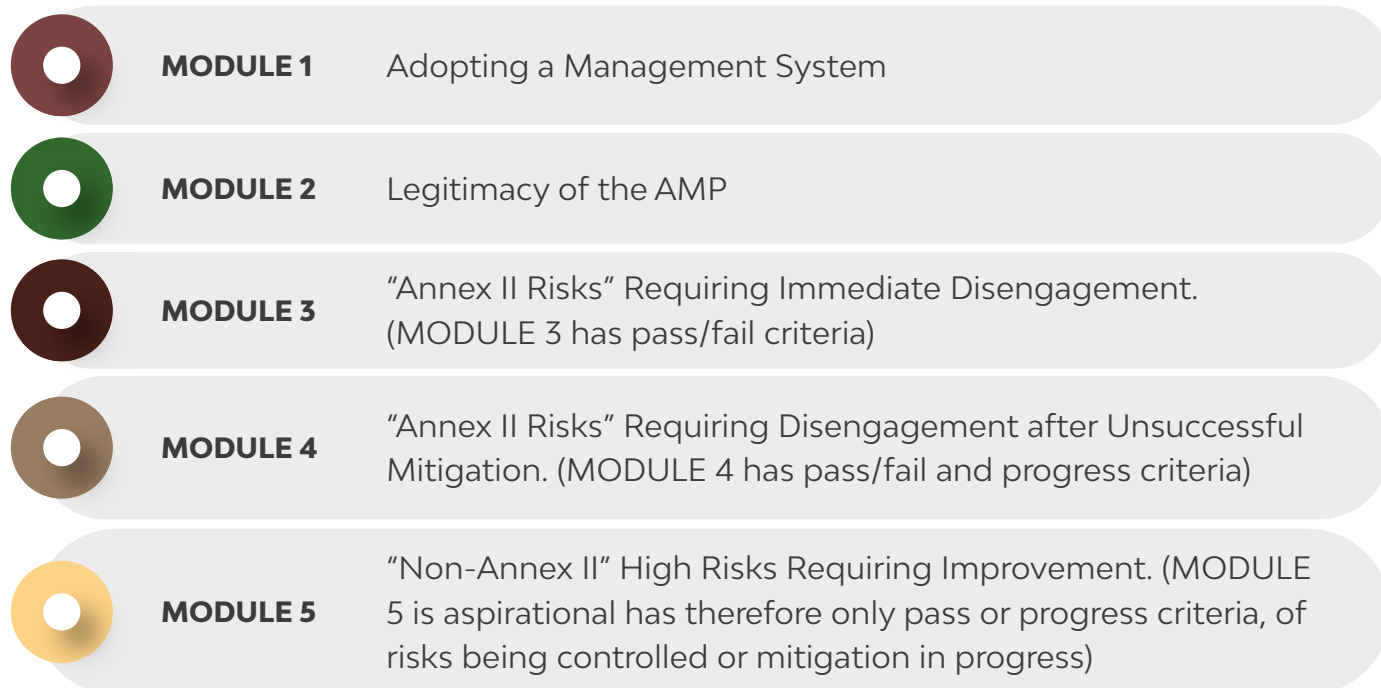
- **Volume 1: CRAFT Code – Introduction and General Characteristics**
- **Volume 2: CRAFT Code – Requirements for ASM Mineral Producers**
 - Volume 2A: Commodity-independent Requirements
 - Volume 2B: Commodity-specific Requirements
- **Volume 3: CRAFT Code – Guiding Principles for CRAFT Schemes**
- **Volume 4: CRAFT Guidance Book**

For conformance with CRAFT, AMPs must always fulfill the commodity-independent requirements of Volume 2A **and** the applicable commodity-specific requirements of Volume 2B.

3.2 STRUCTURE OF REQUIREMENTS FOR ASM MINERAL PRODUCERS

CRAFT 2.0 maintains the modular structure of requirements for AMPs from version 1.0. The sequence of Modules in Volume 2 reflects the sequence that AMPs are expected to follow in order to conform to the requirements.

The sequence of requirements within Modules follows the Consolidated Framework of Sustainability Issues for Mining (Kickler&Franken 2017), explained in the Guidance Book.



Modules 1 to 4 cover the requirements aligned with the OECD DDG. Their fulfilment is therefore in practice "mandatory"⁹ for any AMP wishing to engage with formal markets.

Module 5 formulates requirements that go beyond the OECD due diligence guidance and is, therefore "aspirational". The "High Risks" in Module 5 cover the majority (although not all) of aspects that BUYERS committed to responsible sourcing may expect from their suppliers. By progressively conforming with these aspirational requirements according to their own needs and goals, AMPs advance in their development and can further improve their access to responsible markets.

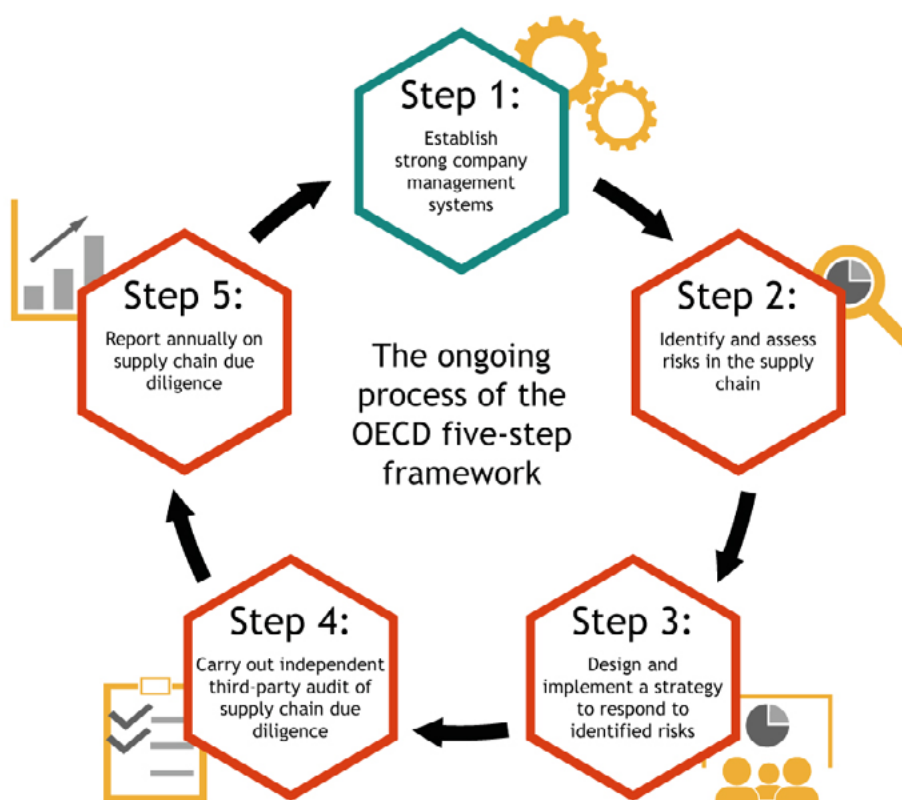
Depending on demand, additional MODULES on Medium- and Low Risks may be developed in future versions of the CRAFT.

⁹The term "mandatory" does not imply exclusivity of CRAFT. It attempts to express that other approaches or tools to assure conformance with the OECD DDG (and legislations referring to the DDG) are likely to address the same Annex II risks. It means that to access formal markets, these requirements must be fulfilled, this way or other.

04. INSTRUMENTS OF THE CRAFT CODE

4.1 CRAFT REPORTS

The CRAFT applies and adapts the logic of the OECD Due Diligence Guidance five-step framework (see OECD 2016b) to the ASM context. The decision of an AMP to adopt the CRAFT Code corresponds to Step 1 of the Framework, establishing a management system. CRAFT implementation consists of the corresponding subsequent steps of risk assessment (step 2), risk mitigation (step 3), verification (step 4) and reporting (step 5).



Regarding step 4 (verification), third-party audits are costly and beyond the financial capacity of the vast majority of AMPs. As per the OECD DDG, risk-based independent **third-party verification** is the due diligence responsibility of the supply chain actors that source or wish

to source from ASM (i.e. BUYERS), not the responsibility of the ASM sector. Consequently, the CRAFT does not require AMPs to contract audits or any other type of third-party verification, as this would duplicate third-party verification requirements.

Verification of requirements for AMPs is based on **first-party verification** in the case of production-based groups, or first- and **second-party verification** in the case of supply-chain based groups.

The findings of this first- and/or second-party verification exercise shall be documented in the **CRAFT Report**, matching the reporting requirement (step 5) of the OECD DDG five-step framework. AMPs shall periodically (at least annually) issue CRAFT Reports, documenting the fulfilment of the CRAFT Requirements (see CRAFT Volume 2) in form of *verifiable claims*.¹⁰ These types of claims are affordable for AMPs because they do not require contracting a service provider for independent third-party verification.

For BUYERS (supply chain actors that source or wish to source from ASM) it is expected that CRAFT Reports simplify due diligence to mainly *verifying verifiable claims*.¹¹

For AMPs, these CRAFT Reports represent their “*passport to formal markets*”.¹² In their CRAFT Reports, AMPs are also expected to document the risk mitigation measures and improvements planned for the next reporting period.

¹⁰To illustrate verifiable first- and second-party claims:

- Example for **first-party claim**: We, the Miners, have assessed the risk X, found that ... and affirm that we are taking the risk mitigation measure Y. Evidence for progress on risk mitigation is Z.

- Example for **first- and second-party claim**: I, the Aggregator, have assessed the risk X in my operation and in the operations of the Miners who are my suppliers, found that ... and affirm that I and my suppliers are taking the risk mitigation measure Y. Evidence for progress on risk mitigation is Z.

Note: wording does not have to follow these examples.

¹¹Independent CRAFT Schemes may provide such verification as a service.

¹²The motto “passport to formal markets”, that accompanied the development of CRAFT since its conceptual phase, is not intended to imply exclusivity; other approaches or tools to assure conformance with the OECD DDG may be similarly valid and useful for the purpose to facilitate access to markets for ASM producers.

Characteristics of CRAFT Reports are:

Full-text CRAFT Reports



- CRAFT Reports shall contain and indicate:
 - Description of the AMP and detailed information and supporting evidence (where applicable) about the risk assessment results,
 - Detailed information about the number and type of mitigation or improvement achievements in the past reporting period, and
 - Detailed information about the number and type of mitigation or improvement commitments for the next reporting period.
- CRAFT Reports may contain confidential data. In this case, disclosure may be subject to confidentiality agreements.
- AMPs may disclose their own CRAFT Reports to any party at any moment as they see appropriate.
- For independent third-party verification on behalf of BUYERS, for the purpose of verifying the first- and second-party claims made in CRAFT Reports, the full-text CRAFT Report must always be disclosed to the independent verification body of the BUYER.

Public summary CRAFT Reports



- Every CRAFT Report shall include a non-confidential, public summary.
- The summary CRAFT Report shall contain for each requirement at least one status qualifier (e.g. legal, legitimate, mitigated, satisfactory progress, improved, ongoing improvement, etc.) in the CRAFT Requirements (Volume 2).
- The summary CRAFT Report may contain further detailed non-confidential information as considered appropriate by the AMP.

4.2 CRAFT SCHEMES

A supply chain scheme, in general, is any set of rules for engagement between upstream and downstream¹³ supply chain actors established by BUYERS, governments, civil society organizations, private sector service providers, projects or programmes. A **CRAFT Scheme** is a supply chain scheme that follows, uses, incorporates, or builds upon the rules of the CRAFT Code.

Experience with [CRAFT version 1.0](#) showed that AMPs, able to implement the CRAFT on their own, are the exception rather than the rule. The role of CRAFT Schemes is therefore pivotal.¹⁴ CRAFT Scheme owners usually engage with AMPs for the purpose of implementing the CRAFT in their supply chain or programme. AMPs usually engage with CRAFT Schemes for the purpose of obtaining support for improving responsible mining practices and for engaging with formal markets. This engagement is referred to as **affiliation of an AMP to a CRAFT Scheme**.

¹³See footnote 6 on the usage of the terms “upstream” and “downstream” in CRAFT, which is different from the usage in the OECD DDG.

¹⁴CRAFT version 2.0 therefore introduces a new section, expanding on guiding principles for CRAFT Schemes ([Volume 3](#)).



- Affiliation of AMPs to CRAFT Schemes is voluntary and optional. In regions where no CRAFT Scheme operates, or if an AMP does not wish to join a CRAFT Scheme operating in its region, AMPs may implement the CRAFT on their own. For this purpose, they need to follow the CRAFT requirements (Volume 2) and may use their CRAFT Report as a *"passport to formal markets"* to engage with BUYERS.
- In the prevalent scenario of AMPs affiliated to CRAFT Schemes, implementation of the CRAFT is a shared responsibility of AMPs and CRAFT Schemes. While the AMP is always the main entity responsible for making verifiable claims and mitigating risks, it is the responsibility of CRAFT Schemes to support AMPs in their tasks to the extent possible (see Volume 3). CRAFT Schemes are expected to help AMPs assessing and mitigating risks by providing advice and guidance. In the case of BUYERS as CRAFT Scheme owners they do so to de-risk their supply chain and source from the AMP, and in other cases CRAFT Schemes facilitate engagement of AMPs with BUYERS.

The process of AMPs affiliating to a CRAFT Scheme (if the AMP decides to do so) is progressive, according to the stepwise approach of CRAFT. There are two levels of adherence: Candidate and Affiliate.

1. Candidate



AMPs that fit into the scope of the CRAFT may apply to affiliate to a CRAFT Scheme, providing all information required (MODULE 1). At candidate level, AMPs must provide credible evidence of their legitimacy (MODULE 2) and make verifiable claims that none of the Annex II risks covered in MODULE 3 are present.

At candidate level, AMPs shall be supported by CRAFT Schemes guiding them in their process towards CRAFT conformance and facilitating engagement with formal markets. BUYERS that wish to source from ASM in conformance with the OECD DDG may already engage conditionally with the AMP.

2. Affiliate



Candidate AMPs that, within 6 months from commercial engagement with a BUYER, can make a verifiable claim that all Annex II risks covered in MODULE 4 are controlled or can demonstrate measurable progress of their mitigation shall be granted Affiliate Status.

At affiliate level, AMPs shall receive continued support of CRAFT Schemes to engage with BUYERS, or vice versa, BUYERS that wish to source from ASM in conformance with the OECD DDG may engage definitively with the AMP.

At affiliate level, AMPs shall periodically re-assess their Annex II risks. As long as the criteria of MODULEs 1 to 4 are met, AMPs can maintain their affiliate status.

Additionally, AMPs shall periodically assess the non-Annex II risks covered in MODULE 5, prioritize those risks and issues which the members of the AMP consider most important to address, and commit to measurable progress in their mitigation during the upcoming reporting period.

Role of CRAFT Schemes with regards to due diligence. One of the purposes of CRAFT is to reduce barriers to formal markets for AMPs, by making due diligence easier for BUYERS. It is not the purpose of CRAFT to substitute the BUYER's responsibility for carrying out due diligence. Unless the CRAFT Scheme owner is a BUYER, CRAFT Schemes have no obligation to carry out any due diligence or verification of the content of CRAFT Reports.¹⁵ Their responsibility is to monitor the affiliation status of AMPs. This shall be based on the completeness of the CRAFT Reports presented by the AMP, i.e. that the Report contains all verifiable claims expected for the level of adherence.

However, CRAFT Schemes may carry out due diligence or third-party verification as seen appropriate. Where this is the case, the CRAFT Scheme will review and verify the information provided by the AMP in the CRAFT Reports (i.e. verify the verifiable claims) and carry out all complementary assessments as necessary. Carrying out due diligence is an added value service beyond the scope of the CRAFT, and is always the responsibility of the BUYER. Therefore, the cost of such services shall not be charged to the AMP.

Relation between the open-source CRAFT Code and proprietary CRAFT Schemes.

The CRAFT Code is open source under a Creative Commons license. CRAFT Schemes in contrast are proprietary. The open-source CRAFT Code can be implemented in proprietary CRAFT Schemes. The table below indicates how the key characteristics of the CRAFT Code and of CRAFT Schemes relate.

CRAFT Code	CRAFT Scheme
<p>The CRAFT Code is open source under the Creative Commons license CC BY-SA 4.0.</p> <p>The Code is based on the OECD DDG, in particular the MODULES 2 to 4 of the Code, addressing Annex II risks of the DDG.</p>	<p>CRAFT Schemes, established by a Scheme owner, may be proprietary.</p> <p>CRAFT Schemes are implementations of the CRAFT Code by supply chain schemes for conformance with the OECD DDG and engagement with ASM mineral producers.</p>
<p>Due to the terms of the open source license, ARM, as the code maintainer of the CRAFT Code, has very limited control over who uses the code, for which purpose, and under which conditions, as long as the open source licensing terms of CC BY-SA 4.0 are respected.</p>	<p>CRAFT Schemes may be established by BUYERS (e.g. by incorporating the CRAFT into their due diligence protocols), by independent third parties, by projects or programs, or similar.</p> <p>CRAFT Scheme owners have full control over their scheme.</p>

¹⁵If that were the case, AMPs from regions where no CRAFT Scheme is present on the ground would face barriers to finding a CRAFT Scheme that accepts their application.

CRAFT Code	CRAFT Scheme
<p>The CRAFT Code is a generic document that establishes requirements, common guiding principles and provides guidance.</p>	<p>CRAFT Schemes follow, use, incorporate, or builds upon all rules of the CRAFT Code (Volumes 1, 2 and 3) but are free to define the tools, templates and processes as seen necessary for supporting AMPs in their tasks of implementing the CRAFT. Volume 4 provides non-binding guidance for this purpose.</p>
<p>The CRAFT Code is not prescriptive on how the supply chain risks covered by the requirements have to be assessed or mitigated, or how a CRAFT Report has to be prepared.</p> <p><u>However:</u> Volume 4 provides guidance and examples.</p>	<p>CRAFT Schemes are expected to support affiliated AMPs in their tasks of risk assessment, risk mitigation and preparing CRAFT Reports; drawing on their own experience and expertise, and taking into account the local context of the AMP.</p>
<p>The CRAFT Code is a progressive performance standard for ASM mineral producers, providing assurance through first- and second-party verification by the AMP.</p> <p>CRAFT is a process standard and not a product standard nor a certification scheme.</p>	<p>CRAFT Schemes have no obligation to carry out due diligence or verification of the content of CRAFT Reports unless they are buyer.</p> <p><u>However:</u> CRAFT Schemes <u>may</u> carry out due diligence or third-party verification as seen appropriate, and/or incorporate the CRAFT into certification schemes if applicable.</p>
<p>Volume 3 of the CRAFT Code defines guiding principles for CRAFT Schemes, to ensure compatibility and interoperability.</p>	<p>CRAFT Schemes are required to respect the Creative Commons license terms and are expected to abide by the guiding principles.</p>

05. REFERENCES

5.1 REFERENCES TO INTERNATIONAL CONVENTIONS, STANDARDS AND LAWS

The CRAFT Code follows the below mentioned internationally recognized standards and conventions, either by incorporating literal quotes, referring to them, using them as guidance to align the requirements of CRAFT or for supporting rationales explained in the CRAFT Guidance Book:

- Geneva Conventions and protocols.
- FATF (2012): Recommendations.
- IFC Standards.
- ICC (2002): Rome Statute. International Criminal Court.
- ILO (1930): ILO Convention C029 - Forced Labour Convention.
- ILO (1973): ILO Convention C138 on Minimum Age.
- ILO (1999): ILO Convention C182 on Worst Forms of Child Labour.
- ILO (1999): ILO Recommendation R190 - Worst Forms of Child Labour Recommendation.
- ISEAL Standard-Setting Code of Good Practice Version 6.0.
- OECD (2016): OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.
- OECD (2011): Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.
- OHCHR (1984): Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- UNEP (2013): Minamata Convention on Mercury. Text and Annexes.
- UNODC (2004): United Nations Convention against Corruption.
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CRAFT 2.0

Volume 2A

Requirements for ASM Mineral Producers Commodity-independent Requirements

October 05, 2020

Official version: English¹

CRAFT 2.0 supersedes the [CRAFT 1.0](#) (July 31, 2018)
after the second round of public consultation

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¹ In the case of inconsistency between versions, reference defaults to the official language version: English, version number 2.0.

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INTRODUCTION

Version 2.0 of the CRAFT Code consists of three indivisible code volumes. Volume 1 contains the description of the intent, characteristics, scope, structure and instruments of CRAFT. Volume 2 assumes that users are familiar on how to apply CRAFT in alignment with Volume 1.

This Volume 2A contains all commodity-independent requirements for ASM Mineral Producers (AMPs). For conformance with CRAFT, AMPs must also fulfill the applicable commodity-specific requirements of Volume 2B.

Short description of the modules

-  **MODULE 1** Adopting a Management System
-  **MODULE 2** Legitimacy of the AMP
-  **MODULE 3** “Annex II Risks” Requiring Immediate Disengagement. (MODULE 3 has pass/fail criteria)
-  **MODULE 4** “Annex II Risks” Requiring Disengagement after Unsuccessful Mitigation. (MODULE 4 has pass/fail and progress criteria)
-  **MODULE 5** “Non-Annex II” High Risks Requiring Improvement. (MODULE 5 is aspirational has therefore only pass or progress criteria, of risks being controlled or mitigation in progress)

Background information, further comments, explanatory notes and suggested tools are contained in **Volume 4** (Guidance Book).

MODULE 1: ADOPTING A MANAGEMENT SYSTEM



M.1/5.2.3/R.1

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.3 Sub-Issue: Management System

The organizational structure and the geographic location of the AMP and the minerals or metals produced by the AMP are aligned with the organizational-, geographic- and commodity scope of CRAFT.²

Criteria: The AMP provides (in the CRAFT Report) all necessary information about its organizational structure, its Members, the location of its operations and transport routes and about the products mined and processed.

The AMP also indicates if - in its opinion - the operations are located in a *Conflict-Affected and High-Risk Area* (CAHRA) or not.

The description of the AMP contains a list of its Members, i.e. its internal entities (de-facto groups and legal persons), as well as name, gender, age, work site, and ID number of all natural persons linked to these entities or working individually, and the respective production and processing characteristics and capacities of the entities.

² See [chapter 2 of Volume 1 on the scope of CRAFT](#)



M.1/5.2.3/R.2

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.8 Sub-Issue: Management System

The AMP declares that it is committed to responsible production of minerals and metals in alignment with the OECD Due Diligence Guidance and to further progress towards good and best ASM practice. For this purpose, the AMP adopts the CRAFT Code as its Management System for risk mitigation and commits to progressively fulfill all requirements of the CRAFT Code.

Criteria: The AMP declares in the CRAFT Report or a separate statement its commitment to CRAFT.



M.1/5.2.3/R.3

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.3 Sub-Issue: Management System

If the AMP seeks support for implementing the CRAFT Code by joining a CRAFT Scheme, the AMP must follow the affiliation requirements of the CRAFT Scheme.

Criteria (only applies if a CRAFT Scheme exists, and if the AMP decides to join it): The AMP engages with a CRAFT Scheme.

**M.1/5.2.8/R.1**5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.3 Sub-Issue: Grievance Mechanism

The AMP has designated a point of contact for complaints.

Criteria: The point of contact is sufficiently independent to act as conflict mediator in case of complaints.

**M.1/5.2.11/R.1**5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.3 Sub-Issue: Responsible Person

The AMP has nominated a Responsible Person for the implementation of CRAFT.

Criteria: The responsible person is entitled to make claims on behalf of the AMP (i.e. issue the CRAFT Report).

The Member(s) of the AMP that interact(s) commercially with BUYERS is ultimately responsible for making all CRAFT-related verifiable claims. This responsibility may be delegated to or assumed by an ASM producer support scheme (e.g., a public, private, or civil society ASM program or project).

MODULE 2: LEGITIMACY OF THE AMP

MODULE 2 specifies the requirements and criteria used to assess the legitimacy of the AMP, in terms of legalization and formalization of its operation.

An AMP can apply to join a CRAFT Scheme if it is legitimate, in the understanding of the definition of “Legitimate ASM” given by the OECD DDG.



M.2/5.2.1/R.1

5.5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.11 Sub-Issue: Legal Compliance

The AMP must be legitimate.

Fulfilled requirement

The AMP is legitimate and formal/legal.

Progress towards Fulfillment of the Requirement

The AMP is legitimate and in the process of becoming formal/legal.

Fail Criteria

Under its current circumstances, the AMP cannot be considered legitimate.

For determining legitimacy, the CRAFT distinguishes different contexts that may exist in the country where the AMP operates. For each context, the CRAFT establishes the criteria below for determining whether or not the requirement of legitimacy is fulfilled:

2.1 COUNTRY CONTEXT CASE 1:

A legal framework for ASM exists, is actively implemented, and is enforced by the competent authorities.

Fulfilled requirement

The AMP's operation is legal.

The AMP holds the legally valid public or private documents that authorize its operation.

Progress towards Fulfillment of the Requirement

- The AMP can prove with documents that it made efforts towards the legalization of its operation (incipient progress)

or

The AMP can prove with legally valid documents that it is making progress towards the legalization of its operation (advanced progress)

and

- The AMP's operation is based on good faith: No evidence exists that the competent authorities have taken action against the AMP since the AMP initiated the formalization process.

Fail Criteria

- The AMP cannot provide any evidence of efforts towards the legalization of its operation, e.g. the AMP doesn't have any documents proving its application or initiation of the formalization procedure.

or

- The AMP's operation is not based on good faith: Its operation continues despite actions taken by the competent authorities against the AMP.

2.2 COUNTRY CONTEXT CASE 2:

A legal framework for ASM exists, but it is neither actively implemented nor enforced.

Fulfilled requirement

The AMP's operation is legal. The AMP holds the legally valid public or private documents that authorize its operation(s).

Alternative Fulfilled Requirement:

- The AMP can prove with documents its willingness to legalize its operation under national law.
- and
- The AMP operates with authorizations under customary law or operates with implicit local consent. No complaints are sustained by potentially affected public or private stakeholders in the community. Conflicts are resolved as soon as they arise.

Progress towards Fulfillment of the Requirement

- The AMP declares its willingness to legalize its operation under national law.
- and
- The AMP sustains a dialogue with traditional authorities, and with public, private, and community stakeholders as applicable, in order to reach consent and resolve conflicts. The AMP can demonstrate progress in the respective negotiations.

Fail Criteria

- The AMP cannot provide any evidence of efforts towards the legalization of its operation.
- or
- The AMP continues to operate despite clearly expressed and sustained opposition of traditional authorities, or of public or private stakeholders in the community.

2.3 COUNTRY CONTEXT CASE 3:

A specific legal framework for ASM does not exist.

Fulfilled requirement

The AMP's operation is legal. The AMP holds the legally valid public or private documents that authorize its operation.

Alternative Fulfilled Requirement:

- The AMP has analysed the applicable laws and can justify the impossibility of legalization under the existing legal framework for all extractive activities.

and

- The AMP operates with authorization under customary law or operates with implicit local consent (e.g. active participation of community members in the AMP). No complaints are sustained by potentially affected public or private stakeholders in the community. Conflicts are resolved as soon as they arise.

Progress towards Fulfillment of the Requirement

- The AMP declares its willingness to legalize its operation.

and

- The AMP sustains a dialogue with traditional authorities, and with public, private, and community stakeholders as applicable, in order to reach consensus and resolve conflicts. The AMP can demonstrate progress in the respective negotiations.

Fail Criteria

- The AMP continues to operate despite clearly expressed and sustained opposition of traditional authorities, or of public or private stakeholders in the community.

2.4 COUNTRY CONTEXT CASE 4:

Case 4 may apply as stand-alone country context or in addition to cases 1 to 3. **State-approved commercialization channels for informally produced ASM commodities are in place.**

Fulfilled requirement

The AMP's operation is legal and the AMP is authorized to sell to the free market. The AMP holds the legally valid public or private documents that authorize its operation.

Alternative Fulfilled Requirement:

- The AMP sells its production to or through a state-approved commercialization channel, and
- The AMP operates with authorization under customary law or operates with implicit local consent (e.g. active participation of community members in the AMP). No complaints are sustained by potentially affected public or private stakeholders in the community. Conflicts are resolved as soon as they arise.

Progress towards Fulfillment of the Requirement

- The AMP has attempted to sell its production to or through a state-approved commercialization channel and can justify the impossibility of such commercial operations.

and

- The AMP sustains a dialogue with traditional authorities, and with public, private, and community stakeholders as applicable, in order to reach consent and resolve conflicts. The AMP can demonstrate progress in the respective negotiations.

Fail Criteria

- The AMP attempts to bypass state-approved commercialization channels.

or

- The AMP continues to operate despite clearly expressed and sustained opposition of traditional authorities, or of public or private stakeholders in the community.

MODULE 3: “ANNEX II RISKS” REQUIRING IMMEDIATE DISENGAGEMENT

Preface

MODULE 3 addresses Annex II risks for which the OECD DDG recommends that BUYERS immediately suspend or discontinue engagement with AMPs, if a reasonable risk is not mitigated. Consequently, if such risks are unmanaged, a BUYER sourcing in conformance with the DDG would not engage. Accordingly, all requirements of this MODULE are pass/fail requirements.

Every requirement is complied with if:

- All **Pass Criteria** are fulfilled, and
- No **Fail Criteria** applies.

Requirements

Requirements of this MODULE are applicable to the organizational scope of the AMP, i.e. to **issues that are directly controllable (and therefore mitigable) by the AMP**. Issues related to the wider community or to economic activities not or indirectly related with mineral production are beyond the scope of this MODULE. Such issues will be addressed in MODULE 5.

Background information on each requirement, explanatory notes, examples and suggested tools are contained in **Volume 4** (Guidance Book).

3.1 HUMAN AND WORKERS' RIGHTS



M.3/1.1.1/R.1

(addresses OECD DDG, Annex II, par. 1.iii)

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.1 Sub-Issue: Child Labour & Education

It is reasonable to believe that the AMP does not tolerate worst forms of child labour in its production process.

Pass Criterion 1

A qualitative (but ideally a semi-quantitative) baseline assessment of child labour has been conducted of the AMP production process and internal supply chain. The outcome of this exercise is documented in the CRAFT Report.

Pass Criterion 2

The AMP can credibly affirm that in its internal supply chain no persons under the age of 18 (children) perform any of the following work classified as the worst forms of child labour: underground or underwater work, work with dangerous machinery and tools, carrying heavy loads, work that exposes them to hazardous substances or that severely harms their health, safety or morals in general.³

Pass Criterion 3

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

³Based on ILO recommendation R190 (ILO 1999b), the OECD document, "Practical Actions for Companies to Identify and Address the Worst Forms of Child Labour in Mineral Supply Chains" (OECD 2017), provides orientation on the intent of the OECD DDG, indicating: "Not all work by children is child labour, and not all child labour falls under the internationally recognised legal definition of the "worst forms of child labour". Many of the activities defined as "hazardous work" under international law occur in mining. These activities include **work underground or underwater, work with dangerous machinery and tools, carrying heavy loads, and work that exposes miners to hazardous substances.**" Consequently, requirement M.3/1.1.1/R.1 focuses only on these mineral production-related worst forms of child labour, such as carrying out any of the above-mentioned activities. All other aspects of child labour and worst forms of child labour are covered in MODULE 5 and shall be assigned high priority. See also Footnote 8 on the different scopes of M.3/1.1.1/R.1 and M.5/1.1.1/R.1.

Fail Criterion 1

Documentation provided by the AMP (the CRAFT Report) makes no reference to efforts carried out by the AMP to assess the extent and the conditions of child labour in its internal supply chain.

Fail Criterion 2

Persons under the age of 18 (children) perform any of the following work classified as a worst forms of child labour in the internal supply chain of the AMP: work underground or underwater, work with dangerous machinery and tools, carrying heavy loads, and work that exposes them to hazardous substances or to situations that severely harm their health, safety or morals in general.

**M.3/1.1.2/R.1**

(addresses OECD DDG, Annex II, par. 1.ii)

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.2 Sub-Issue: Forced Labour

It is reasonable to believe that the AMP is not linked to any forms of forced or compulsory labour.

Pass Criterion 1

The AMP can credibly affirm that any work or service of any person in its internal supply chain is performed under voluntary terms.

Pass Criterion 2

The AMP can credibly affirm that all persons related to its internal supply chain are free to resign from their work or service at any moment, according to generally accepted procedures for due notice, respecting existing obligations, and without the menace of penalty.

Pass Criterion 3

Complaints received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

The CRAFT Report does not indicate the supporting evidence available to the AMP that confirms the absence of any forms of forced or compulsory labor.

**M.3/1.1.5/R1**

(addresses OECD DDG, Annex II, par. 1.i)

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.5 Sub-Issue: Disciplinary Practices and Violence

It is reasonable to believe that the AMP is not linked to committing any forms of torture or cruel, inhuman, and degrading treatment.

Pass Criterion 1

Credible testimonies regarding cases of torture or cruel, inhuman, and degrading treatment at the mine site and its surroundings were sought, and if found to exist, the AMP ensured that proven or suspected perpetrators were excluded from its supply chain.

Pass Criterion 2

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

The AMP has not taken action against proven or suspected perpetrators in its supply chain.

Fail Criterion 2

The CRAFT Report of the AMP does not contain an analysis of the obtained testimonies or state the absence of complaints.

**M.3/1.1.6/R.1**

(addresses OECD DDG, Annex II, par. 1.iv)

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.6 Sub-Issue: Other Gross Human Rights Abuses

It is reasonable to believe that the AMP is not linked to any other gross human rights violations and abuses, such as widespread sexual violence.

Pass Criterion 1

Credible third-party testimonies indicate the absence of gross human rights violations and abuses such as widespread sexual violence.

Pass Criterion 2

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

The CRAFT Report makes no reference to efforts carried out by the AMP to obtain third-party testimonies regarding gross human rights violations and abuses such as widespread sexual violence.

Fail Criterion 2

Third-party testimonies indicate gross human rights violations and abuses such as widespread sexual violence related to the AMP.

Fail Criterion 3

The CRAFT Report of the AMP does not contain an analysis of the obtained testimonies.

3.2 SOCIETAL WELFARE



M.3/2.1.8/R.1

(addresses OECD DDG, Annex II, par. 1.v)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

If the AMP is located in a CAHRA (see M.1/5.2.3/R.1):

It is reasonable to believe that the AMP is not linked to committing war crimes or other serious violations of international humanitarian law, crimes against humanity, or genocide.

Pass Criterion 1

The AMP confirms that none of its Members is prosecuted, accused or convicted for having committed war crimes or other serious violations of international humanitarian law, crimes against humanity, or genocide.

Persons in a government-controlled program for re-socialization or re-integration of ex-combatants do not count against this criterion.

Pass Criterion 2

The AMP can credibly affirm that its internal supply chain is not controlled by or benefitting any conflict party suspected of being involved in war crimes or other serious violations of international humanitarian law, crimes against humanity, or genocide.

Pass Criterion 3

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

Collected evidence is not sufficiently conclusive to confirm that it is reasonable to believe that the AMP is not linked to any conflict party suspected of committing war crimes or other serious violations of international humanitarian law, crimes against humanity, or genocide.

Fail Criterion 2

The AMP does not provide the results of the internal and/or external assessment in its CRAFT Report.



M.3/2.1.8/R.2

(addresses OECD DDG, Annex II, par. 3.i)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

If the AMP is located in a CAHRA (see M.1/5.2.3/R.1):

It is reasonable to believe that the AMP's mine site and transportation routes are not illegally controlled by non-state armed groups.⁴

Pass Criterion 1

An internal (and in case of reasonable doubt external) assessment confirms that the AMP's mine site, the internal supply chain and the transportation routes are not illegally controlled by any non-state armed group.

Pass Criterion 2

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

Collected evidence is not sufficiently conclusive to confirm that it is reasonable to believe that the AMP's mine site and internal supply chain is not illegally controlled by any non-state armed group.

Fail Criterion 2

The AMP does not provide the results of an internal and/or external assessment in its CRAFT Report.

⁴According to the footnote #5 in OECD 2016b, Annex II, par. 3.i, "Control" means i) overseeing extraction, including by granting access to mine sites and/or coordinating downstream sales to intermediaries, export companies or international traders; ii) making recourse to any forms of forced or compulsory labour to mine, transport, trade or sell minerals; or iii) acting as a director or officer of, or holding beneficial or other ownership interests in, upstream companies or mines.

3.3 COMPANY GOVERNANCE



M.3/5.1.4/R.1

(addresses OECD DDG, Annex II, par. 3.ii)

5. Category: [Company Governance](#)

5.1 Issue: Business Practices

5.1.4 Sub-Issue: Extortion

If the AMP is located in a CAHRA (see M.1/5.2.3/R.1):

It is reasonable to believe that the AMP undertakes all reasonable efforts⁵ to avoid production at its mine site and its internal supply chain from being subjected to illegal taxation or extortion of money or minerals by non-state armed groups.

Pass Criterion 1

The AMP has and implements an internal policy requiring all Members to abstain from making any payment considered related to extortion and illegal taxation to non-state armed groups. The policy establishes that proven perpetrators are excluded or suspended from its supply chain.

Pass Criterion 2

Complaints or allegations received by the point of contact (see M.1/5.2.8/R.1) have been acknowledged and resolved.

Fail Criterion 1

One or more Members of the AMP are prosecuted, accused or convicted for being involved in financing or directly or indirectly supporting non-state armed groups, and the AMP has not taken any corrective action to exclude or suspend them of the AMP or to prevent recurrence according to the internal policy.

Fail Criterion 2

The AMP does not report about the implementation of the policy in its CRAFT Report.

⁵ Reasonable means to the maximum extent possible without putting the physical integrity of persons at risk.

MODULE 4: “ANNEX II RISKS” REQUIRING DISENGAGEMENT AFTER UNSUCCESSFUL MITIGATION

Preface

MODULE 4 addresses Annex II risks for which the OECD DDG recommends to suspend or discontinue engagement with AMPs after failed mitigation attempts. Accordingly, all requirements of this MODULE are pass, progress, or fail requirements.

Every requirement is complied with if:

- The **Pass Criteria “mitigated”** are fulfilled, or
- The **Progress Criteria “mitigation progress satisfactory”** demonstrates measurable progress in the past reporting period⁶ and contains a commitment to further mitigation measures for the next reporting period, and
- no **Fail Criteria** applies.

The MODULE is considered **“passed”** (i.e. the AMP can claim **Affiliate** status) if no fail criteria applies to any requirement (i.e. if all requirements can be verifiably claimed as passed or in progress).

⁶ In general, the reporting period between CRAFT Reports should be one year. It is upon the CRAFT Scheme to establish shorter or longer periods, as seen appropriate from a risk-based perspective, and, as appropriate, taking into account recommended timelines for risk mitigation in the OECD DDG.

Requirements

Requirements of this MODULE are applicable to the main and (if applicable) to the extended organizational scope of the AMP, i.e. to **issues that are directly controllable (and therefore mitigable) by the AMP**.

Issues related to the wider community, to economic activities not (or only indirectly) related with mineral production, or related to conflict contexts at national or regional level over which the AMP has no control, are beyond the scope of this MODULE. Such issues are not mitigable by the AMP. Notwithstanding, some of such issues are addressed in MODULE 5.

Background information on each requirement, explanatory notes, examples and suggested tools are contained in **Volume 4** (Guidance Book).

4.1 SOCIETAL WELFARE



M.4/2.1.8/R.1

(addresses OECD DDG, Annex II, par. 5)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

It is reasonable to believe that the AMP undertakes best possible efforts to eliminate direct or indirect support to public or private security forces that illegally tax, extort, or control its mine site, internal supply chain, or point(s) of sale.

**Pass Criterion
("mitigated")**

The AMP (its Members, mine site, and internal supply chain) is not illegally taxed, extorted, or controlled by public or private security forces.

Progress Criteria
(pass: “mitigation
progress satisfactory”)

Initial Step: The AMP seeks external advice and support from credible institutions, organizations or persons to put a risk management plan in place.

Next steps: A risk management plan is in place and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

A risk management plan has been agreed upon between the AMP and its BUYERS, but the AMP makes no effort to adhere to the plan.



M.4/2.1.8/R.2

(addresses OECD DDG, Annex II, par. 6)

2. Category: **Societal Welfare**
2.1 Issue: Community Rights
2.1.8 Sub-Issue: Security Forces

It is reasonable to believe that the AMP is supportive or seeks the support of public or private security forces if their presence is required to maintain the rule of law, including safeguarding human rights, providing security to mine workers, equipment, and facilities, and protecting the mine site or transportation routes from interference with legitimate extraction and trade.

**Pass Criterion
("mitigated")**

While acknowledging the need for security, the AMP declares and can prove (if applicable) that the presence of security forces is justified by their needs, and that security providers act respecting human rights and national laws.

The AMP declares (in the CRAFT report) and can prove (if applicable) that it collaborates with public or private security forces as required by law or seeks their support only as needed for the purpose specified in the requirement.

**Progress Criteria
(pass: "mitigation
progress satisfactory")**

Initial Step: If relations between the AMP and public or private security forces are characterized by tensions, the AMP seeks advice and support from credible institutions, organizations or persons to put a risk management plan in place.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

The AMP refuses to abide by orders from public security forces, where these are acting within the framework of the law and in respect of human rights.
--- or ---

The AMP employs private security forces that ignore the framework of the law and human rights.



M.4/2.1.8/R.3

(addresses OECD DDG, Annex II, par. 7)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

It is reasonable to believe that the AMP does not knowingly hire individuals or units of security forces that are known to have been responsible for gross human rights abuses.

Pass Criterion ("mitigated")

The AMP does not contract private security services and has not requested the provision of public security to their operations.

--- or ---

The AMP seeks reasonable certainty to ensure that individuals or units of hired security forces are not linked to gross human rights abuses.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: If information arise that security personnel is linked to human rights abuses, the AMP seeks advice and support from credible institutions, organizations or persons to put a risk management plan in place.

Subsequent steps: A risk management plan is in place for this risk and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

The AMP knowingly and purposefully hires security providers that are known for their abusive practices.



M.4/2.1.8/R.4

(addresses OECD DDG, Annex II, par. 8)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

It is reasonable to believe that the AMP supports all efforts or takes all viable steps to ensure that payments to public security forces for the provision of security are as transparent, proportional, and accountable as possible.

Pass Criterion ("mitigated")

No payments are made, i.e. the AMP is not obligated to pay for services provided by public security forces.

--- or ---

If the AMP is legally bound to pay for services provided by public security forces, payments are in accordance with the law, and documented by receipts.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: The AMP starts recording the payments made and seeks advice and support from credible institutions, organizations or persons to put a risk management plan in place.

Subsequent steps: A risk management plan is in place for this risk and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

Payments are made, but not as required by law and neither receipts nor internal records are kept.



M.4/2.1.8/R.5

(addresses OECD DDG, Annex II, par. 9)

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.8 Sub-Issue: Security Forces

It is reasonable to believe that the AMP supports all efforts or takes all viable steps to minimize adverse impacts associated with the presence of public or private security forces on their mine site(s).

Pass Criterion ("mitigated")

No public or private security forces are present at the mine site.

--- or ---

The AMP supports all efforts or takes all viable steps to minimize adverse impacts associated with the presence of public or private security forces, to which men and women on their mine site(s) may be exposed.⁷

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step:

- In case of inconformity with the service of private security, the AMP seeks to renegotiate the service of or change the security provider and put a risk management plan in place. If needed, the AMP seeks advice and support from credible institutions, organizations or persons.
- In case of inconformity with the performance of public security, the AMP seeks to engage with the supervisor or the competent authorities to put a risk management plan in place. If needed, the AMP seeks advice and support from credible institutions, organizations or persons.

Subsequent steps: A risk management plan is in place for this risk and the AMP implements and monitors the plan with measurable improvements.

⁷This is usually in the own best interest of the AMP and therefore a "self-fulfilling" requirement. DDG Annex II, par. 9 is rather a responsibility of BUYERS than a requirement for AMPs. Notwithstanding, as CRAFT Schemes are expected to support AMPs in fulfilling the requirements, this issue is included for consistency.

Fail Criterion

None. As the requirement is in the own interest of the AMP, it is inherently reasonable to believe that the AMP supports all efforts or takes all viable steps.



M.4/2.2.1/R.1

(addresses OECD DDG, Annex II, par. 13)

2. Category: **Societal Welfare**

2.2 Issue: Value Added

2.2.1 Sub-Issue: Payment of Taxes & EITI

It is reasonable to believe that the AMP pays to the government all taxes, fees, and royalties related to mineral extraction, trade, and export.

Pass Criterion ("mitigated")

The AMP and its Members can prove that they pay taxes, fees, and royalties as required by law.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: At least some Members of the AMP pay taxes, fees and royalties as applicable.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

Nobody pays any taxes, fees, or royalties, despite being required to do so by law.

--- or ---

The AMP cannot provide any information regarding payment of taxes, fees, and royalties by its members.



M.4/2.2.1/R.2

(addresses OECD DDG, Annex II, par. 13)

2. Category: **Societal Welfare**

2.2 Issue: Value Added

2.2.1 Sub-Issue: Payment of Taxes & EITI

It is reasonable to believe that the AMP is committed to disclose – if requested – payments of taxes, fees, and royalties in accordance with the principles set forth under the Extractive Industry Transparency Initiative (EITI).

Applicable only if the AMP is located in a country where EITI is collecting information from ASM:

Pass Criterion ("mitigated")

The AMP discloses, or declares to be committed to disclose, payments of taxes, fees, and royalties to the national EITI.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: The AMP engages with EITI to learn about its obligations, or is already preparing its EITI declaration but has not yet submitted it.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

The AMP refuses to disclose payments to the national EITI.

4.2 COMPANY GOVERNANCE



M.4/5.1.3/R.1

(addresses OECD DDG, Annex II, par. 11)

5. Category: [Company Governance](#)

5.1 Issue: Business Practices

5.1.3 Sub-Issue: Bribery and Facilitation

It is reasonable to believe that the AMP undertakes all reasonable efforts to avoid offering, promising, giving, accepting or demanding any bribes to misrepresent taxes, fees and royalties paid to governments for the purposes of mineral extraction, trade, handling, transport and export.

Pass Criterion ("mitigated")

The AMP has an internal policy requiring all members to abstain from offering, promising, giving, and particularly expecting or demanding bribes.

--- and ---

The AMP undertakes all reasonable efforts to achieve that members of the AMP recognize this policy as binding and abide by the policy.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: The AMP has identified the risk and seeks advice and support from credible institutions, organizations or persons to establish a risk management plan.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

The AMP does not address bribing issues at all.



M.4/5.1.3/R.2

(addresses OECD DDG, Annex II, par. 11)

5. Category: [Company Governance](#)

5.1 Issue: Business Practices

5.1.3 Sub-Issue: Bribery and Facilitation

It is reasonable to believe that the AMP undertakes all reasonable efforts to resist bribery to conceal or disguise the origin of minerals.

Pass Criterion ("mitigated")

The AMP ensures chain of custody or traceability and that minerals, concentrates or metals commercialized collectively by the AMP and/or individually by its Members originate exclusively from the mine site of the AMP.

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: The AMP is adopting, creating or improving its chain of custody or traceability mechanism and is piloting its implementation.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements.

Fail Criterion

The AMP makes no efforts to identify the origin of minerals, concentrates and metals commercialized.



M.4/5.1.5/R.1

(addresses OECD DDG, Annex II, par. 12)

5. Category: [Company Governance](#)

5.1 Issue: Business Practices

5.1.5 Sub-Issue: Money Laundering

It is reasonable to believe that the AMP supports all efforts or takes all viable steps to contribute to the effective elimination of money laundering, where a reasonable risk of such practice from or connected to its operations or products is identified.

Pass Criterion ("mitigated")

The production volumes of the AMP are plausibly aligned with the effective production capacity of the AMP.

--- and ---

The installed production capacity of the AMP is plausibly aligned with the financial capacity of its Members (including ultimate ownership).

Progress Criteria (pass: "mitigation progress satisfactory")

Initial Step: The AMP has identified the risk of money laundering and establishes a risk management plan to identify and mitigate risks that finance, minerals or metals originating from money laundering is injected into its supply chain.

Subsequent steps: A risk management plan is in place for this risk, and the AMP implements and monitors the plan with measurable improvements. The AMP tries to avoid cash payments as far as possible and economically viable to keep formal records.

Fail Criterion

The AMP sells more mineral, concentrate or metal than it produces and cannot explain where the excess volumes originate.

--- or ---

The legitimate origin of investment capital and of funds to cover operational expenses cannot be reasonably explained.

MODULE 5: “NON-ANNEX II” HIGH RISKS REQUIRING IMPROVEMENT

Preface

MODULE 5 addresses high risks not specifically covered by the *“Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict-Affected and High-Risk Areas”* of the OECD DDG. Such risks are commonly referred to as **“non-Annex II risks”**.

MODULE 5 aims to guide further progress of AMPs that have passed (by “pass” or “satisfactory progress” criteria) the previous MODULE 4, which means that BUYERS adopting the OECD Model Supply Chain Policy are not required to disengage as long as no new Annex II risks appear. Correspondingly, requirements of this MODULE 5 have **no Pass/Fail Criteria**.

All requirements of MODULE 5 are **“aspirational”** and not compulsory.

The “High Risks” in Module 5 cover the majority (although not all) of aspects that BUYERS committed to responsible sourcing may expect from their suppliers. Mitigation of these “High Risks” also meets what the vast majority of members of AMPs aspire to improve their workplaces and the living conditions and livelihoods of their families. Experience shows that well-managed ASM is more beneficial and profitable for miners. By progressively conforming with these aspirational requirements according to their own needs and goals, AMPs advance in their development and can further improve their access to responsible markets.

MODULE 5 is also “aspirational” in that it is expected that AMPs that are already CRAFT-conformant by passing [Module 4](#), periodically assess the High Risks in MODULE 5 and decide on mitigation measures for improvement to be carried out in the next reporting period. As MODULE 5 is aspirational, this decision should reflect the own development priorities of the AMP.

MODULE 5 puts the emphasis on progressive improvement. It should not always be the goal to have a risk “controlled” at good practice level. On some issues a focus on continuous improvement (i.e. progressing) may be more valuable and may help AMPs to advance towards best practice. Notwithstanding, this is subject to the aspirations of the AMP.



Requirements

Conformity with requirements is expressed as:

Controlled

The risk has been assessed and if present, mitigation measures for improvement have been taken to an extent that is considered good ASM practice. The following statement applies to all requirements, whereby only the conformity criteria is specified:

Controlled

The risk is absent.

--- or ---

[conformity criteria specified]

Having achieved the improvement related to this requirement, the High Risk is controlled.

Progressing

Progressing

The risk has been assessed and the AMP is implementing mitigation measures for improvement.

Unaddressed

The risk has not yet been assessed or the AMP has not yet taken steps to implement mitigation measures for improvement. The following statement applies to all requirements:

Unaddressed

The risk needs to be assessed, and if present, mitigation measures need to be taken.

The CRAFT is intentionally **not prescriptive on sequencing and prioritization** of improvements addressing *non-Annex II High Risks* (requirements of this MODULE 5). Neither is the CRAFT prescriptive on the **number** of improvements pursued simultaneously. According to their own needs and capacity, and to support opportunities provided by CRAFT Schemes, AMPs may decide which risks are priority issues for them and need to be addressed. Additionally, CRAFT Schemes may evaluate which risks are priority issues for their downstream supply chains and offer support to the AMP to address these risks and the priority risks identified by the AMP.

Risk mitigation plans shall be established for these (jointly) identified priority risks. To distinguish these risk mitigation plans from those in [MODULE 4](#) (related to Annex II risks) they are referred to as **Improvement Plans**.

Periodically, as to be agreed between the AMP and the CRAFT Scheme it is affiliated, the AMP shall commit to activities and steps related to the progressive implementation of the Improvement Plans, until the risk is “Controlled”. Commitments and achievements shall be documented in the CRAFT Report.

The CRAFT is also **not prescriptive with regards to the activities** AMPs need to carry out to improve and mitigate the risks as part of the Improvement Plan. AMPs, ideally backed by the support of CRAFT Schemes, are free to decide which steps to take to achieve the improvement and comply with the requirement.

Requirements of this MODULE may be **applicable beyond the organizational scope of the AMP**. Some risks refer to responsibilities of the AMP with the community. Where issues relate to the wider community or to economic activities indirectly related with the mineral production, this is indicated in the requirement.

Background information on each requirement, explanatory notes, examples and suggested tools are contained in [Volume 4](#) (Guidance Book).

5.1 HUMAN AND WORKERS' RIGHTS



M.5/1.1.1/R.1

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.1 Sub-Issue: Child Labour & Education

The AMP takes steps towards eradicating all worst forms of child labour directly or indirectly related to mining, among persons under the age of 18.

Risk

Persons below 18 years of age, within the community, are engaged in work classified by ILO as “worst forms of child labour”, directly or indirectly related to the mining activity.⁸

Controlled

Persons below age of 18 work only at workplaces appropriate for their age, not classified as worst forms of child labour~. A mechanism is in place to take immediate action as soon as cases of child labour are detected.

Progressing

Improvement: The AMP engages with competent authorities addressing worst forms of child labour, participates in educating the community on the negative consequences of child labour, and contributes to progressively relocating all working persons of age below 18 to workplaces or tasks appropriate to their age.

⁸ For clarity: Requirement M.3/1.1.1/R.1 on worst forms of child labour refers to the production process of the AMP, for which the AMP is entirely responsible and that is directly controllable (and therefore mitigable) by the AMP. This requirement M.5/1.1.1/R.1 refers to any person below 18 within the community. High risks like prostitution of minors are not related to the mineral production process (i.e. brothels are not part of the organizational scope of CRAFT) but may occur in the community. Such risks therefore have to be addressed here under M.5/1.1.1/R.1 and not under M.3/1.1.1/R.1.



M.5/1.1.1/R.2

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.1 Sub-Issue: Child Labour & Education

The AMP takes steps towards eradicating all child labour of persons under the age of 15.

Risk

Persons younger than 15 years of age, within the community, are admitted to employment or allowed to work in any occupation.

Controlled

Persons below age of 15 are not working in any occupation that is considered child labour~. A mechanism is in place to take immediate action as soon as cases of child labour are detected.

Progressing

Improvement: The AMP has established a risk management plan to reduce this risk. The AMP engages with competent state authorities and other community organizations and takes steps to demand schools and occupational training from the government, with the goal to ultimately eradicate all child labour that is mentally, physically, socially or morally dangerous and harmful to children and/or interferes with their schooling.



M.5/1.1.3/R.1

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.3 Sub-Issue: Women's Rights

The AMP takes steps to protect women or any individual in situation of vulnerability, against sexual violence and harassment at the workplace.

Risk

Sexual violence and harassment¹⁰ against women or any individual in situation of vulnerability is common and widespread in workplaces.

Controlled

A mechanism is in place to take immediate action as soon as cases of sexual violence and/or harassment are detected or reported.

Progressing

Improvement: The AMP makes efforts and takes steps to raise awareness that sexual violence and harassment is unacceptable, collaborates with competent authorities, ensures there is a safe and confidential mechanism for women or any individual in situation of vulnerability to denounce aggressors and encourages victims to denounce aggressors to the competent authority.

¹⁰Violence and harassment" as defined in ILO convention 190.



M.5/1.1.3/R.2

1. Category: Human and Workers' Rights

1.1 Issue: Serious Human Rights Abuses

1.1.3 Sub-Issue: Women's Rights

The AMP takes steps to respect the rights of women, in particular towards reducing any gender-based restrictions of access to mineral resources.

Risk

Women's income opportunities are limited by restricting or prohibiting them from accessing certain mineral resources, from engaging in certain mineral producing activities, or from joining miners' organizations.

Controlled

Access to mineral resources, to mineral producing activities, and to miners' organizations is conditioned to rules and criteria that do not distinguish between men and women.

Progressing

Improvement: The AMP makes efforts and takes steps to raise awareness that gender-based restrictions are unacceptable.



M.5/1.1.4/R.1

1. Category: Human and Workers' Rights
1.1 Issue: Serious Human Rights Abuses
1.1.4 Sub-Issue: Discrimination & Diversity

The AMP does not base its decisions on criteria classified as discriminatory in the Universal Declaration of Human Rights.

Risk

Discrimination due to “race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status” may be common.

Controlled

Within its organizational boundaries¹¹, the AMP’s decisions, decision-making structures and processes are not based on criteria classified as discrimination in the Universal Declaration of Human Rights and ILO Convention 111.¹²

Progressing

Improvement: The AMP makes efforts and takes steps to raise awareness that discrimination due to “race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status” is unacceptable.

¹¹ Eg. Indigenous miner groups, women miner groups, community mining groups, etc.

¹²With exception of nationality, in countries where by law only national citizens are allowed to engage in ASM.

**M.5/1.3.3/R.1**

1. Category: Human and Workers' Rights
1.3 Issue: Occupational Health & Safety
1.3.3 Sub-Issue: Workplace Hazards & Machinery

The AMP makes basic mining safety rules mandatory for its members.

Risk

| Accidents in mining activities are frequent.

Controlled

Basic mining safety rules are followed.

Progressing

Improvement: The AMP, as part of its formalization process (see 5.2.1/M.5/R.1), designs and implements an occupational safety and health program in the mine (aligned with national mining safety regulations) for its members. It prioritizes the different risks found in the AMP and carries out corrective and preventive actions that enable safe working conditions.



M.5/1.3.4/R.1

1. Category: Human and Workers' Rights
 1.3 Issue: Occupational Health & Safety
 1.3.4 Sub-Issue: Personal Protective Equipment

Members of the AMP use personal protective equipment (PPE) at work.

Risk

Miners do not use the essential personal protective equipment (PPE) appropriate for the work they perform.

Controlled

Workplace hazards are identified and all workers use personal protective equipment that protects them from the identified hazards. In case of epidemics or pandemics, this includes biosafety measures.

Progressing

Improvement: The AMP has a risk management plan or policy in place for increasing the use, maintenance and proper replacement of PPE; as part of this plan, the AMP facilitates the availability of PPE at local shops and markets, promotes its use, and progressively makes its use and maintenance mandatory for all members.



M.5/1.3.9/R.1

1. Category: Human and Workers' Rights

1.3 Issue: Occupational Health & Safety

1.3.9 Sub-Issue: Medical Care

The AMP procures first aid and basic health services for its members.

Risk

Miners are exposed to a range of emergency and non-emergency health issues that result from working conditions and the social context of work.

Controlled

First aid and basic health services are in place and accessible to miners.

Progressing

Improvement: The AMP has an action plan in place to cover basic health needs for emergency and primary care in accordance with the kind of risks miners are exposed to. As part of this plan, the AMP has implemented a first aid program to cover the needs of emergencies that may arise, and also facilitates access to primary health care. The AMP presents this program so that its members know how to act in case of emergencies, how to access health care, and also identifies health facilities in the area that are accessible to its women and men members.

5.2 SOCIETAL WELFARE



M.5/2.1.1/R.1

2. Category: **Societal Welfare**

2.1 Issue: Community Rights

2.1.1 Sub-Issue: Residential & Indigenous Rights

The AMP takes steps towards being accepted and/or integrated into existing communities.

Risk

Where the majority of the Members of the AMP consists of migrant population, residents (including indigenous groups¹³) complain that mining is negatively affecting their environment, livelihoods, values and traditional social structures.

Controlled

The AMP coexists respectfully with the community or is accepted as part of the community. The AMP keeps a documentation to show that a respectful relationship has been developed and maintained with a range of representatives from communities (including the leaders but not limited), and that broad based consent exists.

Progressing

Improvement: The AMP makes continuous efforts to understand and respect local (e.g. indigenous) values and rules, integrate or align its coordination mechanisms for consensus-based decision making into existing local governance structures and processes.

¹³ Depending on the country “Indigenous Peoples” can be known by other terms such as “first nation, afrocolombiano, minority nationalities, ethnic minorities.” The purpose of the CRAFT encompasses all of these (see IFC_2012).

5.3 USE OF NATURAL RESOURCES



M.5/3.1.2/R.1

3. Category: **Use of Natural Resources**

3.1 Issue: Land Use & Biodiversity

3.1.2 Sub-Issue: Legally Protected Areas

The AMP operates in close coordination with and in support of Protected Area Authorities.

Risk

Conflicts between ASM and authorities administrating protected areas exist, i.e. mineral extraction is considered an impediment to the conservation goal of the protected area.¹⁴

Controlled

The AMP's operation is aligned with the conservation goals of the area where it is located.

Progressing

Improvement: The AMP has reached an agreement with the administration of the protected area, supporting authorities in their task of achieving the conservation goal.

--- or ---

The AMP is willing to demonstrate that it seeks to cooperate with the administration of the protected area and to support conservation goals by implementing environmental actions that are compatible with the ecosystem in which the AMP operates.

¹⁴ For instance, World Heritage sites; sites on a State Party's official Tentative List for World Heritage Site inscription; IUCN category I-III protected areas; IUCN category I-V marine protected areas; core areas of UNESCO biosphere reserves; and areas where indigenous peoples live in (voluntary) isolation or where it is assumed that they might live.



M.5/3.1.10/R.1

3. Category: **Use of Natural Resources**

3.1 Issue: Land Use & Biodiversity

3.1.10 Sub-Issue: Conflict with Agriculture

The AMP uses mining land in coordination with local inhabitants who require the same resource for agriculture, fishing, use of forest products, eco-tourism, or animal husbandry.

Risk

Resource conflicts regarding land use exist, i.e. ASM is carried out on land that provides a livelihood for other local inhabitants.

Controlled

Conflicts over land use between mining, and other local economic activities are being respectfully and properly managed.

Progressing

Improvement: The AMP implement a grievance process and a participatory process to reach agreement with other land users and other local inhabitants during the life of the mine. It also designed restoration measures that aimed at rehabilitating the soil for post-mining use. Eventually it has a closure plan in place or planned to rehabilitate the soil.



M.5/3.2.1/R.1

3. Category: Use of Natural Resources

3.2 Issue: Water Use

3.2.1 Sub-Issue: Water Management

The AMP uses water resources and water bodies in coordination with other water users.

Risk

Resource conflicts regarding water use exist, i.e. the water bodies and the water required for mineral processing are also demanded by nearby stakeholders for drinking, washing, recreational use, fishing, raising livestock, or irrigating crops that put the livelihoods and health of other water users (including biodiversity) at risk.

Controlled

A consensus on water usage between the AMP and other water users has been reached.

Progressing

Improvement: Impacts of AMP operations are assessed and a participatory process to reach consensus is established. A water management plan for the coexistence of the AMP's mining operations with other water users is being developed.

5.4 EMISSIONS AND LAND RECLAMATION



M.5/4.2.2/R.1

4. Category: Emissions and Land Reclamation

4.2 Issues: Mine Waste and Wastewater

4.2.2 Sub-Issue: Wastewater & Water Quality

The AMP avoids serious contamination of water bodies with suspended solids and/or chemicals and fuel residues that put the livelihoods of other water users at risk.

Risk

Wastewater from mining operations or processing plants directly discharged into water bodies may contain a high content of suspended solids, high concentrations of chemicals or of fuel oils (as applicable). Elevated contamination of any of the above pollutants puts at risk the health and livelihoods of others who use this water for human consumption, farming, ranching, or fishing.

Controlled

Water pollution and ecosystem risks have been reduced to moderate levels that do not represent an imminent risk for the health and the livelihoods of other water users or a serious ecosystem risk.

Progressing

Improvement: The impact of suspended solids, chemicals and fuel residues (as applicable) on other water users is evaluated, contamination of waste water with pollutants that represent a high risk is monitored, and technical improvements to reduce emissions are designed and implemented.

5.5 AMP GOVERNANCE



M.5/5.2.1/R.1

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.1 Sub-Issue: Legal Compliance

The AMP has decision-making structures and mechanisms in place.

Risk

Lack of coordination among members of the AMP (which may be a cluster of different independent entities) poses limitations to achieving improvements.

Controlled

Decision-making structures and mechanisms are in place, operational and functional, and accepted by all actors.

Progressing

Improvement: The AMP makes efforts and takes steps to establish formal and/or informal coordination mechanisms for consensus-based decision-making.

**M.5/5.2.1/R.2**5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.1 Sub-Issue: Legal Compliance

The AMP complies with legal requirements beyond rights related to mineral extraction.

Risk

Next steps of formalization, fulfilling requirements other than those related to mineral extraction (i.e. beyond legitimacy requirements specified in MODULE 2), are still pending.

Controlled

The AMP has obtained all authorizations, as required by national law.

Progressing

Improvement: The AMP makes continuous efforts to comply with all legal requirements. Where the AMP identifies obstacles hindering their formalization process, the AMP proactively seeks external support.



M.5/5.2.8/R.1

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.8 Sub-Issue: Grievance Mechanism

The AMP has established clear procedures to address complaints and grievances.

Risk

Human rights violations, conflicts among Members and conflicts with external stakeholders affected by mining may emerge.

Controlled

A confidential grievance mechanism is in place and communicated to Members, the community and other possibly affected stakeholders, that allows any Member or external stakeholder to openly or anonymously voice complaints and grievances.

Progressing

Improvement: The AMP assigns points of contact (differentiated by subject as appropriate) for the reception of complaints (anonymously if requested). Procedures for how to address complaints are being developed, implemented and improved.



CRAFT 2.0

Volume 2B

Requirements for ASM Mineral Producers Commodity-specific Requirements

October 05, 2020

Official version: English¹

CRAFT 2.0 supersedes the [CRAFT 1.0](#) (July 31, 2018)
after the second round of public consultation

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¹ In the case of inconsistency between versions, reference defaults to the official language version: English, version number 2.0.

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INTRODUCTION

The CRAFT Code consists of three indivisible volumes. [Volume 1](#) contains the description of the purpose, logic and principles of CRAFT, its scope and terminology. Volume 2 assumes that users are familiar on how to apply CRAFT in alignment with Volume 1.

[Volume 2A](#) contains all commodity-independent requirements for ASM Mineral Producers (AMPs). Requirements for AMPs that apply only for certain commodities are contained in **this Volume 2B**. Beyond improved readability and clarity of applicable requirements², this separation has no further implication at all. Volume 2B is the continuation of Volume 2A and both together conform the Volume 2.

Background information, further comments, explanatory notes and suggested tools are contained in **Volume 4** (Guidance Book).



² e.g. Gold miners do not have to read the requirements for cobalt and tantalum miners and vice versa. It eliminates the need for AMPs to evaluate if a requirement applies or not (e.g. in exaggerated terms: gemstone miners wondering why they should reduce mercury?).

1. GOLD: SPECIFIC REQUIREMENTS



In addition to the commodity-independent requirements in [Volume 2A](#) the following commodity-specific requirements apply for all AMPs producing gold as main- or by-product.

MODULE 1: ADOPTING A MANAGEMENT SYSTEM



M.1/5.2.3/S.1.1

5. Category: [Company Governance](#)

5.2 Issue: Management Practices

5.2.3 Sub-Issue: Management System

The AMP declares that it is committed to support the Minamata Convention on Mercury and to “reduce, and where feasible eliminate, the use of mercury”, as required by the Convention.

Criteria: The AMP declares (in the CRAFT Report or a separate statement) its commitment to “reduce, and where feasible eliminate, the use of mercury”, as required by the Minamata Convention.

MODULE 5: “NON-ANNEX II” HIGH RISKS REQUIRING IMPROVEMENT

1.1 HUMAN AND WORKERS’ RIGHTS



M.5/1.3.11/S.1.1

addresses Minamata Convention, Annex C, par.1 (b) (i)

1. Category: Human and Workers' Rights
1.3 Issue: Occupational Health & Safety
1.3.11 Sub-Issue: Mercury Use & Production

The AMP takes steps towards elimination of whole ore amalgamation.

Risk

The entire mined ore (alluvial sediments or hard rock mineral) is amalgamated without any pre-concentration (“whole ore amalgamation”).

Controlled

The AMP does not use whole ore amalgamation. All mined ore is pre-concentrated (using hand sorting, gravimetric concentration, flotation or other methods) and, if amalgamation is needed, only the concentrate is amalgamated.

-- or --

The AMP does not use mercury.

Progressing

Improvement: The AMP has a technical improvement plan in place and implements it, by assessing appropriate mineral concentration methods, implementing these methods in its domestic and industrial mineral processing plant(s), and making them mandatory for all members.



M.5/1.3.11/S.1.2

addresses Minamata Convention, Annex C, par.1 (b) (ii)

1. Category: Human and Workers' Rights
1.3 Issue: Occupational Health & Safety
1.3.11 Sub-Issue: Mercury Use & Production

The AMP takes steps towards elimination of open burning of amalgam or processed amalgam.

Risk

Amalgam burning is done without the use of any kind of mercury recovery device.

Controlled

Open burning of amalgam does not take place. Amalgam burning is only done in retorts or under fume hoods equipped with mercury capturing devices.

-- or --

The AMP does not use mercury.

Progressing

Improvement: The AMP has a technical improvement plan in place and implements it, by raising awareness of mercury-related health hazards, making mercury recovery devices available and accessible to individual members (miners and aggregators), and making their use mandatory.



M5/1.3.11/S.1.3

addresses Minamata Convention, Annex C, par.1 (b) (iii)

1. Category: Human and Workers' Rights
1.3 Issue: Occupational Health & Safety
1.3.11 Sub-Issue: Mercury Use & Production

The AMP takes steps towards elimination of amalgam burning in residential areas.

Risk

Amalgam burning takes place in residential areas such as in the homes of miners or typical downtown gold shops.

Controlled

Amalgam burning is done in dedicated areas only, never inside homes or near residential areas.

-- or --

The AMP does not use mercury.

Progressing

Improvement: The AMP has a technical improvement plan in place and implements it, by making miners and their families aware of the health hazards of mercury and avoiding amalgam burning at home, and relocating aggregators of the AMP (gold shops) to dedicated areas non-adjacent to residential areas, food markets, or restaurants.



M.5/1.3.11/S.1.4

addresses Minamata Convention, Annex C, par.1 (b) (iv)

1. Category: Human and Workers' Rights
1.3 Issue: Occupational Health & Safety
1.3.11 Sub-Issue: Mercury Use & Production

The AMP takes steps towards elimination of the practice of cyanide leaching in sediments, ore, or tailings to which mercury had been added, without first removing the mercury.

Risk

Amalgamation tailings (from alluvial sediments or hard rock ore) are, without any pre-treatment to remove mercury, processed in cyanide leaching plants. This also applies for amalgamated pre-concentrates (where whole ore amalgamation has already been eliminated).

Controlled

Materials to leach (sediments, ore or tailings) do not originate from preceding amalgamation processes where mercury had been added.

-- or --

The AMP does not apply cyanide leaching.

Progressing

Improvement: Materials to leach (sediments, ore or tailings) are pre-processed before leaching, in order to first removing the mercury.

2. TIN, TANTALUM, TUNGSTEN (3T): SPECIFIC REQUIREMENTS



In addition to the commodity-independent requirements in [Volume 2A](#) the following commodity-specific requirements apply for all AMPs producing tantalum as main- or by-product.

MODULE 5: “NON-ANNEX II” HIGH RISKS REQUIRING IMPROVEMENT

2.1 HUMAN AND WORKERS’ RIGHTS



M.5/1.3.10/S.2.1

1. Category: Human and Workers' Rights

1.3 Issue: Occupational Health & Safety

1.3.10 Sub-Issue: Hazardous Substances

Applies to Tantalum:

The AMP takes steps to minimize the exposure of Miners³ to radioactive emissions from tantalum ore (Coltan) and concentrates.

Risk

Tantalum ores (Coltan) may contain traces of radioactive elements, namely uranium, thorium and radium that can affect the health of Miners engaged in their extraction, processing or transport.

Controlled

The content of radioactive elements in the tantalum ore (Coltan) is insignificant.

-- or --

Miners are aware of the risk and, if exposed to Coltan more often than occasionally, use dust masks at the workplace, and wash body and change clothes before leaving the workplace.

Progressing

Improvement: If the tantalum ore (Coltan) contains radioactive elements in a concentration that is considered a health hazard, the AMP informs its Members about health risks, and an improvement plan to mitigate the risk of acute occupational radiation exposure, especially by Coltan particles, is being developed and implemented.

³See definition in [Volume 1](#): The term Miner includes all men and women involved in mineral extraction, selection, processing or transportation from primary or secondary deposits, dumps and tailings.



M.5/1.3.10/S.2.2

1. Category: Human and Workers' Rights

1.3 Issue: Occupational Health & Safety

1.3.10 Sub-Issue: Hazardous Substances

Applies to Tantalum:

The AMP takes steps to minimize the exposure of residential areas to radioactive emissions from tantalum ore (Coltan) and concentrates.

Risk

Tantalum ores (Coltan) may contain traces of radioactive elements, namely uranium, thorium and radium that can affect the health of Miner's families if mined products are stored in their homes.

Controlled

The content of radioactive elements in the tantalum ore (Coltan) is insignificant.

-- or --

Miners are aware of the risk and avoid stockage of mineral bags in homes.

Progressing

Improvement: If the tantalum ore (Coltan) contains radioactive elements in a concentration that is considered a health hazard, the AMP informs its Members about health risks, and an improvement plan to mitigate long-term radiation exposure, especially from storing ore or concentrate in homes and residential areas, is being developed and implemented.

3. COBALT: SPECIFIC REQUIREMENTS



In addition to the commodity-independent requirements in [Volume 2A](#) the following commodity-specific requirements apply for all AMPs producing cobalt as main- or by-product.

MODULE 5: “NON-ANNEX II” HIGH RISKS REQUIRING IMPROVEMENT

3.1 HUMAN AND WORKERS’ RIGHTS



M.5/1.3.10/S.3.1

1. Category: Human and Workers' Rights

1.3 Issue: Occupational Health & Safety

1.3.10 Sub-Issue: Hazardous Substances

The AMP takes steps to minimize the exposure of Miners⁴ to cobalt and traces of other potentially harmful chemical elements contained in the ore.

Risk

Excessive exposure to cobalt may cause various adverse health effects. Additionally, cobalt ores may contain traces of other potentially toxic or radioactive elements. This can affect the health of Miners engaged in their extraction, processing or transport.

Controlled

Miners are aware of the risk and, if exposed to cobalt ore or concentrate more often than occasionally, use dust masks at the workplace, and wash body and change clothes before leaving their workplace.

Progressing

Improvement: The AMP has obtained information on the chemical characteristics of its ore and informs its Members about health risks. An improvement plan to mitigate the risk of occupational poisoning or radiation exposure, especially by dust particles of cobalt ore, is being developed and implemented.

⁴See definition in [Volume 1](#): The term Miner includes all men and women involved in mineral extraction, selection, processing or transportation from primary or secondary deposits, dumps and tailings.



M.5/1.3.10/S.3.2

1. Category: Human and Workers' Rights

1.3 Issue: Occupational Health & Safety

1.3.10 Sub-Issue: Hazardous Substances

The AMP takes steps to minimize the exposure of residential areas to cobalt and traces of other potentially harmful chemical elements contained in the ore.

Risk

Excessive exposure to cobalt may cause various adverse health effects. Additionally, cobalt ores may contain traces of other potentially toxic or radioactive elements. This can affect the health of Miner's families if mined products are stored in their homes.

Controlled

Miners are aware of the risk and do not store mineral bags in homes and loading and transport is done in a safe way.

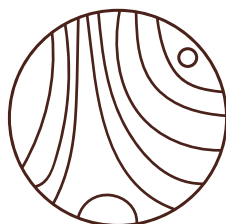
Progressing

Improvement: The AMP has obtained information on the chemical characteristics of its ore and informs its Members about health risks. An improvement plan to mitigate the risk of contaminating homes, residential areas and along transportation routes is being developed and implemented.

4. COLOURED GEMSTONES: SPECIFIC REQUIREMENTS



All commodity-independent requirements in [Volume 2A](#) apply.
No commodity-specific requirements apply.



CRAFT

CRAFT 2.0

Volume 3

Guiding Principles for CRAFT Schemes

October 05, 2020

Official version: English¹

CRAFT 2.0 supersedes the [CRAFT 1.0](#) (July 31, 2018)
after the second round of public consultation

The Code maintainer is the Alliance for Responsible Mining (ARM)

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01. INTRODUCTION

For a general introduction to CRAFT, please see Volume 1. For the CRAFT requirements that ASM mineral producers (AMPs) are expected to comply with, please see Volume 2 (2A and 2B).

Several of the requirements for AMPs have implications for CRAFT Schemes. **This Volume 3** intends to reflect these requirements from the viewpoint of CRAFT Schemes and provides clarifications regarding implications of the open-source characteristics as well as on CRAFT related communication.

Background information on each requirement, explanatory notes, examples, and suggested tools are contained in **Volume 4** (Guidance Book).

Why are Guiding Principles for CRAFT Schemes needed?

CRAFT, as a voluntary sustainability standard, is a progressive performance standard for ASM mineral producers (AMPs). Experience with CRAFT version 1.0 however showed that **AMPs, able to implement the CRAFT on their own, are the exception rather than the rule**. Version 2.0 maintains the approach to empower and encourage AMPs to implement the CRAFT on their own but recognizes that the role of CRAFT Schemes, supporting AMPs in their task to conform with the CRAFT, is pivotal. For greater consistency between CRAFT Schemes, version 2.0, therefore, introduces these Guiding Principles.

For clarifying the role of CRAFT Schemes, the following aspects are relevant:

- **The CRAFT expects to be a tool principally for AMPs**, to empower them in understanding and complying with market expectations, in order to provide them with better access to formal markets. The organizational scope of the CRAFT is the AMP, not the CRAFT Scheme.
- **The CRAFT also expects to be key for BUYERS**, de-risking their supply chain and improving sourcing opportunities from the ASM supply chain. While the purpose of CRAFT is not to substitute the BUYER's responsibility for carrying out due diligence and even less to shift this responsibility to the

AMPs, **CRAFT has a huge potential to simplify due diligence.** With AMPs preparing CRAFT Reports containing verifiable claims on presence, absence and mitigation progress of risks, due diligence is significantly reduced to verifying these verifiable claims, instead of conducting extensive risk assessments from scratch.

- **The CRAFT Code is open source** under the Creative Commons license CC-BY-SA. Due to the terms of this open-source license, the code maintainer of the CRAFT Code has very limited control over who uses the code, for which purpose, and under which conditions, as long as the open source licensing terms of CC BY-SA 4.0 are respected.

- **Open source provides clear rules.** As defined in Volume 1, *“supply chain schemes that incorporate and use the CRAFT for sourcing from ASM or for supporting ASM development are referred to as **CRAFT Schemes**”*. This refers to **this** version of the CRAFT Code (also referred to as “Core version”), issued by the Code maintainer, which in this case must be incorporated or used without any modification such as adding, modifying or dropping requirements for AMPs.

- **Open source provides flexibility.** Where supply chain schemes wish to implement and use the CRAFT Code with added, modified, or dropped requirements for AMPs or beyond its scope, the CC-BY-SA license applies. For such cases, the CC-BY-SA license allows to developing an adapted (localized or branched)² version of CRAFT. Such an adapted version shall be published under the same open-source terms (Share-Alike term of the license) and an **adapted CRAFT Scheme** implementing the adapted version may be established, communicating explicitly that it is based on an adapted (localized or branched) version of the CRAFT Code (Attribution term of the license). For further details see chapter 3.

The present volume has the purpose to define **clear rules of engagement** of BUYERS with AMPs to provide AMPs with clarity on what to expect and to ensure a **consistent application of the CRAFT Code that creates confidence in the market** about CRAFT-related claims.

Version 2.0 of CRAFT, therefore, introduces *Guiding Principles*, to which CRAFT Schemes are expected to abide.

²See chapter 3 on these terms.

2. GUIDING PRINCIPLES FOR CRAFT SCHEMES

The Guiding Principles outlined in this chapter are considered good practice. CRAFT Schemes are expected to perform according to these Guiding Principles, **particularly if they make public claims related to the use or implementation of CRAFT.**

2.1 ENGAGEMENT WITH AMPs



AMPs usually engage with CRAFT Schemes with the **expectation to obtain support for improving mining practices and for engaging with formal markets.**

As outlined in Volume 1, the process of AMPs affiliating to a CRAFT Scheme is progressive, according to the stepwise approach of CRAFT, with two levels of adherence: Candidate and Affiliate.

In practice, the driving force often comes from the downstream. In most cases CRAFT Schemes reach out to AMPs, to incorporate them into their supply chain or programme.

CRAFT Schemes are expected to support AMPs with whom they engage, by guiding them in their process towards CRAFT conformance.

01

Candidate status of an AMP corresponds hereby to the **initial phase of engagement**, where CRAFT Schemes evaluate whether the AMP is legitimate (MODULE 2) and if “Annex II risks” are present that require immediate disengagement, i.e. that impede sourcing from the AMP (MODULE 3).

CRAFT Schemes are expected to support AMPs by starting to facilitate commercial engagement with formal markets as soon as all risks in MODULE 3 are found absent.

02

Affiliate status of an AMP corresponds to an **advanced stage of engagement**, where CRAFT Schemes have obtained reasonable certainty that all Annex II risks requiring disengagement after unsuccessful mitigation efforts (MODULE 4) are:

- a. controlled or
- b. measurable progress of risk mitigation can be demonstrated within 6 months from the commercial engagement of a BUYER with the AMP.

At affiliate level, AMPs are required to **periodically assess** the non-Annex II risks covered in MODULE 5, prioritize those risks and issues which the Members of the AMP consider most important to address, and commit to measurable progress in their mitigation during the upcoming reporting period.

Risks covered by MODULE 3 and 4 are obligatory to address. Non-OECD risks covered by MODULE 5 however, provide room for guidance on prioritization by the CRAFT Scheme. Risks on which the CRAFT Scheme offers support are likely to become the risks and issues which the members of the AMP consider most important to address.

The use of the terms *Candidate* or *Affiliate* is not binding. CRAFT Schemes may use their own descriptors and may add further status levels as needed; e.g. the applicant status from version 1.0 or higher levels for AMPs that have advanced well into MODULE 5. Notwithstanding, **it is expected that CRAFT Schemes maintain the stepwise approach of CRAFT**, with a breakpoint at MODULE 3, where commercial engagement of AMPs with formal markets aligned with the OECD DDG becomes possible.

2.2 SUPPORT TO AMPs TO ACHIEVE RISK MITIGATION

2.2.1

Expected Support to AMPs to accomplish Module 1

If CRAFT Schemes reach out to AMPs to incorporate them into their supply chain or programme, the CRAFT Scheme shall evaluate if the AMP falls into the scope of CRAFT and if the organizational setup of the AMP is suitable for commercial engagement.

As applicable, CRAFT Schemes might **start supporting AMPs to establish and strengthen their organizational structure** in this very early stage of engagement.

2.2.2

Expected Support to AMPs to accomplish Module 2

Except in probably exceptional cases, where an AMP's **operation is legal, counting on all public or private documents that authorize its operation, determination of legitimacy** based on the four Country Case scenarios of MODULE 2 might be difficult for the AMP.

The initial phase of engagement of CRAFT Schemes with AMPs, evaluating whether the AMP is legitimate, is expected to provide the AMP with guidance to accomplish MODULE 2.

2.2.3

Expected Support to AMPs to accomplish Module 3

For some of the requirements in MODULE 3, it might be difficult for AMPs to obtain evidence to make verifiable claims. In some cases, where the Members of the AMP are victims of human rights abuses by non-state armed groups,

the attempt of assessment of these crimes may even put their physical integrity at life-threatening risk.

CRAFT Schemes may count on tools or contacts to access sensitive conflict-related information, which AMPs do not have. CRAFT Schemes are expected to **support AMPs to the extent possible with the collection of evidence** to accomplish MODULE 3.

2.2.4

Expected Support to AMPs to accomplish Module 4

For some of the requirements in MODULE 4, it might also be difficult for AMPs to obtain evidence to make verifiable claims. Where the Members of the AMP are victims of human rights abuses by state armed groups, the attempt of assessment of these crimes may even put their physical integrity at life-threatening risk. Particularly in their relation to public security forces, ASM miners are usually the victims of abuses and extortion and extremely vulnerable. Where risks are identified, risk management plans to mitigate the risks can hardly ever be implemented by AMPs on their own.

Assessments and particularly the implementation of risk management plans, which are requirements for AMPs in Volume 2A, are in practice a shared responsibility of AMPs and CRAFT Schemes. CRAFT Schemes are expected to support AMPs to the extent possible with the collection of evidence and the implementation of risk management plans, as required to accomplish MODULE 4.

2.2.5

Expected Support to AMPs to accomplish Module 5

MODULE 5 is progressive and aspirational and not addressing any of the issues is not an impediment to access formal markets that require conformity of supply chains with the OECD DDG. Notwithstanding, by not addressing these risks and not improving work practices, AMPs miss out on their own develop-

ment opportunities. CRAFT is intentionally not prescriptive on sequencing and prioritizing improvements of risks in MODULE 5. CRAFT is also not prescriptive on the number of improvements to be pursued simultaneously.

MODULE 5 is an **opportunity for CRAFT Schemes to proactively contribute to responsible ASM mining practices, responsible supply chains and sustainable development (e.g. the indicators of Sustainable Development Goals)**. CRAFT Schemes are encouraged to contribute to their development agenda (economic, environmental and social issues which they intend to be addressed as a priority in their supply chain) but expected to simultaneously respect the development priorities of the AMPs they work with.

2.3 THE CRAFT REPORT AND DUE DILIGENCE

2.3.1

Expected Support to AMPs to prepare their CRAFT Report

For assurance of conformity, CRAFT only relies on first and second party verification. First-party verification (by Miners) and/or second-party verification (by Processors or Aggregators) is formally the responsibility of the AMP, which is required to document the findings and commitments in its CRAFT Report, as described in Volume 1, chapter 4.1.

As indicated in chapter 2.1, in practice and most cases, CRAFT Schemes reach out to AMPs, to incorporate them into their supply chain or programme. Alongside with providing the expected support, as outlined in chapter 2.2, CRAFT Schemes (mainly those that provide due diligence as an added value service beyond the scope of the CRAFT) may be tempted to “shortcut” the CRAFT Report and produce a third-party due diligence report instead.³

³Observation from CRAFT 1.0 implementation.

While this approach is fit for the purpose of facilitating access to formal markets for AMPs, and therefore aligned with the “market entry” focus of CRAFT, it is not entirely aligned with the overall **intent of CRAFT to empower AMPs in understanding and complying with market expectations and due diligence needs.**

Additionally, by shortcutting the CRAFT Report, the CRAFT Scheme misses the opportunity to train the AMP in the application of the Five-Step Framework⁴, particularly in risk assessment (step 2), risk mitigation (step 3), verification (step 4) and reporting (step 5). As due diligence is not a one-time effort but *“an on-going, proactive and reactive process”*, the main benefit of CRAFT for CRAFT Schemes, which is reducing due diligence efforts to mainly *verifying the claims made in the CRAFT reports*, will never be achieved.

Consequently, CRAFT Schemes should provide advice on **how to prepare the report** by **providing templates, tools and additional guidance.**

As much as possible of the CRAFT Report should be contributed by the AMP. Even in case of grassroots AMPs that are not able to carry out a self-assessment (e.g. in areas with high illiteracy), the CRAFT Report should reflect a **self-declaration of the AMP**, i.e. the CRAFT Report (if produced by external advisors) should be validated by the AMP and “owned” by the AMP in the sense that it reflects what they say about themselves.

2.3.2

Use of the CRAFT Report for Due Diligence

As indicated in Volume 1, **CRAFT Schemes have no obligation to carry out due diligence or verification of the content of CRAFT Reports.** Their responsibility is to monitor the affiliation status of AMPs based on completeness of the CRAFT Reports presented by the AMP. As per the **OECD DDG**,

⁴OECD Due Diligence Guidance for Minerals – 5-Step Framework for Upstream and Downstream Supply Chain: 1. Strong company management systems 2. Identify & Assess risks in supply chain 3. Manage risks 4. Audit of smelter/refiner due diligence practices 5. Publicity report on Due Diligence

risk-based independent third-party verification (audit) is the responsibility of the supply chain actors that source or wish to source from ASM (i.e. BUYERS), not the responsibility of the ASM sector or CRAFT Schemes unless the Scheme owner is a BUYER.

However, CRAFT Schemes may carry out due diligence or third-party verification as seen **appropriate**.

Due diligence based on CRAFT is expected to consist mainly of the verification of the verifiable claims or findings and commitments in the CRAFT Report; applying additional instruments and means of verification beyond CRAFT as needed.

03. ASPECTS RELATED TO THE OPEN SOURCE CHARACTERISTICS OF CRAFT

3.1 IMPLICATIONS OF THE CREATIVE COMMONS LICENSE CC-BY-SA 4.0

The CRAFT is published under the Creative Commons License CC-BY-SA 4.0. This license is widely used by open-source projects such as Wikipedia. The legal text of the license is published at <https://creativecommons.org/licenses/by-sa/4.0/legalcode>. Creative Commons provides the following “human-readable summary”⁵:

⁵<https://creativecommons.org/licenses/by-sa/4.0/>

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In even more simple terms, Creative Commons explains: “This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms.”

In practice this means:

- **Anyone is free to use or redistribute the CRAFT Code**, even for commercial purposes (e.g. provision of services or CRAFT Schemes by BUYERS) and without need to request permission.
- **Anyone** (e.g. ASM Programmes or CRAFT Schemes) **may adapt the CRAFT Code** to fit their specific needs (i.e. create a *branch*).
- **Whoever uses or adapts** (branches) **the CRAFT Code, must reference the original document** (the 3 volumes of this “official” version, published by the Code maintainer) and disclose any eventual modification (i.e. indicate that it is not the “official” version).
- **Whoever adapts** (branches) **the CRAFT Code, must release the branched code under the same license**, i.e. may not apply any restriction.

In particular, the freedom to *Adapt* and the requirement of *Share-Alike* have implications on localising or branching CRAFT or for incorporating it into other Standards.

3.2 LOCALISING CRAFT

The geographic scope of CRAFT is **global** and consequently, all requirements for AMPs (Volume 2) are designed and worded to be as globally applicable as possible.

Notwithstanding, for specific national contexts, some requirements of this CRAFT criteria might be too generic, particularly in countries where a detailed legal and regulatory framework for ASM is in place and fully operational. Particularly in such cases, **national legislation prevails**.

For this purpose, the freedom to *Adapt* the CRAFT Code provides CRAFT Schemes with a convenient way of working with a legally valid localised version.

A localised version is usually characterized by:

- modification of one or more requirements for AMPs (in Volume 2A or 2B) to align it with national legislation as required to access formal markets, while maintaining the rest of the Code unmodified,
- indication of its geographic scope,
- copyright notice compliant with the *Attribution* and *Share Alike* terms of the CC-BY-SA 4.0 license
- contact information of the entity that adapted the CRAFT and assumes the responsibility to act as maintainer of the localised version.

Request to CRAFT Schemes:

The maintainer of the CRAFT Code ([Alliance for Responsible Mining– ARM](#)) **solicits submission of a copy of any localized version, to be published on the [CRAFT website](#)**, in order to avoid duplication by various CRAFT Schemes creating various localised versions for the same country.

Publication of the localised version on the CRAFT website **does not automatically imply endorsement by the standard maintainer** (ARM). However, localised versions may be endorsed by the standard maintainer (ARM), following its standard-setting procedures.



3.3 ADAPTING CRAFT FOR SPECIFIC PURPOSES (BRANCHING)

As indicated in Volume 1: *“the **overall intent of the Code** is to promote the sustainable social, environmental, and economic development of the ASM sector, by leveraging demonstrable conformance with due diligence requirements as an instrument for generating a positive development impact for ASM producers. The CRAFT expects to be a tool principally for the miners, to empower them in understanding and complying with market expectations and due diligence needs.”*

Supply chain initiatives for ASM commodities might have the need or might wish to adapt CRAFT for their specific purposes or for commodities not covered in the Core Version. Such “branching” is easily possible, as the CC-BY-SA license allows to *Adapt* the Code, but has certain implications:

- The Share-Alike term of CC-BY-SA requires the branched version to be published under the same CC-BY-SA license, i.e. the branched version must remain open source.
- The Attribution term of CC-BY-SA requires to always communicate explicitly that the branched version is a modified⁶ version of the CRAFT Code published by the licensor, i.e. the Code maintainer ARM.
- The Attribution term also indicates, *“... but not in any way that suggests the licensor endorses you or your use”*, in this case, ARM as the Code maintainer. This implies that supply chain schemes that use the branched version shall not use the term “CRAFT Scheme” without an attribute that indicates the modification.⁷

⁶The terms “remixed, transformed or built upon” of CC-BY-SA 4.0 cover all kinds of modification such as adding, modifying or dropping requirements, the scope of the Code or other features of the CRAFT Code.

⁷Such attributes could be the name of the institution responsible for the branched version, the specific focus of the branched version, or any denominator that distinguishes the “Branched CRAFT Scheme” from “CRAFT Schemes” using this version published by the Code maintainer. “Branched CRAFT Scheme” is an example for doing so, whereby the word [Branched] is a placeholder for such attribute.

These clear rules provided by the CC-BY-SA 4.0 license aim to ensure transparency among branched versions, avoiding to “call different things with the same name”. This will ultimately strengthen the credibility of CRAFT and its user community of AMPs, supply chain schemes and ASM programmes.

Before branching the CRAFT Code, initiatives are advised to consider the following aspects:

- **The Core Version was developed through an inclusive and participatory multi-stakeholder process**, as aligned with ISEAL best practice for standard-setting as possible and has undergone extensive public consultation. This solid process is the basis for the legitimacy and recognition that CRAFT enjoys.
- It will be the responsibility of the initiative to take appropriate steps to ensure the legitimacy, reputation and recognition of the branched version.

The maintainer of the CRAFT Code (Alliance for Responsible Mining – ARM) welcomes any branching initiative, as the *Share-Alike* requirement allows to merge the branch, or successful elements of it, back into the Core Version. **Any branching initiative is therefore at the same time a valuable contribution to the potential future development of the Core Version of the CRAFT Code.**

Alternatively, the supply chain initiative that sees a need for branching may contact the standard maintainer (ARM)) standards@responsiblemines.org, in order to jointly explore if the desired modification can be achieved by amending the Core Version of the CRAFT Code.



3.4 INCORPORATING CRAFT IN OTHER STANDARDS

One of the considerations to develop the CRAFT under open source license terms was that, by this approach, CRAFT may not only be adopted by supply chain schemes but also **incorporated into existing supply chain initiatives such as responsible mining standards**. The CC-BY-CA freedom to *Adapt* allows for “remixing and building upon the material”.

When elements of CRAFT are incorporated into other already existing Standards, only the parts based on CRAFT become subject to the *Share-Alike* term and maintain the CC-BY-SA license. The *Attribution* term applies. As CRAFT is not a certification scheme on its own, this will not duplicate or affect the certification mechanism of the Standard that incorporates CRAFT.

04. CLAIMS AND COMMUNICATIONS

4.1 CLAIMS OF CRAFT SCHEMES

The CRAFT Code is a progressive performance standard for ASM Mineral Producers, providing assurance through first- and second-party verification by the AMP. **CRAFT is a process standard and it is not a product standard nor a certification scheme.**

CRAFT Schemes wishing to make claims, have to consider the following aspects for valid claims:

- The claim may express that the AMPs affiliated to its CRAFT Scheme affirm in their CRAFT Reports to operate in conformity with the CRAFT Code. The claim may describe the support provided by the CRAFT Scheme.

- If applicable, the claim may express that the CRAFT scheme verified (or that it was independently third-party verified) that the AMPs produced the mineral or metal in conformity with the CRAFT Code. If the CRAFT Scheme is a certification scheme, this verification may be certified under the certification terms of that scheme.

Claims other than **the above are not aligned with the CRAFT Code and are/will be considered invalid**. In particular, as CRAFT is not a product standard, product-related claims such as “CRAFT Gold” are invalid.

Please contact ARM as the CRAFT maintainer (standards@responsiblemines.org) in case of doubt or suspected misuse.

4.2 COMMUNICATIONS

The *Attribution* term of the CC-BY-SA license encourages and even requires CRAFT Schemes or other users to communicate the use of CRAFT, giving appropriate credit in any reasonable manner, but not in any way that suggests the licensor endorses the user or the use.

According to Volume 1, “a **CRAFT Scheme** is a supply chain scheme that follows, uses, incorporates, or builds upon the rules of the CRAFT Code”. According to this definition, a supply chain scheme can be explicitly or implicitly a CRAFT Scheme.

- A supply chain scheme is **implicitly** a CRAFT Scheme if it uses the CRAFT in its work internally, **without making any public statements about it**.
- A supply chain scheme is **explicitly** a CRAFT Scheme if it **publicly declares or communicates to follow, use, incorporate, or build upon the rules of the CRAFT Code**. If it builds upon CRAFT using a branched version of CRAFT, then this should be communicated accordingly (see chapter 3.3).

CRAFT Schemes are encouraged **to communicate their use of the CRAFT**. However, communications shall **not suggest that their work or their use of CRAFT is endorsed in any way by the maintainer of the CRAFT Code (ARM)**.

4.3 USAGE OF THE CRAFT LOGO

For usage with version CRAFT 2.0 onwards, the Code maintainer (ARM), on behalf of the open-source community developing the CRAFT, created this logo:



This **official CRAFT logo** is not derivative work, as it does not *Adapt* (remix, transform, or build upon) the CRAFT Code. The official CRAFT logo is therefore not covered by or subject to the CC-BY-SA license under which the Code is published. The official CRAFT logo is the intellectual property of the open-source community developing the CRAFT, represented by ARM as the Code maintainer, and is correspondingly protected.

The official CRAFT logo is used to identify official documents such as released versions of the CRAFT or CRAFT-related communications by the code maintainer, e.g. the CRAFT website.

Please contact the CRAFT Code maintainer (Alliance for Responsible Mining ARM, standards@responsiblemines.org) in case you wish to use the logo.





CRAFT

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For more information, visit www.craftmines.org
You can also contact the Alliance for Responsible Mining (standards@responsiblemines.org)
or Resolve (Taylor Kennedy: tkennedy@resolve.ngo)