

3 September 2024

Dear Director-General Kerstin Jorna
CC: Director-General Florika Fink-Hooijer

We write to you from 25 global civil society and labour organizations (CSOs) with concern over the International Organization for Standardization (ISO) initiative to develop a “sustainable raw materials” supply chain standard under Project Committee 348 (ISO/PC 348).

This will have clear and profound implications for human rights, workers, Indigenous Peoples' sovereignty, frontline communities, and the climate in the urgently needed energy transition, the objectives of which we all fully support. Because the majority of all energy transition minerals globally (sometimes called critical minerals) are located on or near the lands of Indigenous and other land-connected Peoples, the initiative will have disproportionate effects on them.

When finalized, ISO/PC 348 might serve as *the* basis for global compliance with the European Union's (EU) recently passed Critical Raw Materials Act (CRMA) and will likely be considered a new baseline to regulate raw materials industries and supply chains used by governments globally. However, there is a lack of transparency, a [disproportionate industry influence](#), and exclusion of directly impacted rights-holders and CSOs by the Committee and its work.

This effort clearly contradicts EU governing values and the EU Principles for Sustainable Raw Materials, and risks undermining the goals of regulations and laws, including the CRMA. We urge the European Commission to stand for high levels of inclusiveness, transparency, and ambition in this standardisation process, in line with the below principles.

1. Increase inclusion of CSOs, Indigenous Peoples, rights-holders, and impacted communities in the Working Group, its activities, and decisions.

While decisions are made by consensus, the ISO system is not easily accessible or automatically inclusive of the human rights and Indigenous Peoples' rights experts that must be at the table. Unless ISO, the national government, or standards-setting bodies recruit these groups and cover their participation costs, standard development often excludes critical stakeholders like rights-holders, CSOs and directly impacted groups.

This goes against the spirit of requirements for multi-stakeholder governance set out in the CRMA which require 'a formal, meaningful, and substantive role of multiple types of stakeholders, including at least civil society, in the decision-making of a certification scheme.'

Furthermore, the final standards are posted behind a paywall, underscoring ISO's exclusivity and opacity. This disproportionately affects Indigenous Peoples and other mining-affected

groups around the globe who are often neglected by their governments and excluded from the ISO standard development.

2. Incorporate CSO [priorities for credibility and safeguarding human rights into the ISO/PC 348 standard under development.](#)

We have developed a clear set of guiding principles and recommendations for the ISO/PC 348 to ensure the standard safeguards human rights. They are as follows:

- Require the supply chain standard to have equal and shared governance with CSOs and affected rights-holders, particularly those disproportionately impacted including, but not limited to Indigenous Peoples, workers, women, children, and people with disabilities;
- Require the explicit, full protection of Indigenous Peoples and ensure the respect of their rights, including their right to self-determination and their right to Free, Prior, and Informed Consent (FPIC), as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including the right to withhold consent;
- Require human rights, environmental and corruption due diligence (HREDD) aligned with the United Nations Guiding Principles on Business and Human Rights (UNGPs), the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, and the OECD Guidance for Responsible Business Conduct;
- Bolster the integrity of auditing and accreditation schemes by requiring shared governance, transparency, and participation safeguards;
- Set strong environmental, social and governance standards in line with global best practice, while also being cognizant of the deleterious effects of corruption on their delivery, and that take a lifecycle assessment approach to facilitate environmental management of these issues;
- Standardize and embed raw materials and minerals circularity as a requirement for sustainable raw materials and minerals supply chains.

For the supply chain standard to foster sustainable development and broader social improvements, involvement of rights-holders and allied organizations like ours, is imperative.

3. Standards should not control fundamental human rights.

ISO is increasingly proposing and developing sustainability standards, an issue central to the fulfillment of human rights. Yet, there is no dedicated, permanent body of human rights experts, which would include rights-holders, Indigenous Peoples, affected communities, and CSOs.

The majority of energy transition minerals at the focus of the ISO/PC 348 standard are on Indigenous Peoples' lands, yet the Committee, to our knowledge, is not engaging Indigenous Peoples. Such omission infringes on Indigenous Peoples' sovereignty and rights, and exposes the biodiversity they steward to serious health and environmental risks, including in the biogenic carbon capture essential to fight Climate Change.

Our groups bring both the needed expertise for holistic standards development and capacity to hold companies and governments accountable to their strong enforcement. But we cannot play these important roles if we are not represented in the process.

Moreover, ISO standards are not due diligence rules, nor should they replace the need for governments to legally require companies undertake strong due diligence across their supply chains. Recognizing this, the EU Commission should prioritise the implementation of OECD due diligence rules under the EU Battery Regulation and CSDDD without delay.

We would like to kindly request a meeting with the Directorate-General for Internal Market, Industry, Entrepreneurship and SME's, Ms. Kerstin Jorna, to further discuss our concerns and urge the Commission to cease its support for ISO/PC 348 in the interim if the above principles are not adhered to.

Signed,

African Coalition on Green Minerals (ACGM)

African Resources Watch (AFREWATCH)

Commission Justice et Paix

Cultural Survival

European Environmental Bureau (EEB)

Fair Trade Advocacy Office (FTAO)

Friends of the Earth Europe

Global Witness

Green Transition Denmark

Heinrich-Böll Stiftung

IndustriAll European Trade Union

London Mining Network

MiningWatch Canada

Mines, Minerals and People

Natural Resource Governance Institute (NRGI)

Observatoire d'etudes et d'appui a la responsabilité sociale et environnementale (OEARSE)

PowerShift

Public Citizen

Publish What You Pay

Rainforest Foundation Norway

Rights and Accountability in Development (RAID)

SIRGE Coalition

Transport & Environment (T&E)

World Wide Fund For Nature (WWF)

SAMATA-India



