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ITSCI Statement on Lawsuit over Congolese cobalt mining deaths

Media reports have identified five US companies named as defendants in a lawsuit brought by human rights law firm International Rights Advocates on behalf of 14 parents and children of the DRC. It is claimed that the companies knew of death and serious injury of children reportedly working in cobalt mines in their supply chains [Case 1:19-cv-03737, filed on 15th December 2019 in Washington DC]. Paragraph 16 of the complaint quotes from Apple's '2018 Statement on Efforts to Combat Human Trafficking and Slavery in Our Business and Supply Chain', which, in part, mentions ITSCI's whistleblowing mechanism in the DRC.

We want to emphasise that our ITSCI programme is committed to helping companies source **tin, tantalum and tungsten minerals** from the DRC and other countries according to standards independently confirmed to be aligned with the recommendations of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. **ITSCI is not engaged in any activity relating to cobalt mines, or the cobalt supply chain**, to which this lawsuit solely relates. Aside from Apple, a company that has supported and encouraged improvements in ITSCI activities over several years, no other companies named in the lawsuit are members of our programme. There are no ITSCI supported mines of any mineral in the copperbelt between Kolwezi and Likasi where cobalt is produced.

The law suit recognises that there are voluntary programs to better or more responsibly source cobalt but questions the success of achieving traceable cobalt solely through 'model sites' blockchain, or other technology. We want to clarify that ITSCI is not responsible for tagging or traceability of any cobalt mineral, and, activities and projects on cobalt of any stakeholders who may be in common with ITSCI stakeholders are entirely unrelated to our programme.

We agree that technology or traceability alone cannot resolve difficult challenges on the ground although it is one necessary part of the OECD recommended five steps of due diligence to achieve progressive improvement.