

CMSI Consultation Response

Respondent Details

NAME

Not Specified

COUNTRY

Switzerland

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Government (local / regional / national)

ORGANISATION

Swiss Federal Office for the Environment

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What principles have guided the development of the governance model?

COMMENT:

In our view, it is important that the governance model includes a principle regarding independence, as well as a principle regarding equal representation and decision-making rights to industry versus civil society which is currently lacking as presented on p.3.

11. How would the initial Board be established?

COMMENT:

We see also a risk in terms of the independence of the Board given that the 4 partner will select the independent Chair (p.10). We recommend to list the criteria for the selection of the Independent Chair.

6. What will the composition of the Board look like?

COMMENT:

In the proposed composition of the Board of Directors (Figure 3, p.7), we see risk of unequal balance between mining/private interests versus public interest and affected communities. In the description on p.6, only the 4 mining stakeholders reflect civil society's and environmental perspective. The mining companies and value chain companies will be representatives of the private sector, while the "value chain stakeholders" are an ambiguous group that could essentially include industry associations.

General comment on Performance Area

COMMENT:

The CMSI is an initiative between The Copper Mark, ICMM, Mining Association of Canada (MAC) and World Gold Council (WGC) to consolidate their respective voluntary responsible mining standards into one global standard and multi-stakeholder oversight system. The stated vision is "to simplify the current mining standards landscape and promote continual improvement of environmental, social and governance practices along individual metals' value chains -from mining to smelting, refining and beyond."

In our view, the resulting standard should take the most ambitious requirements of each of the existing standards so as to enable ambition upwards, and not the least common denominator.

In general, we are of the view that to have an added value, CMSI requirements should be aligned with, or go above and beyond existing binding rules and international recognised standards, such as the OECD Guidelines for Multinational Enterprises.

The standard should be an opportunity to enable industry's further contribution to internationally agreed objectives, such as the 2030 Agenda, as well as climate and biodiversity objectives.

COMMENT:

Communication about the standard has to be clear and avoid any ambiguity or misleading claims.

COMMENT:

To scale up the uptake of the standard, especially at facility level, we suggest to include in the standard the implementation of periodic training programmes (at management and operational levels) and an audit system to verify this.

COMMENT:

The initiative seeks to implement the standard at "100 mining companies across approximately 600 facilities in almost 60 countries" of the existing members and participants of the four organisations (CM, ICMM, MAC, WGC). However, the literature points to around 70,000 mining sites, most of which are non-metal extraction sites (e.g. sand, gravel, cement raw materials) and artisanal mines. In our view, a "global" standard should go beyond the boundaries of the four leading organisations of the initiative. We therefore suggest that the scope of the standard should be adapted to make it truly applicable on all commodities on a global scale.

COMMENT:

We have concerns about the effectiveness of the consolidated standard since the document states that "Good Practice is the level of performance that all responsible mining companies should eventually achieve", so the target for all. However, "Good Practice" is described as the level of practice "in line with industry standards and international norms, frameworks and guidelines". We doubt that this is in line with claims such as "bringing together the best of four of the most widely used standards".

In light of the above and given that the standard is presented as seeking "continual improvement of environmental (...) practices along individual metals' value chains (...)", we seek clarification on how the standard

will incentivize companies to make progress above the “Foundational practice” and especially above “Good Practice”. (See also our comment on reporting and claims policy.)

COMMENT:

In general, standards should be verifiable and measurable. If it is something to be achieved in the future, indicating times lines and milestones. Along this line, we recommend having „SMART“ (specific, measurable, achievable, relevant, and time-bound) indicators and/or criteria to periodically measure performance of the requirements.

COMMENT:

We consider that the standard should strive for application in all mines of a company, and that if requirements are applied only in specific mines this should be clearly communicated to avoid any ambiguity or misleading claim.

COMMENT:

We seek clarification on which requirements aim to minimize environmental impacts along the life cycle of minerals and metals, as stated on the website of the initiative, that the vision is to “promote continual improvement of environmental (...) practices along individual metals’ value chains -from mining to smelting, refining and beyond.”

COMMENT:

All requirements should strive to be applied to both new and existing mines as well as to closed mines controlled by mining companies, not only when significant changes or existing projects are expanded, such as indicated in Performance Area 4.

Introduction

COMMENT:

The standard should cover the full life cycle of the mine, ideally further along the value chains as stated, and, in principle, apply for all mines in the world (not only the mines of the members of the initiative).

COMMENT:

A mining operation impacts the environment across its full life cycle. Requirements should, as relevant, therefore be applied across the entire life cycle of the mine, from the exploration phase (pre mining), operation, rehabilitation and closure and post mining stage, and not only focus on the operational phase, as stated on p.3.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

COMMENT:

We recommend the use of more explicit wording that strive towards the minimization of environmental impacts. For instance, in the “Intent” section of Performance Area 19, we would expect to add the use of words

such as “minimize” impacts on biodiversity. Also, it should be clearly indicated that it is expected that impacts on biodiversity and ecosystem services are minimized generally, according to the mitigation hierarchy, and not only on e.g. World Heritage Sites. Key Biodiversity Areas or Ramsa

Document:
Claims

General comment

COMMENT:

We suggest to add a glossary of terms. We are unsure about what the terms “report”, “reporting” or “mark”, or “reporting of performance results” include or not. In particular, there seems to be a difference between the Reporting of performance results versus the Report (e.g. p.7, “the Self-Assessed Report is not published”). We also seek a definition of “claim”.

COMMENT:

We would see value in recognising leading practice through a claim.

3. Types of Reporting & Claims

COMMENT:

We are unsure about how to interpret the fact that the self-assessed reporting of performance results “must” be published by the Consolidated Standard Secretariat, but then it is written hat “if published by the facility” (...). We recommend to use less ambiguous wording to make clear what is permitted or not. Can the facility publish the Self-Assessed reporting of performance results if the Secretariat does not publish it ?

COMMENT:

We seek clarification on how the public will be able to differentiate between the different claims (p.8-9).

COMMENT:

We understand that there are 3 type of claims - “participant claim, assured claim and performance claim”. We have concerns that a “participant claim” will be permitted as soon as its application has been approved, whereas, as stated in the document “it does not convey any information on the performance of the facility against the requirements”. This can lead to misleading communication.

COMMENT:

According to the document, the only claim that signals a certain level of performance is the “performance claim”. However, this can be used with a mix of good practice and foundational practice level of performance, as proposed on p.10. We are of the view that such a claim should go beyond “Foundational Practice” that include requirements such as public commitments (19 occurrences - e.g. 22.5.2 on cyanide; 23.1.1 on circular economy; 24.1 on closure management) that do not bring any concrete change or impact “on the ground”.
