

CMSI Consultation Response

Respondent Details

NAME

Devin Holterman

COUNTRY

Canada

PERMISSION

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

STAKEHOLDER

Non-governmental organisation (NGO) / civil society organization (CSO)

ORGANISATION

WWF-Canada

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Standard

General comment on Performance Area

COMMENT:

We view the draft consolidated mining standard as far from a finished product, and the short consultation period precludes meaningful engagement. The goal of the CMSI should not be to gather as many companies as possible under a single brand. Instead, the aim should be to develop a rigorous multistakeholder and rightsholder process that holds companies to the highest standards of social and environmental performance. The draft standard fails to do this, with many of the “leading practices” reflecting what should, in our opinion, be considered “foundational.”

COMMENT:

Multistakeholder and Rightsholder Engagement, Participation and Governance

For voluntary standards to be effective and credible, they must have sustained multistakeholder engagement, participation and governance. These minimum criteria are lacking in this industrydriven process, calling into question the value of this standard in relation to existing standards like the Initiative for Responsible Mining Assurance (IRMA) which has credible multistakeholder and standard assurance processes. To our knowledge, the CMSI has failed to provide support for the participation of stakeholders and rightsholders in the standard development process, an important piece of any consultation. Additionally, as stated above, the short consultation timeline for review of the consolidated standard (60 and 40 days) is inappropriate for meaningful consultation. Further, organizations from civil society, labour, and the private sector have left the CMSI’s advisory groups due to concerns about the legitimacy of the consolidation process. When taken together, WWF-Canada is concerned that the current draft standard risks undermining more credible processes, such as IRMA, by providing the mining sector with a lessrigorous option.

Well-designed and implemented voluntary standards should provide a consistent approach to drive continuous improvement of industry performance. This means that standards and their development process must at a minimum: uphold the rights of Indigenous Peoples and impacted communities; be multistakeholder; and build

from existing leading practices that incorporate the best available scientific and Indigenous knowledge to help safeguard biodiversity and ecosystem services. WWF-Canada urges CMSI to re-develop its draft standard, associated engagement processes and foundational practices to reflect a process that pushes responsible business practice forward.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples

COMMENT:

Free, Prior and Informed Consent

WWF-Canada is concerned that the draft standard lacks a clear and repeated call for its member companies to uphold the rights of Indigenous Peoples at each stage of the mining sequence. At several points the draft standard either avoids the need for consultation altogether or captures it as either “good” or “leading” practice. Indigenous Peoples have the right to FPIC “prior to the approval of any project affecting their lands or territories or other resources,” as established by the United Nations Declaration on the Rights of Indigenous Peoples. Early, sustained and meaningful consultation and participation are the bedrock of consent processes and should be clearly integrated throughout the draft standard. To put it clearly, upholding the rights of Indigenous Peoples is not “good” or “leading” practice but is foundational to any responsible mining development and should be included as such across the entirety of the standard.

Further, WWF-Canada sees transparency, meaningful consultation, and the openness to adapt as crucial aspects of responsible business practice, and key to obtaining FPIC from impacted communities. It is notable that the International Council on Mining and Metals (ICMM) has faced legitimate criticism along these lines when it comes to its Indigenous Peoples Position Statement 2024. Given the draft standard’s reliance on this source material and process, we lack confidence that the standard will compel industry members to engage in effective consultation and ensure the meaningful participation of Indigenous Peoples in mineral development projects. Anything less than obtaining free, prior and informed consent has significant potential to undermine the rights of Indigenous Peoples in Canada and around the world.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature

COMMENT:

Biodiversity and Ecosystem Services

In characterizing practices that we believe are foundational to responsible mineral development as either “good” or “leading”, the draft standard falls short of established best practices when it comes to the protection, maintenance and enhancement of biodiversity and ecosystem services. We believe that member companies will struggle to “contribute to a nature positive future” (p. 94) using the approach outlined in Performance Area 19 and other interconnected performance areas.

The collaborative development and implementation of biodiversity management plans and the monitoring and adaptive management necessary for a plan’s implementation to be effective in meeting its goals, should all be considered as foundational practices (as opposed to good or leading practices as found on p. 95). In short, significant gaps exist in how the draft standard approaches addressing impacts to biodiversity and ecosystem services from mineral development projects. Specific guidance on the characterisation of baselines, monitoring of effectiveness, and adherence to adaptive management principles -and the need for consultation throughout -are lacking in the draft standard. These gaps will need to be addressed throughout the draft standard if it is to be credible and effective.
