CMSI Consultation Response

Respondent Details

NAME
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COUNTRY
Switzerland

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

STAKEHOLDER
Intergovernmental / multi-lateral organisation

ORGANISATION
IGF / IISD

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

SECTION: 1. What is the vision?

COMMENT:

The Governance Model would benefit from additional clarity in the following areas: how governance decisions support the integrity and reliability of sustainability claims; the accountability mechanisms for various stakeholders within the governance structure; and the level of transparency the structure ensures, particularly in relation to public access.

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

COMMENT:

Suggest adding a specific mention of gender considerations and the inclusion of women's voices.

5. What does the overall governance model look like?

COMMENT:

While governance roles and responsibilities are outlined, they could be more closely linked to specific accountability mechanisms for sustainability. For example, it could be useful to clarify the role of the committees in overseeing and evaluating sustainability claims or checking non-compliance or standard setting/revisions.

7. How will the Board make decisions?

COMMENT:

The decision-making process could benefit from examples of consensus-building scenarios. It might help to emphasize how consensus decision-making will take views of different stakeholder groups, maybe adding an example of how opposing views on environmental policies might be resolved.

QUESTION 1

The governance principles that guided the development of the governance model are inclusive, effective, credible, impact-driven, pragmatic and efficient. From your perspective, does the proposed governance model meet expectations for consistency with these principles?

Response: 3: Meets expectations

QUESTION 2

Does the proposed governance model ensure no single group is able to unduly influence decisions?

Response: unsure

> Document:
> # Assurance

1. Introduction

SECTION: Introduction

COMMENT:

The Assurance Process would benefit from additional clarity in the following areas: whether the public will be able to access the audit results and the list of assurance providers; and who, if anyone on the Secretariat would be involved if no corrective actions are taken place for non-conformities.

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2. Roles and Responsibilities

COMMENT:

It could help to consider grouping responsibilities under subheadings such as "Preparation," "Implementation," and "post-assurance," allowing for more clarity.

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4. Consolidated Standard External Assurance Process

COMMENT:

Suggest specifying that re-assessment needs to be done every three years or on standards revision (whatever comes first?).

This would cover situations when the standard gets revised before the three-year time period elapses.

COMMENT:

Some more clarity might be useful on when the re-assurance of operations will take place, every 3 or 5 years...

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6. Public Grievance Mechanism

COMMENT:

It would add clarity to mention that the dispute resolution process, while being operated by the secretariat, will still be done independently or by a group that has no conflict of interest.

QUESTION 1
From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?
Response: 3: Meets expectations

Document:
Standard

Performance Area 1: Corporate Requirements

SECTION: 1.3 Transparency of Mineral Revenues, Foundational Practice, 1

COMMENT:

Suggest adding the language: "Publicly support the responsible management of mineral revenues, consistent with national legislation and the Extractive Industries Transparency Initiative (EITI) principles."

SECTION: 1.3 Transparency of Mineral Revenues, Good Practice, 1

COMMENT:

Suggest breaking down the types of payment further, such as, royalty, corporate income tax, withhold taxes, etc.

SECTION: 1.3 Transparency of Mineral Revenues, Good Practice, 3

COMMENT:

Suggest replacing "new" with all and removing Leading Practice 2.

SECTION: 1.3 Transparency of Mineral Revenues, Good Practice

COMMENT:

Suggest adding a Good Practice on Disclosure to tax administration: "Submit all required tax and other relevant information to tax authorities, in particular to disclose mineral sales agreements between related and unrelated parties, in compliance with national legislation."

COMMENT:

Suggest adding a Good Practice on Beneficial ownership that follows: EITI requirement 2.5, Open Ownership and Financial Action TaskForce (FATF) recommendations.

SECTION: 1.3 Transparency of Mineral Revenues, Leading Practice

COMMENT:

Suggest adding a Leading Practice: "For facilities that are not in an EITI implementing country, publicly disclose all payments in line with national regulations or the EITI where such regulations do not exist.'"

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning, Foundational Practice, 1

COMMENT:

Suggest adding, "Train and conduct simulations of emergency and crisis situations with communities."

Performance Area 13: Community Impacts and Benefits

SECTION: 13.2 Community Development and Benefits, Good Practice, 3

COMMENT:

Engagement with governments should be higher than "establishing partnerships." Governments are responsible for the development planning of regions. Following IGF's Mining Policy Framework recommendation 3.1.1, mines and mining activities should be integrated into local, regional and national development plans.

https://www.igfmining.org/resource/igf-mining-policy-framework/

SECTION: 13.2 Community Development and Benefits, Good Practice

COMMENT:

Suggest including gender equality and social inclusion explicitly in procurement and employment.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Foundational Practice, 2

COMMENT:

Suggest adding new language: "Engage with Indigenous Peoples during the preparation of the permit application and before each stage of the mine cycle, to understand what is important to them, including how their rights could be impacted and how to avoid infringing on their rights."

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 7

COMMENT:

Suggest moving this to a Foundational Practice.

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage Identification and Management, Good Practice, 1

COMMENT:

Suggest moving this to a Foundational Practice.

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting, Good Practice

COMMENT:

ASM is approached from a negative and risky perspective. Suggest having a more balanced perspective by adding a Good Practice on the coexistence of ASM and LSM.

COMMENT:

Requirements 1 and 2 are about assessing and mitigating risks from ASM to the facility, but there are no requirement (even in Leading practices) to assess the risks from the facility to ASM, even though ASM activities often take place before LSM.

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting, Leading Practice, 1

COMMENT:

Suggest adding, working with relevant stakeholders to identify opportunities and implement a system that channels legitimate ASM production into formal markets. This system should be inclusive, and aim to provide incentives to work toward meeting the requirements to sell into formal markets, not exclude those who do not meet the requirements.

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting

COMMENT:

Suggest making practices under PA 16 more gender-responsive to address specific vulnerabilities that women face.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Within the definition of 'Legitimate ASM," suggest explaining the nuances between legitimate and legal.

Performance Area 17: Grievance Management

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights

COMMENT:

Suggest considering sexual gender-based violence where relevant under PA 17. For example, workers who engage with communities should be trained, establish referral mechanisms for survivors, and specific channels of remedy.

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice

COMMENT:

Suggest adding a Good Practice, such as: "Engage communities through direct participatory monitoring of water."

Whether for Water, Biodiversity or Pollution, participatory monitoring is essential to build trust between mining communities and government and mine operators. Even though stakeholder engagement is mentioned, there is no direct recommendation of engaging communities through direct participatory monitoring of aspects such as water quality, air and noise emissions, or biodiversity surveys.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 1

COMMENT:

Suggest including :"Important Bird Areas, Endemic Bird Areas, and Alliance for Zero Extinction sites" as part of the areas to avoid or minimize mining activities.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Leading Practice, 1

COMMENT:

Suggest adding: "Engage communities through direct participatory monitoring aspects of the biodiversity management plan."

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Foundational Practice, 2

COMMENT:

Suggest changing to: "Comply with applicable laws."

SECTION: 2.1 Legal Compliance, Foundational Practice

COMMENT:

Suggest adding a Foundational Practice because governments access to mine facilities is not straightforward, and in some cases, governments face resistance to monitoring activities: "Facilitate government monitoring of the activities and infrastructure at the Facility."

COMMENT:

Suggest adding a Foundational Practice which includes the commitment to endorsing the B Team Responsible Tax Principles. (https://www.bteam.org/our-thinking/news/responsible-tax)

Responsible mining companies have an interest in promoting their reputation as good corporate citizens and have joined initiatives aiming to raise the bar on responsible tax. Including responsible tax principles in the

Standard would be consistent with the commitments made by multinational companies in various international forums.

SECTION: 2.1 Legal Compliance, Good Practice

COMMENT:

Suggest adding a Good Practice which includes commitment to the OECD Guiding Principles on Durable Extractive Contracts, particularly Principles VII and VIII. If fiscal issues require stabilization, it should be based on a clear commercial need, with limits on scope and time, and subject to review.

(https://www.oecd.org/en/publications/guiding-principles-for-durable-extractive-contracts_55c19888-en.html#:~:text=The%20Guiding%20Principles%20for%20Durable,concerns%20since%20the%20very%20beginning.)

SECTION: Glossary and Interpretive Guidance

COMMENT:

Suggest adding in, "Worker whistle-blower Mechanism: The system for employees and those in the supply chain to confidentially…"

Performance Area 22: Pollution Prevention

COMMENT:

Suggest including gender-responsive practices, given the disproportionate effects of pollution on women.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Foundational Practice, 1

COMMENT:

Suggest referencing international standards about what constitutes responsible closure. This should include requiring more than meeting national legal requirements, especially in jurisdictions with limited/no closure requirements.

SECTION: 24.1 Closure Management, Good Practice, 1

COMMENT:

Suggest recommending what to do with the risks that have been identified.

COMMENT:

Both 24.1.GP2 and 24.1.GP4 mention identifying opportunities, but nothing about what will be done with those opportunities. Suggest adding information about implementation, this would strengthen the statements.

SECTION: 24.1 Closure Management, Leading Practice

COMMENT:

The two Leading Practice statements appear to be additions to statements that are in the Good Practice section. Suggest moving statements from Leading Practice that should be integrated into existing Good Practice statements.

Suggest adding a statement about having a closure plan and financial assurance/resources for closure before mining commences.

Also suggest adding a statement that closure planning should start early and be part of mine planning.

Performance Area 3: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 6

COMMENT:

Suggest changing to: "Assess and mitigate the potential adverse impacts on local stakeholders, including on vulnerable and historically under-served groups such as children, women, Indigenous people, and elderly people from disengagement with…"

The joint Stakeholder Statement by OECD and Women's Rights and Mining on responsible mineral supply chains, should be considered as part of the leading practice. (https://mneguidelines.oecd.org/Stakeholder-Statement-Implementing-Gender-Responsive-Due-Diligence-and-ensuring-human-rights-of-women-in-Mineral-Supply-Chains.pdf)

SECTION: Glossary and Interpretive Guidance

COMMENT:

On Remedy, Suggest including a gender-responsive and survivor centric approach and explaining it in the glossary as already required by World Bank projects.

(https://thedocs.worldbank.org/en/doc/741681582580194727-0290022020/original/ESFGoodPracticeNoteonGBVinMajorCivi

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Performance Area 4: New Projects, Expansions and Resettlement

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Good Practice, 5

COMMENT:

Suggest changing to: "Publicly disclose the results of the ESIA, including the outcomes of consultations with communities and a clear explanation of how the findings have been used to influence the project design, how concerns will be addressed, and make it available in a timely manner to affected communities and other local stakeholders in ways that are accessible and understandable."

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 1

COMMENT:

Suggest changing 4.1. LP 1 to Good Practice.

Suggest changing the wording to: "As part of the ESIA consultation processes, and where relevant to the impacts identified, include gender-responsive community consultations, including separate consultation sessions with women, vulnerable and underrepresented stakeholder groups."

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice, 2

COMMENT:

Suggest adding:

"Collaborate with local stakeholders and rights-holders to conduct joint monitoring of impact management plans and to create inclusive participatory monitoring groups."

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions, Leading Practice

COMMENT:

Suggest including: Planning for, and addressing impacts from mine closure as a core component under Leading Practices.

SECTION: 4.2 Land Acquisition and Resettlement, Foundational Practice

COMMENT:

Suggest including a Foundational Practice that addresses issues such as criteria for site selection for resettlement to avoid inadequate resettlement planning and implementation (e.g. climate risks, social cultural conflict potential, incompatible economic activities), and considers corruption/bribery risks in resettlement.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 2

COMMENT:

Suggest changing 4.2.2 Good Practice to a Foundational Practice, and considers specific impacts on women.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 7

COMMENT:

Suggest adding: "Publicly disclose the engagement processes, impacts, plans and progress related to involuntary physical and/or economic displacement, and have this information available in local languages, and accessible in public spaces such as schools, health clinics, etc."

SECTION: Glossary and Interpretive Guidance

COMMENT:

Suggest including references:

- OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (https://www.oecd.org/en/publications/2023 guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990.html),

- IGF's Guidance for Governments: Improving legal frameworks for environmental and social impact assessment and management (https://www.iisd.org/sites/default/files/publications/igf-guidance-for-governments-esia-en.pdf), and IGF's Mining Policy Framework (https://www.iisd.org/system/files/2023-12/igf-mining-policy-framework-en.pdf)

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 4

COMMENT:

Suggest this training include sexual gender-based violence prevention. See the World Bank's Good Practice note for further details.

https://thedocs.worldbank.org/en/doc/741681582580194727-0290022020/original/ESFGoodPracticeNoteonGBVinMajorCivil

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SECTION: 5.1 Human Rights, Foundational Practice

COMMENT:

The indicators used are as important as the processes. Therefore, suggest adding a Foundational practice: "Use internationally recognized human rights indicators, such as OHCHR Gender Dimensions of the Guiding Principles on Business and Human Rights, the Danish Institute For Human Rights Human rights impact assessment guidance and toolbox, or the Women's Rights and Mining and OECD Joint Stakeholder Statement.'"

SECTION: 5.1 Human Rights, Good Practice, 6

COMMENT:

Suggest adding a statement to stop operations that pose risks of severe human rights impacts, and to recommence activities only when adequate measures have been taken to ensure they no longer pose a risk to human rights.

Suggest moving this from a Good Practice to a Foundational Practice.

Performance Area 7: Rights of Workers

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Foundational Practice, 1
COMMENT:

Suggest adding, "protection against retaliation for raising whistleblower concerns."

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Good Practice, 8
COMMENT:

Suggest adding, "provide appropriate and safe accommodation for women workers, where applicable."

SECTION: 7.1 Workers' Rights Risk, Mitigation and Operational Performance, Leading Practice, 4
COMMENT:

Suggest adding a Leading Practice on parental leave, and a Leading Practice on the transition to back to work.

Suggest referring to IGF's Parental Leave Policies in the Mining Sector (https://www.iisd.org/system/files/2023-11/parental-leave-policies-in-the-mining-sector.pdf) and IGF'S Women of and the Mine of the Future Global Report (https://www.iisd.org/system/files/2023-04/women-mine-of-the-future-global-report.pdf)

Performance Area 8: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Foundational Practice

COMMENT:

Suggest adding a Foundational Practice on developing metrics which can be used to track progress and ensure accountability in achieving DEI goals: "Develop and publicly disclose baseline metrics for gender, social inclusion and diversity. Include gender-specific indicators within DEI metrics, such as representation of women, minorities, and locals, in leadership roles, training, and workforce engagement."

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level)

COMMENT:

Suggest defining diverse, equitable, and inclusive.

This can determine who are under-represented, equity-seeking and under-served groups.

SECTION: 8.2 Diversity, Equity, and Inclusion Management (Facility Level), Good Practice

COMMENT:

Suggest adding a Good Practice on providing reasonable adjustments to workers with disabilities, pregnant workers and workers with caring responsibilities, including physical adjustments to the workplace, flexible working hours, part-time work, childcare support, time off in emergencies, and other relevant adjustments.

Performance Area 9: Safe, Healthy and Respectful Workplaces

COMMENT:

Suggest PA9 adopt a more gender-responsive approach by incorporating more inclusive actions across all three levels of practice. These resources are suggested to support this enhancement: IGF's Women and the Mine of the Future Report (https://www.iisd.org/system/files/2023-04/women-mine-of-the-future-global-report.pdf), and IGF's Mining Policy Framework (https://www.iisd.org/system/files/2023-12/igf-mining-policy-framework-en.pdf).

QUESTION 1
Does the scope, content, and narrative style of the consolidated standard meet your individual expectations and the collective industry expectation for responsible production practices?
Response: 3: Meets expectations

QUESTION 2
Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?
Response: 3: Meets expectations

QUESTION 3
From your perspective, does the three-level performance structure (Foundational, Good, Leading) of the Consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?
Response: 3: Meets expectations

Document:
Claims

2. General Requirements for all Consolidated Standard-Related Reporting & Claims

COMMENT:

Suggest providing examples of each type of claims for clarity.

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5. Monitoring and Enforcement

COMMENT:

Suggest defining what constitutes a "violation" and providing examples of possible enforcement actions. A clearer distinction between minor and major violations and their consequences would add clarity.

QUESTION 1
We would value perspectives on a few additional questions related to threshold of performance associated with achievement claims. Please click here/ see page 11 of Reporting and Claims Policy.
Response: No Response