

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

United Kingdom

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Supplier / business partner

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

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: 4: Exceeds expectations

QUESTION 2

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

Response: yes

Document:
Assurance

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

Introduction

COMMENT:

Scope and relevance is comprehensive, clear and well articulated

COMMENT:

Congratulations on a significant achievement made in the consolidation of good and best practice standards for the mining sector. This is a complex task, and it has been addressed sensitively, thoroughly, comprehensively and without losing the fundamental objective of shifting the sector towards Leading Practice. In some cases, some of the Foundation Practice are relatively unambitious and weak, and somewhat discounted and not all aspects are weighted with the same distribution between Foundation and Good. The urgent need to deliver Leading Practice as part of our joint obligations (as society) to deliver on the UNCCC and GBF require us to step up to transformative practices, and business as usual needs to be underpinned by rapid adoption of Good and Leading Practices.

Performance Area 1: Corporate Requirements

SECTION: 1.4 Risk Assessment

COMMENT:

More detail should be given on the definition and assessment scope of the risk assessment. For example, nature and climate related risks may not be picked up adequately. There should be recommendations to apply a double materiality assessment at all levels. An integrated approach should be taken to ensure social and environmental risks are not discounted on account of perceived materiality of the risks identified.

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response Planning

COMMENT:

This section should make reference to risk assessment, climate, water and biodiversity/nature as nature-related and climate-related risks are associated with emergency response and preparedness ... floods, storm events, etc. etc.

Performance Area 12: Stakeholder Engagement

SECTION: 12.1 Stakeholder Identification and Engagement

COMMENT:

Suggest linking this section also to: Climate, Water, Biodiversity/Nature as they are all aspects that require stakeholder engagement and involvement

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Identify and Address Community Impacts, Foundational Practice

COMMENT:

The Foundational Performance elements are lacking in substance and make no effort to mitigate negative impacts to communities. Monitoring adverse impacts is not the same as ensuring a no harm outcome ... which should be the basic minimum for any mining company operating in a socioecological context (i.e. anywhere).

Please broaden the scope of the Foundational Performance to include impact mitigation and contribution to positive outcomes for communities.

As it stands, this is inconsistent with other chapters dealing with Human Rights, Stakeholder Engagement and managing social impacts.

SECTION: 13.2 Community Development and Benefits

COMMENT:

Encourage consistency with the local communities' preferences and needs, traditional and cultural heritage

Performance Area 14: Indigenous Peoples

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

COMMENT:

This Performance Area should refer also to Biodiversity, Ecosystem Services and Nature ... fundamental underpinning of Indigenous Peoples' livelihoods and cultural heritage.

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 ASM Risk Assessment, Engagement and Reporting

COMMENT:

Reference should be made to the Biodiversity, Ecosystem Services and Nature; Water; Climate in this Performance Area - all are impacted by ASM as well as presenting dependencies of ASM communities on BESN and water in particular.

Performance Area 18: Water Stewardship

COMMENT:

There should be explicit mention in this PA on ecological flows and the importance of characterising and understanding ecological flows necessary to maintain the ecological function, health and integrity of the ecosystem within the waterbasin. This includes water recharge (aquifers etc.) and ensuring ecosystem services are maintained to support management of physical climate risks, operational risk and community use.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 5

COMMENT:

Local knowledge should be used where "possible" rather than "where available" ... effort needs to be made to find experts to ensure access to local knowledge

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

COMMENT:

Ecosystem services are a key component of this Performance Area. Foundational Practice also needs to assess ES as these are fundamental to managing operational risk, physical climate risk, social management programmes with local communities and Indigenous Peoples etc. A basic biodiversity baseline should not be the threshold of good practice ... an ecosystems services assessment is a fundamental part of the baseline and is not difficult to do. This should be undertaken to assess both the company's/facility's impacts and dependencies on ecosystem services as well as those of the local communities... ecosystem services impacts often lead to conflict and competition and therefore need to be well understood. They are also important parts of the mitigation and restoration options for a mine site, and they are often the first opportunities that win acceptability and support from local communities, and also underpin the resilience and integrity of the ecosystem in the longer term.

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Good Practice, 3

COMMENT:

It would be useful to have reference to an ecosystem services management strategy as part of the biodiversity management plan. This is likely to have a different focus to e.g. a species or habitat -focused management plan that would be directed at key biodiversity features (sensitive biodiversity). This is often a neglected but hugely important part of managing BES ...

It would also benefit from mention of nature based solutions and how these fit into the whole assessment of mitigation and management actions at a site (particularly useful to manage ecosystem services impacts and dependencies) (beyond natural climate solutions to include e.g. water, erosion, soil productivity, aesthetics etc. management)

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature

COMMENT:

A risk based approach does not adequately attend to the scope needed. The Area does not adequately acknowledge dependencies on biodiversity and ecosystem services and focuses on materials risks and impacts to biodiversity and ecosystem services.

COMMENT:

Metrics, measurement and monitoring are interdependent and yet there is no mention of metrics or measurement. This may be implicit in the NNL or NG objectives, but it is important for facilities and companies to know that they need to be able to do some form of biodiversity accounting as part of their obligations ... and that means good data collected, collated and curated in a way that can then be useful for management actions as well as disclosure reporting.

Performance Area 2: Business Integrity

SECTION: 2.1 Legal Compliance, Foundational Practice, 1

COMMENT:

The definition of "significant legal obligation" is concerning, and the requirement to only manage or disclose significant non-compliances is alarming. Legal compliance should be non-negotiable and all companies should be required to comply with the legal requirements outlined by the statutory authority and within

the mining permit and associated social and environmental management plans. This framing equates to a license to trash

COMMENT:

Business Integrity should include the consideration of decision making and due diligence of suppliers and markets as part of the value chain approach needed to achieve transformation. The scope as it stands is very focused on compliance and the direct corporate footprint

Performance Area 20: Climate Action

SECTION: 20.2 Climate Change Management (Facility Level), Leading Practice, 4

COMMENT:

Should include reference to the role of nature and nature-based solutions being an important part of climate adaptation and mitigation strategies.

SECTION: Applicability

COMMENT:

Need to mention nature based solutions and the role of nature in climate mitigation, action, adaptation etc.

COMMENT:

Should refer to Performance Area 19: Biodiversity, Ecosystem Services & Nature because climate mitigation and adaptation cannot be done without nature.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management

COMMENT:

Should refer to Performance Area 19: Biodiversity, Ecosystem Services & Nature and Water ... Because inadequate tailings management can severely impact ground water, surface water, marine ecosystems, soils, and in general biodiversity and ecosystem services.

This section is very brief, which is because it refers to GISTM and ICMM guidance etc. but there should be explicit mention of some of the core principles therein, particularly for Foundational Practice.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy Management at all facilities, Good Practice, 1

COMMENT:

Move up from Good Practice to Foundational Practice: Identify opportunities to minimise and eliminate pre-consumer scrap, run around scrap and non-tailings waste through increased resource efficiency,

reuse recovery and recycling.

SECTION: 23.1 Circular Economy Management at all facilities, Good Practice, 2

COMMENT:

Move up from Good to Foundational Practice: 2. Identify opportunities to minimise the production of tailings.

Performance Area 24: Closure

SECTION: 24.1 Closure Management

COMMENT:

Be explicit about the importance of social and environmental outcomes from closure planning. Include reference to nature-based solutions as options that can accelerate and generate outcomes that are nature positive, ecologically robust, can contribute to social, economic, climate, water and biodiversity objectives etc. This is otherwise very bland and unimaginative and lacks innovation and an integrated solutions-driven approach.

Performance Area 3: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities), Leading Practice, 9

COMMENT:

Under Leading Practice "one of the following" should be "all of the following. All three points should be included in Good Practice above, and could refer to "one of the following". This is fundamental good practice and should not be optional.

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

COMMENT:

Points 4, 5, 6 & & should all be in Good Practice not just Leading Practice ... these are basic aspects that are fundamental to shifting business as usual to responsible practices

SECTION: 3.1 Responsible Supply Chain (applicable to all facilities)

COMMENT:

This section should also link to environmental and social Performance Areas, in particular climate, water and biodiversity

Performance Area 4: New Projects, Expansions and Resettlement

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

COMMENT:

Cumulative impacts assessment are part of PS1 (IFC) and should be part of Foundational Practices not just Good Practice!

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

COMMENT:

Local communities and stakeholders should be included in Foundational Practices as part of baseline data collection etc. that characterise the baseline context. This is fundamental practice.

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

COMMENT:

Leading Practice should no longer be differentiated by reference to consultation practices including women and minority groups - this should be a fundamental part of the Good Practice principles. This is a non-negotiable.

SECTION: 4.1 Risk and Impact Assessments of New Projects and Expansions

COMMENT:

Foundational Practice need to have explicit mention of the application of the mitigation hierarchy as this, too, is foundational to the IFC PS1.

There are huge inconsistencies in the latitude given to Foundational Practices in this section ... MH is a basic requirement, as are environmental and social management plans to ensure mitigation and management of impacts (both direct, indirect and cumulative). The scope of this should be changed to reflect these basic principles.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice

COMMENT:

This should be part of foundational practices: Implement actions and remedies that avoid, minimise mitigate or compensate for adverse impacts of involuntary physical and/or economic displacement, paying particular attention to women, vulnerable and/or underrepresented groups.

5. Provide compensation for lost assets at full replacement cost and other assistance to help displaced people improve or restore their livelihoods and standard of living, in a transparent, consistent, and equitable manner.

6. Provide opportunities to displaced communities and persons to derive appropriate development benefits from the Facility (See Performance Area

SECTION: 4.2 Land Acquisition and Resettlement, Leading Practice, 1

COMMENT:

Point 1 should also be part of Good Practice not sitting Leading Practice. This should be part of the compensation and social management programme of any mining company.

COMMENT:

There should be explicit mention of commitment to implement Free Prior and Informed Consent processes.

Performance Area 5: Human Rights

COMMENT:

There is clear relationship between Human Rights and Biodiversity/nature ... please make reference to this section here, too.

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

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

The assumption that no Practice Area is more or less important than another, and there can be no weighting to trade one off another needs to be applied. If this is the objective, then the minimum 75

As mentioned in the opening comment: In some cases, some of the Foundation Practice are relatively unambitious and weak, and somewhat discounted and not all aspects are weighted with the same distribution between Foundation and Good. The urgent need to deliver Leading Practice as part of our joint obligations (as society) to deliver on the UNCCC and GBF require us to step up to transformative practices, and business as usual needs to be underpinned by rapid adoption of Good and Leading Practices.

No discounting should be allowed in the onboarding or ramping of companies into the system. Most of the requirements in Foundational are basic regulatory requirements, and some of these (shriek... non-compliance disclosures being optional!!) are concerning in that they can be perceived to be enabling poor practice.

I have highlighted areas where Good Practice thresholds should definitely be the entry point... and there are likely a lot more that should be shifted.

Leading Practice needs to become business as usual. Companies achieving this should benefit from reputational status and boasting points. But I am not sure there should be additional accolades for delivering on what really should be standard practice in the first place. The Leading Practice areas are all reasonable and what is needed to deliver on the Paris and KMGBF goals... etc.

Good luck!