

CMSI Consultation Response

Respondent Details

NAME

Sophia Areias

COUNTRY

Spain

PERMISSION

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

STAKEHOLDER

Other

ORGANISATION

Not Specified

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: No Response

QUESTION 2

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

Response: unsure

Document:
Assurance

QUESTION 1

From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?

Response: No Response

Document:
Standard

Introduction

COMMENT:

The Global Business Initiative on Human Rights (GBI) welcomes the opportunity to review and provide constructive feedback on the draft Consolidated Mining Standard. We note that GBI is not a representative organisation and, thus, that the feedback provided does not necessarily represent the individual or collective views of

GBI's member companies. GBI is a global, cross-industry, business-led initiative that works to shape practice, inspire commitment and build capability to implement corporate respect for human rights, in line with the UN Guiding Principles on Business and Human Rights.

GBI recognises and commends the significant effort that has gone into the draft Consolidated Mining Standard and welcomes the effort to streamline existing frameworks and raise the bar for responsible mining practices. GBI supports the particular ambition of bringing together the best of four of the most widely used standards, reducing complexity in the standards landscape and setting clear, high-bar expectations for responsible practices across all producers, regardless of commodity, geography, or size.

However, in an effort to achieve the Consolidated Mining Standard Initiative's objectives, we believe the proposed draft should be modified. Below we outline several content-related and structural issues that should be modified to significantly improve the consolidated draft:

- Ensure that all foundational practices reflect at least the minimum requirements of the UNGPs, CSDDD, and other key standards.
- Clarify and make meaningful the escalation points between levels of practice.
- Ensure alignment with globally recognized benchmarks, especially for stakeholder engagement, grievance mechanisms, and other core areas.
- Use clear and appropriate terminology for the levels of practice (basic, good, leading) to provide clarity to users.

COMMENT:

The central concern with the current Draft is that many of the requirements outlined to assess the performance practices, including at the Foundational Level, but also beyond, are below the basic requirements of the UNGPs and other existing frameworks, such as the upcoming Corporate Sustainability Due Diligence Directive (CSDDD).

A standard that falls below international requirements, even at the "foundational" level will undermine global progress on responsible business conduct, create legal and operational risks for companies, and expose communities, workers, and other stakeholders to harm.

With the adoption of the CSDDD and the introduction of national human rights due diligence laws (e.g. Germany's Supply Chain Due Diligence Act), companies are legally obligated to meet minimum thresholds for human rights due diligence, stakeholder engagement, grievance mechanisms, and access to remedy. If the CMSI Foundational Level falls below these thresholds, companies will prioritize legal compliance and disregard the CMSI standard.

Moreover, companies that attempt to rely on CMSI's Foundational Level may inadvertently expose themselves to legal liability and civil litigation, since compliance with CMSI would not equate to compliance with applicable law. To avoid this, CMSI must ensure that its Foundational Level reflects at least the minimum legal requirements under UNGPs, CSDDD, and other applicable standards.

Having a low-bar Foundational Level risks creating misleading perceptions of compliance. If companies achieve "foundational" status according to CMSI but still fail to meet legal or normative requirements, they may misrepresent their level of compliance to stakeholders. This "tick-the-box" approach could allow companies to falsely claim they are meeting responsible mining standards while still engaging in poor practices. Such greenwashing would provoke scrutiny from civil society, investors, and regulators, damaging both the company's reputation and the credibility of the CMSI framework. Misleading claims can also lead to legal challenges, especially as stakeholders and regulators become more aware of the gap between what companies claim and what they actually achieve. To prevent this, CMSI must make clear that the Foundational Level is not sufficient to meet regulatory obligations and must avoid any implication that "foundational" status alone represents responsible practice. The use of more precise terms like "minimum" or "basic" practice—rather than "foundational"—would help avoid these misunderstandings.

One of the most concerning outcomes is that a low-bar standard allows human rights risks to go unaddressed, with real consequences for communities and workers, and companies. Human rights due diligence (HRDD) is fundamentally a risk management process designed to identify and address salient human rights risks before they escalate into harm. If the CSMI Foundational Level does not require HRDD to be conducted according to international standards (like the UNGPs), companies may fail to recognize and address serious risks. For example, child labor, forced labor, land rights violations, and community health risks could persist undetected. This not only harms affected stakeholders but also exposes companies to litigation, operational disruptions, and reputational damage. When community grievances escalate into public protests, strikes, or lawsuits, companies face serious financial and operational risks. To address this, the CSMI Foundational Level must require companies to identify and mitigate salient human rights risks from the outset. This is not an aspirational goal—it is the minimum requirement for risk management and responsible business conduct.

COMMENT:

The 3-tier system for the Levels of Performance is a valuable conceptual approach, but its current implementation reveals significant issues. Specifically, the criteria for escalation between the levels of practice do not reflect actual improvement in performance or tangible differences in policy, process, or practice quality. Instead, there appears to be a misunderstanding between basic requirements (which are non-negotiable) and good or leading practices which would demonstrate practices that go beyond established minimum requirements. For example, the foundational level of Stakeholder Engagement require “meaningful consultation with stakeholders,” while at the good practice level, it might require “engagement with stakeholders considering convenience, accessibility and gender and cultural appropriateness.” But these criteria are a basic element of meaningful consultations and a shift from “consultation” to “engagement” does not necessarily reflect a tangible improvement in quality. Instead, the distinction should focus on the depth and impact of engagement (e.g., moving from one-off consultation to ongoing participatory processes that influence decision-making).

Contradictions also exist between the level requirements of related performance areas. For example, the criteria for human rights performance are inconsistent with those for child labor, even though both are components of a human rights due diligence approach. Such contradictions could create confusion for companies and auditors alike. The MSCI could consider harmonizing criteria across related areas and aligning them with global benchmarks.

The term “foundational” to describe the entry-level requirement is problematic. “Foundational” implies a solid base, but in many cases, the described practices do not represent a strong foundation. Instead, the MSCI could consider more accurate terms, such as:

- Basic or Minimum Practice (Level 1)
- Good Practice (Level 2)
- Leading Practice (Level 3)

This terminology would clarify expectations and more accurately reflect the nature of practice improvement over time.

Performance Area 17: Grievance Management

COMMENT:

Effective grievance mechanisms are one of the most critical components of human rights due diligence, and CSMI’s treatment of this issue requires significant improvement. The effectiveness criteria for grievance mechanisms, as outlined in the UNGPs, should be reflected across all levels of practice, not just at the Good Practice level. These effectiveness criteria include requirements for grievance mechanisms to be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue. These criteria are not “aspirational” or “good practices”—they are minimum requirements under the UNGPs and legal obligations under the CSDDD. The current CSMI approach risks creating

the perception that grievance mechanisms only need to be “accessible” at higher practice levels. This is problematic because, at a minimum, companies should be required to provide grievance mechanisms that meet all the UNGP effectiveness criteria. Accessibility alone is insufficient. If stakeholders can access a grievance mechanism, but it is not equitable, transparent, or rights-compatible, then it fails to meet the requirements of the UNGPs and CSDDD. This could expose companies to litigation and regulatory sanctions, especially in cases where affected stakeholders are harmed due to the company’s failure to provide an adequate remedy. By requiring companies to meet these criteria at the foundational level, CMSI would ensure consistency with the UNGPs and CSDDD and position itself as a credible, high-bar standard. Additionally, the criteria for escalation between practice levels should reflect an increase in effectiveness and stakeholder satisfaction. For example, at the Good Practice level, companies could be required to provide more proactive outreach to affected communities, while at the Leading Practice level, companies could demonstrate independent third-party review of grievance processes.

Performance Area 3: Responsible Supply Chains

COMMENT:

The current CMSI requirements for responsible supply chains should be updated to align more closely with the UNGPs. One of the most critical changes required is to expand the due diligence scope beyond direct suppliers to cover the entire value chain. Under the UNGPs, companies are responsible for human rights impacts not only within their direct suppliers but also throughout the broader value chain, especially where companies have leverage over entities upstream or downstream. Regulatory trends, such as the EU CSDDD, reflect this broader interpretation of value chain responsibility. By limiting the scope to direct suppliers or facility activities, CMSI risks falling below minimum compliance obligations under the CSDDD, potentially creating legal risks for companies that adhere to the CMSI standard.

Performance Area 5: Human Rights

COMMENT:

The definition of human rights due diligence (HRDD) should be fully aligned with the expectations set out in the UNGPs. HRDD is a fundamental obligation for companies, not a voluntary option, and its implementation should be required across all levels of practice, not just at the Good Practice level. This is no longer a “good to have” measure but a matter of legal compliance under national human rights due diligence laws and the EU Corporate Sustainability Due Diligence Directive (CSDDD).

- *Human rights due diligence should cover the entire value chain and all business relationships, not just direct suppliers or on-site operations. The UNGPs clearly define business responsibility to include impacts that companies cause, contribute to, or are directly linked to through business relationships. Limiting due diligence to direct suppliers ignores the reality of modern value chains and contradicts international standards.*

- *The requirements around providing remedy for adverse human rights impacts should be significantly strengthened. The UNGPs emphasize that access to remedy is a core pillar of responsible business conduct, and companies have an obligation to ensure effective remedies for those affected by adverse impacts. The CMSI standard should therefore include explicit language on access to remedy and accountability mechanisms for adverse impacts at every level of the framework. Without this, the foundational and good practice levels fail to meet international human rights standards, leaving affected communities and workers without access to meaningful redress.*

Performance Area 7: Rights of Workers

COMMENT:

When it comes to worker's rights, risk identification and mitigation should be a requirement across all levels of practice, not just at the Good Practice level. Worker rights are a fundamental component of human rights due diligence, and identifying and addressing risks to workers is essential for protecting their health, safety, and well-being. Companies must ensure that they identify, assess, and mitigate worker-related risks at every stage of the value chain. This includes ensuring that worker risk identification occurs at the foundational level as part of the company's basic human rights due diligence process. Waiting until a company achieves "good" practice to begin addressing worker risks leaves too much room for harm to occur and fails to reflect the basic requirements of the UNGPs, ILO Conventions, and national labor laws. To address this, CMSI should set clear requirements for companies to identify, assess, and mitigate worker-related risks from the outset. This approach is consistent with the risk-based approach required by international standards and emerging regulations like the CSDDD.

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: 2: Below 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: 2: Below 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: 2: Below expectations

The 3-tier system is a valuable conceptual approach, but its current implementation reveals significant issues. Specifically, the criteria for escalation between the levels of practice do not reflect actual improvement in performance or tangible differences in policy, process, or practice quality. Instead, there appears to be a misunderstanding between basic requirements (which are non-negotiable) and good or leading practices which would demonstrate practices that go beyond established minimum requirements. For example, the foundational level of Stakeholder Engagement require "meaningful consultation with stakeholders," while at the good practice level, it might require "engagement with stakeholders considering convenience, accessibility and gender and cultural appropriateness." But these criteria are a basic element of meaningful consultations and a shift from "consultation" to "engagement" does not necessarily reflect a tangible improvement in quality. Instead, the distinction should focus on the depth and impact of engagement (e.g., moving from one-off consultation to ongoing participatory processes that influence decision-making)., Contradictions also exist between the level requirements of related performance areas. For example, the criteria for human rights performance are inconsistent with those for child labor, even though both are components of a human rights due diligence approach. Such contradictions could create confusion for companies and auditors alike. The MSCI could consider harmonizing criteria across related areas and aligning them with global benchmarks. The term "foundational" to describe the entry-level requirement is problematic. "Foundational" implies a solid base, but in many cases, the described practices do not represent a strong foundation. Instead, the MSCI could consider more accurate terms, such as: • Basic or Minimum Practice (Level 1) • Good Practice (Level 2) • Leading Practice (Level 3) This terminology would clarify expectations and more accurately reflect the nature of practice improvement over time.

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