# CMSI Consultation Response

## Respondent Details

**NAME**
Anonymous

**COUNTRY**
Peru

**PERMISSION**
Yes, CMSI can disclose my anonymous feedback.

**STAKEHOLDER**
Other: Asociación o gremio empresarial

**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:  3: Meets expectations

**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:  3: Meets expectations

### Document:
### Standard

**Performance Area 13: Community Impacts and Benefits**

SECTION: 13.2 Community Development and Benefits, Good Practice, 2

COMMENT:

*En práctica básica 2, dice: "Recopilar datos sobre la evolución socioeconómica en la zona de influencia de la Instalación para informar sobre el seguimiento de los progresos a intervalos definidos". Al respecto, es*

*importante aclarar cuál es el alcance esperado para este tipo de mediciones. De existir alguna contradicción con la regulación nacional aplicable, entendemos que prevalecería esta última.*

TRANSLATION:

*In basic practice 2, it says: "To gather data about the socioeconomic evolution in the facility's area of influence to report on the follow-up of progress at clearly defined intervals". About that, it is important to explain what the expected scope is for this type of measuring. Should there be any contradiction with the applicable national regulation, we understand that this would prevail.*

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SECTION: 13.2 Community Development and Benefits, Good Practice, 4

COMMENT:

*En buena práctica 4, menciona: "Elaborar programas que apoyen el aumento de los niveles de contratación y empleo local". Al respecto, se sugiere definir con mayor precisión "empleo local" en el glosario de términos. Además, si existiera alguna discrepancia con las exigencias de la regulación nacional, entendemos que prevalecería esta última.*

TRANSLATION:

*Best Practice 4 mentions: "Develop programs that support the increase recruitment and local employment levels". About that, it is suggested to define "local employment" more accurately in the glossary. Besides, should there be any discrepancy with the demands of the national regulation, we understand that this would prevail.*

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SECTION: 13.2 Community Development and Benefits, Good Practice, 7

COMMENT:

*En buena práctica 7, se menciona: "Establecer objetivos o metas relacionados con el desarrollo comunitario, el empleo local y la contratación local, y revisar el progreso a intervalos definidos". Al respecto, es importante precisar que dichos objetivos y metas deben considerar las oportunidades y necesidades operativas, así como el contexto social.*

TRANSLATION:

*In Best Practice 7, it is mentioned: "Establish objectives or goals related to community development, local employment and local hiring, and review progress at clearly defined intervals". About that, it is important to specify that those objectives and goals must take into account the operative opportunities and needs, as well as the local context.*

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## Performance Area 14: Indigenous Peoples

SECTION: 14.1 Managing Engagement, Impacts and Opportunities with Indigenous Peoples, Good Practice, 6

COMMENT:

*En buena práctica 6, dice "De acuerdo con los principios del CLPI y los procesos de participación establecidos, obtener un acuerdo con los Pueblos Indígenas afectados que demuestre su consentimiento a los impactos previstos en sus tierras u otros derechos y que establezca los términos en los que los impactos podrían ocurrir y gestionarse."*

*Al respecto, se sugiere mencionar que dicho proceso debe respetar y articularse, cuando corresponda, con procesos implementados por los Estados en su rol de protección de los derechos de los pueblos indígenas.*

TRANSLATION:

*In Best Practice 6, it says: "According to the principles of the free, prior and informed consent (FPIC) and the participation processes set out, reach an agreement with the Indigenous Peoples affected, showing their consent to the expected impact on their lands or other rights and establishing the terms in which that impact may occur and be managed".*

*About that, it is suggested to mention that said process should, if applicable, respect and articulate with the processes implemented by the States in their role of protecting the rights of the Indigenous Peoples.*

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## Performance Area 16: Artisanal and Small-Scale Mining

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

COMMENT:

*En práctica básica, se sugiere incluir: "Alertar e impulsar acciones que resulten pertinentes ante las autoridades competentes cuando se evidencie actividades o actores de la MAPE ilegítima o ilegal".*

TRANSLATION:

*In basic practice, it is suggested to include: "To give warning about and promote appropriate actions before the competent authority when there is evidence of activities or actors of illegitimate or illegal ASM".*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*En el glosario de términos, se recomienda detallar más sobre MAPE Legítima, con el siguiente comentario.*

*"Aun cuando cuenta con algún nivel de reconocimiento de sus Estados, no se considerará MAPE Legítima cuando hay evidencia verificable de incumplimiento de condiciones adecuadas en gestión ambiental, social, laboral, DDHH, entre otros."*

TRANSLATION:

*In the glossary of terms, it is recommended to be more specific regarding the legitimate Artisanal & Small-Scale Mining (ASM), with the following comment. "Even if it has some level of acknowledgment from their States, the ASM shall not be considered legitimate when there is verifiable evidence of non-compliance with the proper requirements of environmental, social and work management, Human Rights, among others".*

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## Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Foundational Practice, 6

COMMENT:

*De acuerdo a la práctica básica 6, "la implementación un programa de supervisión de agua para aguas superficiales y subterráneas […]". Al respecto, se debe precisar que dicho programa deberá ser en función al Instrumento ambiental aprobado.*

TRANSLATION:

*According to basic practice 6: "the implementation of a water supervision program for surface water and groundwater [...]". About that, it should be specified that said program must be based on the approved environmental tool.*

SECTION: 18.1 Water Management and Performance, Good Practice, 1

COMMENT:

*En buena práctica 1. Sobre el "balance hídrico", se sugiere que la actualización de dicho balance sea en función a últimos permisos o actualización de los instrumentos ambientales, según corresponda.*

TRANSLATION:

*In Best Practice 1. About "water balance", it is suggested to update such balance based on the last permits or the update of environmental tools, as applicable.*

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SECTION: 18.1 Water Management and Performance, Good Practice, 2

COMMENT:

*En buena práctica 2 dice "Caracterizar el contexto hidrogeológico y predecir los riesgos sobre los recursos hídricos subterráneos con un nivel de detalle documentado por los riesgos identificados." Al respecto, es importante mencionar que la caracterización debe ser de acuerdo con la regulación nacional aplicable. Pues de existir alguna contradicción con la regulación nacional aplicable, entendemos que prevalecería esta última.*

TRANSLATION:

*In Best Practice 2, it says: "Characterize the hydrogeological context and predict the risks on the underground water resources with a level of detail documented by the identified risks". About that, it is worth mentioning that the characterization must be according to the applicable national regulation. For, should there be a contradiction with the applicable national regulation, we understand that this would prevail.*

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SECTION: 18.2 Collaborative Watershed Management

COMMENT:

*Buena práctica en general, se hace referencia a "GIRH maduro" y "GIRH no maduro", por lo cual es importante definir dichas denominaciones y aclarar la diferencia entre ambas y los criterios involucrados.*

TRANSLATION:

*Best Practice in general refers to "Integrated Groundwater Management (IGM), mature" and "Integrated Groundwater Management (IGM), not mature", so it is important to define such names and clarify the difference between the two and the criteria involved.*

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## Performance Area 19: Biodiversity, Ecosystem Services and Nature

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

COMMENT:

*La buena práctica 5 y buena práctica 6, respecto a "Divulgar públicamente la metodología utilizada para impedir la pérdida neta o conseguir la ganancia neta y Divulgar públicamente impactos, dependencias, riesgos y oportunidades relacionados con la naturaleza material para las operaciones en ubicaciones prioritarias", se sugiere que ambos ítems sean considerados como parte de Práctica Líder.*

TRANSLATION:

*Best Practice 5 and Best Practice 6, about "Publicly disclosing the methodology used to stop the net loss or get net profit and publicly disclosing impact, dependence, risks and opportunities related to the material nature for operations in critical locations"; it is suggested to consider both items as part of Leading Practice.*

# Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Foundational Practice, 1

COMMENT:

*En práctica básica 1, dice: "Comprometerse públicamente a reducir las emisiones de gases de efecto invernadero (GEI) a nivel corporativo". Al respecto, se sugiere que sea más específica y diga lo siguiente: "Comprometerse públicamente a reducir las emisiones de gases de efecto invernadero (GEI) de alcance 1 y 2 a nivel corporativo. Pues los GEI de alcance 3 refiere a "emisiones indirectas que son controladas por otros", es decir, no depende directamente de las instalaciones.*

TRANSLATION:

*In basic practice 1, it says: "To publicly promise to reduce greenhouse gas (GHG) emissions at corporate level". About that, it is suggested to be more specific and state the following: "To publicly promise to reduce greenhouse gas (GHG) emissions, scope 1 and 2, at corporate level". Because scope 3 GHG emissions refer to "indirect emissions controlled by third parties", meaning, they do not directly depend on the facilities.*

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# Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Good Practice, 4

COMMENT:

*La buena práctica 4 dice: "Divulgar públicamente el estado general de conformidad de las instalaciones de relaves de acuerdo con los intervalos especificados en los Protocolos de Conformidad del ICMM para el GISTM o el Protocolo de Gestión de Relaves". Se sugiere que dicho punto pueda pasar a nivel de práctica líder.*

TRANSLATION:

*Best Practice 4 says: "To publicly disclose the general state of compliance of the tailings facilities, according to the intervals specified in the ICMM Conformance Protocols for the GISTM or the Tailings Management Protocol". It is suggested to move said item to the Leading Practice level.*

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SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

*En práctica líder 1 sostiene: "Demostrar plena conformidad con el GISTM o el Protocolo de Gestión de Relaves de MAC". Al respecto, se recomienda detallar cómo se demostrará la plena conformidad.*

TRANSLATION:

*Leading Practice 1 states: "Show full compliance with the GISTM or MAC's Tailings Management Protocol". About that, it is recommended to describe in detail how full compliance will be shown.*

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# Performance Area 23: Circular Economy

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

COMMENT:

*En práctica básica 1 dice: "Comprometerse públicamente a aplicar los principios de la economía circular en las operaciones de la Instalación a través de una mayor eficiencia en el uso de los recursos, el reprocesamiento, la reutilización, la recuperación y el reciclaje."*

*Al respecto, se sugiere el siguiente texto para evidenciar las diferentes formas de abordar la circularidad: "Comprometerse públicamente a aplicar los principios de la economía circular en el ciclo de vida de las operaciones mineras a través de la aplicación de las estrategias como: rechazar, repensar, reabastecer, reducir, reparar, reusar, reacondicionar, remanufacturar, readaptar, reingresar, reciclar, recuperación energética y reminado.*

TRANSLATION:

*In basic practice 1, it says: "To publicly promise to implement the principles of circular economy in the operations of the facility, by means of a better efficiency in the use of resources, reprocessing, reusing and recycling". About that, the following text is suggested to show the different ways of approaching circularity: "To publicly promise to implement the principles of circular economy in the life cycle of mining operations, by means of the implementation of strategies such as: refuse, rethink, restock, reduce, repair, reuse, refurbish, remanufacture, repurpose, return, recycle, energy recovery and remining".*

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

COMMENT:

*En buena práctica, se recomienda incluir: "fomentar la comunicación con las partes interesadas a fin de identificar sus barreras y riesgos percibidos, expectativas y motivaciones para una mayor circularidad y lo que necesitan para un compromiso continuo hacia ese objetivo; evaluar iniciativas colaborativas; comunicar los beneficios y oportunidades de aplicar la economía circular.*

TRANSLATION:

*In Best Practice, it is recommended to include: "Encourage communication with the stakeholders, so as to identify their observed obstacles and risks, expectations and motivations for greater circularity and what they need for the continuous commitment towards that objective; evaluate collaboration initiatives; communicate the benefits and opportunities of implementing circular economy.*

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SECTION: Intent, Foundational Practice, 1

COMMENT:

*Se propone tener un objetivo que permita incluir diversos mecanismos para la implementación de la economía circular.*

*Objetivo propuesto: "Promover la aplicación de los principios de economía circular en el ciclo de vida de las operaciones mineras, mediante la aplicación de estrategias como: rechazar, repensar, reabastecer, reducir, reparar, reusar, reacondicionar, remanufacturar, readaptar, cascada de materiales, reciclar, recuperación energética y reminado."*

TRANSLATION:

*There should be an objective that allows the inclusion of several mechanisms for the implementation of circular economy.*

*Proposed objective: "To promote the implementation of the principles of circular economy in the life cycle of mining operations, by means of strategies such as: refuse, rethink, restock, reduce, repair, reuse, refurbish, remanufacture, repurpose, cascading material, recycle, energy recovery and remining".*

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## Performance Area 3: Responsible Supply Chains

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

COMMENT:

*- En buena práctica 6, se menciona "Divulgar públicamente los procesos de debida diligencia de la cadena de suministro".*

*Al respecto, sugerimos precisar 3 aspectos: a) ¿qué tipo de información de sebe divulgar y hasta qué punto?, b) ¿cuál es el alcance de la cadena de suministro en la que se debe hacer debida diligencia? (proveedor, proveedor del proveedor, etc.) c) Qué aspectos de protección o reserva de confidencialidad de los datos de los proveedores se considera en el Estándar?*

TRANSLATION:

*In best Practice 6, it is mentioned: "Publicly disclose the due diligence processes of the supply chain".*

*About that, we suggest to specify 3 aspects: a) What type of information should be disclosed and to what extent? b) What is the scope of the supply chain in which due diligence must be applied? (supplier, supplier of the supplier, etc.) c) What aspects of supplier data protection or confidentiality are considered in the standard?*

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## Performance Area 7: Rights of Workers

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

COMMENT:

*En Buena Práctica 4, dice (…) "Remunerar a los trabajadores con salarios justos [fair wage] (…)", mientras que en práctica líder 3, y en el glosario se hace referencia a "salario digno [living wage]". Al respecto, seria valioso aclarar si "salario justo" refiere a "salario digno", para evitar diferentes interpretaciones.*

TRANSLATION:

*In Best Practice 4, it says (...) "Pay the workers a fair wage (...)", while in Leading Practice 3 and in the glossary, it is referred to as "living wage". About that, it would be worth clarifying whether "fair wage" refers to "living wage", to avoid different interpretations.*

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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:  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:  4: Exceeds 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

El umbral del 75En este sentido, es importante considerar una rampa de acceso más gradual en la la transición al Estándar, permitiendo a las empresas de diferentes tamaños y con diferentes niveles de maduración en sostenibilidad adecuarse al nuevo Estándar Minero Consolidado.

The 75%/75% threshold to allow for the companies' ongoing compliance according to the different contexts where they operate.

In this sense, it is important to consider a more gradual access ramp on the transition to the Standard, allowing companies of different sizes and with different levels of sustainability development to adjust to the new Consolidated Mining Standard.