

CMSI Consultation Response

Respondent Details

NAME

Anna Burdzy

COUNTRY

Switzerland

PERMISSION

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

STAKEHOLDER

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

ORGANISATION

DCAF- Geneva Centre for Security Sector Governance

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

1. What is the vision?

COMMENT:

We suggest to ensure a balance of value chain stakeholders (notably civil society and human rights defenders) to private or corporate stakeholders. At the moment, the distribution is unbalanced. We also suggest that consideration is given to geographic representation of value chain stakeholders.

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

We suggest to ensure balance between value chain stakeholders (especially human rights defenders and civil society) and corporate or private stakeholders. In the current proposal, the balance favours private and corporate stakeholders.

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:

We, DCAF- the Geneva Centre for Security Sector Governance, on behalf of the Partnership with the International Committee of the Red Cross (ICRC) ("the DCAF-ICRC Partnership") welcome this opportunity to submit feedback to the Consolidated Mining Standard. We applaud the ambition of the Consolidated Mining Standard Initiative to establish common performance expectations across commodities and geographies with the aim of driving responsible mining at scale. Ensuring sufficient transparency is integral to this ambition -allowing scrutiny of companies' and individual sites' impacts on the human rights and security of communities. In the exposure draft of the Consolidated Mining Standard, we see strong opportunities to strengthen expectations on companies sourcing or operating in conflict-affected and high-risk areas, namely by ensuring requirements on demonstrating respect for international humanitarian law, and strengthening expectations on human rights and security management.

Performance Area 1: Corporate Requirements

SECTION: 1.2 Sustainability Reporting

COMMENT:

We suggest the following wording under 1.2.1 [Good practice]: "Publicly disclose an annual corporate-wide sustainability report on the organization's impacts on the environment, people, and economies in line with an internationally recognised reporting standard, such as the Global Reporting Initiative (GRI) and/or the European Sustainability Reporting Standards (ESRS)."

We suggest the following wording under 1.2.2 [Good practice - New]: Publicly disclose an annual corporate-wide report on sustainability risks and opportunities in line with an internationally recognised reporting standard, such as the International Financial Reporting Standards (IFRS) Sustainability Disclosure Standards and/or the European Sustainability Reporting Standards (ESRS).

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Foundational Practice, 2

COMMENT:

We suggest the following wording for this section:

"Conduct a security risk assessment. If the Facility is in a conflict-affected or high-risk area, the security risk assessment must include a conflict analysis."

The rationale for this suggestion is as follows: For operations in conflict-affected and high-risk areas, a conflict risk analysis is a minimum requirement for responsible business conduct.

SECTION: 11.1 Security Management, Foundational Practice, 4

COMMENT:

We suggest the following wording:

“Promptly coordinate and cooperate with appropriate authorities regarding credible security-related human rights incidents or allegations, exercising discretion where appropriate, and monitor any associated investigations.”

The rationale for this suggestion is as follows: The word “Inform” is passive language and does not imply any proactive action on the part of the company.

SECTION: 11.1 Security Management, Foundational Practice

COMMENT:

Include a section on the use of force. Suggested language:

“If working with private security providers, develop and implement rules regarding the use of force by private security providers. This includes training requirements regarding the use of force.”

Rationale for this suggestion: Using force bears the

risk of abuses and misconduct. It has the potential to

impact heavily on the human rights of affected persons The use of force by private security providers must be guided by the

personal right to self-defence unless explicitly

authorised by law to perform wider tasks.

Source: <https://www.securityhumanrightshub.org/inner.php/toolkit/case-studies/guidance-on-the-use-of-force-by-private-security-providers.html>

COMMENT:

We suggest to include the following in a new section:

In conflict-affected and high-risk areas, ensure respect for international humanitarian law (including in training requirements and vetting of private security providers).

SECTION: 11.1 Security Management, Good Practice, 3

COMMENT:

We suggest to include the following sentence on at the end: Regularly monitor the impacts of security arrangements on vulnerable groups.

SECTION: 11.1 Security Management, Good Practice, 6

COMMENT:

We suggest to include references to training on international humanitarian law.

SECTION: 11.1 Security Management, Good Practice

COMMENT:

We recommend that a new requirement is added under “Good Practice.”

“Ensure open and regular stakeholder engagement, including with civil society and host government representatives on the impacts of security arrangements on communities.”

SECTION: 11.1 Security Management, Leading Practice, 2

COMMENT:

We suggest the following wording:

“If the Facility’s security is provided by a public security provider, establish a memorandum of understanding (MoU) or other specific agreement related to public security provision and human rights, consistent with the VPSHR.”

The rationale for this suggestion is as follows: MoUs are very difficult for companies to negotiate and develop. Companies should also be recognized for agreements on specific human rights issues, should an MoU not be possible. Alternatively, the Consolidated Mining Standard could include a “Good Practice” related to specific agreements with public security and host governments on human rights, and a “Leading Practice” related to a full MoU.

Source: <https://www.securityhumanrightshub.org/toolkit/factsheets/memorandums-of-understanding.html>

SECTION: 11.1 Security Management

COMMENT:

We strongly suggest to include references to respect for international humanitarian law and strengthen the requirements for companies / facilities in conflict-affected and high-risk areas.

Performance Area 5: Human Rights

SECTION: 5.1 Human Rights, Foundational Practice, 2

COMMENT:

We would suggest the following wording “Demonstrate respect for the rights of groups or individuals (including human rights defenders) who are working to promote and protect human rights through policies, processes and actions.”

The rationale for this suggestion is as follows: The current formulation is vague and does not require companies to identify how they have assured this requirement is met.

SECTION: 5.1 Human Rights, Good Practice, 6

COMMENT:

We suggest that this section makes explicit reference to requirements for companies operating in conflict-affected and high-risk areas (CAHRAs), makes explicit reference to CAHRAs, makes explicit reference to requirements for companies to demonstrate how they have undertaken heightened human rights due diligence. We further suggest that this section makes a reference to companies demonstrating respect for international humanitarian law.

SECTION: Glossary and Interpretive Guidance

COMMENT:

We would suggest that the References section makes mention of the Toolkit on Addressing Security and Human Rights Challenges in Complex Environments (DCAF, ICRC, GCBHR), also known as the “Security and Human Rights Toolkit.” The Toolkit is a widely recognized and widely cited practical handbook that brings together all relevant resources and good practices related to security and human rights for companies working in conflict-affected and high-risk areas. It provides tools and case studies that help translate the good practices to a particular operational context.

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: 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