

# CMSI Consultation Response

## Respondent Details

NAME

Chairperson N/A

COUNTRY

Canada

PERMISSION

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

STAKEHOLDER

Other Standard Setting Body: Social Performance Professional Membership Organisation

ORGANISATION

Social Practice Forum

## 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: **1: Significantly below**

While the CMS has put in place a Stakeholder Advisory Group, it is not representative of key stakeholders, most notably Indigenous Peoples or mining-affected communities. We firmly believe that a multidisciplinary approach is a non-negotiable requirement for any modern responsible mining standard. An Advisory Group is welcome but insufficient to the level of governance and input required. Robust, independent oversight is essential to ensure accountability and to build confidence among external parties. The absence of such mechanisms raises questions about the standard's ability to achieve meaningful, long-term impact beyond internal compliance.

### QUESTION 2

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

Response: **no**

The requirements do not present performance improvement and fall below currently accepted GIIP.

Document:  
Assurance

### QUESTION 1

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

Response: **2: Below expectations**

An observed trend with other certification schemes is that becoming authorised as an auditor requires securing certain qualifications for auditing as opposed to requirements to have specific subject matter expertise. The draft assurance procedure addresses this issue to a point in requiring a university degree and relevant experience. SPF urges that the criteria here be tightened to require subject matter-specific experience. A degree and experience in environmental assurance does not, absent of other relevant social experience, qualify an auditor to undertake social assurance, for example.

Document:  
Standard

## Performance Area 1: Corporate Requirements

### COMMENT:

*PA 1.1: Board and Executive Accountability, Policy and Decision Making*

*Recommended improvements:*

*The Foundational and Good Practice requirements do not require competent and experienced individuals at senior and board levels. This is unacceptable and leads to weak management, lack of oversight and increased corporate risk. Nominated individuals must demonstrate experience and expertise in appropriate sustainability subject matters.*

*Recommended additions:*

*Projects with complex social impacts should require a qualified and experienced social manager to be represented on the senior-level facility management team.*

*Board composition should include at least one member competent in environmental or social impacts.*

*Boards should require regular reporting of critical social risks - such as resettlement and Indigenous peoples.*

*There should be a requirement specifying that meeting national laws is the minimum expectation. Where there is a divergence between national and international standards, higher standards must be followed.*

*PA 1.2 Sustainability Reporting*

*Recommended improvement:*

*Double-materiality reporting should be a requirement of good practice, not reserved as Leading Practice.*

*PA 1.4 Risk Assessment*

*Recommended improvement:*

*Inclusion of external stakeholders, particularly affected communities and civil society, should be a requirement of Good Practice, not leading practice.*

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## Performance Area 12: Stakeholder Engagement

### COMMENT:

*Comment:*

*SPF recommends revising this PA to require integrating the views of local communities and rights holders.*

*Foundational Practice is again well below what practitioners in the field consider to be an acceptable level of practice, we recommended removing the Foundational Practice category.*

*Recommended improvements:*

*Good practice, item 7 delete “where appropriate” and include “when required.”*

*Leading practice, item 2 should be good practice. Getting local employment procedures right, for example, is essential.*

*Include a requirement to consider community input in the design decisions for project development.*

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

COMMENT:

*PA:13.1 Identify and Address Community Impacts*

*Recommended improvement:*

*Good practice, item 3, Include the requirement to prevent, mitigate and reduce impacts.*

*Good practice, item 4, include “based on feedback from affected communities and relevant stakeholders’”. The facility must not “mark its own score-card” in respect of effectiveness of impact mitigation. Minimum good practice is to seek feedback on impact mitigation, and does not weaken or negate the leading practice which would be to collaborate on monitoring and evaluation of impact mitigation effectiveness.*

*PA:13.2 Community Development and Benefits*

*Recommended improvement:*

*The requirements included in Foundational Practice are less stringent than current accepted good practice.*

*Good Practice, items 4, 5, 6 & 7: these must be undertaken in consultation with affected communities and relevant stakeholders. Companies designing and implementing these types of programmes without the input in design and implementation of those who are intended beneficiaries, will fail.*

*Explicit requirements should be added to address the risk of creating economic monopolies and overdependence on mining operations. The CMS should promote diversification of the local economy and competition through responsible local procurement policies in good practice.*

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## **Performance Area 14: Indigenous Peoples**

COMMENT:

*14.1. Managing Engagement, Impacts and Opportunities with Indigenous Peoples*

*Comment:*

*The requirements included in both Foundational Practice and Good Practice are less stringent than current accepted good practice.*

*The requirement to be “guided by the principles of FPIC” is imprecise and reads like evasive phrasing or hedging statements.*

*Recommended improvement:*

*Include a requirement to commit to respecting UNDRIP (not just a requirement to commit to respecting Indigenous Peoples’ rights.)*

*Remove the Foundational Practice section, and the Leading Practice requirements should be incorporated into Good Practice.*

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## Performance Area 15: Cultural Heritage

COMMENT:

*Recommended improvement:*

*“Traditional Owners” is an Australia-centric term*

*Recommended addition:*

*Good practice, item 6, chance finds procedure should including training to relevant employees and contractors (eg, ground disturbance machinery operators) on the chance finds procedure, and typical CH to look out for.*

*Require that where the risk and identification process determines the chance of impacts to CH, the facility must retain competent professionals to assist in the identification and protection of CH.*

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## Performance Area 17: Grievance Management

COMMENT:

*PA:17.1 Grievance Mechanism for Stakeholders and Rights-Holders*

*Recommended improvement:*

*Remove the Foundational level requirements. Companies should not be implementing anything “less than” UNGPs.*

*There should be a clear statement that the Grievance Mechanism needs to have an independent recourse process in accordance with the UNGP’s effectiveness criteria.*

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## Performance Area 4: New Projects, Expansions and Resettlement

COMMENT:

*PA 4.1 Risk and Impact Assessment*

*Recommended Improvement:*

*Leading practice, item 1, - separate consultation for vulnerable groups - should be included in good practice. In many jurisdictions, it is a minimum requirement.*

*Require that baseline data is used to inform the design of the facility, and used to avoid or minimise impacts*

*The Foundational Practice requires using IFC PS1 in the absence of jurisdictional regulations. The requirement should be that where there is a divergence between national standards and IFC PS1, the higher standard must be followed.*

*Recommended addition:*

*Human Rights should be included in the impact assessment.*

*PA 4.2 Land Acquisition and Resettlement*

*Comment:*

*Note that Foundational Practice does not require the facility to mitigate the impacts on well-being from land acquisitions, restrictions, and resettlement. This does not meet basic human rights standards.*

*Recommended improvement:*

*Eliminate “Foundational Practice” and require compliance with IFC PS 5 as the minimum acceptable level of practice.*

*The requirements for Foundational Practice are unacceptably poor and should be removed from any consideration as an acceptable level of practice.*

*A requirement to attempt to avoid is noted in resettlement, but the extent and scale of resettlement should also be minimised where avoidance isn’t possible.*

*Good practice, item 5, delete “or restore”*

*Recommended addition:*

*Alignment with the basic tenets of IFC PS 5 should include, as a minimum:*

*Identify adequate replacement housing (or cash compensation where appropriate), livelihood restoration support and relocation assistance to enable affected individuals to improve or restore standards of living and livelihoods.*

*Prioritise land-based compensation options where land-based livelihoods are affected.*

*Recognise displaced persons who have no legal right to the land or assets they occupy and use.*

*Where land acquisition is a government responsibility, this does not absolve the mining company from their obligations to comply with good practice. The developer must collaborate to achieve desired outcomes, or implement supplementary measures.*

*Recommended additions to leading practice:*

*Require a negotiated agreement with independent support for the affected people.*

*Require a multi-stakeholder dialogue forum with access to independent advice on impacts and benefits for affected people.*

*Require improved livelihoods and well-being of affected people.*

*Require independent expert monitoring or evaluation of the land acquisition and resettlement process.*

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## **Performance Area 5: Human Rights**

**COMMENT:**

*Comment:*

*SPF strongly recommends fully aligning CMS with the UN Guiding Principles on Business and Human Rights. The principle of “respect human rights” must be more than aspirational; it must be operationalised through actionable requirements that mining companies adopt. This should include:*

*Comprehensive human rights due diligence processes.*

*Strengthened grievance mechanisms at all levels, including at the Foundational level, to build trust and transparency.*

*In practice, this means PA5 should be rewritten.*

*Recommended improvements:*

*Fully re-write PA:5 to explicitly align with UNGPs.*

*Good Practice only requires the identification and assessment of human rights. This should be strengthened to include the integration, tracking and reporting aspects of human rights due diligence.*

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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: 1: Significantly below

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: 1: Significantly below

The Foundational level is particularly problematic. In areas such as Social Performance, the Foundational requirements regularly fall well below what we consider acceptable entry-level standards, creating the risk of legitimising unacceptable practices.

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

In our experience, the 'foundational' level lies significantly below accepted international practice. The three-tiered framework of "Foundational," "Good Practice," and "Leadership" raises significant concerns, both in its design and its potential consequences. The existence of the "Foundational" level is particularly problematic. In areas such as Social Performance, the Foundational requirements regularly fall well below what we consider acceptable entry-level standards, creating the risk of legitimising unacceptable practices. This not only lowers the bar for responsible mining but could inadvertently lead to industry acceptance of inadequate performance levels across the industry.

Moreover, the terminology used—"Foundational," "Good Practice," and "Leadership"—is inherently misleading. "Foundational" suggests a solid base, yet it is intended only as a temporary starting point or "on-ramp." Without a mandatory, time-bound public improvement plan as part of the assurance process, facilities could remain indefinitely at this low level, undermining the credibility and intent of the standard. And yet they could publicly state that they fully comply with the "foundational requirements of the CMS." Similarly, "Good Practice" is often no more than a baseline expectation and its lack of clarity risks diluting appropriate accountability. The "Leadership" level, while aspirational, lacks clarity in its recognition and assurance mechanisms, making it difficult to determine whether meaningful progress is being made. Many of the requirements under leading practice we consider to be good practice. We strongly recommend either entirely removing the Foundational level or introducing a mandatory requirement for facilities to develop and publicly disclose time-bound improvement plans to achieve at least the "Good Practice" level. Requiring public commitment to achieve "Good Practice" would reinforce the CMS's credibility, and align with its stated goals of driving continuous improvement.