

# CMSI Consultation Response

## Respondent Details

NAME

Laura Väyrynen

COUNTRY

Belgium

PERMISSION

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

STAKEHOLDER

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

ORGANISATION

ECOS (Environmental Coalition on Standards)

## COMMENTS & QUESTIONS BY DOCUMENT

Document:  
Governance

### 11. How would the initial Board be established?

COMMENT:

*The four partners will select the Independent Chair, who will then oversee the formation of the Board. This means the major bodies responsible for oversight and decision-making could be filled with industry allies who may not effectively challenge the industry's proposals or influence.*

*The four Consolidated Standard partners are leading the design of the criteria and process for selecting the 'Independent' Chair. Section 11 states that the partners "will propose a limited number of criteria to guide the selection of an Independent Chair, which the Industry Advisory Group (IAG) and the Stakeholder Advisory Group (SAG) will review, refine, and agree upon with the four partners." However, there is no transparency around the specific criteria or process used to guide the selection of the leaders driving decision-making on the Board, or critically, of the "Independent Chair" tasked with overseeing it.*

*This lack of transparency could extend to the Committee level, where industry interests might still disproportionately influence decisions. For example, the mining and value chain committees each have six seats for stakeholders, six for companies, and six for "other interests"—a category that "could include investors, providers of finance, multilateral organisations, responsible mining or value chain initiatives, academics, think-tanks, international NGOs, etc." This vague language offers no guarantees that the perspectives of rights holders, civil society, or critics of the mining sector will be adequately represented. Furthermore, there is no mechanism for affected stakeholders to be elected by their constituencies or to ensure that they are truly representative.*

*As a result, there is a significant risk that the governance model will create the illusion of a multi-stakeholder governance (MSG) system, while in reality, industry allies—who may have moved into roles in finance, academia, think-tanks, consultancies, or policy—will dominate. This shifts the balance heavily in favor of corporate interests and undermines the purpose of implementing an MSG system in the first place.*

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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: 2: Below expectations

QUESTION 2

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

Response: yes

## Document: Assurance

### 1. Introduction

COMMENT:

*The current framework presents several concerns that undermine the credibility and effectiveness of the audit process.*

- 1) The mine, rather than the auditor, is responsible for notifying stakeholders and rights holders about an upcoming audit. In low-trust environments, this is likely to discourage participation from workers, communities, and Indigenous Peoples, who may be reluctant to engage with the company in this context.*
- 2) The mine also identifies which stakeholders, including workers and rightsholders, auditors may interview during the audit. This gives the company excessive control over the audit's outcome. Moreover, the mine provides auditors with context on the stakeholder list, including sensitive issues such as ongoing negotiations, legal actions, local political dynamics, or opposition from specific groups. While assurance providers are required to critically assess the list and flag any significant gaps, the mine plays a central role in determining which stakeholders are included in the audit scope.*
- 4) The selection of the auditor by the mining company and the possibility that the company directly compensates the auditor raises concerns over the independence of the audit process, as there is no financial separation between the auditor and the mine.*
- 5) The audit reports lack sufficient detail, exacerbating the vagueness of the standard itself. The standard requires auditors to rate each of the 24 performance areas—such as “Foundational Practice Level,” “Good Practice Level,” or “Leading Practice Level”—but auditors are not required to address whether the facility is compliant with all criteria outlined in the standard.*

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### 2. Roles and Responsibilities

COMMENT:

*Direct contracting between the facility (or the company) and an Assurance Provider creates an inherent conflict of interest, even with potential mitigation measures, such as requiring a change in Assurance Provider after a certain number of years. To address this, contracts with Assurance Providers should be made directly with the CMSI Secretariat, rather than through the company.*

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### 4. Consolidated Standard External Assurance Process

SECTION: NA

COMMENT:

The CMSI gives the impression that “Foundational” is truly foundational—a minimum threshold—yet, in reality, there is no minimum requirement at all.

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COMMENT:

“As part of its continual improvement model, all Facilities that use the Consolidated Standard and Assurance Process commit to achieve, at a minimum, the Good Practice Level of performance over time.”

How is this commitment enforced? While it is described as “monitored,” there is no clear indication of the consequences for non-compliance. It seems possible that a facility could fall below foundational standards in every performance area and continue to receive an Assured Claim, simply by establishing a Corporate Improvement Plan (CIP) of their own design and reporting on supposed progress “over time.” This raises concerns about the effectiveness of the monitoring process and accountability for non-compliance.

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COMMENT:

The Assurance and Claims policies offer no motivation or incentive for companies to move beyond Good Practice to Leading Practice. While Leading Practice requirements are referenced as indicative of the CMSI’s aspirations, it is clear that there is no expectation or requirement for companies to ever progress beyond Good Practice, even to achieve their “highest mark”—the Performance Claim. This highlights a lack of drive for continuous improvement beyond the basic standards.

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QUESTION 1

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

Response: 2: Below expectations

Document:  
Standard

## Introduction

COMMENT:

Requests:

- *Enhanced Framework for Indigenous Rights: Uphold the rights of Indigenous Peoples, including FPIC, at every stage of the mining lifecycle, in alignment with the UNDRIP. Clearly define FPIC as the mandatory standard for consultation processes affecting Indigenous Peoples’ lands, territories, waters, ecosystems, and livelihoods.*
  - *Stronger Connections Between Performance Areas: Establish clearer relationships between performance areas, such as Indigenous rights (Performance Area 14) and Cultural Heritage (Performance Area 15).*
  - *Reinforce Foundational Requirements to Prevent Weak Standards: Foundational Practices must go beyond being a minimum baseline to represent meaningful compliance.*
  - *Define Clear Differences Between Good and Leading Practices: CMSI should establish clear and measurable differences between Good and Leading Practices. This will prevent companies from misrepresenting modest improvements as transformative actions. Demonstrate that Leading Practices significantly exceed international norms rather than making marginal advancements.*
  - *Ensure Alignment with Global Standards: Address the ambiguity in equivalency criteria to avoid the acceptance of weaker certifications. Transparent criteria and stringent oversight are vital to prevent weaker standards from being adopted.*
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## Performance Area 1: Corporate Requirements

SECTION: 1.1 Board and Executive Accountability, Policy and Decision, Making

COMMENT:

*This falls short of the standards set by the OECD Guidelines. There should consistently be responsibility assigned at the Board level.*

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SECTION: 1.2 Sustainability Reporting, Leading Practice, 1

COMMENT:

*Double materiality is not a "leading" practice; it is a basic practice as outlined in the OECD Guidelines and in the European Sustainability Reporting Standards (ESRS). As such, it is an expectation from the EU, the OECD and adhering governments and should be classified at the foundational level.*

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SECTION: 1.3 Transparency of Mineral Revenues

COMMENT:

*The CMSI fails to mandate project-level reporting of payments to governments in non-EITI-implementing countries. Instead, it permits reporting according to national regulations, which are often less comprehensive. Reporting only at the aggregate level offers limited insight into project-specific revenues and allows companies to obscure critical information. Project-level disclosure is the global norm, with the E.U., U.K., Canada, Norway. Recognizing companies that do not meet this basic standard as demonstrating "good practice" would represent a significant step backward.*

*We suggest that the CMSI requires all members to disclose project-level payments to governments in all countries of operation, without a tiered approach.*

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SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

*Under the EU CSDDD, engaging meaningfully with stakeholders is a requirement at various stages of the due diligence process, including during risk assessment. This includes the identification, assessment, and prioritization of actual or potential adverse impacts as outlined in CSDDD Articles 8 and 9; implementing prevention and corrective actions according to Articles 10(2) and (6), and 11(3) and (7); addressing or mitigating actual adverse impacts as per Articles 10(6) and 11(7); providing remediation as stated in Article 12; and conducting monitoring in line with Article 15. We recommend using EU law at minimum as a leading practice, preferably as a foundational practice or good practice.*

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COMMENT:

*Using "Foundational practice" in nearly every table appears to fall short of the standards set by the OECD Guidelines, effectively violating them.*

*"Foundational practice" should be brought into alignment with the OECD Guidelines. From there, "Good practice" could involve exceeding these guidelines by implementing all relevant "practical actions" outlined in the OECD Due Diligence Guidance for Responsible Business Conduct (RBC).*

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## Performance Area 18: Water Stewardship

COMMENT:

*It is positive to see the inclusion of public disclosure of facility-level water data, independent audits of public water reporting, and publicly available results as leading practices. However, these are essential requirements for water stewardship and should be classified as foundational or good practice.*

*We welcome the focus on Collaborative Watershed Management. This section could be strengthened by including the identification of future water uses in collaboration with relevant stakeholders.*

*Water monitoring programs for both quality and quantity should involve participation from stakeholders in affected communities. While there is a commitment to identify water quality and quantity requirements over the Facility's operational life, this should be enhanced by including a commitment to maintain the quality of water impacted by the mining project, ensuring it remains safe for current and potential future uses identified in collaboration with stakeholders.*

*While there is mention of identifying opportunities to improve process water efficiency and reduce process water use, this could be strengthened by including a specific commitment to recovery and recycling.*

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

SECTION: 19.1 Biodiversity and Ecosystem Services and Nature, Foundational Practice, 2

COMMENT:

*Key Biodiversity Areas are not defined in the Glossary.*

*The text suggests that industrial-scale mining could be compatible with the "value" of Key Biodiversity Areas, Ramsar Sites, and legally protected areas. This is concerning, especially since the determination of this supposed compatibility would be made by the company itself.*

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COMMENT:

*- There should be specific deforestation and degradation indicators at least as part of foundational practice. Additionally, it is important to have established policies on deforestation and biodiversity in place. The avoidance criteria should include World Heritage Sites, such as High Carbon Stock areas, key biodiversity areas, and primary forests.*

*- For leading practice: There should be clear no-go zones, such as small islands, primary forests, high carbon stock areas, and key biodiversity areas. .*

*- The development and implementation of a biodiversity management plan to achieve no net biodiversity loss by 2030 should be considered good practice, rather than leading. Aiming for a net gain in important biodiversity values should be considered leading practice.*

*- Although there are some references to rehabilitation and restoration, this needs to be reinforced by requiring the implementation of habitat restoration and reforestation programs throughout the life cycle of the mine.*

*- It is positive to see monitoring of progress in implementing management actions and progress toward no net loss or net gain at defined intervals. However, this should be strengthened by specifying detailed and frequent monitoring of key biodiversity indicators.*

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## **Performance Area 2: Business Integrity**

SECTION: 2.2 Business Ethics and Accountability, Good Practice

COMMENT:

The OECD Guidelines advise considering relevant language, cultural, and technological barriers. We recommend adhering to this.

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SECTION: 2.2 Business Ethics and Accountability, Leading Practice

COMMENT:

*This is not considered a leading practice. A leading practice would involve actively combating corruption and bribery.*

*The EU Batteries Regulation mandates this, as stated in recital 87: "battery due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the measures in place within the operator's business structure to fight corruption and bribery."*

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## **Performance Area 20: Climate Action**

COMMENT:

*It is positive to see a focus on minimizing climate change impacts.*

*We welcome the commitment to adopting widely recognized methods for measuring and reporting greenhouse gas emissions, such as the GHG Protocol Corporate Standard, as a foundational requirement.*

*At the facility level, there is a strong focus on scope 1 and 2 emissions; however, setting specific reduction targets should be a foundational practice, with clearer language needed to ensure that targets are focused on reducing emissions. The language on scope 3 emissions should be strengthened and included as foundational or good practice, rather than just leading.*

*It is positive to see some alignment between business planning and decision-making for existing activities and new projects with the goals of the Paris Agreement. This should be enhanced by explicitly referencing alignment with science-based targets that are consistent with global climate goals, such as the Paris Agreement's target of limiting global temperature rise to 1.5°C above pre-industrial levels.*

*The performance area could be further improved by including time-bound commitments to phase out fossil fuel use in operations.*

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## **Performance Area 22: Pollution Prevention**

SECTION: 22.7 Noise, Vibration and Light pollution/nuisance

COMMENT:

*This section could be strengthened by including specific commitments to ensure that mining-related noise does not exceed clearly defined levels. If monitoring reveals that noise or vibration from blasting activities affects human receptors, clear conditions should be set for conducting blasting, such as limiting it to normal working days.*

*Additionally, noise data and information should be made accessible to stakeholders.*

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## **Performance Area 23: Circular Economy**

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

COMMENT:

*This has limited value without effective enforcement mechanisms in place.*

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SECTION: 23.2 Additional Requirements for Smelters, Leading Practice, 1

COMMENT:

*It should be publicly disclosed, not only upon request.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*There needs to be a recycling definition in the glossary.*

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## Performance Area 5: Human Rights

SECTION: 5.1 Human Rights

COMMENT:

*There is nothing “leading” about the practices described as “leading practices” in this section. All of the requirements for leading practices are fundamental under the UNGPs and should therefore be considered foundational practice. Dividing or tiering the UNGPs only fragments the framework, rather than building upon it.*

*The CMSI should require that companies must use their influence to speak out against legal reforms designed to limit civil society space. Companies should refrain from supporting Strategic Lawsuits Against Public Participation (SLAPPs) or other legal strategies that undermine established legal protections for HRDs.*

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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: 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: 1: Significantly below

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

### 3. Types of Reporting & Claims

COMMENT:

*Neither of these formulas require, incentivize, or promote compliance with Leading Practice requirements in any performance area—requirements that, in themselves, fall short of what could be considered truly leading. As a result, the Leading Practice requirements within the Standard become irrelevant when it comes to any serious assessment of the CMSI’s potential to push mining companies toward reducing harm.*

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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**

Example 1 is much clearer, so would support this option to reduce confusion and the potential for greenwashing.

Further questions 1) No, we do not support a gradual on-ramp transition, as this reduces the credibility of the CMSI - they should meet the high bar for the performance claim to receive certification. Anything else creates confusion and enables greenwashing. 3) Yes, there should be the possibility to receive a higher claim when Leading Practice is achieved across all Performance areas.