

# CMSI Consultation Response

## Respondent Details

NAME

Karen Zuleta

COUNTRY

Chile

PERMISSION

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

STAKEHOLDER

Consultancy

ORGANISATION

8 Ideas

## COMMENTS & QUESTIONS BY DOCUMENT

### QUESTION 1

**Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model\* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?**

Response: No Response

### QUESTION 2

**From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model\* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?**

Response: No Response

Document:  
Assurance

## 4. Consolidated Standard External Assurance Process

SECTION: 4.6 Continual Improvement Plan

COMMENT:

*Se indica: Se anima, pero no se exige, a las instalaciones que han alcanzado el nivel de Buenas Prácticas y han logrado una Declaración de Desempeño, a que publiquen un Plan de Mejora para alcanzar el nivel de Prácticas Líderes.*

*Considerando la importancia de asegurar practicas sustentables en la industria minera, y la mejora continua de sus procesos, creo que debería ser una exigencia la publicación de Planes de Mejora para alcanzar nivel de Prácticas Líderes. El plazo para su presentación puede ser mayor, por ejemplo, de un ciclo de verificación, y durante dicho periodo realizar al menos una subsanación o bien, establecer compromisos para el siguiente ciclo de verificación, pero el Éstandar Consolidado debería apuntar a que las empresas logren, con margen de tiempo, la Declaración de Desempeño de Prácticas Líderes.*

TRANSLATION:

It says: Facilities that have achieved the Good Practice level and have achieved a Performance Statement are encouraged, but not required, to publish an Improvement Plan to achieve the Leading Practice level.

Considering the importance of ensuring sustainable practices in the mining industry, and the continuous improvement of its processes, I believe that publishing Improvement Plans should be a requirement in order to reach the level of Leading Practices. The deadline for submission may be longer, such as one verification cycle, and during that period at least one correction could be made or commitments could be established for the next verification cycle, but the Consolidated Standard should be aimed at companies that achieve the Leading Practice Performance Statement in a timely manner.

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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: 3: Meets expectations

Document:  
Standard

### Performance Area 01: Corporate Requirements

#### COMMENT:

*Para sustentar el trabajo realizado a través de cada área de desempeño, es fundamental que cada instalación cuente con una gobernanza adecuada sobre los temas, por ello creo necesario incorporar un requisito asociado a la existencia de un sistema de gestión social y ambiental que sustenten el trabajo realizado. Puede parecer evidente, pero, en la practica, incluso las grandes empresas mineras tienen falencias en este tema. IFC lo indica directamente, y sugiero que lo incorporen, ya se como un nivel adicional de esta área de desempeño o como parte del punto 1.1. Responsabilidad corporativa.*

*Aunque el requisito 1 Buenas Prácticas menciona algo asociado a esto, está orientado a la entrega de información al directorio.*

#### TRANSLATION:

*To support the work done through each performance area, each Facility must have adequate governance over the issues, so I believe it is necessary to incorporate a requirement associated with the existence of a social and environmental management system to support the work being done. It may seem obvious, but in practice, even large mining companies have shortcomings in this area. IFC states this directly, and I suggest that you incorporate it either as an additional level in this performance area or as part of item 1.1. Corporate responsibility.*

*Although requirement 1 Good Practices mentions something associated with this, it is aimed at providing information to the board of directors.*

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### Performance Area 12: Engagement

SECTION: 12.1 Engagement, Towards Good Practice, 2

#### COMMENT:

*Sugiero que en el criterio 2 cuando se indica "(...), incluyendo a las mujeres y grupos vulnerables o subrepresentados", mencionar también pueblos indígenas, ya que es fundamental que estas partes interesadas sean identificadas de forma específica.*

TRANSLATION:

*I suggest that in criterion 2, when stating "(...), including women, vulnerable and underrepresented groups," you also mention indigenous peoples, as it is essential that these stakeholders be specifically identified.*

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

SECTION: 13.1 Community Impact Management, Leading Practice, 0

COMMENT:

*Sugiero incorporar un criterio adicional asociado a "llevar a cabo revisiones independientes acerca de la efectividad de los planes y acciones implementadas, cuyos resultados sean divulgados públicamente".*

*Esto porque pueden existir riesgos e impactos cuyos resultados alcanzados no sean satisfactorios para las partes interesadas (aunque dichas medidas sean definidas de manera conjunta), por lo que la opinión de un tercero independiente podría entregar una respuesta imparcial que permita identificar la efectividad de la medida.*

TRANSLATION:

*I suggest incorporating an additional criterion associated with "conducting independent reviews of the effectiveness of the plans and actions implemented, the results of which are publicly disclosed."*

*This is because there may be risks and impacts for which the results achieved are not satisfactory to the stakeholders (even if such measures are defined jointly), so the opinion of an independent third party could provide an unbiased answer to determine the effectiveness of the measure*

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SECTION: 13.2 Community Development and Benefits, Good Practice, 1

COMMENT:

*Sugiero que este requisito sea parte de las Prácticas Bien Encaminadas, ya que es fundamental conocer las oportunidades que existen en un territorio para definir un Plan de Desarrollo. Considerar este aspecto es clave para la sostenibilidad del trabajo de desarrollo de la comunidad de dicha empresa, ya que, de lo contrario, podrían ser implementadas acciones cuyos resultados no generen beneficios efectivos en el territorio.*

TRANSLATION:

*I suggest that this requirement be part of the On-Track Practices, since it is essential to understand the opportunities that exist in a territory in order to define a Development Plan. Taking this aspect into consideration is key to the sustainability of the company's community development work, since otherwise, actions could be implemented whose results do not generate effective benefits in the territory.*

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

COMMENT:

*Creo que el criterio 6 - Prácticas bien encaminadas - y el criterio 2 Buenas Prácticas - son muy semejantes y pueden llevar a confusión; por ejemplo, para elaborar un Plan de Desarrollo en consulta con las partes interesadas (frase del criterio 6), al menos, es necesario identificar oportunidades de desarrollo comunitario (frase del aspecto del criterio 2).*

*Un Plan de Desarrollo debe considerar oportunidades de desarrollo para ser considerado como tal, por tanto esa definición debería ser considerada en el nivel Prácticas Bien encaminadas.*

*Como sugerencia, el criterio 6 -Prácticas bien encaminadas- podría limitarse a la validación del Plan de desarrollo con partes interesadas claves, mientras que el criterio 2 de Buenas Practicas, debería mantenerse tal como se menciona actualmente.*

*Es decir, lo que cambia entre uno y otro criterio está relacionado con el alcance de la participación de las partes interesadas.*

TRANSLATION:

*I believe that criterion 6 for On-track Practices and criterion 2 for Good Practices are very similar and could lead to confusion; for example, to prepare a Development Plan in consultation with stakeholders (sentence from criterion 6), at the very least, it is necessary to identify community development opportunities (sentence from criterion 2).*

*A Development Plan must take development opportunities into account in order to be considered as such, so this definition should be considered at the On-Track Practices level.*

*As a suggestion, criterion 6 for On-Track Practices could be limited to validating the Development Plan with key stakeholders, while Best Practices criterion 2 should remain as currently stated.*

*In other words, what changes between one criterion and the other is related to the scope of stakeholder participation.*

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

COMMENT:

*Sugiero incorporar al glosario el concepto de instituciones comunitarias locales. Entiendo que se refieren a organizaciones sociales de la comunidad, pero también podrían entenderse como instituciones estatales comunitarias locales, y en ese caso, ofrecer apoyo para el desarrollo de capacidades y asistencia técnica, resulta más complejo por aspectos de lobby, independencia y otros temas relacionados con medidas anticorrupción.*

TRANSLATION:

*I suggest incorporating the concept of local community institutions into the glossary. I understand that it refers to community social organizations, but they could also be understood as local community state institutions, and in that case, offering support for capacity building and technical assistance is more complex due to lobbying, independence, and other issues related to anti-corruption measures.*

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

SECTION: 14.1 Indigenous Peoples, Leading Practice, 7

COMMENT:

*Sugiero detallar brevemente este criterio, ya que es muy general considerando los criterios anteriores de este nivel. Recomiendo se indique, por ejemplo, que los programas de seguimiento medioambiental y social están orientados a generar otros beneficios de largo plazo, ya que de lo contrario se podría entender que se refiere a programas asociados a medidas de mitigación y/o compensación de impactos, y si eso fuese así, este criterio debería estar considerado como Buena Práctica.*

TRANSLATION:

*I suggest briefly detailing this criterion, since it is very general compared to the previous criteria at this level. I recommend indicating, for example, that the environmental and social monitoring programs are aimed at generating other long-term benefits, since otherwise it could be understood as referring to programs associated with impact mitigation and/or compensation measures, and if that were the case, this criterion should be considered a Good Practice.*

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SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 5

COMMENT:

*Sugiero ampliar el alcance del nivel y establecerlo a nivel de impactos adversos sobre patrimonio cultural crítico, ya que la definición de impactos significativos entregada es poco clara, y podría reducir el alcance de lo que se entiende por impacto adverso significativo. No creo que sea adecuado ampliar y especificar más esa definición en el glosario, dado que existen diferentes mecanismos para establecer la relevancia de un impacto (legislación, normativas específicas, definiciones de cada empresa, entre otras), por lo que proponer una nueva definición podría generar diferencias de criterios.*

TRANSLATION:

*I suggest broadening the scope and putting it on adverse impact level for critical cultural heritage, since the provided definition of significant impacts is unclear and could reduce the scope of what is meant by significant adverse impact. I do not believe it would be appropriate to expand and further specify this definition in the glossary, given that there are different mechanisms for establishing the relevance of an impact (legislation, specific regulations, each company's definitions, etc.), so proposing a new definition could lead to differences in criteria.*

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COMMENT:

*En Otras Áreas de Desempeño pertinente debería agregarse Minería Artesanal y a pequeña escala, ya que es un ámbito donde la forma de abordar el trabajo puede requerir de consideraciones especiales si los(as) involucrados(as) son pueblos indígenas.*

TRANSLATION:

*Artisanal and small-scale mining should be added to Other Relevant Performance Areas, since this is an area where the work approach may require special considerations if the people involved are indigenous peoples.*

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## **Performance Area 15: Cultural Heritage**

SECTION: 15.1 Cultural Heritage, Good Practice, 0

COMMENT:

*Este nivel debería tener más sustento en torno a la gobernanza del tema, por tanto sugiero incorporar un nuevo criterio asociado al desarrollo de un Plan de Patrimonio Cultural, el cual debería consolidar las diferentes medidas de mitigación definidas.*

TRANSLATION:

*This level should have more support around governance of the issue, so I suggest incorporating a new criterion associated with the development of a Cultural Heritage Plan, which should consolidate the different mitigation measures defined.*

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SECTION: 15.1 Cultural Heritage, Towards Good Practice, 3

COMMENT:

*Como se indica en el objetivo, el patrimonio cultural no solo está vinculado a pueblos indígenas, sin embargo en el nivel de Prácticas bien encaminadas solo se hace mención a impactos adversos sobre el patrimonio cultural de pueblos indígenas. Considero necesario incorporar otro criterio asociado a impactos adversos sobre patrimonio de comunidades no indígenas.*

*Como sugerencia, el primer criterio del nivel Buenas Prácticas aborda el tema y debería ser incorporado en Prácticas Bien Encaminadas como otro un sexto criterio.*

TRANSLATION:

*As indicated in the objective, cultural heritage is not only linked to indigenous peoples; however, On-Track Practices only mention adverse impacts to the cultural heritage of indigenous peoples. I find it necessary to incorporate another criterion associated with adverse impacts to the heritage of non-indigenous communities.*

*As a suggestion, the first criterion of the Good Practices level addresses the issue and should be incorporated into the On-Track Practices as a sixth criterion.*

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COMMENT:

*Agregaría a otras áreas de Desempeño pertinentes Minería Artesanal y a Pequeña escala, porque las practicas de este tipo de actividad minera suele estar menos regulada, por lo que la potencial afectación a sitios de caracter patrimonial es factible y los sitios cercanos a MAPE pueden generar planes de apoyo para evitar y/o reducir dichas afectaciones.*

TRANSLATION:

*I would add Artisanal and Small-scale Mining to other relevant areas of performance, because practices of this type of mining activity are usually less regulated, so the potential impact on heritage sites is feasible and sites near ASMs can generate support plans to prevent and/or reduce such impacts.*

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

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Good Practice

COMMENT:

*Sugiero incorporar en la definición del criterio pueblos indígenas, ya que existe la opción de que quienes trabajen en MAPE sean personas indígenas, y ello podría implicar procesos diferentes de relacionamiento y gestión del tema por parte de la instalación, en especial si las faenas MAPE implican riesgos o impactos la empresa.*

TRANSLATION:

*I suggest incorporating indigenous peoples into the definition of the criterion, since there is the possibility that people working at ASMs are indigenous people, and this could entail different processes for the Facility relating to and managing the issue, especially if the ASM operations involve risks or impacts to the company.*

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COMMENT:

*En otras áreas de desempeño sugiero agregar Pueblos Indígenas y Patrimonio Cultural, considerando el comentario que realicé previamente.*

TRANSLATION:

*In other performance areas I suggest adding Indigenous Peoples and Cultural Heritage, considering the comment I made above.*

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QUESTION 1

**Does the scope, content, and narrative style of the consolidated standard meet your individual expectations 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: 3: Meets expectations

QUESTION 3

**From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) 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

**Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?**

Response: 3: Meets expectations