

# CMSI Consultation Response

## Respondent Details

NAME

Kevin O'Callaghan

COUNTRY

Canada

PERMISSION

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

STAKEHOLDER

Supplier / business partner

ORGANISATION

Fasken

## 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: 4: Exceeds expectations

### 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: 3: Meets expectations

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 03: Responsible Supply Chains

SECTION: Glossary and Interpretive Guidance

COMMENT:

*Consider whether the EU's views on Value Chain v Supply Chain would be better adopted for consistency.*

## Performance Area 05: Human Rights

SECTION: Applicability

COMMENT:

*"the intent is that they are implemented as one" is not clear.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*"HRDs should not use measures that employ violence, including coercion, exploitation, or non-violent abuse."  
Make clear that if they do use those things, then they do not fit the definition of HRD.*

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## Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 2

COMMENT:

*"carry out human rights due diligence (HRDD) to identify, prevent, mitigate and account for potential adverse impacts on Indigenous Peoples' rights"  
Provide clarity that an EA process that incorporates assessment of rights can fulfil this obligation.*

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SECTION: Applicability

COMMENT:

*"order to obtain their free, and informed consent prior to the approval of any project affecting them or their territories, as per articles 19 and 32 of the UNDRIP"  
Consider clarifying that the duty is to consult and that the duty is not to obtain consent. This is a critical point.*

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COMMENT:

*"s most clearly demonstrated by the establishment of an agreement setting out that consent, and the terms under which impacts will be managed."  
Although "consent" may not be explicit in an agreement (due to internal political reasons) the agreement for a project to proceed is still respecting of Indigenous rights.*

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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: 5: Significantly exceeds

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