

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Sweden

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

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: 2: Below expectations

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

The standard is too comprehensive and complicated.

Document:
Standard

Performance Area 01: Corporate Requirements

SECTION: 1.1 Corporate Accountability, Leading Practice, 1

COMMENT:

1.1.1: *Our company does not allow for incentive or bonus programs for the management. The Leading Practice level should open for more flexibility, like "if applicable" to not exclude situations like our.*

Performance Area 03: Responsible Supply Chains

SECTION: 3.2 Responsible Mineral Sourcing, Good Practice, 2

COMMENT:

3.2.2: *In practice, this is - and will continue to be - difficult to meet in several key commodity flows since a significant portion of the world's mineral trade passes through jurisdictions where independent audits are limited, unavailable, or outright blocked by geopolitical and legal barriers. This means that this requirement can be difficult, if not impossible, to meet, even for companies that conduct serious due diligence.*

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 1

COMMENT:

4.2.1: *Avoid references to other standards. Such references can interfere and cause ambiguities in interpretation and the application.*

SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 3

COMMENT:

4.2.3: *Avoid references to other standards. For example, a reference to the IFC would result in overlapping and partly conflicting requirements, and introduction of an FPIC definition which is not aligned with the one used here.*

Performance Area 09: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Good Practice, 3

COMMENT:

9.1.3: *New from last referral and should be removed. This is a very specific requirement that is already included in 2c and therefore not necessary.*

SECTION: 9.1 Health and Safety Management, Leading Practice, 2

COMMENT:

9.1.2: *Very close to 2c under Good Practice - will it make a difference or can it be removed?*

SECTION: 9.1 Health and Safety Management, Towards Good Practice, 6

COMMENT:

9.1.6: *Remove the requirement for "access to medical facilities", or make it as an alternative. As it stands now, it can be interpreted as a requirement to have an on-site medical facility, which does not make sense in*

countries with well-established and tax-financed medical service that is and should be the first of a choice medical treatment.

SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 5

COMMENT:

9.4.5: The requirement will not improve safety but can rather undermine the reporting culture.

SECTION: 9.4 Monitoring, Performance and Reporting, Leading Practice, 1

COMMENT:

9.4.1: The requirement will not improve safety but can rather undermine the reporting culture.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.2 Community Development and Benefits, Good Practice, 4

COMMENT:

13.2.4: Remove "increased levels of"

SECTION: 13.2 Community Development and Benefits, Good Practice, 7

COMMENT:

13.2.7: Make this more flexible and appropriate by adding "If deemed favorable", establish objectives and/or targets related to community development "and" local employment and local procurement, in alignment with community-defined priorities and review progress at defined intervals.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 10

COMMENT:

14.1.10: Clarify the difference between Towards Good Practice 14.1.6 and this requirement. It is unsure if there is any difference on how the collaboration with Indigenous Peoples should look like, or if the only difference is the content of the training.

SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

14.1.4: Delete the second sentence about obtaining permission before collecting or using information. Freedom of speech and freedom of information also needs to be considered and met. And it might also be necessary to use information in order to fulfil other requirements, such as Due Diligence work and environmental and social impact assessments.

SECTION: 14.1 Indigenous Peoples, Good Practice, 6

COMMENT:

14.1.6: We suggest to move the text from the footnote (#69) and interpretive guidance of Opposition, into the main text of the requirement since this is an important modification of the requirement.

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 5

COMMENT:

14.1.5: Remove the requirement to “obtain agreement”, to reflect that FPIC is not a veto power and that an agreement requires more than one party to sign the agreement. A wording like “strive to obtain agreement” could be an alternative. Compared to requirements in GP6, the requirement in TGP14.1.5 is more far-reaching. Thus, another alternative could be to include a reference to GP6, e.g.: “... obtain agreement, as described in GP6, with affected Indigenous Peoples ...”.

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 6

COMMENT:

14.1.6: Requiring “in collaboration” is too high level for Towards Good Practice - suggest moving it to Good Practice.

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 5

COMMENT:

Towards good practice, 15.1.5: The first part of the sentence can become a hard stop for all exploration, mining and other activities within and in the surroundings of a world heritage area, no matter risk on impact.

“No impact” on OUV –could be interpreted very broadly, including that also indirect or cumulative effects (e.g. on migration routes or visual landscape values) would be deemed non-conforming.

A general comment is that the standard must align with national and UNESCO governance frameworks and abstain from overriding them.

Same comments go for performance area 19.1 (TGP, pt1).

We propose an alternative wording:

“For new exploration work, mining or other operational activities within the legally defined boundaries of World Heritage Sites companies shall identify, assess and manage potential direct, indirect or cumulative impacts. For existing operations or activities outside their boundaries, companies shall identify, assess and manage potential direct, indirect or cumulative impacts on the Sites’ Outstanding Universal Value (OUV) and integrity, consistent with applicable national legislation, UNESCO World Heritage management plans.”

SECTION: Glossary and Interpretive Guidance

COMMENT:

The phrase “as determined by them” should be deleted from the definition of critical cultural heritage. It is already clear from the end of the definition that Indigenous peoples must be involved in identifying critical cultural heritage.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 2

COMMENT:

19.1.2: Remove the reference to Ramsar Sites. References to specific other standards and specific systems of classification should be avoided in this consolidated standard.

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations for responsible production practices?

Response: 2: Below expectations

Companies already have to comply with current legislation that sets very high requirements which should be equal with at least good practice. Also, for all mining operations there are local conditions that needs to be considered in national permitting processes and form the basis for requirements, and the need for adaption to local situation will probably be impossible to handle appropriately at a global level.

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

The standard will cause heavy administrative burden and to some extent likely interpretation problems and not necessarily lead to better practice but definitely more administrative work.

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: 2: Below expectations

Overlapping and sometimes unclear content within and between the levels will cause application and compliance difficulties.

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: No Response

The standard is too comprehensive and complicated.