

CMSI Consultation Response

Respondent Details

NAME

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COUNTRY

Algeria

PERMISSION

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

STAKEHOLDER

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

ORGANISATION

Resource Justice Network

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Assurance

4. Consolidated Standard External Assurance Process

SECTION: 4.5 Reporting

COMMENT:

A credible assurance process must provide clear, site-specific information on each mining operation's performance, rather than broad or generalized statements. Under the current draft assurance process, auditors have excessive discretion in reporting, and the required "Statement of Findings" is too high-level. For instance, the draft assurance template only asks for a "high-level" description of what is in place for each performance area, which lacks the granularity needed for communities, workers, and civil society to understand the basis for the auditor's conclusions. We strongly urge the CMSI to require a far more detailed Assurance Report for each assessed site. In particular, auditors' public reports should evaluate each individual requirement or criterion of the standard (or at least each sub-section of a performance area) and clearly state whether and how the facility meets that specific requirement. Auditors should document the evidence for each criterion (e.g. which documents were reviewed, how many people and from which stakeholder groups were interviewed, and what was observed on-site) and explain any gaps or instances of partial compliance. Every requirement that was checked should have a brief finding or rationale noted in the report. This level of detail will significantly improve accountability and confidence in the certification. Stakeholders need to see not just an aggregate score, but exactly which commitments the site met and where it fell short. Without criterion-level findings, affected communities and civil society are left in the dark about critical issues (for example, whether a mine met the water quality standard or merely made some progress toward it). In sum, the CMSI assurance process should be revised to prioritize transparency and completeness in reporting -even if that results in longer reports. High-level summaries are not enough; granular disclosure is essential for a credible assurance regime.

Document:
Standard

General comment on Performance Area

COMMENT:

We, the undersigned civil society organisations of the Resource Justice Network, submit this comment because communities, workers, and Indigenous Peoples deserve a standard that meaningfully protects their rights, livelihoods, and environments. While the current draft includes important improvements from the first consultation draft, significant gaps remain that—if not addressed—will undermine the CMSI’s ability to prevent harm, ensure accountability, and earn the trust of affected rights-holders.

COMMENT:

CMSI’s consultation proceeds even as the governance model is ruled out of scope—a decision that defines basic multi-stakeholder logic. Several structural flaws in the model limit the influence of affected stakeholders and civil society while entrenching corporate control. Key issues include: (1) fiduciary duty requirements that prevent board members from truly representing their stakeholder groups, (2) a “unified voice” rule that stifles transparency and dissent, and (3) an imbalanced, fragmented board composition coupled with a high voting threshold that allows industry interests to dominate.

COMMENT:

Board Members as Experts vs. Representatives

Unlike the Extractive Industries Transparency Initiative (EITI) or Initiative for Responsible Mining Assurance (IRMA), CMSI directors aren’t elected by stakeholder constituencies. They’re appointed in their individual capacity (initially a mix of Copper Mark1 legacy directors and nominees), and the rules state: “Every Director recognises that his or her primary fiduciary duty is to the Legal Entity... not to the stakeholder group on behalf of which that Director may have been appointed.” This recasts directors as neutral overseers and blurs whether they serve for expertise or representation and weakens accountability to workers, Indigenous peoples, communities, or CSOs when their interests conflict with CMSI leadership. Civil society critics warn that these constraints will “weaken accountability” and reduce responsiveness to affected people - undermining CMSI’s claim to be genuinely multi-stakeholder.

COMMENT:

“Unified Voice” Rule and Lack of Transparency

The draft requires directors to keep deliberations confidential and “speak with a unified voice” externally. Once a decision is taken, no director may publicly dissent. That’s unusual for multi-stakeholder bodies: IRMA, for instance, recognizes stakeholders “may not always agree” and allows differences to surface. CMSI’s approach instead codifies unanimity in public, impeding directors (especially community, labor, or Indigenous seats) from airing concerns or briefing constituencies. Analyses note that these fiduciary and speech limits curb directors’ ability to represent stakeholders and erode trust.

COMMENT:

Fragmented Stakeholder Representation and Veto Power

CMSI’s 16 voting seats split non-commercial stakeholders into micro-quotas that dilute their collective voice. Only four are guaranteed to “Mining Stakeholders” (one each for Indigenous, labor, environmental, and human-rights). Even if a couple of other seats go to affected people, at most 6 of 16 represent directly impacted stakeholders. By contrast, industry holds 4 mining-company seats and 4 downstream “Value Chain Company” seats, with the remaining 4 “Value Chain Stakeholder” seats mixing NGOs/experts with supply-chain-affected groups, further fracturing civil society.

Performance Area 01: Corporate Requirements

COMMENT:

Make transparency non-negotiable: mandate project-level payment disclosure and full publication of all contracts/licenses (in line with the EITI Standard). Close gaps by requiring public country-by-country reporting of revenues/taxes, responsible tax principles, and beneficial-ownership disclosure per global best practice. Independent analyses already find CMSI "Good Practice" lags peers on contract transparency, payments to governments, and taxation; CMSI must at least meet (preferably exceed) these benchmarks to deter corruption and build trust.

Performance Area 05: Human Rights

COMMENT:

Require UNGP/OECD-aligned, enterprise-wide HRDD with board-level commitment, resourcing, and regular risk/impact assessments. Include an explicit zero-tolerance policy for threats, intimidation, or attacks on human rights defenders, whistleblowers, and community reps, covering employees, contractors, suppliers, and security. Legal compliance (human rights, labour, Indigenous rights) must be baseline - not optional at higher tiers. No operation should be "CMSI-aligned" while violating rights or domestic law; companies must identify, prevent, mitigate, and remedy impacts per the UNGPs.

Performance Area 07: Rights of Workers

COMMENT:

Spell out freedom of association and collective bargaining per ILO 87 & 98. Prohibit interference in organizing, union-busting, intimidation, and any reprisals against worker reps/whistleblowers; commit to neutrality during organizing. Ensure independent, effective worker grievance mechanisms so concerns can be raised and remedied without retaliation.

Performance Area 12: Engagement

COMMENT:

Set a high bar for meaningful engagement at all phases on community terms. Communities must be able not to engage or to suspend processes; companies must pause related activities and address conditions via mutually agreed pathways. Guarantee grievance mechanisms that meet UNGP effectiveness criteria (legitimate, accessible, predictable, equitable, transparent, rights-compatible, dialogue-based), with independent oversight/adjudication. Require funding for independent technical advisors chosen by communities to ensure informed participation.

Performance Area 14: Indigenous Peoples

COMMENT:

Align fully with FPIC: companies must obtain and maintain consent for any project affecting Indigenous Peoples; if consent is withheld or withdrawn, the project cannot proceed in those areas. Reject reliance on state

permits or generic consultations as FPIC substitutes. Implement an FPIC process consistent with United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): identify all affected groups; engage via their representative institutions; provide information in culturally appropriate forms; allow adequate time; and honour decisions, including “no.”

Performance Area 21: Tailings Management

COMMENT:

Strengthen tailings to prevent disasters (e.g., Mount Polley, Samarco, Brumadinho). Don’t rely solely on Global Industry Standard for Tailings Management (GISTM) and the Mining Association of Canada (MAC) protocols—embed UNGP-based risk management and remedy. Ban high-risk practices (e.g., riverine/lake/submarine disposal; unsafe siting/designs such as upstream dams in populated/seismic zones—note Brazil’s post-2019 ban). Require maximum transparency and preparedness: publish emergency response plans, involve communities in planning/drills, and disclose all independent safety audits. The goal is zero harm; facilities needing risky methods should be ineligible for CMSI recognition.

We urge the CMSI to adopt the above recommendations in full if it is to serve as a credible, rights-respecting, and environmentally sound standard. Anything less would risk legitimizing business-as-usual practices under the veneer of sustainability. A standard that cannot demonstrate timely, independently verified compliance—nor guarantee meaningful participation, rights protection, and governance accountability—is not fit for purpose. Critically, this includes immediately opening the CMSI governance model to public consultation, as governance determines who holds power, how decisions are made, and whether the standard can be trusted. If the CMSI is serious about securing public trust, investor confidence, and regulatory recognition, it must raise the bar. We remain ready to engage—but expect CMSI to show the same level of ambition, integrity, and responsiveness that it demands of others.

Document:
Claims

3. Claims

SECTION: 3.1 Types of Claims, 3.1.2 Assured Claim

COMMENT:

Delayed scrutiny and weak enforcement:

The CMSI’s claims framework risks enabling companies to carry its label for years without undergoing timely, independent scrutiny. According to the current policy, companies can publish a “Performance Claim” based on self-assessments for up to 18 months before an audit is required. Even after that, subsequent assurance cycles can be spaced as much as 5 years apart. During these windows, companies continue to enjoy the reputational and commercial benefits of the CMSI label—despite little to no public evidence that they are meeting the standard’s requirements. This processual design creates a dangerous credibility gap: it allows companies to make and maintain claims of alignment without robust, externally validated performance. It also undermines accountability to communities and stakeholders who are led to believe that the CMSI stamp guarantees real, verified practice.

COMMENT:

Undervalued leadership and low thresholds

Meanwhile, the CMSI fails to recognize those companies that exceed the minimum. Its headline scoring system ignores the "Leading Practice" tier, giving no public distinction to sites that voluntarily go beyond "Good Practice." The lack of differentiation disincentivizes continuous improvement and sends a message that surpassing the baseline carries no tangible reward. At the other end, the bar for certification is too low. Sites can receive the CMSI Performance Claim with as little as 80% alignment to Good Practice requirements. This means a mine could still be noncompliant on major issues (e.g., FPIC, tailings, human rights) and yet be "certified." This threshold is misaligned with the initiative's stated ambition. To protect its legitimacy, the CMSI must tighten claim eligibility timelines (e.g., requiring independent audits within 6 months of any public claim and mandating regular reassessments within shorter intervals), restrict self-assessment-based claims, and better distinguish between levels of performance. Anything less risks turning CMSI claims into an unearned badge detached from current, verified reality.
