

# CMSI Consultation Response

## Respondent Details

NAME

Emily Ritchey

COUNTRY

Belgium

PERMISSION

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

STAKEHOLDER

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

ORGANISATION

T&E

## 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: 3: Meets 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

## General Comment

### COMMENT:

*Overall, we welcome improvements made to the assurance process. Notably, whilst the mining company still provides a list of stakeholders to interview, the language has been clarified to require the assurance firm to use "professional judgement and additional research to adjust as necessary and ensure inclusion of vulnerable groups", giving more control to the assurance provider. In addition, whilst the mining company is still the entity providing notice to stakeholders and rights holders about an upcoming audit, the process has been strengthened to state that "the Assurance Provider will also have the discretion to directly issue the advance notice inviting participation in the Assurance Process". Mining companies are also still encouraged to reach out to stakeholders in advance of the audit, however it is now stressed that this communication "should clearly articulate that communications between affected stakeholder and rights-holders, and the Assurance Provider, will be treated by the Assurance Provider as confidential".*

*Nevertheless, key gaps remain, and companies still retain significant control over the process. For example, the mining company still selects the audit company, whilst the secretariat is responsible for maintaining the registry of approved Assurance Providers.*

*In addition, Facilities that have met the Good Practice Level and achieved a Performance Claim are encouraged but not required to publish an Improvement Plan for achieving the Leading Practice Level. In order to drive continuous improvement, this could be required.*

---

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 17: Grievance Management**

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights

COMMENT:

*The grievance management performance area has been strengthened with the inclusion of access to remedy as "Towards Good Practice", and with improvements in access to grievance mechanisms. The company must now communicate the availability of the grievance mechanism in local languages and culturally relevant ways and make it accessible to stakeholders and rights-holders at the Facility level which is key for ensuring accessibility. This could be further strengthened by providing access to advice and expertise.*

*The grievance mechanisms are still not required to be independently facilitated. Whilst we welcome the requirement to conduct an independent review of the effectiveness of the grievance mechanism and remedy as leading practice, it is vital for the proper functioning and credibility of any grievance mechanism that it is independently facilitated. The commitment on disclosure of grievances should also be good practice, not leading.*

---

## **Performance Area 18: Water Stewardship**

SECTION: 18.3 Water Reporting, Leading Practice

COMMENT:

*We welcome some improvements regarding requirements on the public disclosure of facility-level water data, for example public disclosure of water-related risks is now good practice. Nevertheless, public disclosure of facility-level water data, ICMM Water Reporting: Good Practice Guide and MCA Water Accounting Framework, and independent audits should all be good practice rather than leading practice.*

---

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

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature

COMMENT:

*On biodiversity, we note that there have been limited improvements since the first consultation. Whilst positive steps had been taken prior to the first consultation, the performance area could still be strengthened. Although there is a requirement to monitor progress towards no net loss or net gain at defined intervals, there is no clear requirement to achieve a net gain, even at leading practice, and there is no specific timeline, e.g. no net*

biodiversity loss by 2030. In addition, progress should be monitored against key biodiversity indicators using internal frameworks in line with the Kunming-Montreal Global Biodiversity Framework.

---

## Performance Area 20: Climate Action

SECTION: Intent

COMMENT:

*We welcome some small linguistic changes, for example “to require corporate climate change strategy is aligned to the goals of the Paris Agreement”. In addition, we welcome the increased focus on international frameworks, e.g. requirement for energy-use and GHG emissions management and monitoring system consistent with internationally recognised frameworks (20.2 TGP). However, the performance area could still be further strengthened with inclusion of time-bound commitments to phase out fossil fuel use in operations and with stronger language on scope 3, and included as foundational or good practice, rather than leading.*

---

## Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

*Overall, there have been limited changes. However, we welcome the requirement to achieve rather than pursue conformance with the GISTM as good practice. Nevertheless, the CISM could take this opportunity to strengthen and go further than GISTM as leading practice by including:*

*New mines must adopt Best Available Technologies (BAT) and Best Available Practices (BAP), such as dewatering and filtering tailings, as well as using dry stacking and backfilling techniques.*

*No new tailings facilities where inhabited areas are in the path of a tailings dam failure, and no new upstream dams.*

*Continuous monitoring systems in place to identify, disclose and mitigate risks, with regular independent inspections.*

---

## Performance Area 24: Closure

SECTION: 24.1 Closure Management

COMMENT:

*We welcome a number of improvements to the requirements on closure. Where there were no clear timelines for monitoring and liability post closure, this has been strengthened to specify “at defined intervals”. This is a welcome first step, however it could go further by including numbers of years for specific elements, e.g. number of years a company is responsible for water monitoring post closure.*

*In addition, it is critical that financial assurance is independently guaranteed, however this is still not the case (other than in cases where it is required under national law).*

---

QUESTION 1

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

Response: 4: Exceeds 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: 2: Below 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: 4: Exceeds expectations

Document:  
Claims

### General Comment

COMMENT:

*Overall we welcome a number of the details set out in the claims policy, such as the requirement to clearly differentiate self-assessed scores from assured scores, and the requirement to achieve 80% of all applicable Performance Areas at Good Practice Level, with at least 4 Performance Areas per pillar at good practice. In addition, it is positive that in order to maintain the Performance Claim, the Facility must close any gaps to achieve Good Practice Level in all applicable Performance Areas within one assurance cycle.*

*However, the claims policy could be further strengthened in order to promote the continuous improvement of companies, and encourage achievement of leading practice. Where the aggregated score represents the progress towards the Good Practice Level and does not include Leading Practice Level, there is no incentive to achieve leading practice level. Attainment of leading practice will not be acknowledged in the most visible parts of the standard. The claims policy should ensure greater acknowledgement of companies meeting leading practice.*

---

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