

CMSI Consultation Response

Respondent Details

NAME

Chilenye Nwapi

COUNTRY

Nigeria

PERMISSION

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

STAKEHOLDER

Intergovernmental / multi-lateral organisation

ORGANISATION

The Commonwealth Secretariat

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

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

Introduction

COMMENT:

Definition of "new project": The current framing of "new" versus "existing" projects seems to ignore important intermediate categories, such as brownfield redevelopments, and restarts. These situations differ materially in their social, environmental, and regulatory implications. Brownfield and restart projects often inherit legacy issues (e.g., environmental contamination, unresolved resettlement, or community distrust) that may require renewed baseline studies and engagement. Clarifying how the Standards apply to these transitional project

types would enhance consistency and avoid regulatory gaps, particularly in jurisdictions where mining is being revitalised after a long period of dormancy.

Recommendation: We recommend clarifying how brownfields, redevelopments, and restarts are to be treated under this definition.

COMMENT:

Key Terms and Guidance

Item (g) "Use of mitigation hierarchy": The hierarchy has missed a first step. Where the activity's impact is prohibited, the first instance should be to test whether the activity is allowed or not, such as existence of a moratorium due to the application of the Precautionary Principle or protected sites (land based or seabed areas).

Recommendation: The mitigation hierarchy should in the first instance test whether given the negative impact, the activity is prohibited or not, then if not, the next test should be how to prevent it

COMMENT:

Key Terms and Guidance: Item (h): "New Project"

Pre-operational activities and operational activities of mining are bundled in a licence or mineral contract. The definition should include all sequential mineral operations under respective mineral rights leading to commencement of mining including reconnaissance, exploration / prospecting, mining and mine site closure and post closure rehabilitation.

Recommendation: Revise the definition accordingly.

Clarify the scope of the term "exploration" if it can be used interchangeably with "prospecting"

Overarching Glossary

COMMENT:

p. 16: What qualifies as Supplier is unclear. Supplier should be entity that supplies either a product OR a service, and not necessarily BOTH. The term "entity" should mean a natural person or a legal person.

Recommendation: Revise by replacing "and" with "or".

Add in brackets after ... entity ... (natural person or legal person)

Performance Area 01: Corporate Requirements

SECTION: 1.3 Transparency of Mineral Revenues, Leading Practice, 3

COMMENT:

Page 19 in particular: The Standard outlines principles of transparency of mineral revenues and makes reference to public disclosure of beneficial ownership of a facility. While the Standard is designed to be implemented principally at the facility level, there could be corporate level beneficial ownership changes that may require disclosure as well. As is now, the Standard may overlook changes in ownership structures over the life of a facility, particularly where assets are transferred, restructured, or merged under new corporate entities. To avoid a governance blind spot, these corporate-level ownership changes need to be disclosed. In

fact, facility-level only disclosure risks fragmentation and obscures true ownership and control relationships, especially where mining operations are structured through layered subsidiaries or joint ventures.

Recommendation: Broaden the scope of beneficial ownership disclosure to cover all entities holding or controlling mineral rights, contracts, or revenues, not only the operating facilities.

Performance Area 02: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice, 0

COMMENT:

P. 24: Public disclosure for transparency to the public and stakeholders. Publicly disclose all government regulatory approvals of material significance to contract or project legal compliance and continuity, including contract/license extensions, renewals, cancellations, suspension, etc.

Recommendation: Insert item 3 Publicly disclose significant regulatory approvals for business continuity

Performance Area 03: Responsible Supply Chains

SECTION: Glossary and Interpretive Guidance

COMMENT:

P. 33: Unclear definition of "Supply Chain". shouldn't this read "all activities" involved rather than "entities". Revise accordingly.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Towards Good Practice, 2

COMMENT:

In order to cover deep sea tailings disposal and deep seabed mining activities, specific reference to "seabed should be made". There is currently no such reference, and we wonder whether deep seabed mining was intentionally left out. Given growing interests in seabed mining and despite backlash, the Consolidated Standard should not ignore it.

Recommendation: Include "seabed" after "land" in the following passage at p. 37:

Conduct an environmental and social impact assessment (ESIA) of the proposed new project or significant change to an existing operation consistent with jurisdictional regulations or, in the absence of jurisdictional regulations or where they are not enforced, with IFC Performance Standard 1. This should include an analysis of alternatives and, where relevant, air, soil, land, water, biodiversity and ecosystem services, deforestation and other environmental degradation, climate, emissions, noise and vibration, health, safety, gender, human rights, Indigenous Peoples, resettlement, cultural heritage, in-migration, social and economic impacts and closure.

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

COMMENT:

At p. 38, Requirement 1 states:

“Where physical and/or economic displacement is unavoidable, develop and implement a resettlement action plan (RAP) and, if applicable, a livelihood restoration plan, in line with IFC Performance Standard 5 on Land Acquisition and Involuntary Resettlement, in consultation with affected stakeholders and rights-holders.”

This clause treats livelihood restoration almost as optional or conditional. The qualifier “if applicable” implies that livelihood restoration may not be required even when economic displacement occurs. However, economic displacement triggers livelihood risks nearly 100% of the time. Therefore, livelihood restoration should be a default requirement, not a conditional one.

Recommendation: We recommend that the qualifier “if applicable” be deleted from livelihood restoration.

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

COMMENT:

At p. 37, Requirement 1 states: “Avoid involuntary physical and/or economic displacement wherever possible and consider only after alternative project designs or locations have been exhausted.”

This type of framing a requirement is weak and creates room for companies to race to avoid displacement too easily. Involuntary displacement should be treated as an exceptional measure, not a normal operational phase.

Recommendation: We recommend the following wording: “Avoid involuntary physical and/or economic displacement at all times and consider it only after alternative project designs or locations have been demonstrably exhausted. Replacing “wherever possible” with “at all times” strengthens the normative tone of the requirement. The phrase “wherever possible” dilutes the avoidance principle that the requirement seeks to enshrine, in that it makes avoidance merely aspirational instead of obligatory. Also, inserting the word “demonstrably” before “exhausted” ensures accountability through documented analysis, not mere assertion.

SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 2

COMMENT:

At p. 37, Requirement 2 states:

“Where physical and/or economic displacement is unavoidable, consult with potentially affected stakeholders and rights-holders, including women, vulnerable and underrepresented stakeholders and rights-holders, during the planning stages of any new project or significant expansions in ways that are accessible, understandable and culturally appropriate.”

While this requirement expresses the right sentiments, it leaves unanswered why consultation is required and what it is intended to achieve. There is need to be explicit about the purpose of this consultation not only to provide clear guidance to companies but also to provide clear expectations to communities.

Without that clarity of purpose, consultation risks becoming tokenism and performative instead of an outcome-oriented mechanism that it is supposed to be. Also, without a stated purpose, there is no benchmark for evaluating whether consultation was effective.

Recommendation: We recommend that a purpose clause be explicitly inserted into this requirement, and we propose the following purpose: to “jointly identify and assess the appropriateness of the proposed relocation site, address potential impacts and inform project design”.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Community Impact Management, Good Practice

COMMENT:

P. 88: Local participation not facilitated in the Facility's activities to promote local value creation.

Recommendation: Introduce as part of "Good Practice". Insert item 5. "Facilitate local participation in the Facility's activities as may be practically and economically feasible"

SECTION: Applicability

COMMENT:

P. 87: Missing the benefit dimension. ... develop management plans to avoid or minimise harm and maximize benefit to people and the environment. This ensures all the negative impacts and positive impacts are assessed and managed.

Recommendation: Insert ... "and maximise benefit" to people ...

SECTION: Glossary and Interpretive Guidance

COMMENT:

P. 91: Too narrow scope of the definition of local in the context of mining. The local definition should extend to the national suppliers to promote economy wide sourcing of supply of products and services, not just the local community in the proximity of the Facility location.

Recommendation: Revise the definition accordingly.

Performance Area 18: Water Stewardship

SECTION: Intent

COMMENT:

P. 114: ... implement water stewardship practices, using the mitigation hierarchy, that support the overall quality and accessibility of watershed resources available to other users and improve the efficiency of water use.

Considering the potential for Deep Seabed Mining, should this Standard also refer to marine water? As currently drafted it does not include reference to marine aquatic ecosystems etc.

Suggest adding "and marine water" where references to "surface water and ground water" are made.

Suggest including a definition for "Marine Water"

The definition of "Watershed vs Catchment" does not sufficiently address mining operations that occur offshore. We suggest to either add a new term to capture this or amend this definition.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 1

COMMENT:

P. 160: Good Practice:

Identify and manage risks and impacts related to closure and rehabilitation in consultation with affected stakeholders and rights-holders, including but not limited to those related to land, biodiversity, air, water bodies, water sources, climate change, workers, communities, infrastructure, and post-closure liabilities.

Recommendation: We suggest adding the term “seafloor” after “Land” to accommodate suitability for seabed mining and deep sea tailings disposal.

SECTION: 24.1 Closure Management, Good Practice, 3

COMMENT:

P. 161: Good Practice: 3

Collaborate with affected stakeholders and rights-holders and local or regional government planning authorities to identify and document the closure planning process, closure activities and measurable success criteria. This should focus on preventing adverse impacts and realising opportunities including but not limited to the protection of biodiversity and water sources, avoidance of Acid Rock Drainage (ARD) and Metal Leaching (ML) and rehabilitation of land and beneficial future land uses.

Rehabilitation as currently referred to is limited to land. Either include “seabed” or remove explicit reference to land.

Recommendation: Suggest replacing “and rehabilitation of land” with “, rehabilitation”

SECTION: Glossary and Interpretive Guidance

COMMENT:

P. 163: Definition of “Rehabilitation”

The return of land to a safe, stable and non-polluting condition that supports the intended post-mining land use, having considered beneficial uses of the Facility and surrounding land. Rehabilitation could involve “reclamation” (i.e. the recovery of pre-development ecosystems and related services and biogeochemical functions) or more commonly the repurposing of disturbed land

The definition of “Rehabilitation” needs to include the seabed so as to cover deep sea tailings disposal and seabed mining.

Recommendation: Revised definition:

The return of land AND SEABED to a safe, stable and non-polluting condition

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

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