

# Consultation response

## Part 1: Your details

**Original language of response:** English

**Name:** Camille Le Pors

**Country of residence:** United Kingdom

**Are you willing to let us publish your response publicly on the Global Tailings Review website?** Yes

**Please select which stakeholder group you are representing:** Other

**If 'Other', please specify below:** Multi-stakeholder

**Are you responding on behalf of an organization?** Yes

**Please give the name of the organization:** Corporate Human Rights Benchmark (CHRB), part of World Benchmarking Alliance (WBA)

**Your level within the organisation:** Management

## Part 2: Your views on each of the Principles and Requirements in the Standard

### Topic 1: Knowledge Base

#### Principle 1

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 1 do your comments relate to?**

Comments on the Principle itself, Requirement 1.1

#### Your comments on Principle 1

- Principle 1: We consider that the knowledge base should be updated to include the uncertainties around climate change and think this crucial issue should be brought up into the main text (it is currently addressed in Footnote 4) and referred to throughout the Standard to ensure that these issues are being considered in planning, operations and closure phases. We were very surprised not to see climate change given more prominence.
- Requirement 1.1: Add "human rights" to the contextual issues to be addressed. A change in the ability of stakeholders to engage freely and meaningfully as a result of a change of government policy or practice (for example growing government repression) or rising conflict in the area, should also be part of the updated knowledge base. This consideration is also relevant to several further requirements in the Standard that specifically refer to the updated knowledge base, including Requirement 1.4.

## **Principle 2**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 2 do your comments relate to?**

Requirement 2.4, Requirement 2.3, Requirement 2.6

**Your comments on Principle 2**

Requirement 2.3, 2.4: As Section 3.1 requires companies to carry out human rights due diligence, it is logical that the information gained during that process is also included as part of these steps.

- Requirement 2.3: There is no reference to prevention, only to mitigation. This is an example where the zero tolerance approach is not sufficiently integrated into the Standard.
- Requirement 2.6: This requirement on financial assurance is too weak—"the Operator will consider." Insurance or other forms of financial assurance should be a necessary and integral part of the Standard. This is a critical point.

## **Topic II: Affected Communities**

### **Principle 3**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 3 do your comments relate to?**

Comments on the Principle itself, Requirement 3.3, Requirement 3.2, Requirement 3.1, Requirement 3.4

**Your comments on Principle 3**

Principle 3: As noted above, we welcome the prominence given to human rights and the respect for rights in general and to the rights of indigenous and tribal peoples. We also welcome the requirement to 'meaningfully engage' with affected stakeholders th

## **Topic III: Design, Construction, Operation and Monitoring of the Tailings Facility**

### **Principle 4**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 4 do your comments relate to?**

Comments on the Principle itself, Requirement 4.3, Requirement 4.1

**Your comments on Principle 4**

- Principle 4: We question why the requirements under this Principle do not apply to

decommissioning but as we are not technical specialist, we just raise the point for consideration.

- Requirement 4.1 (c): Who performs the review? It should be independently verified.
- Requirement 4.3: We see this as one of the weakest points in the Standard, as we would expect: (i) criteria for determining what is “feasible”; (ii) suggestions here on the types of steps that can be taken to reduce risks; and/or (iii) at least that the decisions on feasibility and steps taken pursuant to 4.3 are subject to independent review and sign off. This is an area where the commitment to the “zero tolerance” principle should be incorporated into the generalised reference to “feasibility”

### **Principle 5**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 5 do your comments relate to?**

Comments on the Principle itself, Requirement 5.3

**Your comments on Principle 5**

- Principle 5: This is why it is important that the human rights due diligence carried out pursuant to Requirement 3.1 is incorporated into the knowledge base.
- Requirement 5.3: See comments under Requirement 1.1 above.

### **Principle 6**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 6 do your comments relate to?**

Comments on the Principle itself

**Your comments on Principle 6:**

Principle 6:

- One of the key changes introduced by the UNGPs is around prioritising risks to human rights. With respect to human rights, probability and severity are not given equal weighting in the risk prioritization process. Instead, if there is a

### **Principle 7**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 7 do your comments relate to?**

Comments on the Principle itself, Requirement 7.8

**Your comments on Principle 7**

- Principle 7: This is another principle where the “zero harm” principle should come through more clearly with a similar revision to Principle 6: “Build and operate the tailings facility to minimize risk to people and the environment as a priority [and to the Operator]”
- Requirement 7.8: It would be useful to see that the review is followed by a

corrective action plan. As is, there is just the review with no requirement to act on it.

### ***Principle 8***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 8 do your comments relate to?**

**Your comments on Principle 8**

## ***Topic IV: Management and Governance***

### ***Principle 9***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 9 do your comments relate to?**

Requirement 9.1

**Your comments on Principle 9**

Requirement 9.1: See comments under Point 5 above.

### ***Principle 10***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 10 do your comments relate to?**

Comments on the Principle itself, Requirement 10.2, Requirement 10.1, Requirement 10.4

**Your comments on Principle 10:**

- Principle 10: We welcome this Principle.
- Requirement 10.1: We also welcome this requirement. However, it would be enhanced by a definition of "recovery" that also made clear that recovery applies to the affected communities and environment.
- Requirement 10.2: It would be useful to see specific responsibility for the zero harm principle assigned to a Board member.
- Requirement 10.4: The performance incentive component should also apply to senior management and board level who are responsible, not just employees and it would be usefully strengthened by adding a performance disincentive

### ***Principle 11***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 11 do your comments relate to?**

**Your comments on Principle 11:**

### ***Principle 12***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 12 do your comments relate to?**

**Your comments on Principle 12:**

### ***Principle 13***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 13 do your comments relate to?**

**Your comments on Principle 13:**

### ***Principle 14***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 14 do your comments relate to?**

Comments on the Principle itself, Requirement 14.3, Requirement 14.4

**Your comments on Principle 14:**

- Principle 14: We also welcome this Principle.
- Requirement 14.3: It would be useful to cross-reference Requirement 3.4 here. It is not quite clear what the difference is as this requirement refers to stakeholders – which could be communities as well.

## ***Topic V: Emergency Response and Long-Term Recovery***

### ***Principle 15***

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 15 do your comments relate to?**

Requirement 15.3, Requirement 15.2

**Your comments on Principle 15:**

Requirement 15.2 and 15.3: The requirement to meaningfully engage those affected is welcome. However, the difference between "at-risk communities" and "PAPs" are not clear. It would be useful to see a cross reference to the Sendai Framework and its princi

## **Principle 16**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 16 do your comments relate to?**

Requirement 16.4, Requirement 16.5

**Your comments on Principle 16:**

Requirement 16.4: While an integrated approach to remediation, reclamation and re-establishment of functioning ecosystems is very welcome, there is no mention of the same for communities. This is a serious gap in the Standard.

- Requirement 16.5+: This section is missing specific requirements for the Operator to take responsibility for recovery actions and financing. This would usefully be linked to the earlier provisions on financial insurance/assurance.

## **Topic VI: Public Disclosure and Access to Information**

### **Principle 17**

**In your view, will compliance with this Principle and its Requirements contribute to the prevention of catastrophic failure of tailings facilities?**

**Which aspects of Principle 17 do your comments relate to?**

Comments on the Principle itself, Requirement 17.1, Requirement 17.2

**Your comments on Principle 17:**

- Principle 17: We welcome this Principle and consider it essential for the successful implementation of a number of other principles and requirements in the Standard.

- Requirement 17.1: In order to meaningfully consult stakeholders, they require access to information in an appropriate form. They also require access to draft plans so that their comments can be taken into account in finalising plans. This section does not adequately reflect that approach or Requirement 3.2 or 15.2.

- Requirement 17.2: Stakeholders have a right to know the risks to which they are exposed (pursuant to human rights under many constitutions and national laws). "Reasonable" is subject to wide interpretation. It would be useful to qualify this or to put the burden on the company to explain why it will not disclose information requested by PAPs.

- Footnote 36: We would encourage you to move this important principle out of the footnote and into the text as by its own wording, this is a "fundamental principle."

## **Part 3: Your views on the Standard**

**Your view as to whether the content of the Standard meets your expectations**

**Your view as to whether the content of the Standard meets your expectations (closed question):**

**Please summarize why you chose this option:**

*Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities*

**Your view on whether the Standard will create a step change for the industry in the safety and security of tailings facilities (closed question):**

**Please summarize why you chose this option:**

*Does the content of the Standard address all aspects of tailings facility management adequately?*

**Does the content of the Standard address all aspects of tailings facility management adequately (closed question)?**

**Please explain why and/or what is missing:**

#### ***Part 4: Suggestions for topics to be included in the accompanying Recommendations Report***

**On which topics would you expect to have further clarification or guidance in this document?**

#### ***Other information***

*Non-fitting response text (text submitted which did was not in response to one of the questions above)*

***Attachment 1 reference (if applicable)***

ref:0000001034:Q83

***Attachment 2 reference (if applicable)***

**Global Tailings Review Consultations**  
**Comments from the Corporate Human Rights Benchmark**  
**December 2019**

Thank you for the opportunity to respond to the consultation on the Global Tailings Standard (the GTR Standard).

We are very supportive of the Global Tailings Review process and the development of a global standard and congratulate the organisations, the Expert Panel and the Multi-Stakeholder Advisory Group in taking the review forward. The tragic accident at the Córrego do Feijão mine in Brumadinho, Brazil earlier this year, on the heels of other tragic accidents involving tailings dam collapses around the world, demonstrated that it is well-past time for mining companies and governments to address the risks these facilities pose – throughout their lifetime.

To explain our interest in the Standard, the Corporate Human Rights Benchmark (CHRB) is a unique collaboration led by investors and civil society organisations dedicated to creating the first open and public benchmark of corporate human rights performance. The CHRB has been benchmarking companies in the mining sector for three years on their human rights performance. To date, the Benchmark does not address tailings dams but does address serious allegations of human rights impacts involving mining companies. Because that approach is not well suited to addressing large-scale catastrophes, we suspended Vale from the CHRB in 2019 as a result of the Brumadinho disaster. CHRB will construct a specific set of indicators that address Vale’s response to the Brumadinho disaster but have been waiting for the GTR standard as we intend to incorporate the GTR Standard in an appropriate way in the construction of our approach.

As CHRB is a collaboration of human rights organisations and investors focused on human rights, our comments focus on this topic in relation to the GTR Standard rather than the technical dimensions.

**General Comments**

**1. We support the inclusion of human rights and the broader focus on the social and environmental impacts in the GTR Standard**

- We strongly support the inclusion of human rights, and human rights due diligence processes necessary to identify and manage human rights issue in the GTR Standard and consider that these provisions are critical to maintain in the final GTR Standard.
- Recognising that human rights issues are intimately interlinked with broader environmental and social issues, we welcome the focus on a more holistic approach to tailing facilities impacts.
- We congratulate the Chair and the Expert Panel in giving prominence to Affected Communities in the Standard.

**2. We also support the “zero harm” approach to people and the environment**

- We strongly support the conclusion that the *“extreme consequences to people and the environment from catastrophic tailings facility failures are unacceptable”* and that as a consequence, operators must have zero tolerance for human fatalities. They must ensure that



‘zero harm’ to people and the environment is integrated into all planning, management *and budgeting* from the inception of project planning for tailing facilities.

**3. We also support the focus on stakeholder engagement, transparency and accountability**

- For too long, tailing facilities have not been subject to the important processes of stakeholder engagement, transparency and accountability – with tragic consequences. We support the Standard’s coverage of these important dimensions.

**4. As a general matter, it is quite hard for a lay person to understand why some tailings facilities are riskier than others as there is no obvious explanation in the Standard**

- We regret that the Standard does not address which specific design technologies are highly risky, risky and less risky. We recognise that the GTR includes a consequence classification in the Annex based on the draft ICOLD Matrix, and it could be that this is currently the only way of addressing the rating of tailings dam consequences. But this does not provide clarity to communities and stakeholders to understand the type of tailings facilities they are facing. It would be useful if the revised Standard required a simplified communication of the level of risk a tailings facility poses.

**5. We challenge the Expert Panel, governments and industry to consider and explain why the construction of new tailings facilities with potentially “extreme consequences” are permitted under the Standard (or otherwise)**

- Is it appropriate in light of existing experience, that the Standard sanctions the construction of new tailings facilities which can result in “extreme” consequences if they fail? While we are not technical specialists, we do know what those “extreme consequences” look like because we have seen them over and over. They mean devastating loss of life, extensive and long-term environmental and health impacts, and the massive disruptions to communities – all of which are severe human rights impacts. We challenge the GTR process to consider how new facilities with this potential level of consequences are justified and would strongly recommend that the Standard take a clear position that these facilities can no longer be constructed. We would also prompt the GTR process to consider the same for those facilities with “Very High” consequences. We recognise that a different approach must be taken with respect to existing facilities.

**6. There is more work to be done to integrate “zero tolerance” and “zero harm” into risk management frameworks and accountability**

- We have pointed out below at various points where we consider there is a potential disconnect between the principle of “zero tolerance” and the proposed Standard. Point 5 above is the most obvious example.

**7. Clarifying scope and accountability**

- It is important to clarify the scope of the Operator’s responsibility and accountability under the Standard. Presumably the reference to the “Operator” also covers any contractors, sub-contractors, experts, etc. working on behalf of the Operator on tailings facilities, but this would be useful to clarify explicitly.

**8. The Standard does not appear to address risk transfer – i.e. the purchase of tailing facilities through mergers, etc.**

- It would be useful for the Standard to address the process of review and accountability for the acquisition or disposal of tailings facilities.

**Specific Comments**

We consider that the requirements could and should be strengthened in the following ways but want to make the fundamental point the importance we attach to at a minimum, maintaining the requirements in the existing draft.

**9. “Implementation” (pp. 4-5) is not clear**

- The process described under this heading is not clear. Is this further follow up by the GTR Expert Panel or the GTR process to develop independent compliance monitoring of all tailing facilities? That would be most welcome as independent monitoring is a crucial to the successful lessening of risk of tailings facilities. But at the moment, this section it is not clear.
- In addition, the requirements with respect to overall implementation by Operators is not clear from the text of the Standard itself. This is a crucial point that should be addressed in a clear section at the beginning of the Standard. What are the expectations of Operators? Can they pick and choose which parts of the Standard they can implement? What can they say publicly about their implementation?

**10. TOPIC I: Knowledge Base**

- **Principle 1:** We consider that the knowledge base should be updated to include the uncertainties around climate change and think this crucial issue should be brought up into the main text (it is currently addressed in Footnote 4) and referred to throughout the Standard to ensure that these issues are being considered in planning, operations and closure phases. We were very surprised not to see climate change given more prominence.
- **Requirement 1.1:** Add “human rights” to the contextual issues to be addressed. A change in the ability of stakeholders to engage freely and meaningfully as a result of a change of government policy or practice (for example growing government repression) or rising conflict in the area, should also be part of the updated knowledge base. This consideration is also relevant to several further requirements in the Standard that specifically refer to the updated knowledge base, including Requirement 1.4.
- **Requirement 2.3, 2.4:** As Section 3.1 requires companies to carry out human rights due diligence, it is logical that the information gained during that process is also included as part of these steps.
- **Requirement 2.3:** There is no reference to prevention, only to mitigation. This is an example where the zero tolerance approach is not sufficiently integrated into the Standard.
- **Requirement 2.6:** This requirement on financial assurance is too weak – “the Operator will consider.” Insurance or other forms of financial assurance should be a necessary and integral part of the Standard. This is a critical point.

**11. TOPIC II: Affected Communities**

- **Principle 3:** As noted above, we welcome the prominence given to human rights and the respect for rights in general and to the rights of indigenous and tribal peoples. We also welcome the

requirement to ‘meaningfully engage’ with affected stakeholders throughout the lifecycles of tailings facilities.

- **Requirement 3.1:**

- We also welcome the requirement to carry out human rights due diligence. But that due diligence needs to be incorporated into the knowledge base and the management measures covered in other parts of the Standard in order to be effective. Therefore it is important that there is a cross-reference added to Principle 2 and Topic III in particular.
- Footnote 12: The UN Guiding Principles on Business and Human Rights (UNGPs) are better referenced in Footnote 13 than Footnote 12. A better reference for Footnote 12 is a direct reference to the standards set out in the UNGPs or a more specific reference to UNGP Principle 12:
  - *“At a minimum, the International Bill of Human Rights (consisting of the Universal Declaration of Human Rights and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), coupled with the principles concerning fundamental rights in the eight ILO core conventions as set out in the Declaration on Fundamental Principles and Rights at Work, and depending on the circumstances, United Nations instruments on the rights of indigenous peoples; women; national or ethnic, religious and linguistic minorities; children; persons with disabilities; and migrant workers and their families and international humanitarian law.”* OR
  - UNGP, Principle 12.
  - In addition, this footnote should refer to FPIC as set out in the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007.
- Footnote 13: It is relevant to consider human rights due diligence also for the establishment and running of the tailings facility, not just its failure.

- **Requirement 3.2:**

- Add here and to the definition of PAP: *“including those **potentially** affected.”* Communities should not have to wait to be affected to be included within those meaningfully engaged.
- Add here and to the definition of PAP, *“and their representatives.”* Tailings dams issues, revising ESIA’s, etc can be very technical; communities should have the opportunity to have representatives, including those from relevant NGOs with expertise, to accompany them in the engagement process.
- We note, with satisfaction that Footnote 16 refers to “also” with respect to these matters, and that therefore the requirement to meaningful engage is not restricted to those matters but should in particular include those issues.

- **Requirement 3.3:**

- This indicates that resettlement is the first option in risk prevention. This is an inappropriate burden on communities. The Operator should prevent and minimise risk and consider alternative placement for tailings facilities as the first priority. Avoiding resettlement should be given a high priority in the alternatives analysis in Principle 2.
- While we welcome the reference to “good faith” here, we would assume that acting in good faith should apply to all Operator activities in the Standard. We would like to see this as a cross-cutting principle at the beginning of the Standard that applies to all activities and that what “good faith” means is clearly explained and elaborated on.
- There should be meaningful engagement – not just one-way communication after the fact – with any communities being considered for resettlement so that they have a say in the process. We welcome the requirement to apply international standards to the resettlement process.

- In addition, communities should have the right to request resettlement if they consider or the risk assessment shows that they are potentially at risk. This should not be a matter for exclusive Operator decision-making.
- **Requirement 3.4:**
  - The grievance mechanism should specifically refer to providing remedy. The point of establishing grievance mechanisms under the UNGPs is to identify and remedy harms. This is included in Requirement 14.3 so this should be referred to here. We note that the definition of grievance mechanism usefully includes a reference to UNGP Principle 31 that describes effectiveness criteria for an effective non-judicial grievance mechanism. ICMM has referred to these same principles in its recent guidance on grievance mechanisms.<sup>1</sup> Any operational-level non-judicial grievance mechanism should also not impede access to state-based judicial or non-judicial mechanisms or other mechanisms (such as international mechanisms) for persons who make allegations of adverse human rights impacts and it should operate on the presumption that it will not require individuals permanently to waive their legal rights to bring a claim through a judicial process as a condition of participation in a grievance/mediation process. We would recommend that this is clarified in requirement 3.4.

## 12. TOPIC III: Design, Construction, Operation and Monitoring of the Tailings Facility

- **Principle 4:** We question why the requirements under this Principle do not apply to decommissioning but as we are not technical specialist, we just raise the point for consideration.
- **Requirement 4.1(c):** Who performs the review? It should be independently verified.
- **Requirement 4.3:** We see this as one of the weakest points in the Standard, as we would expect: (i) criteria for determining what is “feasible”; (ii) suggestions here on the types of steps that can be taken to reduce risks; and/or (iii) at least that the decisions on feasibility and steps taken pursuant to 4.3 are subject to independent review and sign off. This is an area where the commitment to the “zero tolerance” principle should be incorporated into the generalised reference to “feasibility”.
- **Principle 5:** This is why it is important that the human rights due diligence carried out pursuant to Requirement 3.1 is incorporated into the knowledge base.
- **Requirement 5.3:** See comments under Requirement 1.1 above.
- **Principle 6:**
  - One of the key changes introduced by the UNGPs is around prioritising risks to human rights. With respect to human rights, probability and severity are not given equal weighting in the risk prioritization process. Instead, if there is a possibility of a very severe impact on people and their rights, even if of low probability, this is given greater weight in the prioritization process. This is clearly relevant in this scenario where there are risks of catastrophic impacts on people. These should then be given priority. Given the technical nature of this section, we do not know how to incorporate this appropriately in the detailed requirements, but as a start would suggest that the clarification in Footnote 22 is integrated into the statement of Principle 6 as follows: *“Adopt design criteria that minimize risk to people and the environment as a priority [and to the Operator].”*
  - It is likely that the UNGPs approach to prioritizing more severe but less probable risk has not (yet) made it into the draft 2019 ICOLD matrix on Consequence Classification.

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<sup>1</sup> [https://www.icmm.com/website/publications/pdfs/social-and-economic-development/191210\\_publication\\_grievance-mechanism.pdf](https://www.icmm.com/website/publications/pdfs/social-and-economic-development/191210_publication_grievance-mechanism.pdf)

- This is another area where the “zero harm” principle needs to be more explicitly incorporated into the Standard.
- **Principle 7:** This is another principle where the “zero harm” principle should come through more clearly with a similar revision to Principle 6: *“Build and operate the tailings facility to minimize risk to people and the environment as a priority [and to the Operator]”*
- **Requirement 7.8:** It would be useful to see that the review is followed by a corrective action plan. As is, there is just the review with no requirement to act on it.

### 13. TOPIC IV: Management and Governance

- **Requirement 9.1:** See comments under Point 5 above.
- **Principle 10:** We welcome this Principle.
- **Requirement 10.1:** We also welcome this requirement. However, it would be enhanced by a definition of “recovery” that also made clear that recovery applies to the affected communities and environment.
- **Requirement 10.2:** It would be useful to see specific responsibility for the zero harm principle assigned to a Board member.
- **Requirement 10.4:** The performance incentive component should also apply to senior management and board level who are responsible, not just employees and it would be usefully strengthened by adding a performance disincentive.
- **Principle 14:** We also welcome this Principle.
- **Requirement 14.3:** It would be useful to cross-reference Requirement 3.4 here. It is not quite clear what the difference is as this requirement refers to stakeholders – which could be communities as well. This section usefully refers to “swiftly resolving” and “providing remedy” that is lacking in Requirement 3.4.
- **Requirement 14.4:** This provision on whistleblower protection is most welcome. Given the rise of retributions against affected communities who are raising concerns about mining facilities, we strongly suggest that this provision is extended to cover not just reporting of violations or unsafe conditions, but also more general complaints and grievances from communities. We would welcome extending the coverage of this provision to communities and their representatives and to protection from legal retaliation.
- **Footnote 27:** You might also consider referring to the G20 High-Level Principles for the Effective Protection of Whistleblowers.

### 14. TOPIC V: Emergency Response and Long-term Recovery

- **Requirement 15.2 and 15.3:** The requirement to meaningfully engage those affected is welcome. However, the difference between “at-risk communities” and “PAPs” are not clear. It would be useful to see a cross reference to the Sendai Framework and its principles here. From a human rights point of view, first priority should be given to saving lives.
- **Requirement 15.5+:** This section is missing specific requirements on the Operator to actually responding to an emergency.
- **Requirement 16.4:** While an integrated approach to remediation, reclamation and re-establishment of functioning ecosystems is very welcome, there is no mention of the same for communities. This is a serious gap in the Standard.
- **Requirement 16.5+:** This section is missing specific requirements for the Operator to take responsibility for recovery actions and financing. This would usefully be linked to the earlier provisions on financial insurance/assurance.

## 15. TOPIC VI: Public Disclosure and Access to Information

- **Principle 17:** We welcome this Principle and consider it essential for the successful implementation of a number of other principles and requirements in the Standard.
- **Requirement 17.1:** In order to meaningfully consult stakeholders, they require access to information in an appropriate form. They also require access to draft plans so that their comments can be taken into account in finalising plans. This section does not adequately reflect that approach or Requirement 3.2 or 15.2.
- **Requirement 17.2:** Stakeholder have a right to know the risks to which they are exposed (pursuant to human rights under many constitutions and national laws) . “Reasonable” is subject to wide interpretation. It would be useful to qualify this or to put the burden on the company to explain why it will not disclose information requested by PAPs.
- **Footnote 36:** We would encourage you to move this important principle out of the footnote and into the text as by its own wording, this is a “fundamental principle.”

Thank you for your consideration of our comments in taking the next steps in finalising the Standard. We would be happy to answer any questions on our submission or contribute further to the Standard’s development.

Sincerely,

Camille Le Pors  
CHRB Lead  
World Benchmarking Alliance

