

# Consultation response

## *Part 1: Your details*

**Original language of response:** English

**Name:** Marti Flacks

**Country of residence:** United States

**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:** Non-governmental organization (NGO) – International

**If 'Other', please specify below:**

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

**Please give the name of the organization:** Business & Human Rights Resource Centre

**Your level within the organisation:** Management

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

### *Topic I: 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?**

**Your comments on Principle 1**

#### *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?**

**Your comments on Principle 2**

### *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?**

**Your comments on Principle 3**

### ***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?**

**Your comments on Principle 4**

#### ***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?**

**Your comments on Principle 5**

#### ***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?**

**Your comments on Principle 6:**

#### ***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?**

**Your comments on Principle 7**

#### ***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?**

**Your comments on Principle 9**

### **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?**

**Your comments on Principle 10:**

### **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?**

**Your comments on Principle 14:**

## ***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?**

**Your comments on Principle 15:**

### ***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?**

**Your comments on Principle 16:**

## ***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?**

**Your comments on Principle 17:**

## ***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)***

Thank you for the opportunity to comment on the draft Global Tailings Standard (GTR Standard). The Business & Human Rights Resource Centre is a non-profit civil society organization based in the United Kingdom with researchers based in more than 15 countries, including Brazil. Our purpose is to promote respect for human rights in business operations, and our website serves as a global knowledge hub for human rights advocates around the world. In addition to increasing transparency around business conduct and promoting accountability for abuses where they occur, we seek to empower and amplifying the voices of affected individuals, workers, and communities in global discussions around business and human rights. To that end, we welcome the Global Tailings Review process and the development of a global standard designed to prevent the kind of tragedies that have taken place in Brazil.

Critical to the prevention and mitigation of harm is a holistic approach to due diligence that considers not just the technical, but also the social, environmental, and governance factors that contribute to these disasters. The root cause of the catastrophic 2010 BP oil spill in the Gulf of Mexico was not the failure of a blowout preventer on an oil rig; likewise the collapse of the Rana Plaza apparel factory in Bangladesh did not kill more than 1,000 workers because of a cracked foundation. Rather, systematic failures of effective internal and external governance and accountability, and failure to

listen to the voices of potentially affected workers and communities, allowed these risks to go unassessed and unaddressed.

With this in mind, we write today in support of the important comments submitted on the GTR Standard by the Corporate Human Rights Benchmark (CHRB). In particular, we echo the CHRB's emphasis on the inclusion of human rights and a broad focus on social and environmental impacts in the GTR Standard, without which the Standard would be incomplete. Likewise, we strongly agree on the importance of giving prominence to the voices of affected AND potentially affected communities in the GTR Standard. These communities not only have the most at stake in decisions around tailings dams, they also know better than anyone the potential risks and therefore serve as a critical voice in decision-making. This inclusive approach is critical for the GTR to be successful. We therefore affiliate ourselves with these and other comments submitted by the CHRB.

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

ref:0000001175:Q83

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



31 December 2019

To Whom It May Concern:

Thank you for the opportunity to comment on the draft Global Tailings Standard (GTR Standard). The Business & Human Rights Resource Centre is a non-profit civil society organization based in the United Kingdom with researchers based in more than 15 countries, including Brazil. Our purpose is to promote respect for human rights in business operations, and our website serves as a global knowledge hub for human rights advocates around the world. In addition to increasing transparency around business conduct and promoting accountability for abuses where they occur, we seek to empower and amplifying the voices of affected individuals, workers, and communities in global discussions around business and human rights. To that end, we welcome the Global Tailings Review process and the development of a global standard designed to prevent the kind of tragedies that have taken place in Brazil.

Critical to the prevention and mitigation of harm is a holistic approach to due diligence that considers not just the technical, but also the social, environmental, and governance factors that contribute to these disasters. The root cause of the catastrophic 2010 BP oil spill in the Gulf of Mexico was not the failure of a blowout preventer on an oil rig; likewise the collapse of the Rana Plaza apparel factory in Bangladesh did not kill more than 1,000 workers because of a cracked foundation. Rather, systematic failures of effective internal and external governance and accountability, and failure to listen to the voices of potentially affected workers and communities, allowed these risks to go unassessed and unaddressed.

With this in mind, we write today in support of the important comments submitted on the GTR Standard by the Corporate Human Rights Benchmark (CHRB). In particular, we echo the CHRB's emphasis on the inclusion of human rights and a broad focus on social and environmental impacts in the GTR Standard, without which the Standard would be incomplete. Likewise, we strongly agree on the importance of giving prominence to the voices of affected AND potentially affected communities in the GTR Standard. These communities not only have the most at stake in decisions around tailings dams, they also know better than anyone the potential risks and therefore serve as a critical voice in decision-making. This inclusive approach is critical for the GTR to be successful. We therefore affiliate ourselves with these and other comments submitted by the CHRB.

Sincerely,

Marti Flacks  
Deputy Director & Head of North America Office  
Business & Human Rights Resource Centre

London office:  
2-8 Scrutton St, 2<sup>nd</sup> Floor London EC2A 4RT  
+44 (20) 7636-7774  
Registered Charity 1096664 in England & Wales

New York office:  
120 Wall Street, 16<sup>th</sup> Floor, NY, NY 10005  
+1 (212) 564 9160  
501(c)(3) non-profit organization in the United States

Researchers based in Australia, Brazil, Cambodia, Colombia, Egypt, Hong Kong, India, Jordan, Kenya, Mexico, Philippines, Senegal, South Africa, United Kingdom, Ukraine, United States