

Comments on Tailings Discussion Paper.

Text (page 2): Topic Area 2 also requires respect for individual rights and the collective rights of local, indigenous and tribal peoples who may own, occupy or use land or natural resources at or near a tailings facility site, or downstream areas that may be affected by a failure. To demonstrate this respect, project affected people must be afforded opportunities for meaningful engagement in decisions that affect them. The requirements outlined in Topic Area 2 are intended to be cross-cutting and ongoing throughout the tailings facility lifecycle.

Response: strongly agreed. The requirement for ongoing engagement throughout the tailings facility life cycle (including through the rehabilitation phase) is strongly supported.

Text (page 3): Topic Area 6 requires public access to information about tailings facilities to fairly inform internal and external stakeholders about risks and potential impacts, management and mitigation plans, and performance monitoring. Operators must respond in a systematic and timely manner to all reasonable stakeholder requests for information. The Standard concludes by requiring that Operators commit to transparency, and participate in global initiatives to create standardized, independent, industry-wide and publicly accessible databases, inventories, and information about tailings facilities.

Response: strongly agreed.

Text (page 26): Reclamation Refers to the process of restoring land to a useable state. Further measures are required to restore land to the state prior to exploitation including the restoration of functional ecosystems.

Remediation Refers to the immediate approach to neutralize hazards after a tailings failure incident (of any scale).

Response: These definitions are used throughout the report and suggest that the tailings dam life cycle extends from design, through construction and operation to remediation and reclamation. See also the definition of the tailings life cycle on page 27. The definitions raise the issue of a difference between a 'usable state' and the 'pre-exploitation state of the land'. **The proposed global standards should make clear that notwithstanding any minimum legislative requirements, the default objective ought to be to restore the tailings facility to its pre-exploitation state within a set period (which will inevitably extend well beyond the expiry of the resource development.** An important issue that appears to be left vague in the current draft is the issue of who is responsible for the post reclamation work required prior to further use of the land post reclamation (even if the current default of 'reclamation' was retained).

Text (page 31): Table 1 Consequence Classification Matrix

Response: The matrix omits any mention of the potential impacts on sites of cultural or religious significance. This should be remedied.