

Comparison of RJC Code of Practices and ‘The Golden Rules’ (No Dirty Gold campaign) and IRMA drafts

N.B. As at February 16th, 2010, no IRMA Drafts have been finalised, i.e. endorsed as reflecting a consensus between all IRMA participants.

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Colour Key:

- Fully meets Golden Rules
- Partially meets Golden Rules
- Gaps

Golden Rules	RJC Code of Practices (COP)	Further information on RJC COP	IRMA drafts
Respect basic human rights outlined in international conventions and law.	Relevant provisions: <ul style="list-style-type: none"> • COP 2.1 Human Rights • COP 2.11.4 Rights-compatible complaints and grievance mechanisms • COP 4.4 Impact Assessment 	<ul style="list-style-type: none"> • RJC requires respect for human rights according to the United Nations Universal Declaration of Human Rights (UDHR). • Mining companies must ensure affected communities have access to rights-compatible complaints and grievance mechanisms at the local level. • For mining companies, social impact assessments and management plans should include assessment of human rights, gender and conflict. 	<ul style="list-style-type: none"> • No draft standard currently available on human rights.
Obtain the free, prior, and informed consent of affected communities.	Relevant provisions: <ul style="list-style-type: none"> • COP 2.11 Community engagement and development • COP 2.13 Indigenous Peoples 	<ul style="list-style-type: none"> • RJC COP requires free, prior and informed consultation with affected communities. • For affected Indigenous Peoples, mining companies are required to obtain and formally document broad-based support. • Comments on Free Prior Informed Consent (FPIC): FPIC has been incorporated into the United Nations Declaration on the Rights of Indigenous Peoples, and the International Labour Organization’s Indigenous and Tribal Peoples Convention 169. Each of these instruments relates to the relationship between Indigenous Peoples and nation-states. They do not extend to 	<ul style="list-style-type: none"> • No draft standard currently available on FPIC.

		<p>every type of community.</p> <ul style="list-style-type: none"> • The implementation of FPIC by the private sector remains challenging. Most nations reserve the right of development consent to the sovereign state and do not see it as a matter to be brokered by third parties (eg mining companies). • The lack of an internationally-applicable definition of how a non-statutory FPIC process is to be verified presents a major challenge for adoption as an auditable standard. • For these reasons RJC has not adopted a standard based on FPIC at this time. 	
Respect workers' rights and labor standards, including safe working conditions.	<p>Relevant provisions:</p> <ul style="list-style-type: none"> • COP 2.2 Child Labour and Young Persons • COP 2.3 Forced Labour • COP 2.4 Freedom of Association and Collective Bargaining • COP 2.5 Discrimination • COP 2.6 Health and Safety • COP 2.7 Discipline and Grievance Procedures • COP 2.8 Working Hours • COP 2.9 Remuneration • COP 2.10 General Employment Terms 	<ul style="list-style-type: none"> • RJC COP includes the 8 ILO Conventions which form the Fundamental Principles and Rights at Work. • COP provisions on discipline and grievance procedures, working hours, remuneration and general employment terms are in line with the standards of SA8000. • There are extensive provisions on health and safety which require companies to provide safe and healthy working conditions for all employees. 	<ul style="list-style-type: none"> • Draft 'Labor' standard (Sep 2009) refers to IFC Perf. Standard 2 (draws on 8 ILO Conventions); and ILO Convention 176 (Safety and Health in Mines), Part III
Ensure that operations are not located in areas of armed or militarized conflict.	<p>Relevant provisions:</p> <ul style="list-style-type: none"> • COP 2.12 Use of Security Personnel • COP 4.4 Impact Assessment 	<ul style="list-style-type: none"> • RJC requires that security risk assessments are conducted and that security personnel operate in accordance with the Voluntary Principles on Security and Human Rights. • For mining companies, social impact assessments and management plans should include assessment of human rights, gender and conflict. • No single overarching, legal or voluntary instrument has 	<ul style="list-style-type: none"> • Draft 'Security_Rights' (Sept 2009) refers to Voluntary Principles on Security and

		<p>emerged to date on how to conduct business in unstable states in a way that minimises conflict risk.</p> <ul style="list-style-type: none"> • Because of the dynamic nature of conflict, and that mining activities can inadvertently trigger or sustain conflict after operations have commenced, the RJC has focussed its standards on conflict-sensitive management approaches. • The RJC intends to continue discussions on this issue with key stakeholders. 	Human Rights.
Ensure that projects do not force communities off their lands.	<p>Relevant provision:</p> <ul style="list-style-type: none"> • COP 2.11.3 Resettlement 	<ul style="list-style-type: none"> • The RJC COP requires mining companies to avoid or otherwise minimise involuntary resettlement. Where resettlement is unavoidable, it should be consistent with International Finance Corporation (IFC) Performance Standard 5. 	<ul style="list-style-type: none"> • Draft 'Resettlement' (Sep 2009) also focuses on IFC Performance Standard 5. Civil society participants in IRMA argue to allow only for voluntary resettlement, but this appears still contested.
Ensure that projects are not located in protected areas, fragile ecosystems, or other areas of high conservation or ecological value.	<p>Relevant provision:</p> <ul style="list-style-type: none"> • COP 3.5 Biodiversity 	<ul style="list-style-type: none"> • The RJC does not allow exploration or mining in World Heritage Sites. • Mining companies must respect legally designated protected areas. • Key biodiversity areas within operating boundaries require biodiversity action plans. • Mining activities must not lead to the extinction of a species listed by the IUCN as threatened. • Rehabilitation should aim to establish a sustainable native ecosystem, or other post-mining land use developed through 	<ul style="list-style-type: none"> • Draft 'World Heritage – Biodiversity' (Sept 2009) covers only World Heritage in initial proposal. • Civil society comments

		engagement with key stakeholders.	propose extensive additions re biodiversity. The summary note is: <i>Does IRMA want to complete a Biodiversity Standard at this time?</i>
Refrain from dumping mine wastes into the ocean, rivers, lakes, or streams.	Relevant provisions: <ul style="list-style-type: none"> COP 3.3.4 Tailings management 	<ul style="list-style-type: none"> RJC COP prohibits tailings and mine wastes being disposed in rivers or streams at new Facilities. Where carried out at any existing Facilities, these sites cannot be covered by certification. Submarine tailings disposal can only be carried out under conditions where it scientifically demonstrated that significant adverse effects do not result. Tailings and waste rock facilities must be structurally stable and protect the surround environment and local communities. 	<ul style="list-style-type: none"> No draft standard currently available on tailings or mine wastes.
Ensure that projects do not contaminate water, soil, or air with sulphuric acid drainage or other toxic chemicals.	Relevant provisions: <ul style="list-style-type: none"> COP 3.3 Wastes and Emissions 	<ul style="list-style-type: none"> Wastes must be responsibly managed and disposed of in compliance with applicable law. Companies will seek to decrease emissions to air, water and land relative to production output. Mining wastes must be physically and geochemically characterised so as to identify and manage potential impacts arising from acid rock drainage or metal leaching. 	<ul style="list-style-type: none"> No draft standard currently available on mine wastes or acid drainage.
Cover all costs of closing down and cleaning up mine sites.	Relevant provisions: <ul style="list-style-type: none"> COP 4.5 Mine Closure Planning 	<ul style="list-style-type: none"> Requires that adequate resources, including financial resources, are available to meet closure and rehabilitation requirements. 	<ul style="list-style-type: none"> No draft standard currently available on mine closure.
Fully disclose information about social and	Relevant provision: <ul style="list-style-type: none"> COP 2.11 Community 	<ul style="list-style-type: none"> Mining companies must carry out community engagement during project life-cycle and ensure communities are informed. 	<ul style="list-style-type: none"> Draft 'Company-GRI'

environmental effects of projects.	<p>Engagement and Development</p> <ul style="list-style-type: none"> • COP 4.4 Impact Assessment • COP 4.6 Sustainability Reporting 	<ul style="list-style-type: none"> • Impact assessment provision requires analysis and disclosure of potential social and environmental effects of new projects. • Mining companies must report annually on their sustainability performance using the Global Reporting Initiative (GRI) guidelines. The reports must have external assurance. 	(Sept 2009) requires company level reporting under GRI. No draft impact assessment standard currently available.
Allow independent verification of the above.	RJC Certification depends on verification of conformance with the RJC Code of Practices, carried out by independent third party auditors. The Auditor Accreditation process, and all information relating to verification and certification, are publicly available on the RJC website.	The RJC CoP is verified by independent audit, in accordance with international best practice and in precisely the same manner as other third-party certification systems such as ISO and FSC. For detailed information on the RJC Certification Process, and the assessments which underpin it, see the RJC Certification Handbook, RJC Assessment Manual, and RJC Assessment Workbook.	<ul style="list-style-type: none"> • IRMA proposes independent verification model. Details not yet available.

References

No Dirty Gold campaign, The Golden Rules, <http://www.nodirtygold.org/goldenrules.cfm>, Accessed 15 February, 2010.

Responsible Jewellery Council (RJC), RJC Principles and Code of Practices (2009), <http://www.responsiblejewellery.com/certification>.

Initiative for Responsible Mining Assurance (IRMA) <http://responsiblemining.net/index.html>, Accessed 15 February, 2010. N.B. The draft IRMA standards are located in a password protected area marked "For Members".