

Responsible Jewellery Council (RJC)

Mining Supplement – Standards Development

Report on second round of public consultation – July to August 2009

Inquiries please contact: Dr Fiona Solomon, RJC Standards Development Director, fiona.solomon@responsiblejewellery.com

1. Background

During 2008 and 2009 the RJC has sought comment on the first draft of a 'Mining Supplement' from individuals and organisations interested in the responsible mining of diamonds and gold. The Mining Supplement will become part of the RJC's system for certifying responsible business practices for the diamond and gold jewellery supply chain. The RJC aims to begin operating its certification system in December 2009.

The Mining Supplement will expand the RJC's current Code of Practices to cover additional mining specific issues. The RJC Code of Practices already outlines standards for responsible ethical, social, human rights and environmental practices that are applicable to RJC Members, who come from all parts of the jewellery supply chain.

Two 60 day public comment periods were held in September-October 2008 and July-August 2009. A third and final 30 day public comment period will commence in late September 2009.

2. Consultative Panel

A Consultative Panel for the Mining Supplement was established in July 2009. Participants in the Consultative Panel were invited on the basis of input into the first round of public consultation for the Mining Supplement and/or their past engagement in dialogues about mining-related standards, verification and certification. The Consultative Panel is working closely with the RJC Standards Committee to further develop the draft standards and guidance, as the RJC works towards finalisation of the Mining Supplement for December 2009.

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The Panel includes the participation of the following:

- Okyeame Ampadu-Agyei, Corporate Social Responsibility Adviser, Ghana
- Assheton Stewart Carter, Vice President Corporate Community Engagement, Pact
- Christine Charles, Board Member, Aboriginal Enterprise in Mining Energy and Exploration
- Cristina Echavarría, Executive Director, Alliance for Responsible Mining
- Julie Gelfand, Vice President Sustainable Development, Mining Association of Canada
- Dorothée Gizenga, Executive Director, Diamond Development Initiative International
- Felix Hruschka, Standards Co-ordinator, Alliance for Responsible Mining
- Deanna Kemp, Senior Research Fellow, Centre for Social Responsibility in Mining, University of Queensland
- Estelle Levin, Director, Resource Consulting Services
- Georgina Pearman, Post-Mining Alliance, Eden Project
- Gordon Peeling, Chief Executive Officer, Mining Association of Canada
- Andrew Rouse, Resource Conservation Manager, WWF Australia
- Ian Smillie, Chair, Diamond Development Initiative International

RJC Members:

- Rob Headley, Chief Operating Officer, Jewelers of America (*Co-Chair RJC Standards Committee*)
- Andrew Parsons, Environmental Policy Advisor, AngloGold Ashanti (*RJC Standards Committee*)
- Mick Roche, Global Practice Leader – Stewardship, BHP Billiton (*Co-Chair RJC Standards Committee*)

Support:

- Michael Rae, Chief Executive Officer, RJC
- Fiona Solomon, Standards Development Director, RJC

3. This report

The development of the Mining Supplement is underpinned by a process of stakeholder consultation and engagement. The RJC commits to:

- be open and transparent in its standards development process for the Mining Supplement
- encourage and facilitate input from a wide range of interested and affected parties
- treat input from interested and affected parties with integrity and respect, and
- report publicly on submissions received, including how comments have been addressed in subsequent drafting.

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This public report details the feedback received and how these have been addressed in the next draft of the Mining Supplement.

4. **Comments received from Consultative Panel and through public comment process**

- RJC sincerely thanks all those who contributed their comments to the Mining Supplement process.
- Comments have been grouped into topic areas, and tabulated.

General

Name	Comment	RJC action/response
Deanna Kemp, Centre for Social Responsibility in Mining, UQ 16/8/09	<ul style="list-style-type: none"> • Glossary. There are several terms that do not appear in the glossary. For example, 'worker' is defined, whereas 'community' is not. Similarly, where technical terms are defined, concepts such as 'development' and 'engagement' and 'rights-compatible' are not. These terms are explained in Guideline, but short definitions would put these terms on par with other key terms, and might assist during an assessment/audit process as a quick reference. • There is inconsistent capitalization of Indigenous Peoples in some places as well as Mining Facilities in some places. • Definition of risk– Does risk cover risk to the business <i>and</i> risk to society and the community? Could the latter risks be overlooked in an audit? 	<ul style="list-style-type: none"> • Thanks for spotting these omissions – added definitions for these. • Checked and corrected. • There are 2 risk assessment templates provided in the published Guidance available on the website (not included in the Mining Supplement drafts, so as not to make these too long for people). One is a general risk assessment, which does extend to society, community, environment etc. The other is a risk assessment focused on Business Partners which is framed in terms of risk to the Member's business. Most of the references to risk assessment in the guidance will be in terms of the first, general risk assessment which is inclusive. We will highlight these issues in the training to auditors and

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		Members.
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P. 28/8/09	<p>Northwest & Ethical Investments L.P. would like to commend the Responsible Jewellery Council (RJC) for developing a responsible jewellery certification system and for twice seeking input on the associated Mining Supplement¹. As an investor in mining companies, we would like to offer our comments on the June 29 consultation draft. Noting that no investor input was generated during the first round of consultation, we believe that our unique perspective may add value to the process.</p> <p>With over C\$4 billion in assets under management, Northwest & Ethical Investments L.P. is Canada's largest socially responsible mutual fund company. As a responsible investor, we share the RJC's objective to "advance responsible ethical, social and environmental practices". Our approach to investing incorporates the thesis that companies integrating best environmental, social and governance (ESG) practices into their strategy and operations will provide higher risk-adjusted returns over the long term. Through our evaluations, proxy voting activities, corporate engagements and policy submissions, we are experienced in encouraging companies to incorporate ESG best practices – including companies in the mining sector.</p> <p>Given that 57% of the world's publicly-traded mining companies are listed on Canadian exchanges², and that significant environmental and social risks are associated with the industry, engagement with the mining sector forms a major focus of our work. Examples of our achievements in this area include encouraging Barrick Gold to adopt and implement a progressive HIV/AIDS policy for its international workers, and convincing Goldcorp to assess community impacts through a human rights impact assessment³.</p> <p>One way in which we seek to improve sustainability performance is by participating in consultations on industry standards. In the following pages we set out our perspective on the RJC Principles and Code of Practices as well as comments on additions to the RJC Standards Guidance.</p>	<ul style="list-style-type: none"> • Thankyou – the investment perspective is indeed very valuable.

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	<p>In general, we feel that the revised Principles and Code of Practices benefits from the added sections and the inclusion of international principles. References to the Extractive Industries Transparency Initiative (EITI), the International Finance Corporation Performance Standard 5 and the Voluntary Principles on Security and Human Rights are appropriate additions. Moreover, all the new sections in the mining supplement, including those dealing with Indigenous Peoples, Artisanal and Small-scale Mining, and Biodiversity, help to strengthen the document.</p> <p>[comments on individual sections grouped in tables below]</p> <p>In conclusion, we thank the Responsible Jewellery Council for this opportunity to bring our investor perspective to the development of standards for the jewellery supply chain. While we believe the suggestions outlined earlier would enhance the draft, we see much merit in the RJC Mining Supplement. We look forward to the publication of the final document and hope that more mining companies will become members of the Responsible Jewellery Council.</p> <p>Reporting on all our corporate dialogues can be found at: https://www.ethicalfunds.com/en/Investor/ChangingTheWorld/DifferencesWeMake/MakingGoodCompaniesBetter/Pages/FocusList_2009.aspx.</p>	
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Other – existing COP

Name	Comment	RJC action/response
Mila Bonini, RJC 5/7/09	Standards Guidance: Add reference to ICMM Guidance on Health Risk Assessment to Health and Safety: http://www.icmm.com/page/14733/new-guidance-on-health-risk-assessment	Added to Health and Safety guidance.
Fiona Solomon, RJC 5/7/09	Standards Guidance: Add reference to ICMM publication on mining and	Added to Community Engagement and Development guidance.

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	human rights: http://www.icmm.com/page/14855/icmm-presents-new-guidance-note-on-mining-and-human-rights	
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	<p>COP:</p> <ol style="list-style-type: none"> 1. In Background: ARM's vision and Principles for Responsible ASM 2. Principles: add - We will engage in a positive manner with artisanal and small scale miners in our vicinity, contributing to the improvement of their operations 3. COP 1.1.5: Question over Facilitation Payments 4. COP 1.2.3: This is not enough to recognise breach of human rights, etc. from suppliers who are not RJC certified. Need a due diligence. 5. COP 3.2.1: Is this a specific reference to mercury? If so the standards should commit all RJC certified members to commit to clear steps to reduce, mitigate and eventually eliminate the use of mercury in gold recovery, as well as to the safe and traceable disposal of mercury from their ores Eg. Yanacocha gold has mercury as a secondary product. 6. COP 3.2.3: All cyanide should be neutralised before tailings are disposed of in dams to prevent leakage into groundwater or water poisoning in the event of tailings failure. 7. COP 4.3.1: Due diligence to evaluate risk posed by potentially unacceptable practices by non certified business partners needs to be standardised and transparently reported. 	<ol style="list-style-type: none"> 1. Added to list of initiatives. 2. Added to Principles. 3. Not sure of the exact question here, but note that Facilitation payments are defined in the RJC Glossary as: 'Facilitation payments are paid to receive preferential treatment for something that the payment receiver is otherwise still required to do.' This definition comes from Transparency International. The guidance discusses these issues further. 4. This aspect covered in COP 4.3 on Business Partners, which requires Members to consider risks of significant business partners eg human rights breaches, and promote responsible practices. 5. Hazardous substances does include mercury – a full list can be found in the guidance. While it is not subject to an international ban (COP 3.2.1), it falls under COP 3.2.2 to find alternatives and COP 3.3 Wastes and Emissions to reduce etc and manage responsibly in compliance with applicable law. Have also added reference to UNEP Global Mercury Partnership and RJC

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		<p>support/participation to guidance for 3.2 Hazardous substances, and discussion of mercury in jewellery supply chain.</p> <p>6. The Cyanide Code is an international initiative developed through a multi-stakeholder process. It includes a series of standards designed to manage cyanide process solutions and waste streams to protect human health and the environment. Have added more discussion on the Code to guidance.</p> <p>7. Sample risk assessment templates have been provided in guidance, which is provided to encourage a standardised approach. The risk assessments will be objective evidence for the auditors to verify. However public reporting on these assessments would be at discretion of Member, due to potentially commercial in confidence information.</p>
Kirsten Hund, WWF CARPO 14/8/09	Am I correct that I can't find any reference to doing business in conflict zones? There is of course the KP, and reference to the VPs, but that is more of a symptomatic approach, and doesn't deal with the more structural kind of problems that, for example, Anglo Gold Ashanti has faced in the DRC, when they were accused of funding rebel groups.	<p>As you say, apart from KP and VPs there is no specific provision on mining in conflict zones.</p> <p>Have used the reference suggested to add significantly to the guidance for COP 2.12 Use of Security Personnel.</p> <p>The Consultative Panel discussed the possibility</p>

	<p>I would strongly recommend adding a clause on this.</p> <p>The most comprehensive and practical documentation on this is International Alerts' Material: hereby the link to their toolkit: ' conflict sensitive business practice: guidance for extractive industries'</p> <p>http://www.international-alert.org/pdfs/conflict_sensitive_business_practice_all.pdf</p> <p>I would strongly recommend RJC mining operation to make use of this tool when operating in conflict (prone)-including post-conflict zones.</p> <p>But maybe I have completely overlooked provisions referring to this already?</p>	<p>of adding an additional provision during a teleconference on 10/9/09, however agreed that it is very difficult to be too prescriptive in the area of mining in conflict zones – as the circumstances can be complex and very variable. The additional text in the guidance discusses these issues in significantly more detail. Suggestions to further improve this section welcome.</p>
<p>Julie Gelfand, Mining Association of Canada 20/8/09</p>	<p>Scope: Environmental Performance.</p> <ul style="list-style-type: none"> • Remove P from pollution. • Add in some text related to protecting biodiversity and conserving habitats <p>1. Business Ethics</p> <p>1.1.4 Facilitation. We assume that this comes from the US Foreign Corrupt Practices Act which prohibits bribery but accepts "facilitation" payments (strictly defined). Is this correct?</p> <p>Environmental Performance</p>	<ul style="list-style-type: none"> • Scope: Capitalised terms indicate defined terms in glossary, so that was the reason. However it is probably distracting in this section (also Biodiversity, human rights, workers etc are now also defined), so have kept to lower case as suggested. • Scope: added 'protecting biodiversity' to the Scope. • 1.1.4: Yes and similar legislation in other countries. Facilitation payments are defined in the RJC Glossary as: 'Facilitation payments are paid to receive preferential treatment for something that the payment

	3.3.1 What international standards are being referenced here?	<p>receiver is otherwise still required to do.’ This definition comes from Transparency International. The guidance discusses these issues further.</p> <ul style="list-style-type: none"> The Standards Guidance refers to the Basel Convention and the Bamako Convention, which mainly refer to hazardous wastes. However these are not meant to be exhaustive – perhaps you have additional suggestions.
Kirsten Hund, WWF CARPO 21/8/09	<ul style="list-style-type: none"> COP: background: Suggest to also add the IFC Environmental, Health and Safety (EHS) guidelines as well Scope – add ‘preserve biodiversity’ Add a clause on (armed) conflict: measures that will be taken to prevent mining operations from exacerbating tensions that create armed conflict. (see a.o: http://www.international-alert.org/pdfs/conflict_sensitive_business_practice_all.pdf). 2.12 ?? Why only in situations of ongoing unrest and conflict? The VP s are developed ‘to guide Companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms’ . I would assume that in any situation where a company employs its own armed security personnel, they should be trained in, and adhere to the VPs. Add a provision recommending all Mining company’s that are member of CRJP to sign up to the VPs. (most already have anyway). 3.1: propose delete ‘wherever appropriate’ 3.2.1: Mercury? to commit to reduce, mitigate and eventually eliminate the use of mercury in gold recovery, as well as to the safe and traceable disposal of mercury from their ores 	<ul style="list-style-type: none"> Added to list of initiatives. Added ‘protecting biodiversity’, see comment by Julie Gelfand above. Have used the reference suggested to add significantly to the guidance for COP 2.12 Use of Security Personnel (see your earlier comment 14/8/09). Probably written as such to cover situations of non-mining Members. Since VPs relate to the extractive industries, have redrafted to cover Members with Mining Facilities and deleted ‘situations of ongoing unrest and conflict). During Consultative Panel teleconference 3/9/09, the proposal to become a signatory was thought less important than actually carrying out the requirements of the VPs. Included phrase ‘where appropriate’ to cater for parts of supply chain eg small business and/or single proprietors eg in

	<ul style="list-style-type: none"> 3.2.3: Need to be more specific about elimination efforts of cyanide in tailings 	<p>retail or trading, where management systems are not appropriate/necessary. Added comment to guidance for 3.1 re that this is appropriate/ required for Mining Facilities, which hopefully addresses the concern.</p> <ul style="list-style-type: none"> Mercury already falls under COP 3.2.2 to find alternatives and COP 3.3 Wastes and Emissions to reduce etc and manage responsibly in compliance with applicable law. Have also added reference to UNEP Global Mercury Partnership, and RJC support/participation, to guidance for 3.2 Hazardous substances, and discussion of mercury in jewellery supply chain. Added more discussion of ICMI in guidance ie what it covers.
Andrew Rouse, WWF Australia 21/8/09	1. 3.1 – propose additional 3.1.2 Members will undertake an Environmental Impact Assessment (EIA) prior to commencing on-site activity.	<ul style="list-style-type: none"> These issues have been grouped under COP 4.4 Impact Assessment.
Consultative Panel teleconference 21/8/09	COP 2.12 – Use of Security Personnel Mine security approaches must be ASM sensitive;	<ul style="list-style-type: none"> Added point to guidance for COP 2.12.
Estelle Levin, Resource Consulting Services 24/8/09	1.1.4 - And what happens if a whistleblower IS then demoted or suffers a penalty or adverse consequences? Should there be a whistle-blowing policy to which the company is committed and can be held accountable? It is one thing to SAY that whistle-	<ul style="list-style-type: none"> 1.1.4 This is a valid point. In some jurisdictions, eg UK, whistleblowers are protected under law. As this is a general issue beyond the Mining Supplement,

	<p>blowers won't suffer, but quite another thing to stick to your word when it happens.</p> <p>1.3 I realise this section is specifically on the KP, but what about conflict gold? Obviously there is no global system to deal with this as there is for diamonds so companies could not be required to adhere to the same level of non-engagement. However, could there be a requirement for companies to have a policy to deal with conflict gold, should they find that it enters their supply chain? For example, there is clear evidence that the FDLR makes most of their money from the Congo's gold industry. This gold ends up being laundered through conventional gold supply chains coming out of Burundi, Uganda, Tanzania, Sudan, etc.</p> <p>So this relates to BUYING conflict gold.</p> <p>I agree with Kirsten on the need for something relating to mining facilities OPERATING in conflict areas.</p> <p>2.9.5 Whose due process?</p> <p>2.9.6 change 'not' to 'neither directly nor indirectly'. I think this needs to be elaborated upon. For example, it would be possible to indirectly force employees to buy provisions from the member's own business or facilities by undermining markets in the locality. Not suggesting that this is likely to happen, but it is a possibility.</p>	<p>propose that this be looked at in the next review of the COP for 2011. The guidance does note, under 'Suggested Management Approach':</p> <p>Develop a written policy on bribery and facilitation payments. Use the policy to explain the importance of the issue, the aims of the policy, the expectations of employees and agents, and the main processes established. Identify relevant legislation in all jurisdictions of operation and emphasise compliance with the law. Where facilitation payments are not legally prohibited, aim to limit their nature and scope, and ultimately eliminate them. Make clear that employees will not suffer any adverse consequences for voicing a concern or refusing to pay bribes or facilitation payments, even if the enterprise may lose business as a result. Outline appropriate sanctions to be applied to any employee who may engage in bribery or attempted bribery.</p> <ul style="list-style-type: none"> 1.3 Agree this is an important issue which has a lot of interest. However it is a difficult one because as you say no system currently exists for 'conflict' gold, and often supply chains are fragmented such that provenance is usually unknown – no matter how much customers along the chain eg refiners, manufacturers, retailers, consumers would like this information. RJC plan to look at chain of custody issues from
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		<p>2010 and this issue will become part of that work program – we would welcome your ongoing engagement in it.</p> <ul style="list-style-type: none"> • Re operating in conflict areas, have expanded guidance for 2.12 Use of Security Personnel. • 2.9.5 – the guidance includes the following: Any amounts deducted from wages must be determined by due process. Legitimate deductions include income taxes, pension contributions and union membership, for example. Examples of unacceptable deductions under the RJC Code of Practices are recruitment fees either to the employer or agencies, charges for personal protective equipment, and any form of deposit or advance on equipment. Deductions should not be made as a disciplinary measure for employee behaviour, except where explicitly provided for in employee contracts or collective agreements. Workers must not be forced to buy provisions or services from their employer or workplace. Overall, it is important to ensure that deductions do not result in workers' payments being below the minimum wage. • 2.9.6 Can see the point being made, but not sure if 'indirectly forces' will be auditable. What if this includes situations outside of the Member's control eg market failure not due to actions of the business? How will this be judged? Directly forcing employees to buy provisions is more clear-cut (and is not permitted).
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P.	<p>COP 1.3 Kimberley Process</p> <p>The section on the Kimberley Process naturally and appropriately focuses solely on diamonds. There is no mention of the issue of gold, precious stones (other than diamonds), and</p>	<ul style="list-style-type: none"> • 1.3 Agree this is an important issue which has a lot of interest. However it is a difficult one, because no system currently exists for

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28/8/09	<p>other metals obtained from conflict zones. Companies may face the risks of increased regulation, reduced community support, and reputational damage if they are associated with any type of conflict metal or mineral. Given the increasing attention to 'dirty gold', as well as the inclusive nature of RJC's jewellery certification, it would be appropriate to widen the scope of this section to encompass the principle that members should not knowingly buy or sell any precious stones or metals that fund conflict.</p> <p>COP 2.12 – Use of Security Personnel In this section, we note the lack of additional content. Given the significant financial, reputational, and human rights risks associated with the use of security personnel, it would be beneficial to include further background information and recommendations regarding interaction of mining security with police and/or military forces - particularly where police and/or military forces use mine facilities, or are otherwise supported by the mine.</p>	<p>'conflict' gold or coloured stones, and often supply chains are fragmented such that provenance is usually unknown – no matter how much customers along the chain would like this information. RJC plan to look at chain of custody issues from 2010 and this issue will become part of that work program – we would welcome your ongoing engagement in it.</p> <ul style="list-style-type: none"> • Have added an extra section on public security (ie policy, military) to the guidance for COP 2.12.
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COP 1.6 – Extractive Industries Transparency Initiative

Name	Comment	RJC action/response

COP 2.6.8 – Emergency and Crisis Management

Name	Comment	RJC action/response
Kirsten Hund, WWF CARPO 21/8/09	<p>In the Standard guidance any reference to communities is missing. A communication plan should be put in place to make sure</p>	<ul style="list-style-type: none"> • Have added sentences (re communications plan and that communities should know what to do in the case of an emergency), to section

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	potentially affected communities are involved in the development of the ERP, and know what to do in case of an emergency.	D of the draft guidance. In addition, there appear to already be many references to involvement of local communities.
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COP 2.11 – Community Engagement and Development

Name	Comment	RJC action/response
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	COP 2.11.3: Needs a provision for engagement and consent from communities for resettlement.	Intent of IFC Performance Standard 5 (Land Acquisition and Involuntary Resettlement) is to provide detailed guidance on engagement and process for resettlement, however this does allow for involuntary resettlement. The standard does encourage negotiated settlements wherever possible.
Deanna Kemp, Centre for Social Responsibility in Mining, UQ 16/8/09	<p><i>Standard:</i></p> <ul style="list-style-type: none"> 2.11 (4) Current wording: “Mining Facilities will provide affected communities with access to” – Suggest re-wording to: “Mining Facilities must ensure that communities have access to” The use of the word ‘provision’ suggests that Facilities should provide mechanisms, but in the development of a local-level mechanism the emphasis should be on collaboration. RJC explains in feedback to that this clause relates to operational-level/project-level mechanisms. To avoid confusion, perhaps this language could be used in the text? <p><i>Guidance</i></p>	<p>Standard</p> <ul style="list-style-type: none"> Have amended as suggested. <p>Guidance</p>

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	<ul style="list-style-type: none"> • Sub-head – Community Engagement in Mining <ul style="list-style-type: none"> ○ Bottom of Page 17 – Consider adding ‘rights-compatible’ to the list under “When planning community engagement approaches, particular attention should be given to making sure that they are:....” ○ The emphasis on ‘key stakeholders representing broad issues or groups’ might miss the point that many minority groups are often not represented. Perhaps the ‘whole of community’ approach is meant to capture this? • Sub-head – Resettlement <ul style="list-style-type: none"> ○ Wording under resettlement could be stronger. First line second para suggest: ‘Involuntary resettlement is known to result in long-term hardship’. ○ There is no mention of gender even though research shows that impacts of resettlement on women are often not accounted for. • Sub-head – Complaints and grievance mechanisms – mining <ul style="list-style-type: none"> ○ Suggest title change to ‘Operational-level grievance mechanisms’ as this is the RJC’s focus 	<ul style="list-style-type: none"> • Added rights-compatible to list in guidance (and also to standard). • Added extra point re minority groups. • Added sentence re resettlement to open this paragraph. • Added sentence re gender. • Changed title. • Have added to list of available mechanisms • Yes, this needed clarification. Have edited incorporating suggestions. • Deleted ‘/or’. • Added sentence re continual improvement • Added to references.
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	<ul style="list-style-type: none"> ○ No mention of traditional or local processes in available avenues. ○ Other available mechanisms listed do not necessarily sit 'above' operational-level mechanisms. Other mechanisms may be the first or preferred avenue for local communities, particularly if the operational-level mechanism is not trusted. Perhaps some clarification here? Is the point to encourage early resolution of issues at the local-level wherever possible, without precluding access to other mechanisms? • D – Suggested management approach <ul style="list-style-type: none"> ○ Sub-head: Management responsibility - Why a risk assessment <u>and/or</u> a stakeholder mapping exercise? Both are important. Similarly, map stakeholders <u>and/or</u> review social and environmental impact assessments. ○ Sub-head: Written policy, plans and procedures – should this section also mention adjustment/change of plans and policies based on evaluation outcomes? • E – Further information <ul style="list-style-type: none"> ○ Suggest adding IFC CAO Guidance on project-level grievance mechanisms. 	
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Kirsten Hund, WWF CARPO 21/8/09	<p>2.11.3 Need to also specify economic displacement and compensation; Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. – this also includes ASM operations within a concession.</p> <p>2.11.4 add ‘and clearly explain these to the affected communities. Records of grievances raised, investigation processes and outcome will be maintained.’</p>	<ul style="list-style-type: none"> • Yes, that is how we define resettlement in the guidance: “Resettlement encompasses both physical displacement (relocation or loss of shelter) and economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition. “ • Also added specific reference to ASM in guidance for 2.11.3. • Added to standard for 2.11.4.
Julie Gelfand, Mining Association of Canada 20/8/09	<p>Standards Guidance On page 21 you may wish to add the MAC Outreach and Dialogue - A Field Guide for Building Shared Understanding -- January 2003</p>	<ul style="list-style-type: none"> • Added to reference list.
Estelle Levin, Resource Consulting Services 24/8/09	<p>2.11.2 Need to mention conflict-sensitivity and expectations management.</p>	<ul style="list-style-type: none"> • Added to guidance ‘Approaches should be conflict-sensitive and manage expectations of the process and outcomes.’
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P. 28/8/09	<p>RJC Standards Guidance</p> <p>COP 2.11 – Community Engagement and Development Regarding the recommended approach for complaints and grievance mechanisms, we would suggest that independence is an important feature of such mechanisms. Best practice should include the use of external services to enable anonymous complaints by those who might otherwise remain silent. For example, Anglo American’s Speak-Up program allows for anonymity through the website www.anglospeakup.com, which is managed by an independent organization.</p>	<ul style="list-style-type: none"> • Added sentences on mechanisms run by third parties to enable de-identified complaints. • Also added reference to Anglo American program.

COP 2.13 – Indigenous Peoples

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Name	Comment	RJC action/response
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	<p>2.13.1 'International laws' - Does this include compliance with ILO 169 and FPIC? Needs to be clearly said.</p> <p>2.13.2: Add ... Through engagement with the legitimate representatives of the community</p> <p>General: Complying with FPIC has not been included, it is a crucial issue for IIPP, especially in countries where their rights are not recognised or realised. This is a major gap.</p>	<ul style="list-style-type: none"> • ILO160 and UNDRIP is discussed in guidance. However the standard means that the laws need to be applicable. In the above two, this depends on implementation by states – which is the case in some states. Have also added more discussion of FPIC in guidance – see third dot point below. • Discussed proposed addition of 'legitimate representatives' during Consultative Panel teleconference Sept 3 2009. Participants thought imposing concepts of representivity may be tricky, and may not allow sufficient respect for broader/traditional decision making processes. • FPIC is an important principle, but remains a difficult issue for implementation. Have added paragraph discussing FPIC in the guidance. Note that the ARM-FLO standard also does not call for FPIC of Indigenous Peoples, but for consultation.
Deanna Kemp, Centre for Social Responsibility in Mining, UQ 16/8/09	<ul style="list-style-type: none"> • It is clear from reading RJC responses to stakeholder comments on the previous draft that FPIC will not be mandated where this is not a legal requirement of the host country. However, as the RJC Guidelines are not 	<ul style="list-style-type: none"> • Good suggestion, have added to help address other comments too.

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	mandatory, why not at least discuss FPIC here in order to raise awareness of the issue, particularly as it relates to Indigenous Peoples? There could for example be some recognition that FPIC remains a challenge, and a point of contention in the context of mining.	
Kirsten Hund, WWF CARPO 21/8/09	'broad based support': FPIC!	<ul style="list-style-type: none"> • FPIC is an important principle, but remains a difficult issue for implementation. Have added paragraph discussing FPIC in the guidance.
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P. 28/8/09	<p>RJC Standards Guidance</p> <p>COP 2.13 Indigenous Peoples – We agree that the provision on Indigenous Peoples should be implemented in conjunction with the provisions on Community Development (COP 2.11). We also agree that the social license to operate requires “early and ongoing engagement with affected communities and stakeholders throughout the project’s lifecycle”. As an investor, we have monitored with concern situations in which failure by companies to acquire community consent (and especially Indigenous Peoples’ consent) has led to extractive projects being delayed or halted, with negative consequences for company value. While the Indigenous Peoples section does refer to free, prior, and informed consultation (page24), we believe companies should go further, striving for ongoing consent to projects.</p> <p>Free, prior and informed consent (FPIC) has been defined as: “the right of the local community to be informed about mining operations on a complete and timely basis and to approve a mining operation prior to the commencement of operation. This includes participation in setting the terms and conditions addressing the economic, social and environmental impacts of all phases of mining and</p>	<ul style="list-style-type: none"> • Added discussion of FPIC, and rationale as to why not adopted as a requirement by RJC at this time. In essence, where domestic legislation does not provide for FPIC, ‘RJC recognises that following engagement with Indigenous Peoples, companies may still make a decision not to proceed with developments or exploration, even if this is legally permitted.’ • Added Ethical Funds Company report reference.

	<p>post-mining operations". See Environmental Law Institute, <i>Prior Informed Consent and Mining: Promoting Sustainable Development of Local Communities</i> (2004), http://www.elistore.org/reports_detail.asp?ID=10965.</p> <p>FPIC is an emerging standard for corporate engagement with Aboriginal people, and has been incorporated into the United Nations Declaration on the Rights of Indigenous Peoples, the International Labour Organization's Indigenous and Tribal Peoples Convention 169, and the report of the World Commission on Dams.</p> <p>In 2008 we released a report, <i>Winning the Social License to Operate: Resource Extraction with Free, Prior and Informed Community Consent</i>, highlighting the emergence of FPIC and its value as a way for companies to increase investment security (https://www.ethicalfunds.com/SiteCollectionDocuments/docs/FPIC.pdf).</p> <p>We believe FPIC makes good business sense, and would encourage inclusion of a specific reference to the principle in this section.</p>	
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COP 2.14 – Artisanal and Small-Scale Mining

Name	Comment	RJC action/response
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	<p>2.14.1 – Change 'encourage' to 'actively promote'; and 'within' to 'within and around' (their areas of operation). And propose additional standards:</p> <p>2. Mining operators will take special measures to find sustainable solutions for responsible ASM production, in properties granted to them, that have traditionally been operated by informal ASM. This will be done in partnership with government and the ASM themselves.</p> <p>3. Mining Facilities will positively engage with artisanal and small</p>	<ul style="list-style-type: none"> • Thank you for these proposals in advance of the Consultative Panel teleconference on ASM. These were discussed and it was suggested to incorporate these as per Estelle's input below (which confirm proposed wording discussed during the call.)

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	<p>scale miners in their vicinity, offering support directly from management and through the workers union, to improve the overall performance of ASM operations and access to mineral rights.</p> <p>4. Mining facilities will take into account the responsible development of ASM in planning for mine closure.</p>	
Kirsten Hund, WWF CARPO 21/8/09	<p>‘formalisation’: Is that all? Very limited. Suggest additional provision:</p> <p>Mining facilities will engage in dialogue with artisanal miners on their concession in order to find sustainable solutions for responsible ASM</p>	These and above suggestions were discussed during the Consultative Panel teleconference and incorporated as part of proposed wording by Estelle below.
Consultative Panel teleconference on ASM 21/8/09	<p>Minutes of teleconference include the following action points:</p> <ul style="list-style-type: none"> - Suggest 2.14 – multistakeholder initiatives, change to assist any stakeholder, not just multi-stakeholder – address government issue raised by re Dorothée. - SIA/management plans – engagement with stakeholders; Refer to best practice of SEIA to deal with Duma’s and Dorothée’s issues. - Consultative Panel teleconference ASM 21/8/09: Important aspect is engagement with ASM, else current standard is engaging with initiatives to talk about ASM, but not with ASM themselves. This is well put out in the guidance document, but bilateral relationship with ASM should not just be fall-back but requirement in any case. ASM don’t like how companies won’t dialogue with them, only with government, NGOs. 	<ul style="list-style-type: none"> • Amended standard where only referred to multi-stakeholder initiatives, now encompasses any stakeholder. • Added cross-references in guidance between 2.14 ASM and 4.4 Impact Assessment. • Edited paragraph in guidance to place importance on bilateral relationships between LSM and ASM.

Estelle Levin, Resource Consulting Services 24/8/09	<p>Standard, propose not just multi-stakeholder. This builds on Dorothee's issue about government having a role. Issue of conflict born of conflict. Proposed wording below:</p> <ol style="list-style-type: none"> 1. Mining Facilities will assist any stakeholder's initiative, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of artisanal and small-scale mining (ASM), where it occurs within their areas of operation. 2. Where ASM operate on or around a concession, mining facilities will engage directly with them as part of their SEIA and community engagement processes. <p>By email:</p> <p>I'm also attaching the background paper we've submitted to CASM FYI. ... it could be instructive for your thinking on how to incorporate the ASM stream into the RJC mining standard. This was a joint paper between PACT and RCS. This no longer includes the full list on responsible engagement with ASM, so I've pasted below the six points from an earlier draft for your information. These somehow should be incorporated in the guidance notes at the very least in relation to responsible engagement with ASM and ASM communities and you need to ensure the standard has all of these points covered. As per our teleconference on Friday, I do think you've achieved this, but some of these could be made more explicitly (e.g. planning for closure, optimising on development opportunities).</p>	Added proposed wording to standard and guidance.

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	<p>Responsible LSM engagement with ASM generally involves the following:</p> <ul style="list-style-type: none"> • Consultation with ASM stakeholders at every stage during the mine life cycle, from exploration to closure: It is essential to keep the ASM community informed of the company's activities and intentions; to identify how LSM activities will affect existing artisanal operations and collectively plan to manage these impacts; establish baselines from which to measure socio-economic change; build trust and strengthen relationships between key stakeholders so that conflicts can be avoided. Responsible companies also understand the need to build the capacity of key parties to engage with the process. • Managing economic displacement: This could involve developing alternative livelihoods programmes or creating zones on the concession where the ASM are permitted to mine, along with conditions negotiated between the parties, such as whether or not the ASM must sell to the concession-holder in the first instance and how the price will be established. It could also include doing capacity-building on important issues such as occupational health and safety, business management, etc. • Professionalization of ASM activities: For example, regarding health and safety concerns, fatalities are 90 times more common in ASM activities than in LSM[H1]. Programs to improve access to personal protective equipment, assist in rescue efforts when rock failures occur, and promote change in the mining and refining methods to reduce environmental 	
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	<p>impacts are just some of the initiatives that LSM companies have undertaken to improve the performance of ASM mining and protect their corporate reputations at the same time. In Northern Tanzania, for example, one formal, midsize mining company allowed illegal ASM on its property. Because these activities preceded the formal claim, their locations are not interfering and are carried out on a small scale. However, in spite of liability issues (illegality, environment), such an agreement created a solid framework for the implementation of a legalization process and provision of technical support for improved practices[i].</p> <ul style="list-style-type: none"> • ASM sensitive mine security approaches: Ensuring a conflict avoidance and resolution approach to mine security, which is effective for the mine but sensitive to the community, is essential. For example, the presence of security forces installed to minimize theft can actually profit from it through corruption, resort to inappropriate use of force or firearms, or otherwise create conflict. It is essential that mine security and conflict and ensure transgressions are appropriately managed (e.g. in line with the Voluntary Principles on Security and Human Rights). • Optimising on development opportunities: Through its operations and strategic planning, LSM can contribute to the development of communities which have been based on ASM. For example, sourcing food or other materials locally rather than importing it from the exterior can do much to build trust with local communities and strengthen local economies. Seeking to employ local people in jobs such as maintenance and, better, training them up to do skilled jobs, builds human capital. Treating mine waste-water to be potable and setting up infrastructure to deliver this clean drinking water to 	
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	<p>communities can be a huge contribution. Above all, identifying, designing and carrying out these development programmes in partnership with local communities, based on their own assessment of their needs in such as way as to ensure their ownership of the program, is an empowering process, making them more able to design and direct their own projects in the future.</p> <ul style="list-style-type: none"> • Planning for Closure: In many precious metal deposits, in-migration of new artisanal miners or expansion of existing ASM activities, may occur when a mine closes. Miners may re-work tailings which have been left behind, work areas of lower grade which were deemed uneconomic for the LSM operation, or work river streams which contain alluvial mineralization downstream of the deposit. Through engaging with ASM prior to closure, and involving the miners in the closure planning process, innovative approaches to rehabilitation that benefit both the legacy of the LSM company and the livelihoods of ASM miners can be identified. <p>^{1[i]} CommDev (April 2008), Mining together, Large-Scale Mining meets Artisanal Mining: A framework for action, p.8 (2nd draft) p.11</p> <p>[h1] This is from the toolkit, Hinton, J, (2007), <i>Communities and Small-Scale Mining: An Integrated Review for Development Planning</i>, CASM, Washington DC</p>	
Jeffrey Davidson, Rio Tinto 28/8/09	<p>I have made a few more suggested changes (improvements, I hope) to the document partly based on the side comments. By the way, the document already was looking pretty good. Please feel free to circulate if appropriate.</p> <p>Comments on Consultative Panel's suggestions included in track-</p>	Added suggestions to draft guidance.

	change draft submitted.	
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COP 3.3.4 – Tailings and waste rock management

Name	Comment	RJC action/response
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	<ol style="list-style-type: none"> 1. Add <u>community security</u> to 'protective of human health and the environment'. 2. Should clearly commit to NO riverine, lake or seabed tailings disposal. 	<ul style="list-style-type: none"> • Amended the standard to read: 'and protect the surrounding environment and local communities.' • Added no riverine tailings disposal to draft standard. • Consultative Panel teleconference on 24/8/09 discussed approach to differentiate riverine and submarine. Draft wording re submarine tailing disposal released for comment.
Bruce Kelly, Rio Tinto 20/8/09	<p>Proposed edits to Standards Guidance:</p> <ul style="list-style-type: none"> • Some mine wastes do not pose exposure risks <u>and so do not</u> require • Change 'accidents' to 'geotechnical failure' • Add 'shallow' before marine tailings disposal, and add 'However, this disposal method is not considered good practice for metals-bearing or chemically reactive tailings which could pose exposure risks to human health or the shallow marine environment.' • Suggest lower case for applicable law. • Delete 'operate' (redundant) 	<ul style="list-style-type: none"> • Added to track change draft. • Note Applicable Law defined term, hence capitalised.
Kirsten Hund WWF CARPO and Andrew Rouse, WWF Australia 21/8/09	<p>Add:</p> <ol style="list-style-type: none"> 1. Members will not dispose of tailings or waste rock in a river or marine environment. 	<ul style="list-style-type: none"> • Draft standard now includes no riverine tailings disposal. • Consultative Panel teleconference on 24/8/09 discussed approach to differentiate riverine and submarine. Draft wording re submarine tailings

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		disposal released for comment.
Consultative Panel teleconference on 24/8/09	<ul style="list-style-type: none"> • Possibility of a grandfathering provision; • No one questioning riverine, but differences between deep and shallow marine disposal more nuanced. • Also discussion of case of offshore mining, where tailings come marine environment. In this case, is inorganic material, mostly dredge material, where sorting diamonds and putting back sand and finer materials. Any material derived from on-land being disposed of in a marine environment has to meet International Maritime Organisation prohibitions on hazardous materials. 	These comments were used to develop new draft.
Robert Walker and Steve Carley, Northwest & Ethical Investments, L.P. 28/8/09	<p>COP 3.3.4 – Tailings and Waste Rock Management</p> <p>On the issue of tailings management, we would prefer to see a stronger position against riverine tailings disposal. While we acknowledge it is used at some existing mines because precipitation, steep terrain and/or seismic activity prevent the use of alternative methods, we believe the practice should be avoided for future projects. For example, Inmet Mining Corporation's mine waste management policy states that the company will not consider future acquisitions or development projects involving riverine tailings disposals.</p> <p>The policy is posted on the company's website: http://www.inmetmining.com/Theme/Inmet/files/pdf/2005_Mine_waste%20policy.pdf.</p>	<ul style="list-style-type: none"> • Draft standard now includes no riverine tailings disposal.

COP 3.5 – Biodiversity

Name	Comment	RJC action/response
Julie Gelfand, Mining Association of Canada 20/8/09	<p>3.5.1 Mining facilities will respect legally designated protected areas and will not explore or mine in World Heritage Sites.</p> <p>1) Mining facilities cannot explore or mine (only companies or people can do that)</p>	<p>3.5.1</p> <ul style="list-style-type: none"> • Changed to Members with Mining Facilities • Have added information from guidance re respect, ie: <p>Members with Mining Facilities will respect legally</p>

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	<p>2) Does "respect" mean that companies will not mine or explore in other legally designated protected areas?</p> <p>3) We may need to provide greater definition of legally designated protected areas. IUCN categories would be a great start. In some of the categories of PAs, industrial activity is allowed, in others not.</p> <p>3.5.2. Replace the words Mining Facilities with Members</p> <p>Suggested rewording -- Members will adopt practices in land and water use planning and operations that protect, manage and where practicable, enhance native biodiversity and ecosystem services.</p> <p>RJC Standards Guidance</p> <p>Page 39. You may wish to add the MAC Biodiversity Conservation Protocol when it becomes a final document.</p>	<p>designated protected areas by ensuring that:</p> <ul style="list-style-type: none"> a. Members have a process to identify any surrounding legally designated protected areas. b. Members comply with any regulations, covenants or commitments attributed to these areas. c. Decisions to proceed with exploration, development, operation and closure activities take into account the presence and impact on any legally designated protected areas. <ul style="list-style-type: none"> • Consultative Panel teleconference included discussion of IUCN categories as potentially problematic. Note IUCN-ICMM dialogue discussed in draft guidance for this provision. Added paragraph on IUCN categories and history of no-go discussions. <p>3.5.2</p> <ul style="list-style-type: none"> • Changed to Members with Mining Facilities and added suggestions. <p>Standards Guidance</p> <ul style="list-style-type: none"> • Would be pleased to – let us know when available. In the mean time have added http://www.mining.ca/www/media_lib/TSM_Documents/Biodiversity_Framework_EF_0729207.pdf
Kirsten Hund, WWF CARPO and Andrew Rouse,	<p>Delete 3.5.1 and add:</p> <p>1. Members will not explore or mine in IUCN Category I-IV Protected Areas or in World Heritage Sites. Members will ensure that their activity does</p>	<ul style="list-style-type: none"> • Added 2, 3 (using 'key biodiversity areas') and aspect about adjacent to World Heritage to draft standard. Standard now encompasses

WWF Australia 21/8/09	<p>not degrade adjacent Protected Areas and World Heritage Areas.</p> <ol style="list-style-type: none"> Members will not undertake an activity that will, or is likely to lead to the extinction of a species listed by the IUCN as threatened with extinction. Members will have identified high conservation value areas (HCVA) within their concessions and have in place management arrangements to conserve these areas 	<p>more detail on ‘respect’ for protected areas.</p> <ul style="list-style-type: none"> Added second part of 1, and referred to Consultative Panel teleconference discussed suggestion of IUCN categories and found their use for no-go areas as potentially problematic. Note IUCN-ICMM dialogue discussed in draft guidance for this provision. Added paragraph on IUCN categories and history of no-go discussions.
Consultative Panel teleconference 24/8/09	<ul style="list-style-type: none"> Seems there are two issues. First, not explore or mine in legally designated protected areas or World Heritage sites; and second, will respect local and cultural etc environmental concerns. So have legal side, and then business of respecting other areas – need some wording for that. Suggested wording around high-conservation value areas. The fact those areas exist in your concession doesn’t mean you don’t mine, but you undertake a process to identify high conservation value areas and manage appropriately. So the standard could include a requirement to identify those areas and conserve the values in those areas. 	These comments have been used to restructure the draft Biodiversity standard.
Georgina Pearman, Post-mining Alliance, Eden Project 10/9/09	Essentially (I am sure you agree) we felt that the biodiversity provisions should primarily be about the maintenance of ecology and ecosystems services on and surrounding the sites in question. However, as it stands, it seems the emphasis is more on protected areas and high value conservation areas at the expense of biodiversity per se. Perhaps even making a simple change of putting a provision that sums this up as the first provision under this section would fix the issue? 3.5.2 could be a good start but even this implies that any	<ul style="list-style-type: none"> Appreciate point, but also looking for standards that are auditable and perhaps maintaining ecosystems services is too broad for an auditor to assess for conformance. So added biodiversity to Principles section up-front: <ol style="list-style-type: none"> We will adopt practices to enhance biodiversity outcomes and reduce

	<p>species not in great danger are not significant. It could be reworded along the lines of "respecting the conservation status of the surrounding biodiversity with the aim of ensuring no species will be inadvertently affected to the point where its conservation priority status is made worse". Not quite right - but does this make sense?</p> <p>Some links re land rehabilitation for the guidance section:</p> <ul style="list-style-type: none"> • Society for Ecological Restoration International (www.ser.org) - many examples of ecological restoration with various related resources • Centre for Mined Land Rehabilitation, University of Queensland, Australia (www.cmlr.uq.edu.au) - various examples and papers on restoration • Prospectors and Developers Association of Canada (PDAC), e3+ initiative (www.pdac.ca/e3plus/toolkits) - various toolkits on social responsibility, environmental stewardship, health and safety • Guidelines to the mining, rehabilitation and environmental management process. New South Wales Department of Primary Industries. (www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/96118/edg03-Guidelines-to-the-Mining,-Rehabilitation-and-Environmental-Management-Process---MREMP-Guideline.pdf) 	<p>negative impacts on biodiversity.</p> <ul style="list-style-type: none"> • Also edited the rehabilitation provision to encompass general biodiversity objectives post-mining. • Added references on land rehabilitation to guidance.
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COP 4.4 – Impact Assessment

Name	Comment	RJC action/response
Cristina	COP 4.4.1: And livelihood impacts... if there are ASM operating there, appropriate	<ul style="list-style-type: none"> • Added 'livelihoods (such as

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Echavarria, Alliance for Responsible Mining 27/7/09	assessment of that impact needs to be taken into account. They are also part of the local community and may lose their livelihoods due to expansion of mining.	artisanal miners)' to guidance re the scope of an SIA. Also cross-referenced Impact Assessment provision to the ASM provision.
Deanna Kemp, Centre for Social Responsibility in Mining, UQ 16/8/09	<ul style="list-style-type: none"> Stakeholders who provided feedback on the previous draft were seeking coverage of substantive issues in the Supplement – in particular human rights impact assessments and gender inclusion. The response from the RJC was 'covered in the Guidelines'. However, the question must be asked, could a Facility meet the requirements of the Supplement if human rights and gender impacts were not part of an impact assessment because these elements were not specified in the Supplement? 4.4(1) Impact Assessment. Suggest also including 'or significant changes to operations'. Impact assessment for expansions is a fairly narrow requirement. Significant changes that would require an SIA may include for example, re-routing major transport routes, major scaling back of operations, significant new technology, major policy changes and so forth. Impact assessment should be undertaken for these situations as well as for expansion. <p><i>Guidance</i></p> <p>The emphasis at the beginning is 'negative impacts', suggesting that there is limited scope for impact assessments to also monitor benefits that the Mining Facilities claims to have on local communities and development outcomes. The explanation of SIA mentions positive and negative. Perhaps an opportunity for clarification?</p>	<ul style="list-style-type: none"> Re point 1, the Guidance aims to do two things: <ul style="list-style-type: none"> Attempt to define the terms and good practice for Members and Auditors; Make suggestions to Members for implementation of the standards, which are not meant to be prescriptive because of the variation of Members and their operating contexts. <p>Inclusion of human rights and gender impacts in the guidance falls into the first category above, so the idea is that this is part of how RJC defines social impact assessment.</p> <p>Have also tried to further address with more information/detail on HRIA as emerging best practice and generally more reference to human rights in the guidance.</p> <ul style="list-style-type: none"> Added 'or significant changes to operations' to draft standard. <p><i>Guidance</i></p> <ul style="list-style-type: none"> Made some changes to para 2 to

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		include positive impacts, monitoring.
Kirsten Hund, WWF CARPO and Andrew Rouse, WWF Australia 21/8/09	<p>Add highlight sections:</p> <p>Members will engage with affected communities and stakeholders to complete an environmental and social impact assessment and associated Environmental and Social management Plans for new mining and exploration Facilities or significant expansions to existing Facilities.</p>	<ul style="list-style-type: none"> Added highlighted text to draft standard.
Estelle Levin, Resource Consulting Services 24/8/09	<p>4.4.1 A particular quality of SEIA must be required.</p> <p>This must:</p> <p>a.) be participatory and empowering in the implementation of the research phase as well as the design and implementation of its outputs (e.g. social management plan, RAP, etc.)</p> <p>b.) ensure that proper assessment is done of how the community understands its historic and present rights to access the land and resource.</p> <p>c.) be conflict sensitive</p> <p>d.) be development-oriented, as well as risk management focused.</p> <p>See email.</p> <p>By email:</p> <p>Related to my concern for the RJC's requirement on SEIA to incorporate a requirement on QUALITY of the assessment, attached the ICMM's guidance on good practice for SEA (or SEIA). You may be best to find it on their website. Also, as per Jon's suggestion, you may wish to look at IFC performance standard one.</p>	<ul style="list-style-type: none"> Discussed this input during Consultative Panel teleconference 10/9/09. While these issues are important, the Panel thought they were methodological and as such perhaps fitted better in the guidance than the standard. Have added – further comment welcome. Re SEIA refs, the emailed guidance appeared to be from IFC PS 1, which is referenced in guidance. The only related ICMM reference (apart from that already there) was an Anglo toolkit – SEAT, which is now added to the guidance. It was on the Good Practice Guidance which DFID is a part of.

Robert Walker and Steve Carley, Northwest & Ethical Investments L.P. 28/8/09	<p>COP 4.4 – Impact Assessment</p> <p>In this section, we recommend strengthening the reference to human rights, and adding background information and best practice suggestions on human rights impact assessment (HRIA). At present human rights impact is treated as an element of a Social Impact Assessment (SIA). A typical SIA, however, will not explore the issue in adequate detail and depth to identify the extent of the risk and its possible consequences. To address this problem, extensive work is being carried out to define the parameters for a detailed and disciplined HRIA. We recommend referencing the work of the United Nations Secretary General's Special Representative on business and human rights found at http://www.business-humanrights.org/SpecialRepPortal/Home/Introduction. Although HRIAs are a recent innovation, there are indications that they can significantly reduce risks for projects with human rights concerns⁶. For this reason, we have worked with a group of investors to encourage Goldcorp to pursue an HRIA for its Marlin mine in Guatemala (see www.hria-guatemala.com for details).</p> <p>For example, in 2002 BP undertook a formal Human Rights Assessment for its Tangguh project in Indonesia as a way to address human rights issues in a politically-charged region. See http://www.bp.com/liveassets/bp_internet/globalbp/STAGING/global_assets/downloads/I/hria_summary_Tangguh_HRIA_1736.pdf for a summary of recommendations and conclusions.</p>	<ul style="list-style-type: none"> Added section on HRIA to the guidance and several new references.
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COP 4.5 – Mine Closure Planning

Name	Comment	RJC action/response
Cristina Echavarria, Alliance for Responsible Mining 27/7/09	<p>Propose add additional standard:</p> <p>2. Mining facilities will engage regularly with local communities, including ASM, indigenous peoples and workers, regarding closure and reclamation plans.</p>	<p>Added 2 to draft standard.</p> <p>Also the Guidance for this standard includes the following:</p> <p>'The Mine Closure Planning section of the COP should be read and implemented alongside the</p>

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		COP 2.11 Community Engagement and Development, COP 3.3 Wastes and Emissions, COP 3.5 Biodiversity and COP 4.4 Impact Assessment provisions.'
Deanna Kemp, Centre for Social Responsibility in Mining, UQ 16/8/09	<ul style="list-style-type: none"> 4.5(1) Mine Closure Planning. There is no mention of engagement for mine closure planning? 	Have added new provision re engagement– see comments above.
Georgina Pearman, Eden Project 14/8/09	<p>Drawing from our Post-Mining Alliance work and discussions with my colleagues here, my comments on the latest draft are focused on the treatment of mine closure.</p> <p>We believe that there needs to be further consideration of how mine closure is treated. In the current draft of COP, mine closure shows up principally under “4. Management Practices”. We recommend that there should be more explicit reference to mine closure in both 2. Human Rights and Social Performance and 3. Environmental Performance, in addition to the first sentence of provision 4.5. This would allow more clarity on the distinction between the mine closure planning process and the acceptable closure outcomes. (These two are conflated in the current drafting of 4.5.) We suggest that you move the statement “Land disturbed or occupied by operations shall be rehabilitated in accordance with appropriate post-mining land uses” from 4.5 to 3.1 as a new</p>	<p>Added comments to standards and guidance:</p> <ul style="list-style-type: none"> Multi-dimensional issues (eg closure) are difficult to place within the structure of the COP. The idea of the Management Practices section is to cover issues that touch on more than one of ethical, human rights and social and environmental dimensions (ie the first 3 sections of the Code of Practices). Each section is treated equally in the audit, as each standard has its own respective assessment question/s. Appreciate point re moving land rehabilitation and closure outcomes. Suggest moving to 3.5 on biodiversity, as this is a mining-related provision and intersects with discussion in this section. Have added reference to community participation / engagement / partnership in

	<p>statement under environmental performance.</p> <p>In 2.11, mine closure is referred to only as part of the entire life cycle. We recommend that there is a specific reference to community participation in the development and implementation of the mine closure plan. It is not sufficient to mention socio-economic aspects of mine closure only in the guidance (as outlined in your response to our initial comments). Mine closure, especially the socio-economic impact, is such an important area requiring more attention and development of good practice by industry.</p> <p>In 4.5 the wording needs to be tightened to reflect that mines need to be designed for closure from inception. Thus it needs to specify that new facilities require a closure plan from start-up and that existing facilities need to put in place a comprehensive plan to comply with RJC COP (in line with good practice guidance).</p> <p>In the guidance document at the top of page 45, under management responsibility, we recommend that there needs to be a multi-disciplinary team responsible for developing and maintaining the closure plan – an engineer specialising in tailings dam stability should not be expected to provide expertise on post-mining re-training and employment opportunities.</p> <p>Finally we recommend that much of the guidance around good practice in community engagement is cross-referenced with the guidance on mine closure planning to ensure effective community participation. The current drafting suggests engagement should</p>	<p>4.5.2.</p> <ul style="list-style-type: none"> • Added wording re timing – designing for closure from inception. • Incorporated these comments into guidance, adding some extra paragraphs drawn from ICMM Closure Toolkit.
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	favour the regulator.	
Estelle Levin, Resource Consulting Services 24/8/09	Propose add 4.5.2 Mine closure planning will be done in partnership with local communities and local artisanal miners, with a view to seeking opportunities for them to productively and safely mine abandoned tailings.	Added new provision re engagement to draft standard. Suggest the specific ASM dimension is accommodated in 'Planning for Closure' section of ASM guidance, as follows. "Miners may re-work tailings which have been left behind, work areas of lower grade which were deemed uneconomic for the LSM operation, or work river streams which contain alluvial mineralization downstream of the deposit."
Georgina Pearman, Post-mining Alliance, Eden Project, 10/9/09	4.5.2 - I must have missed this before - but why the 'or' here? Aren't they two separate provisions? The first is about community engagement regarding mine closure (which could be anything from ecological restoration to the development of a new facility - cf our book <i>101 Things to do with a Hole in the Ground</i> for range of options!), and the second is more to do with community engagement regarding tailings re-mining. The language 'abandoned' isn't quite right here as if this is about mine closure planning, the tailings shouldn't have been abandoned. Rather unhelpfully I am afraid I don't have a good alternative! Is there a technical term?	<ul style="list-style-type: none"> This comment refers to Estelle's suggestion above and have tried to address as above.

COP 4.6 – Sustainability Reporting

Name	Comment	RJC action/response
Robert Walker and Steve Carley, Northwest & Ethical Investments	COP 4.5 – Sustainability Reporting We agree strongly that reporting should follow the Global	<ul style="list-style-type: none"> Thank you for this feedback.

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L.P. 28/8/09	Reporting Initiative (GRI) G3 Guidelines and the Mining and Metals Sector Supplement. Requirements for disclosure based on standardized global guidelines enable investors to compare how companies are dealing with ESG risks.	
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