

Responsible Jewellery Council (RJC)

Mining Supplement – Standards Development

Report on third round of public consultation – September to October 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.

Public comment periods on successive drafts of the Mining Supplement were held as follows:

- September – October 2008 (60 days) – draft standards
- July – August 2009 (60 days) – draft standards and guidance
- September – October 2009 (30 days) – draft standards, guidance and assessment questions.

Comment reports, such as this, have been compiled for each comment period and are available on the RJC website at:

www.responsiblejewellery.com/supplement.html

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

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 worked closely with the RJC Standards Committee to further develop the draft standards and guidance during the second and third comment periods in 2009.

The Panel included 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
- Kirsten Hund, Regional Adviser Extractive Industries, WWF Carpo
- 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 Manager – Stewardship, BHP Billiton (*Co-Chair RJC Standards Committee*)

Support:

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

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

Consultative Panel teleconferences to discuss the Mining Supplement standards, guidance and process were held on:

- 29 July 2009
- 21 August 2009
- 24 August 2009
- 3 September 2009
- 7 October 2009
- 22 October 2009
- 27 October 2009

Standards Committee teleconferences were held on:

- 10 June 2009
- 31 July 2009
- 2 September 2009
- 5 November 2009

The RJC is sincerely grateful for the time, expertise and valuable input of the many individuals and organisations who contributed to standards development.

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.

This public report details the feedback received in the third and final comment round and how these have been addressed in the finalisation of the Mining Supplement.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

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
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P., 15/10/09	<p>Northwest & Ethical Investments L.P. is pleased to provide further investor perspective on the Responsible Jewellery Council’s (RJC) Mining Supplement¹. We would like to thank the RJC for considering our comments on the second draft of the Mining Supplement² and appreciate the transparency of your process. Because many of our earlier concerns have been addressed in the present draft, we will confine our comments to a few detailed suggestions.</p> <p>With over \$4.3 billion in assets Northwest & Ethical Investments L.P. is Canada’s largest socially responsible mutual fund company. Our approach to investing incorporates the thesis that companies integrating best environmental, social and governance 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.</p> <p>One way in which we seek to improve sustainability performance across whole sectors is by participating in consultations on industry standards. In the following pages we offer our suggestions on the latest drafts of 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"> • Thank you for your feedback.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>In general, each iteration of the Principles and Code of Practices has been stronger – a testament to the thoroughness of the process established by the RJC.</p> <p>... [<i>comments included in relevant sections below</i>]</p> <p>We thank the RJC for this opportunity to bring our investor perspective to the development of standards for the jewellery supply chain, and applaud the assembling of so many good practices into a single standard.</p> <p>1 http://www.responsiblejewellery.com/supplement.html 2 http://www.responsiblejewellery.com/downloads/RJC_MiningSupplement_Report_public_comment_p2_160909.pdf</p>	
<p>Andrew Parsons, AngloGold Ashanti, 15/10/09</p>	<ul style="list-style-type: none"> • The scope of certification excludes facilities that are not producing saleable product (“A Mining Facility is not included in the Certification Scope if there is no saleable product”), which may make references to exploration activities very difficult. • Range of minor editorial suggestions to Guidance to improve clarity, grammar. • Mineral Resources Forum website has been disabled – check for other web references. 	<ul style="list-style-type: none"> • For clarification, have added the following to the definition of Mining Facility: Facilities in the exploration to pre-commissioned stages of the mine lifecycle are not visited as part of the Verification Assessment. Business practices in these stages of the mine lifecycle can be evidenced, where necessary and appropriate, by desktop review of policies, systems, procedures and processes. • Added. • Thank you for this. Have added an Access date for definition reference; and changed other websites found in section E’s of guidance.

Other – existing COP, glossary

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

Name	Comment	RJC action/response
<p>Bruce Harvey, Rio Tinto 28/9/09</p>	<ul style="list-style-type: none"> • COP page 5, Management systemsshould read "assessing impacts and benefits"; this will make it consistent with the new commentary in the RJC STANDARDS GUIDANCE. • COP page 21 Definition of Community is not the mining/minerals/metals definition developed out of SD Conference in Jo'burg 2002. which is "The term 'community' is generally applied to the inhabitants of immediate and surrounding areas who are affected in some way by a company's activities; these effects may be economic and social as well as environmental in nature." The definition offered is too "sociological" for a document that relates to mining and suppliers. • Likewise there is not definition of stakeholder, which from Jo'burg is 'Stakeholders', are "those who have an interest in a particular decision, either as individuals or representatives of a group. Including people who influence a decision, or can influence it, as well as those affected by it". Stakeholders include non-government organisations, governments, shareholders and employees, as well as local community members. <p>These definitions have now been picked up by many in industry.</p> <ul style="list-style-type: none"> • The definition of "community engagement" "is also off-putting; I'm sure there is something simpler. Perhaps; Engagement is a two way information sharing and decision making process covering community issues and priorities as well as the concerns and needs of the business. Beyond just listening, the aim is to ensure mutual understanding and responsiveness by all parties to enable them to manage decisions that have the potential to 	<ul style="list-style-type: none"> • Added 'and benefits' in Scope section. • Have amended to this definition in the glossary and the Standards Guidance – thanks for the suggestion. • Have also added definition of stakeholder to glossary. • Have amended community engagement definition.

	affect all concerned."	
Blair Sands, Rio Tinto, 7/10/09	Page 5, Scope - Propose the inclusion of 'Sustainable development' as a foundation of the code in addition to human rights, environmental performance etc.	<ul style="list-style-type: none"> • Have added to introductory sentence.
Mila Bonini, RJC, 12/10/09	<p>COP 2.1 Human Rights – standards guidance</p> <p>Add newly released ICMM publication ‘Human Rights in the Metals and Mining Industry’.</p> <p>www.icmm.com/document/642</p>	<ul style="list-style-type: none"> • Added to references.
Jennifer Harvey, Rio Tinto, 14/10/09	<p>Suggested amendment to definitions for:</p> <ul style="list-style-type: none"> • Child Labour– explain exception under ILO Recommendation 146. • Community Engagement, Development – remove defined term from definition • Control: change ‘is defined as’ to ‘consists of’ • Member: Add ‘and management systems’ in (iii) • Waste rock – remove defined term from definition. 	<ul style="list-style-type: none"> • Thank you for this comment – the correct Convention (ILO C138) has now been referenced. • Amended • Amended • Amended • Amended.
Andrew Parsons, AngloGold Ashanti, 15/10/09	<p>Code of Practices:</p> <ul style="list-style-type: none"> • Background, Add to ICMM: ‘, Position Statements and guidance documents;’ • Application: under Producers, where do gold recyclers fit? 	<ul style="list-style-type: none"> • Added to list. • Gold recyclers would be included in ‘Gold trader, hedger or refiner’ category. • Amended.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<ul style="list-style-type: none"> Definition of rehabilitation: change to: To return disturbed land to a safe, stable and self-sustaining condition. <p>Standards Guidance:</p> <ul style="list-style-type: none"> Section 1.2, para 3: Add 'As its title implies, the guidance does not contain mandatory requirements for Members, and is for informational and interpretive use only.' 	<ul style="list-style-type: none"> Added.
Christina Hill, Oxfam Australia, 16/10/09	<p>Code of Practices:</p> <ul style="list-style-type: none"> Page 3 – We suggest adding to the Universal Declaration the core conventions (International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child) and the Declaration on the Rights of Indigenous Peoples Section 2.1 – We recommend that this Provision be expanded so that it references the core HR conventions and the Declaration on the Rights IPs (also for page 12 (section 2.2.1)) 	<ul style="list-style-type: none"> Have added reference to these standards in the guidance for 2.1 Human Rights, and added 'core human rights conventions' to the list of standards in the intro to the COP. In the standards, the RJC COP mirrors the focus of the Global Compact, and the OECD Guidelines for Multinational Enterprises, on the UDHR and the ILO Fundamental Rights at Work conventions as the key international instruments for promoting respect for human rights in the private sector. Adding these to the COP is outside of the scope of the Mining Supplement, however it will be considered in future reviews of the COP. UNDRIP is discussed in the guidance for COP 2.13.

COP 1.6 – Extractive Industries Transparency Initiative

Name	Comment	RJC action/response
Sonya Maldar, CAFOD – Comment submitted via the	COMMENTS ON EITI STANDARD: CAFOD is pleased to see a standard on revenue transparency, acknowledging this as an	<ul style="list-style-type: none"> Sincere apologies for the omission of this comment from the 2008 report and re-drafting

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

<p>survey in October 2008 but accidentally omitted from 2008 report.</p>	<p>issue the sector has been engaging with for several years. However, we feel that this needs strengthening in order to be effective and reflect a better understanding of the EITI process. The current wording of the standard does not reflect that the EITI process is tripartite, involving civil society and national governments, as well as companies. When a country decides to implement EITI “all companies operating in the relevant sectors in countries implementing EITI have to disclose material payments made to the government” so the current wording of the standard does not add anything significant. While CAFOD is supportive of EITI, we believe it is better for the CRJP supplement to focus on public disclosure of payments by individual companies, regardless of whether the host country has made a public commitment to EITI or not. This will mean that all CRJP members can take immediate action. Companies such as Newmont, Talisman and Statoil have shown it is possible to disclose payments independently from the formal EITI process. The standard should also be more specific on the reporting template required. This should be a disaggregated model, broken down by country, mining project and payment type. It should include the following breakdown of payment types, as defined in the US Extractive Industries Disclosure Bill: (i) host government’s production entitlements; (ii) national state-owned company production entitlements; (iii) profits taxes; (iv) royalties; (v) dividends; (vi) bonuses (such as signature, discovery, or production bonuses); (vii) license fees, rental fees, entry fees, and other considerations for licenses or</p>	<p>process. CAFOD have agreed to include it in this comment round so that it can be discussed in the finalisation of the Mining Supplement.</p> <ul style="list-style-type: none"> As background, since the October 2008 version, the standard has changed from: Draft 1 - Members with mining Facilities will be signatory to and implement the Extractive Industries Transparency Initiative process. (to) Draft 3 - Members with Mining Facilities will commit to and support implementation of the Extractive Industries Transparency Initiative (EITI). Draft guidance has also been developed since October 2008, and has been through two rounds of public consultation. It provides more detail on the intent of the standard, as was suggested in 2008, and includes a description of the tripartite nature of the EITI. The guidance notes that in addition to in-country implementation of EITI, ‘Extractive companies are also asked to fill in an international-level self-assessment form within a year of becoming an EITI Supporting Company.’ In this and other aspects, supporting companies do play an important role in furthering the EITI agenda beyond the requirements of host country implementation. Beyond EITI, company disclosure of payments to governments is also addressed under COP4.6 Sustainability Reporting. The RJC requires: Draft 3 - Members with Mining Facilities will
--	---	---

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>concessions; and (viii) other benefits to the foreign government or the agency or instrumentality of the foreign government that have a value of not less than \$100,000. Finally, this standard should include contract transparency as recommended in the IMF Revised Code of Good Practices on Fiscal Transparency (2007).</p>	<p>report annually on their sustainability performance, using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement. The reports must have external assurance as defined under the GRI.</p> <ul style="list-style-type: none"> • The GRI G3 Guidelines and the Mining and Metals Sector Supplement (see MMSS Guidelines Version 6.0 of 12 January 2009 Page 26) include a requirement for revenue transparency: EC1 = “Direct economic value generated and distributed, including revenues, operating costs, employee compensation, donations and other community investments, retained earnings, and payments to capital providers and governments.” In the MM Sector Supplement, EITI implementation is also to be reported under this indicator. • The GRI MMSS guidelines provide detail on the reporting template. The GRI guidelines require public reporting of payments to governments at the international, national and local levels, including a breakdown by country. While this may not exactly accord with the US Extractive Industries Disclosure Bill, the GRI is the most widely used standard in this area, developed through a multi-stakeholder process. • In summary – both EITI and GRI are components of the RJC’s standard on revenue transparency. Have added some discussion to the guidance to this effect – while the cross-reference was there
--	--	---

		<p>it is helpful to make this clearer in the text.</p> <ul style="list-style-type: none"> • Re the US Extractive Industries Disclosure Bill (H.R. 6066), note that this did not become law, and because this bill was introduced in a previous session of Congress (2007-2008), no more action can occur on it. (see http://www.govtrack.us/congress/bill.xpd?bill=h110-6066). An Energy Security Through Transparency Bill has been introduced in September 2009, which has similar objectives. The intention is to further support the EITI, and improve US government and US listed company practices. • Contract transparency: The IMF Code of Good Practices on Fiscal Transparency is directed at governments, not the private sector. It ‘identifies a set of principles and practices to help governments provide a clear picture of the structure and finances of government’. CAFOD’s comment is assumed to refer to provision 1.2.4: ‘Contractual arrangements between the government and public or private entities, including resource companies and operators of government concessions, should be clear and publicly accessible.’ While this is desirable in the interests of transparency, this is a decision for both government and the private sector when developing contractual arrangements, not just RJC Members. Governments are not required to comply with RJC requirements and it is not appropriate for the RJC system to direct them to
--	--	--

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

		<p>do so. Unfortunately the very governance issues which drive resistance to contract transparency will not be resolved simply.</p> <ul style="list-style-type: none"> • Thank you for your input on this issue and we hope the above detailed response is helpful.
Christina Hill, Oxfam Australia, 16/10/09	<ul style="list-style-type: none"> • Section 1.1.6 – We recommend that this Provision be expanded so that it requires the public reporting of revenues regardless of the EITI status of the host country 	<ul style="list-style-type: none"> • Both EITI and the Global Reporting Initiative (COP 4.6) are components of the RJC’s standard on revenue transparency. Have added some discussion to the guidance to this effect – while the cross-reference was there it is helpful to make this clearer in the text.

COP 2.6.8 – Emergency and Crisis Management

Name	Comment	RJC action/response
Bruce Harvey, Rio Tinto, 28/9/09	Standards Guidance: page 14 Management responsibility, the last sentence should refer to "local communities and stakeholders" .	<ul style="list-style-type: none"> • Amended.
Manoel Arruda, Rio Tinto, 1/10/09	<p>Guidance</p> <ul style="list-style-type: none"> • Maintaining records: 3 years might not be enough for long latency diseases such as occupational cancers, Noise Induced Hearing Loss, etc. Rio Tinto requires that all occupational health data should be kept for a least 30 years • Editorial suggestions in track change doc 	<ul style="list-style-type: none"> • Added: ‘Where there is the potential for long latency diseases, such as noise induced hearing loss or occupational cancers, occupational health data may need to be kept for 30 years.’ • Editorial suggestions added.
Andrew Parsons, AngloGold	Standard:	<ul style="list-style-type: none"> • Added to Standard and made consistent in

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

Ashanti, 15/10/09	<ul style="list-style-type: none"> • Add 'by <u>UNEP on</u>' and '<u>APELL for Mining</u>' 	guidance.
Samantha Chadwick, Barrick Gold, 16/10/09	<p>HEALTH & SAFETY</p> <p>Comment: Suggested text addition:</p> <p>1.h. maintaining adequate workplace hygiene at all times by conducting regular routine cleaning, providing safe and accessible potable drinking water and sanitary facilities for food <u>consumption and</u> storage, and clean and hygienic washing and toilet facilities commensurate with the number and gender of staff employed.</p> <p>Members will provide access to adequate <u>on-site Health and medical facilities</u>, including clearly marked first aid provisions, and develop procedures for transportation of more serious Health concerns to local hospitals or medical facilities.</p> <p>Comment: It ought to be made clear that some sites that are in close proximity to a hospital will only provide pre-hospital care (ambulance) and transport to the hospital.</p> <p>Mining Facilities will develop and maintain an emergency response plans, in collaboration with potentially affected communities, workers and their representatives, and relevant agencies, pursuant to guidance provided by Awareness and Preparedness for Emergencies at the Local Level (APELL).</p> <p>Comment: We do not support the blanket requirement for all ERPs to be developed pursuant to APELL. The ICMC does not require this, and we suspect few other companies would be fully APELL compliant for all facilities.</p> <p>Members will provide safe and healthy working conditions for all Employees in accordance with Applicable Law and other</p>	<ul style="list-style-type: none"> • Thank you for this suggestion – we will look to accommodate in future standards reviews. • As above – because these existing standards are outside the Mining Supplement and apply to the whole supply chain (not just mining) Self Assessments have already commenced. These suggestions will be considered for the 2011 review of the Code of Practices. • The APELL for Mining initiative aims to raise awareness of the need for local communities to be aware of the risks associated with mining operations and to provide guidance on how to effectively engage local communities in emergency preparedness. This provision has received support through the RJC Standards Committee and Consultative Panel. The ICMC have published a companion guidance document for APELL, which includes case studies of application of the APELL process. • PPE – the discussion in the guidance addresses these issues and have added (where not in conflict with collective agreements) to include this point. • This would apply to workstations where the work carries risk of occupational health risks such as repetitive strain, as indicated in the rest of the standard.

	<p>relevant industry standards. These conditions include:</p> <p>Identifying and providing appropriate Personal Protective Equipment (PPE) <u>free of charge</u></p> <p>Comment: Important that this refers to the core PPE such as safety headwear, glasses, protective clothing, and not the free provision of all clothes for work; also important that this would not be in conflict with any union contracts.</p> <p>providing work stations <u>that are designed</u> as appropriate to the task performed.</p> <p>Comment: We would support the general nature of this comment, but does the addition of 'designed' require then that ALL workstations are fully ergonomically evaluated?</p> <p>adequate lighting, ventilation and air quality; <u>safe noise levels and temperatures.</u></p> <p>Comment: Suggest amending the wording here. Members may not always be able to 'provide safe noise levels' (noise is a reality of some mining activities). Rather, they should be required to 'ensure controls are established to protect workers from exposure to unsafe noise levels and temperatures'.</p>	<ul style="list-style-type: none"> • For the requirement to 'provide safe and health working conditions', the concept of 'safe noise levels and temperatures' for employees includes control measures (such as PPE).
--	---	---

COP 2.11 – Community Engagement and Development

Name	Comment	RJC action/response
Bruce Harvey, Rio Tinto, 28/9/09	page 16 Definition of Community - see above (under Existing COP).	<ul style="list-style-type: none"> • Added new definition.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

Mila Bonini, RJC, 12/10/09	<p>Add newly released ICMM publication ‘Human Rights in the Metals and Mining Industry: Handling and Resolving Local Level Concerns and Grievances’</p> <p>www.icmm.com/document/691</p>	<ul style="list-style-type: none"> • Added.
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P., 15/10/09	<p>Guidance: COP 2.11 – Community Engagement and Development Following our request for an independent complaint and grievance mechanism, the RJC has added guidance on de-identifying the complainant. Specifically, the guidance states: <i>Companies can also consider providing access to complaints mechanisms run by external services, which can enable complaints to be de-identified before being presented to the company.</i></p> <p>[In cover email - Suggest amend ‘de-identify’ to ‘make anonymous’].</p> <p>Because ‘can’ infers choice, we would prefer to see it replaced with ‘should’. The assurance of anonymity strengthens the credibility of complaint processes, and would hence strengthen the certification system.</p> <p>At the suggestion of another stakeholder, guidance on engagement and support was added to this section. Specifically, the new text states: <i>Support may take a range of forms depending on the situation, such as a formal agreement between the company and community, or community participation in an ongoing dialogue about impacts and benefits of a project.</i></p> <p>A formal agreement between a company and a community</p>	<ul style="list-style-type: none"> • Changed ‘de-identified’ to ‘made anonymous’. • Changed ‘can’ to ‘should’. • The point re dialogue not equalling support is an important one, thank you. Propose to add the underlined text below to clarify. <p>Support may take a range of forms depending on the situation, such as a formal agreement between the company and community, or <u>expressed during community participation in an ongoing dialogue about impacts and benefits of a project.</u> There may be broad community support even if some individuals or groups object to the project; <u>conversely, community participation in a dialogue with the company does not necessarily equate to support.</u></p>

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>is indeed an appropriate indicator of support - but participation in dialogue may not be. While we encourage dialogue and engagement between companies and impacted communities, in our experience dialogue participants often tend to be community members who already support the project.</p> <p>Companies can (and should) encourage community members, especially those opposed to a project, to participate in ongoing dialogue related to the project's impacts and benefits. Since participation alone does not equate to support, we suggest that some qualification should be added around 'community participation' as an indicator of support.</p>	
<p>Andrew Parsons, AngloGold Ashanti, 15/10/09</p>	<p>Standard:</p> <ul style="list-style-type: none"> • Suggest change from “throughout <u>the</u> project’s lifecycle” to “throughout <u>a new</u> project’s lifecycle”. This is captured in the guidance; however it is better to include it in the standard. • Re “throughout the/a new project’s lifecycle, from earliest exploration activities, construction prior to commencement of mining, during mine operations, through to closure and post-closure monitoring.” The scope of certification excludes facilities that are not producing saleable product (“A Mining Facility is not included in the Certification Scope if there is no saleable product”) so it is questionable whether this clause can be so encompassing. • Add ‘community’ as follows: The interests and development aspirations of affected communities must be considered in major mining decisions in the project’s lifecycle, and broad <u>community</u> 	<p>Standard</p> <ul style="list-style-type: none"> • This change would detract from intent of standard and is better accommodated through the existing grandfathering dimension articulated in the COP intro (see below), guidance in section A. Where it appears in the guidance, it will also be added to the Assessment workbook for the benefit of auditors and assessors. • The Consultative Panel discussed this point but recommended that the wording be retained as it conveys an important principle. • Added. • Have added the following to the introduction to the COP (under ‘Application’): The Code of Practices, and its provisions, relate to current business practices and do not apply retrospectively.

	<p>support for proposals should be sought.</p> <ul style="list-style-type: none"> Grandfathering arrangements should be reflected in the COP as well as the guidelines. <p>Eg 2.11.2 and 2.11.3 do not apply retrospectively. This should be captured in the standard. All requirements must be included there – it is very confusing if they are spread over multiple documents.</p> <p>Guidance:</p> <ul style="list-style-type: none"> Section A: Which facilities do not operate within a defined community? Suggest delete: Involuntary resettlement is known to result in long-term hardship. 	<p>Guidance:</p> <ul style="list-style-type: none"> This is written to accommodate small businesses eg traders, polishers working in the city of New York or Antwerp (or perhaps globally), where the relevance of community development to their business may be less than it is for say a mine. Have rewritten as ‘operate within a community as defined above’ ie affected by a company’s activities. To avoid repetition with first and second sentence, have amended the first sentence to as follows: Involuntary resettlement can result in long-term hardship for affected persons and communities.
<p>Christina Hill, Oxfam Australia, 16/10/09</p>	<ul style="list-style-type: none"> Section 2.11.3 – We strongly recommend removing the words ‘seek to’ from this Provision. We want companies to avoid involuntary settlements rather than ‘seeking to’ avoid this. Additionally, resettlement should only occur with the free prior and informed consent of affected peoples. <ul style="list-style-type: none"> Standard Guidance <p>Community Engagement and Development – the background on resettlement should be expanded to include the following: On the issue of compensation for resettlement, land for land should be a starting point for agricultural based livelihood communities, rather than cash based compensation. Resettlement should ensure that re-settlers have improved livelihoods and economic well being and not undermine local food security. Resettlement negotiations should take place with full transparency, the participation of local communities, and be based on full impact assessments.</p>	<ul style="list-style-type: none"> This proposal was discussed with the Consultative Panel and Standards Committee and supported – ‘seek to’ has been removed from this provision. Appreciate this point. However IFC Performance Standard 5 does provide guidance for involuntary resettlement where unavoidable. Thank you for this suggestion - This is largely consistent with the guidance provided in IFC Performance Standard 5 and have incorporated to provide more information on these issues.

<p>Samantha Chadwick, Barrick Gold, 16/10/09</p>	<p>Engagement must be carried out in an inclusive, equitable, culturally appropriate and <u>rights-compatible manner</u></p> <p>Comment: if the term 'rights compatible' is to be added, we suggest very clear guidance is provided in the Guidance document on how an auditor would determine whether or not engagement was 'rights-compatible'. Otherwise, the term should be removed.</p>	<ul style="list-style-type: none"> • Have expanded definitions in the glossary to provide more detail. <p>'Rights-compatible' definition amended to: <i>A rights-compatible engagement approach or grievance mechanism is one that provides a vehicle for addressing issues – whether or not they relate to substantive human rights issues – in a manner that respects and supports Human Rights.</i></p> <p>Added to 'Human Rights' definition: <i>Human rights in the RJC System specifically include those articulated in the Universal Declaration of Human Rights, the ILO Declaration on Fundamental Principles and Rights at Work, and Applicable Law.</i></p>
--	--	---

COP 2.12 – Use of Security Personnel (and comments re mining in conflict zones)

Name	Comment	RJC action/response
<p>Kirsten Hund, WWF Carpo, 6/10/09</p>	<p>Guidance 2.12</p> <ul style="list-style-type: none"> • Another relevant document for the standards Guidance re business and conflict: the OECD Risk assessment tool for investments in weak governance zones. • Add discussion of exit strategies in conflict situations? 	<ul style="list-style-type: none"> • Added to the list of references. • Reviewed listed references, and while found there was plenty on risk assessments pre-conflict or pre-investment; a little on what to do when in conflict situations, eg how to deal with armed groups (International Alert); did not find discussion of exit strategies, perhaps because generalisations are very difficult. Recommend this issue be part of the further work proposed on mining in conflict zones.
<p>Robert Walker and</p>	<p>Standard:</p> <ul style="list-style-type: none"> • COP 2.12 – Use of Security Personnel 	<ul style="list-style-type: none"> • Discussed this suggestion with the Consultative Panel and

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

<p>Steve Carley, Northwest & Ethical Investments L.P., 15/10/09</p>	<p>Previously we suggested the addition of information and recommendations regarding interaction of mining security with police and/or military forces. While we note an extra section on public security has been added to the Standards Guidance, we would prefer to see the issue of public security forces using mine facilities addressed in the Code of Practices. Specifically, the Code of Practices could be strengthened by requiring member companies to obtain assurance from public security forces that they will comply with the Voluntary Principles on Security and Human Rights if they will be using members' facilities.</p>	<p>concluded that assurances from public security would be difficult to achieve (whether in DRC or Canada). It is seen as emerging best practice (see http://www.voluntaryprinciples.org/reports/2005/index.php). Have added: While the issues can be complex, companies should seek commitment to the Voluntary Principles on Security and Human Rights in formal agreements with governments, wherever possible.</p>
<p>Christina Hill, Oxfam Australia, 16/10/09</p>	<ul style="list-style-type: none"> • The lack of a specific Provision relating to operating in conflict zones is a gap in the Code. I hope that you have been able to get in contact with Tricia Feeney and/or Luc Zandvliet and that they were able to offer some useful advice. While we take your point that this is an area where RJC will continue to work on, a useful starting point, and something that could be included in the Code, is a requirement companies undertake conflict risk assessments that influences operational planning and practice. • Key guidance documents on this issue include the following: <ol style="list-style-type: none"> 1. OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones (http://www.berr.gov.uk/files/file46193.pdf) 2. OECD Watch Fact Sheet 3: Assessing Adherence to the OECD Guidelines' Human Rights Provisions (See the section on security issues) (http://oecdwatch.org/publications-en/Publication_2402) 3. Conflict Sensitive Business Practice: Guidance for Extractive Industries (http://www.international-alert.org/pdfs/conflict_sensitive_business_practice_all.pdf) • Standards Guidance: 	<ul style="list-style-type: none"> • Thank you for this suggestion. The Voluntary Principles on Security and Human Rights contains 3 sections: risk assessments; relations with private security; and relations with public security. The risk assessments section includes conflict analysis, potential for violence etc. Have added 'security risk assessments are conducted and' to standard. Also added conflict as a dimension of impact assessment in COP 4.4. Also, note 'ongoing work' section at end of this report. RJC will contact these and other stakeholders to invite them to participate in future work in this area. • Thank you for this feedback. Have added 'Human rights abuses are more likely to occur in conflict zones and companies need to avoid any complicity in harms committed in conflict situations.'

	Use of security personnel – the discussion on conflict zones is a good start but needs to be strengthened by adding that human rights abuses are more likely to occur in conflict zones and that companies need to avoid corporate complicity in harms committed in conflict zones.	
Samantha Chadwick, Barrick Gold, 16/10/09	<p>2.12 Use of Security Personnel – Guidance</p> <ul style="list-style-type: none"> The Security representative reviewing this chose to track comments and suggested amendments throughout the text. Pls refer to the attached version with these tracked items and advise if any clarification is required. 	<ul style="list-style-type: none"> 2.12: Most suggestions accommodated in guidance. Note that 2.12.1 and 2.12.2 apply to all parts of the supply chain, from mine to retail. 2.12.3 re the Voluntary Principles applies only to Members with Mining Facilities. A couple of suggestions blurred this distinction so were not taken up.

COP 2.13 – Indigenous Peoples

Name	Comment	RJC action/response
Bruce Harvey, Rio Tinto, 28/9/09	<p>Standards Guidance</p> <p>page 24, consider changing "spokespeople" to "representative". Consider changing "collective" to "broad-based".</p> <p>page 26 Written policy and procedures first bullet, consider adding "diversity" ; hence "Acknowledging and respecting the diversity and rights of Indigenous Peoples".</p>	<ul style="list-style-type: none"> These specific words were suggested in earlier drafting, so have tried to retain both, ie 'spokespeople or representatives'; and 'broad-based or collective decision-making'. Added diversity.
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P., 15/10/09	<p>Guidance:</p> <p>COP 2.13 Indigenous Peoples</p> <p>In our last submission, we suggested the inclusion of free, prior, and informed consent (FPIC) as a means to ensure the company has gained</p>	<ul style="list-style-type: none"> Added: Without the support of affected Indigenous Peoples, underpinned by free, prior and informed consultation, projects face

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>the social license to operate. We note the addition of a paragraph on FPIC in this draft. Moreover, we are delighted to have our paper referenced in the Standards Guidance. But this falls short of a full endorsement of the principle of FPIC. While we agree that in most cases the legal right of development approval is reserved by state authorities, as investors we are concerned about the social and financial risk posed by projects that may have received official approval, but are delayed, disrupted or fail because of conflict with an indigenous community. The World Resources Institute⁴, using case studies, documented the financial costs of not obtaining FPIC. If a requirement for FPIC is not feasible in the Mining Supplement at this time, then we recommend strengthening the FPIC reference with advice to companies that they should consider seriously the risks – in particular the significant financial risks - of proceeding with a project for which FPIC has not been obtained, even if it has been approved legally.</p> <p>We also notice that the order of COP 2.13 and COP 2.12 have been reversed in Draft 2 of the Standards Guidance.</p> <p>⁴ http://pdf.wri.org/development_without_conflict_fpic.pdf</p>	<p>significant social and financial risk.</p> <ul style="list-style-type: none"> • Order of 2.13 and 2.12 has been corrected.
<p>Andrew Parsons, AngloGold Ashanti, 15/10/09</p>	<p>Standard:</p> <ul style="list-style-type: none"> • Delete ‘the’ before ‘partnerships’ in 2.13.2 	<ul style="list-style-type: none"> • Deleted
<p>Christina Hill, Oxfam Australia, 16/10/09</p>	<ul style="list-style-type: none"> • Section 2.13 – We strongly suggest removing the words ‘seek to’ from this Provision also. The current wording of the Provision raises the question of what companies might do if they seek to get broad based support but do not receive it. Hence we would rather see the Code say that Mining will only occur if mining companies receive the broad based support of Indigenous Peoples. Of course, we recommend reference to FPIC here! <p>Standards Guidance Indigenous Peoples (and FPIC) – as discussed when we met, the discussion</p>	<ul style="list-style-type: none"> • 2.13 – The Consultative Panel discussed this suggestion and concluded that the seeking of broad-based support was more auditable. • Guidance: Added While specific definitions vary, and continue to evolve in different jurisdictions, FPIC envisages consent

	<p>on FPIC (while useful) ends up being an argument against FPIC which is not helpful in progressing dialogue on this critical aspect of responsible mining practice. The Code would be strengthened by including a definition of FPIC – one definition that we use is as follows (from page 6 of our publication http://www.oxfam.org.au/resources/filestore/originals/OAus-FreePriorInformedConsentMining-1007.pdf)</p> <ul style="list-style-type: none"> • Consent that is obtained free of coercion or manipulation; • Securing such consent prior to any authorisation by the government or third parties, and prior to commencement of activities by a company affecting Indigenous Peoples' lands, territories and resources; and • Consent that is informed by meaningful participation and consultation of Indigenous Peoples and local communities based on the full disclosure of relevant aspects of the proposed project by the company and permit-granting authority in a form that is understandable and accessible to those Indigenous Peoples and local communities • Further, the form of consent will vary, however, obtaining consent must allow communities and especially Indigenous Peoples to participate through their own freely chosen representatives and customary or other institutions. 	<p>that is:</p> <ul style="list-style-type: none"> • obtained free of coercion or manipulation; • secured prior to commencement of activities affecting Indigenous Peoples' lands, territories and resources; • informed by meaningful participation and consultation, and based on the full disclosure of relevant aspects of the proposed project in a form that is understandable and accessible; • enabled by Indigenous Peoples participating through their own freely chosen representatives and customary or other institutions.
--	--	---

COP 2.14 – Artisanal and Small-Scale Mining

Name	Comment	RJC action/response
Estelle Levin, Resource Consulting Services, 10/10/09	Add published paper to list of references in Standards Guidance (part of CASM Conference background papers): http://www.artisanalmining.org/userfiles/file/9th%20ACC/background_papers.pdf	<ul style="list-style-type: none"> • Thanks - added
Andrew Parsons, AngloGold Ashanti, 15/10/09	<p>ASM is a very difficult issue and much of it is illegal – the documents need to reflect this.</p> <p>Principles:</p> <ul style="list-style-type: none"> • Suggest amend to: We will engage with artisanal and small scale 	<ul style="list-style-type: none"> • Principle amended – makes more consistent with proposed standard. • Added as suggested, except for addition of 'legally', as this could exclude those who were extra-legal, as opposed to illegal or

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p><u>miners who operate in our vicinity and participate in multi-stakeholder initiatives to promote responsible, legal mining practices.</u></p> <p>Standard:</p> <ul style="list-style-type: none"> Suggest amend to: <u>Members with Mining Facilities will participate, as appropriate, in initiatives, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of artisanal and small-scale mining (ASM), where it occurs legally within their areas of operation.</u> <p>We have illegal initiatives taking place - even illegal multi-stakeholder initiatives - on our lease area in the DRC. We shouldn't exclude initiatives that assist with legalisation but we wouldn't want wording that appears to condone or support illegal activities.</p> <p>Guidance:</p> <ul style="list-style-type: none"> Section B: This section is verbose and would benefit from editing to make it concise and readable. Some suggestions offered. 	<p>criminal, to whom initiatives may be directed. 'As appropriate' should cover the potential legal dimensions of this.</p> <ul style="list-style-type: none"> Agree this is a longer guidance document than many, but the issues are complex and the drafting has incorporated a variety of inputs and suggestions to explore these.
<p>Samantha Chadwick, Barrick Gold, 16/10/09</p>	<p>Members with Mining Facilities <u>will assist any stakeholder's initiative</u>, 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.</p> <p>Comment; we would strongly recommend amending the word 'any' above as this would bind all members to support all ASM initiatives. While we support the general intention of a statement encouraging companies to support the professionalization and formalisation of artisanal and small-scale mining (ASM), we would not support a binding statement requiring us to support every stakeholder initiative. This is of particular concern since some</p>	<ul style="list-style-type: none"> Deleted 'any' and included 'as appropriate'.

	<p>ASMs do seek to operate illegally and unsafely on our mining lease areas. In addition, we cannot support ASMs that use mercury within our lease areas as this would conflict with our environmental standards. We do however support the formalisation and strengthening of ASMs operating legally in a more safe and productive manner, alongside our large scale operations.</p>	
--	---	--

COP 3.2 – Hazardous Substances

Name	Comment	RJC action/response
<p>Sue Hubbard, Rio Tinto, 30/9/09</p>	<p>(See track changes document with comments)</p> <ul style="list-style-type: none"> • Link in definition section is broken. • Is it the right time to bring in the Globally Harmonised Classification and Labelling system from the UN which all countries will be implementing by 2015 and some already have implemented? <p>The GHS provides a format that can be used for MSDS</p> <p>Re national law section: The GHS guidance contains basic global guidance. In addition we have an internal standard to comply with GHS where it is implemented.</p> <ul style="list-style-type: none"> • The key site to reference is the UNECE site as follows, but also there is a global implementation link which would be useful as well. I am not sure how you want to address issue, this but the point is that many countries 	<ul style="list-style-type: none"> • Thanks – have removed broken link. • Thank you for the information on this topic. Added this paragraph to the guidance: <p>A UN program is underway to develop a ‘Globally Harmonized System of Classification and Labelling of Chemicals’ (GHS). The GHS seeks to provide a basis for harmonization of rules and regulations on chemicals at national, regional and worldwide level, an important factor also for trade facilitation. While governments, regional institutions and international organizations are the primary audiences for the GHS, it also contains sufficient context</p>

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>are planning to implement the GHS guidelines, or have already implemented it - such as Japan NZ, EU, Korea, Taiwan.</p> <p>http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html</p> <p>http://www.unece.org/trans/danger/publi/ghs/implementation_e.html</p>	<p>and guidance for those in industry who will ultimately be implementing the requirements which have been adopted. In particular, the GHS provides a format that can be used for MSDS. Implementation has already occurred in some countries with the aim of global implementation by 2015. Significant changes to domestic regulation in many countries are anticipated as a result of GHS implementation. It is essential for Members to be aware of and comply with applicable laws and regulations.</p> <ul style="list-style-type: none"> • Added references.
Manoel Arruda, 1/10/09	<p>(Guidance)</p> <ul style="list-style-type: none"> • All records related to hazardous substances control, management and exposure should be kept for a long period of time, normally 30 years or more, perhaps we should consult an attorney to provide guidance on this. • Editorial suggestions – see track change document 	<ul style="list-style-type: none"> • Added new section and note that all documents will undergo legal review before release: ‘Record keeping: Maintain accurate records of hazardous substances controls, management and exposure. Keep these records for a period consistent with local regulations.’ • Added editorial suggestions.
	<p><i>WASTE AND EMISSIONS</i></p> <p>3.2.3 All Members with Mining Facilities using cyanide in the recovery of Gold will comply with the International Cyanide Management Code, 2005 and will ensure applicable sites are certified to the International Cyanide Management Code within 3 years from the date of joining the</p>	<ul style="list-style-type: none"> • Deleted 2005 - thankyou. The Standards Guidance includes reference to the ICMI website. • 3.2.3: There is a three year timeframe for ICMI certification for new RJC Members, which may provide room for

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>RJC.</p> <ul style="list-style-type: none"> • Comment: Reference to "International Cyanide Management Code, 2005" is incorrect unless RJC only wants to apply to initial requirements of the ICMC in 2005. The ICMC has been updated many times since 2005. Reference should be made to the International Cyanide Management Code and reference to the ICMI's website should be made in the text. • Comment: Is there an option for exemption in the instance whereby a company has elected not to certify sites set for closure within the near future? <p>3.2.1 Members will not manufacture, trade, and/or use chemicals and Hazardous Substances subject to international bans due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer.</p> <ul style="list-style-type: none"> • Comment: If such a substance is produced as a waste co-product does this constitute "manufacture"? While we do not plan to trade or use mercury we will produce it, so we recommend validating this statement with the exclusion of such substances when only produced as a co-product [inclusive of mercury from emission controls, the use of lead in the recovery circuits and the use of cyanide]. 	<p>those sites that will be closed within that timeframe. More generally, many RJC Members are likely to open, acquire, divest and close Facilities out of synch with the timeframes of RJC Certification. Where this occurs, the RJC website will list any Facilities which are outside the current Certification Scope due to acquisition, divestment or impending closure.</p> <ul style="list-style-type: none"> • 3.2.1: Mercury is not subject to an international ban. However there is some discussion of mercury in the guidance and have added this: 'Where Members produce mercury as a by-product of gold mining or refining, this should be managed in compliance with applicable law and regulations.' Note that the RJC is participating in the UNEP Global Mercury Partnership with a view to furthering standards work in this area.
--	---	--

COP 3.3.4 – Tailings and waste rock management

Name	Comment	RJC action/response
------	---------	---------------------

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

<p>Rich Borden, Rio Tinto 1/10/09</p>	<ul style="list-style-type: none"> Standard: I think the following text needs to be changed (see suggestions in bold). <p>c. Only use submarine tailings disposal in the event that</p> <p>i. a thorough environmental and social analysis of alternatives has been conducted which showed there was no practicable, environmentally and socially preferred sound land based alternative, and</p> <hr/> <ul style="list-style-type: none"> General comment <p>I think the land based tailings disposal option would need to be both practicable (it can be realistically implemented under actual field conditions) and be socially and environmentally preferred (it represents a better option than deep marine disposal because it creates fewer impacts and risks) in order to exclude deep marine disposal. I want to make sure that well designed and scientifically sound deep marine disposal (below the surface thermocline, zone of potential upwelling and euphotic zone) is not excluded when it represents a better environmental option than traditional land based disposal for example in circumstances where 1) land based disposal would have to cover lands with very high biodiversity value, 2) for materials with a high acid rock drainage risk which could only be fully controlled by deep marine disposal, and 3) in areas where rugged topography, high rainfall and high seismic risk would make convention tailings dam failure a significant risk. I tend to think of “preferred” in terms of the option which technically and scientifically has been demonstrated to have the lower environmental and social impacts and risks.</p>	<ul style="list-style-type: none"> Discussed proposed text options with Consultative Panel and Standards Committee, resulting in following text: a thorough environmental and social analysis of alternatives was conducted which showed that submarine tailings disposal creates fewer environmental and social impacts and risks than a land-based tailings facility. Added some points to guidance on what specific circumstances may be: ie , for example where land based disposal would cover lands with very high biodiversity or cultural value, for materials with high acid rock drainage risk, and/or in areas where rugged topography, high rainfall and high seismic risk would make conventional tailings dam failure a significant risk. The Consultative Panel and Standards Committee considered the issues of lake-based deposition. The conclusion was to leave lake-based deposition under the general tailings provision, ie to: Design, construct, maintain and monitor tailings facilities and waste rock facilities to ensure structural stability, and protect the surrounding environment and local communities.
---	--	--

	<ul style="list-style-type: none"> ● Possible text addressing lake disposal of mineral waste <p>Controlled deposition into lakes may or may not be acceptable depending upon the site specific conditions. Under some circumstances mineral waste disposal into lake environments may actually pose fewer environmental impacts and risks than conventional land-based disposal. For example, lake disposal may be acceptable if:</p> <ul style="list-style-type: none"> – waste placement can be restricted to well defined, controlled deposition areas and it can be demonstrated that wastes will not be eroded and re-transported after deposition; – beneficial use of water down gradient from the deposition area will not be degraded; – sub-aqueous deposition is required to control sulphide oxidation, thereby minimizing long-term ARD and metals release rates; – geotechnical stability concerns are alleviated by placement in the lake basin; – lake deposition will not degrade locally significant fisheries, ecosystem services or freshwater habitats with high biodiversity value; and – there are significant constraints to land-based disposal such as a lack of suitable terrain, high biodiversity values or heavy land use pressure by local communities. 	
Robert Walker and Steve Carley, Northwest & Ethical Investments L.P., 15/10/09	COP 3.3.4 – Tailings and Rock Management. In our last submission we recommended a stronger stance against riverine tailings disposal. We applaud the RJC for incorporating this suggestion, and believe that the requirement for no use of riverine tailings disposal will be a distinguishing feature for the Responsible	<ul style="list-style-type: none"> ● Thank you for this comment. Changed guidance to ‘Not use riverine tailings disposal.’

	<p>Jewellery Council certification. The additional environmental requirements have strengthened the Code of Practices, to the extent that our only further suggestion is to update the Guidance document under COP 3.3.4 to clearly reflect the new tailings disposal obligation.</p> <p>Clarification: As well as the Guidance not matching the unequivocal nature of the Code of Practice, our analyst is wary of the word ‘uncontrolled’ as there might be scenarios where a mine includes riverine tailings but calls it ‘controlled’.</p>	
<p>Andrew Parsons, AngloGold Ashanti, 15/10/09</p>	<p>Standard:</p> <ul style="list-style-type: none"> • 3.3.4.a – suggest add ‘at a new mine’. (Now 3.3.4b) • 3.3.4.b – dot point 1 – change ‘social analysis’ to ‘socio-economic’ analysis; delete ‘environmentally and socially’ (Now 3.3.4c) • 3.3.4.b – dot point 2 – change ‘has been’ to ‘can be’: ‘Has been’ implies that the science has been concluded – the focus should be on forecasting impacts based on sound science. (Now 3.3.4c) <p>Guidance:</p> <ul style="list-style-type: none"> • Add to list of technologies: Permanent heap leach pads and heap leach spoils. Description required. • Delete ‘metals –bearing’ from shallow marine description. • Delete Nevada state law paragraph: Why single out Nevada? The MAC’s document is recognised as being ahead of the pack so it is reasonable to refer to it. 	<p>Standard</p> <ul style="list-style-type: none"> • This provision has been amended to prohibit new riverine tailings disposal mines, while excluding existing riverine disposal sites from certification (though not excluding companies with riverine disposal sites from RJC Membership, which would have been the result of the previous draft wording). • This provision has been amended to refer to ‘environmental and social impacts and risks’. • Changed. <p>Guidance</p> <ul style="list-style-type: none"> • Added to list, with this text: Heap leach mining involves percolating a solvent through crushed ore placed in a containment pad. Over several weeks, the solvent extracts the metal of interest to produce a metal-rich liquor. This liquor is then processed to further concentrate and then extract the metal product.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

		<ul style="list-style-type: none"> Deleted. Deleted.
Christina Hill, Oxfam Australia, 16/10/09	<ul style="list-style-type: none"> Section 3.3 – We welcome the Provision that prohibits the use of riverine tailings disposal. Congratulations! As discussed there still appears to be some ‘wriggle room’ on submarine and lakes disposal, which is not acceptable or helpful in ensuring responsible mining practices. Standards Guidance: Tailings and waste rock management – while I agree that storing some wastes (ie with acid forming potential) beneath water is good practice, dumping waste into lakes is quite different and unacceptable. The current section in ‘issue background’ is confusing the two I believe. The suggested management approach needs to be amended to reflect the Code which now prohibits riverine tailings disposal. 	<ul style="list-style-type: none"> Thankyou! This provision has been amended to refer to ‘environmental and social impacts and risks’. The Consultative Panel and Standards Committee considered the issues of lake-based deposition. The conclusion was to leave lake-based deposition under the general tailings provision, ie to: Design, construct, maintain and monitor tailings facilities and waste rock facilities to ensure structural stability, and protect the surrounding environment and local communities. Changed to ‘Not use riverine tailings disposal.’
Samantha Chadwick, Barrick Gold, 16/10/09	<p><i>Members with Mining Facilities will:</i></p> <ul style="list-style-type: none"> <i>Not use riverine tailings disposal.</i> <p>Comments:</p> <p>We disagree with the view that submarine and riverine tails is disallowed on a wholesale basis and suggest that it would be less prohibitive if there was a recognition that some mines already have these practices in place and that it is either cost prohibitive or potentially environmentally dangerous, to develop new tailings storage methodologies.</p> <p>We would support the addition of ‘no new operations of a member company will</p>	<ul style="list-style-type: none"> This provision has been amended to prohibit new riverine tailings disposal mines, while excluding existing riverine disposal sites from certification (though not excluding companies with riverine disposal sites from RJC Membership, which would have been the result of the previous draft wording). This section has been undergone extensive discussion with the Consultative Panel and Standards

	<p>employ riverine tailings.</p> <p>As it is now presented, it is not consistent with the language in the RJC Guidance Document on page 46 under Riverine Tailing disposal that “the practice is not common and is not considered good practice. It is used in situations where high rainfall, mountainous terrain and seismic activity ruled out other options. Similarly the guidance under Environmental Protection states that “Careful evaluation of a business’ activities and processes should always be undertaken to avoid serious or irreversible damage to the environment. Where a number of options are under consideration, preference should be given to the option which offers the greatest likelihood of avoiding irreversible damage to the environment. This should include consideration of the effects of the “do nothing” option.” In the case of certain operations it could be argued that the riverine tailing disposal practice initially put in place is, at this current point in time, the option which does not cause serious or irreversible damage to the environment and offers the greatest likelihood of avoiding irreversible damage to the environment. NB. The ICMC does not prohibit riverine disposal of tailings; this practice was allowed by the ICMI in an effort to include certain mining companies. The ICMC has included a reference to “no new operations” to address this.</p> <p>Submarine tailings disposal</p> <ul style="list-style-type: none"> • Comment: Submarine means under water not just under sea or ocean water. The requirement <i>tailings are released below the surface thermocline and euphotic zone</i> would exclude many operations in Canada where tailings and mine waste have been and are being deposited into lakes. The 3 bullet points for the use of submarine disposal are very prescriptive and do not acknowledge extensive research on extensive <i>research done on submarine disposal of mine wastes</i> 	<p>Committee. The provision has been amended to refer to ‘environmental and social impacts and risks’. ‘in seawater’ has also been added to remove any doubt that submarine refers to marine environments.</p> <ul style="list-style-type: none"> • The addition of decantation thickening was considered for the guidance, but it was concluded that this was an enabling technology rather than a tailings disposal method per se, which might be confusing for some audiences. • The standard requires that all mining wastes are characterised (which includes neutral wastes/drainage situations). Have added discussion of MEND program to guidance.
--	--	--

	<p>Thickening</p> <ul style="list-style-type: none"> • Comment: On pages 45 or 46 of Guidance document- thickening of tailings using counter current decantation processes should also be included as a valuable tailing management practice to reduce the water content of tailing and recovering water and reagent for reuse in the process thereby reducing the volume of tailing produced and enhancing the stability of the tailing impounded. <p>Carry out physical and geochemical characterisations of mining wastes so as to identify and manage potential impacts arising from acid rock drainage and metal leaching.</p> <ul style="list-style-type: none"> • Comment: This should apply to neutral rock drainage as well. 	
--	---	--

COP 3.5 – Biodiversity

Name	Comment	RJC action/response
Graham Nicholls, 12/10/09	<p>Re the provision:</p> <ol style="list-style-type: none"> 1. Members with Mining Facilities will identify Key Biodiversity Areas within their operating boundaries and implement action plans to deliver measurable biodiversity benefits commensurate with the level of biodiversity impacts. <p>As I understand it there are supposed to be two separate obligations, so that irrespective of whether there are any KBA's, Members are still obligated to implement action plans commensurate with impacts. However there is no comma after boundaries, and it could therefore be interpreted that action</p>	<ul style="list-style-type: none"> • Thank you for this query. Development of this provision focused on managing areas of key biodiversity, so in the absence of such designation, biodiversity action plans are not required under the standard (but are not discouraged). More explanation on KBA's has been added to the guidance. • Have removed 'qualitatively' because it is probably both qualitatively and quantitatively – and briefer to say neither, just 'evaluate'.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>plans are only required if KBA's have been identified. Should the wording be altered so there are two bullets, or separate provisions? The same issue applies for the Assessment Questions, where only one question is used.</p> <p>Also, in the discussion on KBA's in the Guidance, for the following sentence:</p> <p style="padding-left: 40px;">The challenge for mining companies is to <i>qualitatively</i> evaluate biodiversity importance of areas in the absence of clear protective designations.</p> <p>Should this be "quantitatively", as per the definition?</p>	
Jennifer Harvey, Rio Tinto, 14/10/09	<p>Standard:</p> <p>2.11.2 – Add 'Members with' before Mining Facilities.</p>	<ul style="list-style-type: none"> • Added
Andrew Parsons, AngloGold Ashanti, 15/10/09	<p>Principles:</p> <ul style="list-style-type: none"> • There are varying views on what 'biodiversity outcomes' entail. 'Outcomes' appears to be unnecessary – suggest delete and just have 'enhance biodiversity'. <p>Standard:</p> <ul style="list-style-type: none"> • 3.5.1 – change to plural; add 'directly'. • 3.5.2.a – change 'any surrounding' to 'nearby'. • 3.5.2.c – add 'of', delete 'any'. • 3.5.2.c – can exploration etc fall within Scope? The scope of certification excludes facilities that are not producing saleable product ("A Mining Facility is not included in the Certification Scope if there is no saleable product") so it is questionable whether this clause can be so encompassing. • 3.5.5 – delete 'recognised'. Recognised by whom? This is very subjective. 	<ul style="list-style-type: none"> • Deleted 'outcomes' and retained as 'enhance biodiversity'. • Added plural and 'directly', and edited guidance. • Amended to 'nearby'. • Added 'of', deleted 'any'. • Have added the following to definition of Mining Facility: Facilities in the exploration to pre-commissioned stages of the mine lifecycle are not visited as part of the Verification Assessment. Business practices in these stages of the mine lifecycle can be evidenced, where necessary and appropriate, by desktop review of policies, systems, procedures and processes. • Deleted 'recognised'.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<ul style="list-style-type: none"> • 3.5.5 – delete ‘rehabilitaton’ before techniques – Repetition. • 3.5.5 – change ‘aim’ to ‘be’. 	<ul style="list-style-type: none"> • Deleted. • Amended.
Samantha Chadwick, Barrick Gold, 16/10/09	<p><i>BIODIVERSITY</i></p> <p>Members with Mining Facilities will identify Key Biodiversity Areas within their operating boundaries and implement action plans to deliver measurable biodiversity benefits commensurate with the level of biodiversity impacts.</p> <p>Comment: There is insufficient definition of KBA’s. It might make sense to look at the IUCN’s hierarchy of protected areas. There is very little information provided on who “deems” areas as KBAs and what the criteria are for such designation.</p> <p>Also, on page 50 – it is understandable that sensitive environmental areas would have greater potential for significant environmental impacts but it is not at all clear how from a scientific perspective that a socially sensitive area would also have a greater potential for significant environmental impact.</p>	<ul style="list-style-type: none"> • More definition of KBA’s: improved definition in Section A and glossary, added additional information to intro in Section B, and added the following to section D: Develop and apply a management plan for each Mining Facility that includes: <ul style="list-style-type: none"> ○ ... ○ identification of any Key Biodiversity Areas within operating boundaries, through analysis of protected area categorisation databases, national and state legislation, and, where appropriate, fieldwork assessments; • Previous input has pointed to the inter-relationship of environmental and social contexts. Conflict, in-migration, and other social changes in sensitive environments can heighten the potential for biodiversity impacts.
Kirsten Hund, WWF CARPO	<p>Something else I wanted to draw your attention on, regarding Key Biodiversity areas that might be useful as a tool and/or background information: The High Conservation value Concept: www.hcvnetwork.org</p> <p>The HCV approach provides a systematic basis for identifying critical conservation values – both social and environmental and for planning ecosystem management in order to ensure that these HCVs are maintained or enhanced. The High Conservation Value area is the area</p>	<ul style="list-style-type: none"> • Have added to guidance .

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>of habitat which needs to be managed in order to protect the values.</p> <p>The HCV concept was initially developed by the Forest Stewardship Council (FSC), which identified six generic HCVs that a forest may contain or maintain. The generic values were elaborated in the High Conservation Value Toolkit, which is a set of global guidelines on how to use the high conservation values in all kinds of habitats and ecosystems.</p> <p>The toolkit still is most applicable in a forest environment, but can assist a company quite effectively when defining its biodiversity impact.</p>	
Okyeame Ampadu-Agyei, CSR Adviser, Ghana	<ul style="list-style-type: none"> Queried whether the ICUN Red List sufficiently encompassed local biodiversity interests, such as species that may be sacred or culturally significant to Indigenous and other communities. Recommend to add a discussion on the importance of the local, social context of biodiversity and species in assessing biodiversity value. 	<ul style="list-style-type: none"> Have added: 'Importance of species in the local, social context' to the list of criteria for assessing biodiversity values.

COP 4.4 – Impact Assessment

Name	Comment	RJC action/response
Bruce Harvey, Rio Tinto, 28/9/09	<p>COP page 19, 4.4 I have a problem with Impact Assessment; the concept is far to narrowing. It should be "baseline assessment" or Impact/Benefit assessment. As generally used, reflected in this statement, there is no consideration given to a holistic consideration of the potential affects.</p> <p>Standards Guidance: page 58 should be "Impact and Benefit Assessment".</p>	<ul style="list-style-type: none"> Thank you for this suggestion. It was raised with the Consultative Panel and the recommendation was to retain 'Impact Assessment' as a more common term.

<p>Andrew Parsons, AngloGold Ashanti, 15/10/09</p>	<p>The scope of certification excludes facilities that are not producing saleable product (“A Mining Facility is not included in the Certification Scope if there is no saleable product”) so it is questionable whether this clause can be so encompassing.</p>	<ul style="list-style-type: none"> • Have added the following to definition of Mining Facility: Facilities in the exploration to pre-commissioned stages of the mine lifecycle are not visited as part of the Verification Assessment. Business practices in these stages of the mine lifecycle can be evidenced, where necessary and appropriate, by desktop review of policies, systems, procedures and processes.
<p>Christina Hill, Oxfam Australia, 16/10/09</p>	<ul style="list-style-type: none"> • Section 4.4.1 – We recommend making it explicit in this Provision that Human Rights, Gender and Indigenous Peoples Rights must be included in all impact assessments, management decisions and operational plans. 	<ul style="list-style-type: none"> • Have added that SIA’s should include assessment of human rights, gender and conflict to the standard.
<p>Samantha Chadwick, Barrick Gold, 16/10/09</p>	<p>IMPACT ASSESMENT</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 exploration and new Mining Facilities or significant changes to operations at existing Facilities.</p> <p>Comment: We do not support the requirement of completing an ESIA for <i>exploration</i>. It is normally not until the scoping or pre-feasibility stage that this process commences, and we do not believe this is a necessary or suitable activity to undertake at the scale of an ESIA during exploration.</p>	<ul style="list-style-type: none"> • Have added the following to definition of Mining Facility: Facilities in the exploration to pre-commissioned stages of the mine lifecycle are not visited as part of the Verification Assessment. Business practices in these stages of the mine lifecycle can be evidenced, where necessary and appropriate, by desktop review of policies, systems, procedures and processes.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

COP 4.5 – Mine Closure Planning

Name	Comment	RJC action/response
Bruce Harvey, Rio Tinto, 28/9/09	<p>COP page 19 4.5.2 instead of "mine closure and rehabilitation" language it should use "life of mine and post-closure plans". This is consistent with new commentary in the STANDARDS GUIDANCE and also the fact that many operations go through many stages of changing footprint before ultimate closure, and that post-closure condition is frequently going to be some form of continuing but different economic activity; witness Caroline Digby's "101 uses for hole in the ground" book.</p>	<ul style="list-style-type: none"> • While the point is useful (and, as noted, has been captured in the guidance), 'mine closure and rehabilitation plans' is more common language and hence more likely to be understood, so has been retained.
Blair Sands, Rio Tinto, 7/10/09	<p>S001_PCP3_COPandMining, Principles and Code of Practice</p> <p>Minor comments include:</p> <ul style="list-style-type: none"> • Section 4.5 Part 1- It is noted that the Code requires new operations to have a closure plan from start up. This places greater emphasis on the importance of preparing closure plans at feasibility stage. • Section 4.5 Part 2 - Current text: Mining facilities will engage regularly with local communities, including ASM, Indigenous Peoples and workers, regarding mine closure and rehabilitation plans. Instead of specifying which stakeholders to engage which may vary between operations, the proposed change to text is: Mining facilities will engage regularly with key stakeholders regarding closure objectives throughout the life of the operation (eg local communities, ASM, Indigenous Peoples, 	<ul style="list-style-type: none"> • Thank you for this feedback. • Have amended the wording of 4.5.1 to 'stakeholders, including ...'. • Workbook: Good suggestions – these will be incorporated.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

	<p>regulators and employees).</p> <ul style="list-style-type: none"> T003_PCP3_RJC_Assessment_Workbook <p>The assessment questions in Section 4.5 'Mine Closure Planning' refer to development of closure 'criteria'. The term 'closure criteria' is generally used within Rio Tinto to refer to criteria that regulators may endorse for relinquishment. Many of our long life operations have developed closure objectives but may not yet have developed defined 'criteria' with regulators. Proposed changes to the wording of closure assessment questions to use the term objectives instead of criteria (and correct some of the grammar) include:</p> <p>Assessment Question 142</p> <p>Current text: Verify that Members with Mining Facilities including new and proposed Mining Facilities, develop and maintain a closure plan with a defines the end of mine life closure criteria.</p> <p><i>Proposed new text: Verify that Members with Mining Facilities including new and proposed Mining Facilities, develop and maintain a closure plan with defined objectives for closure.</i></p> <p>Assessment question 143</p> <p>Current text: Confirm that the plan includes the capacity and resources to achieve the criteria.</p> <p><i>Proposed new text: Confirm that the plan includes the capacity and</i></p> 	
--	---	--

	<p><i>resources to achieve the objectives.</i></p> <p>Assessment Question 144</p> <p>Current text: Verify that Members with Mining Facilities engage regularly with local communities, including ASM, Indigenous Peoples and workers, regarding mine closure and reclamation plans and workers.</p> <p>Proposed new text: Verify that Members with Mining Facilities engage regularly with key stakeholders (eg local communities, ASM, Indigenous Peoples, regulators and employees) regarding mine closure.</p>	
Jennifer Harvey, Rio Tinto, 14/10/09	<p>Standard:</p> <p>Add 'Members with' before Mining Facilities in each provision, and 'in relation to each Mining Facility'.</p>	<ul style="list-style-type: none"> • Added.
Andrew Parsons, AngloGold Ashanti, 15/10/09	<p>Standard:</p> <ul style="list-style-type: none"> • Change reclamation to rehabilitation to make consistent with COP 3.5.5 	<ul style="list-style-type: none"> • Amended.
Samantha Chadwick, Barrick Gold, 16/10/09	<p><i>MINE CLOSURE PLANNING</i></p> <p><i>Mining Facilities will prepare and regularly review a mine closure plan and ensure that adequate resources, including financial resources, are available to meet closure and reclamation requirements. New Facilities require a closure plan from start-up and existing Facilities need to put in place a comprehensive plan as early as possible.</i></p> <p>Comment: What does <i>regularly review</i> mean? The RJC may want</p>	<ul style="list-style-type: none"> • Thank you for this suggestion. Have added to the guidance in Section D – written policies, procedures and plans: 'and regularly reviewed at least every five years or when a major modification to the Mining Facilities are made.'

	<p>to take direction from the ICMI on this front as it has already provided guidance.</p> <p>Why not look to an established voluntary program like the ICMC and for closure consider: 'review every 5-years or when a major modification to the mine facilities are made'. The definition of a major modification can be found in almost any regulatory agency permit or EIS, EIA etc.</p>	
--	--	--

COP 4.6 – Sustainability Reporting

Name	Comment	RJC action/response
Andrew Parsons, AngloGold Ashanti, 15/10/09	<ul style="list-style-type: none"> We consider that all members should be required to publish sustainability reports – this issue is not specific to mining. Suggest change COP 4.6 to: <ol style="list-style-type: none"> Members will report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and, where appropriate, the GRI Mining and Metals Sector Supplement. The reports must have external assurance as defined by the GRI. 	<ul style="list-style-type: none"> Thank you for this suggestion – we will certainly progress it through the Standards development process. As Self Assessments are now underway for non-mining RJC Members, we will include it in the review of the COP for the whole of the supply chain for version 2 in 2011.
Kirsten Gollogly, Rio Tinto	<p>the GRI only requires external assurance if you are reporting at an Application plus level. By way of comparison, the ICMM requires its members to report at Application Level A+. Are the RJC proposing a similar requirement here? If so, it needs to be specified.</p>	<ul style="list-style-type: none"> The RJC is only requiring the '+' level (ie assurance), not any specific application level in the standard. The application levels and assurance requirements are discussed in the guidance.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.

5. Issues with ongoing focus during first implementation of the RJC System

Several issues raised during the comment processes of 2008-2009 have been dealt with to the extent possible in this 2009 version of the Code of Practices. Ongoing research, engagement and dialogue about best practice and future standards would be useful. These issues are:

- **Mercury:** RJC is participating in the Global Mercury Partnership. Significant technical input is required to produce a standard more detailed than is already covered in RJC COP 3.2 and 3.3.
- **Mining in Conflict Zones:** Exploring these issues in more detail via case studies and toolkits, and in future, additional standards.
- **Free, prior and informed consent and Indigenous Peoples:** Exploring the issues in more detail in discussion papers, workshops, case studies and the potential for future standards.

RJC would welcome ongoing involvement from stakeholders in this process.

END.

www.responsiblejewellery.com

The Responsible Jewellery Council is the trading name of the Council for Responsible Jewellery Practices Ltd. The Council for Responsible Jewellery Practices Ltd, First Floor, Dudley House, 34-38 Southampton Street, London, UK, WC2E 7HF. The Council for Responsible Jewellery Practices Ltd is registered in England and Wales with company number 05449042.