

Inputs for CMSI Public Consultation

Submission from Rainforest Foundation Norway

Performance Area 19: Biodiversity, Ecosystem Services and Nature

General inputs:

The current draft remains largely process-based rather than performance-based. The CMSI Standard should embed measurable biodiversity targets, standardised baseline and offset methodologies, and mandatory independent verification at the Good Practice level in order to drive genuine nature-positive outcomes.

Specific inputs:

1. Deforestation wording is only in the 4.1 environmental impact assessment, but there is no explicit wording in Performance Area 19: Biodiversity, Ecosystem Services and Nature.
Recommendation: Need to have specific indicator and targets on deforestation, also to include forest classifications in the baseline data, or method throughout the process.
2. There is lack of details on metrics, method and verification requirements that companies have to use. In the Biodiversity Baseline, there is no minimum standards for data quality or duration.
Recommendation: Need to specify the scientific method, metrics on how to set the biodiversity baseline, including how to verify it and with minimum period of time, timeline to achieve and timeframe.
3. There are undefined terms and no metrics or timeframe and timeline for No Net Loss / Net Gain.
Recommendation: Provide guidelines on metrics and terms also period timeframe, timeline for no net loss/net gain target. Need to be able to specify on geographical scale to achieve net gain at site or regional or landscape with obligation of periodical reporting, timeline and target (measurable) to achieve gain with same ecosystem and time-bound deliveries. Add measurable indicators and quantitative 'no net loss/net gain' targets.
4. In the Mitigation Hierarchy and 19.1 Towards Good Practice and Good Practice requirements, avoidance is very weak and needs to include a broader range of values that are critical for maintenance and protection biodiversity, ecosystem services and nature. For many of these area and habitat-based values it is not possible to minimise, restore or offset them. For CMSI to be a credible standard it needs to ensure mining avoids these areas or avoids destroying these values.
Recommendation: Have clear requirement for avoidance of: all types of protected and conservation areas including ICCAs; High Conservation Values including Key Biodiversity Areas, Important Bird and Biodiversity Areas, areas with high Species and Plant Richness, Intact Forest Landscapes, and high integrity natural forests; High Carbon Stock areas including primary forest, peatland deeper than 3 meters; Significant Natural Ecosystems, including mangrove areas, critical wetland, shrubland and grassland areas, small islands; Critical Water Bodies, including all marine and ocean areas, glaciers, areas in permanent ice, lakes and significant

waterways; Indigenous Peoples territories that are legally protected (ie. registered IP lands in Brazil) and the territories of uncontacted or voluntary isolation Indigenous Peoples, before any other steps, with specific data or specifications for the assessment and identification of these values and areas. Following this the others steps can be engaged to address areas with medium to low biodiversity values, with metrics for each stage, need independent verification of outcomes over long term. If the areas fall under categories of critical (habitats or ecosystem or KBA) and irreplaceable, hence, always to prioritise avoid, and prohibit offsets.

5. Consultation process with IPs and LCs within this are performance on data process is not being mentioned.

Recommendation: Consultation of data need to be done with IPs and LCs as they are the stewards. Add consultation and verification with multi-layers of government (national and subnational), IPs and LCs, NGOs – to get validation from the data obtained, ie. baseline data, biodiversity data, etc. Need to strengthen and the use of Indigenous Ecological Knowledge (IEK) as mandatory throughout the process with IPs and LCs involvement throughout the process from planning to implementation. As the Indigenous People and Local Communities knows best of the ecological conditions in the area.

6. The definition of “ecosystem services” is vague. It requires operationalisation, quantified baseline data (species, habitats, ecosystem-service values), monitoring changes over time, and identification of indirect/cumulative impacts (roads, fragmentation, infrastructure). Need of detailed requirements on how to measure ecosystem-services impacts, link to community needs/rights or integrate biodiversity with human livelihoods.

Recommendation: Need to have explicit requirements for evaluation of ecosystem services (e.g., water regulation, pollination, cultural services), stakeholder co-identification of services, monitoring of change, remedial action if the ecosystem services degrading.

7. There is no set assurance on biodiversity financial mechanisms to secure long-term ecosystem stewardship on post closure.

Recommendation: need to set-up plan that ensures financing to ensure recovery.

8. FPIC should be extended to all affected communities for biodiversity-critical decisions.
9. Need to define 'area of influence' in the Toward the Good Practice, based on ecological or watershed boundaries. Require inclusion of indirect and cumulative effects. It is ambiguous and left to company discretion. Risk of excluding indirect, cumulative, and landscape-scale impacts.
10. Monitoring frequency and disclosure still unspecified, annual reporting should be mandatory and public.

Performance Area 1: Corporate requirement

In PA 1 Corporate Requirements, there is no reference to Corporate Group which is essential for integrity and credibility, and in particular claims.

Recommendation: under 1.1 – good practice, add a 3rd point of “Apply corporate-wide sustainability practices and performance over the whole corporate group.”

Under 1.2 – good practice, add a 2nd point “Publicly disclose the entities and associated organisations that make up the Corporate Group.” (note: Corporate Group is defined by the Accountability

Framework Initiative <https://accountability-framework.org/the-accountability-framework/definitions/article/corporate-group/>).

Performance Area 14 Indigenous People

Strengthen point on uncontacted peoples to ensure not attempts are made at FPIC.

Recommendation: Need to add “The facility should exercise a precautionary approach and avoid any contact with them, **including no engagement to seek FPIC**, or impacts on their territories”.