

Attn: Executive Committee

Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development

By email: MPF@IGFMining.org

22.09.2023

Dear IGF Executive Committee,

We, the Geneva Centre for Security Sector Governance (DCAF) and the International Committee of the Red Cross (ICRC), welcome this opportunity to submit to the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) our comments on the draft Mining Policy Framework Update.

For short background, DCAF – the Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. The International Committee of the Red Cross (ICRC) is an independent, neutral organization ensuring humanitarian protection and assistance for victims of armed conflict and other situations of violence. Since 2012, DCAF and ICRC have partnered to promote responsible business conduct and respect for the security, rights and dignity of local communities as described here: <https://securityhumanrightshub.org/>.

We submit below several recommendations where we see opportunities for governments to strengthen their commitment to promoting respect for international human rights and humanitarian law in their national mining sectors. We indicate the relevant draft Recommendation number, underline suggested additional language, and provide a rationale for our suggestions.

MPF Recommendation 1.3.2

Recommended additional bullet point:

- “Mining PCA&S include:
 - [...]
 - Where necessary, special provisions to ensure human rights respect by mining security forces.”

Rationale for this recommendation: In complex environments and conflict-affected areas, businesses often rely on public security forces, which might have overlapping mandates for securing mine sites, as well as maintaining public order or even protecting national security. In these contexts, ensuring that public security forces respect international human rights and humanitarian law in all instances is of utmost importance. PCA&S, such as memorandums of understanding, are widely acknowledged as best practices that aid in mitigating these risks.

MPF Recommendation 1.3.7

Recommended text to be included:

“1.3.7 Require mining entities to act in accordance with national and international laws and implement responsible business-conduct standards.

- Government should:

- Ensure mining entities conduct their business in the country in accordance with national and international laws, including international human rights and international humanitarian law, and in a responsible manner by enacting robust laws and regulations and enforcing them, including ensuring their activities are inclusive and gender-responsive
- Encourage positive contributions mining entities can make to economic, environmental, and social progress, and to minimize adverse impacts from its operations. OECD Guidelines for Multinational Enterprises offer guidance on how mining entities should act as responsible businesses in host countries. Additional guidance can be found in the [DCAF-ICRC Addressing Security and Human Rights Toolkit](#).

This enhances citizens' acceptance to foreign mining entities' presence, especially in mining communities.

- Governments should conduct due diligence on the mining entity, require it to supply information on its business, and require its management and directors to verify the entity's legitimacy to help minimize the risk of liability to the host country."

Rationale for this recommendation: Mining activities are often conducted in conflict-affected and high-risk areas that demand special attention to the respect for international human rights and international humanitarian law (IHL) (where applicable). The DCAF-ICRC Addressing Security and Human Rights Toolkit serves as a practical handbook to support compliance efforts, consolidating essential resources and best practices associated with security practices that align with human rights and IHL principles.

MPF Recommendation 1.4.1a

Recommended text to be adapted and included:

- "[...]
- For further guidance, refer to IFC's Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts, IGF Guidance for Governments: Improving legal frameworks for environmental and social impact assessment and management, IRMA Standard for Responsible Mining, Chapter 2.1, Environmental and Social Impact Assessment and Management, and 2.3, Obtaining Community Support and Delivering Benefits, and the [DCAF-ICRC Addressing Security and Human Rights Toolkit](#)."

Rationale for this recommendation: The DCAF-ICRC Addressing Security and Human Rights Toolkit focuses on adeptly navigating intricate networks of stakeholders for an effective engagement that ensures human rights-compliant security practices. To this end, the Toolkit is structured as a list of challenges organized by the type of stakeholders they are connected with (namely: host governments, public security forces, private security providers or local communities).

MPF Recommendation 1.4.4

Recommended text to be included:

- "[...]
- Governments should require completion of a comprehensive social assessment as part of the ESIA to identify and develop mitigation and management plans that include tools and programs that reduce the risk of potential disputes. Governments should engage with mining entities to promote respect for international human rights and international humanitarian law, and address issues that may give rise to security concerns before issuing permits and allowing mine development. In instances where mining entities are already operating in an area of active conflict, government should consider revoking existing permits, and mining entities should develop a responsible exit strategy."

Rationale for this recommendation: Mining operations frequently take place in conflict-affected and high-risk regions, demanding a heightened focus on the adherence to international human rights and, when applicable, international humanitarian law (IHL). This specific reference reinforces the need for a legal framework to safeguard human rights, safety, and security in mining activities, especially in conflict-affected areas.

MPF Recommendation 3.4.1

Recommended text to be included:

“3.4.1 Work with mining entities to ensure the protection of human rights and international humanitarian law, safety, and security during and beyond the mine life. In the event of an active conflict, governments and mining entities should protect human rights and ensure the safety of miners, their families, and communities.

- Government should require detailed procedures and management plans to avoid, minimize, and manage health, safety, and security concerns and protect human rights as well as respect for international humanitarian law, in line with good international practice. Refer to the IFC Performance Standards on Environmental and Social Sustainability (2012), the OECD’s Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (2016), and the International Code of Conduct for Private Security Service Providers (2021) for further guidance.
- [...]”

Rationale for this recommendation: Mining areas are particularly prone to experiencing situations of conflict and crisis. By referencing international humanitarian law, the recommendation reinforces the legal obligations and responsibilities of governments and mining entities to protect human rights and ensure the safety of individuals and local communities involved in mining activities during times of conflict.

We thank you for your consideration of our suggestions and remain at your disposal for any questions.

Sincerely,



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Claude Voillat
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Cross