

Michael Rae
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RE: RJC Consultative Panel

06 August, 2009

Dear Michael and RJC members,

We are writing in response to your invitation to participate in the Responsible Jewellery Council's (RJC) Consultative Panel for the mining supplement.

As civil society groups who have been actively engaged in efforts to set and certify mining industry standards for several years, we have decided to decline the offer to participate in the panel for a number of reasons. We have previously discussed these concerns with you and others at RJC, and listed them in our December 2008 letter (attached).

Firstly, we remain committed to a multi-stakeholder approach to standards setting and third-party certification. This means, in the words of certification expert Michael Conroy, "standards [are] created jointly by the full set of stakeholders... negotiated by industry representatives and representatives of social, environmental, and community organizations, then audited annually by a totally independent outside organization." Under such an approach, industry, civil society and other stakeholders have an actual seat at the table, with an equal say in decision-making. Such an approach ensures the development of credible standards society and a robust assurance system, based on input by all groups, including industry and civil society.

As an industry-led and governed process, RJC does not meet these criteria. As it currently stands, RJC's assurance system would be considered first or second-party certification. We understand that independent firms would be hired to conduct the audits on behalf of RJC and its members, but this does not make the process a third-party certification effort. For the RJC system to be truly third-party, the standards should be developed through a genuine multi-stakeholder process rather than by industry alone. We note from the Terms of Reference circulated, that the Consultative Panel will serve in an advisory capacity to the Standards Committee, with no decision-making power; this remains with the RJC Executive Committee and Board. Thus, in its current form, the Consultative Panel does not bridge this significant credibility gap.

Secondly, we are disappointed in the substance of the revised mining standards. The second draft continues to omit key requirements for more responsible mining --- for example, respect for the right of free, prior, and informed consent for indigenous peoples (per ILO 169); community consent for resettlement; no-go areas for biodiversity conservation (beyond World Heritage sites); protection of natural water bodies from tailings disposal; and others.

Thus far, we have provided detailed comments on drafts of the mining supplement and engaged in discussions with the Council. Almost none of these comments have been incorporated in the most recent revision. Based on this disappointing response, we question the value of participating in yet another request for input from civil society without a change in the decision-making process.

Finally, as you are aware, civil society organizations and industry participants are actively engaged in the Initiative for Responsible Mining Assurance (IRMA), which is developing a standards and a certification system for mining. IRMA is a multi-stakeholder initiative involving representatives from industry (jewellery and mining) and civil society (NGOs, trade unions and mining affected communities). We believe that the IRMA approach is the best way to deliver standards and a certification system for mining that is credible in the eyes of civil society and the wider public.

Although IRMA was slower to start (in part due to the challenges of a truly multi-stakeholder engagement effort), there has been significant progress made in the last 8 months; standards

development is well underway and there is a clear timetable for completion. We therefore feel that participation in the RJC consultative panel would draw our energy away from IRMA at this important time.

We have in the past written to you about the inefficiencies of conducting two similar initiatives in tandem, and to request that the RJC put its efforts into a multi-stakeholder approach. This could be done by incorporating IRMA's mining standards into RJC, or by developing a truly multi-stakeholder process for standards and verification development. Once again, we are more than happy to discuss this with RJC.

In the meantime, we trust you will respect and understand our decision not to participate in the RJC Consultative Panel.

Yours sincerely,

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CC: RJC members

Enclosure