



# SPECIFIC TERMS OF REFERENCE

## FAIRMINED STANDARD COMMITTEE

For the revision of the Fairmined Standard (version 2.0, April, 2014)  
Version 2.0, September, 2019  
based on Generic Standard Committee ToRs version 2.0 (2017)  
supersedes the Terms of Reference Fairmined Standard Committee v1.0 (2012)

Contact for comments: [standards@responsiblemines.org](mailto:standards@responsiblemines.org)

Further information and downloads: [www.fairmined.org](http://www.fairmined.org)

### Explanatory note

The following table describes the **Generic Terms of Reference for Standards Committees (ToR-SC)** in the first column and the **Specific Terms of Reference for the Fairmined Standard Committee (ToR-FMSC)** in the second column. For easier readability, all the particular terms and conditions for the Fairmined Standard Committee are detailed in front of the line of the Generic Terms of Reference otherwise it indicates “the Generic ToR-SC apply” for the ToR-FMSC.

<b>Generic Terms of Reference for Standards Committees (ToR-SC)</b>	<b>Specific Terms of Reference for the Fairmined Standard Committee (ToR-FMSC)</b>
<p><b>1. Introduction</b></p> <p>The Alliance for Responsible Mining (ARM) develops, as part of its mission, <b>voluntary social and environmental standards related to responsible artisanal and small-scale mining (ASM) and the downstream value chain of its products</b> (ARM Standards).</p> <p>ARM Standards may be developed by ARM as a sole standard setter <b>or</b> by ARM in cooperation and partnership with other standard-setting organizations <b>or</b> build upon other compatible standard setter’s standards with due authorization. The term ARM Standards refers to all existing and all eventual future standards developed by ARM (i.e. currently the Standard Zero, the Fairmined Standard, and the CRAFT Code).</p> <p>The purpose of this document is to set the Generic Terms of Reference of ARM Standards Committees (<b>ToR-SC</b>), to be established for the maintenance of existing ARM Standards as well as for the development of new ARM</p>	<p>The purpose of this document is to set the updated Specific Terms of Reference of Fairmined Standard Committee (ToR-FMSC), to be established for the governance, the maintenance and the improvements of the Fairmined Standard for gold from artisanal and small-scale mining, including associated precious metals. These Specific Terms of Reference follow the same principles as the General terms of reference of ARM Standards Committees.</p> <p>The Fairmined Standard’s objective is to promote the progressive organization and formalization of the artisanal and small-scale mining (ASM) sector, bringing with it improved labor rights, safer working conditions for miners, and strengthened miners’ organizations with the capacity to campaign for legislation and public policies that promote their rights and</p>

<p>Standards. The Terms of Reference seek to ensure the credibility of all ARM Standards, by incorporating the values of transparency, participation and fairness into the processes for their development, and through alignment with international best practice for standards development.<sup>1</sup></p> <p>This document shall be available publicly and free of charges in electronic format for download at the ARM website. For distribution as hard- or soft-copies through other media, ARM may charge at cost.</p> <p>Comments or suggestions regarding the Generic ToR-SC may be submitted at any time by email to <a href="mailto:standards@responsiblemines.org">standards@responsiblemines.org</a>, or in writing to the postal address of ARM published at the ARM website <a href="http://www.responsiblemines.org">www.responsiblemines.org</a>. Comments and suggestions will be taken into account at the next revision of the Generic ToR-SC.</p> <p>The Generic ToR-SC shall be revised periodically, at least every five years, or in shorter intervals if considered appropriate by ARM in order to comply with its mission and to increase stakeholder confidence and commitment.</p>	<p>enable a responsible ASM sector. The Standard stimulates the artisanal and small-scale mining organizations (ASMOs) to become economically, technically, environmentally and socially viable businesses, according to their dimensions and particularities. Through fairer market access and a premium for sustainability investment, it benefits local communities in mineral-rich ecosystems, and improves governance in the mining sector.</p> <p>Comments or suggestions regarding the Specific ToR-FMSC may be submitted at any time by email to ARM (<a href="mailto:standards@responsiblemines.org">standards@responsiblemines.org</a>)</p>
<p><b>2. Purpose and mandate</b></p> <p>ARM Standard Committee(s) are created by the ARM Board of Directors as permanent committees for the development and maintenance of existing and new ARM Standards. For each ARM Standard a separate Standard Committee shall be established at the appropriate moment according to the ARM standard-setting procedures.</p> <p>At the moment of enactment of this document, this refers to the following standards:</p>	<p>The Fairmined Standard Committee (FMSC) is created by the ARM Board of Directors as a permanent committee for the governance and maintenance of the revision of Fairmined Standard v2.0 for gold from artisanal and small-scale mining, including associated precious metals towards version 3.0.</p> <p>A detailed rationale, description and timetable for the revision of the Fairmined Standard v2.0 towards v3.0 is provided in the <a href="#">ToR</a>.</p> <p>Additional to the Generic ToR-SC, the ToR-FMSC shall:</p>

<sup>1</sup> The document aims for compatibility with the “ISEAL Code of Good Practice for Setting Social and Environmental Standards” but does not claim any compliance with the ISEAL Standard-setting code.

- Standard ZERO for fair trade artisanal gold and associated silver and platinum (on hold)
- FAIRMINED Standard v2.0 for gold from artisanal and small-scale mining, including associated precious metals (enacted and released)
- Code for risk mitigation for ASM engaging in formal trade CRAFT Code v1.0

Specific ToR for each Standard Committee (based on these Generic ToR-SC) shall be approved by the Board of Directors. The Specific ToR shall include at least the following:

- The aims and objectives of the ARM Standard that the Committee is mandated to develop or revise;
- The procedures to be followed;
- The working language(s);
- The decision making process;
- Any additional specific requirements to complete the work;
- Timetable for the standard development process.

The ToR may provide for the constitution of one or more sub-committees mandated or delegated to address specific aspects of the overall Specific ToR. These specific aspects shall be documented in specific ToR for the sub-committee.

Each Standard Committee has a decision-making mandate regarding the ARM Standard assigned to that committee. For that purpose, the Standard Committee shall:

- develop and review the ARM Standard assigned by the ARM Board of Directors, according to the Specific ToR

- Revise version 2.0 to 3.0 and subsequently maintain version 3.0 of the Fairmined Standard, according to these Specific Terms of Reference;

- Advise the Board of Directors and the Management of ARM on all matters regarding the content of the Fairmined Standard, as well as on relevant supply chain, downstream value chain and commercial issues, to ensure highest quality, consistency and continuous improvement;

- Decide on the creation of subcommittees to guarantee the participation of Fairmined certified ASMOs and authorized operators and Fairmined Licensees.

- Ensure the inclusion of CRAFT Code for the application of OECD Due Diligence Guidance.

- Propose a more inclusive and progressive approach for the revised Standard and new additional incentives for the Fairmined Certification.

- Advise on strategic actions to face the medium-term challenges for promoting more responsible ASM through the Fairmined Standard;

- Overview the potential standard-testing processes for the Fairmined Standard;

- Overview proper stakeholder involvement during public consultations;

- Provide strategic advice on how to optimize the assurance system for Fairmined certification seeking the most cost-effective risk

- monitor the appropriateness of the ARM Standards-setting procedures, the Generic ToR-SC, and the Specific ToR of the Standard Committee, and present proposals for amendments as needed, and adopt the Terms.
- agree on internal operating practices, timelines and responsibilities of the Committee and of individual Committee members:
  - The procedures to be followed;
  - The working language(s);
  - The decision making process;
  - Any additional specific requirements to complete the work;
  - Timetable for the standard development process
- provide technical input for the development or revision of the assigned standard and request additional research if applicable
- overview of the standard setting and eventual standard testing procedures
- review the proper stakeholder involvement during public consultations
- advise ARM on all matters regarding the content of the assigned standard and related relevant supply chain, downstream and commercial issues to ensure the highest quality, consistency and continuous improvement.
- approve final drafts of standards for presentation to the Board of Directors

Additional specific mandates may be assigned to a Standard Committee by the Board of Directors, or by being recommended by the Standard Committee and approved by the Board of Directors.

- management and focusing on impact;
- Provide guidance and feedback to recognized certification and audit bodies on the implementation and interpretation of the assigned standard in controversial cases that require consultation;
  - Advise on strategic opportunities for interaction and harmonization with other standards and certification initiatives;
  - Align the Fairmined Standard with the global sustainable development and responsible supply chains agendas;

### 3. Composition, Members and Functions

Standard Committee(s) should consist of at least 10 and a maximum of 16 members plus the Standards Director. The total should always be made up of an odd number of individuals.

Standards Committees must always combine balanced expertise from different aspects of ASM and key supply chain players, such as miners' organizations, miners' associations, traders, manufacturers, brands and global or national thematic and sectoral experts. A diverse, multi-stakeholder composition of the committees is crucial to ensure the legitimacy, applicability and technical quality of the ARM Standard.

Ideally but not mandatory in exact numbers, Standards Committees should be composed by

- 1/3 supply side (in case of existing ARM Standards preferably certified producers). It is encouraged to have a participation of a woman miner to represent the challenges of the sector from a gender-balanced point of view.
- 1/3 demand side and supply chain (in case of existing ARM Standards preferably authorized buyers or operators and consumers facing operators).
- 1/3 thematic or sectorial experts.
- The Standards Director.

In any case and mandatory,

- neither stakeholder group shall have a majority (+50%) in the Standard Committee;
- if ARM Board members and ARM staff (except the Standards Director) are appointed to serve in the Standard Committee, their total number shall be a minority (-50%).

Different than the Generic ToR-SC, the FMSC will have 17 members or more, plus the Standard Director.

All 8 members of ARM's Board of Directors are appointed to participate in the FMSC. To ensure minority of Board members in the FMSC according to the Generic Terms, Additionally, at least 9 external members will be recruited from:

- the gold supply side (miners upstream of the supply chain),
- the demand side (mid- and downstream buyers) and
- experts with expertise depending on the strategic needs of the committee.

With each group accounting for ideally but not mandatory in exact numbers 1/3 of members.

The FMSC shall be composed of:

- Fairmined Certified Artisanal and Small-scale Mining Organizations (ASMOs). Efforts should be made to consider participation and contributions from a diverse group of ASMOs, including certified ASMO's, de-certified ASMOs, ASMOs in the process of achieving the Fairmined Certification, from different geographic locations, different types of mining (underground, alluvial), different types of organizational structures, (artisanal miners, small scale miners), different social groups (indigenous, Afro-descendants, etc.). Women miners participation will be encouraged (at least one woman miner shall be part of the Committee).
- Gold refiners or industry associations of different sizes and geographic locations.

- Representatives of ASM miners must always be included.

Additionally, as far as reasonably possible, a geographical balance according to the scope of the standard shall be taken into consideration.

Standard Committee Members are appointed by the Executive Director on behalf of the Board of Directors, on the basis of their specific insights and experiences with the assigned ARM Standard and their commitment to responsible ASM.

Objection against the composition of a Standard Committee can be presented, if it does not represent the required balance of interests.

Members of an ARM Standard Committee are expected to

- adhere to the Generic Terms of Reference (ToR) and the Specific ToR of the Standard Committee;
- share ARM's mission and vision and demonstrate high ethical commitment to convert ASM into a socially and environmentally responsible activity, and to improve the quality of life of marginalized artisanal miners, their families and communities;
- represent their stakeholder group, including but not exclusively the interest of their institutions. Members are expected to keep their respective organizations updated on the assigned Standard and to be fully aware of their participation in the Standard Committee.
- declare all conflicts of interest at nomination and before taking part of decision-making processes;

- Downstream companies or associations.

- Standards systems representing one or more industrial sectors.

- Organizations that have worked with the Fairmined Standard or with the ASM sector.

- Other experts with responsible sourcing expertise in particular topics: environment, labor, community, etc.

- National Governments from producers' countries with Fairmined certified ASMOs will be invited as observers for the discussion about formalization and progressiveness of the standards.

- The Standard Director may delegate his role to the Standard Coordinator, or assume roles of the Standard Coordinator, as deemed appropriate.

The standard committee may create ad-hoc sub-committees wherever a wider and/or more in-depth perspective of a specific stakeholder group is sought. ARM's team will serve as the Secretariat of these subcommittees.

The sub-committees will meet in advance of the official Fairmined Committee meeting to discuss the issues in question and a representative will gather the recommendations and suggestions from their stakeholder group and present them to the Fairmined Committee members.

Other stakeholders may be invited to the Committee meetings depending on the needs and topic discussions.



- have specific interest, proven expertise<sup>2</sup> and broad experience<sup>3</sup> on the topics related to the assigned standard;
- contribute in a constructive way to the standard development and evolution;
- regularly participate in Standard Committee meetings;
- properly prepare for meetings and contribute to all follow-up actions as agreed and/or mentioned in the meeting minutes.

Members are expected to remain on the Standard Committee for as long as a standard development or revision cycle lasts, up to a maximum of 5 years. Any member is entitled to renounce nomination at any moment, in writing to the Executive Director on behalf of the Board. The Board of Directors is entitled to revoke nomination at any moment, in writing by the Executive Director to the member and the Chair of the Standard Committee. Membership is renewable.

The Chair assumes the role to support the Standard Director during the Committee meetings and to ensure effective meetings: full participation during the meetings, the agenda is sent on time for all members and all the issues are included during the discussions in the meetings.

The Standard Committee shall elect a Chair and a Vice-Chair for renewable periods of 2 years. The Vice-Chair replaces the Chair in cases of absence, conflict of interest or other grounds found necessary.

Members are expected to remain on the Standard Committee for as long as the standard development and the revision cycle of version 3.0 lasts, up to a maximum of 5 years.

<sup>2</sup> "Broad expertise" is understood as the combination of understanding of ASM issues with not all, but several of the following relevant aspects: sustainability standards including certification, development issues, labor, health and safety, mining, mineral processing and cleaner technologies, metallurgy, manufacturing, environmental management, ecological restoration, gender and child labor issues, formalization, legal and regulatory frameworks, minerals supply chains, conflict minerals issues, minerals supply chains, due diligence requirements, traceability, commercialization and markets, or other topics relevant for the assigned standard.

<sup>3</sup> Except in case of artisanal miners, international experience is expected.

<p><b>4. Meetings</b></p> <p>Standard Committee(s) shall meet as often as needed to fulfill the mandate and according to the timetable for the standard development process. During active standard development and revision phases ordinary meetings should occur, during maintenance phases at least once a year. Extraordinary meetings may be convened if necessary.</p> <p>Meetings take place electronically, by conference call facility provided by ARM and/or email consultation. Exceptionally, physical meetings may be agreed upon, subject to approval by the Executive Director.</p>	<p>Meetings of the sub-committees will be planned before the meetings of the Fairmined committee, in order to provide feedback and inputs in a timely manner.</p> <p>It is expected that at least one member of the Fairmined committee participates in a sub-committee and acts as spokesperson in the Fairmined committee on behalf of the sub-committee. He/she will play a broker role, giving feedback to the standard committee from discussions in the sub-committee, and informing the sub-committee on the decisions in the committee.</p>
<p><b>4.1 Working languages</b></p> <p>The primary official language of all Standard Committee(s) shall be either English or Spanish, to be defined in the Specific Terms of Reference of the committee.</p> <p>The Specific ToR may specify additional secondary official language(s). If additional official languages are specified, ARM will provide for translation of all documents relevant for informed decision making. Bilingual members are called upon to support monolingual peers during discussions.</p>	<p>The primary official language of the Fairmined Standard Committee shall be English. The secondary official language shall be Spanish.</p> <p>Language support (full or partial translation) for Spanish Speaking Committee members will be provided by ARM.</p> <p>In case of very specific sub-committees held in regional spaces to facilitate language issues, other official languages may be chosen, e.g. Spanish for ASM miners' sub-committee.</p>
<p><b>4.2 Preparation of meetings and meeting minutes</b></p> <p>Meetings shall be properly prepared for by the Standards Director, with support from the ARM Secretariat, by timely <u>announcing the meeting</u> to members, and preparing the <u>agenda</u> and all necessary <u>background information</u>. The chair approves the</p>	<p>The sub-committees will follow the same rules as the Fairmined Standard Committee. ARM will ensure the secretarial support for the sub-committees.</p> <p>Minutes of the sub-committees are to be approved by their members in a timely manner (Until one month</p>

<sup>4</sup> Ordinary meetings should be announced well in advance but with at least 10 days' anticipation. Extraordinary meetings can be held ad-hoc if quorum is achieved. Optional physical meetings shall be announced with at least 1-month anticipation.



<p>meeting agenda. Reasonable time shall be provided to members to request additional topics to be set on the agenda and to provide the necessary background information.</p> <p>All members shall carefully study the information provided and prepare their contributions to the Standard Committee. All members shall also contribute to follow-up actions after meetings as agreed and/or mentioned in the meeting minutes.</p> <p>The Standards Director or assigned person agreed by the Chair, will take <u>minutes of the meeting</u> and distribute these to all Standard Committee members at earliest convenience, however, not later than 10 working days after the meeting, for feedback and final approval.</p> <p>Minutes are normally approved by consensus through non-objection during 10 working days after receipt. In case of disagreements, approval of minutes shall become an agenda item for the next meeting.</p>	<p>after the meeting. No replies shall indicate agreement with the minutes) so they can be submitted to the Fairmined committee.</p> <p>In case of an alternate language arrangement for a sub-committee, the documents will be provided as much as possible in the chosen language, and the minutes will be translated into English, to be delivered to the Fairmined committee.</p>
<p><b>4.3 Participation</b></p> <p>To ensure an efficient operation of the Standard Committee and guarantee a quorum for decision making, the members should assume the following commitments:</p> <ul style="list-style-type: none"> <li>➤ have regular access to email or phone to allow fluent communication with the ARM secretariat when necessary;</li> <li>➤ respond to written communications within the deadlines stipulated;</li> <li>➤ have reliable access to the Internet and means to get connected to the online meetings;</li> <li>➤ attempt to delegate their vote, if unable to attend the session, and when the decision can be made based on the background information sent previous to the meetings;</li> </ul>	<p>The Generic ToR-SC apply.</p> <p>The same rules apply for the sub-committees.</p>

<p>➤ send apologies in advance whenever unable to participate in a committee session.</p> <p>Members who miss three consecutive meetings will be deemed to have resigned unless it is due to extenuating circumstance.</p>	
<p><b>4.4 Decision making</b></p> <p>Every member has one vote. Proxy votes (delegated in writing to the Chair) are possible; however, one person may only assume one proxy vote.</p> <p><u>Quorum</u> for decisions exists if more than half (+50%) of the members participate in a meeting. Proxy votes count for the quorum. In case of teleconferences or exceptional physical meetings this refers to participation, in case of email-consultations this refers to an email response to the consultation.</p> <p>If quorum is not reached in a meeting, the meeting shall be adjourned for a reasonable period suitable to obtain quorum. If at such adjourned meeting a quorum is not present, the members present shall be a quorum, with exception of decision-making on a final draft.</p> <p>A final draft, for the submission to the Board of Directors, after having followed procedures as indicated in article 2.5 of the ARM Standard-setting Procedure can only be approved with quorum (+50%) of the Standard Committee members.</p> <p>The Standard Committee(s) shall seek to achieve <u>unanimous decisions</u> wherever possible, defined as decisions taken with no votes against.</p> <p>If unanimity cannot be reached, opponents shall be asked to propose alternative options that are more likely to reach consensus and these alternatives shall be discussed. If these discussions do not lead to any decision by unanimity, <u>majority</u></p>	<p>The Generic ToR-SC apply.</p> <p>As sub-committees have an advisory rather than decision-making role, this section does not apply to sub-committees.</p>

<p><u>decision-making</u> procedures should be used.</p> <p>On request to carry out additional research by a minority of at least 25% of the votes or by the Standards Director, the topic in question may be postponed once for the next meeting of the Standard Committee.</p> <p>If no research request is made or supported by at least 25% of the votes, or if the topic has already been postponed once, decisions can be taken by simple majority (+50%). In case of a tie, the vote of the Standards Director decides; in his absence the vote of the chair, the vice-chair, or the acting chair in this order.</p> <p>All decisions as well as a summary of deliberations shall be documented in minutes of Standard Committee meeting; in suitable form to be released to the public.</p> <p>By decision-making on a topic or approving a draft, the Standard Committee approves the content of the topic or draft. Administrative Amendments (according to article 3.5 of the standard-setting procedures) shall be carried out by the Standards Director when needed and do not require approval by the Standard Committee.</p>	
<p><b>4.5 Observers, guests and resource persons</b></p> <p>Members of the Standard Committee or ARM may propose the invitation of observers, guests, resource persons or external experts to participate in meetings (entirely or partly) as deemed conducive for the purpose. Invitations may be approved by the Chair for participation in the entire meeting or certain agenda items only.</p> <p>Observers, guests and resource persons have no vote. The Chair may ask observers, guests and resource persons to kindly leave the meeting during final deliberations and voting.</p>	<p>The Generic ToR-SC apply.</p>

<p>ARM board member's others than those nominated as committee members may at any time participate in Committee meetings to provide responsive feedback on standard setting progress and alignment with institutional vision and mission.</p>	
<p><b>5. Miscellaneous Considerations</b></p> <p><b>5.1 Documentation</b></p> <p>All records (electronic copies and paper copies) of the Standard Committee shall be kept for as long as the published ARM Standard remains the current version, but at least five years, in particular:</p> <ul style="list-style-type: none"> <li>➤ Nominations of members and updated member lists</li> <li>➤ Invitation lists to meetings</li> <li>➤ Meeting agendas</li> <li>➤ Lists of participants</li> <li>➤ Minutes</li> <li>➤ any Standard Committee approved documents</li> </ul> <p>At least member lists and meeting minutes shall be made available publicly as download from the ARM website. Other documents may be made available per email on request of interested parties indicating the intended use.</p> <p>Confidentiality agreements regarding individual documents shall be respected.</p>	<p>The Generic ToR-SC apply for the Fairmined committee and for the formed sub-committees.</p>
<p><b>5.2 Remuneration</b></p> <p>Participation in the Standard Committee should be on a voluntary basis. Members of the Standard Committee may be reimbursed for all reasonable expenses involved in participating in meetings.</p>	<p>The Generic ToR-SC apply for the Fairmined committee and for the formed sub-committees.</p>
	<p><b>6. Application-Expression of interest</b></p> <p>Interested individuals may submit a letter or email to ARM</p>

	<p>(<a href="mailto:standards@responsiblemines.org">standards@responsiblemines.org</a>) no later than <b>October 30<sup>th</sup>, 2019</b>, with the following contact information for candidate:</p> <ul style="list-style-type: none"> <li>➤ Name</li> <li>➤ Title</li> <li>➤ Organization</li> <li>➤ Email</li> <li>➤ Phone number</li> </ul> <p>The candidate confirms that he/she has read the Generic and Specific ToR and possesses the following criteria required of Fairmined Standard Committee members:</p> <ul style="list-style-type: none"> <li>➤ are part of the Fairmined Certification, or have specific interest, proven expertise and broad experience on the topics related to the Fairmined (see above chapter 3)</li> <li>➤ Expertise with artisanal and small scale gold mining or responsible minerals sourcing;</li> <li>➤ Candidate has the support of their organization to serve on this volunteer committee;</li> <li>➤ Ability to represent the organization's and broader stakeholder group's interests in the Fairmined Standard revision; and</li> <li>➤ Availability to serve and participate for the entire period of the revision of the Standard, September 2019 – December 2020, including online calls.</li> </ul>
<p><b>7. References</b></p> <p><a href="#">ARM Standard-Setting Procedures (version 3.0)</a></p> <p><a href="#">ARM Generic Terms of Reference Standards Committees (version2.0)</a></p> <p><a href="#">ARM Standards Complaints Procedures (version 2.0)</a></p> <p><a href="#">ISEAL Code of Good Practice: Setting Social and Environmental Standards v 6.0.</a></p>	<p><a href="#">The ToR of the Fairmined Standard Revision</a></p> <p>The ToR-FMSC (version 2.0) are based on <a href="#">ARM Generic Terms of Reference Standards Committees (version2.0)</a></p>