

Fairmined Standard 3.0 development



Recommendation to strengthen security and human rights good practices in the Fairmined Standard 3.0

These recommendations were developed from the collaboration between DCAF and ARM as part of the project supported by the United Kingdom on “*Strengthening capacities to promote security and human rights good practices around extractive and other industries.*” The project was developed in the framework of DCAF’s [Security and Human Rights Implementation Mechanism](#).

June 30, 2021

To the Fairmined Standard Committee

1. Intention and context

Security issues are significant when it comes to Artisanal and Small-Scale Mining (ASM) because their operations are usually in remote locations where there is a weakened state presence, or their activities are in conflict-affected and high-risk areas. However, effective human rights due diligence should be carried out in those contexts and adapted to the specific challenges. The due diligence exercises must analyze the impacts of the ASM on the security of communities and interactions with security providers, their regulators, and monitoring bodies.

Security should be incorporated in heightened human rights due diligence. Security risks are frequently the result of unaddressed concerns, negative impacts, or misunderstandings about non-security-related issues such as employment, land, environment, compensation, resettlement, and negative legacies from previous mining projects or interactions between Large Scale Mining and Artisanal and Small-Scale mining organizations (ASMO). When concerns and grievances go unaddressed or unmitigated, these issues can escalate into tensions and eventually result in violent situations. ASM miners have the same responsibilities to ensure risk assessment and mitigation in their production of minerals as all mining actors.

The Fairmined Standard is a unique and effective certification process that supports the progressive formalization of ASM according to high ethical standards. On the other hand, it creates opportunities for artisanal and small-scale mining organizations helping them to transform into responsible organizations regarding their organization, labor and social impact.

Fairmined certification facilitates access to international markets. Several major players have bought into the Fairmined certification, and the list is growing (see [the complete list](#)). Because Fairmined focuses on sustainability, the ASMOs involved in Fairmined are committed to improving the quality of life in their members, employees and communities. However, the current Fairmined version is missing certain key elements that would support ASMO in security risk assessments and mitigation and ensure that their mining work is in line with the international standards regarding security and human rights due diligence. Security is essential in good human rights due diligence.

Mainstreaming security and human rights aspects in the Fairmined standard is fully in line with ARM and Fairmined's vision of Responsible Artisanal and Small-scale Mining progressively developing "within a framework of good governance": the efficient and accountable provision of security services is the fundament of good security sector governance. Good security sector governance is based on an active involvement of key local stakeholders such as ASM in security management, which is aligned to facilitate the empowerment of the ASM sector with an impact on legislation and public policies. Finally, with security being a key challenge for the communities around most ASM sites, more active involvement in security governance falls within the ASMO's 3rd-level of co-responsibilities for addressing major mining-related problems in the surrounding community. Security and human rights are a key component of Sustainable Development Goal 16 and thus key to the objective of the ASMO being actively involved in promoting sustainable development in their community.

This proposal puts forward several recommendations to encourage the Fairmined revision process to consider security and human rights due diligence when it comes to the interactions of ASM with security providers (both public and private) and their respective regulatory bodies and oversight mechanisms. The recommendations are intended to support artisanal and small-scale mining organizations (ASMOs) to identify security risks and build measures to mitigate these risks and avoid negative impacts on their members, workers and community. ASM needs to identify the entry points open to them to actively contribute to shaping a security sector that understands and protects their security needs.

This document proposes recommendations for the Fairmined Standard committee to review and take into account security elements when it comes to security and human rights due diligence.

For this reason, the Fairmined Standard should start from what is suggested by the OECD Due Diligence Guidance for Responsible Minerals and the implementation of the [CRAFT Code](#) as the first instance to address the highest risks in terms of security. Then, the ASMO gradually considers, if appropriate to their operations and dynamics, the inclusion of some of the principles of specialized international frameworks about security. These frameworks suggest the adoption of recognized principles regarding public and private security forces.

International recognized standards and initiatives

- [The Voluntary Principles on Security and Human Rights \(VPs\)](#)
The VPs provide a set of good practices for businesses on analyzing and mitigating risks and on structuring their engagements with public and private security actors. Its objective is to provide a framework to analyze and mitigate the risks of companies and their relationship with public and private security forces. The principles guide companies on how to organize their security arrangements while respecting human rights.
- [The Montreux Document on Private Military and Security Companies](#)
An intergovernmental document that recalls the obligations of States related to regulating private military and security companies (PMSCs). The Montreux Document is a blueprint for States on how to regulate PMSCs in line with International Humanitarian Law (IHL) and human rights law. It is particularly relevant whenever PMSCs provide services in situations of armed conflict and other situations of violence.
- [The International Code of Conduct for Private Security Service \(ICOC\)](#)
Its objective is to define standards and good practices of security and human rights for private security companies.

Practical handbooks

- [The Toolkit on Addressing Security and Human Rights Challenges in Complex Environments Toolkit](#): a practical handbook to improve security practices on the ground, in line with international standards and human rights. It was developed for mining actors (LSM and Small and Medium-sized Enterprises (SME)) and is relevant for ASM facing security and human rights challenges in complex environments.
- [Regulating the use of force by private security providers guidance tool](#): a practical tool to support states in regulating the use of force by private security. The standards, requirements, and good practices contained in this tool should be incorporated in national legislation, regulations, by-laws, as well as criteria for licensing, authorization and registration.
- **Guidance on Security and Human Rights in the Context of Artisanal and Small-Scale Mining. Orientation Case: Antioquia, Colombia**: this guidance tool offers specific practical guidelines that allow the ASM sector to strengthen their risk management mechanisms in security issues. These orientations seek to empower the miners and provide more capacities to reinforce their role in managing security in the territories. The guidance will be finalized and published by fall 2021.

2. Recommendations for security and human rights risk management in Fairmined Standard version 3.0

If the ASMO is in High-Affected and Conflict-Areas and there are risks related to the presence of public and private security providers

1. The ASMO should develop a risk assessment and a due diligence protocol for security risks and how to engage with public and private security actors active around mining sites. This exercise should be considered a constant exercise to manage security challenges.
2. The ASMO should work closely with civil society and community representatives to ensure that their activities do not create negative security impacts on the communities. Early engagement of communities and CSOs is essential to ensure that concerns and expectations related to security impacts and risks are seriously treated.
3. The ASMO should identify and participate in multi-stakeholder working groups to address security issues and develop actions to ensure that problems can be solved before conflicts occur. Multistakeholder working groups on business, security, and human rights are important forums where LSM companies, ASM collectives, community members, government representatives, public security, and private security companies collectively address and engage in problem-solving to incidents, concerns and grievances related to mining. More information on the role of working groups and their respective members is [available here](#).
4. The ASMO should identify and coordinate with local and national oversight mechanisms to address and remedy human rights violations in their operations from security forces.

If the ASMO hires private security forces or has private security provided (private security cooperatives or providers, informal arrangements between miners, etc.)

See for further reference the [DCAF-ICRC Toolkit](#) chapter on “working with private security providers.”

1. The ASMO should define criteria or protocol to hire individuals or private security providers. These providers should respond to human rights requirements as well as national laws.
See [the DCAF contract guidance tool](#), which provides a template contract and another checklist for how to include human rights into contracts with private security.
2. The ASMO should require private security to undertake training about security and human rights, including gender and prevention of gender-based violence, as well as training on the responsible and legal use of small arms and light weapons, less lethal weapons and other equipment (if their use is permitted by law).
3. The ASMO should monitor the conduct of the security providers and engage with competent national or regional regulatory and oversight mechanisms to ensure any violations or incidents are addressed. Civil society organizations can fulfil a complementary oversight role.

4. In case of problems (e.g., use of force incidents, violations of national laws and violations of contracts) with the conduct of security providers, the ASMO should develop a risk management procedure to report and follow up on issues faced. The ASMO should set a grievance resolution or the process of resolving and addressing incidents.
5. The Grievance Procedure for human rights and environment stipulated in the standard should be extended also to include violations committed by ASM in-house security and private security.