

Some Comments on the MMSD Draft Report from Norman Jennings, International Labour Office

The report (those chapters I have read) is interesting, informative, pretty well-balanced and well written. Clearly not everyone's views have been fully reflected; that is the nature of such projects, and some of the data seems suspect. Nonetheless, the report will provide plenty of food for thought in the industry and those affected by it. Moreover, it should provide the springboard for "joined-up" action by a coalition/compact of all concerned. I have provided substantial comments on small-scale mining to Peter Smith of DFID, who is submitting a consolidated text on behalf of CASM.

Executive Summary

It identifies workers and trade unions as discrete actors, but they appear only sporadically in the body of the report, or are included with NGOs/civil society – with the notable exception of OSH. The influence and participation of workers and their organizations is important everywhere in mining, not just in OSH.

A few isolated points that caught my eye

Some bullet points have capital letters, others not. If they are different for some reason, use different types of bullets.

Page 3-10, paragraph 2. Do you not mean the 1984-85 coal miners' strike?

Page 3-10, last paragraph. "organization" not "group". "Just" 17 ratifications of C176 is a bit misleading. It might not sound many but it includes several major mining countries and, apart from C182 (child labour) it is the most ratified Convention since the asbestos one that was adopted in 1986.

Page 3-13, table 3.3. Include the ILO *Declaration on fundamental principles and rights at work*?

Page 6-18, before the box. Mention that these Conventions are included in the ILO *Declaration*, to which all ILO member States have agreed to abide by, even if they have not yet ratified the eight Conventions.

Page 6-18. The last paragraph is important but does not seem to fit under the heading.

Page 6-21, 4th paragraph. "about" 5 %.

Page 6-24, last paragraph. The reference to working 28 days in a row sits badly here. It does not refer to Australia and does not appear in the survey that was carried out. It was something I observed in another country.

Page 8-26, 4th paragraph. "International" Confederation of Free Trade Unions, not "Independent".

Bibliography. ILO 2001(c) should read "sectoral".

Agenda for change

Editorial comments

This chapter has clearly been examined closely by several people, and it shows. Other parts are better written.

The tenses in this chapter should, in my view, be conditional throughout, including in the boxes. It is a proposal. The tenses are mixed.

In some paragraphs “insure” is used instead of “ensure”, e.g. page 16-14 and 16-23.

The word “form” is used instead of “from” in 16.6, paragraph. 3, line 4.

Page 16.3. Should there be some text after the 3rd bullet?

Page 16.16, line 2. “The other”? Meaning unclear.

Page 16-19. Yes, CASM should be supported. But what about the rest of the CASM group? CASM only appears in the context of the Bank. This is taken up in my comments on small-scale mining but is relevant here too.

Regarding the proposed forum on minerals and sustainable development (16-31). Is this not what CASM is? So mention it as something to be built on.

Box 16.2 Elements of the Declaration. It might help to mention the ILO’s unique process of supervision of its Conventions and of the Declaration as a possible model. The ILO’s Committee of Experts on the Application of Conventions and Recommendations, for example.

Page 16-10, box 16.3. Instead of mentioning just Conventions 87 and 98, refer to the ILO Declaration on Fundamental Principles and Rights at Work, to which all ILO member States have agreed, then add C169, C176. etc. You could also mention the *Tripartite declaration of principles concerning multinational enterprises and social policy* (1977). The only instrument of its kind. It is followed-up on a regular basis.

Page 16-10, last paragraph. Complaints dispute resolution. You could include a mention of the ILO’s supervision and complaints procedures for its Conventions and the follow-up to the *Declaration*, and use elements of it in the box.

Page 16-13. In view of the dependence of the future of the industry on the relationship between companies and workers, the text offers little for the workers to contribute other than agreeing with industry on sustainable development and possibly taking initiatives at the community level in the absence of industry action. Workers’ roles are highlighted in the implementation of best practices in safety and training. Rather workers and their organizations should be involved in the development of best practices, training programmes, etc., as well as in implementing them – “no taxation without representation.” I agree with the second paragraph.

In fact, there is a need to link trade unions/workers’ organizations more closely with the industry throughout the report. Or perhaps include them explicitly in the term “mining industry”, or bracket them consistently with mining companies. Workers’ organizations play quite a different role from other (single issue) NGOs and they are even further removed from so-called “civil society organizations.”

Page 16-21. What is the role of the UN Foundation? Would this proposal be within its mandate? “Joined-up” UN agency activity is necessary (e.g. through CASM in small/scale mines) but I am not sure the Foundation is the way forward. A proposal for better inter-agency cooperation/coordination has been made in the context of the Extractive Industries Review. Refer to specialized “agencies” and “their” member governments, not “UN”. Each agency has its own (overlapping) membership. More important is that the entry point is through different ministries. This need not be the problem the report sees. Mining involves different ministries too.

Page 16-22, first bullet, 2nd line. “have” not “are”. Second bullet. The “UN and the specialized agencies”.

Geneva, 18 April 2002