



Chapter 1.2 Community and Stakeholder Engagement

BACKGROUND

Large-scale mining developments have the potential to last for decades over their life cycle. Often mines are built in locations near existing communities; in other cases, new communities emerge because of mining activities. Mining projects have the potential to significantly impact the lives of people in those communities. Some changes may be beneficial, for example, through the provision of jobs, or through mining company investment in community development projects. But mining projects also have the potential to create negative impacts and even be a source of social conflict within communities.

Increasingly, mining companies, host governments, and financial institutions are recognizing that building strong, lasting relationships with those affected by mining activities can improve the identification and management of risks, as well as the long-term viability of operations.⁷ Meaningful stakeholder engagement that is proactive, inclusive, accountable and transparent increases the potential for optimal outcomes for both communities and mining companies.⁸

TERMS USED IN THIS CHAPTER

Accessible ■ Affected Community ■ Artisanal and Small-Scale Mining (ASM) ■ Child Labor ■ Collaborate ■ Confidential Business Information ■ Consultation ■ Existing Mine ■ Forced Labor ■ Inclusive ■ Indigenous Peoples ■ Mining Project ■ Mining-Related Activities ■ New Mine ■ Operating Company ■ Rights Holder ■ Stakeholder ■ Vulnerable Group ■ Worker ■ Workers' Organizations ■

These terms appear in the text with a dashed underline. For definitions see the Glossary of Terms at the end of the document.

OBJECTIVES/INTENT OF THIS CHAPTER

To support mining company decision-making and enable communities and stakeholders to participate in mining-related decisions that affect their health, well-being, safety, livelihoods, futures and the environment.

SCOPE OF APPLICATION

RELEVANCE: This chapter is relevant for all mines applying for IRMA certification.

NEW VS. EXISTING MINES: New mines shall meet all requirements in this chapter. Existing mines seeking certification will be required to meet all requirements in Chapter 1.2, with the exception of the requirement in 1.2.2.1 that engagement begin prior to or early in the development phase of the mining project. For some existing mines, this may not have occurred. Those mines will have to demonstrate that they currently engage with stakeholders on an ongoing basis.

⁷ Herbertson, K., Ballestaeros, A., Goodland, R. and Munilla, I. 2009. Breaking Ground: Engaging Communities In Extractive And Infrastructure Projects. (World Resources Institute). pdf.wri.org/breaking_ground_engaging_communities.pdf

⁸ For example, Principle 10 of the Rio Declaration of 1992 states that, "Environmental issues are best handled with the participation of all concerned citizens." (Source: United Nations. 1992. Report of the United Nations Conference on Environment and Development. Annex I. "Rio Declaration on Environment and Development." <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>)

Community and Stakeholder Engagement Requirements

1.2.1. Planning and Designing Stakeholder Engagement Processes

1.2.1.1. The operating company shall undertake identification and analysis of the range of groups and individuals, including community members, rights holders and others (hereafter collectively referred to as “stakeholders”) who may be affected by or interested in the company’s mining-related activities.

1.2.1.2. A stakeholder engagement plan scaled to the mining project’s risks and impacts and stage of development shall be developed, implemented and updated as necessary.

1.2.1.3. The operating company shall consult with stakeholders to design engagement processes that are accessible, inclusive and culturally appropriate,⁹ and shall demonstrate that continuous efforts are taken to understand and remove barriers to engagement for affected stakeholders (especially women, marginalized and vulnerable groups).

1.2.1.4. The operating company shall demonstrate that efforts have been made to understand community dynamics in order to prevent or mitigate community conflicts that might otherwise occur as a result of company engagement processes.

1.2.2. Engagement Processes

1.2.2.1. Stakeholder engagement shall begin prior to or during mine planning, and be ongoing, throughout the life of the mine.

1.2.2.2. The operating company shall foster two-way dialogue and meaningful engagement with stakeholders by:¹⁰

- a. Providing relevant information to stakeholders in a timely manner;
- b. Including participation by site management and subject-matter experts when addressing concerns of significance to stakeholders;
- c. Engaging in a manner that is respectful, and free from manipulation, interference, coercion or intimidation;
- d. Soliciting feedback from stakeholders on issues relevant to them; and
- e. Providing stakeholders with feedback on how the company has taken their input into account.

1.2.2.3. The operating company shall collaborate with stakeholders, including representatives from affected communities, to design and form stakeholder engagement mechanism(s) (e.g., a permanent advisory committee, or committees dedicated to specific issues), to provide stakeholder oversight of the mining project’s environmental and social performance, and/or input to the company on issues of concern to stakeholders.

⁹ See definitions of inclusive and accessible. “Culturally appropriate” engagement processes (e.g., communications, interactions and conveyance of information) would be those that are aligned with the cultural norms and communication styles of the affected communities and stakeholders. Companies would be expected to use methods, languages, terminology and formats that are respectful of cultural differences (e.g., in some cultures, it is disrespectful to look directly into a person’s eyes), and can be easily understood by the affected communities and stakeholders. Stakeholders can help to define for the company what is considered culturally appropriate.

¹⁰ “Meaningful engagement” includes a two-way exchange of information between the company and stakeholders, with stakeholders’ views being taken into account in decision-making; engagement is conducted in good faith (i.e., the company genuinely intends to understand how stakeholder interests are affected by their actions and address adverse impacts, and stakeholders honestly represent their interests, intentions and concerns); and companies are responsive to stakeholder input and follow through on commitments.” (Source: OECD. 2017. *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector*. p. 18. Available at: <http://www.oecd.org/publications/oecd-due-diligence-guidance-for-meaningful-stakeholder-engagement-in-the-extractive-sector-9789264252462-en.htm>)

1.2.2.4. Engagement processes shall be accessible and culturally appropriate,¹¹ and the operating company shall demonstrate that efforts have been made to include participation by women, men, and marginalized and vulnerable groups or their representatives.

1.2.2.5. When stakeholder engagement processes depend substantially on community representatives, the operating company shall demonstrate that efforts have been made to confirm whether or not such persons represent the views and interests of affected community members and can be relied upon to faithfully communicate relevant information to them. If this is not the case, the operating company shall undertake additional engagement processes to enable more meaningful participation by and information sharing with the broader community.

1.2.2.6. The operating company shall document engagement processes, including, at minimum, names of participants, and input received from and company feedback provided to stakeholders.

1.2.2.7. The operating company shall report back to affected communities and stakeholders on issues raised during engagement processes.

1.2.3. Strengthening Capacity

1.2.3.1. The operating company shall offer to collaborate with stakeholders from affected communities to assess their capacity to effectively engage in consultations, studies, assessments, and the development of mitigation, monitoring and community development strategies.¹² Where capacity gaps are identified, the operating company shall offer appropriate assistance to facilitate effective stakeholder engagement.¹³

1.2.4. Communications and Access to Information

1.2.4.1. Any information that relates to the mine's performance against the IRMA Standard shall be made available to relevant stakeholders upon request, unless the operating company deems the request to be unreasonable¹⁴ or the information requested is legitimate confidential business information. If part of a document is confidential only that confidential part shall be redacted, allowing for the release of non-confidential information.

1.2.4.2. If original requests for information are deemed unreasonable, efforts shall be made by the operating company to provide stakeholders with overviews or summaries of the information requested.

1.2.4.3. Communications shall be carried out and information shall be provided to stakeholders in a timely manner, and shall be in formats and languages that are culturally appropriate and accessible to affected communities and stakeholders.¹⁵

¹¹ See footnote 9 for more information on culturally appropriate engagement processes.

¹² Capacity needs may be legal, technical, process-oriented (e.g., negotiation skills), logistical, or other.

¹³ Depending on the circumstances, appropriate assistance may include providing access to training, independent experts, capacity building, etc.

¹⁴ Companies are not expected to release information that is culturally inappropriate, compromises the safety of any individual, is confidential employee information, or legitimate confidential business information. Culturally inappropriate information may include that which is sensitive to particular groups or communities, and therefore should not be freely released to all requesting parties (e.g., locations of indigenous peoples' sacred sites). Stakeholders can help to define what is considered culturally inappropriate.

¹⁵ "in a timely manner" will likely vary based on the operating company's resources and procedures (e.g., some companies may have due diligence procedures in place for releasing data publicly) and also the size/nature of the request. As a general rule of thumb, however, requests should be fulfilled within 1 to 3 months, although for particularly large requests or requests made to companies with limited capacity to fulfill information requests, some flexibility may be needed. Also, some companies have stringent quality assurance procedures that must be followed

1.2.4.4. If requests for information are not met in full, or in a timely manner, the operating company shall provide stakeholders with a written justification for why it has withheld information.

CROSS REFERENCES TO OTHER CHAPTERS	
CHAPTER	ISSUES
1.3—Legal Compliance	Stakeholders have access to information on regulatory non-compliances upon request (1.1.5.3). Access to information needs to conform with criteria 1.2.4 in Chapter 1.2.
1.3—Human Rights Due Diligence	Stakeholders are consulted in the human rights risks and impact assessment process, including providing input and reviewing drafts. Affected rights holders are engaged in a collaborative process with companies in the development of mitigation plans when their human rights have been infringed upon; and can provide input on the company’s monitoring of its human rights due diligence. Engagement needs to conform with the requirements in Chapter 1.2.
1.4— Complaints and Grievance Mechanism and Access to Remedy	Stakeholders are engaged in the development of an operational-level grievance mechanism, which will provide stakeholders and rights holders with a culturally appropriate means of filing complaints and suggestions, and having their concerns addressed. This engagement needs to conform with the requirements in Chapter 1.2.
2.1—Environmental and Social Impact Assessment and Management	Stakeholders are consulted throughout the environmental and social impact assessment process, including scoping, the collection of data, the development of mitigation plans, and in the monitoring program. Engagement needs to conform with requirements in Chapter 1.2.
2.2—Free, Prior and Informed Consent	Companies collaborate with indigenous peoples to identify indigenous peoples’ rights and interests such as lands or resources that may be affected by the mining project; identify studies or assessments needed to determine potential impacts from the mine on these rights and interests; and design and implement plans to address information gaps. Engagement continues throughout the Free, Prior and Informed Consent (FPIC) process, and if consent is given, throughout the life of the mine. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
2.3—Obtaining Community Support and Delivering Benefits	Companies collaborate with affected community members and other relevant stakeholders in the development of a participatory community development planning process to guide a company’s contributions to community benefits; and to monitor any mechanisms developed to deliver benefits. This engagement needs to conform with the requirements in Chapter 1.2.
2.4—Resettlement	Individuals and communities potentially affected by resettlement are consulted during the assessment of risks and impacts; the development of Resettlement Action Plan and/or Livelihood Restoration Plan and resettlement options; and resettlement implementation, including the monitoring of that implementation. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
2.5—Emergency Preparedness/Response	Stakeholders are involved in the development of the Emergency Response Plan and participate in emergency response planning exercises. This engagement needs to conform with the requirements in Chapter 1.2.
2.6—Reclamation and Closure	Stakeholders can comment on reclamation and closure plan, and the mine’s financial surety; and if long-term water treatment may occur, stakeholders are consulted during the risk assessment and subsequent community/company discussions. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.

in order to share data publicly, and so may require more time to prepare materials for release. (See also 1.2.4.4 for requests that are not responded to in what seems like a “timely manner.”) See footnote 9 for more on culturally appropriate communications.

CROSS REFERENCES TO OTHER CHAPTERS	
3.1—Fair Labor and Terms of Work	<u>Workers</u> and <u>workers’ representatives</u> are <u>stakeholders</u> of the mine. Engagement with <u>workers</u> and/or <u>workers’ representatives</u> occurs during the negotiation of collective bargaining agreements, <u>retrenchment</u> plans and in the calculation of <u>living wage</u> . This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
3.2—Occupational Health and Safety	Engagement with <u>workers/workers’ representatives</u> occurs during health and safety risk assessment; design of workplace monitoring and worker <u>health surveillance</u> ; development of strategies to prevent or <u>mitigate</u> risks to <u>workers</u> ; design of programs to support <u>worker</u> health and safety; and in inspections, monitoring and investigation of safety and health matters. This engagement and access to information needs to conform with Chapter 1.2 requirements.
3.3—Community Health and Safety	Companies <u>collaborate</u> with relevant community members and other <u>stakeholders</u> , including <u>workers</u> who live in <u>affected communities</u> , in the scoping of community health and safety risks and impacts; the development of prevention or <u>mitigation</u> strategies; the collection of any data needed to inform the health risk and impact assessment process; and the design and implementation of community health and safety monitoring programs. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
3.4—Mining and Conflict Affected Areas	<u>Stakeholders</u> are <u>consulted</u> during the conflict-affected areas screening process and conflict risk assessment; and affected <u>stakeholders</u> <u>collaborate</u> in the development of <u>mitigation</u> strategies to address risks that are relevant to them. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
3.5—Security Arrangements	<u>Stakeholders</u> are <u>consulted</u> during the security risk assessment; and if there are risks specific to conflicts between communities/ <u>workers</u> and mine security providers, community and <u>worker stakeholders</u> <u>collaborate</u> with the company to develop strategies to prevent or mitigate those risks. <u>Stakeholders</u> may also receive training on security and human rights issues. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
3.6—Artisanal and Small-Scale Mining	If <u>artisanal and small-scale mining (ASM)</u> is occurring in the vicinity of the industrial scale mine that is participating in IRMA, the <u>ASM</u> operating entities and miners would be considered <u>stakeholders</u> , and engagement with them would need to conform with Chapter 1.2.
3.7—Cultural Heritage	<u>Stakeholders</u> are <u>consulted</u> during cultural heritage screening, assessment and development of mitigation measures. If <u>indigenous peoples’</u> cultural heritage is affected, they are engaged in and <u>FPIC</u> process before any critical cultural heritage is disturbed or used for commercial purposes. This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.
4.1—Waste and Materials Management	<u>Stakeholders</u> are required to be <u>consulted</u> during the screening and assessment of <u>mine waste facility</u> siting and management alternatives; and in preparation of emergency preparedness plans on issues related to catastrophic failure of waste facilities. <u>Stakeholders</u> are also to be provided with certain information related to waste management upon request. Engagement and communications with stakeholders must conform with the requirements in Chapter 1.2.
4.2—Water Management	<u>Stakeholders</u> are engaged in the identification of potential and future uses of water (4.2.1), scoping of impacts of the mining project water (4.2.2.2), evaluation of <u>mitigation</u> measures (4.2.3.1), if relevant, risk assessment related to <u>mixing zones</u> (4.2.3.2), decisions on replacement water sources (4.2.3.4), participation in water monitoring (4.2.4.3), review and revision of <u>adaptive management</u> plans (4.2.4.6), and sharing of information (4.2.5). This engagement and access to information needs to conform with requirements in Chapter 1.2.
4.4—Noise and Vibration	Affected <u>stakeholders</u> are <u>consulted</u> in the development of noise <u>mitigation</u> plans. This engagement and access to information needs to conform with requirements in Chapter 1.2.
4.6— Biodiversity, Ecosystem Services and Protected Areas	<u>Stakeholders</u> are <u>consulted</u> in the assessment of potential effects of mining on <u>biodiversity</u> , <u>ecosystem services</u> and <u>protected areas</u> . This engagement and access to relevant information needs to conform with the requirements in Chapter 1.2.