How is **Free, Prior and Informed Consent (FPIC)** Addressed by the IRMA *Standard for Responsible Mining?*

September 2021

IRMA Community Toolkit

IRMA

Initiative for Responsible Mining Assurance

What is
IRMA?

- **IRMA is a coalition** of NGOs, affected communities, purchasers, investors, mining companies, and labor unions. Each sector has equal voice in IRMA governance.

- **IRMA is a high-bar standard to drive responsible mining,** defined through the *IRMA Standard for Responsible Mining*

- **IRMA is a global organization** managing IRMA standards and the system for independent third-party audits against those standards

IRMA's Vision:

A world where the mining industry respects the human rights and aspirations of affected communities, provides safe, healthy and supportive workplaces, minimizes harm to the environment, and
leaves positive legacies

The IRMA
Community
Toolkit

This is one of multiple modules in the IRMA community toolkit created to help you better understand IRMA and how it can be utilized to serve directly impacted communities.

Access materials introducing IRMA and covering other topics at https://responsiblemining.net/.

Leave feedback, suggest new tools and materials, or request a presentation for your community at info@responsiblemining.net.

The IRMA Standard for Responsible Mining

Comprehensive coverage of mining issues in 26 chapters under four principles

Business Integrity

- Legal compliance
- Stakeholder engagement
- Stakeholder grievance mechanism
- Human rights due diligence
- Revenue transparency / anti-corruption
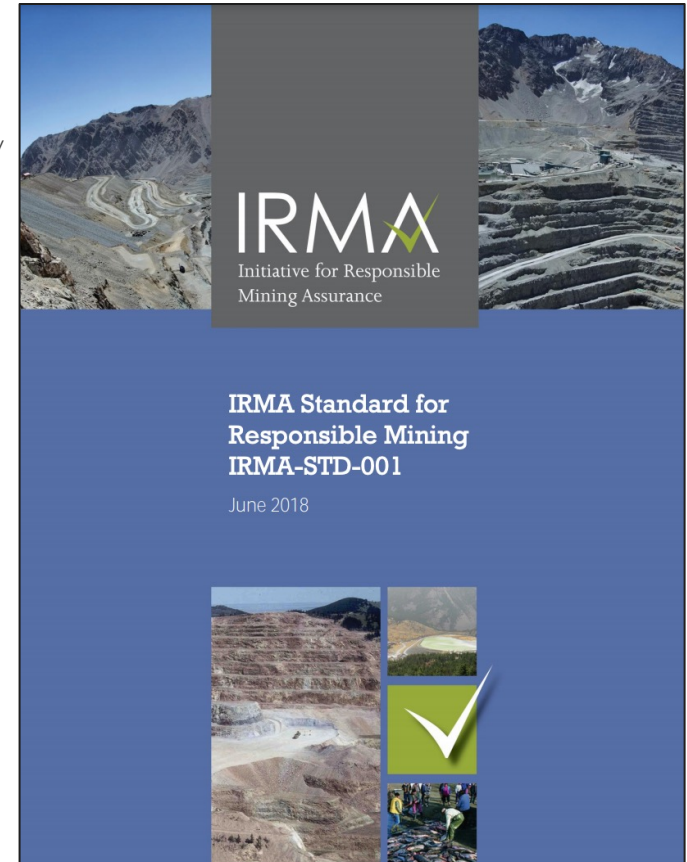
Planning for Positive Legacies

- Environmental and social impact assessment and management
- Free, Prior and Informed Consent
- Community support and benefits
- Resettlement
- Emergency preparedness and response
- Planning and financing reclamation and closure

Social Responsibility

- Labor rights
- Worker health & safety
- Community health and safety
- Conflict affected areas
- Security arrangements
- Cultural heritage protection
- Artisanal and small-scale mining (ASM)

Environmental Responsibility

- Water management
- Water (tailings) management
- Air quality
- Greenhouse gases emissions
- Noise management
- Biodiversity, ecosystem services, protected areas
- Cyanide management
- Mercury management

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IRMA Standard for Responsible Mining IRMA-STD-001

June 2018

How is FPIC defined in the IRMA Mining Standard?

Free Prior and Informed Consent (FPIC):

Consent based on:

- Engagement that is free from external manipulation, coercion and intimidation;
- Notification, sufficiently in advance of commencement of any activities, that consent will be sought;
- Full disclosure of information regarding all aspects of a proposed project or activity in a manner that is accessible and understandable to the people whose consent is being sought;
- Acknowledgment that the people whose consent is being sought can approve or reject a project or activity, and that the entities seeking consent will abide by the decision.

How is FPIC addressed in the IRMA *Standard for Responsible Mining?*

Circumstances for Obtaining FPIC

Mining-related activities that may affect indigenous peoples' rights or interests, including:

- impact on lands, territories and resources
- physical relocation of people
- disruption of traditional livelihoods
- impact on cultural heritage

New vs. Existing Mines

IRMA will not certify a new mine unless it has obtained FPIC from potentially affected indigenous peoples.

Existing mines must operate in a manner that seeks to achieve FPIC Chapter objectives.

All mines must obtain FPIC if proposed changes may significantly change impacts to indigenous peoples.

Forms of Evidence

Signed or otherwise verified agreements

In the absence of agreements, demonstrate an established process to respond to past and present community concerns and to remedy and / or compensate for past impacts

Indigenous Peoples and **IRMA Audits**

Are Indigenous People involved in IRMA Audits?

- IRMA requires third-party auditors to announce audits in advance so that stakeholders are aware of upcoming audits; to conduct on-site audits at the mine site level; and to interview rights holders, members of affected communities, including Indigenous Peoples, and mine workers.

What can I learn about a mine's impact on Indigenous communities from an IRMA audit?

- IRMA audit reports are public documents including over 100 pages of information about the mine site, including its compliance with the FPIC Chapter.

Key Elements
In the FPIC Chapter of the IRMA Mining Standard

1

Mines must demonstrate that they have obtained the consent of indigenous people

This applies to new mines and to existing mines when changes to the operation may result in new or increased impacts to indigenous people.

2

If indigenous people do not consent to the mining activity, it should not proceed

If indigenous peoples are not open to discuss the mining activity or have expressed that they do not want it, the company needs to respect this decision.

3

Indigenous people identify their rights and interests that can be affected by mining

Mines should facilitate capacity building and technical support to enable indigenous people to fully participate in the FPIC process.

Key Elements
In the FPIC Chapter of the IRMA Mining Standard

4
Mines follow FPIC processes of indigenous people

If no FPIC process or protocol exists, there may be mutual agreement on what processes should be followed

5
If consent is acquired, the mine's commitments are monitored

Indigenous people are involved in monitoring to ensure that commitments are met

6
Engagement and dialogue continue throughout the life of the mine

FPIC is an ongoing process, and all relationships require regular attention and maintenance

Case Study: Carrizal Mine

- **Mine Location:** Zimapán, Mexico
- **Commodities:** Lead, zinc, copper
- **8 neighboring communities:** 120 audit participants (49 women, 23 men, 58 did not identify)
- Communities reported that indigenous language and culture are not common practice and many communities no longer identify themselves as indigenous

Principle 2: Planning for Positive Legacies	Chapter Relevant*	Actual Score	Possible Score	Percent Score
Chapter 2.2—Free, Prior and Informed Consent	Yes	3	10	30%

Topics Covered	Number of Requirements	Relevant Requirements	Real Score
Company policy	2	2	1
General requirements	4	0	0
FPIC initial assessment study	3	2	1
Determine process for FPIC	3	0	0
Implementation of the process for FPIC	3	0	0
Failure to obtain the consent of indigenous peoples	1	0	0
Implementation and ongoing participation	2	1	1
TOTAL	18	5	3

Case Study: Carrizal Mine

	Legend
✓	Fully meets
◐ (blue)	Substantially meets
◐ (yellow)	Partially meets
⊗	Does not meet
—	Not relevant

Chapter 2.2—Free, Prior and Informed Consent (FPIC)

		Rating	Basis for rating
2.2.1.1.	The operating company shall have a publicly available policy that includes a statement of the company's respect for indigenous peoples' rights, as set out in the United Nations Declaration on the Rights of Indigenous Peoples.	Partially meets	Human rights and ethics policies both make reference to respect for Indigenous peoples. However, neither is publicly available. Moreover, neither policy refers explicitly to Indigenous peoples' right to FPIC; rather, it treats indigenous people as any other stakeholder.
2.2.1.2.	The operating company shall ensure that indigenous peoples potentially affected by the company's mining-related activities are aware of the policy.	Does not meet	
2.2.7.2.	Engagement with indigenous peoples shall continue throughout all stages of the mining project.	Partially meets	The company did not specifically consult with communities that self-identify as indigenous concerning FPIC processes, nor do they have an FPIC agreement in place. However, the two identified indigenous communities have been identified as stakeholder communities (albeit not indigenous ones) and they are included in the mine's stakeholder engagement plan, which outlines plans for ongoing engagement).

See full audit report and FPIC ratings at https://responsiblemining.net/.

Some ways to use IRMA as a tool to support FPIC

- Ask a mine site to join IRMA and complete an IRMA third-party audit

- Review and comment on the FPIC section of an existing IRMA third-party audit (available at https://responsiblemining.net/)

- Get on the IRMA Engagement Map to connect and share information

- Work with a research NGO and/or academic institution to compare your local laws against the IRMA FPIC Chapter

- Contact IRMA to organize a webinar or workshop for your community: info@responsiblemining.net

Contact us

info@responsiblemining.net

https://responsiblemining.net/

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