



Initiative for Responsible
Mining Assurance

Excerpt from the DRAFT Standard for Responsible Mining and Mineral Processing 2.0

Chapter 3.5 – Security Arrangements

Context & Disclaimer on IRMA DRAFT Standard 2.0

IRMA DRAFT Standard for Responsible Mining and Minerals Processing 2.0 is being released for public consultation, inviting the world to join in a conversation around expectations that drive value for greater environmental and social responsibility in mining and mineral processing.

This draft document invites a global conversation to improve and update the 2018 IRMA Standard for Responsible Mining Version 1.0. It is not a finished document, nor seeking final review, but rather is structured to invite a full range of questions, comments and recommendations to improve the IRMA Standard.

This IRMA DRAFT Standard for Responsible Mining and Minerals Processing (v.2.0) has been prepared and updated by the IRMA Secretariat based on learnings from the implementation of the Standard (v.1.0), experience from the first mines independently audited, evolving expectations for best practices in mining to reduce harm, comments and recommendations received from stakeholders and Indigenous rights holders, and the input of subject-specific expert Working Groups convened by IRMA in 2022.

IRMA's Standard has a global reputation for comprehensive in-depth coverage addressing the range of impacts, as well as opportunities for improved benefit sharing, associated with industrial scale mining. This consultation draft proposes a number of new requirements; some may wonder whether IRMA's Standard already includes too many requirements. The proposed additions are suggested for a range of reasons (explained in the text following), including improving auditability by separating multiple expectations that were previously bundled into a single requirement, addressing issues that previously weren't sufficiently covered (e.g. gender, greenhouse gas emissions), and providing more opportunities for mining companies to receive recognition for efforts to improve social and environmental protection.

Please note, expert Working Groups were created to catalyze suggestions for solutions on issues we knew most needed attention in this update process. They were not tasked to come to consensus nor make formal recommendations. Their expertise has made this consultation document wiser and more focused, but work still lies ahead to resolve challenging issues. We encourage all readers to share perspectives to improve how the IRMA system can serve as a tool to promote greater environmental and social responsibility, and create value for improved practices, where mining and minerals processing happens.

The DRAFT Standard 2.0 is thus shared in its current form to begin to catalyze global conversation and stakeholder input. It does not represent content that has been endorsed by IRMA's multistakeholder Board of Directors. IRMA's Board leaders seek the wisdom and guidance of all readers to answer the questions in this document and inform this opportunity to improve the IRMA Standard for Responsible Mining.

IRMA is dedicated to a participatory process including public consultation with a wide range of affected people globally and seeks feedback, comments, questions, and recommendations for improvement of this Standard. IRMA believes that diverse participation and input is a crucial and determining factor in the effectiveness of a Standard that is used to improve environmental and social performance in a sector. To this end, every submission received will be reviewed and considered.

The DRAFT Standard 2.0 is based on content already in practice in the IRMA Standard for Responsible Mining Version 1.0 (2018) for mines in production, combined with the content drafted in the IRMA Standard for Responsible Mineral Development and Exploration (the 'IRMA-Ready' Standard – Draft v1.0 December 2021) and in the IRMA Standard for Responsible Minerals Processing (Draft v1.0 June 2021).

Chapter Structure

BACKGROUND

Each chapter has a short introduction to the issue covered in the chapter, which may include an explanation of why the issue is important, a description of key issues of concern, and the identification of key aspects of recognized or emerging best practice that the standard aims to reflect.

OBJECTIVES/INTENT STATEMENT

A description of the key objectives that the chapter is intended to contribute to or meet.

SCOPE OF APPLICATION

A description of the conditions under which the chapter may or may not be relevant for particular mines or mineral processing sites. If the entity can provide evidence that a chapter is not relevant, that chapter will not need to be included in the scope of the IRMA assessment. A requirement is 'not relevant' if the issue to which a requirement relates is not applicable at the site. For example, requirements related to the use of cyanide would not be relevant at a site at which cyanide is never used.

TERMS USED IN THIS CHAPTER

This is a list of the terms used in the chapter ■ Each term is separated with ■

Terms listed here are identified in the chapter with a dashed underline. And they are defined in the Glossary of Terms at the end of the chapter.

Chapter Requirements

X.X.X. These are criteria headings

X.X.X.X. And these are the requirements that must be met for an IRMA assessment to be issued and subsequently maintained by a site. Most criteria have more than one requirement. All requirements must be met in order to comply fully with the criterion.

- a. Some requirements consist of hierarchical elements:
 - i. At more than one level.
 - ii. Operations may be required to meet all elements in a list, or one or more of the elements of such a list, as specified.

NOTES

Any additional notes related to the chapter and its requirements are explained here.

GLOSSARY OF TERMS USED IN THIS CHAPTER

Terms used in the chapter are defined here.

ANNEXES AND TABLES

Annexes or Tables are found here.

IRMA Critical Requirements

The 2018 IRMA Standard for Responsible Mining v. 1.0 includes a set of requirements identified as being critical requirements. Operations being audited in the IRMA system must at least substantially meet these critical requirements in order to be recognized as achieving the achievement level of IRMA 50 and higher, and any critical requirements not fully met would need to have a corrective action plan in place describing how the requirement will be fully met within specified time frames.

The 2023 updates to the 2018 Standard may edit some critical requirements in the process of revising and therefore there will be a further review specific to the language and implications of critical requirements that follows the overall Standard review.

Associated Documents

This document is an extract of the full DRAFT IRMA FOR RESPONSIBLE MINING AND MINERAL PROCESSING (Version 2.0) – DRAFT VERSION 1.0, released in October 2023 for a public-comment period. The English-language full version should be taken as the definitive version. IRMA reserves the right to publish corrigenda on its web page, and readers of this document should consult the corresponding web page for corrections or clarifications.

Readers should note that in addition to the DRAFT Standard, there are additional policies and guidance materials maintained in other IRMA documents, such as IRMA’s Principles of Engagement and Membership Principles, IRMA Guidance Documents for the Standard or specific chapters in the Standard, IRMA Claims and Communications Policy and other resources. These can be found on the IRMA website in the Resources section. Learn more at responsiblemining.net

Comment on the IRMA Standard

Comments on the IRMA Standard and system are always welcome.

They may be emailed to IRMA at: comments@responsiblemining.net

Additional information about IRMA is available on our website: responsiblemining.net

Chapter 3.5

Security Arrangements

NOTES ON THIS CHAPTER: The primary changes made to this chapter versus the 2018 Mining Standard are structural changes to increase clarity and auditability of some criteria, and increase alignment with other IRMA chapters.

Proposed additions and changes:

- As with other chapters, we have altered language referring to the obligation of the entity to report ‘if requested by a community,’ and now put the onus on the entity to offer this rather than expecting the community to know to request it (requirement 3.5.6.1).
- Also, we have clarified that references to ‘security risks’ in this chapter are meant to encompass both “security risks” (i.e., risks to the security of the mine site and its personnel, such as from robbery or social unrest) as well as “risks from security” (i.e., risks associated with the presence and use of security personnel, such as potential for conflict between communities and security, potential for unjustified use of force, etc.).
- The requirements for a management plan and monitoring have been updated to align with other IRMA chapters (see 3.5.3.1 and 3.5.3.3).

Glossary:

- We are proposing new/revised definitions for several glossary terms. The ‘Terms Used In This Chapter’ box shows which terms are new, and the proposed definitions can be found in the glossary at the end of the chapter requirements. The full glossary is at the end of the document. Feedback on definitions is welcome.

BACKGROUND

Security risks to mining and mineral processing operations may result from political, economic, civil, or social factors. The role of public or private security forces used in relation to such operations should be to maintain the rule of law, including safeguarding human rights; provide security to workers, equipment, and facilities; and protect the site or transportation routes from interference with legitimate extraction and trade.

Security arrangements for mining and mineral processing operations that are founded on a substantial understanding of the context, consultation with stakeholders, and adherence to international best practice can help an entity reduce the potential for violent conflicts with communities or workers, contribute to peace and stability in the regions where it operates, and demonstrate respect for the human rights of stakeholders affected by their operations.

OBJECTIVES/INTENT OF THIS CHAPTER

To manage security in a manner that protects operations, assets, and products without infringing on human rights.

SCOPE OF APPLICATION

RELEVANCE: The majority of the requirements in this chapter are relevant for any mining or mineral processing operation that employs security personnel (e.g., security guards, public or private security forces) whether as employees or contractors, at the operation and during the transportation of its products.

TERMS USED IN THIS CHAPTER

Affected Community ■ Business Relationships ■ Collaboration ■ Competent Authority ■ Competent Professional ■ Conflict Analysis ■ Conflict Risk ■ Consultation ■ Contractors ■ Credible Method **NEW** ■ Culturally Appropriate **NEW** ■ Entity **NEW** ■ Grievance ■ Human Rights Risk ■ Mineral Processing **NEW** ■ Mining **NEW** ■ Mining-Related Activities ■ Mitigation ■ Operation **NEW** ■ Potential Human Rights Impact ■ Project **NEW** ■ Remediation/Remedy ■ Site **NEW** ■ Stakeholder ■ Vulnerable Group ■ Worker ■

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

Some requirements in this chapter are only relevant for entities that have security arrangements involving private security providers (3.5.1.3 and 3.5.4.1), and others are only relevant if public security forces such as police or military personnel are used (i.e., 3.5.1.4, 3.5.4.2, and 3.5.6.3).

NOTE ON SCOPE OF APPLICATION: This proposed version of the IRMA Standard is meant to apply to exploration, mining, and mineral processing projects and operations (see definitions of project and operation), but not all requirements will be relevant in all cases. We have provided some high-level information below, but the IRMA Secretariat will produce a detailed Scope of Application for each chapter that will indicate relevancy on a requirement-by-requirement basis (and will provide some normative language where the expectations may slightly differ for proposed projects versus operations, or for mining versus mineral processing, etc.).

CRITICAL REQUIREMENTS IN THIS CHAPTER

The entity has a policy and procedures in place regarding the use of force and firearms that align with the best practices expressed in United Nations *Basic Principles on the Use of Force and Firearms*¹ (3.5.3.4).

NOTE ON CRITICAL REQUIREMENTS: The 2018 IRMA Standard includes a set of requirements identified as being critical. Projects/operations being audited in the IRMA system must at least substantially meet all critical requirements in order to be recognized at the achievement level of IRMA 50 and higher, and any critical requirements not fully met need a corrective action plan for meeting them within specified time frames.

INPUT WELCOME: The proposed revisions to the 2018 Standard have led to new content, as well as edits of some critical requirements in the process. Therefore, there will be a further review of the language and implications of critical requirements prior to the release of a final v.2.0 of the IRMA Standard. During this consultation period we welcome input on any existing critical requirement, as well as suggestions for others you think should be deemed critical. A rationale for any suggested changes or additions would be appreciated.

Security Arrangements Requirements

3.5.1. Policy Related to Security and Human Rights

NOTE FOR 3.5.1: We have re-structured policy expectation phrasing across chapters to increase overall consistency in the standard. Therefore, we restructured 3.5.1.1 and added 3.5.1.2. below with additional details as to the process through which IRMA expects policies to be developed and shared with stakeholders.

We moved the previous 3.5.1.2 and 3.5.1.3 down to criterion 3.5.3 ‘Management of Risks and Impacts’ where all plans and procedures are now included.

Finally, we renamed this criterion, as previously it referred also to procedures.

3.5.1.1. A security policy or its equivalent is in place that:

- a. Acknowledges the entity’s responsibility to:
 - i. Respect human rights in its efforts to maintain the safety and security of operation; and
 - i. Avoid using public or private security forces that have been credibly implicated in the infringement of human rights, breaches of international humanitarian law or the excessive use of force;²
- b. Stipulates the entity’s expectations of contractors vis-à-vis the above commitments;
- c. Is approved at the most senior level of the entity; and
- d. Is publicly available and communicated to relevant stakeholders.³

¹ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Available at: www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

² These commitments may be made in a broader Human Rights Policy, or another relevant policy.

³ Relevant stakeholders could include women, children or their representatives, and other groups who may be particularly vulnerable to impacts from security arrangements (e.g., this might include ASM operators, human rights defenders, and youth). Other relevant local stakeholders may include local government or community leaders; civil society organizations; and other companies operating in the area.

NOTE FOR 3.5.1.1: REVISED. Broke out the individual expectations in sub-requirements, and also added a new sub-requirement 3.5.1.1.b, because if contractors are hired to provide security, then the policy should be clear regarding the entity's expectations of contractors. The other sub-requirements are consistent with human-rights related policy requirements in other chapters of the Standard.

3.5.2. Security Risk Identification and Assessment

NOTE FOR 3.5.2: This name of this criterion has changed. It used to be Security Risk Assessment and Management. The management-related requirements (3.5.2.4 and 3.5.2.5) have moved down to the new criterion 3.5.3 "Management of Risks and Impacts" (they are now requirements 3.5.3.1. and 3.5.3.2. respectively).

3.5.2.1. The entity assesses security risks and potential human rights impacts that may arise from security context and security personnel arrangements. Assessments, which may be scaled to the size of the entity and severity of security risks and potential human rights impacts:

- a. Follow a credible process/methodology;⁴
- b. Are carried out and documented by competent professionals; and
- c. Draw on credible information obtained from a range of perspectives, including different genders, ages, ethnicities, and any potentially vulnerable groups,⁵ as well as relevant stakeholders such as human rights defenders, and expert advice.⁶

NOTE FOR 3.5.2.1: REVISED. This combines requirements 3.5.2.1 and 3.5.2.2 from the 2018 Mining Standard.

3.5.2.2. The scope of the security risk assessment includes, but need not be limited to:

- a. Analysis of the political and security context in the host country context (e.g., the human rights records of the government and public and private security forces, adherence to the rule of law, potential for corruption, whether or not the operation is located in a known conflicted-affected or high-risk area, etc.);
- b. Conflict analysis to determine current and potential conflicts or violence in the host country and affected communities;
- c. Identification of security risks and risks from security, paying particular attention to risks to women, children, and other vulnerable groups. These risks include:
 - i. Security risks to the operation (e.g., protecting assets from being vandalized or stolen);
 - ii. Security-related risks to workers (e.g., risks to female workers when walking home or to accommodations at night); and
 - iii. Security-related risks to communities (e.g., conflict risks between security forces and communities during social protest, etc.).
- d. Risks related to the presence and equipping of security forces (e.g., misappropriation or diversion of security equipment, increased risk of violence associated with firearms or other equipment).

⁴ Risk assessments typically include: establishment of scope; identification of sources of risk; identification of risks; assessment of risks; development of risk treatment and mitigation measures; and communications, monitoring and assessment, and revision. The assessment of security risks may be integrated in existing risk assessment processes.

⁵ What may constitute a 'vulnerable group' requiring additional focus depends on the context and the matter at hand. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. Relevant stakeholders would include women, children or their representatives, and other groups who may be particularly vulnerable to impacts from security arrangements (e.g., this might include ASM operators, human rights defenders, and youth). Other relevant local stakeholders may include local government or community leaders; civil society organizations; and other companies operating in the area.

⁶ Special effort should be made to include women, children or their representatives, and other groups who may be particularly vulnerable to impacts from security arrangements (e.g., this might include artisanal and small-scale miners, human rights defenders, or youth). Other relevant local stakeholders may include local government or community leaders, civil society organizations or other companies operating in the area. Expert advice may come from governments, multi-stakeholder initiatives, human rights institutions, civil society, or academics with local knowledge and expertise.

NOTE FOR 3.5.2.2: REVISED. Sub-requirements a, b, c and d were all in the original requirement 3.5.2.3 in the 2018 Mining Standard, but they have been slightly reorganized.

We added more detail to sub-requirement 3.5.2.2.c to further specify the full range of applicable security concerns to be identified and assessed, and included examples in sub-requirements 3.5.2.2.a, 3.5.2.2.c and 3.5.2.2.d, as there was some confusion in early audits around what might need to be assessed. In particular, we have clarified that references to ‘security risks’ in this chapter are meant to encompass both “security risks” (i.e., risks to the security of the mine site and its personnel, such as from robbery or social unrest) as well as “risks from security” (i.e., risks associated with the presence and use of security personnel, such as potential for conflict between communities and security, potential for unjustified use of force, human rights abuses, etc.).

3.5.2.3. Assessments of security-related risks and impacts are updated periodically, including, at minimum, when there are changes to mining-related activities, security arrangements, business relationships, or in the operational, environmental, or social context that may create new risks or change the nature or degree of an existing impact.⁷

NOTE FOR 3.5.2.3: NEW. This was part of 3.5.2.1 in the 2018 Mining Standard. We have separated out the updating step to be consistent with other chapters.

3.5.3. Management of Security Risks and Impacts

NOTE FOR 3.5.3: This is a new criterion heading. It encompasses a number of requirements already in the chapter that relate to the actions that should be taken to mitigate and manage security-related risks.

It contains all of the requirements that relate to having plans and procedures in place to manage security risks. This includes requirements that used to be in 3.5.2, as explained above, and also in the criterion 3.5.3 ‘Due Diligence Prior to Hiring Security Personnel’ from 2018 Mining Standard. That criterion heading has now been deleted.

3.5.3.1. The entity develops and implements a risk management plan that includes actions to be taken to prevent or mitigate identified risks in the security risk assessment. The plan:

- a. Is developed by competent professionals;
- b. Outlines the mitigation measures to avoid and, where that is not possible, minimize adverse impacts on human health and the environment (including impacts to land, soil, water, and vegetation). The measures in the plan are specific, measurable, linked to clearly defined outcomes, relevant, and time-bound;
- c. Identifies key indicators, linked to adequate baseline data, to enable measurement of the effectiveness of mitigation activities over time;
- d. Assigns implementation of actions, or oversight of implementation, to responsible staff;⁸
- e. Includes an implementation schedule; and
- f. Includes estimates of human resources and budget required and a financing plan to ensure that funding is available for the effective implementation of the plan.

⁷ A risk assessment in 3.5.2 is not a one-time occurrence. According to the Voluntary Principles on Security and Human Rights (VP) Implementation Guidance Tools, “Any major decision relating to a project or company might represent an appropriate time to conduct or renew a risk assessment, e.g., a project expansion, an acquisition or merger or any other major business decision. Major changes in external circumstances may bring about the need to conduct a VPs risk assessment. This may include a change in government, the outbreak of conflict, an economic crisis, or a major political or policy decision.” (ICMM, IFC and IPIECA. 2012. Voluntary Principles on Security and Human Rights Implementation Guidance Tools. p. 24. https://www.voluntaryprinciples.org/wp-content/uploads/2021/11/Implementation-Guidance-Tools_English.pdf).

⁸ If work is carried out by third party contractors, then there needs to be a staff employee responsible for overseeing the quality of work, timelines, etc.

NOTE FOR 3.5.3.1: REVISED. This was 3.5.2.4 in the 2018 Mining Standard. The requirement for monitoring was moved to its own requirement (3.5.3.3), and sub-requirements were added to align with management plans in other IRMA chapters.

3.5.3.2. If the security risk assessment reveals the potential for conflicts between security providers and affected community members or workers, the entity:

- a. Collaborates with communities and/or workers to develop mitigation strategies that are culturally appropriate and that take into consideration the needs of different genders, ages, ethnicities, or any potentially vulnerable groups;⁹
- b. If specific risks to human rights are identified in the assessment, mitigation strategies conform with requirements in IRMA Chapter 1.3;¹⁰ and
- c. Mitigation measures are integrated into the management plan (see 3.5.3.1).

NOTE FOR 3.5.3.2: This was 3.5.2.5 in the 2018 Mining Standard. We have added that the mitigation measures are integrated into the management plan.

3.5.3.3. A process is in place for monitoring and evaluating the effectiveness of the implementation of mitigation actions, and if necessary, outlining additional actions and updating the management plan to accord with desired or expected outcomes.

NOTE FOR 3.7.3.3: REVISED. Requirement 3.5.2.4 included both management and monitoring. We have separated out the monitoring element. Most IRMA chapters that include management plans include a step to evaluate the effectiveness of the actions that are implemented, and if necessary, take further action. We are proposing to add this requirement because to create greater consistency throughout the standard.

3.5.3.4. (Critical Requirement)

The entity has procedures in place regarding the use of force and firearms that align with the best practices expressed in United Nations *Basic Principles on the Use of Force and Firearms*.¹¹ At minimum, the entity's procedures require that:

- a. Security personnel take all reasonable steps to exercise restraint and utilize non-violent means before resorting to the use of force;
- b. If force is used it does not exceed what is strictly necessary, and is proportionate to the threat and appropriate to the situation; and
- c. Firearms are only used for the purpose of self-defense or the defense of others if there is an imminent threat of death or serious injury.

NOTE FOR 3.5.3.4: REVISED. This was 3.5.1.2 in the 2018 Mining Standard. Requirement 3.5.1.2 was considered a critical requirement, and given that this requirement contains the majority of what was outlined in the previous 3.5.1.2, this has now become the critical requirement (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' above).

⁹ Which stakeholders must be included and what may constitute a 'vulnerable group' requiring additional focus depends on the context. Entities should draw on stakeholder mapping, stakeholder interviews, project documentation, as well as site observations to determine whether all relevant stakeholders have been identified and included. For this requirement, particular attention should be paid to those with existing forms of vulnerability to security-related incidents such as women, girls, those located close to risk factors such as workers' camps or major transportation routes.

¹⁰ IRMA Standard, Chapter 1.3—Human Rights Due Diligence. See specifically, requirement 1.3.3.2.

¹¹ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Available at: www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx

3.5.3.5. If private security is used in relation to the operation, the entity has a signed contract with private security providers that at minimum:

- a. Sets out agreed on principles that are consistent with the Voluntary Principles on Security and Human Rights and the entity's procedures on the use of force and firearms;¹²
- b. Delineates respective duties and obligations with respect to the provision of security in and around the operation and, if relevant, along transport routes;
- c. Outlines required training for security personnel; and
- d. Stipulates termination of relationship between entities and private security providers where there is credible evidence of unlawful or abusive behavior by the latter.

NOTE FOR 3.5.3.5: This was 3.5.1.3 in the 2018 Mining Standard. Sub-requirement (d) is **NEW**. It is from Voluntary Principles on Security and Human Rights.¹³

3.5.3.6. If public security forces are used to provide security to the operation and/or transport routes, the entity makes a good faith effort to sign a Memorandum of Understanding or similar agreement with public security providers that includes similar provisions to those in 3.5.3.5.

NOTE FOR 3.5.3.6: This was 3.5.1.4 in the 2018 Mining Standard.

3.5.3.7. The entity develops and implements due diligence procedures to prevent the hiring of employee or contracted private security providers who have been convicted of or credibly implicated in the infringement of human rights, breaches of international humanitarian law, or the use of excessive force.¹⁴

NOTE FOR 3.5.3.7: REVISED. This was 3.5.3.1 in the 2018 Mining Standard. Clarified that this requirement applies to either security guards hired as company employees and/or contracted security providers.

3.5.3.8. The entity makes a good faith effort to determine if public security personnel providing security to the mine have been convicted of or credibly implicated in the infringement of human rights, breaches of international humanitarian law or the use of excessive force.

NOTE FOR 3.5.3.8: This was 3.5.3.2 in the 2018 Mining Standard.

3.5.4. Training of Security Personnel

NOTE FOR 3.5.4: Minor change to title to clarify who needs the training.

3.5.4.1. Prior to deployment of private security personnel (whether employees of the entity or contractors), the entity provides training that incorporates, at minimum, information related to ethical conduct and respect for the human rights of workers and affected communities, with specific reference to vulnerable groups, and the entity's procedures on the appropriate use of force and firearms. Both initial training and refresher courses are mandatory for all security employees and for any private security contractors that have not received equivalent training from their employers.

NOTE FOR 3.5.4.1: REVISED. This was 3.5.4.1 in the 2018 Mining Standard. It has been revised slightly to clarify that both employees and contractors who hired to provide security need to be trained.

¹² Voluntary Principles on Security and Human Rights. 2014. www.voluntaryprinciples.org

¹³ See Voluntary Principles on Security and Human Rights: Implementation Guidance Tool. pp. 53. https://www.voluntaryprinciples.org/wp-content/uploads/2021/11/Implementation-Guidance-Tools_English.pdf

¹⁴ Due diligence includes research or investigations to vet prospective private security providers and security personnel such as: history of respect for/violations of human rights law and international humanitarian law; personal/business reputation; management style and ethics of key executives; litigation and criminal offence history; procedures on use of force and firearms; compliance with health, safety, and environmental regulations; etc. (VP Implementation Guidance Tool. pp. 52, 53).

3.5.4.2. If public security forces are to be used, the entity determines if public security personnel are provided with training on human rights and the appropriate use of force and firearms. If this training is not provided, the entity offers to facilitate training for public security personnel that provide mine-related security.

NOTE FOR 3.5.4.2: This was 3.5.4.2 in the 2018 Mining Standard.

3.5.5. Response to Security Incidents

NOTE FOR 3.5.5: Minor change to title to clarify that this refers to how the entity responds to incidents. 3.5.3 refers to management of security more generally.

3.5.5.1. The entity:

- a. Develops and implements systems for documenting and investigating security incidents, including those involving impacts on human rights or the inappropriate use of force;
- b. Takes appropriate actions to prevent or mitigate and provide remediation for human rights impacts (as per Chapter 1.3),¹⁵ injuries, or fatalities caused by security providers;
- c. Takes appropriate actions, including disciplinary measures, to prevent and deter abusive or unlawful acts by security personnel and acts that contravene the entity's policies on rules of engagement, the use of force and firearms, human rights, and other relevant policies;
- d. Provides medical assistance to all injured people, including offenders;
- e. Ensures the safety of victims and those filing security-related allegations; and
- f. Reports security incidents, including any credible allegations of human rights abuses by private or public security providers, to competent authorities and national human rights institutions, and cooperates in any investigations or proceedings.

NOTE FOR 3.5.5.1: This was 3.5.5.1 in the 2018 Mining Standard. The order of the sub-requirements has been shifted around to more accurately reflect the process entities would likely follow in terms of addressing incidents. No change in content or intent.

3.5.5.2. In the event of security-related incidents that result in injuries, fatalities, or alleged human rights impacts on community members or workers, the entity:

- a. Provides communities and/or workers with information on the incidents and any investigations that are underway; and
- b. Consults with communities and/or workers to develop strategies to prevent the recurrence of similar incidents.

NOTE FOR 3.5.5.2: This was 3.5.5.2 in the 2018 Mining Standard. This requirement was separated into two sub-requirements to make it clear that there are two distinct items to be audited. No change in content or intent.

3.5.6. Communication, Reporting, and Disclosure

3.5.6.1. The entity engages with stakeholders on security issues as follows:

- a. Stakeholders, including host governments and affected communities, are consulted about the impact of the entity's security arrangements on those stakeholders, and the consultations occur at a frequency commensurate with the risks associated with security arrangements; and
- b. Community stakeholders are offered a briefing on the entity's procedures on the use of force and firearms.

NOTE FOR 3.5.6.1: REVISED. This requirement combines 3.6.5.1 and 3.6.5.2 from the 2018 Mining Standard.

¹⁵ IRMA Standard, Chapter 1.3—Human Rights Due Diligence. (See specifically, requirement 1.3.3.2).

For 3.5.6.1.a, the requirement previously said that consultations were to happen regularly. However, we are proposing to revise this to say “consultations occur at a frequency commensurate with the risks associated with security arrangements.” Depending on the circumstances, there may not be a need for regular consultations (e.g., the commodity being mined is not high value so the level of security at the site is low, security guards are not armed, and there is no nearby community), whereas in situation where there are obviously risks to communities from security arrangements frequent consultation may be necessary. We can add guidance to this effect.

In 3.5.6.1.b, we are proposing to require entities to explicitly offer to provide a briefing to communities. Previously, the language was “if requested by a community structure.” However, if no such request is made, there is nothing to audit. Furthermore, if communities do not know that this is an option then they are unlikely to request such a briefing.

3.5.6.2. The entity reports annually on its efforts to manage security in a manner that respects human rights.¹⁶

NOTE FOR 3.5.6.2: REVISED. This was previously combined with the consultation requirement in requirement 3.5.6.2 from the 2018 Mining Standard. We moved that as explained above, so that this requirement could focus solely on reporting.

3.5.6.3. Stakeholders have access to and are informed about a mechanism to raise and seek recourse for concerns or grievances related to the operation’s security.¹⁷

NOTE FOR 3.5.6.3: This was requirement 3.5.6.3 in the 2018 Mining Standard.

CONSULTATION QUESTION 1.4-2 (repeated from Chapter 1.4 – ‘Complaints and Grievance Mechanism and Access to Remedy’)

Background: Chapter 1.4 - 'Complaints and Grievance Mechanism and Access to Remedy' includes a range of requirements surrounding the existence of an accessible and effective operational-level grievance mechanism. It is not possible to score well on Chapter 1.4 if the mechanism does not have certain quality-related characteristics. Other chapters (i.e., human rights, gender, resettlement, security, ASM) also have requirements relating to the existence of a grievance mechanism;¹⁸ however, the requirements in each of those chapters ask only that a mechanism is in place that allows grievances to be filed and addressed, but they do not speak to the overall quality of that mechanism. This is an approach proposed by IRMA to avoid too much repetition across chapters. However, this creates a situation in which an entity could theoretically score 'fully meets' on the grievance-related requirement in an individual chapter (which in most cases only asks that stakeholders have “access to” a grievance mechanism), even if the grievance mechanism as a whole is not an effective one (as reflected in the overall score for Chapter 1.4).

Question: Should an entity's score on grievance-related requirements within individual non-grievance-specific chapters be restrained or linked to the overall score that the entity gets on the grievance chapter (Chapter 1.4) as a whole?

For example, if a site scores 80% on Chapter 1.4, the most the site could receive for a grievance requirement in the other chapters would be a ‘substantially meets,’ but if a site scores 100% on Chapter 1.4 then, assuming the mechanism can handle grievances specific to the other chapters, they could possibly get a ‘fully meets’ rating on those grievance requirements.

¹⁶ The entity could report verbally (e.g., at a public meeting) or publish a report (such as an annual progress report produced by companies participating in the Voluntary Principles on Human Rights) that is available to stakeholders. Or this reporting could be part of the reporting on human rights due diligence required in Chapter 1.3. See Guidance Notes for more information.

¹⁷ The operational-level grievance mechanism developed as per Chapter 1.4 may be used as the mechanism to receive and address security-related grievances, or a separate mechanism may be created to handle only security-related concerns.

¹⁸ See: Chapter 1.3, requirement 1.3.3.3; proposed Chapter 1.X, requirement 1.X.3.2; Chapter 2.4, requirement 2.4.3.3; Chapter 3.5, requirement 3.5.6.3; and Chapter 3.6, requirement 3.6.2.1.d.

3.5.6.4. If public security forces are providing security for any aspect of the operation, the entity encourages host governments to make, or allow the entity to make, security arrangements such as the purpose and nature of public security transparent and accessible to the public, subject to any overriding safety and security concerns.¹⁹

NOTE FOR 3.5.6.4: This was 3.5.6.4 in the 2018 Mining Standard. Minor wording changes, but no change in content or intent.

NOTES

This chapter draws on the Voluntary Principles on Security and Human Rights (“Voluntary Principles”), which provides a widely recognized framework for risk assessment and management of security providers that is respectful of human rights.²⁰ Entities are encouraged to become corporate participants in the Voluntary Principles initiative, to learn from and share knowledge with other companies and participants regarding best practices related to security and human rights.²¹

CROSS REFERENCES TO OTHER CHAPTERS

This table will be added when the new content for all chapters is finalized and approved.

GLOSSARY OF TERMS USED IN THIS CHAPTER

PROPOSED NEW DEFINITIONS

Corruption

Any unlawful or improper behavior that seeks to gain a private advantage through illegitimate means. Any kind of bribery is a form of corruption; but corruption also includes abuse of power, extortion, fraud, deception, collusion, cartels, embezzlement, and money laundering.

Source: Adapted from Responsible Jewellery Council 2019. <https://www.responsiblejewellery.com/wp-content/uploads/RJC-COP-2019-V1.2-Standards.pdf>

Credible Method/Methodology

A method/methodology that is widely recognized, accepted, and used by experts and practitioners in a particular field of study.

Entity

A company, corporation, partnership, individual, or other type of organization that is effectively in control of managing an exploration, mining or mineral processing project or operation.

Mineral Processing

Activities undertaken to separate valuable and non-valuable minerals and convert the former into an intermediate or final form required by downstream users. In IRMA this includes all forms of physical, chemical, biological and other processes used in the separation and purification of the minerals.

¹⁹ As explained in the Voluntary Principles Implementation Guidance Tool, information that could create security and safety concerns or human rights risks would include specific troop movements, supply schedules, company personnel movements, locations of valuable or hazardous equipment, etc.). ICMM, IFC and IPIECA. 2012. Voluntary Principles on Security and Human Rights Implementation Guidance Tools. p. 47. https://www.voluntaryprinciples.org/wp-content/uploads/2021/11/Implementation-Guidance-Tools_English.pdf

²⁰ Voluntary Principles on Security and Human Rights. 2014. www.voluntaryprinciples.org

²¹ ibid. “Voluntary Principles Initiative – Guidance on Certain Roles and Responsibilities of Companies.” <https://www.voluntaryprinciples.org/wp-content/uploads/2019/12/RolesResponsibilities-Companies.pdf>

Mining

Activities undertaken to extract minerals, metals and other geologic materials from the earth. Includes extraction of minerals in solid (e.g., rock or ore) and liquid (e.g., brine or solution) forms.

Operation

The set of activities being undertaken for the purpose of extracting and/or processing mineral resources, including the running and management of facilities and infrastructure required to support the activities, and the ongoing legal, environmental, social and governance activities necessary to maintain the business endeavor.

Project

The development phases before a mining or mineral processing operation can begin (e.g., exploration, pre-feasibility, feasibility, conceptual design, planning, permitting). Includes all desk-top and field-based activities, including exploration activities, needed to inform and develop a project proposal, support the environmental and social impact assessment of a proposal, generate information necessary to fulfill regulatory and permitting requirements, engage with stakeholders and rights holders, and maintain the entity's business endeavor.

Site

An area that is owned, leased, or otherwise controlled by the entity and where mining-related activities are proposed or are taking place.

EXISTING DEFINITIONS

Affected Community

A community that is subject to risks or impacts from a project/operation.

REVISED. Changed wording from project to project/operation.

Business Relationships

Relationships a business enterprise has with business partners, entities in a value chain, and any other non-state or state entity directly linked to its business operations, products, or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.

Collaboration

The process of shared decision-making in which all stakeholders constructively explore their differences and develop a joint strategy for action. It is based on the premise that, through dialogue, the provision of appropriate information, collectively defined goals, and the willingness and commitment to find a solution acceptable to all parties, it is possible to overcome the initially limited perspectives of what is achievable and to reach a decision which best meets the interests of the various stakeholders. At this level, responsibility for decision-making is shared between stakeholders.

Competent Authority

The government department or other authority having power to issue and enforce regulations, orders, or other instructions having the force of law in respect of the subject matter of the provision concerned.

Competent Professionals

In-house staff or external consultants with relevant education, knowledge, proven experience, and necessary skills and training to carry out the required work. Competent professionals would be expected to follow scientifically robust methodologies that would withstand scrutiny by other professionals. Other equivalent terms used may include: competent person, qualified person, qualified professional.

REVISED. Deleted reference to Chapter 4.1.

Conflict Analysis

The systematic study of the profile, issues, and stakeholders that shape an existing or potential conflict, as well as factors in the interaction between the three. It helps companies gain a better understanding of the environment in which they operate and their role in that context.

Conflict Risk

The assessed potential consequences of any conflicts that may emerge or be exacerbated because of an entity's presence, activities, or relationships; and the probability that such conflicts will occur. Conflicts may arise within or between communities and/or stakeholder groups, or between the company and communities/stakeholders.

REVISED. Added that risk is based on an assessment of potential consequences and probability of conflicts.

Consultation

An exchange of information between an entity and its stakeholders that provides an opportunity for stakeholders to raise concerns and comment on the impacts and merits of a proposal or activity before a decision is made. In principle the entity should take into account the concerns and views expressed by stakeholders in the final decision.

Contractor

An individual, company, or other legal entity that carries out duties related to a project/operation that are subject to a contractual agreement that defines, for example, work, duties or services, pay, hours or timing, duration of agreement, and that remains independent for employment, tax, and other regulatory purposes. It also includes contracted workers hired through third party contractors (e.g., brokers, agents, or intermediaries) who are performing mining-related activities at the project/operation site or associated facilities at any point during the project/operational life cycle (including prior to or during construction phase). See also 'Mining-Related Activities.'

REVISED. Added contracted worker as a type of contractor. Changed wording from mining project to project/operation.

Grievance

A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities. For the purposes of the IRMA Standard, the words grievances and complaints will be used interchangeably.

REVISED. Added that IRMA Standard uses grievances and complaints interchangeably.

Human Rights Defenders

Any person or group of persons working to promote human rights and contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds, i.e., not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector, and individuals working within their local communities.

Source: Adapted from UN Office of the High Commissioner for Human Rights website: "Who is a defender."

Mining-Related Activities

Any activities carried out during any phase of the mineral development life cycle for the purpose of locating, extracting and/or producing mineral or metal products. Includes physical activities (e.g., land disturbance and clearing, road building, sampling, drilling, airborne surveys, field studies, construction, ore removal, brine extraction, beneficiation, mineral or brine processing, transport of materials and wastes, waste management,

monitoring, reclamation, etc.) and non-physical activities (e.g., project or operational planning, permitting, stakeholder engagement, etc.).

REVISED. Added reference to mineral development life cycle, project/operation, brine.

Mitigation (including in relation to human rights impacts)

Actions taken to reduce the likelihood of the occurrence of a certain adverse impact. The mitigation of adverse human rights impacts refers to actions taken to reduce their extent, with any residual impact then requiring remediation.

Potential Human Rights Impact

An adverse impact on human rights that may occur but has not yet done so. (May also be referred to as human rights risk).

Remediation/Remedy (including in relation to human rights impacts or grievances)

Remediation and remedy refer to both the processes of providing remedy for an adverse impact and the substantive outcomes that can counteract, or make good, the adverse impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of further harm through, for example, injunctions or guarantees of non-repetition.

REVISED. Added reference to grievances.

Stakeholders

Individuals or groups who are directly or indirectly affected by a project/operation, such as rights holders, as well as those who may have interests in a project/operation and/or the ability to influence its outcome, either positively or negatively.

REVISED. Changed wording from persons to individuals, and from project to project/operation.

Vulnerable Group

A group whose resource endowment is inadequate to provide sufficient income from any available source, or that has some specific characteristics that make it more susceptible to health impacts or lack of economic opportunities due to social biases or cultural norms (e.g., may include households headed by women or children, people with disabilities, the extremely poor, the elderly, at-risk children and youth, ex-combatants, internally displaced people and returning refugees, HIV/AIDS-affected individuals and households, religious and ethnic minorities, migrant workers, and groups that suffer social and economic discrimination, including Indigenous Peoples, minorities, lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) and gender-diverse individuals, and in some societies, women).

REVISED. Proposing to add reference to LGBTQ+ and gender-diverse individuals in the list of examples.

CONSULTATION QUESTION 1.X-2 (From proposed Chapter 1.X on Gender Equality and Protection): References to women and gender-diverse individuals as potentially “vulnerable” or as “vulnerable groups” may sound disempowering and/or otherwise not aligned with the objectives of this chapter to advance gender equality. Are there other widely recognized terms or phrases we could use that recognize the potential susceptibility of women and gender-diverse individuals to adverse impacts such as health impacts or lack of economic opportunities due to social biases or cultural norms?

Worker

All non-management personnel directly employed by the entity.

REVISED. Added that personnel are directly employed by the entity.