



Initiative for Responsible
Mining Assurance

EXCERPT FROM THE

IRMA Standard

for

Responsible Exploration, Extraction,
and Processing of Minerals

→ **2nd DRAFT** ←

for public consultation

**CHAPTER 2.2 – Indigenous Peoples and Free, Prior, and
Informed Consent (FPIC)**

IRMA Standard v2.0 DRAFT 2

July 2025

English Version

Disclaimer and Context on this Draft

The 2nd DRAFT Version of the IRMA Standard for Responsible Exploration, Extraction, and Processing of Minerals V2.0 (hereafter referred to as the “2nd DRAFT”) is being released for public consultation, inviting the world to join once again in a conversation around expectations that drive value for greater environmental and social responsibility in mining and mineral processing.

The 2nd DRAFT does not represent content that has yet been formally endorsed by IRMA’s equally-governed multi-stakeholder Board of Directors. IRMA’s Board leaders seek the wisdom and guidance of all readers to inform this through an inclusive revision process one more time, to improve the Standard.

This draft document builds on the 1st DRAFT Version published in October 2023, and invites a global conversation to improve and update the 2018 IRMA Standard for Responsible Mining V1.0. This 2nd DRAFT is intended to provide as final of a look-and-feel as possible, although input from this consultation will result in final edits, and consolidation to reduce overall number of requirements (more on this on page 6), for a version that will be presented to IRMA’s equally-governed multi-stakeholder Board of Directors for adoption and implementation.

This 2nd DRAFT has been prepared and updated by the IRMA Secretariat based on:

- learnings from the implementation of the current IRMA Standard (V1.0)
- experience from the [first mines independently audited](#) (as of July 2025, 24 sites have completed audits or are in the process of being audited)
- evolving expectations for best practices in mining to reduce harm
- comments and recommendations received from stakeholders and Indigenous rights-holders
- the input of subject-specific Expert Working Groups convened by IRMA between 2022 and 2024
- all comments and contributions received during the public-comment period of the 1st DRAFT version (October 2023-March 2024)

Please note that 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 exploration, extraction, and processing of minerals happens.

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.

This current 2nd DRAFT is based on content already in practice in the IRMA Standard for Responsible Mining V1.0 (2018) for mines in production, and its accompanying normative Guidance document and Supplementary Guidance, combined with the content drafted in the IRMA Standard for Responsible Mineral Development and Exploration (‘IRMA-Ready’ Standard – Draft v1.0 December 2021) and in the IRMA Standard for Responsible Minerals Processing (Draft v1.0 June 2021), and offers an updated version of the 1st DRAFT Version of the IRMA Standard V2.0 that received over 2,500 unique points of comments between 2023 and 2024.

Please note: The IRMA Standard V2.0 is new in its approach in that it now covers more phases of the mining and mineral supply chain, from exploration and development, through mining, closure, and mineral processing. IRMA also, separately, oversees a [Chain of Custody Standard](#) for tracking materials through the supply chain from mine-to-market end use products.

Disclaimer on Language and Corrections

For this public consultation, only an English version is available. A Glossary of Terms used in this Standard is provided at the end of the full version of the document (see below). 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.

This document provides only one chapter excerpt from the IRMA Standard v2.0 DRAFT 2.

The full version contains 27 Chapters, [click here](#) to view it.

Objectives of this 2nd public consultation

Following the release of a 1st DRAFT of the IRMA Standard V2.0 in October 2023 for a 90-day public consultation, the IRMA Secretariat received more than 2,500 points of comments from 82 organizations, then organized additional engagement with stakeholders and Indigenous rights-holders, and solicited complementary guidance from multiple topic-specific Expert Working Groups.

We [anticipated](#) release of this 2nd DRAFT for a second round of public consultation as early as Q3 2024, then subsequently [announced](#) that more time was needed to support engagement of diverse stakeholders; the revised release date was July 2025. We provided more detailed explanation for the extended process [here](#) and [here](#).

IRMA Mining Standard: a journey



The release of this 2nd DRAFT marks a significant milestone on the road to the revision of the IRMA Standard: this public consultation will be the last of this revision cycle on V2.0.

Informed by the outcomes of this public consultation, along with guidance from Expert Advisors and IRMA Working Groups (see more below), and additional engagement with Indigenous rights-holders and stakeholders as requested, the IRMA Secretariat will prepare a final version. This final version will be discussed by the IRMA Board and refined to reach consensus for adoption by all six governing houses of IRMA: Affected Communities including Indigenous Rightsholders; Environmental and Social NGOs; Organized Labor; Finance and Investment Professionals; Mining Companies; Purchasers of Mined Materials.

In IRMA's strategic decision-making, Board members work to achieve consensus. IRMA believes a majority vote is not a model of equal governance. Instead, any motion that results in both of the two representatives from the same governing house voting "no" must go back to the full group for further discussion. In other words, a proposed course of action cannot proceed if both representatives from one of our six governing houses are opposed. Board members will keep talking until a resolution that works for all groups is found. It is a model that has worked for IRMA for nearly two decades and is fundamental to IRMA's credibility, accountability and service to all six houses of governance.

What is IRMA seeking guidance on?

Comments, feedback, and suggestions are welcome on any aspect of this 2nd DRAFT version (including intent and text of the requirements, endnotes, annexes, format and structure, design, readability, etc.).

IRMA is particularly interested in hearing the views of rights-holders and stakeholders on **the provisions in the Standard that are substantially new compared to the IRMA Standard for Responsible Mining V1.0**. These provisions (requirements or at a sub-requirement level) are highlighted in yellow throughout this Draft, to ensure they are easily identifiable.

We ask readers to assist us in weighing these potential new provisions, and also hold awareness that, prior to adoption of the final version, many of these will be consolidated and reduced in overall number.

Although these new requirements have each been drafted in response to lessons learned, the current state of best practices, emerging expectations, and/or in response to requests and suggestions made during the previous public consultation, collectively they represent substantive increased expectations for both implementing entities and audit firms. The IRMA Board of Directors seeks to ensure that the IRMA Standard, while recognized the world's most rigorous and comprehensive mining standard, continue to welcome and support uptake of newcomer companies engaging from the mineral supply chain around the world.

Thus, in this consultation, we seek guidance from all on **the new provisions that seem most urgent** to be integrated in the final version of the Standard V2.0, so that the revised Standard's expectations are paced at a realistic level to support engagement of mineral operations of a range of sizes, materials and global contexts.

It is important to note that all new requirements and sub-requirements, including those not retained in the final V2.0, will serve as the basis for the ongoing review process once the V2.0 is approved and released by our Board, and will provide fodder for future revisions, when it is decided that a V2.1 or V3.0 is needed.



Chapter 2.2

Indigenous Peoples and Free, Prior, and Informed Consent (FPIC)

SECOND DRAFT (JULY 2025): SUMMARY OF CHANGES

- Major structural changes for greater auditability and consistency across the Standard.
- Updated names of some Sections for clarity and consistency throughout the Standard.
- Strengthened language of policy requirement and added new sub-requirement to ensure allocation of financial and staffing resources to implement this policy.
- Removed redundant requirement for identification of Indigenous Peoples, as this is now fully addressed in Chapter 1.2 (1.2.1.1) and Chapter 1.3 (1.3.2.3). This also ensures that if this Chapter is mistakenly marked “not relevant” during the self-assessment stage, the needed identification of whether Indigenous Peoples may be potentially affected or affected by the site is covered by requirements outside this chapter (on which the site will always need to provide supporting evidence, helping to flag the mistake).
- Several requirements restructured to increase clarity and auditability.
- Strengthened language and approach with regard to Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact, to ensure prevention of all harm and protection of these extremely vulnerable Indigenous Peoples whose lives and way of life is being threatened. The two relevant requirements are now critical requirements (as non-conformity would risk immediate harm).
- New requirement added to ensure that general stakeholder-engagement or public-consultation processes are never considered as an acceptable process for engagement with affected Indigenous Peoples unless Indigenous Peoples expressly and explicitly agree to that process.
- New requirement added with regard to the need for a dedicated process for affected Indigenous Peoples to determine how, when and in what formats information will be communicated to them, aligned with similar requirement for general community and stakeholder engagement (Chapter 1.2).
- Grievance mechanism requirement moved to Engagement Section for clarity and consistency.
- Clarified that generic grievance mechanism can only be used if affected Indigenous Peoples have expressly and explicitly approved it.
- Split Section 2.2.4 into two distinct Sections (one for remedy processes (2.2.5), and another for FPIC processes (2.2.6)) to increase clarity and auditability.
- Clarified cutoff date for applicability of Section 2.2.6–Respecting the Right to FPIC for Proposed Activities: June 2018, i.e. the release of the IRMA Standard V1.0 to be consistent with the approach taken by IRMA so far.
- Added endnote to flag potential challenges with attributing responsibilities for past harm.
- The expectations about entity’s provision of financial support to Indigenous Peoples during remedy processes (2.2.5.1.d) are clarified by re-stating that such process is “mutually-agreed” (as mentioned in 2.2.5.1).
- Added new optional IRMA+ requirement to remedy not only ongoing harm from activities implemented before June 2018 without FPIC, but also past unremediated harm (2.2.5.5).
- Clarified the need to inform members of Indigenous communities about the implementation of agreements.
- Clarified that (potential and actual) impacts on Indigenous Peoples indeed include those related to “associated facilities”.
- Added sub-requirement to ensure remedy agreements are not communicated as equivalent to FPIC.

- A new requirement was added to address situations where affected Indigenous Peoples do not wish to engage in a remedy process, or where no remedy agreement is reached; but later removed as it was identified as a circumstance that could not be considered as 'best practice'.
- Clarified that full FPIC process and consent is required where affected Indigenous Peoples identify impacts that do require FPIC.
- Clarified that implementation is assessed through the monitoring and evaluation of implementation and effectiveness.
- Moved clauses related to development of action plans into agreement processes and their respective Sections (for remedy: 2.2.5.2; for FPIC: 2.2.6.5).
- New requirements on joint investigation and resolution where a potential breach in FPIC agreement/s or new information that could change the outcome of the FPIC process/es is identified (2.2.6.7 and 2.2.6.8). They addressed situations when, under very specific conditions, affected Indigenous Peoples could withdraw their consent. This reflects latest guidance from SIRGE and is aligned with the UN FAO Guide on FPIC (2016) and the 2024 IFC's Approach to Responsible Exit.
- New requirement added to strengthen joint monitoring and evaluation processes, this is now harmonized throughout the Standard.
- "Ongoing engagement" Section refocussed on Continuous Improvement.
- New requirement added (2.2.8.1) to close the Plan-Do-Check-Act loop to deliver continuous improvement (through regular reviews, updates and corrective actions/measures, informed by monitoring, evaluation, and review), this is now harmonized throughout the Standard.

RESPONSE TO CONSULTATION QUESTIONS OUTLINED IN FIRST DRAFT

Question #	Question	Feedback Received and Proposed Decision
2.2-01	<p>(Representativeness of Indigenous decision-making structures)</p> <p>Question (first part): How might IRMA revise its standard to address the situations where 1) there is more than one decision-making structure that is considered legitimate by members of an affected population of Indigenous Peoples?</p>	<p>Feedback received: IRMA received comments from 16 organizations on this consultation question (5 mining, 4 NGOs, 3 Indigenous organizations, 1 Finance, 1 Law firm, 2 Consultancy firms). No consensus emerged for a practical way forward. Some commenters flagged the need to obtain consent from all the structures considered legitimate by members / sections of the Indigenous population. Others suggested requirement to engage with all and disclose the criteria used to determine levels of legitimacy; or to facilitate dialogue; or to require an outside, independent party (not the company or its consultants) to be the one to do the fieldwork to determine which structures are legitimate. One organization suggested to defer to the country of operation's recognized structures or subsets, but this not aligned with international norms and best practice.</p> <p>Proposed Decision: No substantial change to requirements. The requirement to engage with affected Indigenous Peoples and to follow their preferred processes and protocols has been strengthened, and relevant cross-references have been harmonized throughout the chapter.</p> <p>IRMA proposes to also develop additional Guidance, and have it reviewed by experts.</p>

2.2-01	<p>(Representativeness of Indigenous decision-making structures) Question (second part): How might IRMA revise its standard to address the situations where 2) where there is only one structure, but it is not considered legitimate by all members of the affected population of Indigenous Peoples?</p>	<p>Feedback received: IRMA received comments from 16 organizations on this consultation question (5 mining, 4 NGOs, 3 Indigenous organizations, 1 Finance, 1 Law firm, 2 Consultancy firms). No consensus emerged for a practical way forward. Some commenters flagged the need to understand context, and to respect affected Indigenous Peoples' right to choose their own representatives, noting that this would require adequate time. Some commenters recommended to require specific additional consultation with affected Indigenous Peoples; others to facilitate the establishment of an independent, inclusive, community-led decision-making structure recognition process; or to have a third-party carry out analysis to determine if additional engagements are necessary. One organization suggested to consider the one structure to be representative, but precedents indicate that this option should not be favored.</p> <p>Proposed Decision: No substantial change to requirements. The requirement to engage with affected Indigenous Peoples and to follow their preferred processes and protocols has been strengthened, and relevant cross-references have been harmonized throughout the chapter.</p> <p>IRMA proposes to also develop additional Guidance, and have it reviewed by experts.</p>
2.2-02	<p>(Expanding requirement for FPIC beyond Indigenous Peoples) Question: Do you think IRMA should expand the requirement for FPIC, or some subset of FPIC principles, beyond Indigenous Peoples? Put differently, do you think IRMA should require that entities obtain the FPIC of non-Indigenous Peoples prior to initiating a project? What is the basis for this opinion? And if you think that FPIC or a subset of FPIC requirements should apply beyond Indigenous Peoples, to whom should they apply and why (e.g., those with customary land rights, vulnerable land-connected peoples, historically underserved traditional local communities), and what sorts of requirements would you propose be included?</p>	<p>Feedback received: 22 responses received (6 from the mining sector, 5 from the NGO sector, 4 from Indigenous Rights organizations, 7 from other stakeholder groups).</p> <p>Results: 8 supportive, with conditions (e.g., different chapter, different nomenclature, some criteria needed). 10 not supportive to apply broadly (although some thought could expand definition of Indigenous, or that FPIC needed in certain contexts). 4 did not state a preference.</p> <p>Commenters provided many examples that enumerate where expert bodies have defined cases where this right is already conveyed under certain circumstances to various collectives (in most cases, very specific to a region or area), through their processes (legal, UN-level bodies); including ILO 169 and IAHR jurisprudence regarding when certain ethnic groups may be considered Indigenous Peoples, as well as when Afro-descendent and other customary land rights-holders might be considered Indigenous Peoples.</p>

		<p>Proposed Decision: No substantial change to requirements. The already wide and inclusive definition of <u>Indigenous Peoples</u> adopted by the IRMA Standard has been expanded to include the 2018 World Bank Guidance for the Borrower on the application of the Environmental and Social Standards ESS7 (see Glossary for full updated definition). Legal compliance with the country of operation's laws and regulations is still addressed in Chapter 1.1.</p> <p>IRMA proposes to also develop additional Guidance, and have it reviewed by experts.</p>
2.2-03	<p>(Identification of Indigenous Peoples' "rights and interests") Question: Are you aware of any sources that provide a definition or at least an explanation of what might constitute the <i>interests</i> of <u>Indigenous Peoples</u>? Is this something that IRMA should be concerned about? Or are the interests of <u>Indigenous Peoples</u> simply something that will be expressed during discussions with the ENTITY, and therefore not something that needs to be defined by IRMA?</p>	<p>Feedback received: There was no definition of "interests of <u>Indigenous Peoples</u>" identified by commenters, and the overwhelming opinion was that IRMA does not need to create a definition.</p> <p>However, there was also a desire expressed by some industry representatives for IRMA to provide some guidance on the topic, as the term is very broad and vague.</p> <p>The most common advice provided by commenters is that entities should see guidance from the potentially affected or affected <u>Indigenous Peoples</u> by asking them to elaborate on their interests related to a proposed (or ongoing) development.</p> <p>Proposed Decision: No change made. Throughout this Chapter, but also Chapter 2.2 on Human Rights Due Diligence, collaborative assessment of risk and impacts is paramount; meaning that companies are required to give <u>Indigenous Peoples</u> the central role of identifying how an ENTITY's operations and activities could negatively and/or positively impact their rights and interests. A process and reality that will be different in each context.</p> <p>IRMA proposes to develop additional Guidance, and have it reviewed by experts.</p>
2.2-04	<p>(Remedy process and agreement for past impacts of activities implemented without FPIC) Question: Until the IRMA Board approves changes to the standard (based on input gathered through global stakeholder consultations) IRMA is not making changes to critical requirements (for more on critical requirements see the note that accompanies 'Critical Requirements In This Chapter,' below). However, we would be interested in knowing if you believe this new requirement (formerly 2.2.4.1; now 2.2.5.1 in this new draft) should be critical. Why or why not?</p>	<p>Feedback received: 8 responses received, representing a mix of stakeholders (NGOs, practitioners, mining entities).</p> <p>Results: the majority (6) suggested that this be a critical requirement. However, no mining entities supported this position.</p> <p>Proposed Decision: Version 2.0 of the IRMA Standard is attempting to more fully integrate the notion of remedy, where impacts have occurred and have not been remediated. The best tool that we have for trying to move the needle on this issue is to make it a requirement for entities to make a good faith effort to understand the past and ongoing impacts and work with <u>Indigenous Peoples</u> to agree on appropriate remedies. The responses to various consultation questions suggest that most IRMA stakeholders agree that it is critical for entities that operate existing mines to make an effort to provide remedy for impacts from activities that are still ongoing but started without the Free, Prior, and Informed Consent of affected <u>Indigenous Peoples</u>, even if they did not cause them (e.g., they were caused by an</p>



		<p>exploration company, or previous owner). We believe that this aspect of the proposed new requirements in Section 2.2.5 (the effort to engage on remedy) is, in itself, a step forward compared to other standards, and will contribute to formalize and normalize the evolution of best practice in this field.</p> <p>We acknowledge that collaborating with Indigenous Peoples to address and remedy harm that was due to past impacts/activities undertaken without the FPIC of affected (or then-affected) Indigenous Peoples that are not occurring anymore (but harm that was never adequately remediated)- is not yet a widespread practice and still emerging. We want to encourage more companies to remediate such past impacts, and to do so in collaboration with Indigenous Peoples. This is why we have proposed an optional IRMA+ requirement that addresses these situations (2.2.5.5).</p> <p>However, from the responses it was also clear that this approach created concern that participation in a process and mutual agreement on remedy for past impacts would somehow be seen as conferring FPIC for existing operations. Thus, we have added a requirement that reaching a remedy agreement NOT be communicated publicly as meaning FPIC has been achieved [See 2.2.5.3.c]</p> <p>Based on various comments, and a review of the entire chapter flow, we are proposing:</p> <ol style="list-style-type: none"> 1) To not make this requirement critical; and 2) To make some structural changes. In particular, we are proposing to clearly separate the Remedy Agreement process from the FPIC process by creating two separate Sections: <ul style="list-style-type: none"> - 2.2.5. Remedy for Impacts from Activities Implemented without FPIC before June 2018 - 2.2.6. Respecting the Right to FPIC for New Activities <p>This resulted in repeating the content of two requirements under both Sections 2.2.5 and 2.2.6 (e.g., previously, the provision of experts for remedy process, and provision of experts for FPIC were in one requirement). However, this does not change the workload or general intent of the Chapter, and the expectations are more clear and easier to audit if they are included in both places.</p>
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<p>2.2-05</p>	<p>(Remedy process and agreement for past impacts of activities implemented without FPIC)</p> <p>Question: There may be situations in which Indigenous Peoples do not wish to enter into or continue an agreement-making process. If this is the case, should the ENTITY just score 'does not meet' (i.e., zero) on this requirement (2.2.4.1)? Or could they get 'partially meets' or 'substantially meets' if they've made a good-faith effort even if no process is initiated due to Indigenous Peoples' decision not to participate or if Indigenous Peoples decide to terminate discussions?</p>	<p>Feedback received: 16 response received, representing a mix of stakeholders (NGOs, practitioners, mining entities).</p> <p>Results: Numerous respondents agreed that entities that tried to engage in good faith should receive some credit, but were mixed on how that might translate to a score. Several respondents were more focused on the outcome, and said that if remedy was not provided then it did not matter how hard the ENTITY tried, the requirement is not being met. And some argued that if Indigenous Peoples choose to not engage in a remedy process this means an operation does not have FPIC and should be shut down.</p> <p>Proposed Decision: See response to 2.2-04 above. There have been structural changes but no specific requirement added for this situation.</p>
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BACKGROUND

For more than a quarter century, the international community has recognized that heightened attention needs to be paid to the collective and individual rights of Indigenous Peoples and their members.¹ Acknowledging that an official definition of “Indigenous” has not been adopted by the United Nations system due to the diversity of the world’s Indigenous Peoples, IRMA enshrines a modern and inclusive understanding of “Indigenous” (see full definition in the Glossary). When Indigenous Peoples are identified among potentially affected rights-holders (e.g. through the human rights due diligence process, see Chapter 1.3), specifically designed processes must be agreed with Indigenous Peoples and followed. As described by the UN Special Rapporteur on the Rights of Indigenous Peoples: “A defining characteristic of Indigenous Peoples is the existence of their own institutions of representation and decision-making, and it must be understood that this feature makes consultations with Indigenous Peoples very different from consultations with the general public or from ordinary processes of State or corporate community engagement”.²

It is important to note that, while certain rights may require specific attention in the context of industrial-scale mineral development, the full range of human rights as they relate to Indigenous Peoples may be at stake in any given context and must be analyzed as such (see Chapter 1.3). That said, the following rights of Indigenous Peoples are especially but not exclusively relevant in relation to industrial-scale mineral development:³

- The right to self-determination, by virtue of which Indigenous Peoples freely determine their political status and pursue their economic, social, and cultural development;
- Rights to property, culture, religion, and non-discrimination in relation to lands, territories, and natural resources, including sacred places and objects;
- Rights to revitalize, use, develop and transmit to future generations their languages, oral traditions, writing systems and literatures;
- Rights to health and physical well-being in relation to a clean and healthy environment;
- Rights to set and pursue their own priorities for development; and
- The right to make authoritative decisions about external projects or investments.

It is the responsibility of both States and corporations to respect and protect Indigenous Peoples’ rights, including their fundamental right of Indigenous Peoples to Free, Prior, and Informed Consent (FPIC). Key elements of the right of Indigenous Peoples to FPIC have been recognized by international law since 1989, when the General Conference of the International Labour Organization (ILO) adopted Convention 169 on Indigenous and Tribal Peoples.⁴ Since 1989, FPIC has been widely recognized by international bodies, tribunals, and instruments, including private sector bodies, and it is also increasingly reflected in national laws, jurisprudence, and policies.⁵ In 2007, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which restated existing international human rights obligations concerning Indigenous Peoples. UNDRIP explicitly provides for Indigenous Peoples’ right to FPIC as a procedural safeguard for the protection and realization of Indigenous Peoples’ rights, including their right to self-determination.

FPIC, in the context of this standard, requires that engagement with Indigenous Peoples be free from external manipulation, coercion and intimidation; that potentially affected Indigenous Peoples be notified that their consent will be sought, and that notification occur sufficiently in advance of commencement of any mining-related activities; that there be full disclosure of information regarding all aspects of the proposed mining project in a manner that is accessible and understandable to the Indigenous Peoples; and that Indigenous Peoples can fully approve, partially or conditionally approve, or reject a project or activity, and companies will abide by the decision.

It is important to note that Indigenous Peoples’ customary approaches to engagement may not always include participation of women, underserved and/or marginalized people within Indigenous communities. The UN Rapporteur on Indigenous Peoples has written that: “Indigenous Peoples should be encouraged to include appropriate gender balance within their representative and decision-making institutions. However, such gender balance should not be dictated or imposed upon Indigenous Peoples by states or

companies, any more than Indigenous Peoples should impose gender balance on them." Women, men, youth, elders, etc. may have different needs, priorities and interests that should be considered and factored into the company's understanding of the project's full impacts, and its own subsequent decision-making processes. It is recommended that any efforts undertaken by the company to find other ways of facilitating involvement of women, underserved and/or marginalized Indigenous Peoples be carried out in coordination with and/or through mutual agreement with the Indigenous Peoples' representative institutions (as suggested by the UN Rapporteur, above, under no conditions should a company impose such processes on Indigenous Peoples).

The chapter uses the term **affected Indigenous Peoples** to refer to all Indigenous Peoples (individuals and groups, other than those uncontacted, living in voluntary isolation or in initial contact) whose rights or interests may be directly or indirectly affected by the ENTITY's mining-related activities. IRMA recognizes that there may be peoples for whom this chapter applies who prefer to use other terms such as tribal, aboriginal, First Nations, Adivasi, etc., but who have the right to FPIC according to international and/or in-country laws. For the purposes of interpreting this standard IRMA uses the full inclusive definition presented in the Glossary, which is directly adapted from guidance published by the United Nations Permanent Forum on Indigenous Peoples and from guidance published by the World Bank.

KEY REFERENCES

This chapter strongly builds on, or aligns with, the following international or multilateral frameworks, conventions, and guidance:

- United Nations Declaration on the Rights of the Indigenous Peoples, 2007
- ILO Convention C169 on Indigenous and Tribal Peoples, 1989
- IFC Performance Standard 7: Indigenous Peoples, 2012
- World Bank Guidance for the Borrower on the application of the Environmental and Social Standards (ESSs) ESS7: Indigenous Peoples/ Sub-Saharan African Historically Underserved Traditional Local Communities, 2018
- IFC's Approach to Responsible Exit, 2024
- Cultural Survival, First Peoples Worldwide, SIRGE Coalition Securing Indigenous Peoples' Right to Self-determination: A Guide on Free, Prior and Informed Consent, 2023
- UN FAO, Free Prior and Informed Consent: An Indigenous Peoples' right and a good practice for local communities – Manual for Project Practitioners, 2016

OVERLAP WITH COUNTRY OF OPERATION’S LAWS

The State always holds the primary duty to protect Indigenous Peoples’ rights.⁶ Nothing in this chapter is intended to reduce the primary responsibility of the state to consult with Indigenous Peoples in order to obtain their FPIC and protect their rights. IRMA recognizes that in the exercise of their right to self-determination, some Indigenous Peoples may wish to engage with entities such as exploration or mining companies even if the state failed to fulfill its obligations. It is important to note, in such engagements, the need for the ENTITY to adhere to Indigenous Peoples’ own laws/enactments, protocols, or policies where these exist (see requirements 2.2.4.1 and 2.2.6.1). In all cases, all entities need to conduct a review and evaluation process to understand if the state carried out this duty, in conformance with the FPIC requirements articulated in the IRMA Standard, prior to granting land access or concession rights (see Section 2.2.3), and share this with the Indigenous Peoples so that they can make an informed decision regarding whether or not to proceed with discussions with the ENTITY.

As per Chapter 1.1, if country of operation’s laws related to FPIC exist, entities must abide by those laws. Additionally, where country of operation’s laws require or enable agreements between entities and Indigenous Peoples, entities will need to demonstrate to IRMA auditors that the process whereby the agreement was reached conformed with or exceeded IRMA FPIC requirements and met the general intent of this chapter (for example, there was no express or implied threat to invoke compulsory powers if agreement could not be reached, and Indigenous communities were informed at the outset that the ENTITY would not pursue proposed activities in the absence of the Indigenous Peoples’ consent), and also that consent was given for the range of activities and operations that are proposed or ongoing. If gaps exist between what the national laws/processes require and the IRMA chapter, the ENTITY will be expected to implement additional measures, to the extent legally possible, to fill those gaps.

OBJECTIVES OF THIS CHAPTER

To demonstrate respect for the dignity, aspirations, cultures, livelihoods, and rights (including the right to free, prior and informed consent) of Indigenous Peoples.

SCOPE OF APPLICATION

This chapter is applicable to all exploration, mining and mineral processing projects and operations. However, when the stakeholders and rights-holders scoping and mapping processes required in Chapters 1.2 and 1.3 demonstrate the total absence of (directly and indirectly) affected or potentially affected Indigenous Peoples (for the range of relevant individuals and groups, see full definition in the Glossary), this Chapter 2.2 will not be applicable.

For mines, processing operations, and any associated facilities that became operational **before June 2018** (i.e. release of the IRMA Standard V1.0) and where FPIC was not obtained in the past, Entities are required to demonstrate conformance with Section 2.2.5–Remedy for Impacts from Activities Implemented without FPIC (before June 2018), but Section 2.2.6–Respecting the Right to FPIC for New Activities is not applicable. Section 2.2.6–Respecting the Right to FPIC for New Activities is applicable to all activities and associated facilities that were planned to, or are proposed to, become operational **after June 2018**. This cutoff date is consistent with the approach that IRMA has been taking so far.

For each requirement, the following colors are displayed in the margin to indicate the phases for which it is required:

E1	Exploration – Stage 1
E2	Exploration – Stage 2
E3	Exploration – Stage 3
D	Project Development and Permitting
M	Operating Mine
P	Operating Mineral Processor

CRITICAL REQUIREMENTS IN THIS CHAPTER

Throughout the Standard, critical requirements are identified using a red frame. There are four (4) **critical requirements** in this Chapter.

OPTIONAL IRMA+ REQUIREMENTS IN THIS CHAPTER

Throughout the Standard, optional IRMA+ requirements are identified using a dotted blue frame. There are two (2) **optional IRMA+ requirements** in this Chapter.

In this second draft, IRMA introduces a new category of requirements: IRMA+. These requirements are aspirational and forward-looking. They reflect emerging expectations and recommendations from stakeholders, but currently go above and beyond existing and established best practice. IRMA+ requirements are entirely optional, and they will not affect the scores and achievement levels obtained by the entities choosing to be assessed against them.



ISSUES UNDER CLOSE WATCH (EYE ICON)

Remedy for Impacts from Activities Implemented without FPIC before June 2018:

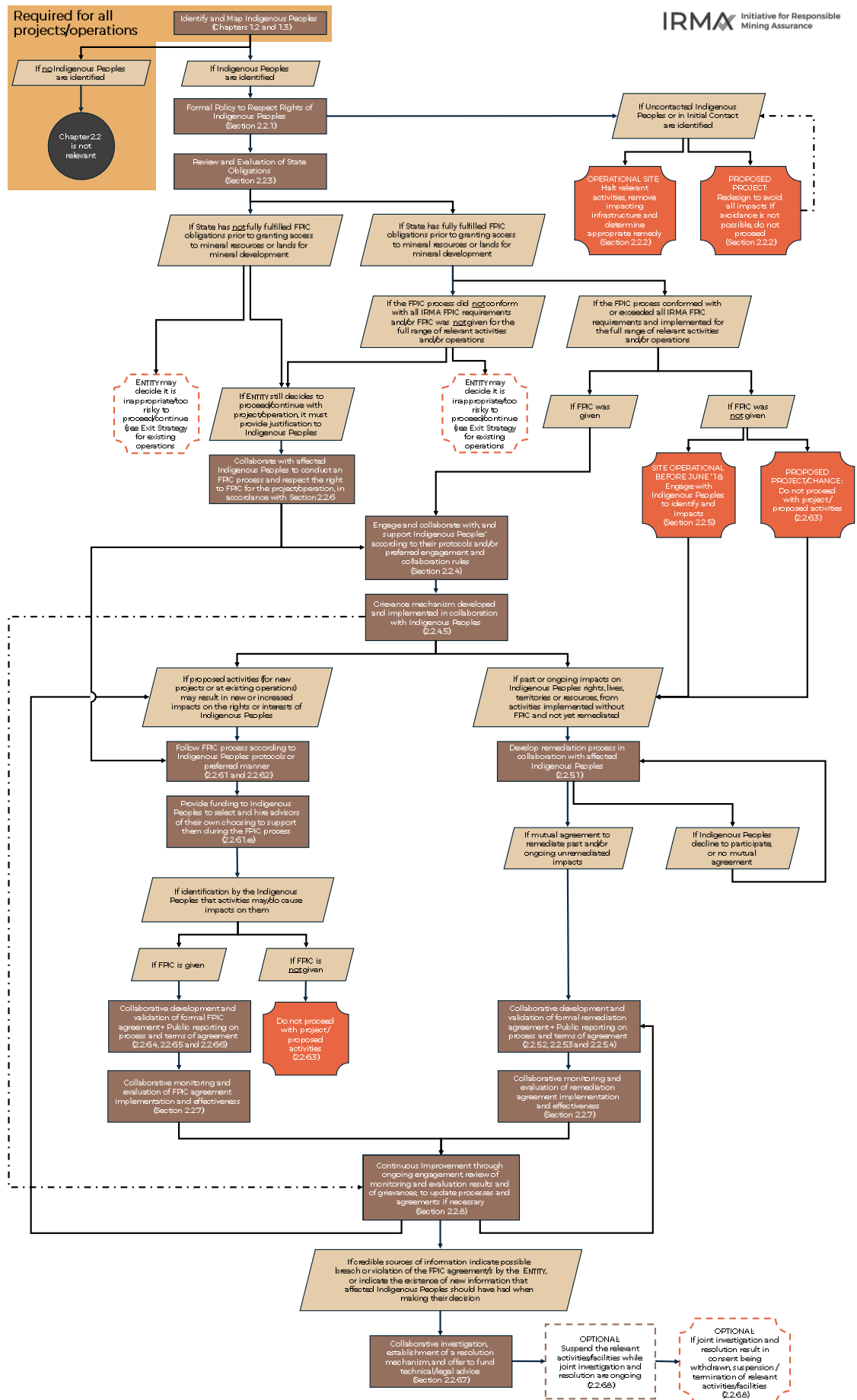
This was an expectation of the 2018 IRMA Standard for Responsible Mining V1.0, but only mentioned in the 'Scope of application' section and not actually transposed in auditable requirements. This has resulted in a lack of audit and assessment of the actions and agreements related to the Remedy for past and/or ongoing impacts from activities implemented without FPIC. These requirements (2.2.5.1 to 2.2.5.4) are signaled with an 'eye icon' to ensure that IRMA closely monitor their relevance, and their implementation as the Standard V2.0 is applied. This is also intended to ensure IRMA will review associated challenges and needed decision more quickly if necessary. Note that these requirements are not 'optional' (unlike IRMA+).

Potential breach or violation of FPIC agreement/s and emergence of new information likely to change the outcome of FPIC process/es:

Requirement 2.2.6.7 reflects the ongoing nature of FPIC and frame how best can companies prepare and respond to the situations when, under very specific conditions, affected Indigenous Peoples would withdraw their consent. This is aligned with latest guidance from SIRGE, the 2016 UN FAO Guide on FPIC, and the 2024 IFC's Approach to Responsible Exit.

This requirement was not included in the 2018 IRMA Standard for Responsible Mining V1.0. This requirement (2.2.6.7) is signaled with an 'eye icon' to ensure that IRMA closely monitor its relevance, and its implementation as the Standard V2.0 is applied. This is also intended to ensure IRMA will review associated challenges and needed decision more quickly if necessary. Note that this requirement is not 'optional' (unlike IRMA+).

VISUAL OVERVIEW OF THIS CHAPTER



IRMA Requirements

2.2.1 Formalized Policy⁷

2.2.1.1 The ENTITY has a formal policy in place that:

- a. Commits to respect Indigenous Peoples' rights related to lands, territories and resources, self-determination, and to Free, Prior and Informed Consent (FPIC) as set out in international law and policy frameworks including those affirmed in the ILO Indigenous and Tribal Peoples Convention⁸ and the UN Declaration on the Rights of Indigenous Peoples⁹;
- b. Sets clear expectations for how personnel, contractors, and other relevant parties¹⁰ linked to the site and its associated facilities shall respect these fundamental rights;
- c. Is approved at the top management level of the ENTITY;
- d. Is proactively communicated to personnel, contractors, and other relevant parties¹¹ linked to the site and its associated facilities;
- e. Is publicly accessible; and
- f. The ENTITY has allocated financial and staffing resources to implement this policy at the level of the site.

2.2.2 Uncontacted Indigenous Peoples and Indigenous Peoples Living in Voluntary Isolation or in Initial Contact

E2E3DMP

2.2.2.1 Critical Requirement
If Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact have been identified (as per 1.3.2.3) as being potentially present in the area of influence and/or affected by the site and its associated facilities, the ENTITY does not initiate or make contact with any of them¹².

E2E3DMP

2.2.2.2 Critical Requirement
If Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact have been identified (as per 1.3.2.3) as being potentially present in the area of influence and/or affected by the site and its associated facilities:

- a. The ENTITY consults with relevant Indigenous Peoples’ organizations or bodies if they exist¹³, and with external experts¹⁴, to determine if the ENTITY’s current, past, or proposed mining-related activities are affecting or may affect the rights or territories of those Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact¹⁵;
- b. If **existing** impacts on their rights or territories are identified, the ENTITY immediately halts all relevant activities and removes all infrastructure impacting their rights or territories, and it consults with representative bodies for Indigenous Peoples, and external experts, to determine the appropriate remedial measures to rehabilitate impacted areas and safeguard the health, safety and existence of the affected peoples, and implements their recommendations;
- c. If **past** impacts on their rights or territories are identified (and are no longer occurring), the ENTITY consults with representative bodies for Indigenous Peoples, and external experts, to determine the appropriate remedial measures to rehabilitate impacted areas and safeguard the health, safety and existence of the affected peoples (which may in some cases be the cessation of operations and/or removal of infrastructure), and implements their recommendations; and
- d. If **proposed activities** may affect their rights or territories, the ENTITY redesigns the project to avoid all such impacts, or, if avoidance is not possible, ceases to pursue the proposed activities.

2.2.3 Review and Evaluation of State Obligations¹⁶

2.2.3.1 If Indigenous Peoples whose rights or interests have been or may be directly or indirectly affected by the site and its associated facilities have been identified as per 1.2.1.1. and 1.3.2.3, a legal review process is conducted by competent professionals to understand and review the country of operation's laws and processes that pertain to Indigenous Peoples' rights, through:

- a. Documenting all country of operation's laws and regulations related to the identification and/or official recognition of Indigenous Peoples, to the recognition of their rights, and to the protection of those rights;
- b. Documenting all country of operation's laws and regulations pertaining to Free, Prior, and Informed Consent (or similar¹⁷) and State-led FPIC and/or consultation processes associated with mineral development;
- c. If such laws or processes are in place (b.), summarizing the State's implementation of the process/es followed when granting access to the mineral resources or lands that are proposed (or being used) by the ENTITY for the site and its associated facilities;
- d. Evaluating to what extent the content and implementation of those laws and processes (b. and c.) comply with international Indigenous rights norms, and with relevant regional and national jurisprudence; and
- e. Documenting whether the country of operation's laws (or their absence), or implementation of its laws (or lack of implementation), have been challenged or critiqued by Indigenous Peoples' organizations or communities, or others as not being aligned with international law and/or internationally-recognized human rights including those affirmed in the ILO Indigenous and Tribal Peoples Convention and the UN Declaration on the Rights of Indigenous Peoples.

2.2.3.2 The ENTITY makes and maintains publicly accessible, and in appropriate Indigenous language(s), key findings of this legal review process.

2.2.3.3 If findings of this review process reveal that the country of operation's government failed to fulfill its duty to obtain the FPIC of affected Indigenous Peoples prior to granting access to mineral resources or lands for mineral development (proposed or already in operation), or reveal that the FPIC process did not conform with all IRMA FPIC-related requirements and/or FPIC was not given for the full range of relevant activities and associated facilities, but the ENTITY still decides to proceed/continue with project/operation:

- a. The ENTITY makes and maintains publicly accessible, and in appropriate Indigenous language(s), a justification for proceeding/continuing with the project/operation;
- b. The ENTITY ensures that all affected Indigenous Peoples and their advisors (where applicable) are provided with such justification to proceed/continue, in accordance with requirement 2.2.4.2; and
- c. If the project/operation is proposed to become operational after June 2018, the ENTITY collaborates with affected Indigenous Peoples to conduct an FPIC process and respect the right to FPIC for the project/operation, in accordance with Section 2.2.6¹⁸; and
- d. If the operation became operational before June 2018, the ENTITY collaborates with affected Indigenous Peoples to provide remedy for the impacts related to those activities implemented without FPIC, in accordance with Section 2.2.5.

2.2.4 Meaningful Engagement with Indigenous Peoples

2.2.4.1 Critical Requirement

If Indigenous Peoples (other than those Uncontacted or Living in Voluntary Isolation or in Initial Contact) whose rights or interests may be directly or indirectly affected by the site and its associated facilities have been identified as per 1.2.1.1. and 1.3.2.3:

- The ENTITY collaborates with affected Indigenous Peoples' representatives to determine if they have an autonomous consultation and/or engagement protocol (or equivalent) in place that outlines rules of engagement for outside actors;
- If such protocol is in place, the ENTITY follows the protocol;
- If no such protocol exists, the ENTITY consults with affected Indigenous Peoples' representatives on their preferred rules of engagement, and documents, in a manner agreed to by affected Indigenous Peoples' representatives, the mutually-agreed engagement process to be followed;
- If there is more than one distinct group of affected Indigenous Peoples¹⁹, the ENTITY follows the engagement process agreed to by their representatives (whether they request to be included in coordinated or in separate engagement processes); and
- The ENTITY has a system in place to ensure that general stakeholder-engagement or public-consultation processes²⁰ are never considered as an acceptable process for engagement with affected Indigenous Peoples unless they expressly and explicitly agree to.

2.2.4.2 The Entity collaborates, in appropriate Indigenous language/s, with a diversity of members and representatives of affected Indigenous Peoples to identify:

- How, when and in what formats relevant information²¹ will be shared with them to ensure that communications and information-sharing with affected Indigenous Peoples occurs in a manner that is deemed meaningful and usable by them²²;
- Also in a manner that is deemed culturally appropriate and easily accessible by them²³;
- Also in a manner that is deemed timely by them²⁴. When information cannot be shared in a timely manner, the ENTITY systematically provides affected Indigenous Peoples with a documented justification or explanation for the delay; and
- This collaborative identification is inclusive of different genders, ages, and any potentially underserved and/or marginalized people, and includes all distinct groups (if applicable).

2.2.4.3 The ENTITY proactively shares with directly and indirectly affected Indigenous Peoples, in accordance with requirement 2.2.4.2:

- Its Indigenous Peoples' policy (2.2.1), and Indigenous Peoples are aware of the ENTITY's commitment to respect the right of Indigenous Peoples to FPIC;
- Up-to-date information about its proposed, ongoing and past activities and associated facilities, as relevant; and
- Up-to-date information about the potential human rights, environmental and social impacts of any proposed activities and associated facilities, and/or the actual impacts related to past and existing activities and associated facilities.



2.2.4.4 Through a mutually-agreed process (see 2.2.4.1), the ENTITY collaborates with a diversity of members and representatives of affected Indigenous Peoples to:

- a. Identify all affected Indigenous Peoples' rights²⁵ and interests that may **potentially** be affected by proposed activities, **are being** affected by ongoing activities, and/or **have been** affected by past activities and have not yet been remediated, building on the Indigenous rights scoping process required in requirement 1.3.2.3;
- b. Identify additional studies or assessments needed to determine the range and degree of potential or actual impacts on affected Indigenous Peoples' rights and interests, **identify how and by whom such additional information will be gathered, and conduct these additional studies or assessments accordingly;**
- c. Identify if there are capacity, accessibility, and/or financial issues that may prevent full and informed participation of affected Indigenous Peoples in any of those additional studies and assessments (b.);
- d. Identify if there are capacity and/or financial issues that may prevent full and informed participation of affected Indigenous Peoples in any remedy and/or in FPIC processes;
- e. Identify if there are capacity and/or financial issues that may prevent the participation of women, youth, persons with disabilities, and potentially underserved and/or marginalized people²⁶ from the community, and from all distinct groups (if applicable), in ongoing engagement processes²⁷;
- f. Design and implement plans, in the manner preferred by Indigenous Peoples²⁸, to address any identified capacity, accessibility, and financial needs, including through the provision of funding and/or other financial support to affected Indigenous Peoples in a manner agreed to by them²⁹; and
- g. These collaborative identification and design processes are inclusive of different genders, ages, and any potentially underserved and/or marginalized people, and includes all distinct groups (if applicable).



2.2.4.5 The ENTITY collaborates with affected Indigenous Peoples to develop and implement a grievance mechanism (or mechanisms) specific to Indigenous Peoples through which affected Indigenous Peoples can raise, and seek resolution or remedy for, complaints and grievances related to the site, its associated facilities, and the ENTITY's actions, as follows:

- a. A grievance mechanism through which affected Indigenous Peoples, including Indigenous Rights Defenders, can raise, and seek resolution or remedy for, complaints and grievances related to the site, its associated facilities, and the ENTITY's actions is in place;
- b. This grievance mechanism (or mechanism) is rights-compatible³⁰;
- c. This mechanism (or mechanisms) allows for both individual and collective/group complaints or grievances to be filed and addressed;
- d. **Members of affected Indigenous Peoples' communities have been informed about the existence and functioning of this grievance mechanism (or mechanisms), as well as of other relevant mechanisms³¹;**
- e. If the operational-level grievance mechanism developed as per Chapter 1.6 is to be used for this purpose, the ENTITY does so only with the express and explicit approval of affected Indigenous Peoples, **the Entity fully meets all requirements in Chapter 1.6**, and that mechanism's procedures are reviewed, revised if necessary, and agreed to by affected Indigenous Peoples; and
- f. **If a separate mechanism is created to handle only complaints and grievances related to human rights, it is established and managed in a manner that fully meets all requirements in Chapter 1.6.**



2.2.5 Remedy for Impacts from Activities Implemented without FPIC before June 2018



2.2.5.1 At operations where the FPIC of affected Indigenous Peoples was not previously obtained (either by the ENTITY or a prior owner/operator) for any mining-related activity and/or associated facility³² that became operational before June 2018 and where there are any unremediated impacts that are continuing to affect the rights or interests of those affected Indigenous Peoples (as identified per 2.2.4.4, and hereafter referred to as '**ongoing unremediated impacts**')

- a. The ENTITY develops, in collaboration with affected Indigenous Peoples and in accordance with requirement 2.2.4.1, a mutually-agreed **remedy process** (or equivalent) to discuss/negotiate the measures that will be taken to provide remedy³³ for any **ongoing** unremediated impacts identified as per 2.2.4.4.a, and any applicable terms and conditions;
- b. If there are impacts on specific individuals, the process includes input from and remedy for these directly affected individuals;
- c. The ENTITY, in collaboration with affected Indigenous Peoples' representatives, takes specific action to facilitate the participation of potentially underserved and/or marginalized people³⁴ from the community, and from all distinct groups (if applicable);
- d. The ENTITY provides funding to affected Indigenous Peoples, in a manner agreed to by them³⁵, to select and hire technical and/or legal advisors of their own choosing to support them during this mutually-agreed remedy process (or equivalent);
- e. The process is documented.



2.2.5.2 If this process results in mutual agreement to remediate ongoing unremediated impacts, a draft agreement (or agreements) containing the measures, terms and conditions reached during negotiations is prepared by competent professionals in collaboration with affected Indigenous Peoples' representatives, as follows:

- a. It includes the mutually-agreed measures to be taken to prevent, and where prevention is not possible or not immediately possible, to mitigate and remediate, ongoing unremediated impacts on affected Indigenous Peoples' rights and interests, and the mutually-agreed measures to be taken to deliver sustained positive benefits to affected Indigenous Peoples;
- b. It includes the mutually-agreed implementation schedule, and details on how implementation and effectiveness will be monitored and evaluated³⁶;
- c. It includes details on the mutually-agreed process for the parties to resolve any future disputes³⁷;
- d. It includes a financing plan to ensure that funding is available for effective implementation;
- e. Members of affected Indigenous Peoples' communities are provided an opportunity to review and verify that the draft agreement's terms and conditions³⁸ reflect what was understood by them during negotiations; and
- f. Once, and only once the draft agreement has been reviewed and verified (e.), it is formally approved (signed or otherwise validated) by affected Indigenous Peoples' representatives and the Entity's top management.



2.2.5.3 Once the agreement has been formally approved by all parties (as per 2.2.5.2), the ENTITY:

- a. Prior to any implementation, proactively informs members of the affected Indigenous Peoples' communities of the mutually-agreed remedy agreement (or agreements) that is to be implemented, unless affected Indigenous Peoples' representatives explicitly request otherwise;
- b. Documents, in a manner agreed to by affected Indigenous Peoples, the implementation and outcomes of the remedy agreement (or agreements), and proactively shares this information with affected Indigenous Peoples, in accordance with requirement 2.2.4.2; and
- c. Neither states nor implies in any public communications that a mutually-agreed remedy agreement constitutes, or is the equivalent of, the FPIC of affected Indigenous Peoples for any past, current, or future activities.



2.2.5.4 In a manner agreed to by affected Indigenous Peoples, the ENTITY:

- a. Publicly reports on the process that was followed to obtain agreement on remedy measures;
- b. Publicly reports on the implementation and outcomes of the mutually-agreed remedy agreement; and
- c. Makes and maintains publicly accessible the final agreement reviewed and formally approved (signed or otherwise validated) by affected Indigenous Peoples' representatives.



2.2.5.5 **IRMA+**

At operations where **past** activities that affected the rights or interests of Indigenous Peoples are unremediated (as identified per 2.2.4.4), the ENTITY collaborates with Indigenous Peoples' representatives to support them in:

- a. Identifying an independent body that could establish and/or lead remedy or reconciliation processes, transitional justice or other relevant mechanisms to address these past unremediated impacts;
- b. Facilitating the participation of potentially underserved and/or marginalized people³⁹ from the Indigenous community, and from all distinct groups (if applicable), in such processes; and
- c. Providing funding to those affected Indigenous Peoples, in a manner agreed to by them, to select and hire technical and/or legal advisors of their own choosing to support them during such processes.



2.2.6 Respecting the Right to FPIC for New Activities⁴⁰



- 2.2.6.1** If any mining-related activity and/or associated facility (for new projects or at existing operations⁴¹) planned to, or proposed to, become operational after June 2018 may result in new or increased impacts on the rights or interests of affected Indigenous Peoples:
- The ENTITY collaborates with affected Indigenous Peoples’ representatives to determine if they have an autonomous FPIC protocol (or equivalent) in place for respecting their FPIC for proposed activities;
 - If such protocol is in place, the ENTITY follows the protocol unless changes are agreed by affected Indigenous Peoples;
 - If no such protocol exists, the ENTITY consults with affected Indigenous Peoples’ representatives and support them to develop, document, and implement a process, in their preferred manner, that aligns with the internationally-recognized dimensions of the right to FPIC⁴²; and
 - If there is more than one distinct group of affected Indigenous Peoples (e.g., nation, population) that may be affected by the ENTITY’s mining-related activities, each is included in an FPIC process as agreed to by their representatives (whether they request to be included in coordinated or in separate FPIC processes); and
 - The ENTITY provides funding to affected Indigenous Peoples, in a manner agreed to by them⁴³, to select and hire technical and/or legal advisors of their own choosing to support them during each FPIC process.



- 2.2.6.2** In all cases (b. or c.), each **FPIC process** for mining-related activities and/or associated facilities (for new projects or at existing operations) planned to, or proposed to, become operational after June 2018 that may result in new or increased impacts on the rights or interests of affected Indigenous Peoples:
- Outlines any affected Indigenous Peoples’ customs and protocols to be respected, and specifies the decision-making processes of the respective parties;
 - Includes discussions on potential impacts of those proposed mining-related activities and/or associated facilities;
 - Includes negotiations/discussions on measures that could be taken to prevent, and where prevention is not possible or not immediately possible, to mitigate and to remediate, adverse impacts on affected Indigenous Peoples’ rights and interests;
 - Includes negotiations/discussions on measures that could be taken to deliver sustained positive benefits to Indigenous Peoples;
 - Includes negotiations/discussions on the conditions under which affected Indigenous Peoples may (or may not) withdraw or revoke consent, and includes the conditions under which the ENTITY may (or may not) request renewal of discussions if the process fails to result in consent for proposed activities or associated facilities;
 - Includes specific actions, developed in collaboration with affected Indigenous Peoples’ representatives, to facilitate the participation of potentially underserved and/or marginalized people⁴⁴ from the community; and
 - The process is documented.

2.2.6.3 Critical Requirement

If the FPIC process (or processes) results in identification by affected Indigenous Peoples that any mining-related activity and/or associated facility (for new projects or at existing operations⁴⁵) planned to, or proposed to, become operational after June 2018 may result in new or increased impacts on their rights or interests, the ENTITY pursues the proposed activities **only if has obtained** the free, prior, and informed consent of affected Indigenous Peoples⁴⁶.

2.2.6.4 If the FPIC process (or processes) results in mutual agreement that led affected Indigenous Peoples to give their free, prior, and informed consent for the proposed mining-related activity and/or associated facility, a **draft agreement** (or agreements) containing the terms and conditions reached during negotiations is prepared by competent professionals in collaboration with affected Indigenous Peoples, as follows:

- a. It includes the mutually-agreed measures to be taken to prevent, and where prevention is not possible or not immediately possible, to mitigate and remediate, potential and actual adverse impacts on affected Indigenous Peoples' right and interests, and the mutually-agreed measures to be taken to deliver sustained positive benefits to affected Indigenous Peoples;
- b. It includes the mutually-agreed implementation schedule, and details on how implementation and effectiveness will be monitored and evaluated⁴⁷;
- c. It includes details on the mutually-agreed process for the parties to resolve any future disputes⁴⁸;
- d. It includes a financing plan to ensure that funding is available for effective implementation;
- e. Members of affected Indigenous Peoples' communities are provided an opportunity to review and verify that the draft agreement's terms and conditions⁴⁹ reflect what was understood by them during negotiations; and
- f. Once, and only once the draft agreement has been reviewed and verified (e.), it is formally approved (signed or otherwise validated) by affected Indigenous Peoples' representatives and the ENTITY's top management.

2.2.6.5 Once the agreement has been formally approved by all parties (as per 2.2.6.4), the ENTITY:

- a. Prior to any implementation, proactively informs members of the affected Indigenous Peoples' communities of the mutually-agreed FPIC agreement (or agreements) that is to be implemented, unless affected Indigenous Peoples' representatives explicitly request otherwise;
- b. Takes specific measures, in collaboration with affected Indigenous Peoples' representatives, to facilitate the participation of women, youth, persons with disabilities, and potentially underserved and/or marginalized people⁵⁰ from the community, and from all distinct groups (if applicable), in the implementation of this agreement (or agreements); and
- c. Documents, in a manner agreed to by affected Indigenous Peoples, the implementation and outcomes of this FPIC agreement (or agreements), and proactively shares this information with affected Indigenous Peoples, in accordance with requirement 2.2.4.2.



2.2.6.6 In a manner agreed to by affected Indigenous Peoples, the ENTITY:

- a. Publicly reports on the process (or processes) that was followed to obtain the free, prior, and informed consent of affected Indigenous Peoples;
- b. Publicly reports on the implementation and outcomes of the mutually-agreed FPIC agreement (or agreements); and
- c. Makes publicly accessible the final FPIC agreement (or agreements) reviewed and formally approved (signed or otherwise validated) by affected Indigenous Peoples' representatives.



2.2.6.7 The ENTITY has a system in place to ensure that, if affected Indigenous Peoples⁵¹ or credible sources of information indicate a possible breach or violation of the FPIC agreement/s by the ENTITY, or indicate the existence of new information that affected Indigenous Peoples should have had when making their decision, mutually-agreed competent professionals collaborate with affected Indigenous Peoples and the ENTITY to:

- a. Jointly determine the existence and nature of such breach or violation, and/or the significance of such new information and its likelihood to change the outcomes of the FPIC process/es;
- b. Establish a resolution mechanism to remedy any harm done, and where necessary to modify, suspend or terminate the activities or facilities for which consent would be withdrawn; and
- c. Provide, if required, funding to affected Indigenous Peoples, in a manner agreed to by them, to select and hire technical and/or legal advisors of their own choosing to support them during this joint investigation and resolution mechanism.



2.2.6.8 **IRMA+**

The ENTITY has a system in place to ensure that, if affected Indigenous Peoples⁵² or credible sources of information indicate a possible breach or violation of the FPIC agreement/s by the ENTITY, or indicate the existence of new information that affected Indigenous Peoples should have had when making their decision:

- a. As a precautionary measure, the ENTITY immediately suspends the activities or facilities for which the validity of the FPIC process/es may be affected, while the joint investigation and resolution mechanism is established and ongoing (see 2.2.6.7);
- b. Where the joint investigation and resolution mechanism results in consent being withdrawn, the ENTITY takes steps to prevent or mitigate the impacts of the suspension or termination of the activities or facilities for which consent is withdrawn, including through the implementation of all relevant closure and post-closure measures required in Chapter 2.7; and
- c. The ENTITY provides reasonable notice to all relevant stakeholders and business partner/s.

2.2.7 Monitoring and Evaluation

2.2.7.1 To monitor and evaluate the implementation and effectiveness of remedy and/or FPIC agreements, the ENTITY collaborates with affected Indigenous Peoples to:

- Regularly track and document implementation progress of any remedy and/or FPIC agreements, over successive time periods, in the manner defined and validated by affected Indigenous Peoples (see 2.2.5.2.b and/or 2.2.6.4.b);
- Regularly track and document how the measures developed and implemented as per 2.2.5.2 and 2.2.6.4 are effectively preventing, and where prevention is not possible or not immediately possible, mitigating and remediating adverse impacts on affected Indigenous Peoples' rights and interests; and
- Regularly track and document how the measures developed and implemented as per 2.2.5.2 and 2.2.6.4 are effectively delivering sustained positive benefits to affected Indigenous Peoples.

2.2.7.2 The monitoring and evaluation process:

- Encourages and facilitates joint tracking or joint fact-finding with affected Indigenous Peoples, in a manner that is inclusive of different genders, ages, and any potentially underserved and/or marginalized people from the community, and from all distinct groups (if applicable);
- Includes continuous feedback from internal and external sources, including from joint tracking and joint fact-finding with affected Indigenous Peoples;
- Includes continuous stakeholder feedback on the timeliness, accessibility, inclusiveness, and cultural appropriateness of information-sharing (see 2.2.4.2); and
- Includes safeguards to protect the security and privacy of collected personal data or characteristics of affected Indigenous Peoples⁵³.

2.2.8 Continuous Improvement

2.2.8.1 At least twice a year, or more frequently if requested by affected Indigenous Peoples, the ENTITY collaborates with them to:

- Review the monitoring and evaluation results, informed by internal and external feedback, as per Section 2.2.7;
- Review any Indigenous-rights-related grievances and the functioning of its relevant grievance mechanism/s required in 2.2.4.5 (see also Section 1.6.4);
- Review the ENTITY's effectiveness in preventing, and where prevention is not possible or not immediately possible, mitigating and remediating adverse impacts on affected Indigenous Peoples' rights and interests, and in delivering sustained positive benefits to affected Indigenous Peoples, informed by the monitoring and evaluation required in 2.2.7.1 and 2.2.7.2;
- Develop and implement time-bound corrective measures to update, if necessary⁵⁴, how, the ENTITY engage with affected Indigenous Peoples, in accordance with Section 2.2.4;
- Develop and implement time-bound corrective measures to update, if necessary⁵⁵, the remedy and/or FPIC agreements, in accordance with Sections 2.2.5 and 2.2.6;
- Develop and implement time-bound corrective measures to update, if necessary⁵⁶, the monitoring and evaluation processes, in accordance with Section 2.2.7.

CROSS REFERENCES TO OTHER CHAPTERS

Chapter	Requirements
1.2 – Community and Stakeholder Engagement	1.2.1.1 requires the identification of whether Indigenous Peoples may be affected or potentially-affected by the project/operation, directly and/or indirectly, and if there is more than one distinct group of Indigenous Peoples (e.g., nation, population).
1.3 – Human Rights Due Diligence	<p>Building on Chapter 1.2, 1.3.2.3 requires the detailed identification and mapping of the rights of all Indigenous rights-holders potentially affected by the site. The process should include consultations with relevant Indigenous Peoples' organizations or bodies, if they exist, and external experts and credible independent sources of information to determine if there are any potentially affected Indigenous Peoples who have not been identified by the ENTITY, and to determine if there are any Uncontacted Indigenous Peoples and/or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact who may be present in the area of influence and/or affected by the project/operation.</p> <p>Besides 1.3.2.3, the whole chapter is based on a required identification of potential human rights risks and impacts related to the site and associated facilities, informed by a review of all the issues listed in Annex 1.3 that includes the Rights of Indigenous Peoples and cultural heritage of Indigenous Peoples.</p>
1.4 – Upstream and Downstream Sustainability Due Diligence	The whole chapter is based on a required identification of potential human rights risks and impacts related to the Entity's suppliers and customers, informed by a review of all the issues listed in Annex 1.3 that includes the Rights of Indigenous Peoples and cultural heritage of Indigenous Peoples.
2.1 – Socio-Environmental Baseline and Ongoing Impact Assessment	<p>2.1.2.3 is a direct cross-reference to Chapter 2.2, to ensure a site that potentially affect Indigenous Peoples cannot obtain a full score if it has not fully met all the critical requirements of Chapter 2.2.</p> <p>2.1.3.6 requires the draft initial Environmental and Social Impact Assessment (ESIA) to be made and maintained publicly accessible, in relevant languages, including in Indigenous languages if applicable.</p> <p>Section 2.1.8 requires systems to ensure that traditional knowledge, and especially traditional ecological knowledge, of local affected communities, and Indigenous rights-holders if applicable, is integrated into the initial ESIA, baseline data collection, risks and impact assessment, monitoring and evaluation, review and continuous improvement processes, and ongoing ESIA process.</p>
2.3 – Gender Equity, and Sexual and Gender-Based Violence	<p>In this chapter, the entity is required to conduct an intersectional gender impact assessment to identify, assess, and manage, potential positive and negative impacts on people of different genders, identities and abilities, from the ENTITY's mining-related activities. This requires applying an intersectional lens that integrates the Intersectional factors of discrimination and marginalization listed in Table 2.3-B. This table includes the Indigenous status.</p> <p>2.3.4.1.c also explicitly requires analyzing the differential risks and impacts on People of different genders, ages, ethnicities, and Indigenous status (if relevant).</p>
2.5 – Land Acquisition, Displacement, and Resettlement	2.5.1.1 requires a land acquisition review process to identify and document whether there was any physical or economic displacement of Indigenous Peoples from lands acquired by/for the project/operation by the ENTITY, prior owner/s, or government in the case of government-led land acquisition.

	<p>If any new activities (or recent activities that happened after 2012) requires/required displacement of <u>Indigenous Peoples</u> (identified as per 1.2.1.1. and 1.3.2.3) from their lands, or economically displacing them from pursuing their traditional livelihoods, requirement 2.5A.7.1 is a direct cross-reference to Chapter 2.2, to ensure an Entity cannot obtain a full score if it has not fully met all the critical requirements of Chapter 2.2.</p> <p>For historical land acquisition process (that were completed before 2012), 2.5B.5.1 requires the Entity to establish mutually-agreed processes for <u>Indigenous Peoples</u> to raise concerns related to past and present impacts or concerns related to displacement and to determine provisions for the mitigation and remediation of past and ongoing impacts in a manner that is acceptable to <u>Indigenous Peoples</u>, in accordance with Chapter 2.2.</p>
3.4 – Security Forces	<p>3.4.6.1 requires mandatory initial training (prior to deployment) and refresher courses for all private security personnel, including on ethical conduct, and respect for the rights of <u>workers</u>, Indigenous rights-holders (if applicable), and affected communities, with specific reference to groups and individuals disproportionately affected by human rights violations. 3.4.6.2 requires similar provisions for public security forces.</p>
3.6 – Cultural Heritage	<p>3.6.1.1 requires identification of any <u>Indigenous Peoples</u> and/or others who may have rights associated with cultural heritage in the context of the operation. And 3.6.1.2 requires the same thing when any new activities or changes in the project/operation are proposed.</p> <p>If past impacts on cultural heritage are identified, 3.6.2.1 requires sites to document any past activities taken to mitigate or remedy the impacts on cultural heritage, including if past mitigation or remediation efforts were agreed by affected <u>Indigenous Peoples</u>, if relevant.</p> <p>3.6.4.2 requires that the cultural heritage management plan developed by the site ensures that continued access to cultural sites is allowed, subject to consultations with relevant <u>Indigenous Peoples</u> and affected communities.</p> <p>3.6.5.1 requires specific measures for Cultural Heritage of <u>Indigenous Peoples</u>, to ensure it only takes place in conformance with Chapter 2.2, and procedures to allow for the public sharing of information related to <u>Indigenous Peoples</u>' cultural heritage, subject to agreement with affected <u>Indigenous Peoples</u>.</p> <p>When the project intends to make commercial use of cultural heritage of <u>Indigenous Peoples</u>, 3.6.5.2 requires that this only takes place after the <u>Indigenous Peoples</u> have been informed of their rights, the scope and nature of proposed commercial development and its potential consequences, and that this only takes place if the Entity has obtained the free, prior and informed consent of the <u>Indigenous Peoples</u>, in accordance with relevant requirements of Chapter 2.2, and after the negotiations have resulted in a mutual agreement on the fair and equitable sharing of benefits.</p> <p>3.6.8.1 requires the public disclosure of summary versions and key findings of cultural heritage management plan, including specific measures for cultural heritage of <u>Indigenous Peoples</u> (if applicable), and an annual update on the progress made to implement the plan.</p>
4.2 – Tailings and Mine Waste Storage Management	<p>In this 2nd DRAFT, IRMA aims to support and amplify GISTM by requiring operators to undertake robust and independent third-party audits against the GISTM. The auditors conducting an IRMA audit would then rely on the outcomes of these audits to score the relevant IRMA requirements accordingly, without needing to re-audit. This is articulated through a series of requirements in this Chapter.</p> <p>As for the non-technical aspects of tailings management, the IRMA Standard offers a comprehensive framework of best practice on business integrity, long-term planning,</p>

	social, and environmental management for the minerals sector. Most of these topics are transversal and apply to all features and facilities needed to operate an exploration, mining, or processing site. As such, aspects of the IRMA Chapters on human rights due diligence, stakeholder engagement and information sharing, <u>Indigenous Peoples</u> and the right to FPIC, grievance mechanisms, resettlement, financial assurance, closure and post-closure management, emergency preparedness, health and safety, water management, or climate action, apply to the management of TSFs, which is reflected in Chapter 4.2 and throughout the IRMA Standard.
4.3 – Water Management	If the need for long-term water treatment is predicted for any proposed project or activity (to address long-term <u>acid rock drainage</u> or contaminant or metal leaching), 4.3.4.1 requires the Entity to cease to pursue the proposed project or activity unless certain conditions are met, including a direct cross-reference to Chapter 2.2 to ensure that, if <u>Indigenous Peoples</u> whose rights or interests have been or may be directly or indirectly affected by any of the proposed or existing project or activity have been identified, the Entity cannot obtain a full score if it has not fully met all the critical requirements of Chapter 2.2.
4.4 – Biodiversity, Ecosystem Services, and Protected and Conserved Areas	Section 4.4.7 requires systems to ensure that traditional knowledge, and especially traditional ecological knowledge, of local affected communities, and Indigenous rights-holders if applicable, is integrated into the scoping, risk and impact assessment, management planning, monitoring and evaluation and continuous improvement processes related to Biodiversity, Ecosystem Services, and Protected and Conserved Areas.
4.6 – Climate Action	Section 4.6.9 requires systems to ensure that traditional knowledge, and especially traditional ecological knowledge, of local affected communities, and Indigenous rights-holders if applicable, is integrated into the scoping, risk and impact assessment, management planning, monitoring and evaluation and continuous improvement processes related to Climate Action.

CHAPTER ENDNOTES

¹ United Nations. 2008. Guidelines on Indigenous Peoples' Issues.

www.un.org/esa/socdev/unpfii/documents/UNDG_guidelines_EN.pdf

² Report of the Special Rapporteur on the rights of Indigenous Peoples, James Anaya "Extractive industries and Indigenous Peoples", 1 July 2013 https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41_en.pdf

³ Anaya, J. 2013. Extractive Industries and Indigenous Peoples. Report of the Special Rapporteur on the Rights of Indigenous Peoples. UN Doc. A/HRC/24/41. Para. 28. Available at: unsr.jamesanaya.org/study/report-a-hrc-24-41-extractive-industries-and-indigenous-peoples-report-of-the-special-rapporteur-on-the-rights-of-indigenous-peoples

⁴ ILO. Indigenous and Tribal Peoples Convention, 1989 (No. 169). Available at:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:12100:P12100_ILO_CODE:C169

⁵ For a detailed discussion of recent international jurisprudence related to FPIC see: Gilbert, J. and Doyle, C. 2011. "A New Dawn over the Land: Shedding Light on Collective Ownership and Consent." pp. 24-42. Available at: <https://repository.uel.ac.uk/item/86165>

⁶ See e.g., Rights of Indigenous Peoples, A/HRC/45/34, 18 June 2020, para. 61-2. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4534-rights-indigenous-peoples-report-special-rapporteur-rights> ("It is necessary to ... focus on the international human rights obligations that States must observe at all times. Any restrictions on these rights, such as a decision to proceed without the free, prior and informed consent of an Indigenous people, imposes on the State a burden to prove the permissibility of the said restrictions under the international criteria of legality, necessity and proportionality in relation to a valid public purpose. 62. The Special Rapporteur, in common with previous mandate holders, has highlighted the need for review mechanisms through a judicial or other impartial and competent body in order to ensure that any decision by a State ENTITY that does not have the consent of the Indigenous Peoples affected complies with these criteria and does not affect the physical and cultural survival of the Indigenous Peoples concerned. If these requirements are not met, it ought to be concluded that the measure or activity should not proceed without Indigenous consent").

⁷ Having a policy in place is only required if Indigenous Peoples whose rights or interests have been or may be directly or indirectly affected by the site and/or its associated facilities have been identified as per 1.2.1.1. and 1.3.2.3. See 'Scope of Application' section in the introduction of the Chapter.

⁸ International Labour Organisation. Indigenous and Tribal Peoples Convention, 1989 (No. 169).

⁹ Id. para. 48 (explaining that "the conceptualization and application of Indigenous prior consultation and consent should be based not only on the Indigenous and Tribal Peoples Convention and the guidelines developed by ILO in that regard, but also on a much broader, and subsequent, body of law consisting of various instruments, resolutions, declarations – in particular the United Nations Declaration on the Rights of Indigenous Peoples, jurisprudence and authoritative interpretations developed by international and regional human rights mechanisms").

¹⁰ Such as joint-venture partners' staff or contractors responsible for operation/management, organizations or public agencies visiting the site.

¹¹ Such as joint-venture partners' staff or contractors responsible for operation/management, organizations or public agencies visiting the site.

¹² This requirement being a critical requirement, failure to meet it will not only prevent the ENTITY to achieve IRMA 100, but also to achieve any Achievement Level higher than IRMA Transparency. Additionally, any attempt to initiate or make contact with those Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or Initial Contact who may be affected by mining-related activities would constitute intentional contribution to serious human rights abuses. According to IRMA Policy on Association, approved by the IRMA Board in October 2023, such endeavor would represent grounds for IRMA to exclude an operating company or its corporate owner from participating, or terminate a relationship with a company that has a participating IRMA mine. In the current version of the policy, the decision of whether or not to deny or withdraw IRMA achievement recognition, and any terms and conditions that might allow a company to re-associate with IRMA, has to be made by the IRMA Board. IRMA welcomes comments on its policy, available at: <https://responsiblemining.net/wpcontent/uploads/2023/12/IRMA-Policy-on-Association-v2023-01.pdf>.

¹³ Typically, the most credible source of information will be Indigenous Peoples in the area; however, contact must not be made with Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact (see critical requirement 2.2.2.1). In such cases, entities should consult with Indigenous organizations and Indigenous rights organizations with expertise in Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or in Initial Contact. Other additional experts could include competent professionals who are academics or practitioners (may be governmental or non-governmental) with cultural, anthropological, and/or human rights expertise in the regions where projects/operations are located. Note that there is no consensus on a single term that should be used to denote these peoples. Terms in the international sphere include Uncontacted Peoples, Indigenous Peoples in voluntary isolation, peoples in isolation, as well as free, hidden or invisible peoples. Other terms used for Indigenous Peoples in initial contact include recently-contacted peoples. (Source: UN Human Rights Council. 2009. Draft Guidelines On The Protection Of Indigenous Peoples In Voluntary Isolation And In Initial Contact Of The Amazon Basin And El Chaco. A/HRC/EMRIP/2009/6.

https://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/2nd/docs/A_HRC_EMRIIP_2009_6.pdf)

¹⁴ E.g., academics or practitioners (may be governmental or non-governmental) with cultural, anthropological, and/or human rights expertise in the region where projects are located.

¹⁵ By far the greatest threat towards uncontacted Indigenous peoples is that of disease as this is the greatest cause of their population collapse. Survival International's recent research on Uncontacted Indigenous Peoples shows that uncontacted tribes typically lose between 50-100% of their population following forced contact, with a mean average of 61%. Deaths from disease can begin literally days after first contact and it is important to emphasise here that most of the deaths are accidentally spread by the newly contacted relatives to their uncontacted families. The United Nations Human Rights Council describes how attempting to contact these peoples or obtain consent by force or coercion "would lead to serious violations of their human rights, including the crime of genocide." (UN Human Rights Council, 2009, "Draft Guidelines on the Protection of Indigenous Peoples in Voluntary Isolation and in Initial Contact of the Amazon Basin and El Chaco").

¹⁶ According to the United Nations, "The primary responsibility for the promotion and protection of Indigenous Peoples' human rights resides with States.", but "while the obligation to consult is borne by States, corporations and other private actors are also required to respect the human rights of indigenous peoples. They can also play an important role in promoting and protecting the rights of indigenous peoples". The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions. p. 44. <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

¹⁷ Even if there is not FPIC-specific legislation, there may be other laws that incorporate a similar right to that of consent (Example from Russia). See BSR (2012) 'Engaging With Free, Prior, and Informed Consent' https://www.bsr.org/reports/BSR_Engaging_With_FPIC.pdf.

Other sources of information on particular countries can be found in UN Committee on the Elimination of Racial Discrimination (UN CERD) reviews.

¹⁸ In this case, the "proposed activities" are the proceeding/continuation with the project/operation.

¹⁹ E.g., nation, population.

²⁰ i.e., those processes that are not specifically designed for engagement or consultation with Indigenous Peoples.

²¹ This includes information related to: Legal compliance (1.1.4); Stakeholder engagement processes (1.2.4, 1.2.6, 1.2.7, 1.2.8); Human rights due diligence (1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7); Conflict-affected and high-risk area due diligence (1.5.4, 1.5.8); Community grievances and whistleblowers (1.6.1, 1.6.2, 1.6.3, 1.6.4, 1.6.5, 1.6.6); Socio-environmental impact assessment process (2.1.3, 2.1.4, 2.1.6, 2.1.8, 2.1.9, 2.1.10, 2.1.11, 2.1.12); Gender equity, and sexual and gender-based violence (2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.3.8);

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Community support and benefits (2.4.2, 2.4.3, 2.4.5, 2.4.6); Land acquisition and resettlement (2.5A.2, 2.5A.3, 2.5A.5, 2.5A.6, 2.5A.7, 2.5A.8, 2.5A.9, 2.5A.10, 2.5A.11, 2.5B.2, 2.5B.3, 2.5B.5, 2.5B.6, 2.5B.7, 2.5B.8, 2.5B.9); Emergency preparedness and response (2.6.1, 2.6.2, 2.6.3, 2.6.4, 2.6.7, 2.6.8); Reclamation and closure (2.7.1, 2.7.4, 2.7.5, 2.7.7); Community health and safety (3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6); Security forces (3.4.2, 3.4.3, 3.4.7, 3.4.8, 3.4.9, 3.4.11); Engagement with ASM (3.5.2, 3.5.3); Cultural heritage (3.6.1, 3.6.2, 3.6.3, 3.6.4, 3.6.6, 3.6.7, 3.6.8); Noise and vibration (3.7.3, 3.7.4); Waste and materials management (4.1.1, 4.1.5, 4.1.9, 4.1.10, 4.1.11); Tailings storage and mine waste storage management (4.2.7, 4.2.15, 4.2.16, 4.2.17); Water management (4.3.2, 4.3.3, 4.3.4, 4.3.6, 4.3.7, 4.3.8, 4.3.9); Biodiversity, ecosystem services and protected and conserved areas (4.4.1, 4.4.2, 4.4.4, 4.4.5, 4.4.6, 4.4.7, 4.4.8, 4.4.9); Air quality and dust management (4.5.1, 4.5.3, 4.5.7, 4.5.8, 4.5.9); Climate action (4.6.2, 4.6.8, 4.6.11).

²² These dimensions must be collaboratively defined as per 2.2.4.2, and regularly reviewed and updated as per 2.2.7.2.

²³ As these will depend largely on a specific context, stakeholders will help define what is considered culturally appropriate and easily accessible. It is important to mention, among others, the role of the native language in the engagement and agreement processes. All translations from and to native languages should be made by competent and independent professionals. These dimensions must be collaboratively defined as per 2.2.4.2, and regularly reviewed and updated as per 2.2.7.2.

²⁴ "in a timely manner" will likely vary based on the ENTITY'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. Generally, 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 in order to share data publicly, and so may require more time to prepare materials for release. This dimension must be collaboratively defined as per 2.2.4.2, and regularly reviewed and updated as per 2.2.7.2.

²⁵ Including fundamental human rights, customary rights, and other relevant rights.

²⁶ Identification of underserved and/or marginalized people requiring specific 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 in particular, special attention should be paid to traditional participatory structures and power dynamics and those whose voices may not be heard within those structures.

²⁷ Indigenous Peoples' customary approaches to engagement may not always include participation of women, underserved and/or marginalized people within Indigenous communities. The UN Rapporteur on Indigenous Peoples has written that: "Indigenous Peoples should be encouraged to include appropriate gender balance within their representative and decision-making institutions. However, such gender balance should not be dictated or imposed upon Indigenous Peoples by states or companies, any more than Indigenous Peoples should impose gender balance on them." Women, men youth, elders, etc. may have different needs, priorities and interests that should be considered and factored into the company's understanding of the project's full impacts, and its own subsequent decision-making processes. It is recommended that any efforts undertaken by the company to find other ways of facilitating involvement of women, underserved and/or marginalized Indigenous Peoples be carried out in coordination with and/or through mutual agreement with the Indigenous Peoples' representative institutions (as suggested by the UN Rapporteur, above, under no conditions should a company impose such processes on Indigenous Peoples).

²⁸ In their "preferred manner" relates to both the form of the support and processes themselves. Identification of capacity or financial gaps, and design of plans collaboratively with Indigenous Peoples should ensure they consider the potentially adverse socio-economic consequences that direct financial support may have on Indigenous communities.

²⁹ The Entity will always need to demonstrate that it proactively offers to provide funding/financial support, in a manner agreed to by Indigenous Peoples. In situations where Indigenous Peoples agreed on a manner to receive such financial assistance, the Entity will need to demonstrate that, and to what extent, it conformed with the agreed manner in actually providing funding/financial support. In situations where Indigenous Peoples did not want or refused such financial assistance, the Entity must respect their decisions.

³⁰ 'Rights-compatible' means ensuring that outcomes and remedies accord with internationally-recognized human rights. Where desired by the Indigenous communities, the grievance mechanism should incorporate communities' own systems for dispute resolution: Indigenous Peoples may have their own conflict-resolving mechanisms and legal systems that should be considered when agreeing how to resolve disputes.

³¹ There may be other mechanisms that are not operated by the ENTITY through which stakeholders or rights-holders can seek recourse (e.g., administrative, judicial and non-judicial remedies), and these options should be mentioned to stakeholders who file grievances with the company.

³² It is important to recognize that some ongoing unremediated impacts will be cumulative in nature and, whilst Entities can make efforts to contribute to remedy, there will be cases when attributing causality to cumulative impacts is challenging.

³³ Examples of such actions include, but are not limited to: mitigation, compensation, provision of benefits.

³⁴ Identification of underserved and/or marginalized people requiring specific 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 in particular, special attention should be paid to traditional participatory structures and power dynamics and those whose voices may not be heard within those structures.

³⁵ The Entity will always need to demonstrate that it proactively offers to provide funding/financial support, in a manner agreed to by Indigenous Peoples. In situations where Indigenous Peoples agreed on a manner to receive such financial assistance, the Entity will need to demonstrate that, and to what extent, it conformed with the agreed manner in actually providing funding/financial support. In situations where Indigenous Peoples did not want or refused such financial assistance, the Entity must respect their decisions.

³⁶ This may require establishing joint monitoring, evaluation and implementation bodies to ensure that the agreed measures are implemented in good faith. This could also be in the form of a designated impartial and independent body or entity to monitor compliance with the agreement. This impartial entity can serve either as a member of a joint implementation committee integrated by the Parties themselves or as a wholly independent regulatory oversight and monitoring entity which can audit the implementation and effectiveness of the measures at regular, agreed upon intervals, make recommendations for improvements, and encourage the Parties to rectify non-compliance. The Parties can also empower this entity to refer matters to arbitration or to any other dispute resolution mechanisms previously agreed upon by the Parties.

³⁷ Including through the identification of a mechanism or a process to be followed if, for example, there are breaches of the agreement or commitments in the agreement, or differences of opinions regarding the interpretation and application of the agreement. The process could include one or more of the following steps: dialogue, mediation, independent arbitration, adjudication via an international forum for grievances, etc.

³⁸ In a situation where distinct groups requested separated FPIC processes that led to separate FPIC agreements, the Indigenous Peoples' representatives will indicate if and how community members could have access to draft agreements prepared by other groups.

³⁹ Identification of underserved and/or marginalized people requiring specific 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 in particular, special attention should be paid to traditional participatory structures and power dynamics and those whose voices may not be heard within those structures.

⁴⁰ This Section (2.2.6–Respecting the Right to FPIC for New Activities) is applicable to all activities and associated facilities that were planned to, or are proposed to, become operational after June 2018. This cutoff date is consistent with the approach that IRMA has been taking so far. See the 'Scope of Application' section at the beginning of the Chapter for more details.

⁴¹ As noted in the applicability color guide, this section is applicable as early as Exploration – Stage 2 (i.e., as soon as on-the-ground or in-the-air activities or activities that presume future exploration are planned or expected to take place). Different FPIC processes are required for the different stages of development (e.g., exploration, mining, mineral processing, closure), unless explicitly agreed by affected Indigenous Peoples to give consent for more than one stage. Similarly, best practice expects that if FPIC has been given to the Entity for a given operational setup, any significant change will require the FPIC Indigenous Peoples in order to move forward (e.g. major expansion of existing facilities, construction of new facilities, etc...).

⁴² The Entity could support the development of the FPIC process by providing funding or other resources to provide Indigenous Peoples with the technical or legal support that may be necessary for them to develop an FPIC process. Support could also be shown by respecting the Indigenous Peoples' timeline for developing its own protocol.

The process could include the following elements: Identify the decision-makers and parties to the negotiation; Specify the decision-making processes of the respective parties; Identify the role, if any, of outside counsel, advisors, facilitators or mediators; Come to a common understanding of any applicable laws or principles to guide the FPIC process; Agree on time periods and scheduling; Identify any Indigenous Peoples' customs and protocols to be respected; Agree on measures to create an environment without coercion or duress; Determine how the affected Indigenous Peoples will participate in the analysis of impacts and risk; Determine formats and protocols for sharing information. (Source: The Accountability Framework. 2019. Operational Guidance on Free, Prior and Informed Consent. https://accountability-framework.org/fileadmin/uploads/afi/Documents/Operational_Guidance/OG_FPIC-2020-5.pdf)

⁴³ The Entity will always need to demonstrate that it proactively offers to provide funding/financial support, in a manner agreed to by Indigenous Peoples. In situations where Indigenous Peoples agreed on a manner to receive such financial assistance, the Entity will need to demonstrate that, and to what extent, it conformed with the agreed manner in actually providing funding/financial support. In situations where Indigenous Peoples did not want or refused such financial assistance, the Entity must respect their decisions.

⁴⁴ Identification of underserved and/or marginalized people requiring specific 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 in particular, special attention should be paid to traditional participatory structures and power dynamics and those whose voices may not be heard within those structures.

⁴⁵ As noted in the applicability color guide, this section is applicable as early as Exploration – Stage 2 (i.e., as soon as on-the-ground or in-the-air activities or activities that presume future exploration are planned or expected to take place). Different FPIC processes are required for the different stages of development (e.g., exploration, mining, mineral processing, closure), unless explicitly agreed by affected Indigenous Peoples to give consent for more than one stage. Similarly, best practice expects that if FPIC has been given to the Entity for a given operational setup, any significant change will require the FPIC Indigenous Peoples in order to move forward (e.g. major expansion of existing facilities, construction of new facilities, etc...).

⁴⁶ If an agreement is reached, then requirements 2.2.6.4 to 2.2.6.7 are applicable. If affected Indigenous Peoples' representatives clearly communicate, at any point during engagement with the Entity, that they do not consent to proposed activities, or that they do not wish to engage in or continue with FPIC-related discussions, the Entity must recognize that it does not have consent, and must cease to pursue any proposed activities affecting the rights or interests of the Indigenous Peoples. In such case, further discussions should only be renewed in accordance with the conditions agreed in 2.2.6.2.

Note that, because of the requirement that FPIC be free from external manipulation, coercion and intimidation, an FPIC process cannot be undertaken -and consent cannot be deemed given- in situations where Uncontacted Indigenous Peoples or Indigenous Peoples Living in Voluntary Isolation or Initial Contact may be affected (see also Section 3.6.5). This requirement being a critical requirement, failure to meet it will not only prevent the Entity to achieve IRMA 100, but also to achieve any Achievement Level higher than IRMA Transparency. Additionally, any attempt to initiate or make contact with those Uncontacted Indigenous Peoples IRMA STANDARD v2.0 DRAFT 2 (EXCERPT)

or Indigenous Peoples Living in Voluntary Isolation or Initial Contact who may be affected by mining-related activities would constitute intentional contribution to serious human rights abuses. According to IRMA Policy on Association, approved by the IRMA Board in October 2023, such endeavor would represent grounds for IRMA to exclude an operating company or its corporate owner from participating, or terminate a relationship with a company that has a participating IRMA mine. In the current version of the policy, the decision of whether or not to deny or withdraw IRMA achievement recognition, and any terms and conditions that might allow a company to re-associate with IRMA, has to be made by the IRMA Board. IRMA welcomes comments on its policy, available at: <https://responsiblemining.net/wpcontent/uploads/2023/12/IRMA-Policy-on-Association-v2023-01.pdf>.

⁴⁷ This may require establishing joint monitoring, evaluation and implementation bodies to ensure that the agreed measures are implemented in good faith. This could also be in the form of a designated impartial and independent body or entity to monitor compliance with the agreement. This impartial entity can serve either as a member of a joint implementation committee integrated by the Parties themselves or as a wholly independent regulatory oversight and monitoring entity which can audit the implementation and effectiveness of the measures at regular, agreed upon intervals, make recommendations for improvements, and encourage the Parties to rectify non-compliance. The Parties can also empower this entity to refer matters to arbitration or to any other dispute resolution mechanisms previously agreed upon by the Parties.

⁴⁸ Including through the identification of a mechanism or a process to be followed if, for example, there are breaches of the agreement or commitments in the agreement, or differences of opinions regarding the interpretation and application of the agreement. The process could include one or more of the following steps: dialogue, mediation, independent arbitration, adjudication via an international forum for grievances, etc.

⁴⁹ In a situation where distinct groups requested separated FPIC processes that led to separate FPIC agreements, the Indigenous Peoples' representatives will indicate if and how community members could have access to draft agreements prepared by other groups.

⁵⁰ Identification of underserved and/or marginalized people requiring specific 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 in particular, special attention should be paid to traditional participatory structures and power dynamics and those whose voices may not be heard within those structures.

⁵¹ Including through the monitoring and evaluation activities required in Section 2.2.8.

⁵² Including through the monitoring and evaluation activities required in Section 2.2.8.

⁵³ Especially of rights-holders at heightened risk of vulnerability and marginalization, including children, or any other sensitive data.

⁵⁴ This will be informed by the monitoring and evaluation process required in the previous Section, and on the review process required in a. to c.

⁵⁵ This will be informed by the monitoring and evaluation process required in the previous Section, and on the review process required in a. to c.

⁵⁶ This will be informed by the monitoring and evaluation process required in the previous Section, and on the review process required in a. to c.

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