IRMA

Initiative for Responsible Mining Assurance

EXCERPT FROM THE
IRMA Standard

for

Responsible Exploration, Extraction, and Processing of Minerals

⤙ 2nd DRAFT ⤚

for public consultation

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, <u>click here</u> 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 3.6
Cultural Heritage

SECOND DRAFT (JULY 2025): SUMMARY OF CHANGES

- Scoping section updated to ensure scoping results in the identification of any formally recognized cultural heritage sites in the <u>area of influence</u>, and any legal requirements related to cultural heritage.
- Scoping section updated to ensure the identification process includes not only risks but also impacts.
- Assessment section updated to ensure it documents the nature of the cultural heritage that has been impacted and also includes the value and importance of the heritage feature/s, and not only the extent but also the significance of the impacts; and risks.
- Updated management plan section to also include risks
- Inclusion of a "good faith negotiation ..." sub-requirement in 3.6.3.4 to achieve alignment with EBRD 2023 Guidance
- Added 3.6.3.5 to achieve alignment with EBRD 2023 Guidance.
- Added Section 3.6.5 to align more closely with EBRD Performance Requirement 8 and the associated 2023 guidance.
- Substantial structural changes to increase clarity and auditability, and to ensure consistency throughout the Standard.

RESPONSE TO CONSULTATION QUESTIONS OUTLINED IN FIRST DRAFT

Question #	Question	Feedback and Decision
3.7-01	**(Background)** **Question**: We would be interested to hear if there are other frameworks being used by in cultural heritage practitioners if there are particularly areas of IRMA's standard that could be strengthened to better reflect current best available practices in the field of cultural heritage protection.	**Feedback received**: 5 responses received (3 mining, 1 NGO, 1 consultancy). Responses included suggestions to include and align with EBRD Performance Requirement 8 and the relevant 2023 Guidance, IEMA Principles (2021), and CIfA (UK Chartered Institute for Archaeologists) Standards and Guidance. Some mentioned various national and legal frameworks and references. **Decision**: We have proposed additions and revisions to the draft Standard that incorporate these inputs. We also proposed additional sub-requirements regarding legal/permitting process obligations, protocols, standards, guidelines etc. for cultural heritage identification, fieldwork, assessment, mitigation, and monitoring.
3.7-02	**(Background)** **Question**: Do you agree that all operating mines and mineral processing sites should have to demonstrate an understanding of whether or not their past activities have impacted cultural heritage resources, and if residual impacts exist, mitigate them?	**Feedback received**: 8 responses received (4 mining, 1 NGO, 1 finance, 1 consultancy) All respondents but one (1 mining) agreed that this should be considered and addressed, and that this is already established current best practice. 1 consultancy flagged the need to allow for exception when a site can demonstrate that assessing past impacts is impossible. 1 mining respondent suggested to exclude past impacts that happened under the ownership of any previous owner/s (which is not in line with international recommendation and guidance). 1 mining respondent raised the issue of situations where mitigation/restoration measures that were taken decades ago could have been agreed upon by affected people (and/or in line with best practice at the time), and no longer be in line with current best practice; and asking what would be required from the ENTITY under these circumstances. **Decision**: Keep requirements related to past unremediated impacts. We have also provided guidance regarding historical mitigation that would now be deemed as outdated and may have resulted in unanticipated residual impacts, including were such mitigation was deemed national and/or international good or best practice at the time.
3.7-03	**(3.7.3.3)** **Question**: Do you agree that it is reasonable for mitigation actions to be evaluated for effectiveness? If you agree that the lack of monitoring-related requirements is a gap that should be filled in the IRMA Standard, can you suggest examples of best practices in the monitoring or surveillance of cultural heritage mitigation activities?	**Feedback received**: 5 responses received (4 mining, 1 consultancy). Responses were mixed, though overall in favor: 2 mining and 1 consultancy agreed. 1 mining suggested to defer to legal requirements. 1 mining did not think that monitoring and evaluation was needed by default (though could be required in specific cases). **Decision**: Based on global best practice as well as the potential of operational and external risks and impacts, the implementation of monitoring, evaluation and corrective measures remains a key component of continued operational performance that needs to be retained in the IRMA Standard.

BACKGROUND

Cultural heritage is the legacy of physical structures, landscapes, and artifacts, as well as intangible attributes of a group or society, such as language, activities, or knowledge that has cultural, scientific, spiritual, or religious value.[1] This includes natural areas with cultural, spiritual, or religious value such as sacred groves, sacred bodies of water and waterways, sacred trees, and sacred rocks.

Over time, mining, mineral processing, and other forms of industrial development can both generate, and result in, profound and irreversible damage to cultural heritage. Most obviously, mining activities can destroy or damage tangible cultural heritage, such as historical buildings or sites of spiritual significance. Damage to intangible cultural heritage may also occur, for example, as a result of inappropriate visitation of sites or the inappropriate use of traditional knowledge.[2]

Increasingly, exploration, mining, and mineral processing companies are recognizing the importance of protecting, and where possible promoting, cultural heritage to respect the rights of communities, and strengthen relationships with them, wherever they operate.[3]

KEY REFERENCES

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

- IFC Performance Standard 8: Cultural Heritage, 2012
- IFC Guidance Note 8: Cultural Heritage, 2012
- EBRD Performance Requirement 8: Cultural Heritage, 2023
- EBRD Guidance Note PR8, 2023
- Institute of Environmental Management and Assessment (IEMA) Principles of Cultural Heritage Impact Assessment, 2021
- UK Chartered Institute for Archaeologists (CIfA) Standards and Guidance

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OBJECTIVES OF THIS CHAPTER

To protect and respect the cultural heritage of communities and Indigenous Peoples.

SCOPE OF APPLICATION

This chapter is applicable to all exploration, mining and mineral processing projects and operations. 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 two (2) **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 is no (0) optional IRMA+ requirement 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.

IRMA Requirements

3.6.1   Scoping and Baseline Data

M P **3.6.1.1**   At operational sites, a screening process (or equivalent) is undertaken and documented by competent professionals to identify and understand the cultural heritage context of the operation, as follows[4]:

a.   This process identifies whether any replicable, non-replicable, or critical cultural heritage, including any formally recognized cultural heritage sites[5], exists in the site's area of influence;

b.   It identifies any legal requirements[6] related to the forms of cultural heritage identified;

c.   It determines whether there have been any past impacts[7] on cultural heritage related to the site and its associated facilities[8];

d.   It identifies any Indigenous Peoples and/or others who may have rights associated with cultural heritage (hereafter collectively referred to as 'rights-holders');

e.   It identifies other stakeholders who may have an interest in cultural heritage; and

f.   It includes consultations with relevant rights-holders and stakeholders[9], to inform the identification of cultural heritage and determination of past impacts (a. and c.).

E1 E2 E3 D M P **3.6.1.2**   When new activities or changes in the project/operations are proposed, a scoping process (or equivalent) is undertaken and documented by competent professionals to identify and understand how they may affect the cultural heritage context of the project/operation, as follows[10]:

a.   This process identifies whether any replicable, non-replicable, or critical cultural heritage, including any formally recognized cultural heritage sites[11], that had not been identified before, exists in the site's area of influence[12];

b.   It identifies any legal requirements[13] related to the forms of those cultural heritage identified;

c.   It identifies whether there are potential risks or impacts[14] to cultural heritage identified in 3.6.1.1 and 3.6.1.2.a posed by proposed mining-related activities[15];

d.   It identifies any Indigenous Peoples and/or others who may have rights associated with the potentially affected cultural heritage (hereafter collectively referred to as 'rights-holders');

e.   It identifies other stakeholders who may have an interest in the potentially affected cultural heritage; and

f.   Includes consultations with relevant rights-holders and stakeholders[16], to inform the identification of cultural heritage and determination of potential risks and impacts (a. and c.)

3.6.2   Damage Assessment of Past Impacts

M P **3.6.2.1**   At operational sites, if past impacts[17] on cultural heritage are identified (as per 3.6.1.1), a damage assessment[18] (or equivalent) is carried out and documented by competent professionals., as follows:

a.   This damage assessment documents the nature of the cultural heritage that has been impacted[19], the value[20] and importance[21] of the heritage feature/s, and the location of the impacts;

b.   It documents the extent and significance of the **past** impacts;

c.   It documents the extent and significance of any **ongoing** risks and residual impacts;

d.   It documents any past activities taken to mitigate or remedy the impacts on cultural heritage[22], including if past mitigation or remediation efforts were agreed by affected Indigenous Peoples if relevant;

e.   It includes consultations with relevant rights-holders and stakeholders[23] to inform the identification of past impacts and the nature of the cultural heritage that was impacted;

f.   It determines whether past mitigation or remediation measures were in conformance with the measures related to replicable, non-replicable or critical cultural heritage found in Annex 3.6-A, and/or, if relevant, with the measures for cultural heritage in protected areas found in Annex 3.6-B; and

g.   If past mitigation or remediation measures were not in conformance, then it outlines additional mitigation or remediation measures[24], developed in collaboration with affected rights-holders and stakeholders.

3.6.3   Risk and Impact Assessment of Proposed Activities

E2 E3 D M P **3.6.3.1**   If proposed activities may result in new or additional risks or impacts on cultural heritage (as identified per 3.6.1.2), a risk and impact assessment (or equivalent) is carried out and documented by competent professionals, as follows:

a.   This risk and impact assessment evaluates the likelihood and magnitude of the potential impacts on replicable, non-replicable or critical cultural heritage identified in 3.6.1.1 and 3.6.1.2[25];

b.   It includes direct, indirect, and cumulative impacts; and

c.   It includes collaboration with affected rights-holders and stakeholders to identify acceptable mitigation measures that are consistent with the measures related to replicable, non-replicable and critical cultural heritage found in Annex 3.7-A, and the measures for cultural heritage in protected areas found in Annex 3.7-B, as relevant.

3.6.4   Management Plan

E2 E3 D M P

3.6.4.1   Building on 3.6.1, 3.6.2, and 3.6.3, a cultural heritage management plan (or equivalent) is developed and documented by competent professionals to protect cultural heritage by mitigating risks and impacts, as follows:

a.   This plan outlines specific measures to mitigate or remedy past, and/or mitigate potential risk and impacts[26] on cultural heritage, in a manner that is consistent with the measures related to replicable, non-replicable and critical cultural heritage found in Annex 3.7-A, and the measures for cultural heritage in protected areas found in Annex 3.7-B, as relevant;

b.   It identifies success indicators tied to relevant baseline data[27], to enable evaluation of the effectiveness of mitigation activities over time;

c.   It identifies the role of affected rights-holders and stakeholders in the collaborative development, implementation, and monitoring and evaluation of the plan;

d.   It assigns implementation of measures to responsible staff with adequate skills and expertise;

e.   It assigns responsibility to its top management level to oversee plan implementation, monitoring, and recordkeeping[28];

f.   It includes clearly-defined timelines and an implementation schedule that specifies the expected outcomes for affected rights-holders and stakeholders;

g.   It maintains estimates of human resources and budget required; and

h.   It includes a financing plan to ensure that funding is available for the effective implementation of the plan.

E2 E3 D M P

3.6.4.2   The plan required in 3.6.4.1 (and any additional procedure/s in place) ensures that:

a.   Mitigation measures for replicable, non-replicable, and critical cultural heritage are consistent with the best practices listed in Annex 3.6-A, as relevant;

b.   If actual or potential impacts and risks are associated with cultural heritage in a protected area, mitigation measures are aligned with the requirements in Annex 3.6-B;

c.   Chance finds are managed, including, at minimum, through a requirement that employees and contractors do not further disturb any chance find until an evaluation by competent professionals is made and mitigation measures consistent with Annex 3.6-A and Annex 3.6-B of this Chapter are developed, as relevant;

d.   Relevant employees and contractors receive training on cultural heritage site recognition and care, and on the ENTITY's plans and procedures related to cultural heritage management;

e.   Potential risks and impacts to cultural heritage from **visitors** to the site and its associated facilities are mitigated and managed; and

f.   Continued access to cultural sites is allowed, subject to: 1) Consultations with relevant Indigenous Peoples and affected communities; and 2) Any overriding health, safety, and security considerations.

E2	E3	D	M	P

3.6.4.3 The plan required in 3.6.4.1 (and any additional procedure/s in place) also ensures that, when the project intends to make commercial use of cultural heritage that is **not** Indigenous Peoples' cultural heritage[29], such use only takes place:

a. After the affected custodians and/or communities of such cultural heritage have been informed of their rights under the country of operation's law, the scope and nature of proposed commercial development, and the potential consequences of such development;

b. After good faith negotiations have included meaningful consultation with the affected custodians and/or communities, and their participation has been documented; and

c. After the negotiations have resulted in a mutual agreement on the fair and equitable sharing of benefits.

3.6.5   Specific Measures for Cultural Heritage of Indigenous Peoples

E2	E3	D	M	P

3.6.5.1 Critical Requirement

When cultural heritage of Indigenous Peoples exists in the site's area of influence:

a. Proposed mining-related activities that may impact Indigenous Peoples' critical cultural heritage proceed only with the free, prior and informed consent of the affected Indigenous Peoples, in accordance with relevant requirements of Chapter 2.2[30];

b. Mitigation strategies for past impacts and new impacts and risks on Indigenous Peoples' cultural heritage are agreed by Indigenous Peoples prior to their implementation, in accordance with relevant requirements of Chapter 2.2; and

c. Procedures are developed to allow for the public sharing of information related to Indigenous Peoples' cultural heritage, subject to agreement with affected Indigenous Peoples.

E2	E3	D	M	P

3.6.5.2 Critical Requirement

When the project intends to make commercial use of cultural heritage of Indigenous Peoples, the ENTITY has a system in place to ensure, and can demonstrate, that this only takes place:

a. After the Indigenous Peoples have been informed of their rights under the country of operation's law, the scope and nature of proposed commercial development, and the potential consequences of such development; and

b. If, and only if, the ENTITY has obtained the free, prior and informed consent of the Indigenous Peoples through an FPIC process (or processes) in accordance with relevant requirements of Chapter 2.2[31], and after the negotiations have resulted in a mutual agreement on the fair and equitable sharing of benefits.

3.6.6 Monitoring and Evaluation

E2 E3 D M P

3.6.6.1 To monitor and evaluate the effectiveness and appropriateness of its measures to mitigate all significant risks and impacts on cultural heritage, the ENTITY collaborates with affected rights-holders and stakeholders, and custodians of cultural heritage to, at least annually:

a. Track and document the ENTITY's performance on mitigating or remediating **past** impacts, and mitigating **current potential** risks and impacts to cultural heritage, over successive time periods, against the success indicators required in 3.6.4.1;

b. Encourage and facilitate joint monitoring and joint tracking with affected rights-holders and stakeholders, and custodians of cultural heritage, in a manner that is inclusive of different genders, ages, ethnicities, and any potentially underserved and/or marginalized people, as per Chapter 1.2[32]; and

c. Include continuous feedback from internal and external sources, including from joint monitoring and joint tracking with rights-holders and stakeholders, and custodians of cultural heritage.

3.6.7 Continuous Improvement

E2 E3 D M P

3.6.7.1 At least annually, but without undue delay after a significant change, the ENTITY collaborates with affected rights-holders and stakeholders, and custodians of cultural heritage to:

a. Review the monitoring and evaluation results, informed by internal and external feedback, as per Section 3.6.6;

b. Review any cultural heritage-related grievances (see also Section 1.6.4);

c. Review the ENTITY's effectiveness in mitigating or remediating **past** impacts, and mitigating **current potential** risks and impacts on cultural heritage, informed by the monitoring and evaluation required in 3.6.6.1;

d. Develop and implement time-bound corrective measures to update, if necessary[33], the scoping and baseline data collection process in accordance with Section 3.6.1;

e. Develop and implement time-bound corrective measures to update, if necessary[34], the damage assessment (if relevant) and the risk and impact assessment in accordance with Sections 3.6.2 and 3.6.3;

f. Develop and implement time-bound corrective measures to update, if necessary[35], its monitoring and evaluation processes in accordance with Section 3.6.6.

3.6.8 Information-Sharing and Public Reporting

E2 E3 D M P

3.6.8.1 The ENTITY makes and maintains publicly accessible, and proactively shares with affected rights-holders and stakeholders:

a. Summary versions and key findings of cultural heritage scoping, damage assessment, and risk and impact assessment processes;

b. Summary versions and key findings of cultural heritage management plan, including specific measures for cultural heritage of Indigenous Peoples (if applicable), and an annual update on the progress made to implement the plan; and

c. Information on the cultural heritage features within the project/operation's area of influence and any significant new understanding is proactively shared with stakeholders and the general public[36] to raise awareness about, and appreciation of, the value of these features.

CROSS REFERENCES TO OTHER CHAPTERS

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

CHAPTER ENDNOTES

While this chapter applies to both Indigenous and non-Indigenous cultural heritage, it does not specify requirements applicable to Indigenous and Community Conserved Areas (ICCAs) designated as such by Indigenous Peoples or local communities. These are areas governed and/or managed by the people or community in a manner that conserves nature and/or cultural values.[37] Such areas may be considered by Indigenous Peoples as a part of their cultural heritage and, as such, could be raised during the cultural heritage scoping process and addressed in Chapter 3.6, and/or addressed during the free, prior and informed consent process in Chapter 2.2.

[1] Adapted from: Daes, E. 1995. Protection of the heritage of Indigenous people. Final report of the Special Rapporteur, Mrs. Erica-Irene Daes, in conformity with Subcommission resolution 1993/44 and decision 1994/105 of the Commission on Human Rights. E/CN.4/Sub.2/1995/26. June 21, 1995; and IFC. 2012. IFC's Guidance Notes: Performance Standards on Environmental and Social Sustainability. Guidance Note 7, p. 17.

[2] E.g., some Indigenous heritage sites may be gendered—safe for one sex but dangerous to the other; Indigenous Peoples' knowledge regarding the existence, location and significance of sites is often not public; and in some cases, if knowledge of sacred sites is transferred inappropriately it may be dangerous to both the giver and receiver. (O'Faircheallaigh, C. 2008. Negotiating Cultural Heritage? Aboriginal-Mining Company Agreements in Australia. p. 7)

[3] E.g., see Anglo American. 2009. The Anglo Social Way: Management System Standards. p. 12. https://www.angloamerican.com/development/approach-and-policies/human-rights/~/media/Files/A/Anglo-American-Plc/siteware/docs/aa_social_way.pdf; and also: Rio Tinto. 2011. Why Cultural Heritage Matters. https://cdn-rio.dataweavers.io/-/media/content/documents/sustainability/corporate-policies/rt-why-cultural-heritage-matters.pdf?rev=cf46a63414e84401aa1642ae6b7fe181

[4] Some or all of this may already have been done as part of an ESIA.

[5] For example, UNESCO World Heritage Sites; areas on a state Party's official Tentative List for World Heritage Site Inscription; UNESCO Global Geoparks; National Heritage Sites; formally recognised Historic Districts, Monuments and Memorials, Cultural Landscapes, and Archaeological Sites; International Union for Conservation of Nature (IUCN) protected area management categories I-III, Core areas of UNESCO biosphere reserves, and legally protected areas designated to protect cultural heritage (including areas proposed by host governments for such designation, or a legally defined protected area buffer zone), etc.

[6] This could include, but is not limited to, legal approval/permitting requirements and legislated protocols, standards and guidelines for cultural heritage identification, fieldwork/surveys, assessment, mitigation, and monitoring, amongst others.

[7] Including direct, indirect and cumulative impacts.

[8] Including from previous owner/s. Cognizance should be taken of historically appropriate assessment and implementation of mitigation measures for cultural heritage, which were deemed as national and/or international good or best practice at the time, but nonetheless resulted in unanticipated residual impacts.

[9] Besides the rights-holders and stakeholders identified as per d. and e., this could include international, national and local regulators/administrators, curators and archivists; custodians, tradition bearers, and knowledgeable individuals within the affected communities; scientific/research institutions; academic experts; and religious leaders (EBRD, 2023). Such consultation should include consideration of how the stakeholder/s are connected to the cultural heritage feature.

[10] Some or all of this may be part of an ongoing ESIA.

[11] For example, UNESCO World Heritage Sites; areas on a state Party's official Tentative List for World Heritage Site Inscription; UNESCO Global Geoparks; National Heritage Sites; formally recognised Historic Districts, Monuments and Memorials, Cultural Landscapes, and Archaeological Sites; International Union for Conservation of Nature (IUCN) protected area management categories I-III, Core areas of UNESCO biosphere reserves, and legally protected areas designated to protect cultural heritage (including areas proposed by host governments for such designation, or a legally defined protected area buffer zone), etc.

[12] This may already have been done at sites where changes are being proposed to current operations.

[13] This could include, but is not limited to, legal approval/permitting requirements and legislated protocols, standards and guidelines for cultural heritage identification, fieldwork, assessment, mitigation, and monitoring, amongst others.

[14] Including direct, indirect and cumulative impacts.

[15] If screening does not identify any risks or potential impacts to cultural heritage, then further assessment is not needed.

Note that screening may take place as part of the ESIA in IRMA Chapter 1.2, or as part of the biodiversity, ecosystem services and protected areas screening in IRMA Chapter 4.4.

Screening should include a determination of whether or not the proposed project is in an area currently or traditionally occupied or used by Indigenous Peoples, where cultural heritage of other communities may be affected, where there may be Indigenous Peoples living in voluntary isolation, or where nearby areas have been legally protected to preserve cultural heritage.

[16] Besides the rights-holders and stakeholders identified as per d. and e., this could include international, national and local regulators/administrators, curators and archivists; custodians, tradition bearers, and knowledgeable individuals within the affected communities; scientific/research institutions; academic experts; and religious leaders (EBRD, 2023).

[17] Including direct, indirect, and cumulative impacts.

[18] For example, see: Welch, J., Cowell, S., Ryan, S., Whiting, D., & Cantley, G. 2023. "Cultural Resource Damage Assessment," Advances in Archaeological Practice, 11(2), 111-125. https://www.cambridge.org/core/journals/advances-in-archaeological-practice/article/cultural-resource-damage-assessment/5256E58A791028468B0660B5A35679EC

[19] I.e., was it replicable, non-replicable or critical cultural heritage, and was it tangible or intangible.

[20] Values are typically expressed as low, medium, high (and sometimes very high). These can be equated to local, national and international value, with factors to be taken into account including legal status/designation/protection, rarity, condition, preservation of townscape/landscape integrity, and views of affected stakeholders, amongst other criteria (EBRD, 2023).

[21] The importance is the level of protection that the cultural heritage feature is currently afforded or that it merits in cultural heritage legislation (i.e., the protection it should be afforded through legislation and/or planning policy, for example) (IEMA, 2021).

[22] This should include documentation of which historical mitigation measures were deemed national and/or international good or best practice at the time.

[23] Besides the rights-holders and stakeholders identified as per 3.6.1.1.d. and 3.6.1.1.e., this could include international, national and local regulators/administrators, curators and archivists; custodians, tradition bearers, and knowledgeable individuals within the affected communities; scientific/research institutions; academic experts; and religious leaders (EBRD, 2023). Such consultation should include consideration of how the stakeholder/s are connected to the cultural heritage feature.

[24] Mitigation measures should be aligned with current good and best practices. For example, see https://www.archaeologists.net/codes/cifa

[25] This may already have been done at sites where changes are being proposed to current operations.

[26] Mitigation measures should be aligned with current good and best practices. For example, see https://www.archaeologists.net/codes/cifa

[27] Baseline data should be collected by competent professionals, ideally as part of Chapter 2.1 (see 2.1.5.1 and 2.1.11.3.b).

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

[29] For cultural heritage of Indigenous Peoples, see Section 3.6.5.

[30] 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 2.2.6). 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.

[31] 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 2.2.6). 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.

[32] This is especially relevant for contexts where the Entity and (potentially) affected rights-holders are in dispute about a particular (potential) adverse impact, and rights-holders are unlikely to accept the Entity's own tracking of the effectiveness of its response to it.

[33] Including if new information on increased or additional risks to cultural heritage becomes available during the life cycle of the project/operation, or if monitoring indicates that mitigation measures are not being effective; and whenever there are proposed changes to activities, significant changes to the physical footprint, a new significant impact or risk, or changes in the operational, environmental, or social context that may create new risks to cultural heritage or change the nature or degree of an existing impact. 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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[36] This could be undertaken via scientific publications, popular articles, radio and TV programmes, social media, presentations, community meetings, brochures, or other appropriate forms of communication.

[37] ICCA Consortium website: "Three defining characteristics for ICCAs." https://www.iccaconsortium.org/index.php/discover/

CHAPTER ANNEXES

ANNEX 3.6-A: Best Practice Mitigation Measures Based on the Nature of the Cultural Heritage

TYPE OF CULTURAL HERITAGE	BEST PRACTICE MITIGATION MEASURES

Replicable Cultural Heritage that is not considered Critical Cultural Heritage
 	
Replicable cultural heritage is defined as tangible forms of cultural heritage that can themselves be moved to another location or that can be replaced by a similar structure or natural features to which the cultural values can be transferred by appropriate measures. Archeological or historical sites may be considered replicable where the particular eras and cultural values they represent are well represented by other sites and/or structures.
	1. The mitigation hierarchy is applied as follows:
	  i. Mitigation measures, as a priority, favor avoidance.
	  ii. Where avoidance is not feasible, adverse impacts and risks are minimized and in situ restoration measures that ensure maintenance of the value and functionality of the cultural heritage, including maintaining or restoring any ecosystem processes needed to support it, are implemented;
	  iii. Where restoration in situ is not possible, the functionality of the cultural heritage, and any ecosystem processes needed to support it, is restored in a different location;
	  iv. Where restoring the functionality of the cultural heritage in a different location is demonstrably not feasible, a justification for that determination is provided based on a competent expert's review of the circumstances.[38] Only then may historical and archeological artifacts and structures be permanently removed.
	  v. If removal occurs, and affected communities have been using the tangible cultural heritage for long-standing cultural purposes, they are compensated for loss of that tangible cultural heritage. Compensation is only paid to affected communities that have been using tangible cultural heritage for long standing cultural purposes. It is not given for removal of archeological material from cultural horizons that pre-date the current affected communities or for other cultural heritage that has not been used within the living memory of the community. Compensation is also not given for loss of intangible cultural heritage.
	2. All mitigation work involving replicable cultural heritage is carried out by competent professionals.
	3. All mitigation work is conducted using the best available techniques
	4. All mitigation, documentation and field-based studies use internationally recognized practices for the protection of cultural heritage.

Non-replicable Cultural Heritage
 	
Non-replicable cultural heritage is cultural heritage that (i) is unique or relatively unique for the period it represents, or
 	
(ii) unique or relatively unique in linking several periods in the same site.
	1. No tangible nonreplicable cultural heritage is removed unless all of the following conditions are met:
	  i. There are no technically or financially feasible alternatives to removal;
	  ii. The overall benefits of the project conclusively outweigh the anticipated cultural heritage loss from removal;
	  iii. Any removal of cultural heritage uses best available techniques that are peer reviewed by external experts before being implemented.[39]
	2. All mitigation work involving non-replicable cultural heritage is carried out by competent professionals.
	3. All mitigation, documentation and field-based studies use internationally recognized practices for the protection of cultural heritage.

Critical Cultural Heritage Critical cultural heritage consists of: (i) the internationally recognized heritage of communities who use, or have used	1. Critical cultural heritage is not removed, significantly altered or damaged except in exceptional circumstances when impacts on critical cultural heritage are unavoidable and all of the following conditions are met: i. The assessment and mitigation measures to protect cultural heritage are carried out by competent professionals, and external experts are also

within living memory the cultural heritage for long-standing cultural purposes, (ii) legally protected cultural heritage areas, including those proposed by host governments for such designation; or (iii) natural areas with cultural and/or spiritual value such as sacred groves, sacred bodies of water and waterways, sacred trees, and sacred rocks.	retained to assist in the assessment and selection of protection of internationally recognized practices to protect of cultural heritage;[40] and ii. Collaboration occurs with affected communities to negotiate measures to protect critical cultural heritage and provide equitable outcomes for affected communities, and document the mutually accepted negotiation process and outcomes. 2. Where impacts may occur to the critical cultural heritage of Indigenous Peoples the critical cultural heritage is not removed, significantly altered or damaged without their free, prior and informed consent (See IRMA Chapter 2.2).
Commercial Use of Intangible Cultural Heritage Intangible cultural heritage[41] includes knowledge, innovations and/or practices, including oral expressions of folklore, performing arts, rituals, festivals, that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations.	1. When an ENTITY proposes to use the intangible cultural heritage, including knowledge, innovations or practices of local communities for commercial purposes, the ENTITY informs these communities of their rights under national and international law, of the scope and nature of the proposed commercial development, and of the potential consequences of such development. 2. The ENTITY does not proceed with such commercialization unless it: i. Collaborates with affected communities using a good faith negotiation process that results in a documented outcome; and ii. Provides for fair and equitable sharing of benefits from commercialization of such knowledge, innovation, or practice, consistent with local customs and traditions. iii. When an ENTITY proposes to use Indigenous Peoples' cultural heritage for commercial uses, negotiation shall take place through the free, prior and informed consent process outlined in IRMA Chapter 2.2, unless otherwise agreed by the Indigenous Peoples.

ANNEX 3.6-B: Best Practice Mitigation Measures if Cultural Heritage is in a Protected Area

LOCATION OF CULTURAL HERITAGE	BEST PRACTICE MITIGATION MEASURES

Cultural heritage is in:
 • World Heritage Sites, and areas on a state Party's official Tentative List for World Heritage Site Inscription;
 • International Union for Conservation of Nature (IUCN) protected area management categories I-III; and
 • Core areas of UNESCO biosphere reserves.
	1. If these protected areas were designated to protect cultural heritage, then no proposed mining-related activities may adversely affect the cultural heritage values being protected.
	 2. Where operations existed in the location prior to the designation to protect cultural heritage:
	   i. Develop a management plan (or equivalent) and implement mitigation measures agreed by relevant management authorities (i.e., agencies or bodies responsible for protected area governance and management) to ensure that activities during the remaining life cycle do not permanently and materially damage the integrity of the cultural values for which the area was designated or recognized; and
	   ii. Collaborate with relevant management authorities to integrate the operation's management strategies into the protected area's management plan, and the protected area management plan objectives and actions are integrated into the operation's management strategies.

Cultural heritage is in: A legally protected area designated to protect cultural heritage (including areas proposed by host governments for such designation, or a legally defined protected area buffer zone)	1. All mining-related activities comply with the protected area's management plan. 2. If proposed activities are legally permitted, collaborate with protected area management authorities (i.e., agencies or bodies responsible for protected area governance and management) and rights-holders, and consult with other key stakeholders, on the proposed mining-related activities, and on proposed mitigation measures and additional programs to promote and/or enhance the conservation aims and cultural heritage values in the area. 3. Collaborate with management authorities to integrate the agreed mitigation measures into the protected area's management plan. 4. Implement mitigation measures agreed by management authorities and rights-holders. 5. Implement additional programs, as appropriate and agreed by management authorities and rights-holders, to promote and enhance the conservation aims and cultural heritage values of the protected area.

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[38] Added from IFC. 2012. Performance Standard 8 Cultural Heritage. Guidance Note 8. p. 6. https://www.ifc.org/content/dam/ifc/doc/2010/2012-ifc-performance-standards-guidance-note-en.pdf

[39] Added from IFC PS8, Guidance Note 22.

[40] For example, the best available technique proposed by competent professionals hired by the ENTITY could undergo a peer review by international external experts, or technical experts selected by stakeholders, to ensure that no better, feasible techniques are available.

[41] Safeguarding of intangible cultural heritage depends on ensuring its viability among today's generation and its continued transmission to future generations. Threats to transmission of this element of living heritage include changes that reduce intergenerational contacts, such as migration, urbanisation and changes in education and employment (EBRD, 2023).

Examples of the domains/types of intangible cultural heritage can be found at https://www.ebrd.com/documents/environment/guidance-note-performance-requirements-8-cultural-heritage.pdf

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