

INDABA 2019

IGF SUSTAINABILITY ROUNDTABLES ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

CAPE TOWN, SOUTH AFRICA

FEBRUARY 4, 2019

MEETING SUMMARY

The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) hosted Sustainability Roundtable discussions on February 4, 2019 with participants of the African Mining Indaba in Cape Town.

The objectives of the Sustainability Roundtables, held at the Roof Terrace Room of the Cape Town International Convention Centre, were to: (1) generate a rich, participatory discussion on Environmental and Social Impact Assessment (ESIA) and (2) document insights from roundtable participants to inform the forthcoming IGF guidance document, *Legal Frameworks for ESIA and Associated Plans in Mine Permitting and Negotiating Processes*.

Approximately 80 participants attended the interactive Sustainability Roundtable discussions. Participants came from diverse sectors, including government, the private sector, civil society, international organizations and academia.

The IGF Secretariat selected the following discussion themes, based on its ESIA research and input from IGF members:

- Theme 1: ESIA and the Mine Permitting Process
- Theme 2: Enhancing Community Engagement in ESIA
- Theme 3: Advancing Long-Term Social, Economic and Environmental Objectives in the Post-Mining Transition
- Theme 4: Improving Monitoring and Implementation of Environmental and Social Management Plans

Discussions were held at 10 tables organized by table language (English or French) and theme. Participants selected one theme for the first 30-minute round of discussions and one theme for the second 30-minute round of discussions. Participants had the option to select the same theme twice. Each theme was introduced in the opening remarks.



Tables 1 & 2, English
Table 9, French

ESIA and the Mine
Permitting Process

Table 3 & 4, English

Enhancing Community
Engagement in ESIA's

Tables 5 & 6, English

Advancing Long-Term
Social, Economic, and
Environmental Objectives
in the Post-Mining Transition

Tables 7 & 8, English

Improving Monitoring and
Implementation of
Environmental and Social
Management Plans

Table 10 will be in French and will pick a theme based on interest.

The Sustainability Roundtables were moderated by experts from a range of sectors, including:

1. Katja Hummel, Senior Policy Officer, Raw Materials, German Federal Ministry for Economic Cooperation and Development (BMZ)
2. Nicole Biekse, Head of Programme, Mining for Sustainable Development, Transparency International
3. Pierre Gratton, Mining Association of Canada (MAC)
4. Kristi Disney Bruckner, Executive Director, Sustainable Development Strategies Group (SDSG)
5. Dawn Brock, Senior Programme Officer, International Council on Mining & Metals (ICMM)
6. Suzy Nikièma, International Law Advisor, IGF
7. Matthew Bliss, Deputy Director, IGF
8. Molefe Morokane, Director, Mine Environmental, Research and Sustainable Development, Department of Mineral Resources, South Africa
9. Rokhaya Samba Diene, Director of Mining Prospection and Promotion, Government of Senegal

DISCUSSION SUMMARIES BY THEME

THEME 1: ESIA AND THE MINE PERMITTING PROCESS

Getting the timing of the ESIA process and related plans right in relation to the overall mine permitting process is key to ensuring that mineral development advances sustainable development. Participants who discussed this theme recognized the need for an ESIA before starting any mining exploration project. Participants discussed the need for reporting officers to understand new mine operating techniques and their environmental impacts. Deadlines for approving ESIA reports should be clear. Environmental and social studies must be carried out at the same time. Findings of a strategic environmental assessment should inform the decision to continue to allow exploration or grant exploitation permits. Communication between administrations needs to be strengthened. Finally, the participants discussed the need for rehabilitation costs to be accurate.



THEME 2: ENHANCING COMMUNITY ENGAGEMENT IN ESIA

Community engagement integrating the diverse knowledge, concerns, talents, desires and demands of communities throughout the ESIA process and in related management plans is critical to sustainable development. Participants who discussed this roundtable theme viewed public engagement as an ongoing priority that is necessary to understanding and addressing public concerns and needs, and also to understanding and managing community expectations. Participants discussed the need for consultation with key stakeholders to begin early. Companies must provide clear and accessible information and also promote dialogue and engagement—providing information alone is not enough. Proper mapping should be undertaken to understand the diverse interests of communities. Participants expressed concern that governments often lack resources for community engagement. Participants also discussed the need for consultation processes to be gender sensitive, to enhance understanding of the different impacts of mining on men and women, and to advance gender equality.

THEME 3: ADVANCING LONG-TERM SOCIAL, ECONOMIC AND ENVIRONMENTAL OBJECTIVES IN THE POST-MINING TRANSITION

Requirements for mine closure are often unclear, and developing practical plans for funding and implementing a post-mining transition can be perplexing. Participants at this roundtable discussed the challenges of planning for social and economic transition—particularly when we do not know how technology will advance and what the workforce is likely to look like in the next 10 years. Companies need to ensure that they are continuously updating their data to inform planning. Focus on mine closure planning is often lost when commodity prices surge and the focus shifts to opening new mines. Mine closure is a difficult topic to discuss, especially with communities. The participants agreed that introducing the topic and framing the discussions around “mine life-cycle planning” can help post-mining transition discussions begin as part of permitting and continue

throughout the mine life. Participants discussed the need to develop partnerships between mining companies and regulators that diversify skills and promote socioeconomic development that is sustainable after closure. Participants noted that public engagement should begin as early as possible. Mine closure planning should be integrated into regional land use and watershed planning, as well as socioeconomic and development plans and strategies.

THEME 4: IMPROVING MONITORING AND IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

Governments almost uniformly require environmental impact assessments before mining operation may begin, but the focus on environmental and social impacts often stops there. Participants who discussed this roundtable theme explored how governments can ensure that environmental and social impacts are continuously monitored and addressed over the life of the mine and in preparation for the post-mining transition. Participants discussed the need for adequate human resources and funds for governments to implement management plans. They also discussed the challenge of getting the budgets for remediation and mine closure right—the budget is never enough. A solution for some implementation challenges may be to learn from the success of other sectors—many challenges are not unique to mining.

Using local employees in implementation is one way to get better results while also saving the expense of external consultants (who also may not understand the social and cultural context). Participants also discussed the need to incorporate local skills and knowledge in monitoring and implementation—this often leads to better results and greater economic efficiency.

A more detailed account of the roundtable discussions is provided below.



OPENING REMARKS

Matthew Bliss, IGF's Deputy Director, provided brief introductory remarks, welcoming participants to the Sustainability Roundtables. Mr. Bliss introduced the IGF and its work on engagement and outreach, described IGF Mining Policy Framework assessments, and discussed the IGF's work on capacity building and technical support.

Suzy Nikièma, IGF International Law Advisor, then introduced the IGF Secretariat's background document, *Legal Framework of ESIA in the Mining Sector*. The IGF Secretariat completed the ESIA background document

in January 2019 based on feedback from IGF members and ESIA experts. The background document is available in [French](#) and [English](#). Ms. Nikièma also introduced the IGF's forthcoming ESIA guidance document, *Legal Frameworks for Environmental and Social Impact Assessment (ESIA) and Associated Plans in Mine Permitting and Negotiating Processes*, explaining the purpose of the document as summarized below.

Suzy Nikièma and Kristi Disney Bruckner, Executive Director, SDSG, then provided a brief overview of each of the Sustainability Roundtable themes, as noted below.



PURPOSE OF THE GUIDANCE DOCUMENT





THEME ONE: ESIA AND THE MINE PERMITTING PROCESS

- Using ESIA as a planning and decision-making tool
- Clear guidelines on timing and approval of ESIA in permitting
- The role of strategic environmental assessment in the mine permitting process
- Streamlining environmental and social impact assessment and management

THEME TWO: ENHANCING COMMUNITY ENGAGEMENT IN ESIA

- Integrating community engagement into the ESIA process and management plans
- Mechanisms for community engagement throughout the life of the mine
- Addressing concerns such as gender equality in the ESIA process
- Practical tools for community engagement

THEME THREE: ADVANCING LONG-TERM SOCIAL, ECONOMIC AND ENVIRONMENTAL OBJECTIVES IN THE POST-MINING TRANSITION

- Addressing social, economic and environmental factors throughout the life of the mine
- Adequate planning for all aspects of the post-mining transition
- Preparing for extreme weather events and other impacts of climate change
- Key tools and strategies

THEME FOUR: IMPROVING MONITORING AND IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

- Ensuring that environmental and social impacts are continuously monitored and identifying risks
- Effective tools and strategies
- Addressing past deficiencies in ESIA management
- Key challenges for governments and other stakeholders

Each moderator provided a very brief report at the conclusion of the second roundtable, sharing one key takeaway from each roundtable. This reporting session was moderated by Isabelle Ramdoo, IGF Senior Associate and Development Economist.

Mr. Bliss provided brief remarks to conclude the roundtable session.

ROUNDTABLE SESSIONS

At the beginning of each 30-minute roundtable session, the table moderator and participants at each table introduced themselves and the moderator briefly summarized the table topic. Moderators asked guiding questions and took summary notes of the discussions to inform the IGF ESIA guidance document.

A description of each theme, suggested questions, and summary notes are provided below.

THEME 1: ESIA AND THE MINE PERMITTING PROCESS

Integrating the timing and requirements of the ESIA process and related plans into the mine permitting process is key to ensuring that mineral development advances sustainable development. Yet timelines, information gathering and decision-making procedures are often too rushed for government, too slow for investors or just completely unclear. Requirements of different ministries may conflict, and the opportunities for government ministries to align procedures, be informed by key stakeholders and develop partnerships with impacted communities are overlooked. Strategic environmental assessment (SEA) is a planning tool that governments may use to identify environmental, social or cultural constraints and define sensitive areas in land use and mine development planning. How can governments better manage ESIA and integrate tools such as SEA into the mine permitting process? This roundtable discussed participant experiences on these important topics and explored practical solutions.

MODERATORS:

Table 1: Katja Hummel, Senior Policy Officer, Raw Materials, BMZ



Table 2: Dr. Rokhaya Samba Diene, Director of Mining Prospection and Promotion, Government of Senegal

Guiding Questions:

- Should ESIA be required (1) as part of the application for a mining permit or (2) after the application for the permit but prior to the start of development and operations?
- Under what conditions should the findings of an ESIA lead to rejecting an exploitation permit?
- Should the findings of an SEA lead to prohibiting research (exploration) permits in particularly sensitive areas? Why or why not?
- When research (exploration) permits have already been granted in sensitive areas, such as those identified in an SEA, should exploration then be stopped? Why or why not?
- Should legislation provide a deadline for review of an ESIA report and the government's response?
 - If no, what mechanism could balance the need for adequate and detailed review with the need to avoid undue delay?
 - If yes, what timeline(s) do you recommend?
- Should social impact assessments and environmental impact assessments be conducted separately? Why or why not?

Discussion Summary:

- The ESIA must be mandatory and accompany the application for the exploitation permit because it allows the authority to make the right decision to validate or refuse the development of the mining project.
- The ESIA should be required prior to granting the exploration licence since most mining codes provide that the holder of the exploration licence has the exclusive right to have a licence to operate if he or she fulfills his or her obligations. Therefore, if the ESIA is carried out after the implementation of the research permit and if the environmental and social impacts highlighted by the study require the project to be rejected, this will be detrimental to the mining company and the reputation of the state.

- The findings of an ESIA should lead to the denial of a licence to operate:
 - When the study demonstrates the sensitivity of the area and the occurrence of negative impacts that cannot be mitigated
 - When social peace is at stake due to the rejection of the project by communities.
- An SEA should lead to the prohibition of exploration permits in particularly sensitive areas to prevent the company from incurring unnecessary expenses when it will not be able to obtain the social licence to operate or if the site is a World Heritage Site.
- When research permits (exploration) have already been granted in sensitive areas, such as those identified in SEA, the government should allow exploitation while pushing the company and the state to provide the financial means and human resources required to mitigate the impacts.
- Legislation should regulate the deadline for review of the ESIA report and the response of the government. This helps reassure investors. The maximum duration should be three months after the submission of the report.
- Social impact assessments and environmental impact assessments must be made at same time to allow development of an environmental and social management plan that will mitigate the impacts of the project and reassure impacted communities.

Key Challenges:

- The adoption of new techniques
- Illegal artisanal mining
- Collaboration between mining and environmental authorities
- Competence of the administrations responsible for control
- Deadlines for carrying out impact studies
- Upgrading communities on different phases of mining operations
- Funding for Environmental and Social Management Plan (ESMP) monitoring



Key Opportunities:

- Assumption of community interest following public participation in ESIA's
- Ownership of the project by the communities
- Capacity building of administrations

Practical Strategies:

- Use a framework for consultation involving communities, mining companies and the administration
- Have periodic reporting requirements for environmental management
- Create an ESMP monitoring committee including all stakeholders
- Set up periodic training sessions for communities and administrations

Key Takeaways:

- Unanimously, the participants recognized the need for an ESIA before starting any mining exploration project. This study could be deepened during the feasibility study phase before the development phase.
- It is also important that reporting officers be aware of new operating techniques and their potential environmental impacts before validating or invalidating a study on a new technology. This requires building the capacity of the mining administration staff—the state as well as the mining companies (within the framework of corporate social responsibility) are responsible for this. The capacities of surrounding communities must also be strengthened.
- Regarding the deadlines for approving environmental impact assessment reports, it is important that the time frame be clearly specified in the legislation to prevent investors from being suspended by an administration's decision during a time period when they need to raise funds internationally.
- Environmental and social studies must be carried out at the same time and rehabilitation costs must be well estimated in order to meet the requirement for rehabilitation guarantee that is increasingly found in mining legislation.

- Communication between administrations need to be strengthened.

THEME 2: ENHANCING COMMUNITY ENGAGEMENT IN ESIA

Integrating the diverse knowledge, concerns, talents, desires and demands of communities throughout the ESIA process and in related management plans is critical to optimizing sustainable outcomes of mineral development. Yet community engagement is too often a short-term “box-checking” exercise in the permitting process, if conducted at all. How can governments effectively integrate requirements for community engagement throughout the ESIA process and in related management plans? This roundtable focused on these key themes that are so essential to sustainable development. Participants shared experiences and brainstormed practical tools for improved community engagement.

Moderators:

Table 3: Nicole Biekse, Head of Programme, Mining for Sustainable Development, Transparency International

Table 4: Pierre Gratton, MAC

Guiding Questions:

- What should be the fundamental roles of public engagement and consultations on ESIA?
 - To allow the government to approve or reject the project?
 - To allow impacted communities an opportunity to consent to or reject the project?
 - To inform and the ESIA and management plans and to understand and address public concerns and needs?
 - Other?
- When should the engagement and consultation process start? Why?
 - Before granting an exploration permit?
 - During the exploration phase?
 - During the ESIA process?
 - After the ESIA process?
 - Other?



- Who should be responsible for conducting the engagement and consultation process?
 - Government?
 - Company?
 - A third party?
 - Others?
- How can the engagement and consultation process ensure that factors related to gender equality are properly integrated into ESIA and management plans?
- Identify a tool or mechanism to ensure the meaningful participation of woman in the ESIA process, e.g., requiring key data points to be disaggregated by gender, etc.

Discussion Summary:

- There was a good deal of discussion about what the fundamental roles of public engagement and consultations on ESIA should be. It was agreed by all that public engagement and consultation should inform the ESIA and management plans, as well as work to understand and address public concerns and needs. There was some acknowledgement of the value of the local knowledge that communities have and the need to build on that knowledge. The group also discussed the need for a social licence to operate and that, if community engagement is done well, it can give legitimacy to operations. The contentious

question was whether communities should have the power to consent to or reject a project, and how that would actually work. There was hesitancy from a mining company and a professional services firm about the community having the power to consent to or reject the project.

- There was also discussion about when the consultation should happen and particularly whether it should occur before exploration or after. Generally, there was a shared view that it should begin when the process begins, at the exploration stage, although some felt that it should be after exploration but before licensing. Those who supported consultations beginning at exploration said that the amount of consultation should be commensurate with the extent of operations. Companies need to engage with communities as part of their exploration processes and should at least provide information and explanations. Generally, all were supportive of some engagement starting at the conceptual stage of the project with key stakeholders in the community. One reason for doing this is to manage expectations, especially given that exploration efforts often do not find any resources, though communities may have expectations of ongoing operations and community investment. There was discussion of the need for a social licence to operate and an acknowledgement that this is not possible if the community is not properly engaged.



- Participants noted that it was important that companies prioritize and invest in community engagement. It was also noted that communities often do not understand the process, so it is incumbent upon those conducting the consultation that they present accessible and clear information.
- There was some tension about the difference between providing information and meaningfully engaging communities. Some saw consultation as the provision of information while others emphasized that it must involve dialogue and engagement, not just providing information on operations. Some noted that it is difficult to see how provision of information could really constitute engagement with local communities, particularly if one of the purposes is to understand and address public concerns.
- A further challenge discussed was who constitutes “the community.” For a company operating over a wide geographical area in which a large number of people live, it can be difficult to determine who needs to be engaged and how to best engage them. The practical challenges are particularly significant for large operations. It was also noted that companies often make assumptions about the homogeneity of communities and that proper mapping needs to be undertaken.
- As to who should be responsible for conducting the engagement and consultation process, there was concern that governments often lack resources to be able to conduct proper community engagement. All agreed that the companies should be responsible for community engagement, with several of the participants saying that there should be some independence from the company through the involvement of a third party with expertise.
- In relation to gender, there was acknowledgement that consultation processes had to be gender sensitive to ensure that diverse voices are represented. Embedding a gender-sensitive approach in community engagement is more likely to translate into provisions in ESIA and management plans that ensure gender

equity and that recognize the gendered impacts of mining operations.

Key Challenges:

- Lack of clarity regarding the fundamental role of public engagement and consultations on ESIA
- Disagreements among stakeholders regarding whether communities should have the power to consent to or reject a project
- Presenting accessible and clear information to communities
- Recognizing the difference between providing information and meaningfully engaging communities
- Defining and identifying who constitutes “the community”
- Adequate resources for community engagement and related stakeholder capacity building

Key Opportunities:

- Embedding a gender-sensitive approach in community engagement and ESIA to promote gender equity and recognize the gendered impacts of mining operations
- Exploring and understanding the diverse perspectives and interests of communities instead of assuming that “the community” has one point of view

Practical Strategies:

- Use early engagement as a tool for managing expectations—exploration often does not lead to resource identification or development
- Use comprehensive stakeholder mapping to understand the diverse interests of communities

Key Takeaways:

- Public engagement and consultation should inform the ESIA and management plans and advance opportunities to understand and address public concerns and needs.
- Consultation with key stakeholders should begin early and offers an opportunity to understand and manage community expectations.



- It is important for companies to prioritize and invest in community engagement.
- Companies must provide clear and accessible information and also promote dialogue and engagement—providing information alone is not enough.
- Proper mapping should be undertaken to understand the diverse interests of communities.
- Governments often lack resources to be able to conduct proper community engagement.
- Consultation processes must be gender sensitive to promote gender equity and recognize the gendered impacts of mining operations.

THEME 3: ADVANCING LONG-TERM SOCIAL, ECONOMIC AND ENVIRONMENTAL OBJECTIVES IN THE POST-MINING TRANSITION

Legislative frameworks are often unclear about requirements for mine closure and lack clear, practical plans for funding and implementing a post-mining transition. We understand that effective mine closure planning begins before a mine is permitted; is implemented throughout the life of a mine; and advances environmental protection, social progress and economic development that last beyond mine closure. But how do governments implement this in practice, particularly considering the need to adapt to extreme weather events and other impacts of climate change? This roundtable explored participants' experiences with planning for the post-mining transition, highlighting useful tools and strategies.

Moderators:

Table 5: Matthew Bliss, Deputy Director, IGF

Table 6: Dawn Brock, Senior Programme Officer, ICMM

Table 10 (Second round of discussions): Suzy Nikièma, IGF

Guiding Questions:

- At what point in the permitting process should a mine closure plan be required? Why?
- In the application for a mine permit?
- After a mine permit is granted but before mine development and operations begin?
- Just before mine closure?
- At some other point?
- How can social and economic factors be better integrated into mine closure plans to ensure an effective post-mining transition?
- How can governments better integrate climate change mitigation and adaptation policies into ESIA and mine closure planning (e.g., ensuring that tailings dams and other infrastructure remain stable through dramatic temperature changes and extreme weather events)?
- What steps should a government take before granting an exit ticket to a company?
- How can the ESIA process help clarify the responsibility and residual risk of a mining company when applying for a permit on an abandoned or relinquished mine site?
- How can the ESIA process help integrate post-mining land use into regional land and watershed policies?

Discussion Summary:

- Participants agreed that a high-level mine closure plan should be required early in the permitting process to demonstrate the process and targets. A more detailed plan should be required at the construction and operations phases. The mine closure plan should be a living document that is continuously updated as information is gathered.
- Participants noted that addressing mine closure at an early stage is important and useful for both governments and investors. From a government perspective, it ensures progressive rehabilitation, and assessment of the costs for financial guarantee for closure purpose. From an investor perspective, it allows for more integration of the closure costs in the financial model of the project from the beginning.
- Participants discussed the need to ensure that the knowledge base is up to date, i.e., the baseline on communities.



- Engagement with communities is important and should be undertaken throughout the life of the mine, keeping in mind that things change and need to be discussed and agreements need to be updated.
- Taking the impacts of climate change into consideration, participants questioned whether the “1:100-year” flood is still the case. Should designs of dams, etc., be bigger to accommodate more frequent flooding? What is the “new” worst case scenario?
- Progressive rehabilitation throughout the life of the mine increases an understanding of and the ability to address climate impacts and to consider this knowledge in final closure activities.
- Government and mining companies, along with communities, should agree on a set of success criteria that the companies need to achieve before granting an “exit ticket” to a company. Regulators should develop a committee that looks at how the closure of a site fits into the bigger regional picture—e.g., use of infrastructure for alternative uses, land-use options, etc.
- Regarding integration of social and economic factors into mine closure plans, the most critical and common point every participant mentioned was the need for engagement: early, regularly and in a manner that reflects the community and mine life plan context. Sometimes there are many options for effective post-mining transition and other times there are few options. Despite the importance of beginning the closure conversations early, the participants emphasized not getting too stuck on specifics and commitments: be adaptive and thoughtful. The process takes the participation of all stakeholders, governments, companies, communities, academics, banks, etc. Note that the community at the end of the life of the mine is very different from the community at the beginning of the life of the mine; the original community does not necessarily represent those that will populate the mine community at closure.
- Participants agreed to the importance of designing engagement in a manner that does not simply focus on closure; mine

closure is not an easy topic to bring up with communities and others. Adopt an approach that supports ongoing and regular engagement.

Key Challenges:

- One challenge identified was how to plan for social transition when we do not know what the workforce is likely to look like in the next 10 years. Companies need to ensure that they are continuously updating their data to inform planning.
- Another challenge is to ensure that the community benefits from the economic and social benefits of the mine without becoming dependent on the project. This implies carefully designed closure plans in synergy and coherence with national and regional development policies and plans. One possible option discussed by participants is to put into place a transparent and thoughtfully designed and implemented local development mining fund to ensure effective access to these funds.
- Momentum on discussions related to mine closure is often lost, usually due to commodity price fluctuations. For example, institutions such as the World Bank and ICMM had previously identified the post-mining transition as a high priority, but with high prices in the period 2005 to 2009 and again from 2010 to 2012, the momentum was lost. Mines recalculated their mine life plans and closure gave way to efforts to open mines and engage communities and reconsider tax and royalties to keep in step with the mining boom cycle.
- Mine closure is a difficult topic to discuss, especially with communities. The participants agreed that introducing the topic and framing the discussions around “mine life-cycle planning” can help post-mining transition discussions begin as part of permitting and continue throughout the mine life.

Key Opportunities:

- Diversifying skills and promoting socioeconomic development that is sustainable after mine closure through partnerships between mining companies and regulators



- Engaging stakeholders early and regularly, aligned with regional or area land-use and watershed planning, can bring greater opportunities
- Early engagement helps local vendors and existing employees consider post-mining skills needs, potential retraining and future careers that leverage the experience gained during mining

Practical Strategies:

- Governments need to ensure that a plan (a strategy/regional plan) is in place to understand what the region will look like after closure—how infrastructure will be used, potential markets, etc.—to ensure a coordinated approach through the mine life cycle and mine closure. Government should enforce a coordinated approach and drive the coordination.
- Participants agreed that the recent *Managing Coal Mine Closure: Achieving a Just Transition for All* report released by World Bank, the revised ICMM *Integrated Mine Closure: Good Practice Guide* (2019) and the Asia–Pacific Economic Cooperation (APEC) *Mine Closure Checklist for Governments* were all practical guides to help all stakeholders consider critical issues to plan for closure from the ESIA and permitting phase.
- One participant noted an initiative called Future Forums, a multistakeholder committee that meets regularly to discuss changes in the area of the mine. Discussions include the mine life plan, closure, and metals/minerals markets and forecasts. Future Forums is well informed but still asks the question, what do we do if there is a sudden, market-induced closure? Regardless, Future Forums has a simple approach: identify opportunities, keep them live, nurture them and continue to monitor, evaluate and implement once action plans are adopted.

Key Takeaways:

- Begin engagement as early as possible and integrate discussions into regional land-use and watershed planning, as well as socioeconomic and development plans and strategies.

THEME 4: IMPROVING MONITORING AND IMPLEMENTATION OF ENVIRONMENTAL AND SOCIAL MANAGEMENT PLANS

Governments almost uniformly require environmental impact assessments before mining operations may begin, but then what? Many governments fail to ensure that environmental and social impacts are continuously monitored and addressed over the life of the mine and in preparation for the post-mining transition. What tools and strategies are most effective, and who should implement them? This roundtable discussed participant experiences on these topics and explored practical strategies to advance effective environmental and social management throughout the mine life cycle.

Moderators:

Table 7: Kristi Disney Bruckner, Executive Director, SDSG

Table 8: Molefe Morokane, Director, Mine Environmental, Research and Sustainable Development, Department of Mineral Resources, South Africa

Table 10 (French): Suzy Nikièma, IGF

Guiding Questions:

- Are environmental and social management plans required in your country?
 - If no, why not?
 - If yes, briefly describe them and to what extent they are being implemented.
- What are key challenges in monitoring and implementation?
 - For government?
 - For companies?
 - For local communities?
- Describe an effective strategy or tool for monitoring or implementing environmental and social management plans.
- What should be the main role of each stakeholder group in monitoring and implementation?
 - The main role of government?
 - The main role of companies?



- The main role of local communities?
- Which stakeholder group should take the lead in monitoring and implementation?
- What guidance would you offer to government stakeholders to address past deficiencies in ESIA management plans?

- Participants also discussed useful tools such as an integrated national cadaster that will facilitate a coordinated and organized approach to monitoring among different ministries.

Discussion Summary:

- Environmental and social management plans are required, but there are no detailed requirements. Plans are required but they are not enforced.
- A good monitoring and enforcement mechanism starts with a good management plan. Indeed, it has been mentioned that a weak management plan leads to flawed implementation and monitoring phases at a later stage of a given project.
- Regarding incentives for implementation: the driving forces are often investors—e.g., the Equator Principles, International Finance Corporation (IFC) Performance Standards. Domestic regulations also promote implementation, but these regulations too often are not enforced.
- Where there are fines, it is important to determine where this money goes and how it is utilized.
- Assessments should be risk based—avoiding expense and risk management are

Key Challenges:

- Getting the budget right; costing is a key challenge. The budget is never enough. Also, it's difficult in some developing countries to find a consensus among administrations to spend part of the mining revenue on monitoring and the implementation of management plans.
- Gathering enough human resources and technical capacities is also challenging for some developing countries.
- The internal coordination between various relevant ministries involved in the monitoring process is also an issue. There are sometimes conflicts of competence among different ministries.
- The turnover from exploration to development and production is challenging. Sometimes exploration companies do not make a good impression on communities. However, they are learning that it is difficult to transfer a mining right if there is no social licence to operate.
- These challenges are not unique to mining. We should learn from other sectors—e.g.,



understand how wineries in South Africa have responded to the challenge of meeting their water needs.

Key Opportunities:

- Providing the communities with adequate information and getting feedback is an ongoing process.
- Train local communities to empower them with a role in the monitoring process. This role can be designed in addition to the traditional monitoring by governments and can help reduce the costs. A tripartite approach comprised of local communities, the mining company, and central and local government representatives might be a good avenue to start.
- Using local employees in implementation is one way to get better results while also saving the expense of external consultants (who also may not understand the social and cultural context).
- The process of data collection and how it is utilized is important. When local community members aid in data collection, there is greater trust in the resulting data.

Practical Strategies:

- Using local employees in implementation is one way to get better results while also saving the expense of external consultants (who also may not understand the social and cultural context).
- Train and give a role to local communities in the implementation and monitoring processes. The process of data collection and how it is utilized is important. When local community members aid in data collection, there is greater trust in resulting data.
- Use part of the government's mining revenue to have a decent budget for monitoring.

Key Takeaways:

- Getting the budget right; costing is a key challenge. The budget is never enough.
- These challenges are not unique to mining. We should learn from other sectors—e.g., understand how wineries in South Africa have responded to the challenge of meeting their water needs.
- Using local employees in implementation is one way to get better results while also saving the expense of external consultants (who also may not understand the social and cultural context).

For more information about the development of the IGF guidance document on ESIA, please consult iisd.org/library/background-document-legal-framework-environmental-and-social-impact-assessment-mining-sector

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