Oxfam America
Research Backgrounders

Community Consent Index

Oil, Gas and Mining Company Public Positions on Free, Prior, and Informed Consent (FPIC)

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Oxfam America

Contents

Oxfam America's Research Backgrounders

Series editor: Kimberly Pfeifer

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Abbreviations

BCS	broad community support
ECOWAS	Economic Community of West African States
FPIC	free, prior and informed consent
ICMM	International Council on Mining and Metals
IFC	International Finance Corporation
IFI	international financing institutions
ILO	International Labour Organization
OECD	Organization for Economic Cooperation and Development
TIPNIS	National Park and Indigenous Territory Isiboro Secure
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

About this document

The principle of community consent is one of the most critical issues facing the development community. Although relevant to large-scale development projects like dams and large-scale agriculture, this document focuses on development projects in the extractive sector. Increasingly, around the world local communities are demanding a meaningful voice in determining whether and under what conditions oil, natural gas, and mining projects take place. As conflicts and controversies surrounding oil, gas, and mining operations have intensified in recent years, the principle of "free, prior, and informed consent" (FPIC) has emerged as a focal point in the broader debate around extractive industries. Oxfam defines FPIC as the principle that *indigenous peoples and local communities must be adequately informed about oil, gas, and mining projects in a timely manner and should be given the opportunity to approve (or reject) a project prior to the commencement of operations*.

For indigenous peoples, FPIC is established as a right under international law. Indigenous peoples' special status and rights under international law reflect their standing as distinct, self-determining peoples with collective rights. Any conflict between indigenous and nonindigenous communities regarding participation in decision-making would need to be resolved with particular regard to this special status of indigenous people. However, FPIC is emerging more broadly as a principle of best practice for sustainable development, used to reduce conflict as well as increase the legitimacy of the project in the eyes of stakeholders. As a best practice, all local communities that face potentially significant adverse impacts from development projects should have the opportunity to access full information, participate meaningfully in negotiations, and give or withhold their consent to project development.

While the state has the duty to protect against human rights abuses by third parties, including business —through appropriate policies, regulation, and adjudication —companies have the responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others and to address adverse impacts.

This Research Backgrounder collates a representative sample of the publicly available position statements concerning community rights made by 28 major oil, gas, and mining exploration and production companies, with a primary focus on 2010 to 2012. While we reviewed a broader set of companies, we did not include in the report any company reviewed that does not have publicly available positions on issues pertaining to community engagement. For this reason, a number of companies—including some Chinese, Latin American, American, and Canadian companies—do not appear in the report.

Companies reviewed were selected using a range of factors, including: size or market capitalization, International Council on Mining and Metals (ICMM) or IPIECA membership,

exposure to relevant community issues and previous engagement with Oxfam or Oxfam partners. Oxfam plans to expand the number of companies reviewed in the next iteration of this report, with particular attention to companies from emerging markets.

The Backgrounder's index focuses on FPIC. However, it also explores the lower "social license to operate" standard. (See the Glossary for definitions.) The Backgrounder is an update and extension of Oxfam America's 2009 working paper, "Review of Major Mining, Oil, and Gas Company Policies on Free Prior and Informed Consent and Social License."

This Backgrounder goes beyond the 2009 working paper. It also documents whether key community policies, along with implementing procedures or guidelines, have been made publicly available in a manner that creates accountability for a company's commitments and that provides assurances to stakeholders (including investors) that the companies promote long-term sustainability. Policies were viewed with the mindset of whether they provide sufficient guidance to local communities on the "what, how, when, who, and why" a company will implement its commitments on the ground.

The Backgrounder is merely a compilation of public positions, and does not in any way look at how companies are implementing their commitments, nor at practices on the ground, nor how companies conform to their policies.

The document also includes links to recent related news for a snapshot of community consent issues. The news articles highlighted do not attempt to present an exhaustive list but merely to document high-profile cases easily found through international online sources. Relevant incidents that have not generated significant international media attention will not likely appear in this document.

The researchers also considered the featured companies' associations with industry groups, such as the ICMM (www.icmm.com) or IPIECA (www.ipieca.org), that provide guidance about policies and disclosure in these areas. There are indications of whether companies included in this report are ICMM or IPIECA members.

The authors reviewed published company/organization-wide policies and published statements, as well as annual reports and annual sustainability reports from 2010 to present. The authors also reviewed Google news and Business & Human Rights Resource Centers' headlines for recent related news. Data gathered in this document reflect information accessible online, and do not attempt to represent corporate policies and positions that have not been made widely publicly available on the company's corporate website.

The Research Backgrounder focuses on public information because transparency is an important first step towards giving local communities a more meaningful role in decision-making and control over their resources. Transparency provides a platform for stakeholders to hold the private sector more accountable, as well as to take part in solution-making.

The document is not intended to be exhaustive; it is merely a best effort to compile existing statements by corporations on this issue. Oxfam attempted to contact all companies with publicly available contact information to share a draft of the report prior to publication to verify the information contained herein; the authors received and took into account feedback from 17 companies. However, in any exercise of this kind, it is likely that relevant pieces of information will be overlooked. Where that is the case, Oxfam welcomes feedback from companies or other stakeholders to supplement the information provided here. The Research Backgrounder will be updated every two years.

Oxfam hopes that the Research Backgrounder forms a foundation for dialogue and collaboration around community engagement and consent. For additional information, or to provide us any feedback on the Research Backgrounder, please contact:

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Glossary

Free, prior, and informed consent

Oxfam defines free, prior, and informed consent (FPIC) in the context of oil, gas, and mining projects as the principle that indigenous peoples and local communities must be adequately informed about these projects in a timely manner and should be given the opportunity to approve (or reject) a project prior to the commencement of operations. FPIC also includes participation in setting the terms and conditions that address the economic, social, and environmental impacts of all phases of extraction and post-extraction operations. FPIC must be free from force, manipulation, coercion, or pressure, with respect for the traditional representative structures and customary laws and practices of communities.

FPIC is a right held by indigenous peoples under international law. Indigenous peoples' special status and rights under international law reflect their standing as distinct, self-determining peoples with collective rights; any conflict between indigenous and nonindigenous communities regarding participation in decision-making would need to be resolved with particular regard to this special status of indigenous people.

The United Nations Expert Mechanism on the Rights of Indigenous Peoples provides additional specificity on the meaning of FPIC in its recent report on indigenous peoples and their right to participate in decision-making:

> The element of "free" implies no coercion, intimidation or manipulation; "prior" implies that consent is obtained in advance of the activity associated with the decision being made, and includes the time necessary to allow indigenous peoples to undertake their own decision-making processes; "informed" implies that indigenous peoples have been provided all information relating to the activity and that that information is objective, accurate and presented in a manner and form understandable to indigenous peoples; "consent" implies that indigenous peoples have agreed to the activity that is the subject of the relevant decision, which may also be subject to conditions.

However, community consent is also an emerging more broadly as a principle of best practice for sustainable development. We believe all project-affected communities must be able to participate in effective decision-making and negotiation in processes that affect them — and that when they say "no" to a project this should be accounted for.

Social license

While there is no standard or generally accepted definition for "social license," it is commonly viewed as existing when a development project has the ongoing acceptance of a project by local communities. Social license to operate is in addition to the government or legally-granted right to operate.

Although social license suggests a positive relationship between a company and its neighbors, corporations, when pressed, are rarely willing to equate social license with community consent — that is, corporations aren't willing to withdraw operations in places where communities are opposed to their presence. The distinction between social license and consent is critical because accepting community consent as a basic operating standard sets a higher bar. If a community's actual consent is required before operations begin, companies must treat the community as more of a partner in project development. It also implies that a company must engage more holistically with a community, providing members of the community access to critical information and allowing them adequate time to assess their needs and interests before making a decision about whether to accept a company's presence. The more vaguely defined social license does not necessarily imply these things.

Broad community support

As currently defined and practiced by the World Bank, broad community support (BCS) generally refers to a collection of expressions by affected communities in support of a proposed project. The World Bank popularized BCS when it incorporated the standard in response to the World Bank's Extractive Industries Review in 2004.

Superficially, BCS appears to have a lot in common with FPIC, but operationally is less clear than FPIC in terms of meaning (i.e., it is not clear who determines if BCS is achieved, and it does not necessarily imply a process of information exchange), primarily because BCS does not address the need to demonstrate support through a clearly delineated process. The distinction between BCS and FPIC is critical—a collection of expressions of support is not the same as community consent. Community consent as a basic operating standard sets a higher bar. Most importantly, as currently practiced by the World Bank, BCS represents a lower standard than FPIC since the concept rests on a determination of community support that is decreed externally rather than through internal community processes.

Introduction

More than 60 percent of the world's poorest people live in countries rich in natural resources — but they rarely share in the wealth. Oil, gas, and mining projects can have significant impacts on host communities and the environment. Large-scale resource projects offer the potential to bring opportunity for citizens of the nations where the resources are being developed. Unfortunately, the poorest and most vulnerable communities—in many cases including indigenous communities—often are excluded from the benefits that might be generated by these activities and are the communities most burdened by the costs. Too often, communities have no say in the decision of whether to extract resources from their land and receive little information about these projects.

Oxfam's extractive industries program seeks to ensure that these projects are designed in ways that respect the human rights of project-affected communities and reduce poverty over the long term. Oxfam's *Right to Know, Right to Decide* campaign calls on governments and companies to respect the principle of FPIC, which maintains that indigenous peoples and local communities must be adequately informed about oil, gas, and mining projects in a timely manner and given the opportunity to approve (or reject) projects prior to the commencement of operations. This includes participation in setting the terms and conditions that address the economic, social, and environmental impacts of all phases of extraction and post-extraction operations.

Increasingly local communities are demanding a meaningful voice in determining whether and under what conditions large-scale oil, natural gas, and mining projects take place. In recent years, resource extraction companies have seen development projects evaporate as communities have found the capacity and the will to oppose and shut down operations. Mining and energy companies have lost billions of invested dollars and their reputations have suffered.

As conflicts and controversies surrounding large-scale oil, gas, and mining operations have intensified in recent years, the right of indigenous peoples and the ability of local communities to express or withhold their FPIC to resource extraction projects has emerged as a focal point in the broader debates around extractive industries. To minimize the detrimental impact of extraction activities, it is essential that local communities have access to full information and meaningful participation in negotiations, planning, and implementation of development initiatives. The process through which FPIC is obtained must conform to and respect community needs and aspirations. If it does not, then "consent" will not be viewed as legitimate.

The recognition of the right of FPIC, while still evolving, is gaining momentum. For indigenous peoples, FPIC is established as a right under international law. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted September 2007, includes several references to FPIC. With regard to development projects in particular, UNDRIP calls on states to consult with indigenous peoples through their representative institutions to obtain their FPIC

"prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water, or other resources" (UNDRIP 2007). The International Labour Organization (ILO) Convention No. 169 (ILO 1989) also requires FPIC in cases of resettlement and calls on governments to consult with indigenous and tribal peoples prior to allowing exploration or exploitation of mineral or subsurface resources, with the objective of achieving agreement or consent (ILO 1989).

The African Commission on Human and Peoples' Rights also affirmed the requirement for indigenous peoples' consent as the threshold to be met for consultations with them (African Commission 2010). Moreover, the Inter-American Court of Human Rights has interpreted FPIC to apply more broadly to development projects with significant impacts and has, in several instances, ruled that states failed to meet their FPIC obligations (DPLF 2011). For example, in the Case of the Saramaka People v. Suriname in November 2007, the court ruled that the government should review and consider revising the concessions it had awarded in order to ensure the survival of the Saramaka people and should seek their consent to the project (Inter-American Court of Human Rights 2007).

These legal instruments look primarily to governments to seek consent, and not companies, yet they signal evolution in the expected conduct for implementation of development projects and are a persuasive authority for the global community in regard to FPIC. They impose a legal obligation on states to ensure that corporate entities have obtained indigenous and tribal peoples' consent for extractive projects impacting on their well-being. As such, companies must consider these legal instruments and precedence in their due diligence and risk-mitigation processes. In fact, the Guiding Principles for Business and Human Rights—endorsed in 2011 by the United Nations Human Rights Council—highlight the corporate responsibility to protect human rights and provide companies with guidance on how to fulfill this responsibility. Companies that fail to exercise due diligence in preventing rights violations also compromise their responsibilities under domestic laws. Some companies have already made a commitment to respecting Convention 169 and or UNDRIP in their company human rights or indigenous peoples' policies. For nonindigenous communities with strong relationships to their traditional lands and resources, FPIC is necessary to effectuate fundamental human rights, including rights to culture and property, among other rights (Perrault 2007).

The oil and gas industry group IPIECA has released compilations of best practices regarding indigenous peoples — most recently in March 2012 —which include an overview of the international standards and best practices related to FPIC (IPIECA 2012). The IPIECA compilations, however, fall short of recommending specific polices or practices. Moreover, the company members of IPIECA are not bound to IPIECA recommendations or statements. By contrast, the ICMM position statement on mining and indigenous peoples obliges ICMM members to "respect the rights and interests of indigenous peoples as defined within applicable national and international laws" and "participate in national and international forums on indigenous peoples' issues, including those dealing with the concept of free, prior and informed consent." (ICMM 2008). ICMM asks member companies to "seek agreement with Indigenous

Peoples, based on the principle of mutual benefit, on programs to generate net benefits (social, economic, environmental and cultural) for affected indigenous communities." (ICMM 2008). The ICMM Sustainable Development Framework, which is the core framework of its policies, requires members to "engage with and respond to stakeholders through open consultation processes" (ICMM 2003).

Some international development agencies or international financing institutions (IFIs) have also incorporated elements of FPIC into their policies. Most recently, this includes a new FPIC requirement for projects impacting indigenous peoples in the latest International Finance Corporation (IFC) "Sustainability Framework," which came into effect January 2012. (IFC 2012b). Importantly, the IFC Sustainability Framework also includes a standard that seeks to ensure the social license of nonindigenous communities for high-risk projects. Specifically, for projects that are "likely to generate potential significant adverse impacts on communities" IFC employs the standard of "Informed Consultation and Participation" and commits to determining whether their client's community engagement process has led to "Broad Community Support" (BCS). (IFC 2012a). IFC defines BCS as "a collection of expressions by Affected Communities, through individuals or their recognized representatives, in support of a proposed business or activity." (IFC 2012a). BCS represents a lower standard than FPIC since the concept rests on a determination of community support made externally (in this case by the IFC), rather than through internal community processes. However, the BCS standard certainly illustrates that current best practice has moved beyond mere engagement with communities towards securing social license.

As the IFC has noted, discussion of the FPIC principle among international institutions has moved beyond questions of whether it should be implemented to discussions of how it should be implemented. IFC states: "There is emerging consensus among development institutions that adopting the term [FPIC] is necessary. Increasingly, other IFIs…industry associations…and roundtables have adopted or are considering adopting FPIC." (IFC 2010). As in the past with IFC standards, the new "Sustainability Framework" signals a shift in best practice that will eventually affect the operations of all extractive companies and funders, whether or not they are required by government regulation or funding criteria to apply the standards. (Wong 2012). IFC also plays an important role as standard setter for the Equator Principle Banks, and its performance standards influence other entities, such as the Organization for Economic Cooperation and Development (OECD) National Contact Points, which are responsible for enforcement of the OECD Guidelines for Multinational Enterprises. For example, the newly released draft of the updated Equator Principles (EP III) reflect and build upon the IFC Performance Standards requirement that companies obtain the free, prior, and informed consent of indigenous peoples for development projects.

The Economic Community of West African States (ECOWAS) applies the principle of FPIC to all communities affected by extractive industry projects, regardless of whether they self-identify as indigenous peoples. The 2009 ECOWAS "Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector" (Directive) sets out the guiding principles for

harmonizing mining regulatory regimes across member states. The Directive states that "companies shall obtain the free, prior, and informed consent of local communities before exploration begins and prior to each subsequent phase of mining and post-mining operations." It adds that companies are to "maintain consultations and negotiations on important decisions affecting local communities throughout the mining cycle." (ECOWAS 2009). It is important to note that the Directive applies beyond indigenous communities. Moreover, the Directive's definition of "mineral" includes not only industrial minerals, but also petroleum, so the application is relevant for both mining and petroleum development. Additionally, in May 2012 the African Commission on Human and Peoples' Rights released a resolution calling on states to take measures to ensure participation, "including the free, prior and informed consent of communities, in decision making related to natural resources governance." (African Commission 2012). The relatively new ECOWAS requirement, taken with the African Commission's resolution, reflects a growing recognition of FPIC as a necessary condition for good governance of natural resources.

In addition, multi-stakeholder initiatives, such as the Forest Stewardship Council (FSC 2010), Roundtable on Sustainable Palm Oil (RSPO 2007), Committee on World Food Security "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security" (CFS2012), and the UN World Commission on Dams (WCD 2000) also use FPIC terminology. The first two extend the application of FPIC beyond indigenous peoples to all local communities.

In addition to being a question of basic fairness, for extractive companies community consent is increasingly a bottom-line issue. There is also growing evidence of a strong business case for a more expansive application (Herz 2007, Laplante 2008, Lehr 2010). For their part, companies have begun to acknowledge the need to obtain a social license to operate from the communities in which they work. A company can gain a social license to operate only through the broad acceptance of its activities by the local community. Without this approval, a business may not be able to carry on its activities without incurring serious delays and costs. Increasingly, companies are finding that the failure to secure community support for a project can have a direct impact on the ability of a company to secure access to resources (Ethical Funds Company 2008). FPIC is emerging as an effective way to reduce the risks of conflict and increase the legitimacy of a project in the eyes of stakeholders, as well as a means to empower communities and reduce harmful impacts of development projects in poor areas (Herz 2007).

While the principle of FPIC is evolving, these discussions acknowledge the ever-increasing expectations that communities have a say in projects that affect their future. We hope this document promotes informed discussion and debate on this issue. Ultimately, we hope that it will also contribute to further adoption by extractive companies of community consent as a basic operating principle.

Business case: Examples from the field

Mina Conga mining project, Peru. In November 2011, protests in Cajamarca ground to a halt the development of the massive Mina Conga mining project, operated by US-based Newmont Mining Corporation. To date, five deaths have resulted from the security force's violent response to the conflict. Newmont claims that it lost approximately $2 million per day in the first few days alone after local protests paralyzed its operations. The project remains paralyzed to date, although Newmont has stated it will proceed with construction of two water reservoirs.

TIPNIS road project, Bolivia. This controversial road project would pass through the National Park and Indigenous Territory Isiboro Secure (TIPNIS). The project sparked marches and protests by indigenous communities, leading President Evo Morales' government to revoke the initial contract issued for construction of the road and to put into place a new law requiring the government to consult with indigenous communities affected by this project. Some indigenous organizations reject these planned consultations, perceiving that the government plans to use them as a mere formality rather than as a genuine means to dialogue to obtain the consent of affected peoples. (*See* *Plataforma Energética, "IX Marcha: Evo burla la consulta para profundizar el extractivismo en Bolivia,"* July 11, 2012.)

An Investor's perspective

Despite growing demand spurred by a world population that the United Nations predicts will reach 8.3 billion by 2030, oil, gas and mining companies face the end of the era of easy to access resources. Easily-accessible mineral and hydrocarbons deposits are becoming scarcer. Grades of gold and other minerals maintain their terminal decline. And crude oil sulfur content continues to grow as the densities of petroleum liquids, API gravities, slide. In response, industry participants are forced to assume greater political and technical risks as viable new deposits are found further afield and often in politically volatile regions. Remarkable improvements in well stimulation technology and geological imaging are helping oil, gas and mining companies overcome some of the thorniest technical challenges of this new era. However, no technological advance alone will help natural resource companies address the growing risks associated with gaining community consent and maintaining social license to operate.

After generations of resource-intense development and the growing reach of parastatals, many of the most economically viable natural resource deposits are under the regulatory control of host governments that cannot or will not account for the priorities of local communities. When the terms of the relationship between a company and its local communities are clarified and consented to through a Free, Prior and Informed Consent (FPIC) process, the operating company is less likely to be blamed for shortcomings in government solicitations or services. The information sharing process necessary to maintain FPIC also reduces a company's susceptibility to the expectations gap witnessed in many poor, yet resource rich, communities. This is an important consideration at a time when the often unreasonably high expectations for prosperity set at the beginning of oil, gas and mining projects make them attractive targets for populist movements and calls for resource nationalization after the hopes of communities are not realized. The trust gained through a FPIC process also makes the operating company a more attractive employer to both ex-patriot and local candidates, particularly as the need to bring midstream and downstream capacity closer to growth markets necessitates the solicitation of local talent for jobs not suited to fly-in, fly-out arrangements.

The principles of Free, Prior and Informed Consent must be integrated into project evaluation, approval and operations systems alongside geologic and other feasibility criteria. This includes carrying out impact assessments and ensuring the relevant affected communities can make informed decisions without coercion about the benefits and impacts of an operation before it has begun. In this instance, coercion may include undue interference in state-to-state negotiations between sovereign Indigenous Peoples' collectives and a government with obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) or other statutes. The process should be ongoing and involve securing consent at key stages of the project. It should also provide a means for affected communities to present and resolve grievances regarding the operations. Above all, an FPIC policy must accept and accommodate the possibility that an operation or individual activity that fails to get consent may not go forward, even if it has all other necessary permits.

Companies without the necessary policies and programs to ensure effective implementation of FPIC must evaluate their exploration portfolios with an added degree of skepticism. Can a company's management provide investors accurate guidance on project timelines when a category of stakeholders that have brought large projects to a halt in the recent past has been excluded from decisions that affect them? How can investors be assured that conflict and resultant project delays will not affect a new or expanded operation in a country or region where social license to operate has been difficult to secure in the past?

Once the necessary policies and programs have been established, companies must disclose them in a way that reflects their materiality. The Global Reporting Initiative (GRI) defines material issues as topics and indicators that reflect the organization's significant economic, environmental and social impacts or that would substantively influence the assessments and decisions of stakeholders. A company's approach to materiality and transparency help dictate the type of investors it may attract. Without the disclosure necessary for investors to substantiate strong long-term assumptions, a company may have difficulty attracting long-term investors. Companies that provide the information necessary to make long-term decisions may liberate their management to articulate and carry out long-term planning by diminishing the uncertainty caused by an equity capital base dominated by shareholders with short-term objectives. Oil, gas and mining companies are not alone in their heightened appreciation of political risk in certain operating environments. The growing area of equity valuation that integrates environmental, social and governance considerations favors companies that identify and manage risks related to social license to operate in conformance with international standards such as the UNDRIP and best practice in FPIC implementation.

While governments and regulators may come and go during the lifecycle of an oil, gas or mining project, local communities will remain. Transparency is the first step in establishing the significant goodwill necessary to encourage local communities, made up of Indigenous Peoples or others, to embark and stay on the often challenging journey that is the exploration, development and remediation of a large-scale oil, gas or mining project. While companies will never be able to control the outcomes of strong relationships with Indigenous Peoples and other communities affected by their projects, effective implementation of an FPIC process helps companies to reduce the risk of social conflict by facilitating active community participation and ensuring that projects that diverge with community land use priorities do not proceed.

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Company public positions overview

This Research Backgrounder collates publicly available commitments made by major mining, oil, and gas companies in relation to community consent and social license to operate. The Backgrounder includes twenty-eight companies.

Figure 1 broadly indicates the range of positions that oil, gas, and mining companies have assumed publicly with regard to FPIC, social license, or community engagement around resource extraction decision-making. Table 1, a company transparency matrix showing publicly available commitments, summarizes whether the extractive companies reviewed have taken public positions in regards to respecting and implementing broader community rights, an important foundation and a step in the right direction towards giving local communities a more meaningful role in decision-making and control over their resources. Table 2, a matrix showing publicly available systems, reports which community-related policies and supporting implementing procedures or guidelines have been made publicly available in a manner that creates accountability for a company's commitments and provides assurances to stakeholders, including investors, that the company promotes long-term sustainability. *(These tables do not in any way look at how companies are implementing their commitments, nor at practices on the ground, nor how companies conform to their policies and/or procedures during implementation).*

Transparency is critical because it empowers stakeholders to hold companies and institutions to be more accountable and to be proactive in solution-making. Transparency is also fundamental to ensuring that informed decisions can be taken by impacted communities. A lack of transparency limits the ability of local communities to influence project decisions and planning—for example, by impairing the process of identifying social and environmental risks. A lack of transparency also limits the ability of local stakeholders to respond to new challenges and opportunities, and undermines their bargaining power.

Company positions on consent

Five companies (Inmet, Newmont, Rio Tinto, Talisman, and Xstrata) out of the 28 have made explicit public commitments to FPIC. At the time of Oxfam America's 2009 report, only two extractive companies included in the index had made company-wide commitments to obtaining FPIC. Just three years later, the number of companies has doubled (with bigger numbers if we take into account qualified or indirect commitments).

In addition, approximately two-thirds of the companies surveyed in this report now have incorporated concepts of community consent, broad community support, or social license in their policies regarding development activities, either directly or indirectly, through their commitments to other standards (such as UNDRIP).

Some companies use qualifiers that weaken the weight of their FPIC commitment. For example, BHP Billiton only commits to FPIC "where local law requires." Anglo American applies FPIC when "the relevant government authority has granted or recognized the rights of indigenous peoples."

Other companies use language suggesting consent, but are vague in their commitments. Occidental uses "pre-approval" language and Repsol aims towards "reaching agreement or securing consent." ExxonMobil commits to free, prior and informed consultation, but then states it has a "goal" of "obtaining consent "of local communities and other key impacted stakeholders.

At the time of Oxfam America's 2009 report, only two extractive companies included in the index had made company-wide commitments to obtaining FPIC. Just three years later, the number of companies has more than doubled (with bigger numbers if we take into account qualified or indirect commitments).

A few companies (such as BP, ConocoPhillips, ExxonMobil, and Repsol), while not explicitly committing to FPIC, do state that their development approach is consistent with international standards that outline consent principles. These include the UNDRIP, ILO Convention No. 169, and IFC's 2012 Performance Standard Number 7 on Indigenous Peoples.

Those that do address FPIC are generally brief and provide little detail on the process of implementation. Talisman Energy pushes somewhat ahead by describing in general terms what its FPIC process actually looks like, with some details on implementation, as well as by defining some of the key terms such as timing and consent.

Table 3 summarizes company statements relevant to community consent.

Company public positions on social license

Although only five of the companies surveyed explicitly commit to FPIC, 20 companies now have publicly incorporated, directly or indirectly, general concepts of community support or social license in their positions regarding development activities. AngloGold Ashanti, BHP Billiton, ExxonMobil, Inmet, Newmont, Rio Tinto, Talisman and Xstrata use "community support" language. While most of these 20 mention the importance of social license, a few — such as AngloGold Ashanti, Barrick Gold, Occidental, Repsol and Rio Tinto —explicitly state an aim to obtain or maintain social license. Although this language suggests movement in the right direction, it is nonetheless weaker than FPIC.

Company resettlement systems

Newmont commits to FPIC in the case of resettlement. Thirteen companies publicly commit to seeking to avoid, minimize or mitigate involuntary resettlement. Eight of those companies have reported a policy on resettlement, with only Anglo American, AngloGold Ashanti, and Freeport-McMoRan making their policy publicly available. Only Anglo American and AngloGold Ashanti have also published implementing guidelines.

Some companies refer to the World Bank/IFC Performance Standards on involuntary resettlement. Five companies have policies that claim their practices meet the standards on resettlement found in UNDRIP, which require the informed consent of indigenous peoples before resettlement can occur, as well as just compensation. However one of these companies (BHP Billiton), goes on to state that their compliance with UNDRIP is dependent on whether the country has enacted laws and implemented legislation.

Some refer to the principles found in ILO Convention No. 169, which upholds the principle of consent for cases of resettlement but, at the same time, allows the government to resettle indigenous people without consent if it follows appropriate procedures set forth in national law.

Company human rights systems

It is clear that companies are paying more attention to their impact on communities. It is now standard practice for companies to aim for systemic dialogue, engagement, and communication with communities. All but two of the companies publicly commit to respecting human rights, often referring to the UN Framework on Business and Human Rights. All but five also publicly commit to specifically respecting the rights of indigenous peoples. While not specific to the issue of community consent, these statements reflect an implied commitment to FPIC in that FPIC is required to effectuate human rights obligations.

Just over half of the companies surveyed have reported developing a human rights policy, with eleven companies making their human rights policy publicly available and six of those companies also publishing implementation guidelines. Moreover, some companies report providing human rights training for their employees and a few are starting to make these materials publicly available. (For example, Shell publishes their training supplement called Human Rights Dilemmas, which they use to help their managers to understand their responsibilities).

Approximately one-third of companies surveyed have also made their policies on community standards publicly available, with Anglo American, AngloGold Ashanti, and Rio Tinto also publishing their implementing guidelines or procedures.

Approximately half have publicly committed to requiring a local community grievance or dispute-resolution mechanism, but none has made it widely publicly available on the corporate website. While grievance or dispute-resolution mechanisms may be locally available (our report did not confirm this), Oxfam believes that there is value in a global mechanism being made widely available to international constituencies that either play a watchdog role or support local communities. Five companies, however, have already published guidelines on their grievance mechanism.

Very few provide for ongoing and detailed transparency around all grievances received and their resolutions across the company. Six companies report online on some of their grievances or cases of conflict. Case studies, however, are often available and becoming common practice.

Company indigenous peoples systems

It is also clear that companies are paying more attention to their impact on indigenous communities. All but five of the companies reviewed publicly commit to respecting the rights of indigenous peoples. Five companies specifically refer to the principles found in UNDRIP. Seven companies published their indigenous peoples' policy, with Anglo American, Anglo Gold Ashanti, and Rio Tinto also publishing their implementing guidelines or procedures.

Company public positions on community consultation

It has become standard practice for companies surveyed to publicly commit to systematic dialogue, consultation, engagement and/or communication with communities. Almost all of the companies surveyed have public position statements testifying to that commitment.

Some companies (such as Anglo American, ExxonMobil, Newmont, Repsol, and Rio Tinto) specifically commit to proceeding with development projects through free, prior, and informed *consultation*, playing off FPIC.

Ten companies (Anglo American, AngloGold Ashanti, Barrick Gold, Freeport-MacMoRan, Inmet, Newmont, Repsol, Rio Tinto, Talisman, and Xstrata) have made a community policy publicly available on their website. Of these, Anglo American, AngloGold Ashanti, and Rio Tinto have also published implementing guidelines.

The categories in Figure 1 below broadly indicate the range of positions that mining and hydrocarbon companies have assumed publicly with regard to community consent, support, and/or engagement around resource extraction decision-making. These categories are not meant to be all inclusive but rather to provide a general overview of positions as stated publicly.

Figure 1. Range of company positions

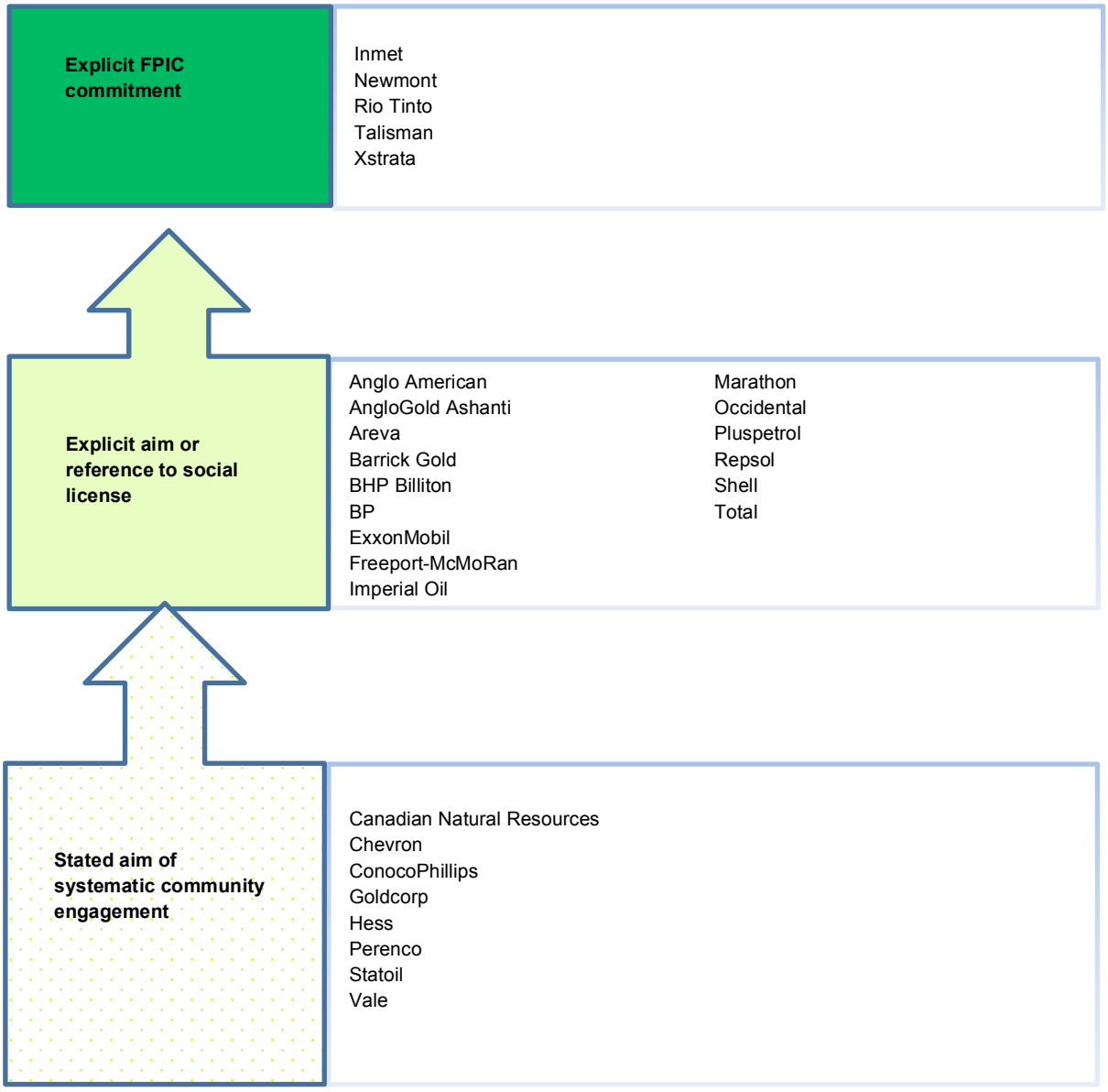

Table 1. Company transparency matrix: publicly available company commitments

	Explicit FPIC commitment	Explicit aim or reference to 'social license'	Explicit aim of community dialogue or engagement	Explicit commitment to human rights	Explicit commitment to indigenous rights	Seeks to avoid, minimize or mitigate involuntary resettlement	Local complaints /grievance mechanism required
Anglo American	Q	Q	YES	YES	YES	YES	YES
Anglo Gold Ashanti	NO	Q	YES	YES	YES	YES	YES
Areva	NO	Q	YES	YES	NO	NO	NO
Barrick Gold	NO	YES	YES	YES	YES	YES	YES
BHP Billiton	Q	YES	YES	YES	YES	NO	YES
BP	I	Q	YES	YES	YES	YES	YES
Canadian Natural Resources	NO	NO	YES	YES	YES	NO	NO
Chevron	NO	NO	YES	YES	NO	NO	YES
ConocoPhillips	I	NO	YES	YES	YES	NO	YES
ExxonMobil	Q	YES	YES	YES	YES	YES	NO
Freeport McMoRan	NO	Q	YES	YES	YES	YES	YES
Goldcorp	NO	NO	YES	YES	YES	YES	YES
Hess	NO	NO	YES	YES	YES	NO	NO
Imperial Oil	NO	Q	YES	YES	YES	NO	NO
Inmet	YES	YES	YES	YES	YES	YES	YES
Marathon	NO	YES	YES	YES	YES	YES	NO
Newmont	YES	YES	YES	YES	YES	YES	YES
Occidental	Q	YES	YES	YES	NO	NO	NO
Perenco	NO	NO	Q	NO	NO	NO	NO
PlusPetrol	NO	Q	YES	NO	NO	NO	NO
Repsol	I	YES	YES	YES	YES	NO	NO
Rio Tinto	YES	YES	YES	YES	YES	YES	YES
Shell	NO	Q	YES	YES	YES	NO	
Statoil	NO	NO	YES	YES	YES	NO	Q
Talisman	YES	YES	YES	YES	YES	YES	YES
Total	I	Q	YES	YES	YES	NO	NO
Vale	NO	NO	YES	YES	YES	NO	YES
Xstrata	YES	YES	YES	YES	YES	YES	YES

YES = Explicit company commitment and/or policy with implementing procedure made publicly available

I = Indirect; company reports their development approach is consistent with international standards that outline consent principles

Q = Public commitment is qualified in some form

Table 2. Company transparency matrix: publicly available company systems

	Community policy	Community policy implementing guidelines	Human rights policy	Human rights policy implementing guidelines	Indigenous peoples policy	Indigenous peoples policy implementing guidelines	Land / resettlement policy	Land / resettlement policy implementing guidelines	Grievance mechanism guidelines	Online reporting on grievance / conflict cases
Anglo American	YES	YES	D	D	YES	YES	YES	YES	YES	D
AngloGold Ashanti	YES	YES	D	NO	YES	YES	YES	YES	YES	NO
Areva	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Barrick Gold	YES	NO	A	NO	NO	NO	NO	NO	YES	YES
BHP Billiton	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
BP	NO	NO	YES	YES	NO	NO	NO	NO	A	NO
Canadian Natural Resources	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Chevron	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
ConocoPhillips	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
ExxonMobil	D	D	NO	NO	A	A	D	D	NO	YES
Freeport-McMoRan	YES	NO	YES	YES	NO	NO	YES	NO	A	YES
Goldcorp	NO	NO	YES	NO	NO	NO	NO	NO	NO	YES
Hess	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
Imperial Oil	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO
Inmet	YES	D	YES	YES	NO	NO	D	D	D	YES
Marathon	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Newmont	YES	A	YES	A	I	NO	A	A	A	D
Occidental	NO	NO	YES	YES	NO	NO	NO	NO	NO	NO
Perenco	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
PlusPetrol	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Repsol	YES	NO	D	NO	YES	NO	NO	NO	D	NO
Rio Tinto	YES	YES	YES	YES	YES	YES	I	D	YES	NO
Shell	NO	NO	NO	NO	NO	NO	NO	NO	D	NO
Statoil	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Talisman	YES	NO	NO	NO	YES	NO	NO	NO	NO	NO
Total	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO
Vale	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO
Xstrata	YES	NO	D	D	NO	NO	I	NO	NO	YES

YES = Explicit company policy and/or implementing procedures made publicly available on company website

D = Company reports policy and/or implementing procedures are under development

A = Company reports on website or to authors that policy and/or implementing procedures are available, but have not been published

I = Indirect; company reports their development approach is consistent with international standards that outline consent principles

Please note: Policies and corresponding implementing procedures were viewed with the mindset of whether they provide sufficient guidance to local communities on the "what, how, when, who and why" a company will implement its commitments on the ground.

Table 3. Notes on community consent statements

Company	Notes
Anglo American	Anglo American does not have a policy that recognizes indigenous peoples' right to FPIC, but it supports the notion where the relevant government authority has granted or recognized the rights of indigenous peoples. Their land management guidance also states that before purchasing land, the company should "consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent."
BHP Billiton	BHP Billiton states, in its Sustainability Framework, that new operations or projects must have broad-based community support before proceeding, and that FPIC is only required where mandated by law.
BP	BP has requirements to help its projects manage environmental and social issues wherein company states its requirements are consistent with UNDRIP.
ConocoPhillips	ConocoPhillips states that its operations are consistent with the principles of ILO Convention 169 concerning Indigenous and Tribal Peoples and UNDRIP.
ExxonMobil	ExxonMobil, in its Land use and Resettlement statements, references IFC's requirement to obtain the FPIC of indigenous peoples before initiating development activities on traditional lands. While their updated Upstream Socioeconomic Management Standard includes considerations for securing free, prior, and informed consultation, ExxonMobil states that its goal is to obtain the consent of local communities and other key impacted stakeholders regarding their operations, and that in practice, they strive for broad consensus. Moreover, ExxonMobil states that its approach is consistent with the principles of the ILO Convention 169, UNDRIP, and IFC Performance Standards, and the World Bank Operational Policy and Bank Procedure on Indigenous Peoples.
Inmet	Inmet committed to FPIC for resettlement of indigenous communities in its Cobre Panama project. In its 2010 sustainability report, Inmet explicitly supported FPIC, but then defines it as broad community support by qualifying FPIC "in terms of it being a way for communities to be fully informed about projects to ensure that there is sufficient support in those communities for a project to proceed."
Newmont	Newmont commits to FPIC in regards to land acquisition and resettlement. It also publicly states that it is more important than ever to "earn the consent of local communities."
Occidental	Occidental commits, in its Human Rights Policy, to "consulting with, and seeking the pre-approval of, any legitimate local communities affected by its operations"
Repsol	Repsol recognizes "the right to free prior and informed consultation in good faith and in a manner appropriate to the circumstances, with the aim of reaching agreement or securing consent." Repsol states that its approach is consistent with ILO Convention 169.
Rio Tinto	In its 2011 Annual Report, Rio Tinto states that it respects the land connection of indigenous communities and seeks specific agreements with affected communities in the development and performance of our operations. Rio Tinto also commits formally to FPIC: "We strive to achieve the free, prior and informed consent of affected Indigenous peoples as described in the International Finance Corporation's Performance Standards, updated in 2011."
Talisman	Talisman states that it will, in engaging with communities, incorporate the broad principles of FPIC. In practice, Talisman interprets consent as obtaining and maintaining the support and agreement of communities for its activities, with a reference to two-thirds majority. In its 2011 community relations policy, Talisman commits to FPIC for indigenous and tribal communities.
Total	Total, in its Indigenous Peoples charter, commits to an approach consistent with ILO Convention 169.
Xstrata	Xstrata commits to abiding by FPIC "where appropriate" or "relevant". Xstrata seeks to "maintain broad-based ongoing community support for our activities throughout our operations' life cycle. This includes fair and equitable processes for engagement with indigenous and local communities including, where relevant, free prior informed consent."

Concluding remarks

International investment plays a vital role in development and poverty reduction. Investment can improve livelihoods and bring jobs, services, and infrastructure when it is managed responsibly within the context of an effective regulatory framework. We see this every day in our work and, in some cases, we are working collaboratively with businesses to promote investments that directly benefit poor communities. Too many investments have resulted in dispossession, violation of human rights, and destruction of livelihoods. Companies, investors, and governments must take urgent steps to improve rights outcomes for people living in poverty. Power relations between investors and local communities must also change if investment is to contribute to, rather than undermine, the security and livelihoods of local communities. Governments and companies in the extractive sectors — and those that invest in their projects — should obtain the free, prior, and informed consent of indigenous peoples and local communities for extractive industry projects.

While few extractive companies have public policies that incorporate consent, they will come under increasing pressure to adopt them in the future. In the past, companies have attempted to respond to community opposition through engagement, consultation, and philanthropic programs. However, communities' responses have been varied and have often resulted in conflict. The growth of the minerals sector in developing countries, particularly on local community and indigenous peoples' lands, has increased the importance of ensuring that local people take part in extraction-related decisions. Such participation is a core tenet of the right to development and is central to achieving truly sustainable development, a principle to which many mining companies and industry associations have made public commitments.

At a minimum, companies should consider, in their public policy work, methods to push governments to follow the principle of FPIC in all agreements. In addition, companies should implement and publish strong policies, along with procedures to guide their implementation, that ensure all project-affected communities are able to meaningfully participate in effective decision-making and negotiation regarding whether and under what conditions large-scale oil, natural gas, and mining projects take place. Establishing FPIC systems as long-term objectives at the outset of a project, and revisiting them through the negotiation process and beyond, will also help define strategies for managing the transition to closure. Critical to this process is ensuring that local communities have the capacity to meaningfully engage and, where lacking, to build that capacity. Equally important are methods of verifying the community-engagement and decision-making processes and their outcomes, and ensuring that these processes respond to community expectations and needs. This includes, where relevant, participatory monitoring arrangements and mechanisms for independent validation.

Moreover, to fulfill their obligation to respect rights under the framework of the UN Guiding Principles for Business and Human Rights, companies need a due diligence process to become

aware of, prevent, and address the adverse human rights impacts of their operations. Monitoring and evaluation, thus, should be supported by independent grievance processes to ensure that community concerns are addressed throughout a project's lifetime. Companies should increase reporting on corporate management approaches and systems and increase transparency on the specific impact of their operations on communities, the challenges faced in implementing FPIC, and specific cases of conflict with communities. We also encourage companies and investors to participate in multi-stakeholder and community dialogues and debates to address the challenges of FPIC and generate workable solutions. Community involvement and consent work best in a setting where the host country government recognizes these community concerns as a matter of law or policy. Companies should use their influence to work with governments to gain their endorsement and involvement. Incorporating the requirement for FPIC into their policies and practices is one of the most tangible means of doing this.

The precise definition of FPIC and the specific process for its implementation will vary based on the traditional decision-making processes of the relevant communities and peoples. There is no one-size-fits-all approach that will be appropriate in every situation.

From the perspective of indigenous peoples, FPIC will have to be reached through a process defined by the indigenous communities themselves, in accordance with and with due respect for the cultural integrity and customary practices of the indigenous peoples concerned. It is true that no one size fits all when it comes to FPIC conditions or agreements. This is also true for the processes in arriving at FPIC, given the diversity of indigenous practices in decision-making. What is important is that the indigenous peoples concerned arrive at a decision through collective consensus-building among themselves before coming to an agreement with the company.

At its root, the concept of consent implies a relationship with an affected community that is based on partnership and mutual respect. Companies must not simply treat communities as passive objects of their activities but should approach consultations with good faith. They should commit to reaching consensus and arriving at a mutually satisfactory agreement, and they should also allow communities the time and space necessary for separate collective consensus-building. If the private sector maintains high FPIC standards and practices so negative impacts are limited and benefits accrue to communities, it will be in the interest of all parties to maintain projects.

Anglo American

ICMM Member

Recent Company Statements

FPIC Language:

Anglo American recognizes and respects the special rights and status of indigenous peoples. Operations shall develop a formal plan for interactions with any communities of Indigenous People impacted or potentially impacted by their activities. Plans shall, as a minimum, meet the requirements set out in the [2006] International Finance Corporation's (IFC) Performance Standard Number 7 on Indigenous Peoples. (Good Citizenship Principles, p. 8).

*The special status of indigenous peoples, with regard to engagement, is specifically captured in the notions of Free, Prior and Informed Consultation, and Free, Prior and Informed Consent. The principle of Free, Prior and Informed Consultation is key to how Anglo American approaches engagement with both indigenous and non-indigenous peoples … Even where there is no provision in law, Anglo American acknowledges the importance of Free, Prior and Informed Consultation and the importance of maintaining good relations with indigenous peoples. Anglo American also recognizes that pursuing a project where there is major opposition may carry reputational risks and affect the company's social license to operate. This position is aligned with the International Council on Mining and Metals (ICMM) standpoint, as stated in its Position Statement on Mining and Indigenous Peoples … Anglo American does not have a policy that grants indigenous peoples Free, Prior Informed Consent, but it supports the notion where the relevant government authority has granted or recognized the rights of indigenous peoples. (*Socio-Economic Assessment Tool Box (SEAT), p. 134).

… B2 Land Management. B2.1 Before purchasing land, the company should consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent. B2.2 Ensure that the company does not participate in or benefit from improper forced relocations, and adequately compensates inhabitants in voluntary relocations. B2.3 Honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land. B2.4 Consult with the local inhabitants and take measures to address and mitigate any disruptive effects that the company's operations may have on company land, the local community, and the natural resources in the area. (SEAT, p. 8)

Social License Language:

Operating our businesses in a socially and environmentally responsible way, and earning and deserving trust, are fundamental to our license to operate and to delivering long-term value to our investors. (Company Website).

It is through the goodwill of the communities around our operations that we are able to gain and maintain our social license to operate. It is essential therefore, that the needs and concerns of host communities are taken into account and that they help inform our approach to doing business. (Sustainable Development Report 2010, p. 34).

Other Language:

When considering the development of a project, we will proceed on the basis of a full assessment of potential impacts and through free, prior and informed consultation. These may lead us to conclude that we should not develop a project even if it is legally permitted and potentially profitable. (Good Citizenship Business Principles, p.7).

Anglo American's policy, as stated in the Social Way, is to recognise the special status and vulnerabilities of indigenous peoples and, at a minimum, recognise formal legal or other generally accepted protections … This [SEAT] tool aims to ensure that Anglo American operations develop respectful, long-term relationships with indigenous peoples to the mutual benefit of all parties. (SEAT, p. 133).

When developing a plan to build or expand an operation, we aim to avoid resettlement. Where a resettlement has to be conducted, we use international best practice. This involves continuously talking to stakeholders to ensure we fully understand the needs, aspirations and local political dynamics of the affected communities. (Company website).

If poorly executed, resettlements can lead to operational disruption and reputational damage to Anglo as well as to conflict and damage to the social structures and livelihoods of the affected community. All resettlement exercises must be properly resourced and meet or exceed the requirements set out in IFC Performance Standard Number 5 on Land Acquisition and Involuntary Resettlement. Given the perceived power of a company as large as Anglo, all resettlements must be planned as if they are involuntary. Resettlements should lead to a demonstrable improvement in the livelihoods of affected households. To ensure proper oversight of significant or potentially controversial resettlements, a steering group, including suitably qualified and experienced persons, shall be established. Group Government and Social Affairs must be invited to nominate a representative for all such Steering Groups. A Resettlement Action Plan and a participative economic development strategy must be developed for all resettlements and must be signed off by Group Government and Social Affairs. All resettlements must be subject to on-going monitoring and, three years after completion, an independent evaluation. (The Anglo Social Way Management System Standard, p.12).

The overall objective of resettlement planning is to ensure that all affected people are compensated equitably in accordance with local laws and international guidelines, and have the opportunity to improve their living standards and income-earning capacity over pre-resettlement levels. Key principles which underlie good resettlement planning are to avoid or at least minimize involuntary resettlement, wherever feasible by exploring alternative project designs; to avoid forced eviction; to mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of land by: providing compensation for loss of assets at replacement cost; and ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of

those affected; to improve or at least restore the livelihoods and standards of living of displaced persons; and to improve living conditions among displaced persons through provision of adequate housing with security of tenure at resettlement sites. (SEAT, p. 97).

Anglo American is a strong supporter of the Universal Declaration on Human Rights, the Voluntary Principles on Security and Human Rights, the human rights principle of the ICMM and wholeheartedly endorses the human rights principles of the United Nations Global Compact. Our Good Citizenship Business Principles also set out Anglo American's support for the eight International Labor Organization core conventions on labor rights, which cover discrimination, child and forced labor and freedom of association. (Sustainable Development Report 2010, p.37).

Anglo American recognises the special status of indigenous peoples. They often have close cultural, religious and spiritual attachment to land, including the nature of particular landscapes ... It is, therefore, Anglo American's policy to develop mutually beneficial relationships with indigenous communities in the areas where we explore and mine. (Company website).

Available Guidelines / Policies

- SEAT Tool box (updated 2012)
  - See within: Tool 4A: Complaints & Grievance Procedure; Tool 4B: Stakeholder Engagement; Tool 4D: Resettlement Planning & Implementation; Tool 4G: Indigenous Peoples
- The Anglo Social Way Management System Standard (2009)

Sources Reviewed

- Company Website
- Socio-Economic Assessment Toolbox (SEAT) (updated 2012)
- Good Citizenship Business Principles
- The Anglo Social Way Management System Standard (2009)
- Anglo American Annual Report 2010
- Anglo American Sustainable Development Report 2010
- Anglo American Report to Society 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (July 2012): Agreement Over Anglo American's Quellaveco Seen As Example For Sector
- (March 2012): Communities accept water proposal in Quellaveco Peru
- (November 2011): Statement by tribes and communities impacted by mining projects in Guajira, Colombia
- (October 2011): Anglo American in thick of great Alaskan Pebble mine debate and Alaska Court Rules in Favor of Pebble Project
- (December 2010): De Beers, has angered Indigenous land holders by its recent exploration forays in southern India and northern Canada
- (April 2010): Anglo American challenged at AGM
- (November 2007): The pressure group War on Want says it wants the British government to force mining companies operating in Africa to honor their social responsibilities and company response

AngloGold Ashanti

ICMM Member

Recent Company Statements

FPIC Language:

These management standards were approved prior to the revised International Finance Corporation's (IFC) standards coming into effect in January 2012. As we followed the work of the IFC in developing their standards, it is not expected that significant changes will need to be made to align our standards with the IFC. An exception could be the issue of Free, Prior Informed Consent (FPIC) in the Indigenous Peoples management standard. We await the outcome of the International Council on Mining and Metals (ICMM)'s engagement with the IFC on this issue. (Sustainability Report 2011, p. 30).

Social License Language:

AngloGold Ashanti has put in place an integrated framework for the management of environmental and community affairs, setting out the vision for the company's work in these areas, which is to … maintain and develop our social license to operate. (Supplementary Information 2010, p. 103).

It is AngloGold Ashanti's intention that all operations engage in building successful and mutually beneficial relationships with stakeholders throughout mine lifecycle (project, operation, closure and post-closure as appropriate). Failure to engage effectively could result in potential operational disruptions or exacerbate challenges to the corporate reputation. Effective stakeholder engagement and the building of social partnerships are aimed at securing the social license to operate and positioning AngloGold Ashanti as the preferred operator wherever the company has a presence … (Management Standard on Engagement, p. 3).

Other Language:

Consultation and Communication: 6.3.1 The Stakeholder Engagement Management Standard must be used as the basis for engaging with stakeholders, as applicable. 6.3.2 Key stakeholders must be identified and consulted and their interests and views must be recorded and considered in developing the plans described in sections 6.5 following. 6.3.3 Engagement and communication with stakeholders regarding closure planning must be appropriate to the lifecycle stage of the site. (Community Management Standards, p. 5).

In December 2011, AngloGold Ashanti subscribed for a further 19.8% interest in Marianna Resources Limited. AngloGold Ashanti has representation on a technical advisory committee which will direct and review all exploration and project development programmes of Mariana Resources going forward. The

decisions of this Technical Advisory Committee are by unanimous consent and as such AngloGold Ashanti will be able to ensure that Mariana Resources' exploration and project development activities are implemented consistent with AngloGold Ashanti's values, which include dignity, respect and human rights. (2011 Sustainability Report, Human Rights Supplementary Information, on Company website).

A priority for the business unit in 2011 was boosting capacity in the area of sustainability management across all regions, recognising that … delays in projects can often be attributed to a lack of community support and can translate directly into a decrease in the value of a project and/or the ability to bring the project to production. (Sustainability Report 2011, p. 27).

We will manage efficiently and safely the resources under our stewardship and respect the values, traditions, and cultures of the local and indigenous communities in which we operate. (Cultural Heritage and Sacred Sites Management Standard, p. 3).

[AngloGold Ashanti's objective is] to ensure that the company's activities foster full respect for and preserve the dignity, human rights, aspirations, cultures, religions, and livelihood activities of Indigenous Peoples as well as the long-term sustainability of the natural resources located within traditional or customary lands under use by the Indigenous Peoples. (Indigenous Peoples Management Standard, p. 3).

[AngloGold Ashanti's objective is] to foster engagement with and informed participation of the Indigenous Peoples when projects in the site's tenure or within its area of influence are to be located on traditional or customary lands under use by the Indigenous Peoples … and to gain and maintain Indigenous People's support for existing and new projects. (Indigenous Peoples Management Standard, p. 3).

The site must engage and consult with potentially affected Indigenous Peoples in a fair, timely and culturally appropriate way throughout the project cycle and do so in accordance with the company's standard on Engagement, and any other applicable law, standards and guidelines … (Indigenous Peoples Management Standard, p. 6).

AngloGold Ashanti is mindful of the specific considerations that need to be taken into account regarding Indigenous Peoples and has developed a standard in relation to Indigenous Peoples, based on IFC performance standard 7. (2011 Sustainability Report, Human Rights Supplementary Information, Company website).

… The decision to resettle a community is not one that should be taken lightly. At best, it is a high-risk activity that is often dogged by controversy. The process is usually very costly, complex and time-consuming (taking between three and five years). The correct approach inevitably involves a range of disciplines within a project team, from mine planning and law to environment and community affairs. With this in mind, we sought the services of a specialist resettlement agency during the year (rePlan) which will provide specialist support to both the community affairs team and operations personnel in terms of a possible global service level agreement… Land management and resettlement processes need to display the utmost respect for the traditions and beliefs of the affected communities and to take into

account their cultural norms and practices. As a consequence of this, all the necessary ceremonies – during and at the end of the process – needs to be carried out. (Company website).

In line with our business principles and in keeping with best practice, we have as a group committed to seeking to avoid resettlement where possible. And only where evidence suggests that relocation is unavoidable, will we embark on a process of consultation and engagement in accordance with our business principles, and the IFC's Performance Standards. (Company website).

… IFC's Performance Standard 5 does not apply where land transactions and resettlement are voluntary, however AngloGold Ashanti shall observe and comply with the provisions of this Standard and the Procedure in these situations to ensure that issues in relation to assessment, land access and acquisition and related resettlement activities are dealt with in a systematic and thorough manner … (Land Access and Resettlement Management Standard, p. 7).

… Displacement of people must be avoided and minimized where practically possible. Where displacement is caused, AngloGold Ashanti must mitigate adverse social and economic impacts resulting from land acquisition and restrictions on affected persons' use of land. (Land Access and Resettlement Management Standard, p. 7).

… [The] company's stated policy [is] to communicate and consult on our activities throughout the lifecycle of our operations and *undertake initiatives in partnership with the societies in which we operate with the aim of contributing to a sustainable future for host communities.* (Management Standard on Engagement, p. 3).

It is AngloGold Ashanti's value intention that the communities and societies in which the Company operates will be better off for it having been there. This is achieved through, among other things, the Company's socio-economic contribution in the host country, including economic value generation and distribution … The objective … is to ensure that AngloGold Ashanti sites are managed in line with the Company's vision, mission and values, and to meet the Company's Environment and Community Policy commitment to undertake initiatives that contribute to sustainable futures in partnership with the societies in which we operate. (Socio-Economic Contribution Management Standard, p.3).

Available Guidelines / Policies

- AngloGold Ashanti's Environment and Community Values
- Community & Environment Management Standards & Integrated Environment & Community Policy

  Within them, see the following management standards adopted in 2011: socio-economic contribution, Cultural heritage and sacred sites, Indigenous peoples, Artisanal and small-scale mining, Community complaints and grievances, Land Access and Resettlement.

Sources Reviewed

- Company Website
- Community & Environment Management Standards
- Integrated Environment & Community Policy
- Sustainability Report 2011
- Sustainability Report 2010
- Supplementary Information Report 2010
- Annual Report 2010
- Sustainability Report 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2012): Protest against AngloGold Ashanti's proposal to mine in Colombia and Peru, which could displace communities
- (June 2012): mentions Diaguita people in Chile's Huasco Valley concerns
- (June 2012): Protests against AngloGold Ashanti's La Colosa gold mine in Colombia
- (May 2012): Mining communities in Ghana call for consent
- (January 2012): Barrick win in Cortez Hills
- (October 2011): AngloGold-Ashanti to resettle families at Dokyiwa, Ghana
- (October 2011): Massive protests against Tolima mine in Colombia
- (July 2011): SOMO/WISE Report on social and environmental performance in uranium in Africa and company response
- (June 2011): Anglo Gold HR statement in Ghana news
- (June 2011): Community protests against La Colosa in Colombia
- (June 2011): The Fox Report investigates indigenous people being displaced from their land for gold mining in Colombia
- (January 2011): Brief shutdown at AngloGold Guinea mine over protests
- (January 2010): CAFOD calls on AngloGold Ashanti re: community issues around goldmine in the Ituri district of DRC
- (December 2009): NGO letter to AngloGold Ashanti re: Black and Indigenous communities in Colombia and company response

Areva

ICMM Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

AREVA Resources believes it needs a social license as well as regulatory operating licenses. AREVA Resources continually engages and maintains open communication with communities and related stakeholders near its operations. This engagement and dialogue has allowed us to understand our stakeholders' needs. In turn, we are able to provide support, education, economic benefits, and employment and business opportunities particularly in the North. (Company website).

Other Language:

The group adheres to its 10 universal principles on human rights, labor standards, environmental protection and the fight against corruption. AREVA's Values Charter, which applies to all operations controlled by the group in any country in which they are conducted, refers to these principles explicitly. By conducting business responsibly and transparently, and by preserving the planet's natural resources, AREVA hopes to contribute to the well-being of current and future generations. (2010 Responsible Growth Report, p. 11).

Dialogue and consensus building are one of the group's 10 sustainable development commitments. For AREVA, this means developing and maintaining relationships based on trust with all stakeholders in its environment. (2010 Responsible Growth Report, p. 11.).

The AREVA employee complies with the laws of the country in which he or she works, and in compliance with the principles of Human Rights as defined in the Universal Declaration of Human rights. (Values Charter, p. 4).

Available Guidelines / Policies

- Values Charter (updated 2012)
- Environmental Policy
- Social Policy

Sources Reviewed

- Company website and Areva North America company website
- 2010 Responsible Growth Report
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2012): Kakadu victory as uranium mining battle ends and communities win veto
- (October 2011): 15-member panel to back protest against Jaitapur plant and Company response
- (April 2011): Resistance to Jaitapur Nuclear Plant Grows in India
- (December 2010): Protest against Jaitapur nuclear plant India

Barrick Gold

ICMM Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

Host community members grant us our social license to operate and it is critical that we adopt consistent and proactive approaches in managing our impacts – both positive and negative – and working with host communities for mutual long-term success. (Responsibility Report 2011, p. 41).

Barrick's community engagement and sustainable development programs are designed to achieve [the] primary objective … to acquire and maintain broad stakeholder support for the company's operations. (Community Engagement and Sustainable Development Guidelines, p. 2).

Within the mining industry today, social license is becoming as important as the traditional mining license or permit. At Barrick, we recognize that the support of local communities is critical to our success. In 2010, we continued to strengthen our commitment to corporate social responsibility (CSR) and the international standards that enable us to secure our social license at our operations and projects around the world. (Responsibility Report 2010, CEO Letter, p. 11).

Barrick's operations have a significant impact on the lives of people who reside in the communities around our mines. These community members grant us our social license to operate and it is critical that we take an active interest in their development and well-being. (Responsibility Report 2010, p. 54).

Only by operating in a safe and socially responsible manner can we maintain our license to operate and ultimately be successful as a company. (Responsibility Report 2009, CEO Letter, p. 14).

Other Language:

Barrick works together with host governments to manage, in a manner consistent with local laws and international best practice, the resettlement of people that may be affected by our operations. Engagement of affected communities is the cornerstone of Barrick's commitment and the key to successful resettlement programs. In alignment with the IFC standards on resettlement, we seek to avoid, or at least minimize, involuntary resettlement by exploring alternative project designs. Where resettlement is required, a Resettlement Action Plan (RAP) is prepared. A comprehensive RAP includes an entitlement framework, comprehensive compensation standards, livelihood development programs, and ongoing monitoring and evaluation, to deliver our commitment to improve or, at least, restore the livelihoods and standards of living of displaced persons. Where resettlement is required, a Resettlement Action Plan (RAP) is

prepared. A comprehensive RAP includes an entitlement framework, comprehensive compensation standards, livelihood development programs, and ongoing monitoring and evaluation, to deliver our commitment to improve or, at least, restore the livelihoods and standards of living of displaced persons (Company website).

Resettlement – voluntary and involuntary – may entail both the physical displacement of people and, at times, the disruption of their livelihoods. In alignment with the IFC standards on resettlement, we seek to avoid, or at least minimize, involuntary resettlement by exploring alternative project designs. When resettlement cannot be avoided, Barrick's community relations teams work together with communities and host governments to manage resettlement, in a manner consistent with local laws and international best practice. Engagement of affected communities is the cornerstone of Barrick's commitment and the key to successful resettlement programs. When resettlement cannot be avoided, a Resettlement Action Plan (RAP) is prepared by our community relations professionals, sometimes with the assistance of third-party experts, and always with ongoing input from the affected communities and local authorities. A comprehensive RAP includes an entitlement framework, comprehensive compensation standards, livelihoods development programs, and ongoing monitoring and evaluation. These activities help us to deliver on our commitment to improve or, at least, restore the livelihoods and living standards of displaced families and communities. (2011 Online Responsibility Report).

Barrick's engagement with Indigenous peoples, wherever we operate, is based on honest, open dialogue and provision of information in a format that is accessible to them. For planning and design of mining projects, we take into consideration the priorities and concerns of Indigenous peoples directly affected by our activities. Our community relations teams around the world engage and consult with Indigenous peoples in a fair, timely and culturally appropriate manner throughout the project cycle. We work with Indigenous peoples directly affected by our activities to foster good faith negotiations, and strive to reach mutually beneficial agreements. (Responsibility Report 2011, p.54).

We promise: To respect the human rights of all stakeholders with whom we interact; To listen to and engage with host communities in a culturally-appropriate, transparent and gender-sensitive manner; To work proactively with communities to identify and manage social risks, impacts and obligations … To collaborate with host communities, governments, employees, contractors and other partners to promote sustainable social and economic development; To address grievances in a fair, timely and consistent manner; To consider the values, needs and concerns of Indigenous Peoples and vulnerable groups within our sphere of influence; To minimize the need for, and mitigate the impacts of, physical and economic displacement; To leave a lasting positive legacy by working with local stakeholders to prepare for our eventual departure and the closure of our operation; To monitor and continually seek to improve our community relations performance in order to create value for our stakeholders and shareholders alike.(Community Relations Policy).

Available Guidelines / Policies

- Corporate Responsibility Charter

- Grievance Resolution Policy and Procedure (2012)
- Community Engagement & Sustainable Development Guidelines
- Code of Ethics
- Community Relations Policy

Sources Reviewed

- Company Website
- Corporate Responsibility Charter
- Responsibility Report 2011
- Beyond Borders March 2011
- Responsibility Report 2010
- Responsibility Report 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (May 2012): South America: Mining Raises Concerns Over Water
- (May 2012): Landowners In Porgera Demand Urgent Resettlement
- (October 2011): Western Shoshone continue to oppose to the Cortez Hills project
- (February 2010): Barrick Gold to appeal Dominican court ruling on lands
- (July 2010): Council of Churches in Zambia Review of the Uranium Policy in Zambia report mentions unaddressed community grievances related to Equinox's alleged inadequate compensation for land
- (March 2010): Barrick Gold and its disputes in Dominican Republic
- (2009): Diaguita Agricultural Communities v. Chile
- (May 2009): Barrick's Pascua Lama project denounced as illegal
- (December 2009): Papua New Guinea Porgera update: Companies accept that police forced communities from their homes near Porgera mine
- (November 2008): Barrick Gold lawsuit (re Western Shoshone tribes, USA)
- (February 2007): Securing social license in Tanzania

BHP Billiton

ICMM Member

Recent Company Statements

FPIC Language:

New operations or projects must have broad-based community support before proceeding with development. Free Prior and Informed Consent. (FPIC) is only required where it is mandated by law. Evidence demonstrating support or opposition to the project must be documented. (Sustainability Framework, p. 9).

BHP Billiton requires that any new greenfield project or significant expansion project, such as the proposed Olympic Dam expansion in South Australia, obtains broad-based community support – defined as support from the majority of stakeholders – before proceeding. Broad-based community support is distinct from achieving free prior and informed consent (FPIC), which we seek when it is mandated and defined by law. We are aware that the International Finance Corporation has incorporated a requirement for FPIC in its performance standards. (Sustainability Report, 2011, p. 20).

While our businesses actively engage with local landholders, there are some challenges for us as a resource company in relation to FPIC. Some of these include: • mineral rights are typically vested in the state and our host governments may wish to retain the right to determine if and when resources are developed for the benefit of all citizens; • traditional decision-making processes are highly variable and may not be deemed appropriate by all parties with an interest in the issue; • conflicting claims of ownership over Indigenous lands can be exacerbated by major resource developments; • there is a suggestion that FPIC could be applied at each stage of a resource development, which would create uncertainty for long-term investments; • FPIC could present ethical challenges as it may appear to confer a special set of rights on a group of people who have been born into a particular class. We are working with the International Council on Mining and Metals (ICMM) to help develop guidelines for ICMM members that address some of the issues arising from the FPIC provisions in the International Finance Corporation standards. (Sustainability Report 2011, p. 20).

Social License Language:

Committed to broad-based community support: BHP Billiton requires that any new greenfield project or significant expansion project, such as the proposed Olympic Dam expansion in South Australia, obtains broad-based community support – defined as support from the majority of stakeholders – before proceeding. Broad-based community support is distinct from achieving free prior and informed consent (FPIC), which we seek when it is mandated and defined by law. (Sustainability Report 2011, p. 20).

New operations or projects must have broad-based community support, defined as support from the majority of stakeholders, before proceeding with development. Free prior and informed consent, which can be defined as support from 100 percent of the community, is only required where it is mandated and defined by law. (Sustainability Report 2011, p. 21).

Where countries have enacted laws to give effect to the Declaration [on the Rights of Indigenous Peoples] and have provided the framework for its implementation, BHP Billiton has committed to abide by them. Where countries have not enacted such laws, our policies and standards are designed to ensure that we work with the Indigenous peoples to try to understand their interests and aspirations, respect their rights and seek broad-based support for our operations. (Sustainability Report 2010 – Supplement, p. 15).

Other Language:

We recognize and respect Indigenous peoples' culture, heritage and traditional rights and support the identification, recording, management and protection of Indigenous cultural heritage. There are many Indigenous communities around the world that are traditional owners of land impacted by our operations or live nearby. (Sustainability Framework, p. 9).

We respect and promote fundamental human rights within our sphere of influence, respecting the rights of Indigenous peoples and valuing cultural heritage. (Sustainability Framework, p.9).

Resettlement programs (voluntary or involuntary) must be consistent with the requirements of the International Finance Corporation Performance. (Sustainability Report, 2011, p. 44).

We will ensure we respect and promote fundamental human rights within our sphere of influence, respecting the rights of Indigenous peoples and valuing cultural heritage; engage regularly, openly and honestly with our host governments and people affected by our operations, and take their views and concerns into account in our decision-making. (Sustainability Report 2010, p. 19).

We respect and promote fundamental human rights and the value of cultural heritage. We are committed to operating in accordance with the United Nations Universal Declaration of Human Rights and the Global Compact. We have a responsibility to understand our potential impacts on human rights and to mitigate or eliminate them. (Company website).

Effective, transparent and open communication and consultation is maintained with stakeholders associated with Company activities. Stakeholders are encouraged to participate in and contribute to sustainable development through HSEC performance improvement initiatives. (BHP Billiton Charter and Sustainable Development Policy, p. 12).

Activities and operations are conducted in an ethical manner that supports fundamental human rights and respects traditional rights, values and cultural heritage. Opportunities are sought for contributing to sustainable community development. (BHP Billiton Charter and Sustainable Development Policy, p. 13).

Where involuntary resettlement cannot be avoided, plans consistent with the World Bank Operational Directive on Involuntary Resettlement are developed and implemented. (BHP Billiton Charter and Sustainable Development Policy, p. 13).

Available Guidelines / Policies

- Sustainability Framework (2010)
- Sustainable Development Policy (2008)
- Code of Business Conduct
- Health, Safety, Environment and Community (HSEC) Management Standard (2008)
- BHP Billiton Charter and Sustainable Development Policy (2005)

Sources Reviewed

- Company Website
- Sustainability Framework (2010)
- Code of Business Conduct
- Health, Safety, Environment and Community (HSEC) Management Standard (2008)
- Annual Report 2011
- Sustainability Report 2011
- Sustainable Report 2010
- Sustainability Supplemental Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (April 2012): Aboriginal elder loses bid to overturn expansion of BHP Billiton's Olympic Dam
- (December 2011): OECD Watch: Escapes Santander vs. Minera Escondida
- (November 2011): BHP Billiton: Dirty Energy Alternative Annual Report 2011 and company response
- (November 2011): Statement by tribes and communities in Guajira department Colombia mention Cerrejón project (a joint venture of BHP Billiton)
- (October 2011): Tintaya Dialogue Video

- (November 2010): Community concerns in Cerrejón project
- (July 2010): Call for removal of Resolution Copper
- (June 2007): Complaint lodged against BHP-Billiton with OECD for conduct of Cerrejon Coal in Colombia and http://oecdwatch.org/cases/Case_121
- (March 2005): BHP Billiton exploring Bushman reserve without consent
- (December 2004): The Sierra Club cites BHP respect of FPIC in Tintaya Peru (2004) in letter to Nestle
- (October 2003): Botswana Bushmen's plea to De Beers and BHP Billiton

BP

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

The need for BP to identify and manage environmental and social risks is greater now than ever before, and our environmental and social practices provide a rigorous set of tools to help us do that. Identifying possible impacts at the very outset of many of our business acquisitions, exploration and new projects can save money, time and effort, and improve our licence to operate. So, clearly it can add enormous value. The practices also help BP meet external commitments that the company has made. (Sustainability Report 2011, p. 25).

Our aim is to build trust through active engagement with key stakeholders to protect BP's license to operate and enhance our reputation. (BP in Angola Sustainability Report 2010, p.3).

Other Language:

We also have detailed recommended practices in relation to engaging with and respecting the rights of indigenous people living in areas affected by our activities. The practices reflect BP's past experience of interacting with indigenous communities as well as the issues addressed in the UN Declaration on the Rights of Indigenous People. Our experience demonstrates the importance of engaging with affected indigenous people. (Company Website).

In Canada, where we are in the planning stages for oil sands projects, we have consulted early and often with aboriginal communities who could be affected by our work…Through this engagement we aim to help preserve traditional culture, ensure that our presence in the area continues to benefit the Indigenous communities and that, where relevant, traditional knowledge can be used to support our efforts to protect or restore the environment. (Company Website).

The development of large-scale oil and natural gas projects can sometimes result in communities being subject to involuntary (i.e. compulsory) physical or economic displacement ... Our environmental and social practices stipulate that projects subject to the practices must not move communities. If a project subject to our environmental and social practices proposes to move a community, it has to obtain formal senior management approval and demonstrate that no other workable option exists. If the project receives formal management approval to move a community, a long-term land acquisition and resettlement action

plan and careful monitoring of the mitigations are required. We also recommend this in cases where only economic displacement will occur. (Company Website).

Engaging with indigenous people – sharing our plans and listening to any concerns – is an important part of the way we work in the Arctic. We also look for ways to learn from traditional knowledge in relation to local wildlife and habitats and to involve Inuit people directly in our activities. (Sustainability Report 2011, p. 41).

… We have developed detailed recommended practices for our businesses in relation to engaging with and respecting the rights of any indigenous peoples living in areas affected by our operations. The practices reflect BP's past experience in this area as well as the issues addressed in the UN Declaration on the Rights of Indigenous People … (Company Website).

Indigenous people: Requirements are consistent with the UN Declaration on the Rights of Indigenous People and detail consultation plans and impact mitigation plans. (Company Website).

The development of large-scale oil and natural gas projects can sometimes result in communities being subject to involuntary (i.e. compulsory) physical or economic displacement ... Our environmental and social practices stipulate that projects subject to the practices must not move communities. If a project subject to our environmental and social practices proposes to move a community, it has to obtain formal senior management approval and demonstrate that no other workable option exists. If the project receives formal management approval to move a community, a long-term land acquisition and resettlement action plan and careful monitoring of the mitigations are required. We also recommend this in cases where only economic displacement will occur. (Company Website)

Available Guidelines / Policies

- Code of Conduct (2011)
- Human Rights Guidance Note
- Operating Management System

Sources Reviewed

- Company Website
- Code of Conduct (2011)
- Human Rights Guidance Note
- Operating Management System
- Annual Summary Report 2011and Sustainability Report 2011

- BP in Angola Sustainability Report 2010
- Sustainability Supplement Information 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (February 2012): The Street: Native Land Rights & Northern Gateway Canada
- (June 2011): BP forced to shut small Alaska oil field after losing lawsuit over land rights
- (January 2011): References BP desire to seek social license to operate
- (September 2006): BP Beyond Petroleum described by chairman as seeking social license

Canadian Natural Resources Corporation

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

In our North American operations we work on, or in close proximity to, traditional Aboriginal land. Our teams work together with the communities on a daily basis to build mutual understanding, respect and cooperation, and enhance the opportunities for economic participation in our oil and natural gas developments. Our efforts focus on environmental issues, education and training, economic opportunities, and other initiatives that can improve the quality of life in the areas where we operate. The knowledge and experience we receive from the local Aboriginal communities help us better understand the surroundings and our impact. Learning about the traditional cultures, wildlife, and how the landscape has changed over the years is part of our long-term commitment to the communities. Our teams working in the communities focus on maintaining mutually beneficial relationships. We continue to identify and establish potential opportunities for the communities where we operate … (Company website).

Canadian Natural believes in, supports and is committed to human rights and social justice. Our Human Rights Statement is reflected in the core values of our mission statement – To develop people to work together to create value for the Company's shareholders by doing it right with fun and integrity and in our Code of Integrity, Business Ethics and Conduct. (Company website).

Sources Reviewed

- Company Website
- 2010 Stewardship Report
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- No relevant community-consent related news found in internet search

Chevron

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

Community: We respect human rights (i) through our contributions to socio-economic development in the communities where we operate; (ii) by fostering ongoing, proactive two-way communication with communities and with other knowledgeable stakeholders; (iii) through our corporate Environment, Social, and Health Impact Assessment (ESHIA) process in all major capital projects, as well as existing operations in sensitive operating environments; and (iv) through our corporate practices, which are consistent with external guidelines such as World Bank Standards on interactions with indigenous peoples and free prior informed consultation. (Business Conduct and Ethics Code 2010, p. 27).

We believe that although governments have the primary duty to protect and ensure fulfillment of human rights, we have a responsibility to respect human rights and can play a positive role in the communities where we operate. To this end, our conduct in our global operations is consistent with the spirit and intent of the United Nations Universal Declaration of Human Rights; the International Labor Organization (ILO) Declaration on Fundamental Principles and Rights at Work, where applicable to business; and other applicable international principles, including the Voluntary Principles on Security and Human Rights. (Chevron Human Rights Policy 2009)

Available Guidelines / Policies

- About Human Rights Policy
- Business Conduct and Ethics Code (2010)
- Chevron California Transparency in Supply Chains Act of 2010

Sources Reviewed

- Company Website

- Business Conduct and Ethics Code (2010)
- Chevron Human Rights Policy 2009
- Annual Report 2010
- Corporate Responsibility Report 2011
- Corporate Responsibility Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2012): U.S. Appellate Court Again Rejects Chevron Allegations Over $18 Billion Ecuador Lawsuit, Says Amazon Defense Coalition
- (May 2012): Kalinga folks block Chevron
- (May 2011): True Cost of Chevron and Chevron Alternative Annual Report May 2011

ConocoPhillips

IPIECA Member

Recent Company Statements

Social License Language: No relevant language

FPIC Language:

The Company's approach to engagement with indigenous communities, in locations where they are an important stakeholder group for our operations, is consistent with the principles of the International Labour Organization Convention 169, concerning Indigenous and Tribal Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples. (ConocoPhillips Human Rights Position).

Other Language:

We recognize and respect the choice of indigenous communities to live as distinct peoples, with their own cultures and relationships to the land. Wherever our operations neighbor with indigenous communities, we seek to partner and engage with them to diminish the negative aspects of our operations and maximize the social and economic benefits we can bring. (Company Website).

When engaging with indigenous peoples, we seek first to understand their social hierarchy, culture and traditions, as well as their priorities, expectations and preferences for dialogue. We engage with indigenous communities at the regional, local and individual levels by meeting regularly with regional governments, community associations, and local leaders. These meetings provide an opportunity to share information on our plans, seek local input and learn the views of our neighbors before we undertake activities that could impact their community. (Company Website).

We seek to document the agreements we reach with indigenous communities regarding the impact of our activities and mitigation strategies. This documentation takes the form that best fits the local process and the indigenous community's desire for engagement. For example, the documentation may be part of a permit proceeding or a separate Memorandum of Understanding with representatives chosen by the indigenous community. It also may summarize discussions held during our consultations with the indigenous community. The documentation can then be shared with the community's chosen representatives to ensure mutual understanding about the agreement. (Company Website)

In our principles, we commit to:

- *Proactively identify and seek out key stakeholders early in the business endeavor.*
- *Include these key stakeholders in the design and implementation of the engagement process.*

- *Listen in order to understand stakeholders' interests, concerns and culture.*
- *Communicate openly.*
- *Seek solutions that create mutually beneficial business and engagement approaches that also build long-term value for both the company and our stakeholders.*
- *Follow through on our commitments and stand accountable for the results, both internally and externally.* (Company Website)

ConocoPhillips' stakeholder engagement activities are an integral part of our sustainable development commitments. We have engagement strategies that vary according to the nature of the local community…ConocoPhillips seeks first to understand local community social hierarchy, culture and traditions, as well as their priorities, expectations and preferences for dialogue. We engage with communities at the regional, local and individual level by meeting regularly with local leaders, community associations and regional governments to hear their views so we can respond to the issues and concerns they care about most. In Peru we have publicly pledged to obtain complete understanding of and agreement with our activities from all communities in our areas of operations prior to conducting exploration and production work. (Company Website)

Our experience working in the region indicates that, as with many other areas in the Amazon, communities of the Maranon Basin face inherent challenges. The location of our area of influence is geographically remote. Communities near our exploration operations face difficulties in gaining access to employment, services, and often, basic necessities…We believe it is appropriate for companies operating in such sensitive and challenging contexts to act in a manner that respects the land and local ways of life, addresses concerns, and contributes to the well-being of communities. We are committed to providing free, prior and informed engagement and consultation with communities…Our frequency of community consultation activities is commensurate with our level of exploration activities and exceeds regulatory requirements. (Company Website)

ConocoPhillips Canada respects the special connection between Aboriginal peoples and the land. We are committed to incorporating local, traditional ecological knowledge and land use information into the planning, design and construction of our facilities and related operations. Beyond the evolving regulatory requirements, we seek to consult meaningfully with Aboriginal peoples potentially impacted by our business. We also work with and support Aboriginal communities to ensure they have both the opportunity and the capacity to engage in meaningful consultation on our proposed projects and activities. (ConocoPhillips Canada Website)

Available Guidelines / Policies

- Sustainable Development Position
- ConocoPhillips Human Rights Position
- Purpose and Values Statement

Sources Reviewed

- Company Website
- ConocoPhillips Human Rights Position
- Sustainable Development Position
- Performance Metrics
- ConocoPhillips Canada Website
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (February 2012): ConocoPhillips Announces Indigenous Peoples Engagement Policies are Consistent with UN Declaration
- (August 2011): ConocoPhillips commits to indigenous peoples' rights
- (May 2011): ConocoPhillips Withdraws from Controversial Oil Block 39 in Peru
- (May 2011): ConocoPhillips abandons Peru oil block amid local uproar
- (May 2009): Company Urged to Withdraw From Mega-Concession Covering Over 10 million Acres of Pristine Amazon Rainforest
- (May 2008): Boston Common Asset Management comments in presenting shareholder resolution
- (September 2006): Amazon Watch statement demanding ConocoPhillips respect FPIC for Ecuadoran communities

ExxonMobil

IPIECA Member

Recent Company Statements

FPIC Language:

[Land use and resettlement] We respect property rights in the countries where we operate, including those of traditional land users. The IFC revised Performance Standards, effective in 2012, requires clients to obtain the free, prior, and informed consent of indigenous peoples before initiating development activities on traditional lands. We are interested and engaged in the manner these new IFC Standards will be implemented. While the updated Upstream Socioeconomic Management Standard includes considerations for securing free, prior, and informed consultation, our goal is to obtain the consent of local communities and other key impacted stakeholders regarding our operations. In practice, we strive for broad consensus and seek to ensure participative consultation as a key part of our planning and operating processes. (Company Website; 2011 Corporate Citizenship Report, p. 47).

ExxonMobil is committed to engaging with indigenous communities in a manner that is respectful of their cultures and customs. Through open consultation, we work to understand and incorporate indigenous perspectives into project planning, design, execution, and ongoing operations. Our approach is consistent with the principles of the International Labor Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries, the United Nations Declaration on the Rights of Indigenous Peoples, the International Finance Corporation (IFC) Performance Standards, and the World Bank Operational Policy and Bank Procedure on Indigenous Peoples. (Company website; 2011 Corporate Citizenship Report, p. 46).

Social License Language:

Maintain best-in-class operations ... is the foundation for our "license to operate" and is fundamental to our competitive advantage. (2010 Annual Report, p. 24).

We believe our business presence should have a positive influence on the people in the communities in which we operate. Respecting human rights is essential for helping to create a stable business environment. Operating in a manner that promotes respect for human rights … protects our license to operate within a community … (2009 Corporate Citizenship Report, p.3).

Other Language:

We respect property rights in the countries in which we operate. We strive to achieve free, prior, and informed consultation of impacted communities before we implement new operations. We seek to avoid resettlement through project design, and where resettlement is unavoidable, we seek to ensure appropriate restoration of livelihoods of displaced persons. (Company Website; 2010 Corporate Citizenship Report, p. 46).

We respect property rights in the countries where we operate. Only with the free, prior, and informed consultation of impacted communities will we implement new operations. Direct compensation and community programs that provide development projects are incorporated into our plans. (2009 Corporate Citizenship Report, p. 46).

We minimize involuntary resettlement through project design; when resettlement is unavoidable, we seek to ensure the appropriate restoration of the livelihoods of displaced persons. In all cases when resettlement is unavoidable (e.g., for our PNG LNG project), we apply international best practice aligned with the IFC's Performance Standards, in conjunction with applicable host-country regulatory requirements. When physical and economic displacement occurs, we develop and implement resettlement action plans that include landowner consultation, and surveying and mapping of housing structures, gardens, and other assets. (Company website; 2011 Corporate Citizenship Report, p. 47).

Our approach to engaging with the communities near our sites demonstrates our fundamental respect for human rights and our belief that strong, informed communities lead to a stable business environment. (2011 Corporate Citizenship Report, p. 45).

Oil and gas development requires operating in a variety of cultures and economic structures around the world. Our approach to engaging with the communities near our sites demonstrates our fundamental respect for human rights and our belief that strong, informed communities lead to a stable business environment. (2011 Corporate Citizenship Report, p. 45).

Oil and gas projects and operations can affect individuals, communities, and the environment. We strive to identify and mitigate potentially negative impacts and enhance the positive outcomes of our activities. By doing our job to the highest ethical standards, complying with applicable host-country regulatory requirements, and respecting local cultures and customs, we build supportive relationships in the communities where we operate. ExxonMobil's upstream socioeconomic management process covers: Risk assessment and management; Human rights; Community relations; Indigenous peoples; Cultural heritage and diversity; Land use and resettlement; Economic development; and Transparency and corruption. We address these issues by adhering to corporate policies and expectations, complying with host-country regulatory requirements, applying universally recognized principles, engaging with external groups, and building local economic capacity. (2011 Corporate Citizenship Report, p. 45). *Our projects and operations in Alaska, Canada, Papua New Guinea, and Sakhalin Island all involve working in communities of indigenous peoples … Often, the first consultation with any group of*

indigenous people is to determine how they prefer to be engaged. Each community establishes its own preference for how often they meet with us, how long, and whom they choose to represent the community's wishes … We work to respond to community concerns throughout the life cycle of a project or operation. During exploration and development, we alter the project design where possible to respond to community concerns … Once our operations commence, we work to mitigate the risk of those operations on local populations … We are sensitive to our local communities' concerns about balancing their cultural heritage with the need for economic development, even after our operations have ceased. Wherever we work with indigenous peoples, we support both local employment initiatives and cultural heritage programs through national content and strategic community investments, respectively...(Company website; 2011 Corporate Citizenship Report , pp. 46-47).

We value cultural heritage and customs in the communities where we operate and incorporate these considerations into project planning, design, execution, and ongoing operations. The unique cultural heritage of these groups needs to be preserved for the benefit of current and future generations. (2010 Corporate Citizenship Report, p. 45).

Our commitment to human rights includes our workforce and is supported by our Standards of Business Conduct which is consistent with the spirit and intent of the U.N. Universal Declaration of Human Rights and the International Labor Organization (ILO) 1998 Declaration on Fundamental Principles and Rights at Work. (Company website).

Oil and gas projects and operations can affect individuals, communities, and the environment. We strive to identify and mitigate potentially negative impacts and enhance the positive outcomes of our activities. By doing our job to the highest ethical standards, complying with applicable host-country regulatory requirements, and respecting local cultures and customs, we build supportive relationships in the communities where we operate. ExxonMobil's upstream socioeconomic management process covers: Risk assessment and management;Human rights;Community relations;Indigenous peoples;Cultural heritage and diversity;Land use and resettlement; Economic development; and Transparency and corruption.We address these issues by adhering to corporate policies and expectations, complying with host-country regulatory requirements, applying universally recognized principles, engaging with external groups, and building local economic capacity. (Company website).

We recognize our activities can impact host communities and other stakeholders. We strive to identify and avoid or mitigate negative impacts and enhance positive outcomes. At the start of major projects, an Environmental, Socioeconomic, and Health Impact Assessment (ESHIA) is conducted to assess the potential impacts of our activities throughout the project and operations life cycle. We consult with the public during the ESHIA process and integrate results into decision making, including impact avoidance and mitigation plans, and in some cases, modifying aspects of the project design or execution plan. (Company website).

Available Guidelines / Policies

- Business Principles (2011)
- Operations Integrity Management System
- Statement on labor and the workplace
- Standards of Business Conduct
- Code of Ethics

Sources Reviewed

- Company Website
- Business Principles (2011)
- Corporate Citizenship Report (2011)
- Annual Report 2010
- Corporate Citizenship Report 2010
- World Wide Giving Report 2010
- Corporate Citizenship Report 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (May 2012): Oxfam report: Examining the Influence of the PNG LNG Project in the Hela Region of Papua New Guinea
- (November 2012): Oxfam report: Listening to the impacts of the PNG LNG Project, Central Province, Papua New Guinea
- (June 2009): PipLinks community conflict article
- Documentation of engagement at PNG LNG project
- (November 2003): HBR case ExxonMobil and the Chad/Cameroon Pipeline

Freeport McMoRan

ICMM Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

Our social license to operate and grow our operations is directly dependent on community relationships. The Freeport-McMoRan Community Policy requires close collaboration with local stakeholders to minimize and mitigate adverse impacts and cultivate opportunities to maximize positive impacts. Community engagement and consultation is the key to successful two-way communications so that community members have input into our programs, as well as to ensure local understanding of our operations, impacts and mitigation plans. Engagement occurs formally through open houses and regulatory processes, but more frequently, engagement occurs through our community development program representatives in the field. (2011 Sustainable Development Report, p. 21).

Other Language:

Our community development programs and investment objectives, as reflected in our overall sustainability reporting, are significantly focused on indigenous Papuans in Papua, Indonesia; Native Americans in the United States; and the communities of Alto Loa in Chile. Through community engagement, cultural promotion and preservation projects, and training and development programs, we specifically seek to address the needs, cultures and customs of indigenous peoples near our operations. (2011 Sustainable Development Report, p. 21).

In 2011, we developed a long-term formal engagement program with Native American tribes including the San Carlos Apache Tribe, White Mountain Apache Tribe, the Hualapai Nation, the Tohono O'odham Nation and the Navajo Nation. Under the direction of a full-time manager, this engagement program is focused on economic development, water resources, women's initiatives and educational opportunities. For example, we sponsored 28 San Carlos Apache Tribe students through our Native American college scholarship program. (2011 Sustainable Development Report, p. 21).

*TFM is implementing a Resettlement Action Plan (RAP) based on DRC law and International Finance Corporation performance standards. Consistent community engagement and consultation is the critical component of successful plan implementation. (*2011 Sustainable Development Report, p. 21).

It is our policy to comply with host country laws regarding land and customary rights wherever we operate, from exploration to closure. In situations where community members report a claim or grievance

regarding land or customary rights, we work with local authorities to investigate the claim and reach an agreement within the existing legal framework of the host government. (Sustainable Development Report & Supplement 2010, p.22).

Through feasibility studies and project planning processes, we avoid involuntary community resettlement whenever possible by evaluating practicable alternatives such as selecting project footprints with the least resettlement impacts and implementing community development strategies designed to stem project-induced population influx. (Sustainable Development Report & Supplement 2009, p. 28).

Available Guidelines / Policies

- Principles of Business Conduct
- Community Policy (2009)
- Human Rights Policy (2009)
- Environmental Policy (2007)

Sources Reviewed

- Company Website
- Principles of Business Conduct
- Community Policy (2009)
- Human Rights Policy (2009)
- Annual Report 2010
- Sustainable Development Report 2011
- Sustainable Development Report & Supplement 2010
- Sustainable Development Report & Supplement 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (May 2012): Near-mine communities up in arms against Freeport McMoRan's DRC unit
- (April 2012): Freeport McMoran versus the People of Fungurume and
- (March 2010): Papua Tribe Files $32b Lawsuit Against Freeport

- (2008) ICMM Case Study Tenke Fungurume Mining Project in the Democratic Republic of Congo

Goldcorp

ICMM Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

Goldcorp is committed to effective stakeholder engagement. This means a respectful and equitable dialogue to share information and concerns with individual stakeholders and stakeholder groups. This can range from individual meetings, site visits, briefings and updates, town hall or community meetings and workshops to personalized responses from individual queries. (Company website).

Our policy is to identify and, where possible, to create partnerships with Aboriginal and Indigenous Peoples, to further a culture of economic independence, ownership, entrepreneurship and enterprise management. (Company Website).

Our programs are designed as catalysts for positive, lasting contributions in the communities where we do business, while working in partnership with host governments, indigenous groups, non-governmental organizations, contractors and suppliers. (Company Website).

Éléonore, Musselwhite, Marlin, Porcupine, Red Lake, El Sauzal and El Morro operate in or adjacent to indigenous territories. Éléonore and Musselwhite have formal agreements in place with the indigenous communities. At several of our operations, indigenous peoples are a key community group. We acknowledge their traditional cultures and knowledge, and we seek to consult and partner with indigenous communities to improve economic, environmental and social opportunities. El Sauzal, Éléonore, Marlin, Musselwhite and El Morro have programs specifically implemented to collaborate with indigenous communities. (2011 Online Sustainability Report).

Goldcorp will work to minimize involuntary resettlement wherever possible and when relocation cannot be avoided will establish, in consultation with affected communities, a resettlement plan in adherence to the International Finance Corporation's Performance Standards and ILO Convention 169. (Human Rights Policy, p. 1-2).

All of Goldcorp's operations have procedures for handling community issues, which are followed up to determine a mutually acceptable resolution. During 2011, all of our operating sites established a formal

grievance resolution mechanism to resolve disputes. These grievance mechanisms were used in varying degrees to resolve 21 conflicts specifically related to land use, customary rights of local communities and indigenous peoples. (2011 Online Sustainability Report).

Resettlement is a complex and life-changing issue for the communities affected. Our approach is to seek voluntary resettlement when resettlement is necessary. The timing and location of resettlement is negotiated with the affected households, and every reasonable effort is made to ensure that the integrity of the communities is maintained. As a general rule, resettlement will be to a location that has better standards (e.g., housing, infrastructure and services) than the area from which the community came. Our guiding principle on land-related matters is to create and foster trust that results in mutual benefits. (Sustainability Report 2010).

Goldcorp recognizes that many people have a special relationship with the land. We understand and respect the strong spiritual connection and sense of belonging that Indigenous communities may have with their land (and the environment in general), including sacred sites and other places of cultural significance and importance. Mining activities often occur in remote environments, where local communities engage in subsistence agricultural practices or sustainable livelihoods based on surrounding natural resources. In these circumstances, the human (social and economic) dimensions of the land take on critical importance. This is particularly true in the rural areas of developing countries, where entire communities are directly dependent on the land for their livelihoods. (Company website).

Available Guidelines / Policies

- Code of Conduct
- Corporate Social Responsibility Policy (2010)
- Human Rights Policy (2010)

Sources Reviewed

- Company Website
- Corporate Social Responsibility Policy (2010)
- Human Rights Policy (2010)
- Annual Report 2011
- Annual Report 2010
- 2011 Online Sustainability Report
- Response to Marlin Mine HRA report update 2010
- Sustainability Report 2010

- CSR Fact Sheet 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (May 2012): Chile's top court suspends Goldcorp's permit and means Goldcorp has to solicit local communities' consent
- (May 2012): Shareholders Say Guatemalans Should Not Have to Pay for Goldcorp's Mess and mine closure sparks concerns
- (April 2012): Permit decision suspends El Morro construction
- (September 2011): Tufts University report on Marlin mine

Hess

IPIECA member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

We recognize that our operations can create a significant economic and social impact. Where we operate we actively engage with civil society, local communities and host governments to secure a social license to operate … Our approach to program design is to engage stakeholders early on to understand their priorities and involve them in program development, implementation and assessment... (Human Rights Policy, p. 2).

Other Language:

… We respect the rights of the communities where we operate, including indigenous peoples, and conduct appropriate due diligence. We believe that early, proactive stakeholder consultation is beneficial to both the company and the community, and makes for high-impact, sustainable outcomes. (Human Rights Policy, p.2; 2009 Sustainability Report, p.18).

We endorse and respect the Universal Declaration of Human Rights. (Social Responsibility Policy, p.1).

Hess respects the rights and cultures of the local and indigenous communities where we operate. (2010 Sustainability Report, p. 33).

Our company is committed to helping meet the world's increasing demand for energy in a manner that safeguards our employees, preserves the environment and makes a positive impact on the communities where we operate. We strive each day to be a trusted energy partner to communities, employees, business partners , customers and investor s through sustainable business practices, which we believe are essential to our license to operate. (2011 Annual Report Narrative, p. 17).

Available Guidelines / Policies

- Human Rights Policy (2010)
- Corporate Social Responsibility Policy (2010)

Sources Reviewed

- Company Website
- Human Rights Policy (2010)
- 2011 Annual Report Narrative
- Corporate Social Responsibility Policy (2010)
- 2010 Sustainability Report
- 2009 Sustainability Report
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

No relevant community-consent related news found in internet search

Imperial Oil

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

… Here at Imperial, we know that our social license to operate and grow is critical to our ability to move forward. We take very seriously our responsibility to be involved in and accountable to the communities where we live and work … (2012 Corporate Citizenship Report, CEO Letter).

Other Language:

Governments grant a permit for development, but a community gives crucial support. That's why community engagement is essential for understanding the concerns of our neighbours, as well as to build and maintain strong, long-term relationships. Growing our business responsibly means consulting with stakeholders prior to development, maximizing local benefits and opportunities, and ensuring environmental protection before, during and after operations … (Company Website).

… Our stakeholder interactions are guided by five principles:Inclusion: We will provide an opportunity for stakeholders to be meaningfully involved in issues that affect them; Respect: We will work to develop and maintain constructive relationships through positive interactions based on mutual respect, trust and openness; Timeliness: We will identify and involve stakeholders early in the process and provide timely opportunities for participation, in order to understand expectations, interests and concerns; Responsiveness: We will encourage stakeholders' input to understand how they wish to be consulted. We will listen to stakeholder needs and interests, and will strive to remain flexible and respond promptly; Accountability: We will document agreements made with stakeholders to ensure commitments are met … … (Company Website).

Many of Imperial's operations and development opportunities are located on the traditional lands of Aboriginal people. We strive to develop and maintain lasting relationships with Aboriginal communities built on mutual trust and respect. A priority is to conduct our business in a manner that respects the land, environment, rights and culture of Aboriginal communities. (2011 Online CSR Report).

Imperial maintains an ongoing dialogue with elected Aboriginal leaders and their designated representatives by: respecting the legal rights of Aboriginal people and adhering to government requirements; ensuring timely discussions when activities have the potential to impact the community; supporting the identification of specific infringements on traditional uses and rights in order to mitigate mpacts; treating all parties fairly; respecting traditional practices, decision-making processes, cultural activities and language … (Aboriginal Guiding Principles, p.2).

Available Guidelines / Policies

- Operations Integrity Management System (2009)
- Aboriginal Relations Guiding Principles and Guidelines

Sources Reviewed

- Company Website
- 2011 Online Corporate Citizenship Report
- 2010 Online Corporate Citizenship Report
- Operations Integrity Management System (2009)
- Aboriginal Relations Guiding Principles and Guidelines
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (January 2012) In Montana a rough road for oil sands equipment
- (May 2012) Community concerns over Imperial Oil in Idaho

Inmet

ICMM Member

Recent Company Statements

FPIC Language:

Successful mining projects require the support of the communities in which they operate to ensure continued access to land and resources. At Cobre Panama, one of the complexities of the project is our proximity to and impact on local indigenous peoples. We are working towards building a respectful relationship based on mutual agreement, as illustrated by Cobre Panama by obtaining the free, prior and informed consent of indigenous communities which will undergo resettlement and ongoing engagement throughout the life of the mine. Inmet's positive relationship and legacy with the Mistissini Cree at Troilus contributes to our reputation as being respectful to Indigenous Peoples and their rights and delivering positive development outcomes to their communities. (Company Website).

One of Inmet's closed sites, Troilus, and our Cobre Panama development property lie within or adjacent to places where indigenous peoples have formal or informal land rights. Of the other five closed properties, two are less than 20 kilometres from such territories. Recognizing there is no universally accepted definition, we support the concept of Free, Prior and Informed Consent (FPIC) in terms of it being a way for communities to be fully informed about projects to ensure that there is sufficient support in those communities for a project to proceed. Moreover, FPIC should facilitate decision making about how benefits from projects are distributed. (2010 Corporate Responsibility Report, p. 26).

Secured the free, prior and informed consent of affected settlements; working collaboratively in the design and execution of their resettlement. [Statement pertains to resettlement at Cobre Panama project]. (2011 Corporate Responsibility Report, p. 10).

Craig Ford, vice-president of sustainability for Canada's mid-tier Inmet Mining Corp, says extractive companies understand that FPIC is simply something they must manage. "There is recognition of the time and resources required, both human and financial," he says. "It can't be seen as add-on; it must be seen as a core requirement early on, like engineering and environment." Inmet has operations in Turkey, Spain and Finland, as well as a substantial development project in Panama, and it is very familiar with the FPIC process. Mr Ford notes that companies are increasingly acquiring the expertise to deal with FPIC requirements. "It's evolving. Five years ago, most companies would not have had the expertise, but now they're developing it. It very much depends on the specific details of a project, where it is located, the in-country skills that exist and the skills of the company." … "To me, FPIC is a process that, traditionally, has been used in a more narrow sense for indigenous communities, especially for

*resettlement, but the evolving procedures are now being applied more broadly to communities in general," explains Mr Ford. "It is a process whereby communities have a voice, or way to engage with a project proponent or government, to allow them to negotiate the benefits or conditions under which a project takes place, so it gives them some power in the process of determining how it proceeds and the benefits they get. (*Mining, People and the Environment July 2011, pp. 13-14).

Social License Language:

As part of Inmet's commitment to international best practice in corporate responsibility, we are committed to effective relationships with affected communities to maintain our social license to operate. (Company Website).

Building our social licence in an underdeveloped region of Panama continues to be one of our highest priorities, and we are confident that our activities will result in local and regional support for the project and the benefits that it will deliver. (2010 Annual Information Form, p.25).

Las Cruces has built and continues to build broad-based support and social license for its operation. (2010 Annual Information Form, p.21).

We know that our mineral reserves are only assets if we have a social license to develop and extract them. As we continue to build our reputation and earn our social license to operate … a rigorous approach to respectful, transparent community relations is critical. (2009 Corporate Responsibility Report, p.3).

Earn and Maintain our Privilege to Operate. Good CR practices help us build trust and credibility and demonstrate broader benefits from our presence. This, in turn, improves our relations with host countries, governments and communities, and our prospects for the future. At Cobre Panama, extensive stakeholder engagement, which began in 2007, has been the key to our progress thus far. Early and regular dialogue has enabled us to internalize affected communities' needs, hopes and circumstances into our corporate views and decision-making. Living up to our commitments will be critical to maintaining long-term community support. (2011 Corporate Responsibility Report, p. 5).

We believe that building and fostering mutually trusting, respectful and productive relationships will earn community support for our activities through the lifecycle of our mines, thereby delivering responsible economic and community development in the locales where we operate and creating value for our shareholders. Accordingly, we will: Ensure that our operations do not have an adverse effect on the human rights of local communities and individuals through early engagement and by using fair and inclusive processes for ongoing consultation, feedback and grievance resolution; Respect the culture and traditions of local communities; Contribute to community development through programs that enhance the economic, social, civil and cultural wellbeing of individuals and communities affected by our activities. (Company Website).

… The Near Mine Housing project has begun working with local stakeholders to establish the trustworthy relations needed to develop solutions that meet international best practice for resettlement, avoid conflict and maintain our social license to operate. (2010 Corporate Resposibility Report, p.3).

Other Language:

Stakeholder engagement is a key component of our CR program. By creating opportunities to listen to our employees, shareholders, communities, governments, non-governmental organizations (NGOs) and external experts, we create opportunities to learn and better understand and respond to the needs and expectations of those whose lives are affected by our business…In addition to our many informal interactions, we conducted 494 formal community meetings, a 13% increase over 2010, and implemented community feedback mechanisms at all sites. For more information see our GRI performance indicator tables on pages 42-44 and 68-72. (2011 Corporate Responsibility Report, pp. 10, 19).

Cobre Panama – Approximately 67 families will be displaced, either physically or economically, by our Cobre Panama project. We are meeting regularly with the affected households to ensure a fair and appropriate resettlement process that will see affected community members relocated to safe housing in locations that consider their long-term livelihoods, social and family units, and cultural needs and preferences, meeting IFC Performance Standard 5 and 7 criteria. (2010 Corporate Responsibility Report, p.3).

Available Guidelines / Policies

- Human Rights Policy (2011)
- Code of Business Conduct and Ethics
- Inmet Mining Corporation Safety, Environmental and Community Affairs (SECA) Standards (modified 2010)
- Leadership Charter (2005)

Sources Reviewed

- Company Website
- Human Rights Policy (2011)
- Code of Business Conduct and Ethics
- 2010 Annual Information Form
- 2011 Corporate Responsibility Report
- 2010 Corporate Responsibility Report
- 2009 Corporate Responsibility Report 2009
- UN Global Compact Communication on Progress 2010
- Mining, People and the Environment July 2011

- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2012): Community protests against open pit mining in Panama
- (January 2012): Mining Watch statement regarding Inmet ignoring court decision over Panama project
- (June 2012): Securing Free, Prior and Informed Consent at Inmet's Panama project – ICMM June 2012 Newsletter
- (November 2011): Civil Society call on Canadian companies to respect right to consent in Colombia
- (March 2011): Mining law green lighted, allowing Inmet to move forward, but article claims law completely skirts the issue of previous consultation of the indigenous community members
- (May 2010): Inmet willing to move Panama community

Marathon

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

We believe CSR positions Marathon to be an industry partner, employer and neighbor of choice. It encourages effective relationships with communities, non-governmental organizations (NGOs), investors, employees, customers, suppliers, host governments and regulatory agencies that help us sustain our social license to operate. Ultimately, CSR enhances our ability to adapt to society's changing needs and expectations. (2009 Social Responsibility Report, p. 4).

Marathon seeks to develop relationships that advance the interests and sustainability of the Company. Its social license to operate in many areas is sustained in large part by effective dialogue and relationships with a wide range of stakeholders. Stakeholder engagement is critical to the success of its social projects and Marathon uses a formalized process for its engagements. The process builds on social risk assessments and incorporates CSR-specific knowledge, best practices, skill sets and tools to assess, select, define, implement and evaluate engagements. (2008 Social Responsibility Report, p. 7).

Other Language:

We promote the United Nations (U.N.) Universal Declaration of Human Rights … Responsible operations and business practices help us manage risks, foster a positive business climate, improve stakeholder relations and gain access to global resources. Our goal is to respect the human rights of all stakeholders and raise awareness of related issues across the business enterprise … (2010 Online CSR Report).

We believe proactive, ongoing dialogue and effective relationships with individuals and groups that may have a stake in Marathon projects or operations must be a core business activity … Stakeholder engagement helps Marathon understand community concerns and mitigate potential risks such as project delays, reputation damage and operational disruption. Our goal is to engage stakeholders regularly to foster cooperation and alignment on critical business issues and concerns … To promote two-way communications with local stakeholders, each Marathon refinery maintains a Community Advisory Panel (CAP) … (2010 Online CSR Report).

We believe proactive, ongoing dialogue and effective relationships with individuals and groups that may have a stake in Marathon projects or operations must be a core business activity. Stakeholder engagement helps Marathon understand community concerns and mitigate potential risks such as project delays,

reputation damage and operational disruption. Our goal is to engage stakeholders regularly to foster cooperation and alignment on critical business issues and concerns. (2010 CSR Report, p. 17). *Successful stakeholder engagement initiatives strengthen our ability to acquire new concessions, operate existing assets efficiently and avoid project delays … Project teams are also encouraged to develop and implement formal stakeholder engagement plans to ensure consistent and transparent two-way dialogue around our potential activities; to continuously solicit feedback on issues, risks and expectations; and to validate our understanding of stakeholder concerns and priorities.* (2011 CSR Report, p. 14).

We strive to avoid negative community impacts and involuntary resettlement of individuals and communities in siting, developing and operating our assets. (2009 Online CSR Report).

Available Guidelines / Policies

- CSR Policy

Sources Reviewed

- Company Website
- 2011 CSR Report
- 2010 CSR Report
- 2010 Online CSR Report
- 2009 Social Responsibility Report
- 2008 Social Responsibility Report
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

No relevant community-consent related news found in internet search

Newmont

Recent Company Statements

FPIC Language:

Standard on Land Access and Acquisition: This standard is intended to ensure that "the necessary permits, permissions and land titles are acquired before any exploration, mining and other related activity commences and that such permissions are obtained honoring the principle of free prior informed consent." (Community Relationships Review Global Summary Report 2009, p. 193).

The term "free, prior, informed consent" has been used since 2004 in Newmont standards with regard to Newmont's relationships with landholders to indicate that it will access and acquire land based on negotiated agreement. In jurisdictions where title and use rights are subject to disagreement between government and traditional owners, Newmont seeks agreement with both parties. Newmont also participates in the many forums in which FPIC is debated as a broader concept. (Community Relationships Review Global Summary Report 2009, FN 7, p. 20).

Standard on Resettlement and/or Displacement of Peoples: This standard is intended to ensure that "resettlement plans developed and implemented by a Newmont operation offset the short and long term adverse cultural and socioeconomic impacts, and honor the principles of free prior informed consent, mutual respect, integrity, and transparency. If resettlement is required, Newmont's aim is voluntary resettlement, thus the participation of external stakeholders is off paramount importance, and is used to inform all resettlement decisions and plans."(Community Relationships Review Global Summary Report 2009, p. 194).

Negotiation in the (multi-stakeholder Compensation Negotiation Committee) is central to public participation in resettlement planning and implementation because of the intensive collaboration between members of the CNC, leading to free, prior informed consent among representatives of all Project-affected people, easing pressures, fears and anxieties for Project-affected people, and contributing to broad community support for the Project. (Golden Ridge Guide to Land Acquisition and Compensation, 2008, pp. 23-24).

Social License Language:

The idea of "consent" from these local communities has long been discussed in the natural resources industry. More than ever before, communities are empowered to determine their collective futures. There is more information available than ever before, and it moves faster. People can communicate their ideas, organize themselves and advocate for change … For these reasons, it's more important than ever for Newmont to earn the consent of local communities and governments. In addition to our work in safety,

environmental stewardship, and social responsibility, the notion of transparency is tremendously important in this process. (Beyond the Mine 2010).

… Support from the communities in which we operate is critical to the success of our company … Our community-focused programs are designed to help us reach these goals. These include ... (e)ngaging with stakeholders such that their Human Rights are protected, and managing expectations of commitments and gaining broad community support through transparent consultation on issues such as Indigenous Peoples, Security Management of our operations, and during the resettlement process. (Beyond the Mine 2010).

The guidelines for the External Stakeholder Engagement standard, which are notably detailed, emphasize that facilities must develop and implement a process of external stakeholder engagement to listen and respond to stakeholder concerns, build community consent and reduce the risk of public 'outrage. (Community Relationships Review Global Summary Report 2009, p. 89).

We understand the importance of achieving broad community support for our projects. To accomplish this, our approach is to consult with local communities in an open and transparent manner. Further, we believe that consultation should occur freely and voluntarily, and be based upon a clear explanation of the intent and scope of the proposed project. To make this engagement as accessible as possible, we strive to present project information in a culturally appropriate manner, form and language. Finally, we believe in starting this process as early as possible. In so doing, we not only allow stakeholders adequate time for discussion and analysis, we have enough time to clarify expectations, articulate commitments, address concerns, and achieve broad consensus without the pressure of compressed timelines. (Beyond the Mine 2010).

Other Language:

During 2013 and 2014, we will continue to evolve the Company's annual objectives and measures commensurate with the evolution of the CRR implementation. We expect that as the performance standards, systems and procedures reach full implementation we will set targets based on sustaining the programs and continuously improving performance. From this platform, we will then extend the CRR implementation to practices that address more challenging and less well-defined issues, such as Free Prior Informed Consent, Artisanal Small-Scale Mining and local participation. We will also conduct another employee survey in 2013 to gauge our progress regarding employees beliefs about our commitment to environmental and social responsibility. (Community Relationships Review 2012, p. 23).

We strive to be sensitive to the impacts our operations may have on Indigenous communities … In sum, this commitment means that we: Invest in understanding the impacts of our operations from the perspective of Indigenous peoples; Engage with these communities throughout the mine life cycle, building cross-cultural understanding in the process; Design projects and seek agreement with these stakeholders on programs to create net benefits in their communities. (2011 Beyond the Mine Online Report).

The Company and affected individuals and communities, will establish a Compensation Negotiation Committee (CNC), membership of which will include representatives elected by Project-affected people and communities. The purpose of this committee is to represent all stakeholders in the planning process. This will facilitate cooperative land acquisition, compensation, and resettlement based on free prior informed consultation and consent when the Mining Lease and the Project are approved. (Golden Ridge Guide to Land Acquisition and Compensation, 2008, p. 21).

During 2013 and 2014, we will continue to evolve the Company's annual objectives and measures commensurate with the evolution of the CRR implementation. We expect that as the performance standards, systems and procedures reach full implementation we will set targets based on sustaining the programs and continuously improving performance. From this platform, we will then extend the CRR implementation to practices that address more challenging and less well-defined issues, such as Free Prior Informed Consent, Artisanal Small-Scale Mining and local participation. We will also conduct another employee survey in 2013 to gauge our progress regarding employees beliefs about our commitment to environmental and social responsibility. (Community Relationships Review 2012, p. 23).

We believe that our business success is directly correlated with our ability to build and maintain constructive, trusting relationships with local communities. Stakeholder engagement is the main process by which we work to build and maintain our relationships. (2011 Beyond the Mine Online Report).

Before relocating communities, we explore every feasible alternative to minimize the need to disrupt existing land uses. Where alternatives are not feasible, we work with the households and communities to identify opportunities not only to resettle them but to improve their overall quality of life. (2011 Beyond the Mine Online Report).

*At Newmont, we believe in proactive dialogue and continuous engagement of all our stakeholders as a process for mutual benefit in development…The involvement of all our 10 communities host communities around the mine amongst others is to strengthen cordial relations and foster unity between the communities and the mine…(*Quotation in Modern Ghana).

We believe in engaging communities and soliciting their input regarding our development plans prior to undertaking activities. At our Ahafo Mine and Akyem project, we have held hundreds of public meetings to gather input, concerns and identify opportunities raised by the local communities and other stakeholders… Newmont will continue to consult with traditional and opinion leaders, land owners and other stakeholders surrounding our operations in all matters that affect them. We remain committed to working with them in a collaborative manner to implement collectively-agreed upon decisions. (Company website - Newton Ghana press statement).

Available Guidelines / Policies

- Social Responsibility Policy

- Environmental & Social Responsibility Standard
- Health & Safety Standard
- Employee Code of Business Ethics
- List of Social Responsibility Standards

Sources Reviewed

- Company Website
- Community Relationships Review 2012
- Community Relations Review 2011
- Beyond the Mine 2011 Report
- Annual Report 2010
- Beyond the Mine 2010
- Newmont Asia Pacific Beyond the Mine 2010
- Community Relationships Review Global Summary Report 2009
- Newmont Asia Pacific's Sustainability report for Australia and New Zealand 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2012): Interview with General Manager of Buenaventura
- (June 2012): Roque Benavides does not like the term social license
- (June 2012): Newmont project put on hold amidst protests but then gets Peruvian governmental authorization, amidst continued conflict and leading human rights groups say Newmont Mining's Conga mine must not proceed without community consent
- (May 2012): Mining communities in Ghana call for consent
- (May 2012): Latin American indigenous groups join forces to fight dams
- (April 2012): Amazon Indigenous Groups Fight New Law That Would Allow Foreign Companies on Their Land
- (March 2012): Peru: Cajamarca Protests Continue as Conga Gold Mine Awaits Green Light
- (January 2012): Deloitte predicted the Peru Newmont Cajamarca debacle

- (September 2011): Newmont Ghana announces will continue to seek the consent and acceptance of communities
- (April 2011): Newmont Urged to Drop Plans for Gold Mine in Cerro Quilish, Peru
- (November 2010): Tangled Strands in Fight Over Peru Gold Mine
- (June 2010): Tangled Strands in Fight Over Peru Gold Mine Yanacocha
- (June 2010): Development Partners Must Prevail on Ghana to Stop Mining in Forest Reserves
- (December 2011): Newmont quoted as serious about community engagement
- (January 2009): Conflict surrounds expansion of Peru gold mine
- (June 2008): Newmont prepares mining operations in Ghana forest reserve
- (December 2006): Newmont says it recognizes rights of Mining Communities
- (January 2006): World Bank Urged to Postpone Loan for Controversial Gold Mine in Ghana
- Attempts to seek community consent from People of Donkro-Nkwanta in Ghana to take mining exploration in the area fail

Occidental

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

To the extent consistent with the laws of the applicable jurisdiction, Occidental is also committed to consulting with, and seeking the pre-approval of, any legitimate local communities affected by its business operations in order to minimize potential negative impacts on such communities as well as its operations. (Human Rights Policy 2004).

Before beginning operations in any foreign jurisdiction, the Company will perform a social impact assessment to understand local issues as well as security risks and, to the extent consistent with applicable law, will seek the pre-approval of legitimate local communities affected by the Company's business operations in order to minimize negative impacts on such communities and the Company's operations. (Company Website).

Other Language:

As a responsible corporate citizen, we engage proactively with our stakeholders, including neighbors, community organizations, governments, partners, suppliers and others affected by our operations and performance … Before starting a project in a new business location, we first assess what Oxy's presence will mean for the neighboring community and surrounding region, and we work to maintain our engagement throughout Oxy's involvement. Our goal is to build positive, enduring relationships with mutually beneficial outcomes … (Management Letter, 2011 CSR Report).

At Oxy, we respect the laws, customs and cultural values of the communities in which we operate and strive to meet the highest standards of integrity. (2011 CSR report, p.27).

The Company is committed to being attentive to concerns raised by stakeholders, including with respect to the needs of the communities in which it operates, and to working with stakeholders to support Human Rights within the spheres of the Company's activity and influence…For the communities in which the Company operates, such commitment includes observing the laws of the countries in which it operates, respecting the cultural values of such communities, including indigenous peoples recognized by applicable law, giving appropriate regard to the self-sufficiency, sustainability, health, safety, and the

environment of such communities, and conducting business as a responsible member of society. (Code of Business Conduct, p. 26).

We promote positive engagement with stakeholders in the communities where Oxy operates. Stakeholder engagement covers a wide range of activities, from discussion of specific projects with neighbors and permitting authorities to interaction with community representatives and civic organizations to identify how the company can assist in sustainable social and economic development. Environmental and social impact assessments are important foundations for early engagement, and town meetings, surveys and consultations help us understand local issues and expectations. Consistent with our Human Rights Policy, these assessments and consultations are a standard requirement for Oxy's international operations. (Company website).

Our companywide policies and procedures require social impact assessments prior to beginning operations in a new international location, as well as periodic reviews of existing operations. Oxy's stakeholder engagement process for new development projects includes the identification of key stakeholders; an assessment of stakeholder interests and positions regarding the project; an evaluation of the community's socioeconomic needs; the development and implementation of a stakeholder relations plan to address community interests and needs; periodic monitoring to evaluate the results; and updating of the assessment for continuous improvement. (Company website).

Available Guidelines / Policies

- Human Rights Policy (2004) and Code of Business Conduct (2007)

Sources Reviewed

- Company Website
- Human Rights Policy (2004)
- 2011 Social Responsibility Report
- Code of Business Conduct (2007)
- Annual Report 2010
- Sustainability Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2011): Landmark Agreement on Amazon Oilfields Shows Indigenous Movements' New Power

- (January 2011): Indigenous Peruvians win right sue occidental petroleum U.S. court
- (May 2010) Amazonian Indigenous Leaders Confront Occidental Petroleum at Annual General Shareholder Meeting
- (May 2009): Amazon protest against occidental

Perenco

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

Consultation is a form of stakeholder participation that seeks to determine whether the interests of people living in the area of direct influence of an oil project could be affected, so that, before undertaking or permitting any activity, the main concerns expressed regarding potential social, economic, environmental and cultural factors are known and discussed before its implementation. Consultation is a form of stakeholder participation and it is a right of the people involved. This should be done in good faith and in an appropriate manner, according to the circumstances, with the aim of reaching a better understanding of the project scope and benefits. (Company Website)

Available Guidelines / Policies

No guidelines or policies available online

Sources Reviewed

- Company Website and Perenco Peru Website
- Google and Google News

Sample of Related News, Controversies or Incidents

- (April 2012): Perenco endangering 'uncontacted' indigenous people, says Peru
- (August 2011): Amazon pipeline a go amid reports of 'cover-up' and company response
- (July 2011): $35 Billion of Oil Plus an "Uncontacted" Tribe Equals Coverup
- (April 2010): Peru criticized over Repsol working in tribal area
- (January 2009): British Company will endanger Uncontacted Tribes

PlusPetrol

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

Camisea constitutes a landmark for all the operations developed in sensitive areas of Latin America, anticipating the concept of social license. Work was carried out on the basis of dialogue and prior consultation, in harmony with the environment. (Company Website).

Available Guidelines / Policies

- Environment, Safety and Health policy
- Purpose, Vision, Values

Sources Reviewed

- Company Website
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (June 2011): Landmark Agreement on Amazon Oilfields Shows Indigenous Movements' New Power
- (August 2007): Amazonian Indigenous Group Opposes New Pluspetrol Oil Wells
- (October 2006): Pluspetrol resumes Peru oil pumping, seizure ends

Repsol

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:
The Company recognizes … the right to free, prior and informed consultation in good faith and provided in a manner appropriate to the circumstances, with the aim of reaching an agreement or securing consent regarding proposed measures. (Indigenous Community Relations Policy).

The company is committed to respecting and observing the rights of indigenous peoples in accordance with its values, commitments and voluntarily adopted principles, as well as existing international legislation, treaties and agreements, whether or not incorporated into the legislation of the countries in which it is operating. It also complies with the obligations established by the states signatory to the C169 Indigenous and Tribal Peoples Convention of the International Labor Organization (1989) and the Declaration on the Rights of Indigenous Peoples of the United Nations General Assembly (2007). (Indigenous Community Relations Policy).

In cases where, for any reason, the State does not carry out free, prior and informed consultation under the terms described in Convention 169 of the ILO, Repsol will attempt to obtain the agreement of the indigenous communities by means of a Community Relations Plan based on dialog with legitimate representatives of the communities in question. (Indigenous Community Relations Policy).

Other Language:

Repsol assumes the following commitments in its Regulation for Action in Relations with Indigenous Communities … To analyze the degree to which the authorities comply with the right to prior, free and informed consultation. Where necessary, the company will request the authorities to make good any shortfalls in this area. Repsol will do everything possible to address them if the authorities do not act … Not to carry out projects that involve relocating indigenous communities outside their traditional or historic lands, or projects that impact on places that have historically had an exceptional spiritual meaning, unless the government has obtained the express consent of the communities affected. (Company Website).

In cases where the State does not carry out free, prior and informed consultation and the attempts made by Repsol to open dialogue with the communities are unsuccessful, Repsol shall publicly announce its decision to continue or not with the investment project. In the event that it does continue, it will provide

a detailed account of the steps taken to promote compliance, dialog and agreement. (Indigenous Community Relations Policy).

The company commits to respect and observe the rights of indigenous peoples in compliance with its values and commitments and of the voluntary principles it has subscribed to, as well as the international treaties and agreements in force, whether or not these have been incorporated into the legislation of the countries in which it operates, and in particular, the obligations set forth by the states signing International Labor Organization Convention 169 concerning Indigenous and Tribal Peoples (1989) and the United Nations General Assembly Declaration on the Rights of Indigenous Peoples (2007) (Indigenous Community Relations Policy).

The company acknowledges: The right to free, prior and informed consultation in good faith and in a way appropriate to the circumstances, in order to reach an agreement or achieve consent regarding the measures proposed. (Indigenous Community Relations Policy).

Relationships with local communities should be based on the principles of reciprocity, mutual benefit, integrity, responsibility, good faith and transparency of information. To achieve this, Repsol will set up channels or disseminate those already in place to enable stakeholders to transmit their concerns and suggestions from the onset of its activities in a social environment and as early as possible in project planning. (Community Relations Policy).

Repsol has formally recognized the rights of indigenous communities enshrined in international law, and works to ensure compliance with all existing international agreements, such as Convention 169 of the International Labor Organization, regardless of whether they are incorporated into the laws of the countries we operate in. (Sustainability Report 2010, p. 95).

In June and July we created National Corporate Responsibility Committees in Bolivia, Peru and Ecuador. The Spanish committee was created in December. One of the first initiatives implemented in the four Committees is to develop national sustainability plans to be launched during the first quarter of 2012. With this initiative we aim to give a more local, integrated and multidisciplinary response to ethic, social and environmental expectations of the local communities where we are present. (2011 Online Sustainability Report).

We safeguard respect for human rights and their promotion throughout our sphere of influence. At Repsol we therefore assume our responsibility for respecting these rights, publicly expressing this commitment through our corporate policies and regulations … (2011 Online Sustainability Report).

[Repsol's policy] formalizes the company's commitment to: Identify and assess the needs and aspirations of the communities near its facilities, together with the potential benefits, risks and social impacts of its activities and projects; Endeavor to ensure compliance throughout the entire company; Draw up a local community relations plan for each large-scale project that is undertaken; Prevent risks and mitigate impacts, restoring and compensating fairly and appropriately; Identify opportunities for fostering

sustainable development in the local community through consultation processes; Respect the unique qualities of each community, fostering their rights in keeping with the current legal framework in each country. (Company website)

Available Guidelines / Policies

- Ethics & Conduct Regulation
- Community Relations Policy
- Indigenous Community Relations Policy

Sources Reviewed

- Company website
- Ethics & Conduct Regulation
- Community Relations Policy
- Policy for Respect of People and their Diversity
- Indigenous Community Relations Policy
- 2011 Sustainability Report
- Sustainability Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news

Sample of Related News, Controversies or Incidents

- (March 2012): Amazon Indigenous Group Protests Oil Industry Maneuvers
- (April 2010): Protests against Spanish oil giant's plans for uncontacted tribes
- (September 2009): US oil company sued for Amazon exploration

Rio Tinto

ICMM Member

Recent Company Statements

FPIC Language:

We operate in a manner consistent with the UN Declaration on the Rights of Indigenous Peoples and sovereign obligations. We respect the land connection of Indigenous communities and seek specific agreements with affected communities in the development and performance of our operations. We strive to achieve the free, prior and informed consent of affected Indigenous peoples in the circumstances described in the International Finance Corporation's 2012 Performance Standards. (Human Rights section of 2011 Sustainable Development Report, April 2012).

We seek to operate in a manner consistent with the UN Declaration on the Rights of Indigenous Peoples and sovereign obligations. However, the UN Declaration contains broad statements of principle that are open to a range of potentially conflicting interpretations. We acknowledge that some sections of the communities where we operate hold alternative views as to how the UN Declaration should be applied in practice … We respect the land connection of indigenous communities and seek specific agreements with affected communities in the development and performance of our operations. We strive to achieve the free, prior and informed consent of affected Indigenous peoples as described in the International Finance Corporation's Performance Standards, updated in 2011. (Rio Tinto 2011 Online Annual Report).

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) primarily concerns the relationship between Indigenous peoples and sovereign governments. Rio Tinto seeks to operate in a manner that is consistent with the UNDRIP. In particular, we strive to achieve the Free, Prior, and Informed Consent (FPIC) of affected Indigenous communities as defined in the 2012 International Finance Corporation (IFC) Performance Standard 7 and supporting guidance. We are obliged to respect the law of the countries in which we operate, hence we will also seek consent as defined in relevant jurisdictions and ensure agreement-making processes are consistent with such definitions. Neither Rio Tinto policy nor IFC PS7 intends that the implementation of FPIC contradicts the right of sovereign governments to make decisions on resource exploitation. (Community agreements guidance 2012).

***Free prior informed consent (FPIC)** is a concept that many organisations, including the United Nations and the International Finance Corporation, have now recognised as essential for resource sector engagement with Indigenous communities. It states that along with community rights to be fully informed, no development should commence without host Indigenous communities' express approval, whilst preserving the ultimate consent for the host sovereign state. This includes providing information*

in a transparent, timely and appropriate manner and establishing a mutually agreed process of consultation and engagement. Rio Tinto believes in ensuring broad based community support before the commencement of any company project and has developed best-practice community agreement making competency that fulfils the expectations of FPIC. (Community agreements guidance 2012).

… Special arrangements may need to be made to accommodate traditional systems of land tenure. We should strive to achieve the free and informed consent of indigenous peoples to proceed with developments. (Rio Tinto Human Rights Guidance, p.8).

Rio Tinto operates in a manner consistent with the UN Declaration on Indigenous Peoples and sovereign obligations. We respect the land connection of indigenous communities and work with them on their land in a spirit of reciprocity, transparency and recognition of their culture. We recognize that every indigenous community is unique and reach specific agreements with affected communities on how they want to engage with us in the development and performance of our operations. (Rio Tinto Annual Report 2009, p. 26).

Many of our operations are located in remote parts of Australia, where the social and economic exclusion of Indigenous Australians presents significant challenges. Rio Tinto negotiates formal, binding and mutually obligating agreements with host Indigenous communities wherever we operate. In doing so, we have the vision that communities will be empowered and able to participate in the economic opportunity provided by our operations. (Reconciliation Action Plan, p. 6).

Social License Language:

Rio Tinto aims to secure the widest possible understanding and support from host communities throughout the life cycle of its businesses. This is commonly referred to as 'social license to operate'. Failure to secure this support may result in civic action opposing exploration, project development or existing operations, irrespective of legal permits. For development projects it is vital to secure project development consent and critical that ongoing community support for the future Rio Tinto asset is also obtained and sustained. Given that the impacts and benefits of the 'future asset' may not be fully comprehensible at the outset, securing community support in the long term will come down to how much communities trust the business. Trust can be built and eroded in many ways; however, the basis for trust is consistent, genuine and reliable consultation and engagement. (Community consultation and engagement guidance, p. 3).

Our continued license to operate is subject to the ever increasing expectations of society. (Rio Tinto Annual Report: Striving for Global Leadership 2010, p. 33).

Our commitment to sustainable development underpins our vision and every area of our business. It is an essential factor in maintaining and extending our license to operate.(Rio Tinto Annual Report 2009, p.15).
'Social license to operate is good business.' (April 2011 interview with Bruce Harvey, Global Practice Leader –Communities & Social Performance, Rio Tinto).

Other Language:
We seek to get the widest possible support for our proposals throughout the lifecycle of our activities. We access and use land, rehabilitate unavoidable impacts and work with local communities and indigenous peoples to help with their needs in the most effective manner we can. In all cases, this involves ongoing consultation with local and indigenous people, public authorities and others affected. We accept that the response we get may sometimes result in our not exploring land or developing operations, even if legally permitted to do so. (The way we work 2009, p. 15).

1.13 Indigenous Peoples All businesses will operate in accordance with the UN Declaration of the Rights of Indigenous Peoples (UNDIP) in those jurisdictions that have signed the Declaration, and elsewhere in accordance with the Declaration's principles. Recognizing Indigenous peoples special connections to lands and waters, specific agreements are required with Indigenous groups wherever those groups have recognized legal rights or interests coincident with a business' interests. (Rio Tinto Communities Standard 2011, p. 8).

Resettlement of communities will only be undertaken: a. in complete compliance with the IFC Performance Standard on "Land Acquisition and Involuntary Resettlement", as a minimum; b. such that resettled people, families, communities and their immediate neighbors are better off as a result of the resettlement, according to their own assessment and external expert review; c. after advice is sought from the global practice leader – Communities; and d. with the endorsement of the relevant product group chief executive. (Rio Tinto Communities Standard 2011, p. 6).

Rio Tinto operates in a manner consistent with the UN Declaration on the Rights of Indigenous Peoples and sovereign obligations. However, the UN Declaration contains broad statements of principle that are open to a range of potentially conflicting interpretations. We acknowledge that some sections of the communities where we operate hold alternative views as to how the UN Declaration should be applied in practice, as has been the case at the Eagle nickel project in Michigan, US. We respect the land connection of indigenous communities and work with them on their land in a spirit of reciprocity, transparency and recognition of their culture. We recognize that every indigenous community is unique and reach specific agreements with affected communities on how they want to engage with us in the development and performance of our operations. (Rio Tinto Annual Report: Striving for Global Leadership 2010, p. 41).

Our Human Rights Framework, which is in line with our commitments under the OECD Guidelines for Multinational Enterprises and reflects the UN Guiding Principles on Business and Human Rights, has its foundations in human rights due diligence, carried out as part of our corporate processes. Where human rights are threatened, we seek to have international standards upheld and to avoid any involvement in abuses … (Human Rights Policy).

Rio Tinto operates in a manner consistent with the UN Declaration on Indigenous Peoples and sovereign obligations. We respect the land connection of indigenous communities and work with them on their land

in a spirit of reciprocity, transparency and recognition of their culture. We recognize that every indigenous community is unique and reach specific agreements with affected communities on how they want to engage with us in the development and performance of our operations. (Rio Tinto Annual Report 2009, p. 26).

We seek to get the widest possible support for our proposals throughout the lifecycle of our activities. We access and use land, rehabilitate unavoidable impacts and work with local communities and indigenous peoples to help with their needs in the most effective manner we can. In all cases, this involves ongoing consultation with local and indigenous people, public authorities and others affected. We accept that the response we get may sometimes result in our not exploring land or developing operations, even if legally permitted to do so. (Rio Tinto "The way we work"; Global code of business conduct 2009, p. 15).

"I share your sentiment that dealing respectfully with local people, local customs and traditions is very important. I am sure we do not always get it right, but I am expressing a real commitment to you on behalf of Rio Tinto to getting it right." (CEO Tom Albanese, video from 2010 shareholders meeting).

Our overall approach to resettlement is that we will only move people where our business requirements make it unavoidable. We seek to minimise the effects of such displacement by exploring all viable alternative project designs.We always carry out early and ongoing consultation with those affected, and opportunities to participate in planning and implementing resettlement programmes. At a minimum, we conform with the World Bank's Safeguard Policy on Involuntary Settlement (OP 4.12). Where property has to be left, we assess its value and come to an agreement over appropriate compensation … (Company Website).

Where there are traditional or historical connections to particular land and waters, Rio Tinto will engage with Aboriginal and Torres Strait Islander stakeholders and their representatives to find mutually advantageous outcomes. Outcomes beneficial to Aboriginal and Torres Strait Islander people will result from listening to them. Economic independence through direct employment, business development and training are among the advantages that Rio Tinto will offer. We will give strong support to activities that are sustainable after Rio Tinto has left an area. (Reconciliation Action Plan, p. 5).

Available Guidelines / Policies

- Communities Standard (2011)
- Community Complaints, Disputes & Grievance Guidance (2011)
- Community agreements guidance (2012)
- Community consultation and engagement guidance (2011)
- The way we work (2009)
- Reconciliation Action Plan (2011)

- Why Cultural Heritage Matters (2011)
- Global Code of Business Conduct (2009)
- Why Gender Matters (2009)
- Communities Policy (2007)
- Human Rights Policy (May 2012)
- Human Rights Policy (2003)
- Human Rights Guidance Note (2003)
- Communities and social performance multi year planning guidance (2011)
- Compensation and benefits for land access guidance (2012)
- Resettlement guidance (2011)
- Social impact assessment guidance (2011)
- Social risk analysis guidance note (2011)

Sources Reviewed

- Company website
- Why Cultural Heritage Matters
- Community consultation and engagement guidance
- Why Gender Matters (2009)
- 2011 Annual Report
- Annual Report 2010
- Annual Report 2009
- Reconciliation Action Plan
- Video from 2010 shareholders meeting (http://www.youtube.com/watch?v=7vCbk68CKB8)
- April 2011 interview with Bruce Harvey, Global Practice Leader –Communities & Social Performance, Rio Tinto (http://www.skmconsulting.com/Knowledge-and-Insights/Achieve-Magazine/Issue4-2011/cover.aspx).

Sample of Related News, Controversies or Incidents

- (June 2012): Rio Tinto responds to recent report from the Southern Africa Resource Watch entitled Coal versus Communities in Mozambique
- (January 2012): Complaints of lack of consultation by communities in Tete Province in Mozambique

- (April 2012): Rio plan to restore native title at diamond mine
- (January 2012): Coal versus Communities in Mozambique
- (January 2012): Southern Africa Resource Watch report on Mozambique
- (October 2011): Rio Tinto lawsuit over Bougainville
- (February 2011): Bougainvilles Panguna mine can be reopened
- (July 2011): Rio Tinto agrees $2bn land deal with Aboriginals
- (April 2011): Du Plessis sidesteps questions on Jabiluka uranium
- (April 2011): rights of indigenous peoples to withhold their consent for mining projects at Pebble project in Alaska
- (April 2010): Rio Tinto Questioned on Unethical Behavior in West Papua at AGM
- (March 2010): Papua Tribe Files $32b Lawsuit Against Freeport where Rio Tinto holds interest

Shell

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

Conducting our activities in a manner that respects human rights as set out in the UN Universal Declaration of Human Rights and the core conventions of the International Labour Organization supports our licence to operate. (Code of Conduct).

Other Language:

In Nigeria, we are committed to social responsibility. It is embedded in the way we carry out our day-to-day business. We work with local organisations around our operations to be aware of their concerns and to ensure that the benefits of Shell's resources feed through to local communities and businesses." (Company Website).

We aim to have a positive effect in the communities where we operate. We do this by working closely with our neighbours to create jobs and business opportunities, and develop community programmes. We also work to incorporate local views more effectively into our projects and decisionmaking. The outcome of these efforts is what we call our social performance. (2011 Sustainability Report, p. 5).

Through experience we have learned that working with communities where we operate helps us to share greater benefits from our projects. It also makes good business sense. By incorporating the views of our neighbours early into project planning, we can design and deliver projects more effectively and avoid delays. Early engagement with communities helps us to prevent disruptions to livelihoods and commerce, and to reduce impact on local wildlife and biodiversity. (2011 Sustainability Report, p. 10).

Available Guidelines / Policies

- General Business Principles
- Code of Conduct
- Code of Ethics
- HSSE and social performance commitment and policy
- Supplier Principles (2011)

Sources Reviewed

- Company Website
- Code of Conduct
- HSSE and social performance commitment and policy
- 2011 Sustainability Report
- Annual Report 2010
- Sustainability Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

- (June 2012): Article referencing investor support for consent in Niger Delta, among other recommendations and link to Shell in the Niger Delta: A Framework for Change, published by the Ecumenical Council for Corporate Responsibility
- (June 2012): Shell scraps controversial biofuels plan after Brazilian Indian protest
- (June 2011): Delta community tackles shell over sale of oil block
- (March 2011): Greenpeace press release containing community consent concerns re: fracking in the Karoo
- (May 2010): Report on Shell recommending FPIC
- (August 2009): 2009 OECD Violation re: Poor Communication with Stakeholders, Philippines and final statement of Dutch NCP
- (May 2007): References to Shell case studies in WRI community report
- (December 2008): Community protests over Corrib and (December 2007): Shell/RPS change Corrib route, some say amidst community concerns

Statoil

IPIECA Member

Recent Company Statements

FPIC Language: No relevant language

Social License Language: No relevant language

Other Language:

Consultations with community stakeholders must be initiated already during the early scoping process for projects, and they must be held on a regular basis during the remainder of the impact assessment process in order to identify and follow up potential impacts on these stakeholders so that their views can be incorporated into the decision-making process. If ongoing impacts on and risks to the affected communities are expected, arenas for dialogue should be established throughout the project's lifetime (regular meetings, newsletters, stakeholder forums, etc.). The consultation process should be tailored to the language preferences of the affected communities, their decision-making processes and the needs of disadvantaged or vulnerable groups. (Annual Report 2011, Engaging Communities).

*In projects where indigenous peoples could be among the impacted communities or individuals, free, prior and informed consultations should be held in order to facilitate effective participation in matters that affect them directly, such as proposed mitigation measures, the sharing of development benefits and opportunities, and implementation issues. The consultation process should be culturally appropriate and commensurate with the risks to and potential impacts on indigenous peoples. Specific consideration of literacy levels is required. Furthermore, the special rights of indigenous peoples as recognised by host-country legislation and international standards will need to be addressed. (*Annual Report 2011, Engaging Communities).

We also work with communities in the countries we operate to mitigate any potentially adverse impacts of our projects, and we try to maximise the shared value and benefits of our business. We use public consultations, surveys, interviews, town hall meetings and community panels to understand our impact on communities, and to devise mitigation strategies and plans to improve our contribution to the communities concerned. (Annual Report 2011, Stakeholder Engagement).

We respect the rights of First Nations and Métis communities located within the KKD project area, and are committed to mitigating any potential adverse impacts created by the project. Statoil continues to consult with Aboriginal people and other relevant stakeholders to ensure project information is available,

and concerns are effectively addressed. The federal and provincial regulatory bodies require public consultation and participation. We engage in ongoing consultation with affected Aboriginal communities, and this process allows us to communicate our development plans. By creating a dialogue that allows communities to express concerns about the potential impacts of our proposed developments, Statoil has the opportunity to avoid, minimize or mitigate potential impacts and project concerns. (Oil Sands Report Card 2011, p. 38).

We do our best to involve stakeholders on a regular basis throughout the lifetime of our operations: at an early stage, to inform them about initial decisions and project design; during the construction phase, as an important part of monitoring project implementation and associated impacts; and during execution, to ensure our continued presence in the community is still welcome and wanted …(2010 Report).

… For projects with potentially significant impacts, and where otherwise relevant, the principle of free, prior and informed consultation should guide interaction with community stakeholders. Such consultations should be "free" (free of external manipulation, interference or coercion, and intimidation), "prior" (timely disclosure of information) and "informed" (relevant, understandable and accessible information), and apply to the entire project process and not just to the early stages of the project...(2010 Report).

Available Guidelines / Policies

- Social Responsibility Policy

Sources Reviewed

- Company website
- Annual and Sustainability Report 2011
- Annual and Sustainability Report 2010
- Social Responsible Policy
- Oil Sands Report Card 2011
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

No relevant community-consent related news found in internet search

Talisman

IPIECA Member

Recent Company Statements

FPIC Language:

Talisman will incorporate the broad principles of Free, Prior and Informed Consent as interpreted below: - Free means that Talisman will not engage in, or facilitate coercion when dealing with communities and partners. - Prior means that Talisman will always endeavor to engage in a timely, honest and culturally appropriate way with Communities before undertaking significant activities and at appropriate stages throughout the life of a project. - Informed means that Talisman will work to build trust and understanding through an open exchange of information that enables knowledgeable decision-making by Communities. - Consent means that Talisman will endeavor to obtain and maintain the support and agreement of Communities for its activities, in ways that are respectful and sensitive to local cultural and consultative processes and to the interests of the Community and Talisman. (Global Community Relations Policy 2011).

When working with communities, we commit to engaging them in fair and open discussions about our activities and addressing their concerns. Introduced in early 2011, our global community relations policy outlines our objectives, which include respecting the rights and interests of indigenous and tribal communities, understanding their cultural needs, finding ways for communities to share in the economic benefits of oil and gas development, and meeting the expectation that we will do no harm. The policy articulates common principles for our employees and contractors around the world and provides guidance on how we will proceed, particularly in areas of weak governance. Incorporating the broad principles of free, prior and informed consent means we will work with communities, at the earliest stages of development, to gain support for the work we plan to do. While governments have the final say on how resources are developed, this policy demonstrates our good faith attempt to involve and be respectful of our community neighbours. (Corporate Responsibility Report 2011, p.33).

As a global business, we place great emphasis on our transparent and collaborative interaction with the communities in which we operate. In 2011, this was further supported through our global community relations policy. Our objectives include respecting the rights and interests of indigenous and tribal communities, understanding their cultural needs, finding ways to share the economic benefits of oil and gas development, and meeting the expectation that we will do no harm. A good illustration of this policy in practice is Peru, where we continue to work closely with local communities. We operate only where we have the consent of these communities, and we expanded our efforts in 2011 through a series of multi-federation meetings. (Corporate Responsibility Report 2011, President & CEO Letter).

Our new [Global Community Relations] policy moves us to a more systematic approach for gaining the support of communities. Incorporating the broad FPIC principles means we will work with communities, at the earliest stages of development, to gain support for the work we plan to do. While governments have the final say on how resources are developed, this policy demonstrates Talisman's good faith attempt to involve and respect our community neighbors. (Corporate Responsibility Report 2010, p. 16).

As an example, in Peru we undertake a rigorous process to ensure local communities are made aware of our plans and are offered access to additional support to understand and evaluate the impacts on their communities. After this process, community members hold a vote, which requires a two-thirds majority before we can commence operations. (Corporate Responsibility Report 2010, p.2).

There are still groups that are against any oil and gas development in Peru. We only work in areas where we have the support and agreement from the communities directly or indirectly impacted. In late March, our representatives in Peru met with a number of opposing indigenous federation leaders and have agreed to have further conversations to ensure respect for both the rights of the opposing federations and those federations that want to work with us. (Corporate Responsibility Report 2011, p.33).

Talisman has operator interests in five onshore blocks and is non-operator of two blocks covering 8.7 million net acres in the Maranon basin of northern Peru. Since we began exploration in Peru in 2004, most activity has been in Block 64, where light oil was discovered in 2005 and confirmed in 2009. We recognize the unique nature of these local communities in Peru, and before operational activity begins, Talisman must have the consent and support of two-thirds majority of each impacted community. (Corporate Responsibility Report 2010, p.17).

In our operations in the Amazon jungle of Peru, we are taking steps necessary to preserve the cultural and ecological environment. We recognize the unique nature of the local communities and before operational activity begins, Talisman must have the consent and support of two-thirds majority of each impacted community. In Peru, Talisman works alongside community members to determine how we can best support the community – this has included medical care, education and jobs. (Corporate Responsibility Report 2009).

Social License Language:

"We recognize that Talisman must produce energy safely, responsibly and with the support of communities impacted by our activities." (John A. Manzoni, President and CEO, Talisman, see Company Website).

Our license to operate comes from acting responsibly, working with the communities in which we operate, conducting safe operations and minimizing our impact on the environment. Talisman's commitment to corporate responsibility enables us to operate successfully and with local support in 14 countries around the globe. (Corporate Responsibility Report 2009).

Other Language:

Talisman's planned activities may be adversely affected if there is strong community opposition to its operations. For example, there are concerns regarding gas migration, impact on water resources, and general anti-hydraulic fracturing sentiments in North America and Europe. In some circumstances, this risk may be increased in areas occupied by indigenous communities that are not accustomed to developments of this nature and have concerns regarding land access and/or damage and claim compensation. (Annual Report 2011, p.52).

Our new [Global Community Relations Policy] GCRP marks an important evolution in our commitment to working with our local communities. In particular, when working with communities, we commit to engaging them in a fair and open discussion of our activities and addressing their concerns – this is the foundation of our new GCRP. (Corporate Responsibility Report 2010, p.16).

Approved in late 2010 and introduced in early 2011, the policy outlines our objectives, which include respecting the rights and interests of indigenous and tribal communities, understanding their cultural needs, finding ways for communities to share in the economic benefits of oil and gas development, and meeting the expectation that we will do no harm. (Corporate Responsibility Report 2010, p.16).

Talisman works with Aboriginal and indigenous communities in an honest and respectful manner to build strong relationships. Talisman proactively engages communities on our projects, allowing time for review of our development plans and an opportunity to provide feedback on general areas of concern that could require further consultation. Early and ongoing consultation with communities has allowed Talisman to respond to concerns and arrive at solutions that benefit both the company and communities. (Corporate Responsibility Report 2010, p.17).

"Engagement and support of the communities where we operate is essential to maintain our license to operate", said Alan Murray, General Manager of Talisman Peru. (Company executive quoted in article).

In 2008 when three Achuar leaders travelled to Talisman's Annual General Shareholder Meeting in Calgary, Canada, CEO John Manzoni made an important commitment: "Talisman will not work in Peru in areas in which it does not have an agreement with the community." (See Company executive quoted in article).

Available Guidelines / Policies

- Global Community Relations Policy (2011)
- Policy on Business Conduct and Ethics (2010)
- Security Policy

Sources Reviewed

- Company Website
- Global Community Relations Policy (2010)
- Annual Report 2011
- Corporate Responsibility Report 2011
- Corporate Responsibility Report 2010
- Corporate Responsibility Report 2009
- Annual Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

- (May 2012): Amazonian protest
- (April 2012) Amazonian Indigenous Visit Parliament, Demand Talisman Leave Territory
- (December 2011): Amazonian Indigenous Leader Confronts Talisman in Calgary
- (November 2011): Talisman Energy : Announces Community Investment Agreements in Peru
- (April 2008) Talisman Commits to Only Operate with Community Consent in Peruvian Amazon

Note: During 2008 and 2009, Talisman Energy engaged in dialogue with socially responsible investors Bâtirente and Regroupement pour la ResponsabilitéSociale des Enterprises (RRSE) related to indigenous rights and the concept of Free, Prior and Informed Consent (FPIC). In response to this dialogue, Talisman commissioned the Corporate Social Responsibility practice group of Foley Hoag LLP, a Washington-based law firm, to prepare a report (the "Report") on the benefits and challenges related to the adoption and implementation of a corporate policy on FPIC. Talisman, Bâtirente and RRSE also invited the World Resources Institute (WRI), an environmental think tank with FPIC expertise, to provide a third party commentary on the Report. See: http://www.talisman-energy.com/responsibility/foley-hoag_report_on_fpic.html

Total

Recent Company Statements

FPIC Language: No relevant language

Social License Language:

Total undertakes activities that have social and environmental impacts at the local level. The Group is aware of its corporate responsibility, and pays special attention to these issues which, when properly appreciated, can strengthen the Group's license to operate. In keeping with this approach, the Group is committed to respecting the rights of communities by, in particular, ensuring its activities do not harm communities' natural environment and way of life. Questions relating to Human Rights lie at the heart of dialogue between communities and the company. It is accordingly essential to establish lasting relationships with these communities at a very early stage. (Human Rights Employee Guide, p. 17).
Total set up a process for discussion and consensus-building and, even more important, participation for each project phase ... The result: a climate of solid, enduring trust that earned us our social license to operate in the region. (2010 Sustainability Report, p.8).

Other Language:

Respect for human rights is non-negotiable for a company like Total. Through our Code of Conduct, we undertake to respect human rights within our sphere of activities. (Company website).

Respect for Human Rights is non-negotiable for every socially responsible company. Human Rights are first and foremost a matter for which states are responsible, but are also of direct concern to companies in their role as economic stakeholders needing to incorporate this essential commitment into any socio-economic development dynamic. It is not only a duty, but provides for all an assurance of better cohesion, stability and lasting relationships with our various contacts. Respecting Human Rights in our activities remains a key requirement for us, working as we do in over a hundred countries, against varied, often challenging, cultural and political backdrops. It is therefore natural that Human Rights are one of the foundations of the common values that underpin our Group's identity and our ethical commitments everywhere we operate. Respect for Human Rights must be an integral part of our day-today activities. It is everybody's concern. Your vigilance and personal involvement in this ethical approach are essential. (Human Rights Employee Guide, p. 1).

Indigenous people's specific rights are recognised in particular by the ILO Convention 169 adopted in 1989, the UN 2007 Declaration on the Rights of Indigenous Peoples, and various World Bank standards, including "Performance Standards". In accordance with these documents, indigenous peoples gain the benefit of the right to prior consultation before the installation of any industrial facility and the right not

to be moved without their consent. These principles have been incorporated by Total within a specific charter. (Human Rights Employee Guide, p. 19).

The purpose of the principles set forth in this charter [Regarding Indigenous and Tribal Peoples] is to encourage the Group's subsidiaries to take into account the legitimate requirements of indigenous peoples. Subsidiaries are accordingly bound to observe the highest domestic and international standards in force and, in particular, to conduct impact assessments, initiate dialogue with indigenous and tribal peoples by keeping them informed of project. (Human Rights Employee Guide, p. 19).

… Total respects within its sphere of activities the culture, values and lifestyle of local communities, and contributes to their economical development while carrying out its business … Aware of Indigenous Peoples specificity, Total considers the International Labor Organization principles as the accurate international standards in this domain … Total therefore endeavours to know and understand the legitimate requirements of the communities living in its affiliate's sphere of activities, in a way that respects the sovereignty of nations and honours [Total's] Principles. … While dealing with Indigenous and Tribal Peoples, the Total Affiliates shall: call on independent expertise to … engage an ongoing dialogue with the indigenous peoples' representatives and the competent government bodies, [and] follow the highest national and international applicable standards such as the ILO and UNDP guidelines when implementing programmes designed to develop the local economy … And as appropriate, the Total Affiliates shall consult with the Indigenous and Tribal peoples and their representatives through the procedures established by host governments, as recommended by ILO standards such as the Convention 169, and in that respect: dialogue with communities in order to understand their goals, needs, values and constraints, communicate plans of the operations to the indigenous groups through presentations and local meetings, inform the indigenous groups about the development of the project. (Charter Regarding Indigenous and Tribal People).

For around twenty years, changes in the regulatory framework have fostered the implementation of information, consultation or dialogue procedures prior to decisions with a significant environmental impact. In addition to its desire to comply with regulations, TOTAL implements structures for dialogue with stakeholders at every level of the Group. (2011 Registration Document, p. 334).

TOTAL's Code of Conduct formally recognizes the Group's support for the principles of the 1948 Universal Declaration of Human Rights, the key conventions of the International Labor Organization, the OECD Guidelines for Multinational Enterprises and the principles of the United Nations Global Compact. (2011 Registration Document, p. 335).

Available Guidelines / Policies

- Human Rights Employee Guide (2011)
- Charter Regarding Indigenous and Tribal People

- Business Integrity Guide

Sources Reviewed

- Company Website
- Charter Regarding Indigenous and Tribal People
- Human Rights Employee Guide (2011)
- 2011 Registration Document
- 2011 Society and Environment Report
- Sustainability Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

No relevant community consent related news found in an internet search.

Vale

ICMM Member

Recent Company Statements

FPIC Findings: Nothing Relevant

Social License Findings: Nothing Relevant

Other Language:

Local, indigenous and traditional communities: We seek to maintain a detailed knowledge of territories where we operate or intend to operate. To maintain a lasting engagement with communities and implement social, cultural, economic and environmental impacts management, toward local sustainable development. We promote human rights awareness-raising actions, with especial focus to the eradication of forced and child labor, in addition to promoting the rights of children and adolescents. (Company Website).

With local and indigenous communities and quilombolas, our actions are based on dialogue and on mutual respect, and we aim to maintain a relationship of continuous engagement, supporting initiatives which contribute to the social, economic and environmental development of the regions where we act, from the start of our activities to the end. (Sustainability Report 2009, p.114).

Available Guidelines / Policies

- Sustainable Development Policy (2009)
- Human Rights Policy (2009)

Sources Reviewed

- Company Website
- Sustainability Report 2010
- Sustainability Report 2009
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

- (April 2012): Protestors Target Mining Giant Vale in Brazil
- (January 2012): Complaints of lack of consultation by communities in Tete Province in Mozambique
- (January 2012): Coal versus Communities in Mozambique
- (January 2012): Southern Africa Resource Watch report on Mozambique
- (January 2012): Amazon Watch campaign for Vale to be worst corporation in the world
- (January 2012): Protesters strike Pandora dam in Amazon
- (October 2011): In Brazil, Protesters Shut Down World's Largest Hydro Dam Project
- (January 2000): Mining Watch PT Inco report

Xstrata

ICMM Member

Recent Company Statements

FPIC Language:

We seek to maintain broad-based ongoing community support for our activities throughout our operations' life cycle. We consult with communities as early as possible and establish appropriate mechanisms for ongoing consultation, feedback and grievance resolution. This includes fair and equitable processes for engagement with indigenous and local communities including, where relevant, free prior informed consent. (Company Brochure, p. 3).

While exploring the potential development of this resource, ethics underpin our responsible actions. When engaging with indigenous peoples (IPs) and other directly affected people, SMI [local operating company] fosters full respect for their dignity, human rights, aspirations, cultures and natural resource-based livelihoods. SMI's policy is to avoid the need for resettlement, however, where resettlement is required; we will adhere to national laws and international standards, including the International Finance Corporation (IFC) guidelines on Involuntary Resettlement. We have already commenced consultation with communities regarding resettlement. We are also committed to securing Free and Prior Informed Consent (FPIC) from the indigenous peoples prior to any resettlement taking place. (Tampakan Project Sustainability Report 2010, p.2).

… Free and Prior Informed Consent (FPIC) and resettlement before the Project can proceed, we must attain agreement from a number of indigenous cultural communities currently residing within the Project area who require resettlement. SMI recognizes that any resettlement can have adverse impacts on communities. In undertaking any resettlement, SMI is committed to upholding the principles of the International Finance Corporation's Performance Standards, the international benchmark for resettlement activities. Applying these principles means any resettlement sites built for affected people must provide improved living conditions for the resettled community. As SMI develops its plans for resettlement, we will be consulting extensively with the affected communities. (Tampakan Project Sustainability Report 2010, p.8).

Before the Project can proceed, we must attain agreement from a number of indigenous cultural communities currently residing within the Project area who require resettlement. (Tampakan Project Sustainability Report 2010, p.15).

SMI commits to comprehensively consulting with all the affected communities, and securing Free and Prior Informed Consent (FPIC) in the case of the IP households, prior to any resettlement taking place.

FPIC will also be secured from members of indigenous people (IP) communities who may live outside the proposed final mine area but who are part of the recognized host indigenous community. (Tampakan Project Sustainability Report 2010, p.34)

We register, monitor and address questions and complaints from communities. We establish fair and equitable processes for engagement with indigenous and local communities, seeking, where relevant, their prior and informed consent and respecting their culture, customs, interests and rights. (Frieda River Project Sustainability Report 2010, p.25).

… We establish fair and equitable processes for engagement with indigenous and local communities including, where relevant, free prior informed consent. (Website).

Social License Findings:

We aim to manage our business to balance economic, environment and social considerations. Responsible environmental management and community engagement enable us to gain access to new resources, maintain a licence to operate, attract and retain the best people, access sources of capital, identify business opportunities and optimize our management of risks…We set aside a minimum of 1% of profit before tax each year to fund community initiatives and pro-actively consult with communities about our operations, with the aim of securing broad-based, ongoing support for our activities. (Annual Report 2011, p. xi)

At each of our projects, we have engaged communities early in the process to address any areas of concern from the outset and to work together with community members to deliver sustainable benefits from our presence in the region, with the ultimate aim of maintaining a social license to operate. (Annual Report 2010, p.13).

SMI seeks to improve the quality of life of communities near its operations. We believe that contributing to the development of sustainable communities and engaging with our stakeholders in two-way, open dialogue enhances our corporate reputation and is crucial to maintaining our social license to operate. (Tampakan Project Sustainability Report 2010, p.32).

Xstrata Copper seeks to improve the quality of life of communities near our operations. We believe that contributing to the development of sustainable communities and engaging with our stakeholders in two way, open dialogue enhances our corporate reputation and is crucial to maintaining our social license to operate. (Frieda River Project Sustainability Report 2010, p.25).

At Xstrata we believe we need a two-pronged approach to ensure we retain our social license to operate. As we address community needs through our community social involvement program and the community engagement structures we have put in place, we also need to ensure that communities have the opportunity to participate in our ownership structures and to share in the economic benefits associated with the company's financial success. (Xstrata South Africa Sustainability Report 2010, p.1).

Other Language:

We contribute to the social and economic development of sustainable communities associated with our operations. To achieve this: we identify the communities and other stakeholders associated with our operations and actively engage with them in a culturally appropriate and transparent manner as early as possible and throughout the life cycle of our operations to establish relationships based on mutual benefit and active participation; we respect the culture, customs, interests and rights of communities, including indigenous peoples and vulnerable or previously disadvantaged groups … (Company Website).

We uphold and promote human rights within our areas of influence, respecting the cultural heritage, customs and rights of communities, including indigenous peoples. (Business Principles 2011, p.2).

Community consultation is a priority in our sustainability, risk management and business strategies. We try to engage openly and honestly with communities to address their concerns and respect their local laws, customs and culture. Our consultations are conducted in a transparent and culturally appropriate manner to allow us to better understand each community's needs, concerns and perspectives…Before we start operating in an area,we conduct studies with local people, governments and other stakeholders to determine the potential positive and negative impacts of our business on their community. We also listen to relevant stakeholders to ensure that their interests, views and issues of concern are properly represented and, to the extent possible, addressed. (Sustainability Report 2011, p.55)

We abide by the commitments in ICMM's position statement on Mining and Indigenous Peoples including identifying and fully understanding indigenous peoples' interests and perspectives and engaging and consulting in a fair, timely and culturally appropriate way throughout the project cycle. (Xstrata plc Sustainability Report 2010, p.90).

At Xstrata Copper, we work closely with our host communities to maximise the benefits of our activities and minimise or avoid potential negative impact. We engage openly and honestly with all our stakeholders and respond to all community complaints and enquiries through fair and equitable grievance and conflict resolution processes. (Sustainability Report 2011, South America Operations Division – Peru, p.63).

Our Division promotes dialogue forums and opens permanent and transparent communication channels that help us interact with communities from our area of influence. The objective is to engage them and strengthen trusting relationships. Main dialogue mechanisms used with our various stakeholders include meetings, participatory workshops and community assemblies. Likewise, community residents are free to go to the community relations management office, where we listen to their questions or comments. (Sustainability Report 2011, South America Operations Division – Peru, p.63).

Available Guidelines / Policies

Business Principles (2011)

Sustainable Development Policy (2008)

Sustainable Development Standards (2008)

Integrated Xstrata Copper Sustainable Development Policy (2008)

Sources Reviewed

- Company Website
- Xstrata Copper Website
- Business Principles (2011)
- Half-Yearly Report 2011
- Annual Report 2011
- Annual Report 2010
- Xstrata Sustainability Report 2011
- Xstrata plc Sustainability Report 2010
- Sustainability Report 2011, South America Operations Division - Peru
- Tampakan Project Sustainability Report 2010
- Friedariver Report 2010
- Xstrata South Africa Sustainability Report 2010
- Google and Google News and Business & Human Rights Resource Center for company statements & community related news.

Sample of Related News, Controversies or Incidents

- (June 2012): Peru's mining conflicts explode again: Protests and violence in Espinar
- (March 2012): Peru uses emergency rules to end violent protests at Xstrata mine
- (August 2010): Mining expansion, lack of communication leading to more conflicts - study - Peru
- (October 2007): OECD: Colombia v. Xstrata
- (June 2007): Complaint lodged with OECD for Cerrejón

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International Council on Mining & Metals. *Sustainable Development Framework.* http://www.icmm.com/our-work/sustainable-development-framework. (June 2012)

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