

Precept 5: Local Impacts

The government should pursue opportunities for local benefits and account for, mitigate and offset the environmental and social costs of resource extraction projects.

—Precept 5, Natural Resource Charter

The costs and benefits of resource projects are not shared equally by all people in a producing country. While the benefits of resource projects—stemming largely from resource revenues, job creation and business linkages—can be shared throughout the country, the social and environmental costs of exploitation are usually concentrated among affected communities located close to project sites. Where activities are mismanaged, extraction can result in irreversible environmental damage and unmet expectations, which can give rise to local grievances and conflict. Government policy should therefore seek to protect affected populations from the negative impacts of extraction, while at the same time helping them to harness the benefits.

Effective management of the local impacts of extraction requires trust among the relevant parties including citizens, business and the government (Q5.1). Building on this trust, government should establish systems to assess the impacts of extraction (Q5.2), mitigate costs (Q5.3) and ensure that affected communities harness benefits (Q5.4).

PRIMARY QUESTIONS

5.1 | Trust

Does the government ensure that there are good working relationships between all stakeholders within affected communities?

5.2 | Impact assessment

Does the government maintain an effective system for assessing the potential impacts of resource projects?

5.3 | Cost mitigation

Does the government mitigate the environmental, social and health costs of resource projects?

5.4 | Local benefits

Does the government help affected communities to benefit from resource projects?

5.1 | Trust

Does the government ensure that there are good working relationships between all stakeholders within affected communities?

An environment of trust and collaboration between all stakeholders within affected communities (including citizens, businesses, local government and the national government) is important to support the effective management of local impacts. Government should therefore work to support good working relationships among all stakeholders linked to each resource project. To do this, the government must ensure meaningful participation in project decisions for people who will be affected by them, it must work to ensure that expectations are in keeping with reality, and it must ensure that there are adequate dispute resolution mechanisms available to resolve grievances should they arise. In doing so, the government should pay special attention to security arrangements to make sure that they do not use excessive force. It must also acknowledge any costs or benefits that may impact vulnerable groups including women, or that could affect the traditional livelihoods of indigenous peoples.

Secondary question	Guidance
<p>5.1.1 Meaningful participation</p> <p>Does the government ensure that affected communities meaningfully participate in decision-making about resource projects?</p>	<p>Involving members of affected communities in key decisions about resource projects helps them to understand the likely impacts, plan for pending changes, and contribute local knowledge to project design.</p> <p>When assessing participation, researchers should consider the following questions. They should pay special attention to consider vulnerable groups including women. International standards for participation are outlined further in Principle 5 of the Equator Principles and IFC Performance Standards 1 and 7.</p> <ul style="list-style-type: none"> • Is there legislation or a policy to ensure consultation and participation of affected communities? • Are affected communities invited to participate in decision-making at each project stage (exploration, development, operation and closure) and in impact assessment processes? (See Q5.2.1 and Q5.2.2.) • Are women and men, and vulnerable groups, able to participate fully, in a way that is free from coercion and manipulation? A key consideration here is whether local elites might have captured participation at the expense of marginalized community members, including women. • Do members of affected communities have access to objective, accurate, and easily understandable information on which to base their decisions? • Taking into account local considerations, such as traditional practices, are affected communities given sufficient time to review information? • Do affected communities receive support to retain lawyers, appraisers and other professionals to support decision-making processes where local capacity is lacking? • Do decision makers demonstrably take into account the perspective of the affected community in final decisions? <p>This question is focused on government actions. For consideration of company actions on these issues see Q11.1.1.</p>

<p>5.1.2 Managing the expectations of affected communities</p> <p>Does the government ensure that affected communities have realistic expectations about the impacts of resource projects?</p>	<p>Effective and honest communication about the impacts (both positive and negative) of resource activities is critical. Unrealistic expectations can contribute to local grievances and sometimes conflict. Government communication must be proactive, starting before resource activities commence in any area. This communication must be cognizant of the specific needs of vulnerable groups, including women. An important related issue concerns communication and understanding of ownership rights to the land and other natural resources. These issues are not directly part of this question but are considered in Q1.1.1, Q3.1.3 and Q3.1.4.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the government communicate with affected communities, provide information, and set reasonable expectations concerning the costs and benefits of extraction at all project stages (exploration, development, operation and closure)? Is this communication proactive, starting before exploration or extraction activities begin? • Does the government set expectations for companies to communicate with affected communities proactively throughout the lifecycle of a project? (See Q11.1.2 for consideration of company efforts to manage expectations around their activities.) • Are government efforts to manage the expectations of local communities in line with the general communications strategy considered in Q2.3.1?
<p>5.1.3 Grievance and dispute resolution procedures</p> <p>Does the government ensure that there are credible and effective dispute resolution procedures for affected communities?</p>	<p>Credible and effective grievance and dispute resolution procedures can de-escalate conflicts around resource projects. They provide channels through which members of affected communities can express their grievances and have those grievances resolved. The government may encourage the use of grievance and dispute resolution procedures that already exist within affected communities (such as formal or traditional courts or ombudsmen), or it may establish new procedures, particularly when existing mechanisms lack the technical or administrative capacity to address the challenges relating to resource projects. These mechanisms must be designed in a way that they do not exclude vulnerable groups, including women.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Are available dispute resolution mechanisms considered to be fair, impartial, culturally appropriate and inclusive of women and vulnerable groups? • Are affected communities able to use these mechanisms to respond to grievances in a timely manner? • Do those people overseeing dispute resolution procedures have the expertise to deal with disputes relating to resource projects? • Where alternative dispute resolution forums are used by communities, does the government have the capacity to monitor and assess the quality and impacts of dispute resolution practices?
<p>5.1.4 Security safeguards</p> <p>Does the government ensure that government and private security providers related to resource projects do not use excessive force?</p>	<p>Some resource projects have resulted in security responses that violate basic human rights. The government has a fundamental responsibility to protect citizens' basic rights, including the right to life. This responsibility extends to ensuring that those operating within the country, such as companies, do not infringe on those rights. Governments can mitigate the risks of unrest or insecurity by adopting the Voluntary Principles on Security and Human Rights and by encouraging business operators to do the same.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the government legally require that the use of public and private security forces in resource projects adhere to the Voluntary Principles on Security and Human Rights or standards/requirements similar to those set forth in the voluntary principles? • It is often hard to predict how either the government or private contractors will respond to security events until an event has actually occurred. Researchers may therefore have to look for recent examples for evidence of how grievances regarding the use of security forces have been handled, and whether use of private and public security has been appropriate or in violation of legal requirements.

<p>5.1.5 Indigenous peoples</p> <p>Does the government ensure that the rights of indigenous people are protected?</p>	<p>International human rights law has established the rights of indigenous peoples to give or withhold free, prior, and informed consent concerning projects that affect them. This is elucidated in IFC Performance Standard 7 and the United Nations Declaration on the Rights of Indigenous Peoples. Definitions of indigenous peoples are found in the United Nations Permanent Forum on Indigenous Issues and the International Labour Organization.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Will the project affect any indigenous people as defined under international law? • If so, does the government ensure the free, prior and informed consent of indigenous people relating to resource projects?
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5.2 | Impact assessment

Does the government maintain an effective system for assessing the potential impacts of resource projects?

The government should conduct effective impact assessments, or ensure that companies do so. Assessments should inform decisions about starting exploration or extraction activities in a new area, or about how to structure and undertake project operations. Environmental, social and health impacts should be assessed in an integrated manner, and the assessment process should substantively involve affected communities and incorporate local knowledge.

Secondary question	Guidance
<p>5.2.1 Strategic impact assessments</p> <p>Does the government use strategic impact assessments before deciding to open an area to exploration and production activities?</p>	<p>A strategic impact assessment (SIA), also called a strategic environmental assessment, provides the government with a methodical process for evaluating the overall benefits and costs of licensing new areas for exploration and production. The assessment considers whether this move aligns with government objectives, assesses the government’s institutional readiness to manage resource extraction, and examines the revenue needs of the government. (See UNEP 2004.) SIAs are generally conducted by the government, and are different from environmental and social impact assessments, which are usually specific to a particular project. (See Q5.2.2.) This issue is also considered in precept 3. (See Q3.1.2.)</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the law require strategic impact assessments? • Does the government recognize the results of SIAs in its decision-making? Does the government clearly state circumstances under which companies must modify or halt a project? • Do SIAs happen early enough to minimize the risk that they can be influenced by special interests? Government should ensure that an SIA is carried out before there is the political momentum in favor of extraction and before companies commit significant investment. • Does the government have the capacity to undertake effective research? Or, if it uses contracted parties to undertake that research, is the government able to review the quality of SIAs? • Do affected communities meaningfully participate in SIAs? (See Q5.1.1.) • Does the government make public the final results of SIAs, either on the internet and/or in local government offices, and in the official and local languages? Does the government ensure that results are communicated through public meetings with affected communities and other stakeholders?

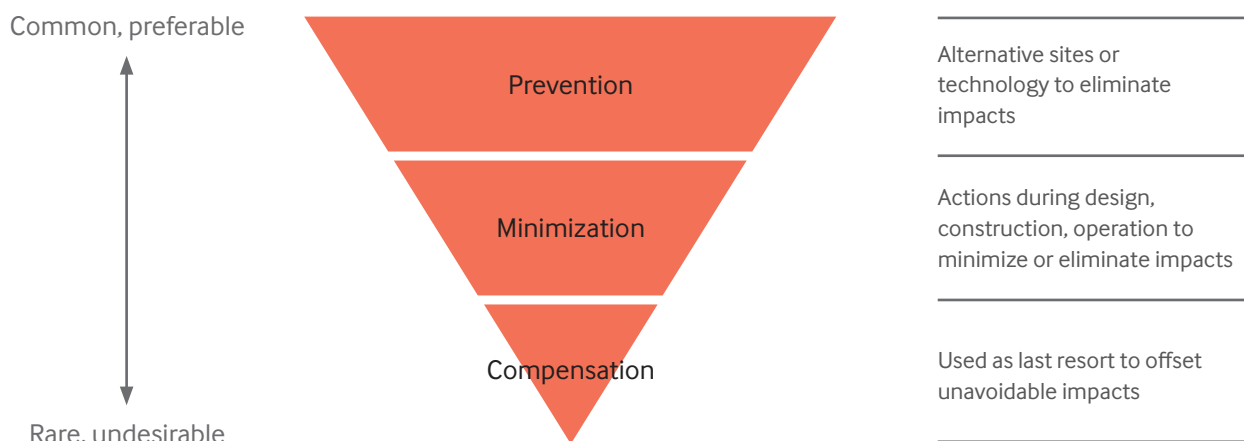
<p>5.2.2 Environmental and social impact assessments</p> <p>Does the government use environmental and social impact assessments to inform decision-making at all stages of resource projects?</p>	<p>Environmental and social impact assessments (ESIAs), also known as environmental impact assessments, are project-specific appraisals used by governments and companies to identify environmental, social and health impacts. IFC Performance Standard 1 is the clearest outline of international expectations with regard to ESIA.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Do ESIA cover each stage of an resource project (exploration, development, production and closure)? (See Resource Governance Index (RGI) 2013 Q1.2.008a-d.) • Does the impact assessment identify all legitimate land users (both formal and informal, and including women), and reflect local land and natural resource rights issues? • Does the government recognize the results of ESIA in its decision-making? Does the government clearly state circumstances under which companies must modify or halt a project? • In most impact assessment regulations, it is the responsibility of the companies to contract independent third parties to undertake appraisal processes. Where this is the case, does the government have the capacity to independently analyze, verify and evaluate the impact assessments? Can (and do) governments fund their own independent research, and to what extent are they able to challenge scientific findings put forward by extractive companies? • Do affected communities meaningfully participate in SIAs? (See Q5.1.1.) • Does the government make ESIA available on the internet and/or in local government offices? Does the government ensure that they communicated in public meetings with affected communities and other stakeholders? <p>Strategies to mitigate costs and/or harness opportunities identified in impact assessments are considered in Q5.3.3 and Q5.4.1-5.4.3.</p>
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5.3 | Cost mitigation

Does the government mitigate the environmental, social and health costs of resource projects?

Once the government is aware of the potential impacts of resource projects, it must mitigate the potential environmental, social and health costs of exploration and extraction – either by intervening directly or by influencing the activities of the companies involved. Mitigation measures should be developed using the mitigation hierarchy; a schema which lists a sequence of approaches to mitigation - prevention, minimisation and compensation – in order of preference. Under the hierarchy activities that prevent costs are preferable to those that simply minimize them, while activities that bring about the levels of harm that warrant compensations are to be avoided wherever possible. (See figure 5-3.) Mitigation efforts should be project specific, but supported by strong general environmental, social and health regulations.

Figure 5-3. Overview of approaches to cost mitigation



Source: Adapted from UNEP (2002)

Secondary question	Guidance
<p>5.3.1 Approach to cost mitigation</p> <p>Does the government favor prevention over minimization, and the avoid practices that require compensation and resettlement?</p>	<p>The government approach to cost mitigation should employ the mitigation hierarchy as outlined above. (See Q5.3.)</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Is there evidence that the government has followed the mitigation hierarchy in practice? • Are prevention measures more common than minimization measures? • Are compensation measures avoided where possible?
<p>5.3.2 Environmental, social and health regulation</p> <p>Does the government set and enforce effective environmental, social and health regulations?</p>	<p>The government is responsible for setting and enforcing environmental, social and health regulations. These standards set the bar for company performance. International standards on environmental pollution are contained within IFC Performance Standard 3, while standards for health and safety are contained within the Safety and Health in Mines Convention and IFC Performance Standard 4.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does a government institution prevent, monitor and manage pollution and environmental damage generated by resource projects? Does the institution have effective regulations and the monitoring and enforcement capacity to regulate pollution, water use, energy use and the release of greenhouse gases? • Does a government institution manage health and safety issues relating to resource projects? Does the institution have effective regulations and the monitoring and enforcement capacity in place relating to health and safety? Government should pay special attention to health and safety considerations relating to artisanal and small-scale mining, which is often hard to regulate and can employ dangerous techniques. • Does a government institution manage the social impacts of extractives? Important considerations here include conflicts between large-scale miners and artisanal and small-scale miners, as well as conflicts relating to land rights and livelihoods including agriculture and fishing. It is important that security provisions designed to protect mines do not entail the use of excessive force. (See Q5.1.4.)
<p>5.3.3 Environmental mitigation management plans</p> <p>Does the government require companies to develop environmental mitigation management plans and does it ensure that these plans are followed?</p>	<p>In response to project impact assessments, government should require companies to develop comprehensive environmental mitigation management plans that clearly propose the method and means of managing, mitigating or offsetting each impact identified in the assessment, throughout the project cycle.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does government require companies to develop management and monitoring plans in response to impact assessment processes? (See Q5.2.2.) • Are monitoring plans publicly available? • Are the plans of a high quality? • Do the plans take into account the different needs, opportunities and risks for both women and men? • Does the government have the capacity to question the plans and evaluate the potential mitigation options?

<p>5.3.4 Disaster response plans</p> <p>Does the government require companies to develop effective disaster response plans?</p>	<p>The government should require companies to be prepared for major accidents and disasters. Emergency and disaster preparedness should protect both the operations site and affected populations. Companies should demonstrate strategic readiness for collaboration with the government including an effort to coordinate responses with local government services including the police, military, health service and environmental protection agencies.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the government ensure that companies and the relevant government agencies collaborate to create disaster response plans? Do these disaster response plans cover affected populations as well as operations sites? • Where applicable it can be helpful to look toward past disasters and consider how these were managed by government and companies and whether lessons have been taken on board in the formulation of current disaster response mechanisms.
<p>5.3.5 Project closure</p> <p>Does the government effectively allocate responsibility for the execution and financing of project closure and land rehabilitation?</p>	<p>The government should elaborate planning for closure and reclamation of a resource project site before extraction actually occurs. Closure timeframes present serious challenges, as closure can be years or even decades away from project start-up—long enough for project ownership and governments to change multiple times. In the process, government and company responsibilities can be forgotten and obscured, and revenues spent without properly funding closure liabilities. To mitigate this, governments should require closure and reclamation plans as part of the project approval process (before the operations begin) and to additionally require the company to pay into an environmental mine reclamation fund (sometimes referred to as a reclamation bond) which can be properly monitored by the public. Such a fund helps ensure that reclamation will occur if a company leaves or sells to another party if a project becomes unprofitable. Civil society organization monitoring of project closure requirements is important given that in many cases such groups operate on longer time horizons than governments and the private sector.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Is there clarity on responsibility for project closure for existing projects? • Are there mechanisms to ensure adequate funding for mine closure and land rehabilitation? • Are affected populations engaged by government and companies in the planning process for closure? • What is the track record of closed project sites in the country? Are old or abandoned sites safe, or are there legacy issues that pose long-term risks for the immediate areas and/or affected populations? • Are civil society groups and the media aware of project closure plans and do they monitor compliance of payments to rehabilitation funds?

<p>5.3.6 Compensation</p> <p>Where social and environmental costs are unavoidable, does the government ensure that there is adequate compensation?</p>	<p>Compensation can take two forms: 1) direct compensation to specific individuals or communities for use and/or destruction of land, access to resources or livelihoods; 2) more general revenue-sharing arrangement (either to local government or community trust funds) when public goods are compromised. Regardless of which form it takes, in order to be effective a compensation process must be credible, transparent, universally applied, efficient and fair. It should leave affected populations in as good a position as they were before extraction commenced.</p> <p>Where a method of direct compensation is employed by government or companies (under oversight from government), researchers should consider:</p> <ul style="list-style-type: none"> • Have livelihoods and land rights (ownership, access, control and use) been identified and clarified so that beneficiaries and values of redress can be calculated? (See Q3.1.3 and Q3.1.4 for further consideration of these issues.) • Has the government clearly outlined the minimum standards for compensation programs for all resource projects, and demonstrated its capacity to monitor those programs? • Does the government ensure that special needs of women and vulnerable groups are taken into account? • Have compensation programs succeeded in addressing grievances relating to the negative impacts of extraction? Is information about the program easily and consistently available to all parties? Researchers should evaluate the speed and consistency at which compensation is delivered and whether disputes or grievances surrounding compensation are managed by government or companies (under oversight from government) in a timely and equitable manner, free from capture by local and national elites. • Can affected communities resort to the court system for disputes concerning adequate compensation (e.g., regarding fair market value of property) and, if so, is the court system efficient and free from political capture? <p>Where a revenue sharing mechanism is used by governments (see RGI 2013, Q5.1.1.063 and 5.1.1.063), researchers should consider:</p> <ul style="list-style-type: none"> • Does the revenue sharing program undermine government communication about ownership of land and natural resources? (See Q2.3.1 about government communications and Q.3.1.3 and 3.1.4 about land rights issues.) In most countries natural resources are shared by all citizens regardless of where the resources are located. If government communications are badly managed, revenue sharing arrangements may support ownership claims that run contrary to the idea of shared national ownership. • Are there adequate safeguards in place to ensure that compensation funds reach those who should be compensated?
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<p>5.3.7 Resettlement</p> <p>Where resettlement is unavoidable, does the government ensure that resettlement provides adequate redress?</p>	<p>Resettlement projects are often complex and challenging and have lower rates of success than other mitigation approaches. There are two types of resettlement projects related to resource projects: voluntary and involuntary resettlement. In both cases, the government has the responsibility to ensure that the resettlement programs enacted within its borders meet the highest international standards, such as the IFC Performance Standard 5.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Are there clear legal requirements governing resettlement? Does these state when and how compensation should be disbursed, and by whom? Do they specify dispute resolution mechanisms in case of grievances? <p>Does government ensure that resettlement projects are implemented according to high standards, leaving the affected community as good as or better off than it was before resettlement? (See IFC Performance Standard 5.)</p> <ul style="list-style-type: none"> • Can affected persons resort to the court system for disputes concerning adequate compensation and if so, is the court system efficient and free from political capture? • Are resettled populations able to demonstrate a level of self-sufficiency and resilience similar to that prior to resettlement, or are they more dependent on the government or company as a result of being resettled? • Resettlement projects can provide lucrative opportunities for corruption and collusion in contracting and procurement, resulting in the construction of poor-quality resettlements that leave affected populations worse off than before. Are there mechanisms in place that mitigate these corruption risks, such as contract transparency and/or conflict of interest requirements?
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5.4 | Local benefits

Does the government help affected communities to benefit from resource projects?

Resource projects can present substantial opportunities for affected communities, and the government has an important role in facilitating their emergence.

Secondary question	Guidance
<p>5.4.1 Community development agreements</p> <p>Does the government ensure that companies come to an agreement with affected communities as to how companies will deliver community benefits?</p>	<p>The benefits that companies can provide to communities should reflect local needs and expectations. Government should therefore require companies to agree these benefit with the affected populations. These agreements are known by many names, including community development agreements, impact benefit agreements and benefit sharing agreements. Usually agreed between the company and the community or local government, they may cover social investment spending, community employment and contracting, and use of project-related infrastructure.</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the government require companies to enter into community development agreements (CDAs)? • Are CDAs aligned with local development plans? • Does the government ensure that affected populations have the capacity and ability to negotiate the terms of these agreements with companies? • Do affected communities meaningfully participate in the development of CDAs? (See Q5.1.1) • Do these agreements include provisions for community, local government and company participation in monitoring implementation?
<p>5.4.2 Employment, contracting and procurement in affected communities</p> <p>Does the government encourage companies to direct employment and procurement opportunities toward affected communities?</p>	<p>Resource projects can provide direct employment opportunities for local workers, and business opportunities for providers of goods and services. In addition to seeking linkages with supply chains throughout the country, the government should promote linkages with the local workforce and businesses in affected communities. As it does so, the government should take a realistic view of the capacities of the local labor pool and local business. In some cases, training can align local capacities with a project’s needs. In others, the gap may be too wide, and employing locally and using local goods and suppliers could increase project costs and lower public revenues. Answers to this question should reference to national approaches to local content. (See Q10.2.1 – 10.2.5.)</p> <p><i>Researchers should consider:</i></p> <ul style="list-style-type: none"> • Does the government require local employment of unskilled labor at the community level? • Does the government promote local employment and business linkages in a way that is consistent with the commercial success of resource projects? • Does the government create “win-win” situations for the local labor force and the extractive companies, for example through local small and medium enterprise incubation schemes, and through training programs? • Does the approach to local employment, contracting and employment align with national approaches to local content? (See Q10.2.1 – 10.2.5.)

ANNEX 5. PRECEPT 5 LOCAL IMPACTS

This transparency table summarizes the specific disclosures that governments should make to help build effective accountability around precept 5 local impacts. (General transparency requirements that support this precept are covered in the transparency table for precept 2.) Unless otherwise stated, disclosures should be made by government in line with the standards of open data outlined in Q2.1.4. Existing country-specific research on some disclosure items may be available in the [Resource Governance Index](#) (RGI) country questionnaires using the indicated question numbers.

For each disclosure, researchers should consider the following questions:

- Is *all* latest information available? If not, what are the exceptions?
- Is *all* historical information available? If not, what are the exceptions?
- Is information provided in sufficient time to enable effective monitoring and scrutiny of activity?
- Is information available in a machine-readable format? Are there any other barriers to access to information? (See Q2.1.4 for background.)

Disclosure item	Guidance
Strategic impact assessments (SIAs)	Documents/text. See Q5.2.1 for background. Related standards: IFC Performance Standard 1. Resource Governance Index: 2013: questions RGI1.2.008.a to 1.2.000.8.d
Environmental and social impact assessments (ESIAs)	Documents/text. See Q5.2.1 for background. Related standards: IFC Performance Standard 1. Resource Governance Index: 2013: questions RGI1.2.008.a to 1.2.000.8.d
Environmental mitigation management plans	Documents/text. See Q5.3.3 for background. Related standards: IFC Performance Standard 1.
Monitoring reports for environmental mitigation management plans	Documents/text. See Q5.3.3 for background. Related standards: IFC Performance Standard 1.
Compensation and resettlement framework	Documents/text. See Q5.3.6 and Q5.3.7 for background. Related standards: IFC Performance Standard 5.
Project closure plans	Documents/text. Should include clear delineation of responsibilities and financing. See Q5.3.5 for background. Related standards: IFC Performance Standard 4.
Community development agreements (CDAs)	Documents/text. See Q5.4.2 for background. Related standards: IFC Performance Standard 7.

REFERENCES AND FURTHER READING

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