

Revised MCEP Criteria 2004

Published December 2005

The MCEP Working Group published draft Criteria for public comment in [MCEP Working Paper 1](#) in December 2003. Seven high quality submissions from a range of stakeholders were received.¹

The public submissions and further Working Group discussions informed a revision of the MCEP Criteria for use in the field trials for the third research question on assessment and assurance.

The Revised MCEP Criteria are outlined below. The Preamble of Working Paper 1 was not revised and has thus been omitted here for the sake of brevity and can be found in Working Paper 1. The discussion of the development and findings of the MCEP research on Criteria and standards setting in the [MCEP Final Report](#) should be referred to as background for this document.

Key:

Mined = underlined text indicates changes in wording to the ICMM Principles.

[Advance ...] = italicised text in square brackets indicates ICMM sub-elements deemed by the Working Group to be not relevant to certification.

1. Implement and maintain ethical business practices and sound systems of corporate governance.

- a) Develop and implement company statements of ethical business principles and practice that management is committed to enforcing;
 - i. The MSO'sⁱ corporate entity has ethical business and corporate governance policies endorsed and reviewed by the Board of Directors.
 - ii. The MSO has taken reasonable steps to ensure that employees and contractors conform with these policies on site.
- b) Implement policies and practices that seek to prevent bribery and corruption;
 - i. The MSO does not offer, pay or accept bribes.ⁱⁱ
 - ii. The MSO does not use facilitation payments, except when it can be shown that this is a necessary condition for doing business in the area where the MSO is located. When payments are made, they are clearly documented and accounted for.ⁱⁱⁱ
 - iii. The MSO publicly discloses payments made to or received from any government, government-linked entity, private security force or other stakeholder group.^{iv}
- c) Comply with or exceed the requirements of host country laws and regulations;
 - i. Where legal non-compliance has occurred, the MSO responds, monitors the issue and verifies that it is, or is being, resolved expeditiously.^v The response

¹ Working Paper 1 and associated public comment is available from the project website: <http://www.minerals.csiro.au/certification>

includes provisions to prevent the non-compliance recurring.

- ii. Conflicts between laws, regulations and MCEP Principles and Criteria will be evaluated on a case-by-case basis with the involvement of affected parties.^{vi}

[d) *Work with governments, industry and other stakeholders to achieve appropriate and effective public policy, laws, regulations and procedures that facilitate the mining, minerals and metals sector's contribution to sustainable development within national sustainable development strategies.*^{vii}]

2. Integrate sustainable development considerations within the corporate decision-making process.

- a) Integrate sustainable development principles into company policies and practices;
 - i. The MSO has sustainable development policies that address the MCEP Principles and Criteria and that have been endorsed and reviewed by the Board of Directors.
 - ii. The MSO has set targets relevant to its sustainable development policies.
- b) Plan, design, operate and close operations in a manner that enhances sustainable development;
 - i. The MSO implements systems and practices and sets targets that seek to deliver positive environmental, social and economic outcomes for all phases of the mine site's lifecycle including construction, production and closure, and regularly reviews progress against these targets.^{viii}
- c) Implement good practice and innovate to improve social, environmental and economic performance while enhancing shareholder value;
 - i. The MSO has a process for reviewing and incorporating new ideas and concepts that are consistent with sustainable development into its business plan.
- d) Encourage customers, business partners, and suppliers of goods and services **on site** to adopt principles and practices that are comparable **to those that the MSO implements**^{ix};
 - i. Systems are in place to ensure that contractors and other suppliers comply with relevant MCEP Principles and Criteria in any work that they undertake for the MSO.
 - ii. Unless there are exceptional circumstances, the MSO does not use the services of contractors and other suppliers whose business practices are in clear breach of 'core' MCEP criteria.
- e) Provide sustainable development training to ensure adequate competency at all levels among **the MSO's** employees and those of contractors;
 - i. The MSO identifies and delivers the required training needs to meet MCEP Principles and Criteria.

[f) *Support public policies and practices that foster open and competitive markets;*^x]

3. **Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by MSO activities.**
- a) Ensure fair remuneration and work conditions for all employees and do not use forced, compulsory or child labour;
 - i. The MSO does not use forced labour.^{xi}
 - ii. The MSO does not exploit child labour.^{xii}
 - iii. The MSO provides wages and benefits at least commensurate with similar operations in the same country.
 - iv. The MSO has appropriate training systems in place that enable employees to upgrade their skills and seek advancement within the MSO.
 - b) Provide for the constructive engagement of employees on matters of mutual concern;
 - i. The MSO respects employees' right to choose whether or not they wish to be represented collectively.^{xiii} The MSO proactively engages with employees to determine mutually acceptable employment arrangements.
 - ii. The MSO implements fair treatment and dispute resolution systems that enable complaints to be raised (collectively or individually) and dealt with fairly. These systems also protect employees from arbitrary termination.
 - c) Implement policies and practices designed to eliminate harassment and unfair discrimination in all aspects of **the MSO's** activities;
 - i. The MSO provides equal remuneration (pay and benefits) for men and women for work of equal value;
 - ii. The MSO provides for equality of opportunity and non-discriminatory treatment of all employees in respect to employment and occupation.^{xiv}
 - d) Ensure that all relevant staff, including security personnel, are provided with appropriate cultural and human rights training and guidance;
 - i. The MSO provides employees and contractors, especially those involved in decision making, with relevant cultural awareness and human rights training and guidance. Affected communities, traditional owners and custodians are invited to develop, deliver and/or participate in cultural awareness training.
 - ii. The MSO demonstrates that its public and/or private security arrangements protect human rights and are consistent with international standards.^{xv}
 - e) **Avoid or** minimise involuntary resettlement, and compensate fairly for adverse effects on the community where they cannot be avoided;
 - i. The MSO shall avoid or minimise resettlement of communities, except in cases of trespassing on existing mine sites. If resettlement cannot be avoided, it shall only take place with the free, prior and informed consent of the affected communities and with the effective participation of both men and women in the development of resettlement plans.^{xvi}

- ii. Where it has been necessary to undertake resettlement, a resettlement plan has been prepared in accordance with international standards and with the effective participation of all social subgroups, classified according to gender, ethnicity, economic status, etc.^{xvii}
 - iii. Resettlement plans provide for sustainable livelihoods for men and women post-resettlement that are at least equivalent to those available pre-resettlement. Resettlement should, wherever possible, offer the option to return to the land.^{xviii}
- f) Respect the **human rights**, culture and heritage of **affected** communities, including Indigenous people;^{xix}
- i. The MSO respects human rights, as outlined under the Universal Declaration of Human Rights (UDHR). In interpreting the UDHR, rights should be recognised as complementary, indivisible and interdependent.^{xx}
 - ii. The MSO respects the political and cultural identity of Indigenous people as distinct people, their rights and connections to ancestral lands and resources, their culture and heritage, and their decision making and dispute resolution processes.^{xxi}
 - iii. The MSO and Indigenous people develop a mutually agreed plan for the protection of sites of cultural, ecological, economic, or religious significance to Indigenous people, of traditional laws and customs, and of cultural and intellectual property and knowledge.^{xxii}
 - iv. The MSO develops with the effective participation of affected communities, and Indigenous people, a code of conduct to apply to all employees and contractors, covering areas such as cross-cultural relations, responsible use of alcohol, and relationships with local people.^{xxiii}

4. Implement risk management strategies based on valid data and sound science.

- a) Consult with interested and affected parties in the identification, assessment and management of all significant social, **cultural**, health, safety, environmental and economic impacts associated with **the MSO's** activities;^{xxiv}
- i. The MSO engages with stakeholders, including those who may be exposed to potential risks, in identifying, assessing and managing significant risks through all phases of the operation.^{xxv}
 - ii. The MSO provides stakeholders, including affected parties, with reliable access to risk information and expertise in an appropriate manner and language.^{xxvi}
 - iii. The MSO informs regulators and affected parties as soon as practicable of significant incidents, associated risks and the steps taken to remedy their impacts.
- b) Ensure regular review and updating of risk management systems;
- i. The MSO has a risk management system that takes account of social, cultural, health, safety, environmental, and economic risks throughout the mine life cycle, that is regularly reviewed and updated.

- c) Inform potentially affected parties of significant risks from mining, minerals and metals operations and the measures that will be taken to manage the potential risks effectively; **and**
- d) Develop, maintain and test effective emergency response procedures in collaboration with potentially affected parties;
 - i. The MSO works with stakeholders to identify emergency scenarios and develop emergency response strategies and capabilities designed to protect communities, workers and the environment.^{xxvii}

5. Seek continual improvement of health and safety performance.

- a) Implement a management system focused on continual improvement of all aspects of operations that could have a significant impact on the health and safety **of employees, contractors and the communities where the MSO operates; and**
- b) Take all practical measures to eliminate workplace fatalities, injuries and diseases **among employees and contractors;**
 - i. The MSO has a management system to protect the safety and health of its employees, contractors, their families, communities and visitors to the site from impacts associated with the activities of the operation.^{xxviii}
 - ii. The MSO has an active Fitness for Work program, or equivalent, that addresses both the potential for work to impact employee health and safety, and the potential for worker health to impact workplace safety. This program also encourages physical fitness and stress management and enables employees to balance their work and family commitments.
 - iii. Community health hazards associated with the MSO are identified and assessed and appropriate control measures are implemented.
 - iv. The MSO has identified major hazard aspects of its operations, assessed risks and implemented appropriate controls.^{xxix}
 - v. Employees and contractors have access to adequate medical and first aid services, appropriate to the location and nature of the MSO.^{xxx}
 - vi. The MSO ensures that employees and contractors are provided with effective supervision.^{xxxi}
 - vii. The MSO sets targets with timelines for key health and safety issues that demonstrate a commitment to reduce workplace incidents.
- c) Provide all employees with health and safety training, and require employees of contractors to have undergone such training;
 - i. Employees and contractors only undertake work for which they have the training, skills, knowledge and experience to undertake safely.
 - ii. Health and safety training for all employees is certified under local or national vocational education and training networks, where they exist.
- d) Implement regular health surveillance and risk based monitoring of employees;

- i. Health surveillance and monitoring are used for the purpose of providing early warning of health problems, identifying risks and assisting in the development of controls to reduce health and safety risks.
 - ii. The MSO has adopted recognised standards for occupational health and exposure to workplace agents, and monitors and reports against those standards.
 - iii. The MSO workforce is advised of the results of occupational health monitoring.
 - iv. Employees who have been exposed to significant occupational health risk are monitored, with their consent, beyond the term of their employment or the life of the mine.
 - v. Individual medical records are kept confidential with the employee and only authorised persons having full access.
- e) Rehabilitate and reintegrate employees into operations following illness or injury, where feasible.
- i. The MSO has procedures for the treatment of, and compensation for, people who suffer injuries and illness that result from workplace incidents, exposures or conditions. The procedure shall include documentation and records of the treatment provided, compensation and rehabilitation programs. The MSO has procedures for the reintegration of staff into their operations.

6. Seek continual improvement of environmental performance.

- a) Assess the positive and negative, the direct and indirect, and the cumulative environmental impacts of new projects - from exploration through closure;
- i. Assessment of environmental impacts, including cumulative impacts, and collection of comprehensive and appropriate baseline data is completed before commencement of new site-disturbing operations for the entire project life, including closure.^{xxxii}
 - ii. Monitoring, assessment and reporting is conducted appropriate to the activities and impacts of the MSO.^{xxxiii}
- b) Implement an environmental management system focused on continual improvement to review, prevent, mitigate or ameliorate adverse environmental impacts;
- i. The MSO implements an environmental management system (EMS) consistent with an internationally recognised EMS standard as well as local and/or national standards.^{xxxiv}
 - ii. The effectiveness of the EMS is regularly reviewed to demonstrate continual improvement of environmental outcomes.
- c) Rehabilitate land disturbed or occupied by operations in accordance with appropriate post-mining land uses;

- i. The MSO has a rehabilitation and closure plan that has been developed with the participation of key stakeholders.^{xxxv}
 - ii. The MSO integrates the knowledge and land management practices of Indigenous and/or local people into rehabilitation plans and activities where appropriate.^{xxxvi}
- d) Provide for safe storage and disposal of residual wastes and process residues;
 - i. Wastes from MSO operations are managed according to the following hierarchy in order of most preferred to least preferred: avoided, reduced, reused, recycled, treated or properly disposed.
 - ii. Waste rock dumps and tailings dams are designed, constructed and maintained so as to ensure the long-term, secure containment of waste materials.^{xxxvii}
 - iii. The MSO has measures in place to eliminate or minimize to acceptable levels the effects of acid mine drainage.^{xxxviii}
 - iv. Technologies are only used if independently reviewed impact assessments and management plans can demonstrate that they are the most environmentally responsible and safe option in the long term; relevant technologies particularly include: riverine tailings disposal, submarine tailings placement, in-situ leaching.^{xxxix}
- e) **Design and plan all operations so that adequate resources are available to meet closure requirements:**
 - i. The MSO makes financial provision to cover the anticipated costs of rehabilitation and any monitoring or treatment that may be required after closure, and regularly reassesses the adequacy of plans and provisions.^{xi}
 - ii. Where technically and economically feasible, the MSO's closure plan does not rely on perpetual treatment of mine waste.^{xii}
 - iii. Where this is determined by independent reviewers to be the only, or best, solution, the MSO has a structure in place to fund the perpetual treatment.

7. Contribute to conservation of biodiversity and integrated approaches to land use planning.

- a) Respect legally designated protected areas;
 - i. The MSO is not located in, or does not have significant impacts upon, UNESCO World Heritage sites or other legally designated protected areas where mining is prohibited, except in circumstances where the area was designated after commencement of operations at the sites and appropriate measures are being taken to prevent such impacts.^{xiii}
- b) Disseminate scientific data on and promote practices and experiences in biodiversity assessment and management;
 - i. The MSO shares its practices concerning, and experiences with, biodiversity management and disseminates data on biodiversity and land use assessment and management.

- c) Support the development and implementation of scientifically sound, inclusive and transparent procedures for integrated approaches to land use planning, biodiversity, conservation and mining;
 - i. As far as can be determined, the activities of the mine do not cause, or contribute significantly to, any loss in biodiversity in surrounding areas.
 - ii. The MSO has systems in place to minimise the likelihood of the mine's contributing to biodiversity loss in future. These include methods to assess and manage species and habitats.
 - iii. The MSO identifies and manages so as to protect areas of high conservation value on site, such as areas with listed threatened species and their habitat, threatened ecological communities and habitats under-represented in the protected areas network.^{xliii}
 - iv. Where appropriate, the MSO has a conservation and land management plan, developed through consultation with stakeholders, that identifies categories of land management and the management regimes.
 - v. The MSO develops management plans that are consistent with the outcomes sought through regional planning processes.
 - vi. The MSO integrates the views, experiences and practices of Indigenous and/or local people in land-use planning and biodiversity management while respecting their intellectual property rights.^{xliiv}

8. Facilitate and encourage responsible product design, use, re-use, recycling and disposal of mined products.

- [a] *Advance understanding of the properties of metals and minerals and their life cycle effects on human health and the environment,^{xlv]}*
- b) Conduct or support research and innovation that promotes the use of products and technologies that are safe and efficient in their use of energy, natural resources and other materials;
 - i. Consistent with business needs and capabilities, the MSO contributes site-based scientific information to collaborative research and development in this area.
- [c] *Develop and promote the concept of integrated materials management throughout the metals and minerals value chain,^{xlvi]}*
- [d] *Provide regulators and other stakeholders with scientifically sound data and analysis regarding our products and operations as a basis for regulatory decisions,^{xlvii]}*
- [e] *Support the development of scientifically sound policies, regulations, product standards and material choice decisions that encourage the safe use of mineral and metal products.^{xlviii]}*

9. Contribute to the social, economic and institutional development of the communities in which mines operate.

- a) Engage at the earliest practical stage with likely affected parties to discuss and respond to issues and conflicts concerning the management of social impacts;
- i. Social, cultural, and economic impacts of future operations are assessed and baseline data is collected with the effective participation of affected communities before commencement of site-disturbing operations.^{xlix}
 - ii. On-ground exploration and mining activities only proceeds with the free, prior and informed consent of Indigenous people and affected communities, including customary landowners.^l
 - iii. The MSO ensures the provision of access to independent training and technical advice for affected communities to ensure they are aware of their rights and understand the agreements they enter into.^{li}
 - iv. The MSO develops strategies for managing social and economic impacts of construction, operation, and post-mining conditions with the participation of affected communities.^{lii}
 - v. Community development plans or resettlement plans provide compensation in the case of loss of, or damage affecting, the legal or customary rights, property, resources, health or livelihoods of Indigenous people and affected communities.^{liii}
 - vi. The MSO identifies opportunities for local service and supply and initiates programs to train local people to meet those service and supply needs.
- b) Ensure that appropriate systems **and processes** are in place **to provide** for ongoing interaction with affected parties, making sure that minorities and other marginalised groups have equitable and culturally appropriate means of engagement;
- c) Contribute to community development from project development through closure in collaboration with host communities and their representatives;
- d) Encourage partnerships with governments and non-government organisations to ensure that programmes (such as community health, education, local business development) are well designed and effectively delivered; **and**
- e) Enhance social and economic development by seeking opportunities to address poverty;
- i. The MSO develops opportunities for employment, training, and capacity building with the participation of affected communities.^{liv}
 - ii. The MSO respects Indigenous people's right to economic development benefits flowing from its operations.^{lv}
 - iii. The MSO supports local businesses and products, whenever feasible and consistent with sound business practice, and works with stakeholders to establish business and other opportunities that are designed to be sustained beyond the life of the mine.^{lvi}
 - iv. The MSO participates in and/or encourages partnerships and programs (public and/or private sector) that seek to improve environmental and social outcomes in the surrounding region.

- v. The MSO works with local communities affected by poverty, such that they benefit from economic development arising from MSO activities.^{lvii}
- vi. The MSO conducts regular reviews of its community agreements and development activities.^{lviii}

10. Implement effective and transparent engagement, communication and independently verified reporting arrangements with mining stakeholders.

- a) Report on **the MSO's** economic, social and environmental performance and contribution to sustainable development;
 - i. The MSO, or its corporate entity, makes publicly available information on the performance of the MSO (e.g. an annual public performance report) against the ICMM Principles.^{lix}
 - ii. Provide information that is timely, accurate and relevant; **and**
 - iii. Engage with and respond to stakeholders through open consultation processes.
 - iv. The MSO conducts a stakeholder analysis to identify stakeholders (including minorities and marginalised groups), their rights and interests, and regularly reviews this during the life of the operations.^{lx}
 - v. Stakeholder engagement, consultation and communication use two-way processes of dialogue that are open, just and transparent.^{lxi}
 - vi. Consultation processes undertaken by the MSO address the needs and protect the rights of marginalised groups, including women, Indigenous people and the economically marginalized.^{lxii}
 - vii. Outcomes of consultation processes are considered and, where appropriate, integrated into management planning, systems and operations.^{lxiii}
 - viii. The MSO has appropriate mechanisms in place for hearing and resolving stakeholder grievances.^{lxiv}

ⁱ Mine Site Operation

ⁱⁱ Global Sullivan Principles; Oxfam CAA. 'Bribes' includes payments or payments in kind (including gifts, favours, 'kick-backs', secret commissions, etc) that are designed to influence the outcomes of business or regulatory decisions or to induce others improperly to grant permits or services which would not normally be an entitlement. Providing reasonable resources for affected communities to participate in decision making and negotiations as described in Principle 9 is not deemed to fall within this criteria.

ⁱⁱⁱ Facilitation payments are those which seek to expedite routine services or administrative actions provided by lower level officials or government employees in some countries. Facilitation payments should be minimised as a matter of company policy, as the line between these types of payments and bribes can be thin. Where payments are made to facilitate 'routine government action of a minor nature' and these are lawful in the country concerned, accurate records of transactions need to be kept (OECD Anti-Corruption Convention).

^{iv} Oxfam CAA Mining Ombudsman Report 2002, p63; UK Extractive Industries Transparency Initiative

^v Smartwood Certification Interim FSC Standard, p7. In developing countries, non-compliance may not be evident through a record of regulatory actions. In judging areas of non-compliance, the certifier would need to evaluate the significance in the context of the Working Principles and Criteria.

^{vi} FSC Principle 1.4.

^{vii} ICMM principles in *italics* indicate that the MCEP Working Group believes they are not relevant to mine site level certification

^{viii} FSC Principle 5.1; Breaking New Ground (MMSD) p387

^{ix} Bold and underlined text indicates a change to the ICMM text

^x ICMM principles in *italics* indicate that the MCEP Working Group believes they are not relevant to mine site level certification

^{xi} As outlined by the International Labour Organisation - Fundamental ILO Conventions: Forced Labour Convention, 1930 (No. 29); and Abolition of Forced Labour Convention, 1957 (No. 105).

^{xii} As outlined by the International Labour Organisation - Fundamental ILO Conventions: Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182). In cases where children's labour provides their only means of economic support, this should respect the child's education rights and the spirit of the ILO Convention. South Africa's AIDS crisis presents increasingly common examples of this pressing situation.

^{xiii} As outlined by the International Labour Organisation - Fundamental ILO Conventions: Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

^{xiv} As outlined by the International Labour Organisation - Fundamental ILO Conventions: Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It is acknowledged that achieving substantive equality of outcomes, for example employment opportunities or employment conditions for Indigenous people which address historical disadvantage and discrimination or respect cultural responsibilities, may require differential treatment.

^{xv} As outlined in the US/UK Voluntary Principles on Security and Human Rights. 'Security arrangements' includes public security, such as government military forces, and private security, contracted by the company which is providing security to companies and their facilities.

^{xvi} Committee on the Elimination of Racial Discrimination, *General Recommendation 23* (UN document A/52/18, annex V, 18 August 1997) para 5; Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p11; Lightening the Lode (Conservation International) p77; Oxfam CAA Mining Ombudsman report 2001-2002, p59; World Commission on Dams (WCD) Report – Guideline 19 Implementation of the Mitigation, Resettlement and Development Action Plan, p298-300. Resettlement involves both physical displacement and livelihoods displacement (WCD, 102). Involuntary resettlement presents well-documented risks of impoverishment through a range of impacts over and above the loss of land, making aspirations of sustainable development exceedingly difficult to achieve. (Downing 2002, p3).

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- ^{xvii} As outlined in the World Bank Operational Policy and Bank Procedure on Involuntary Resettlement – OP/BP 4.12, December 2001. Note that while there may be free, prior and informed consent of communities to resettlement, this criteria acknowledges that some individuals within those communities may need to be involuntarily resettled
- ^{xviii} See for example benchmarks for voluntary resettlement and compensation in Oxfam CAA Mining Ombudsman report 2001-2002, p59-61. One of the key issues is the inadequacy of cash compensation for resettlement, as it nearly always fails to replace lost livelihoods and formal or customary land tenure. The World Commission on Dams report notes that ‘resettlement programs have predominantly focussed on the process of physical relocation rather than on the economic and social development of the displaced and other negatively affected people’ (p108). Downing (2002) notes that ‘compensation by itself cannot adequately restore and improve the income levels and livelihood standards of people subjected to expropriation and forced displacement’ (p3) and stresses the importance of security of land tenure for resettled communities. Furthermore, resettlement that has the free, prior and informed consent of Indigenous people should where possible offer them the option to return to the land, in line with Article 10 of the Draft Declaration on the Rights of Indigenous People and in recognition of Principle 3(f)iii.
- ^{xix} Bold and underlined text indicates a change to the ICMM text
- ^{xx} Oxfam CAA Mining Ombudsman Annual Report 2001-2002, p4.
- ^{xxi} ILO Convention 169 – Indigenous and Tribal Peoples Convention; Draft Declaration on the Rights of Indigenous Peoples; Development and Indigenous Land (HREOC), p3-4; Oxfam CAA Mining Ombudsman report 2001-2002, p63.
- ^{xxii} FSC Principle 3.3; Development and Indigenous Land (HREOC), p4.
- ^{xxiii} Development and Indigenous Land (HREOC), p4
- ^{xxiv} Bold and underlined text indicates a change to the ICMM text
- ^{xxv} Significance should be assessed based on the nature of operations, the regulatory framework, community expectations and the local setting.
- ^{xxvi} Oxfam CAA Mining Ombudsman Report 2002, p58. UN Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (Aarhus Convention).
- ^{xxvii} Awareness and Preparedness for Emergencies at a Local Level (APELL).
- ^{xxviii} This management system should be consistent with Part III of the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (No. 176).
- ^{xxix} Consistent with Part III of the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (No. 176).
- ^{xxx} Consistent with Part III of the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (No. 176).
- ^{xxxi} Consistent with Part III of the International Labour Organisation (ILO) Safety and Health in Mines Convention, 1995 (No. 176).
- ^{xxxii} FSC Principle 6.1; Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p15, 20
- ^{xxxiii} FSC Principle 8.1
- ^{xxxiv} An internationally recognised EMS such as ISO14000 series of environmental management standards (in particular ISO14001) or the European Union’s Eco-management and Audit Scheme (EMAS). The Working Group do not propose requiring ISO14001 or similar certification so as not to discriminate against small to medium sized operations or companies.
- ^{xxxv} Lightening the Lode (Conservation International) p77; Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p19.
- ^{xxxvi} Development and Indigenous Land (HREOC), p5.
- ^{xxxvii} A Guide to Management of Tailings Facilities (Mining Association of Canada); Best Practice Environmental Management series.
- ^{xxxviii} Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p18.
- ^{xxxix} Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p19.
- ^{xl} Principles for the Conduct of Company Operations (Australian Asia-Pacific Mining Network), p19.

^{xli} Six Mines, Six Mishaps (Mineral Policy Centre). ‘Perpetual treatment’ is where ongoing discharges or waste problems necessitate treatment processes to be in place in perpetuity. In older sites where because of historical practices avoidance of perpetual treatment may be impossible, there must be a guarantee that adequate resources will be available to manage treatment in perpetuity, independent of the continuing existence of the mining company, as in criteria 6(e)(i).

^{xlii} To Dig or Not to Dig (WWF), p3. The MCEP acknowledges the forthcoming dialogue between ICMM and IUCN on protected areas and anticipates that this will identify additional no-go areas for mining activity. It is acknowledged that some protected areas historically derived from recreation values rather than conservation values. In some cases, where land of equivalent conservation value is available, trade-offs or offsets could be considered to deliver net conservation benefits. The use of trade-offs or offsets could only be applied where land identified as the trade-off or offset can be legally recognised as protected, and where the offset has broad stakeholder support.

^{xliii} DuPont Supplier Criteria, No. 3.

^{xliv} Development and Indigenous Land (HREOC), p4.

^{xlv} ICMM principles in *italics* indicate that the MCEP Working Group believes they are not relevant to mine site level certification.

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^{xlix} Lightening the Lode (Conservation International) p77

^l Refer to Preamble 8.4 for discussion of Free, Prior Informed Consent. World Commission on Dams Report, p281-282 – Guideline 3 Free, Prior Informed Consent; To Dig or Not to Dig, p15; FSC Principle 3; Development and Indigenous Land (HREOC). As discussed earlier in a footnote to Section 8.4: In some countries, ‘landowners’ may be a more appropriate term for those to whom free prior informed consent should be extended. Landowners are those who hold formal or customary title to land, either individually or collectively. Where there are multiple distinct affected communities, the respective outcomes of their decision making processes may be in conflict. For Indigenous communities, their right to self-determination as a people may reside at the community level. For other communities, their right to self-determination may be through other political processes and the free, prior informed consent may embody a heightened form of democratic participation. How to account for the interests and needs of future generations is an issue that has been raised in Working Group discussions, but remains a problematic issue.

^{li} Oxfam CAA Mining Ombudsman Report 2001-2002, p58.

^{lii} Lightening the Lode (Conservation International) p77.

^{liii} FSC Principle 4.5. See also criteria 3(e)i.

^{liv} FSC Principle 4.1

^{lv} Development and Indigenous Land (HREOC), p4-5.

^{lvi} FSC Principle 5.4; Lightening the Lode (Conservation International) p77; OECD Guidelines for Multinationals.

^{lvii} The World Bank Extractive Industries Review is expected to develop guidelines for the industry around strategies for poverty alleviation.

^{lviii} Development and Indigenous Land (HREOC), p5.

^{lix} FSC Principle 8.5; AMI Code; DuPont Supplier Criteria 13. Public reports should use the Global Reporting Initiative (GRI) as a guide. The ICMM is exploring opportunities to work with GRI to develop a Sector Supplement for the mining sector. The GRI encourages stakeholder consultation to ensure that reporting, particularly on social impacts, is attuned to stakeholder needs.

^{lx} World Commission on Dams Report, p279-280 – Guideline 1 Stakeholder Analysis. It is particularly important to identify Indigenous people with rights and interests in a place, especially those authorised to speak for that place (Australian Heritage Commission, 2002).

^{lxi} Whiteman and Mamen (2002), p64.

^{lxii} Oxfam CAA Mining Ombudsman Report 2002, p58.

^{lxiii} FSC Principle 4.4; Lightening the Lode (Conservation International) p77.

