

2.4 Indigenous Peoples' involvement in decision making

- ICM recognizes that the broad support of communities is essential for mining projects to be successfully developed. Key steps that companies should take to ensure that broad community support has been sought – including, where applicable, their consent (as outlined in Section 2.5) – and that Indigenous Peoples have meaningful involvement in project decision-making processes are as follows
- Develop a shared understanding of affected indigenous groups in terms of their culture, spirituality, organizational and decision-making structures, claims and rights to lands, values, concerns and history, including previous experiences with state-led decision-making processes and with mining or other development projects.
- Collaboratively develop an effective means to ensure that Indigenous Peoples are informed about and understand the full range (short, medium and long term) of potential environmental, social and health impacts from a mining project on their community, any benefits it may offer across the full project cycle. Companies should also seek to communicate the perspectives of relevant stakeholders on proceeding with the project (both positive and negative).¹¹ For example, terminology used by the mining industry might not have any meaningful translation in the language used in the indigenous community. In these circumstances, companies could consider developing a dictionary of terminology with the community. It is also good practice for local stakeholders to hear the views of other people about the project (eg from non-governmental organizations (NGOs), government bodies, academics, industry experts and other communities that have dealt with the company) where they may be able to usefully contribute additional information or perspectives. If requested and appropriate, companies should also consider providing Indigenous Peoples with the means to engage independent information-gathering experts of their own choice.
- Agree on appropriate decision-making processes for the ongoing involvement of Indigenous Peoples, which are based on a respect for customary decision-making processes and structures. As described in **TOOL 4**, companies will need to spend time in gaining an understanding of the complexities and dynamics of local decision-making processes and structures, as well as any differences or divisions that may exist within communities, in order to achieve the most representative outcomes.
- Ensure that the involvement of Indigenous Peoples is inclusive and captures the diversity of views within and between communities (rather than only community leaders' views), and constructively engage with affected Indigenous Peoples to address any concerns they may have that the principle of inclusivity might undermine customary decision-making processes. Companies should also ensure that their engagement is characterized by openness and honesty, and could not be construed as involving coercion, intimidation or manipulation.
- Agree acceptable timeframes to make decisions throughout the lifetime of the project, taking into consideration logistics, local customs, commercial requirements and time needed to build trusting relationships. Ensure that it is clear how the timetable for involvement links into when project decisions are made. Potentially impacted Indigenous Peoples' initial involvement should be sought well in advance of commencement or authorization of activities, taking into account Indigenous Peoples' own decision-making processes and structures.
- Agree on the terms and conditions for the provision of any ongoing community support with affected indigenous stakeholders and any associated reciprocal obligations.
- Record the process and decisions reached where Indigenous Peoples are involved, including the results of any monitoring or reviews, to provide a record for current or future generations who may be affected by the decisions, and to ensure transparency in the decision-making process.
- Support indigenous communities' capacity to engage in decision making, for example by providing access to independent expert advice where appropriate, capacity-building, facilitation and mediation, or involving external observers. Capacity-building efforts can be included as an element of an Indigenous Peoples' development plan, which aims to enhance benefits and minimize the adverse effects of a project on significantly impacted Indigenous Peoples.

¹¹ Examples of information that could be provided by a company include exploration and mining plans; impact assessments; mitigation and management plans; closure plans; emergency response plans; and records of health, safety, community and environmental incidents of existing operations.