

RANKING CH. 16 SUGGESTIONS AGAINST 5 CRITERIA: I – Failure reduction;
II – Reputation; III – Sustainability; IV – Transparent & Democratic Governance; V - Participation

***SUBMISSION
ON
RANKING MARCH 4, 2002
MMSD DRAFT REPORT CHAPTER 16
SUGGESTIONS***

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April 16, 2002*

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Introduction:

This basis for this Report is work done by Ian E. Marshall in his capacity as Ian E. Marshall Consulting Services for Placer Dome Inc. on March 8, 2002. Placer Dome has kindly consented to part of the original report with certain minor changes being submitted as a personal submission by the author.

The purpose of this submission on the *Mining, Minerals and Sustainable Development Project Draft Report* of 4 March, 2002 (the “Draft Report”) is demonstrate how the suggestions contained in Chapter 16, entitled *Agenda for Change*, and the suggestions contained in the rest of the Draft Report, can be prioritized in a meaningful way. Of course, one can argue about the nature of the specific criteria that each suggestion should be measured against and, indeed, the value that the author has assigned in determining how each suggestion meets each of the criteria. However, if the nature of the criteria and a method of assigning a value as to how well the suggestion meets each of the criteria, can be agreed upon, **this method offers a way of prioritizing the hundreds of suggestions contained in the Draft Report.**

It is the author’s view that while the Draft Report contains an great deal of valuable information and numerous useful suggestions, it is unlikely to have much impact unless it can reassembled in a more user-friendly format. The reality is that the scope of the recommendations is so broad that ICMM (and others) would not be able to implement simultaneously all of the recommendations, even in the unlikely event that they decided to do so. If MMSD (and others) are going to have to prioritize the Final Report’s suggestions in any event, **it is my view that the authors of the Final Report owe it to their readers to suggest a method of prioritizing the suggestions contained in the Final Report, if not to suggest actual priorities.**

The following Table is an example designed to assist the authors of the Draft Report to satisfy the needs of the readers of the Final Report for the establishment of such priorities. **Five criteria** have been applied to test the significance of each suggestion:

- I** Likelihood of preventing or reducing gross sustainability failures (e.g. tailing dam failures), referred to as ‘**Failure Reduction**’.
- II** Likelihood of improving the mining and mineral industry’s reputation, referred to as ‘**Reputation**’.
- III** Likelihood of encouraging significant sustainability, referred to as ‘**Sustainability**’.
- IV** Likelihood of encouraging transparent and democratic governance, referred to as ‘**Transparent & Democratic Governance**’.
- V** Likelihood of participation (including funding) sufficient to proceed in a meaningful way, referred to as ‘**Participation**’.

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How well a recommendation meets each individual criteria is described by assigning a number from 1 to 5 where:

- '1' means 'very low'.
- '2' means 'low'.
- '3' means 'medium'
- '4' means 'high'
- '5' means 'very high'.

The right hand column is the total of the numerical values assigned to each of the 5 criteria. The 64 recommendations have been **ranked** to show those with the **highest total score first**, descending to the lowest score.

The 'total' score for each recommendation can theoretically range from 5 to 25, but in fact the lowest score was 10 and the highest was 21. The **median score** was therefore 15.5, with the **mean score** being slightly lower at 14.95.

Please note that throughout the Draft Report, there are both references to "Recommendations" (e.g. 13-27) that use the operative word "should" and many uses of the word "could" for actions that the industry, other stakeholders and players could take. In this submission, for consistency I have used the term "Suggestion" to include both "recommendations" **and** where the authors of the Draft Report have used "could" or "should" in reference to actions that mining and minerals industry, other stakeholders and players could or should take. In the following Table, in the column entitled "Suggestion" (where individual suggestions have been summarized), for consistency and clarity, the term "should" has been used throughout, even where "could" was used in the Draft Report.

The Table Ranking Chapter 16 Criteria Against 5 Criteria commences on page 4 of this Submission. This Submission reflects the views of the author and does not purport represent the views of any other individual or entity.

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Page	Suggestion	I	II	III	IV	V	Total
16-27	<i>Agenda for Change: Reporting Guidelines</i> – Mineral industry organizations, such as ICMM, should be involved in ensuring that their members understand and adopt the standards specified in the principles, guidelines and public reporting criteria.	2	5	5	5	4	21
16-9	<i>Agenda for Change: Joint Commitments – Industry – Phase III</i> – An expanded code system under which companies could seek <i>company-wide certification or verification</i> .	3	5	5	4	2.5	19.5
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – A CSDP should be based on the community's concept of how the mine can best contribute to achieving its social, environmental goals and economic goals.	2	4.5	4	5	3.5	19
16-8	<i>Agenda for Change: Joint Commitments – Industry – Phase II</i> – Establishment of a fully articulated “Sustainable Development Code” through a multi-stakeholder process encouraged by ICMM and to create the basis for an accepted verification system for <i>individual mineral facilities or projects</i> (including the development over time of best practice guidelines) and a dispute resolution mechanism.	2	5	5	4	3	19
16-20	<i>Agenda for Change: World Bank – CSDP Support</i> – The World Bank should evaluate the usefulness of requiring or encouraging contractual Community Sustainable Development Plans in projects funded by the International Finance Corporation or other World Bank entities.	2	4	5	5	3	19
16-5	<i>Agenda for Change: Companies – Sustainable Development Policy ('SDP')</i> – Each company should develop and adopt a sustainable development policy. Such policy could incorporate other relevant company policies such as environmental issues, worker health and safety, employee integrity, community relations, reporting, etc.	2.5	3	4	4	5	18.5
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – CSDP should provide the fundamental frameworks for enlisting other actors in the community to form a shared vision of where the community is going and to capitalize most effectively on that opportunity while avoiding some of the potential problems. It should be designed through a process of consultation that (for new projects) begins during the permitting stage.	2	4	4	5	3.5	18.5
16-7	<i>Agenda for Change: Companies – Closure Plans</i> – Any review of end-of-life plans at existing operations should involve the key	1	5	4	5	3	18

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	stakeholders with an interest in the future of the local community and will necessarily involve sharing information and ideas with them.						
Page	Suggestion	I	II	III	IV	V	Total
16-25	<i>Agenda for Change: Educational & Research Institutions</i> – The curriculum for mining professionals should be re-thought so as to incorporate a solid grounding in the complex economic, social, environmental, and governance issues of sustainable development. Faculties will also have to ensure that sustainable development thinking can spread into the general curriculum.	1	4	5	4	4	18
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – The CSDP should include independent mechanisms for monitoring and evaluation, including clear and agreed indicators of performance.	1	3.5	5	5	3	17.5
16-19	<i>Agenda for Change: World Bank – Small Scale Mining</i> – The World Bank should assist in the artisanal mining issue through, for example, its continuing support of the Communities and Small-Scale Mining initiative.	2.5	4	4	4	3	17.5
16-12	<i>Agenda for Change: Joint Commitments – Industry – Sustainable Development Support Facility ('SDSF')</i> – The SDSF should be established to mobilize world-class experts who could supplement government capacity to assess, respond, and control accidents and emergencies, or to make sure that threatened emergencies do not happen. It would: <ul style="list-style-type: none"> • build contacts with governments to raise awareness of what it could provide; • maintain a register of experts who commit to respond on short notice; • operate within guidelines established by a multi-stakeholder board, including provisions for avoiding conflicts of interest; and • co-operate with the U.N. Environment Programme. Once established, the SDSF could seek funding from a variety of sources and consider other roles such as serving when requested: <ul style="list-style-type: none"> • as an independent source of capacity building or advice to government on issues such as emergency planning or implementation of emergency preparedness plans; • as a supplement to government departments charged with technical tasks such as safety inspection of tailings dams; and • to assist local governments, companies or others in the development of Community Sustainable Development Plans. 	4	4	4	2	3	17
16-31	<i>Agenda for Change: Forum on Minerals & Sustainable Development</i>	1	4	4	5	3	17

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	Create a multi-stakeholder forum for discussion and formulation of priorities which would set guidelines for processes directed at individual issues.						
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16-31	<i>Agenda for Change: Forum on Minerals & Sustainable Development</i> The Forum would (i) endorse individual processes, if they meet the guidelines; and (ii) discuss and endorse the results of processes directed at individual issues.	1	4	4	5	3	17
16-5	<i>Agenda for Change: Companies – Sustainable Development Policy ('SDP')</i> – Each company should include in its SDP mechanisms to evaluate progress in its implementation and to report its findings to executive management and key stakeholders in a credible manner.	2	4	4	4	2.5	16.5
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – The need for a CSDP should be evaluated on a case-by-case basis. In some areas, the existing government framework will provide most of the pieces. The role of the company should not be to replace government, but to supplement it while attempting to build or improve local capacity in the process.	1	4	4	4	3.5	16.5
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – The CSDP should evolve and be amended over the life of the project to reflect changing priorities and capacities.	2	3	4	4	3.5	16.5

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16-8	<p><i>Agenda for Change: Joint Commitments – Industry – Phase I –</i> ICMM or other appropriate organizations should develop a mining industry Declaration of a manageable initial set of Sustainability Principles. In the process it would inform and consult key stakeholders, but the declaration would be a unilateral action by industry. Companies would be encouraged to adopt it and sign on to it. The six key elements that companies would commit to are:</p> <ul style="list-style-type: none"> • Accept the applicable principles in a defined list of existing guidelines and conventions. A possible list is outlined in Box 16-3 on page 16-10 of the MMSD Report. • Develop internal management procedures to familiarize employees with the meaning of these commitments and their importance as company policy, and alignment with business success. • Develop reporting procedures that address the principles in the Declaration. • Conduct, in a defined time, an independent audit by a reputable outside organization of the state of company compliance with the requirements of the Declaration. • Agree to work with other companies, within a defined time, to establish a Sustainable Development Code, which should include best practice guidelines to deal with specific issues in minerals management. This would be done through a process acceptable to other principal stakeholders. • Accept the complaints and dispute resolution mechanism to be established under the Declaration. In time, make a commitment to the full verification system envisioned for the Code. 	1	4	4	4	3.5	16.5
16-17 & 16-18	<p><i>Agenda for Change: Joint Commitments – Governments – Capacity Gaps</i> – Any review of national legislations for mineral development should be accompanied by a review of the resources available to the various state departments charged with managing mineral wealth and turning investment into opportunities for long-term development. Relevant stakeholders at the national level should be allowed to put forward their views.</p>	2.5	2	4	5	3	16.5
16-20	<p><i>Agenda for Change: Commercial Lenders – Sustainable Development Code</i> – If the proposed industry Declaration and Code are adopted, commercial lenders should support it as a means for the better management of risk. It should be recognized appropriately in credit discussions.</p>	2	3	4	4	3.5	16.5

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16-21	<i>Agenda for Change: Insurers</i> – If the Declaration and Sustainability Code emerge as effective tools for managing risk, the insurance industry should recognize this appropriately in the products it offers companies that adopt the Code, or in the rates it charges them.	2	2.5	4	4	4	16.5
16-24	<i>Agenda for Change: The Role of NGOs – Maintaining Reputations</i> – Leadership is required within the NGO community to encourage a performance standard that is acceptable to broader society and can be verified. This requires collective action, but will enhance immeasurably the position of NGOs and their ability to influence key debates.	1	4	4	5	2.5	16.5
16-29	<i>Agenda for Change: A Vision – Toronto Meeting</i> – The Toronto MMSD Conference should define the next steps so as to start the sector into a long-term commitment to sustainability necessary for real progress.	1	4	4	4	3.5	16.5
16-21	<i>Agenda for Change: Insurers</i> – Since the proposed Sustainable Development Facility is intended to reduce or prevent accidents and emergencies, the insurance industry should (i) participate in the design of the Facility and in defining its tasks to ensure maximum business benefits, and (ii) consider whether the risk reduction benefits are sufficient to merit financial support from the insurance industry.	3	3.5	3.5	3	3	16
16-22	<i>Agenda for Change: United Nations Organizations</i> – The U.N. should work with the World Bank to assist governments to achieve a framework for turning mineral investments into sustainable development and to build capacity in governments to put the sustainable development frameworks into practice.	2	2.5	4.5	4	3	16
16-29	<i>Agenda for Change: A Vision – Toronto Meeting</i> – The Toronto MMSD Conference should be a place for establishing priorities, not just for industry or government, but for a wide range of actors in the sector, to allow all of them to focus on a manageable number of things in the near term.	1	3.5	4	4	3.5	16
16-5	<i>Agenda for Change: Companies – Closure Plans</i> – Companies should review end-of-life plans at existing operations to determine whether existing plans fully address post-project environmental conditions, economic conditions of affected communities, opportunities for displaced workers, social conditions, impact on government at all levels, etc.	2	4	3.5	3	3	15.5

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16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – The CSDP should identify specifications needed, and the respective roles and responsibilities, to achieve the vision.	1	3	4	4	3.5	15.5
16-19	<i>Agenda for Change: World Bank: Capacity Building</i> - The World Bank should work with governments to help develop a clearer picture of the kind of capacities needed for proper governance of this sector.	2.5	2	4	4	3	15.5
16-29	<i>Agenda for Change: A Vision – Toronto Meeting</i> – The Toronto MMSD Conference should set some guidelines for processes directed at specific issues, to give all concerned a greater confidence in their legitimacy and reduce the transaction costs in setting them up.	1	2	4	5	3.5	15.5
16-14	<i>Agenda for Change: Joint Commitments: Government – Integrated Closure Plans</i> – Governments, that do not already have legal requirements for developing closure plans for miners and other facilities should require such plans to address the following post-project issues: <ul style="list-style-type: none"> • <i>environmental issues</i> • <i>economic conditions in affected communities</i> • <i>opportunities for displaced workers</i> • <i>social conditions</i> • <i>other appropriate issues</i> • <i>clarify the roles and responsibilities of the different actors</i> 	2	2	4	4	3	15
16-15	<i>Agenda for Change: Joint Commitments: Government – Financial Surety</i> – Governments that do not have procedures requiring the posting of a bond or guarantee should: <ul style="list-style-type: none"> • Develop the necessary administrative procedures. The World Bank and UNEP could be a source of advice on this • Establish guarantees based on broad standards such as hectares of land affected rather than detailed engineering calculations • Seek support by the proposed SDSF to supplement government capacity • Adopt a collective approach among countries through regional bodies to take this issue out of the realm of competition for investment 	3	3	4	2	3	15
16-16	<i>Agenda for Change: Joint Commitments – Government – Abandoned Facilities</i> – Create an Abandoned Mineral Site Facility much like the Global Environment Facility to provide the resources and technical	3	4	4	2	2	15

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	support to governments to deal with abandoned mines. A realistic method of funding this Facility would have to be developed.						
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16-19	<i>Agenda for Change: World Bank – Support In SDSF</i> – The World Bank should support and collaborate in the development of the Sustainable Development Support Facility and an integrated model for mine closure planning.	3	3	3.5	2	3.5	15
16-26	<i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to develop a package of ‘best practice’ guidance on mining in or near protected areas and dealing with ‘inherited mines’ in protected areas, as well as incorporating areas of known mineral potential into decision-making.	1	3	4	4	3	15
16-26	<i>Agenda for Change: Reporting Guidelines</i> – A consistent system of reporting guidelines should be developed for the mineral sector to ensure that key aspects of company practice are publicly reported to a standard that informs stakeholders about the performance of corporations and major projects.	1	4	4	5	1	15
16-26	<i>Agenda for Change: Reporting Guidelines</i> – A major multilateral organization such as the World Bank should convene an experts group to draft a broad set of principles and operational guidelines for reporting. Meaningful stakeholder involvement is key.	1	2.5	4	4.5	3	15
16-17	<i>Agenda for Change: Joint Commitments – Governments – Legal & Economic</i> – Countries with significant mineral development should consider a comprehensive review of their legal frameworks and their impacts on sustainable development. This review would be most beneficial if it is an open discussion involving all the key actors in industry, labour and civil society.	1	2	3.5	5	3	14.5
16-24	<i>Agenda for Change: The Role of NGOs – Ensuring Credibility</i> – An NGO should protect itself against misinformation by developing a clear policy of investigation and assurance that it will apply to data it uses. In the long run, the ability of the NGO community to influence policy will be directly related to their credibility. They should conform to the same standards as they demand of others and be prepared to demonstrate that such performance standards are being met.	1	4	3	4.5	2	14.5
16-26	<i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to develop an agreed set of principles and procedures that should be applied where it is proposed to de-designate a protected area, or adjust its boundaries,	1	2.5	4	4	3	14.5

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	in order to enable mining to go ahead.						
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16-7	<i>Agenda for Change: Companies – Closure Plans</i> – Closure plans should build on and supplement government processes and requirements.	1	2	4	4	3	14
16-8	<i>Agenda for Change: Joint Commitments – Industry – Complaints Mechanism – Phase I</i> – Declaration should be accompanied by a Complaints & Dispute Resolution Mechanism which could offer a space to bring parties together, in a neutral forum, to attempt to work out a mutually acceptable facilitated settlement. Suggested principal elements of the Complaints Mechanism are set out on page 16-11 of the Report.	1	3	3	4	3	14
16-26	<i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to explore how to improve the consistency and strengthen the application of the IUCN protected areas categories system.	1	2	4	4	3	14
16-7	<i>Agenda for Change: Companies – Community Sustainable Development Plans ('CSDP')</i> – While a company should facilitate and promote the CSDP process, it should not lead the process. The leadership role should belong to local government to the extent it has the capacity. Failing this, an NGO or development organization may be appropriate.	1	2	3	4	3.5	13.5
16-20	<i>Agenda for Change: Commercial Lenders – Dispute Resolution</i> – Commercial lenders should require that an effective dispute resolution mechanism be available to affected people and organizations as a condition of a loan. The burden should be on the loan applicant to demonstrate that there is an open and accessible mechanism to resolve disparities. If none exists, the loan applicant could propose an appropriate solution such as an independent arbitration mechanism.	1	2.5	3	4	3	13.5
16-19	<i>Agenda for Change: World Bank – National Reviews</i> – The World Bank should provide loans or grants to governments to undertake a review of the adequacy of their policy frameworks to ensure investment in catalyzing development effectively.	1	2	3	4	3	13
16-23	<i>Agenda for Change: The Role of NGOs – Support for Sustainable Development</i> – NGOs should demonstrate that the views they espouse and the positions they take, reflect a considered approach that respects the rights of other stakeholders. For example, proposed solutions will be more readily accepted if they come from a process that has clearly	1	3	3	4	2	13

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	considered trade-offs.						
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16-26	<i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to undertake a mapping exercise to identify the scale and extent of threats posed by the mining to protected areas.	1	2	4	3	3	13
16-27	<i>Agenda for Change: Reporting Guidelines</i> – In defining reporting guidelines, organizations such as the Global Reporting Initiative and the International Standards Organization should be involved so as to achieve some comparability between sectors and ensure the transfer of existing knowledge.	1	2	3	4	3	13
16-24	<i>Agenda for Change – The Role of NGOs – Internal Review</i> - All NGO policies should be debated thoroughly within the organization and result in a critical examination of the extent to which current organizational priorities and objectives are supporting goals and respecting sustainable development objectives. The key challenge is to develop models that clearly preserve independence, while seeking a closer interaction with organizations that, for better or worse, are the principle funders of economic development.	1	2	3	4	2.5	12.5
16-25	<i>Agenda for Change: Educational & Research Institutions</i> – Research institutions should think through the framework necessary to move from attracting investment to creating lasting benefits.	1	2.5	3	3.5	2.5	12.5
16-25	<i>Agenda for Change: Educational & Research Institutions</i> – Research and curriculum development cannot be conducted without funding. While the industry has a clear interest in investing in its own future, a ‘go it alone’ approach to this problem by companies will raise the usual doubts about the impartiality of the results. The best solution might be a conference of the principal donors, representatives of research and educational institutions with an interest in the field, and key industry representatives to discuss a co-ordinated approach to resourcing the necessary changes.	1	2	3	4	2.5	12.5
16-26	<i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to develop a series of case studies and best practice on innovative mechanisms in protected areas, such as offsets or trade-offs.	1	2	4	3	2	12
16-27	<i>Agenda for Change: Reporting Guidelines</i> – Research into the identification and development of key performance indicators for public reporting needs to continue. The eventual aim would be to	1	2	3	4	2	12

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	construct a set of sector-specific indicators at the project and corporate level, supported by a secondary set of indicators that may, or may not, be applicable at particular sites.						
16-5	<i>Agenda for Change: Companies – Sustainable Development Policy ('SDP')</i> – Companies that already have an SDP should review the extent to which it has penetrated the company and consider whether there are more effective ways of integrating it into operations and deriving business value from them.	1	2	3.5	1	4	11.5
16-13	<i>Agenda for Change: Joint Commitments – Labour</i> – There should be a global-level agreement between labour federations representing workers in the mineral sector and international organizations representing companies for broad co-operation in support of sustainable development. Organized labour could take the lead and suggest elements of that agreement.	1	1.5	3	3.5	2.5	11.5
16-13	<i>Agenda for Change: Joint Commitments – Labour</i> – Workers and their unions could be central in reviewing end of life mine plans and Community Sustainability Development Plans. International labour organizations could inform their national and local affiliates about the opportunities these processes could present, and how they might most effectively participate in them.	1	1	3	3.5	3	11.5
16-21	<i>Agenda for Change: Equity Investors</i> – Equity investors in the minerals industry should evaluate the extent to which company participation in the proposed Declaration and Code are likely to be relevant to investor risks and share value.	1	2	3	3	2.5	11.5
16-22	<i>Agenda for Change: United Nations Foundation</i> – The U.N. Foundation should (i) convene the various U.N. organizations to agree on a 'joined up' U.N. approach to what sustainable development means in the minerals sector; and (ii) provide resources for the relevant U.N. funds and agencies to launch credible, if modest, programmes to assist the sector, which could attract support from other donors.	1	2	2.5	3.5	2.5	11.5

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16-11	<p><i>Agenda for Change: Joint Commitments – Industry – Product Stewardship</i> – The mining and minerals industry should collaborate with regulating authorities, downstream users, and other groups to develop sound, science-based means to ensure safe use, re-use, and eventual disposal of its products. A Product Stewardship Initiative could promote greater exchange of information and integration of views with the industry’s principal customers and intermediary processors, recyclers, and others and lead to improved understanding of:</p> <ul style="list-style-type: none"> • energy, water, land use, recycling, and re-use issues; • life-cycle analysis as a management tool for sustainable development; • appropriate recycling technology transfers to developing countries; and • possible product certification schemes 	1	2	3	2	3	11
16-19	<p><i>Agenda for Change: World Bank: Surety for Closure Costs</i> – The World Bank should play an important role in commencing discussion of the feasibility and desirability of an agreement among the major lenders to the sector establishing a joint set of guidelines for guarantee of end-of-life mine obligations.</p>	1	2	4	1	3	11
16-25	<p><i>Agenda for Change: Indigenous Organization</i> – Governments and the international community should support the establishment of an International Indigenous Organization to advise strategically, direct and monitor industry performance in the arena of indigenous relations.</p>	1	1	4	3	2	11
16-27	<p><i>Agenda for Change: Reporting Guidelines</i> – The U.N., the World Bank and governments should be involved in creating a feedback loop. UNEP might be the repository of information and learning on performance indicators and experiences of their use.</p>	1	1	3	3	2.5	10.5
16-26	<p><i>Agenda for Change: Protected Areas</i> – Conservation agencies, communities, government and mining companies need to engage in research and capacity-building partnerships on Protected Area issues with other sectors, notably the oil & gas industry, while ensuring that local community interests are taken into account.</p>	2	2	3	2	2	10