MMSD

Mining Minerals
Sustainable Development

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International
Institute for
Environment and
Development

SECOND MEETING OF THE MMSD ASSURANCE GROUP
Colorado School of Mines, Golden, Colorado
28-29 August 2000

MINUTES

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ATTENDEES

Assurance Group (AG)

Patricia Caswell, Douglas Fraser, Kathryn McPhail, Daniel Meilan, Glenn Miller, Duma Nkosi, Maria Ligia Noronha, Mauel Pulgar-Vidal, Leon Rajaobelina, Damien Roland, Charles Secret, Osvaldo Sunkel, Helmut Weidner, Doug Yearley

Apologies (AG Members)

Roger Augustine, Jay Hair, Antonio La Vina

Work Group (WG)

Luke Danielson (Project Director), Caroline Digby (Research Manager), Frank McShane (Coordinator for Stakeholder Engagement), Elisabeth Wood (Assistant Project Manager), Ray Doucet (Communications Coordinator)

WBCSD

Richard Sandbrook (Project Coordinator)

GMI

Anita Roper, Robert Court, David Baker

MEETING CHAIRS

Chairing the meeting was shared between Patricia Caswell and Duma Nkosi.

CHATHAM HOUSE RULES

In the writing of minutes, the AG agreed to work under Chatham House Rule (i.e. participants are free to use the information received, but neither the identity nor the affiliation of the speakers, nor that of any other participant may be revealed).

MATTERS ARISING FROM THE LAST MEETING OF THE ASSURANCE GROUP

The minutes from the first AG meeting held in May 2000 were approved.

Richard Sandbrook commented that the Questions and Answer sheet requested at last AG meeting was still being revised but would be ready shortly.

ASSURANCE GROUP MATTERS

New members
Kathryn McPhail was elected to the AG.

Charles Secret, Doug Yearley and Ligia Noronha were welcomed as members of the AG unable to attend the first meeting. Damien Roland was welcomed as a new member.

AG members' expectations
Members attending the AG meeting for the first time were asked to comment on their expectations. The following desires were raised:

- ➢ Ensure AG is doing a good job.
- ➢ Maintain honesty and transparency internally and with the outside world.
- ➢ Walk away thinking two years well spent.
- ➢ See mining industry changed for the better and set leadership for other industries.
- ➢ Understand the appropriate role for mining in the future.
- ➢ Come up with statements that are adhered to.
- ➢ Link up different actors working on mining, minerals and sustainable development (SD) and reach agreement as to what constitutes SD.

WHERE WE ARE & WHERE WE'RE GOING

The meeting began with a presentation by Luke Danielson describing the key management challenges faced by MMSD in the fields of communications, research and analysis, stakeholder engagement and outcomes. (See Appendix A for full presentation.)

Luke's presentation initiated the following discussion:

Outcomes

It was suggested that greater clarity in terms of outcomes was needed - How are we going to define success? What are our deliverables at the end of 2 years?

From an accountability perspective we need goals that are clearly enough defined that people know whether or not we have achieved them.

On a practical note, it was suggested that outcomes be laid out nearer the front of the Work Plan, and that a framework as to what key outcomes are be developed. It was also suggested that a review of other approaches to implementation is needed.

AG members suggested a few potential outcomes from MMSD:
- ➢ The process itself and the change in behaviour and in perceptions brought about by it.
- ➢ A Charter on what constitutes sustainability in the mining and minerals sector
- ➢ Tools for the future – indicators to track performance.
- ➢ Best practice guidelines.
- ➢ Engaging of stakeholders.

The WG emphasised that each activity proposed by MMSD would have outcomes.

Monitoring project progress

It was suggested that tools – e.g. clear objectives and an impact indicator – should be developed to evaluate whether MMSD is meeting its short, medium and long term objectives.

Work Plan

The WG requested 'red flags' on Work Plan from AG members.

A note of caution was expressed from one member on the scope and extent of work from management perspective. Suggested the WG concentrate on the top two priorities in each of pillars of SD.

Scope and purpose
It was proposed that the AG have the role of making sure main issues are dealt with.

Concern was expressed about managing over-expectations in the short timeframe. Is MMSD trying to achieve too many things at too many levels? To help overcome this, regional centres need high level of autonomy. Some issues can only be dealt with at global level, others at regional level.

GMI
Some companies may think they can put SD issues aside and leave them to MMSD. The challenge of GMI is to make sure this does not happen. At this stage, companies need to make sure they are working through issues themselves ready for implementation.

MMSD's response to the NGO letter of July 2000
The AG asked how the WG were responding to the North American NGO letter of July. The WG said that the issues raised in the letter needed to be considered, they had had discussions with the authors of the letter and had sent an interim response. However, they also emphasised that:
➢ Similar concerns have been expressed by others.
➢ Other stakeholders have different concerns which will also need to be addressed. For example, some NGOs from developing countries had expressed concern that MMSD may just focus on issues raised by developed country NGOs.

Some of concerns raised in this letter were discussed later in the meeting (See sections on Governance and Draft Charters).

RESEARCH AND ANALYSIS

Caroline Digby presented some of the proposed research activities and progress made by the WG and partners on these. This generated much discussion. It was generally agreed that there was a need to understand the framework in which themes were being presented.

Discussion on specific topics followed:

Large volume waste
➢ What will be the output of this study? Will it include suggestions for best practice, or recommendations on the sort of process required to handle these issues?
➢ It was suggested that the WG look in environment and development journals and other academic journals for useful case studies.

Corporate practice and sustainability
There was much discussion around this topic.

- How much money are PricewaterhouseCoopers (PWC) putting in relative to the benefits they will get out?
- Would an academic or neutral study be different in its outcomes? PWC being involved raises a red flag. Review of survey instrument they use is important. Is this the best way to address these issues? How useful will this data be?
- The questionnaire needs to be very specific. In addition to a survey of multinational companies, it was considered important to include a survey government, national companies, NGOs and those affected by mines – what are the different roles & responsibilities?
- It was suggested by one member that we could lose a lot if we don't have access to the raw data.
- Other similar work is being undertaken. For example, international work been done on DOW Jones in Zurich. World Bank did survey of corporate practices 3 years ago.

The WG confirmed that the PWC proposal was seen as one piece of research feeding into a broader theme including other perspectives on sustainable practices in industry. For example, the WG has been talking to the World Bank about surveying developing country governments about their reaction to these practices.

There have also been lengthy negotiations with PWC. The following had been agreed:
- PWC does not unilaterally design the survey. Ultimate control lies with a Review Committee. The legitimacy of the survey therefore depends on the membership of this Committee.
- PWC are just responsible for generating data. The WG is responsible for writing the report and has editorial control over this.
- The motivation behind PWC holding back the raw data is to guarantee confidentiality to the companies so that they are more prepared to reveal things.

The WG emphasised that if the AG felt it was inappropriate to proceed with this survey, they would not do so.

PWC feedback from AG

A group from the AG was nominated to organise discussion on PWC's proposal and to report back to the WG. The AG came to a general consensus that it felt comfortable to move forward with the proposal following the principle of inclusivity, the importance of developing new partnerships and making the most of win-win situations.

However, they recommended the following be considered:
1. Is this a project worth doing?
2. Who is managing the process - PWC or MMSD?
3. There should be no net cost to MMSD. If additional funding is required for the review group or to engage other stakeholders PWC should be prepared to contribute.
4. In addition, PWC should possibly contribute cash to MMSD.
5. Other organisations should participate in developing the survey
6. Is some of this information already available?
7. Questionnaire design and the need for hard questions.

8. The need for broader perspectives, e.g. information from communities around the mines.
9. The Review Committee formed by the WG should include representatives from the NGO community – to be involved from design to review.

General issues arising from PWC discussion
Acceptance of PWC proposal by MMSD is precedent setting. MMSD should work towards being prepared to deal with this kind of sponsorship proposal in future rather than being reactive. What principals, practices, quality of work and conditions must the proposals meet?

If an activity or partnership is not working, the WG should be prepared to terminate it.

Managing mineral wealth
Suggestions:
> Social and human capital should be considered as well as economic
> Lessons can be drawn from the useful work being done in the oil and gas sectors
> In addition to macro level, should consider regional and local context and backwards and forwards linkages
> Develop a clear standpoint on how mining sector can contribute to employment etc… What are the constraints? E.g. Current emphasis on shareholder value. What can governments do to change tax codes etc?

Best practice
A proposal was made by a member of the AG to develop best practice guidelines for the industry relating to the 4 principal areas of sustainable development – social, environmental, governance and business development. Any work that is done has to be applied and has to have clear relevance for company performance. This should be one of most important filters through which decide if piece of work is worth doing or not. It was suggested that a conceptual framework for SD be developed this from applied perspective with the results being a list of 'dos' and 'don'ts' for mining companies.
> *Environmental* – e.g. zero pollution and zero accidents
> *Social* – e.g. objectives of transparency, information disclosure and release inventory, benefit flows to communities at project or national level. Setting targets for financial concerns to communities & equitable.
> *Governance* - e.g. political leadership around environmental and social best practice
> *Business development* - *e*.g. looking for things that set, operations based on closed cycle ways of working

A lot can be done through best practice that can help to eliminate/resolve deficiencies of government. The final outcome would be report of recommendations potentially including a considered view of a topic and a legislative drafting role.

Feedback
> It was agreed that the idea was useful but could not be decided on at the meeting.

➢ The role of government and communities in best practice needs to be considered - guideline for actions to be undertaken by different actors could be developed.
➢ Issue of best versus good practice is difficult.
➢ It was suggested that a set of dos and don'ts be delivered to companies, governments, communities etc..
➢ Need to make judgements about where advocate best practice and where advocate better or good practice. Has to be more than guidelines – need something harder.
➢ The WG felt that a document outlining something along these lines would be useful eventually and would like to work with AG to move forwards. They raised the following concerns about taking up the suggestion immediately a) some stakeholders don't believe in best practice as best way forward. Don't want to alienate people trying to engage who don't like best practice b) issues mentioned useful but we have gone through big consultation process, therefore need to honour other suggestions received. Need to make strategic judgements about priorities if we are going to be a catalyst for change.
➢ The mining sector does need some clarity over what sustainable development means.
➢ As far as best practice is concerned, we need to be careful of what amounts to a systems approach to a sector. Company performance is very much embedded to where they are located in society. If have company embedded in a corrupt regime, difficult for them to perform to the same level. We need to look at outputs which are society based…need to surface fact that some companies are in situations that do not have control over.

It was agreed that the WG would take the proposal and integrate it into the Work Plan at the same time as they revised the Work Plan to reflect the discussions and suggestions made over the course of the 2 days.

General issues
a) Process of becoming a member of the sponsor group/commercial sponsors needs to be more clearly defined.
b) Need for clarity on intellectual property - Who owns the outputs? WG explained that the final synthesis of ideas will be IIED's work but individuals and organisations working on individual topics will be attributed.

General comments on priority themes identified
➢ Some of topics presented seem fairly academic – end goals are not clear.
➢ Seem like a set of discrete projects - the end game of which is unclear.
➢ The scale of these projects is enormous.
➢ What value can this research add to existing research? Need to see what research has been undertaken since we are looking at analysis for change.
➢ Although some criteria as to how topics are selected has been provided by the WG, this needs to be detailed a bit more. For example, for many of the NGOs, the big issue is not how move forward, but is whether mining industry should be in site at all e.g. protected/socially sensitive area. People will be looking to see how MMSD decided to or not to address this issue.
➢ Final Report - WG still has work to do on defining outline of Final Report.
➢ Need more explanation of how the research links with other activities – particularly global dialogues and regional processes.

> ➤ Need to make process clear in the report itself – Where is the money coming from? Who will the consultants be? – include this on website and in other communications materials.

Suggestions for new areas

It was felt that there were some things that should receive attention that were not on the agenda:

1. Air quality – smelters.
2. Need clear statement of costs and benefits of mining. Suggest do this through life cycle analysis including an assessment of what the roles of each stakeholder should be through the life cycle.
3. Comprehensive understanding of research already being carried out & outlining new areas which should be tackled. E.g. with labour could outline areas which have never been researched.
4. Issue of dewatering - many examples where ground water levels have dropped significantly due to mining.

Selection of topics

Would find useful further discussion about

a) How priority list is going to be selected and by when.
b) How discussions of today will impact on selection.
c) What is the status of topics already selected.

Action
The WG to come back to AG with list of criteria for selecting topics. This could be applied to other activities as well as research

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PROJECT GOVERNANCE

Role of AG

A Draft AG Charter was drawn up at the first AG meeting. This Charter mentioned five elements of involvement – quality, integrity, content, conduct and design of MMSD. However, the fact that the role of the AG would vary at different stages of the project life was discussed. MMSD is currently at an evolutionary stage. It may be that more of AG help is likely to be needed at this stage. As the project evolves, less involvement may be needed because the foundation will be in place.

It was suggested that part of AG's role at this stage is to help WG to prioritise and achieve a manageable work flow. To achieve this it was suggested that a number of additions be made to the AG Charter including the general purpose of the AG, its objectives, and a list of 5 or 6 criteria against which they should measure proposed research. It was felt that this would help the AG to contribute and help them in explaining their role.

Inconsistency in communications materials was pointed out. The website says that AG are from different groups whereas in Charter/other documents say are individuals. The WG needs to amend the website to correct this. The importance of consistency between all MMSD documentation was emphasised. For example, the contract

between the WBCSD and IIED specifies that the WG has a duty to refer to, listen to and reflect the views of the AG and has the right to independent publication.

It was suggested that AG objectives be laid out in each document rather than referring to other documents. The importance of consistency between the different documents was also raised.

The suggestion of co-chairing of the AG was discussed. Why should the AG be co-chaired by two purposefully different types of individuals if members of the AG are individuals rather than representatives of organisations.

Selection of AG members

There are 7 positions remaining to be filled on the Assurance Group. It was agreed that a clear process for selection of new members was needed.

Action
It was proposed that a transparent and inclusive process be set up for selecting candidates for these positions. A nominating committee should be established consisting of four members of the AG and three non-members.

Sponsors Group

Richard Sandbrook provided an update on the Sponsors Group and reported that the process is about two months behind schedule and that it is proving difficult to attain the split of 60% industry 40% non-industry.

➢ It was suggested that another category of involvement should be created called 'collaborating institutions' – a) for equity and fairness b) to achieve balance – and that this group be allowed to attend Sponsor meetings.

➢ It was suggested that in principal there should be some correspondence between the AG and Sponsors Group and that a meeting between the two should be arranged.

➢ It was reported that some of the sponsor companies didn't see a problem with customers becoming sponsors but had a problem with suppliers becoming sponsors.

➢ In the Sponsors Group Draft Charter it was suggested that the terms 'support' or 'guidance' rather than 'advice' be used because the latter does not fit with the concept of independence.

Draft Charters

It was proposed that an informal group be formed to take comment from the AG and others and to revise the Charters so that they are acceptable to each group as well as trying to address concerns of others.

Action
It was suggested that a Charter Review Group be formed and that Jay Hair manage the Charter Review process. Kathryn McPhail and Manuel Pulgar-Vidal agreed to join group. It was also agreed that the Group would make sure drafts of the charters get to all AG members for comment.

The Charter Review Group would work by telephone and mail with the possibility of a meeting. Richard Sandbrook saw it as his responsibility to get this resolved

STAKEHOLDER ENGAGEMENT

It was suggested that clarification was needed on rules of engagement:
1) How does MMSD plan to engage stakeholders who e.g. send letters or have specific concerns. Some enquiries WG can deal with and some they will need advice from AG. Need to try and develop clearer guidance on this.
2) How has process of consultation improved the design of MMSD. It would be useful to document how process of consultation has improved or changed outcomes
3) The relationship between stakeholder engagement and research is not clear. What is difference between global and regional dialogues?
4) For initiative to succeed, need to ensure that Sponsors are also part of the engagement process

REGIONAL PROCESSES

WG provided an update on the regional processes. This included a presentation by Tony Hodge on the North American Scoping Study.

The following points were raised:
➢ The concern about how to activate regional process when regional sponsors were not yet engaged was raised.
➢ On 'Principles of Engagement for Regions', it was highlighted that 'inclusivity' is missing from the list – this is fundamental.
➢ In the context of the regional processes, the importance of learning from and dove tailing with what is already going on was raised.
➢ We can have a catalytic role and need to set realistic targets for 18 months but give birth to processes that will continue beyond the two years.

AG Members' roles in regional process
The role of AG members in their respective regions was discussed. It was agreed that each AG member will be invited to get involved in the process in their region but members are not obligated to participate. Some AG members expressed a willingness to play a role but were limited by time capacity. It was concluded that the role of the AG be to help and constructively critic the process and work towards developing mutually agreed principals of engagement but that unless individuals chose to do so, they were not responsible for making it work on the ground.

Companies' roles
As far as the companies' roles in the regional processes are concerned, the following was suggested:
a) Regional sponsorship
b) Involving regional offices and employees
c) Providing contacts

North American Process

Tony Hodge (TH) presented a report on progress with the North American process (*separate report available*).

AG comments on progress report

➢ How is it intended to identify other communities? TH response - Intend to take advantage of explosion of communication.

➢ Is Mexico to be part of the North American or Latin American process? TH response - Felt that at this stage should not draw a line. In the long run the boundary may be fuzzy.

➢ Concern that process may be seen as competition by existing initiatives. Also concern regarding burn out. To overcome this need to demonstrate that regional process adds value to existing initiatives. Need also to generate an environment where people can participate in a useful way.

FUTURE MEETINGS AND PLANNING

It was agreed that for future meetings, papers should reach the AG at least 2 weeks in advance and WG presentations should be no longer than 15-20 minutes to leave as much room as possible for discussion and AG contributions.

The budget allows for 3 more meetings of AG.

Agreed next meeting **22 to 23 January 2001**. Proposal by Daniel Meilan to hold this in Argentina. It was agreed that the WG would look at different options taking cost in to account and present these to the AG. It was also agreed that AG meetings would be held meetings in places relevant to project work – opportunity for stakeholders to meet AG.

It was agreed that the final two meetings would be held a) 15 August to 15 September 2001 and b) November 2001. AG members agreed to let the WG know of when they would be *unavailable during these times.*

The possibility of holding an additional meeting in May 2001 was raised. Additional fund would need to be secured for this.

Interim consultation

➢ It is hard to assemble this group frequently enough to review concepts as fast as they are developed.

➢ We need some means of interim consultation.

ACTION

Issue of possible vacancies

Glenn Miller, Manuel Pulgar, Doug Fraser, Ligia Noranha – will deal with issue of resolving.

Work Plan

Charles Secrett , Kathryn McPhail, Doug Yearley, Helmut Weidner– will assist in future development of the Work Plan and related documents.

Charter Review

Kathryn, Manuel, Jay Hair

APPENDIX A: LAYING THE FOUNDATIONS FOR POSITIVE CHANGE

(Luke Danielson's presentation)

Fundamental challenges of sustainable development

- Staying within the capacity of ecosystems to absorb change.

- Providing an adequate standard of living for those who do not have enough.

- Creating conditions in which individuals and groups can develop their potential.

- Developing systems of governance which promote and sustain these goals.

MMSD project objective

To identify how mining and minerals can best contribute to the global transition to sustainable development.

Who is involved in MMSD?

- MMSD has four sets of key actors:

  - The Sponsors Group

  - The Assurance Group

  - The Work Group

  - Regional Partner Organisations

The MMSD Sponsors Group

- Provides project funding and resources.

- Started with nine (now 31) major mining companies but will expand October 1 to include both industry and non-industry members.

- Does not control project outcomes.

- Convened by World Business Council for Sustainable Development.

- Draft charter on MMSD web site.

- Contact through Project Coordinator Richard Sandbrook.

The MMSD Assurance Group

- Balanced to account for great variety of interests and stakeholder groups.

- Currently 16 but will expand to 24 members.

- Charged with assuring independence, integrity and objectivity of process.

- Draft charter appears on MMSD web site.

Assurance Group Members

- Roger Augustine
- Patricia Caswell
- Douglas Fraser
- Jay Hair (interim chair)
- Antonio La Vina
- Daniel Meilan
- Glen Miller
- Duma Nkosi
- Ligia Noronha
- Manuel Pulgar-Vidal
- Leon Rajaobelina
- Damien Roland
- Charles Secrett
- Osvaldo Sunkel
- Helmut Weidner
- Doug Yearley

The MMSD Work Group

- Headquartered at the International Institute for Environment and Development in London.
- Charged with administering and developing the project.
- Will develop a series of specific projects in consultation with stakeholders, each of which will be focused on a critical emerging theme.
- Most projects will be done in cooperation with other organizations already active in the subject matter.

MMSD Regional Partnerships

- Will be developed in five to six of the principal mineral producing and consuming regions.
- Will be developed through consultation and discussion with regional stakeholders.
- Regional programs will have a high degree of autonomy under rules satisfactory to regional stakeholders.

Proposed Regional Centres

- North America

- Southern Africa

- Southeast Asia

- Europe

- Australasia

- South America

Regional Centres

- Will have their own governing structures in a form satisfactory to principal stakeholders.

- Will receive some funding from the central project.

- Will have their own regional sponsorship groups.

- Will divide their focus between cooperating in the development of the global project and pursuing objectives they get at a regional level.

Regional Structure
Regional Workshops

- In some other important centres of mineral production and consumption, the project intends to develop multi-stakeholder research workshops.

- We are considering such an approach in:
  - the former Soviet Union/CIS
  - China
  - Japan

The project has 4 core elements:

Individual activities

- Will incorporate each of the four elements:

  - Stakeholder engagement

  - Research and analysis

  - Information, communication, dissemination

  - Implementation and follow up

- Will be centered on strategic issues in mining and minerals industries.

- Will be selected for their importance to stakeholders.

- Will have their own timetables and outputs.

- Will have their own governance and engagement processes.

- The following are examples.

These proposed activities

- Are in the design stage.

- Cannot be fully developed without broad consultation and agreement.

- Need their own governance structures and processes of engagement.

- All of which must be acceptable to potential partners.

- Must be developed with a clear concept of how they can be put into action.

Other activities

- MMSD in broad consultation with other actors will continue to develop other specific activities of focus as the project moves forward.

- Priorities include:

  - Specific concerns of indigenous communities.
  - Management of mineral revenues.
  - Environmental concerns over metals and the relationship to trade and markets.
  - Economic, social and cultural impacts on local communities.

What can this project accomplish?

- MMSD can do three things in its two year existence:

1. Develop new approaches for collaborative resolution of key problems.
2. Demonstrate that those approaches are yielding progress on some issues.
3. Develop a more broadly shared agenda for work beyond the life of the project.

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APPENDIX B: PROPOSED CRITERIA FOR SELECTION OF MMSD ACTIVITIES

Relationship to objectives of MMSD
➢ Does this activity contribute to the overall objectives of MMSD?
➢ Is it consistent with the Work Plan?
➢ Does it fit into the broad research model/outline which will lead to our final report?

Can MMSD add value?
We could add value in several ways:
➢ *BASELINE REVIEW:* Does this activity help define where the gaps are in current knowledge?
➢ *GAPS:* Does it help to fill those gaps?
➢ *BUILDING CONSENSUS:* Does it help to build broader consensus for solutions?
➢ *EDUCATION/DISSEMINATION:* Does it help disseminate knowledge more widely?

Outcomes?
➢ Can we see a way that this activity could lead to positive change?
➢ Are there concrete potential means to drive change?

Is there a clear MMSD role?
➢ What are other institutions already doing in this area?
➢ Does the proposed activity add to what is already being done?
➢ Can it be done without interfering with the efforts of others?

Potential for partnership
➢ If there are institutions already working in this area, is there any way we can strengthen their efforts by partnering with them?
➢ Is there potential synergy with existing efforts?
➢ Can our participation help build networks?

Potential for sponsorship
➢ Are there resources from sources outside our core budget available to finance this activity?
➢ Would it help solidify our relationship with an important potential sponsor?

Financial commitment
➢ What will it cost to do this activity right?
➢ Opportunity cost: what will be its impact on other potential activities?
➢ Does it fit within budget?

Management demands
➢ How much time and attention will this activity require from core MMSD staff?
➢ Opportunity cost: what will this cost us in terms of other activities we will have to forego?
➢ Does it fit within our manpower budget?

Support for regional activities
➢ Does this activity help build our regional efforts or support our regional partners?

Stakeholder interest
➢ Is the proposed activity high on the priority list of one or more principal groups of stakeholders?
➢ Is there sufficient interest to assure the desired level of engagement and participation?

Risk
➢ What is the level of risk to MMSD if the activity does not pan out?
➢ Would our credibility be seriously damaged by failure?
➢ How high are these risks and can we manage them to acceptable levels?