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EXTRACTIVE SECTOR AND CIVIL SOCIETY:

WHEN THE WORK OF COMMUNITIES, GOVERNMENTS AND INDUSTRIES LEADS TO DEVELOPMENT

CHILE

CANEF
CANADIAN EXTRACTIVE SECTOR FACILITY

This is a publication of the Inter-American Development Bank (IDB) Group, Vice Presidency for Countries.

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4% of Latin America and the Caribbean's GDP comes from the extractive sector. This figure is equivalent to the amount generated by agriculture in the same region. An effective engagement between governments, companies, and civil society is required to propel sustainable development. With this diagnostic study of Chile, the IDB seeks to shed light on best practices among stakeholders of the extractive sector. It focuses in actions of information, dialogues, consultations, collaborations, and partnerships that are driving development in the country.

This booklet focuses on the findings of Chile and is part of a regional diagnosis executed in Argentina, Chile, Colombia, Mexico, Peru, and the Dominican Republic. The full publication is available at: https://publications.iadb.org/en/extractive-sector-and-civil-society-when-work-communities-governments-and-industries-leads.

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Contents*

**The table of contents of this booklet maintains the same numbering of the original regional diagnostic study.*

Abbreviations and acronyms

ACM	Asociación Colombiana de Minería
ACP	Asociación Colombiana de Petróleo
AIDESEP	Asociación Interétnica de Desarrollo de la Selva Peruana
AMEXHI	Asociación Mexicana de Empresas de Hidrocarburos
AMSA	Antofagasta Minerals
AMUCEP	Asociación de Municipalidades de Centros Poblados de Huari
ANDI	Asociación de Industriales de Colombia
ANLA	Autoridad Nacional de Licencias Ambientales
ASF	Auditoría Superior de la Federación
IDB	Inter-American Development Bank
CAEM	Cámara Argentina de Empresarios Mineros
CAMIPE	Cámara Minera Petrolera de la República Dominicana, Inc.
CAR	Autonomous Regional Corporations
CEAS	Comisión Episcopal de Acción Social
CEMDA	Centro Mexicano en Derecho Ambiental
CEFORMOMALI	Centro de Formación para Mujeres Organizadas María Liberadora, Inc.
CFE	Consejo Federal de Energía
CIDE	Centro de Investigación y Docencia Económica
CINEP	Centro de Investigación y Educación Popular
CITT	Centro de Innovación y Transferencia Tecnológica
CMAP	Comité de Monitoreo Ambiental Participativo
CODELCO	Corporación Nacional del Cobre
COFEMA	Consejo Federal del Ambiente
COFEMIN	Consejo Federal de Minería
CONADI	Corporación Nacional de Desarrollo Indígena
CONALEP	National College of Technical-Professional Education
CONAP	Confederación de Nacionalidades Amazónicas del Perú
CORMIDOM	Corporación Minera Dominicana
CSO	Civil Society Organization
CVSA	Cerro Vanguardia, S.A.
DGM	Dirección General de Minería
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
ENTRE	Espacio Nacional por la Transparencia de la Industria Extractiva
FALCONDO	Falconbridge Dominicana
FARN	Fundación Ambiente y Recursos Naturales
FFLA	Fundación Futuro Latinoamericano
FOMISAR	Fondos Mineros de la Provincia Sánchez Ramírez
GDL	Grupo de Diálogo Latinoamericano Minería, Democracia y Desarrollo Sostenible
GDMDS	Grupo de Diálogo, Minería y Desarrollo Sostenible
GDP	Gross Domestic Product
ICMM	International Council on Mining and Metals
FDI	Foreign Direct Investment
ILO	International Labour Organization
IMCO	Instituto Mexicano para la Competitividad
INFOTEP	Instituto Nacional de Formación Técnico Profesional
LWR	Lutheran World Relief
MAC	Canadian Mining Association
MBV	Mesa de Buenos Vecinos
MEM	Ministerio de Energía y Minas
MIMARENA	Ministerio de Medio Ambiente y Recursos Naturales

MSG	Multi-Stakeholder Group
MSX	Minera San Xavier
ONIC	Organización Nacional Indígena de Colombia
UN	United Nations
PACMA	Programa de Apoyo a la Comunidad y Medio Ambiente
PAE	Pan-American Energy
PEMEX	Petróleos Mexicanos
PUCP	Universidad Católica del Perú
PVDC	Pueblo Viejo Dominicana Corporation / Barrick Pueblo Viejo
CSR	Corporate Social Responsibility
SEMARNAT	Secretaría del Medio Ambiente y Recursos Naturales
SENER	Secretaría de Energía
SIA	Social Impact Assessment
SMCV	Sociedad Minera Cerro Verde, SAA
SME	Small and Medium-Sized Enterprises
SMP	Social Management Plan
SNMPE	Sociedad Nacional de Minería, Petróleo y Energía
SODOGEO	Sociedad Dominicana de Geología
SPH	Sociedad Peruana de Hidrocarburos
TSM	“Towards Sustainable Mining” initiative
UAGRO	Universidad Autónoma de Guerrero
UASD	Universidad Autónoma de Santo Domingo
UBA	Universidad de Buenos Aires
UNMSM	Universidad Nacional Mayor de San Marcos
UNSAM	Universidad Nacional de San Martín
UTECO	Universidad Tecnológica del Cibao Oriental
YPF	Yacimientos Petrolíferos Fiscales

1. INTRODUCTION

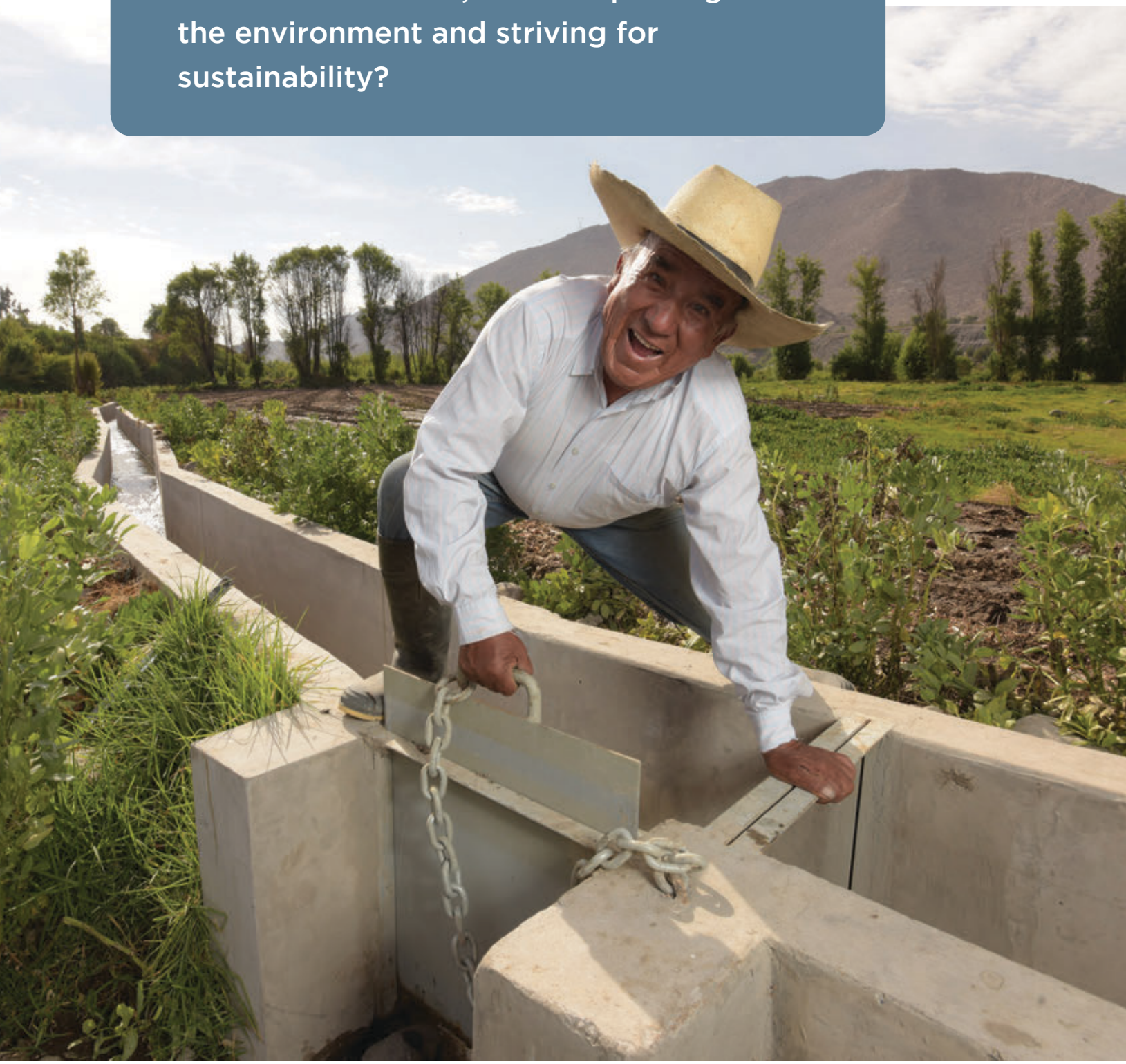
Countries that are rich in natural resources and the consequent extractive activity around those non-renewable resources –minerals, oil and gas– present several possible analytic perspectives or approaches. An economic analysis allows us to estimate investment costs, corporate profitability and the contributions of the extractive sector to the national or regional economy. From the perspective of technological advances, extractive industries require the use of sophisticated, cutting-edge technologies with the potential to help reduce negative impacts. From an environmental perspective, due to the scale of these types of projects, there is an emphasis on the impacts of extractive activities on nature and biodiversity, the competition for the use of water resources, the consequences for crops and the possible contamination of rivers and aquifers, where the aforementioned technologies can play a decisive role in prevention and mitigation measures.

From the social perspective, a similar sophistication is required to analyze the range of opportunities and challenges for stakeholders when dealing with the various phases of large projects, such as exploration, exploitation and closure, particularly considering the neighboring communities, which are generally rural.[1]

The following diagnosis analyzes the extractive sector from the perspective of the engagement between the main stakeholders: the Government, the Company and the Communities directly or indirectly affected by extractive activities. This diagnosis differs from the classic approach towards extractive activities as "a catastrophe for natural resources," preferring to study and highlight those findings where effective stakeholder engagement represented an opportunity for development and contributed to the success of an operation.

As a baseline, the diagnosis used information obtained through previous studies and field experiences, reviewing the fact that extractive activity implies the participation of these three stakeholders in different capacities and spheres of action: (i) the **government** and its role at the national, provincial and/or municipal levels regarding the steps of extractive activity, such as the design and allocation of bidding documents, authorizations, monitoring of implementation, with a shorter period of influence on political decisions (in the absence of institutions that support such decisions) compared to the other two stakeholders, among others; (ii) the **company** that, due to the nature of long-term extractive activity, remains in the field for periods generally spanning decades. After obtaining authorizations and licenses (including social ones), it is situated geographically and becomes

How can governments, communities and industries use their diverse interests and needs to generate mutual benefits for all stakeholders, while respecting the environment and striving for sustainability?



part of the life of communities near the extraction zone. This important characteristic defines extractive activity and helps shape the social fabric and the local economy, impacting the composition of traditional groups; (iii) the **communities**, in addition to being responsible for providing information and understanding the scope of the project before granting the social license to operate, remain on the land for generations and are engaged during each phase of the activity (in the case of "onshore" extraction, from the opening to the closure of activities).

Extractive activity can provide opportunities for communities and can also lead to new tensions within the population itself. These opportunities and tensions include the employability of workers from the communities. Due to their specific requirements and technical profiles, this employability tends to be low, which leads to greater competition for jobs. Sometimes a gap can arise between workers from the communities and other members of the same community without jobs in the company. The communities are susceptible to internal divisions where no previous conflicts existed. This factor is also observed when workers arrive from outside the community and generate significant growth in the local population, with new inhabitants in the area who are foreign to rural traditions and rhythm. This situation also exerts pressure on the same territory with the same limited resources. Other potential conflicts include new infrastructure projects and the time it takes to complete these works, affecting traffic patterns in the communities; a possible increase in alcohol consumption; a disproportionate number of men compared to women; potential increases in gender crimes; start or increase of prostitution activities.

Particularly noteworthy is the company's ability to influence the value chain with different undertakings and service organizations that can gain new development opportunities due to the arrival of the company, often leaving the extractive company at the mercy of a monopolistic fixing of prices for these services.

How can the parties involved use their diverse interests and needs to generate mutual benefits for all stakeholders, while respecting the environment and striving for sustainability?

To answer that question, this diagnosis focused on studying best engagement practices, which have achieved both measurable and comparable results that can be replicated, such as new productive undertakings or significant advances in the education and health sectors, as well as intangible impacts, such as building trust and developing collaborative processes. This approach seeks to discover what works in an activity that, for some countries rich in natural resources, represents more than 50% of tax revenues.[2] The best practices highlighted in this publication provide guidelines and orientations for consolidating and improving the engagement between these three stakeholders and show ways in which the extractive sector can contribute to national and local development in the countries of Latin America and the Caribbean.

For some countries rich in natural resources, extractive activity represents more than 50% of their tax revenue

Best practices have shown that good engagement builds trust, leads to agreements on disputed issues, strengthens the local economy, generates environmentally sustainable practices and improves the quality of life of the population. These same best practices also indicate that stakeholder engagement is the result of processes that require a medium- and long-term vision that considers the allocation and investment of human and financial resources.

For this diagnosis, countries within the region that are rich in natural resources but have different profiles and experiences in extractive issues were selected. These countries are: Argentina, Chile, Colombia, Mexico, Peru, and the Dominican Republic.

In order to develop this study, each country's experience was validated, and these experiences were corroborated with representatives of industry/business, communities/civil society and governments, to ensure that they all agreed that the experience was considered best practice according to previously defined criteria.[3] Subsequently, a second validation was carried out using different sources of information, including written materials, interviews, field visits and working groups.

With the purpose of organizing all the experiences, these findings were grouped methodologically into five engagement levels.[4]

Information:

This level includes the provision of data and background information about the extractive project by the company and the government. It also includes the provision of information by civil society organizations and other interested parties within the territory.

Dialogue:

Dialogue refers to the active, continuous and informal exchange that, through various degrees of contact between stakeholders regarding the extractive sector, seeks to create or strengthen constructive relationships between the parties. These processes can be temporary or permanent over time, and also have the potential to generate positive changes in the relationships.

Public consultation:[5]

Consultation is considered a formal, public and organized process, with stages that respond to legal or regulatory obligations, as well as principles of universal best practices, with the goal of gathering inputs regarding an extractive project.

Collaboration:

These are the actions in which the communities, the extractive company or the government develops knowledge products or in which the community itself participates in training initiatives to add skilled human capital that may benefit local economic growth.

Partnership

These are the actions in which communities are included and financed so that they become responsible for implementing a project or project component related to the extractive project.

1.1. The three stakeholders in extractive activities

All extractive enterprises (mining or hydrocarbons) have three stakeholders that are constantly interacting: the extractive industries, the government and civil society.

1.1.1. Extractive companies

The term "extractive industry" refers to all companies—public or private—that aim to extract natural resources.[6] It also includes companies that provide services directly related to the extraction process (for example, companies that supply drilling rigs). At the same time, it excludes all companies involved in commercialization, such as pipeline managers, ships, gas stations, etc. In the context of this technical publication, artisanal and small-scale mining is not included.

Extractive companies operate in the peripheral regions of the world, trade in international securities markets, employ state-of-the-art technology, and interact locally with governments and communities. Across the world, extractive companies belonging mostly to global trade associations have been promoting a series of initiatives to strengthen their engagement with local communities. The mining industry has the International Council on Mining and Metals (ICMM), which is a leader in the field of social responsibility within the sector.[7] This organization is led by industry CEOs and dedicated to sustainable development. Founded in 2001, ICMM brings together 23 of the leading mining and metals companies in the world, as well as 34 regional, national and commodities associations. These companies and associations are committed to improving their performance in sustainable development and the responsible production of the mineral and metal resources that are required on a social level.[8]

Similarly, the hydrocarbon industry has the International Association of Oil & Gas Producers, founded in 1999 as the leading global voice of the industry.[9] Members of the association produce more than a third of the oil and gas consumed worldwide. The association operates by supporting industry regulators to improve safety and environmental and social performance. It is also a unique space where members of the association exchange knowledge and best practices to improve health, safety, the environment and social responsibility.[10]

For industries, the presence of governments with clear regulations and engagement with the local population are key elements for including all interested parties and achieve the greatest success of operations. Experience has shown that companies strive for continuous engagement with local communities, in order to build trust and generate support for the extractive project by a majority of the population. There is a growing trend in which companies consider the population as a potential ally for the project's implementation, with whom it is necessary to build trust, develop effective communication channels and agree on rules for an engagement that may produce positive results and impacts for all stakeholders.[11]

Thanks to the results of this diagnosis, it was found that most companies promote exchanges with communities that go beyond sharing information or maintaining informal dialogues, promoting and developing engagement plans that may help minimize negative impacts and increase the social and economic opportunities provided by the extractive project. In this sense, civil society has reached a critical mass and—together with responsible companies—has promoted and adhered to voluntary principles on human rights and business practices,[12] while also respecting and advancing other social and economic rights.[13]

It has also been pointed out that there is an interest in promoting local businesses by connecting them to the extractive industry as suppliers of goods and services. This has helped strengthen the local economy, driven by the extractive sector and leading to a shared interest with the government.[14]

In the same line, the diagnosis has provided evidence of how the industries manage community engagement and assign human and technical resources.[15] On the other hand, companies dedicated to exploration activities in the first phase of an extractive project usually do not have the financial resources to develop partnerships and collaborative processes, since these require planning and investment of significant human and financial resources, and therefore informative activities and initial dialogues are critical. On another note, some projects in the exploitation phase do not have enough pre-assigned human and financial resources for effective company-community engagement. Since some companies do not have engagement plans, they may fail to communicate the opportunities and limits of their actions.[16]

During the implementation of a project, the government—both national and local—and the company are in a situation that requires collaboration, and they both have complementary roles in their engagement with the community. However, their respective roles are not always clear, and they do not always possess the skills required to fulfill these roles.[17]

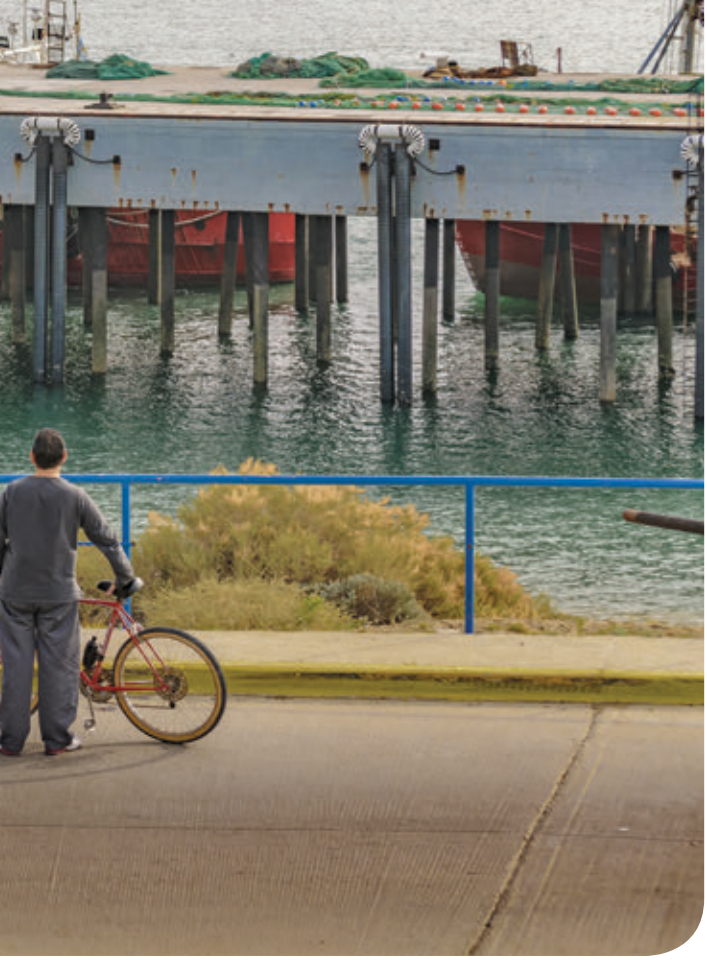
This diagnosis has revealed that engagement in the extractive sector has been driven by important progress in the design and implementation of Corporate Social Responsibility (CSR) principles. According to the ICCM, companies have improved their practices in areas such as transparency, human rights and the environment and are looking for ways to contribute to sustainable development at the national level in the territories where they operate.[18] Many extractive companies have CSR policies that include programs which promote productive capacities, as well as health programs, improvement of local infrastructure and formal education.[19]

1.1.2. Government

The national governments of the region,[20] regardless of their political party orientation, have implemented policies to attract foreign direct investments for projects that include extractive industries.[21] The high prices of raw materials have increased the tax revenues of the countries of Latin America and the Caribbean and have increased investment and economic activity. Some governments in the region saved a portion of the revenues and others used that income to increase fiscal spending. This is why the price reduction in early 2008 and more strongly between 2012 and 2013 has had different impacts on the development of these countries.[22]

The boom in raw material prices has had an impact on poverty reduction and the growth of the middle class in the region.[23] The extractive sector has also had positive effects on employment; however, its contributions have been relatively modest compared to the total Economically Active Population (EAP). In the countries selected for the diagnosis, the percentage of employment in the extractive sector compared to the PEA is around 1%, with the exception of Chile where it exceeds 2%.[24]

Governments seek to adapt their institutional and legal frameworks to continue capturing revenues through the extractive sector. The price reduction for mining and oil resources since 2013 has led national governments to create attractive regulatory frameworks that ensure the economic and legal stability of investments in the sector, which frequently raises dilemmas in terms of how to balance this situation with its role as a regulator of extractive activities and a guarantor of human rights and natural resources.[25]



In recent decades, Latin American governments have strengthened their democratic and institutional systems, efficiently managed their macroeconomics and implemented inclusive social policies in order to reduce poverty and inequality. Even so, the end of the boom in raw materials has revealed structural problems in several countries of the region, related to fiscal and institutional matters, as well as other social, political and economic issues.[26]

National governments create the regulatory and institutional frameworks in which companies and local populations can engage. In terms of safeguarding the rights of the communities that surround the extraction zone, as well as other interested groups, this study shows that some engagement levels are clearer than others. Particularly noteworthy is the consultation with Indigenous Peoples, which has been included in their legal frameworks through the ratification of Convention 169 of the International Labour Organization.[27] Peru is the only country in the study in which such consultations are governed by a law, whereas Chile, Colombia and Mexico have regulations at the decree level for this purpose.[28]

Meanwhile, it was also found that the level of access to information is strongly regulated through legal frameworks. Every country has legal regulations that facilitate general access to information, and environmental laws specifically provide for access to information on the condition of nature. The development and approval of Environmental Impact Assessments often includes significant rights for the local population, such as access to information, consultations and other forms of stakeholder engagement.[29]

Regarding the institutional framework for the extractive sector, the national government is made up of different ministries that do not necessarily share the same priorities, although their operations are governed by general public policy guidelines. In all the countries in the diagnosis, it is the ministries of Mining and Energy that design the policies for the extractive sector and control their compliance.[30] On the other hand, there are ministries that aim to protect the environment and are in charge of approving environmental licenses. Depending on the country, other ministries may also engage with the local population. For example, in Chile the Ministry of Social Development, through the National Indigenous Development Corporation (CONADI), coordinates the action of the State in favor of the integral development of indigenous communities.[31] In contrast, the Ministry of the Interior leads the dialogue with local communities in Colombia. In Peru, the National Office for Dialogue and Sustainability is the coordinating entity for the rapprochement between the different stakeholders, and is very focused on extractive industries, although its role has diminished in recent years.[32]

Besides the executive branch, the countries analyzed in this diagnosis have other government stakeholders at the national level that engage with businesses, communities and the State in the extractive sector. The Ombudsman's Office (Defensoría del Pueblo) acts as guarantor of Human Rights and in some countries, such as Peru, it is also an important promoter of dialogues at the local level. In Mexico, the state-run company

PEMEX designs the engagement policies for the oil sector. The Constitutional Court of Colombia, in the absence of a law regulating prior consultation, has helped provide substance for this international standard.[33] In short, a series of national government stakeholders participate in the engagement between businesses, the State and civil society. Although this activity may cover potential regulatory gaps, it also increases the risk of a lack of coordination between the different spaces, on the one hand, and between these and other stakeholders such as companies and communities, on the other.[34]

The diagnosis shows that the relationship between national and local governments would benefit from a higher level of coordination and communication, which is necessary to reach agreements on standards and conditions for the implementation of extractive projects.

The diagnosis also found that the engagement between the national government and local governments would benefit from a higher level of coordination and communication, which is necessary to reach agreements on standards and conditions for the implementation of extractive projects.[35] While the powers over the extractive sector are centralized and concentrated in the national government, local governments play a crucial role as representatives and counterparts for the local population. They are key stakeholders in achieving agreements that include benefits for all the stakeholders.

The possibilities for engagement with local governments depend on their perspectives and policies regarding the extractive sector. The diagnosis shows that, for example, Argentina has provincial governments with regulations that are favorable to the development of a responsible extractive sector, while seven other provincial governments within the country have passed laws prohibiting open-pit mining projects or those that use chemical substances such as cyanide in their processes.[36] In Colombia, until mid-2017 the Municipal Councils of five Colombian municipalities have approved popular consultations on extractive projects, and the population has voted against these projects in every single consultation.[37]

Local governments are not only important counterparts in dialogues and collaborative processes, but also play a central role in ensuring that the resources from the extractive sector are effectively invested in works that benefit the communities surrounding the project. Depending on the country, up to 50% of tax revenues are distributed to local

governments, with Chile being the country in which revenues are most centralized and Colombia and Peru being the countries with the highest proportion of decentralized resources.[38] An important condition for resources to contribute to local development is the ability of subnational governments to coordinate investments and carry them out efficiently. Resources are an opportunity for development and for transforming local dynamics and economies, as long as the territories possess the capacities necessary to take advantage of this opportunity.[39]

The diagnosis shows that coordination between different levels of government, extractive industries and civil society increases the opportunities for resources from the extractive sector to contribute to local development.[40] For example, in Argentina, the three sectors established a local development agency that helped the local economy—which was based on wool production and was going through a severe crisis—recover and generate productive alternatives. The mining company that operated in the area encouraged the creation of this agency, participated actively in it, and financed some of the projects it prioritized. Another example is the Good Neighbor Roundtable (MBV), which brings together all three stakeholders in a Chilean municipality and directs the investment of the extractive sector towards new possibilities for economic development.[41]

For local governments, it is very important that the investment of resources is oriented to a territorial development plan and a territorial planning process, thus enabling resources to be allocated to the works most relevant for local stakeholders, while respecting local government plans in regard to its environmental, economic and social potential; and it is even better if these processes are developed in a comprehensive, participatory manner. According to this perspective, the extractive sector should be "a guest in this process,"[42] which contributes and adds value to the consensual development plan agreed between the different populations and based on the reality of the territory.

At all levels of government, especially in countries with little extractive tradition, there is a demand for more training and education on issues related to the extractive sector. At the level of local governments, it is necessary to hire more specialized technicians in these areas. A greater knowledge of the extractive sector will facilitate a more equitable negotiation between local governments and extractive companies, and will help consolidate and improve their engagement practices, which in turn will result in more benefits for the local population.[43]

1.1.3. Civil society

Civil society is made up of a wide range of non-profit organizations and human groups that represent social, cultural and ethnic sectors and interests. Its scope of action can be both rural and urban, as well as local, regional or international. At the national level, there are foundations, professional associations, non-governmental organizations (NGOs), academia, social movements, confederations of indigenous peoples, churches, or foundations of the extractive companies that finance development projects, and trade unions. At the local level, there are communities, community organizations, associations, indigenous groups and afro-descendant groups. Civil society organizations (CSOs) can be formal (legally registered in their respective countries) or informal (groups not officially registered).

The diversity of civil society is also reflected in the different roles assumed by its organizations in their engagement with the private and public sectors in relation to extractive activities. The diagnoses of all the selected countries show a polarization of society between opponents and supporters of the extractive sector. But they also reveal a diversity of positions and roles of civil society regarding the extractive sector, which cannot be reduced to a simple "yes or no" to extractive activity.

On the one hand, the countries analyzed have CSOs that create and strengthen spaces for engagement between companies, the State and the communities themselves and facilitate communication between the three stakeholders at the national and local levels. On the other hand, there are CSOs that implement a critical perspective, seeking to influence public policies and generate information that may help extractive activities respect both community rights and environmental and social standards. Finally, there are several CSOs that unconditionally oppose extractive activity and promote and accompany actions of resistance by the local population .

Civil society has diverse positions and roles regarding the extractive sector, which cannot be reduced to a simple "yes or no" to extractive activity.

The diagnosis revealed that universities in Argentina, Chile and Mexico play an important role, not only in the areas of academic training, research and knowledge transfer around extractive activities, but also in building bridges between stakeholders with conflicting interests. Generally, universities have legitimacy, since they are considered institutions with a high degree of technical knowledge, and are therefore guided by this knowledge and perceived in a more neutral role. One example is the Negotiation, Mediation and Dialogue Program (Prodiálogo) of the Center for Research and Teaching in Economics (CIDE), one of the most prestigious universities in Mexico that organizes multi-sector forums and workshops to promote dialogue on the extractive sector.[44]

Universities play an important role, not only in the areas of academic training, research and knowledge transfer around extractive activities, but also in building bridges between stakeholders with conflicting interests.

Other key stakeholders are the communities near extractive projects, who are stakeholders with a decision-making role regarding extractive projects. Companies must obtain a social license, which implies a certain degree of consent among the communities in order to develop their project.

This diagnosis includes cases in which the communities near extractive projects consider the projects to be development opportunities and are willing to engage with the company to achieve concrete and tangible results. In these processes, communities have committed to respecting their own visions of development and engaging with companies based on the fulfillment of that vision. They also assume commitments with the national government must establish in order to ensure its institutional presence in the territory and guarantees for the protection of their rights. Access to information, trust, equity in collaborative processes, participation in decision-making and transparency are additional interests that guide the actions of communities in engagement processes.

The diagnosis shows the evolution of engagement with respect to the investment of resources in indigenous territories. Many of the best practices report the strengthening of community assemblies and other traditional decision-making mechanisms through the presence of the company in these spaces in order to share information and seek the consent of indigenous organizations. In Colombia, the intercultural approach towards the Cerrejón company's engagement, with safeguards for the Wayuú people, included respect for their worldview, the use of the Wayuú language and the inclusion of traditional indigenous authorities in the negotiating committee. Thus, the company responded to the indigenous peoples' demand for participation and self-determination, understood as the right to own, control, manage and develop the territory.[45]

1.2. The costs of conflicts

A poor engagement process in which community complaints and concerns add up and go unresolved for long periods of time causes and intensifies conflicts, which in turn has consequences for the company, the State and the community.

At the community level, conflicts generate very high costs. A study that analyzed the costs for the communities of six large-scale investment projects (two agro-industrial, two energy, and two mining projects) discovered the following types of costs generated by conflicts at the community level:[46]

1. Financing the opposition movement (payments for leaders, media and advertising campaigns against the project, social networks).
2. Financing legal counsel in order to present lawsuits against the project.
3. Financing technical studies to contrast with company reports.
4. Financing transportation for mobilizations, informative meetings and visits to political authorities.
5. Depreciation of housing and economic activities that are near the project and assuming environmental impacts.
6. Tearing of the social fabric, since conflicts cause psychological and emotional effects, mistrust, competition and insults between the inhabitants themselves.

For the State, this same study indicates, above all, the expenses related to the increasingly expensive environmental licensing process and to possible lawsuits and expert studies. In addition, the State faces costs for personnel to deal with conflicts, potential police and military expenses, and must also assume political costs. The country as a whole can lose productivity and income, general competitiveness and foreign investment.[47]

The calculation of the costs of conflicts for companies results from the difference between the cost of preventing and addressing conflicts (related to security, recruitment of specialized personnel, training of personnel, among others) and costs arising from the outcomes of the conflict (project modifications, material damages, loss of productivity, reputation, among others).[48] In addition, the delay in the start-up of the project represents the highest cost mentioned. Particularly noteworthy are the costs derived from the bad reputation generated by a poor engagement, which hinders the search for new capital and the prospects for starting an operation in a new country.[49]

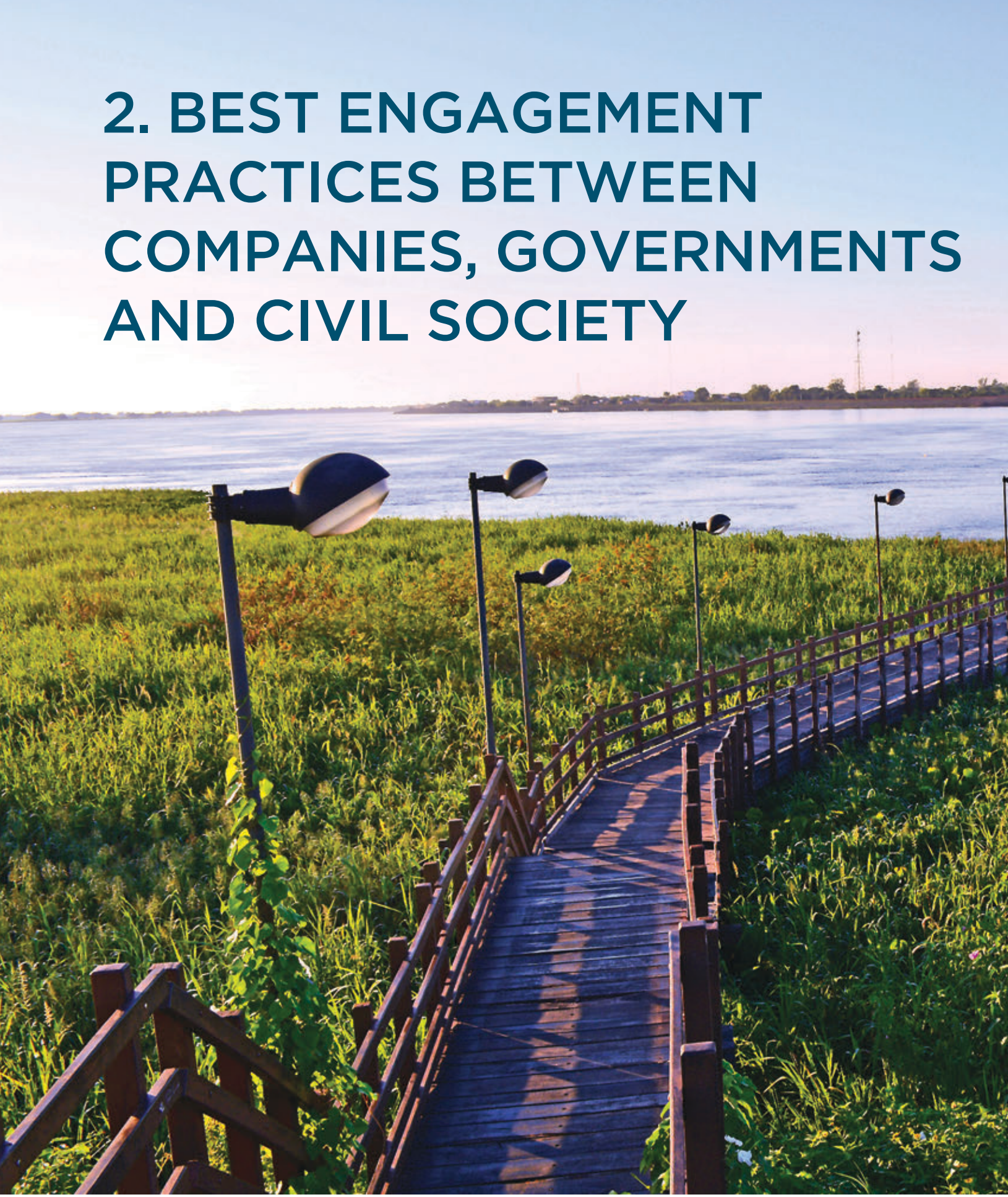
In a consultation conducted by the Fraser Institute, 36% of the mining companies surveyed stated that public opposition to mining has negatively affected the government authorization process, resulting in delays or rejections of permits. The majority said that the arguments made by the opposition to the extractive sector were environmental or pertaining to the rights of indigenous peoples.[50] Another study indicates that of a total of 200 infrastructure projects that faced some type of conflict, 36 were suspended due to conflicts, 162 faced delays and 116 had cost overruns.[51]

According to a study by the international network BDO International, the biggest concern for international mining executives are the existing and potential delays of mining projects. In a survey, high-level financial executives from the United States, South Africa, the United Kingdom, Australia and Canada expressed their concerns about access to capital and loans during 2013, mainly due to the interruptions observed in various mining projects. The main concerns of these executives were related to environmental and regulatory issues, high infrastructure costs and geopolitical conflicts that led to project disruptions.[52]

In 2008, an analysis of 190 projects by largest companies in the oil sector showed that the time period until the start of operations had almost doubled over the previous decade. The reason was the increase in costs. A more detailed analysis showed that non-technical risks made up 50% of the total risks and that, within this 50%, the most significant risk was engagement with other stakeholders.[53] Another study of 19 gold mining companies found that two-thirds of their market valuation was the result of their engagement practices with key stakeholders and only one-third was based on the value of gold in the territory.[54]

The above imply a risk perspective, where the costs of conflicts also indicate the need for timely planning of the engagement between the company, the State and civil society. This engagement must address and balance the diverse needs and interests of all stakeholders and thus allow for a better investment climate and the achievement of common benefits for all parties involved.

2. BEST ENGAGEMENT PRACTICES BETWEEN COMPANIES, GOVERNMENTS AND CIVIL SOCIETY



The following section presents detailed findings on the best engagement practices identified and validated in Chile. The analysis of each country begins with a summary of the context, best practices, stakeholder mapping and legal framework. Subsequently, best practices, the parties involved and the legal framework in which said best practices are implemented are described in further detail. The main conclusions and recommendations are presented at the end of the document.

2.2. CHILE

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2.2.1. Summary

Context

Economic: in 2017, the mining sector[86] contributed 9% to the GDP.[87] In 2015, Chile was the largest copper producer (30.5% of the world total),[88] and it had the largest copper reserves in the world (29.2%). In 2017, mining exports represented 54% of the country's total exports.[89]

In absolute terms, and including the state-run companies (Codelco and Enami), the mining sector contributed 96 billion dollars to the Treasury during the 2004-2014 period, of which the mining royalty contributed 4.64 billion dollars.[90]

According to the National Institute of Statistics (INE),[91] the mining sector created around 193,000 jobs in 2017, equal to 2.3% of the country's current employment. The participation rate of women in mining was 8% in 2016, which represents 17,482 women workers.[92]

Social: Over the last decade, demonstrations, protests and lawsuits against mining projects (mainly from civil society) have been increasing.[93] There are various reasons, from the weaknesses of the political system, to the lack of a territorial planning policy, to claims affirming people's rights. Considering all these elements, mining and the communities impacted by it have had conflicts. Some of these conflicts have risen to international prominence, increasing their visibility and the number of stakeholders involved, but driven mainly by civil society (Urkidi, 2009).

The mining and energy industries concentrate Chile's emblematic conflicts. The Institute of Human Rights highlights the existence of 102 socio-environmental conflicts from 1990 to 2015 (last count), including both active and terminated conflicts, with 19 cases of active conflicts related to mining activity from 1990 to 2013.[94]

Best practices

Good Neighbor Roundtable of Sierra Gorda (2006-2017, Information). The Good Neighbor Roundtable of Sierra Gorda was established in 2006 and is a forum that has remained active for many years. Its primary function is to keep the entire Sierra Gorda community informed regarding the engagement activities, employment and social development projects of each mining company. The community heads this forum (two neighborhood associations, social organizations and neighbors), which includes the participation of the Municipality of Sierra Gorda and the mining companies Antofagasta Minerals, BHP Billiton, KGHM and National Copper Corporation (Codelco).

Caimanes Dialogue, Consultation and Participation Process (2015-2017, Dialogue/Consultation). This is a dialogue initiative promoted by the Los Pelambres mining company after 10 years of conflict with the community of Caimanes. The company changed its understanding of the conflict, acknowledging its mistakes and seeking

to find solutions with the community. This led to a rapprochement between the company and the leaders and community of Caimanes, in order to jointly design a dialogue process and find a third party to safeguard the process and monitor compliance with the agreements.

Citizen participation in the development stage of the Environmental Impact Assessment for the Nueva Unión Mining Project (2016-2017, Consultation). The Nueva Unión mining project is a joint venture between the Goldcorp and Teck companies. In August 2016, an early citizen participation process was initiated, with the purpose of informing and including local communities at an early stage in the development of the project's Environmental Impact Assessment (EIA), and finding a consensus on the mechanisms for dialogue that could help discover the topics of interest and concern, while including them in the progress and outcomes. The community participated in this experience by using a series of tools such as "Open Houses" and meetings with local organizations and communities in several cities and towns near the project areas. In addition, a process of early citizen participation was designed with indigenous cultural relevance and in good faith, in coordination with the representative institutions themselves (communities and associations).

Stakeholder map

The main stakeholders related to extractive activity in Chile are: from the private sector, mining, oil and gas companies and their respective associations. From the State, the Ministry of Mining, the Ministry of Energy, the Ministry of the Environment (the entity responsible for the environmental assessment of all extractive projects), and the Ministry of Social Development (the entity that oversees the National Indigenous Development Corporation).

Civil society includes non-governmental organizations, urban and rural communities, indigenous organizations, fishermen's unions and universities and research centers.

Legal and regulatory framework

Indigenous Law No. 19,253 (1993) establishes participatory processes for situations related to indigenous matters (Article 34) and stipulates that indigenous peoples must participate in the body responsible for the executive management of the National Indigenous Development Corporation (CONADI) (Article 42), which is the competent body for promoting and safeguarding the integral development of urban and migrant indigenous populations.

Chile has ratified ILO Convention 169, which entered into force in 2009. Decree 66 of 2013 of the Ministry of Social Development regulates the Indigenous Consultation process. The entity responsible for consultation processes is identified as the government agency that must adopt the measure subject to consultation; this agency is then responsible for coordinating and executing the consultation process.

In 1994, Chile passed an Environmental Law, and the regulations that establish the citizen and community participation forums entered into force in 1997.

2.2.2. Introduction

Mining has historically been an important motor of development for Chile. Today it faces the challenge of keeping mining investment attractive, sustaining continued growth and thus maintaining a leading position in the world production of copper and other minerals. The magnitude and complexity of these challenges makes it necessary to address them in collaboration with all relevant stakeholders for the mining industry, and with broad political and social support.[95]

The growth of mining activity is also associated with social, environmental and economic impacts such as exclusion, inequality in income distribution, territorial segregation or low participation. The symptoms of these impacts are more visible in regions with a greater concentration of mining works, which for years have established their connection with the community from a "transactional" perspective, generating social benefits and works and in many cases understanding environmental mitigation as a social investment strategy.[96] Companies still lack methodologies for addressing the broader conflict that are adapted to the local reality. The main characteristic of the State is its absence in these processes, and the companies replace the role of the State in local development.

Chile is not a country rich in conventional hydrocarbons. It imports 96% of its crude oil, which is refined internally, and 80% of the natural gas that it consumes. Chile's oil and gas exploration and production activities are concentrated in the Magallanes Basin, both in the continental territory and on the island of Tierra del Fuego and in the waters of the Strait of Magellan.

It is necessary to establish a strong engagement strategy based on a regional and territorial perspective, generating a dialogue among all those stakeholders that are part of this development, which are not only the State and the company, but also communities and organizations, considering the components of the territory.

The mining sector will face significant challenges in the coming years, especially in terms of the creation of value, productivity, participation and the development of an institutional framework that favors change. In this sense, the climate of multi-sector dialogue and contact that has been taking place allows us to imagine a favorable scenario that may encourage other sectors of the Chilean economy to move in the same direction.[97]

Chile faces a major challenge in the coming years, as it is estimated that half of Chile's copper reserves are in the central zone (regions of Coquimbo, Valparaíso, Libertador Bernardo O'Higgins and the Metropolitan Region), and therefore there is an increasing potential for conflicts, since these regions have the greatest population density. The competition between different economic activities

for territory (and for other elements such as water) will be essential for future mining activity, and therefore the relationships between mining companies and communities shall become even more strategically important for the development of any mining project. Good relationships between companies and communities lead to a greater legitimacy of operations and potentially fewer conflicts.

2.2.3. Best practices

A total of three best practices were identified and validated at each engagement level. Meanwhile, other engagement practices have been identified that were not considered in this study because they did not satisfy any of the criteria specified in the methodology, and also because they lacked timely information from stakeholders. However, it can be noted that there have been efforts to move forward in improving the community relations surrounding mining activity in Chile.

Best practices are in the following order:

2.2.3.1. Good Neighbor Roundtable of Sierra Gorda (MBV)
2.2.3.2. Caimanes Dialogue, Consultation and Participation Process.
2.2.3.3. Citizen Participation in the development stage of the Nueva Unión Mining Project EIA

2.2.3.1. Good Neighbor Roundtable of Sierra Gorda (MBV)

ENGAGEMENT LEVEL

 Information  Dialogue  Partnership

DURATION

2006 – 2017

MAIN STAKEHOLDERS

Minera Centinela of the AMSA group, Minera Sierra Gorda, Minera Spence of BHP Billiton. Mayor and municipal officials of the Municipality of Sierra Gorda. Social organizations (Neighborhood Councils No. 1 and No. 2).

DESCRIPTION

Start of mining operations: the Sierra Gorda district, which according to 2013 data has a population of 1,848 inhabitants, had undergone the constant migration of its inhabitants. Mining activity, however, breathed new life into the region in the late 1990s with the arrival of the big mining companies. During the 2000s, the first mining activities began, determining the local economy to this day, especially in terms of job openings for the local population and the activities that indirectly benefit from it, such as commerce and other services offered to mining companies and contractors.[98] There are currently four mining companies operating in the district: Antofagasta Minerals, BHP, KGHM and Codelco.

Current exploitation: in 2001, with an investment of over 300 million dollars, the El Tesoro mining project was launched. This represented a milestone for this so-called mining district in terms of large-scale mining. BHP Billiton started operations in 2008. Two years later, the Esperanza project was inaugurated, the first large-scale operation worldwide to use 100% desalinated seawater in its processes. A few months later, Codelco (Gabriela Mistral project) began operations. Later, in 2014, KGHM inaugurated the Sierra Gorda project, whose main pit is only 4.5 km outside of the city. The map of operations for the district was completed with the merger of El Tesoro and Esperanza to form Centinela, controlled by the Chilean group Antofagasta Minerals.[99] In 2016, total production amounted to 623 TMT of copper and 213,000 ounces of gold. Over the last 12 years, the companies as a whole have invested approximately 9 billion dollars in their mining projects. Meanwhile, it is estimated that they could invest another 9 billion dollars in expansion projects over the next 10 years.

Good Neighbor Roundtable: the Good Neighbor Roundtable (MBV) of Sierra Gorda was established in 2006 as a community initiative representing a unique experience in Chile in the area of community engagement, associativity and targeting of social investments. Since its creation, it has been considered a forum for meetings and dialogue between the organizations of Sierra Gorda and the mining companies that operate in the district. Its first goal was to build bridges between the leaders of social organizations and the mining companies in order to develop a community support program in environmental matters that aims to improve the quality of life of its neighbors.

Roundtable as a community instrument: after 11 years of operation, this space has become a community instrument for decision-making, managing expectations and preventing conflicts. In turn, from the companies' perspective, the MBV has helped organize the flow of information to and from the community and develop high-impact collaborative projects for the population of Sierra Gorda. One of the greatest achievements has been to create a structure for channeling a percentage of the contributions of mining companies by developing close to 20 community collaboration projects and initiatives (related to support for the management and supply of materials for infrastructure projects).

New stakeholders join: with each passing year, neighbors who did not feel represented by the social organizations have joined the MBV, along with municipal officials and new mining companies that began operations in the sector. The roundtable is currently a space that represents the social organizations of the Sierra Gorda district, neighbors who are not represented by these organizations, the municipality and the mining companies operating in the area.

Roundtable Functions: the Good Neighbor Roundtable meets once a month. Four mining operations currently participate (Centinela, Spence, Sierra Gorda SCM and

Codelco-Gabriela Mistral Division), along with the inhabitants of the town of Sierra Gorda (without representation and with the right to speak and vote), one coordinator and the municipality. Its main goals include: channeling the concerns of the community and social organizations regarding mining activity, and organizing the mining companies' work with the community to avoid redundant efforts and maximize social investments.[100] In addition, the dialogue serves as a mechanism for building trust and involving community organizations in the process, promoting and designing community projects related to employment issues and local suppliers, training and education, and the environment that respond to the problems of Sierra Gorda and generate development opportunities for the district and its inhabitants.

MAIN IMPACT/OUTCOME

One important result is that the mining companies recognize the community as a relevant and necessary counterpart for correctly managing the social investment budget. This recognition is helpful for obtaining the social license to operate. For the community, the most valuable result is to be able to influence the projects that each mining company finances in order to improve the quality of life of the district's inhabitants. In terms of impact, this practice is currently being considered as a pilot program for territorial dialogue by the Institutional Dialogue Project of the Mining Value Alliance (Alianza Valor Minero).[101]

INNOVATION

To this day, it is a unique example in the country, in which four companies that operate in the same territory come together to coordinate their contributions to community development and welfare. In other regions, companies insist on acting individually. In addition, the installation of a tripartite working group between the municipality, these four companies and the organized community is an example of best practice, since companies generally do not seek coordination with local authorities.

PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Regular participation: this practice considers the participation of all stakeholders involved through monthly meetings and an annual calendar of meetings.
- Relevance by need: it includes communities, local authorities and companies, in response to its own specific form of organization.
- Institutional sustainability: the agreements reached as an institutionalized mechanism of the MBV entail benefits for all parties.

APPROACHES

Conflict Transformation Approach: the way stakeholders are engaged, the dialogue space, the direct contact with each mining company and the joint process for selecting the works and social projects that will be implemented all contribute to building trust and managing the conflicts.

LESSONS LEARNED

Fluid, permanent and honest communication is an effective conflict resolution mechanism that helps stakeholders find common ground and generate collaborative work spaces that benefit each and every one.

Based on this best practice, Sierra Gorda became a pilot district for the territorial dialogue project promoted by Alianza Valor Minero.

VALIDATION

An interview was conducted with community leaders, and conversations were held with the CSR area of one of the companies. A field visit was conducted to attend a meeting of the Good Neighbor Roundtable. In addition, the best practice was presented and discussed by representatives of the private sector, the public sector and civil society at the working group held in the framework of the preparation of this diagnosis, on August 16, 2017 in Santiago, Chile.

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2.2.3.2. Caimanes Dialogue, Consultation and Participation Process

ENGAGEMENT LEVEL

Consultation Dialogue

DURATION

2015 – 2017

MAIN STAKEHOLDERS

Los Pelambres mining company. Representatives of the Caimanes, Rincón and Pupío communities (Coquimbo Region), NGO Chile Transparente.

DESCRIPTION

Start of mining operations: since 1999, Los Pelambres, part of the Antofagasta Minerals Group, has been mining copper in the Salamanca district of the Choapa Valley. Antofagasta Minerals (AMSA) is the largest private mining group in Chile. The group operates the mining companies controlled by Antofagasta PLC and carries out exploration and project development activities. The mining operations of Antofagasta Minerals are dedicated to the production of copper concentrates and cathodes and some by-products such as molybdenum and gold.

The conflict: the conflict began when Los Pelambres arrived in the IV Region of Chile and announced its development plan. Three milestones can be observed in the history of this conflict: the installation of the sea terminal (1996), the construction of the El Manque tailings dam (2001), and the actions carried out for the construction of the El Mauro tailings dam (2004). These conflicts between the company and the community went on for 10 years, with several negotiation processes in between.

Rapprochement strategy: AMSA's corporate team began designing a strategy for getting closer to the community. This led to a dialogue with the community following the company's change in how it understood the conflict, realizing that it was of a social nature. It sought a rapprochement with the leaders of Caimanes and all the inhabitants of the valley.

Dialogue process: the dialogue process between the company and the community took place between September 2015 and March 2016 and sought to end the legal and social conflicts that affected them. The initiative included participatory processes and the creation of a binding agreement that was legitimized by the affected community. The process began with the communities of Caimanes, Rincón and Pupío (Municipality of Illapel, Coquimbo Region). This process included 12 participation spaces (meetings, assemblies, forums, etc.) that laid the groundwork to reach an agreement that would benefit the communities and, at the same time, comply with the court ruling against the company (tear down the dam).

Chile Transparente: the process included the participation of the NGO Chile Transparente, which worked to guarantee transparency and probity for both parties to the process.[102]

Agreement proposal: between March and May 2016, the agreement proposal was drafted, validated with the community, ratified by the community and signed by 80% of the inhabitants of Caimanes. It is important to emphasize that, throughout the dialogue process, the community participated actively through commissions.

Content of agreement: the Caimanes agreement is based on three main lines: a) water (the company will take measures to ensure the supply of water, its continuity and quality for human consumption and other purposes); b) security (the company will develop plans and works in response to community needs, fears and concerns regarding the safety of the dam); and c) development fund (the company will create a fund to finance initiatives that contribute to improving the quality of life of each family in the community and create a community fund to finance community projects aimed at improving employability and entrepreneurship in the Pupío Valley).

MAIN IMPACT/OUTCOME

The Caimanes Agreement, which considers the creation of a Community Development Fund designed to develop community infrastructure projects and a Family Development Fund that consists in making a one-time monetary payment to the families that signed the agreement.

INNOVATION

This process was the first of its kind in the country that sought to respond to the problems of the community in such a way that the company's operations could be carried out without significant delays. The organization of assemblies with tools that were relevant for the entire audience was very innovative. Taking the time that was necessary, attracting the interest and participation of a large percentage of the community, obtaining the support of Chile Transparente, and the fact that the agreements reached were legally enforceable are all innovative actions that promote trust and transparency. Everything was recorded on video and in minutes that were publicly available.

PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Institutionalized participation: mechanisms of participation such as meetings, assemblies and open forums were used.
- Institutional sustainability: the agreement was approved by 84% of the community and will be in effect as long as the mining company is operating in the area.

APPROACHES

Conflict Transformation Approach: the company indicates that it began to see the community and citizens' organizations as allies and, therefore, was able to establish a new form of engagement and generate a deeper knowledge of the community in which the mining company was operating. From the perspective of the community, this process signified a new configuration of the power of social organizations. New leaders emerged to represent points of view not considered by the main leaders of the community.

LESSONS LEARNED

Both parties, with the support of a third party (Chile Transparente), managed to sit at the same table and see themselves as allies. Although the so-called Caimanes Agreement was approved by just over 80% of the community, there is a minority (about 12 families) that continues to oppose the mining project. In early 2017, they filed a lawsuit for malfeasance against the lawyers who represented the mining company in the dialogue process.

VALIDATION

Interviews were conducted with company executives, and a roundtable was organized with Chile Transparente. In addition, a field visit was conducted in to visit the built-up dam and listen to the community concerns.

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2.2.3.3. Citizen Participation in the development stage of the Nueva Unión Mining Project EIA

ENGAGEMENT LEVEL

Consultation

DURATION

2016 – 2017

MAIN STAKEHOLDERS

Nueva Unión company (Teck-Goldcorp joint venture). Municipalities of Vallenar, Huasco, Freirina and Alto del Carmen, Atacama Region. Diaguitas indigenous communities, civil society organizations.

DESCRIPTION

Background: the Nueva Unión project is located in the Huasco Valley, Atacama Region. The El Morro project was a copper and gold project that was shut down by a Supreme Court order in October 2014, after a long, complicated lawsuit filed due to problems with its implementation, in accordance with the justice system in the context of an indigenous consultation. For this reason, the company decided to withdraw its environmental impact assessment and start exploring opportunities for a new project.

Characteristics of the mining project: Nueva Unión SpA is a corporation made up of the Teck and Goldcorp companies, which seeks to generate synergies for developing the Relincho and La Fortuna deposits for the production of copper, gold and molybdenum, reducing its environmental footprint by sharing the infrastructure used to operate both deposits. In addition, it will use desalinated water for its processes over a 36-year projected lifespan.

Pre-feasibility study: the main characteristics of this mining project are its participatory approach, its reduced environmental footprint and its sustainable use of water. The project has now concluded its pre-feasibility phase and will begin its feasibility study in July 2018. At the same time, the environmental impact assessment is being developed and will be presented during the feasibility stage (between July 2018 and June 2019).

Early citizen participation: in August 2016, Nueva Unión began a process of early citizen participation, that is, before the Environmental Impact Assessment (EIA) is submitted for environmental evaluation, with the purpose of informing and including early observations by the local communities in the development of the EIA, and thus reaching a consensus through mechanisms for dialogue that may help discover topics of interest and account for the progress and outcomes.

Open Houses: the early participation process has been channeled through open houses and meetings with local organizations and communities in several cities and towns near the project areas, mainly in the Huasco Province. The open house is a community physical space (similar to an information office) where the company presents the project to the community using videos, info panels, models, etc., and responds to community inquiries.

Culturally relevant: the dissemination of project information was designed with the traditional inhabitants who live in the project's impact area, in coordination with the institutions that represent the communities, such as the indigenous communities of the Diaguita ethnic group, which have a territorial role, and Diaguitas indigenous associations, which have a functional role, from the topics they address, to the way they address them and how they respond to real concerns.

National and international standards: this early participation process is based on national and international norms and standards and seeks to contribute to the sustainability of the Nueva Unión project and its commitment to the Atacama Region. According to the policy of the indigenous peoples of Nueva Unión, the relationship between the company and indigenous peoples is based on the United Nations Declaration on the Rights of Indigenous Peoples, ILO Convention 169, and the Indigenous Peoples and Mining Position Statement of the International Council on Mining and Metals (ICMM). All these instruments inform the company's standards in terms of health, safety, environment and communities.

MAIN OUTCOME

The process has not yet finished, and therefore clear results cannot truly be established. The fourth phase of open houses is currently being held (November 2017). The main topics of interest and concern are: the relocation of the tailings dam from the headwaters of the Huasco River (4,000 masl) to the Relincho area (2,000 masl); the inclusion of a mixed conveyor belt (land and air) to minimize the impact in the plains and sensitive areas; the hiring of local workers; the development of the local economy; investment in education and training for communities. The company managed to overcome the distrust towards this type of processes and attracted the participation of a large share of its target groups.

INNOVATION

Early citizen participation is a voluntary process that is suggested by the environmental authority. Nueva Unión began this process in August of 2016 and it continues to this day (2017). It has featured the participation of organizations that have expressed their expectations and concerns regarding mining projects.[103] The dissemination of project information is done early and with coverage in all places of interest. It can also be noted that the process has had legitimacy and participation, in a territory that has experienced conflicts with two mining, energy and agro-industrial projects.[104]

PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Institutionalized participation: Mechanisms for participation include open houses, community meetings, implementation of website for receiving questions, and transparency in the dissemination of information.

- Since it is not yet finished, it is not possible to determine its sustainability.

APPROACHES

Diversity Approach: Nueva Unión's policy on indigenous peoples considers the respect for the rights, cultures, interests and aspirations of indigenous peoples and is committed to building solid, long-lasting relationships that may help them understand their shared perspectives and priorities.[105]

Conflict Transformation Approach: This practice is part of the history of two Pascua Lama mining conflicts and the El Morro project, in a context of court proceedings and opposition that makes it necessary to implement new forms of engagement and collaborative work.

LESSONS LEARNED

During the process, "the communities never wanted to participate all together, the Diaguita council, the provincial council and the *Huascoaltinos* all vetoed each other, so this project, in a way, has inherited previous processes." However, the participation of these stakeholders began to develop (interview with the NGO that facilitated the process).

VALIDATION

This experience was mentioned at the working group and then confirmed through interviews with community advisors and Peace House Foundation (Fundación Casa de La Paz).

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2.2.4. Stakeholder Analysis

Engagement in the context of extractive development and sustainability in Chile occurs in a scenario of widespread distrust among all stakeholders, both public and private and civil society. This distrust stems from communities that question everything from the State's decision-making processes and criteria to the legitimacy of the information provided by companies. Thus, the positions that stakeholders assume on the actual impacts generated by projects in different industries also cause increasing levels of uncertainty for those who wish to develop investment projects.[106]

Company

Companies seek to develop profitable projects with the least environmental and social impact, obtain environmental and social licenses, contribute to local, regional and national development with tax revenue and community development projects through their Corporate Social Responsibility policies. They have two very important associations. The Mining Council, created in 1998, is an association of 18 large copper, gold, silver, molybdenum and iron production companies operating in Chile, which are either publicly or privately owned and which represent both national and foreign investments. The National Mining Society was created in 1883 and is a trade association that includes 76 medium and large mining companies and suppliers, as well as 38 regional mining associations representing more than 3,000 small mining entrepreneurs.

Mining companies are connected to civil society, academia and government through various governmental and private initiatives such as Alianza Valor Minero.[107] In January 2015, Alianza Valor Minero was created for the purpose of coordinating and encouraging the different stakeholders to carry out the initiatives of the strategic agenda called "Mining: a platform for Chile's future"; and of creating a platform for promoting encounters and dialogues between the different stakeholders. This partnership includes representatives from all sectors, and its main achievements have been: a) the creation of regional dialogues with various stakeholders in order to build a shared consensual vision on mining as a development platform, from a regional perspective, b) the proposed

design of a System and Institutional Framework for Permanent Dialogue on Large Investment Projects, and c) the creation of the Central Zone Dialogue platform, which brings together representatives from various productive sectors, trade associations, NGOs, communities, academics, experts and local authorities.[108]

Many corporate policies follow various protocols and international initiatives designed to improve their practices in different areas, such as those of the International Council on Mining and Metals, the Sustainable Development Goals, and the Organization for Economic Cooperation and Development. In Chile, mining is a mandatory part of the political agenda for all candidates during their electoral campaigns. During 2017, a platform for public-private dialogue began to take shape around the development of mining activity in the Central Zone.[109] This territory has 10% of the world's copper resources.

State

The Ministry of Mining is responsible for leading the development of public mining policies that aim to expand the contributions of mining activities to national development, diversifying its operations in order to take advantage of available resources in sustainable ways that are valued by citizens.[110] This Ministry supervises two important agencies. One is the Chilean Copper Commission (Cochilco), a highly specialized technical agency created in 1976, which acts as a governmental advisory council in matters related to the production of copper and its by-products, in addition to all metallic and non-metallic mineral substances, except coal and hydrocarbons. The other is the National Geology and Mining Service (Sernageomin), which is the technical body responsible for generating, keeping and disseminating information on basic geology and resources and geological hazards within the country, regulating and monitoring compliance with mining regulations on security, property and closure plans in order to contribute to the development of national mining.

The Ministry of the Environment is responsible for collaborating with the President of the Republic in the design and implementation of policies, plans, programs and regulations on all environmental matters. The Environmental Assessment Service (SEA), which is part of the Ministry, is responsible for overseeing the environmental assessment of projects and ensuring their compliance with current regulations, and thus seeks to encourage and facilitate citizen participation in these assessments.

The Ministry of Social Development is the responsible for the design and implementation of policies, plans and programs in the area of social development, especially those aimed at eradicating poverty and providing social protection to vulnerable individuals or groups, such as indigenous communities, at the national and regional level. The National Indigenous Development Corporation, created in 1993 by Indigenous Law 19,253, is part of this ministry and aims to promote, coordinate and execute governmental actions and development plans for those who belong to any of the indigenous peoples of Chile.

Civil society

In Chile, civil society organizations are relatively recent. More than 88% of civil society organizations were registered after 1990, that is, they have existed for less than 25 years. This phenomenon of young organizations is not only due to the legislative change that facilitated the process for registering CSOs (Law 20,500 of 2011), but also responds to a push by modern civil society to organize.[111] In terms of their relationships with the extractive industry, civil society organizations can be classified as follows:

CSOs that favor dialogue. These organizations are characterized by institutional goals that include actively seeking agreements, rapprochement and spaces for dialogue between the various stakeholders related to the extractive industry. They seek to bring companies closer to the communities, mainly, and secondly to the State. Most of these organizations are interested in influencing Chilean public policies, reaching agreements between the parties, and resolving controversies for the common good. In Chile, CSOs act in isolation despite several initiatives that have been created to reach agreements. Their main strengths are: knowledge of the territory (field experience); knowledge of the realities of communities and stakeholders; professional teams with experience in scenario diagnosis; ability to weave horizontal networks with civil society and to build bridges with other sectors; legitimacy and recognition by the State and companies. On the other hand, some identifiable weaknesses include: lack of presence in other regions (since most are from Santiago); lack of permanent resources and funding.

CSOs that are critical of the development of large-scale mining projects. Environmental NGOs have generally maintained a critical position towards the development of mining projects.[112] There are interested in ensuring strict compliance with environmental regulations. They have sometimes used their influence to counter mining projects through fines, stoppages and unfavorable environmental impact assessments. One of their strengths is that they have professional teams with technical environmental qualifications, as well as a high degree of legitimacy, influence on public opinion and the support of international consultants. One of their main weaknesses is that they do not engage in dialogue with the extractive industry.

CSOs that oppose mining activity. These are CSOs whose discourse and actions oppose the development of mining activities and projects. They do not seek to find common ground or maintain dialogue and represent a more intransigent and confrontational position. Most of these organizations act as “advisers” to the communities. Their strengths are: having human and material resources, being able to influence public opinion and reach the media, and having a territorial presence through grassroots social organizations. One weakness that can be identified is that they do not wish to generate spaces for dialogue and consensual solutions.

In the Academy, a difference can be established between universities at the central level, regional universities and research centers. These three stakeholders have areas of academic training, research and transfer related to mining activities. The universities (Universidad Católica-Center for Public Policies, Universidad Alberto Hurtado, Universidad de Chile, Universidad Adolfo Ibañez, to name a few) have shown a great deal of interest in creating diploma courses on topics of corporate social responsibility, community engagement, socio-environmental conflicts, research on these topics, seminars, and facilitation courses, among others.

Private research centers are independent think-tanks at universities that produce knowledge, create public policy proposals and also act as lobbyists. Some of them have connections to a specific political party. The main ones are: Center for Public Studies (Centro de Estudios Público), Public Space (Espacio Público), Liberty and Development Institute (Instituto Libertad y Desarrollo), Institute for the Study of Society (Instituto para el Estudio de la Sociedad), Center for Development Studies (Centro de Estudios del Desarrollo), Corporation Foundation of Studies for Latin America (Fundación Corporación de Estudios para Latinoamérica), Fundación Chile 21, to name a few. Most of these centers have expressed their inclination in favor of the development of extractive industries, with the exception of the National Center for Alternative Development Studies (Centro de Estudios Nacionales de Desarrollo Alternativo), which has a more critical position towards the industry.

In Chile, trade union organizations have bilateral relationships with mining companies. There are two groups that include the main unions of mining company workers: the Mining Federation of Chile, which includes 18 unions of large private mining, and the Confederation of Copper Workers, which includes the unions of the state-run company. At some public appearances—seminars, mining events—they have expressed interest in understanding the relationships and economic contributions that companies establish with communities.

In Chile there are 9 recognized ethnic groups (Mapuche, Aymara, Rapa Nui or "Pascuense," Atacameños, Quechua, Colla, Diaguita, Alacalufe or "Kawashkar", and Yagán or "Yámana"). Each ethnic group is divided into several organizations called indigenous communities. According to information from the National Indigenous Development Corporation (CONADI), there are 3,213 indigenous communities between these 9 ethnic groups.[113] The State has been returning lands to these groups since 1994, and the communities continue to request the restitution of their ancestors' lands. In many cases, these claims have been recognized by the State, while in others they are competing with the locations of mining projects. There are many positions on mining activities, depending on location, distribution, impacts, project time frames, and other factors.[114] One example, according to Matias Abogabir,[115] is the case of the El Morro

project, where the Court of Appeals of Copiapó has rejected three appeals filed by indigenous communities and farmers against the El Morro gold and copper mining project, which is linked to Goldcorp (70%) and New Gold (30%) (2014).

2.2.5. Legal framework

The entry into force of the Law on Transparency and Access to Public Information in 2009 created among different political and social sectors the expectation that it would permit greater citizen control and interest in the actions of the State, and the approval of Law 20,500 on Citizen Association and Participation, together with the Presidential Instruction signed in August 2014—which contains complementary indications for "Citizen Participation in Public Management" —demonstrate the State's effort to strengthen Citizen Participation.

In spite of the above, the meaning of Citizen Participation in Chile has remained ambiguous and its implementation has been limited, mainly due to the lack of standardized channels for participation, the insufficient information available to citizens on mechanisms of participation, and in some cases the capacity of the public sector to commit to new approaches towards citizen participation.[116]

In July 2015, through Exempt Resolution No. 601, the Ministry of the Environment approved the General Regulation on Citizen Participation of the Ministry of the Environment, which establishes formal and specific modes within the framework of Law No. 20,500. Article 2 indicates that citizen participation mechanisms are based on 5 foundations: participation as a right; civic responsibility; citizens' right to public information; strengthening of civil society; and inclusion.

Section III of this same Regulation establishes the Early Citizen Participation Program, which is a series of citizen participation mechanisms or initiatives promoted by the Ministry voluntarily in the earliest stages of the design of plans, policies, programs, regulations or actions that aim to communicate information on the instrument that has begun its development process and to include citizens' proposals or contributions. In 2013, the Guide to Early Community Participation in Projects was published, which consists of guideline for companies, since it is a voluntary process for informing and connecting with the surrounding communities in a timely manner, in order to learn in advance about the concerns and interests of the communities close to the project. This guide proposes that early participation is an opportunity to connect with citizens in the early stages of a project's life cycle.

Indigenous consultations

Indigenous Law No. 19,253 does not specifically address consultations, but rather establishes procedures for participation regarding indigenous issues (Article 34); it also establishes that indigenous peoples should participate in the body in charge of the high management of the National Indigenous Development Corporation (CONADI) (Article 42), which is responsible for promoting and ensuring the comprehensive development of urban and migrant indigenous peoples.

Chile ratified ILO Convention 169 on September 15, 2008. Since 2009, ILO Convention No. 169 has been law in the Republic in Chile, and therefore, it establishes the obligation of the State to consult indigenous peoples whenever administrative or legislative measures are being considered that are likely to affect them directly. Thus, as acknowledged in the current provisions of DS No. 66 that regulates indigenous consultations,[117] all consultations

carried out within the Environmental Impact Assessment System must seek to produce an agreement between the public agency implementing the measure and the indigenous people that may eventually be affected. Notwithstanding the above, all consultations on administrative measures that qualify a project environmental assessment presented to the SEIA must consider not only the legitimate interests of the indigenous peoples and the State, but also the technical aspects submitted by the company proposing the project. In Chile, companies are involved in the consultation processes carried out by the State, in accordance with the obligations imposed by the regulations on the information that they must provide in their respective studies.[118]

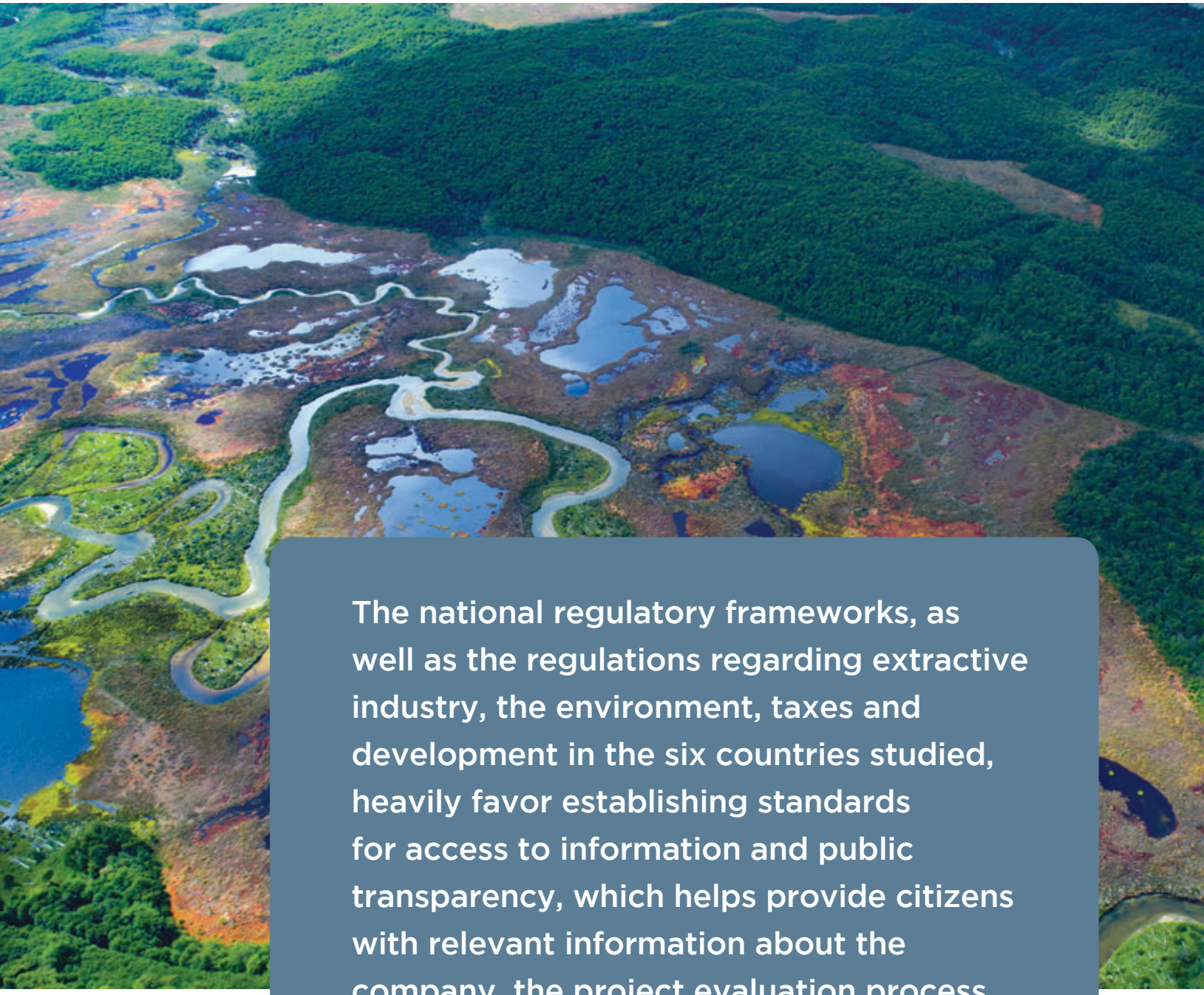
Decree 66 of 2013 of the Ministry of Social Development, the regulation that governs this Indigenous Consultation process, aims to ensure indigenous peoples' right to consultation. The agency responsible for indigenous consultation processes is the state administration that must adopt the measure for which the consultation is carried out, and it is therefore responsible for coordinating and executing the consultation process.

Environmental regulations

Chile has an Environmental Law, known as Law 19,300 on General Bases of the Environment, which was enacted in 1994. Decree No. 40 of 2012, of the Ministry of the Environment, indicates that citizen participation includes the rights to access and examine the physical or electronic assessment file, to make comments and to receive a legitimate response to these comments. In terms of indigenous communities, the Service will design and develop a consultation process that includes appropriate mechanisms for them to participate in an informed manner and have the opportunity to help shape the environmental assessment process. Similarly, the Service will establish the mechanisms for them to participate during the assessment process in any clarifications, corrections or expansions that the Environmental Impact Assessment could undergo.

In the case of Environmental Impact Assessments, the project developer (mining company) must publish in the Official Journal and in a newspaper of national or regional circulation, an extract of the Environmental Impact Assessment (EIA), so that the entire community may be informed. Once this extract is published in the newspaper, citizens shall have 60 working days to participate and present their observations to the SEA, either in writing or through the service's website. During the period of formal citizen participation, the SEA is the agency responsible for establishing mechanisms to ensure the participation of the entire community located mainly in the area impact of the Environmental Impact Assessment. Meanwhile, the authorities must consider the observations made by the community. The Environmental Qualification Resolution (EQR) will be notified to all those who made observations. There is a space for complaints, where any person who has made an observation and believes they did not receive an appropriate response may file a Claim Appeal within 15 days.

3. CONCLUSIONS AND RECOMMENDATIONS



The national regulatory frameworks, as well as the regulations regarding extractive industry, the environment, taxes and development in the six countries studied, heavily favor establishing standards for access to information and public transparency, which helps provide citizens with relevant information about the company, the project evaluation process, and in some cases the public revenue.

3.1. Conclusions

On the economy, extractive industries and engagement with other stakeholders

- The extractive sector continues to play an important role in terms of its contribution to the Latin American economy, despite the end of the so-called "super cycle" of mining and hydrocarbon commodities. National regulatory frameworks were adapted to encourage the arrival of big investments in this sector, as can be observed in the opening of the hydrocarbon sector in Mexico—which was previously a state monopoly—with the energy reform of 2014. These policies have contributed to the arrival of international corporations that have raised community engagement standards and, as a result of greater tax revenues, and together with civil society, have helped promote multi-stakeholder mechanisms that favor transparency, such as the EITI, which has been operating successfully in some countries of the region.

On regulatory frameworks and engagement levels

- The national regulatory frameworks, as well as the regulations regarding extractive industry, the environment, taxes and development in the six countries studied, heavily favor establishing standards for access to information and public transparency, which helps provide citizens with relevant information about the company, the project evaluation process, and in some cases the public revenue. Although these are not directly related to the extractive industries, the information they provide to the State as part of their obligations is subject to this regulatory framework and can be accessed publicly, without requiring a change in the law, but rather a better application of the law in the sector.

- Similarly, rules that consider citizen participation as a right to participate in the different stages of extractive activities are quite common in the six countries studied, and the public consultation mechanism appears as one of its dimensions.

- The information analyzed for each country shows that there are no specific regulations referring to other engagement levels, such as collaboration or partnerships; the exception is Peru, which instituted a rule in 2010 that establishes a prior commitment by the company towards the communities in the impact area as a precondition for developing extractive activities.

- In general, these are forms of engagement that are based on the corporate policies of the extractive industry. Dialogue is a mechanism that is found, in a broad sense, at all levels of community engagement and is incorporated into segments of the current regulations on participatory and consultation processes.

- Most of the countries in this study have signed ILO Convention 169, with the exception of the Dominican Republic, but only Colombia, Peru and Chile have designed regulations to implement it. In fact, in other countries the process depends on the interpretation of companies and local authorities, with the possibility of questioning the process or taking it to court, thus causing instability and insecurity for the parties.

On practices, engagement levels and coordinating dialogue

- When practices are made up of several engagement levels, it is often the Dialogue level that articulates them. Broadly speaking, dialogue takes place through regular meetings and spaces with broad, diversified and inclusive participation by the various stakeholders, mainly from the impact area of the extractive project. Dialogues can evolve towards the creation of specific work agendas.

- Due to the degree of complexity required for its implementation, engagement at the collaboration and partnership levels usually occurs through a multi-stakeholder dialogue, in its more structured version, which is mainly used as the most appropriate mechanism for clarifying the interests and needs of the parties, as well as to build the necessary trust demanded by these complex processes and to negotiate mutual beneficial agreements.

- Multi-stakeholder engagement through dialogue, when properly organized and managed with a strategic, comprehensive perspective, can help contribute by implementing projects that are connected to local development plans, magnifying stakeholders' voices, influencing operational decisions and engagement plans, improving relationships and obtaining or renewing social licenses.

On the main stakeholders

Civil society

- Civil society organizations, especially NGOs and social movements, assume different roles in the extractive industry: as suppliers or contractors that execute development projects; building bridges and promoting collaborative processes; remaining critical of the how the industry has been operating; promoting discussions; advocating for public policies; guaranteeing the individual and collective rights of communities; or openly opposing extractive activity through resistance actions.

- Universities that enjoy legitimacy are important local resources, because they are trusted by a significant number of stakeholders and have the ability to build networks with key stakeholders with different characteristics, both in terms of producing knowledge and building capacities. They are seen as a specialized and impartial stakeholder for technical matters and for conducting research on the extractive industry; its contributions to the economy and development; water quality studies; education and training; social management and conflict prevention and transformation; among others.

- CSOs also play a role as a third party in engagement processes between communities and companies, either by impartially facilitating dialogue or negotiations between the parties, providing consultancy for these processes, training the company and/or community for adequate and constructive participation, acting as observers, or monitoring the implementation of development projects.

State

- The relationship between the National/Federal Government and the Regional/State/Provincial and Local Governments tends to create tensions that are caused by policies and measures related to the governance of natural resources. In extreme situations, these tensions have eventually led to open opposition and rejection of the extractive industry. In Argentina, for example, some provinces have declared a ban on large-scale mining. It is therefore important that the different levels of government establish coordination mechanisms and inter-governmental dialogue for the concerted discussion and implementation of public policies related to sustainable economic development, and establish the role of extractive industries in the development of the country and its local territories.

Companies

- Improving engagement with other stakeholders requires the commitment of companies and their associations to go beyond the tenets and requirements established by current regulations.

- The teams dedicated to social management and community engagement are essential for field operations, in coordination with the other areas of the companies. This internal coordination is important and necessary. In some cases, companies decide to hire or sign agreements with consultants, commercial or civil society organizations/entities specializing in social management and community engagement in order to promote it. In some cases, considering an external team to support community engagement can facilitate dialogue events, as well as providing an external perspective on the process.

- The main purpose of extractive industry associations is to represent the interests and needs of their affiliated companies. They can also help their members through other strategies such as capacity building, research, publications, databases and communication campaigns related to their activities, among others. They have the potential to be important contributors to sustainable development through projects designed to help companies with their community engagement processes by developing innovative perspectives, such as the best practice of the Social Basins of Argentina, where the Salta Chamber of Mining coordinates the engagement between different mining companies operating in a territory and the surrounding communities.

On the issues related to practices

- Best practices can cover a very broad range of themes, related to the human needs and unfulfilled rights in social environments and to the operational needs of extractive projects. From a basic level of information about the project, all engagement levels allow for the inclusion of multiple issues, such as:

    - » Environmental issues, such as those related to water, air, noise, land use;
    - » Search for jointly agreed solutions with the community that are related to operational needs (health infrastructure, roads, electricity, drinking water, among others);
    - » Product manufacturing;
    - » Education and other basic services;
    - » Issues that concern specific groups such as women, senior citizens, indigenous communities and other groups in vulnerable situations;

» Local development issues;
» Establishment of continuous engagement within the framework of sustainable development and social licensing;
» Strengthening community and local institutions, among others.

On engagement

- *Contribution of the extractive sector to the national and regional economies:* all stakeholders acknowledge that the sector makes relevant contributions to the national economy. However, in some countries, local communities still feel that the industry has an outstanding debt in terms of strengthening local development.

- *Minimum engagement standards:* the extractive industry, unlike other economic activities, considers the issue of community engagement in the impact area a relevant matter, sometimes even a key aspect of the business, and not as a merely voluntary process. There is an awareness of the potential costs that a context of social risk may impose on the development of an extractive project.

- *What is required and what is voluntary:* engagement processes illustrate that industry and company behaviors are a result of both the standards defined by the State and the internal policies of companies (codes of conduct), as well as industry standards at the national and international level. However, the State is beginning to assume a more active role in defining minimum engagement standards based on recognized best practices, thereby reassuring both companies and communities on the best way to establish harmonious, constructive relationships oriented to sustainable development. In addition, the industry continues to make progress on voluntary policies that benefit the development of the territory in which the operation is located.

- *Civil society organizations:* in the last 5 years, CSOs have played an important role, achieving a certain degree of influence on public policy decisions in terms of proposing, accompanying and ensuring compliance with the regulations that govern extractive industry projects. Different levels (local, regional/provincial and national) of influence have recognized their contributions to achieving goals shared with the industry. Undoubtedly this influence was favored by the massive use of social networks and the increasing digital transformation.

- *Civil society engagement as a continuous process:* the task of building trust is a priority. In addition, those who facilitate and participate in these spaces for creating best engagement practices must be stakeholders with knowledge and experience in this area, capable of promoting exchanges; impartial stakeholders capable of building a permanent and useful engagement while recognizing the differences of each party.

- *Perceptions of extractive industries:* the extractive sector still generates backlash in some sectors. This is usually based on the perception that the growth of extractive activity has not led to better living conditions for some communities that coexist with extractive projects, and that in some cases have seen previously existing economic activities decline (agriculture, local tourism, livestock, among others), thus causing dependence on a finite activity, in addition to the concerns surrounding the environmental and health impacts that this activity could bring.

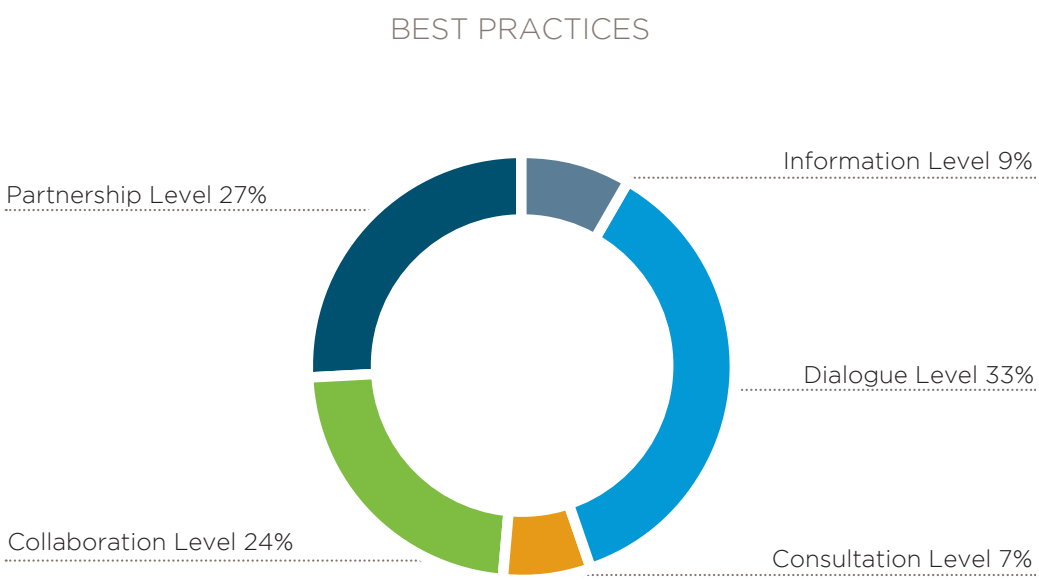
- *From conflict to negotiated agreement*: a review of some practices studied shows that the relationship between the extractive industry and the communities has changed from a process of conflict and opposition to a transactional negotiation process that compensates communities with social benefits, employment and infrastructure works. This dynamic eventually contributes to local development processes. In many of the experiences studied, during the dialogue processes environmental impacts become a secondary issue and are not sufficiently taken into account, and the issue of social compensation—or rather negotiation—plays an important role.

- *Internal fabric of communities:* often, the complexity of relationships within communities has caused tensions that translate into complaints that are difficult to understand. Companies lack methodologies for dealing with conflicts in a broader, more comprehensive manner, and this has often led to distrust, causing breakdowns in the relationship and even resulting in conflicts within communities.

- *Role of the State:* the historical response by the State has been to maintain a distant position and observe from the outside the engagement processes that occur at different levels between companies and communities. However, in recent years it has become a key player at the consultation level.

On engagement practices

- In the diagnoses of the six countries, this study found 27 best practices at all engagement levels: 5 at the Information level, 18 at the Dialogue level, 4 at the Consultation level, 13 at the Collaboration level and 15 at the Partnership level. It should also be said that most best practices represent two or more levels simultaneously.



- Major progress: The best practices in this study demonstrate that there has been significant progress towards improving the relationships between the industry and the communities, such as the implementation of corporate engagement policies, teams of specialized professionals and financial resources. However, there are still weaknesses in the engagement between civil society and extractive industries. Well-documented experiences have contributed to the creation of new and innovative engagement practices that can be learned, improved and replicated in other projects.

- It is often thought that the extractive sector has a great deal of experience with best practices that are recognized and validated, with positive results for quality of life and stakeholder engagement, and that this work should be oriented to communities, academia and the companies themselves. The companies can count on the Academy and independent consultants to continue the task of systematization, research and dissemination of engagement experiences.

- One conflict observed in most of the best practices studied is community opposition to the project, due to the way the project coexists with its surroundings (environmental, social, cultural) and/or due to the lack of direct benefits and development for the community. Dialogue is most obvious channel for resolving these situations, as an alternative for reaching agreements and negotiating with the community. Dialogue spaces are necessary in order to solve the problems of small rural sectors near large extractive exploitation. For example, a partnership to improve livestock production.

- Spaces for Early Citizen Participation: Decisions made regarding large-scale national projects often do not enjoy effective participation or consensus from local governments and communities within the territories. Without this step, which gives the project a degree of social legitimacy, citizen participation processes (including prior consultation) can become complex, slow and/or confrontational.

- Partnerships between CSOs have started to play a community outreach role, as in the case of the Coahuila Energy Cluster, one of whose roles was to provide information on the implications of the energy reform and the new role of companies in the region. Civil society mediation can help in making the information more reliable and therefore better accepted by the communities.

3.2. Recommendations

For companies

- Have early, timely and long-term plans for engagement with communities that may contribute to economic progress while addressing social and environmental issues in the territories where their projects will be developed.

- Have an area dedicated exclusively to social management and community relations. This study has confirmed that having a capable area and work team has helped companies develop best practices.

- Consider the particular characteristics of the territory and understand that recognizing the rights of different communities is best practice. Including among their due diligence protocols a detailed survey on the dynamics of the territory and the communities present in the impact area is highly recommended, either executed jointly with the community or subsequently validated by it.

- Regular coordination with community leaders from the beginning, involving them in the different engagement levels: Information, Dialogue, Consultation, Collaboration and Partnership.

- Generate actions at each level (Information, Dialogue, Consultation, Collaboration and Partnership) that:

    - » Are systematically reviewed, including deadlines for their review
    - » Are flexible enough to be reformulated
    - » Have clearly established goals, targets and timelines from the beginning
    - » Comply with the law
    - » Aim for an engagement with permanent and systematic accompaniment

- Monitor the actions derived from the environmental and social legislation related to extractive industries, with compliance and continuity of the agreements of the dialogue roundtables with multi-sector and inter-governmental coordination.

- Strengthen business associations and organizations representing companies that can participate in the most diverse spaces for dialogue and compromise to achieve a more fluid engagement.

- Promote training to foster partnerships with projects in the territories and encourage community participation.

- Consider the leading Multilateral Development Banks (MDBs) in Latin America and the Caribbean—with their experience in citizen engagement[271], their interdisciplinary approach in the region and their comparative experience in civil society issues—as technical allies in the development of engagement plans, as well as national CSOs with territorial experience, in order to strengthen the principles of engagement between companies and communities through their technical knowledge and close ties to the community.

- To the extent that extractive activities are going to cause environmental damage, companies should prioritize environmental compliance within the framework of national legislations, as well as social engagement with timely, accurate and transparent information, promoting dialogue with communities in order to analyze problems and make decisions.

For civil society

- Form an organic structure that provides representative community leaders with legitimacy a to share information in a timely manner, interacting with the government, companies and other communities, as the case may be, to create joint initiatives in the context of a systematic and not just circumstantial engagement.

- Clearly identify community leaders and counterparts at the national and local levels in areas impacted by extractive activities, so that an early, constructive coordination may be used to find solutions. Due to the disparity of cultures, rhythms and traditions, it is necessary for the State and companies to adapt engagement spaces to this reality. In addition, to achieve effective results the communities themselves should identify resources that may help implement closer approaches in a timely manner, reviewing international experiences as points of reference that may strengthen their capacities while safeguarding their autonomy.

- Ensure that community leaders include community members in the decisions submitted for consultation, as well as in other spaces of influence, through thematic roundtables that take into account gender disparity, and in order to facilitate capacity-building, as well as the appropriation of knowledge by the community. The work of community leaders to ensure the meaningful participation of the community, as demonstrated by the practices analyzed, has been key to transforming the perception of communities regarding the extractive industry, improving existing relationships and preventing the emergence of conflicts.

- Community leaders should encourage and promote the dissemination of timely information, as well as dialogues with community members and company representatives whose work is relevant to them, for the development of engagement plans and strategies throughout the different phases of extractive activity.

- Community leaders and companies can support accompaniment, education and training processes aimed at strengthening the capacities different community groups (women, young people, minorities) in processes that adopt a comprehensive view of the territory, so that sustainable development may be achieved independently of the company's presence.

- Contact impartial actors (such as universities) in order to solve problems and make decisions regarding internal conflicts within the community or between the community and other stakeholders (governments, companies).

For the State

- Implement regular monitoring activities in order to obtain feedback on the perceptions of both civil society and companies. Experience shows that monitoring is important for involving other stakeholders and sectors, communicating about the practice, providing greater transparency and making necessary adjustments according to local specificities.

- Have methodologies for public consultations that include local authorities, minorities (women's groups, the elderly, young people). It is suggested to build systematic and regular processes at the Information and Dialogue levels, facilitating collaboration with anonymous complaint mechanisms that are accessible for the community.

- Promote early citizen participation, which is crucial for creating engagement spaces that promote opportunities for growth and mitigate potentially negative impacts of extraction operations, to prevent conflicts, to build trust and social legitimacy, as well as to optimize potential value in the regions.

- Regulate the application of ILO Convention 169 with minimum standards for public consultations. Support the work of the agencies in charge of overseeing, inspecting and monitoring environmental studies, maintaining and refining the mechanisms of participation and Prior Consultation (ILO Convention 169). It is essential to strengthen institutions such as the Ombudsman's Office and other institutions that defend society and citizens' rights.

- Strengthen the environmental instruments that allow environmental authorities to monitor compliance with mitigation plans and commitments regarding the closure of extractive projects must be strengthened. Early planning of economic and environmental closures is crucial for limiting environmental and social damage and ultimately improving the perceptions of communities and the general population in the impact area regarding the projects.

- Strengthen transparent mechanisms for managing the funds generated by extractive activity income, supporting new projects which in turn generate new ventures in regions rich in natural resources, in order to ensure alternative sources of job creation that may strengthen local economies by innovating and generating long-term income.

- Train local governments on issues that affect the interests of their territories, supporting the formation of political and technical capacities to support and coordinate territorial planning processes.

For all three stakeholders

- Use new technologies that favor more effective forms of engagement. The maturity of democratic systems in the region, along with the use of social networks and new technologies, is providing an unprecedented opportunity for government officials, company executives and community leaders to use new instruments for rapprochement and information to discuss common territorial interests.

- Governments, companies and communities find it relevant to foster and participate in engagement spaces that promote: timely and reliable informative actions; dialogues that include minorities; public consultations in accordance with sectoral regulations and prior spaces for information and dialogue; collaborations for capacity-building that foster sustainable territorial development; partnerships in participatory monitoring and/or small businesses development activities.

- Developing engagement plans initiated by any of the main stakeholders with clear activities builds trust, and therefore a more active role by the government and large corporations in the promotion of spaces for agreements, where communities participate after previously having received the information and training necessary to present their interests and concerns, represents, as the findings show, a tool for advancing sustainable growth.

- Generating dialogue builds trust, so a more active role by the government and large corporations in the promotion of spaces for agreement, where the rights and duties of citizens, companies and the government are presented, discussed and agreed upon, would be a step forward. These spaces should allow the different voices of civil society to be heard, including critical ones.

- Universities that enjoy legitimacy are important local resources, because they are trusted by a significant number of stakeholders and have the ability to build networks with key stakeholders with different characteristics, both in terms of producing knowledge and building capacities. It is important to use them and call on them more often.

- To the extent that extractive activities are going to cause environmental damage, companies should prioritize environmental compliance within the framework of national legislations, as well as social engagement with timely, accurate information, transparency and dialogue with communities, their leadership and authorities, as a way to make its business and investment feasible and decrease socio-environmental risks.

- Include other existing resources, local CSOs, and especially universities with legitimacy in order to strengthen a sustainable engagement.

- Inform and review the projections on the resources of the extractive industries and the limits for invigorating the economy, recognizing that this activity depends on a series of external variables that do not depend on specific plans. Specifically, subnational spaces must plan their activities by considering resources from other sources and from the extractive sector, in order to avoid causing frustration due to potential variations in the transfers from the national government. In this sense, it is important to complement the data and analyses from extractive industry projections with civil society authorities and leaders, building on the transparency actions currently underway in extractive industries.

Endnotes

1. Most of the extractive projects located in rural areas and the surrounding communities are the main affected stakeholders, with whom the companies seek to engage with initially. Other important stakeholders are small municipalities with a large rural population. Projects near medium-sized or large cities, such as the case of Arequipa, Peru, or Chile, are less frequent, see for example: *Valor Minero, 2017: Los desafíos para el desarrollo futuro de la minería en la zona central, Las Condes; Valor Minero,* http://valorminero.cl/site/docs/2017/desafios_desarrollo_futuro_mineria_zona_central.pdf.
2. Cameron, Peter, & Michael Stanley, 2017: Oil, gas and mining – A sourcebook for understanding the extractive industry, Washington: The World Bank, p. 19.
3. The criteria, as well as details on the methodology used, can be found in Appendix 1.
4. See conceptual methodological framework (Appendix 2). For more information, see IDB, 2018: IDB Group-Civil Society, https://www.iadb.org/en/civil-society/home.
5. See Milano, Flavia & Andrea Sanhueza, 2016: Public Consultations with Civil Society: Guidelines for Public and Private Agencies, Washington: IDB, https://publications.iadb.org/handle/11319/7499?locale-attribute=en.
6. For the purposes of this investigation, non-renewable resources are oil, gas and metal minerals at any stage of the extraction cycle (prefeasibility, feasibility, exploration, exploitation).
7. The ICMM website is http://www.icmm.com/en-gb.
8. The members of the ICCM have committed to complying with 10 principles for contributing to sustainable development, see: ICCM, 2015: Sustainable Development Framework: ICCM Principles, London: ICCM, http://www.icmm.com/website/publications/pdfs/commitments/revised-2015_icmm-principles.pdf.
9. The IOGP website is http://www.iogp.org.
10. To this end, IOGP has formed different committees, such as the environment committee, which aims to respond to the demands of different stakeholders, see: IOGP, 2018: Our committees, https://www.iogp.org/our-committees/.
11. Wilson, Emma, Sarah Best, Emma Blackmore & Saula Espanova, 2016: Meaningful Community Engagement in the Extractive Industries, London: International Institute for Environment and Development, http://pubs.iied.org/pdfs/16047IIED.pdf.
12. On one hand, the Voluntary Principles of Security and Human Rights were launched by the governments of the United States and the United Kingdom, together with companies and some non-governmental organizations, in 2000, see: The Voluntary Principles on Security and Human Rights, December 19, 2000, http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf. They are the only Human Rights standards designed exclusively for the extractive sector. Currently, 30 companies have adhered to the principles, see: Voluntary Principles, 2018: For companies, http://www.voluntaryprinciples.org/for-companies/. Meanwhile, in 2011 the United Nations published the guiding principles on business and human rights, which apply to States and all transnational companies and others, see: Office of the High Commissioner, United Nations, 2011: Guiding Principles on Business and Human Rights – Implementing the United Nations "Protect, Respect and Remedy" Framework, New York and Geneva, UN, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
13. Salmón, Elizabeth (coord.), 2016: *La Progresiva Incorporación de las Empresas en la Lógica de los Derechos Humanos*. Lima: Instituto Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú (IDHPUCP), pp. 17-18.
14. Various studies confirm the challenges of a greater link between the local economy and the extractive sector in the Latin America countries. See for example: Rudas, Guillermo, 2014: *Notas sobre la minería de carbón a gran escala en Colombia*, in: FES (Friedrich Ebert Stiftung): *La minería de carbón a gran escala en Colombia: impactos económicos, sociales, laborales, ambientales y territoriales*, Análisis 1/2014, pp. 5-22. Albrieu, Ramiro, 2012: *La macroeconomía de los recursos naturales en América Latina*, in: Albrieu, Ramiro; Andrés López, y Guillermo Rozenwurcel (coord.) *Los Recursos Naturales como Palanca del Desarrollo en América Del Sur: ¿Ficción o Realidad?* Montevideo: Red Mercosur de Investigaciones Económicas, pp. 105-147.
15. Ed O, Keefe, director of Synergy Global, in an interview with Sarah Busque, on December 10, 2013, in: Borealis, 2013: *Claves para mejorar las prácticas en las relaciones comunitarias*, https://www.boreal-is.com/es/blog/mejorar-relaciones-comunitarias/.
16. Wilson 2016, Op. cit.
17. Ibid.
18. ICCM, 2012: Mining´s contribution to sustainable development, InBrief, June 2012). See also: López-Morales, José Satsumi, y otros, 2017: *Estrategias de responsabilidad social en América Latina: un análisis de contenido en la industria extractiva*, in: Ad-Minister (Universidad Eafit), No. 31 julio a diciembre 2017, pp. 115-135.
19. Oxfam Internacional & Social Capital Group (SCP), 2007: Corporate Social Responsibility in the Mining Sector in Peru. https://www.oxfamamerica.org/publications/corporate-social-responsibility-in-the-mining-sector-in-peru/
20. It is important to differentiate executive branch of the national government from other public stakeholders such as the judiciary or the legislative branch. The analysis below refers to the executive branch, except when indicated otherwise.
21. See Penfold, Michael y José Luis Curbelo, 2013: *Hacia una nueva agenda en inversión extranjera directa. Tendencias y realidades en América Latina, Serie Políticas Públicas y Transformación Productiva*, Nº 10/2013. Corporación Andina de Fomento (CAF).
22. Medina, Leandro, 2010: *Efectos dinámicos de los precios de las materias primas en las posiciones fiscales de América Latina*, CAF Working Papers No. 2010/02.
23. Marczak, Jason & Peter Engelke, 2016: Latin America and the Caribbean 2030: Future Scenarios, Washington: IDB, p. 21. https://publications.iadb.org/handle/11319/7978
24. Data from the diagnoses of this study. These figures do not include indirect employment.
25. Monge, Carlos, 2017: *Minería y marco institucionales en la región andina*, Lima: NRGI/GIZ, pp. 3-14.
26. Marczak 2016, Op. cit., p. 21.
27. The only country in this study that has not ratified Convention 169 is the Dominican Republic.

28. In Argentina, there is no legal standard that regulates the agreement. In Mexico, the constitutional reform of 2011 incorporated ILO Convention 169 into the Constitution, which is regulated by a protocol of the National Commission for the Development of Indigenous Peoples (CDI), published by decree, see: Castillo Lara, Clara, 2017: *La constitución mexicana y el Convenio 169 de la OIT sobre pueblos indígenas y tribales*, in: Alegatos, No. 97, p. 575.
29. Data extracted from each country's diagnoses that form the main part of this publication.
30. In Chile, there is a Ministry of Mines and a Ministry of Energy.
31. Corporación Nacional de Desarrollo Indígena (CONADI), 2018: http://www.conadi.gob.cl/.
32. Data extracted from each country's diagnoses that form the main part of this publication.
33. Salinas Alvarado, Carlos Eduardo, 2011: *La consulta previa como requisito obligatorio dentro de trámites administrativos cuyo contenido pueda afectar en forma directa a comunidades indígenas y tribales en Colombia*, accessed at: https://revistas.uexternado.edu.co/index.php/derest/article/view/3019/3055.
34. Wilson, Emma, 2016, Op. cit.
35. Ibid.
36. Data extracted from each country's diagnoses that form the main part of this publication.
37. In fact, "in many Latin American countries, popular consultations on mining have become a conflict between national governments, on the one hand, and local governments and social stakeholders," see: Dietz, Kristina, 2017: *Consultas populares mineras en Colombia: Condiciones de su realización y significados políticos. El caso de La Colosa*, en: *Colombia Internacional* (93), 93-117, p. 96.
38. ECLAC (Economic Commission for Latin America and the Caribbean), 2014: *Pactos Igualdad – Hacia un futuro sostenible*, pp. 294-298.
39. Sanborn, A. Cynthia, y Juan Luis Dammert, 2013: *Extracción de recursos naturales, desarrollo económico e inclusión social: Perú*, Americas Quarterly, p. 26. Perry, Guillermo y Mauricio Olivera, 2009: *El impacto del petróleo y la minería en el desarrollo regional y local en Colombia, CAF, documentos de trabajo* 2009/06.
40. Higher incomes for local governments do not necessarily translate into an improvement in the quality of life. See for example: Paredes Gonzales, Maritza Victoria, 2016: *Los efectos del boom de las industrias extractivas en los indicadores sociales – países andinos*, Natural Resource Governance Institute. *Ministerio de Minería, Comisión Chilena de Cobre, 2013: Minería en Chile: impacto en regiones y desafíos para su desarrollo; Chile.*
41. Data extracted from each country's diagnoses that form the main part of this publication.
42. IIED, and others (International Institute for Environment and Development, Mining, Minerals, and Sustainable Development Project, World Business Council for Sustainable Development), 2002: Breaking New Ground: Mining, Minerals and Sustainable Development, IIED, pp. 165-166.
43. Regarding different training needs, see for example*: CEPAL/UNCTAD, 2003: Guía para la gestión de las autoridades locales de pueblos y distritos mineros de América Latina y el Caribe, Santiago de Chile*, accessed at: https://www.cepal.org/publicaciones/xml/6/13966/lcr2114e.pdf.
44. Data extracted from each country's diagnoses that form the main part of this publication.
45. IIED, and others, 2002, Op. cit., p. 204.
46. Astorga, Eduardo, Francisco Carrillo, Mauricio Folchi, Magdalena García, Bernardo Grez, Bernardita McPhee, Claudia Sepúlveda, y Hans Stein, 2017: *Resumen ejecutivo informe final proyecto: evaluación de los conflictos socioambientales de proyectos de gran tamaño con foco en agua y energía para el período 1998 – 2015*, Santiago de Chile: Consejo Nacional de Innovación para el Desarrollo (CNID), pp. 12-13.
47. Watkins, Graham, Sven-Uwe Mueller, Hendrik Meller, María Cecilia Ramirez, Tomás Serebrisky, Andreas Georgoulias, 2017: *Lecciones de cuatro décadas de conflicto en torno a los proyectos de infraestructura en América Latina y el Caribe*, Washington: BID, p.20-1.
48. Davis, Rachel & Daniel Franks, 2014: Costs of Company-Community Conflict in the Extractive Sector, Harvard: Harvard Kennedy School.
49. Ibid., p. 21.
50. Wilson, Alana & Miguel Cervantes, 2013: Survey of Mining Companies 2013: Vancouver: Fraser Institute.
51. Watkins et al 2017, Op. cit., p. 5.
52. Saade, Hazin, 2013: *Desarrollo minero y conflictos socioambientales. Los casos de Colombia, México y el Perú, Santiago de Chile*, CEPAL.
53. Franks et al. 2014, Op. cit., pp. 75-76.
54. Ibid.
55. ECLAC: Argentina: National Economic Profile, http://estadisticas.cepal.org/cepalstat/Perfil_Nacional_Economico.html?pais=ARG&idioma=english.
56. Prepared using the INDEC database: https://www.indec.gob.ar/nivel4_default.asp?id_tema_1=3&id_tema_2=2&id_tema_3=39, según categoría: Minas y Canteras.
57. Law No. 23,548 – Federal Tax Co-Participation. Periodo 2017 (1): http://www2.mecon.gov.ar/hacienda/dncfp/provincial/recursos/esquemas/ley23548.pdf.
58. It is worth noting that the hydrocarbon sector has a greater preponderance in the number of registered jobs, with 66.6% of the jobs registered in 2016, compared to 33.4% of employees in the metal mining industry for the same year. Prepared using the database of the Argentine Integrated Pension System (SIPA): http://www.trabajo.gob.ar/left/estadisticas/novedades/novedad_empleo.asp.
59. Jueguen, Francisco, 2017: *El desempleo terminó 2016 en 7,6%, según el Indec*, in: La Nación, 16 de marzo de 2017, https://www.lanacion.com.ar/1994231-el-desempleo-termino-2016-en-torno-al-76-segun-el-indec. According to this article, the EAP was 18 million people in 2016.
60. *Asamblea de Vecinos Autoconvocados de Esquel por el No a la Mina 2002-2017*, www.noalamina.org.
61. Fundación Cambio Democrático, 2017: *Plataforma Argentina de Diálogo para el Uso Sustentable de los Recursos Naturales*, Capital Federal, http://cambiodemocratico.org/2017/02/07/plataforma-argentina-dialogo-para-uso-sustentable-recursos-naturales/.

62. The Environmental Justice Atlas is led by Leah Temper and Joan Martinez Alier and coordinated by Daniela Del Bene, from the Institute of Environmental Science and Technology (ICTA) of the Universidad Autónoma de Barcelona. Its purpose is to gather stories of communities fighting for environmental justice around the world. The data is sent from different countries by academics, concerned citizens, informal committees and non-governmental organizations. An editing team verifies the data. It is important to mention that the type and number of conflicts registered depends on the perspective of those sending the data, so it is not an objective data. In this document, the Atlas' data are used when there are no figures that are more reliable in the country, as in the case of Argentina. For more detail on the Atlas methodology, see: Leah Temper, Daniela del Bene and Joan Martinez-Alier. 2015. Mapping the frontiers and front lines of global environmental justice: the EJAtlas. Journal of Political Ecology 22: 255-278. The access link to the Environmental Justice Atlas is: https://ejatlas.org/.
63. CIPPEC, Fundación Vida Silvestre, y Consejo Empresarial Mendocino, 2015: *Minería responsable para el crecimiento con equidad. El caso de Mendoza*, https://www.cippec.org/wp-content/uploads/2017/03/1052.pdf.
64. Chubut (Law 5,001 of 2003), Tucumán (Law 7,879 of 2007), Mendoza (Law 7,722 of 2007), La Pampa (Law 2,349 of 2007), Córdoba (Law 9,526 of 2008), San Luis (Law 634 of 2008), Tierra del Fuego (Law 853 of 2012).
65. Famatina Conflict: since 2004, camps, marches and roadblocks have been held in Famatina, La Rioja Province, to prevent government officials and company representatives from entering the mine. Thus, the population has managed to prevent the projects of companies such as Barrick Gold, Osisko Mining Corporation and Shandong Gold, as well as Midais from Salta, under the slogan "Don't Touch Famatina."
Equel Conflict: in July 2002, the Meridian Gold company officially authorized the purchase of a project located ten kilometers from this city. Different groups of neighbors began to organize. In October 2002 they held an assembly in the Normal School, and in November the Council of Self-Convened Neighbors Saying "No to the Mine" was born. After several marches, the Deliberative Council approved a popular consultation. On March 23, 2003, 81% of Esquel voters rejected the gold and silver mine. Although the consultation was not binding, the results caused the execution of the project to be suspended.
66. Velarde Ponce de León, Claudia, 2018: *Defendiendo a comunidades del avance del fracking en Argentina*, https://aida-americas.org/es/blog/defendiendo-comunidades-del-avance-del-fracking-en-argentina.
67. Several other practices identified have not been validated in the framework of this study. These experiences can be found in Appendix 3.
68. The field research concluded in 2017, and therefore the duration of the best practice can only be assured for this year, which does not exclude the possibility that it may still be valid in the future. This observation applies to all best practices.
69. This space is accessible to the community, which has posed some problems within it, for which solutions have been sought (lack of firewood – donations, lack of mining training – mobile classroom, lack of communication – free WiFi for the entire community).
70. Innovation refers to practices that were novel at the time of their validation in the respective country.
71. Each best practice was evaluated according to the dimensions of participation, relevance and sustainability, based on previously designed indicators. For more information, refer to the conceptual and methodological framework, 4.3. (Appendix 2).
72. All best practices included in the diagnosis were analyzed considering the following approaches: participatory approach, regulation of rights and obligations approach; sustainable development approach; diversity approach; gender equality approach; conflict transformation approach. The definitions can be found in the conceptual framework (Appendix 2). If the approaches are not mentioned in the best practice analysis, it means that no elements have been found to indicate their inclusion in the best practice implementation.
73. Boon, Johannes, 2017: "Corporate Social Responsibility, Relationships and the Course of Events in Mineral Exploration – an Exploratory Study," Carleton University, Johannes Boon, Ontario, p. 194.
74. Ibid.
75. Information provided by PAE.
76. Cámara Argentina de Empresarios Mineros: HMS, http://www.caem.com.ar/hms/.
77. Just to give an example, the La Rioja Province can be mentioned with its conflict in Famatina and the position of the provincial governor. DyN, 2011, Beder Herrera asked environmentalists to "stop fucking" with mining, Clarín Noticias, 05/31/2011, https://www.clarin.com/medio_ambiente/Beder-Herrera-ambientalistas-joder-mineria_0_SkI-TiWawXx.html.
78. One important organization is the *Fundación Ambiente y Recursos Naturales* (Environment and Natural Resources Foundation, or FARN). FARN has conducted various studies, including one on Lithium mining. Regarding extractive activities, they argue: "The social and environmental effects of this type of activity are devastating: ecological destruction, loss of natural forests, soil deterioration, contamination by agrochemicals, displacement of local communities, no generation of quality employment and even violation of rights, among others. FARN affirms that there are no extractive policies that are friendly to society, nor to the environment." (https://farn.org.ar/extractivities).
79. One example is the Council of Self-Convened Neighbors for the "No to the Mine," a neighborhood movement that was formed in the town of Esquel, Chubut Province, and expanded to other locations. According to its website, they are already present in 15 locations throughout the country. It does not have a formal structure with positions and roles. Their actions and their presence as a group opposed to mining are very strong in Argentina. For more information, see: *Asamblea de Vecinos Autoconvocados de Esquel por el No a la Mina 2002-2017*, Op. cit.
80. Universidad Nacional de San Martín, http://www.unsam.edu.ar
81. As an example, Universidad de San Martín and Universidad Tres de Febrero trained teachers from the communities belonging to the Bajo La Alumbrera mine impact area for several years.
82. Ministerio de Desarrollo Social Presidencia de la Nación, 2015: *Instituto Nacional de Asuntos Indígenas (INAI), Tierras y registro nacional de comunidades indígenas*, https://www.desarrollosocial.gob.ar/wp-content/uploads/2015/08/6.-INAI-Tierras-y-registro-nacional-de-comunidades-ind--genas.pdf.
83. For example, regarding the participation spaces in the Environmental Impact Assessment framework. Some examples are: *Ley Nº 123 de Evaluación del Impacto Ambiental de Buenos Aires*, last modification published on 05/18/2012. *Ley de Evaluación de Impacto Ambiental, provincia de Santa Cruz*, published on 08/21/2003. *Ley 10.208. Política Ambiental Provincial* (Córdoba), published on 06/27/2014.
84. Ministerio de Ambiente y Desarrollo Sustentable, 2016: *Informe del estado de ambiente 2016*, Buenos Aires. https://www.argentina.gob.ar/sites/default/files/mayds_informe_estado_ambiente_2016_baja_1_0.pdf.

85. Covo, María Julia, 2013: *Derecho de minería y energía – El principio de congruencia de la ley general del ambiente en el Derecho Minero*, in: Anales de la Facultad de Ciencias Jurídicas y Sociales; año 10, no. 43, pp. 151-160; p. 153.
86. Oil and gas production is marginal in Chile and the author did not find macroeconomic figures that included oil. Oil production is concentrated in ENAP, a national company whose purpose is the exploration, production and commercialization of hydrocarbons and their derivatives. There are 10 companies that produce Natural Gas, and they are have their own business association. ENAP's sustainability report indicates that oil production in Chile, (Magallanes Region) was 987 million barrels for 2016; meanwhile, natural gas production in Chile (Magallanes) was 1 billion standard cubic meters (5,909,500 equivalent barrels). ENAP exports were 0.42 million cubic meters of oil products, equivalent to 3.8% of the total production of its refineries.
87. Consejo Minero, 2018: *Cifras actualizadas de la minería*, http://dev.consejominero.cl/wp-content/uploads/2018/03/Cifras-actualizadas-de-la-miner%C3%ADa-Marzo-2018.pdf.
88. Comisión Nacional de Productividad 2016: *Productividad de la Gran Minería el Cobre*, http://www.comisiondeproductividad.cl/productividad-de-la-gran-mineria-del-cobre/.
89. Consejo Minero, 2018, Op. cit.
90. Comisión Nacional de Productividad 2016, Op. cit.
91. Accessed at: Sociedad Nacional de Minería, *El nivel de empleo en la minería es el más bajo de los últimos siete años*, http://www.sonami.cl/site/noticias/el-nivel-de-empleo-en-la-mineria-es-el-mas-bajo-de-los-ultimos-siete-anos/.
92. Comisión Chilena del Cobre, 2017: *Anuario de Estadísticas del Cobre y otros Minerales 1997-2016*, Santiago de Chile, https://www.cochilco.cl/Lists/Anuario/Attachments/17/Anuario-%20avance7-10-7-17.pdf.
93. Comisión Nacional de Productividad 2016, Op. cit.
94. Instituto Nacional de Derechos Humanos, 2015: *Mapa de Conflictos Socioambientales en Chile,* Santiago de Chile, http://bibliotecadigital.indh.cl/bitstream/handle/123456789/989/libro.pdf?sequence=5.
95. Comisión Minería y Desarrollo de Chile Consejo Nacional de Innovación y Competitividad, 2014: *Minería. Una Plataforma de futuro para Chile*, http://valorminero.cl/site/docs/2017/mineria-una_plataforma_futuro_para_chile.pdf.
96. Findings of the Extractive Industries Working Table, held on August 18, 2017 in Santiago of Chile for this study.
97. Alianza Valor Minero, *Seminario Valor Minero Inversión y Diálogo para el Desarrollo*, http://valorminero.cl/site/docs/2017/informe_seminario_inversion_dialogo_desarrollo.pdf.
98. *Informe Sistematización Caracterización Socio-Ambiental Proyecto Acuerdo Territorial Para El Desarrollo-Localidad De Sierra Gorda*. Agencia de Cambio Climático – Alianza Valor Minero, septiembre 2017.
99. Ibid.
100. There is no information on the amounts of companies' social investment in Sierra Gorda.
101. Alianza Valor Minero is a public-private institution that brings together multiple stakeholders with the aim of creating the conditions for transforming Chilean mining into a platform for virtuous, inclusive and sustainable development, Valor Minero*,* http://www.valorminero.cl/valor-minero/.
102. *Chile Transparente*, Transparencia Caimanes, Santiago de Chile, http://www.chiletransparente.cl/project/transparencia-caimanes/.
103. Nueva Unión, 2017: *Corproa elige a Nueva Unión como "Empresa Destacada del Año,"* http://www.nuevaunion.cl/noticias/2017/corproa-elige-a-nuevaunion-como-empresa-destacada-del-ano.
104. Ibid.
105. *Política de Pueblos Indígenas Nueva Unión*. Accessed at: Nueva Unión, Sustentabilidad, http://www.nuevaunion.cl/sustentabilidad.
106. *Desarrollo Futuro de la minería en la zona Central. Diagnóstico y recomendaciones para la sostenibilidad.* Alianza Valor Minero. Noviembre 2017.
107. Other initiatives between different sectors are: National Council on Innovation for Development, Advisory Council for the National Territorial Planning Policy, Sustainable Exploration Group, Working Group for Agenda 2030, Working Group on Women, Mining and Best Practices of the Ministry of Mining.
108. Alianza Valor Minero, Op. cit.
109. Alianza Valor Minero, Op. cit.
110. Ministerio de Minería, Misión Institucional, http://www.minmineria.gob.cl/mision-institucional/.
111. Mapa de las organizaciones de la sociedad Civil 2015. Centro de Políticas Públicas Universidad Católica (2016).
112. Villalobos, Fernanda, 2017: *Ambientalistas y rechazo a Dominga: Quienes gobiernan "están tomando las decisiones correctas,"* Santiago de Chile, http://www.emol.com/noticias/Economia/2017/03/10/848734/Organizaciones-ambientalistas-por-rechazo-a-Dominga.html.
113. Corporación Nacional de Desarrollo Indígena, Registro de Comunidades y Asociaciones Indígenas, http://www.conadi.gob.cl/registro-de-comunidades-y-asociaciones-indigenas.
114. Portal Minero, 2014: *Corte rechaza recursos contra proyecto minero El Morro*, http://www.portalminero.com/display/NOT/2014/04/29/Corte+rechaza+recursos+contra+proyecto+minero+El+Morro?showComments=true&showCommentArea=true.
115. OIT (2014) *Estudio de Caso Chile Convenio N° 169 de la OIT y la consulta a los pueblos indígenas en proyectos de inversión*. Matías Abogabir.
116. Delamaza, Gonzalo, 2011: *Espacio público y participación ciudadana en la gestión pública en Chile: límites y posibilidades.* Revista de la Universidad Bolivariana, volumen 10, N° 30, 2011, pp. 45-75.
117. Ministerio de Desarrollo Social, 2013: Decreto Supremo N° 66.
118. OIT (2014) Matias Abogabir. *Estudio de Caso Chile Convenio N° 169 de la OIT y la consulta a los pueblos indígenas en proyectos de inversión.*
119. DANE, 2016: *Atlas Estadístico de Colombia,* Bogotá, http://sige.dane.gov.co/atlasestadistico/.
120. Includes coal, nickel and oil and its derivatives from the country's traditional exports for 2016. Ibid.
121. There is no official information to establish an income distribution at the national or central level.
122. According to the DANE figures, in 2016 the total employed population was 22.8 million. The definition of "employed population" includes people in one of the following situations: 1. Worked at least one hour paid in cash or in-kind during the reference week. 2. Did not work the reference week, but had a job. 3. Unpaid family workers who worked during the reference week for at least one hour.

123. Observatorio de las industrias extractivas en Colombia, 2015: *El sector extractivo en Colombia 2014*, Bogotá: Foro Nacional por Colombia, y otros, http://media.wix.com/ugd/ef61f6_3c07a995db4a4f5b98b151e3a370e1c0.pdf.
124. Environmental Justice Atlas, Op. cit.
125. Fundación Futuro Latinoamericano (FFLA), 2017: *Tendencias de la Conflictividad Socioambiental en América Latina y Propuestas para su Abordaje*, Quito, https://www.ffla.net/publicaciones/doc_details/320-tendencias-de-la-conflictividad-socioambiental-en-am%C3%A9rica-latina-y-propuestas-para-su-abordaje.html.
126. Fundación Foro Nacional por Colombia, 2017: *La agenda de la Sociedad Civil frente a las industrias extractivas en Colombia*, Bogotá: Foro Nacional por Colombia y Natural Resource Governance Institute, https://resourcegovernance.org/sites/default/files/documents/reporte-colombia.pdf.
127. Law 1,753 of 2015: National Development Plan 2014-2018 ("PND") classifies the types of mining as: subsistence, small, medium and large mining.
128. Fundación Avina y Gestión Ambiental Estratégica, 2012. *Elementos diagnósticos para una caracterización de la minería en Colombia*. Bogotá, Colombia. Mesa de Diálogo permanente de Minería en Colombia.
129. Law 34 of 1994, which imposes rules on citizen participation mechanisms.
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147. In general, the *amparo* is a set of procedural acts or processes that culminate in a judicial resolution or sentence, which constitutes their common final cause, and in a strict sense, it is a right or a power that a person has to demand that any violation of their individual guarantees be repaired in their favor. The Mexican Constitution of 1917 establishes the Federal Judicial Power as a constitutional control body, empowering it to modify acts of authorities or laws that violate individual guarantees, and provides that through the *amparo*, acts or laws of any of the three branches of government can be challenged, thus creating the trial of *amparo* against, also, judicial resolutions. Accessed at: GMORR, 2009: *Juicio de amparo en México*, https://www.gestiopolis.com/juicio-de-amparo-en-mexico/.
148. Enviuronmental Justice Atlas, Op. cit.
149. Enciso, Angélica, 2016: *Hay en México 420 conflictos socioambientales:* Investigador, http://www.jornada.unam.mx/2016/02/10/sociedad/038n1soc.
150. David Shields, analyst, journalist and energy industry consultant. General Director of the Energy Up For Debate project; and Jorge Arriaga, PhD in Regional Development from the Sorbonne Université in Paris, was a Deputy Manager of the Social Organizations Office at PEMEX and is currently a consultant for the energy industry.

151. "First of all, the ASF (Superior Auditor of the Federation – SC) declares that there are regulatory gaps, since the Guidelines on Donations from PEMEX and Other Agencies do not establish clear lines on the follow-up procedure for the use of resources and goods. This leaves a wide margin for discretion and makes it difficult to control them. Thus, these guidelines do not regulate the deadlines for application and verification of donations, nor the periodicity and deadlines of application reports that must be delivered by the beneficiaries," in: De la Fuente López, Aroa, 2017: *Donativos y Donaciones de PEMEX: Deficiencias e Irregularidades*, México, pp. 2-3, http://www.fundar.org.mx/mexico/pdf/ASF-Donativosydonaciones.pdf.
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161. The interviews with the different stakeholders in each project and with civil society organization employees allow us to make this statement, which in no way intends to be generalized.
162. That is, the historical clientelistic ways have had to change to ways based on international agreements for carrying out indigenous consultations, for example, where prior information and consultation are principles that must be respected.
163. PEMEX subsidiary company that finances the project.
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166. *Informe de labores de la Secretaría de Energía, Marco Legal y Participación en EITI y otros espacios regionales y bilaterales*. Accessed at: Secretaría de Energía, 2016, Op. cit., p. 5 and p. 160.
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177. CCC is part of a network of organizations called Partners.
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185. The environmental liabilities were the results of operation by other companies, including ASARCO, which subsequently sold their concessions to Grupo México. During these companies' operations, Mexico lacked environmental regulation, so the remediation of environmental liabilities was not a requirement for companies.
186. A total of 490,000 m3 of vegetable soil was recovered and saved for restoration actions.
187. This project will cost more than 2 million dollars, since the remediation process calls for the removal and encapsulation of the contaminants that were dumped by other companies. It is important to point out that New Gold, as a strategy to safeguard and comply with the commitments defined as part of its participatory environmental closure plan, has paid a bail to the Federal Treasury for almost 30 million dollars that supports a 100% biophysical and socioeconomic closure. Thus, the *Patio Paseo Victoria* is currently one of the entity's most important urban recovery works, as well as a palpable example of the legacy that New Gold/Minera San Xavier will leave for current and future generations in this municipality.
188. "Pueblos Mágicos" is a program implemented since 2001 by the Mexican Secretariat of Tourism (SECTUR), to promote tourism in the country, in places where its inhabitants and local governments have managed to protect their cultural wealth, being recognized as sites with great historical-cultural attributes. These places promote local crafts, festivities and gastronomy, as well as tourist products based on adventure tourism, hiking or ecotourism.
189. New Gold Minería San Xavier S.A. de C.V Cerro de San Pedro, 2015: *Reporte de Sustentabilidad 2015*, México, http://s1.q4cdn.com/240714812/files/documents_sustainability/Reporte-de-Sustentabilidad-2015-MSX.pdf.
190. This includes Sonora (Nacozari, Esqueda, Guaymas and Cananea); Coahuila (Nueva Rosita); San Luis Potosí (Charcas and San Luis Potosí); Chihuahua (Santa Bárbara and Santa Eulalia); Michoacán (Angangueo); Zacatecas (Sombrerete); Guerrero (Taxco); Guanajuato (León); Oaxaca (Juchitán); Campeche (Ciudad del Carmen), and Baja California Sur (Guerrero Negro).
191. *Industry*: industrial sector representatives include Petróleos Mexicanos (PEMEX), Asociación Mexicana de Empresas de Hidrocarburos (AMEXHI) and Cámara Minera de México (CAMIMEX). These organizations include the main companies in the hydrocarbon sector in Mexico and the mining companies that generate approximately 90% of the country's mining production. *Civil society*: civil society representatives were elected by a group of approximately 40 CSOs that were invited to national and regional workshops and informed of the government's intention to adhere to this standard by a driving group consisting of Transparencia Mexicana, FUNDAR and PODER. A group of representatives and alternates was elected: PODER, Economic Research Institute of UNAM, Alianza para la Sustentabilidad del Noroeste Costero (ALCOSTA), Transparencia Mexicana (TM), Universidad Autónoma Metropolitana (UAM) and the University Development Studies Program (PUED) of UNAM. Currently, ALCOSTA is not part of this group of representatives and alternates. The government formed an Inter-Secretarial Group (IG) consisting of: the Subsecretariat of Revenue, Finance and Public Credit (SHCP), the Secretariat of Economy (SE) (through the Subsecretariat of Mining) and the Subsecretariat of Hydrocarbons (SENER). Today, the IG is responsible for presiding over the Subsecretariat of Mining.
192. USAID, World Bank, Natural Resource Governance Institute, GIZ, Mexican Agency for International Cooperation for Development, British Embassy.
193. Cámara Minera de México (CAMIMEX), 2016: *Informe Anual 2016*, México.
Servicio Geológico Mexicano (SGM), 2016, Op. cit.
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195. (1) Universidad Autónoma de Nuevo León (UANL) (Nuevo León), (2) Universidad Veracruzana (Veracruz), (3) Universidad Autónoma de Coahuila (Coahuila), (4) Universidad de Colima (Colima), (5) Universidad de Guanajuato (Guanajuato), (6) Universidad Autónoma del Estado de México (México), (7) Benemérita Universidad de Puebla (Puebla), (8) Universidad de Ciencias y Artes de Chiapas (Chiapas), (9)Universidad de Sonora (Sonora), (9) Universidad Autónoma de Puebla (Puebla), (10) Universidad Estatal de Sonora (Sonora), (11) Universidad Politécnica Juventino Rosas (Guanajuato), (12) Universidad Tecnológica de la Sierra Hidalguense (Hidalgo), (13) Universidad Tecnológica del Estado de Zacatecas (Zacatecas), (14) Instituto Tecnológico de Chihuahua (Chihuahua), (15) Instituto Tecnológico de Morelia (Morelia), y (16) Instituto Tecnológico de Querétaro (Querétaro).
196. Universia México, 2016: *Licenciaturas en Ingeniería en Minas*, http://www.universia.net.mx/estudios/ugto/licenciatura-ingenieria-minas/st/152715.
197. Asociación Interamericana para la Defensa del Ambiente (AIDA), Transparencia Mexicana (TM), Project on Organizing, Development, Education and Researc (PODER), Fundar-Centro de Análisis e Investigación, la Alianza para la Sustentabilidad del Noroeste Costero (ALCOSA), los Socios México/Centro de Colaboración Cívica (CCC), Instituto Mexicano para la Competitividad (IMCO), Centro Mexicano de Derecho Ambiental (CEMDA), Centro de Derechos Humanos Miguel Agustín Pro Juárez A.C. (Centro Prodh), Centro de Derechos Humanos de la Montaña (CDHM) Tlachinollan, CartoCrítica, Proyecto de Derechos Económicos, Sociales y Culturales, A.C (ProDESC), Amigos del Río San Rodrigo, Oxfam, The Nature Conservancy, Red Mexicana de Afectados por la Minería (REMA), Heinrich Böll Foundation, Fundación Desarrollo Sustentable A.C., el Centro de Investigación y Capacitación Rural (Cedicar) and Centro de Investigación Intercultural para el Desarrollo (CIIDES).
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199. Díaz, Luis y Morones Guadalupe, 2001: *Inversión Extranjera; Derecho Mexicano y Derecho Internacional, Edición 01*, México: Themis.
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224. Data collected by the consultant for this diagnosis and supported by the Central Bank of the Dominican Republic, direct surveys to metal companies and the Ministry of Energy and Mines.
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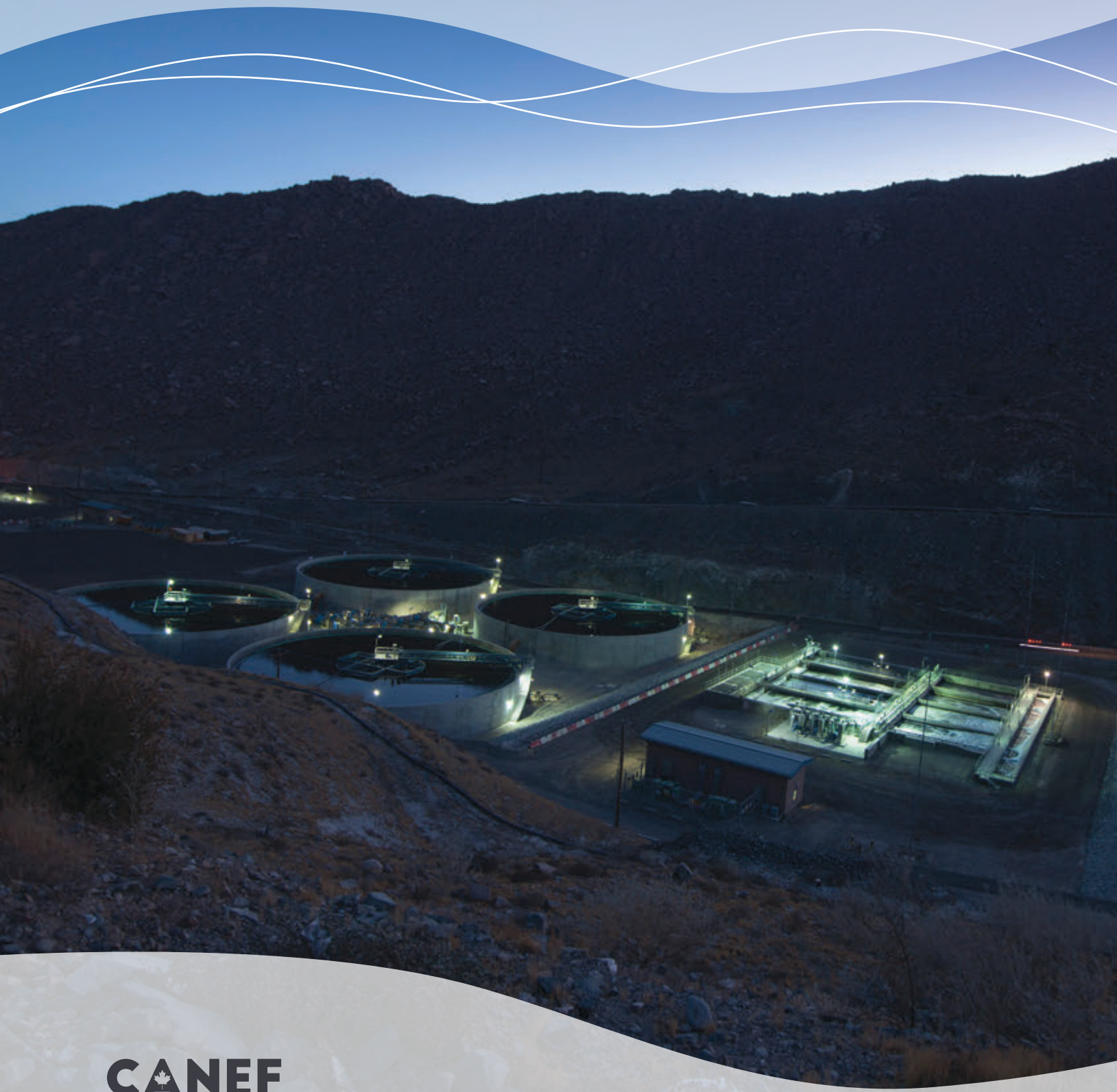

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