

EXTRACTIVE SECTOR AND CIVIL SOCIETY:
WHEN THE WORK OF COMMUNITIES,
GOVERNMENTS AND INDUSTRIES LEADS
TO DEVELOPMENT
COLOMBIA





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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 Colombia, 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. A roadmap based on the findings of the diagnosis, serves as a guide for the stakeholders to strengthen their engagement.

This booklet focuses on the findings of Colombia 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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Abbreviations and acronyms

ACM	Asociación Colombiana de Minería
ACP	Asociación Colombiana de Petróleo
AIDSEP	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
CEFOMOMALI	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.

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.



**For some countries
rich in natural
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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 actions¹⁶

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 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 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 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





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

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 .

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 Argentina, Chile, Colombia, Mexico, Peru and the Dominican Republic. 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.





2.3. COLOMBIA

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2.3.1. Summary

Context



Economic: the extractive sector (mining and hydrocarbons) contributed 7.1% to the GDP in 2016, 5% of which corresponds to hydrocarbon activities and 2.1% to mining.¹¹⁹ The figure for 2010 was 7%. In 2016, the extractive sector as a whole represented 49.01% of the country's total exports.¹²⁰ In mining production, coal and ferronickel were the most important products among traditional exports and represented 15.81% of total exports, while oil and its derivatives represented 33.20%. Between direct royalties (territorial entities as beneficiaries) and indirect royalties, the sector contributed 2.3 billion dollars to the national economy in 2015.¹²¹ 80% of this was generated by the hydrocarbon sector and the remaining 20% by mining. The extractive sector created around 178,000 direct jobs in 2016, corresponding to 0.78% of the total employed population nationwide.¹²²

Social: To transform and influence the territories, the government requires engagement with the various stakeholders: citizens (whether organized or not), the private sector, cooperation agencies and other stakeholders that help them advance towards consolidating their policies. These organizations have different interests, visions, resources (technical, information, economic) that tend to become obstacles to inclusion in decision-making scenarios.¹²³ The Environmental Justice Atlas counted 69 conflicts in the extractive sector, with 49 of these in the mining sector.¹²⁴ There is no official record of socio-environmental conflicts. In some cases, illegal armed groups intervene in conflicts.¹²⁵

Best practices



Participation of peasant families in forest compensation program (2010-2014, Collaboration). Various coal mining companies reached an agreement with the environmental authorities to implement a program to promote sustainable productive projects, signing more than 100 agreements with agricultural landowners regarding their types of production, conditions for collaboration, the creation of permanent training programs.

Intercultural dialogue with indigenous people (2006-2013, Dialogue). A dialogue process was developed between the different groups that represent the community, including the traditional authorities and the Cerrejón company, which featured the participation of an advisor on cultural issues and used one of the company's interdisciplinary teams. Fulfillment of the agreements was validated by the regular community assemblies.

Stakeholder map



As for the companies and associations, it is important to highlight the Colombian Petroleum Association (ACP). This association brings together private companies in Colombia that develop oil exploration, exploitation, transportation and distribution activities, the distribution of liquid fuels and lubricants, and natural gas. The Colombian Mining Association (ACM) is a business association that emerged from the merger of Asomineros of the Colombian Industrialists Association (ANDI), the Colombian

Legal and regulatory framework



Chamber of Mining and the Large-Scale Mining Sector, which helps project it as an association that coordinates the entire industry, representing explorers, producers and suppliers of goods and services for the country's mining sector.

At the national institutional level, the Ministry of Mines and Energy is the governing body responsible for generating policies to guarantee the development and efficient use of mining, hydrocarbon and energy resources. The Ministry of the Interior is the entity responsible for the policy of territorial decentralization, human rights and citizen security. Meanwhile, the Ministry of the Environment and Sustainable Development is responsible for defining the National Environmental Policy and the National Authority of Environmental Licenses (ANLA) is the entity responsible for ensuring that all projects, works or activities subject to environmental licensing, permits or processing comply with environmental regulations. At the regional and local level, governors and mayors, among others, are the territorial administrative authorities responsible for orienting investments for territorial development. Meanwhile, the Regional Autonomous Corporations and Sustainable Development Corporations are responsible for managing the environment and renewable natural resources within their jurisdictions.

There are many social organizations—including foundations, non-governmental organizations, associations, academia, among others—that influence the engagement dynamics within the extractive sector. Through different participation channels, they monitor primarily how companies fulfill their obligations in the management of the environmental, social and economic impacts of their operations. These organizations have different levels of influence; some work on a more national scale, others at the local level.

The Colombian regulatory framework is large, since it contains general provisions for participation issues, as well as sectorial legal instruments (laws, decrees and resolutions).

With regard to the laws on citizen participation, it is impossible to deny the recognition and importance this gained with the entry into effect of the 1991 Constitution and its subsequent legislative developments. Law 134 of 1994 established the regulations on citizen participation mechanisms in Colombia. There are also other regulations that allow citizens to participate individually or collectively in the control of public management, such as Law 152 of 1994 (which established the Organic Law of the Development Plan). Law 21 of 1991 approved Convention 169 on Indigenous and Tribal Peoples in Independent Countries, and Decree 2613 of 2013 regulated this right. Law 850 of 2003 regulates citizen oversight.



2.3.2. Introduction

At the beginning of the last decade, the Colombian government decided to promote in-depth exploitation of non-renewable natural resources, in order to take advantage of the rising prices of raw materials in the international market. This decision was based on two situations: on the one hand, the opportunity to use the country's existing geological potential, part of which was already being exploited by large national companies (Ecopetrol) and, on the other hand, the opportunity to appropriate a large share of the income from extractive activities.¹²⁶

In Colombia, mining activity is stigmatized, since there is not a complete understanding of what a mining project means, in terms of the different types of mining present in the country,¹²⁷ which use different technologies, create different obligations and produce different impacts. The diverse types of mining, minerals and production volumes makes it difficult to establish a mining narrative that may truly help explain the sector's dynamics, the State's need to value and concession non-renewable natural resources, and the environmental and social impacts generated by this industry. In this context, and especially during electoral periods, the discourse has become polarized to the point where it is seen as a choice between water and gold.¹²⁸

Civil society organizations have started to use the mechanisms of participation that have existed in the Colombian legal framework for more than 25 years¹²⁹ as a tool for safeguarding and protecting the rights of the communities that exist in territories with mining potential.

The Colombian armed conflict has been a determinant factor in the ways in which the territory is understood. With a weak State in conflict zones, occupations often occurred spontaneously and without planning. The displacement of the population through the armed conflict has put pressure on the agricultural frontier and has been a vector of

expansion for armed groups that built their power on the basis of territorial and social control. This dynamic has operated in a kind of vicious circle: territorial control by armed groups impeded an effective presence of the State and the provision of basic services. This absence was also a fertile ground for the consolidation of the authority of armed groups and prosperous illegal economies.¹³⁰

In November 2016, Colombia signed a peace agreement with the Revolutionary Armed Forces of Colombia (FARC), the largest and oldest guerrilla on the continent. The agreement proposes a profound transformation of the political and social organization, with the ultimate purpose of integrating all the territories under a single national project.¹³¹

The implementation of the peace agreement includes: i) profound rural reforms; ii) the struggle against illegal economies, in particular drug trafficking; and iii) a democratic opening that provides broad political participation to marginalized sectors of peasant, black and indigenous communities, as well as the economic reintegration of ex-combatants.¹³²

2.3.3. Best practices

During the study, a total of two best practices were identified, documented and validated at the Dialogue and Collaboration levels. Similarly, other engagement experiences have been identified which, although documented, were not acknowledged in the engagement levels because they did not meet any of the criteria defined in the methodology. However, these experiences reveal efforts that may perhaps be considered for future systematization and dissemination. These practices can be found in Appendix 3. The validation process was carried out based on the official information provided by the companies. Some details of the negotiation and conciliation process are not available or authorized to be published in this report.

Best practices are identified in the following order:

2.3.3.1. Participation of farming families in forest compensation program

2.3.3.2. Intercultural dialogue with indigenous people



2.3.3.1. Participation of farming families in forest compensation program

ENGAGEMENT LEVEL



Collaboration



DURATION

2010 – 2014



MAIN STAKEHOLDERS

Carbones de la Jagua, Consorcio Minero Unido, Carbones El Tesoro, Norcarbón S.A., Drummond Ltd., Colombia Natural Resources.

Ministry of the Environment, Housing and Territorial Development; Municipality of La Jagua de Ibirico; Regional Autonomous Corporation of Cesar-CorpoCesar; Fundación Pro-Sierra Nevada; peasant families living in the Los Mutilones National Forest Reserve.



DESCRIPTION

Mining: the Department of Cesar (La Jagua de Ibirico, El Paso, Chiriguaná, and Becerril) is one of the country's main coal mining areas. The mines are exploited by the aforementioned companies. In 2016, more than 48 million tons of coal were extracted throughout the department, equivalent to 44% of the country's total production¹³³

Motilones Forest Reserve: this zone contains the Motilones Forest Reserve, which extends along the Serranía del Perijá. The Ministry of the Environment authorized the annexation of areas from the Forest Reserve, so that the aforementioned companies may continue the coal mining activities conceded to them in those areas. Once the annexation was authorized, the companies were obliged to fulfill the corresponding forest compensation obligations established for each of them.

Joint Compensation Plan: in 2007, the companies established a Letter of Intent to develop a Joint Compensation Plan, which, besides fulfilling the compensation obligations, decreased the productive area of the properties that benefited from the program and increased their conservation areas by implementing a plan that established a conservation corridor and productive projects that generated additional income for families. This plan was accepted by the Ministry of the Environment and the Regional Corporation-CorpoCesar.¹³⁴ The proposed Unified Compensation Plan responded to each of the compensation obligations established for each company and is financed entirely by them.

Conservation and production: the plan featured two main components: on the one hand, a conservation strategy for the areas, and on the other, productive projects for the improvement and diversification of the income of the inhabitants of the companies' impact areas.

Socialization: the plan's development began with a public presentation and a pre-diagnosis of the estates interested in participating. Three meetings were scheduled with communities in the Sororia River Basin and three in the Tucuy River Basin, which were attended by representatives of the Ministry of the Environment, Corpocesar and the Mayor of La Jagua de Ibirico.

Monitoring and implementation: in order to implement their plan, the companies had the support of the Fundación Pro-Sierra Nevada de Santa Marta, which acted as a local partner and facilitated the interaction with the communities. It also led the workshops and meetings organized to reach agreements surrounding the productive projects.

Participatory project selection: field surveys were prepared and several discussions were organized to jointly select the productive projects, based on the technical expertise of the Regional Corporation and the knowledge of the region's inhabitants and thermal floors. These meetings were attended by company representatives, property owners and Corpocesar Corporation technicians.

Conservation Agreement: each of the participating families signed a conservation agreement that included the payment of a financial incentive for the conservation of the areas, in the form of a semi-annual payment for four years and the creation of a package of productive projects (sowing of permanent and transitory crops such as tomato, cocoa, coffee, and other subsistence crops), determined according to the area and location of the properties.

Working groups: through working groups and community meetings, the interests of the rural communities were recorded and prioritized, and among these the need for specialized technical assistance for the crops was identified.

Education and training: within the framework of the program, spaces for ongoing education and training were created, with schools serving as training centers. Trainings were offered, with technical personnel provided by the companies, for the participants of the Unified Plan to create technical brigades, fire brigades and environmental protectors as guardians of the territory. These activities were part of the agreements established with the families belonging to the plan and with whom the letters of intent were signed. Although they were not compulsory activities, all the families participating in the Unified Plan attended the trainings.



MAIN IMPACT/OUTCOME

To date, more than 4.3 million dollars have been invested by the companies and a corridor of about 7,000 hectares has been maintained, producing environmental benefits for the region.

During the process, agreements were signed with 195 estates, where a variety of productive projects (363.5 hectares) were implemented, such as planting cocoa, avocado, *lulo* (*naranjilla*) and tree tomato, among others. These projects have generated additional income for the families participating in the program and have managed to diversify the region's productive activity. This has reduced the dependence on jobs in the mining industry among the region's inhabitants, as well as the pressure on the forest corridors established for conservation.



INNOVATION

In the Colombian extractive sector, it is not common for companies operating in the same region to formulate joint programs in response to environmental and social obligations. Normally, each company presents a program separately, and they are all executed in scattered areas. In this case, four mining companies in the Department of Cesar signed letters of intent with joint and several liability, coordinating their obligations to execute a joint project that has helped protect the region, restored degraded areas, established and maintained productive systems (crops) for peasant families, recognized environmental incentives for the rural population and strengthened community organizations.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the topics were proposed and prioritized by the region's inhabitants in working groups with regional authorities and company representatives.
- Relevance by need: through letters of intent signed between large mining companies and authorities, a Unified Plan was achieved that recognizes the needs of the region and its inhabitants.
- Sustainability by consensus: the companies' commitments, the monitoring of national and regional authorities and the appropriation of the community produced a recognized institutional program that is being replicated in the impact areas of other extractive projects..



APPROACHES

Sustainable Development Approach: The practice seeks to achieve sustainable development, understanding this as an integral and integrating model capable of balancing the economic, social, environmental and cultural dimensions.¹³⁵ This practice proposes other forms of integration between companies and peasant communities, seeking not only environmental benefits, but also long-term social and economic benefits.



LESSONS LEARNED

Greater benefits are achieved for communities when letters of intent are created between the extractive companies in the same region, the national and regional authorities, and the communities directly affected.

The creation and implementation of these programs is more effective when there is a local partner that is validated and recognized by the communities. In the case of the Unified Plan, this was the Fundación Pro-Sierra Nevada.

It is important to continuously accompany the communities in order to generate further appropriation of the issues and programs established. The companies are designing a follow-up and sustainability phase for the actions taken that includes monitoring and follow-up within the established conservation corridor and support for the productive systems through a product marketing chain.



VALIDATION

The practice was validated with the sustainability directors of the companies, the inhabitants of the region, and members of the Fundación Pro-Sierra Nevada who supported the implementation process of the agreements. It was also validated during the working group held in Colombia on July 11, 2017.



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2.3.3.2. Intercultural dialogue with indigenous people

ENGAGEMENT LEVEL



Dialogue



DURATION

2006 – 2013



MAIN STAKEHOLDERS

Cerrejón company. Indigenous (Wayuú) Provincial Reservation (Municipality of Barrancas), José Alvear Restrepo Lawyers Collective.



DESCRIPTION

Cerrejón Mine: Cerrejón is a mining and integrated transportation complex in La Guajira, a department in the far northern region of Colombia. The mine, located in the middle of Guajira, is connected by a 150 km railway with the shipping port of Cerrejón.

Provincial Reservation: among the communities in the impact area of the mine is the Provincial Reservation, which is located within the jurisdiction of the Municipality of Barrancas. It consists of 447 hectares, 553 inhabitants and 142 families. The Association of Traditional Authorities of Provincial is composed of the traditional authorities (*apushii*). The territorial jurisdiction includes 6 sectors or communities: Provincial, Cerrito I and Cerrito II, Cardonalito, Tinajita and Atapchon. Provincial is part of the Association of Wayuú Authorities and Indigenous Councils of Southern La Guajira (AACIWASUG), which are affiliated to the National Indigenous Organization of Colombia (ONIC).

Initial situation: the conflicts between the community and the company revolved around the environmental impacts perceived by members of the reservation (air: gases and odors, particle emissions; water: dumping of sterile materials and coal into the Ranchería River, main water source of the community; noise and vibrations from blasting) and the difficulties in accessing and purchasing land, which has limited their agricultural activities. The participation of community members in the informative events organized by the company was low, given their negative perception of the company, since they did not feel they were being heard and did not see an opportunity for dialogue.

Division of the reservation: there was an internal power struggle that had divided the reservation's leaders, which slowed the flow of information within the territory. This situation, along with the Governing Council's recommendation that the community not participate in the informative spaces provided by the company, generated disinterest and disinformation in the community.

First rapprochement: in 2005, the company facilitated some meetings which sought to inform the community about the impacts of its activities. However, these meetings did not clearly recognize the needs and interests of the communities.

Preliminary ruling process: given the divisions within the reservation, the reservation authorities authorized the José Alvear Retrepo Lawyers Collective to accompany them in the dialogue process with the company. The collective recommended initiating a preliminary ruling process to pressure for dialogue spaces and encourage agreements on relevant environmental, social and productive issues.

José Alvear Retrepo Lawyers Collective: this is a non-governmental, non-profit organization for the defense of human rights in Colombia. It acquired its legal status in 1980, becoming one of the first human rights defense organizations Colombia whose membership were lawyers.

Reconstruction of relationships: In light of the preliminary ruling process, the company promoted a space with the community and company representatives that was sustained over a 6-month period and convened approximately every 15 days.

Negotiating commission: the community selected its negotiating commission, consisting of the Governing Council, two traditional authorities, a professor, a health promoter and a community leader. Occasionally other community members were authorized to participate in these spaces.

Wayuú Analyst: the company participated in the negotiations with an interdisciplinary group and established the need to have an analyst of the Wayuú ethnic group who would be responsible for engaging this interest group while considering at all times their traditions, customs and language during the talks.

Importance of community assemblies: the spaces generated by the company helped strengthen the Reservation Assemblies as an existing space which was recognized and helped validate the agreements with the company, even despite its internal divisions. During the assemblies, consensual decisions were made and the community in general and particularly its authorities were informed about the progress of the agreements.

Working and coordination group: the company and the reservation council formed a working and coordination group where decisions were made primarily on the following topics: land, environment, education and work on productive projects.

Agreements: the members of the reservation and the company established common objectives that were mutually reconciled and strengthened their capacity to reach agreements that could generate mutual benefits for the community and the company.

Binding agreement: community and company created a mutually binding agreement in which they recognized the issues of interest to the community relating to land, creation of productive capacities, strengthening of the agricultural vocation, incentives for responsible agricultural and livestock practices, promotion of food security and promotion of the community's internal harmony.



MAIN IMPACT/OUTCOME

With the support of a Wayuú analyst, the company promoted dialogue spaces in order to recognize the issues that affected and interested the community, and managed to overcome a preliminary ruling process and strengthen the community's decision-making spaces, such as the reservation assemblies. Working and coordination groups were established that reached agreements which were consulted, validated and approved autonomously with the consent of the community.



INNOVATION

To rebuild the engagement process and establish a relationship of trust, the company decided to include an analyst from the Wayuú ethnic group in its negotiating committee, who was charged with engaging with this interest group and ensuring at all times the consideration of its traditions, customs and language during the engagement process. Having such an analyst, an unusual practice in community engagement processes, guaranteed a different approach and the inclusion of the Wayuú worldview, thus facilitating the creation of an agreement that reflects their needs, interests and vision as a community.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: This best practice recognizes the culture, language and idiosyncrasy of the communities. Both formal and informal community leaders participated in the negotiating commission, including the Governing Council.
- Methodological relevance: The community selected its negotiating commission, which consulted autonomously with the community on the agreements of each meeting. Nothing was approved without the consent of the community.
- Institutional sustainability: Long-term agreements were achieved, institutionalizing processes and generating mutually binding agreements on key issues for the stakeholders.



APPROACHES

Diversity Approach: The engagement between the Cerrejón company and the Provincial Reservation recognized cultural differences, which was evident in the respect for the ethnic identity of the community.



LESSONS LEARNED

It is necessary to identify the key stakeholders in order to improve engagement. Mutual recognition helps strengthen credibility. In the specific case of Provincial, it was important for the community to select a negotiating commission that they felt represented them and that facilitated agreements in the context of an existing power struggle within the reservation.

It is considered essential to visit stakeholders personally in order to maintain a transparent dialogue where the important thing is to listen to the topics of interest to the community.

Even after starting out with a preliminary ruling process, this process was capitalized and transformed into an open dialogue that strengthened the agreements with the communities.

Beyond just listening to isolated requests from the reservation or fulfilling legal obligations, a mutually binding agreement was created that included the issues most relevant to the community.

It would have been important to include partnerships with private entities and the State in this process, who could have acted as guarantors of the agreements and processes. Also, it would have been useful to establish mechanisms for monitoring and evaluating the progress of programs and projects, as well as spaces for accountability of representatives towards their community.



VALIDATION

The practice was validated directly with the company (Division of Standards and Corporate Responsibility Strategy). In addition, interviews were conducted and documents were gathered from civil society organizations that participated as observers of the dialogue process, such as the Center for Popular Research and Education (CINEP), Crudo Transparente and Fundación Ideas para la Paz, and these were validated by the working group developed in the framework of this study.



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2.3.4. Stakeholder analysis

Extractive industries are economic activities that generate dynamics of change in their territories. In particular, they are characterized by their social and environmental impact, transforming territorial dynamics especially in economic, political and demographic matters. Since certain segments of the population also receive benefits due to investment and possible productive linkages, the result is that the arrival of extractive



industries to a territory can divide the population according to their interests and possible opportunities.

At the institutional level, there are problems of inter-sector integration and coordination of different entities, especially at the central and territorial levels. This reflects a low institutional presence at the regional level, along with an insufficient technical capacity for addressing engagement problems in the regions, which ends up being assumed by the projects at a high cost.¹³⁶

Extractive industries in Colombia have a history of bad practices when they work individually in different territories, mainly because they shield themselves from the possible consequences of their actions, which is interpreted locally as a lack of transparency. Furthermore, in a context where a weak State has often coexisted at the subnational level with the presence of various illegal armed groups, there has been an absence of clear guidelines and rules in this sector, with low levels of governance.¹³⁷ This situation has generated a climate of distrust at the local level between public institutions, local communities and extractive companies that has resulted in social, environmental and economic conflicts between the parties, where there have evidently been no winners.

Company

As for the companies and associations, it is important to highlight that the Colombian Petroleum Association (ACP) brings together private companies in Colombia that develop the following activities: exploration, exploitation, transportation and distribution of oil, distribution of liquid fuels and lubricants, and natural gas. The Colombian Mining Association (ACM) was created by the merger of Asomineros of ANDI, the Colombian Chamber of Mining and the Large-Scale Mining Sector, which projects it as a business association capable of coordinating the entire industry and representing explorers, producers and providers of goods and services related to the mining sector within the country.

Government

At the national institutional level, the Ministry of Mines and Energy is the governing body in charge of establishing policies that guarantee the development and efficient use of mining, hydrocarbon and energy resources. To address territorial engagement, the Ministry of Mines and Energy has created the project called “Strengthening institutional management in the territory and contributing to the governance of the national mining-energy sector,”¹³⁸ which aims to improve engagement in the territory and reduce the socio-environmental conflicts generated by the sector.





The Ministry of the Interior supervises the territorial decentralization, human rights and citizen security policies, and is a relevant stakeholder and a leader in the fulfillment of agreements and dialogue with local communities.¹³⁹

The Ministry of the Environment and Sustainable Development is responsible for defining the national environmental policy and the National Authority of Environmental Licenses (ANLA)¹⁴⁰ is responsible for ensuring that all projects, works or activities subject to environmental licensing, permits or processing comply with environmental regulations. At the regional and local levels, the governors and mayors are the territorial administrative authorities, among others, responsible for guiding investments for territorial development and guaranteeing the population's access to networks of public goods and services that adequately satisfy their basic needs.

At the local level, the Autonomous Regional and Sustainable Development Corporations are responsible for managing the environment and renewable natural resources within their areas of jurisdiction. The Regional Autonomous Corporations (CARs) have become the main environmental authority at the regional level. They are public entities consisting of territorial organizations that, due to their characteristics, geographically constitute a single ecosystem or form a geopolitical, biogeographic or hydrogeographic unit. They are also responsible for managing the environment and renewable natural resources within their areas of jurisdiction and promoting their sustainable development, and are thus key players in engaging with the communities and their surroundings. As far as the resources and conditions that each entity possesses to face various challenges and perform its functions as the authority in environmental matters, the greatest strengths of these corporations are managing human talents, executing investments and providing organizational support, while their main weaknesses are territorial planning, environmental authority, and physical, technological and financial capacities¹⁴¹

Civil society

Colombian civil society is made up of a variety of formal and non-formal associations capable of building bridges between stakeholders with conflicting interests and providing information on the extractive industry. The Transparency for Colombia Corporation is currently the technical secretary of the Civil Society Roundtable for Extractive Industries and has a great capacity for fostering processes of dialogue and creating networks among the diverse stakeholders. Crudo Transparente is another organization that works with extractive industries—specifically hydrocarbons—in order to promote best practices and generate spaces for agreements between companies and local communities. These dialogue initiatives are also supported by foreign organizations working in Colombia, such as the Ford Foundation, Fundación AVINA or the Regional Center for Responsible Enterprises and Entrepreneurship.

Other organizations prefer to seek to promote informed discussions and public policy advocacy. The National Forum for Colombia publishes newsletters and articles on extractive industries and civil society in order to help strengthen democracy in Colombia and promote coexistence among Colombian men and women. Corporación Ocasá promotes access to public information on the extractive industry, working mainly with and for young people. Meanwhile, Censat Agua Viva is an organization that is more opposed to extractive activities and seeks to work with communities in order to resist, mobilize and transform. The mission of the National Indigenous Organization of Colombia (ONIC) and the Process of Black Communities (PCN) is to defend their territories, which often leads to situations of conflict with extractive sector companies.

2.3.5. Legal framework

The Colombian regulatory framework is extensive and prolific, since it contains general provisions, for example, on issues of citizen participation, as well as legal instruments (laws, decrees and resolutions) that must be taken into account when defining forms of engagement with the extractive sector. In legal instruments, the only formal opportunity to engage with the State, business and civil society sectors is through prior consultations (Law 21 of 1991), which only applies in the case of indigenous and black communities with a presence in the project's impact areas, thus leaving out a large number of communities that do not have this level of recognition and status.



Information

The Law on Transparency and Access to Information was enacted in 2014. This law sought to ensure that the State must provide Colombians with any public information they request, so that both public and private entities, in addition to responding to explicit requests for information from citizens, are also obliged to disclose it “proactively, responding to requirements in a routine, practical, updated, accessible and comprehensible manner.”

This law constitutes a new tool for citizens to gain access to public information in an effective and transparent manner. It means that not only public entities, but any person, movement, group, party or company with public functions must provide access to such information, which must be delivered in equal conditions in a dynamic way and through various physical or digital formats, so that it may be easily accessible to the petitioners.



Consultation

For the mining sector, the main legal guideline is the Mining Code established in 2001, which aims “to promote the technical exploration and exploitation of public and private mining resources; to encourage these activities in order to satisfy both internal and external demand, and so that they are used in harmony with the principles and rules of a rational exploitation of non-renewable natural resources and the environment, within a comprehensive concept of sustainable development and national economic and social development.” The procedural aspects of this provision include a participation space called Third-Party Hearings and Participation (Article 259), which refers to the stage prior to the signing of the mining concession contract, in which interested third parties external to the project, such as communities or social groups, may participate through representatives as intervening third parties.

Meanwhile, the Mining Code establishes the mining zones that belong to indigenous and black communities, acknowledging the mining potential that exists in areas owned by these communities, as well as their priority rights in any interest for exploration or exploitation of these minerals. In addition, they have the option of associating with any individual or legal entity that has a mining interest; the rule does not make any distinctions in this sense.

On the subject of prior consultation, an institutional coordination protocol¹⁴² was established with the goal of facilitating: i) the internal coordination of the public entities involved, ii) the integration of skills, iii) the effective distribution of resources, iv) the circulation of relevant information; v) safeguarding the transparency of all processes; vi) providing follow-up on compliance with the duties of the employees of the responsible entities.


In the hydrocarbon sector, the Petroleum Code is the standard par excellence that governs the sector; despite dating back to 1953, the vast majority of its provisions are currently in effect. In the event that prior consultation is required, it must follow the same rules as the mining sector, which were set forth above in this same section.

Popular Consultation

The communities of Colombia are calling for, attending and using popular consultations as mechanisms of direct participation and as tools for defending their economic, social and cultural rights, as stipulated in Law 134 of 1994. The Colombian State does not yet recognize the will expressed by the communities and the results of popular consultations when they oppose the development of projects in their territories; although these consultations are carried out democratically and follow the laws and regulations of the Colombian Constitution. While the Constitutional Court reviews the decision of the Council of State to decide what will actually happen following the mechanism of participation, what is really important is to understand why these popular consultation initiatives are becoming increasingly common and what their real effect on the country's economy, employment and investments may be.

One of the main problems is the growing concentration of decision-making power regarding extractive industries and large projects in the central government, with no participation by territorial or citizens' groups. This is compounded by the fact the different municipalities in the country are promoting different development models, taking into account aspects such as new agricultural projects in their communities. Communities are seeing that extractive activities are not translating into better conditions, in terms of basic needs, nor with development opportunities, and they are therefore demanding other types of initiatives in their territories.¹⁴³

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.

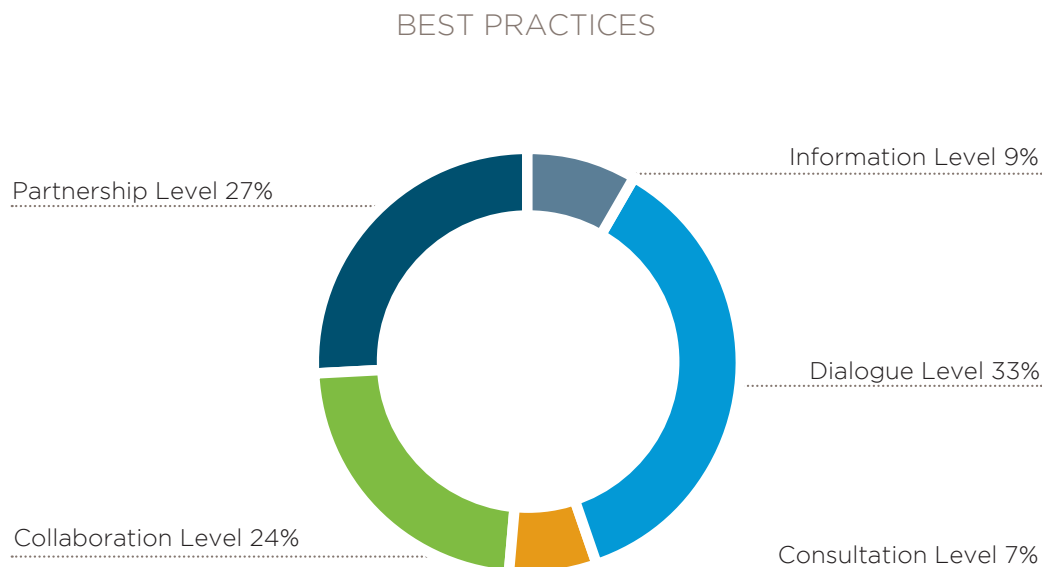
On engagement

- *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 engagement²⁷¹, 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 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.

4. ROADMAPS

Next, four roadmaps are prepared based on the findings of this diagnosis. They aim to provide clear guidelines for representatives of companies, government agencies and civil society, strengthening the coordination between these three stakeholders, promoting spaces for exchange that focus on the territory, and responding to the needs of communities. The ultimate goal is to contribute to the efforts made to promote a responsible extractive activity as a synonym of development.

Three of the roadmaps are based on specific countries studied in the diagnosis (Colombia, Peru and the Dominican Republic), while the fourth is a regional exercise that seeks to improve engagement between the different stakeholders involved in the development of responsible mining in Latin America and the Caribbean.

These roadmaps seek to use the findings of the diagnosis in Peru, Argentina, Colombia, Chile, Mexico and the Dominican Republic, in relation to the five engagement levels: Information, Dialogue, Consultation, Collaboration and Partnership, as well as adding other regional experiences with an emphasis on multi-stakeholder dialogue.





Roadmap for Colombia

GOVERNMENT



Information Level

The feasibility of an extractive project in Colombia requires two types of authorizations: one from the National Mining Agency, and the environmental license from the competent authority. In Colombia, the regulatory framework also contains several provisions on citizen participation issues. However, the civil society participation generally occurs when projects have already been authorized and licensed.

In this regard, it would be important to consider Argentina's best practice: Social Basins as an intervention area, where the provision of information from companies to communities was coordinated with the participation of the government, which issues a formal report covering the needs, concerns and interests of the community and the commitments assumed by the companies.

Thus, the first effort should be made by the authorities that seek to determine the feasibility of potential projects before granting a license. Complementarily, the Ministry of Mines and Energy should develop an engagement strategy with the authorities of the departments and municipalities where extractive activities will be carried out, seeking agreements between public entities on the restrictions and conditions of the areas with potential for interventions.



Dialogue Level

In recent years, citizen participation mechanisms in the political sphere have been activated, such as consultations, referendums, popular initiatives and town hall meetings; all these are focused on the defense of natural resources and of the territories.

It is advisable to define, generate and appropriate contextualized engagement spaces that reduce the asymmetries between the parties in order to bring them closer together and facilitate spaces at the different engagement levels. The experience of the Dialogue Group on Mining and Sustainable Development in Peru can provide guidelines for developing coordinated dialogues between different levels.

The Government should participate in collective spaces or working groups so that it can act as a guarantor of the agreements or commitments made between the company, local authorities and members of civil society, generating a permanent and useful dialogue for all sectors. This is the role played by the State, for example, in the experience of Social Basins as an intervention area in Argentina.



Consultation Level

At the Consultation level in Colombia, Law 21 of 1991 is the legal instrument that regulates prior consultation as the only formal opportunity for engagement between the three sectors. However, this regulation only applies to the case of indigenous and afro-descendant communities present in the impact areas of projects, excluding many of the communities that do not have these characteristics.

In order to avoid potential contradictions and conflicts between national and local authorities and the communities present in the project's impact areas, institutional articulation and coordination is considered best practice before offering an area for exploration and subsequent mining or oil exploitation. Achieving coordination between institutions would avoid transferring to the investor/company the uncertainty of the territories and of the areas that may be excludable from extractive projects due to environmental or social restrictions.

In this regard, it is interesting to highlight the Chilean process: **Citizen Participation in the development stage of the Nueva Unión mining project EIA**, which initiated a process of early citizen participation, that is, before the Environmental Impact Assessment (EIA) was submitted for environmental evaluation, with the purpose of informing and including early observations by local communities in the EIA process, and thus reaching a consensus using mechanisms for dialogue that helped discover topics of interest and account for the progress and outcomes.



Collaboration Level

The Colombian legislation lacks mechanisms to promote collaboration and partnerships between the stakeholders. Collaboration between sectors generally occurs at the local level through exchanges generated by multi-stakeholder dialogue. Once the projects are licensed and begin operations in the regions, engagements between companies, communities and authorities are generated, specifically through working groups that reach agreements which result in collaboration commitments.

In this regard, it is important to highlight the practice of Peru: **Participatory environmental monitoring in Orcopampa**, where an environmental monitoring committee was set up with delegates from the communities, the mining company, the local government and NGOs, among others, facilitating a participatory and regular monitoring process on water quality and opening an engagement space to discuss other issues.

Establishing and maintaining collaborative spaces when a regional analysis of projects is available facilitates the concept of agreements and partnerships between sectors.



Partnership Level

There are no specific regulations that promote partnerships between sectors. These partnerships usually occur through agreements motivated by the fulfillment of environmental or social obligations made once the project has been licensed and begins its intervention in the territory. These agreements are generally established between companies and communities, with the authorities acting as a guarantor or observer of the agreements in the framework of compliance with administrative acts.

EXTRACTIVE COMPANY



Information Level

At the Information level, the country has the Law on Transparency and the Right to Access National Public Information (Law 1712 of 2014), which, although not specific to extractive industries, does promote access to public information in a transparent, timely and effective manner, which makes it easier for citizens to obtain relevant information about projects.

It is noteworthy that the best practice that a company can develop is to take the time necessary to socialize and explain the project it intends to develop, to use institutional channels to reach the territory in the best way and to connect with the public planning and administration instruments and schemes; to identify local investment programs and projects that deserve to be enhanced, either through incentive schemes or support to achieve more or better social coverage. One example is the citizen participation in the development stage of the EIA Nueva Unión Mining project in Chile.

This is an opportunity to achieve better engagement by sharing information about the projects with the region before beginning any type of activity in the field, where the communication channels for any member of civil society regarding the project are clearly informed.



Dialogue Level

The best practice of **intercultural dialogue with indigenous peoples in Colombia** has generated actions favorable to the promotion of dialogue with indigenous communities. The company, recognizing the communities' needs and interests, has worked with an analyst who knows and shares their idiosyncrasy and language in order to build trust, guide and facilitate the dialogue, and help establish agreements.

In dialogue spaces, it is important to have strategic long-term views, and not just answers to immediate problems. The main goal is to reach agreements instead of simply confirming differences (in interests, narratives, visions, etc.). The dialogue must be inclusive, not exclusive, and adapted to each of the stakeholders involved.





Consultation Level

It is worth highlighting the experience of Chile, on **Citizen Participation in the EIA design stage**, where a process of community participation is used to include the concerns of local communities early in the Environmental Impact Assessment process. This helped develop a consensus using mechanisms for dialogue that helped identify topics of interest and account for the progress and outcomes. Facilitating spaces in which civil society can be consulted during the early stages of projects participation is advisable. However, this does not preempt the official spaces established in the legal framework for citizen participation.



Collaboration Level

At the Collaboration level, it is important to highlight the best practice developed in Colombia by several mining companies in the Department of Cesar, such as the **Participation of peasant families in a forest compensation program**, in which not only were the investment obligations of several mining companies present in the same region grouped together, but collaboration strategies were also developed through conservation agreements with the participating peasant families. Another example is the practice of Social Basins as an intervention area in Argentina. Reaching agreements between several mining companies present in an area maximizes the benefits of local communities and builds trust in the engagement with companies present in the territories.



Partnership Level

The partnership strategy developed in Mexico, known as the **Community and Environmental Support Program (PACMA)**, which seeks to promote social development through shared responsibility between the public and private sectors in communities, is relevant for Colombia because it has a mixed-economy company called Ecopetrol, which has a large share of the oil blocks awarded in the country. It would be useful to try to replicate this best practice.

CIVIL SOCIETY



Information Level

Being involved from the earliest stages of a mining project allows the community and the mining project to have the same information from the beginning of the studies, which is why the best practice developed in Chile, **Citizen Participation in the EIA design stage**, where a participatory approach was used to generate information for the Environmental Impact Assessment, is so relevant. It is important to develop actions and work agendas that help implement and improve the different engagement levels, in order to produce and share information and knowledge. Encouraging citizen participation at the local level is important in order to have an influence on informed decision-making.



Dialogue Level

The experience of multi-stakeholder dialogues has been spearheaded mainly by Peru and replicated in countries such as Argentina, Colombia and Chile, among others. The Dialogue Group on Mining and Sustainable Development in Peru has become a space for exchanges between multiple stakeholders, incorporating innovative approaches such as the use of playful formats, self-reflection, gender relations, with various forms of support for the sustainability of the space. Civil society is committed to establishing decentralized spaces based on the political and administrative configuration (region, municipality) or basin, convening institutional representations for development as in Argentina or through a more individual participation by multi-stakeholder leaders.



Consultation Level

In Colombia, consultations are understood within the framework of ILO Convention 169, which is governed by Decree 2613 of 2013. However, this research has found that the decisions that are made on large-scale national projects, are often not negotiated with the local governments and communities of the territories where they will be executed, so that citizen participation processes (including Prior Consultation) become complex and slow. It is advisable to recognize the particular characteristics of the territory and the interests of their communities as a best engagement practice at the Consultation level and to include the dynamics of the territories and their inhabitants in all project planning and development.



Collaboration Level

In terms of collaboration, it is worth reviewing the Mexican experience on **Participatory monitoring of water quality**, which facilitates not only the participation of the communities within the project's impact area but also representatives from the academy or regional universities that can contribute stronger sampling protocols and better knowledge of the connections between the water resource with other indicator species in a landscape, as has also achieved in Peru with the exercises of the **Participatory environmental monitoring in Orcopampa**.



Partnership Level

Communities would benefit greatly by strengthening their capacities for developing sustainable projects at the Partnership and Collaboration levels. There is a higher interest for communities to remain in their territories, fostering productivity and preventing extractive activities from causing human displacement. In this sense, best practice developed in Colombia by several mining industries in the Department of Cesar has been the **Participation of peasant families in a forest compensation program**, in which not only were the investment obligations of several mining companies present in the same region grouped together, but collaborative strategies were also developed through conservation agreements with the participating peasant families, which included economic incentives and technical training for the growth and development of sustainable businesses while internalizing conservation actions the project impact areas.

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 ICMM have committed to complying with 10 principles for contributing to sustainable development, see: ICMM, 2015: Sustainable Development Framework: ICMM Principles, London: ICMM, 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. ICMM, 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*, N° 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.ueh.net.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 Georgoulas, 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. Período 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."
Esquel 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-Convended 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-americanas.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_Skl-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-Convended 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-igenas.pdf>.
83. For example, regarding the participation spaces in the Environmental Impact Assessment framework. Some examples are: *Ley N° 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 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 Metales 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: Quiénes 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) Matías 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_3c07a995db4a4f5b98b15e3a370e1c0.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.
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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.
130. Morales, Lorenzo, 2017. *La paz y la protección ambiental en Colombia: Propuestas para un desarrollo rural sostenible*, Bogotá: Centro de Estudios en Periodismo (CEPER) de la Universidad de los Andes, http://static.iris.net.co/sostenibilidad/upload/documents/envt-colombia-esp_web-res_final-for-email.pdf.
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132. Morales 2017, Op. cit.
133. Jiménez, Carlos Mario, 2017: *En 6.3 % aumentó producción de carbón en el Cesar*, <http://elpilon.com.co/en-6-3-aumento-produccion-de-carbon-en-el-cesar/>.
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135. Gestión Ambiental Estratégica. *Informe a las Autoridades Ambientales ANLA y Estratégica*, febrero 2014. Bogotá, Colombia. Grupo Prodeco.
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138. Ministerio de Minas y Energía: *Relacionamiento Territorial*, <https://www.minminas.gov.co/relacionamiento-territorial>.
139. Resolution 0322 of 2015 adopts the specific manual of functions and powers of the Ministry of the Interior.
140. Law 1444 created the National Environmental Licensing Authority (ANLA) as a technical body with administrative and financial autonomy—without legal status—for the study, approval and issuance of licenses, permits and environmental procedures. ANLA must ensure that the projects, works or activities subject to licensing comply with environmental regulations (Decree 3,573 of 2011).
141. Departamento Nacional de Planeación, 2016: *Evaluación de operaciones de las Corporaciones Autónomas Regionales y de Desarrollo Sostenible, que mida la capacidad con la que cuentan para lograr sus objetivos y proponer acciones de mejora para el fortalecimiento integral de las mismas y el mejoramiento de la gestión ambiental en el país*, Bogotá, https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/CAR_Producto_4_Informe_Resultados_v20161128.pdf.
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143. Lloreda Francisco, presidente ACP. Septiembre 2017. III Congreso de la Asociación Colombiana de Productores de Petróleo ACP. Bogotá, Colombia.
144. The source of all 2016 figures is: PEMEX, 2016: *Anuario Estadístico 2016*, México, pp. 5-6 and 15-16. <http://www.pemex.com/ri/Publicaciones/Anuario%20Estadistico%20Archivos/anuario-estadistico-2016.pdf>. The source of the 2010 value is: González, Ixel, 2015: *Petróleo aporta menos al crecimiento del PIB en 2014*, México, <http://www.elfinanciero.com.mx/economia/petroleo-aporta-menos-al-del-pib-en-2014.html>.
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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. Environmental 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>.
152. Morris, Stephen, 1992: *Corrupción y Política en el México Contemporáneo*, México, pp. 76-79, https://books.google.com.mx/books?id=H1_dodEHuloC&pg=PA72&lpg=PA72&dq=paternalismo+en+mexico+pemex&source=bl&ots=Vrtsu6fuc0&sig=_oDNsdtrNbJW16XNI7jQB9VFM&hl=es&sa=X&ved=0ahUKEwjTqMKt5_rYAhWQ7VMKHdw1CYYQ6AEIZDAJ#v=onepage&q=paternalismo%20en%20mexico%20pemex&f=false.
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155. Interviews with social stakeholders in the framework of this diagnosis.
156. Secretaría de Energía, 2016: *4º Informe de Labores de la Secretaría de Energía 2015-2016*, México, p. 69, http://transparencia.energia.gob.mx/rendicion_cuentas/archivos/SENER-4oInformeLabores.pdf.
157. As of November 2017, the pipeline had still ceased operations on the Guaymas-El Oro section. Accessed at: Zúñiga, Norma, 2017: *Pide CFE liberar ducto Guaymas-El Oro*, México, <http://www.reforma.com/aplicacioneslibre/articulo/default.aspx?id=1262784&md5=0164b194d21007299490c50495577918&ta=0dfdbac11765226904c16cb9ad1b2efe>.
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159. Comments to the diagnosis from the General Director of Social Impact and Surface Land Use of the Secretariat of Energy.
160. Federal courts ordered the three governing bodies to stop the gas pipeline. Accessed at: Escobar, Amalia, 2017: *Tribunal ordena a secretarías frenar obras de gasoducto*, México, <http://www.eluniversal.com.mx/articulo/estados/2017/07/27/tribunal-ordena-secretarias-frenar-obras-de-gasoducto>.
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.
164. The Social Management Plan is included in the guidelines established by the Secretariat of Energy (SENER) for the social impact assessment contemplated in the Law on Hydrocarbons. Accessed at: Secretaría de Energía, 2016: *Disposiciones administrativas de carácter general sobre la Evaluación de Impacto Social en el sector energético*, www.cofemersimr.gob.mx/expediente/14565/mir/34590/archivo/948300.
165. In the guidelines of the Social Impact Assessment (SIA), one of the requirements is that the company must present its Social Management Plan in the SIA.
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.
167. Cámara de Diputados del H. Congreso de la Unión, 2017: *Constitución Política de los Estados Unidos Mexicanos*, México, http://www.diputados.gob.mx/LeyesBiblio/pdf/1_150917.pdf.
168. Cámara de Diputados del H. Congreso De La Unión, 2016: *Ley de Hidrocarburos*, México, http://www.diputados.gob.mx/LeyesBiblio/pdf/LHidro_151116.pdf.
169. This law is resumed in the report, since natural gas is an increasingly common fuel used to generate electrical power. The attributions are clear for the extraction and transportation of gas and for each regulatory instance.
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175. Saade Myriam, 2013: *Desarrollo minero y conflictos socioambientales. Los Casos de Colombia, México y el Perú*, Santiago de Chile, https://repositorio.cepal.org/bitstream/handle/11362/5369/LCL3706_es.pdf;jsessionid=C8F9D8F34833870162349695B7F0FE7F?sequence=1.
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179. Cámara Minera de México (CAMIMEX), 2017: *Informe Anual 2017*. México.
180. 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://sl.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 (Sombretete); 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.
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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), (10) Universidad Autónoma de Puebla (Puebla), (10) Universidad Estatal de Sonora (Sonora), (11) Universidad Politécnica Juvenino 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).
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Observatorio de Conflictos Mineros de América Latina (OCMAL), 2018, Op. cit.
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202. EY, 2018: *Informe Final Sexto Informe Nacional de Transparencia de las Industrias Extractivas (Sexto Estudio de Conciliación Nacional – EITI Perú) Períodos 2015 y 2016. Consultoría para la Comisión Multisectorial Permanente del EITI*, Perú, Lima, http://eitiperu.minem.gob.pe/documentos/VI_INT_2015_2016%20EITI_%20PERU.pdf.

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225. Falcondo owns Americano Nickel.
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237. Municipal Development Plan of Maimón, flyer published by the Municipality of Maimón; Municipal Development Plan of Cotuí, flyer published by the Municipality of Cotuí; Municipal Development Plan of Fantino, flyer published by the Municipality of Fantino.
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