

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

# DOMINICAN REPUBLIC





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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 Dominican Republic, 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 Dominican Republic 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.<sup>1</sup>**

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.<sup>2</sup> 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  
resources, extractive  
activity represents  
more than 50% of their  
tax revenue**

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.<sup>3</sup> 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.<sup>4</sup>



#### **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:<sup>5</sup>**

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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

Similarly, the hydrocarbon industry has the International Association of Oil & Gas Producers, founded in 1999 as the leading global voice of the industry.<sup>9</sup> 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.<sup>10</sup>





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.<sup>11</sup>

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,<sup>12</sup> while also respecting and advancing other social and economic rights.<sup>13</sup>

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.<sup>14</sup>



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

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.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup>

## 1.1.2. Government

The national governments of the region,<sup>20</sup> regardless of their political party orientation, have implemented policies to attract foreign direct investments for projects that include extractive industries.<sup>21</sup> 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.<sup>22</sup>

The boom in raw material prices has had an impact on poverty reduction and the growth of the middle class in the region.<sup>23</sup> 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%.<sup>24</sup>

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.<sup>25</sup>



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.<sup>26</sup>

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.<sup>27</sup> 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.<sup>28</sup>

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.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup> 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.<sup>32</sup>

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.<sup>33</sup> 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.<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup> 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.<sup>41</sup>

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,”<sup>42</sup> 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.<sup>43</sup>







### 1.1.3. Civil society

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

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

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

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

The diagnosis revealed that universities in Argentina, Chile and Mexico play an important role, not only in the areas of academic training, research and knowledge transfer around extractive activities, but also in building bridges between stakeholders with conflicting interests. Generally, universities have legitimacy, since they are considered institutions

with a high degree of technical knowledge, and are therefore guided by this knowledge and perceived in a more neutral role. One example is the Negotiation, Mediation and Dialogue Program (Prodiálogo) of the Center for Research and Teaching in Economics (CIDE), one of the most prestigious universities in Mexico that organizes multi-sector forums and workshops to promote dialogue on the extractive sector.<sup>44</sup>



**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.<sup>45</sup>



## 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:<sup>46</sup>

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.<sup>47</sup>








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).<sup>48</sup> 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.<sup>49</sup>

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.<sup>50</sup> 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.<sup>51</sup>



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.<sup>52</sup>

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.<sup>53</sup> 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.<sup>54</sup>

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.









## 2.7. DOMINICAN REPUBLIC

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### 2.7.1. Summary

#### Context



**Economic:** there are no oil or gas activities in the Dominican Republic. Mining activity has grown significantly.<sup>221</sup> Its percentage of Gross Domestic Product went from 0.4% in 2010 to 1.9% in 2016.<sup>222</sup> In 2016, mineral exports constituted 18.13% of total exports. Gold contributed 76% of all mineral exports.<sup>223</sup> Mining production has had a significant impact, both in creating wealth and creating jobs, in the provinces of Monseñor Nouel, Sánchez Ramírez and Pedernales. Although the Mining Law establishes taxes and royalties for the sector, the four large mining companies that operate in the country have special contracts. A tax of 5% of the net profits of companies is specified for municipalities (Law 64-00), but not all companies fully comply with that. The formal metal mining sector<sup>224</sup> creates 9,199 direct and 25,760 indirect jobs. Extractive industry jobs represent 0.21% of total employment.

**Social:** in the Dominican Republic, there are tensions between the industry and civil society regarding mining activity, as well as great social and environmental challenges. These tensions and challenges arise from the need to develop policies that ensure the sustainability of the sector. The two most important challenges—governance and implementation and monitoring of environmental licenses—have space for development, not to mention the fact that civil society opinions must be validated through social licenses.

#### Best practices



**Municipal Development Plans:** (2009-2017, Dialogue/Consultation/Collaboration/Partnership). The Barrick-Pueblo Viejo Dominicana Corporation (PVDC) promoted multi-sector working groups in the municipalities near the mine, as a prelude to the process of creating Municipal Development Plans between the different sectors of the municipalities and their respective approval by referendum on May 3, 2009. These are still valid today, and act as guidelines for social and economic development in each municipality.

**Cibao Sur Business Incubator:** (2011-2017, Consultation/Collaboration/Partnership). This is the result of a public-private partnership designed to accelerate growth and ensure the success of entrepreneurial projects in the Eastern Strip of Cibao Sur, through a wide range of business resources and services such as market research, process analysis, legal and financial consultancy. The incubator is part of a development plan generated through a participatory process and supported by PVDC.

## Stakeholder map



**Candiver Products:** (2003-2017, Partnership). This is a small factory for cleaning, medicinal and personal hygiene products, established in December 2003 by a group of women from Cotuí in the Sánchez Ramírez Province. Originally, 22 women received training in the production of chemical products with their own resources, and they were also responsible for promoting and selling the products. In 2009, Barrick-Pueblo Viejo Dominicana Corporation (PVDC) made contact with Candiver and supported them with funding, training and commercialization. In 2017, Candiver had a presence in more than 75 communities and a group of 300 vendors who transport, distribute and re-sell the products (retail).

**Community Roundtables:** (2013-2017, Dialogue/Collaboration). With the initiative of the Falcondo company, the community roundtables emerged as planning and communication entities for achieving direct engagement with the 9 communities (63,700 inhabitants) that live near the mine. Each roundtable has been formally registered under the Law for the Regulation and Promotion of Non-Profit Associations (Law 122-05) and represents the community in conversations with external stakeholders.

**School sponsorship:** (1989-2015, Partnership). The purpose of this program, executed by the foundation created by Falcondo, is to support public schools with teacher training and to respond to the needs of the school community, including an adult literacy program. The program was supported by the Ministry of Education and civil society through school's parent associations and neighborhood councils. As of 2016, 132 educational centers with more than 75,000 students had participated, representing more than 70% of the student population of the Monseñor Nouel and La Vega provinces.

There are four large mining companies in the country: Pueblo Viejo Dominicana Corporation (PVDC), Falconbridge Dominicana (Falcondo),<sup>225</sup> Corporación Minera Dominicana (Cormidom) and Las Lagunas Ltd. The business association is the Oil and Mining Chamber of the Dominican Republic (CAMIPE), which represents metallic, non-metallic and service companies.

The Ministry of Energy and Mines (MEM), created in 2013, establishes mining policies. The General Directorate of Mining (DGM) is an entity dependent on the MEM and responsible for controlling extractive activities. The Ministry of the Environment and Natural Resources (MIMARENA) enforces environmental regulations.

The following civil society organizations are noteworthy: the Academy of Sciences of the Dominican Republic, the Dominican Observatory of Public Policies of the Universidad Autónoma de Santo Domingo (UASD), as well as the Environmental Commission of the same university, which has a position critical on the mining industry. It is important to include the National Space for Extractive Industry Transparency (Espacio Nacional por la Transparencia de la Industria Extractiva, ENTRE), which brings together more than 137 popular organizations, business associations, peasant associations and non-governmental organizations, and was formed in 2015 through the Extractive Industry Transparency Initiative (EITI). EITI's National Commission is playing an important role as the initiator of a multi-stakeholder dialogue.

Local stakeholders include the community roundtables of the Municipality of Bonao, the Provincial Council for the Administration of the Mining Funds of the Sánchez Ramírez Province (FOMISAR), the María Liberadora Training Center for



## Legal and regulatory framework



Organized Women (CEFOMOMALI), a cooperative that brings together more than 3,000 women in Cotuí, and the Instituto Tecnológico de Cibao Oriental (UTEKO), the only university in the country that offers a major in Geology and Mining.

The mining sector operates under Mining Law 146-71 and the provisions and regulations imposed by the Ministry of Energy and Mines. However, the main mining operations are governed by special contracts with the State.

The General Law on the Environment and Natural Resources (Law 64-00), its regulations and procedures establish the action guidelines for the sector, including public consultation as a requirement for obtaining environmental licenses.

The Law of the National District and Municipalities (2007)<sup>226</sup> establishes the right to a referendum for consulting citizens on infrastructure projects (Article 234). There is also the General Law on Free Access to Public Information, so that documents and contracts between the government and the industry are publicly accessible (2004).<sup>227</sup>

### 2.7.2. Introduction

The mining industry in the Dominican Republic is relatively new, although mineral and hydrocarbon exploration has been carried out since the beginning of last century. Beginning in the 1970s, mining was promoted through two large projects: the Falcondo nickel mine and the Pueblo Viejo gold and silver mine.<sup>228</sup>

Mining has become one of the key sectors for the economic development of the Dominican Republic. According to the company ranking of the General Directorate of Internal Taxes, the mining and quarrying sector represented 45% of all taxes collected by the government, much more than the communications sector with 19% in 2015.<sup>229</sup> These data reflect a significant increase in 2016, when this figure rose to 51%.<sup>230</sup> These percentages are basically supported by the activities of the Pueblo Viejo Dominicana Corporation (PVDC).

Towards the end of the first decade of the millennium, new engagement initiatives between stakeholders started being implemented.<sup>231</sup> These initiatives can be observed in the locations nearest to the mines and are not well known at the national level. The new forms of engagement promoted mainly by PVDC in the Sánchez Ramírez Province<sup>232</sup> have contributed to a higher level of education among the population, with adult literacy programs, a stronger primary education system and technical training in various areas, both to serve the mines directly or indirectly and to foster the development of entrepreneurs in mining provinces. Similarly, programs have been developed to promote environmental education, crop improvement, forest management and ecotourism, creating new sources of employment and fostering productive linkages. PVDC's contribution to social responsibility between 2008 and 2014 was more than 25 million dollars in education, entrepreneurship, preventive health, infrastructure, self-employment and microenterprises and the environment, impacting more than 30 communities and around 66,500 people.<sup>233</sup>

Social responsibility projects, which began to develop over the last decade (PVDC 2008, Cormidom 2010, Las Lagunas 2011) in mining provinces, have led to changes that provide a better understanding of the sector and a more open attitude towards dialogue. Some examples of these projects are included in this report. In the case of the Sánchez Ramírez Province, the role of the Provincial Council for the Administration of Mining Funds of the Sánchez Ramírez Province (FOMISAR),<sup>234</sup> which was formed to manage the funds generated by the mining companies, has been important for helping the population understand that the State must distribute the mining revenues paid for the operations of the PVDC and Las Lagunas Ltd. companies to the municipalities, a total of 5% in accordance with Law 64-00. FOMISAR is the institution that distributes the money generated by extractive activities to finance the municipal development plans.

### 2.7.3. Best practices

Several best practices have been identified in the Dominican Republic. Five of these have been chosen, representing all engagement levels. The majority is currently at the partnership level. In these cases, engagement starts with the company and aims to invest resources with civil society, and often with local authorities, in a coordinated manner. At the consultation level, a referendum on development plans that have helped to prioritize these investments is being analyzed.

Best practices are:

*2.7.3.1. Municipal Development Plans*

*2.7.3.2. Cibao Sur Business Incubator*

*2.7.3.3. Candiver Products*

*2.7.3.4. Community Roundtables*

*2.7.3.5. School Sponsorship*



### 2.7.3.1. Municipal Development Plans

#### ENGAGEMENT LEVEL



#### DURATION

2008 – 2017

#### MAIN STAKEHOLDERS

Barrick Pueblo Viejo Dominicana Corporation (PVDC), Fundación Falcondo.

Dominican Federation of Municipalities, Embassy of Canada, Central Electoral Board of the Dominican Republic, local governments, sectoral offices of the National Institute of Drinking Water and Sewage, National Institute of Hydraulic Resources, Agrarian Institute of the Dominican Republic.

Representatives of the communities of Fantino and Cotuí in the Sánchez Ramírez Province and Maimón in the Monseñor Nouel Province.

#### DESCRIPTION

**Gold mining:** PVDC has a lease contract with the Dominican State for the operation of the Pueblo Viejo gold mine. This mine was originally operated from 1973 on by the Rosario Resources LTD company. In 1979, it was bought by the Dominican government and closed in 1999 when the oxide deposits were depleted. In 2001, it was tendered and concessioned to the Placer Dome company. In 2006, PVDC acquired Placer Dome and consequently the concession of the Pueblo Viejo mine. Pueblo Viejo is one of the largest gold mines in the world. Its production for 2016 was 1.16 billion ounces of gold. It has proven reserves of about 13.1 million ounces of gold, plus about 78.4 million ounces of silver and 334.6 million pounds of copper contained in the mineral reserve.<sup>235</sup>

**Referendum as a rule:** Municipal Law 176-07 contemplates the referendum figure as a tool for consensus and administration in municipalities. In 2008, PVDC identified the need to work with the population of the municipalities near the mine, to help them prepare to receive 5% of the company's benefits as stipulated in Law 64-00 on the Environment and Natural Resources. Using the figure of the referendum, each municipality organized working roundtables with 4 main lines of work,<sup>236</sup> agreed upon together with its population, which led to the referendum held on May 3, 2009, where the communities voted to approve each municipality's development plans.

**Partnership with local governments:** to implement these roundtables, PVDC established a partnership with local government and civil society leaders that included validating the agreements reached in the working groups through the Municipal Councils of Maimón, Fantino and Cotuí.





**Prior training:** first, the PVDC Corporate Social Responsibility (CSR) team was prepared through workshops and meetings. Community leaders were also trained—a total of 60 representatives of local government and communities, who received training in the creation of development plans.

**Information:** the communities were informed about the process through different channels, which included offering workshops and meetings.

**Roundtables:** with these previous steps, roundtables were organized in each municipality. The roundtables agreed on 4 main lines of work:<sup>237</sup> a) Economy, Production and Employment; b) Natural Resources, Environment, Mitigation and Risk Prevention; c) Health, Sports, Education and Culture; d) Institutional Reinforcement, Territorial Organization and Citizen Participation. The roundtables also agreed on development plans for each municipality.

**Consensus forums:** once the roundtables had produced results, these results were taken to the communities for approval at a municipal congress with at least 500 participants in each municipality.

**Referendum:** in a joint process between the municipalities the referendum was held in May 2009. The population voted by approving the development plans for each municipality recognized by the central and local government and whose process was validated by the Central Electoral Board.<sup>238</sup> It was the first time, and the only one so far, that an event of this magnitude was held in the Dominican Republic.

**Prioritization guide:** this participatory process—which involved authorities, civil society and companies—a guide was also produced that contains ideas for development projects to be executed in each territory over the next 5 years, based on the 4 lines of work established by the roundtables.

**Implementation:** the implementation of these plans was supported by the Economic and Social Municipal Councils,<sup>239</sup> which joined the roundtables in each municipality as State-recognized entities.

**New form of distribution:** in 2013,<sup>240</sup> the PVDC operation contract was renegotiated during the administration of President Danilo Medina. As part of this negotiation, the 5% stipulated in Law 64-00 was now to be collected directly by the central government. For this reason, communities would no longer receive this income directly. The contributions would be passed on to the communities through the Provincial Council for the Administration of the Mining Funds of the Sánchez Ramírez Province (FOMISAR), which contributes to the municipalities according to the projects included in their development plans.

**Current:** currently, as part of the corporate responsibility program developed by the company directly with the communities, all of PVDC's actions involving social responsibility projects are based on the development plans, thus recognizing as legitimate the requests submitted for development.



## IMPACT AND MAIN OUTCOME

In short, some of the positive impacts of PVDC's investment projects in the communities from 2008 to 2017, worth more than 25 million dollars, are:<sup>241</sup>

In education: the Municipality of Cotuí implemented literacy plans, remedial classes, teacher upgrading, trainings in science and training of women leaders. These projects involved more than 84 communities, more than 3,000 women, some 20 schools near the mine, more than 750 teachers, more than 3,900 students and some 15 technicians from the Regional Ministry of Education, among other projects.<sup>242</sup> In addition, some 3,266 people benefited from the "Quisqueya Learns With You" program launched by the Presidency of the Republic in 56 communities. Work was done with 59 teachers and 928 students from 9 schools in the "Schools That Transform" program, which has provided school transportation to more than 950 students and 80 teachers. Other programs included educational loans, scholarships, UTECO university support, and One Computer Per Child.<sup>243</sup>

In the field of production, jobs and the environment, programs were established for 18 projects with some 5,000 beneficiaries. The Enda-Barrick forestry project was implemented, benefiting more than 2,301 families,<sup>244</sup> as well as dairy projects and fish farming in Lake Hatillo.<sup>245</sup> Other projects are related to infrastructure, such as electrification of rural areas,<sup>246</sup> repair of irrigation channels and roads and highways.



## INNOVATION

In the Dominican Republic, CSR policies focus on working with and for communities. In this case it was different. The company actively encouraged coordination between the communities and the municipal authorities. This allowed us to promote joint decision-making processes on the development of the territory.



## PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Institutionalized participation: all sectors were invited with the right to speak and vote, and all could express their needs. Each roundtable produced reports on their results that were presented at small local assemblies, and these results were then openly presented to the general population, ultimately leading up to the referendum.
- Relevance by need: work was done collectively and based on a vision shared of the territory, searching for projects that generate common benefits that are long-term and sustainable over time.
- Institutional sustainability: the sustainability of this process lies with a reinforced civil society that is empowered and becomes an integral part of the process, allowing development plans to enter into effect.



## APPROACHES

Gender Approach: The partnership has generated inclusion, empowerment and territorial awareness, which generates shared value. Throughout the process, the active participation of the most experienced leaders, including women, and the participation of young people in decision-making processes was very positive.



## LESSONS LEARNED

This project developed a vision of the territory and learned the value of creating partnerships that produce linkages, as well as the awareness that each community is responsible for its own development.

The involvement of the communities and their teamwork created a commitment to execute the plan, since each person involved assumed it as their own. This in turn strengthened the plan.

Those who were opposed to and in favor of the process were able to coexist without creating conflicts, especially in communities where protest was generally used more than dialogue. The trainings, meetings and workshops facilitated this new spirit of dialogue, making it possible for the communities themselves to work directly on their development plan.



## VALIDATION

Interviews were conducted with PVDC executives from the CSR department and the Inter-Institutional Relations Department, provincial authorities such as the Provincial Governor and the Mayor, President of UTECO, representatives of civil society: CEFORMOMALI, Association of Peasants, suppliers. A field visit was also conducted.



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### 2.7.3.2. Cibao Sur Business Incubator

#### ENGAGEMENT LEVEL



Consultation



Collaboration



Partnership



#### DURATION

2011 – 2017



#### MAIN STAKEHOLDERS

Pueblo Viejo Dominicana Corporation – PVDC

Municipalities of Piedra Blanca, Maimón, Cevicos, Fantino, Cotuí and Villa La Mata, Technical Secretariat of the Presidency, Ministry of Industry and Commerce (MIC), Center for Development and Industrial Competitiveness PROINDUSTRIA, Ministry of the Presidency, Ministry of Labor, Bank of Savings and Loans of Cotuí, National Council for the Promotion and Support of Micro, Small and Medium Companies, Provincial Government.

Agricultural cooperatives, peasant communities, housewives' associations, UTECO.



#### DESCRIPTION

**Incubator as part of the development plan:** The incubator project was one of the projects voted and approved during the referendum as a result of the roundtables in the Municipality of Cotuí, as part of the implementation of its development plan.<sup>247</sup> This public-private partnership has been growing and providing services that extend far beyond the municipality that gave birth to it.

**Consolidation phase:** the incubator was launched in the Municipality of Cotuí and the communities of the Sánchez Ramírez Province. In June 2011, this project was consolidated with the inauguration of the business incubator office in the Cibao Sur Region. The project received funding from PVDC, which contributed \$41,580 in seed capital for the first year.<sup>248</sup> In the second year, this amount grew to \$103,950 and the company created a guarantee fund of \$62,370. In the fourth year, the incubator started to achieve self-sufficiency in the generation of entrepreneurial projects.

**Its services:** the business incubator is the result of a public-private partnership designed to accelerate growth and ensure the success of entrepreneurial projects in the Eastern Strip of Cibao Sur, through a wide range of business resources and services such as market studies, process analyses, legal and financial consultancy and the identification of business opportunities.



## MAIN IMPACT AND OUTCOME

This initiative impacted the Sánchez Ramírez Province and its estimated population of 160,000 inhabitants<sup>249</sup> in 2017, which span 4 municipalities and 10 municipal districts, in addition to the municipalities of Maimón and Piedra Blanca, which have 18,000 and 25,000 inhabitants, respectively, and belong to the Monseñor Nouel Province. A significant number of young entrepreneurs, associations and cooperative groups have received training in the understanding, implementation and management, and commercial knowledge of projects, and entrepreneurship has been fostered. The incubator has expanded their projects. As of 2017, 18 projects have been incubated, among them the following examples: Mantas del Coco project by the women's group Unidas de Hatillo; Fish Farming by the Fishermen's Union, the medicinal plant initiative by the COOPSEMUCO Cooperative.<sup>250</sup> In 2016 they received the National Award for Excellence, presented by the National Institute of Technical-Professional Training (INFOTEP).<sup>251</sup>



## INNOVATION

Plans have been formulated through a program called Entrepreneurs Without Limits (EPSI), designed to create sources of employment for disabled persons, who the last census (2010) determined were more than 8,000 people in the Sánchez Ramírez Province. There are initiatives to create a mop factory and another for windows.<sup>252</sup>



## PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the incubator benefits a wide range of stakeholders, including peasants, university students, housewives' associations, cooperatives.
- Relevance by need: the incubator has created a safe and growing source of jobs. Many individuals and micro-entrepreneurs have received support from the incubator and have become local suppliers for PVDC, which guarantees them a minimum number of regular purchases.
- Financial sustainability: after six years of project implementation, the incubator is self-sufficient and continues to grow.



## APPROACHES

Gender Approach: For new projects, gender mainstreaming is being pursued, seeking equality in terms of resources and training.



## LESSONS LEARNED

According to the incubator's Executive Director, the best lesson learned has been to "incubate ourselves." Despite being the country's third business incubator, it is the first with a self-sustainability format. They have created their own fund from the services to incubate projects.



## VALIDATION

Interviews were conducted with the incubator staff, PVDC, FOMISAR, City Hall, UTECO, program beneficiaries. A field visit was also conducted..



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### 2.7.3.3. Candiver Products

#### ENGAGEMENT LEVEL



Partnership



#### DURATION

2003 - 2017



#### MAIN STAKEHOLDERS

PVDC, Cibao Sur Business Incubator.

Municipalities of Cotuí, Villa La Mata, Fantino and Cevicos, Embassy of Canada.

Communities of Zambrana, Quita Sueno, Platanal, Hernando Alonso, La Cueva.



#### DESCRIPTION

**Gold mining:** PVDC acquired the mine in 2006 after purchasing Placer Dome. It is largest operation in the Dominican Republic, having made an investment of 4.93 billion dollars between 2010 and June 2016.<sup>253</sup>

**The idea is born:** the “María Liberadora” Training Center for Organized Women (CEFOMOMALI) is a non-governmental organization dedicated to the formation, promotion and development of the most needy population: women’s organizations in rural areas and marginalized neighborhoods of the Sánchez Ramírez Province. It receives advice from the Daughters of Jesus convent and the “Uniting Effort” Production, Work and Multiple Services Cooperative in order to promote cooperative savings, loans and multiple services. It benefits more than 3,000 women members from 75 organizations.

**Origin of initiative:** Candiver Products was founded in 2003 following an initiative by Sister Luisa Suarez, a nun from the Daughters of Jesus and a community leader who participated in a similar project in Bohechío in the south of the country. In the beginning, 22 women received training in the production of chemical products with their own resources. They immediately began to produce one gallon of each product: laundry detergent, floor cleaning products, chlorine, and shampoo, among others. They took them to their homes and neighborhoods and tested them to verify their effectiveness and the reactions of their neighbors. They bought the products themselves so that they could once again buy chemicals to manufacture new products.

**Support from the mining company:** in 2009, PVDC, through the Embassy of Canada, learned about this initiative and decided to support it. The company offered funding to improve the quality of the products and their labels. For this purpose, a chemist a marketing expert was brought in. Training was offered in administration, finance and sales development, in partnership with UTECO (Universidad Tecnológica de Cibao Oriental).

**Consolidation and growth:** PVDC went on to guarantee them a fixed purchase of their cleaning products, for which purpose they were required to take additional training courses and meet the company's safety and hygiene requirements, including adding safety information to their product labels, mode of use, industrial and sanitary registry, among others. PVDC also provided a vehicle to help distribute the products, which started being purchased by other suppliers of the company, as well as public and private schools. Clients also include a public hospital and a private clinic, as well as some 1,500 individuals who use personal beauty products in beauty salons or resell them in their communities.

**Current scenario and projections:** they now manufacture 16 products, and women from 75 communities participate as producers or sellers of these products. 300 salespeople are registered on its sales force and 32 employees work in the factory. The next project to improve production and distribution is to acquire new mixing machines and a filling and sealing machine for small plastic bags with their products, in order to make retail sale more accessible.



### MAIN IMPACT/OUTCOME

The project has gained a special place in the province and is perceived as an example of the perseverance of rural women. Small groups of entrepreneurs have formed among those who have opened beauty centers using and distributing Candiver products. When the institution voices complaints or opinions, these are heard and addressed, as it has become an institution respected by all social areas, the local and central governments, and the productive enterprises of the region.



### INNOVATION

What is innovative about Candiver is that it is a women's initiative that manufactures products that were not being manufactured in the region. Since 2009, with the support of PVDC, its position in the province has been consolidated, expanding its range of products and, in partnership with CEFORMOMALI, a support center for women's development has been established with trainings for their personal and social development.



### PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the active participation of women is promoted, which helps them achieve independence and empowerment.
- Relevance by need: facilitates the development of a new industry where women learn to be entrepreneurs and developers of a project that expands their entrepreneurial spirit in different communities.
- Financial sustainability: the training is complemented with financial support from PVDC through direct financing, vehicle acquisition for distribution, and support and monitoring by PVDC. The initiative is self-sustaining.



## APPROACHES

Gender Approach: this is a project dedicated to the economic and social empowerment of women. It promotes the recognition of women in equal conditions through educational processes, human promotion and accompaniment.



## LESSONS LEARNED

In interviews with several of the women who are part of Candiver, there was great agreement that everything learned in terms of how to improve the quality of their products, trainings on safety and hygiene, entrepreneurship, administration and marketing is applicable not only to business, but also to their personal lives, which makes them feel safe and willing to show that women can become entrepreneurs and succeed when they decide to do so. They started with very limited resources of their own, and today they are examples for hundreds of women throughout the province and the country.



## VALIDATION

Interviews were conducted with the President of Candiver, coordinator of CEFORMOMALI and the Cibao Sur Business Incubator, UTECO, the Department of Social Responsibility at PVDC, the Mayor of Cotuí, and product users. Websites and the press were also consulted, and a field visit was conducted.



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### 2.7.3.4. Community Roundtables

#### ENGAGEMENT LEVEL



Dialogue



Collaboration



#### DURATION

2013 – 2017



#### MAIN STAKEHOLDERS

Falconbridge Dominicana (Falcondo).

Municipal director of the Ministry of the Environment, municipal director of the Ministry of Agriculture, primary care units of the Ministry of Health and the Mayor of the Municipality of Bonao.

Nine communities (Bonaito, Jayaco, Peñaló, Palmarito, El Verde, Caribe, Hato Viejo, Rancho Nuevo and La Minita, which are part of the impact area of the mine).



#### DESCRIPTION

**The mine:** in 1958, the concession was granted to the Falconbridge Dominicana (Falcondo) company to exploit ferronickel in the Monseñor Nouel Province in the center of the Dominican Republic. It began operations in 1971. The mine was closed between 2008 and 2011. The reported production, according to data from the National Bureau of Statistics of the Dominican Republic, is 38,069 tons for the 2010-2015 period. The mine is currently operated by American Nickel Limited, owner of Falcondo.

**Surroundings:** the development of the city of Bonao, capital of the Monseñor Nouel Province with a population of 80,258 inhabitants,<sup>254</sup> has been intimately tied to the development and growth of the nickel operation.

**Origin of community roundtables:** Falcondo's community roundtable initiative began in 2013, with the goal of reactivating engagement after the closure of the mine in 2011. Initially, it worked with 13 communities, but engagement was only maintained with the nine communities closest to the mine and operating plant. These nine communities add up to a population of over 18,000 inhabitants. The roundtables were designed as planning and communication entities for a suitable community engagement.

**Participation structure:** the engagement with community entities was developed through the roundtables, which brought together the various legitimate social groups recognized by the communities (for example, the trustee, a church representative, the housewives, or a youth representative, to name just a few). Each roundtable analyzed the problems of the community and any request to the company was channeled through it.

**Frequency:** each roundtable met monthly. In addition, a meeting was held once in a while in which all the community roundtables participated together; this has helped improve relations between the different communities and promote productive linkages.

**Dialogue for dealing with conflicts:** as part of the dialogue process, participants had the right to share their ideas and points of view in an organized manner and decisions were made by consensus. The dialogue at the roundtables has made this initiative an effective conflict management tool. Since its implementation, conflicts over access roads, noise, pollution, or lack of jobs have been reduced significantly.

**Institutionalization of the roundtables:** Each roundtable was legally registered under the Law for the Regulation and Promotion of Non-Profit Associations (Law 122-05). This law encourages the formal registry of non-profit organizations whose goal is to carry out activities of social or public interest, strengthening the development of a diverse, democratic and participatory civil society.



## MAIN IMPACT AND OUTCOME

The community roundtables have helped resolve conflicts, complaints and concerns between the company and the communities. One example is the complaint regarding the dust that was stirred up by the trucks driving through, which is why the company implemented a system for wetting the roads before truck movements. Relationships between the communities themselves have also been improved, as well as their relationships with local governments.

The roundtable format has managed to generate important productive linkages and has helped diversify the local economy, including trade between the communities themselves and with other areas of the province. One example is the community of Peñaló, with a population of around 200 people, where the inhabitants developed a beekeeping project that produces honey for the community. The producers sell it to the other communities and the company has connected it with a beekeeping cooperative from the neighboring La Vega Province to sell the honey in other areas of the region. Another example has been the creation of the Coopyuna company, a cooperative that encourages savings and project financing. The Rancho Nuevo Internet Center has allowed students to access the Internet. It also serves as a communications hub that also benefits nearby communities.

The roundtables and their interactions with the company have led to the creation of more than 300 community jobs, representing 29% of the mine's total employment.



## INNOVATION

Being able to include all sectors of the community has been an innovative aspect. Each sector is represented and has a voice and vote, and so decisions are consensual. The company does not receive a request unless it goes through the roundtable and has been properly discussed. Falcondo is the only company in the Dominican Republic that has adopted this mechanism for channeling job applications, donations and community aid, among others.



## PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: all sectors of the community are represented in the roundtables and have a say in the decision-making process.
- Relevance by need: it is relevant because it covers the entire impact area of the mining operation, facilitating the effective management of community conflicts.
- Institutional and financial sustainability: it is a sustainable initiative, as the roundtables become non-governmental organizations with their own legal status. The roundtables have learned to properly manage the resources available to the communities. These resources come directly from the mine or are generated by community projects. Another source of income is agroforestry projects involving communities and the mine. For 2018, the contribution of the agroforestry project is estimated at \$142,800.



## APPROACHES

Gender Approach: Women play a very active role and this is widely accepted. Of the 9 working groups, 4 are presided by women. The roundtables also include leaders from the CRECIENDO leadership training project, another Falcondo initiative for training young people from different communities in technical and leadership skills so that they may participate in the roundtable projects and ensure generational changeover.



## LESSONS LEARNED

Without planning there cannot be effective communication. The foundation of dialogue is building trust. It was recognized that the needs of the communities must be heard, valuing the importance of their needs and their rights.

The communities have understood that it is important to sit down and define priorities, to plan how they will develop locally without necessarily depending directly on the mine. They have gained a certain economic-productive independence that has allowed the communities to grow beyond their relationship with the mine.



## VALIDATION

Interviews were conducted with company executives, community leaders, and the presidents of the roundtables. Several communities were also visited.



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### 2.7.3.5. School Sponsorship

#### ENGAGEMENT LEVEL



Partnership



#### DURATION

1989 – 2017



#### MAIN STAKEHOLDERS

Fundación Falcondo, Falcondo company.

Ministry of Education, regional and district directorates of the Ministry of Education, Dominican Association of Teachers, provincial governments, parent associations and neighborhood councils, Barna Business School.



#### DESCRIPTION

**The mine:** see description in Community Roundtables.

**Corporate Social Responsibility:** Fundación Falcondo emerged in 1989 as the social responsibility branch of Falcondo. The areas chosen to implement social responsibility programs were education, preventive health, natural resources and community development. It operated in Santo Domingo until the end of 2015 and then its office was moved to Bonao, the year in which the company passed from hands to Americano Nickel.

**Investment in education:** the education area received 53% of foundation's total investment, for a total amount of 6,974,552 dollars; its main program was the Sponsorship of Educational Centers.<sup>255</sup> This program became a model for private sector participation in public education, through a partnership with the Ministry of Education and recognized by international organizations such as the Inter-American Development Bank (IDB) and the Inter-American Development Agency.



**Contributions:** the contributions to education made through this program were construction and renovation of school campuses, school equipment and teaching materials, library reinforcement, literacy programs, educational loan programs and scholarships for low-income students, teacher training, partnerships and support from regional and district education departments and the Dominican Association of Teachers.

**Impact area:** it included a school in Quita Sueños, Haina, San Cristóbal Province, 54 schools in the La Vega Province, which in turn included 6 important schools in Constanza, 6 schools in Jarabacoa and 77 in the Monseñor Nouel Province.



### MAIN IMPACT/OUTCOME

With the implementation of this program over 26 years, it has been possible to improve education in the areas where the program has intervened, while reducing the level of illiteracy in the region.

Specifically, the Monseñor Nouel Province has the highest rate of teachers with a degree, 70.7% when the national average is 49.9%, and with graduate degrees, 5.7% compared to 4.0% nationally. The educational quality is 95.1%, compared to the national average of 94.7%, so the impact in raising the quality of education is significant.<sup>256</sup> The program has directly impacted 132 public schools and educational centers, and 77,000 students representing more than 70% of the student population of the Monseñor Nouel and La Vega provinces. 4,900 people learned to read and write through the literacy program. 794 low-income students have completed their technical and university studies through the program of educational loans and scholarships, with an investment of \$1,123,163.<sup>257</sup> Similarly, 2,100 teachers have been trained and upgraded with modern pedagogical tools, and 80 school principals graduated from the leadership and management program at the Barna Business School, which made a strategic agreement with the foundation.



### INNOVATION

The implementation of a training system to increase the educational and pedagogical capacities of teachers resulted in direct benefits for students, using the same human resources employed by the Dominican State through its Ministry of Education. Other companies were unable to achieve this partnership and work with the State; they usually just donate equipment, uniforms, books and furniture, but do not engage in teacher training. This best practice was an example that other companies later followed.



### PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the program is inclusive, designed for schools—specifically rural schools.
- Relevance by need: the program has responded to deficiencies in the education system.
- Sustainability: this program has produced lasting effects, improving teacher quality and educational levels by increasing their pedagogical capacities.



## APPROACHES

Regulatory approach to rights and obligations: the project helped guarantee the right to education. It was able to improve educational quality, eliminate school absenteeism, over-age students in classrooms and school dropouts, and extend educational levels.



## LESSONS LEARNED

Sustainability can be maintained over time—even with changing stakeholders—through agreements with institutions such as the Ministry of Education and its provincial and municipal units, and with CSOs such as the Dominican Association of Teachers, neighborhood councils, community leaders and the company.

Educational communities, meanwhile, can maintain their quality standards when they participate and learn to fulfill their duties and understand their rights as established by our legislation, developing a sense of the common good.



## VALIDATION

Interviews were conducted with Fundación Falcondo executives, teachers, community leaders, and the Falcondo Social Responsibility Department. A field visit was also conducted.



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## 2.7.4. Stakeholder analysis

### Company

The Dominican Republic is a country with a recent mining tradition. In the sixties, the bauxite mine in the Pedernales Province was operated by Alcoa and later abandoned due to disagreements with the State. In the seventies, two mines began to operate. The first was the Pueblo Viejo gold and silver mine, operated by the US-based company Rosario Resources, which was later acquired by the State in 1989, closed in 1999, tendered in 2001, acquired by Barrick in 2006<sup>258</sup> and reopened in 2012.<sup>259</sup>

The second is the nickel mine that was initially operated by Falconbridge Dominicana (Falcondo), but which changed owners several times during the 2000s and was closed twice due to international market prices. In 2015, Falcondo was purchased by Americano Nickel Ltd.

In order to better understand the public perception of mining in the country, it is worth mentioning that the closure of the Pueblo Viejo mine in 1999, which had operated with minimal production and inadequate environmental controls during its last years, generated significant environmental liabilities after ceasing its operations, basically due to Acid Rock Drainage (ARD) in lands and rivers near the mine.<sup>260</sup> The deficient environmental management of Rosario Dominicana in the Pueblo Viejo mine gave the entire sector a negative image.<sup>261</sup>

There are other important metal mining operations: Corporación Minera Dominicana (CORMIDOM), which extracts copper, gold, silver and zinc, and the Las Lagunas Ltd. operation. Besides metal mining, there are important salt, gypsum, marble and limestone mines, as well as mines that supply the national cement industry, with 7 different plants throughout the country.

There is an important association that represents mining and service companies. The Oil and Mining Chamber of the Dominican Republic (CAMIPE) was established in 1997 and has gradually earned its place in public opinion, now being recognized by the government, NGOs, civil society, academia and various associations.

The Dominican Republic keeps no basic information at the school or university level on mining as an important factor in the country's development, nor is the knowledge of the nation's mineral resources promoted. To overcome this lack of information, CAMIPE has designed a program of lectures for high schools, along with informative workshops for business associations, government offices and agencies, and communities. Together with the Canadian Embassy, it has also published the "Mining Guides," which are brochures that explain the mining process from exploration to mine closure.<sup>262</sup>

### Government

The Ministry of Energy and Mines was created in 2013 under Law 100-13. The messages from the State regarding the development of the sector have been weak. The renegotiation of Barrick's contract for operating the Pueblo Viejo mine,<sup>263</sup> as well as the case of Loma Miranda, a major nickel reserve that is part of the Falcondo concession, have shown some weakness in the implementation of clear rules and guarantees for legal certainty,<sup>264</sup> aspects that are widely debated in the national press by various sectors.



The General Directorate of Mining was a unit within the Ministry of Industry and Commerce that had almost no budget for its operations, which included monitoring and oversight under Law 146-71. In 2013, with Law 100-13, it was transferred to the MEM.

The Ministry of the Environment and Natural Resources was created in 2000 under Law 64-00. Law 64-00 manages the country's natural resources and establishes environmental regulations, along with a series of regulations and standards that complement it.

### Civil society

Civil society is represented by different groups from the academy, NGOs and community associations. Opinions such as “No to the Mine” have been increasingly common, and the lack of information on the industry leaves gaps that are filled with incorrect information. The general public perception is that the industry does not contribute enough and that it does more harm than good.

In early 2017, the Green March (Marcha Verde) movement<sup>265</sup> was formed with the goal of fighting corruption and impunity in the Dominican Republic.<sup>266</sup> Civil society has become increasingly organized due to corruption and a lack of transparency. This issue was triggered in early 2017 by a local case and by the international case of the Odebrecht company, which provided the movement with strength and legitimacy to in its anti-corruption struggle, and which has also led to it begin protesting on mining issues. The movements most critical of mining have started at the Academy of Sciences of the Dominican Republic (ACRD) and the Environmental Commission of the Universidad Autónoma de Santo Domingo (UASD),<sup>267</sup> followed by a popular movement led by Father Rogelio Cruz, who spearheaded a series of protests against Loma Miranda and, more recently, against potential gold mining at the Romero mine in San Juan de la Maguana,<sup>268</sup> which belongs to the GoldQuest mining company. These three groups, together with the new Green March movement, have led the protests against mining projects.<sup>269</sup>

There are several dialogue initiatives at the national level. The National Space for Transparency in the Extractive Industry (ENTRE) is one example that has created an atmosphere of greater openness and dialogue between the industry, civil society and the government. Its members represent mainly the provinces of Pedernales, San Juan de la Maguana, Barahona, San Cristóbal, Santiago, La Vega, Monseñor Nouel, Sánchez Ramírez and Monte Plata. There have been other efforts between the Oil and Mining Chamber of the Dominican Republic (CAMIPE), an organization that represents the country's mining sector, and institutions such as the Academy of Sciences, the Dominican Observatory of Public Policies of the UASD, and the non-governmental organization Participación Ciudadana.<sup>270</sup>

## 2.7.5. Legal framework



### Information

The General Law on Free Access to Public Information, 200-04 of July 28, 2004 regulates access to information. Chapter 1 and Article 2 of this law establish the mandatory right of all citizens to have free access to information on state activities, state enterprises (or those with ties to the State) and national development projects.

Law 100-13 (2013) created the Ministry of Energy and Mines (MEM) which, as a governing body, is still adjusting some technical and legal issues related to both the mining and hydrocarbon sectors. The provisions issued by the MEM are informed to the different sectors through resolutions published on the MEM website. The MEM has launched the Technical Department of Social Management, which is responsible for engaging with mining communities, educating them on mining issues, listening to their complaints and expectations, and connecting with the interested parties in order to search for solutions.

The General Law of the Environment and Natural Resources (Law 64-00 of July 25, 2000) makes it mandatory to publicly disseminate all environmental impact assessments (Article 48-50).



### Consultation

This same Law establishes the environmental assessment procedures and their scope, including public consultation (Article 38). Article 43 makes it mandatory to request a letter of non-objection from local governments regarding the projects. The Compendium of Regulations and Procedures for Environmental Authorizations of the Dominican Republic of September 22, 2014 stipulates that the process of public participation for all projects must include at least four potential and non-exclusive participation spaces: project information or dissemination; stakeholder analysis; public visits; comments on environmental assessments; public hearings.

For projects that are subject to environmental impact assessments, the proponent must make a public visit, indicating the possible impact in the area that may be affected by the project. The visit must be open to the public and must be published in a national newspaper or on some form of media that is accessible to the communities surrounding the project. The publication must contain basic information about the project, its location and its goals. Depending on the magnitude of the project and whether it is for metal or non-metal mining, more than one public visit may be requested. The





Ministry of the Environment and Natural Resources (MIMARENA) reserves the right to use any public participation instrument and may convene public hearings at any time during the environmental authorization process.


The projects require public hearings, which shall be coordinated through MIMARENA. The community will have an active participation and should include neighborhood councils, clubs, business associations, universities or educational centers and municipal authorities, among others. The comments and observations gathered will be included in the technical report and the final report submitted with the environmental license application. This process is evaluated by MIMARENA and, if it must be repeated, a new hearing will be convened.

The General Mining Law, 146-71 of June 4, 1971 does not consider public visits, public consultations or environmental concepts. This law only refers to the requirement to contact landowners to agree on rights of way, easements or land purchases.

### Referendum

Law No. 176-07 on Municipalities of July 17, 2007 establishes the power of municipalities to manage their territories and the effective participation of communities in the management of public affairs. Article 234 establishes the right to hold a referendum to ask citizens their opinions on general environmental guidelines, infrastructure projects or territorial planning. It should be noted that the documentation submitted with the environmental impact assessment for the environmental license application must include a letter of non-objection issued by the municipality of the project area, indicating that there are no obstacles in terms of land use or industrial zoning in the project's impact area.

### 3. CONCLUSIONS AND RECOMMENDATIONS



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

## 3.1. Conclusions

### On the economy, extractive industries and engagement with other stakeholders

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

### On regulatory frameworks and engagement levels

- The national regulatory frameworks, as well as the regulations regarding extractive industry, the environment, taxes and development in the six countries studied, heavily favor establishing standards for access to information and public transparency, which helps provide citizens with relevant information about the company, the project evaluation process, and in some cases the public revenue. Although these are not directly related to the extractive industries, the information they provide to the State as part of their obligations is subject to this regulatory framework and can be accessed publicly, without requiring a change in the law, but rather a better application of the law in the sector.
- Similarly, rules that consider citizen participation as a right to participate in the different stages of extractive activities are quite common in the six countries studied, and the public consultation mechanism appears as one of its dimensions.
- The information analyzed for each country shows that there are no specific regulations referring to other engagement levels, such as collaboration or partnerships; the exception is Peru, which instituted a rule in 2010 that establishes a prior commitment by the company towards the communities in the impact area as a precondition for developing extractive activities.
- In general, these are forms of engagement that are based on the corporate policies of the extractive industry. Dialogue is a mechanism that is found, in a broad sense, at all levels of community engagement and is incorporated into segments of the current regulations on participatory and consultation processes.
- Most of the countries in this study have signed ILO Convention 169, with the exception of the Dominican Republic, but only Colombia, Peru and Chile have designed regulations to implement it. In fact, in other countries the process depends on the interpretation of companies and local authorities, with the possibility of questioning the process or taking it to court, thus causing instability and insecurity for the parties.



## On practices, engagement levels and coordinating dialogue

- When practices are made up of several engagement levels, it is often the Dialogue level that articulates them. Broadly speaking, dialogue takes place through regular meetings and spaces with broad, diversified and inclusive participation by the various stakeholders, mainly from the impact area of the extractive project. Dialogues can evolve towards the creation of specific work agendas.
- Due to the degree of complexity required for its implementation, engagement at the collaboration and partnership levels usually occurs through a multi-stakeholder dialogue, in its more structured version, which is mainly used as the most appropriate mechanism for clarifying the interests and needs of the parties, as well as to build the necessary trust demanded by these complex processes and to negotiate mutual beneficial agreements.
- Multi-stakeholder engagement through dialogue, when properly organized and managed with a strategic, comprehensive perspective, can help contribute by implementing projects that are connected to local development plans, magnifying stakeholders' voices, influencing operational decisions and engagement plans, improving relationships and obtaining or renewing social licenses.

## On the main stakeholders

### Civil society

- Civil society organizations, especially NGOs and social movements, assume different roles in the extractive industry: as suppliers or contractors that execute development projects; building bridges and promoting collaborative processes; remaining critical of the how the industry has been operating; promoting discussions; advocating for public policies; guaranteeing the individual and collective rights of communities; or openly opposing extractive activity through resistance actions.
- Universities that enjoy legitimacy are important local resources, because they are trusted by a significant number of stakeholders and have the ability to build networks with key stakeholders with different characteristics, both in terms of producing knowledge and building capacities. They are seen as a specialized and impartial stakeholder for technical matters and for conducting research on the extractive industry; its contributions to the economy and development; water quality studies; education and training; social management and conflict prevention and transformation; among others.
- CSOs also play a role as a third party in engagement processes between communities and companies, either by impartially facilitating dialogue or negotiations between the parties, providing consultancy for these processes, training the company and/or community for adequate and constructive participation, acting as observers, or monitoring the implementation of development projects.

## State

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

## Companies

- Improving engagement with other stakeholders requires the commitment of companies and their associations to go beyond the tenets and requirements established by current regulations.
- The teams dedicated to social management and community engagement are essential for field operations, in coordination with the other areas of the companies. This internal coordination is important and necessary. In some cases, companies decide to hire or sign agreements with consultants, commercial or civil society organizations/entities specializing in social management and community engagement in order to promote it. In some cases, considering an external team to support community engagement can facilitate dialogue events, as well as providing an external perspective on the process.
- The main purpose of extractive industry associations is to represent the interests and needs of their affiliated companies. They can also help their members through other strategies such as capacity building, research, publications, databases and communication campaigns related to their activities, among others. They have the potential to be important contributors to sustainable development through projects designed to help companies with their community engagement processes by developing innovative perspectives, such as the best practice of the Social Basins of Argentina, where the Salta Chamber of Mining coordinates the engagement between different mining companies operating in a territory and the surrounding communities.

## On the issues related to practices

- Best practices can cover a very broad range of themes, related to the human needs and unfulfilled rights in social environments and to the operational needs of extractive projects. From a basic level of information about the project, all engagement levels allow for the inclusion of multiple issues, such as:
  - » Environmental issues, such as those related to water, air, noise, land use;
  - » Search for jointly agreed solutions with the community that are related to operational needs (health infrastructure, roads, electricity, drinking water, among others);
  - » Product manufacturing;
  - » Education and other basic services;
  - » Issues that concern specific groups such as women, senior citizens, indigenous communities and other groups in vulnerable situations;

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

## On engagement

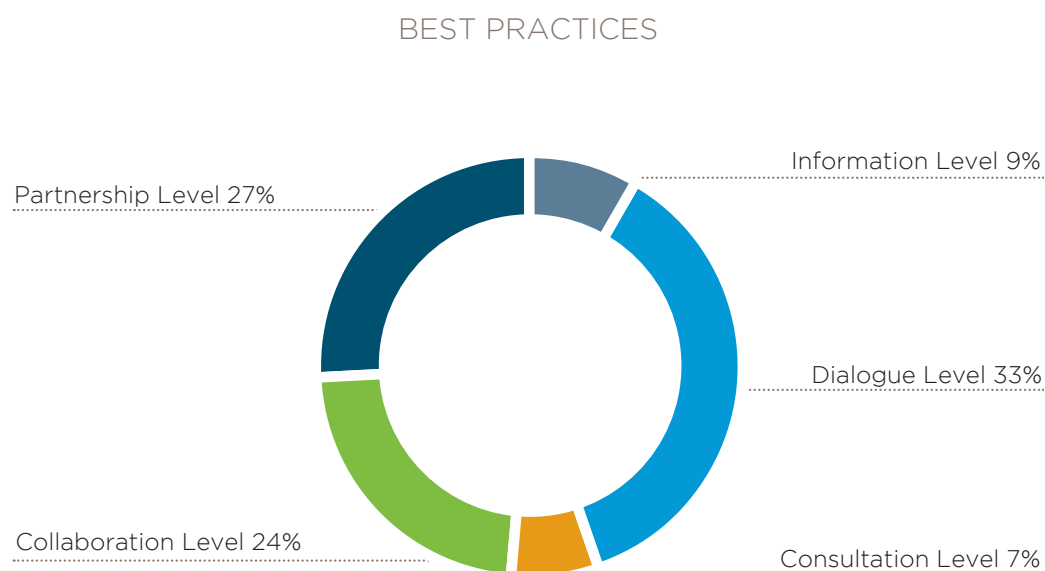
- *Contribution of the extractive sector to the national and regional economies:* all stakeholders acknowledge that the sector makes relevant contributions to the national economy. However, in some countries, local communities still feel that the industry has an outstanding debt in terms of strengthening local development.
- *Minimum engagement standards:* the extractive industry, unlike other economic activities, considers the issue of community engagement in the impact area a relevant matter, sometimes even a key aspect of the business, and not as a merely voluntary process. There is an awareness of the potential costs that a context of social risk may impose on the development of an extractive project.
- *What is required and what is voluntary:* engagement processes illustrate that industry and company behaviors are a result of both the standards defined by the State and the internal policies of companies (codes of conduct), as well as industry standards at the national and international level. However, the State is beginning to assume a more active role in defining minimum engagement standards based on recognized best practices, thereby reassuring both companies and communities on the best way to establish harmonious, constructive relationships oriented to sustainable development. In addition, the industry continues to make progress on voluntary policies that benefit the development of the territory in which the operation is located.
- *Civil society organizations:* in the last 5 years, CSOs have played an important role, achieving a certain degree of influence on public policy decisions in terms of proposing, accompanying and ensuring compliance with the regulations that govern extractive industry projects. Different levels (local, regional/provincial and national) of influence have recognized their contributions to achieving goals shared with the industry. Undoubtedly this influence was favored by the massive use of social networks and the increasing digital transformation.
- *Civil society engagement as a continuous process:* the task of building trust is a priority. In addition, those who facilitate and participate in these spaces for creating best engagement practices must be stakeholders with knowledge and experience in this area, capable of promoting exchanges; impartial stakeholders capable of building a permanent and useful engagement while recognizing the differences of each party.
- *Perceptions of extractive industries:* the extractive sector still generates backlash in some sectors. This is usually based on the perception that the growth of extractive activity has not led to better living conditions for some communities that coexist with extractive projects, and that in some cases have seen previously existing economic activities decline (agriculture, local tourism, livestock, among others), thus causing dependence on a finite activity, in addition to the concerns surrounding the environmental and health impacts that this activity could bring.



- *From conflict to negotiated agreement:* a review of some practices studied shows that the relationship between the extractive industry and the communities has changed from a process of conflict and opposition to a transactional negotiation process that compensates communities with social benefits, employment and infrastructure works. This dynamic eventually contributes to local development processes. In many of the experiences studied, during the dialogue processes environmental impacts become a secondary issue and are not sufficiently taken into account, and the issue of social compensation—or rather negotiation—plays an important role.
- *Internal fabric of communities:* often, the complexity of relationships within communities has caused tensions that translate into complaints that are difficult to understand. Companies lack methodologies for dealing with conflicts in a broader, more comprehensive manner, and this has often led to distrust, causing breakdowns in the relationship and even resulting in conflicts within communities.
- *Role of the State:* the historical response by the State has been to maintain a distant position and observe from the outside the engagement processes that occur at different levels between companies and communities. However, in recent years it has become a key player at the consultation level.

## On engagement practices

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



- Major progress: The best practices in this study demonstrate that there has been significant progress towards improving the relationships between the industry and the communities, such as the implementation of corporate engagement policies, teams of specialized professionals and financial resources. However, there are still weaknesses in the engagement between civil society and extractive industries. Well-documented experiences have contributed to the creation of new and innovative engagement practices that can be learned, improved and replicated in other projects.
- It is often thought that the extractive sector has a great deal of experience with best practices that are recognized and validated, with positive results for quality of life and stakeholder engagement, and that this work should be oriented to communities, academia and the companies themselves. The companies can count on the Academy and independent consultants to continue the task of systematization, research and dissemination of engagement experiences.
- One conflict observed in most of the best practices studied is community opposition to the project, due to the way the project coexists with its surroundings (environmental, social, cultural) and/or due to the lack of direct benefits and development for the community. Dialogue is most obvious channel for resolving these situations, as an alternative for reaching agreements and negotiating with the community. Dialogue spaces are necessary in order to solve the problems of small rural sectors near large extractive exploitation. For example, a partnership to improve livestock production.
- Spaces for Early Citizen Participation: Decisions made regarding large-scale national projects often do not enjoy effective participation or consensus from local governments and communities within the territories. Without this step, which gives the project a degree of social legitimacy, citizen participation processes (including prior consultation) can become complex, slow and/or confrontational.
- Partnerships between CSOs have started to play a community outreach role, as in the case of the Coahuila Energy Cluster, one of whose roles was to provide information on the implications of the energy reform and the new role of companies in the region. Civil society mediation can help in making the information more reliable and therefore better accepted by the communities.

## 3.2. Recommendations

### For companies

- Have early, timely and long-term plans for engagement with communities that may contribute to economic progress while addressing social and environmental issues in the territories where their projects will be developed.
- Have an area dedicated exclusively to social management and community relations. This study has confirmed that having a capable area and work team has helped companies develop best practices.
- Consider the particular characteristics of the territory and understand that recognizing the rights of different communities is best practice. Including among their due diligence protocols a detailed survey on the dynamics of the territory and the communities present in the impact area is highly recommended, either executed jointly with the community or subsequently validated by it.
- Regular coordination with community leaders from the beginning, involving them in the different engagement levels: Information, Dialogue, Consultation, Collaboration and Partnership.
- Generate actions at each level (Information, Dialogue, Consultation, Collaboration and Partnership) that:
  - » Are systematically reviewed, including deadlines for their review
  - » Are flexible enough to be reformulated
  - » Have clearly established goals, targets and timelines from the beginning
  - » Comply with the law
  - » Aim for an engagement with permanent and systematic accompaniment
- Monitor the actions derived from the environmental and social legislation related to extractive industries, with compliance and continuity of the agreements of the dialogue roundtables with multi-sector and inter-governmental coordination.



- Strengthen business associations and organizations representing companies that can participate in the most diverse spaces for dialogue and compromise to achieve a more fluid engagement.
- Promote training to foster partnerships with projects in the territories and encourage community participation.
- Consider the leading Multilateral Development Banks (MDBs) in Latin America and the Caribbean—with their experience in citizen engagement<sup>271</sup>, 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 Dominican Republic

**Stakeholders:** During the design of this roadmap, it was especially important to strengthen the efforts of those who participate in the Extractive Industry Transparency Initiative (EITI). In July 2015, the Dominican Republic joined the initiative with its own National Committee. The implementation of the EITI in the Dominican Republic has made it possible to coordinate the work of the government, civil society and industry in the extractive sector, with a greater understanding of the concerns of civil society and the ways in which the government manages the resources generated by this activity.

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## GOVERNMENT:



### Information Level

The Dominican Republic has different mechanisms that promote information in the sector and that constitute an opportunity to improve access to information for civil society. In addition, in the framework of the EITI initiative, information on online mining contracts and revenue is published.

At the same time, there is a need to promote a mechanism that permits the exchange of information between the different stakeholders jointly at the local level. This diagnosis has identified experiences in which dialogue roundtables promote exchanges, such as the case of the Social Basins in Argentina, the Good Neighbor Roundtable of Sierra Gorda in Chile, the participation of peasant families in the Colombian forest compensation program and the Dialogue Group on Mining and Sustainable Development in Peru. All these experiences have in common that the information is generated and made available to the public within the framework of a multi-stakeholder dialogue process, which illustrates how the different engagement levels complement one another by generating virtuous circles of engagement.



### Dialogue Level

The Extractive Industry Transparency Initiative (EITI) adopted by the government of the Dominican Republic in 2015 has established an important precedent and the main example of multi-stakeholder dialogue in the country. Another example of the positive role that the State can play in dialogue processes is that of the provincial government of Sánchez Ramírez, which managed to coordinate other government entities simultaneously, a practice that had not been observed previously. To strengthen these efforts, the experiences of the Social Basins in Argentina, the Good Neighbor Roundtable of Sierra Gorda in Chile, the participation of peasant families in Colombia's forest compensation program, and the Dialogue Group on Mining and Sustainable Development in Peru illustrate the power of dialogue to coordinate and incorporate diverse stakeholders, many of them with contrasting interests.



### Consultation Level

Law No. 176-07 on municipalities provides for the participation of community members in decision-making and establishes the right to a referendum. This legal framework is recent and has only been applied in the case of municipal development plans in the Dominican Republic. The referendum to confirm the results of consultations with civil society is an example to follow. Alternatively, at the community level, the government would benefit by promoting the validation of agreements reached through consultations with the entire community potentially affected by the projects, as in the case of the consultation with the community of Caimanes in Chile.



### Collaboration Level

The government has the tools to establish multi-stakeholder collaboration agreements based on the management of knowledge on the sector, its contributions, statistics, achievements, collections, investments and Corporate Social Responsibility projects. In Peru there was an experience where various stakeholders recognized as a lesson learned the fact that stakeholders understand how the State works, its bureaucracy, powers, deadlines, requirements, etc. This helps build trust and the capacity to implement actions to ensure a harmonious climate in relation to the development objectives of the sector. Another example that worth emphasizing is the case of Colombia: Participation of peasant families in a forest compensation program, where the participation of the government together with companies, NGOs and the community contributed greatly to the success of the project.



### Partnership Level

This diagnosis has identified several partnerships concerning the extractive sector in which the government of the Dominican Republic has participated, notably the Cibao Sur Business Incubator, which emerged following a referendum. Therefore, local and national governments are encouraged to continue engaging in these efforts and there is a great opportunity to expand their engagement with extractive companies and civil society at this level. Some interesting references for this can be observed in the case of Peru, with the Huari Dialogue Project, where the resulting partnership managed to curb the problems and confrontations. In this case, the government's commitment was important in order to resolve the conflict. The Alianza Valor Minero in Chile also features a multi-stakeholder network and is an example of a public-private partnership that would be a good point of reference for the development of the extractive sector in the Dominican Republic.

## CIVIL SOCIETY



### Information Level

The diagnosis of the Dominican Republic demonstrated the need to create a forum where relevant information can be exchanged between Civil society and the extractive industry. Civil society would benefit from playing a more active role in the demand for truthful information from the government and companies. A smooth flow of information builds trust and allows the industry's actions to be monitored, as observed in the experiences of the Bonao Community Roundtables and the results of the municipal development plans, in which civil society played a crucial role. In Mexico, there are two mining projects that serve as models and illustrate the importance of demanding information from companies. One is the Participatory Monitoring of Water Quality by



Minera Media Luna, in which the community's complaint resulted not only in the quality of the water being tested, but also training for leaders to learn how to monitor the water resource. The second model is the Comprehensive Closure Plan by the New Gold company, in which the mediation of a civil society organization helped gather certain information that made it possible to implement actions in accordance with the needs of the population.



### Dialogue Level

The construction of dialogue as a tool for engagement has proven to be very effective in the country. The different stakeholders of the Community Roundtables, which include local governments and the different associations of each community, make consensual decisions for local development, and Falcondo accompanies their processes. This example of dialogue can be taken to other levels, following the example of Peru and the Dialogue Group on Mining and Sustainable Development that has crossed borders and led to the creation of the Latin American Dialogue Group. In the case of the Dominican Republic, civil society can use this as an example to transcend provincial borders and take the dialogue to the national level.



### Consultation Level

A point of reference for consultations in the Dominican Republic were the municipal development plans implemented in the provinces of Sánchez Ramírez and Bonao. The success of the consultation was based on the construction of dialogue as a tool with multi-stakeholder participation including local authorities, community and company, once again demonstrating how the different engagement levels complement one another. It is recommended that civil society participate actively in regional spaces to learn about consultation experiences in other countries and to promote learning and knowledge management processes at the national level.



### Collaboration Level

A great example of engagement in the Dominican Republic is group of the collaborative agreement between the Community Roundtables and Falcondo. This case also brought nine communities together around the extractive issue, creating a connection that did not exist before—despite their geographical proximity—and enhancing development opportunities for civil society. A similar and interesting project that has gone through all engagement levels from Information to Partnership and that has elements that can be replicated in the Dominican Republic is that of the Good Neighbor Roundtable of Sierra Gorda in Chile. In this experience, a territorial dialogue has been established, connecting several communities, incorporating all the information generated for the common good of the entire territory, and giving rise to more complex engagement levels. Something similar could emerge from civil society, since Barrick, Falcondo and Cormidom are all located in nearby territories in the Dominican Republic, and it would be convenient for communities to collaborate with them in a unified way.



### Partnership Level

This diagnosis has identified several partnerships concerning the extractive sector in which civil society plays a key role. For example, the Sponsorship of Schools in which the parent associations, the Dominican Association of Teachers and neighborhood associations, were so relevant. It is recommended that communities continue to be involved in these types of efforts, and there is a great opportunity to strengthen their engagement with extractive companies, governments and other members of civil society at this level by participating in similar partnerships.

## COMPANY



### Information Level

Under Law 64-00, all mining projects must positively provide the mandatory information. Therefore, companies already make a significant amount of information available to the general public, including the community and the government. The law also provides for public hearings where the project and its scope is explained and the concerns of the communities that will be affected by the project are heard. In the diagnoses of Argentina, Chile and Colombia, three practices were identified that demonstrate that teamwork has shared benefits that are important not only for the development of a mine, but also of a region. One is the Social Basins in the Salta Province in Argentina, where the interesting thing is that five companies, four of them still in the exploration stage and one in the construction phase, meet and together decide the strategy for working with the communities and keeping them informed about the different mining processes that they carry out. In this way, communities have a single space they can go to when they have concerns. Other similar examples are: Participation of Peasant Families in Forest Compensation Programs in Colombia and Good Neighbor Roundtable of Sierra Gorda in Chile. The information generated by extractive companies when carrying out best practices should also reach the general public at the national level, ensuring that the population is aware of the projects and the benefits they generate for the development of the communities and the nation.





### Dialogue Level

In the Dominican Republic, dialogue as a cornerstone of the engagement between civil society and industry is observed in the community roundtable and development plan processes. Meanwhile, in Argentina the Social Basins are once again noteworthy, and Peru has the Huari Dialogue Roundtable, the Dialogue Group of Peru and the case of Arequipa with the Virtuous Water Circle. In all these cases, dialogue is the essential factor for ensuring the project's successful relationship with communities and governments, and therefore Dominican companies are encouraged to continue strengthening this engagement practice.



### Consultation Level

In the Dominican Republic, the process of Public Hearings for Law 64-00 is the starting point for a consultation, in which the project and its scope are presented and the population participates, received information, expresses its concerns and reaches important agreements. The results could be used more effectively, to the extent that the results of the consultation are widely disseminated at the national level.



### Collaboration Level

There is a great opportunity for companies in the Dominican Republic to strengthen the Collaboration level if they follow the example of the regional projects observed in the diagnosis: Good Neighbor Roundtable of Sierra Gorda (Chile), Social Basins (Argentina) and Participation of Families Peasants in the Forest Compensation Program (Colombia). These three cases have in common that, besides being good examples of dialogue and collaboration with the government and civil society, they bring together several companies in the same area to draw up coordinated plans and advance local development. It is a clear example of the power of collaboration among companies in extractive processes and the positive effects this action can have on development.



### Partnership Level

Companies in the Dominican Republic have led several partnerships. To continue these efforts, it is recommended that the case of Colombia be studied. The Participation of Peasant Families in the Forest Compensation Program is not only an example of the engagement process between the interested parties, but it also represents an environmental milestone. This example shows that partnerships can contribute to the conservation and recovery of degraded areas, and that it is possible to work in collaboration with the environmental authorities. This environmental perspective is not very well-established in the Dominican Republic, and this is an example that can be studied and implemented in mining projects that are near environmentally sensitive 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](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](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](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](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: NRG/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.
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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](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](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.mec.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](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](http://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-americas.org/es/blog/defendiendo-comunidades-del-avance-del-fracking-en-argentina>.
67. Several other practices identified have not been validated in the framework of this study. These experiences can be found in Appendix 3.
68. The field research concluded in 2017, and therefore the duration of the best practice can only be assured for this year, which does not exclude the possibility that it may still be valid in the future. This observation applies to all best practices.
69. This space is accessible to the community, which has posed some problems within it, for which solutions have been sought (lack of firewood – donations, lack of mining training – mobile classroom, lack of communication – free WiFi for the entire community).
70. Innovation refers to practices that were novel at the time of their validation in the respective country.
71. Each best practice was evaluated according to the dimensions of participation, relevance and sustainability, based on previously designed indicators. For more information, refer to the conceptual and methodological framework, 4.3. (Appendix 2).
72. All best practices included in the diagnosis were analyzed considering the following approaches: participatory approach, regulation of rights and obligations approach; sustainable development approach; diversity approach; gender equality approach; conflict transformation approach. The definitions can be found in the conceptual framework (Appendix 2). If the approaches are not mentioned in the best practice analysis, it means that no elements have been found to indicate their inclusion in the best practice implementation.
73. Boon, Johannes, 2017: "Corporate Social Responsibility, Relationships and the Course of Events in Mineral Exploration – an Exploratory Study," Carleton University, Johannes Boon, Ontario, p. 194.
74. Ibid.
75. Information provided by PAE.
76. Cámara Argentina de Empresarios Mineros: HMS, <http://www.caem.com.ar/hms/>.
77. Just to give an example, the La Rioja Province can be mentioned with its conflict in Famatina and the position of the provincial governor. DyN, 2011, Beder Herrera asked environmentalists to "stop fucking" with mining, *Clarín Noticias*, 05/31/2011, [https://www.clarin.com/medio\\_ambiente/Beder-Herrera-ambientalistas-joder-mineria\\_0\\_Skl-TiWawXx.html](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](https://www.argentina.gob.ar/sites/default/files/mayds_informe_estado_ambiente_2016_baja_1_0.pdf).

85. Covo, María Julia, 2013: *Derecho de minería y energía – El principio de congruencia de la ley general del ambiente en el Derecho Minero*, in: Anales de la Facultad de Ciencias Jurídicas y Sociales; año 10, no. 43, pp. 151-160; p. 153.
86. Oil and gas production is marginal in Chile and the author did not find macroeconomic figures that included oil. Oil production is concentrated in ENAP, a national company whose purpose is the exploration, production and commercialization of hydrocarbons and their derivatives. There are 10 companies that produce Natural Gas, and they are have their own business association. ENAP's sustainability report indicates that oil production in Chile, (Magallanes Region) was 987 million barrels for 2016; meanwhile, natural gas production in Chile (Magallanes) was 1 billion standard cubic meters (5,909,500 equivalent barrels). ENAP exports were 0.42 million cubic meters of oil products, equivalent to 3.8% of the total production of its refineries.
87. Consejo Minero, 2018: *Cifras actualizadas de la minería*, <http://dev.consejominero.cl/wp-content/uploads/2018/03/Cifras-actualizadas-de-la-miner%C3%ADa-Marzo-2018.pdf>.
88. Comisión Nacional de Productividad 2016: *Productividad de la Gran Minería el Cobre*, <http://www.comisiondeproductividad.cl/productividad-de-la-gran-mineria-del-cobre/>.
89. Consejo Minero, 2018, Op. cit.
90. Comisión Nacional de Productividad 2016, Op. cit.
91. Accessed at: Sociedad Nacional de Minería, *El nivel de empleo en la minería es el más bajo de los últimos siete años*, <http://www.sonami.cl/site/noticias/el-nivel-de-empleo-en-la-mineria-es-el-mas-bajo-de-los-ultimos-siete-anos/>.
92. Comisión Chilena del Cobre, 2017: *Anuario de Estadísticas del Cobre y otros 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](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](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/>.
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104. Ibid.
105. *Política de Pueblos Indígenas Nueva Unión*. Accessed at: Nueva Unión, Sustentabilidad, <http://www.nuevaunion.cl/sustentabilidad>.
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109. Alianza Valor Minero, Op. cit.
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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.
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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.

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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.
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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](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).
153. Diario Oficial de la Federación, 2014: *Ley de Hidrocarburos*, México, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5355989&fecha=11/08/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5355989&fecha=11/08/2014).
154. Interviews with academic experts in energy.
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](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>.
158. Resolution on the prior, free and informed consultation on the Sonora gas pipeline. Accessed at: Gob.mx, 2015: *Resolutivo de la CPLI a la Tribu Yaqui*, México, [https://www.gob.mx/cms/uploads/attachment/file/194673/Resolutivo\\_de\\_la\\_CPLI\\_a\\_la\\_Tribu\\_Yaqui.pdf](https://www.gob.mx/cms/uploads/attachment/file/194673/Resolutivo_de_la_CPLI_a_la_Tribu_Yaqui.pdf).
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161. The interviews with the different stakeholders in each project and with civil society organization employees allow us to make this statement, which in no way intends to be generalized.
162. That is, the historical clientelistic ways have had to change to ways based on international agreements for carrying out indigenous consultations, for example, where prior information and consultation are principles that must be respected.
163. PEMEX subsidiary company that finances the project.
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](http://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.
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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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171. These figures do not include information on the companies providing the services, nor information on artisanal and small-scale mining.
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176. Environmental Justice Atlas, Op. cit.
177. Gobierno de México, Gobierno de la República, 2013: *Plan Nacional de Desarrollo 2013-2018*, México.
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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.
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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.
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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), (11) Universidad Estatal de Sonora (Sonora), (12) Universidad Politécnica Juvenino Rosas (Guanajuato), (13) Universidad Tecnológica de la Sierra Hidalguense (Hidalgo), (14) Universidad Tecnológica del Estado de Zacatecas (Zacatecas), (15) Instituto Tecnológico de Chihuahua (Chihuahua), (16) Instituto Tecnológico de Morelia (Morelia), y (17) Instituto Tecnológico de Querétaro (Querétaro).
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201. Ministerio de Energía y Minas (MEM), 2017: *Anuario Minero 2016*, Lima, <https://es.scribd.com/document/351009672/ANUARIO-MINERO-2016-pdf>.
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