



The Case for an Independent Problem Solving Service in the Mining Sector

Ten Key Messages

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Ten key messages we would like to share

1. We have a problem and there is an urgent need for workable solutions

- An effective problem solving facility is urgently needed in the mining sector to address the multitude of problems prevailing between mining impacted communities and mining companies. The seriousness and highly problematic nature of this situation cannot be underestimated.
- A clear message is coming from mining impacted communities: change is not happening, it must happen, and it must happen now.
- There is a significant trust deficit.

2. There is a strong case for a new alternative, informed by experiences to date and the harsh reality on the ground

3. Bench Marks has carried out extensive research and consultations in this regard

4. Company grievance mechanisms and other provisions are not working

- Currently, what company grievance mechanisms that prevail in the mining sector tend to be ineffective. Local and international research indicates that they have not worked for a range of reasons.
- In short, the Industry has found it difficult to deal with challenges in a manner that leads to mutually beneficial community / mining relations.
- It must be pointed out that the proposed initiative arises out of the negative impacts mines have on communities. There are on-going issues that never get resolved.

5. We are looking at something very practical and that works

- The Bench Marks proposal for an Independent Problem Solving Service (IPSS) arises out of the many years of consultations, research and learnings from the historical challenges and mistakes.
- The Service is 'custom made' and attuned to community and mining company realities.
- Key to this is that it is underpinned by social justice values, with facilitated dialogue as the central problem solving mechanism, with the objective of finding developmental solutions.
- Basically we are offering a non-adversarial, accessible, uncomplicated, non-legalistic dialoguing and relationship building process that will benefit the industry as much as ensuring fairer outcomes for communities. We are looking at something very practical and that works!

6. A key principle is that dialogue is not possible in an unequal relationship

- Essential to effective problem solving must be the parties involved engaging in a democratic space as equals. The complete lack of this currently, together with the highly skewed power relations prevailing, is one of the central reasons for the prevailing situation.

- Following from this, in order to engage as equals, communities need the required knowledge, information and skills. This calls for an Independent Capacity Building Fund (ICF). This Fund would also provide the necessary financing for impartial, suitably experienced and skilled facilitators for the facilitated dialogue process.
- The ICF would also include a panel of specialists to give the necessary support in and outside of problem solving processes.
- From a mining sector perspective, this will enable communities to engage in a more structured and cohesive manner, to the benefit of all.

7. The IPSS is underpinned by the United Nations Guiding Principles (UNGP) on Business and Human Rights Access to Remedy Framework and the Bench Marks Principles for Global Corporate Responsibility

- The UNGP principles include that the provision must be legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and be based on engagement and dialogue.

8. The service stands to work with it benefitting all

- The Service stands to work. We believe this initiative will work where much else has failed due to the combination of interlinking factors related to the approach adopted in its establishment and implementation.
- The process for each case is customized for its particular history and circumstances, following an initial diagnosis.
- Highly experienced, impartial facilitators are key to the success of the problem solving service.
- Overall, it is the combination of the Service's aspects that is the 'secret' to its success!
- This initiative also has many benefits for all mining sector role players in the context where conflict continues to escalate. Overall, it stands to make a significant contribution to improving currently problematic relations between communities and mining companies, with all affected and impacted role players standing to benefit.
- A key outcome from a mining sector perspective is the creation of a more conducive environment for mines to operate. Our understanding is that this is greatly needed currently.

9. It moves ahead of problems

- Another aspect of the IPSS approach is pro-actively moving ahead of unnecessary problems and issues arising / getting further exacerbated. As such, we look forward as well to having pro-active engagements with the mining sector. This would include identifying common problems and trends, along with approaches to pre-empt them.
- It as such stands to open space for ongoing and meaningful dialogue, with all the associated benefits.

10. This is an important opportunity

- This is an important opportunity and let's put this process to the test and give it a chance to work. The Anglo Plats / Magobading case is important in this regard.
- We are in an ongoing process of exploration, consultation and discussion.
- An incremental approach is being adopted, with learnings drawn as we proceed.

Lastly but most importantly, in order for the whole initiative to work a shift in thinking and approach is needed. This is a challenge for mines and communities alike.