

IUCN/ICMM DIALOGUE REVIEW FINAL REPORT

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The Partnering Initiative

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EXECUTIVE SUMMARY

The IUCN-ICMM Dialogue was initiated in 2002 at the Johannesburg World Sustainable Development Summit with the aim of contributing to *"improving the performance of mining industries in the area of biodiversity conservation"*. The aspiration was to help *"reduce the negative impacts of the industry's operations and enhance the industry's positive contribution to biodiversity conservation."* The Dialogue was also intended *"to raise mutual awareness and understanding between the conservation community and the mining industry so that both can contribute to improved outcomes for conservation and development in areas where they interact."* Both IUCN and ICMM agreed at the outset that both are *"committed to discussing a full range of issues"*. These statements of intent and purpose are recorded in a terms of reference for the Dialogue agreed on 25 March 2003 (Appendix 1). Following on from the World Parks Congress held in September 2003 and further discussion, Memorandum of Understanding was signed on 10 June 2004. The signed Memorandum included a work plan for 2004-5 (Appendix 2) and provides a formal basis for cooperation for the period 2004-2009.

This report is a review of the quality and effectiveness of the IUCN-ICMM Dialogue undertaken by a review team from The Partnering Initiative of the International Business Leaders Forum.¹ The review was carried out in the period January – May 2008 and involved a combination of desk research focussed on key documents, an internet-administered questionnaire survey and personal interviews with those who had been most directly involved in the Dialogue, as well as with persons regarded as stakeholders who had been more removed from the day-to-day operations of the Dialogue.

The evidence gathered by the Review Team leads to the following conclusions:

1. ON IMPACTS:

- a. It is not clear to what extent the Dialogue has contributed to tangible changes in the performance of the mining industry with regard to biodiversity conservation, which was an important motivation at the outset. This is because no definition or mechanism for measuring or assessing performance improvements was put into place at the outset. It must be said, however, that no such measure or mechanism was available at the time the Dialogue was initiated.

Moreover, the architects of the Dialogue were clear that that discussions between IUCN and ICMM would not directly bring about or

¹ The IBLF/TPI Review Team consisted of Rafal Serafin, Eva Halper, Darian Stibbe and Alan Detheridge.

force tangible changes as neither organization had the mandate or means to do so. The idea was that the Dialogue would build the foundation and space in which such changes might take place. In this regard, the Dialogue did contribute to the development of the Good Practice Guidance², which offers tools for companies seeking to improve their performance on biodiversity conservation. The Guidance provides a basis, point of departure or reference for efforts to assess and measure performance improvements of the mining industry – something which had not previously been available to either the mining industry or to the conservation community.

- b. The Dialogue has contributed significantly to the goal of raising mutual awareness and understanding between the conservation and mining industries, creating a desire in both the conservation and mining communities for finding more effective ways of achieving conservation outcomes through joint action.
- c. Key achievements, which can be attributed to the Dialogue include:
 - the development and dissemination of the Good Practice Guidance on mining and biodiversity, which offers a framework and tools for improving biodiversity conservation efforts to the mining industry and a point of reference for assessing behaviour in the mining industry for conservation groups;
 - the recognition by ICMM and its 17 member companies of the principle that World Heritage Sites are 'no-go areas for prospecting and mining' and, by extension, setting a precedent that there are high value biodiversity areas, which should be off-limits for development.
 - generating a higher public profile for the challenges of dealing with legacy mines and free prior and informed consent of indigenous and local communities in potential mining areas.

2. ON OPERATIONS:

- a. The work programme adopted as part of the Terms of Reference (TOR) locked Dialogue activities into generating specific outputs, such as organizing roundtables, providing comment on IUCN's protected areas management categories system, and developing and implementing good practice guidance. As a result, there was little flexibility for representatives of both the conservation and mining communities to identify and address emerging issues or specific

² It is important to note that the Guidance provides tools rather than measurement protocols and is intended to assist companies in developing and applying their own approaches. ICMM (2006) Good practice guidance for mining and biodiversity. London: International Council on Mining and Minerals. Available for download on www.icmm.com

conflicts between conservation and mining in a systematic way. Though it must be said that the Dialogue mechanism set out and agreed in the MOU signed in 2004, provided both ICMM and IUCN the opportunity to change course or re-orient the work plan to respond to changing needs and circumstances.

- b. The persistence of the Dialogue should be attributed to the commitment of both the secretariats of IUCN and ICMM charged with implementing the Dialogue. This was achieved despite ineffective funding and organizational arrangements put in place for the Dialogue at the start. Leaving resourcing of the Dialogue to each of the parties without provision for a joint action plan with adequate resources for implementation left both IUCN and ICMM overstretched in delivering against the objectives/actions specified in the terms of reference. There was too much dependence on ad hoc funding arrangements for specific actions (including funding for this review), which translated into considerable frustration on both IUCN and ICMM sides. The result was lack of continuity and delay in implementation of many of the actions and no discernable progress on the land use planning activities. Though it is worth noting that compared to two other dialogues initiated at the World Sustainable Development Summit -- the Extractive Industries Transparency Initiative (EITI) and the Global Gas Flaring Reduction (GGFR) initiative -- the IUCN-ICMM Dialogue has made consistent and steady progress in pushing forward discussions.
- c. It was not clear who should be involved in the Dialogue and who should not, and specifically how the Dialogue be positioned within IUCN. Many IUCN members and those in IUCN Commissions were not directly involved and had no means to get involved as the Dialogue had been designed as primarily a discussion between representations of IUCN and ICMM.
- d. Individual ICMM member companies were involved only in task related activities as specified in the TOR. The level of the Dialogue was never specified. Was it primarily a high-level policy dialogue on matters of principle and strategy? Or was it more about providing impetus for preventing and resolving conservation and mining conflicts at the ground or community level? There was insufficient appreciation on the ICMM side that IUCN is not a representative organization, but a union of many different conservation organizations holding quite different views. On the IUCN side, there was over-expectation of the influence of ICMM would have on its member companies and unrealistic expectations as to how quickly change could be achieved within the industry.

3. ON BENEFITS:

- a. Both IUCN and ICMM have clearly benefited from the Dialogue, demonstrating to their respective constituencies that discussions between industry and conservationists offered potential for positive change. For IUCN, the Dialogue provided a precedent and a point of departure for engaging with business in more effective ways. For example, lessons from the Dialogue provided input into the development and adoption by IUCN of operational guidelines for business engagement. ICMM was able to access conservation expertise through the relationship with IUCN to prepare the Good Practice Guidance and generate external pressure for their implementation. The relationship with IUCN also provided a public profile and recognition for the efforts of ICMM aimed at improving the environmental performance of the mining industry and initiating discussion on challenging issues such as mining legacy and Free Prior and Informed Consent.

In reviewing the quality and effectiveness of the Dialogue six years after its initiation at the 2002 World Sustainable Development Summit, it is important to note that the hopes and expectations put forward at that time appear today unrealistic. Changes in the behaviour of the mining industry will not result just from dialogue and discussion, however enlightened and progressive. The changes that are needed are as much to do with the law-making and enforcement by governments and the dynamics of markets as they are to do with good intentions from conservationists and responsible mining industry leaders.

It is also worth noting that two other dialogues involving the extractive industries were also launched at the 2002 World Sustainable Development Summit: the Extractive Industries Transparency Initiative (EITI) and the Global Gas Flaring Reduction (GGFR) initiative. Both have involvement from producing governments. EITI and GGFR are more narrowly focussed than the IUCN-ICMM Dialogue. Yet both have taken considerable time to achieve in-country results and both have much to do in order to achieve wider implementation. The challenge facing most dialogues involving industry and other interests lies now in finding ways of (re)organizing them so as to make them more effective. Herein lies the still-unrealized opportunity of the IUCN-ICMM Dialogue.

With the foregoing in mind, this review concludes that:

- 1. the Dialogue has made an important contribution to advancing the prospects for improved biodiversity conservation by enabling discussion between the mining industry and conservation community;**
- 2. the Dialogue has run its course and achieved what was possible within the current organizational arrangements. A new design and structure is now required to encourage further progress on improving performance of the mining industry in biodiversity conservation;**
- 3. the Dialogue needs to be reorganized and re-oriented, if it is to make a measurable contribution to improvement of biodiversity conservation.**

It is simply unrealistic to expect that continuation of the Dialogue in of itself will bring about changes in the behaviour of the mining industry without some mechanism for defining and measuring progress (or the lack of it), which can be subjected to third party verification and public scrutiny. The lack of such a mechanism makes it impossible to assess objectively the extent to which the Dialogue has in fact already contributed to changing behaviour and performance of mining companies in relation to biodiversity conservation.

The main achievement of the Dialogue is that it has created a climate of mutual understanding coupled with delivery of Good Practice Guidance. This has created a basis and opportunity for moving towards a more results-oriented relationship between IUCN and ICMM focused on measurement of progress (or lack of it) of mining companies in achieving biodiversity objectives.

A different type of relationship is now needed to build on the main achievement of the Dialogue – a mutual appreciation among those in IUCN and ICMM of the challenges of biodiversity conservation that need to be faced in coming years. With the foregoing in mind, our recommendation is for IUCN and ICMM to continue with the Dialogue, but in a different form.

RECOMMENDATIONS

Based on our consultations during the course of this review, our recommendations are for IUCN-ICMM:

1. ON IMPACTS:

- a. to convene a WORKSHOP ON DEFINING AND MEASURING PROGRESS on the performance of the mining companies with respect to biodiversity. Such a workshop would draw on experience with mining and biodiversity that has been now accumulated by individual mining companies and conservation groups, including IUCN members and IUCN commissions. Several conservation groups have engaged with the mining industry in recent years, but have not been involved in the Dialogue. These include Birdlife International, Flora and Fauna International, Royal Botanical Gardens, Earthwatch among others and would have much to contribute. The purpose of the workshops would be to define a performance benchmark against which mining company performance could be assessed. This would also be an opportunity to engage public sector partners.
- b. to commission an INDEPENDENT STUDY ON IMPLEMENTATION OF THE GOOD PRACTICE GUIDANCE ON MINING AND BIODIVERSITY BY ICMM COMPANIES. The study would address also how implementation (or not) of the Guidance has impacted land use planning issues, operations in and around protected areas.. This would help answer the question of just how much positive impact can be attributed to the Dialogue. The evidence now available is anecdotal and scattered.

2. ON OPERATIONS:

- a. to reorganize the Dialogue and rename it as A FORUM ON BIODIVERSITY AND MINING, which would operate as a platform for reviewing progress in the performance of mining industries and an opportunity for mining companies, civic groups and governments to assess progress on the reduction of mining impacts on biodiversity conservation. The Forum could be an opportunity to report annually on the performance of individual companies with respect to biodiversity impact, including ICMM member companies. An example of how this might work is the recently published Report on Revenue Transparency of Oil and Gas Companies prepared by Transparency International, which provides an independently verifiable ranking of company

performance.³ This approach creates competition among companies focused on improving their performance.

- b. to recognize that the organization and running of the Forum should be with a SINGLE SECRETARIAT, a single operating budget, and staff seconded from both IUCN and ICMM and possibly other international agencies or governments with a particular interest or stake in bringing about mining behaviour. Both IUCN and ICMM could be partners in this undertaking, which should be operated outside the structures of both IUCN and ICMM avoiding much of the bureaucracy and misunderstanding as to roles and responsibilities that has characterized the Dialogue to date.
- c. to recognize that the Forum need not be a physical meeting. It could be organized as an ongoing INTERNET FORUM OR DISCUSSION aimed at generating contributions from as many of those in the mining industry and conservation community as possible. Organized in this way, the Forum would offer continuity and provide context for roundtables and dialogues on specific issues. The main discussions, however, could be centred around an Annual Report on progress on reducing the negative impacts of the industry's operations and enhancing the industry's positive contribution to biodiversity conservation. The report would be prepared by independent third parties and open to public verification and scrutiny (especially by the IUCN network of members and commissions).

3. ON BENEFITS:

- a. to transform the Dialogue into Forum. This will be much more consistent with IUCN's convening role as a union, tasked with adding value to the work of its membership and mobilizing the expertise of its commissions for the advancement of conservation. The arrangement would also provide ICMM with a clear focus for mobilizing performance improvements among member companies.
- b. to use the Forum for enabling information sharing and exchange, allowing also for engagement with governments and enforcement agencies, as well as local NGOs and IUCN commissions.
- c. to explore the role of the Forum as a 'convening facility' aimed at generating dialogue and links between individual mining companies and civic groups and government agencies to work on specific issues,

³ See Transparency International (2008) Promoting Revenue Transparency. 2008 Report on Revenue Transparency of Oil and Gas companies. Berlin: Transparency International. Available on www.transparency.org

such as mining in the Zambezi copper belt or free prior and informed consent of local communities in mining areas.

- d. to use the Forum to generate added benefits for both IUCN and ICMM and their respective memberships by acting as a project identification/generation facility aimed at identifying and raising funds for implementing innovative or groundbreaking initiatives and projects, which involve mining companies, civic groups and governments working together to deliver conservation outcomes.
- e. to retain, and build on, one of the most important features of the Dialogue to date, namely that of an *ad hoc* mechanism for discussing important or emerging issues relevant for the mining and conservation communities outside formalised work plan and expectations. The focus could be on addressing 'issues arising' especially from the behaviour of mining companies in relation to conservation impacts in order to give them profile and identify possible solutions. The benefit of a Forum to both ICMM and IUCN is that it would be open to all in their respective constituencies and not seen as a 'closed dialogue'.

The recommendations of this review outlined above emphasise the opportunity of redesigning the Dialogue in a substantive way. The move should be away from the orientation on designing and delivering products, such as the Good Practice Guidance and policy statements.⁴ These should be the task of individual organizations, including ICMM. The Forum's added value should be its convening power and the neutral ground that it can offer by virtue of the IUCN structure and the capability of ICMM to deliver engagement of 17 of the world's leading companies, who have committed to improving their performance with respect to conservation outcomes.

⁴ It is important to note that the Good Practice Guidance on Mining and Biodiversity is not a formal policy statement but a guidance to companies, without commitments (unlike the position statements on Indigenous Peoples and Protected Areas

1. PURPOSE AND SCOPE

This report is a review of the quality and effectiveness of the IUCN-ICMM Dialogue using a cross-sector partnership assessment framework undertaken specifically to:

1. Assess the functioning of the Dialogue from 2002 to date and to provide recommendations as to its future operation, with reference to:
 - Relevance and rationale of the Dialogue to the strategic objectives of IUCN and ICMM;
 - Effectiveness and effects of programming of the Dialogue;
 - Effectiveness of the management, strategy, leadership and governance of the Dialogue;
 - Cost effectiveness of the Dialogue in relation to the results achieved;
 - Factors supporting and hindering fulfilment of the Dialogue agreement;
 - Alternative arrangements and business models for operating the Dialogue.
2. Serve as a broader learning opportunity for both IUCN and ICMM on building cooperation between industry and conservation communities;
3. Indicate to what extent the IUCN-ICMM relationship can be used by IUCN and ICMM to engage and reach out to their existing and new constituencies.

The scope and approach adopted for the review was accepted by both the IUCN and ICMM secretariats to the ICMM-IUCN Dialogue and summarized in an Inception Report completed on 31 January 2008.

The review was commissioned jointly by IUCN and ICMM as part of their commitment to assess overall progress and to recommend the way forward after 5 years of operation. The Partnering Initiative of the International Business Leaders Forum was invited to carry out the review, for which funding was made available to IUCN by the Tiffany Foundation and ICMM.

2. BACKGROUND

The IUCN-ICMM Dialogue was initiated at the World Summit on Sustainable Development (WSSD) in Johannesburg in 2002⁵ as a follow-up to earlier efforts to deal with conflicts between mining and biodiversity, which had centred on the Mining, Minerals and Sustainable Development Project organized by the International Institute for Environment and Development

⁵ The rationale for the Dialogue is described in a briefing note announcement issued on 16 October 2002.

(IIED)⁶. Following its announcement, the initiative met with controversy among IUCN members on the grounds that there had not been sufficient prior consultation, in some cases coupled with an opposition to IUCN working with an industry seen as responsible for environmental degradation. This situation led IUCN Council to review the Dialogue and endorse its continuation on the basis that IUCN should be actively seeking new opportunities for advancing conservation solutions.⁷

Subsequently in March 2003, a Terms of Reference was formulated for the Dialogue by both IUCN and ICMM (Appendix 1). IUCN Members were appraised of progress in a letter dated 1 May 2003 (Appendix 2). A Final Terms of Reference, were signed in the form of a Memorandum of Understanding on 10 June 2004. This MOU included a work plan for 2004-5 and was intended as a formal basis for cooperation between IUCN and ICMM for the 5-year period 2004-2009 (Appendix 3). The stated purpose of the Dialogue was:

1. To improve the performance of mining industries in the area of biodiversity conservation with a focus on reducing the negative impacts of the industry's operations and enhancing the industry's positive contribution to biodiversity conservation.
2. To raise mutual awareness and understanding between the conservation community and the mining industry so that both can contribute to improved outcomes for conservation and development in areas where they interact.

In signing off on the TOR, both parties declared also that they are:

"committed to discussing the full range of issues with the objective of enhancing the contribution of the mining industry to biodiversity conservation".⁸

The Dialogue was positioned by ICMM as part of its work programme on biodiversity and mining. For IUCN the remit was interpreted as being much broader, following the insistence of IUCN Council to include two areas seen as of crucial importance for advancing conservation benefits, namely Free Prior and Informed Consent (FPIC)⁹ and dealing with legacy mining sites¹⁰, which were included also in the agreement.

⁶ For a history of the Mining and Minerals Sustainable Development project, see: Luke Danielson (2006) Architecture for Change: an account of the Mining, Minerals and Sustainable Development Project. History. Berlin: Global Public Policy Institute.

⁷ IUCN endorsed the Dialogue on the basis of good faith negotiations in its 57th meeting held on 9-11 December 2002 (Decision C/57/14).

⁸ IUCN/ICMM Mining and Biodiversity: Terms of Reference for the Dialogue Between IUCN/ICMM, dated 10 June 2004.

⁹ Free Prior and Informed Consent (FPIC) consists of giving indigenous people a formal role – and some form of veto power – in the consultations and ultimate decisions about local development projects. It is

To focus the Dialogue, 4 objectives to be achieved in 3-5 years were formulated and included in the TOR:

1. Performance of the mining industry in biodiversity conservation is enhanced.
2. Potential for more strategic, integrated and participatory approaches to planning and management at the landscape and seascape level as a tool for achieving balanced development and conservation outcomes explored.
3. Mining industries' contribution and support to further strengthen the IUCN Protected Area Management Categories System, as a credible global standard harnessed.
4. Options for addressing the related issues of restoration (of legacy sites), Free Prior and Informed Consent (FPIC) and empowerment of the indigenous peoples and local communities are explored and pursued as mutually agreed.

These objectives were subsequently translated into a work plan for 2004-5, which is included in the Memorandum of Understanding signed in June 2004. (Appendix 2).

3. APPROACH

The review approach was to assess the quality and effectiveness of the IUCN-ICMM Dialogue as a cross-sector partnership, using the The Partnering Initiative's Partnership Assessment Framework (Fig 1). The framework was used as a basis for gathering and analyzing information for the review, reporting results and making recommendations as to the future.

By using the term partnership, we refer to a definition used by the International Business Leaders Forum since 1998: "*a cross-sector alliance, in which individuals, groups and organizations agree to work together to fulfil an obligation or undertake a specific task; share the risks, as well as the benefits and review the relationship regularly, revising their agreement as necessary.*" The definition was also used in 2003 to inform the process of establishing the Dialogue.

We are aware that the IUCN-ICMM Dialogue was deliberately (re)named a Dialogue in order not to use the term 'partnership'¹¹ following controversy

intended to secure the rights of indigenous peoples and local communities – both to control access to their land and natural resources, and to share in the benefits when these are utilised by others. It requires that they be fully informed of all project risks and impacts and that their consent be acquired before the implementation of any project.

¹⁰ Abandoned mining sites and mining operations, which require restoration.

¹¹ Several respondents referred to 'downgrading the IUCN/ICMM relationship from a partnership to a dialogue' following controversies after IUCN's announcement of the initiative at the Johannesburg World Sustainable Development Summit in 2002. The implication is that a dialogue has lower status than a

over the term after IUCN announced the initiative at the Johannesburg World Sustainable Development Summit in 2002. The name notwithstanding, we reviewed the relationship between IUCN and ICMM as a type of partnership because it did entail agreement between two parties to work together in pursuit of a jointly-defined goal (contributing to improved biodiversity performance of the mining industry), ensuring mutual benefit, transparency and equity in the relationship.

Applying the lens of a cross-sector partnership approach to the IUCN-ICMM Dialogue allowed us to gather insights from those who have been most directly involved as to how the relationship might have been organized differently to generate mutual benefits to both organizations and more importantly greater effectiveness in achieving its objectives. But more importantly, undertaking the review as a partnership review enabled us also to discuss with those who had been most directly involved how the relationship between IUCN and ICMM initiated through the Dialogue could be reorganized in the future to ensure mutual benefits and conservation outcomes could be maximized. This approach provided us with a basis for making recommendations as to how to proceed with the Dialogue.

**FIGURE 1:
THE TPI PARTNERSHIP ASSESSMENT FRAMEWORK**



partnership and so carries with it less risk and no endorsement. This may be the case from a formalistic or legal point of view, but from a relationship point of view, which for the reviewers is the defining characteristic of a partnership, the IUCN/ICMM relationship did entail an agreement between two parties to undertake tasks in pursuit of a jointly defined goal. Therefore in our view the Dialogue was a type of partnership and was reviewed as such.

4. METHODOLOGY/DATA GATHERING

During the period 31 January to 8 May 2008, the Review Team sought to draw together and interpret experience and perspectives on the ICMM-IUCN Dialogue, which has been accumulated in IUCN and ICMM over the past five years. To achieve this, the Team based its review on:

1. Desk research
2. An internet-administered questionnaire survey
3. Personal interviews with 19 stakeholders involved in the Dialogue.

A draft final report (dated 28 May 2008) was reviewed by the IUCN and ICMM representatives, who had commissioned the review. Comments received from both IUCN and ICMM were taken into account in the final report (this document, dated 20 June 2008).

Desk research

The 2004 Terms of Reference specified that *"progress of the Dialogue will be assessed in regular meetings between IUCN and ICMM, held at least twice a year, in which the Director General of IUCN and the Secretary General of ICMM will participate. The Dialogue work programme and related processes will be adapted as the assessment might warrant, by mutual agreement."* In line with IUCN's policy of transparency, minutes of 9 IUCN-ICMM meetings held between 18 December 2002 and 24 January 2008 are available for download from the IUCN website. These minutes were reviewed.¹²

In addition, desk research included a review of materials on the Dialogue publicly available on the internet, specifically on the ICMM and IUCN websites. IUCN secretariat provided also confidential documents relating to the Dialogue, which included minutes of meetings, internal memos and other documents not currently available on the internet. Several interviewees referred to and recommended additional documents and papers, which were also taken into account in the review and in formulating recommendations.¹³

Documents reviewed included¹⁴:

- Measuring Progress with the IUCN-ICMM Dialogue, IUCN Internal Document (December, 2003)
- IUCN-ICMM Dialogue – a brief assessment, IUCN Internal Document (November, 2003)
- Review against the 10 June 2004 TOR for the Dialogue between IUCN and ICMM, IUCN Internal Document (February, 2006)

¹² http://cms.iucn.org/bbp_evaluations/index.cfm

¹³ Notably: Adrian Phillips (2003) Extractive Industries and Protected Areas: a reflection and a challenge. A paper for the Plenary Session of the World Parks Congress on 16 September 2003 and publications on mining and biodiversity available on the IUCN website: www.iucn.org/themes/business/mining/library.htm

¹⁴ The IUCN documents can be downloaded from www.iucn.org and the ICMM documents can be downloaded from www.icmm.com

- IUCN Council Minutes and Resolutions relating to mining and working with business – 1998 - 2006
- IUCN Operational Guidelines for Private Sector Engagement (April 2006).
- ICMM Annual Review 2007
- ICMM position papers on protected areas, aboriginal peoples.

Internet Survey

The internet survey was developed in consultation with both IUCN and ICMM secretariats, who also provided contact lists for key stakeholders. The survey was administered using www.surveymonkey.com – an internet survey facility -- in parallel to the personal interviews. The purpose was to:

1. gather quantifiable data around issues that can be easily answered such as opinions and/or facts;
2. cross-verify whether the interview data gathered accords with the majority view of the survey;
3. provide indication as to which areas of concern need further exploration.

The survey was sent directly to 88 persons allocated to one of three categories:

- Past and present staff of IUCN/ICMM responsible for the Dialogue (11 persons).
- Staff or Commission Members or Members of IUCN/ICMM affiliated organizations who have participated (21 persons).
- Indirect stakeholders (54 persons).

As of 30 April 2008, 29 persons completed the survey (a response rate of 31%). The majority of non-respondents were in the "indirect stakeholders" category. A summary of survey results is provided in Appendix 2.

Respondents were asked to indicate their affiliation to IUCN or ICMM in order to ensure that this could be taken into account when interpreting the results of the survey. Of the 29 respondents, 12 indicated their affiliation with IUCN and 7 with ICMM. A further 7 identified themselves as stakeholders and the remaining 3 did not respond to the question. This distribution of respondents suggests that a balance was achieved between respondents from both the mining and conservation communities. In other words, the survey results should not be seen as biased towards either the conservation or the mining communities on account of a significantly greater number of respondents from one or the other.

Personal interviews

Interviews were carried out face-to-face or by telephone by the Review Team¹⁵ using an agreed template (Appendix 3), which ensured that the same information was being gathered and that comparisons could be made across the various perspectives offered. Two groups of people were interviewed. Firstly, IUCN and ICMM personnel who are or have been in the past directly involved in operating the Dialogue and secondly, persons who have been interested in the benefits, costs and risks generated associated with the Dialogue.

The interviews were completed in the period 4 February to 8 May, 2008. A total of 19 persons were interviewed, including 10 declaring their association with the mining industry and 9 declaring their association with the conservation community. A list of persons interviewed is included in Appendix 4. All those contacted agreed to be interviewed and gave their time generously, providing many invaluable insights and perspectives, which helped to inform this report and its recommendations.

5. REVIEW FINDINGS

In this section, the findings of the review activities are presented in relation to the TPI Partnership Assessment Framework, which addresses impacts, operations and benefits of the Dialogue.

5.1 DIALOGUE IMPACTS

The desk research, questionnaire survey and personal interviews focused on canvassing perspectives as to the extent to which the Dialogue had achieved the overall goals and the objectives specified in the Work Programme.

Opinions are divided as to the impacts achieved by the Dialogue since 2003, although good progress on outputs specified in the work programme is widely acknowledged. The most important achievement can be summarized as:

- The Good Practice Guidance was published in 2006 and has become a benchmark or point of reference within the mining industry. ICMM member companies, and others, are able to use the Guidance and/or the principles they set forth in their own operations. The Guidance is providing a basis for initiatives in South Africa and Australia where national mining and biodiversity fora are being formed with government, conservation groups and mining industry representatives to refine and test further the application of the Guidance. Spanish and

¹⁵ Interviews were carried out by Eva Halper, Rafal Serafin, Darian Stibbe, Alan Detheridge.

Russian versions of the Guidance are available¹⁶ and Mandarin and Portuguese versions are planned for 2008.

- The principle of no-go areas for mining and prospecting in World Heritage Sites has been upheld by ICMM and its member companies. ICMM has also contributed to discussions on strengthening IUCN's Protected Area Category system. This has involved ICMM participation in the 2003 World Parks Congress and led to perspective and position papers and contributions to the Protected Area Categories Summit held on 7-11 May 2007 in Almeira, Spain¹⁷. The acknowledgement by ICMM members that there are places on Earth, that should be closed to development is an important one as it sets a precedent for other industries, who have not yet been willing to accept the premise.
- Related issues of mining and indigenous people were discussed – including implementing the principle of Free Prior and Informed Consent (FPIC) and dealing with legacy issues. A series of roundtables convening interested parties were organized on FPIC, culminating in two in 2008 (Sydney, Australia – Jan 2008; Toronto, Canada, March 2008). ICMM produced position papers and has committed to further work in this area. Legacy issues have also been discussed at the insistence of IUCN. Both FPIC and legacy issues have gained profile both within IUCN and among ICMM members. As yet there has been no agreement on how to proceed on these issues. ICMM has produced position papers on indigenous peoples¹⁸, but not on legacy issues and has not committed to any further work in this area.

In terms of outputs, least progress was made on land use planning issues. A paper outlining key issues and challenges, envisaged in the work programme, has not yet been produced although IUCN did produce a discussion paper and significant efforts were undertaken by ICMM to further research around landscape level planning. These efforts were ultimately unrewarded. A round-table meeting of key organizations to discuss key issues has not been convened, although both organisations participated in the UNESCO-led Landscape Level Planning Initiative.

When asked about the impact of the Dialogue in relation to the overall ambition of it contributing to positive conservation outcomes, those involved were largely sceptical as to its effectiveness. Most of those interviewed underscored the importance of the conservation and mining communities talking with one another in a systematic and constructive way, with several interviewees on both the IUCN and ICMM side reminding us of the conflict and antagonism that characterized the relationship in the 1980s. When

¹⁶ Available on www.icmm.com

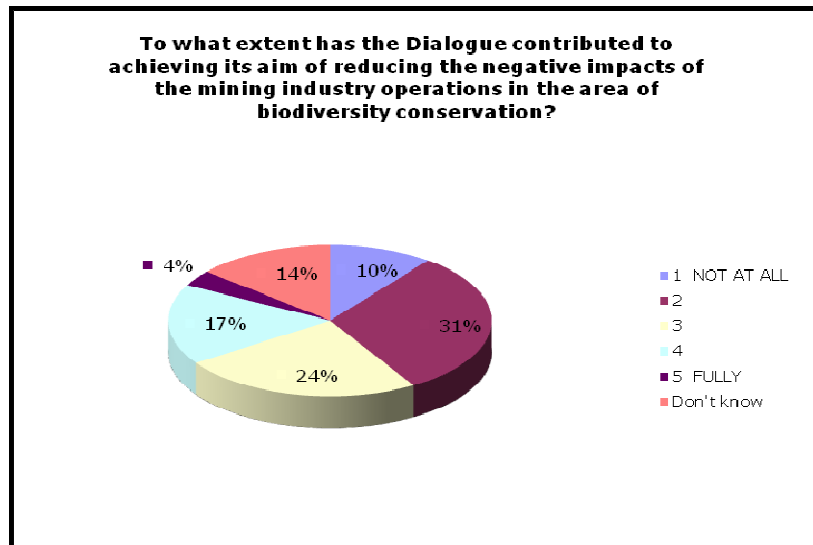
¹⁷ For details of the Protected Areas Categories Summit see: wcpa.almlet.net

¹⁸ ICMM position papers are available on www.icmm.com

pressed, most of those interviewed felt that the Dialogue had not achieved enough and that they had expected more.

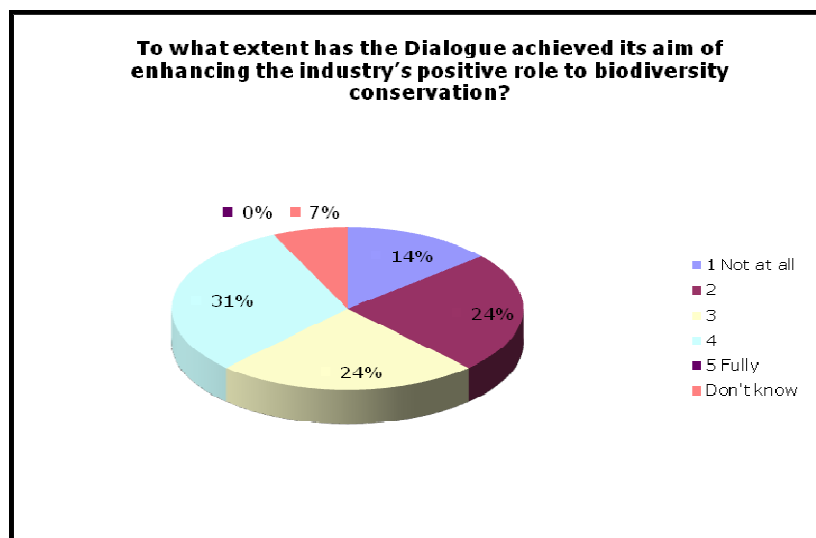
As many as 42% of questionnaire respondents felt that the Dialogue had NOT achieved its aim of helping to reduce the negative impacts of the mining industry operations in the area of biodiversity conservation. A further 14% reported that they did not know, with only 21% stating that the Dialogue had in fact made a contribution (Table 1).

Table 1: Dialogue Impacts – reducing negative impacts of industry



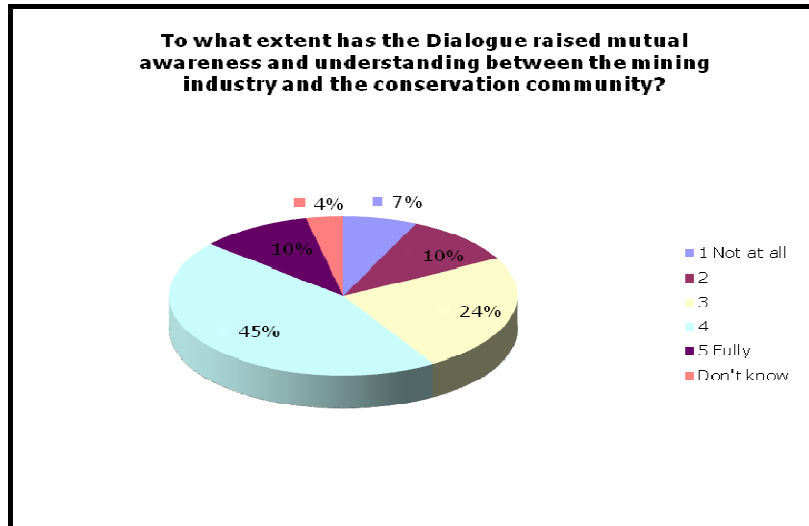
Opinions were more polarized on whether the Dialogue had contributed to enhancing the industry's positive role in biodiversity conservation. A total of 39% respondents thought the Dialogue had failed to achieve this aim, whereas 32% had the opposite view. Nonetheless, it is important to note that no-one felt that the Dialogue had fully achieved its objective in this area (Table 2).

Table 2: Dialogue Impacts – increasing positive role of industry



In terms of the Dialogue raising mutual awareness and understanding between the mining industry and the conservation community, only 17% felt that this had NOT been achieved with 46% of the view that the Dialogue had been successful on this score (Table 3).

Table 3: Dialogue Impacts – mutual awareness between industry and conservationists



On the ICMM side, one questionnaire respondent commented that *"people who would probably never have talked, are now talking."* Whereas on the IUCN side, an important impact of the Dialogue was: *"Hearing the concerns of the companies"*.

There seems little question that the Dialogue *"Improved understanding and communication between previous antagonists."* as one ICMM questionnaire respondent put it. But for many respondents and those interviewed, this in of itself was insufficient. One stakeholder, who had observed the Dialogue captured a common sentiment by saying: *"We need real progress. As well-intentioned as it was, the Dialogue did not get us there."* He was referring to the expectation that mining companies would more tangibly change their behavior with respect to conservation issues.

ICMM respondents were on the whole positive about the impacts of the Dialogue because, as one of them noted *"there is engagement and understanding of common challenges that face both mining and conservation"*. Another captured a frequently acknowledged point among ICMM respondents by saying it is now time *"to shift from a debate to working towards practical outcomes"*.

"The most important impact was building awareness of the perspectives and challenges of the conservation community." said another ICMM respondent.

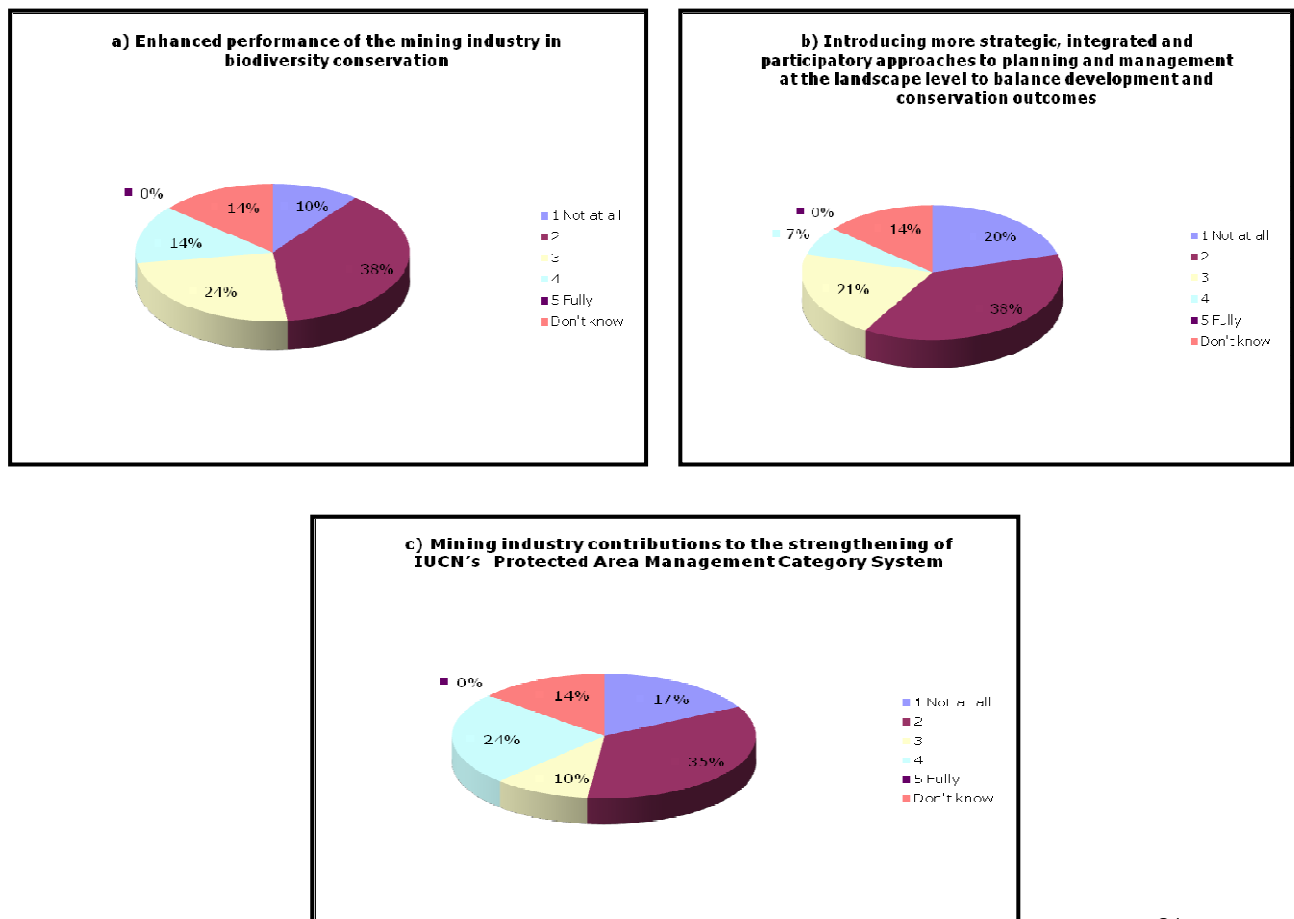
In contrast on the IUCN side, several respondents and interviewees were emphatic that the Dialogue had achieved nothing of significance and should be discontinued. For example, one questionnaire respondent stated flatly

that: "(The Dialogue) has failed and is being used to help mining companies present themselves as responsible. An example of this failure is the appointment of the CEO of Freeport MacMoran as the vice chair of ICMM. This is the company which is reported to be dumping 200,000 tonnes a day of mine waste into rivers in West Papua." Another echoed this view by saying that "It (the Dialogue) has only served to paint mining 'green' and to describe mining as 'sustainable'."

Not all on the IUCN side were so negative about the impacts of the Dialogue. Most IUCN respondents referred to the Good Practice Guide as a significant contribution with the proviso that in the words of one respondent that "*the jury is still out as to whether it has had any impact on the behaviour of individual mining companies, whether or not they are members of ICMM.*"

In terms of the specific objectives outlined in the work programme for the Dialogue, a total of 48% felt the Dialogue had NOT achieved results in relation to enhancing the performance of the mining industry in biodiversity conservation with only 13% believing some results had been achieved. As many as 58% reported that the Dialogue had NOT led to the introduction of more strategic, integrated and participatory approaches to planning and management at the landscape level to balance development and conservation outcomes. And 51% thought that the mining industry had NOT helped strengthen IUCN's Protected Area Management Category System. Not a single respondent felt that the Dialogue had fully achieved results (Table 4).

Table 4: Dialogue Impacts – work programme



One IUCN respondent even went so far as to suggest that the lack of conservation benefit generated through the Dialogue was because: *“The Dialogue allows the mining industry to use its association with IUCN for PR purposes and to engage IUCN in discussion of boundary and category issues to its own advantage. It promotes the concept of net benefit, that is: destroy one place and offset it elsewhere. IUCN should be fully engaged with the protection of Nature and not become an adjudicator in making mining and oil operations a bit nicer. It is a spiral to the bottom for a conservation organisation.”*

In referring to the adversarial and anti-business stance of many within IUCN, an interviewee from the conservation community pointed that that: *“Many IUCN members feel that business cannot be trusted due to their public relations and political campaigning and that the dialogue won’t change their behaviour. This may be true, but the adversarial approach has not worked over 20 years. If industry genuinely is prepared to move ahead then IUCN should respond to find common ground.”*

From the very beginning of the Dialogue, IUCN raised key concerns with post-mining land restoration of legacy sites, the principle of free prior informed consent and empowerment of indigenous peoples and local communities. Only 20% of respondents felt that progress had been achieved on the legacy site issue with 48% believing little or no results had been secured. On free prior informed consent and local communities opinions were more divided with 31% respondents feeling that some or no results had been achieved and with 34% believing results had been achieved (Table 5, Table 6).

Table 5: Dialogue Impacts – Legacy sites and Free Prior and Informed Consent

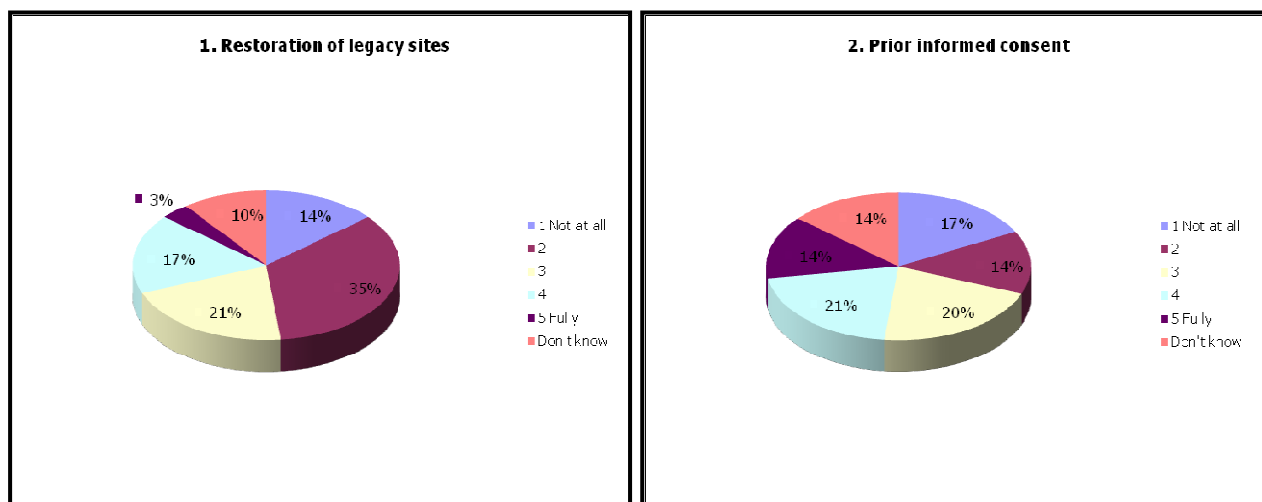
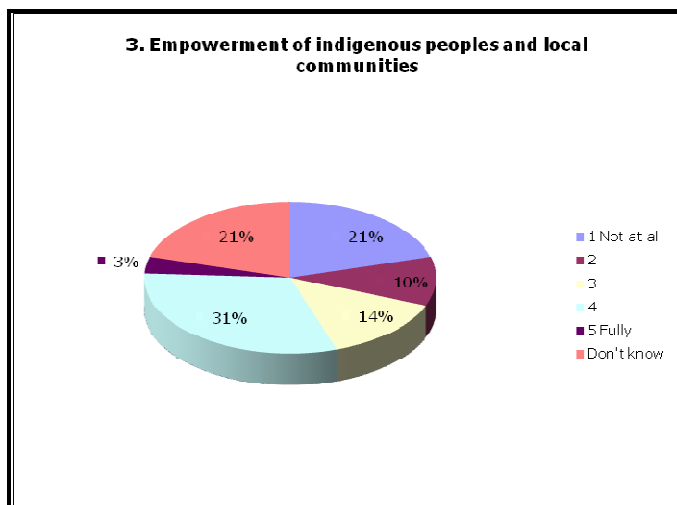
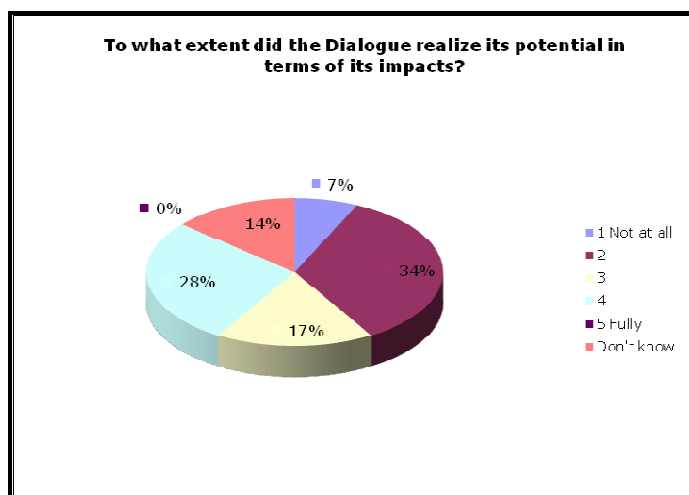


Table 6: Dialogue Impacts – Indigenous peoples and local communities



When asked to assess the impacts of the Dialogue as whole, as many as 42% of respondents believed that the Dialogue had NOT achieved its potential with 28% having a contrary view. No-one reported that the Dialogue had fully met its potential (Table 7).

Table 7: Dialogue Impacts – Realizing potential



The personal interviews provided further evidence of the polarization of perspectives on the extent to which the Dialogue had achieved real impact.

Some on the IUCN side are emphatic that the Dialogue has led to no tangible impact in terms of added value for conservation and feel the Dialogue to have been ill-conceived. In the words of one IUCN respondent this is because:

"The mining industry wants to ensure that areas of mineral prospectivity are excluded from consideration as future protected areas or World Heritage

Areas. This is their bottom line and their engagement with IUCN is to achieve that outcome. To claim it is a success to have ICMM announce that it will not mine in WH areas is silly as mining is not permitted in WH areas under the Convention. All they are saying is that they will obey the law. But through this Dialogue they have succeeded in embedding themselves in the review of protected areas category system whilst never making a definitive statement or position on indigenous FPIC or legacy issues. They are happy to talk on and on but unless there are definitive outcomes why would IUCN continue other than in normal meetings for discussion of issues?"

Others on the IUCN side felt differently about the ICMM "no-go" commitment as one respondent put it: *"ICMM recognition of the principle 'no go' is acknowledgement that certain places on earth must inevitably be saved from intrusive development. The demonstration of this recognition is the commitment to not explore in World Heritage Sites."*

Overall, those interviewed on both the IUCN and ICMM side acknowledged that it is not possible to attribute specific conservation effects or outcomes to the Dialogue. Many emphasized that the expectation of the Dialogue had always been that it would change the culture of interaction between the mining industry and conservation communities, providing a basis for changing behaviour of the mining industry.

There was also consensus that the aspiration should be not to provide more detailed guidance or opportunities for airing different views, but to implement changes in behaviour in the mining industry. On this point, one long-time participant in the Dialogue observed that *"Mining companies are a bit like 'tankers'. It takes them a long time to turn. Top down commitment – such as that mobilized by ICMM -- is important, but it will do nothing without bottom-up pressure on the ground. Top down efforts sooner or later reach a bottle-neck of some sort. This is why they must be complemented by bottom-up efforts, which really focus on the realities of what can actually be achieved."*

5.2 DIALOGUE OPERATIONS

The Terms of Reference for the Dialogue were negotiated over a 2-year period between 2002 and 2004 and provide the basis for day-to-day operations. Both IUCN and ICMM designated operational focal points to implement the Dialogue with the Biodiversity and Business programme acting as the IUCN secretariat at IUCN headquarters in Gland, Switzerland and the Mining and Biodiversity programme acting as the secretariat at the ICMM headquarters in London. Task forces were organized with representatives from both IUCN and ICMM to oversee and move forward the work programme in each of its four areas of focus. In addition, 2 review meetings were held involving senior programmes to monitor progress and deal with more strategic issues.

When it came to funding, IUCN decided not to accept any funds directly from ICMM or its members, committing to cover all of the costs of its participation from non-industry sources. This meant that the arrangement was to be one based on the two parties funding their own engagement with no joint funding or budgeting of secretariat functions, initiatives and projects. In addition, IUCN declared access to the IUCN network of expertise around the world, notably through its membership and commissions.

The funding arrangements meant that IUCN had to finance its engagement from discretionary sources, diverting them from other conservation priorities, with constant pressure to cut costs. The consequence of this is that the IUCN secretariat has been short-staffed with only one staff working part of the time on the Dialogue for most of its life. On the ICMM side, staff turn-over has meant problems of continuity and there were also difficulties in securing funding for the programme.

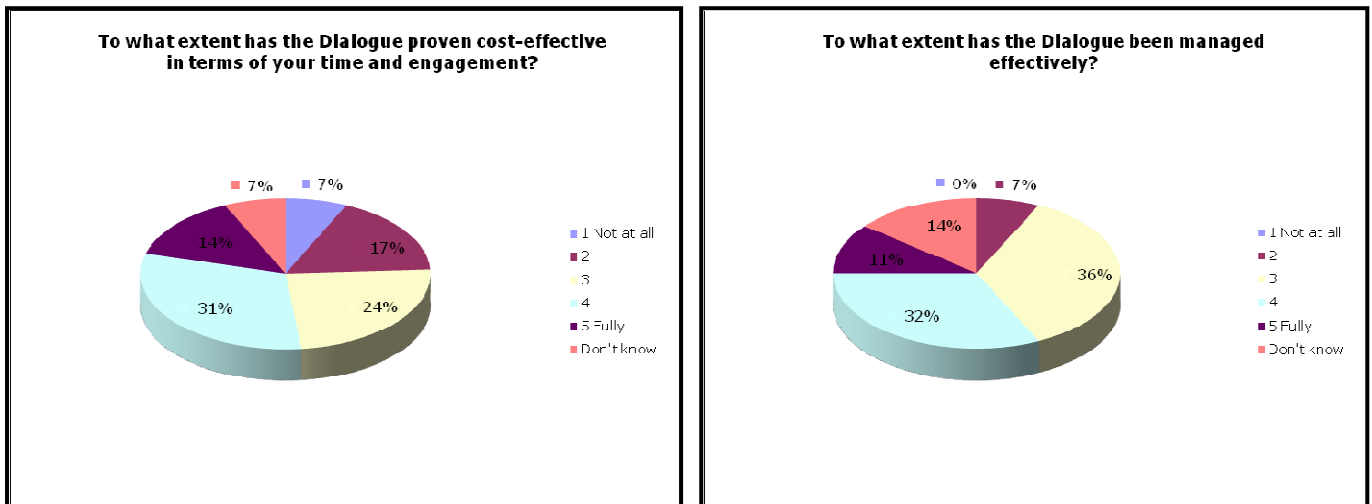
An IUCN respondent summarized the implications of these operational arrangements as follows: *"In my view, together we could have achieved a lot more from this Dialogue. IUCN played more than its share. It is the only private sector relationship that IUCN funded its participation from its own sources mainly to lend the dialogue greater credibility. ICMM struggled with financing even the operational part of the Dialogue adequately. In fact, IUCN had to go out and raise counterpart funds for some of the work from a private foundation. It should not have had to do that. It can have a dampening effect on the motivation of IUCN staff involved and it badly reflects on ICMM commitment to the Dialogue. Also, greater stability in ICMM (less turn over of staff) would have helped in sustaining the momentum and realizing the full potential of the Dialogue. It does not mean to say that Dialogue was not successful. To the contrary, we achieved a lot from it, some times more than we expected. But we could have certainly done better."*

Several ICMM respondents simply did not understand IUCN's insistence not to accept ICMM co-financing, suggesting that such funding does not necessarily have to prejudice or somehow taint the authenticity or legitimacy of the Dialogue. In the words of one ICMM respondent: *"IUCN seems to have constraints in its organisational resources for events, thus this has made completion of some tasks difficult. An example is this evaluation which was scheduled for completion in 2007. Perhaps greater attention could be given to this if IUCN plans to continue to work with the business community."*

For the ICMM side, how IUCN worked was difficult to understand and it was not clear in many cases on just who on which part of IUCN was the counterpart in the Dialogue or how decisions were made. Many on the IUCN side also were not clear on the different roles and responsibilities in the Dialogue, as one IUCN respondent put it bluntly: *"The relationship between IUCN Secretariat, Council and Membership seems unclear in the Dialogue"*

Despite these somewhat ad hoc financial and organizational constraints, those interviewed and questionnaire respondents complemented the commitment and engagement of secretariat staff on both the IUCN and ICMM sides. In fact as many as 46% of questionnaire respondents felt that the Dialogue had proven cost-effective substantially or fully in terms of their time and engagement, with only 25% reporting the contrary. In terms of management of the Dialogue, 42% felt that the Dialogue had been managed effectively, whereas only 7% felt it had not been so (Table 8).

Table 8: Dialogue Operations – effectiveness



Whereas IUCN has met most of its declared commitments, albeit with some delay, this meant that the secretariat was never really able to mobilize the IUCN network and bring in the IUCN membership and commissions into the Dialogue. This perspective was reflected in the answers of many of those interviewed and also in the questionnaire survey. The direct implication of this situation was that there have been recurring questions about its legitimacy and representativeness, especially on the IUCN side.

One IUCN respondent wrote in his survey response: *"I have been directly involved in the dialogue, but many IUCN NGO members do not know much about it, and IUCN's state members have generally been totally absent. Ultimately it is governments that can have the strongest role in regulating the industry's behaviour; without their participation and willingness to implement such things as requiring adherence to the "Good Practice Guidance" for example, the whole dialogue may be an exercise in futility."*

Another IUCN respondent complained of the lack of apparent effort to engage with the IUCN constituency thus: *"I tried to find more information on the IUCN website and although the programme of work is there, i could not find anything about consultation, participation etc. I suggest that broader consultation is needed as well as the engagement of other organizations,*

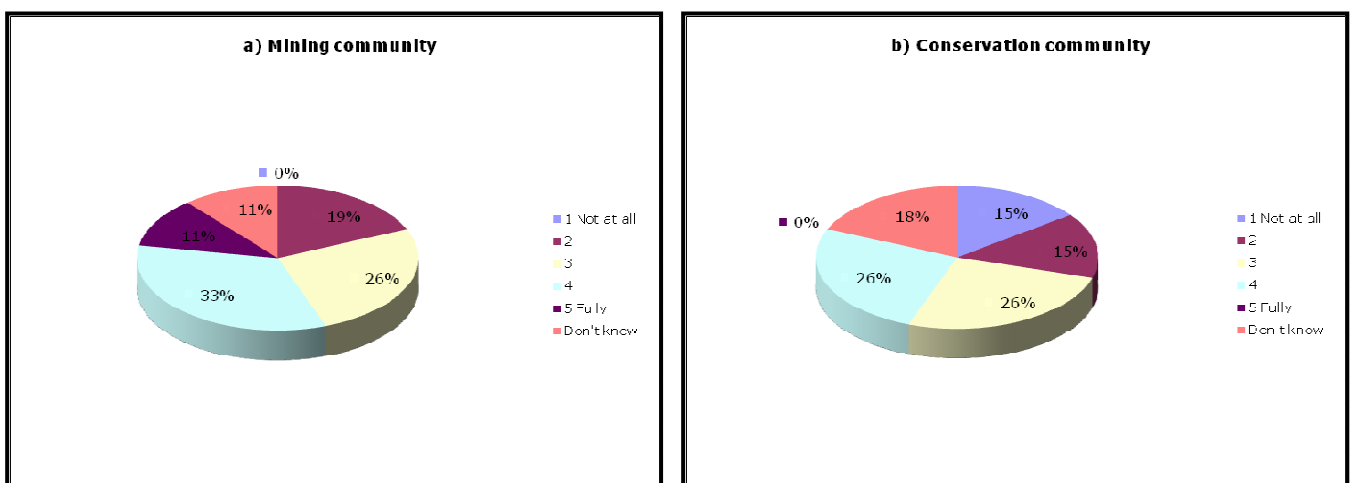
particularly those already working to build relationships between NGOs and mining company to minimize impact on biodiversity."

A stakeholder questionnaire respondent complained that the Dialogue failed to engage with the right parts of IUCN by saying: *"The difficult issues that have hindered the progress of the Dialogue _ Indigenous Peoples' rights, Free Prior Informed Consent and Legacy - are not primarily conservation issues. They are political, and the right place to pursue a multi-stakeholder debate was never the IUCN-ICMM Dialogue. This is a shame, because other parts of the IUCN - Species Survival Commission, Commission for Ecosystem Management for example - had virtually no opportunities to contribute to the Dialogue."*

Most questionnaire respondents (62%) felt the Dialogue represented fully or almost fully relevant stakeholders from the mining industry, whereas only 20% felt that the conservation community and indigenous peoples were represented. When it came to key issues for the conservation community, opinion was divided with 21% feeling that they were not addressed or not much addressed whereas 28% were of the view that they had been addressed fully or substantially. Similarly, respondents were split on their assessment of how the Dialogue had addressed indigenous people and local community issues, with 32% feeling that these had been addressed somewhat or not at all and 28% of the view that the key issues had been addressed (Table 9).

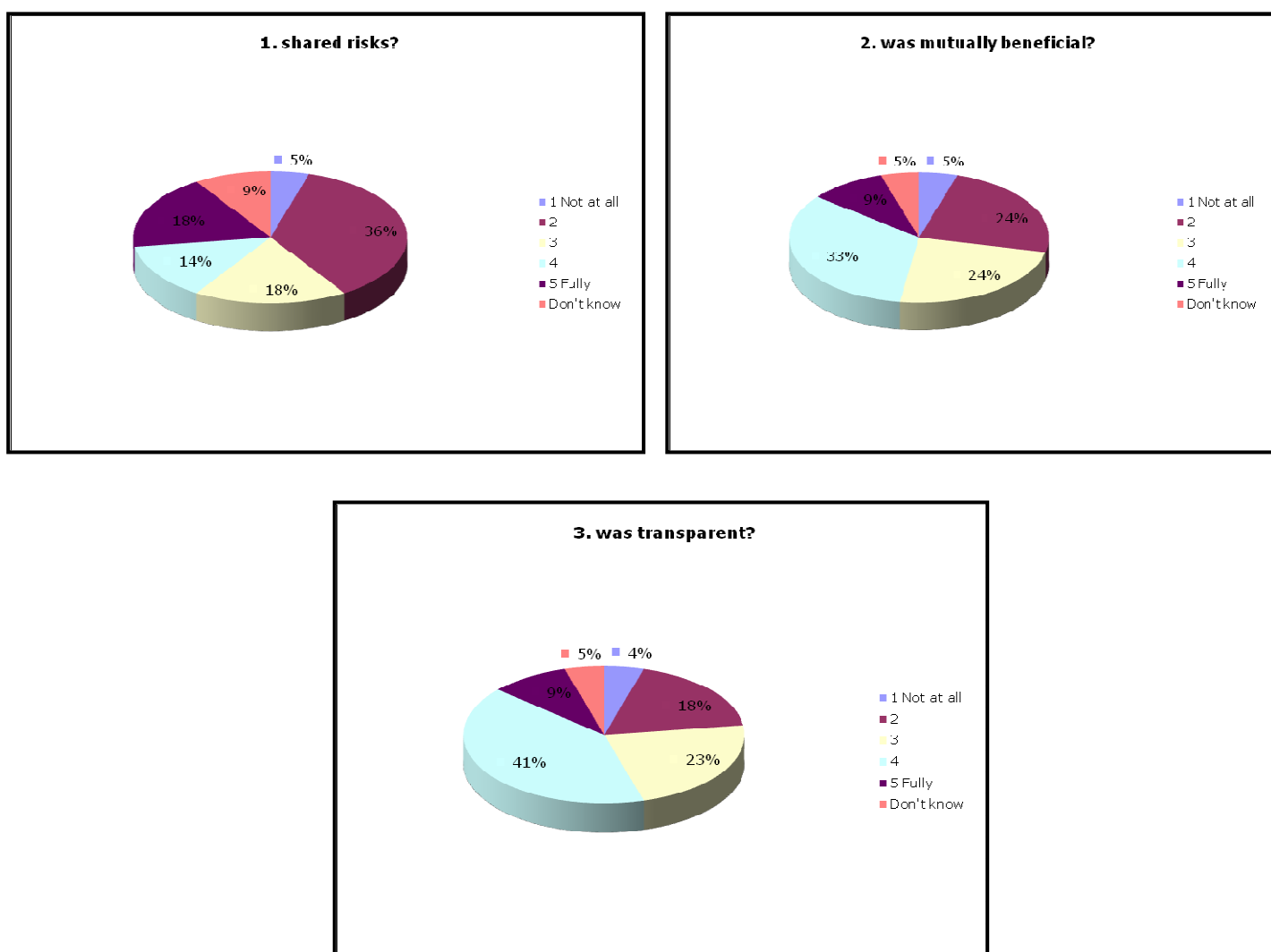
With respect to key issues for the mining sector, there was much greater agreement that these had been addressed more fully (46% respondents), with only 10% feeling that they had not been addressed substantially.

Table 9: Dialogue Operations – representation



Those most directly involved in operations of the Dialogue were polarized as to their views on the extent to which risks were shared. As many as 40% felt that there was little or no risk sharing with 31% reporting that risks were shared substantially or fully. With respect to mutual benefit, 42% respondents felt that this had been substantially or fully achieved with 27% holding a contrary view. A similar picture was evident with respect to transparency with 50% reporting that this had been substantially or fully achieved and only 22% with a contrary view (Table 10).

Table 10: Dialogue Operations – partnership principles



On the whole, respondents felt the Dialogue was substantially or fully in line with the principles of IUCN private sector engagement strategy (35%), with as many as 54% stating that the Dialogue had substantially or fully enhanced the credibility and autonomy of IUCN.

One IUCN questionnaire respondent spoke for many in the IUCN constituency by saying: *"I don't know how participation was structured, but it would have been great to be engaged in this initiative"*.

Many of those interviewed drew attention to the need to rethink the secretariat and funding arrangements for the Dialogue. As one stakeholder respondent pointed out: *"Any kind of on-going dialogue needs real commitment on both sides to make it work - this requires careful planning and resourcing of staff and activities to allow the process to grow. This is the most urgent consideration for the dialogue if it is to continue."*

5.3 DIALOGUE BENEFITS

The critical characteristics of successful partnerships are transparency, mutual benefit and equity.

A stakeholder not directly engaged observed that: *"The Dialogue made it possible to have a serious debate about issues where people of goodwill are seeking a way to work together even though their objectives and optimal outcomes might be different. Some trust has been earned on both sides"*.

For those on the ICMM side, there was clear benefit in working with IUCN. One respondent put it this way: *"ICMM could have produced the good practice guidance itself and made submissions on protected areas etc. independently of the Dialogue, but this would have had much less beneficial effect and credibility"*.

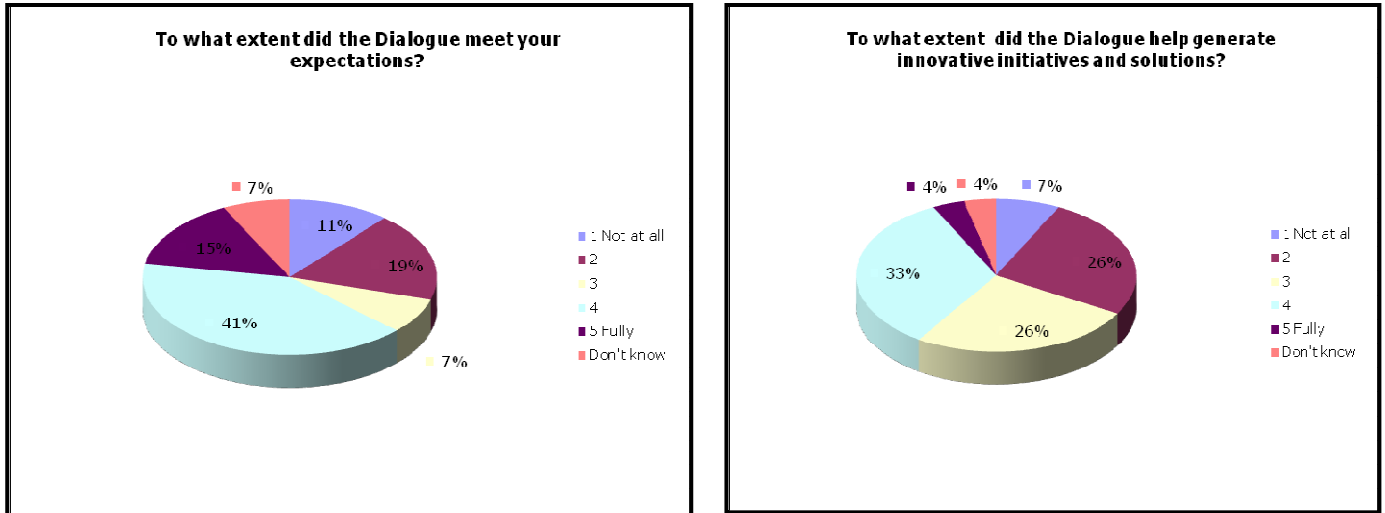
Many on the IUCN side also saw the Dialogue in terms of benefits. For example, one questionnaire respondent pointed out that a real benefit was *"the opportunity to interface with the companies and create chances for the conservation community members to interface directly with the companies."*

Most questionnaire respondents thought that the Dialogue had substantially or fully generated value for the mining community (37% respondents). No-one thought that the mining community had extracted no benefit at all. Views were more polarized on benefits to the conservation community, however, with 25% feeling that substantial benefits had been generated and 29% stating that no substantial benefits had been generated. No-one thought that the conservation community had fully benefited. A similar polarized picture applied to benefits for indigenous people with 29% stating that there had been no substantial benefits and 29% reporting the contrary view.

As many as 55% stated that the Dialogue had substantially or fully met their expectations overall, with 29% being of the contrary view. Opinions were polarized as to the extent to which the Dialogue helped generate innovative initiatives and solutions with 33% stating insignificantly or not at all and 37% presenting a contrary view (Table 11). Respondents were also divided on the question of whether the benefits of the Dialogue could have been generated in a different way. As many as 33% felt that the benefits of the Dialogue

could not have been generated in another way and 24% reporting the opposite view and 25% stating that they did not know.

Table 11: Dialogue Benefits – expectations/solutions



On the basis of the interviews and document review, which supplemented the survey, it has to be said that many of the products or outputs associated directly or indirectly with the Dialogue, such as the good practice guidance on biodiversity, initiation of discussions on Free Prior and Informed Consent, public statements that World Heritage Sites are 'no-go' areas for mining and commitments by the Mining Association of Canada to enforce standards on biodiversity performance, there certainly evidence that Dialogue discussions have led to an array of practical outcomes.

In hindsight, there might have been alternatives to the Dialogue for IUCN as one respondent pointed out: *"IUCN could have worked with UNEP, UN Human Rights Commission, OECD, World Bank, Development Banks, insurance companies, investors and other NGOs to force through changes in the way mining companies operate."*

Another respondent speculated that: *"Perhaps a partnership between some of ICMM's members and some of IUCN's members would have been more agile and creative and less bound in complex governance issues and membership concerns."*

It is important to note, however, that such perspectives betray a lack of appreciation for the climate of mistrust and confrontation between conservationists and the mining industry, which dominated in the run-up to the Johannesburg World Sustainable Development Summit and the time the Dialogue was initiated. In hindsight, it is possible to envisage many different ways of organizing the Dialogue. But at the time of initiation options were few and there was much resistance to initiating any form of dialogue or interaction between the mining industry and conservation community.

Individual comments notwithstanding, most respondents interviewed acknowledged the fact that the Dialogue had succeeded in opening up new options and opportunities for interaction between the mining and conservation communities. This in of itself was worth the modest investment in staff time allocated by IUCN to the Dialogue coupled with the considerable volunteer time devoted to the Dialogue by the core ICMM and IUCN representatives.

For many of those interviewed, there was little doubt that the Dialogue had created a climate of exploration and mutual interest between the conservation and mining communities. One of those interviewed put it this way: *"Today there are options for alternative ways of operating the Dialogue, whereas 5 or 6 years ago the atmosphere was quite different. The mining and conservation communities were not only not talking to each other, they were actively being antagonist"*.

An IUCN respondent commented as follows: *"The structures of ICMM and IUCN were instrumental in enabling such a Dialogue, and unlikely to have happened under another approach"*. Indeed, no other organizational options for pursuing a dialogue between the mining and conservation community was available. In fact, many of those on both the IUCN and ICMM side doubt whether today there is another realistic organizational option for continuing the Dialogue.

Most on the ICMM side concurred in this view that IUCN was (and still is) really the only organization to be dealing with on conservation issues. An ICMM respondent put it this way: *"Individual organizations could have gained benefit for themselves via a bilateral dialogue or one-to-many dialogue, but I don't think there was any alternative to a many-to-many dialogue. There are no other representative organizations of the mining and conservation communities"*.

Similar views were common on the IUCN side. One respondent commented: *"This was a specific Dialogue between two communities: mining companies and conservation organizations. ICMM and IUCN best represent these communities through their membership. No other organizational framework could substitute for it for similar benefits."*

In the questionnaire survey, the majority (81%) also felt that ICMM was the right organization for IUCN to collaborate with and vice-versa. As one observer put it: *"Despite the problems with unworkable governance there is no other globally authoritative conservation organisation to work with."*

An IUCN respondent added: *"If ICMM and its members were concerned about the unease in the conservation community regarding mining and if the deficit of trust was threatening their profitable operations, only in IUCN could they engage with more than a thousand conservation organization. No where else."*

Another IUCN respondent pointed out that IUCN also had limited options when it comes to a counterpart in the mining industry: *"If damage to*

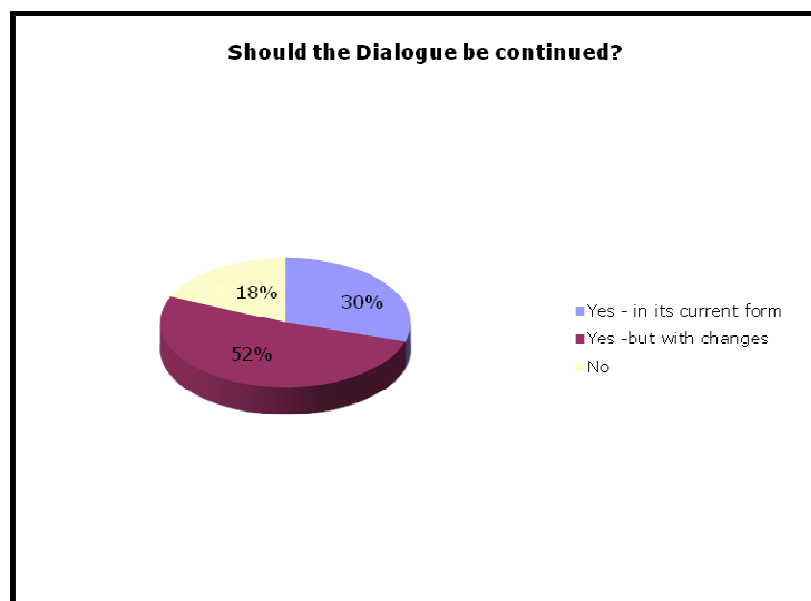
biodiversity from mining was an issue, I can't see where else IUCN could go. The alternative was to work with one or two individual companies but it could not generate the kind of sector wide commitments and outputs that the dialogue with ICMM did. Opinions could vary as to the dialogue with the mining industry itself that is considered dirty and thus a bad company. Personally, I do not think so. The greatest reward for conservation would always be from engaging the sectors that pose the greatest threats to biodiversity and not from a cosy nice looking relationship with a company which is only marginally or distantly related to issues of biodiversity."

It is also important to emphasize that the Dialogue had a considerable impact on IUCN and the way the organization deals with the business sector. Despite ongoing anti-business sentiment within IUCN, few today disputes the need for IUCN to find ways of ensuring business becomes part of the solution to conservation challenges and is not seen just as part of the problem. In many ways, the Dialogue set new precedents for IUCN and accelerated the development of operational guidance describing how business should and could be engaged.

5.4 THE FUTURE

The majority of questionnaire respondents (80%) felt that the Dialogue should be continued, although 51% believed changes were needed if it was to be continued. The sentiment that the Dialogue should be continued, albeit in perhaps quite a different form, was confirmed in most of the personal interviews, though there were some that felt that the Dialogue should be terminated altogether on the grounds that it had not resulted in positive conservation outcomes (Table 12).

Table 12: Future of the Dialogue



The need for focus

In terms of the future, there was broad consensus among those interviewed on both the IUCN and ICMM side that future of the Dialogue should be focused on implementation of the Good Practice Guidance and other efforts that clearly translate into changed behaviour in the mining industry. Pursuing such a course of action would require on the one hand defining agreed metrics to measure progress on biodiversity conservation, which in turn would require more direct cooperation with companies. Whereas appropriate metrics would need to be developed, , if publicly reported, they could be used by all stakeholders as a way of holding companies to account.¹⁹ In addition, more active engagement of government and enforcement agencies would also be necessary as many legal and enforcement issues simply cannot be resolved by industry alone.

On the IUCN side, one respondent noted that: *"ICMM may be the only international mining association, but many mining companies are not members and ICMM has no policy of holding its members to specific standards, in contrast, I believe to the Mining Association of Canada. This is why more direct participation with companies is important"*.

Another suggestion put forward by an IUCN respondent was that: *"contacts between IUCN and ICMM should continue but with no new projects for at least 2-4 years until IUCN can document for itself that there has been an improved behaviour on the part of individual mining companies. Even some of supposedly best performers who are ICMM members continue to generate problems for local peoples. ICMM members need to demonstrate a clear commitment to incorporate good practices and be subject to open, independent assessment of their practices."*

The need to focus on biodiversity was also a theme reiterated by many on both the IUCN and ICMM side. As one ICMM respondent put it: *"Biodiversity is being eclipsed by climate change as an issue in international debate. I think it's very important for this dialogue to continue to keep attention on biodiversity as a critical issue (and with important links to climate change)"*. Clearly, focusing on everything related to mining and conservation and failing to clearly define how a multitude of conflicting expectations would be met is not a recipe for continuing the Dialogue.

Engaging a broader constituency

Another common theme was a desire to exploiting more effectively the IUCN network, especially organizations operating at the local or community level would also help ground the Dialogue in the day-to-day realities of conflicts

¹⁹ It is important to note that the Guidance is not a set of mandatory regulations and are not sufficient to measure compliance as they stand. They can be used to assess the way in which a mining company has opted to implement the principles outlined in the Guidance and/or look at the company's performance in relation to biodiversity conservation outcomes.

between biodiversity and mining. *"Dialogues must have clear targets and be evaluated regularly. IUCN members must be the Judge and Jury of these sorts of dialogues"* was the comment of an IUCN respondent in questionnaire survey.

Many of those interviewed revealed that the Dialogue had helped them gain an appreciation for the strengths and weaknesses of both IUCN and ICMM. The fact that IUCN is not a representative body, but a union or broad church of many different types of conservation organizations from the public and civic sectors, was simply not well understood by many on the ICMM side. On the part of IUCN, the limitations of ICMM as a CEO led business organization having to accommodate different perspectives of its business members and not primarily oriented to project work was also not well understood on the IUCN side.

Now that there is greater appreciation for the respective strengths and weaknesses of IUCN and ICMM, it may be appropriate to reappraise the respective roles and contributions. According to one IUCN interviewee: *"IUCN would be the right organization for the Dialogue if it were to take on a more facilitating role and try to enable NGOs and governments to engage in the Dialogue. I don't think IUCN should be doing the work themselves"*.

Another IUCN questionnaire respondent reiterated the need for IUCN to make good on its convening power: *"It would be better to have relations between ICMM and individual environmental groups or between its members and individual environmental groups. IUCN is not a 'representative' body; it is a convenor. In this case it is not convened well and is competing with its members."*

There was broad consensus among those interviewed that more could be and should be achieved in relation to engaging with wider constituencies in the mining and conservation communications. One stakeholder put it thus: *"The emphasis should not be on expensive face-to-face meetings, but on using internet-tools to bring in other people's views – and not just in English."*

Need for reconfiguration

Many of those interviewed believed the Dialogue in its current form had run its course and not much more could be extracted from it without a serious overhaul.

One IUCN interview captured a view echoed by many on both the conservation and mining side by saying: *"ICMM needs to make a greater commitment. In the later part of the dialogue, their interest seemed to decline or the slow down may simply have been due to too many staff changes in ICMM. Being the corporate side of the deal they have to ensure that adequate funds for the dialogue are available, including for the IUCN part. Being a not for profit, funded mostly through projects with bilateral donors, IUCN cannot continue to finance the dialogue reasonably. It is an unfinished agenda in that the implementation of good practice guidance remains to be achieved, landscape level planning initiative didn't go too far"*

and will need to be reenergised and legacy, FPIC and indigenous peoples discussions have only begun to be meaningful. Frankly, winding up the dialogue at this stage would be dropping the ball on many issues. However, continuing under the present arrangements and pace is not an option. Unless the two sides firmly commit to a resolute pursuit of the agreement outcomes, it would be a wasted effort and time."

There were several suggestions offered on just how the Dialogue might be continued. These included:

- Turning the Dialogue into an 'Annual Mining and Biodiversity Forum' focused on understanding and drawing attention to existing and emerging issues, rather than working on products (such as the good practice guidance). The Forum could be used to highlight progress (or lack of it) in company behaviour, identifying key opportunities and barriers.
- Focusing the Dialogue on delivering tangible conservation outcomes from changed mining industry behaviour by assisting in the implementation of the good practice guidance. This would involve engaging with governments and enforcement agencies, as well as local NGOs.
- Turning the Dialogue into a 'convening facility' aimed at generating dialogue and links between individual mining companies and civic groups and government agencies to work on specific issues, such as mining in the Zambezi copper belt or free prior informed consent of local communities in mining areas.
- Refocusing the Dialogue as a high-level Dialogue focussed on addressing policy issues involving CEOs from mining companies and IUCN Council.
- Turning the Dialogue into a project identification/generation facility that would seek to identify and raise funds for implementing innovative or groundbreaking initiatives and projects, which involve mining companies, civic groups and governments working together to deliver conservation outcomes.
- Retaining the Dialogue as an ad hoc mechanism for discussing important or emerging issues relevant for the mining and conservation communities without any formalised work plan and expectations. The focus would be on addressing 'issues arising' especially from the behaviour of mining companies in relation to conservation impacts in order to give them profile and identify possible solutions.

6. CONCLUSIONS AND RECOMMENDATIONS

The review suggests that Dialogue has operated as a cross-sector partnership since its inception in 2002 as both IUCN and ICMM have been motivated by a conviction that more could be achieved together than by acting alone

independently of one another. In fact, this review is testimony to the fact that there is a desire on both the IUCN and ICMM side to work to extract more value from the relationship for the benefit of conservation. The desire to make the Dialogue function more effectively was re-iterated many times and in many different ways by those interviewed on both the IUCN and ICMM side.

Many of those interviewed and many questionnaire respondents, however, pointed out that the Dialogue had made limited progress to meeting the aspiration of contributing to tangible changes in the performance of the mining industry. Many felt that more could have been achieved much more had the full potential of both IUCN and ICMM been mobilized.

In this regard, our review finds that on the basis of the interviews and document review and the survey, that many of the products or outputs associated directly or indirectly with the Dialogue, such as the good practice guidance on biodiversity, initiation of discussions on Free Prior Informed Consent, public statements that World Heritage Sites are 'no-go' areas for mining and commitments by the Mining Association of Canada to enforce standards on biodiversity performance, provide evidence that Dialogue the discussions made possible have led to an array of practical outcomes.

It is important to note also that the expectations of six years ago appear today unrealistic. In fact, those involved in designing and initiating the Dialogue are clear that the Dialogue could not by itself bring about changes in the behaviour of the mining industry. They were aware that such changes could not result from dialogue and discussion, however enlightened and progressive. The changes that are needed are as much to do with law-making and enforcement by governments and the dynamics of markets as they are to do with good intentions from conservationists and responsible mining industry leaders. Government and the public sector were not engaged as part of the Dialogue. The purpose of the Dialogue was to bring about a change in attitudes and to generate a desire among those on both the IUCN and ICMM side to seek joint solutions to conservation challenges. In this, the Dialogue clearly succeeded and certainly most of those interviewed expressed a desire to find ways of redesigning the Dialogue to push more strongly for tangible changes in the mining industry.

It is also worth noting that two other dialogues involving the extractive industries were also launched at the 2002 World Sustainable Development Summit: the Extractive Industries Transparency Initiative (EITI) and the Global Gas Flaring Reduction (GGFR) initiative. Both have involvement from producing governments. EITI and GGFR are more narrowly focussed than the IUCN-ICMM Dialogue. Yet both have taken considerable time to achieve in-country results and both have much to do in order to achieve wider implementation. The challenge facing most dialogues involving industry and other interests lies now in finding ways of (re)organizing them so as to make

them more effective. Herein lies the still-unrealized opportunity of the IUCN-ICMM Dialogue.

More specifically, the evidence gathered by the Review Team led to the following conclusions:

1. ON IMPACTS:

- a. It is not clear to what extent the Dialogue has contributed to tangible changes in the performance of the mining industry with regard to biodiversity conservation, which was an important motivation at the outset. This is because no definition or mechanism for measuring or assessing performance improvements was put into place at the outset.

It must be said, however, that no such measure or mechanism was available at the time the Dialogue was initiated. Moreover, the architects of the Dialogue were clear that that discussions between IUCN and ICMM would not directly bring about or force tangible changes as neither organization had the mandate or means to do so. The idea was that the Dialogue would build the foundation and space in which such changes might take place. In this regard, the Dialogue did contribute to the development of the Good Practice Guidance²⁰, which offers tools for companies seeking to improve their performance on biodiversity conservation. The Guidance provides a basis, point of departure or reference for efforts to assess and measure performance improvements of the mining industry – something which had not previously been available to either the mining industry or to the conservation community.

- b. The Dialogue has contributed significantly to the goal of raising mutual awareness and understanding between the conservation and mining industries, creating a desire in both the conservation and mining communities for finding more effective ways of achieving conservation outcomes through joint action.
- c. Key achievements, which can be attributed to the Dialogue include:
- the development and dissemination of the Good Practice Guidance on mining and biodiversity, which offers a framework and tools for improving biodiversity conservation efforts to the mining industry and a point of reference for assessing behaviour in the mining industry for conservation groups;
 - the recognition by ICMM and its 17 member companies of the principle that World Heritage Sites are 'no-go areas for

²⁰ It is important to note that the Guidance provides tools rather than measurement protocols and is intended to assist companies in developing and applying their own approaches. ICMM (2006) Good practice guidance for mining and biodiversity. London: International Council on Mining and Minerals. Available for download on www.icmm.com

prospecting and mining' and, by extension, setting a precedent that there are high value biodiversity areas, which should be off-limits for development.

- generating a higher public profile for the challenges of dealing with legacy mines and free prior and informed consent of indigenous and local communities in potential mining areas.

2. ON OPERATIONS:

- a. The work programme adopted as part of the Terms of Reference (TOR) locked Dialogue activities into generating specific outputs, such as organizing roundtables, providing comment on IUCN's protected areas management categories system, and developing and implementing good practice guidance. As a result, there was little flexibility for representatives of both the conservation and mining communities to identify and address emerging issues or specific conflicts between conservation and mining in a systematic way. Though it must be said that the Dialogue mechanism set out and agreed in the MOU signed in 2004, provided both ICMM and IUCN the opportunity to change course or re-orient the work plan to respond to changing needs and circumstances.
- b. The persistence of the Dialogue should be attributed to the commitment of both the secretariats of IUCN and ICMM charged with implementing the Dialogue. This was achieved despite ineffective funding and organizational arrangements put in place for the Dialogue at the start. Leaving resourcing of the Dialogue to each of the parties without provision for a joint action plan with adequate resources for implementation left both IUCN and ICMM overstretched in delivering against the objectives/actions specified in the terms of reference. There was too much dependence on ad hoc funding arrangements for specific actions (including funding for this review), which translated into considerable frustration on both IUCN and ICMM sides. The result was lack of continuity and delay in implementation of many of the actions and no discernable progress on the land use planning activities. Though it is worth noting that compared to two other dialogues initiated at the World Sustainable Development Summit -- the Extractive Industries Transparency Initiative (EITI) and the Global Gas Flaring Reduction (GGFR) initiative -- the IUCN-ICMM Dialogue has made consistent and steady progress in pushing forward discussions.
- c. It was not clear who should be involved in the Dialogue and who should not, and specifically how the Dialogue be positioned within IUCN. Many IUCN members and those in IUCN Commissions were not directly involved and had no means to get involved as the Dialogue had been designed as primarily a discussion between representations of IUCN and ICMM.

- d. Individual ICMM member companies were involved only in task related activities as specified in the TOR. The level of the Dialogue was never specified. Was it primarily a high-level policy dialogue on matters of principle and strategy? Or was it more about providing impetus for preventing and resolving conservation and mining conflicts at the ground or community level? There was insufficient appreciation on the ICMM side that IUCN is not a representative organization, but a union of many different conservation organizations holding quite different views. On the IUCN side, there was over-expectation of the influence of ICMM would have on its member companies and unrealistic expectations as to how quickly change could be achieved within the industry.

3. ON BENEFITS:

- a. Both IUCN and ICMM have clearly benefited from the Dialogue, demonstrating to their respective constituencies that discussions between industry and conservationists offered potential for positive change. For IUCN, the Dialogue provided a precedent and a point of departure for engaging with business in more effective ways. For example, lessons from the Dialogue provided input into the development and adoption by IUCN of operational guidelines for business engagement. ICMM was able to access conservation expertise through the relationship with IUCN to prepare the Good Practice Guidance and generate external pressure for their implementation. The relationship with IUCN also provided a public profile and recognition for the efforts of ICMM aimed at improving the environmental performance of the mining industry and initiating discussion on challenging issues such as mining legacy and Free Prior and Informed Consent.

Taking into consideration the various perspectives gathered during the interviews, survey and desk research, the Review Team concludes that:

- 1. The Dialogue has made an important contribution to advancing the prospects for improved biodiversity conservation by enabling discussion between the mining industry and conservation community.**
- 2. The Dialogue has run its course and achieved what was possible within the current organizational arrangements. A new design and structure is now required to encourage further progress on**

improving performance of the mining industry in biodiversity conservation;

3. The Dialogue needs to be reorganized and re-oriented, if it is to make a measurable contribution to improvement of biodiversity conservation.

While there is value in providing for opportunities for facilitating discussion between the mining industry and conservation community on controversial or difficult issues, it is unrealistic to expect that continuation of the Dialogue in of itself will bring about improvements in the biodiversity performance of the mining industry. Some mechanism for defining and measuring progress (or the lack of it), which can be subjected to third party verification and public scrutiny. The lack of such a mechanism makes it impossible to assess objectively the extent to which the Dialogue has in fact already contributed to changing behaviour and performance of mining companies in relation to biodiversity conservation.

The main achievement of the Dialogue is that it has created a climate of mutual understanding coupled with delivery of Good Practice Guidance. This has created a basis and opportunity for moving towards a more results-oriented relationship between IUCN and ICMM focused on measurement of progress (or lack of it) of mining companies in achieving biodiversity objectives.

A different type of relationship is now needed to build on the main achievement of the Dialogue – a mutual appreciation among those in IUCN and ICMM of the challenges that need to be faced by both the conservation and mining communities in coming years.

RECOMMENDATIONS

Based on our consultations during the course of this review, our recommendations are for IUCN-ICMM:

1. ON IMPACTS:

- a. to convene a WORKSHOP ON DEFINING AND MEASURING PROGRESS on the performance of the mining companies with respect to biodiversity. Such a workshop would draw on experience with mining and biodiversity that has been now accumulated by individual mining companies and conservation groups, including IUCN members and IUCN commissions. Several conservation groups have engaged with the mining industry in recent years, but have not been involved in the Dialogue. These include

Birdlife International, Flora and Fauna International, Royal Botanical Gardens, Earthwatch among others and would have much to contribute. The purpose of the workshops would be to define a performance benchmark against which mining company performance could be assessed. This would also be an opportunity to engage public sector partners.

- b. to commission an INDEPENDENT STUDY ON IMPLEMENTATION OF THE GOOD PRACTICE GUIDANCE ON MINING AND BIODIVERSITY BY ICMM COMPANIES. The study would address also how implementation (or not) of the Guidance has impacted land use planning issues, operations in and around protected areas.. This would help answer the question of just how much positive impact can be attributed to the Dialogue. The evidence now available is anecdotal and scattered.

2. ON OPERATIONS:

- a. to reorganize the Dialogue and rename it as A FORUM ON BIODIVERSITY AND MINING, which would operate as a platform for reviewing progress in the performance of mining industries and an opportunity for mining companies, civic groups and governments to assess progress on the reduction of mining impacts on biodiversity conservation. The Forum could be an opportunity to report annually on the performance of individual companies with respect to biodiversity impact, including ICMM member companies. An example of how this might work is the recently published Report on Revenue Transparency of Oil and Gas Companies prepared by Transparency International, which provides an independently verifiable ranking of company performance.²¹ This approach creates competition among companies focused on improving their performance.
- b. to recognize that the organization and running of the Forum should be with a SINGLE SECRETARIAT, a single operating budget, and staff seconded from both IUCN and ICMM and possibly other international agencies or governments with a particular interest or stake in bringing about mining behaviour. Both IUCN and ICMM could be partners in this undertaking, which should be operated outside the structures of both IUCN and ICMM avoiding much of the bureaucracy and misunderstanding as to roles and responsibilities that has characterized the Dialogue to date.
- c. to recognize that the Forum need not be a physical meeting. It could be organized as an ongoing INTERNET FORUM OR DISCUSSION aimed at generating contributions from as many of those in the mining industry and

²¹ See Transparency International (2008) Promoting Revenue Transparency. 2008 Report on Revenue Transparency of Oil and Gas companies. Berlin: Transparency International. Available on www.transparency.org

conservation community as possible. Organized in this way, the Forum would offer continuity and provide context for roundtables and dialogues on specific issues. The main discussions, however, could be centred around an Annual Report on progress on reducing the negative impacts of the industry's operations and enhancing the industry's positive contribution to biodiversity conservation. The report would be prepared by independent third parties and open to public verification and scrutiny (especially by the IUCN network of members and commissions).

3. ON BENEFITS:

- a. to transform the Dialogue into Forum. This will be much more consistent with IUCN's convening role as a union, tasked with adding value to the work of its membership and mobilizing the expertise of its commissions for the advancement of conservation. The arrangement would also provide ICMM with a clear focus for mobilizing performance improvements among member companies.
- b. to use the Forum for enabling information sharing and exchange, allowing also for engagement with governments and enforcement agencies, as well as local NGOs and IUCN commissions.
- c. to explore the role of the Forum as a 'convening facility' aimed at generating dialogue and links between individual mining companies and civic groups and government agencies to work on specific issues, such as mining in the Zambezi copper belt or free prior and informed consent of local communities in mining areas.
- d. to use the Forum to generate added benefits for both IUCN and ICMM and their respective memberships by acting as a project identification/generation facility aimed at identifying and raising funds for implementing innovative or groundbreaking initiatives and projects, which involve mining companies, civic groups and governments working together to deliver conservation outcomes.
- e. to retain, and build on, one of the most important features of the Dialogue to date, namely that of an *ad hoc* mechanism for discussing important or emerging issues relevant for the mining and conservation communities outside formalised work plan and expectations. The focus could be on addressing 'issues arising' especially from the behaviour of mining companies in relation to conservation impacts in order to give them profile and identify possible solutions. The benefit of a Forum to both ICMM and IUCN is that it would be open to all in their respective constituencies and not seen as a 'closed dialogue'.

The recommendations of this review outlined above emphasise the opportunity of redesigning the Dialogue in a substantive way. The move should be away from the orientation on designing and delivering products, such as the Good Practice Guidance and policy statements.²² These should be the task of individual organizations, including ICMM. The Forum's added value should be its convening power and the neutral ground that it can offer by virtue of the IUCN structure and the capability of ICMM to deliver engagement of 17 of the world's leading companies, who have committed to improving their performance with respect to conservation outcomes.

²² It is important to note that the Good Practice Guidance on Mining and Biodiversity is not a formal policy statement but a guidance to companies, without commitments (unlike the position statements on Indigenous Peoples and Protected Areas

APPENDIX 1 - IUCN- ICMM Terms of Reference (25 March, 2003)

APPENDIX 2 - IUCN- ICMM Terms of Reference (10 June 2004) and work plan for 2004-5

APPENDIX 3 – Summary of survey results

AFFILIATION

| Which organisation are you associated with and how? | | |
|------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| IUCN secretariat | 23,1% | 6 |
| IUCN (1) member | 23,1% | 6 |
| ICMM secretariat | 15,4% | 4 |
| ICMM member | 11,5% | 3 |
| Other stakeholder group | 26,9% | 7 |
| <i>answered question</i> | | 26 |
| <i>skipped question</i> | | 3 |

(1) IUCN Commission, Council or Organization member (as declared by respondent)

DIALOGUE IMPACTS

| Q1 To what extent has the Dialogue contributed to achieving its aim of reducing the negative impacts of the mining industry operations in the area of biodiversity conservation? | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 NOT AT ALL | 10,7% | 3 |
| 2 | 32,1% | 9 |
| 3 | 25,0% | 7 |
| 4 | 17,9% | 5 |
| 5 FULLY | 3,6% | 1 |
| Don't know | 14,3% | 4 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

| Q2 To what extent has the Dialogue achieved its aim of enhancing the industry's positive role to biodiversity conservation? | | |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 14,3% | 4 |
| 2 | 25,0% | 7 |
| 3 | 25,0% | 7 |
| 4 | 32,1% | 9 |
| 5 Fully | 0,0% | 0 |
| Don't know | 7,1% | 2 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

| Q3 To what extent has the Dialogue raised mutual awareness and understanding between the mining industry and the conservation community? | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 7,1% | 2 |
| 2 | 10,7% | 3 |
| 3 | 25,0% | 7 |
| 4 | 46,4% | 13 |
| 5 Fully | 10,7% | 3 |
| Don't know | 3,6% | 1 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

| Q4 To what extent has the Dialogue achieved results with respect to: | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------|----------|----------|----------------|-------------------|-----------------------|
| Answer Options | 1 Not at all | 2 | 3 | 4 | 5 Fully | Don't know | Response Count |
| a) Enhanced performance of the mining industry in biodiversity conservation | 3 | 11 | 7 | 4 | 0 | 4 | 29 |
| b) Introducing more strategic, integrated and participatory approaches to planning and management at the landscape level to balance development and conservation outcomes | 6 | 11 | 6 | 2 | 0 | 4 | 29 |
| c) Mining industry contributions to the strengthening of IUCN's Protected Area Management Category System | 5 | 10 | 3 | 7 | 0 | 4 | 29 |
| <i>answered question</i> | | | | | | | 28 |
| <i>skipped question</i> | | | | | | | 1 |

Q5 To what extent has the Dialogue achieved results with respect to exploring options for addressing related issues of restoration of:

| Answer Options | 1 Not at all | 2 | 3 | 4 | 5 Fully | Don't know | Response Count |
|------------------------------------------------------------|--------------|----|---|---|---------|------------|----------------|
| 1. Restoration of legacy sites | 4 | 10 | 6 | 5 | 1 | 3 | 29 |
| 2. Prior informed consent | 5 | 4 | 6 | 6 | 4 | 4 | 29 |
| 3. Empowerment of indigenous peoples and local communities | 6 | 3 | 4 | 9 | 1 | 6 | 29 |
| <i>answered question</i> | | | | | | | 28 |
| <i>skipped question</i> | | | | | | | 1 |

Q6 To what extent did the Dialogue realize its potential in terms of its impacts?

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| 1 Not at all | 7,1% | 2 |
| 2 | 35,7% | 10 |
| 3 | 17,9% | 5 |
| 4 | 28,6% | 8 |
| 5 Fully | 0,0% | 0 |
| Don't know | 14,3% | 4 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

DIALOGUE OPERATIONS

Q7 To what extent has the Dialogue represented relevant stakeholders from:

| Answer Options | 1 Not at all | 2 | 3 | 4 | 5 Fully | Don't know | Response Count |
|--------------------------------|--------------|---|---|----|---------|------------|----------------|
| a) The mining community? | 0 | 4 | 5 | 12 | 6 | 2 | 29 |
| b) The conservation community? | 0 | 8 | 8 | 7 | 3 | 3 | 29 |
| c) The indigenous peoples? | 2 | 8 | 5 | 8 | 3 | 3 | 29 |
| <i>answered question</i> | | | | | | | 28 |
| <i>skipped question</i> | | | | | | | 1 |

Q8 To what extent has the Dialogue addressed key issues for the conservation community?

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| 1 Not at all | 3,6% | 1 |
| 2 | 17,9% | 5 |
| 3 | 35,7% | 10 |
| 4 | 28,6% | 8 |
| 5 Fully | 0,0% | 0 |
| Don't know | 17,9% | 5 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

Q9 To what extent has the Dialogue addressed key issues for the mining community?

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| 1 Not at all | 0,0% | 0 |
| 2 | 10,7% | 3 |
| 3 | 28,6% | 8 |
| 4 | 32,1% | 9 |
| 5 Fully | 14,3% | 4 |
| Don't know | 17,9% | 5 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

Q10 To what extent has the Dialogue addressed key issues for the indigenous community?

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| 1 Not at all | 3,6% | 1 |
| 2 | 28,6% | 8 |
| 3 | 32,1% | 9 |
| 4 | 25,0% | 7 |
| 5 Fully | 3,6% | 1 |
| Don't know | 10,7% | 3 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

Q11 IF YOU HAVE BEEN INVOLVED IN THE OPERATIONS OF THE DIALOGUE, PLEASE ANSWER BELOW. IF YOU HAVE NOT BEEN INVOLVED IN THIS WAY, PLEASE GO TO QUESTION 12

In your view, did the Dialogue operate in a way that:

| Answer Options | 1 Not at all | 2 | 3 | 4 | 5 Fully | Don't know | Response Count |
|---------------------------------------------------------------------------------------------|---------------------|----------|----------|----------|----------------|-------------------|-----------------------|
| 1. shared risks? | 1 | 8 | 4 | 3 | 4 | 2 | 22 |
| 2. was mutually beneficial? | 1 | 5 | 5 | 7 | 2 | 1 | 21 |
| 3. was transparent? | 1 | 4 | 5 | 9 | 2 | 1 | 22 |
| 4. was in line with the principles of IUCN private sector engagement strategy (as follows): | 1 | 1 | 3 | 3 | 3 | 6 | 17 |
| (a) Relevant to the IUCN vision and mission | 2 | 1 | 2 | 4 | 7 | 5 | 21 |
| (b) consistent with the official policy of IUCN | 1 | 1 | 4 | 3 | 6 | 7 | 22 |
| (c) responsive to the aspirations of the membership | 2 | 4 | 1 | 8 | 2 | 5 | 22 |
| (d) empowering of IUCN to implement the Global Programme and of IUCN to conserve nature | 3 | 2 | 5 | 6 | 1 | 5 | 22 |
| (e) effective and results-based with concrete outcomes that can be measured | 3 | 3 | 6 | 7 | 2 | 1 | 22 |
| (f) efficient in the use of IUCN resources as compared to alternative actions | 2 | 3 | 2 | 6 | 3 | 6 | 22 |
| (f) transparent in the sense of ensuring access to information | 0 | 3 | 5 | 6 | 6 | 2 | 22 |
| (g) participatory | 0 | 5 | 3 | 9 | 4 | 1 | 22 |
| (h) enhancing the credibility and autonomy of IUCN | 3 | 2 | 1 | 8 | 4 | 4 | 22 |
| <i>answered question</i> | | | | | | | 22 |
| <i>skipped question</i> | | | | | | | 7 |

| Q12 To what extent has the Dialogue proven cost-effective in terms of your time and engagement? | | |
|--------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 7,1% | 2 |
| 2 | 17,9% | 5 |
| 3 | 25,0% | 7 |
| 4 | 32,1% | 9 |
| 5 Fully | 14,3% | 4 |
| Don't know | 7,1% | 2 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

| Q13 To what extent has the Dialogue been managed effectively? | | |
|----------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 0,0% | 0 |
| 2 | 7,1% | 2 |
| 3 | 35,7% | 10 |
| 4 | 32,1% | 9 |
| 5 Fully | 10,7% | 3 |
| Don't know | 14,3% | 4 |
| <i>answered question</i> | | 28 |
| <i>skipped question</i> | | 1 |

PARTNERSHIP APPROACH

| Q14 REGARDING THE BENEFITS OF THE DIALOGUE | | | | | | | |
|----------------------------------------------------------------|---------------------|----------|----------|----------|----------------|-------------------|-----------------------|
| To what extent has the Dialogue generated value to the: | | | | | | | |
| Answer Options | 1 Not at all | 2 | 3 | 4 | 5 Fully | Don't know | Response Count |
| a) Mining community | 0 | 5 | 7 | 9 | 3 | 3 | 27 |
| b) Conservation community | 4 | 4 | 7 | 7 | 0 | 5 | 27 |
| c) Indigenous people | 4 | 4 | 7 | 6 | 2 | 4 | 27 |
| <i>answered question</i> | | | | | | | 27 |
| <i>skipped question</i> | | | | | | | 2 |

| Q16 To what extent did the Dialogue meet your expectations? | | |
|--------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 11,1% | 3 |
| 2 | 18,5% | 5 |
| 3 | 7,4% | 2 |
| 4 | 40,7% | 11 |
| 5 Fully | 14,8% | 4 |
| Don't know | 7,4% | 2 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

| Q17 To what extent did the Dialogue help generate innovative initiatives and solutions? | | |
|------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 7,4% | 2 |
| 2 | 25,9% | 7 |
| 3 | 25,9% | 7 |
| 4 | 33,3% | 9 |
| 5 Fully | 3,7% | 1 |
| Don't know | 3,7% | 1 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

| Q18 To what extent could the benefits of the Dialogue have been generated in another way? | | |
|--------------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| 1 Not at all | 0,0% | 0 |
| 2 | 33,3% | 9 |
| 3 | 18,5% | 5 |
| 4 | 14,8% | 4 |
| 5 Fully | 7,4% | 2 |
| Don't know | 25,9% | 7 |
| Please explain | | 19 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

FUTURE OPTIONS

| Q19 Should the Dialogue be continued? | | |
|----------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Yes - in its current form | 29,6% | 8 |
| Yes -but with changes | 51,9% | 14 |
| No | 18,5% | 5 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

| Q23 Was ICMM the right organisation for IUCN to collaborate with on these issues? | | |
|------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Yes | 81,5% | 22 |
| No | 18,5% | 5 |
| Please explain | | 22 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

| Q24 Was IUCN the right organisation for ICMM to collaborate with on these issues? | | |
|------------------------------------------------------------------------------------------|-------------------------|-----------------------|
| Answer Options | Response Percent | Response Count |
| Yes | 81,5% | 22 |
| No | 18,5% | 5 |
| Please explain | | 22 |
| <i>answered question</i> | | 27 |
| <i>skipped question</i> | | 2 |

APPENDIX 4 - Guidance for personal interviews

NOTES FOR INTERVIEWERS

- ▶ These notes outline the key topic areas to be covered in interviews with those who have agreed to participate.
- ▶ For consistency, the same broad issues will be discussed across all partners. However, it is recognised that there will be conversational differences in presentation of the questions and context, dependent upon the respondents' cultural context, levels of knowledge, experience and prior involvement with the IUCN and ICMM Dialogue.
- ▶ Interviewees will have (hopefully) completed the internet survey prior to the interview.
- ▶ **The questions listed under the broader area headings are intended as prompts and the interview should be conducted in an open-ended way, prompting the person interviewed to refer to (and provide if possible) additional documents, references and relevant materials.**

INTRODUCTIONS AND SCENE SETTING

- ▶ Introductions.
- ▶ Thank you for agreeing to take part in this interview.
- ▶ The Partnering Initiative is working with IUCN and ICMM to assess the quality and effectiveness of the IUCN and ICMM Dialogue in order to assess the functioning of the Dialogue to date and provide recommendations as to its future operation;
- ▶ **If there is anything that you would like to remain confidential, please let us know, and we will fully respect this.** Any information you provide will accordingly not be accredited to you but will go towards the gathering of data only – no specific information whatsoever will be reproduced in any document intended for circulation.
- ▶ Our conversation will take about an hour of your time.
- ▶ This is a very open consultative process. Please feel free to contact us if you have any further ideas or comments after this conversation. We may want to contact you for follow-up questions, if you allow.
- ▶ We will provide you with a copy of the final draft for review and comment.

GENERAL CONTEXT:

Name/position/organisation of person being interviewed: _____

Role in the IUCN/ICMM Dialogue: _____

1. BACKGROUND

- Can you tell me a little about yourself?
- How did you get involved in the IUCN/ICMM Dialogue? How long have you been involved?
- How do you see your role in the Dialogue and how has it changed?
- What were your expectations of the Dialogue?
- In what ways has the Dialogue met your expectations?

2. DIALOGUE IMPACTS

- What has been the impact of the Dialogue? Has it fulfilled its potential?
- What difference has the Dialogue made to your organization and your constituency?
- More specifically, how successful has the Dialogue been with respect to:
 - Good practice guidance in the areas of biodiversity assessment and management;
 - Land use planning issues related to balancing development and conservation outcomes;

- Mining industry's participation and support for strengthening IUCN's Protected Areas Management Categories System

- Providing a platform for issues related to mining/biodiversity, such as involvement of indigenous people and local communities, restoration of legacy sites and prior-informed consent

- What were some of the key issues NOT addressed? Why? Did it matter?

3. DIALOGUE OPERATIONS

- To what extent has the Dialogue been effectively organized, managed, and led?
- How are the different roles & responsibilities shared in the Dialogue?
- How are decisions made with regard to your involvement? In what ways are you involved in decision making and planning? And to the products and services generated through the Dialogue?
- How do you work together for proposing, designing and implementing Dialogue products and services? What are the processes and dynamics involved?
- How would you describe the balance of power in the Dialogue?
- What would you change in the way the Dialogue is organized?
- How has your involvement been resourced?
- How do you feel this has affected your contribution to the Dialogue?
- Do you think the Dialogue as a whole is sufficiently resourced? How should it be resourced in the future?
- What organizational lessons can be drawn for organizing other Dialogues between conservation and industry groups?
- What about mutual learning and capacity building? How do you support each other in that?
- If we said that there were 4 stages of development of a relationship like this, which stage would you say you are in?
 - a. Scoping, building and planning
 - b. Implementing, managing and maintaining
 - c. Reviewing and revising
 - d. Sustaining

Secretariat Specific questions only:

- What involvement do you have with the other partners? How do you interact (meetings, phone, e-mails), and what is the frequency of your interaction?
- How would you describe your joint way of working?
- What were your expectations of how the relationships would work?
- What have been helpful behaviours? What have been joint opportunities for taking the Dialogue further? eg rolling out good practise guidance
- What have been obstructive behaviours?
- Do you take / Have you ever taken time out as a group to reflect on your joint way of working?
- How do you communicate externally about your cooperation? Do you communicate jointly?
- If you had a magic wand, what would you change and why?
- Do you feel able to suggest these changes?
- If not, why not? If so, what do you feel has prevented you so far from doing so?

4. BENEFITS OF THE DIALOGUE

- What has been the main benefit or value-added of the Dialogue for your organization? For you personally? For the mining industry? For biodiversity conservation? For the conservation community?
- Could the benefits attributed to the Dialogue have been achieved in another way? If so, how?
- Can you think of a time when the Dialogue faced a real problem? How was it dealt with? How did the partners respond?
- Do you think there are risks to your cooperation?
- Do you perceive your cooperation as mutually beneficial, or is one cooperating partner benefiting more than the other/others?
- In your opinion, how does this affect possible futures for the Dialogue?
- What do you think will be the long-term benefits of your cooperation?
- How effective do you feel the Dialogue has been?
 - As a cooperation?
 - At achieving your joint objectives?
 - Why/Why not?
- What advice would you give to other organisations and individuals interested in replicating the successes of the Dialogue? And avoiding the disadvantages or failures?

APPENDIX 5 – Persons interviewed

| 1 | Chris ANDERSON |
|----|-------------------------|
| 2 | Andrea ATHANAS |
| 3 | Julie-Anne BRAITHEWAITE |
| 4 | Asheton CARTER |
| 5 | Richard CELARIUS |
| 6 | Christine COPLEY |
| 7 | Aiden DAVEY |
| 8 | Caroline DIGBY |
| 9 | Mick DODSON |
| 10 | Anne-Marie FLEURY |
| 11 | Monica HARRIS |
| 12 | Bill JACKSON |
| 13 | Christine MILNE |
| 14 | Paul MITCHELL |
| 15 | Rafiq MOHAMMAD |
| 16 | Andrew PARSONS |
| 17 | Jo RENDER |
| 18 | Dave RICHARDS |
| 19 | Alberto SALDAMANDO |