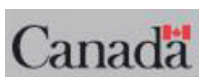




# Consultation Guidelines in the Extractives Sector





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support from Global Affairs Canada



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## LIST OF ACRONYMS

<b>CESO</b>	Canadian Executive Service Organization
<b>CSR</b>	Corporate Social Responsibility
<b>CSOs</b>	Civil Society Organizations
<b>EIA</b>	Environmental Impact Assessment
<b>GAC</b>	Global Affairs Canada
<b>GDP</b>	Gross Domestic Product
<b>GE</b>	Gender Equality
<b>GoM</b>	Government of Mongolia
<b>LCA</b>	Local Cooperation Agreement
<b>LPGE</b>	Law on Promotion of Gender Equality
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MET</b>	Ministry of Environment and Tourism (since July 2016)
<b>MERIT</b>	Mongolia: Enhancing Resource Management through Institutional Transformation
<b>MMHI</b>	Ministry of Mining and Heavy Industry (since July 2016)
<b>MRPAM</b>	Mineral Resources and Petroleum Authority of Mongolia (since July 2016)
<b>NGO</b>	Non-Governmental Organization
<b>WUSC</b>	World University Service of Canada

## 1. INTRODUCTION

The 'Mongolia: Enhancing Resource Management through Institutional Transformation' Project (MERIT) is funded by Global Affairs Canada and will be implemented for six years (2016-2022) to stimulate sustainable economic growth in Mongolia by strengthening the capacity of public institutions to effectively manage the extractive sector. The MERIT project focuses on building the capacity of government ministries and agencies, as well as local aimag and soum<sup>1</sup> governments to effectively implement the government's extractive sector-related policies and regulations. One of the key pillars of the MERIT project focuses on building the capacity of local government in the aimags and soums to effectively implement the government's extractive sector-related policies and regulations when the extractive activities take place in the aimags. Based on discussions at the national, aimag and soum levels, there is a need to improve linkages, and collaboration and consultation practices between the national and local-level governments to ensure coherence and coordinated approaches in dealing with extractive industry stakeholders including the surrounding mining-impacted communities.

**These guidelines are intended to provide suggestions for the design and implementation of consultation and stakeholders' engagement for proposed regulatory changes and the issuance of licenses including local-level agreements between mining prospectors, mine operators and local governments. This is to ensure final decisions reflect community interests WHEN PUBLIC CONSULTATION IS REQUIRED BY LAW OR DECISIONS ARE MADE TO CARRY OUT PUBLIC CONSULTATION PRIOR TO A SIGNIFICANT UNDERTAKING.**

The guidelines provide an overview of the consultation process, from planning to communication of final decisions, including monitoring and evaluation of consultative processes. This document can be used by national and subnational government officials, civil society actors and community leaders with a wide-range of skills and experiences with consultations, and can be applied to consultations that are held at both national and local levels.

## 2. CONTEXT AND RATIONALE

Government policy decisions related to mining and the licensing of mining operations have the potential to impact communities and such impacts can be both positive and negative. There is a strong interest by governments, communities and mining companies in the sustained development of mining-impacted communities. Additionally, communities have become more vocal and self-empowered regarding their relationship with mining companies, and their expectations for immediate and future benefits have increased. Increasingly, communities may actively resist new and ongoing mining projects unless they are satisfied that they will sufficiently benefit from such projects. In addition to impact mitigation a new focus is emerging on community development.

Currently, Mongolia does not have an institutionalized mechanism for structured dialogue between stakeholders to lead effective consultation and community engagement. Consistent and effective methods are required to allow all stakeholders (industry, local communities, advocacy groups, government ministries and agencies) to provide their comments to the ministry / agency proposing significant changes, whether it is policy changes, the issuance of licenses or the development of local agreements. These stakeholders also have the right to get explanation of changes from the government and incorporate this into their decision making.

Public consultation is important to be organized throughout the whole lifecycle of the mining project. Stakeholder consultation and information disclosure play a different role during the specific phases of mine closure and rehabilitation. Specifically related to mining licensing, Civil Society Organizations (CSOs) have been advocating for an agreement between mining companies and local government authorities representing mining-affected communities as an integral element of the license-issuing process. Challenges inhibiting local people and vulnerable groups from accessing mining-generated opportunities may be overcome by implementing sound, targeted and inclusive local-level agreements. If properly managed, agreements have the potential to incorporate the interests and rights of local women, men and herders into the development process. Therefore, the mandated local-level agreements are increasingly being used by mining companies as a means to better define their relationships and obligations with host governments and impacted communities. They can play a valuable role in managing the expectations of a broad range of stakeholders including, the mining company, the impacted communities, local and national governments, and non-governmental organizations.

<sup>1</sup> Mongolia is administratively divided into 21 aimags (provinces) and the capital city Ulaanbaatar. Aimags are divided into soums (districts) which are further divided into baghs (the smallest administrative units).

### 3. WHAT IS PUBLIC CONSULTATION?

Public consultation is one of the key tools employed to improve transparency, efficiency and effectiveness of ministry / agency actions such as legislative changes, regulatory amendments or licensing of significant facilities including local-level agreements. There are three related forms of interaction with interested members of the public. In practice, these three forms of interaction are often mingled with public consultation programs, complementing and overlapping with each other:

- ❖ **Notification.** It involves the communication of information on decisions to the public, and it is a key building block of the rule of law. It is a one-way process of communication in which the public plays a passive consumer role of information. Notification does not, in itself, constitute consultation, but can be a first step. In this view, prior notification allows stakeholders the time to prepare themselves for upcoming consultations.
- ❖ **Consultation.** It involves actively seeking the opinions of interested and affected groups. It is a two-way flow of information, which may occur at any stage of proposal development, from problem identification to evaluation of existing or new regulation / facility. It may be a one-stage process or, as it is increasingly the case, a continuing dialogue. Consultation is increasingly concerned with the objective of gathering information to facilitate the drafting of higher quality regulation and facility licenses.
- ❖ **Participation.** It is the active involvement of interest groups in the formulation of objectives, policies and approaches, or in the drafting of regulatory texts or facility permits. Participation is usually meant to facilitate implementation and improve compliance, consensus, and political support. Governments are likely to offer stakeholders a role in regulatory development, implementation and / or enforcement in circumstances where they wish to increase the sense of “ownership” of, or commitment to, the regulations beyond what is likely to be achieved through a purely consultative approach.

This document sets out a common approach to consultation that attempts to:

1. Improve how stakeholders are consulted
2. Standardize practices and ensure coherence across government
3. Outline the principles that underpin consultation as well as the objectives and standards for staff when consulting
4. Explain the use of the information collected, for example, to inform decision-making and how feedback is provided to contributors
5. Establish transparent standards for consultation that are clear to staff and stakeholders
6. Set out expectations of stakeholders

### 4. WHY IS PUBLIC CONSULTATION IMPORTANT?

Regulations and the establishment of significant facilities are best developed in an open and transparent fashion, with appropriate and well-publicized procedures for effective and timely inputs from interested national and foreign parties, such as affected business, trade unions and wider interest groups such as consumer or environmental organizations or other levels of government. Consultation improves the quality of rules and programs, and also improves compliance and reduces enforcement costs for both governments and citizens' subject to rules.

Public consultation increases the information available to governments on which policy and permitting decisions can be based. Consultation has been increasingly needed for collecting information for analytical purposes, measuring expectations and identifying non-evident alternatives when taking a decision.

In order to better assess the impacts and minimise costs, most effective decision-making is accomplished when all parties affected by decisions are allowed to participate somehow in the decision-making processes. That is where public consultation has become one of the best tools to improve quality in decision-making.

Consultation increases the level of transparency and it may help to improve the quality of the final product by:

- Bringing into the discussion the expertise, perspectives, and ideas for alternative actions of those directly affected
- Helping decision-makers balance opposing interests to maintain more inclusive involvement / engagement;
- Identifying unintended effects and practical problems
- Providing a quality check on the assessment of costs and benefits
- Identifying interactions between regulations from various parts of government

Consultation processes can also enhance voluntary compliance for two reasons: first because changes are announced in a timely manner and there is time to make adjustments, and second because the sense of legitimacy and shared ownership can motivate affected parties to comply.

Setting up a consultation process is not easy – it requires resources and capacity. The work environment is complicated, people and interests are complicated and requires motivation, dedication and special skills from the facilitator.

## 5. GUIDING PRINCIPLES FOR CONSULTATION

To develop a full, inclusive public consultation approach to its policy, programming and projects, the following Principles for public consultation and engagement have been identified. These consultation principles aim to improve the way government departments and other public bodies consult, with an emphasis on real, meaningful, and targeted engagement.

1. Consultation should be inclusive and take into account views of all relevant stakeholders. Government officers should see inherent value in stakeholder feedback.
2. Consultation should involve a fair representation of all stakeholders who are affected, interested and/or can contribute to the local development process.
3. Public consultation should be a first thought, rather than an afterthought, in the decision-making process in relation to concluding local level mining agreements.
4. Modes of consultation should be carefully considered and selected to reach the relevant stakeholders and gather the appropriate types of information.
5. The consultation process should be conducted in a transparent, consistent, structured and timely manner. Sufficient time should be given to those being consulted to understand and respond to an issue.
6. Pre-consultation materials should provide sufficient background information that is clear and easily understandable to participants.
7. The scope and parameters of the consultation should be clear to the participants to set the right expectations. Participants should be provided with a clear understanding of how their input will be sought and managed.
8. Government should be responsive and follow through with stakeholders on how their feedback was considered and the extent of its impact on the policy in a constructive manner.
9. Government should ensure that the consultation process is mutually respectful, non-discriminatory and equitable, regardless of gender, race, age, educational levels or religious beliefs.

## 6. STEPS OF PUBLIC CONSULTATION

Much has been written about public consultation and there are many variations in how effective and meaningful public consultation is carried out. While terminology, specific activities and activity sequencing may be different depending on the reference, the intent of this document is to outline an approach that covers the range of activities that need to be covered to achieve effective public consultation.

Planning for consultation is perhaps the most important step in the consultation process and attention must be paid to designing a comprehensive consultation plan or strategy.



### Step 1: Problem Identification and Desired Outcome

In some cases, this can be fairly straightforward as in the case of issuing a permit or consultation on local development agreements. Defining the need for policy changes and the desired outcome of proposed policy changes however, are sometimes complicated and not always fully understood when instructions are given to initiate work



on these changes. It is important to understand the problem and the proposed solution at the very beginning of this process. While the final result may end up significantly different from where things initially started, it is important to have a clear idea of why this work is being pursued at the outset.

### Setting consultation objectives

Key elements:

- What is the goal of conducting the consultation?
- What proposal or initiative, or what aspects of it are to be consulted on?
- What change is to be achieved as a result of this consultation?

Public and stakeholder engagement is not a one size fits all exercise. It is fundamental to analyze the context in which engagement is being undertaken.

Consider:

- Identification of the context, scope and expected impacts of the initiative including the stage in the policy development process
- Knowledge of the consultation background of the initiative under preparation
- Identification of the scope of the consultation: what is in the focus, where is it still possible to influence policy preparation, etc
- Differentiation between collecting views (subjective) and collecting data or facts (objective)

## Step 2: Identification of Stakeholders / Target Audiences

During all phases of the consultation process it is important to consider the varied needs and interests of stakeholders and how to best engage them in discussions and decision-making. Good consultation practice means “getting the full picture” by consulting with a wide range of stakeholders to assess potential risks, impacts and opportunities related to a mining project. Target audiences can include, but are not limited to: other government ministries / agencies, local governments, the international community, industry, national NGO’s, local NGO’s and the general public.

As these target audiences are identified, it is also important to ensure that gender and diversity concerns are identified. For example, men and women often play different roles within their families and communities and therefore may bring differing perspectives and views on how their lives, and those of their families, might be impacted by local development projects. As well, certain groups of people are sometimes disadvantaged in their ability to make their views known due to lack of power and opportunity within their communities, such as people with disabilities, youth, elderly persons and ethnic minority groups may have important views to share but feel left out or believe that their opinions will not be considered.

Key elements:

- Identifying the stakeholders who are directly and indirectly affected by a project or a decision
- Understand stakeholders’ levels of interest and influences

### Stakeholders’ identification

Before determining appropriate engagement methods and developing communication messages, it is important to first identify key stakeholders. Stakeholders in consultative processes are internal and external organizations, groups and individuals that have a vested interest in or are directly or indirectly impacted by policies, programs and projects. As previously indicated, the engagement and buy in of internal stakeholders is essential but not the focus of this document.

In order to determine stakeholders, a number of tools may be utilized, including brainstorming, mine mapping, generic stakeholder lists, and reviewing previous similar projects with stakeholder identification and consultation. By reviewing prior projects, one can learn about possible risks and unresolved concerns as well as reduce the time needed to identify stakeholders. Potential sources of information may include impact assessments, consultation and grievance logs, project stakeholder lists and reports.

### Stakeholder analysis

The next stage involves understanding the nature of stakeholders’ interests, their goals and motivations, potential concerns, and their level of influence (low to high). The level of interest and influence is important for deciding the appropriate consultation methods and tools.

Stakeholder analysis for consultation ensures inclusion of views from a range of interested parties in developing and reviewing policies, programs, and projects. It helps resolve complex issues, gain consensus and support from stakeholders, reduce problems in implementation, and increase impact.



Important factors to consider for each stakeholder type:

- Identification of stakeholder categories relevant for or interested in the proposed initiative
- Sorting stakeholder categories according to the level of interest in or influence on the initiative that is to be consulted upon
- Consideration of vulnerable groups who may otherwise be left out of discussions such as women, youth, elderly, people with disabilities and ethnic minorities

### Step 3: Timeline Setting

The amount of time allotted for a consultation depends on the complexity of the issue and the consultation methods selected. This means weighing many factors and it is easy to underestimate the length of time that will be required for planning, implementation and evaluation. Consultation plans can identify activities and milestones at all stages of the process. The main factor of timing is to allow sufficient time to reach out to stakeholders, conduct the consultation, analyse the results, disseminate the findings and ask for feedback on the results.

Consultation timeline and duration will depend on the reason and type for consulting (i.e. timeline of mandatory consultations such as consultation in Environmental Impact Assessment study is legislated and specified in the relevant law).

#### Develop a detailed timeline / schedule for consultation

Key elements:

- Informing stakeholders about the milestones and schedule
- Planning pre and post consultation periods

Consider:

- Deadlines for decisions
- Development of background materials
- Coordination with other institutions and agencies to develop a communications strategy and materials, if necessary
- The need for participants and stakeholders to understand material, consult with and prepare input
- The effect of the time of year (such as national holidays, rural agricultural work seasons and etc)
- The location of consultations and time requirements for travel and set-up
- The length of time required to analyze results and report back to participants

### Step 4: Message Development

In addition to a clear articulation of the problem and proposed solution / outcome, different messages and products need to be developed for the various stakeholders / target audiences. An effective message needs to be concise, clear from the stakeholder's perspective and relevant both to the audience and to the consultation objectives.

Generally, two sets of messages might be developed – one overriding set of messages that are applicable to general public, and a second set of key messages that are specific and relevant to one or more of the target audiences. The tailoring of key messages needs to take into account the knowledge base and understanding of each audience as it relates to the proposal. For example, while necessary when speaking to industry, it is important to simplify complex technical matters for the general public. A series of products can be considered including notices, summary and detailed technical documents and slide presentations.

#### Developing messages based on stakeholder needs and anticipated concerns

Key elements:

- Brainstorm key message concepts, the main points of information for targeted audience to hear, understand and provide feedback
- Refine draft key messages by reviewing conciseness, understandability and relevance to consultation objectives
- Finalize and / or routinely update key messages, ensuring that they still meet consultation needs and those of the audience

Consider:

- Development of a variety of documents such as high-level general information (news releases), summary details of the initiative (fact sheets) and a document that provides full details of the initiative
- Consideration of each audience's (general public, industry, NGO's, other government ministries / agencies, local government) ability to understand and level of knowledge related to the initiative

### Step 5: Forms of Information Delivery and Comment Receipt

There are many consultation methods available to perform public consultation, depending on who is to be consulted, how formal the process is and the communication means used. No single method or process is appropriate for all situations, as each has inherent strengths and weaknesses. The most effective consultations use a variety of techniques to meet the needs of stakeholders and to maximize the efficiency and effectiveness of the consultation process.

Consultation methods and tools are important to be defined and planned to ensure accessibility. Options for information delivery include paper, electronic, media (newspapers, radio, and television), social media, online presentations and centralized and local public presentations / meetings. How comments are received needs to match the forms in which information was delivered. For example, if social media is used to deliver information, social media must also be available for stakeholders to submit their comments. Keeping track of all comments received is an important part of this process.

#### Determining consultation methods, tools & ensuring accessibility

Key elements:

- The most appropriate consultation methods and tools depend on the objectives of the consultation, the identified stakeholders, the nature of the initiative as well as required time and resources
- Publish / post the consultation strategy, including the planned dates of the various consultation activities, as soon as it is known and provide updates as required

Consider:

- Consultation methods: Wide public or specifically targeted consultation
- Consultation tools: The consultation method determines the consultation tools. The selection of the most appropriate consultation tools should take into account the capabilities of stakeholders to receive information and return comments.
- Degree of interactivity / engagement needed (e.g. written consultation versus stakeholder events / online discussion or other internet based tools)
- Language accessibility: language regime, stakeholder friendly language, participation of persons with disabilities
- Accessibility to consultation events / meetings
- Accessibility of tools and consultation channels: selection of communication channels
- Time sensitivity: Timely consultation, timeframe for contributions – inclusion of mandatory timeframes for consultation and feedback for certain types of initiatives
- Need to track, record and categorize all comments submitted regarding the proposal

### Step 6: When further Consultation is Needed

For more complex proposals (like large facilities or significant policy proposals), numerous divergent comments may be received through the consultation process. While not always possible, it is important to have an idea what level / amount of change to the proposal would constitute the need to notify / consult further before announcing a final decision on the proposal.

#### Identifying circumstances prior to finalizing decisions

Key elements:

- Identification at the start of the consultation of what constitutes a major enough change that would cause the need for further consultation before making the final decision

Consider:

- The source (stakeholder), nature and number of diverging comments
- Identification of a major piece missing in the original proposal
- External / uncontrollable factors that impact the initial proposal (law change during consultation of a local agreement)

### Step 7: Incorporation of Comments into the Final Decision

Evaluating through ongoing monitoring is important for the consultation process, which is vital to track consultation success at different stages and to adapt the process in order to keep the consultation focused on the decision scope and the objectives. One of the most important steps of public consultation is demonstrating that submitted comments on the proposal were considered by decision-makers. Participants' input and feedback gathered through monitoring activities should be reviewed regularly. Therefore, an appropriate procedure to gather and record information from consultation participants can contribute to a decision-making process that is open, trans-

parent and accessible. As a result, it is important to list all of the comments received (usually by grouping similar comments together) and indicating whether they were or were not incorporated into the final decision with a rationale explaining why.

### Managing comments submitted by stakeholders

Key elements:

- Verification of feedback, if it was interpreted properly
- Response to all comments received
- Publication of responses to comments received

Consider:

- Placement of all comments into common categories where possible
- Determination of how responses to comments will be published (at the posting of the final decision, notification of re-consultation, withdrawal of proposal)

### Step 8: Communication of Final Decision with Implementation Schedule / Effective Date

When the final decision has been made, it needs to be communicated to all stakeholders. Decision-making may be linked to interventions at the national and local levels. National-level decisions relate to policies and programmes that cut across sectors and affect the overall development process. Decisions made at the aimag and soums levels respectively pertain to projects. In the case of the issuance of a license or local agreement, communication of the decision with its rationale is usually the completion of the consultation process. However, in the case of policy changes, more often than not, the final policy decision is as much the beginning of a new process of information and education as it is the end of the consultation process.

The learning outcome of the consultation is to identify ways to assess the effectiveness of participatory processes. A best practice of participation is planning the evaluation in order to “close the loop” and generate valuable feedback and learning. This includes reporting back to participants to identify how their contributions have been included in the decision-making process.

### Implementing the final decision

Key elements:

- Development of communications products such as high-level general information (news releases), summary details of the initiative (fact sheets) and a document that provides full details of the final decision including the rationale
- Monitoring tools to assess the effectiveness of participatory processes
- Communication of final decision to all stakeholders

Consider:

- The communications vehicles (paper, electronic, traditional media, social media, online presentations, centralized and local public presentations / meetings) on how the decision will be announced to all stakeholders.
- Specifically for policy decisions, development of training materials for a variety of audiences - especially for those stakeholders most affected by the decision

## 7. POST-DECISION ACTIVITIES

In many cases, a final decision is not always the end of this process. Once the consultation exercise has been completed, its strengths and weaknesses should be assessed with a view to continuous improvement. This will help to identify best practices, to learn from past experiences and to reap the benefits of a well-organized consultation process.

While post-decision activities may not specifically be considered to be part of the consultation process, assessing the effectiveness of the decision against the desired outcome is an important next step.

### Monitoring and Evaluating

It is critical that any consultation process is monitored and evaluated on both an ongoing basis and post-completion. Post-decision evaluation will provide valuable feedback on, for example, whether the consultations are achieving their intended outcomes and help to identify any unintended consequences that may have to be addressed without compromising the consultation objectives.

Regardless of whether the final decision was a policy change or issuance of a license or agreement, it is important to ensure that some form of M&E is part of the overall process. For example, is the policy change decision having the desired effect of advancing positive improvements against the initial problem statement? In the case of licenses / agreements, are the terms and conditions being followed as indicated in those legal documents?

For developing an M&E framework, the following questions could be considered:

- What is the purpose of the evaluation?
- Who wants to know what? Will different individuals and organizations be interested in different parts of the process?
- What information collected and what methods used to gather inputs and feedbacks?
- What resources (e.g., time, funding, and expertise) are needed to conduct the evaluation?

M&E will contribute to the achievement of the consultation objectives by supporting decision-making, accountability, learning and capacity development of stakeholders.

### Making Revisions

If it is found through M&E that the desired outcomes are not being achieved, then revisions to the decision become necessary. The extent and complexity of any revisions will determine how revisions are made. If these revisions are small or administrative in nature, it is possible to simply make the changes with little or no additional consultation. If, however, the changes are substantial, a whole new consultation process could be triggered which could result in going back to the beginning of the public consultation process identified in this document.

## 8. APPENDICES

### Appendix 1: Legal and Regulatory Background for Stakeholders Consultation in Mining

In Mongolia, a legal requirement for local development agreements (or local-level agreements) was first introduced in the Minerals Law in 2009 as a result of civil society's push towards local participation in decision-making over mining. However, local communities have often been in direct conflict with mining projects in past decades because of a lack of regulation and dialogue and unrealistic expectations.

The Minerals Law requires that a license-holder enter into a "local-level agreement" with the local governments regarding environmental protection, employment and infrastructure investment where the mine project is located. With the exception of this general provisions in the Mining Law, there is no specific legislation or procedures that regulate public consultation and community engagement in mining prospects.

However, stakeholder consultation is mandatory as part of the environmental assessment carried out in order to grant a mining license, according to the environmental legislation in force. Similarly, it is expected that public consultations will play an important role in establishing procedures relating to mine closure and environmental rehabilitation, taking into account the needs of the local communities. The table below shows the legal and regulatory requirements for public consultation and participation.

*Table 1: Mongolia Legal and Regulatory Requirements for Consultation*

Laws / Regulations	Statutory requirements
<p><b>Mining Law of Mongolia</b> was last amended in 2015, revising the 2006 "<b>Mineral Law</b>". This law regulates the activities within the territory of Mongolia with respect to exploration and exploitation of minerals. In relation to public consultation in mining, Article 42 states:</p> <p><i>42.1. A license holder shall conclude agreement and work in cooperation with local administrative bodies on issues of environmental protection, infrastructure development in relation to mine-site development and job creation (Mandatory)</i></p> <p><i>42.2. A license holder in cooperation with the local administrative body may organize a public forum in relation to issues specified in Article 42.1. (Not Mandatory)</i></p> <p>Under the amendments made to the Mineral Law in 2014, the Minister of MMHI issued Decree No.179 on March 28, 2016, approving a model template for local cooperation agreements on environmental protection, infrastructure development and creation of job placements<sup>2</sup>. The Chapter 4 of the agreement template states that a "cooperative" committee shall be formed with membership of 9 people, ensuring an equal representation of local government, mining companies and community members. Soum Citizen Representative Khural (CRKh) shall nominate the community representatives and the Governor of the soum is entitled to appoint the committee members. In the case of a mineral deposit of strategic importance, the Local Development Agreement shall be concluded between the mine prospector and the Governor of the city or aimag.</p>	Local development agreements

<sup>2</sup> Template for company-local government agreements on environmental protection, infrastructure development and creation of job places was approved on March 28, 2016

<sup>3</sup> On 17 May 2012, the Parliament of Mongolia adopted a comprehensive revision of Mongolian environmental laws. The new environmental legislation replaced 18 environmental laws with 8 laws and introduces 2 entirely new laws.

<p><b>Environmental Impact Assessment Law of Mongolia</b> was passed in 1998 and was last amended under the package of environmental laws<sup>3</sup> in May 2012. The EIA Law requires that when preparing an EIA report, the project sponsor must include minutes of meetings at which local people who are to be affected by the proposed project were consulted. Article 17.4 of the revised version states that the person authorised to do the detailed EIA should hold meetings with the local government, citizens and all who are to be affected by the project to receive their suggestions. Article 7.4.1 says a project that does not incorporate the suggestions stated in Article 17.4 will not be issued a licence of operation or if a licence has been issued, it will be invalidated. Thus, suggestions and opinions of those directly affected by the project now assume great importance for the project implementation team.</p> <p>Through the decree No. A-3 of the Minister of Environment, Green Development and Tourism (former name) passed the Regulation on Ensuring Public Participation in EIA was approved in January 2014.</p>	Public participation in EIA stages
<p><b>General Administration Law of Mongolia</b> was approved on June 19, 2015. This law provides detailed circumstances on when to prioritize public interests over certain organizations or individuals' rights and interests if any decision of the administrative bodies or their officers conflicts with those rights and interests. The Legislation has been in force from January 1, 2017. Under this law, the Regulation on Public Hearing procedures was enacted.</p> <p>Pursuant to Article 11, mining contracts (i.e. Investment Agreements, Stability Agreements, Production Sharing Agreements, Local Cooperation Agreements and Minerals Use Agreements) fall under the category of administrative contracts. Thus, a public hearing shall be organized accordingly to receive public comments.</p>	Public hearing
<p><b>Law on Public Hearing</b> was adopted on July 15, 2017. The overarching purpose of this law is to ensure citizen participation in public administration and governance. This is the first law to enable citizens' participation in drafting, approving and implementing a state policy. There are a number of types of public hearing: legislative, oversight, budget, investigative, administrative, onsite and public appointment hearings. For instance, the legislative public hearing is a hearing of the voice of the public for initiation and drafting of a law.</p>	Legislative public hearing
<p><b>Environmental Protection law of Mongolia</b> was last amended under the package of environmental laws<sup>3</sup> in May 2012.</p> <p>Amendments to the Law of Mongolia on Environmental Protection introduced the "polluter pays" principle and the collective management of natural resources.</p>	Community participation in environmental protection
<p><b>Development Policy and Planning Law of Mongolia</b> was passed on November 26, 2015. The Law establishes the framework and underlying principles for Development and Planning, to operationalize integrated national, regional and sector policymaking and planning, to ensure links and harmonization on a long, medium and short-term, and to develop, approve and implement the Development Policy and carry out Monitoring and Evaluations.</p>	Public participation and transparency in planning activities
<p><b>Law on Legislation</b> was adopted by the Parliament in May, 2015, and became effective on January 1, 2017. The Law regulates legislative and regulation-making activities of the government and also the formulation of subnational regulations and rules. The Article 6 indicated that public consultation in legislative drafting shall be organized to promote the possibilities of stakeholders to take part in the preparatory drafting or to hear their views at the beginning of the drafting through requests for comments, hearings or discussions.</p>	Consultation in legislative drafting processes
<p><b>Law on Promotion of Gender Equality</b> was enacted in October 11, 2011. This law specifically ensures gender equality in political, legal, economic, social, cultural and family relations, and regulates relations related to their implementation. It spells out the responsibilities of specific public agencies to ensure gender equality.</p>	Gender equality in political legal, economic, social relations

## Appendix 2. Key Gender Questions to Consider

Sustainable economic development means paying attention to the groups of people who are often marginalized by development projects or further harmed by potential unintended consequences such as increased alcohol consumption, domestic violence and prostitution. Good consultation practices enable "getting the full picture" by consulting with a wide range of stakeholders to assess potential risks, impacts and opportunities related to a mining project. Resource development can have significant impacts on the health and wellbeing of women, influenced by a broad range of cultural, social, economic and environmental factors. Setting up a gender equality (or diversity)



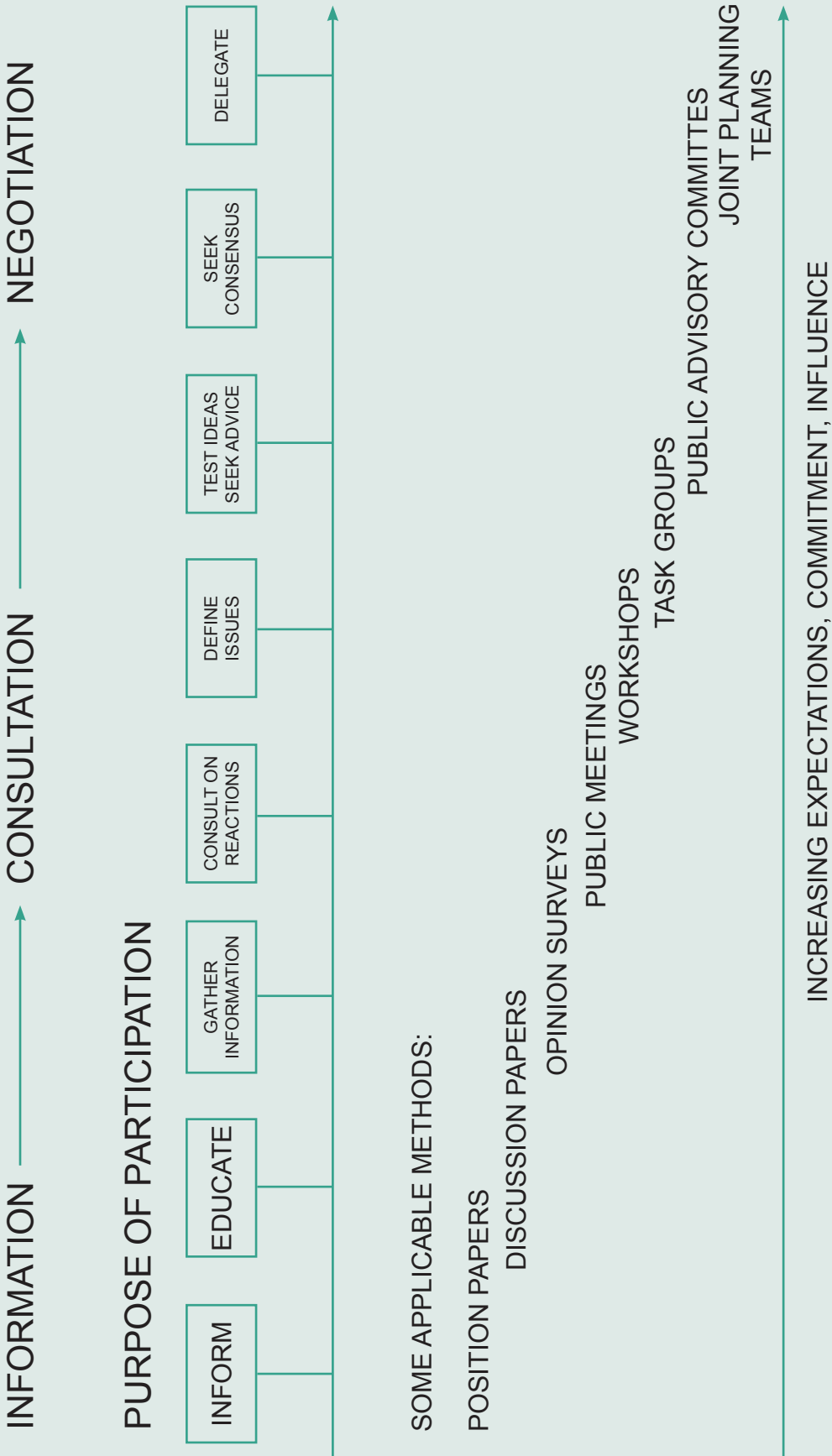
reference group for mining consultation is important to identify and assess, integrate, track and communicate impacts on women and vulnerable groups.

*Table 2. Gender Issues in Consultation*

<b>CONSULTATION PLANNING</b>	What strategies and policies exist at the national and subnational level to promote gender equality? For example, does the aimag government have a Gender Equality Strategy and / or subprograms?
	Have any gender analysis or gender impact studies been carried out? For example, are there studies conducted by international agencies that assess current or potential areas of discrimination or disadvantage between women and men in relation to access to resources, opportunities and benefits derived from economic development in the region?
	Are there any critical issues or human rights violations that have been identified within the community or region that could be exacerbated by the mining project? For example, are there any reported cases of child labour and human trafficking?
	Are sex-disaggregated data available? Does the data provide an insight into differential impacts or access to resources for men and women? For example, is there data available on comparison of wage earnings for men and women in the mining sector?
<b>CONSULTATION PROCESS</b>	Does the consultation planning team have women involved? Are they sensitive to the diverse cultural and gender issues of the region?
	Do selected groups and participants include equitable representation of men and women? Are there other groups of people who should also be present such as youth, elders, people of ethnic minorities and people with disabilities?
	Are there any barriers or constraints that may limit the participation of men or women? For example, some men may be absent during herding; women may be unable to attend due to childcare responsibilities.
	Will the consultation process as it is designed support the active participation of women and men? For example, will women feel comfortable voicing their opinions in a large group or with political male leaders present?
<b>DOCUMENTATION AND REPORTING</b>	Are there other methods of consultation that could be used to engage people who are not comfortable speaking in a large group? For example, try holding small group discussions or consider asking young people to share in a session to bring more youth into the conversation.
	Have the views of all people participating in the consultation process been accurately recorded? For example, have differing opinions been captured?
	Have women and men been part of the analysis of collected information to ensure there is no unintended gender bias? For example, the views of elderly women may have been overlooked because they are not deemed important.
	Does the report fairly present the views expressed by participants during the consultation process? For example, have critical issues or expectations been captured such as the lack of access to health care in the community and fear of increased accidents and health issues as a result of the mining project?
	Do the recommendations address any gender or cultural issues or gaps that may have been raised? For example, have the concerns around women not being fairly considered for mining positions or that men may be at risk of increased alcoholism been raised?

Appendix 3. Continuums of Public Participation

Figure 1. Continuums of Public Participation





## Appendix 4. Corporate Social Responsibility Checklist

The objective of the Corporate Social Responsibility Checklist is formulated to provide Canadian mining companies developing mining projects abroad with a tool that can assist them to plan for and mitigate potential environmental, social and ethical challenges they may encounter. The checklist is designed to raise awareness of basic community relations approaches and to prepare companies to successfully engage communities and address social risk.

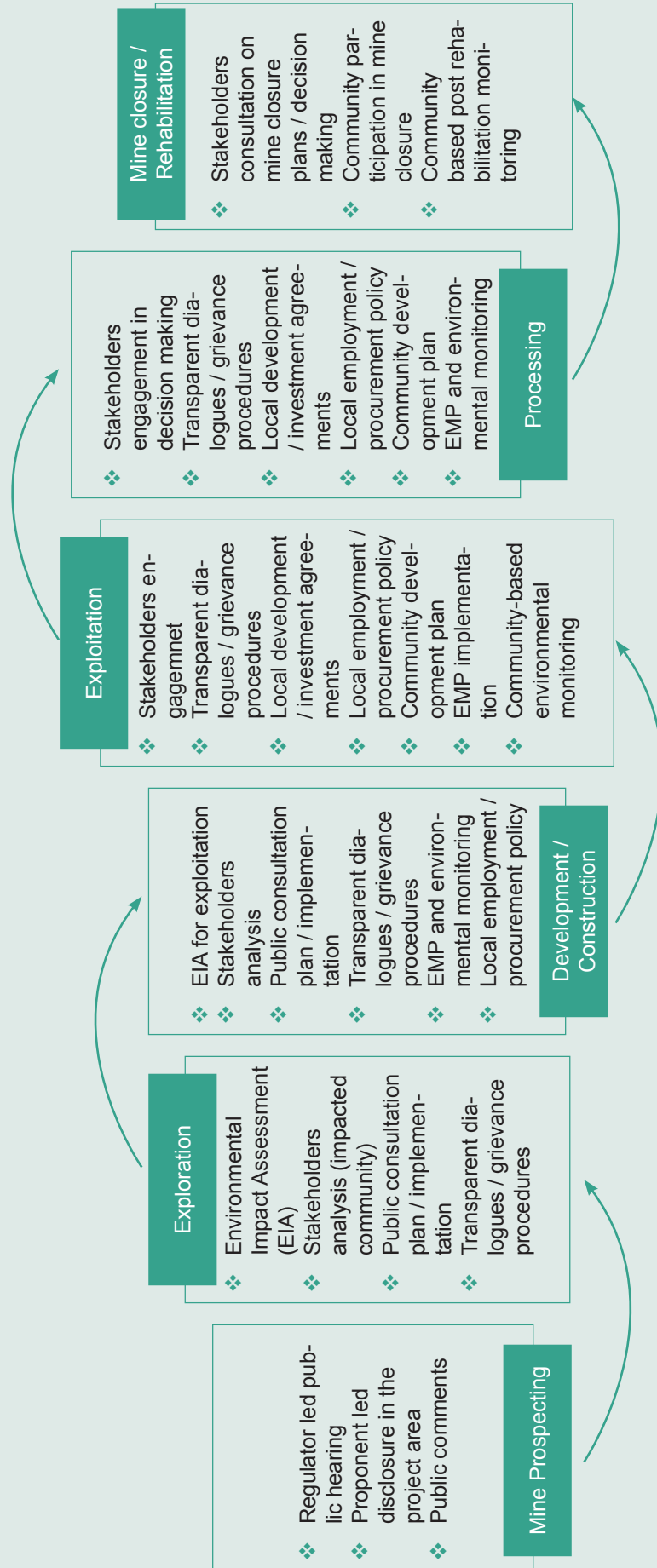
Within the mining industry, especially with many smaller corporations, companies still question whether they should think about the social aspects of their operation. Some make the argument that they do not have the expertise, the money or the time to develop the right community approach. Some assume that systematic engagement with local communities only increases expectations or leads to demands for costly projects. Corporate Social Responsibility (CSR), which can be defined as the voluntary activities undertaken by a company, over and above legal requirements, to operate in an economically, socially and environmentally sustainable manner, is an industry response to managing social risk.

*Table 3: How do you know what you are doing is working?*

GOOD SIGNS	HEADING IN THE WRONG DIRECTION	OFF THE RAILS
<ol style="list-style-type: none"> <li>1. New notices from the company remain on the bulletin boards without being defaced.</li> <li>2. Low theft levels, destruction of company properties.</li> <li>3. The absence of, or a decreasing trend of community incidents or complaints (silence itself is not an indicator).</li> <li>4. People associate improvements in their quality of life with the presence of the company.</li> <li>5. Outsiders campaigning on an anti-corporate platform (journalists, NGOs, politicians) get no local support.</li> <li>6. Community requests are benefiting the community rather than individuals.</li> <li>7. Community requests focus on personal skills development instead of demands for material things.</li> <li>8. No or low public outrage following incidents.</li> <li>9. Communities identify troublemakers and inform company staff about (security) rumours in the community.</li> <li>10. Communities say that they have access to site management and say the company is responsive to their concerns.</li> <li>11. People waving back when greeted.</li> </ol>	<ol style="list-style-type: none"> <li>1. Community leaders and elders state that they do not feel respected.</li> <li>2. The same problems arise over and over.</li> <li>3. Staff feel unsafe visiting communities.</li> <li>4. Cold reception in community during company visits.</li> <li>5. Accusations of company association with a repressive government.</li> <li>6. Disproportional negative reaction compared to the nature of an incident.</li> <li>7. Community accusations that the company is "arrogant," "not caring".</li> <li>8. Multiple groups that each claim the company should deal with them.</li> <li>9. Communities demand that company benefits need to be negotiated and commitments made in writing.</li> <li>10. Groups of people hanging around at the company gates hoping to get work.</li> </ol>	<ol style="list-style-type: none"> <li>1. Rising trends in theft (no reporting and the company is seen as a target).</li> <li>2. Work stoppages.</li> <li>3. Increased demands and hostile tone of the community.</li> <li>4. No leniency when accidents happen.</li> <li>5. Bad press.</li> <li>6. Increasing crime in the area of operations.</li> <li>7. Increased conflict between communities or within communities.</li> <li>8. Sabotage.</li> <li>9. Reliance on police or army for security.</li> <li>10. Communities say that the company is "stealing" their resources.</li> </ol>

Public consultation must be organized throughout the whole life cycle of the mining project: prospection, exploration, construction, exploitation, processing, closure, environmental rehabilitation and post-closure. Public information, consultation and facilitation play a different role during the specific phases of mine closure and rehabilitation.

Figure 2. Examples of Stakeholder Consultation in the Mine Life Cycle



## Appendix 5. Consultation Methods

The Table below describes a variety of consultation methods to reach diverse audiences to achieve a meaningful consultation. Consultation methods are classified into two categories: gathering inputs and feedback, and bringing people together for consultations.

*Table 4. Description of Consultation Methods*

1. Methods for Gathering Input and Feedback			
<b>PUBLIC MEETINGS:</b> A planned event that allows stakeholders and the public to meet with staff / organizers to review, discuss and / or debate one or several issues of concern and interest. Public meetings provide an opportunity to consult large numbers of people. Meetings can be organized to allow for small group discussions with oral feedback.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Give the public the chance to speak on issues of interest to them;</li> <li>- Provide an opportunity to explain and give information in-person;</li> <li>- Allow informed discussion and hearing the views of the public;</li> <li>- Are more effective in small communities;</li> <li>- Help focus on concerns that are not necessarily issue-related.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Can invite off-track issues being raised;</li> <li>- Attendance is often low unless people feel personally or deeply concerned;</li> <li>- Some people are likely to be inhibited from speaking in a large group;</li> <li>- Traditional formats can limit audience contribution and lead to conflict;</li> <li>- If there is any confrontation, it may lead to poor media publicity.</li> </ul>	
<b>CONFERENCES / WORKSHOPS:</b> A large-scale meeting (usually) taking place over one or more days with key issues or themes to be discussed through sub-topics.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Provide a useful forum for small group discussions, presentations, questions and answer sessions, discussions and feedback;</li> <li>- Are seen as the most open forum;</li> <li>- Expose participants to others' views;</li> <li>- Provide access to a wide range of participants; and</li> <li>- Help build consensus.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Can be costly;</li> <li>- Can be dominated by a vocal minority; and</li> <li>- Need good facilitators.</li> </ul>	
<b>BILATERAL MEETINGS:</b> Generally composed of one-on-one meetings between government and representatives. They provide an opportunity to identify and define issues and increase the knowledge base for the process.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Can allow greater in-depth understanding of specific stakeholder issues; and</li> <li>- Can be an opportunity to educate stakeholders on mandate and direction of department.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Can be limited by a focus on group's agenda;</li> <li>- Do not bring together multiple stakeholders to discuss issues and learn;</li> <li>- Might be seen as not being transparent; and can appear to be non-transparent or fair.</li> </ul>	
<b>FOCUS GROUPS:</b> Structured process for collecting information where pre-selected participants provide reaction to specific policies, projects or issues. This process tends to be issue-focused.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Can explore questions of particular interest;</li> <li>- Can allow participants to hear others' ideas and test their thinking against the reaction of other participants;</li> <li>- Can allow more detailed responses to be produced;</li> <li>- Provide an opportunity to determine the range of views on a specific issue or proposed changes;</li> <li>- Can be very useful for conducting background research prior to consultation and / or for testing;</li> <li>- Clarity of options at the end of the consultation; and</li> <li>- Can be relatively inexpensive.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Can be subject to groups wandering off topic unless clear questions are articulated;</li> <li>- Depend on careful background research and preparation;</li> <li>- Cannot be used to generalize from findings of a small focus group;</li> <li>- Views are not representative of the general public; and</li> <li>- Are usually mediated by an outside facilitator.</li> </ul>	

<p><b>INTERVIEWS / INDIVIDUAL MEETINGS:</b> Pre-selected individuals are asked a series of questions to gather information on a specific topic – such as a project or policy - by a trained interviewer.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Are a good way to obtain both factual and impressionistic information;</li> <li>- Can help in building understanding of issues;</li> <li>- Can be helpful in dealing with complex issues;</li> <li>- Are usually done on a one-to-one basis;</li> <li>- Can quickly collect in-depth data; and</li> <li>- Can be used in the preparation phase for consultations.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Do not build common ground because participants are usually only interviewed individually and there is no exchange of views with other stakeholders;</li> <li>- Are time-consuming;</li> <li>- Need a skilled interviewer;</li> <li>- Can involve bias of the interviewer.</li> </ul>
<p><b>HOT LINES:</b> A designated phone number to collect comments, or opinions. This method can also be used for voting.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Are impersonal, so people can provide input without fear;</li> <li>- Can be time-efficient; and</li> <li>- Are useful for long periods of time; and</li> <li>- Can change roles as issues develop.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Require expertise to ensure responses are accurate; and</li> <li>- Need monitoring and attention for language and messages that are not constructive.</li> </ul>
<p><b>OPINION SURVEYS:</b> A process for collecting information and opinions (and sometimes advice) where a list of questions requires the recipient to provide responses, through rankings, multiple choice, or open-ended questions. Surveys can be postal, face to face, web-based or conducted via telephone. They usually use a standard form or letter so that all those contacted are asked the same questions in order to make evaluating the responses most effective.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Are especially useful for a large segment of the public;</li> <li>- Include the participant who wish to remain anonymous;</li> <li>- Can be tailored to reflect local nature of issues;</li> <li>- Can be done through mail, on-line, or by telephone and provide data;</li> <li>- Can be relatively cheap;</li> <li>- Responses are more likely to be based on individual opinion rather than guided by the group.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be difficult to analyze statistically;</li> <li>- Need statistical advice to ensure validity of the survey tool;</li> <li>- Require expertise to develop valid questions;</li> <li>- Can have a low response rate without adequate promotion; and</li> <li>- Does not necessarily allow for interaction / feedback between participants.</li> </ul>
<p><b>PUBLIC ADVISORY COMMITTEES:</b> Members participate in ongoing discussions and / or discussions for a defined purpose.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Are useful when ongoing feedback or technical expertise are essential to decision-making processes;</li> <li>- Can enhance the understanding that the nature and impact of problem is crucial to policy, program or service development;</li> <li>- Are good for relationship-building; and</li> <li>- Are easier to schedule than public large-scale meetings.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be highly structured, requiring effort in planning, participating in and managing of process details;</li> <li>- Can be taken over by vocal minority;</li> <li>- Can be criticized for under-representation;</li> <li>- Might give the impression that advisors are decision-makers;</li> <li>- Need clear direction on the expectations for them, their mandate and their role in decision-making processes.</li> </ul>
<p><b>COMMENT FORMS / WORKBOOKS:</b> A publication produced in print or electronic form that provides contextual information and invites stakeholders to suggest solutions to a set of problems or challenges.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Are useful for expressing the departments mandate, commitment and goals;</li> <li>- Are a good way to state a problem or challenge, particularly if different aspects of the issue require careful consideration or specific knowledge;</li> <li>- Allow stakeholders to think about issues and respond to directed questions / statements.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Need up-to-date distribution list for mail-outs.</li> </ul>

<p><b>EVENTS / ROADSHOWS:</b> Events and roadshows are usually larger than focus groups or workshops and there may be some selection of invitees but usually all those interested can attend. There is potential to combine events with other methods of stakeholder consultation such as smaller breakout focus groups or opinion polls. Events and roadshows can also be used as an opportunity to raise the profile of the project.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Allows large numbers of people to be consulted at the same time and for large numbers of new contacts to be obtained;</li> <li>- Potential to collect quantitative and qualitative information at the same time;</li> <li>- Potential to invite a mix of stakeholders representing different opinions.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be costly and time consuming to arrange;</li> <li>- Need for large venue and supporting staff;</li> <li>- Opportunities for in-depth discussions may be limited;</li> <li>- More suited to communicate the service rather than consult;</li> <li>- Little quantitative information gathered and not majority opinion.</li> </ul>
<p><b>FORUM:</b> A forum is a regular meeting of people who represent a group or organization and may be issue or area-based. Those involved typically comprise members of civic, political, professional, economic or social groups from a local area.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Regular events help to maintain momentum, commitment and enthusiasm and encourages wider participation as the activities of the forum develop;</li> <li>- Can be an effective way of involving excluded or hard to reach groups by creating an arena directed towards the concerns of specific groups;</li> <li>- Can address specific local concerns.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Often comprises of representatives from existing groups rather than individuals from the community;</li> <li>- May become 'talking shops' rather than action-oriented;</li> <li>- Potential for them to become rule-bound and bureaucratic;</li> <li>- Potential for confusion or conflict over the respective roles and responsibilities.</li> </ul>
<p><b>WEB-BASED DISCUSSION:</b> There are a variety of web-based engagement processes to choose from such as online discussion forums and blogs, Facebook, online surveys, social networking, ratings, voting and digital interactive TV. Web-based activities enable people to choose where, when and for how long they want to participate</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- People can choose a convenient time and place to participate;</li> <li>- Particularly useful for those who may be homebound e.g. carers, elderly people, parents with young children;</li> <li>- Can create debate and exchange of views;</li> <li>- Cost effective;</li> <li>- Can reach large numbers of people;</li> <li>- Less time consuming than attending a workshop or public meeting.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Depends on internet access and computer literacy;</li> <li>- Requires communication skills for the internet;</li> <li>- Needs ground rules for participation and interaction;</li> <li>- Requires expertise / training to develop and manage, and facilitate or moderate, if required;</li> <li>- Needs to be publicized to generate interest. Some people may feel intimidated.</li> </ul>
<p><b>STREET STALLS:</b> Street Stalls consist of outdoor displays such as idea or graffiti walls which can be used to capture the views and comments of large numbers of people. Maps and plans for an area or project can be displayed and passer-bys asked to comment on particular issues and themes, generate ideas or vote for particular activities or facilities.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Can collect the views of large numbers of people;</li> <li>- Are interactive;</li> <li>- Engage and generate interest;</li> <li>- Can reach people who may not normally participate.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can generate a large amount of data;</li> <li>- Require advance planning and preparation;</li> <li>- Require several facilitators to engage with people;</li> <li>- Event may be affected by weather conditions.</li> </ul>



<p><b>LEAFLETS / NEWSLETTERS:</b></p> <p>Leaflets are an effective, accessible way of informing the public of an issue or of changes to a service. They can be the only method you use, or you can use them in conjunction with another e.g. as part of an exhibition or campaign. Newsletters are used to provide more detailed information or for providing regular updates in a lengthy consultation exercise. They can also be used to summarise and explain long or complex documents e.g. a consultation document produced by the government.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Can be creative in design;</li> <li>- Familiar and easy to understand;</li> <li>- Can target specific groups;</li> <li>- Can help build a long-term relationship with a community;</li> <li>- Can reach a wide audience or blanket cover of a geographic area;</li> <li>- Can provide regular updates on an issue;</li> <li>- Tear-off slips can be incorporated for feedback.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Time consuming;</li> <li>- Requires a lot of patience;</li> <li>- Usually requires a long-term commitment;</li> <li>- Limited feedback;</li> <li>- Difficult to measure outcome.</li> </ul>
<p><b>CITIZEN COMMENT CARDS:</b></p> <p>Comments cards are simple cards or slips that allow members of the public to comment on a particular service or issue. They are left at obvious places, perhaps on the reception desk of a building. The design of the card is important, friendly and eye-catching cards will encourage people to use them. The cards sometimes ask for basic information about the commenter, such as sex and age group, in order to help identify any trends.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Cheap, quick and simple to complete;</li> <li>- Familiar to people;</li> <li>- The respondents raise the issues;</li> <li>- Can allow one-to-one feedback to the participants;</li> <li>- Draw on local knowledge and experience;</li> <li>- Can allow smaller issues to be raised as well as the bigger ones;</li> <li>- Allow you to check the public's responses to changes in the service;</li> <li>- Encourage a culture which has a positive approach to feedback.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- May result in unrealistic suggestions;</li> <li>- Response rate could be low;</li> <li>- A self-selected sample is not representative.</li> </ul>
<p><b>2. Methods for Bringing People Together</b></p>		
<p><b>CONSENSUS CONFERENCES:</b></p> <p>Two panels are set up: one expert panel and one lay-panel, composed of concerned citizens. The demographically representative lay-panel debates an issue and publishes a report that outlines its expectations, concerns, and recommendations. The lay-panel prepares in advance by reading information and developing key questions. The expert panel makes presentations and answers questions. The conference is open to the public.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Open up dialogue between the public, experts, politicians, and government;</li> <li>- Can be used for local or national issues, either technical or scientific in nature;</li> <li>- Provide citizens with the opportunity to write a document with recommendations; and</li> <li>- Can become a media event.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be expensive and time-consuming to set-up panels;</li> <li>- Require a lot of preparation by member of both panels; and</li> <li>- Can become a media event.</li> </ul>
<p><b>ROUNDTABLES:</b></p> <p>Roundtable discussions can be used as a tool for consensus building. They have multi-stakeholder involvement, operate by consensus and can generate cooperation to promote the environmental, economic and social sustainability of a community. The basic premise is that all participants, from business interests to the local community, are equal (industry representatives, government agencies and non-government organizations).</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- People are brought together as equals;</li> <li>- Encourages open discussion and helps break down barriers;</li> <li>- Confronts issues rather than people;</li> <li>- May produce innovative solutions;</li> <li>- Aims to create 'win-win' situations, rather than 'win-lose' scenarios.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Their composition normally precludes wider participation e.g. academics and professionals;</li> <li>- Requires considerable preparation;</li> <li>- Requires highly-skilled facilitators;</li> <li>- Open to dominance by powerful elites or social groups.</li> </ul>

<b>TASK FORCES:</b> A group of experts or representative stakeholders study a specific issue. The task force prepares a report with recommendations for action.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Provide experts the opportunity to lead the discussion;</li> <li>- Are useful when visible and public;</li> <li>- Third-party advice is necessary; and</li> <li>- Are suited to controversial issues with broad social implications.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Place heavy demands on administration and are time-consuming;</li> <li>- Can be seen as biased towards special interest groups; and</li> <li>- Can result in a mismatch between recommendations and demands and therefore recommendations made are not implemented.</li> </ul>
<b>ELECTRONIC MEETINGS:</b> A computer network using group decision support software is used to facilitate face-to-face meetings for consensus building, problem solving, strategic planning, conflict management, and priority setting.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Allow comments to be provided anonymously thereby improving equal participation;</li> <li>- Allow greater focus on issues rather than personalities;</li> <li>- Do not require ideas to be transcribed – input is recorded during the process;</li> <li>- Can produce ideas simultaneously from many different participants at once;</li> <li>- Can be used in the preparation phase for consultations.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Rely on facilitators who are familiar with the software;</li> <li>- Require a facilitator who can balance talk vs. technology overload;</li> <li>- Need ground rules for participation and interaction; and</li> <li>- Require typing skills, or assistants need to be provided to help enter input.</li> </ul>
<b>CITIZEN PANELS:</b> A large group (hundreds) of demographically representative people respond to proposals by the government. The group can be randomly selected or selected based on knowledge and interest.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Can be used over a long period of time as a source for quantitative and qualitative information; and</li> <li>- Do not have to meet face-to-face.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Can be expensive to set-up if not used regularly;</li> <li>- Might not allow for mutual trust, common language and confidence to be developed among members.</li> </ul>
<b>STUDY CIRCLES:</b> A small group (5-20) of selected participants who meet regularly to address issues, usually with a trained facilitator and basic ground rules for discussion.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Allow responsibility and control of discussion by participants to increase over time;</li> <li>- Are simple and easy to manage;</li> <li>- Are inexpensive;</li> <li>- Rely on access to local resources and ideas.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Are not necessarily representative of the community as a whole, due to small numbers.</li> </ul>
<b>SEARCH CONFERENCES:</b> Consisting of a large group of invited individuals (60 to 70) who have diverse perspectives. The purpose is to create a desired future by sharing information and developing a mutual understanding. Conferences consist of working sessions with a wide range of parties such as government, industry and users.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Are good to use at a community level in addressing local issues;</li> <li>- Are helpful in building common understanding; and</li> <li>- Are most useful when there is limited time and participants do not need any prior training.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Are challenging to organize to ensure representation;</li> <li>- Might lead to additional requests for research.</li> </ul>
<b>THINK TASKS:</b> Brings together large or small groups of individuals with knowledge and expertise to develop solutions to current issues and problems. The process can take one to three days.	<b>Pros</b> <ul style="list-style-type: none"> <li>- Provide an opportunity to think creatively;</li> <li>- Are most useful when issues are complex; and</li> <li>- Are useful if recommendations from a third-party are needed.</li> </ul>	<b>Cons</b> <ul style="list-style-type: none"> <li>- Depend on the selection of participants;</li> <li>- Cannot rely on expert-only opinion to represent the broader public's views; and</li> <li>- Can be influenced by expert biases that might not be supported by the general public.</li> </ul>



<p><b>CHARETTES:</b> A problem-solving workshop that brings together all interest groups, however diverse their opinions.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Allow for diverse groups to come together to solve issues;</li> <li>- Are useful when agreement needs to be reached in a short time; and</li> <li>- Allow participants to gain a better understanding of different and opposing positions.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Might develop into a longer process than initially planned;</li> <li>- Depend on consensus and it might be hard to get all participants to commit to resolve differences and determine appropriate plan that is acceptable to all; and</li> <li>- Can force the authority to accept the results or lose credibility.</li> </ul>
<p><b>DELIBERATIVE POLLING:</b> Aspects of polling, conferences, and roundtables are combined. A randomly selected and demographically representative group of people (40-100) completes a questionnaire at the beginning of the process. Participants are then provided with documents on various scenarios, including arguments for and against each scenario. Participants debate the pros and cons. Finally, participants complete a second questionnaire to assess any changes from the initial perceptions and why those changes occurred.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Allows issue to be quite specific;</li> <li>- Allows formal and informal interaction;</li> <li>- Can include experts who serve as a resource;</li> <li>- Provides an opportunity for participants to become informed on issues;</li> <li>- Requires participants to say "why" they support a particular viewpoint; and</li> <li>- Can track changes in participants' positions, if any.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be expensive and time-consuming to plan, implement and produce final reports;</li> <li>- Is a relatively new technique and requires facilitators who are experienced;</li> <li>- Relies on representative samples of the population, which can complicate.</li> </ul>
<p><b>THE DELPHI PROCESS:</b> A group is selected that represents different points of views on an issue. Participants give comments and discuss the issues. After discussion, group members provide responses to the issues and viewpoints anonymously. Discussion and sharing continue until the group reaches consensus or stable disagreement.</p>	<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>- Encourages understanding of different viewpoints and compromise;</li> <li>- Focuses on finding mutually - agreed upon solutions.</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>- Can be time-consuming;</li> <li>- Might result in participants changing their thinking and adopting the popular view; and</li> <li>- Is not appropriate for groups disinterested in compromise or consensus.</li> </ul>

## 9. REFERENCES

1. Stakeholder Consultation - Part One, International Finance Corporation
2. Background Document on Public Consultation, OECD/OCDE, the Organisation for Economic Co-operation and Development (OECD)
3. Corporate Social Responsibility CSR Checklist for Canadian Mining Companies Working Abroad (2015)
4. Consultation Toolbox >> A Guide to undertaking consultations (March 2004), Fisheries and Oceans Canada
5. Mining, "Social License" and Local-Level Agreements in Mongolia, Byambajav Dalaibuyan, Centre for Social Responsibility in Mining of University of Queensland, Australia
6. Mining Law of Mongolia (2015)
7. Environmental Impact Assessment Law of Mongolia (2012)
8. General Administration Law of Mongolia (2015)
9. Environmental Protection Law of Mongolia (2012)
10. Mongolian Law on Development Policy and Planning (2015)
11. Mongolian Law on Legislation (2015)
12. Mongolian Law on Promotion of Gender Equality (2011)

### Useful Links for More Reference

- ❖ The Role of Public Consultation in Environmental Assessments: Phase One Report, December 2015  
file:///C:/Users/User/Desktop/url.htm
- ❖ EAO - Baldy Ridge Extension Project Documents  
<https://projects.eao.gov.bc.ca/p/baldy-ridge-extension/docs>
- ❖ EAO - Public Participation in the EA Process  
<http://www.eao.gov.bc.ca/participation.html>
- ❖ AER - Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes, June 2013  
<https://www.aer.ca/rules-and-regulations/manuals>
- ❖ AER - The Hearing Process for the Alberta Energy Regulator, June 2013  
<https://www.aer.ca/rules-and-regulations/manuals>