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ASM and civil society:

Summary Guide for CSOs on engaging artisanal and small-scale mining

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About this report: This summary guide provides a general, high-level overview for civil society organisations on how to engage with artisanal and small-scale mining (ASM) in order to address some of ASM's social and environmental impacts. The starting point is to understand the context of ASM in a given landscape (section 1). Suggested actions are then detailed (section 2) before guidance on effective engagement approaches (section 3). Recommended resources are provided throughout. This guide summarises the key conclusions, steps and resources outlined during a training workshop on engaging with artisanal and small-scale mining (ASM) as part of the Dutch-funded Shared Resources, Joint Solutions initiative (SRJS). The workshop took place in Possotome, Benin, between 26th and 28th February 2020 for IUCN member organisations from Benin and Burkina Faso and was hosted by IUCN and led by Levin Sources.

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If you are interested in receiving training from Levin Sources on the themes identified in this summary guide, contact Levin Sources at either hello@levinsources.com and/or Blanca.Racionero-Gomez@levinsources.com . See www.levinsources.com for more information.

Levin Sources can cover the range of themes outlined above as a workshop, or can deliver workshops specializing in particular themes, such as Human Rights-Based Approaches (HRBA), Gender in ASM, adapting the Frugal Rehabilitation Methodology (FRM) to country and ASM-inclusive Environmental Management Planning (EMP).

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1. Understanding the ASM context

This part describes key characteristics of ASM that need to be explored in an in-depth analysis of the local context and the legal, political, geographical, financial, social and environmental systems that ASM is embedded in.

1.1.   ASM Overview

The first step of any intervention or project in ASM needs to be based first and foremost on a thorough understanding of ASM, the systems and structures of it and the context surrounding it. ASM is generally defined as mining operations that use simplified methods of mineral extraction, aggregation and processing.[1] In general, ASM is characterised by low capital intensity, low use of technology, and high labour intensity. ASM is a well-organised system, not random or chaotic. Social and economic organisation exits, but it is often an informal, invisible order. Therefore, it is very important to understand the system behind it, as well as the forces and structures that shape this system.

The following provides a few key points on ASM globally, but each context is different.

- ASM directly employs more than 40 million people worldwide, stimulates local economies and feeds local markets. ASM produces 20% of the global gold and diamond supply chains, 80% of the sapphire supply, 26% of global tantalum production and 25% of global tin production.

- ASM is not uniform and entails a spectrum of different types and scales of mining. Although ASM varies in size, scale and organisational structures there are some common characteristics:
    - o Simplified forms of exploitation, extraction, processing and transportation
    - o Limited mechanisation or low use of technology
    - o Low capital intensity, and high labour intensity

- Within this spectrum, the differences between 'artisanal', 'small-scale', and 'semi-mechanised' mining are usually defined in national mining legislation, based on criteria such as type of equipment used, depth of workings, size of surface area, or volumes produced.

- ASM is driven by both poverty and opportunity.
    - o Poverty push factors: ASM is often already the alternative livelihood, people in ASM frequently have few other options
    - o Economic drivers: ASM is a rational economic choice, as ASM can provide higher income, quicker income, supplementary income, or emergency income and cash, especially in otherwise subsistence based economies.
    - o Social drivers: desire of emancipation, dignity and respect, ambition, identity, profession, etc.

ASM can happen on a wide spectrum of formality and different terminology is used to designate different states on that scale, such as legal/illegal, formal/informal, criminal, or 'legitimate'[2]. Each terminology has its own definition, and it is crucial to be nuanced and precise when using these terms.

In cases where ASM does not 'follow the law', there may be different reasons behind it:

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[1] See for example the definition provided in the OECD Due Diligence Guidance's Gold Supplement, p. 65. At:
https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf
[2] The term 'legitimate ASM' is specifically defined by the OECD in the OECD Due Diligence Guidance or Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. At: https://www.oecd.org/corporate/mne/mining.htm

- Criminal elements may be trying to benefit from the mining or trading of minerals, or

- The barriers of entry into a legal, formal way of working may be too high: The legal requirements may be too complicated, too difficult to achieve, too costly, etc, and thus might hinder a formalisation process inadvertently.

Considering the above, the following points should be taken into account when you engage with ASM:

☐ Do not only look at the mining or the 'diggers', but understand the different actors along the entire supply chain

☐ Understand what happens around the mining site, not just on the mining site: Understand how ASM relates to nearby communities, how it relates to state regulation and governance, etc

☐ Understand the supply chain – including aggregating, processing, trade, export, global markets, etc.

☐ Understand not only the flow of the product (mineral), but also the end markets and flows of finance, which are influenced both by economic and social factors

1.2. Key environmental issues

ASM often operates in hydrologically active or inactive alluvial deposits (sands, gravels and gold), where generally the issues include:

- Severe habitat degradation through riparian and associated forest loss and reduction in ecosystem services associated with these landscapes.

- Severe impacts on hydrological systems with degraded water quality, pollution and access to surface water.

- Impacts on other natural resource-based land-uses such as livestock herding, coca production, etc.

- ASM can follow river systems deep into rainforest reserves, Protected Areas, Critical Natural Habitats (CNHs), where it can become a frontier for new and secondary settlement and additional economic activities (logging, agriculture and bushmeat trade).

An ASM engagement plan needs to be informed as to the impacts – both direct and indirect - that ASM is having in any given context.

Direct impacts are those impacts that ASM activities are directly responsible for - the primary footprint - such as habitat degradation, forest clearance to access reserves, hunting for bushmeat, hydrological disruption, water and air pollution, creation of new access networks into undisturbed areas (e.g. Protected Areas) and impacting other stakeholders' livelihoods.

Indirect impacts can be similar to the above but are carried out by other parties who respond to access facilitated by ASM moving into new areas. These include in-migration and the establishment of new informal settlements and the resource exploitation that can follow, such as logging, wildlife trade, various social problems and conflicts – a range of impacts for which artisanal miners are **not** directly responsible, but which nevertheless contribute to the overall accumulative impact of such activities over time.

In short:

☐ Establish an environmental profile for ASM in the landscape by examining the intersection between the full extent of ASM activities/operations and terrestrial and aquatic biodiversity, hydrology systems, air and water pollution, associated land-uses and ecosystem services.

1.3. Social Impacts: The example of gender roles in ASM

Besides the economic and social opportunities, ASM can also have a wide variety of negative social impacts. It is crucial to recognise that there are also social impacts that are less immediately visible than for example child labour, and may draw wider circles than the mine site and the mining community: There may be effects due to (in-)migration into the mining area, or disputes over the use of land, water, forests and pastures with farmers and local communities, which can lead to undermining the existing social order, increases in drug and alcohol misuse, gender-based violence and harassment, insecurity, theft and criminality, forced or bonded labour, etc.

For this guide, gender roles in ASM are presented as just one example of social impacts, because it is often one of the most hidden ones. Gender roles are often overlooked in well-meant interventions and attempts to formalise the ASM sector. This can have unintended consequences especially for the most vulnerable. It is crucial that before any intervention, gender roles and impacts in the local context are understood. They vary in each context, and need to be assessed on a case-by-case basis. The below only gives a general overview of gender aspects – but this does not mean it is true in all cases.

- Men and women often take different roles in ASM, and they face different impacts and challenges, and interventions to formalise and improve ASM can touch them differently. These differences should be recognised if any intervention is to be effective.

- Globally, about 30% of the ASM sector workforce are women, in some regions up to 50% or even 75%. But there is lack of data generally. There is a great diversity, and no generalisation should be made: The country and area, culture and history, the type of mineral exploited, the type of mining and extraction methods employed, and other factors all play a role in this.

- Besides different levels of participation, women and men also often do different tasks in ASM.

  o Women's involvement in pits and shafts is low, they are often excluded at the first stage (digging and operation of machinery) and last stage (sale of minerals).

  o Women often do the less valued, less paid work such as crushing, sorting, re-mining tailings, sluicing, washing and panning, amalgamation, etc. These can be done at home while attending household.

  o Women also provide auxiliary goods and services (food, phone credit, transport, laundry, sex work, etc.

- Because of that, women may face specific challenges in the ASM sector, such as:
  o Unequal earnings
  o Lack of access to, use of and control over land
  o Difficulty to access to licenses
  o Difficulty to access to finance and credit
  o Information and geological data
  o Little insight into and influence over financial matters
  o Little voice in decision making

- These challenges can be caused by:
  o Inequality and discrimination at policy level
  o Traditional and cultural beliefs
  o Double burden of women who have household duties and external work
  o Lack of education and literacy

- All these challenges can lead to distinct impacts, like:

- o Pushing women further into informality and marginalisation, which can lead to risky situations with grave negative impacts for them, such as sexual exploitation, harassment and gender-based violence exposure to chemicals, etc.
- o Hindering women's capacity to participate in formalisation initiatives and to contribute to a productive and responsible sector
- o Reproducing bias through formalisations measures and facing negative impacts from a more formal, technologically advanced ASM sector

In summary, consider the following points when you engage with ASM

- ☐ Do not assume what the social impacts of ASM are, or have preconceptions about it without proper engagement with the key stakeholders – it is key that you speak with each affected sub-group and understand their own views and perspectives. This is especially true for gendered impacts.
- ☐ Ensure that you speak and engage with all relevant sub-groups, as social impacts of ASM can be very different for different types of stakeholders, i.e. men, women, elderly, youth, children, marginalised groups, landowners and landless, pastoralists, farmers, the mine site managers and the workers, the service providers and daily labourers, etc.
- ☐ Do not assume that the social impacts are all negative – also ask stakeholders about the positive changes!
- ☐ Ensure that women and other marginalised groups are able to share their views and perspectives. Support them in making their voices heard and ensure that your programmes do not have any unintended negative impacts.

1.4.   Key readings

Center for Human Rights and Development and Swiss Development Cooperation (2015): A Human Rights Based Approach and Gender Equality – a Manual. Sustainable Artisanal Mining Project. At: https://asmhub.mn/en/files/view/562

Delve Database on ASM by the World Bank and Pact, including annual Global State of ASM Report, at: https://delvedatabase.org/

Eftimie, A. et al (2012): Gender Dimensions of Artisanal and Small-Scale Mining A Rapid Assessment Toolkit. The World Bank and Gender Action Plan. At: http://siteresources.worldbank.org/INTOGMC/Resources/toolkit-web.pdf

IGF and IIED 2017: Global Trends in Artisanal and Small-Scale Mining (ASM): A review of key numbers and issues. At: https://www.iisd.org/sites/default/files/publications/igf-asm-global-trends.pdf

Fitsum Weldegiorgis, Lynda Lawson and Hannelore Verbrugge (2018): Women in Artisanal and Small-Scale Mining: Challenges and opportunities for greater participation. Report prepared by the International Institute for Environment and Development (IIED) for the Intergovernmental Forum on Mining, Minerals and Sustainable Development (IGF)

2. Taking action on specific issues related to ASM

This part describes actions and processes that could be initiated in order to address specific environmental or social issues related to ASM, depending on the issues identified during the context analysis.

2.1.   Formalisation and human-rights based approaches

Formalisation is the overall process through which a formalised, legal ASM sector can be fostered. It is the main process and mechanism under which all kinds of issues, social or environmental, can be addressed. Rather than a goal or a benchmark, formalisation is a long-term process of bringing ASM into the formal, legal economy and through that address the issues connected with it. Hence all effective engagement by civil society organisations with ASM should be in view of and supporting this formalisation process in collaboration with the Government.

There are three key components to the process of formalization:

1. The legal and policy framework for ASM

2. The state promoting and enforcing compliance with this framework, using 'carrots and sticks'

3. Participation and (self-) organization by the ASM itself.

Formalisation is mainly the responsibility of the state, but civil society organizations can play a key role in supporting it. There are many entry points where civil society can engage both with the ASM sector as well as with the relevant Government authorities responsible for governing the sector. Examples may include:

☐ advocating for better laws/policies
☐ organizing peer learning events and trainings
☐ act as an intermediary between ASM and the government, etc.

2.1.1. ALIGNING FORMALIZATION WITH HUMAN RIGHTS-BASED APPROACHES

Civil society can have particular leverage when enhancing the participation and inclusion of the views and voices of ASM in the formalization process, which aligns with human right-based approaches (HRBA).

HRBAs have been used successfully in helping to formalize the ASM sector in some countries (see example in Mongolia, listed in the resources at the of this section). Civil society can make use of HRBA principles and approaches.

A HRBA is an essentially a way to do programming or planning of interventions and projects. It helps to achieve holistic outcomes, and it states that those most affected by an issue should be involved in addressing it.

The HRBA takes human right standards and principles as a guide for any project or intervention. It says that every individual has certain rights, given by the constitution of a country and international human rights convention. The approach says that achieving these rights should be both a means and the goal of an intervention / project.

This means that the process of the intervention is as important as the outcome – so the way you go about working with ASM is as important as the goal of ensuring a formalised, legal sector. A HRBA empowers people (individuals) to know and claim their rights, and it helps increasing the accountability and ability of Government institutions to respect, protect and fulfill these rights. Thus, there are:

• Rights holders: Individuals with rights. The HRBA wants to empower the rights holders to know, claim, access and realise their rights.

• Duty bearers: Governments have the duty to respect, protect and enhance the fulfillment of rights of individuals. The HRBA supports government agencies in fulfilling this role – not just by monitoring and controlling, but also by providing services and supporting individuals.

The following key principles of the HRBA should be taken into account when planning or implementing any kind of project, programme or intervention in the ASM (or other) sector:

- **Equity and non-discrimination**: Focus on those who are most vulnerable and marginalised; those who are not listened to or are usually 'invisible' and ensure that they are included and treated equally.

- **Participation and inclusion**: Enable all stakeholders to participate actively and freely in the programme/intervention or changes that will affect them. Stakeholders should be empowered to articulate and voice their expectations, they should be consulted and included in decision-making processes.

- **Accountability**: Interventions/programmes should be accountable to stakeholders, and also foster accountability *between* stakeholders. For example, the duty bearer (the state) is accountable to the rights holder for fulfilling its duty – therefore programmes should support the state not only to monitor, control, enforce, but also to support and provide services, such as extension services, training, etc.

2.2.   Multi-partite partnerships

Civil society organisations have a unique, adaptable and flexible role in engaging with ASM sector stakeholders on a wide range of issues. In particular, they can influence and inform both government and wider stakeholders and can be effective brokers in designing and implementing solutions to complex social and environmental problems, under the wider umbrella of a formalisation process.

Given the complexity of the ASM stakeholder environment it is important that an approach to engage with ASM and relevant stakeholders is developed and undertaken through an engagement planning process that ultimately leads to multi-partite partnerships or platforms. The following steps are important:

- Review past experience and set vision, outcomes and objectives for future engagement with ASM sector

- Define criteria to inform the identification and mapping of **relevant** stakeholders

- Preparation: outline the steps and actions and resources required to achieve agreed outcomes

- Develop an action plan that is realistic, supported by available resources

- Implement engagement action plan and review and revise as learnings inform experience.

In order to design effective multi-partite partnerships or platforms, stakeholder mapping and analysis is key. But mapping relevant stakeholders is a question of perspective. Are stakeholders viewed from the perspective of your organisation's (CSO's) mission? Or, do you step across sectoral boundaries and try to see the stakeholder environment from the ASM perspective?

Here are some important points to consider:

- ☐ Appreciate what motivates and influences the ASM community to better encourage change within the ASM sector, interrelationships and the environment.

- ☐ Have an integrated perspective to inform an engagement plan.

- ☐ How far can you take ASM and associated stakeholder on a journey of engagement? Can it lead to community-based and local environmental management planning that benefits all stakeholders?

- ☐

2.3.   Addressing ASM in Protected Areas and Critical Ecosystems (PACE)

One of the more significant impacts of ASM is when it becomes established in priority conservation areas that are critically important for biodiversity and associated ecosystem services. These include formally Protected Areas (PAs) as well as extensive areas of Critical Natural Habitats /Ecosystems (CNHs/CEs).

The following drivers can push ASM activity into PACE: a) Lack of land access - informal ASM that cannot operate in the wider environment are inadvertently pushed into PAs and remote CNHs; b) Lack of enforcement – a capacity vacuum; c) Lack of competition; the lure of pristine, unexploited reserves; access to additional economic resources - timber, bushmeat, plant products. There is an ill-defined relationship between ASM exploiting these opportunities and facilitating access to them.

ASM access to such areas is often inadvertently facilitated by:

* Non-alignment and resource imbalance between government ministries: mining; industry and environmental. Even within environmental ministries, PAs and forest reserves are often the poor relations within in the "ministry" family and are under-resourced with less political leverage.

* Poor institutional capacity for monitoring and enforcement.

* Policy disconnect between regulatory frameworks: effective ASM formalisation process needs to recognise and address this. Legal frameworks have unintended consequences. Not just a lack of cross-compliance.

* Lack of access to mining land based on an informed regional or national land-use strategy. Exploration & mining licenses often prioritised for Large Scale Mining (LSM) which is better resourced, politically more influential and demonstrates stronger investment interest. This can push ASM into PACE.

* Lack of collaborative understanding and will between LSM and ASM.

What can be done to reduce and mitigate these trends?

☐ Work with the relevant ministries to address situations outside of and within and around such PAs and CNHs.

☐ Advocate for ministerial policy alignment with regard to PAs/CNHs

☐ Advocate for land access: a fairer playing field for ASM with regard to access to licences and permits

☐ Seek conditional license to operate, based on positive and negative incentives, such as demonstrable best environmental practices.

☐ Encourage commitments to an adapted-to-context Frugal Rehabilitation Methodology.

☐ Instead of pursuing ineffective eviction approaches, develop more effective Containment and Exit Strategies for ASM within PAs (where appropriate).

2.4.   Environmental rehabilitation – the Frugal Rehabilitation Methodology (FRM)

Designed to the Three Pillars of Sustainability, and based on demonstrable action research, the FRM is a methodology for the rehabilitation/restoration of land degraded by ASM that is:

* Economically affordable to the ASM community and

* Socially acceptable to all impacted stakeholders

- Ecologically viable, ensuring site is returned to a path of ecological recovery.

The FRM requires active engagement and steering by Government authorities, as well as the collaboration between these authorities, the ASM stakeholders and civil society within a multi-partite partnership as described above. The FRM follows a systematic, step-by-step approach:

- Preparation and Planning: Access to site; Effort and cost assessments – labour and equipment; levels of mechanisation; Soil enhancement resources and efforts; Biological resources and approaches; Health and Safety protocols.

- Technical rehabilitation: Waste management – clearing site of waste and pollutants; Ground preparation – Hydrological restoration to agreed design; Infilling (shafts, pits and tunnels); Regrading/reprofiling to appropriate topography/scale; Manual/mechanized approaches.

- Topsoil conservation and management protocols: Identification, winning, conservation and storage - very valuable!; Redistribution to appropriate depths; Hydrologically-active alluvial sites - soils have higher capacity for recovery as long as hydrological function is restored.

- Biological rehabilitation: Identification of vegetation communities with target dominant/co-dominant species and successional coloniser species; agreement on future land-use; seed collection of target species; soil enhancement opportunities; distribution of seeds into topsoil; soil stabilisation and moisture retention; planting and irrigation where needed.

- Rehabilitation site handover: Sign-off by local government once assessed to social acceptability standards; formally referred to national government agency responsible for issuing licenses/permits.

Whole Mine Cycle Approach: building rehabilitation methodology into ongoing mining operations so as to reduce effort and costs. Maximize the rehabilitation outcome while reducing the rehabilitation effort. The WMCA recognises the Mitigation Hierarchy [3] and plans future mining activity with regard to reducing:

- Impact avoidance by design and operational approach

- overall damage footprint

- double-handling of materials

It is very important to recognise that topsoil identification, conservation and management can play a critical role in ensuring that the rehabilitation effort is effective and places the site on the path to ecological recovery.

2.5.   Designing ASM-led rehabilitation action plans

Structured to the FRM (see above), Rehabilitation Action Plans (RAPs) can be applied either retrospectively, attached to current mining activities or developed to demonstrate commitment to future mining activity, and potentially as a requirement to obtain licenses and permits. They reflect:

- A formalised approach to gaining a future licence to operate within a transparent system of land allocation

- The use of the FRM and WMCA to reduce impacts and secure a rehabilitation result acceptable to stakeholders

- A process that through a process of consultation within a local stakeholder platform is presented to local government/licencing authority for approval

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[3] The **Mitigation Hierarchy** is defined as a planning and operational discipline that when implemented in mining activities seeks to avoid, mitigate, restore and/or rehabilitate and finally offset/compensate for biodiversity impacts. It is important to note that within the ASM context, the capacity constraints of the sector mean that measurable "like-for-like" biodiversity offsets are not an appropriate response. However targeted additional conservation actions or compensatory actions could be effective if relevant to context. Please see the BBOP definition of the mitigation hierarchy here: https://www.forest-trends.org/bbop/bbop-key-concepts/mitigation-hierarchy/

- ASM RAPs can be delivered as stand-alone documents but are more effective when formally submitted as the ASM contribution to local-level participatory Environmental Management Planning (EMP) (see below).

2.6. Stakeholder-inclusive Environmental Management Plans (EMPs)

ASM-led Rehabilitation Action Plans can be a stakeholder approved contribution to Community-based local Environmental Management Plans. These are wider initiatives that ensure that ASM is included in a planning process that gives equal consideration to all environmental stakeholders within the local community. The EMP requires:

- Mapping of relevant environmental stakeholders and land-uses
- Identification of local government roles and responsibilities with respect to environmental stakeholders
- Participatory identification of environmental attributes/values: natural features; ecosystem services; habitats; species; Protected Areas and CNHs; sacred places
- Environmental impact assessment of land-uses and economic activities
- Discussion of relationships between the key environmental stakeholders with regard to common resource use: conflicts, neutral relationships, positive synergies
- Risk assessment of stakeholder relationships with these key values (are they +/N/- ?)
- Establishment of specific control measures compliant with national and international legal requirements, to avoid and mitigate impacts and conflicts

A representative Local Multi-stakeholder Council (LMC, or equivalent) is the vehicle for taking this process forward with local government. This model for environmental (and social) governance provides opportunity to establish a pathway to local sustainability:

- Through LMC-based dialogue: discussion and analysis of the issues and negotiate solutions to such issues/conflicts;
- ASM RAPs are integrated into this process, along with other land-uses;
- LMC develops a guideline to manage such issues and/or conflicts;
- Local EMPs are developed for 3-5 years, with annual review and action plans which are presented to Local Government for approval.
- Approved plan forms basis for informed funding of priority actions within budget cycle (Public Finance Mechanisms).

In summary, the function of the community-based EMP is to identify:

- key relevant environmental stakeholders
- any conflicts between the local stakeholders, and/or with national or regional stakeholders
- interactions between land-users and high biodiversity values (Protected Areas, Species, etc)
- Present conflicts/interactions as a programme for discussion with/through local government and the LMC

Through such discussions identify prescriptions or actions that aim to reduce conflicts and impacts and to prioritise such actions in terms of importance and urgency. These actions are then submitted to inform and contribute to Local and Municipality Development Plans and other related processes.

2.7.   Key readings

ASM-PACE: Artisanal and Small-Scale Mining in Protected Areas and Critical Ecosystems - Levin Sources and WWF, Case Studies 2010 – 2015. https://www.levinsources.com/what-we-do/case-studies/asm-pace-artisanal-small-scale-mining-protected-areas-and-critical-ecosystems

BEST-ASM in Minerals and the Environment - Levin Sources blog article, with links https://www.levinsources.com/what-we-do/services/minerals-and-the-environment

Felix Hruschka (2015): Comparative analysis of ASM strategies in four countries of Africa, Asia and Latin America – Ghana, Tanzania, Peru, Philippines. Levin Sources for PROMINES. At: https://www.levinsources.com/knowledge-centre/publications/comparative-analysis-of-asm-strategies-in-four-countries-of-africa-asia-and-latin-america-ghana-tanzania-peru-and-philippines

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Levin Sources (2019) ASM formalization: Mongolia's five ingredients for success. At: https://www.levinsources.com/knowledge-centre/insights/asm-formalisation-mongolias-five-ingredients-for-successMaking mining "Forest-Smart"- Executive Summary, World Bank, 2019. Fauna and Flora International, Levin Sources and Swedish Geological AB for the World Bank PROFOR Programme. https://www.profor.info/content/making-mining-forest-smart-executive-summary-report

OECD Insights (2016) What Mongolia's Artisanal Miners are teaching us: the link between human rights and ASM formalization. At: http://oecdinsights.org/2016/03/16/mongolias-artisanal-miners/

Sustainable Artisanal Mining Project website: http://sam.mn/ - check HRBA successful case study and lessons learned in Mongolia

The Frugal Rehabilitation Methodology (FRM) Field Handbook for Mongolia (2016). The Asia Foundation, The Ministry of Mining, Swiss Agency for Development and Cooperation)(SDC). https://asiafoundation.org/publication/frugal-rehabilitation-methodology/

UNITAR & UN Environment, (2018): Handbook for Developing National ASGM Formalization Strategies within National Action Plans. UNITAR & UN Environment. At: https://delvedatabase.org/uploads/resources/Developing-National-ASGM-Formalization-Strategies-within-National-Action-Plans_English.pdf

3. Effective approaches for ASM engagement

This part describes practical approaches, methods and tools for engagement and collaboration with ASM stakeholders, keeping in mind the key principles of a Human Rights Based Approach: Inclusivity, participation and accountability.

3.1. Collaborating with ASM: Participatory approaches and incentives

For civil society to start addressing some of the issues around ASM, it is crucial that they support the wider formalisation process, ideally through a HRBA, which is a way of addressing all kinds of issues in a holistic, long-term, sustainable step-by-step process. If specific issues need to be prioritised, civil society should do the prioritising in a participatory and inclusive way, meaning:

- Involve ASM stakeholders and others, such as neighbouring communities and state actors, in prioritising the issues they want to tackle.

- Ensure that most vulnerable are able to participate – especially women and youth, and marginalised segments of the neighbouring communities.

- Ensure that you also involve the respective government agencies as duty bearers.

There is a wide array of tools and methods that can be used for participatory prioritising exercises in a rural setting with stakeholders that may be illiterate, for example participatory matrices used in rapid rural appraisals.[4]

Developing effective collaboration across this diverse stakeholder spectrum will need to be brokered sensitively, and CSOs can be well-placed to undertake such facilitation roles. Engaging with ASM, community stakeholders and government agencies provides an opportunity to explore the values and perspectives of different groups. Such engagement can help identify incentives and disincentives – leverage points – that are well-informed and if implemented skilfully, can bring about changes in behaviour that can benefit **all** stakeholders. A careful contextual analysis of the ASM situation can be undertaken. In order to decide which incentives will work, the following factors will be important to ASM to consider:

- Future access to reserves/land (security of livelihood, tenure)
- Taxes, royalties, tariffs
- Improved social conditions (health, education, services)
- A process of formalization and a place in community

Through effective consultation, a Leverage and Incentives Matrix (LIM) can be designed which asks:

- What is the objective? What is the overall change that is desired?
- Action – what will the inducement/instrument look like? (Often a package of various values and regulations).
- How much leverage does the instrument have?
- What are the risks of unintended consequences and unpredictable external factors?
- What non-negotiable elements (conditions) should be attached so as to provide real leverage for changed behaviour?

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[4] See for example this resource book on participatory approaches: Chambers, Robert, 2000: Participatory workshops: a sourcebook of 21 sets of ideas and activities. At: https://epdf.pub/participatory-workshops-a-sourcebook-of-21-sets-of-ideas-and-activities.html

- Limitations – how effective will the incentive be?

Any incentives and disincentives arising out of such an exercise need to provide real value to ASM while safeguarding the interests of all community stakeholders.

Community-based Environmental Management Planning, led by a local multi-stakeholder platform can also be a collaborative way forward to addressing ASM impacts constructively within the context of all relevant environmental stakeholders, through a process that ensures equity across the range of stakeholder participants (see 8 above).

3.2. Engaging with ASM: Communication, sensitisation and training

Civil society organisations can engage with ASM either directly or indirectly. Sometimes, direct engagement is not possible from the beginning, as ASM actors may be hesitant to engage because of their informal/illegal status. In order to overcome this, it is key to build trust first. In this case, engaging indirectly at first instance can be a good way. This means first engaging with the neighbouring village and community instead of going straight to the mine site, and getting to know the key actors there, e.g. by meeting the chief or elder, speaking with youth, engaging with associations in the village. It is crucial that in these first meetings, a personal rapport is built and notebooks or cameras are avoided until the community explicitly allows their use.

When trying to engage directly with ASM and changing their behaviour and practices, civil society organisations should conduct outreach to ASM stakeholders.

Outreach activities should be aimed at creating a situation where the miners understand why and how they need to change. Outreach is about introducing changes in people's behaviours and practices. Outreach can be done through different techniques. Two of the most common techniques are:

- Broad communication: A communication campaign makes people aware that a different behaviour is possible and needed. It is large-scale, simple and low-cost per individual.

- Targeted training: Training builds the technical knowledge in individuals to operationalise change, it is localised, technical and high-cost per individual.

Communication and training are complementary approaches to do outreach and need to be done in a phased approach. Large-scale communication without training will not give people the tools to change while, training without communication will be unable to target the training to the key actors and therefore will not be fruitful.

Going from a communication campaign to technical training, it is important to identify and localise change agents. Trainings cannot be given to all ASM actors, and so it is most effective if the 'change agents' can be found and targeted to them. Social change often comes from the inside of a particular group, and starts with individuals who start changing their practices and then other people imitate them, because they see that the changed practice is beneficial. These individuals are so called change agents. They are only a small part of the population, but they can exist in any sub-group of society: young, old, rich, poor, educated, not educated. They are not necessarily always the leaders of a group!

To identify change agents in ASM, you can use a three-layered approach:

- Large-scale communications to alert change agents and to show them that change is coming
- Small-scale sensitisation to identify the change agent individuals in their location
- Technical training to empower the change agents and give them the tools to change their own practices, and through that, inspire others. An effective training targets only the change agents.

These three outreach approaches can be organised in different shapes and forms:

- Large-scale communication campaigns:

    o Use innovative and modern tools: radio programmes, songs, films, theatre, leaflets, potentially high-profile visits, etc.

    o Use simple and convincing language

    o Target your audience well: age, gender, environment, socio-economic level, in which environment are they most receptive to messages, etc

- Smaller-scale sensitization campaigns:

    o This consists of the deployment of a small number of community mobilisers or community liaison officers into the ASM villages or communities. Their task is to stay in these communities more or less permanently and engage with all key actors directly.

    o These liaison officers or mobilisers need to be trained in key aspects and issues of ASM, and in simple solutions on how to address them.

    o The liaison officers engage on a daily basis in an informal way with the different ASM actors in the community, by raising awareness about particular issues and discussing potential solutions with the stakeholders

    o Through that, the officers can identify the 'change agents' and those who are very interested in changing attitudes and practices, and can then register them for the more technical trainings.

- Technical trainings to ASM:

    o Trainings are given by experts in a particular field or topic, e.g. agronomists, geologists, mining engineers, child protection specialists, etc.

    o Training should ideally be free – you want to have the change agents attend, those interested in changing their ways.

    o Training should ideally be given outdoors and include practical elements, i.e. working directly at the mine site.

    o Ideally, the training leaves something behind in the community, e.g. a model pit, a map that was created by the community, etc, so that also the others who did not attend the training can go and have a look, and be informed by those who did attend the training

    o Use peer-to-peer techniques – e.g. once a miner has adopted new practices and attitudes, bring him/her to others to teach them

3.3. ASM engagement plans

ASM engagement plans of civil society organisations will look different in each context and country, and need to be adapted to the particularities and specific issues encountered. They can take different forms, depending on what civil society organisations are most used to or comfortable with, e.g. using a logical framework or a theory of change, or other intervention planning tools. Key elements that should be included in each plan are the following:

- In depth assessment and understanding of the AM context, including the system of production, the system of trade and the legal and governance framework relating to ASM, opportunities and challenges, incentives for certain behaviours and practices, and entry points for interventions

- In depth stakeholder analysis, including a view of the 'duty bearers' (state authorities) and the 'rights holders' (individuals) as per the HRBA.

- Development of local multi-stakeholder platforms or roundtables, where ASM actors, local government, civil society and representatives from the wider community can come together and discuss issues and how to address them.

- Prioritising challenges and solutions in a participatory process through the local multi-stakeholder platforms, be these environmental or social issues.

- Engagement and support interventions for the 'rights holders' (ASM actors and communities) to ensure that they are able to identify challenges, discuss solutions and implement these, i.e. through outreach activities (communication, sensitisation, technical training). These interventions can target specific environmental or social issues, or focus on a broader formalisation process through which all issues will be addressed.

- Engagement and support interventions for the 'duty bearers' to ensure that they can effectively conduct their mandate and are able to go beyond monitoring, controlling and enforcing, to provide extension services, knowledge, support and training to ASM themselves. These interventions can target specific environmental or social issues, or focus on a broader formalisation process through which all issues will be addressed.

- A robust and participatory monitoring and evaluation framework with feedback loops that allow rapid learning and adjustment of something is not working or does not bring the desired changes.