

# Community Engagement Toolkit for Development Minerals Mining Sites



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**About the ACP-EU Development Minerals Programme:** The ACP-EU Development Minerals Programme is an initiative of African, Caribbean Pacific (ACP) Group of States, coordinated by the ACP Secretariat, financed by the European Commission and United Nations Development Programme (UNDP) and implemented by UNDP. This €13.1 million capacity building program aims to build the profile and improve the management of Development Minerals in Africa, the Caribbean and the Pacific. The sector includes the mining of industrial minerals, construction materials, dimension stones and semi-precious stones.

**Cover Photo:** An illustration of a community dispute resolution meeting in Karamoja.

## INTRODUCTION TO THE GUIDE

*A grievance is a concern or complaint raised by an individual or a group within a community arising from real or perceived impacts of an individual or companies operations (IFC 2009). If unresolved, a grievance can escalate into a conflict which can ultimately have far reaching implications.*

Conflict is intrinsic to intra-human relationships and occurs whenever people or groups have different expectations of joint or intersecting activities. In the mineral sector, stakeholder engagement plan, Grievance Handling Mechanisms (GHMs), community development and consultation programs are all designed in the hope that conflict risks are minimized or prevented. But as conflicts are inherent to human societies, this guide has been produced with the expectations that it can help prevent and manage them fairly and effectively should they arise.

This community engagement toolkit has been designed for the Development Minerals sector to help different stakeholders in setting up workable GHMs. The toolkit highlights different forms of conflicts in the Development Minerals mining sector, then provides guidance on how to choose a GHM, establish and implement it.

This guide has been produced for the Development Minerals sector following a situational analysis conducted around selected Development Mineral mining sites in Uganda. For this reason, the guide can only be used by the sector stakeholders or stakeholders whose situations are similar to those highlighted herein.

This community engagement toolkit should not be used in cases of grave criminal offences such as murder which can only be handled by the police, and the Director of Public Prosecution and neither is it a substitute for pre-existing State Based Judicial GHM and State-Based Non-Judicial GHM.

## 1. Common Conflicts in the Development Minerals Sector

- a) **Miners to Miners:** Intra-site conflict often takes place in the form of petty theft and misunderstandings between miners. Whilst informal organizational structures, such as the 'site leader' are sometimes asked to intervene, victims often do not take any action because of fear of repercussions from perpetrators.
- b) **Miners Vs Buyers:**  
Arises when buyers take mineral commodities from miners without paying for them.
- c) **Social Conflicts:** Resource boomers and miners tend to come from all walks of life with different social and cultural backgrounds and in some cases lead to an increase in petty theft of food and livestock.
- d) **Mining Communities and Local Authorities Related Conflicts:** Some conflicts are between miners and local authorities, particularly in cases where miners are working without permits.
- e) **Miners and Mining Communities and Land owners:** Some conflicts are between miners and landowners, for example over rents and access to resources.



## 2. What a Grievance Handling Mechanism Is and How to Choose Yours

*A Grievance Handling Mechanism a judicial or non-judicial complaint management process that can be used by miners, mining communities or various stakeholders to resolve a conflict or misunderstanding that emerges in the course of conducting their mining activities.*

Judicial means of resolving conflicts are decisions made by judges through hearing and determination of cases or complaints lodged by parties through courts of law. The non-judicial means on the other hand involve administrative ways of resolving conflict which may include:

- a) Mediation by the Commissioner of Geological Survey and Mines
- b) Administrative reviews by the minister
- c) Arbitrations
- d) Natural resource parliamentary committees
- e) National Environment Management Authority
- f) Uganda Human Rights Commission
- g) Land tribunals
- h) Traditional systems

Generally, non-judicial means of handling conflicts are more utilised by ASMs in the Development Minerals sector because they are not costly and tend to deliver justice quicker because of the involvement of different players from the community level to the District Local Government level. On the other hand, judicial means of handling conflicts tend to be expensive and time consuming with unpredictable outcomes which can be easily manipulated.

When choosing a suitable GHM ask yourself the following questions.

Legitimacy	Does it evoke trust from you and other concerned stakeholders? Is it fair and accountable?
Accessibility	Is it accessible and known by all other stakeholders in your community? Are their barriers limiting members of the community from accessing and utilizing this GHM?
Predictability	Does it provide a clear and known procedure for handling your grievance with known timeframes?

## Equity

Is it fair and respectful? Does it ensure that aggrieved parties have reasonable access to sources of information?

### 3. How to Implement a Mine Site Grievance Handling Mechanism

In this section, we go through the steps you can take to establish a GHM either for the mine site or even for the community.



#### a) Identify and Engage Key Actors

Identify promoters within the community who can help build support for the use of the system and address concerns. These people do not have to be experts in conflict resolution, but can effectively play the role of change agents. Ensure that these people actually represent the community i.e. are acceptable to the community and are not controversial people in whom community members have no trust.

#### b) Establish a GHM Team

From the people you will have identified above, select some of them to be the inaugural members of the GHM Team. These must be individuals that represent all segments of the community i.e. age, sex, type of work, levels of education, political leadership, etc so that all constituencies and demographics that will be using the GHM are equally represented. Note: Whereas it is important to be representative, the Team must be kept small enough, 8-12



members, in order to remain effective, responsive and resolute. Within this Team, the members can assume positions of leadership either by voting or volunteering.

### *c) Draft Terms of Reference (ToRs)*

Terms must be very clear, outlining Team goals, roles and responsibilities, level of decision-making authority, reporting lines, tasks, time frame, etc. This is the core of the functioning of the Team and hence must be given adequate attention. Where possible, involve local NGOs or CBOs or even the District Community Development Office with knowledge of the subject to support you in drafting these Terms.

### *d) Understand your context/environment*

Having put the Team together and agreed on the ToRs, it is important for the entire Team to understand the environment that the GHM is being set up in. For example, what are the major types of grievances in the community or at the mine sites? Who are the key actors? How are the grievances being resolved currently? Is it effective? What challenges are being faced by whoever is handling grievances at the moment? What capacity do they have? How can the process be done better? The Team can decide to conduct interviews with members of the community to get answers to these questions in case they feel that they cannot answer them themselves. The ultimate goal of this exercise is to ensure that the GHM recognizes the needs of the community and is relevant. It also helps the Team to address doubts about the GHM and build support from the different members of the community. Be keen not to ignore existing traditional ways of handling grievances to ensure the GHM is culturally and socially compliant.

### *e) Define the scope*

Having done the analysis above, the Team can then define the scope of the GHM including the grievances to be handled, the purpose and goals. These elements form the foundation upon which the grievance mechanism will be assembled. They are crafted from the subjective assumptions and values of Team members and a more objective analysis presented in the situation assessment.

### *f) Prepare a Preliminary Design*

This is the blue print of what the GHM will look like, how it will operate to serve the intended purpose. The underlying concern here is that the Mechanism must be built to elicit trust from the community and get the majority of them to believe in its outcomes. Basically, the GHM can be broken down into the following components:

- Receive and register a complaint.
- Screen and assess the complaint.
- Formulate a response.
- Select a resolution approach.

- Implement the approach.
- Settle the issues.
- Track and evaluate results.
- Learn from the experience and communicate back to all parties involved.

### *g) Implement and operate the GHM*

The goal of this phase is to introduce the grievance mechanism and promote its use amongst the constituents. The promoters must market it within the community and ensure that people have absolute confidence in it.

### *h) Monitor, Report, and Learn*

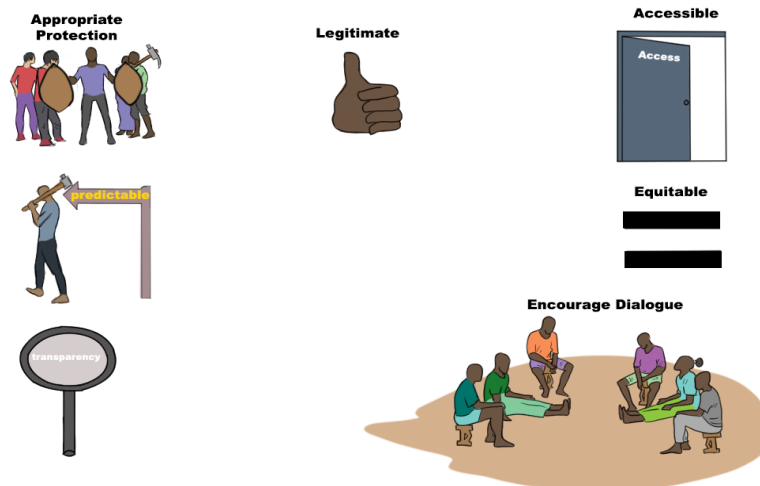
A GHM is always work in progress mainly because of the diversity of complaints or cases it will handle. People will always have valuable feedback on how to improve it and thus feedback has to be considered to the largest extent possible. Lack of satisfaction by the GHM's users or procedural inefficiencies may be indicators that change is needed. Get feedback on the time required to process complaints, kinds of resolutions, patterns of settlements, structural issues posed by the system and its operation, settlement costs, etc. Some possible questions to pursue are listed below.

- How well is the GHM accomplishing its purpose and goals?
- Is it making a difference? How?
- Does the mechanism enable complainants to raise their concerns, engage in a fair process, and obtain a satisfactory settlement to their issues (when appropriate)?
- Where are the gaps? What is and is not working?
- What types of problems is the GHM addressing?
- Do people know where to go? Is the mechanism accessible and easily understood?
- Do those who receive and register complaints document the complaints?
- To what extent is the system actually used by a wide cross-section of men, women and youth from the community?



## 4. Attributes of a Successful Site-Level GHM

A good, effective GHM should, as illustrated below, encourage dialogue and promote transparency and accountability. It should also be tailored on a case by case basis to make it more culture specific, easy to use and accessible. These attributes are illustrated below.



It is important for mine site leaders to be aware of such attributes in order to constantly monitor and ensure the GHM is compliant. Ensure that the GHM has the following external attributes

1. **Legitimate and trusted:** trust is largely built on the perceived fairness, predictability and consistency of the GM process and its outcomes. Legitimacy and trust are also built by involving the complainant in the process to the greatest degree possible.
2. **Publicized and accessible:** the GHM must be known to be effective, understood by local communities and should take into account language and literacy concerns.
3. **Based on a clear, timely, predictable, respectful and transparent process accepted by the communities.**
4. **Equitable and empowering, both in terms of process and outcomes.** This will enhance the legitimacy of the process.
5. **Rights-based and rights-compatible.** It should respect for individual and collective human rights.
6. **Dialogue-based.** So that all parties' views are equally represented and there are no suspicions about the process.
7. **Culturally appropriate.** The GHM must respect customs and practices of local communities. The GHM will work for communities better if they perceive it as responsive to their customary ways of resolving problems.

## 5. Steps to Follow in Handling a Grievance

Once a grievance has been reported, the way the case is handled is very critical to successful resolution of the conflict and an acceptable outcome for all parties involved. Below are the key steps to follow in handling a grievance at a mine site.



**Step 1: Receipt, Registration and Acknowledgement:** All cases of conflict should be reported to the Grievance Handling Committee (GHC). Upon receipt, the GHC must acknowledge receipt of the case to both conflicting parties.



**Step 2: Respond to grievance:** Communication must be made to the complainant to acknowledge the grievance and provide information as to expected steps and timing for resolution of the grievance. This communication is to be provided within a reasonable period of time as agreed upon by the GHC.



**Step 3: Investigate, resolve and propose a solution:** Investigations should be carried out by the GHC to establish other possible causes of the conflict in order to tackle the matter wholly. The following steps should be taken into consideration while conducting the investigations.

- **Step 1:** Ensure confidentiality
- **Step 2:** Provide interim protection if required
- **Step 3:** Select the investigator. This is dependent on the nature of the conflict
- **Step 4:** Create a plan for the investigation
- **Step 5:** Conduct interviews
- **Step 6:** Make a decision

Ensure that the investigation is completed as fast as possible and the investigative team reports to the grievance handling team to communicate the results. The aggrieved people should be given the possibility to accept or reject the proposed solutions.



**Step 4: Further action:** If the complainant is not satisfied with the proposed solution, the GHC can initiate further investigation to determine what further action may be taken. In the case of non-satisfaction or deadlock, the grievance should be referred to other existing mechanisms such as third party for mediation or even judicial mechanism depending on the case.





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