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Commentary on the OECD’s “Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector”

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**COMMENTARY ON THE OECD’S
“DUE DILIGENCE GUIDANCE FOR MEANINGFUL
STAKEHOLDER ENGAGEMENT IN THE
EXTRACTIVES SECTOR”**

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**Comments on the OECD’s
“Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector”
Submitted by Professor Laplante of New England Law | Boston and
Professor George of the University of Utah S.J. Quinney College of Law**

BACKGROUND

The OECD Guidelines for Multinational Enterprises (the ‘OECD MNE Guidelines’) offer comprehensive recommendations to promote responsible business conduct (RBC). The 2011 revisions to the OECD MNE Guidelines introduced an important new provision on stakeholder engagement. Pursuant to the provision, multinational enterprises should: “engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities.”

Beyond meaningful stakeholder engagement, the OECD MNE Guidelines provide that multinational enterprises should: “carry out risk-based due diligence... to identify, prevent and mitigate actual and potential adverse impacts... and account for how these impacts are addressed.”

Because the nature of business in the extractive sector often requires a long term presence in a particular location and large capital and infrastructure investments meaningful stakeholder engagement is especially important for enterprises engaged in the business of resource extraction. Moreover, the extensive social, economic and environmental impacts often associated with particular business practices warrants serious consideration of the interests of multiple stakeholders. Understanding extractive sector enterprises to include enterprises conducting exploration, development, extraction, processing, transport, and/or storage of oil, gas and minerals, it is a critically important sector for the global economy.

In light of this reality, the OECD produced its Draft Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector and now seeks comments. Professor Lisa Laplante of New England Law | Boston’s Center for International Law and Policy (CILP) and Professor Erika George of the University of Utah S.J. Quinney College of Law’s Center for Global Justice respectfully submit the following collaborative commentary reviewing the Draft Guidance and making recommendations for improvements.

We are pleased, in general, with the practical guidance that the OECD MNE Guidelines provide to ensure that business enterprises avoid and address adverse impacts from their operations. We welcome the Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector (the ‘Extractives Sector Stakeholder Engagement Guidance’ or ‘SEES’) in particular as a model mechanism that holds promise for preventing the risk of adverse human rights and environmental impacts often associated with failure to engage in meaningful stakeholder engagement.

While the Extractives Sector Stakeholder Engagement Guidance does not go into great detail with respect to how best to introduce and implement stakeholder engagement procedures, we believe it

can, subject to revision, provide a strong foundation for ensuring business enterprises are better positioned to identify risks and to meet the responsibility to respect human rights through management strategy that incorporates meaningful engagement. Rather than replicate the many detailed and context specific ‘how to’ guides on stakeholder engagement or standards already promulgated by other entities, appropriately SEES makes reference to them and by doing so may contribute to the creation of consistency of practice across the industry.

We applaud the broad process of consultation that has informed the SEES. We appreciate that the central intention of the SEES is to inform and educate a broad range of constituencies who have the ability to influence the extent and nature of impacts caused by the extractive sector, including but not limited to: “on-the-ground and/or site-level personnel of extractive enterprises that come into contact with communities and stakeholders, or for larger firms, staff that are responsible for stakeholder engagement activities.”¹

We appreciate that the guidance does not create new standards but rather refers to existing standards, however we would like to see more explicit attention given to the alignment with the three pillars of the United Nations Guiding Principles on Business and Human Rights (UNGPs). For instance, we note that great emphasis has been given to the stated aim of the SEES to “help enterprises observe them and undertake risk-based due diligence.” We respectfully urge that risks, not just to the commercial interests of enterprise, but also to the rights and entitlements of communities and individuals likely to be impacted by commercial activities also be made a clear priority and given greater emphasis in portions of the SEES.

We would like to commend the efforts of the OECD and acknowledge this impressive undertaking to provide a framework for meaningful stakeholder engagement. Below please find the observations, comments, questions and recommendations that we agreed were important to share with the OCED in the spirit of advancing this important effort.

GENERAL COMMENTS:

1. (p. 9) “Two-way engagement means expressing opinions, sharing perspectives and listening to alternative viewpoints to reach mutual understanding. Some sharing of decision-making power through moving away from the enterprise as a primary decision-maker to a more mutual process of decision-making between the interested and affected parties is important.”

Comment: With respect to “some sharing of decision-making” we believe it will be important for companies to clearly demarcate matters which are open to this engagement and matters which are at the company’s full discretion. Where, how, under what circumstances and to what extent will decision-making power be shared? Recommendations for how to delineate “some” could prove constructive. Otherwise confusion may arise in terms of community believing they should have say in all company operations even if they do not have the experience or expertise. Up front clarity will help to minimize grievances.

¹ See, Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector Draft for Comment April 2015 at 8. <https://mneguidelines.oecd.org/stakeholder-engagement-extractive-industries.htm>

2. (p. 10) “Stakeholder engagement is an important means of implementing due diligence. This is because stakeholders themselves are often best able to identify potential or actual impacts on themselves or their surroundings.”

Comment: While this argument is a good one it is still only utilitarian and is not fully grounded in the international human rights norms which the OECD Guidelines incorporate through reference to the UN Guiding Principles on Business and Human Rights. Perhaps an emphasis on the rights of communities to have a say in their well-being etc. will suggest that this practice is more compelling, if not compulsory.

3. (p. 10) Add to list of stakeholders “Farmers” (*campesinos*); (p11) interested stakeholders may include civil society generally (churches, associations etc.) as well as NGOs.

Comment: Broad inclusion is consistent with the spirit of a human rights based approach to engagement. The list is not necessarily limited to those constituencies listed but farming communities merit explicit mention in our view.

4. (p. 11) “All people have human rights and thus all stakeholders as individuals are ‘rights-holders.’ However, not all stakeholders will have their human rights put at risk or impacted by an extractive project or its associated activities. It is important to identify human rights risks related to extractive activities among stakeholders and recognize such stakeholders as ‘rights-holders’ in the context of engagement activities.”

Comment: This explanation is a bit confusing as it seems to imply (despite the opening sentence) that individuals can be distinguished as rights-holders only after a grave harm has occurred. A more accurate statement may clarify that this group of rights-holding individuals become right-holders of access to a remedy and reparations (as a result of violation of their primary human right). That said, if all individuals are right-holders (as the statement indicates) then they have due process rights throughout the process and should all be viewed as rights-holders.

5. (pp. 13-14) The list of steps for conducting due diligence.

Comment: While this appears to be a simplified roadmap of steps to be taken, it would be beneficial to indicate that each step includes a myriad of considerations that must be contemplated (so perhaps put a footnote to the section of the guide where those issues are dealt with). For example, with regard to #4 “Design appropriate and effective stakeholder engagement activities and processes”, the company needs to consider the need to build capacity of both their employee as well as the community (something dealt with later in the SEES). Or with #5 which deals with “Follow-Through”, there are issues with communicating with the community in language appropriate and culturally sensitive manner. There are other ways that many of these steps can be cross referenced to flag for the reader the need to consider these additional points (and thus the need to read further).

6. (p. 16) “Due diligence rationale: If the importance of stakeholder engagement is not recognized, understood or adequately communicated at an organizational level stakeholder

engagement activities may not be adequately resourced or planned for. Additionally, the outcomes of stakeholder engagement activities may not be taken into consideration throughout project decisions, and business relationships may be formed which may undermine stakeholder engagement efforts, leading to adverse impacts.”

Comment: This rationale is a bit confusing. Throughout the document, the rationales are often phrased in the negative (e.g. if you don’t do this, then this negative consequence may occur). It might increase clarity to indicate the positive reasons for taking these actions.

7. (p. 16) SEES recommends developing a human rights policy.

Comment: The SEES could also reference the UN Guiding Principles on Business and Human Rights (first substantive reference is not until the discussion of remedies on page 58). For example, Principle 16 of the UNGPs also recognizes the importance of a human rights policy. Building in reference to the UNGPs will help to bring more coherence to this evolving normative framework.

8. (p. 18) “When relevant, have senior management sign off on additions to the commitments register and report on the fulfilment of commitments or agreements and the provision of remedy.”

Comment: It would be advisable to put far more emphasis on gaining the endorsement and explicit support of top leaders in the company to assure full support of the entire due diligence/stakeholder consultation process both in terms of resources and institutional backing. If lower level officials try to implement this process without that clear backing, the process could falter and that will lead to more community distrust.

9. (p. 18) “When stakeholder perspectives have not been incorporated or commitments and remedies have not been provided as previously agreed to an explanation should be provided to affected stakeholders of why this is the case.”

Comment: We are concerned that companies could default to this approach of simply providing an explanation of the failure to consult communities without assuring accountability throughout the consultation process. The earlier suggestion of clearly outlining to communities and individuals matters which are purely business related will help to eliminate some potential areas of dispute where stakeholders believe they should have a say (see comment #1 above). At the same time, the SEES do not dedicate much discussion to the idea that the company should have a well- established grievance mechanism to allow stakeholders to be able to contest when they have been left out of a decision (the idea of grievance mechanisms are briefly mentioned on p. 47 and suggested on p. 58). The guidelines should provide more comprehensive guidance on what a grievance mechanism entails, what are some guidelines to assure best practice and how grievance mechanisms are integral to ongoing due diligence and are clearly a way to involve stakeholders. For instance, Principle 22 of the UN Guiding Principles on Business and Human Rights provide: “where business enterprises identify that they have caused or contributed to adverse impact, they should provide for or cooperate in their remediation through legitimate processes.”

Moreover, Principle 31 provides effectiveness criteria for grievance mechanisms. Among other things, it requires these mechanisms to be rights-compatible and transparent, “keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake.” In particular, operational-level mechanisms must be “based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.”

10. (p. 20) Footnote 15 references guides to Impact Assessments.

Comment: The guidelines could list an annex that has a more complete list of the various assessment tools available. It would be helpful if the SEES suggested that there needs to be some type of criteria for deciding best practices and which assessments are more credible, legitimate and effective (and if the authors have developed such standards they could be more transparent in indicating the foundation for those criteria).

11. (p. 21) “In addition to understanding impacts, understanding local dynamics will be important to designing stakeholder engagement activities appropriately tailored to the culture and context.”

Comment: Defining “local dynamics” would provide more guidance. Since understanding the local political, cultural, socio-economic, historical context is a very complex process, the guidelines could do a better job at alerting the reader to the complexity of this task. As opposed to just consulting experts (e.g. anthropologists), the company might consider contracting a consultant to assist with this process as well retaining this expert for ongoing consultation with working with local communities. Overall, the SEES seem to assume that these skills are easily obtained (e.g. by reading this guide), when in fact individuals interfacing with communities require significant training as well as a certain disposition. Perhaps the SEES could offer some criteria for the type of individual who might be hired for this type of role in the company (e.g. high level of empathy; cultural sensitivity; aptness with language; experience living in different communities; proof of self-awareness of prejudices; training in conflict resolution and community development; training in gender sensitivity). It is not the case that this work can be done by any existing employee without adequate preparation. The SEES recognize the possibility of insensitive employees (p. 37 “Developing systems to ensure that company staff treats stakeholders with respect” -- repeated on page 68), but could do more to flag this particular position as needing a very thorough vetting process and appropriate training by professionals with significant experience interfacing with communities generally and perhaps even the specific community where the company has particular projects.

Moreover, we would recommend bringing the annexed sections on gender and indigenous people into the main text as they are not after-thoughts but central to this work. Additionally, the general advice on page 76 regarding working with indigenous people (“All staff that may come into contact with indigenous peoples should be trained to demonstrate respect for their culture, way of life, governance systems, traditional knowledge, and rights to and special

connection with their lands, territories and natural resources.”) is applicable to all vulnerable communities, although indigenous communities raise their own unique considerations.

12. (pp. 30-32) The SEES list the different impacts and how they amount to human rights violations.

Comment: We feel it is positive to frame impacts as human rights violations. We would point out that resettlement may also violate the right to property (especially if the communities are indigenous where there is less ability to provide individual compensation for land taken). Additionally, with regard to “gender relations” there should be mention of sexual violence and the rights those acts implicate (we note that it is listed as an example on pg. 33 but it should also be included in the table). We would also suggest not relying entirely on the Universal Declaration of Human Rights since this is not a binding treaty. It might be helpful to list the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as regional treaties covering these same rights. A footnote to other sources expanding on the human rights analysis of these impacts would also be useful.²

13. (p. 38) The Guidelines suggest “frequenting local restaurants and businesses can help build an informal relationship with local communities and establish an understanding of mutual respect.”

Comment: We caution against using this particular example. This type of activity could create confusion especially if the communities feel pressured or guilty towards “their friend” or if the person convening the lunch does not have the prerequisite skills with working with communities. Building trust does not come through occasional “casual” lunches, but rather through sustained, dedicated dialogue that result in concrete responses and outcomes for the community.

14. (p. 38) “Material information is anything which would affect the decisions of affected stakeholders if it were not reported, or if it were misreported. It should generally include: 1) information about the operation and its foreseen impacts as well as 2) information about the stakeholder engagement process itself...Information should be accurate and objective with explanation of any uncertainties. In assessing what information is material, stakeholders should be consulted. An example of a useful benchmark for the degree of disclosure is the degree of disclosures made to insurers or investors.”

Comment: The standard of “materiality” is extremely important for guiding the company regarding what information should be shared with stakeholders. A proposed amendment to the definition would state:

² We have found that a helpful introductory reference to human rights for business is HUMAN RIGHTS TRANSLATED: A BUSINESS REFERENCE GUIDE by the International Business Leaders Forum, the Office of the United Nations High Commissioner for Human Rights, the United Nations Global Compact Office and the Castan Centre for Human Rights Law available at: http://www2.ohchr.org/english/issues/globalization/business/docs/Human_Rights_Translated_web.pdf

Material information is anything that would influence *the rights and* decisions of affected stakeholders if it were not reported, or if it were misrepresented.

We are concerned that a “materiality” benchmark using as a model the types of disclosures made to investors or insurers may be insufficient to meet the information needs of all stakeholders particularly where human rights impacts are at issue for those stakeholder constituencies directly affected by business operations.³

15. (p. 39) With regard to the list of types of information to reveal, the category of “accidents” should be added.

Comment: Accidents can have adverse human rights consequences and would be material to a range of stakeholders and affected rights holders.

16. (pp. 39-40) “Companies should carefully balance a commitment to transparency with privacy concerns when sharing information.”

Comment: We appreciate the fact that companies will face this conflict of interest on a regular basis and it may be advisable to create a principled benchmark to help determine what would be entitled to protection. Legal standards either from domestic or international jurisprudence could aid the company in not only making this determination but also insulating it from critique and possible litigation.

17. (pp. 40) “Companies should provide the support necessary, free of undue influence, to ensure stakeholders can adequately assess and represent their own perspectives and interests.”

Comment: We wish to emphasize that building the capacity of communities and individuals to engage in this type of ongoing dialogue is one of the most important aspects to this work. Companies should understand that it is actually an exception to find a community with the adequate experience, skills, resources and knowledge to engage in this type of ongoing consultation. We recognize, however, that in theory this preparation is an obligation of the State and should not necessarily depend entirely on the company to help produce informed and prepared citizens. We would advise companies to consider working with third parties, such as community development organizations or NGOs to help sponsor this type of training and that the training draw upon the rich and extensive experience and expertise of the field of community development, organization and empowerment. The company may also collaborate with National Human Rights Institutes such as the Ombudsman to assure this capacity building. Relying on the company to prepare the subjects of their negotiations could potentially create some conflicts of interests especially in local settings and company-community dynamics that are complicated, difficult and complex.

³ We endorse the position articulated by scholars who assert that investors are entitled to information that extends beyond narrow financial indicators to include greater transparency pertaining to social impacts. This position is powerfully put forth in Cynthia A. Williams, *The Securities and Exchange Commission and Corporate Social Transparency*, Harvard Law Review Vol. 112, No. 6 (April 1999).

18. (p. 44) “Stakeholders should be provided with sufficient time to consider issues that impact them and to organize themselves.”

Comment: Our experience cautions that communities are often very divided and that internal conflict can break-down any well intentioned negotiation process. It would be advisable to include in the capacity building of communities, skills on effective communication and conflict resolution to help minimize these types of divisions. Leadership skill building would also be advisable to identify those members of the community that display the exceptional characteristics of someone who can help bridge misunderstandings and disputes among communities. We believe it is important to advise companies to be aware that the challenge of organized communities will always exist when poor, disenfranchised communities engage in a process where they may view scarce resources and the ever possible exclusion of their concerns and needs.

19. (p. 45) Information Sharing “May be achieved through personal visits, briefings, public meetings, radio broadcasts, social media, electronic or direct mail and newsletters, websites, blogs, regular columns in newspapers, public information booths.”

Comment: These suggestions are good but still overlook the fact that many communities do not even have electricity or are illiterate. The Guideline should stress that the mode of information sharing should be specifically tailored to the characteristics of the community.

20. (p. 45) “Appropriate when needing to gather information in order to build an understanding of the project context and understand the concerns and expectations of stakeholders. Relevant in all stages of operations.”

Matter: It is important to stress that if a company consults with a community regarding their expectations, that it must be committed long term to working with the community. The very act of initially contacting a community will set up the expectation of some type of “return”, and the lack of company follow-up will lead to more disappointment and negative opinions about the company.

21. (pp. 46-47) The Guideline makes reference to the use of negotiations, grievance mechanisms and addressing adverse impacts to determine reparations.

Comment: The subject of company level grievance mechanisms negotiating, determining and granting reparations has already proven to be a very polemic and controversial theme. The Guidelines might caution companies to consider ways to assure that their process does not generate the same type of problems. For example, the company should consider issues of transparency, due process and fair representation especially for impacts that constitute serious human rights violations. It may even consider delegating the reparation program to a third party or collaborate with the government. Moreover, participants in a company level reparations process should not be expected to waive their right to appeal the decision or have some external review of whether the settlement meets appropriate standards (such as those suggested by International Law and the UN Basic Principles and Guidelines on the Right to a

Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law cited to in this section).

On establishing grievance mechanisms, SEES mention that complaints may be brought to the National Contact Points (p. 58). What is the relation between the company level grievance mechanisms and the NCPs? Will the NCPs act as a type of review of company level decisions? Will company level mechanisms need to first be exhausted before a complaint can be filed with the NCP? Does this discussion of grievance mechanisms also contemplate other types of regional human rights monitoring bodies?

It is noted that the SEES acknowledge the complexity of reparations in footnote 52 and footnote 68, and even suggests that the question of redress might be better left to the courts and the subject may be outside the scope of the Guidelines. We suggest that this comment be brought into the main text and emphasized to assure that this important comment is not overlooked.

The SEES buries the statement on page 59 that “Companies have an obligation to remediate actual impacts that they cause or contribute to”, but this idea is essential to highlight especially since it triggers legal obligations that may be more extensive than the voluntary due diligence undertaking to assure good business practice. Again, this is where “good business” and “respecting rights” could be better distinguished.

While there is still not a lot of information on best practices in the area of company level grievance mechanisms, it would be wise to learn from the experiences of other companies to begin to protect against potential adverse human rights impacts. We also advise that the Guidelines consider bringing the Pillar III criteria (Principle 31 of the UNGPs) mentioned on page 58 to accompany this preliminary discussion of remedies and reparations. However, it should be noted that these criteria still need much more development and that the list provided by the SEES is not exhaustive on how to satisfy these factors.

Along these lines, we feel that one of the most important comments relates to the idea that the beneficiaries of reparations should be consulted on what helps them to feel repaired (see comment, page 59: “forms of remediation may not always be appropriate and in certain contexts may present risks to stakeholders. Consulting with stakeholders and responding to challenges in advance can ensure that remediation is appropriate and potential risks are avoided.”). If a company does embark on an administrative like approach to providing reparations to communities, it might consult other experiences especially those from transitional justice contexts.⁴

Furthermore, assuring the participation of stakeholders in the design and implementation of reparation programs will be one way to assure buy-in to any program and to minimize some

⁴ Lisa J. Laplante, *Just Repair*, Cornell International Law Journal (forthcoming) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2450749

of the risks listed in the table on page 60.⁵ As recognized on page 61, managing stakeholder expectations is one of the most critical aspects of this work and does not end once compensation is paid. Ultimately, the company's commitment to this process must run for the life of its operations in that community.

Ultimately, company's should be prepared that there will always be stakeholders who will feel dissatisfied with the outcome of the reparation negotiations, thus a realistic aim should be to minimize this possibility. Companies may even need to consider an education component that explains the purpose of reparations to repair specific harms as opposed to address general problems experienced by the population. Communities often confuse development-like measures with reparations and could possibly confuse the two measures. , This concern may be lessened with the application of "benefit sharing"(p. 47) which may need to run parallel to reparation programs to help address some of the other areas that undermine a community's well-being.

22. (pp. 53-54) The table on external challenges.

Comment: This list of potential hazards is one of the most critical parts of this document given that it aptly acknowledges the real life challenges of this work. Again, we feel it should be prefaced with more discussion of giving companies a reality-check on how difficult this process can be and that they should realize that many of the potential pitfalls exist and will most likely occur. Having a professional team of experts to consult the company at every stage of this process will be one safeguard to ameliorate some of these challenges. It is important not to sugar coat this process but to offer a realistic assessment of the great challenge of this commitment, although the long term benefits should prove it to be a worthwhile endeavor.

23. (pp. 62) "In cases where there is a discrepancy with what was previously agreed and the action an explanation for the discrepancy should be provided and stakeholders should be given a chance to react to a change in circumstances before final project decisions are made."

Comment: Once an agreement is reached, the company should honor it. This text suggests the company may have the discretion to rescind earlier agreements, but this arrangement could prove very detrimental and set the company back even further in its relations with the community. The SEES may want to put more emphasis on the importance of considering signed agreements to be binding, and perhaps even include some formality in the creation of these documents (especially if they deal with real impact on the substantive rights of stakeholders). They may even contemplate a type of review process if the company fails to fulfill its obligations that can range from a third party review to even arbitration or judicial review.

⁵ Lisa J. Laplante, *Negotiating Reparation Rights: The Participatory and Symbolic Quotients*, Buffalo Human Rights Law Review, vol. 19, p. 217 (2012). http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2127944

24. (p. 65) “Enterprises should periodically seek independent external review of their stakeholder engagement.”

Comment: External review of these processes is critical for many reasons including the assurance of best practice, the prevention or amelioration of problems and the documentation of local experiences that will help to further this new field. This suggestion appears to be buried in the current draft and should be much more prominent. Moreover, we suggest that this external review process not just follow the conclusion of a due diligence process but instead accompany the process from beginning to end.

25. (p. 85) The acts listed in the table on this page should be framed as rights violations. This table should also include unfair wages that may be relevant even if there is not forced labor but just poor protection of workers (especially if they cannot organize). The company should realize that even if these types of situations exist independent of the company’s having actually caused it, the company may still be considered complicit if they acquiesce and tolerate the situation.

Comment: The UN Guiding Principles on Business and Human Rights as referenced by the OECD MNE Guidelines make clear that business enterprises may become involved with adverse human rights impacts as a result of their business relationships with other parties. Commentary to Principle 13 provides: “a business enterprise’s “activities” are understood to include both actions and omissions; and its “business relationships” are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products, or services.” We recommend sharing this information.

26. (p. 73) The Annex on Engaging with Indigenous Peoples.

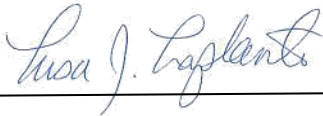
Comment: We applaud the special attention given to the right to self-determination and collective rights in the SEES. In particular recognition of customary governance institutions and land tenure rights is commendable. We note the absence of reference to the development of indicators to inform the monitoring and evaluation of inclusive engagement. Indicators could serve to aid in evaluating the efficacy of engagement.

27. (p. 81) The Annex on Engaging with Women.

Comment: We applaud the special attention given to gender equality in the SEES. In particular support for the development of indicators to inform the monitoring and evaluation of inclusive engagement with both men and women is commendable. We recommend that information on rates of gender-based violence be added to the types of gender-disaggregated information to be sought in the conduct of due diligence into local context.

In conclusion, we respectfully submit these observations, comments and questions with the aim of advancing this important effort to improve the experience of stakeholder engagement for all concerned constituencies. We believe meaningful stakeholder engagement will prove to play a central role in aligning business practices with the existing principles that protect human rights and the environment.

Respectfully signed,
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