

MANAGEMENT STANDARD		
INDIGENOUS PEOPLE		
POLICY CUSTODIAN	Group Sustainability Department	
AUTHORISED BY	AngloGold Ashanti Executive Committee	DATE: April 2019
BRIEF DESCRIPTION OF CHANGES		
<p>Revision: 01 (April 2019 Review ratified by the Sustainability Policy and Standards Committee)</p> <ul style="list-style-type: none"> • Clarification of roles and responsibility in terms of strategy, management plans and procedures. • Requirements to record and manage activities and projects related to Indigenous People on CIMS were introduced. • Included AGA's FPIC position paper as part of the normative references. 		



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1. INTRODUCTION

While Indigenous Peoples share many of the same concerns and aspirations as other communities impacted by exploration and mining activities, due to their unique characteristics and circumstances, AngloGold Ashanti seeks to ensure its interactions with Indigenous Peoples are in keeping with good practice. This standard is designed to align AngloGold Ashanti with International Standards and conventions, such as the ICMM Position Statement on Indigenous Peoples and the International Finance Corporation's Performance Standard 7 on Indigenous Peoples, where applicable.

2. OBJECTIVE

The objectives of this standard are:

- 2.1 To provide AngloGold Ashanti sites with requirements for implementing the company's policy that: "we will ... respect the values, traditions, and cultures of the local and indigenous communities in which we operate."
- 2.2 To establish and maintain an ongoing relationship with the Indigenous Peoples where company activities occur on their land or near places of customary use or cultural importance throughout the life of the project.
- 2.3 To foster engagement with and informed participation of the Indigenous Peoples when projects in the site's tenure or within its area of influence are to be located on traditional or customary lands under use by the Indigenous Peoples.
- 2.4 To respect and assist with the preservation of the culture, knowledge and practices of the Indigenous Peoples.
- 2.5 To ensure that the company's activities foster full respect for and preserve the dignity, human rights, aspirations, cultures, religions, and livelihood activities of Indigenous Peoples as well as the long-term sustainability of the natural resources located within traditional or customary lands under use by the Indigenous Peoples.
- 2.6 To avoid adverse impacts from company activities on Indigenous Peoples, or when avoidance is not feasible, to minimize, mitigate or offset such impacts, and to provide opportunities for them to benefit from development in a culturally appropriate manner and in accordance with their expressed needs, aspirations and vocation.
- 2.7 To gain and maintain Indigenous People's support for existing and new projects.

3. NORMATIVE REFERENCES

- 3.1 The following documents shall be referred to and utilised as part of the Indigenous Peoples management system:
 - 3.1.1 IFC: *Performance Standard and Guidance Note 7- Indigenous Peoples*
 - 3.1.2 International Council on Mining and Metals: *Position statement on Mining and Indigenous Peoples*
 - 3.1.3 AGA Group Risk Management Standard
 - 3.1.4 AGA: *Group Risk Management Policy Statement*

3.1.5 *Group Risk Management Guidelines and Risk Assessment and Reporting Matrix*

3.1.6 *AGA Free, Prior, and Informed Consent Position Paper.*

4. DEFINITIONS

4.1 **Indigenous Peoples:** In keeping with international convention¹, the term “Indigenous Peoples” is used in a generic sense to refer to distinct social and cultural groups possessing the following characteristics in varying degrees:

- 4.1.1 Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- 4.1.2 Collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories;
- 4.1.3 Customary cultural, economic, social, or political institutions which are separate from those of the dominant society or culture;
- 4.1.4 An indigenous language, often different from the official language of the country or region.

4.2 **Traditional Lands:** Lands not necessarily under legal ownership, but which are used by Indigenous Peoples for their communal livelihood activities, or have natural, cultural, ceremonial or spiritual values linked to their identity.

4.3 **Area of Influence:**

- the area encompassing the primary project site(s) and ancillary facilities (including those developed by contractors) such as power transmission lines, pipelines, access roads, borrow and disposal areas, construction camps etc;
- as well as the area of any other associated facilities such as hospitals and schools set up by or in partnership with AngloGold Ashanti and whose goods or services are essential for the successful operation of the project; and/or
- any area whose development is limited by project-related developments or impacts.

5. ACCOUNTABILITY AND RESPONSIBILITY

5.1 Ultimate accountability for implementing this standard lies with the manager in control of the site.

5.2 Implementation accountabilities can be delegated to a designated person(s) who must clearly understand his/ her role(s)' accountabilities and authorities.

6. SCOPE

6.1 This standard is applicable to all sites where:

- 6.1.1 Indigenous Peoples are present in or have links to the land-hold permitted for exploration or mining, or anywhere in our area of influence
- 6.1.2 Indigenous Peoples claim, or have acknowledged customary rights of use of land holds which are being or will be (directly or indirectly) disturbed by company activities

¹ ILO Convention 169; The United Nations Permanent Forum on Indigenous Peoples; The International Finance Corporation Performance Standard 7.

resulting in temporary or permanent loss of access to or restricted use which Indigenous Peoples rely for traditional livelihood activities such as hunting, gathering and artisanal fishing or for cultural, ceremonial, or use that define their identity and community.

- 6.2 In the case of a non-managed joint venture (JV), AngloGold Ashanti shall ensure that the standards applied by the joint venture comply with those that are acceptable to AngloGold Ashanti and the third party. Where a standard is not in place or available, the parties must adopt a standard which accords with internationally accepted good mining practice.
- 6.3 When entering into a non-managed JV, AngloGold Ashanti must consider whether acceptable standards will be adopted by the third party. If acceptable standards are unlikely to be agreed with the third party, AngloGold Ashanti would not enter into the Joint Venture. Where AngloGold Ashanti participates in a non-managed JV and the third party does not operate in accordance with acceptable standards, this would be grounds for AngloGold Ashanti exiting the partnership.
- 6.4 Onsite contractors and subcontractors are required to adopt this standard unless they have an alternative standard approved in writing by AngloGold Ashanti.
- 6.5 In the absence of government determination or legal framework, ascertaining whether a particular group is considered as Indigenous Peoples for the purpose of this standard may require a technical judgment by management in conjunction with other stakeholders, including, suitably qualified experts, where applicable.

7. REQUIREMENTS

- 7.1 Where AngloGold Ashanti activities have potential to disturb indigenous communities located in the exploration or mining tenure or in any other area whose development is limited by project-related impacts; the site must work to understand and respect the social, economic, environmental and cultural interests and perspectives of the Indigenous Peoples as well as their rights as articulated and defined within local, provincial, national laws and conventions.
- 7.2 Sites must identify and evaluate the vulnerabilities pertinent to the indigenous groups living within the site's area of influence as well as the potential social, economic and environmental impacts of site activities on Indigenous Peoples.
- 7.3 In situations where host governments provide no or limited legal framework to uphold Indigenous Peoples claims to ethnicity, land and other resources which are not legally owned, the site should obtain expert, including legal, advice, as appropriate, prior to any decision-making with potential to affect Indigenous Peoples or their claims.
- 7.4 The site must engage and consult with potentially affected Indigenous Peoples in a fair, timely and culturally appropriate way throughout the project cycle and do so in accordance with the company's standard on Engagement, and any other applicable law, standards and guidelines:
 - 7.4.1 Engagement must be based on respect of customary practices, open provision of information, and in a form that is accessible to Indigenous Peoples.

- 7.4.2 Engagement must begin at the earliest possible stage; starting at a reconnaissance stage, through to exploration and mining and finishing with the closure of the project.
- 7.4.3 Engagement, wherever possible, must be undertaken through appropriate structures within Indigenous Peoples' communities and with respect for traditional decision-making processes. Specifically this may include Indigenous Peoples' representative bodies (for example, councils of elders or village councils, among others) and, be inclusive of both women and men and of various age groups.
- 7.4.4 Engagement efforts must seek to build cross-cultural understanding: for company personnel to understand Indigenous Peoples' culture, values and aspirations, and for Indigenous Peoples to understand the company's mission, vision and values, operational issues and practices.
- 7.5 Where activities results in loss or restriction of use of assets or natural resources upon which Indigenous Peoples rely for traditional livelihood activities or for cultural, ceremonial, or spiritual use, site management are encouraged to proceed as follows:
 - 7.5.1 Document the efforts undertaken to avoid or at least minimize the size of land affected.
 - 7.5.2 Seek expert advice to document land use, in collaboration with the affected Indigenous Peoples, without prejudicing any Indigenous Peoples' land claim.
 - 7.5.3 Assist and facilitate where necessary in enabling affected Indigenous Peoples to be appropriately informed of their rights with respect to these lands under national laws, including any national law recognizing customary rights or use.
 - 7.5.4 Consult and assess possible offsets with the affected Indigenous Peoples under the principles of this standard.
- 7.6 Action plans proposed to avoid, or, where not possible, to mitigate, minimize and offset the potential adverse impacts identified in appropriate studies are to be developed and implemented as set out below and in line with the standard on Socioeconomic Contribution:
 - 7.6.1 Sites must seek consensus with Indigenous Peoples and, where appropriate and feasible, engage with other social partners such as government institutions, in developing programs that generate net benefits and opportunities which outweigh the negative impacts of mining activities. In addition, such programmes should help to resolve or alleviate other problems or issues faced by Indigenous Peoples, in a way that doesn't interfere with the states' obligations nor creates dependency on AngloGold Ashanti's financial resources.
 - 7.6.2 The site must seek to find mutually-agreed ways to begin or increase the participation of Indigenous Peoples as employees and suppliers, and to support self-empowered regional and community development such as through education, training, healthcare, and business enterprise support.
- 7.7 Special arrangements must be made to protect cultural property or sites of religious significance for Indigenous Peoples in accordance with applicable law and the company's standard on Cultural Heritage and Sacred Sites.

- 7.8 The site must support appropriate frameworks to enable the Indigenous communities located in the site's area of influence to raise and receive response to grievances and complaints, in line with the company's standard on Community Complaints and Grievances:
- 7.8.1 The site must provide Indigenous Peoples with a clear and culturally appropriate two-way communication channel for complaints and follow-up on the status of grievance redress actions.
- 7.9 Special requirements must be put in place where the relocation of Indigenous Peoples from their communally held lands is being considered and this will be done in accordance with the applicable legal requirements and the company's standards on Land Access and Resettlement.
- 7.9.1 Sites must consider feasible alternative project designs to avoid the relocation of Indigenous Peoples.
- 7.9.2 If such relocation is unavoidable, the site must not proceed with the project unless it enters into consultation with the affected communities of Indigenous Peoples, and documents their informed participation and the successful outcome of the negotiation.
- 7.9.3 Sites must be managed in such a manner that where feasible, the relocated Indigenous Peoples be able to return to their traditional or customary lands, should the reason for their relocation cease to exist

8. RECORDING AND REPORTING

- 8.1 Periodic reporting must be in accordance with regulatory and AGA corporate office quarterly reporting requirements.
- 8.2 All projects and engagement activities on Indigenous Peoples must be documented within the Community Information Management Systems (CIMS).
- 8.3 All commitments emanating from the engagements with Indigenous Peoples must be recorded in the Community Information Management Systems (CIMS).

9. REVIEW REQUIREMENTS

- 9.1 This management standard will be reviewed to assess its relevance on a periodic basis (at least every 3 years) and will also be updated in accordance with changes to company policy.

10. GLOSSARY

- 10.1 **Company:** refers to AngloGold Ashanti
- 10.2 **Operation:** refers to a producing mine.
- 10.3 **Project:** refers to an exploration project or a new mine expansion.
- 10.4 **Site:** is used when referring collectively to producing operations and to exploration and expansion projects.

11. REFERENCES

- 11.1 IFC. Performance Standard and Guidance Note 7: Indigenous Peoples
ICMM. May 2008. Position statement on Mining and Indigenous Peoples