

**Terms of Reference (ToR) for a
Community Engagement Forum (CEF)
focusing on facilitating effective information
sharing between Mogalakwena Platinum Complex
(MPC) and community-based accountability
structures in MPC's area of influence**

February 2023

1. Context

a) Overview

Anglo American Social Way Policy (AASWP) provides a framework and underlying principles for social performance management, with the vision to deliver a lasting, positive contribution to local communities and those adversely affected by Anglo American's (AA) activities. Ongoing stakeholder engagement is fundamental to all aspects of social performance and underpins and informs every section of the Social Way.

Stakeholder engagement is *'an ongoing process of interaction and dialogue between a company and its potentially affected stakeholders that enables the company to hear, understand and respond to their interests and concerns, including through collaborative approaches.'* It lays the foundations for sites to prevent and/or manage their impacts and risks and to contribute to the well-being of stakeholders.

Mogalakwena Platinum Complex (MPC) has identified a wide range of stakeholders, including community-based accountability structures that may be interested in its actions and established external communications to facilitate a dialogue with those stakeholders. Communication with external stakeholders is achieved through a Stakeholder Engagement Plan (SEP) scaled to MPC's operation's risks and impacts and development stages and tailored to the characteristics and interests of its stakeholders.

b) Engaging with vulnerable groups

Under the AASWP, some of the guiding principles underpinning stakeholder engagement are inclusivity, representivity and participation. MPC conducts ongoing engagements with community-based accountability structures such as traditional authorities, local business associations and forums, faith-based organisations, etc to build strong, constructive, and responsive relationships that are essential for the successful management of MPC's environmental and social impacts.

However, there are individuals and groups that are affected by site's activities but are often excluded and consequentially not participating in site's regular engagement processes. These are groups that are disadvantaged or vulnerable by virtue of among other factors, social, cultural, economic attributes, and the inability to voice their opinions or having them heard.

In accordance with AASWP and AA Group Human Rights Policy, it is important that MPC engages with all affected stakeholders, including vulnerable groups, using tailored engagement approaches. To that effect, MPC has found it necessary to establish a Community Engagement Forum (CEF) to facilitate open and accountable dialogue and build greater mutual trust.

2. Scope

The scope of the CEF is guided by AA's commitment to engaging with vulnerable individuals and groups to address potential barriers to participation. Thus, the scope of the CEF covers the following:

- Identification of vulnerable groups that may be excluded or inhibited from meaningful participation in the site's engagement and decision-making processes because they face barriers to attending meetings (cost, distance, disability, illness, domestic or work tasks), access to information (e.g. illiteracy, isolation, no internet access, no mobile phone etc.) or face language barriers (e.g. minorities, migrants, refugees).
- Address vulnerable groups' barriers to participation by providing various ways to access information, register grievances, express opinions about engagements and information sharing programme, e.g. attending engagement meetings, access to information, etc.
- Ensure that women, youth, aged and the disabled are enabled and helped to participate in the CEF and are adequately represented in CEF meetings and events.
- Ensure that special measures are taken to provide sensitivity training to site staff who will be engaging directly with vulnerable groups and ensure that those persons are assigned to reach out to them personally on a regular basis.
- Ensure that power dynamics in engagement sessions for the vulnerable group are discouraged to ensure that vulnerable members of the community are free to express their views without fear or intimidation by a sense of inequality or inferiority.

3. Purpose and objectives

The purpose of the CEF is to build mutually beneficial, long-term relationships with vulnerable groups that experience a higher risk of social exclusion than the general population. Objectives of the CEF are:

- To ensure that vulnerable groups are represented in the CEF according to their interests and through duly nominated or elected representatives.
- To ensure that a governance structure, clear set of principles and procedures, and an effective communication and grievance system are established to promote effective information sharing according to vulnerable groups' needs and circumstances.
- To capacitate and empower vulnerable groups to ensure that information is communicated back to their constituencies in a timely manner to encourage feedback and participation, thus rebuild and strengthen trust.

4. Functions

Proposed functions of the CEF are the following:

- Create an effective engagement platform that ensures that vulnerable groups' or individuals' needs, concerns, interests, expectations, and agendas in relation to the mine are understood and considered.
- Give consideration to vulnerable groups' by raising awareness to ensure that they are aware of their rights and have access to dedicated channels in the case of women and people affected by the site.

- Proactively identify emerging engagement and information sharing risks and issues through consultation and collaboration with representatives of vulnerable groups and co-create mitigation measures and opportunities.
- Conduct participatory monitoring or evaluation of activities to enhance organizational and development learning and support substantive accountability.
- Develop differentiated measures to allow the effective participation of those identified as disadvantaged or vulnerable and ensure that their inputs are captured and considered in internal decision-making processes.
- Ensure that vulnerable groups are aware of and understand the grievance process and ensure that their inputs are captured and used to inform continuous improvement.

5. Structure

MPC's area of influence involves four rural areas under Mapela, Mokopane, Mashashane and Bakenberg traditional authorities and the urban area of Mokopane. Based on the extent of MPC's geographical area, four CEFs are established (figure 1). These CEFs shall be comprised of duly nominated or elected representatives of vulnerable groups that have expressed an interest in participating in the CEF.

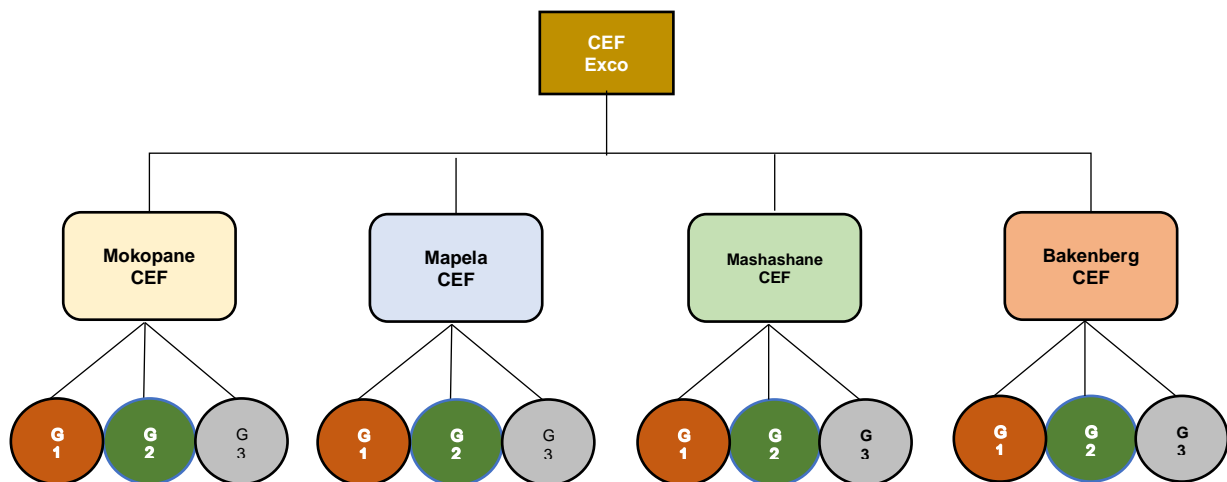


Figure 1. Proposed CEF structure according to the demography

6. Membership

- A member of a CEF should be a resident of the area in which a CEF is established and be nominated or elected by structures they belong to at a meeting convened for that purpose.
- Every community-based accountability structure representing vulnerable members of the community that has expressed an interest to participate in the CEF shall nominate two (2) representatives to participate in the CEF.
- Any person attempting to participate or participating in a CEF who was not elected or nominated by a structure that has expressed an interest to participate in the CEF shall be disallowed.

- The size of CEFs shall be determined by the extent of the geographic area a CEF covers and the number of vulnerable groups that have expressed an interest to participate in the CEF.
- An Executive Committee comprised of ten (10) members shall be established after the establishment of the four CEFs. Each CEF shall nominate or elect two (2) members to participate on the Executive Committee.
- Members of the CEFs and the Executive Committee should be a diverse group without being incompatible, knowledgeable and openminded persons who will be able to serve their constituency and the community and discharge their responsibilities effectively.
- An individual's acceptance of CEF and Executive Committee membership is acceptance of fiduciary responsibility for duties of care, loyalty, good faith, and more when serving the best interests constituencies that nominated or elected them.

7. Term of office

- The term of office for CEFs and Executive Committee members shall be two (2) years. Members of the CEFs and the Executive Committee shall serve for a period of two (2) years commencing from the date on which the CEF or the Executive Committee was established.
- No person shall serve in the CEFs and the Executive Committee for more than two (2) terms.
- A person who became a member of the CEF or Executive Committee as a replacement will be treated as if he or she served a full term as a member of the CEF or Executive Committee during that period.
- Membership of CEF or Executive Committee shall be terminated if a member is found guilty of any criminal offence, guilty of misconduct by a Disciplinary Committee of a CEF or Executive Committee or recalled by the structure that nominated or elected him or her on the CEF or Executive Committee.
- CEFs and Executive Committee will hold a general meeting at the end of the second-year term of office for the main purpose of electing new CEF and Executive Committee members.
- At the end of every second term, chairpersons of CEFs and the Executive Committee will prepare and present detailed summary report of the achievement of CEF objectives, actions, critical decisions taken during the terms and recommendations for consideration by the new team.

8. Governance

The composition of the CEFs and Executive Committee should be gender sensitive and reflect an optimal mix of professional knowledge and experience. The following are proposed CEF and Executive Committee portfolios:

- Chairperson

- Deputy Chairperson
- Secretary
- Deputy Secretary
- Other portfolios:
 - Communication
 - Coordination
 - Administration
 - Additional Members

9. Functions and powers of the executive committee

The main function of the Executive Committee is to ensure that CEFs function optimally to fulfil CEF's objectives. Specifically, the Executive Committee:-

- Exercises the executive powers of the CEF.
- Represents and act on behalf of the CEF.
- Monitors the implementation of the responsibilities of the CEF.
- Ensure that all members of the CEF comply with provisions of this ToRs.
- Take disciplinary action against any member of the CEF who violates the provision of this ToRs and the Code of Conduct.

10. Meetings, frequency and quorum

The CEFs and Executive Committee will operate as follows.

- Meetings of the CEFs and Executive Committee will occur quarterly to discuss issues pertaining to information sharing, coordination, communication or to deal with any matters that are put on the agenda relating to information sharing.
- Chairpersons shall convene meetings, chair meetings and ensure that attendance meet the minimum acceptable level of individuals needed, i.e. quorum, to make the proceedings of a meeting valid.
- Secretaries guided by Chairpersons shall prepare meeting agendas and prioritise agenda items according to level of importance and urgency.
- Secretaries of the CEFs and Executive Committee must ensure that all members are invited to CEFs and Executive Committee meetings and receive the Agenda, proceedings of the previous meeting and all necessary pre-read material seven (7) days before a meeting.

- No CEF or Executive Committee meeting shall be convened without an agenda, minutes of previous meeting and pre-read material shared with members in advance before the actual meeting.

11. Committees

CEFs and Executive Committee shall establish ad hoc Committees as temporary committees to investigate, assess and make recommendations to resolve specific issues.

- Ad hoc Committees shall be established mainly to investigate, assess, and make recommendations to resolve specific issues related to the functioning of the CEFs or Executive Committee.
- An ad hoc Committee established to investigate or conduct an assessment on a particular issue shall cease to exist as soon as the matter is resolved.
- Ad hoc Committee's role is not to reach consensus on issues being assessed but rather to facilitate the dialogue and pass proposals and recommendations over to the CEFs or Executive Committee where decisions can be reached.
- All ad hoc Committees must be chaired by a member of the CEF or Executive Committee that established it.
- An ad hoc Committee may request or acquire the assistance of an expert, through the CEF or Executive Committee.
- Ad hoc Committees shall have no decision-making powers.

12. Code of conduct

The following Code of Conduct outlines the behaviour expected from CEF and Executive Committee members.

- Leadership – CEF and Executive Committee members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
- Selflessness – CEF and Executive Committee members should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- Integrity- CEF and Executive Committee members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships
- Objectivity – CEF and Executive Committee members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. In carrying out public business, including making public appointments, awarding contracts,

or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- Accountability – CEF and Executive Committee members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness – CEF and Executive Committee members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- Honesty – CEF and Executive Committee members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

13. Administration

Mogalakwena mine will provide administrative and logistical support to the CEF and Executive Committee as follows:

- Prepare and communicate schedule of engagement activities, actions and activities that will be undertaken to achieve the overarching objective of sharing information.
- Prepare documentation, presentation decks, memos and correspondences as needed for CEFs or Executive Committee's review and signature, prior to issuance to Mogalakwena mine management.
- Handle travel advance requests and travels arrangements for CEF or Executive Committee members when attending meetings outside their location.
- Provide all administrative and logistical support to the CEF or Executive Committee to ensure timely completion of CEF objectives and activities as per the work plan.
- Establish and look after an information management system (i.e. storage, retrieval, access, processing, security and integrity) to ensure that all CEFs and the Executive Committee have access to information at the time is needed for sharing.
- Prepare requisitions, make claims for stipend paid to CEF and Executive Committee members for attending meetings and fulfilling other functions of the CEF.

14. Grievance mechanism for vulnerable groups

- MPC will establish a grievance mechanism to receive and facilitate resolution of vulnerable groups' concerns and grievances about its environmental and social performance.
- The grievance mechanism will have vulnerable groups as its primary user and will be scaled to the risks and adverse impacts of the site.

- MPC will strive to resolve concerns promptly, using an understandable and transparent consultative process that is culturally appropriate and readily accessible, and at no cost and without retribution to the individual or group that originated the issue or concern.
- The grievance mechanism will not impede access to judicial or administrative remedies. Vulnerable groups will be informed about the mechanism in the course of the engagement and information sharing process.

15. Monitoring and evaluation

Monitoring and evaluation (M&E) entail an ongoing process of collecting and analysing data to verify the efficiency and achievement of the objectives of information sharing. The following M&E activities will be conducted to achieve the above.

- Establish an effective well-functioning integrated Monitoring and Evaluation system for the CEFs and Executive Committee.
- Collect, collate, and analyse stakeholder feedback on information distributed, measure reactions and responses to information shared and their immediate short-term effects.
- Measure progress on information sharing programme against established schedules and indicators of success.
- Monitor and evaluate progress of information sharing programmes under the purview of the CEFs and Executive Committee at regular intervals to determine effectiveness.
- Ensure timely implementation, reporting and feedback of lessons learnt from the rollout out of information sharing programmes.

16. Reporting

A key aim of reporting is to communicate stakeholder feedback so that it is considered in relevant internal decision-making and planning processes.

- MPC will provide periodic reports to the CEFs and Executive Committee that describe progress with implementation of plans on issues that involve ongoing risk to or impacts on vulnerable groups and on issues that the consultation process or grievance mechanism have identified as a concern to those Communities.
- Where management measures result in material changes in or additions to the mitigation measures or actions described in plans on issues of concern to the group, the updated relevant mitigation measures or actions will be communicated to them.
- The CEFs and Executive Committee will decide on the types of reports and description of their contents, purpose and desired outcome, report developers and recipients (from whom and to whom) and frequency of each report.
- The CEFs and Executive Committee will report back to internal (i.e. MPC) and external (i.e. constituencies) stakeholders, explain to MPC how recipients reacted to information shared and its impact, and to recipients how their feedback and views were considered by MPC.

- The frequency of these reports will be proportionate to the concerns of the vulnerable group but not less than annually.