

ASI Complaints Mechanism

Status of Complaints

ASI aspires to ensure transparency of the ASI Complaints Mechanism in terms of its processes and outcomes. Reporting of some information may be limited by ASI where needed to protect the identity of parties who may wish to remain anonymous and to seek to minimise the risk of retaliation against stakeholders.

Complaint reference	Respondent	Complainant	Country/origin	Status	Date filed	Date completed
ASI/2025/5	MRN	Anonymous	Brazil	Discussion between parties	01.10.24	On-going

Complaint Background

Complaint Reference	ASI/2025/5
Status	Initial review and response complete; outcomes subject to next audit
Respondent	Mineraçao Rio do Norte SA (MRN)
Complainant	Anonymous, with support by Transnational Legal Consortium (TLC)
Date complaint submitted	01 October 2024 and 26 November 2024
Publication of complaint	19 December 2025
Membership class	Production and Transformation
Certification status	Full certification (initially 2022)
Last audit undertaken	Re-certified 20 March 2024 Performance Standard V3 with surveillance audits from 3-13 December 2024
ASI Accredited Auditor	Bureau Veritas Certification
Country of complaint	Brazil
City/region/district/province	Porto Trombetas

Summary of the Complaint

The initial anonymous Complainant represents different Riverside communities of the Sapucuá-Trompetas Agro-Extractivist Settlement Project in Oriximiná situated close to the MRN mining activities. The Complaint concerns the “violation of rights and environmental damage” relating to a variety of issues. These include alleged lack of consultation/free prior informed consent (FPIC); prevention of access to forest resources and livelihoods previously relied upon; compromised water quality, inadequate on-site water management and insufficiently secured tailings dams. The communities claim they live in extremely precarious living conditions especially regarding access to health and education and that, because of the mining operation and deforestation, they could not go hunting and generate income from trading anymore. They also claim that the water streams had yellow and white colour at times and that they had observed new skin diseases. They reproach MRN for not having commissioned an independent study to assess the environmental impacts and possible compensation and damage mitigation measures relating to the tailings disposal system.

The second Complainant TLC supported the main Complaint and urged the auditors of a scheduled audit to consult with the affected communities directly. TLC also asked to postpone an audit for a few months to allow full access to the communities.

Position by the Respondent

The Respondent claims it conducted numerous consultation processes in good faith with more than fifty affected communities, while the need to carry out FPIC would be a State responsibility in principle. The Respondent states it undertook public hearings with neighbouring communities in collaboration with the responsible State agency, the Brazilian Institute for the Environment and Conservation of Renewable Natural Resources (IBAMA). It also states that an Environmental Impact Study was produced in advance of the licensing for the exploitation of bauxite plateaus. Subsequently, a number of socio-environmental programmes and projects had been initiated and are currently implemented to prevent, mitigate or compensate for the impacts of the mining activities. According to the Respondent, communities had been invited to comment on the respective technical study and they would participate in a constant dialogue in connection with annual IBAMA inspections.

In respect of loss of livelihood and prevention of access to the forest resources, the Respondent maintains that the Complainants did not adequately consider existing compensatory programmes in place that support the sale and production of seeds. It was found in a socio-territorial study that the complaining

communities were not directly impacted by the mining activities on the plateau. This study included consideration of impacts on water, noise and use of natural resources. In respect of the limited access to the forest resources, the Respondent explains that it was the Brazilian Government who had created forest conservation areas. The Government thereby restricted community harvesting and commerce in line with applicable environmental Government policy. Despite this access restriction, traditional social harvesting of forest products would still be possible for the affected communities. The Respondent states that it developed a comprehensive action plan, in close consultation with the communities, to build local capacity and generate community income that would be implemented in an ongoing facilitated dialogue process.

Process and Timing

Upon receipt of the anonymous Complaint, ASI contacted MRN for their comments and afterwards relayed them immediately to the Respondent. ASI engaged as bridge builder between the parties respecting the confidentiality of the Complainant. This also applied when dealing with an additional and essentially an overlapping Complaint by the Transnational Legal Consortium (TLC) submitted on 26 November 2024 in support of the (main) Complaint by the Riverside communities.

The TLC Complaint requested certain actions relating to the then pending surveillance audit from 3 to 13 December 2024. TLC urged ASI to be particularly attentive to the concerns of the communities in question and to ensure that the auditors visit and consult directly with the communities. TLC also requested ASI to postpone the audit to the “Amazonian winter”, i.e. the first half of 2025, to align with the rainy season and support full access by rivers to the communities, and to give the communities notice with sufficient time in advance.

ASI explained to the TLC what were the applicable ASI audit procedures and clarified the audit could not be postponed at such short notice. ASI recognized the need and desire for proper community consultation and participation and stated that it had let the communities know the audit dates as early as possible, i.e. four months in advance, two months with specific dates. ASI confirmed that the audit would include a significant portion on community consultation and announced that it would conduct a witness assessment of the audit with further focus on the community complaints including community visits and MRN operational site visits. ASI also requested more information on the relationship of TLC to the parallel anonymous Complaint against MRN.

In its response to original, anonymous Complainant, ASI indicated it would treat the two Complaints received in a single process, as they relate to the same subject. The response was shared with TLC. The latter responded in early June 2025 and agreed that the two Complaints should be joined as one.

The issues addressed in the Complaints were flagged to the auditor and were also focus of an accompanying witness assessment as part of ASI assurance oversight during the December audit. The audit report was shared with the Complainants and serves as one basis for further action.

TLC complained that the auditor had neither visited the respective communities, nor sites during the December audit. It also requested that MRN provide information on water resources and water monitoring methodology and results. ASI responded to both Complainants providing detailed information on the community visits undertaken during 2022 and 2024 audits and shared the requested information from MRN on water resources and monitoring along with other related information.

Outcome

The Respondent reconfirmed its commitment to intensifying its community engagement activities including training courses, programmes to promote food security and income generation, donations, sponsorships, infrastructure and institutional strengthening. MRN invited the complaining communities to its Head Office for further dialogue and offered opportunities to visit relevant field operations including mining operations, mine rehabilitation areas and the dam and tailings management system. MRN also provided more detailed information on its dams and tailings (including maps) and shared requested information on water management and water monitoring methodology and results.

Looking ahead, the Respondent and ASI agreed that the periodic audit schedule will be altered to improve travel, community engagement and consultation opportunities for both communities and auditors in the “Amazonian winter” and will be scheduled for mid 2026. Audit planning will involve some of the concerned communities and allocate more time for community consultation.

Next Steps

All issues which remain unresolved from the perspective of the Complainant will be notified to the auditor for review at the next audit of the Respondent.