ASI Community Rights and Participation Working Group

1230 – 1400 CEST 14 July 2026

Participants:

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Agenda points:

1. Introduction and overview of changes to the draft (20 min)
2. Break out discussions/ reflections (25 min) – FPIC restructuring, legacy impacts, community agreements
3. Share back and discussion (25 min)
4. Leading practices – plenary discussion (15 min)
5. Next steps (5 min)

Discussion Notes:

- ASI welcomed the group to the call and presented the agenda.
- Given lower-than-expected attendance (particularly from industry), the group did not split into break-out rooms as originally planned; the whole meeting was held in plenary.
- Since the May Working Group meeting, the draft has been further revised based on public consultation feedback, discussions at the May Working Group, and the in-person Standards Committee meeting in June.
- **Standards Committee update (June):** the Standards Committee discussed the consultation feedback and how to incorporate it into the draft, covering both cross-cutting themes and detailed, content-specific feedback. There was general support for streamlining and consolidating requirements, with a focus on those that most directly drive impact and reducing those that create burden without doing so. Leading practices were also discussed in detail (see below).
- On the Community Rights section specifically, three areas were discussed at the Standards Committee:
    - **FPIC** – feedback that the structure needed a more logical flow and clearer language, and flexibility to recognise how consent is sought and demonstrated, which can vary by context.
    - **Community agreements** – revisited the intent of the requirements and the differing concerns raised by different stakeholder groups.
    - **Legacy impacts** – the most extensively discussed of the three; reviewed stakeholder concerns and agreed there is value in aligning more closely with the UNGP-based human rights due diligence (HRDD) process and language.
- An initial review and filtering of leading practices was also carried out by the Standards Committee.
- At the May Working Group discussion had focused on feedback on the FPIC section and the proposal to restructure: (i) agreeing the process, (ii) demonstrating the process has been implemented, and (iii) monitoring. ASI presented the current structure of the Community Rights section (see slide 7). A number of requirements overlapped with, the HRDD process and UNGP – this reflected feedback received that there should be further alignment. The intent was not for the HRDD process to replace these requirements, but for it to be used as a tool, or for HRDD outputs to satisfy them, so that processes are not duplicated.
- In response to feedback that the first part of the section needed a better flow, it had been restructured around identify – address – monitor, consolidated under Community Impacts (7.1), intended to align more closely with UNGP language.
- ASI walked through the proposed structure:

- 7.1.2 – the entity engages meaningfully to identify impacts: identifying/documenting affected communities and impacts caused or contributed to (in line with the HRDD process); informing communities of their rights; the Community Engagement Plan; and staff cultural competency.
    - 7.1.3 – the entity effectively addresses adverse impacts, including on traditional livelihoods and cultural customs. ASI noted this remains an area needing further attention, having received feedback on what "effectively addressing" means in practice.
    - 7.1.4 – the entity collaborates to enhance positive impacts and deliver sustainable benefits (community benefits/development plan; local procurement and hiring plan). These remain minimum requirements; related leading practices (e.g. community agreements) have for now been moved into the separate leading practices section (see below) rather than removed.
    - 7.1.5 – monitoring, restructured to combine previously scattered monitoring expectations into one place, focused on monitoring effectiveness of implemented measures and adjusting them where needed. New/strengthened elements include: an "effectiveness review" that incorporates feedback from communities (not just the entity's own assessment) and leads to adjustment of plans; a new requirement that affected communities are informed of upcoming ASI audits and can provide input in an accessible, confidential way; that affected communities understand the purpose of engagement, can raise concerns and do not experience reprisal; documentation of engagement activities and outcomes; sharing of key outcomes (including agreed decisions and points of opposition) with affected communities; and public disclosure of monitoring outcomes.
- One participant asked what "meaningfully" is intended to cover – e.g. use of local languages, locally organised meetings and similar factors. ASI clarified this should be captured in the Community Engagement Plan (7.1.2.4), which sets out required elements including: consultation carried out in advance of decisions; inclusive and accessible engagement; consideration of women and other potentially vulnerable groups, language, technology and literacy; local knowledge and traditional decision-making; and two-way feedback opportunities. It was noted there may still be a risk gap at the initial-contact stage, before an engagement plan is in place. ASI added that the restructuring responded to consultation feedback that the previous layout, at times, felt like it required consultation for its own sake. The intent is a more logical flow; ASI is also considering a visual diagram showing the different feedback channels (grievance mechanisms, ongoing engagement, civil society reports, audits/assurance activities, etc.) through which community concerns are raised, all of which should feed into the engagement strategy and be addressed as adverse impacts. This restructuring is interconnected with several other parts of the standard.
- ASI noted that feedback received through questionnaires completed by affected communities were still being analysed (expected to conclude within about a week) before being shared with the Standards Committee and Working Groups. One key theme that came through the consultation was that affected communities should be a key part of determining what the impacts on them actually are. One participant added that it was important for affected people to determine themselves how they are involved themselves, referencing a report shared with the group on human rights impact assessments.
- The new structure for 7.1.5 involved minor wording adjustments but the substance was largely the same; the intent was to combine previously scattered monitoring requirements into one place. ASI invited further ideas on structure and placement of requirements.
- ASI noted that monitoring – across the standard, not only in the Community Rights section – was a strong theme in feedback from affected communities, who want to be involved in monitoring. This has been proposed as a leading practice in other sections too, e.g. in Nature (affected communities participating in environmental monitoring), currently under consideration by the Nature Working Group; a similar review of whether such practices sit as minimum or leading practice may be needed across sections.
- FPIC restructuring – ASI presented how the FPIC section has been restructured to improve clarity: separating process from outcome requirements, focusing on what drives impact, and recognising existing processes and agreements. Proposed structure: agree the process; follow the process as agreed (including documentation); monitor. New elements include steps to be taken if FPIC is withdrawn or objections are raised after an FPIC agreement (7.6.3.4), requiring re-engagement with affected Indigenous Peoples. General streamlining was also applied to reduce repetition.
- One participant noted that one requirement (7.6.3.5) still had "LP" showing in front of it on the slide; ASI confirmed this would be corrected before the slides are shared out.
- Legacy impacts – this was the most extensively discussed of the three Community Rights topics at the June SC meeting. Feedback from industry, civil society and affected communities questioned why only certain impacts (e.g. lack of FPIC, damage to sacred sites) were addressed, and raised concerns about duplication

with HRDD requirements elsewhere in the standard. ASI's assessment, informed in part by Affected Community Questionnaire feedback, is that area was not being adequately addressed in practice. The proposal is to consolidate legacy impacts into a single, standalone requirement (7.6.1), closely aligned with UNGP language and clearly linked to the HRDD process, aiming to: focus on what drives impact; align with the UNGPs; respond to strong feedback from affected communities and civil society that legacy impacts must be explicitly covered in the Performance Standard; and take account of feasibility/legality challenges for industry.

    - Proposed requirement: where legacy events result in ongoing negative impacts, the entity engages with affected communities to address them through its HRDD commitments. Specifically, where the entity has caused or contributed to significant adverse impacts on affected communities – including impacts arising from historic operations that remain unaddressed or unremediated – the entity addresses these through its HRDD process. This includes engaging with affected communities to understand, mitigate and/or remediate impacts; documenting outcomes of engagement/mediation; implementing agreed actions; and monitoring. ASI acknowledged the requirement is lengthy but considers this necessary given its intent, while aiming not to be overly prescriptive.
    - One participant asked how this would apply where an entity acquires a concession for an existing project with ongoing, unremedied human rights harms (or where FPIC was not obtained) – questioning whether "caused or contributed" is clear in such cases, and whether this belongs here or under general HRDD/governance requirements. ASI agreed this is unlikely to be resolved perfectly for every case; the participant was agnostic as to which section covers it, provided it does not fall through a gap.
    - Another participant recalled that the SC had discussed this issue in relation to the Mergers and Acquisitions (M&A) section, and asked ASI to confirm the M&A requirements adequately cover the related due diligence expectations, noting that M&A teams in practice tend to refer only to the specific M&A clause rather than the standard as a whole. ASI confirmed relevant mitigation/due-diligence language already exists in the M&A section and committed to strengthening the cross-reference between the two sections.
- The revised draft will be circulated to the Working Group, which will have the opportunity to provide further, more detailed comments.
- Community agreements – this topic was not discussed in detail at the June Standards Committee meeting. It currently appears in both the New Projects/Major Changes section and the Community Rights and Participation section, which feedback (from both industry and civil society) described as confusing and potentially duplicative; the two-year timeframe previously specified was also seen as unworkable. The proposal was to remove the requirement from the New Projects/Major Changes section; retain 7.4.1.2 with minor rewording, aligned with the FPIC process, so that where there are affected Indigenous Peoples, the entity begins a preliminary development process aimed at establishing a legally binding community agreement, through a mutually agreed process and timeframe, carried out in line with FPIC. A leading practice currently exists to establish the agreement in collaboration with affected communities and to share it in an accessible format. The new monitoring requirements at 7.1.5 (above) would also apply to legally binding agreements, supporting greater accountability.
- The Working Group was invited to raise any further thoughts, comments or concerns on what had been presented.
- One participant raised 7.1.5 in connection with a parallel discussion in the Assurance Sub-group about what pre-audit community engagement would require in practice, and how this would work from an auditing perspective; they queried whether this risks duplicating a future, updated Assurance Manual, and suggested flagging it for alignment once that manual is revised.
    - ASI explained the intent of including this directly in the Performance Standard is to make it a mandatory requirement, since the Assurance Manual itself is not mandatory in the same way; ASI and the participant agreed both documents will need to be harmonised so that they ask for the same thing.
    - Another participant added that even where a requirement is reflected in the Assurance Manual, ASI has seen cases (e.g. high-risk upstream certifications) where a company's community engagement efforts were made but proved insufficient in practice; without the requirement also sitting in the Performance Standard itself, there is no basis for the related audit finding to be raised as a non-conformance.

- A further participant added that affected communities need to see the requirement reflected in the Performance Standard itself, as they will not read the Assurance Manual; some duplication between the two documents is acceptable given they serve different audiences.
- One participant said they were looking forward to reviewing the slides in more detail but had difficulty reading the on-screen font during the call.
- One participant asked, for global companies with multiple product lines or facilities at different stages of certification (some already certified, others in preparation), what transition period would be given to align with the new requirements.
    - ASI responded that a generous transition period is planned, likely similar to previous version roll-outs: an approval date, release date and effective date some months apart, followed by a further 6–12 month period during which currently certified entities may choose to remain on the current version or move to the new one. The next consultation draft (expected around January/February 2027) is anticipated to represent roughly 80% of the final version, giving companies an early indication of likely gaps to plan for.
- One participant asked how easy it will be for communities to give feedback in practice, and how auditable this is.
    - ASI explained that feedback channels would be identified with communities at the outset via the Community Engagement Plan, and that active outreach to gather feedback is expected as part of the effectiveness review, to verify whether specific measures have been effective; ASI agreed the language could be made more explicit (e.g. "must"/"shall") to require this. On auditability, this would be evidenced through auditors speaking directly with communities and through documentation of engagement activities, outcomes and the effectiveness review itself.
    - Another participant noted that complaints and grievance mechanisms are themselves a feedback channel, alongside active, company-led engagement, and cautioned against language that overlooks this. ASI agreed that feedback via grievance mechanisms should and must be considered as part of this requirement, and that feedback on effectiveness comes in through multiple channels over time, with complaints often being some of the most important feedback.
    - One participant raised the importance of enabling independent, community-level monitoring (beyond company-facilitated monitoring), and the participatory nature of human rights impact assessments, including consideration of cumulative impacts (i.e. not assessing a project in isolation from other impacts already affecting a community) – referencing a working group report recommending that businesses enable independent monitoring, including through community-level monitoring initiatives. ASI noted this goes beyond simply not disallowing independent monitoring, and suggested it could be explored as a possible leading practice example, going beyond company-facilitated monitoring to actively support or encourage independent monitoring structures; ASI will review the referenced report. ASI also noted a need for closer alignment between this section and the standard's broader human rights impact assessment provisions, including the definition of "significant" impact.
    - One participant asked about the frequency of effectiveness reviews. ASI confirmed the current proposal is every two years; full detail is set out in the draft text rather than the summary slides shown on the call.
- Leading Practices – ASI summarised the Standards Committee discussion. This is the first ASI consultation to introduce two tiers of requirements: minimum certification, and something beyond minimum ("leading practice"). Consultation respondents were broadly supportive of the concept of differentiation, but raised concerns and suggestions on how to make it work in practice, including on the proposed threshold approach (meeting 70% of applicable leading practices in a section to make a claim). Concerns included that not all leading practices are applicable (depending on risk, entity type or supply chain activity) or comparable, and that some were seen as too ambitious while others arguably belong at minimum-certification level.
    - The Standards Committee has agreed to retain the two-tier concept, with above-minimum performance remaining voluntary.
    - Leading practices will be grouped into their own section at the end of each thematic section (e.g. Community Rights, Nature, Climate) rather than integrated under each individual criterion, enabling a more holistic view.
    - The Standards Committee has asked for focused, content-led filtering and calibration within each content area, with Working Group support, aiming to significantly shorten and better target leading

practice lists (e.g. from around 12–15 down to around 7–8 per section). Similar work already under way with the Nature and Workers' Rights Working Groups has cut length by roughly 50–60%.
    - The Standards Committee is also exploring more flexible alternative approaches to recognition – for example, transparently reporting the specific leading practices a company has achieved (e.g. via the certification report) rather than requiring a hard threshold to make a claim. This will be discussed further.
    - The Working Group's role in reviewing the draft leading practices list (to be shared within the following week) is to apply an impact lens to each one – i.e. whether it is genuinely designed to drive a positive impact beyond minimum certification, and whether companies implementing it are, in practice, achieving a notable positive outcome.

2. Next steps

- ASI thanked participants for their contributions and reiterated that anyone with further feedback not captured through the public consultation or working groups is welcome to email ASI directly.
- A summary analysis of consultation feedback will be published in September, along with anonymised consultation comments and responses.
    - On request, ASI can share a table of anonymised individual consultation comments ahead of that publication (before formal ASI/SC responses are finalised) via SharePoint, for internal working group use only – not for wider circulation until the full published response is available.
- ASI expects to circulate the revised Community Rights and Participation draft within the next week, for review and comment.
- Main requests for the Working Group by 31 August:
    - Review the revised drafts and provide any further input.
    - Complete the short 'feasibility assessment' (to be shared after the call) – this applies to industry participants.
- Additional Working Group meetings will be scheduled for September/October, once feedback has been reviewed and reflected in a further round of drafts for Standards Committee consideration.