

APPENDIX 2

Sample questionnaire for agency staff survey

The following introductory text could be used when starting the interview with civil servants.

“[Name of agency/agencies or responsible actor] is conducting a self-assessment of the application of principles of the rule of law in public administration of the mining sector and linked environmental and social issues. The purpose of this assessment is to identify strengths and weaknesses in [name of agency] and to support the agency to improve its capacity.

This survey is about your views, opinions and awareness as a civil servant. It will take approximately 40 minutes. We would like to ask you some questions on how, in your professional capacity, you think that the agency performs in relation to the following principles: legality, accessibility, right to be heard and participate, transparency, right to appeal, and accountability, as they apply to each stage of the mining cycle.

We do not need to know your name, and we will not be recording anything that will identify you on the questionnaire.

The participation of you and your colleagues is important for this self-assessment, to improve the work of the agency.

May I start reading the first question?”

Interviewer: _____

Date: ____ / ____ / ____

Time: _____

General background variables

- | | |
|---|---|
| 1. Age of respondent: | a. __ years old |
| 2. Gender of respondent: | a. __ Female
b. __ Male |
| 3. Years of formal education/schooling: | a. __ years
b. __ Don't know
c. __ Declined to answer |
| 4. Years at the agency: | a. __ less than three
b. __ between three and eight
c. __ more than eight |
| 5. Position: | a. __ Permanent
b. __ Contract (short term) |
| 6. Additional background variables | |

Principle 1: Legality

Please indicate to what extent:	Not at all	To a small extent	To a large extent	To a very large extent	Don't know
1. Powers, mandates and responsibilities: You find that the rules defining the powers and mandate of the agency and your responsibilities are understandable.					
2. Powers and mandates of other agencies: You find that the rules defining the powers and mandate of other agencies (working on or in areas linked to the environmental impact of the mining sector) at the central and local levels are understandable.					
3. Overlapping powers and mandates: The powers and mandates of these other agencies and your agency are complementary to each other and do not overlap.					
4. Horizontal coordination: You find that there are clear rules establishing coordination between agencies (horizontal) working in areas linked to the environmental impact of the mining sector.					
5. Vertical coordination: You find that there are clear rules establishing coordination between central and local levels of government (vertical) in areas linked to the environmental impact of the mining sector.					
6. Gaps and inconsistencies: You encounter situations where the law provides insufficient or conflicting guidance on how to make administrative decisions that can potentially have an environmental impact.					
7. Updates of laws: You have easy access to the latest laws, regulations and instructions in your area of work which are significant for regulating the environmental impact of the mining sector.					
8. Training on laws: You receive training on the new legislative instruments in your area of work that are significant for mitigating the environmental impact of the mining sector.					
9. Conflict of interest: You have instructions on how to deal with situations where there is a conflict of interest that can lead to a negative environmental impact.					
10. Equal treatment: There are clear mechanisms to provide for equal treatment of people of different sex/ethnicity/religion/tribe or family affiliation/political affiliation or social status by the agency.					
11. Gender equality: You have instructions on how to act in line with a gender-responsive approach to the mining sector and its environmental impact (here it would be good to have an example explaining the meaning of 'a gender-responsive approach'—i.e. 'you are instructed to find out in what way men, women, boys and girls are affected differently by a specific mining activity').					
Additional respondent comments on legality: Is there any additional information you would like to provide on the existence of laws and other normative instruments needed to perform your duties as they relate to the environmental impact of the mining sector?					



Principle 2: Accessibility					
Please indicate to what extent:	Not at all	To a small extent	To a large extent	To a very large extent	Don't know
12. Time limit for responding to queries: There are clear targets for the maximum time to respond to stakeholder queries that relate to the potential environmental impact of the mining sector. If yes, please list the maximum time.					
13. Time available for service: It is possible to respond to queries from stakeholders within a reasonable time and without causing a potential increase in the environmental impact of the mining operation in question.					
14. Language of service: It is possible to handle queries in other languages than the official language (for example, in a minority language). If yes, please list the languages.					
15. Redirecting petitions: You have instructions on how to assist stakeholders in cases of obvious mistakes (for example, queries sent to the wrong agency).					
16. Cost of service: You have clear instructions on the charges, if any, for services provided by the agency.					
17. Equal treatment: Stakeholders have equal access to information and services provided by the agency, regardless of sex/ethnicity/religion/tribe or family affiliation/political affiliation or other social status.					
Additional respondent comments on accessibility:					



Principle 3: Right to be heard and participate

Please indicate to what extent:

Not
at all

To a
small
extent

To a
large
extent

To a very
large
extent

Don't
know

18. Awareness of the right to be heard: You are familiar with laws and instruments guiding who has the right to be heard in relation to the regulation of mining operations with a potential environmental impact.

19. Awareness of the right to participate: You are familiar with the laws and instruments guiding who has the right to participate in relation to the regulation of mining operations with a potential environmental impact.

20. Hearing stakeholders: You have established procedures for hearing a stakeholder before taking a decision that has an environmental impact on that stakeholder's geographic area.

21. Stakeholder participation: You have established procedures to ensure the participation of stakeholders, as established by the laws and other normative instruments.

22. Distilling complex environmental and mining issues: You have procedures for ensuring that complex issues related to the environmental impact of mining are communicated to stakeholders¹³ in a manner that makes it more likely that they can participate.

23. Taking stakeholder considerations into account: You have established procedures for taking into account the considerations of concerned persons, groups or companies, as established by the laws and other normative instruments.

24. Stakeholder communication: You have established procedures for communicating with a concerned person, group or company.

25. Verbal communication: You have established procedures for hearing stakeholders orally or through interviews before taking a decision.

26. Sourcing independent expertise: There are established procedures for using outside expertise to assess potential environmental impact before taking a decision.

27. Timelines for decisions: You have clear instructions on time limits for when decisions that affect, positively or negatively, the environmental impact of mining must be taken.

28. Equal treatment: You have instructions on how to ensure that the right to be heard and to participate is consistently respected for different groups of citizens, regardless of sex/ethnicity/religion/tribe or family affiliation/political affiliation or other social status.

Additional respondent comments on the right to be heard and participate:



13. It is important that women and girls are included as 'stakeholders' when they are affected by the agency's decisions.

Principle 4: Transparency

Please indicate to what extent:

Not
at all

To a
small
extent

To a
large
extent

To a very
large
extent

Don't
know

29. Access to general information on laws, standards and procedures: You have instructions and procedures on providing stakeholders with access to information related to the environmental impact of mining.

30. Responding to information requests: There are clear instructions and established practice on how to respond to a stakeholder who seeks information on laws, standards and procedures that guide the work of the agency.

31. Equal treatment: You have instructions and there are established practices on how to ensure that the access to information is consistent for different groups of stakeholders, including women and men, different ethnic groups, persons, companies and civil society organizations etc.

32. Responding to information requests on specific cases that relate to environmental issues in the mining sector: You have instructions on how to respond to requests for information from a stakeholder on issues related to the environmental impact of mining.¹⁴

33. Proactive information provision: Your agency has established procedures on providing information and data related to environmental impact to the public proactively, on a regular and timely basis, even in the absence of a request. If yes, please list the format(s) for sharing such information with the public.

34. Integrity and confidentiality: You have instructions and established practices on how to handle integrity and privacy of information.

35. Recording and archiving: You have established procedures for recording and archiving data.

Additional respondent comments on transparency:



14. Such as negotiation of mining concessions, contracting and licensing; environmental impact assessment; environmental management plan, including water recycling, land rehabilitation, relocation and compensation, biodiversity offset; and mine closure, monitoring, compliance, enforcement and sanctions

Principle 5: Right to appeal

Please indicate to what extent:

Not at all	To a small extent	To a large extent	To a very large extent	Don't know
------------------	-------------------------	-------------------------	---------------------------------	---------------

36. Formulating decisions: You have clear instructions on what an administrative decision that relates to the environmental impact of mining shall include (for example, reasoning, indication of remedies and more).

37. Communicating decisions: You have clear instructions on how a stakeholder should be informed about a decision.

38. Appealing a decision: You have instructions on how to advise a stakeholder who wants to appeal against a decision by your agency.

Additional respondent comments on the right to appeal:



Principle 6: Accountability

Please indicate to what extent:	Not at all	To a small extent	To a large extent	To a very large extent	Don't know
39. Ethical codes: You are familiar with the ethical code(s) of the agency.					
40. Oversight bodies: Your work is influenced by decisions and instructions from oversight agencies.					
41. Internal accountability system: Your agency has an established mechanism for holding staff accountable for their decisions.					
42. Accountability for environmental impact: When assessing accountability for grievances and damages, the accountability mechanisms in your agency consider environmental damage (current or potential).					
43. Violation of law: You have clear instructions on what to do when you suspect that someone within the agency has violated the law, causing potential negative social or environmental impact while performing his/her official functions.					
44. Corruption: You think a civil servant at the agency could accept a bribe without being detected and punished.					
45. Other practices reducing accountability: You have knowledge of practices by civil servants at the agency which reduces the level of accountability? If yes, please list the different practices.					
46. Dealing with complaints: You have instructions for how to deal with complaints against the agency or its staff.					
47. Equal treatment: You have experienced a situation where someone has been discriminated against due to sex/ethnicity/religion/tribe or family affiliation/political affiliation or other social status.					
48. Gender equality: You are aware of laws, regulations and/or internal policies on gender equality applicable to the agency.					
Additional respondent comments on accountability:					