

Historical Audit Completeness Checklist

Phase 1 of the resolution pathway: twenty-one items across the five audit domains, from environmental history and the community commitment register through legal and concession history, the occupational health trajectory, and the social and cultural impact record.

From Legacy Grievances and Historical Claims: A Guide to Post-Operational Dispute Resolution by Thomas Gaultier

This checklist covers the five audit domains described in Chapter 8, Section 8.2.1: environmental history, the community commitment register, legal and concession history, the occupational health trajectory, and the social and cultural impact record. Practitioners should verify each item before concluding Phase 1 and proceeding to Phase 2 engagement. “N/A” should only be used where a domain is genuinely irrelevant to the claim, not where information was merely difficult to obtain.

#	Audit Item	Guidance Notes
Domain 1: Environmental History		
1.1	Full contamination chronology from first operations to present	Include all known contamination events, spills, tailings failures, and water quality incidents
1.2	Remediation history and current status of all interventions	Document what was attempted, what succeeded, and what remains incomplete
1.3	Water treatment records and ongoing requirements	Include projected treatment duration (years, decades, or perpetual)
1.4	Tailings storage facility status and stability assessment	Current condition, monitoring data, and risk rating
1.5	Pre-regulatory baseline data (if available)	Note explicitly where baseline data is missing; this is a common gap
Domain 2: Community Commitment Register		
2.1	Inventory of all commitments made to host communities across all operators	Include verbal promises documented in meeting minutes, EIA commitments, and resettlement action plans
2.2	Status of each commitment (fulfilled, partially fulfilled, unfulfilled, disputed)	Where status is disputed, record both the corporate and community accounts
2.3	Resettlement history and outcomes assessment	Document displacement locations, livelihood impacts, and comparison to pre-displacement conditions
2.4	Community perception assessment (independent of proponent’s own records)	Commission independently; do not rely on operator’s community relations reports

2.5	Customary land rights mapping	Identify all customary claims, DUATs, or equivalent that overlap with the concession area
Domain 3: Legal and Concession History		
3.1	Complete ownership and concession transfer history (chain of title)	Map every transfer, including any periods of unclear or contested ownership
3.2	Concession conditions and any informal amendments	Concession conditions may have been amended informally; verify against the original grant
3.3	Successor liability exposure analysis	Apply the four traditional exceptions and expanded doctrines (see Chapter 3); identify proper rem obligations that attach to the title and cannot be contractually excluded
3.4	Litigation and settlement history	Include active claims, threatened claims, and prior settlement agreements
3.5	Regulatory compliance history	Document all violations, penalties, and corrective orders across all operators
Domain 4: Occupational Health Trajectory		
4.1	Occupational health claim history and trajectory	Include claims with long latency periods (silicosis, asbestosis, respiratory conditions)
4.2	Worker health monitoring data from all operational periods	Identify gaps in monitoring and periods where no records exist; include workers employed by contractors and those who migrated after closure
4.3	Pension and benefit obligation status	Include any forfeitures during ownership transitions or bankruptcy
Domain 5: Social and Cultural Impact Record		
5.1	Resettlement history and livelihood impact assessment	Document displacement locations, livelihood outcomes, and supplementary livelihood losses (brick making, charcoal, fishing) that are rarely captured in formal assessments
5.2	Cultural site and heritage inventory	Identify sacred sites, burial grounds, and other cultural heritage affected by operations or remediation
5.3	Community governance and intergenerational impact record	Document changes to community governance, social cohesion, and intergenerational cultural harm; commission community oral histories independently

You cannot resolve what you have not first established.

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