



MiningWatch Canada

Mines Alerte

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Ontario First Nations Sign Declaration to Protect Rights and Interests on Traditional Territories

On July 8, 2003, Chief Peter Moonias, Chief Roger Oskineegish, and Chief Dean Cromarty signed a *Declaration for the Protection of Rights and Interests to the Traditional Territories of the Neskantaga First Nation, Nibnamik First Nation, and Wunnumin Lake First Nation*. Addressed to the Government of Canada, the Government of Ontario, Aurora Platinum Corp., De Beers Canada Corp., Lake Shore Gold Corp. and Superior Diamonds Inc., this declaration affirms the right and authority to protect their rights and interests to their traditional territories. It emphasizes the importance for consultation and prior informed consent before mining companies gain access to their territory.

MiningWatch Canada sees this Declaration as a courageous act of solidarity.



Flannigan Slough in the Taku just below the confluence with the Tulsequah River.
Photo by Mark Connor.

BC and Canada Get Failing Grade on Taku River Protection

BC and Canada both get a failing grade on the Tulsequah Chief mine proposal in northwest British Columbia. BC stomped on the human rights of the Taku River Tlingit by re-approving the project last December while the first approval is

still before the Supreme Court of Canada (it will be heard in December of 2003).

The federal government gave the proponent, Redcorp Ventures, a long list of outstanding concerns in June of 2002.

More than one year later, Redcorp investors are receiving federal tax credits in support of active exploration at the site even though Redcorp has never responded to federal concerns. Canada seems happy to wait in the sidelines while British Columbia and Redcorp work together to ensure the project goes ahead.

Most disturbingly, the federal government has known since at least 1995 that the Tulsequah Chief mine site is contaminating the salmon-rich Tulsequah River with acutely toxic acid mine drainage. The federal government initiated a legal investigation in 2000 since the contamination likely contra-

venes the Canadian Environmental Protection and Fisheries Acts, but eight years after the contamination was documented, Canada has still not enforced its own laws. Contamination still pours into the Tulsequah River year after year.

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Canadian Asbestos: A Global Concern

On September 12 to 13, MiningWatch Canada participated in a conference in Ottawa sponsored by the International Ban Asbestos Network entitled *Canadian Asbestos: A Global Concern*. The Conference was co-chaired by Joe Comartin (NDP MP for Windsor) and Elizabeth May of the Sierra Club of Canada. The almost 100 delegates came from trade unions, environmental and health organisations and asbestos victims groups around the world. The meeting included many prominent scientists and researchers.

Canada is currently the world's second biggest chrysotile (white asbestos) exporter, sending this class 1 carcinogen to countries with few, if any, safeguards, where it is used by poorly trained and uninformed workers with little access to medical care or sickness benefits.

Dr. Jukka Takala, Director of InFocus Programme Safe-Work at the International Labour Organisation (ILO), has estimated the number of work-related asbestos deaths from mesothelioma, lung cancer, asbestosis and other diseases worldwide as 100,000 every year, and growing.

The Canadian and Québec governments, the asbestos industry and the unions representing its workers maintain that chrysotile can be used safely under "carefully controlled conditions." An intensive disinformation campaign in Canada and abroad is led by the Asbestos Institute, a heavily subsidized industry public relations organization. However, Canada exports more than 95% of all the asbestos it produces and critics suggest that the Canadian principle of "safe use" is impossible to enforce in the third World countries where the asbestos is imported. They say "safe use" is a hypocritical ploy to profit from the export of a substance too hazardous to be used at home.

There are currently only three producing asbestos mines

in Canada, employing fewer than 1000 workers. They are located in Québec. The conference recommended that Just Transition programs be established to prevent these workers from suffering from a closure of the industry.

The international epidemic of ill-health and death caused by exposure to asbestos has been raging for decades. Countries in the European Union and others like Chile have sought to control harmful exposures by implementing national prohibitions on the use of asbestos (including amosite, crocidolite and chrysotile). Even the World Trade Organization has upheld the ban.

In view of the rising asbestos death toll in manufacturing industries and communities around the world, delegates to the conference *Canadian Asbestos: A Global Concern* urged Canadian Federal and Regional Governments to renounce their backing of the asbestos industry and withdraw financial and political support from the Asbestos Institute, the Montréal-based body which has been orchestrating global pro-chrysotile support since the mid-1980s.

They also called for a ban on the use of all forms of asbestos in developed and developing countries; and the production of objective information about the health risks of "safer" alternatives to counter industry propaganda such as that being spread in India about the "virtues of chrysotile" by the Asbestos Cement Products Manufacturers' Association. "No 'virtues of chrysotile' can excuse the continuing use of such a hazardous substance," they said.

The delegates also agreed to form Ban Asbestos Canada/Bannissement Amiante du Canada, to carry the issues forward in Canada.

For more information: International Ban Asbestos Secretariat www.btinternet.com/~ibas/

Noranda Retracts Environmental Impact Statement for Alumysa Aluminum Smelter in Chile

The "No-Alumysa" campaign is celebrating as Noranda's proposed Alumysa aluminum smelter in southern Chile is put on hold indefinitely.

On August 4th, 2003, Chile's President Ricardo Lagos made a public statement that the Alumysa project should "find a new location." Less than two weeks later, Noranda retracted its Environmental Impact Study (EIS). The approval process for the EIS has dragged for the past two years due to large gaps in Noranda's documentation. The Regional Environmen-

tal Commission of Chile was expected to give its final decision on the project in December 2003.

Although this move does not mean that the project has been stopped, it gives the campaign more time to work on strengthening its position that Alumysa is in conflict with the existing economic engines of the Aysén region – fishing, ecotourism, and sustainable farming. The Campaign will also need to counter the political argument that this project be re-located elsewhere in the pristine region of Patagonia.

Citizens of Oka Gain Support in Opposition to Niobium Mine

On September 6, 2003, MiningWatch Canada had the privilege of attending a benefit concert organized by the Citizens' Committee of Oka, the Band Council of Kanésatake, and the UPA (Union of Agricultural Producers) of Deux Montagnes in collaboration with l'Art Bleu from Eau Secours!, a Montreal-based NGO that works for the protection of water. This concert was a tremendous success, and featured well-known Québécois artists: Florent Vollant, Raoul Duguay, Catherine Durand, Patrick Norman, la Corde de Bois and a number of local artists. Hundreds of people attended the concert, despite the company (Niocan)'s attempts to convince people (including the artists) to boycott the event. Coincidentally, Eau Secours!'s website was sabotaged by an unknown person a couple of days before the concert. Tickets for the event were being sold on their website.

This benefit concert was held to raise money for the legal fees to oppose the proposed niobium mine in Oka, Québec. While we were at the concert, we were struck by the tranquility and the beauty of the region. Driving along the country roads, it is evident that agricultural production, the region's economic engine, is in direct conflict with the mine. Niocan proposes to build the mine in the middle of rolling productive fields, across from more farms and orchards. These farms will not only be adversely affected by the dust and the noise from the mines and the transportation vehicles, but their water will be affected by contamination and a lowering of the water table.

Nishnabe-Aski Nation Hires Mining Coordinator

To help its Nations deal with the impacts of past and current mines in their territory, and especially the proliferation of diamond exploration activity and mine development, Nishn-

Two fish species will likely be wiped out (Niocan is considering the Rouse River a "mixing zone" which will drain into a swamp and end up in the Lac des Deux Montagnes), and there are traces of uranium in the soil. Farmers will lose their livelihoods in exchange for a legacy of pollution.

Although the majority of the community is adamantly opposed to this project, there seem to be a number of bureaucratic and political obstacles facing the people of Oka. The BAPE (Bureau of Public Audiences on the Environment) reviewed Niocan's proposal only in terms of radioactivity and concluded that although there is a problem, it is not an issue. The federal Department of Fisheries and Oceans has determined that the "case is closed", even though the destruction of fish habitat should trigger a federal environmental assessment.

The Commission that reviews re-zoning of agricultural lands in Québec also reviewed the decision and decided in favour of the mine; this decision was appealed to the TAQ (Administrative Tribunal of Québec) by the Mohawk Council of Kahnésatake and UPA. The TAQ determined that the project's negative effects can be "mitigated".

At present, the UPA (Union of Agricultural Producers) is appealing the TAQ decision and the Citizens Committee is looking at legal options including a civil suit. If the attendance at the benefit concert on September 6 is any indication, Niocan is up against a growing opposition of passionate community members.

Placer Dome's Exploration in Indonesian Protected Area Opposed

Vancouver-based Placer Dome is facing vehement opposition from indigenous Dayak communities, as well as from provincial government officials and an international consortium of Non-Governmental Organizations. Placer has started an exploration program in Indonesia's oldest protected forest. The Meratus Mountain protected forest in South Kalimantan (formerly known as Borneo) has enjoyed protected status since 1928. Placer Dome is one of a consortium of foreign mining companies actively lobbying the Indonesian Government to relax its 1999 Forestry Act that prohibits open pit mining in protected forest areas. (see press release of July 28, 2003 and "Save Indonesia's Protected Forests" background).

Not only is Placer's incursion into this protected forest decried by environmentalists, but Placer also faces serious opposition from the traditional dwellers of this region, the Dayak Meratus and the Dayak Samihim peoples. The indigenous Dayak have been consistent and vocal in their opposition.

Ontario: The Old Mining Act Works!

Over the past three years, members of Bedford Mining Alert (north of Kingston, Ontario) have brought several disputes before the Provincial Mining Recorder and the Mining

abe-Aski Nation (NAN) has hired David Peerla as Mining Coordinator, based in Thunder Bay, Ontario. He can be reached at dpeerla@nan.on.ca or by phone at (807) 625-4915.

in a recent letter to the President of Indonesia the Dayak say they are "stating our opposition and requesting a halt to exploration activities being carried out by [Placer Dome]." The Dayak make it clear that the "Meratus Mountains comprise our water source, our sacred site, our community source of livelihood..." (see Dayak statement of June 25, 2003, and "Spare our homeland", Asia Pacific Post, August 21, 2003).

Placer Dome's Keith Ferguson defended Placer's operation at this year's annual meeting by stating that the forest has already suffered from past small-scale mining and forestry and, furthermore, that Placer Dome is dismantling its drilling equipment so it can be move between trees (see the issues section of our web site). Placer's position contradicts the company's lofty sustainability principles and draws into question Placer's recent agreement, as a member of the International Council on Metals and Minerals not to mine in World Heritage protected areas (see ICMC press release).

and Lands Commissioner.

Most have challenged the "right of free entry" by prospectors on private lands. As the Mining and Lands Com-

missioner has already ruled, “access to land for staking is based on the free entry system. The free entry system is premised on the subject lands being considered open for staking.” The heart of the matter has been Section 32 of the Ontario Mining Act which exempts from staking and prospecting certain improvements such as a dwelling house, crops which may be damaged etc without either the consent of the land owner or a previous order from either the Recorder or the Commissioner. To view the cases see the MNDM web site: www.mndm.gov.on.ca.

What has evolved is the discovery that consent is required prior to staking, and that the Recorder cannot record claims which have improvements exempt without that consent in place.

The recent case of *Wollasco v. Price* is about prospectors who entered and attempted to stake a claim on lands used as pasture land on a farm south west of Sharbot Lake near Kingston. The Recorder relied on Section 32 to determine pasture lands were exempt from staking and Section 46(2) to bar them from registering the claim. Wollasco appealed the decision to the Mining and Lands Commissioner who heard the

case July 5, 2003 and has yet to deliver a decision.

The nut of the whole issue is that the Recorders office has begun to take private property rights seriously. Bedford Mining Alert members have been determined to bring about changes to the Act and while proposed legislation is being reviewed the really good news is that the old Act when interpreted in an unbiased manner does protect the land owner.

Ministry staff including the Senior Manager Mining Lands and the Recorders have been reviewing the change of interpretation with prospectors groups and advising them of the new steps necessary to comply with the Act.

After three years of sometimes less than amicable relations between Bedford Mining Alert and MNDM, Mining Minister Jim Wilson’s delegates attended the Bedford Mining Alert Annual meeting near Westport in July and were applauded for their change of heart and direction. Both sides should be proud of their efforts and the ground they have covered.

The changes on how ‘free entry’ is viewed in Ontario are important as they are being carefully monitored by the other Provinces.

Peter Griesbach, Bedford Mining Alert

Kanak Leaders Maintain Pressure on Inco in New Caledonia

Kanak leaders of the Rhéébù Nùù Committee based at the site of Inco’s proposed Goro nickel mine in New Caledonia



Kanak press conference, Ottawa, March 19, 2003 (left to right): Senator Georges Mandaoue, Jacques Boengkih, Raphaël Mapou and Minister Roch Wamytan. C. Coumans photo.

have managed to pressure Inco into paying for two scientists to conduct a review of the project’s flawed EIA. During a trip to Canada in the spring of 2003, Kanak leaders told the Canadian media that they are not satisfied with the way Inco is treating local Kanak authorities (see the issues section of our web site). Now, with the results of the scientists’ work soon to be made public, Kanak leaders issued a press release on August 19th (also available in English translation) in which they again stress the need for a review of the relationship between Inco and the chiefs and clans of the South of New Caledonia.

The Committee expects the review reports by the end of September and by the beginning of October will state the position of the Chiefs of Goro and Yaté on the future of Inco’s project. Preliminary findings of the scientists reviewing Inco’s EIA indicate “deliberate oversights and omissions by INER-IS [an earlier reviewer of Goro’s EIA hired by Inco] and Goro Nickel, especially on the heavy metals disposal issue.”

Web Site to Raise Awareness About Inco’s Health Impacts in Port Colborne

Environmental Defence Canada’s new IncoWatch web site www.IncoWatch.ca is an important tool for raising awareness about Inco Limited and how it is affecting the environment and human health of Canadians, focusing on Port Colborne, Ontario.

Inco is one of Canada’s largest producers of air pollution. Between 1997 and 2003, Inco has pumped over 16 million kilograms of pollution into the air Canadians breathe. In Port Colborne, where Inco operated a nickel refinery from 1918 to 1984, the backyards, schoolyards, woodlots and playgrounds of the city’s East Side are heavily contaminated. Worldwide, Inco operates in 11 countries and its facility in Indonesia pro-

duces more than half of the country’s total carbon dioxide emissions.

A clean-up order issued by the Ontario Ministry of Environment has recently been confirmed requiring Inco to clean up 25 contaminated properties in Port Colborne.

A “Day of Protest” is scheduled in October with people around the world protesting Inco’s environmental practices.

For more information about www.IncoWatch.ca please contact Elizabeth Chiu, Communications Officer, Environmental Defence Canada at elizabeth@edcanada.org or phone (416) 323-9521.

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