



# MiningWatch Canada

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## Mines Alerte

### Newsletter

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#### **Mining Threatens One of BC's Largest Sockeye Salmon Runs**

*(Adapted from a forthcoming publication by MiningWatch Canada on the threats to salmon posed by the push for new mines in B.C.)*

The Thompson River flows into the Fraser River west of Kamloops, B.C. and provides important spawning grounds and migratory routes for a number of salmon stocks. The Adams River is a tributary of the South Thompson and is home to one of the most important sockeye runs in the Fraser River system. Roderick Haig-Brown Provincial Park on the lower Adams River has been recognized by the International Union for the Conservation of Nature (IUCN) as one of the world's greatest natural areas. Chinook, coho, sockeye, and pink salmon also spawn in the Adams River. Of course the Secwepemc who have sustained themselves from the river and the land around it have recognised its importance for thousands of years.

The Thompson River watershed already hosts Canada's largest copper mine – Teck's open pit Highland Valley mine. The New Afton mine is in construction, the Harper Creek and Ajax mine projects are in the environmental assessment process, and the Ruddock Creek Project is in advanced exploration. If all these projects go ahead the Thompson could go from having one

operating mine to five within its watershed. The Ruddock Creek project is of particular concern as it is in the headwaters of the Adams River, is surrounded by sensitive protected areas, and is an important area for the Secwepemc indigenous economy. Over the last three years members of the Secwepemc commu-



*Sockeye spawning in the Adams River, British Columbia – Nature Conservancy/WWF photo.*

nity of Neskonlith have invited MiningWatch to make several presentations and discuss the potential impacts of the projects in the area. From these visits it is clear that many Neskonlith peo-

ple are staunchly opposed to the Ruddock Creek project.

As reported in our last newsletter, the Ajax Mine is of concern to Kamloops residents given that the project is perched on the city boundary and would directly affect an important natural and recreational area.

MiningWatch is collaborating with Sierra Club of BC and Ecovision to evaluate potential cumulative effects of these projects and the threat of “worst case scenarios”, and to submit these findings into the individual environmental assessments

## ***KI Achieves Protection for 23,000 km<sup>2</sup>; Ontario Makes Another Multi-million Dollar Buy-out***

For the last six years the Northwest Ontario Oji-Cree community of Kitchenuhmaykoosib Inninuwug (KI) has represented a front line in the battle to achieve respect for Indigenous rights and self determination in the face of unfettered mineral exploration in Ontario. In 2006 and 2007 the company stood up to the provincial government and Platinex Resources to keep the junior company from drilling in the heart of their territory. Chief Donny Morris and five councillors were jailed with initial sentences of six months for their unwavering determination to protect and exert authority over their territory.

A sentencing appeal was successful in having the “KI 6” released after serving half the initial sentence. The court’s decision on the appeal also chastised the provincial government for failure to meet its obligations to consult and accommodate KI regarding the exploration activities. Eventually the situation was resolved when Ontario bought up Platinex’s claims for \$5-million. The conflict in KI was one of the key catalysts for Ontario to open up the Mining Act for reform, a process which is still underway, with some important gains having been made but also significant disappointments.

Not satisfied with the “reforms” introduced by Ontario, KI has been developing its own protocols and strategy for the territory. The community developed and ratified a consultation protocol and a watershed declaration indicating the core of the territory would remain off-limits to industrial development. These, and other information about the community, are available at [www.kilands.org](http://www.kilands.org).

It was an unwelcome déjà vu when last year another junior, God’s Lake Resources, started making plans for drilling around the abandoned Sherman Lake mine, also within KI territory. Again KI insisted that they had not given their consent for the activity and expressed concerns about the proximity of the drilling operations to sacred burial grounds. GLR pressed forward and early this spring went as far as issuing a press release which stated their intention to hire security team to ensure they could undertake their drilling program.

KI and their allies, including MiningWatch, began to mobilise to ensure the community’s declarations would be respected. The community watershed declaration was circulated for endorsement. A number of YouTube videos were created explaining the communities’ position and repeatedly requesting a meeting in the community with provincial representatives. Action alerts were sent around encouraging supporters to e-mail the provincial government and insist it respect KI’s decision making processes and leadership.

Community organizers and allies also saw an opportunity

for the Harper Creek and Ajax mines.

In a semi-arid region, use and changes to hydrology are a major concern for all these projects, as are the potential threats to water quality. MiningWatch is currently trying to get access to results from the federal Environmental Effects Monitoring program for metal mines to better understand these threats. The latest summary of data, from 2007, clearly indicated that despite general compliance with regulations, “on average” mine effluents are still affecting downstream fish and fish habitat.

in the annual Prospectors and Developers Association of Canada conference (the world’s largest mining convention), which is held in Toronto every March. They knew mining would be the talk of the town and there would be both national and international media at the convention.

The well timed pressure was effective. In the words of Peter Koven in the National Post, “The last thing the Ontario government wants is another fight with the KI, especially while Toronto plays host to the mining world at PDAC.” On Sunday March 4, the province unilaterally announced that 23,000 km<sup>2</sup> of land would no longer be available for mineral staking.

Though a victory of sorts, KI did not celebrate. One of the most important messages KI has been trying to send to Ontario is the need to respect the treaty relationship of shared decision making and mutual respect. The Sunday afternoon unilateral announcement clearly indicated that Ontario still hasn’t heard this message.

Another problem with the announcement was that the withdrawal did not affect existing claims – including GLRs – and allowed the pressure of the specific conflict with GLR to build. As delegates were milling around the PDAC tradeshow Chief Morris flew to and camped out at the area where GLR was proposing to drill – and communicated his presence to the world through YouTube. A delegation from the community had also flown down to Toronto. Allies hosted a well attended public meeting with the delegation and a rally and press conference were organized outside the PDAC conference. MiningWatch’s Ramsey Hart was honoured to speak at both of these events.

On March 20, with the support of MiningWatch, Ecojustice, Wildlands League and Earthroots, KI filed a petition with the Ontario Securities Commission requesting an investigation into whether the company misled investors through communications that indicated ongoing dialogue and optimistic prospects for reaching an agreement with KI. In addition to these groups, KI gained the support of a variety of other notable institutions including the Anglican Church and the Ontario Federation of Labour.

The campaign was successful in achieving another major objective. On March 29, Ontario announced it would buy back GLR’s claims for \$3.5-million. This represents a tidy profit for GLR. Meanwhile, KI continues to extend video invitations to Minister of Northern Development and Mines Rick Bartolucci; to promote their watershed declaration; and to strengthen their community. They are also interested in investigating and resolving any issues with the abandoned Sherman Lake mine, a project that MiningWatch has committed to assisting them with.

## **Backgrounders Published on Environmental & Health Risks of Chromium**

One of the world's largest deposits of chromite (a mineral made up of chromium, iron and oxygen) has been found in a remote area of northern Ontario. US mining company Cliffs is developing plans and seeking government approvals and support for constructing a mine, transportation corridor, and processing facilities. Without a history of chromite mining in North America, and having read the Blacksmith Institute's disturbing descriptions of the chromite industry in India, MiningWatch wanted to know more about this mineral and wanted to be able to share information with First Nations, potential workers, and the public who might be affected by these projects.

Our Research and Communications Intern Rachelle Gendron took on the task of doing an extensive literature review

of the environmental toxicology of chromium. The results of her work are found in one comprehensive literature review and three shorter backgrounder papers all available online at [www.miningwatch.ca/chromium](http://www.miningwatch.ca/chromium).

Through Rachelle's work we've learned that chromium is a toxic metal and one form, chromium-6, is highly soluble and may be taken up by cells in plants and animals. Though most naturally occurring chromium is the less dangerous chromium-3, activities associated with mining and processing chromite can convert chromium-3 into chromium-6. This more toxic form may be released into the air, water or remain in solid wastes such as slag where it may leach into the environment over time.

## **Canada's Subsidies to the Mining Industry Don't Stop at Aid: Political Support Betrays Government Claims of Corporate Social Responsibility**

*(A longer version of this article, including footnotes, can be found at [www.miningwatch.ca](http://www.miningwatch.ca))*

In recent months, Canadians have been infuriated to hear that the government is subsidizing profitable overseas mining operations by channelling international aid money into corporate social responsibility (CSR) projects of companies like Barrick Gold (see below). But this is just the tip of the iceberg when it comes to the political and economic support that the Canadian government provides to promote Canadian corporate interests abroad.

Currently, in Honduras, the Canadian government is spending taxpayer dollars to help set up a favourable legal framework for Canadian mining operations against the will of Honduran civil society, while remaining silent about rampant targeted attacks and threats against the press and social movements. These efforts, all in the name of CSR, raise questions about Canada's conflict of interest in advising another country on its mining law and expose the Canadian government's policy for the overseas extractive sector as one of convenience – not responsibility.

### ***Risks associated with progressive change***

The Honduran mining code has been highly contentious since its reform in 1998. Following years of civil society organizing, public debate, and demands for change, in 2006 the country's Supreme Court declared 16 articles of the code unconstitutional, including a provision that gave mining companies unlimited access to water. That same year, newly elected Liberal president Manuel Zelaya spoke in favour of a ban on open-pit mining, struck a new commission to redraft the mining law, and put a moratorium on any new mining concessions.

By May, 2009, a new draft mining bill was complete. It would have imposed tax increases in the mining sector, prohibited open-pit mining and the use of toxic substances such as cyanide and mercury, and required prior community approval before concessions could be granted. Debate within congress was scheduled to begin August 16, 2009.

On June 28, 2009, President Zelaya was ousted in a military-backed coup. The debate never took place.

### ***Disaster strikes twice***

The coup provided the perfect storm within which to push to reverse the mining code reforms.

In the immediate aftermath, Canadian authorities refused to consider sanctions against the de facto coup regime and pressured other OAS members to do the same. Following the election of President Pepe Lobo in November 2009, an election so highly questioned that none of the usual highly trained election observers were present, Canada provided unwavering political support and stayed silent about the targeted violence being meted out against journalists, LGBT activists, *campesino* leaders, and environmental defenders.

Meanwhile, the Canadian Embassy set up high-level meetings between Honduran authorities and Canadian mining companies toward a new mining law. In early 2010, shortly after Lobo's election, York University associate professor Todd Gordon reported that then-Canadian Ambassador Neil Reeder travelled to Honduras with Daniel Arsenault from the Canadian International Development Agency, where they arranged meetings between Canadian mining executives, President Lobo, and members of his cabinet. They also "discussed with a Breakwater Resources executive possible strategies to influence the development of a new mining law."

A July 2011 document from the Department of Foreign Affairs and International Trade (DFAIT) included a list of "CSR" events sponsored by Canadian Embassy missions abroad for 2011-2012. There DFAIT describes a mission to the Prospectors and Developers Association of Canada meeting in March 2012 to include the Environment and Natural Resources Minister Rigoberto Cuellar and the Director of DEFOMIN, Honduras' mining regulatory agency, Aldo Santos. It states: "Honduras is in the process of transformation from the anti-mining Zelaya administration to the pro-sustainable mining and pro-CSR Lobo government."

In other words, Zelaya was "anti-mining" because he sought to integrate stronger protections for mining-affected communities and the environment into his proposed mining law, while Lobo is in favour of "sustainable" and "responsible" policies because, as we're seeing today, he would not seek to reign in multinational mining company practices at all.

Around the same time, in celebration of Canada Day 2011, the current Canadian Ambassador in Honduras, Cameron McKay, wrote an op-ed in the Honduran national newspaper *El Heraldo* in which he promoted Canadian economic interests: “The expansion of Canadian bilateral trade and investment with Honduras is a key priority for the Embassy. Canada maintains a strong trade relationship with Honduras, with more than \$250 million in bilateral trade and more than \$600 million in Canadian direct investment, in sectors such as textiles, mining and real estate.” President Lobo, also present at the festivities, was quoted as saying, “Canada is an example to imitate and I ask our congress members to learn from their experience in mining, carried out in an environmentally friendly way, because our peoples cannot continue living in poverty while they are sitting on such riches.”

***A two-faced discourse***

But efforts to develop the currently proposed mining law in Honduras have been anything but responsible. They are neither transparent, nor democratic, nor a guarantee of the rights of affected communities and civil society organizations that support them.

On January 16th of this year, the mining commission of the Honduran national congress announced the conclusion of its study into a proposed new mining law and the preparation of a draft law for approval. A Canadian company, Mustang Alliances, issued a press release welcoming the proposed simplification of rules for companies operating in Honduras. Honduran industry representatives emphasized to the press that new mining investment would bring new jobs, justifying the law’s rapid passage.

Immediately, environmental, human rights, and indigenous organizations sounded the alarm. A public declaration, signed by twenty-one Honduran organizations, reported that the legislative commission had indicated that it was under “enormous pressure from investors” to pass the law quickly, and that civil society groups were being denied real and effective input into the law.

They criticized the proposed law for leaving the door open to open-pit mining, allowing foreign state ownership within the mining sector, prioritizing industrial use of water over community needs, streamlining processes to obtain mineral rights, limiting criteria by which mining projects could be cancelled or suspended, and failing to guarantee community consultation prior to granting of mineral rights or mining licences, save under exceptional circumstances.

Perhaps in response to the public outcry, on February 2, 2012, Ambassador MacKay and the Honduran Foundation for CSR (FUNDAHRSE) organized another meeting of government officials, companies and NGOs entitled “Honduras and Canada moving ahead together with Corporate Social Responsibility.” The press reported that the meeting’s objective

was to examine the role of government and industry to promote CSR in the extractive and *maquila* sectors. MacKay reportedly emphasized the positive relationship between Canada and Honduras, adding that Canada’s commitment would be further strengthened by a bilateral Free Trade Agreement, whose text was completed and announced by Prime Minister Harper during a visit to Tegucigalpa in August 2011. Although text of this agreement has not been made public, Canadian free trade agreements normally give foreign investors access to powerful investor-state arbitration in the case of disputes, without having to exhaust national legal remedies first. Such disputes can take years to resolve in international tribunals, costing states (and companies) millions of dollars, and having a chilling effect on public policy development.

Since February, and following the Embassy-backed visit of Honduran Minister Cuellar and Mining Director Santos to the annual Prospectors and Developers Association (PDAC) conference in Toronto, the Honduran press announced that, “The Minister of Natural Resources reached an agreement with the Minister of Development to contract consultants using Canadian funds to analyse the law in order to ensure that it



*Goldcorp’s San Martin Gold Mine sits behind the Nuevo Palo Ralo community in Honduras’ Siria Valley in this 2007 photo. Residents of Nuevo Palo Ralo have suffered severe health issues due to contaminated water wells set up by Entre Mares, Goldcorp’s local subsidiary. COPYRIGHT: James Rodriguez/mimundo.org*

includes minimum international standards and such that the experiences of Canada is also reflected in the law,” reported *El Heraldo*. The same article indicated that there are some 200 outstanding requests for mining concessions that have yet to be granted in Honduras, including 104 from Canadian and Chilean companies, pending approval of the mining law. When asked about the delay in approving the law, Cuellar said, “The political will is there, we just want to be responsible.”

However, a poll carried out in September 2011 by the Research Centre for Democracy (CESPAD) demonstrates that Honduran civil society is at odds with its government, finding near consensus on “strong support for the environmental movement, particularly with regard to reforms of the mining law and for more responsible and just natural resource management.” The same survey found that some 90% of Hondurans are opposed to open-pit mining.

## From Corporate Self-Regulation to Foreign Intervention?

In Canada, CSR has already come to stand for “Corporate Self-Regulation” and the intransigence of the Conservative government in the face of demands to adopt effective mechanisms to hold corporations accountable for human rights viola-

tions and environmental degradation at their overseas operations. When Canada starts meddling in the development of other countries’ mining codes under the banner of CSR, it starts to lose all genuine meaning and look like simple economically driven foreign invention.

## The Debate Over Mining and Development Continues...

In January of this year, efforts by the Canadian government and the mining industry to promote and support mining as a core element of international development suddenly became the focus of intense and prolonged media scrutiny, opening up to broader public scrutiny an issue that MiningWatch has been researching and writing on.

A January 19 article by the Ottawa Citizen’s Elizabeth Payne (“What is going on at CIDA?”) started the debate off. She noted, “[s]omething is rotten at the Canadian International Development Agency. Many things, in fact, according to increasingly vocal critics who say Canada’s international development organization is becoming more politicized, less effective, and less transparent under the Conservative government, despite persistent claims to the contrary.”

Payne turned her attention specifically to CIDA support for Corporate Social Responsibility (CSR) projects of major – and profitable – Canadian mining companies Rio Tinto Alcan, Barrick Gold, and IAMGOLD, in partnership with major Canadian development non-governmental organizations (NGOs): respectively, World University Service of Canada, World Vision Canada and Plan Canada. Overall, CIDA’s support for these projects (\$9,528,000) far exceeds the combined contributions by the mining companies and the NGOs involved (\$2,828,000), amounting to a taxpayer funded subsidy of corporate social programs.

The Mining Association of Canada, the Prospectors and Developers Association of Canada, and the development NGOs involved defended their partnerships in editorials and in responses to the media, and coverage spread from the Ottawa Citizen to the Globe and Mail, Embassy Magazine, CBC’s The Current and As It Happens, among others. Readers provided lively responses and the issue was also extensively covered in blogs and on social media.

Writing in Embassy Magazine, MiningWatch Canada provided background information on the creation of the Devonshire Initiative in 2009, a network of Canadian development NGOs and major mining companies. MiningWatch also raised particular concern about the use of official development assistance funds to subsidize corporate CSR projects and noted the dubious consequences of partnerships between development NGOs and mining companies, among them, the tendency for NGOs to take on the task of publicly defending the reputations of their corporate partners.

For these “Devonshire Initiative” NGOs, collaborations with mining companies allow them to “diversify funds” – and

leverage additional CIDA funds as well as political goodwill – but the costs are high: the ethics of the development NGOs and their mining partners become inexorably entwined.

In an opinion piece in the Globe and Mail on January 31, top executives of World Vision, World University Service of Canada, and Plan Canada defended their partnerships with mining companies, advancing the industry’s own message that mining companies are “already significant development actors in their own right.”

Rosemary McCarney of Plan Canada found herself vouching for the high ethical standards of partner IAMGOLD on CBC’s The Current (January 26), pronouncing that Plan does an “extraordinary amount of due diligence...on the ethical standards” of companies with which it collaborates.

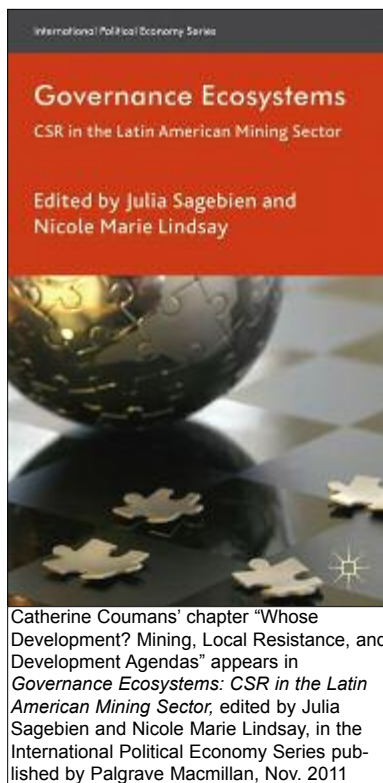
This confidence in the positive development impacts and ethical behaviour of partner mining companies was subsequently called into question in a February letter to the Minister of International Cooperation, Bev Oda from Miguel Palacín of the Andean Coordinating Committee of Indigenous Organizations, in which he highlighted local opposition to the pilot project with World Vision and Barrick in Peru. (See the letter and additional information regarding conflict and opposition at this mine site on our web site.)

The debate over mining and development also features strongly in ongoing parliamentary hearings of the House of Commons Standing Committee on Foreign Affairs and International Development under the heading *Study on the Role of the Private Sector in Achieving Canada’s International Development Interests*. MiningWatch provided a brief and is on the list of witnesses for a future session.

There is more to come. In October 2011, the Government of Canada announced the creation of a “Canadian International Institute for Extractive Industries and Development” to be housed at a Canadian university. The institute is meant to support and build natural resource management capacity in developing countries. Federal funding is expected to be around \$25 million. Canadian universities will bid to host the institute.

Academic institutions are also picking up the theme. In March 2012, McGill University’s Institute for the Study of International Development hosted a conference entitled “Public-Private Partnerships for Sustainable Development: Towards a Framework for Resource Extraction Industries”.

Given the controversy over the role of public funding for CSR projects and mining company-NGO partnerships, the



Catherine Coumans' chapter "Whose Development? Mining, Local Resistance, and Development Agendas" appears in *Governance Ecosystems: CSR in the Latin American Mining Sector*, edited by Julia Sagebien and Nicole Marie Lindsay, in the International Political Economy Series published by Palgrave Macmillan, Nov. 2011

Canadian Council for International Co-operation (CCIC) hosted an initial by-invitation-only dialogue on May 22. Twenty people from 14 NGOs met to clarify differing perspectives and search for common ground. MiningWatch participated in this session. It is anticipated that there will be further meetings, focusing on different aspects of the debate.

Some important points of communality that were identified at the meeting include:

- Recognition of the often poor track record of Canada's extractive industry on environmental, social and human rights fronts;

- The need to strengthen the legislative, regulatory, economic, and social frameworks of developing countries, as well as regulatory mechanisms within Canada so that Canadian mining companies working abroad can be held accountable for their practices;
- Concern over the current government's position linking Canadian commercial interests with development interests in the South.

A full report of the meeting will be available later in June; meanwhile, a one-page summary can be found on [www.ccic.ca](http://www.ccic.ca).

## ***Communities Shouldn't Pay To Clean Up Goldcorp's Mess in Central America***

"Goldcorp has reaped the benefits of our communities and land while we have reaped the bitter consequences," said Reina Gamero a teacher and member of the Siria Valley Environmental Committee in Honduras to The Daily Press in Timmins. "We would like more than anything, to see the company compensate our community and help us re-establish our lives, our homes, and our well being."

This year, the Coalition Against Unjust Mining in Guatemala (CAMIGUA) set the agenda of Goldcorp's Annual General Meeting to focus on closure costs and mine reclamation. With guests from Honduras and Guatemala, a delegation including representation from MiningWatch, Amnesty International, the Unitarian Universalist Service Committee (UUSC), the Network in Support of the People of Guatemala, and the Center for International Environmental Law travelled all the way to Timmins for the meeting.

Held on April 26th in the cafeteria of the Northern College of Applied Arts and Technology in South Porcupine, Ontario, near the city of Timmins, which is celebrating its centenary year this year, Rob Robinson, a mine and environmental engineer, presented a shareholder resolution to the company on behalf of UUSC as one of the co-filers. The resolution asked the company to put down an independently guaranteed surety bond for the Marlin mine in Guatemala commensurate with estimated closure costs of \$49 million. Robinson helped carry out a review in 2011 of publicly available information on mine closure plans for the Marlin mine to arrive at the \$49 million figure. Goldcorp's current surety bond for the Marlin mine is only \$1 million USD. The resolution also asked for the company to disclose a comprehensive account of its closure plans for the mine and to consult with affected communities about these plans, consistent with recommendations from the company's own Human Rights Assessment of the Marlin mine published in May 2010.

Tara Scurr, Business and Human Rights Campaigner for Amnesty International, highlighted at the meeting that over 5,000 people signed an online petition in support of the resolution and that the company should step up to the plate to respect the rights of affected communities. A recently published cost-benefit study of the Marlin mine found that if the company continues with business as usual that long term risks to communities will result in further impoverishment for the eighteen indigenous Maya Mam communities living in the area.

Alfonso Morales Jiménez of the Departmental Assembly of

Huehuetenango in Guatemala noted that experiences with Goldcorp's Marlin mine have spurred some sixty municipalities in neighbouring parts of the country to hold local votes on mining activities. The results have been that a vast majority of people have voted against metal mining as a preventative measure against future approval of licences. "Even though the government refuses to acknowledge these referendums," he told the local press, "we see them as binding."

Reina Gamero and Carlos Amador from the Siria Valley Environmental Committee in Honduras testified to what poor closure plans look like based on their experiences with the company's San Martín mine in Honduras, where acid mine drainage has already been identified and where communities have raised alarm about public health problems emerging since the mine first went into operation in 2000. The mine began to close in 2008. Gamero and Amador were upset, however, to hear Goldcorp CEO Charles Jeannes make light of their problems, saying that the company had built an ecolodge near the site and that he had personally eaten tilapia out of an old reclaimed tailings pond near the San Martín mine, suggesting that their concerns are unfounded.

In response to Jeannes' remarks in the local press, Gamero and Amador wrote a letter to the editor of the Timmins Daily Press, in which they said: "Insinuating that a few tilapia ponds and an ecotourism hotel serve as some sort of consolation for a problem that could continue to contaminate our water and soil for centuries seems to us to be a display of Goldcorp's arrogance made possible in the context of a justice system that works in the interests of companies not communities." The letter was published on May 11th.

During the meeting, company management also responded to the shareholder resolution, making a verbal commitment that "Guatemalans should not bear the costs of closure" and that it would work with the Guatemalan government to raise the surety bond for the Marlin mine as high as its own estimated costs for mine closure – currently at about \$27 million USD. The company also made promises to consult and ensure closure plans exist for all its mine sites.

CAMIGUA is still reviewing these results with our partners in Guatemala and Honduras to best determine how to hold the company to these promises. The company's estimated costs of \$27 million are believed to be an underestimate, based on publicly available information about its closure plans so far, and it will be a challenge to ensure that consultation over closure

plans is meaningful. Nonetheless, there is no doubt that CAMIGUA and its partners managed to raise the profile of an important issue: the need to internalize the costs of mining oper-

ations that will have long term ramifications for affected communities and that, despite previous recommendations, the company would otherwise continue to ignore.

## ***Mapping Canadian Mining in Latin America: Referendums and Risks***

Two new maps are now available on our website, both developed by our 2011 student intern Kaitlyn Duthie. The first illustrates a hopeful trend from Northern Ontario to the tip of Argentina among mining-affected communities to use local votes to demonstrate peaceful resistance to unwanted mining activities. The accompanying article describes how this strategy developed in 2002 in the town of Tambogrande, Peru when protests against Manhattan Minerals' gold project that would have displaced half the population grew violent, culminating

with the murder of environmentalist Godofredo García Baca.

The second is a disturbing window onto the threats and violence that communities and community leaders opposing mining have been facing in Mesoamerica for their resistance. This map is based on a report from the Center for International Environmental Law (CIEL) that was presented to the Inter-American Commission on Human Rights in October 2010. Volunteer Ana Collins translated this report to English for us.

## ***Shining a Light on the Federal Government's False Claims on Environmental Assessment and the Budget***

Federal budgets weren't always this controversial. Sure, there was a tough public debate around the financial direction the government was taking, but – that was all. Radical changes to environmental governance, public services, and the whole concept of the public interest? This is quite new.

It's hard to know which is more worrying: the systematic trashing of environmental and social safeguards, or the anti-democratic way it is being done. Not only is the *Canadian Environmental Assessment Act* (CEAA) being repealed and replaced with a few slices of Swiss cheese, but the *Fisheries Act* is being cut into bait, the National Round Table on the Environment and the Economy is being axed, and scientific and environmental protection capacity is to be cut – along with a vast array of other cuts to democratically-important public institutions, everything from putting down the CSIS watchdog to repealing the *Fair Wages and Hours of Labour Act*.

But really, these are just two aspects of the same issue: whether government decision making should be in the public interest, or just respond special interest groups – in this case, domestic and foreign investors. If Cabinet ministers, the investors, and the Market know best, then there's no need for scientific research on ecosystems, economies, or human societies, and there's certainly no need to for public interest groups – or even the public – to be involved in decision-making.

The reality is that things don't actually work that way. The profit motive does not protect anything that's not directly profitable, whether that's a worker on disability or a fish spawning bed in a wilderness river. That's why we have laws and regulations. It's part of why the federal environmental assessment (EA) process had evolved over the years to include questions of sustainability, to value public participation, and even to address First Nations' rights to consultation and accommodation on projects affecting their lands and livelihoods.

The Conservative government is riding a wave of misinformation in the media, generated by provincial governments, resource industries, "think tanks", and its own pronouncements, to push these changes through as part of the omnibus budget implementation Act, Bill C-38, entitled (with no hint of irony) the *Responsible Resource Development Act*. Focusing just on the new *Canadian Environmental Assessment Act* it includes, we find that every one of the government's proclamations is

specious, disingenuous, or simple horse exhaust:

- **These changes are so urgent that they must be passed at once, as part of the budget:** The *Canadian Environmental Assessment Act* was referred to Parliament for a scheduled review two years ago. The government did nothing for sixteen months, and had actually dropped efforts by the Minister's own Regulatory Advisory Committee as well as the Canadian Environmental Network's Environmental Planning and Assessment Caucus to prepare for the review.
- **"One project, one assessment":** This has been a primary objective within the existing system for years; that's why there were harmonization agreements between the federal and provincial governments. It didn't always work, mostly due to provinces playing political games. By weakening the federal role and splitting up federal assessments between several federal agencies (CEAA, CNSC, NEB), as well as provincial and territorial EA processes, CEAA 2012 actually Balkanizes EA across about 19 very different processes. For a proponent who never strays out of one jurisdiction, this might not be a problem, but for anyone else – including Aboriginal groups and national public interest groups like MiningWatch – it certainly is. Even basic points like public access to information on the project and the assessment process are inconsistent.
- **Simplifying federal involvement:** Ensuring consistent treatment of project proposals across dozens of departments and agencies was indeed a persistent problem under CEAA for many years, but even industry representatives have said they were quite satisfied with the situation more recently, with the creation of the Major Projects Management Office and a stronger effort by the CEA Agency to manage project proposals.
- **Reducing the number of assessments of small, environmentally benign projects:** Existing mechanisms were never well used, whether due to simple lack of interest or political will, or lack of resources and coordination to develop templates and standards. In fact a very promising effort to develop a Canada-wide standard on EA was killed just as it got close to something that might be implemented. Not all small projects are benign, and some of them aren't even that small (think of the Jasper glacier skywalk).

- **Timelines must be imposed to keep EAs from dragging on:** Most of the delays in the “permitting and approvals” process actually occur before and after the EA itself, beginning with the identification of a project proposal and ending with its operating permits. Within an EA process, delays are usually due to proponents’ failure or inability to provide sufficient information, or a market downturn that makes the project not worth pursuing, in some cases for years. Imposing strict deadlines on public participation, or on technical input from government scientists, does nothing to address these problems, though it does severely limit the possibility that the EA process will be able to include and address public concerns – or Aboriginal peoples’ rights to consultation and accommodation.
- **Foreign-funded radicals interfering in the process:** This red herring has already been thoroughly kipped by everyone from David Suzuki on down.

**What can be done?**

On our own, and with the Canadian Environmental Network’s Environmental Planning and Assessment Caucus, MiningWatch has been working with environmental law specialists and environmental groups across the country to critique the government’s proposals, but also to bring forward more constructive proposals for an EA regime that would actually

work. We’ve helped ensure that other environmental groups, and civil society groups of all descriptions, have access to the analysis and documentation they need so they can inform and mobilise their members.

The “Save Canada’s Environmental Laws!” web site and social media campaign are part of that. We’ve pushed on every available opening in Parliament, and helped other groups to do the same. Leadnow.ca joined in to send messages to the government and to individual MPs. We’ve mobilised people to talk to their MPs and to pressure the government to drop this ill-advised initiative. In response to our urging, larger environmental and conservation groups launched the “Black Out - Speak Out” campaign; we joined them on June 4th in blacking out our web site and directing people to the Black Out Speak Out site where they can learn more and take action.

The government has expressed no interest in undertaking meaningful consultations towards a real reform of CEEA.

More importantly, we are getting the word out that Indigenous and non-Indigenous communities alike must be aware that their concerns will not be heard and their interests will not be protected under the new system, even to the limited extent that they were before. We will have a lot of work to do to prevent badly-planned megaprojects from destroying a lot more watersheds, communities, and livelihoods.

– Jamie Kneen



**YES! I want to help provide mining-affected communities with the support they need – and make the mining industry accountable.**

Please direct my contribution to:

- MiningWatch Canada** to press governments to make crucial changes to law and policy. I know I will not receive a charitable donation receipt.
- The Canary Research Institute for Mining, Environment, and Health** to support research and education – and receive a charitable donation receipt. Charitable Registration Number 87103 9400 RR001

Here is my gift of:  \$100  \$50  \$250  \$150  \$25  I prefer to give \_\_\_\_\_

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**OR** go to [www.miningwatch.ca](http://www.miningwatch.ca) or [www.canaryinstitute.ca](http://www.canaryinstitute.ca) and click on the **Donate** button to contribute to either organization.

I would like to receive the semiannual newsletter by mail  and/or by e-mail

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My e-mail address is: \_\_\_\_\_

Occasionally we exchange lists with other social justice organizations. Please check if here if you give permission for your mailing information to be shared.

**Send completed form and cheque (if applicable) to the address below – and thank you!**  
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