



MiningWatch Canada

Mines Alerte

Newsletter

Number 31: Autumn 2011

Contents:

- *Surviving a Mine: Canada's Uranium District and the Western Mining Action Network Conference 2011*
- *New Brunswickers Persevere Through Gruelling Hearings*
- *BC's Zombie Mine – "New Prosperity"*
- *Kamloops Residents, Town, and Regional Council Seek Review Panel for Ajax Mine*
- *Indigenous Rights and Mining – Recent Developments, Opportunities and Challenges*
- *Ghana's Golden Deception*
- *Whose Development? Mining, local resistance, and development agendas*

Surviving a Mine: Canada's Uranium District and the Western Mining Action Network Conference 2011

At night, the lights of the Rabbit Lake mine are visible in the west, looking across Wollaston Lake from Hatchet Lake Denesuline First Nation. "The mine opened up in the '70s," recalls Chief Bart Tsannie, "but it's only recently that we've started to learn to live together. For a long time, there was nothing on the table for us."

The Chief says they have received some benefits and some employment from the mine, but they are wondering how to deal with the impacts. How will they be able to sustain their culture and their livelihood, he wants to know, which relies on the lake and the caribou.

We're in the heart of Canada's uranium mining district over 600 kilometres north of Prince Albert, Saskatchewan. It's a vast area, almost as flat as the prairies, but almost more lake than land.

The Hatchet Lake Indian Reserve is on the southeastern edge of Wollaston Lake, the world's largest lake to drain naturally in two directions. It feeds the Fond du Lac River draining north into the Mackenzie River basin and the Arctic Ocean and the Cochrane River draining east into Hudson Bay.

The area's oldest operating uranium mine, Rabbit Lake, borders its western edge. From the air, one can see two open pits along Collins Bay, as well as the mill and dumps for the mill wastes (tailings). The pits have been mined out, with waste rock piled to one side, the pits now filled with blue-green water that contrasts with the grey-blue of Wollaston and

other lakes nearby. Owned and operated by Cameco, only the underground Eagle Point mine workings are active now. Other high-grade deposits, however, have been found nearby, and uranium mining is anticipated to last decades more. Its legacy will last much longer – millennia, in fact.



Areva's McClean Lake uranium mine in northern Saskatchewan from the air — J. Moore photo.

About thirty participants began this year's Western Mining Action Network conference with a fly-in visit to Hatchet Lake, as guests of the First Nation and of Prince Albert Grand Council.

After welcoming us in the community hall, Chief Tsannie

says that some 90% of their 1,313 members still maintain their language and they still follow the seasonal caribou hunting patterns. That same afternoon, and several more times throughout the course of the conference, we are treated to its dark meat served up several ways.

One of seven indigenous communities in the area, the Chief says Hatchet Lake is the only yet to reach an agreement with Cameco. "I'm not against the mine," Chief Tsannie is clear, "I'm willing to work with them." But he and the council have a lot of unanswered questions.

They want to protect their environment. They say the company makes it sound like there are no issues to be concerned about, but their elders have been seeing changes and when they send off dead fish or birds for testing, they says the results do not come back. And the lake, says Chief Tsannie, is their livelihood.

WMAN participants urge them to seek out independent sources of information.

Dr. Gordon Edwards, President of the Canadian Coalition for Nuclear Responsibility, indicates that government agencies are not the best place to start. He suggests that Hatchet Lake could participate in the WMAN network and take advantage of its diverse membership.

Edwards explains during a plenary discussion at the conference back in Prince Albert that Canada is one of a handful of countries that have a "full steam ahead" approach to grow the nuclear industry.

It is an approach that does not make sense in his perspective. Nuclear energy not only carries tremendous risks, he indicates, it is also too slow and too expensive to address the need to shift away from fossil fuel dependence. Renewable energy sources would be much quicker and cheaper.

Other countries are already headed in this direction. Germany, he says, has planned for a full shut down of its nuclear reactors by 2022. Following the Fukushima disaster, only 11 of 54 reactors remain active in Japan. In France, he adds, 67% of people are calling for a nuclear phase out.

The greatest costs associated with the industry are dealing

with the waste. Edwards points out that nuclear legacy liabilities are estimated at \$7 billion and nuclear waste management liabilities at \$26 billion.

But given Canada's stance, says Edwards, the role of the Canadian Nuclear Safety Commission (CNSC) is built around industry promotion. Meanwhile, the Commission has concluded that uranium mining is safe and so does not do health studies. "It's an abrogation of their responsibility," remarks Edwards, "but this state of affairs needs to be known in order to bring about pressure for change."

During the visit to Hatchet Lake and later during the conference, others reflect that communities also need to take the lead if they want to defend what they value.

"Communities are often short-changed by mining, but communities also short-change themselves," by not making stringent demands on governments and mining companies alike, comments one participant during a conference workshop about post-mine healing and clean-up.

Participants in this workshop heard two stories about indigenous communities in New Mexico and Northern Ontario, who decades after a mine has shut down are still struggling to ensure waste sites are adequately addressed, while past ways of life are difficult to recuperate.

"There's not a lot of healing going on," says Jamie Kneen of MiningWatch Canada with reference to Serpent Lake First Nation near Elliot Lake Ontario. "Rather, people are just trying to move on. The challenge is to survive mining, rather than to feel a victim of it."

Environmental impact assessments often overlook the cultural and traditional values at stake from mining. Furthermore, workshop participants agree, the frequent emphasis on employment, as a key social indicator of community wellbeing, needs to be reevaluated. Jobs are only as good as long as they last, and the type of jobs available to local indigenous communities may be quite limited.

Furthermore, given that it can take decades, well beyond the life of a mine to move on from the impacts of what become "permanent waste management sites," participants concluded



WMAN delegation visiting Wollaston Lake and Hatchet Lake DenesuLiné First Nation - J. Moore photo.

that a more ideal starting point would be to ask, “what does it take to make a community sustainable?” and evaluate whether a mine will leave them better off or not in this framework. Defending their cultural and social practices in the event that a mine is built will require the community to ensure it happens.

Out in the hallway between workshops, a member of the Hatchet Lake First Nation remembers a moment she shared with her grandfather. He was standing on a hill overlooking the Rabbit Lake mine where his family trapline and cabins had been, and started crying. “The land will never be the same.”

For her, the most important thing that her people can do now to survive uranium mining in Northern Saskatchewan and to defend their culture and their livelihood, the lake and the caribou, is to keep passing on this struggle to future generations.

We have posted a five-part interview with an Argentinean State Prosecutor well versed on mining issues – among other topics he raises concerns about corporate donations to Canadian universities and shares a dream he and many others have of establishing an international court on environmental crimes. To view: use the uppermost search box on our site, type in “Gomez” and hit Go.

New Brunswickers Persevere Through Gruelling Hearings

If a mining company was likely to have caused numerous family wells to go dry, changed the discharge of groundwater into local streams, caused sink holes in fields and yards, and horizontal and vertical shifts in the land surface – one would hope that the government responsible for regulating the industry would step up and support the citizens who were being affected.

Unfortunately, the citizens of Penobscis NB have discovered that their provincial government prefers the side of the massive and highly profitable Potash Corp. Most of Potash Corp’s operations are in Saskatchewan but they also operate a large underground mine in New Brunswick.

Numerous recent problems have resulted in the Concerned Citizens of Penobscis group seeking some relief through the New Brunswick Mining Commissioner – a seldom-used com-

plaint mechanism. The Citizens are engaging in the Commissioner’s hearing with no financial or technical support from the government and are now having to proceed without legal counsel as they could not afford the lawyer bills. They have also had a difficult time getting access to government information because it signed a confidentiality agreement with the company.

During the hearings, the citizens have repeatedly observed friendly and collegial discussions between Potash Corp representatives and government officials – while they get the cold shoulder from both. The hearings, which have already lasted 23 days – are the longest any NB Mining Commissioner has presided over, and will continue in 2012.

See also CBC News: Mining hearing into Penobscis fight nears record

BC’s Zombie Mine Project – “New Prosperity”

Following an extensive environmental assessment by an independent review panel, the federal government rejected Taseko Mines Ltd.’s proposed Prosperity Mine Project. Just three months later the company re-filed another proposal dubbing it the “New Prosperity” project.

In its rejection the government had indicated that it would consider a new submission if the proponent found a way to address all the issues identified in the panel report. The proposal really only addresses one of the issues and doesn’t do it in a serious manner. The new proposal would not drain Teztan Biny (Fish Lake) and would conserve a small amount more of stream habitat. The future of the lake would not, however be good as it

would be sandwiched between a massive open pit and a massive tailings impoundment.

The new proposal was submitted without any additional consultation with the Tsilhqot’in National Government or the Esketemc Band of the Secwepemc Nation – both of which have opposed the project. On November 8 the government indicated it would review the application using a second review panel. MiningWatch will once again work with the TNG, Esketemc, and others opposed to one of Canada’s most problematic mining projects. For more information visit the MiningWatch website or the site of First Nations Women Advocating Responsible Mining.

Kamloops Residents, Town, and Regional Council Seek Review Panel for Ajax Mine

A proposed open pit gold mine that would straddle the city boundary of Kamloops BC is raising concern and requests for a joint review panel environmental assessment from a citizens group (the Kamloops Area Preservation Association), Kamloops City Council, and the Thompson Nicola Regional District Council.

The close proximity of the project and potential effects from dust (If you’ve been there you’ll know that Kamloops can be a dry and windy place!) is one of the primary concerns.

Other potential impacts include: contamination of groundwater, destruction of habitat for species at risk such as sharp-tailed grouse and burrowing owl, loss of prime grassland habitat, and loss of recreational opportunities including the very popular Jacko Lake – known as a fantastic local trout fishing spot.

No response to the requests for a review panel have been received but the recently re-elected mayor has promised to take it up with Environment Minister Peter Kent personally in a meeting planned for early December.

Indigenous Rights and Mining – Recent Developments, Opportunities and Challenges

By Ramsey Hart, Canada Program Coordinator

An earlier version of this article was presented at the First Nations Environment Conference for Northern Ontario in October of this year in Thunder Bay.

One of MiningWatch's core areas of work is the promotion of Indigenous rights and recognition of title and the stewardship role that Indigenous people maintain across Canada and internationally. This article offers an overview of recent developments, including hopeful signs but also the considerable challenges in reconciling Indigenous rights and title with the mining industry and Canadian governments. This is a critical time for these issues as high mineral prices and provincial and federal governments that are clamouring for resource development have resulted in a long list of projects moving through the advanced exploration, evaluation, and "permitting" phases.

Regardless of whether they support or object to mining in their territories, the large number of mining projects being advanced across Canada represents a significant stress for most Indigenous communities as they struggle under the challenge of finding the resources to engage with the industry and governments. The current situation does, however, provide a significant opportunity for those nations that have not settled land claims, as the interest in mineral development can be used to press for resolution of the many outstanding issues around the recognition of Indigenous rights and title in Canada.

In 1982 Canada's new Constitution recognized Aboriginal and treaty rights. Since then Indigenous peoples have used the Canadian court system to achieve further articulation of the governments responsibilities when making decisions that could infringe on these rights. Without getting into a detailed analysis of the various court decisions, there is now a clear recognition that Indigenous title to land exists and that there is an obligation on the part of federal and provincial governments to consult and accommodate Indigenous peoples when planning and implementing activities that would affect existing or asserted rights.

The Ontario Mining Act has been the first Canadian mining law to integrate Aboriginal consultation into requirements for exploration and mine development. Ontario's new law and the approach of most other provincial governments with regard to mining do not, however, recognise the stricter standard of Free Prior and Informed Consent ("FPIC") that has been expressed in the UN Declaration on the Rights of Indigenous Peoples and other international standards. The weaknesses of the new mining act are revealed by the struggle of Kitchenuhmaykoosib Inninuwug (KI) to protect their territory from mineral exploration and the fact that Constance Lake First Nation had to resort to a blockade and a court injunction to force a junior exploration company to come to the table and engage in a meaningful consultation process. KI has been very active in reaching out to potential supporters, asking them to support their Watershed Declaration and creating a campaign webpage, short video clips, and action alerts. This approach could provide a good example of how to build alliances and avoid political isolation.

Under completed land claims, areas of Aboriginal title typ-

ically require something akin to FPIC, however this is only the case in parts of the northern territories, the Inuit territory in Labrador, and the Nisg'aa lands in B.C. Despite the limited formal recognition of FPIC, the concept and terminology is gaining greater currency. As an example of this, a journalist attending the 2011 Prospectors and Developers Association of Canada's annual conference (the world's largest mining conference) told me that he was pleasantly shocked at how often he was hearing the term come from the lips of industry people. The fact that the International Finance Corporation (the commercial investment branch of the World Bank) has included FPIC in its standards is a further boost to the broader recognition that Indigenous peoples must consent to development on their lands, not just be consulted about it.

Though inconsistent in their consideration of Indigenous perspectives, some environmental assessment processes have acknowledged and incorporated the concerns and opposition of Indigenous peoples to projects. In several cases projects have been stopped in large part due to Indigenous opposition. The proposed Kemess North gold-copper mine in BC, uranium exploration in the Thelon River watershed in the Northwest Territories, Niocan's proposed niobium mine near Kanasetake, Quebec, and the proposed Prosperity gold-copper mine in BC have all failed to obtain environmental assessment approvals. In addition, the proposed White's Point Quarry in Nova Scotia was rejected due to its incompatibility with non-Native livelihoods. (The Prosperity project has, however, been resubmitted – see note in this newsletter.) In the case of the Voisey's Bay nickel mine, the project was not opposed but significant modifications were achieved through participation of Innu and Inuit. Of course we still have a long way to go as projects are still proceeding without consent – the Mt. Milligan gold-copper mine in BC and the Matoush advanced uranium exploration project in Eeyou Istchee (Cree territory in Quebec) are two examples.

Two Ontario First Nations that were not opposed to proposed mines but wanted to ensure the review process took their concerns and interests into consideration have been profoundly disappointed by the federal government's response. The Pic River Ojibway recommended names for the members of the review panel for the Marathon Platinum-Group Metals project and a long list of comments on the draft guidelines for the Environmental Impact Statement. None of these recommendations were taken up and there is now a legal challenge being launched. Matawa First Nations have also had to turn to legal action after the federal government ignored their insistence on a joint review panel process for the first project to be reviewed in the much-hyped 'Ring of Fire' district.

In the provinces, where historic or numbered treaties have been signed, there is a growing body of evidence that calls into question the provincial and federal government's interpretation of these treaties. Clauses in many of the treaties which permit the "taking up" of lands by the crown are of fundamental importance to the Crown's belief that it is the highest authority over treaty areas. While the "taking up" clause is written into the treaties, oral tradition of the First Nations and historical evidence from the treaty parties indicate that this was not part of

the spoken agreement that was made. The Supreme Court of Canada has acknowledged that given the oral tradition of First Nations and their inability to read the legalistic English treaties, oral promises are as important to the historic treaties as written promises. The key oral promises made to First Nations were that they would not be restricted to reserves and that they would always be able to continue to practice traditional activities as they always had. Recognition of this alternative interpretation of the treaties will go a long way to balancing the power dynamics around resource development.

A recent Ontario court decision has gone considerable distance in recognizing this alternative interpretation of the treaties. In a case that was heard over 10 years, Grassy Narrows First Nation argued that Ontario does not have the right to issue forestry or other permits that infringe on their hunting, fishing and trapping rights. Justice Sanderson found in Grassy's favour in a decision that could have wide ranging implications. Of relevance to other treaty areas was the Judge's finding that given the treaties were signed in a spirit of friendship between two sovereign states, the Crown breaks the spirit of the treaty when it unilaterally authorizes uses of the territory that infringe on Aboriginal Rights. The decision has invalidated permits issued by Ontario in the area covered by the case. To what extent other treaty Nations can use the decision in their own territories remains to be seen.

While these developments show promise, there are clear indications that further recognition still requires a major shift in the approach of provincial, territorial, and federal governments. British Columbia is a case in point. Premier Clark has made much of her goal to have eight new major mines opened in BC by 2015. While a number of BC First Nations are supportive of some of the currently proposed developments, it is unlikely that Clark can find eight new mines that have free, prior, informed

consent of the affected BC First Nations, most of whom have never signed treaties or ceded territory to the Crown. Rather than dealing with fundamental issues associated with Indigenous rights and title, Clark is promoting one off-project agreements with First Nations. The agreements provide for revenue sharing through a percentage of tax revenues paid to BC but do nothing to address fundamental issues of rights and title and only put off resolution of the core issues.

How can the increasing assertions by Indigenous peoples, improvements in the recognition of rights and title, and the large number of projects pushing ahead be used to create a more fundamental shift in the relationships with provincial and federal governments and the industry? An important step in such a process is to build unity on basic principles of FPIC and recognition of rights and title. Clear communication of expectations on the part of communities and nations for how FPIC is to be implemented is also needed.

Unfortunately, responses to individual projects have divided many First Nations. The work of First Nations Women Advocating Responsible Mining is an important effort to build unity of purpose between First Nations in BC, including those that oppose specific projects and those that support development. The potential pressure for resolution of major issues from the push for new mineral developments is at risk of being eroded by the focus on one-off agreements, offering short-term settlements for revenue sharing. Insisting that fundamentals be addressed and a new relationship defined before signing individual project agreements would provide greater power to Indigenous peoples, but this is incredibly challenging given the pressing economic needs in most Indigenous communities. Building alliances outside of the Indigenous political and activist sphere will also be essential.

Ghana's Golden Deception

The streets are hardly paved with gold. Despite producing gold on an industrial scale since 1873 – over nine million ounces' worth – the place is really not much better off than the rest of the country. Scattered chunks of tarmac are the only evidence that the main road from Tarkwa to Prestea had once been paved.

It's sadly representative. Golden Star Resources does employ a high percentage of Ghanaians, in addition to sponsoring local "corporate social responsibility" development projects. But it's a drop in the bucket, far fewer than those displaced from their land, and the limited percentage of profit not removed from the country does little for the communities near – or in the middle of – the mines.

I'm in Prestea for the annual conference of the National Coalition on Mining, and people have come from neighbouring communities and from halfway across the country to participate. The stories are depressingly similar, of farmers pushed off their land and water supplies contaminated by transnational mining companies, of villagers shot and driven over by police and com-



Golden Star Resources' Prestea mine entrance from main road - J. Kneen photo.

pany personnel, of deep poverty in the shadow of multimillion dollar mining projects.

There are also signs of progress. There is still a lot to be done, but as one local organiser put it, at least no-one has been

shot for several years. Several compensation cases have been settled or are near settlement for communities displaced and farmland taken over by mining. It's testimony to the work of the National Coalition on Mining (NCOM) and the groups that are part of it. Working tirelessly with affected communities, government officials (including the Ghanaian Commission on Human Rights and Administrative Justice), other organisations, and the media, the members of NCOM have been successful not just in bringing the plight of mining-affected communities to national attention, but actually bringing those communities into national debates on mining issues. NCOM has provided legal support to people fighting for reasonable compensation for lands lost to mining as well as providing organisational support and working with government officials and the media to help them gain a deeper understanding of the multidimensional impacts of mining.

Whose Development? Mining, local resistance, and development agendas

This is a synopsis of a paper by Catherine Coumans published 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, November 2011. The last section here is not part of the original paper.

If the 1990s were characterized by concern about the environmental impacts of mining, the 2000s saw a broadening of issues to encompass numerous social risks: human rights violations, forced evictions, abuses by security guards, failure to respect indigenous rights, and particularly harmful effects on women, minorities, and workers. This focus on social issues coincided with a marked increase in social conflict and greater local opposition to proposed and existing projects.

Mining companies and industry associations have recognized the need to obtain a 'social licence to operate' if they are to avoid reputational risk, costly delays, the potential loss of a project, and increased pressure for more effective regulation of the sector. Companies highlight policies on corporate social responsibility, and emphasize the sector's provision of jobs, taxes and royalties in an effort to link 'mining' and 'development' in public discourse, a strategy reminiscent of earlier efforts to counter reports of high profile environmental disasters by asserting positive associations between mining and sustainability.

However, this messaging is only one aspect of a more comprehensive strategy to manage and avert local level conflict.

In 2004, the International Council on Minerals and Metals (ICMM) established the Resource Endowment Initiative aimed in part at questioning the "resource curse" literature (ICMM, 2010f) by academic researchers who have found a link between natural resource extraction and increased national poverty, particularly in resource-dependent poor countries.

ICMM's findings firmly shifted responsibility for negative national level economic outcomes and local conflicts away from mining or mining companies toward host country governance, and argued that weak governments do not manage revenues from mining well enough to ensure national development; nor do they ensure sufficient social investment or benefit sharing, particularly at the local level (McPhail, 2008, p. 8).

The failure of past mining activities to deliver development, or even to deliver benefits much beyond the investors and some local business interests, has led the Ghanaian government to listen to the community and organisational voices that have long been criticising the World Bank/IMF model of liberalised economic development, and there is now an open recognition that just as the mining companies have to do more to protect the environment and the people around their operations, the government has to do more to regulate mining operations – and to capture taxes and royalties from them. Mining is a large part of the Ghanaian economy, and it's likely to remain so. The challenge is to turn all that economic activity – capital-intensive and largely oriented outside the country – into a real part of the national and local economy, and to build institutions that can effectively monitor and control the social, economic, and environmental impacts of the mines.

This analysis allows ICMM to propose solutions that would draw in a range of actors, particularly home and host governments, and make them co-responsible for outcomes. In particular, ICMM suggests that the mining sector should be integrated into government poverty reduction strategies, pointing out that:

This, in turn, will require government departments (for example, treasury and mining) to collaborate more closely, and will require chambers of mines and companies to participate in national development dialogues.... In addition, social funds and donor agencies should connect funds better to the special needs of communities affected by mining. (McPhail, 2008, p. 9)

If host countries incorporate mining in their official poverty reduction strategies this allows major donors, including the home countries of mining companies, to target aid at CSR projects at mine sites.

However, it can be argued that multinationals have for decades taken advantage of governance weaknesses and lack of regulatory capacity in host countries to avoid costs associated with best environmental practices, meaningful community engagement, and payment of royalties and taxes – all of which has contributed to negative development outcomes. Furthermore, ICMM's analysis falls short in addressing the fact that even when faced with possible jobs or other benefits from a potential mining project, some communities (or groups within communities) are choosing to reject mining in favour of existing or alternative economic activities. This puts these communities into direct conflict with the interests of the company, elements of the state, and possibly other community members.

Proposed accountability mechanisms draw push back from industry – and development NGOs are brought on board

In Canada, concern about the lack of government accountability mechanisms for ensuring that public financing not support harmful mining practices abroad led to a parliamentary report, Mining in Developing Countries (SCFAIT, 2005), and subsequently in 2006, to the federal government spearheading a multi-stakeholder process called the National Roundtables on Corporate Social Responsibility and the Canadian Extractive

Industry in Developing Countries (the Roundtables). An Advisory Group led the Roundtables process and included members from civil society, academia, labour and the resource development sector.

The subsequent Advisory Group report on the Roundtables reflected, to a certain extent, the many highly critical presentations made by over 150 members of public stakeholder groups from within and outside Canada, and was not well received by a number of companies. As the report was being presented to the government in March 2007, a series of closed-door meetings began at the Munk Centre for International Relations at the University of Toronto that brought together major Canadian mining companies, mining associations such as PDAC, and a number of the country's larger development organizations such as World Vision, Care Canada, and Plan Canada, organizations that had not participated in the Roundtable process. The aim of the meetings – which came to be known as the Devonshire Initiative (DI), named after the street address of the Munk Centre – was to establish the potential for long-term institutionalized collaboration around development projects at Canadian mining projects overseas.

Inmet Mining provided insight into industry's assessment of the accountability-focused Roundtable process, versus the potential of the 'solutions-oriented' Devonshire Initiative:

The Roundtables highlighted the polarized and unproductive nature of the relationship between the extractive sector and a small segment of non-governmental organizations (NGO). To overcome this polarization and move towards productive, on-the-ground solutions to issues of mutual concern, development NGOs and some industry members have come together in a new dialogue that could see both sides working together in developing countries to achieve mutual objectives. This is an exciting opportunity and we are fully committed to the DI process.

The Devonshire Initiative can be seen as a coming to fruition of some key elements of the vision set out in ICMM's Resource Endowment Initiative: a focus on partnerships between industry, development NGOs and government, focused on community development projects at mine sites wherein responsibility for outcomes is shared and significant costs for CSR projects are shifted to governments and foundations.

The Devonshire Initiative web site offers little insight into its mandate other than the rather anaemic comment that devel-

opment NGOs might welcome the 'opportunity to steer private sector development in a more socially sensitive and equitable way' (Devonshire Initiative, 2010). In that light, it is noteworthy that the NGOs involved in the Devonshire Initiative have been largely absent in the remarkable series of efforts to secure greater accountability in Canada for the activities of Canadian mining companies operating overseas, starting with the parliamentary hearings and report of 2005, through the CSR Roundtables of 2006 and the 2009-10 hearings and discussions around Bill C-300, each of which did engage large segments of Canadian civil society, including development NGOs that are not engaged in the Devonshire Initiative.

New government initiatives further nurture industry interests and raise growing concerns

In a keynote address at a Devonshire Initiative meeting in September, International Cooperation Minister Bev Oda announced \$6.7 million for partnerships between development NGOs and mining companies in Ghana, Burkina Faso, and Peru.

This gives rise to many questions. Aside from reviewing the particulars of a given development project, how will CIDA evaluate which mine projects to support? What role will community consent for a mine, or lack thereof, play in this decision-making? How well placed is CIDA to assess community support for a mine project, or even for a particular CSR project? Will CIDA respect community decisions not to host a mine, particularly when these are based on alternative development plans? How will CIDA manage reputational risks when mining projects are associated with violence, human rights abuses, or severe environmental degradation?

Industry got support on another front roughly one month later when Prime Minister Harper announced the creation of a Canadian International Institute for Extractive Industries and Development that "will undertake policy research to identify best practices in extractive sector management for individual countries, and arrange technical assistance for governments and communities in developing countries through a partnership between the Federal government, Canada's private sector and Canadian civil-society organizations." Funding of \$25 million has been set aside for this initiative.

For more on this topic, hear Catherine Coumans' October 2011 radio interview on CKUT Montreal at: <http://www.archive.org/details/CatherineCoumansMiningWatchCanada>

References:

Coumans, Catherine. 2010a. Alternative Accountability Mechanisms and Mining: The Problems of Effective Impunity, Human Rights, and Agency. *Canadian Journal of Development Studies* 30, nos. 1–2: 27–48.

Coumans, Catherine. 2010b. Bill C-300: A High Water Mark for Mining and Government Accountability. *MiningWatch Canada Newsletter*. 29: Autumn. http://www.miningwatch.ca/sites/miningwatch.ca/files/MWC_newsletter_29.pdf

Devonshire Initiative. 2010. "About the DI" <http://devonshireinitiative.org/About.html>, viewed November 22, 2011.

ICMM 2010. Good Practice Vol. 9 Issue 2. International Council on Mining and Metals.

Kuyek, Joan and Catherine Coumans. 2003. No Rock Unturned: Revitalizing the Economies of Mining Dependent Communities. *MiningWatch Canada*.

McKay, John. MP, Bill C-300, an Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries

McPhail, Kathryn. 2008. Sustainable Development in the Mining and Minerals Sector: The Case for Partnership at Local,

National and Global Levels. International Finance Corporation.

[http://www.ifc.org/ifcext/essaycompetition.nsf/AttachmentsByTitle/Bronze_Mining/\\$FILE/Bronze_Mining.pdf](http://www.ifc.org/ifcext/essaycompetition.nsf/AttachmentsByTitle/Bronze_Mining/$FILE/Bronze_Mining.pdf).

SCFAIT (Standing Committee on Foreign Affairs and International Trade). 2005. Mining in developing countries: Corporate social responsibility, 38th Parliament, 1st Session, 14th Report: June. House of Commons.

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=1961949&Mode=1&Parl=38&Ses=1&Language=E>

Notes:

- i See for example the recently defeated Private Member's bill tabled by John McKay MP in 2009, Bill C-300 (McKay, 2009). For more on Bill C-300 see Coumans (2010a, 2010b).
- ii In brief, reasons for national economic decline associated with high levels of resource extraction include exchange rate over-valuation leading to loss of competitiveness and development of other economic sectors (so-called 'Dutch Disease'); volatility in mineral values; overconsumption based on a non-renewable resource; and corruption and unequal distribution of benefits associated with mineral wealth. For a literature review regarding the resource curse see Kuyek and Coumans (2003, pp. 1-5).
- iii For a more in-depth discussion of the National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries see Coumans (2010a).
- iv The Munk Centre is named after its benefactor, Peter Munk, founder and chairman of the world's largest gold mining company, Barrick Gold Corporation.
- v The Devonshire Initiative meetings were coordinated by Marketa Evans, then-director of the Munk Centre. Evans is now the government appointed CSR Counsellor for the Extractive Industries.
- vi Inmet Mining Corporation; this text has since been modified on Inmet's web site.
- vii This private member's bill was introduced in the House of Commons in February 2009 and was aimed at making Canadian government financial and political support for extractive companies contingent on those companies meeting international human rights and environmental standards.



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 charitable donation receipt. Charitable Registration # 87103 9400 RR001

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

Name: _____

Address: _____

City: _____

Province: _____ Postal Code: _____

- I prefer to contribute by cheque (payable to the relevant organization)
- Please charge my credit card
- I would like to be a monthly sustaining donor via credit card contributions of \$ _____ per month, beginning [month, year] _____.
- Visa MasterCard
- Card # _____ Expiry Date ____ / ____
Month/Year
- Card Holder Name (please print) _____
- Card Holder Signature _____

OR go to www.miningwatch.ca or www.canaryinstitute.ca and click on the **Donate** tab to contribute to either organization.

I would like to receive the quarterly newsletter by mail and/or by email

I would like to receive periodic news releases & action alerts by email

My email 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 this completed form and cheque (if applicable) to the address below – And thank you!

MiningWatch Canada

250 City Centre Avenue, Suite 508, Ottawa, ON K1R 6K7

tel: (613) 569-3439 • fax: (613) 569-5138 • e-mail: info@miningwatch.ca