



MiningWatch Canada

Mines Alerte

Newsletter

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MiningWatch has a new Latin America Program Coordinator!

It is with great excitement that we announce that Jennifer Moore has been hired on as our new Latin America Program Coordinator. Jennifer's excellent skills and extensive experience as a writer, researcher, organizer, and project coordinator will be assets to MiningWatch and to our allies and partners. She has been based in Ecuador for most of the last four years, but Jennifer also has significant experience in the rest of the hemisphere, including the Canadian context where much of our direct advocacy and education efforts are focused.

Jennifer is a freelance print and broadcast journalist with twelve years experience in social justice journalism, a third of which she has gained while living and working in Ecuador. While in South America from 2006 to 2010, she researched and wrote popular and academic articles about the struggles of indigenous and non-indigenous communities affected by Canadian-financed mining companies.

MiningWatch staff and Directors wish to thank all who expressed interest in this position. The selection process was made more difficult by a surfeit of excellent candidates. It is good to know that such capable and dedicated people are not only aware of our work but eager to join our team.

Jen's work will be divided between the campaign to stop abuses at Goldcorp's Marlin mine in Guatemala, and supporting communities, organizations, and networks struggling with mining issues throughout Latin America. Jamie's involvement in the region will diminish as Jen takes up her new role, leaving him a little more time to focus on other areas like our Africa program and Canadian policy work.



Introducing Latin America Program Coordinator Jennifer Moore – see p.4

Bill C-300 a High Water Mark for Mining and Government Accountability

On October 27, 2010, Bill C-300, the so-called Responsible Mining Bill, went to a final vote in the House of Commons. There were no illusions that the private member's bill, put forward by Liberal MP John McKay, would breeze to victory. The ruling Conservative party whipped its MPs to oppose the Bill. And while the NDP and the Bloc Quebecois had expressed solid support for the Bill from the start, it was unclear how many would actually be in the House for the crucial vote, or, whether the intense industry lobby against the Bill may sway some to stay away. Based on the results at second reading on April 22, 2009, when the Bill squeaked through by four votes, it was clear that McKay's own fellow MPs were not united behind the Bill. In the months before the final vote Liberal Party Leader Michael Ignatieff went on the record expressing concern with unspecified aspects of the Bill. The final vote was close, as predicted; Bill C-300 was defeated by just 6 votes, 134-140. Thirteen of 76 Liberal MPs did not vote, 4 members of the NDP did not vote and 6 members of the Bloc did not vote (one independent voted against the Bill and one did not vote). All other MPs from the three opposition parties voted in favour of Bill C-300. For details of the vote see openparliament.ca.

Industry lobby

Bill C-300 was introduced in February of 2009. The industry lobby against the bill started in earnest after the bill passed second reading two months later. As Bill C-300 moved towards hearings before the parliamentary committee of Foreign Affairs and International Development in October of 2009, the Mining Association of Canada and the Prospectors and Developers Association of Canada (PDAC) prepared to testify against the bill and made public statements setting out their opposition to the bill (see PDAC's statement online).

The campaign against Bill C-300 ramped up considerably in the spring of 2010 when the annual international mining convention hosted in Toronto by the PDAC became a launching pad for PDAC's efforts against Bill C-300. PDAC printed and handed out anti Bill C-300 buttons, put up anti-Bill-C-300 bill boards and posters, organized a panel on the Bill, hosted a press conference against the Bill and launched an anti-Bill C-300 web site to get its message out and to encourage PDAC members and others to "write to Ottawa" in protest against the Bill (this site appears to have been removed).

As the final vote neared, the industry lobbying effort became even fiercer. Canadian mining giant Barrick Gold had registered seven lobbyists to lobby on Bill C-300 and Barrick's

lobbyists met with at least 22 Members of Parliament and 3 Senators. Other mining companies that registered one or more lobbyists to lobby on Bill C-300 include Vale Canada, Goldcorp, Kinross, and IAMGOLD. Additionally, the Mining Association of Canada lobbied at least 29 members of Parliament and PDAC lobbied at least seven MPs.

Gains associated with the Bill C-300 process

Although the Bill went down to defeat by six votes a lot was gained in the time between the tabling of the Bill and its final vote.

Committee hearings

Hearings in the Standing Committee on Foreign Affairs and International Trade started in October 2009 and, with breaks, ran until June of 2010. Twenty-five witnesses spoke in favour of Bill C-300, including MiningWatch Canada. Eight representatives of member organizations of the Canadian Network on Corporate Accountability (CNCA), an organization of which MiningWatch Canada is a founder, spoke in favour of the Bill. Six legal scholars supported the Bill in testimony, and the CNCA commissioned a legal brief by McGill law professor Richard Janda and Hon. Charles Doherty Gonthier, retired Justice of the Supreme Court of Canada (who passed away prior to the completion of the brief). Support for the Bill came in testimonies by human rights organizations Amnesty International, Rights and Democracy, and Human Rights Watch and from faith-based groups such as Kairos and Development and Peace. The United Steelworkers of Canada were solidly behind the Bill and testified before committee as did Toby Heaps, Editor in Chief of Corporate Knights.

The purpose of this Act is to ensure that corporations engaged in mining, oil or gas activities and receiving support from the Government of Canada act in a manner consistent with international environmental best practices and with Canada's commitments to international human rights standards.

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

Bill C-300:

- 1) proposed standards for Canadian extractive companies operating in developing countries;
- 2) made provisions for complaints against these standards to be brought before the Ministers of Foreign Affairs and International Trade;
- 3) provided for public reporting in Canada Gazette of the reasons a complaint was dismissed, or the results of any examination undertaken as a result of the complaint;
- 4) proposed that financing through Export Development Canada and promotion and support for Canadian extractive companies through Canadian embassies be contingent on Canadian extractive companies being in compliance with the proposed standards.

The Committee heard from international experts such as Richard Steiner (environmental expert) and Karin Lissakers (transparency expert) as well as from Romina Piccolotti, former Environment Minister from Argentina who testified that she had been threatened by Canada's Barrick Gold as a result of her efforts to carry out her ministerial duties. The committee heard testimony based on extensive research and reports about alleged human rights and environmental abuses by Canadian mining companies such as Barrick Gold, Goldcorp, Hudbay and Pacific Rim in a great number of countries including Mexico, Guatemala, Honduras, Papua New Guinea, Chile, the Democratic Republic of the Congo, Tanzania, the Philippines, El Salvador and Argentina. A graphic report detailing allega-

tions of rape and killing by Barrick's security forces at the Porgera Joint venture mine in Papua New Guinea was tabled by human rights lawyers Tyler Giannini of the Harvard Law School's International Human Rights Clinic and Sarah Knuckey of the Center for Human Rights and Global Justice, New York University School of Law. All of these testimonies are now part of the public record and will continue to provide evidence of the urgent need for the Canadian government to create mechanisms by which it can assure itself that tax payer dollars are not going to support companies implicated in human rights and environmental abuses.

Written support

Letters of support for Bill C-300 flooded in to Member of Parliament's offices from all over Canada and from all over the world. There were thousands of letters of support from individuals but also from hundreds of organizations. Indigenous peoples from all over the world who gathered at a meeting in Manila in 2009 to discuss the impacts of mining on their lives signed a joint letter of support for Bill C-300. In the days before the final vote a letter came from Latin America that was signed by 39 organizations in support of the Bill. There was also written support from high-profile people, such as internationally renowned author and scholar Paul Collier, Professor of Economics at Oxford University, and from Senator Benjamin Cardin in the U.S., Chairman of the Helsinki Commission and supporter of transparency legislation in the U.S. under the new Dodd-Frank Bill.

Media support

Both mainstream and alternative media coverage of Bill C-300 has been more intense and sustained than we have seen for any other single campaign in which MiningWatch has been involved. Media coverage gained momentum during the committee hearings; in particular the Toronto Star provided detailed reports on testimony that was heard in committee. But media coverage remained strong in the run up to the final vote and, surprisingly, has kept up in the two weeks since the final vote. In addition to the Toronto Star, Bill C-300 has been covered (often multiple times) by the Globe and Mail, the National Post, the Ottawa Citizen, the Montreal Gazette, Le Devoir, the London Free Press, Inter Press, Canadian Press, The Northern Miner, the CBC, BNN, local radio stations from Toronto, Ottawa, Vancouver, Whitehorse, London, Ont., Now magazine, Town and Country, the BBC, the Tyee, the Dominion and many others.

Perhaps the most interesting evidence of the strength of overall media reporting and support for the Bill comes in the form of two letters sent in to the Toronto Star in response to

media coverage blaming Liberal leader Ignatieff for the Bill's demise. The letters are from Peter Munk, chairman of Barrick Gold, and Michael Ignatieff, leader of the Liberal Party of Canada, who did not vote in support of the Bill. Ignatieff's November 2nd letter to the editor reiterated that he felt there were "certain aspects of the bill that needed work" but again failed to specifying which parts he was unhappy with. Munk simply argues that Members of Parliament who defeated the Bill should be "celebrated."

Panel discussions

There have been many panels organized across Canada to debate Bill C-300. Students, especially from law faculties, have been active in setting up these panels. But Bill C-300 was also actively debated in a day long panel on extractives and the lack of judicial remedy at this year's International Bar Association meeting in Vancouver in October. These events have raised awareness of the issues addressed by Bill C-300 not only for the organizers but also for the public who have attended these sessions.

Increased awareness among policy makers

There can be no doubt that Members of Parliament from all parties, and many civil servants, have had to engage, willingly or not, with the issues at the core of Bill C-300: the need for an accountability mechanism that will assure the Government of Canada that it is not spending tax payer dollars on extractive companies that are causing harm in developing countries.

Where to from here?

Bill C-300 built on a sustained drive, since 2005, to achieve better ways to assure government and corporate accountability with respect to Canada's extractive companies operating overseas. In 2005 a groundbreaking parliamentary report made concrete recommendations to the government of the day that, if followed, would have led to greater accountability. In 2007 a consensus report from industry and civil society, following a lengthy consultation period, further fleshed out the recommendations of the 2005 parliamentary report, but was not implemented by the government of Canada. Bill C-300 built on core elements of the 2005 and 2007 reports and added the regulatory teeth necessary to drive real change by the industry and the government agencies that support it.

The momentum that has been created by Bill C-300 will undoubtedly be channelled into new efforts to achieve the goals at the heart of the Bill. MiningWatch will actively engage with its partner organizations in the Canadian Network on Corporate Accountability and with decision makers to find and create new opportunities to move this agenda forward. Watch this space!

Class Action Filed Against Anvil Mining by Congolese Victims

(Adapted from the CCIJ news release.) An association representing Congolese citizens filed a class action against Anvil Mining Limited in a Montreal court on November 8, 2010. The group alleges that by providing logistical assistance the company was involved in human rights abuses, including the massacre by the Congolese military of more than 70 people in the Democratic Republic of Congo in October, 2004.

The citizens have brought the claim through the Canadian Association against Impunity, an association of survivors and relatives of victims which is supported by a coalition of Canadian, international and Congolese non-government organizations. Representatives of the organisations RAID (Rights and Accountability in Development), ACIDH (Action Contre l'Impunité pour les Droits Humains), Global Witness, and the

Canadian Centre for International Justice (CCIJ), act as Board members of this association.

“This case is now in Canada because Anvil is a Canadian company, and must be held accountable for any role it played in what were clear and egregious violations of human rights,” said Matt Eisenbrandt, Legal Coordinator of CCIJ.

“Every day is a struggle to survive and we feel abandoned,” said one of the group members, Dickay Kunda, whose father was badly beaten and tortured while in military custody. Though released after six months, his father died in November 2009. “We have no option but to turn to the international community for justice.”

Anvil Mining admits that in October 2004 it provided trucks, drivers, and other logistical support to the Congolese military to help them counter an attempt by a small group of rebels to take over the town of Kilwa, a key port for Anvil’s operations. In the course of this operation, serious human rights violations were reportedly perpetrated against the civilian population by the military. Anvil’s vehicles transported Congolese soldiers, as well as civilians who were allegedly taken outside the town and executed by the military. The use of Anvil’s chartered planes, vehicles, and drivers enabled the military to quickly reach Kilwa from Lubumbashi, the capital of Katanga province.

“Anvil’s material support enabled the Congolese army to reach the remote town of Kilwa at top speed – where they then carried out widespread abuses against the civilian population,” said Tricia Feeney, Director of UK-based Rights and Accountability in Development (RAID). Anvil Mining has denied any allegations of wrongdoing and has stated that it was compelled to provide this assistance by the authorities.

The Canadian action follows a controversial military trial in the Congo. In 2006, a Congolese military prosecutor indicted nine Congolese soldiers for war crimes, and three expatriate former employees of Anvil for complicity in war crimes. Following numerous irregularities, in June 2007 the military tribunal acquitted all the defendants. The court accepted the company’s defence that it had acted in the framework of a requisition from the Governor of Katanga.

Canada To Get Environmental Bill of Rights?

The House of Commons Standing Committee on Environment and Sustainable Development is currently hearing witnesses on a Bill C-469, *An Act to establish a Canadian Environmental Bill of Rights*, a private member’s bill introduced by Linda Duncan, NDP MP for Strathcona (Edmonton).

MiningWatch’s Jamie Kneen testified before the Committee on November 1, 2010. Other witnesses have included Ecojustice, Friends of the Earth, and environmental law experts Stewart Elgie and David Boyd. The Committee is scheduled to hear from industry witnesses as well, including the Shipping Federation of Canada, the Canadian Association of Petroleum Producers, and the Canadian Chamber of Commerce.

“It was profoundly disappointing that the heavily-politicised trial in Congo failed to deliver justice for the victims. We hope that this case will set a precedent and send a clear message to corporations that they cannot enjoy impunity if they take part in, or benefit from, violent crimes,” said Seema Joshi, Legal Advisor at London-based Global Witness.

“We must continue to fight against impunity. The victims’ families have never lost hope of seeing justice being done,” said Emmanuel Umpula Nkumba, Executive Director of ACIDH, a Congolese group that has been supporting the victims.

A UN report published in August cited the Anvil case as a prime example of how justice is often not done in the Congo. Less than two weeks before this case was launched, the Canadian House of Commons defeated legislation (Bill C-300) that would have created a mechanism for individuals to complain about actions of Canadian companies overseas (see “Bill C-300 A High Water Mark for Mining and Government Accountability in Canada”).

“It has been a long hard road to justice and we are not there yet,” said Georges Kapiamba, Vice-president of Congolese organisation ASADHO, and the main lawyer working with the families of the Kilwa victims and survivors in the Congo. “We sincerely hope the Canadian courts will give the victims the hearing they deserve.”

The claimants are represented by the Montreal law firm Trudel and Johnston, which specializes in class actions.

The claim represents assertions that have not yet been proven in court. Anvil will have the opportunity to respond in these proceedings.

Additional documentation including a timeline, background, and document titled “Kilwa Trial: A Denial of Justice – A Chronology October 2004-July 2007” are available from RAID or CCIJ. See also the August 2010 report of the UN Office of the High Commissioner for Human Rights, “Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003”.



ulations and laws;

- guarantee a right to request an investigation if federal authorities are observed to be failing to enforce the law;
- guarantee access to justice: people could sue to have environmental laws enforced; and
- establish whistleblower protection for civil servants who go public with documentation of government wrong-doing in environmental protection.

Some of the elements of the Bill of Rights already exist in various forms different federal laws. For example, in addition to the existing Access to Information Act, the Canadian

Environmental Protection Act (CEPA), the Canadian Environmental Assessment Act (CEAA) and the Species at Risk Act (SARA) all have public information and notification provisions as well as public participation provisions, but the Environmental Bill of Rights would provide a stronger and more uniform baseline. There is also existing whistleblower protection legislation, but it is widely seen as ineffective.

The governing Conservatives are opposing the Bill, but if the opposition MPs on the Committee can work together to make the necessary amendments and ensure their parties' support, the Bill it could conceivably become law.

Environmental Assessment – Federal Role Under Fire

The Canadian government doesn't understand or value environmental assessment any more than it understands or values sustainable development. Unless the Canadian public – not just environmental groups – takes a stand, we could lose what's left of the federal environmental assessment process, and with it the possibility of building a coherent and consistent framework for planning for sustainable development.

Based on developments over the last couple of years, the federal government clearly views environmental assessment as a nuisance or obstacle – from the removal of the Navigable Waters Protection Act as a trigger for the Canadian Environmental Assessment Act (CEAA) to the exclusion of 'stimulus' projects, to the use of the 2010 Budget Implementation Bill to counteract the Supreme Court of Canada's *MiningWatch* decision (the Red Chris mine). The current government does not share (or maybe even comprehend) our vision of environmental assessment as part of an integrated and participatory planning process with sustainable development as its ultimate objective.

It's revealing that in the process of rejecting Taseko Mines' "Prosperity" project based on the findings of the federal environmental assessment panel, former federal Environment Minister Jim Prentice said, "We believe in balancing resource stewardship with economic development." It's as if the Brundtland Commission had never existed, as if the notion that the economy and the environment are not separate entities had never been developed, and as if sustainable development was not one of the stated purposes of the Canadian Environmental Assessment Act.

There are certainly shortcomings in the existing legislation and even more serious shortcomings in its implementation. Key federal agencies have consistently tried to avoid their obliga-

tions, and industry groups and provincial governments have continually challenged the legitimacy of the federal government's role in environmental assessment. The recent "Prosperity" decision is a case in point; the province of British Columbia actually withdrew from negotiations towards a joint federal-provincial assessment of the project in order to push a provincial-only assessment through more quickly and then try to force the federal government to accept its findings. In the face of abundant evidence to the contrary, the mining industry has taken a strong stance that provincial-level assessment is sufficient for development projects.

What is needed is not the weakened and splintered federal assessment process that the government seems intent on, covering only isolated areas of federal jurisdiction in an inconsistent and arbitrary process. We need a transparent, participatory, concrete, and enforceable environmental assessment process that is really focused on achieving sustainable development, and is part of a broader framework that builds on community and regional planning processes and includes mechanisms to review cumulative and transboundary impacts (including climate change) and government policies and programs, and to allow for meaningful consultation and accommodation for aboriginal peoples.

Some time in the next few months the House of Commons Standing Committee on Environment and Sustainable Development will begin reviewing the Canadian Environmental Assessment Act. MiningWatch will be working with the member groups of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network and other groups, including aboriginal organizations, to educate legislators and the public and to participate in the Committee process. We will need all the public support we can get.

Federal Decision on Proposed Prosperity Mine: First Nations' Rights and Fish-filled Lakes Not for Sale to the Mining Industry

On November 2, 2010, after an extensive review process the federal government rejected Taseko Mines Limited's proposal for an open pit gold and copper mine in the heart of the Tsilhqot'in Territory, 125 km west of Williams Lake, BC. The proposed Prosperity mine would have drained Fish Lake (Teztan Biny) to make way for the pit and waste rock storage area, and filled in Little Fish Lake and Fish Creek with tailings. The area has great significance to the Tsilhqot'in, who have old homesteads, burial sites, and traditional gathering areas surrounding the lakes. The Tsilhqot'in were joined in their opposi-

tion by the Secwepemc Nation, whose territory the mine's power corridor would have cut through.

This is only the third mining project to have ever been refused approval through a federal environmental assessment. It has shown the value of rigorous and transparent reviews of large, controversial projects under the Canadian Environmental Assessment Act.

George Hyman of Sierra Club BC had this to say about the differences in BC and Federal processes: "Today's decision illustrates why devolving environmental assessment to B.C. to

‘streamline’ the process would be a disaster B.C. gave the green light to this project, putting short-term economic interests ahead of species, ecosystems and First Nations rights... Today’s decision points to serious flaws in the B.C. environmental assessment process.”

Responses to the decision by Taseko and Randy Hawes, BC’s Minister State of Mining, have suggested that they may revisit the project after they hear what the federal government wants in order to approve the project. It seems after 15 years of the Department of Fisheries and Oceans (DFO) saying “no” to destroying a productive healthy lake they still don’t get it.

Leading up to the decision, the Mining Association of BC essentially maintained the sky would fall in on the industry if the project was not approved. The hollowness of this rhetoric was revealed when, following the decision, the Association’s comments were greatly toned down and it pointed to the many other projects on tap in the province in an attempt to reassure potential investors.

An article in the Vancouver Sun suggested that rejecting the project made investing in BC equivalent to playing roulette

and that “the data that normally inform investment decisions -- for instance, Prosperity held the promise of 13.3 million ounces of gold and 5.3 billion pounds of copper over the life of the mine -- were rendered meaningless.” The rejection of this project is a clear message to proponents and their investors that projects with such massive environmental and social consequences and that are staunchly opposed by First Nations are not a wise investment. Far from a roulette game, it’s simply a matter of investors applying due diligence.

Xeni Gwet’in Chief Marilyn Baptiste, whose community is closest to the proposed mine site, made this reflection on the decision: “The fact that a company would spend so many years and so much money to develop and promote this Prosperity project, despite the clear and legitimate First Nations’ along with DFO’s objections, demonstrates the need to reform BC’s free-entry, on-line staking system. This proposal could not have been more guaranteed to alienate First Nations.”

In the next year MiningWatch will be working with our First Nations and NGO allies to protect the federal environmental assessment process and to reform the mining laws in BC.

Matoush Advanced Exploration Project Brings Uranium Debate to Northern Quebec

Uranium mining and the nuclear industry have been high profile issues in Quebec in recent months, with the community opposition that developed in response to a possible uranium mine near Sept-Iles and the planned refurbishment of the Gentilly reactor 100 km northeast of Montreal. A number of Quebec organizations including the Coalition pour que Quebec ait meilleure mine (the Coalition for Better Mining in Quebec) are calling for a province-wide discussion about the nuclear industry and Quebec’s part in it. To date there has been no such debate.

Absent a province-wide dialogue, opponents of further entrenching Quebec in the nuclear fuel chain are focusing their efforts on confronting specific proposals. This fall an advanced exploration program in the James Bay region is a focus of concern.

During the uranium price bubble of 2007 a lot of effort and money was put into exploring uranium deposits that had been uneconomical at the lower prices of the previous decade. One of these deposits is in the Otish Mountains, north of Mistissini, the largest Cree community in Quebec. Active mining claims stretch 250 km northeast from Lake Mistissini in a 25 km wide belt. Those holding claims are mostly juniors but major producer Cameco also holds claims in the area.

Strateco Resources is the furthest along in efforts to mine the Otish Mountains deposits and has applied to conduct advanced exploration for its Matoush project. The company is proposing to construct an underground ramp to gain access to

the ore deposit with the intent of better defining the deposit and surrounding geology. It’s also possible that the company thought that an EA on an exploration program would draw less interest and scrutiny than a proposal for a full blown mine and that it would be a way for them to move incrementally towards approval for a mine. If that was their strategy it doesn’t seem to have worked.

The application triggered federal and provincial environmental assessments. The review of the project falls under the James Bay and Northern Quebec Agreement, which gives the Cree the authority to designate representatives to sit on the federal and provincial panels. The guidelines for the review process clearly state that the proponent must consider not just the exploration activities but also the mine and mill that could follow if approvals and price signals are favourable. It also means that another EIS will be necessary if the company does move forward. For now, joint hearings in Mistissini and Chibougamau are to be held in late November and MiningWatch will be participating.

We’ve contracted Dr. Gordon Edwards, founder of the Canadian Coalition for Nuclear Responsibility, to review Strateco’s Environmental Impact Statement and comment on their portrayal of the risks associated with uranium mining. We’ll also be continuing to encourage the Cree Regional Authority to consider the proposed exploration project in the context of the full nuclear fuel chain and the long term implications of uranium mining in their territory.

Vale’s Billion Dollar Bonus – Another Example of EDC’s Faulty CSR

On October 4, 2010, Export Development Canada (EDC) announced that it would provide up to a billion dollars in loans to international mining giant Vale. Half of the amount is targeted to projects at former Inco facilities in Canada; the other half will be available for operations outside Canada but that use Canadian goods and services, or to support exports involving

Canadian suppliers. EDC is a Crown corporation that provides financial services including political risk insurance, loans, and loan guarantees to Canadian companies and their customers.

The EDC press release announcing the loans commented on Vale’s commitment to Canadian suppliers. Many have, however, questioned why Vale should be the beneficiary of a loan

from a public agency when its commitment to Canadian workers and the environment are not to be congratulated. While EDC's self-financing model means that Canadian taxpayer dollars are not being funnelled to Vale, as a Crown corporation EDC should ensure that it is supporting companies that operate to a high standard of ethics, labour relations, and environmental performance (sometimes referred to as "CSR" – corporate social responsibility).

In July 2009 United Steel Workers (USW) members at Vale's Sudbury operations began what would end up being their longest strike ever. In a town fraught with a history of labour disputes that's saying something! The strike lasted nearly a full year and the workers have successfully requested that Vale be required to go before the Ontario Labour Relations Board to explain the company's inflexibility in negotiating the return of eight workers dismissed during the strike.

In August 2009 USW members at Vale's Voisey's Bay mine in Labrador went on strike. Despite announcing a \$6-billion

third quarter profit in 2010, Vale continues to try and push down wages and benefits for workers, who are still on strike. A recent press release from the USW notes that the workers "have repeatedly offered to settle the 15-month strike by accepting the same deal Vale reached this summer with its Ontario workers. Vale has refused to offer the same deal, preferring to see the 455-day labour dispute continue unless Newfoundland and Labrador workers accept a lesser contract."

On the environment side Vale has been avoiding compliance of new emissions requirements in Ontario and is planning on using a prime trophy brook trout lake, Sandy Pond, as a waste dump for nickel processing waste in Long Harbour, Newfoundland Labrador (see Sandy Pond Alliance item below).

In addition to concerns here in Canada, Vale also has a long list of international social and environmental conflicts; visit our web site, www.minesandcommunities.org, or the strikers' web site for more information.

And we thought we had it bad! Visitors from NWT shocked by Ontario's lack of oversight for mineral exploration

From October 13 to 15, MiningWatch hosted the annual Ontario Mining Action Network workshop in Thunder Bay. Over the past 6 years the network has provided an effective forum to share experiences and proposals for reform across the province. This year two visitors from the Northwest Territories were invited to share their experiences.

Kevin O'Reilly, a member of MiningWatch's board of directors and manager of the Ekati Independent Environmental Monitoring Agency, and Stephen Ellis, who works with the Lutsel K'e Dene were shocked to see images and hear stories about the exploration activities that can currently occur in Ontario with little or no government oversight or regulation. The jaw dropping presentations were made by Brennain Lloyd from Northwatch and Anna Baggio from the Wildlands League, both of whom had spent part of the summer visiting exploration sites. Anna showed images of exploration camps, trails and drilling areas from the McFaulds Lake area (the "Ring of Fire"). Brennain had visited sites in the "near north" around North Bay and Elliot Lake and found layering of impacts from past activities that were never rehabilitated with more recent activity making it difficult to determine who was responsible for many of the messes she discovered.

Following Brennain and Anna, MiningWatch's Ramsey Hart gave an update on the Mining Act 'modernization' process.

Under Ontario's new Mining Act there will be regulations for the review of exploration activities and requirements for remediation, though the regulations may not be written and enacted for another year or more.

Other presentations ranged from the scientific and technical to the more philosophical. Bob Lovelace presented his ideas on "Indigenizing Land" and Paula Sherman spoke about Algonquin Law and mining. Both Paula and Bob are from the Ardoch Algonquin Nation. Scientific perspectives on potential impacts of mining in the far north (of Ontario) were offered up by Alex Litnov from the Mushkegowuk Environmental Research Centre and Cheryl Chetkiewicz from the Wildlife Conservation Society. Sue Chiblow of the Chiefs of Ontario provided an introduction to their Environmental Assessment Toolkit and Larry Innes from the Canadian Boreal Initiative spoke about a toolkit available for communities to better understand Impact Benefit Agreements. Elizar McKay shared his experience as the coordinator of the Musselwhite Agreement and Murray Klippenstein challenged accepted notions of Treaty 9 being a surrendering of land to the crown.

Most of the presentations were filmed and highlights are being edited into a short video. Both the highlights and full presentations will be posted on the MiningWatch web site.

Sandy Pond Alliance Launches Legal Challenge

A group of determined Newfoundlanders has set about to challenge the legal mechanism that makes it possible for federal authorities to re-classify pristine fish-bearing lakes, streams, and wetlands into mine waste dumps on request from mining companies. Once reclassified, the former natural water bodies no longer enjoy the protections of the Fisheries Act. The enabling regulation is Schedule 2 of the Fisheries Act's *Metal Mining Effluent Regulations*.

In June, the Sandy Pond Alliance launched a federal court challenge claiming that the destruction of entire aquatic ecosys-

tems that support diverse fish and other wildlife goes against the intent of the Fisheries Act to protect fish and fish habitat. The challenge was launched in an effort to save Sandy Pond, a productive brook trout lake that Vale plans to use as a waste dump for tailings from its nickel processing plant at Long Harbour.

The Alliance's first days in court this past September were spent arguing over whether Vale and the Mining Association of Canada should be granted intervener status. A decision has yet to be made on this point and actual arguments about the case have yet to be heard.

(continues)

You can reach the Sandy Pond Alliance c/o Sierra Club Canada, P.O. Box 1501, St. John's, NF A1C 5N6
– or via e-mail: savesandypond@gmail.com



Sandy Pond, Newfoundland (John Jacobs photo)

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 correct organization)

Please charge my: 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 / by email

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

My email address is: _____

Occasionally we exchange lists with other social justice organizations. Please check if here if you wish your mailing information to be kept confidential.

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

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