



MiningWatch Canada

# ANNUAL REPORT 2010



## **MiningWatch Canada Advisors**

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## **Members in 2010**

Bathurst Sustainable Development  
Bedford Mining Alert  
Canadian Auto Workers (CAW) Social Justice Fund  
Canadian Environmental Law Association (CELA)  
Canadian Parks and Wilderness Society (CPAWS)  
Centre for Longterm Environmental Action  
Newfoundland/Labrador (CLEANf/Ld)  
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Friends of the Earth  
Friends of the Stikine Society  
Innu Nation  
Inter Pares  
Kairos - Canadian Ecumenical Justice Initiatives  
Mixedwood Forest Society  
Nature Canada  
Northwatch  
Public Service Alliance of Canada  
Rivers Without Borders  
Sierra Club of Canada  
Steelworkers Humanity Fund  
Yukon Conservation Society (YCS)



MiningWatch Canada staff, from left to right: Latin America Program Coordinator Jen Moore, Communications and Outreach Coordinator Jamie Kneen, Canada Program Coordinator Ramsey Hart, Research Coordinator Catherine Coumans, and Administration and Resource Development Coordinator Susan Murdock.



## **MiningWatch Canada**

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### **Mines Alerte**

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## ***What is MiningWatch Canada?***

MiningWatch Canada was formed in 1999 by environmental, labour, and aboriginal groups in Canada to institutionalise their work on mining issues; and by Canadian international development, human rights, and social justice groups to support partner organisations and communities in the “Global South” facing incursions and abuses resulting from the activities of Canadian mining companies.

Based on an understanding that domestic and international problems cannot be addressed in isolation, and rather that their resolution is interdependent, MiningWatch was created to forge and strengthen global linkages to support communities affected by mining and to bring about reforms that will prevent and punish irresponsible mining practices and address existing and past abuses.

MiningWatch Canada has become a strong voice in the development of mining policies to hold companies to account, whether they are operating in Canada or are Canadian entities committing abuses overseas. Our Board and staff have expertise and experience in environmental policy and campaigning, community and labour organising, community economic development, organisational management and fundraising, international development and international solidarity, and indigenous rights.

## ***What Guides Our Work***

**We believe** in the free prior and informed consent of aboriginal communities for mineral development on their traditional lands, and in ensuring the protection of natural capital and ecological health for future generations.

**We provide** advice to communities dealing with the effects of mining, and help them get the technical assistance and voice they need to defend their interests. We regularly respond to requests for information from other organizations, communities, First Nations, the media, filmmakers, investors, and students.

**We facilitate linkages** and exchanges between communities affected by mining and the organisations that represent and work with them so that they can share experiences and learn directly from each other – their, ideas, successes, and challenges. This way they do not have to face their struggles in isolation.

**We collaborate** with other organisations in coalitions and working groups around shared objectives, building networks to share information and ideas, and building working relationships between organisations.

**We undertake** credible research in response to requests from communities and other interested organisations.

**We advocate** for regulatory change -- including regulating Canadian mining companies operating internationally. We have come to know that the environment will not be protected without strong regulation and well-staffed enforcement. There are occasions when this concern with public policy requires us to engage in the courts, in environmental assessments, and in other administrative processes.

**We participate** with industry and government representatives in many “multi-sectoral” initiatives. We are a founding member of the National Orphaned and Abandoned Mines Initiative and of the Canadian Network on Corporate Accountability. We are a member of the Canadian Council for International Cooperation, and as such abide by its Code of Ethics.

**We understand** mining to be essentially a waste management industry with short-term benefits and long-term consequences. Until we run out of metals or until our recycling and materials efficiency catch up with our consumption, mining will continue. But it needs to answer to much tougher standards, and it cannot be allowed to continue foisting its greatest costs and liabilities onto the public – and future generations.

**Raising questions** about the effects of mining and about the ability of governments to monitor and control them is an important public service. We are proud to provide it.

## ***Highlights of 2010***

### ***2010: The year MiningWatch won its case at the Supreme Court of Canada***

It was a wonderful way to begin the year...but!

In January, the Supreme Court of Canada ruled in favour of MiningWatch Canada – represented by Ecojustice – saying that the government had violated a federal environmental law intended to ensure sustainable development. The ruling meant that the public must be consulted about major industrial projects, including large metal mines and tar sands developments; and it confirmed that the federal government cannot split projects into artificially small parts to avoid rigorous environmental assessments. But within months, the government amended the law to avoid having to comply – as explained below.

### ***Integrity of the Canadian Environmental Assessment Act under threat***

Our Supreme Court win re-established the integrity of the Canadian Environmental Assessment Act (CEAA), but the government moved quickly to undo



Part of Goldcorp's lease area in Huitán, Guatemala, where residents voted 98% against mining development on November 22, 2010. (Jamie Kneen photo)

it. The Budget Implementation Bill, C-9, introduced on March 29, 2010 and passed into law on July 12, made a mockery of the independence and objectivity of the federal environmental assessment process by introducing precisely the kind of discretion the Court had said was inappropriate (and illegal).

Our work on this: MiningWatch worked with allies to bring media attention to the issues involved and made a presentation to the House of Commons Standing Committee on Finance. When the bill was subsequently passed in the House and debate moved to the Senate, we intervened again, and together with our allies, we convinced the Senate Finance Committee to recommend removing the problematic amendments to CEAA from the bill. Unfortunately the full Senate passed the budget bill unamended.

As an active member of the Environmental Assessment Caucus and Chair of the Mining Caucus of the Canadian Environment Network, we are developing strategies to capture public attention on what are, at times, quite technical topics. Our challenge will be to present these in the media and in our communications in such a way that it galvanizes “ordinary Canadians” who realize how much there is at stake – in terms of protection of our fresh water, air quality, sustainable development, aboriginal rights, and democratic processes – into action.

***Bill C-300: not the bull's-eye we had hoped for but still a productive fight***

On October 27, 2010, the House of Commons voted down Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries.

Although we and our allies – members of the Canadian Network on Corporate Accountability (CNCA) and others – are disappointed at the defeat of this modest but important piece of legislation, we are heartened by the continued commitment of Parliamentarians and civil society, sustained interest by the media, and heightened concern from the public about the operations of Canadian mining companies operating outside the country's borders as well as the financial and political support for these companies by the Government of Canada.

Other legislative initiatives aimed at increased corporate (and government) accountability are in various stages of development by other Members of Parliament. Bill C-300 has paved the way for them to be taken seriously by politicians and the public alike.

Our work on this: MiningWatch Canada supported Bill C-300 by working with the bill's sponsor, MP John McKay; identifying and briefing of witnesses to appear before the committee; intensive media work; participat-

ing in CNCA as a steering committee member; testifying before Parliamentary committees; supporting southern partners meeting with MPs and civil servants; and making numerous presentations throughout the country.

### ***Increased staffing to support Guatemalans facing environmental and indigenous rights challenges in mining regions***

In its fifth year of operation, Goldcorp's Marlin mine in the western highlands has been blamed for depletion and contamination of water sources, health problems among people living close to the mine, and damage to houses from vibrations from explosives as part of open pit and underground operations. Local people opposed to the mine also report high levels of tension within their communities, as well as threats and intimidation from project supporters.

Our work on this: In late 2010, MiningWatch increased its staffing: Jen Moore will focus on Latin America with particular emphasis on Guatemala, taking over from Jamie Kneen (who will bolster our work on Africa.) Jen and Jamie travelled to Guatemala in November to meet with local and national organizations working on mining. MiningWatch is a member of the Coalition Against Unjust Mining in Guatemala (CAMIGUA, from the Spanish initials) which also includes two US organizations, the Center for International Environmental Law (CIEL) and the Network in Solidarity with the People of Guatemala (NISGUA), as well as the Maritimes-Guatemala Breaking the Silence Network (BTS).

### ***Credible arguments saved Fish Lake: The Prosperity Gold-Copper mine environmental assessment panel and the federal government decision***

The federal government announced in early November that it would not approve Taseko Mines' proposed open pit gold-copper mine in the traditional territory of the Tsilhqot'in Nation in B.C. The government's decision came four months after it received the report from the Federal Environmental Assessment Panel (July 2, 2010). The panel's report was based on two sets of hearings, including visits to potentially affected communities and written submissions.

Our work on this: MiningWatch was very involved with the assessment process during the latter part of 2009 and first four months of this year, engaging expert reviewers and participating in public hearings held in Williams Lake. We entered the process at the request of Xeni Gwet'in First Nation and Tsilhqot'in National Government.

To prepare our submission, Ramsey Hart reviewed

the proponent's materials and those of the outside experts we contracted and met with aboriginal and non-aboriginal community members in Williams Lake. His participation in the Panel hearings at the end of March and again at the end of April included formal presentations as well as questions to other presenters and brought a lot of positive feedback.

We and our allies were pleased with the Panel's report, released in July: it agreed with MiningWatch and others that impacts on fish habitat were significant, that water treatment well into the future could create a significant burden on the province, and that the proposed habitat compensation plan was unlikely to succeed.

While awaiting the government's decision, MiningWatch worked with the Tsilhqot'in and Secwemec Nations and other NGOs to ensure that lobbying efforts by the proponent did not sway the Cabinet into finding that the project was justified despite the long list of significant adverse effects. The government's decision not to allow the project to proceed as proposed was met with relief and celebration.

### ***Marathon PGM bows to public pressure, removes application to add Bamoos Lake to Schedule 2: citizen mobilization is key to protecting lakes***

In March we received a call from a concerned citizen of Marathon, Ontario. He was perplexed that a mining company proposed to use a nearby lake as a tailings dump – like most Canadians, he was unaware of the power of Schedule 2 of the Metal Mine Effluent Regulations to circumvent the Fisheries Act. Bamoos Lake, a deep, cold-water lake with a naturally sustaining lake trout population, is used as an aboriginal fishery by Pic River First Nation and is a recreational spot for sport fishing enthusiasts.

Our work on this: Well-coordinated communications activities by locals, with assistance from MiningWatch, no doubt contributed to the company publicly stating that it would not consider using Bamoos Lake as a tailings impoundment. We consider this a milestone in efforts to protect Canada's natural water bodies.

MiningWatch Canada urged the Canadian Environment Assessment Agency (CEAA) to "bump up" its process to a panel review due to risks to water quality and aquatic ecosystems from either the Bamoos Lake tailings option or a proposed tailings impoundment over top of several smaller lakes and streams. Our comments built on our research conducted for other review processes showing that habitat compensation projects do not have a good track record for achieving their objectives.

In October, CEAA announced that the project will undergo a panel review. We have applied for participant

funding and will support local community and aboriginal groups in their activities to review the project.

### ***Ring of Fire: Growing concerns about violations of aboriginal rights, environmental damage in headwaters of Attawapiskat and Albany Rivers***

Within the traditional territory of several Cree Nations in northern Ontario, the “Ring of Fire” mineral deposits near McFauld’s Lake have attracted much attention in the last two years. A staking rush followed a rich strike of nickel and copper in 2007 and a large chromite deposit has since been discovered. First Nations, who by and large are interested in exploring the opportunities associated with mining, have been overwhelmed with exploration activities and have resorted to tactics such as blockades of a landing strip in order to try to get their concerns addressed.

Our work on this: As the coordinating body for the Ontario Mining Action Network, we organized an annual conference in Thunder Bay in mid-October. The conference was very well attended by environmental organizations and First Nations representatives. Presentations went to the core of participants’ concerns about threats to water bodies, animal and fish habitat and aboriginal rights.

The conference has opened up opportunities for MiningWatch and other organizations to work more closely with First Nations communities in the Ring of Fire area. However, many challenges remain, principal among them divisions within and between First Nations groups who are divided about whether or how far to support or resist the onslaught of mining claims in the region.

### ***Communications, research and publications***

#### ***Increased audio-visual material on our web site***

We have made a number of short videos on hot button issues this year for the web site – on the lakes-as-tailings issue and the proposed Prosperity mine and on the need for Bill C-300 and its broad support in Parliament and civil society organizations. In the works for early 2011 are videos from footage taken at the Ontario Mining Action Network conference in October, with a focus on lawyer Murray Klippenstein’s description of the “lost Treaty 9 diaries” and their potential impact on First Nations’ right to control the natural resources in their territories.

#### ***Schedule 2 – Lakes at risk***

We have developed a Google Map of lakes that have been or are at risk of being reclassified as tailings impoundment areas. This map is intended as an entry

point for more detailed information. It includes brief descriptions, pictures, and links relevant to the various water bodies at risk. See:

<http://www.miningwatch.ca/en/Schedule2Map>

### ***Multistakeholder Initiatives***

#### ***Participation in government-led “Corporate Social Responsibility” (CSR) initiatives***

We are participating on the interim steering committee of the federal government’s Centre for Excellence on Corporate Social Responsibility which is currently defining its vision and programming activities. Our participation allows us to contribute to the organization’s potential as a vehicle for greater transparency in government and industry initiatives, and to keep other civil society members informed of the Centre’s progress.

We have responded to invitations by the federal government’s new CSR Counsellor to participate in her consultative process and have provided in-depth oral and written feedback on her mandate and draft “dispute resolution” process.

We participated in the advisory committee for Natural Resources Canada’s Performance Review and were pleased to see that some of our input was taken into account in the final version of the review document.

We are a member of the National Orphaned and Abandoned Mines Initiative (NOAMI). We hope to have our recommendation accepted for a new project to review how financial assurances are held by provincial governments.

#### ***Developing international standards***

MiningWatch participates in the Initiative for Responsible Mining Assurance (IRMA), an international multi-stakeholder (industry and civil society) process supported by downstream consumers (jewellers, retailers, etc.) that aims to set social and environmental standards for mining projects, as well as develop a monitoring and verification system that may eventually lead to certification of individual large scale mine projects. The year 2010 was marked by the adoption of a labour standard (rooted in International Labour Organisation standards) and progress on six other standards, as well as on potential models for verification systems.

#### ***Thanks to...***

We would like to thank all those organizations and individuals who have helped us in the past year, as well as all those whose donations help make our work possible. We would like to publicly recognize the institutional donors listed in the auditors’ statements that follow.

## INDEPENDENT AUDITORS' REPORT

To the Members,  
**MiningWatch Canada / Mines Alertes Canada:**

We have audited the accompanying financial statements of MiningWatch Canada / Mines Alertes Canada, which comprise the statement of financial position as at December 31, 2010, and the statements of changes in net assets and revenue and expenditure for the year then ended, and a summary of significant accounting policies and other explanatory information.

### Management's responsibility for the financial statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditors' responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of MiningWatch Canada / Mines Alertes Canada as at December 31, 2010, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

*OHCD LP.*

**OUSELEY HANVEY CLIPSHAM DEEP LLP**  
Licensed Public Accountants

Ottawa, Ontario  
March 8, 2011

## MININGWATCH CANADA / MINES ALERTE CANADA

### STATEMENT OF FINANCIAL POSITION AS AT DECEMBER 31, 2010

	2010	2009
<b>CURRENT ASSETS</b>		
Cash	\$ 64,040	\$ 112,209
Short-term investment (note 2)	35,296	50,172
Accounts receivable	18,761	5,984
Due from Canary Research Institute (note 4)	119,836	54,023
Prepaid expenses	2,780	1,326
	<b>\$ 240,713</b>	<b>\$ 223,714</b>
<b>CURRENT LIABILITIES</b>		
Accounts payable and accrued liabilities	\$ 13,820	\$ 9,700
Deferred revenue (note 3)	35,685	39,916
	49,505	49,616
<b>NET ASSETS</b>		
Contingency fund - internally restricted (note 5)	115,000	65,000
Legal fund - internally restricted (note 5)	25,000	20,000
Unrestricted net assets	51,208	89,098
	191,208	174,098
	<b>\$ 240,713</b>	<b>\$ 223,714</b>

### STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED DECEMBER 31, 2010

	2010	2009
<b>CONTINGENCY FUND</b>		
Balance - beginning of year	\$ 65,000	\$ 55,000
Transfer from unrestricted net assets (note 5)	50,000	10,000
Balance - end of year	<b>\$ 115,000</b>	<b>\$ 65,000</b>
<b>LEGAL FUND</b>		
Balance - beginning of year	\$ 20,000	\$ -
Transfer from unrestricted net assets (note 5)	5,000	20,000
Balance - end of year	<b>\$ 25,000</b>	<b>\$ 20,000</b>
<b>UNRESTRICTED NET ASSETS</b>		
Balance - beginning of year	\$ 89,098	\$ 81,582
Excess of revenue over expense for the year	17,110	37,516
Transfer to legal fund (note 5)	(5,000)	(20,000)
Transfer to contingency fund (note 5)	(50,000)	(10,000)
Balance - end of year	<b>\$ 51,208</b>	<b>\$ 89,098</b>

# MININGWATCH CANADA / MINES ALERTE CANADA

## STATEMENT OF REVENUE AND EXPENDITURE FOR THE YEAR ENDED DECEMBER 31, 2010

	2010	2009
<b>REVENUE</b>		
Grants	\$ 282,014	\$ 251,952
Program generated (note 4)	214,573	238,590
Memberships, interest and other	15,549	14,325
	<u>512,136</u>	<u>504,867</u>
<b>EXPENDITURE</b>		
Council meeting coordination	18,767	26,253
International program	105,372	105,920
Domestic program	112,144	104,285
Effecting regulatory systems program	150,455	64,382
Communications program	29,950	67,181
Office and administration	78,338	99,330
	<u>495,026</u>	<u>467,351</u>
<b>EXCESS OF REVENUE OVER EXPENDITURE FOR THE YEAR</b>	<b>\$ 17,110</b>	<b>\$ 37,516</b>

## MININGWATCH CANADA / MINES ALERTE CANADA

### NOTES TO FINANCIAL STATEMENTS DECEMBER 31, 2010

#### 1. SIGNIFICANT ACCOUNTING POLICIES

##### (a) Organization

MiningWatch Canada / Mines Alert Canada was incorporated on June 11, 1999 without share capital, under the laws of Canada. MiningWatch Canada / Mines Alert Canada is a non-government organization dedicated to the promotion of responsible mining and minerals development. Working nationally and globally, in support of local organizations, MiningWatch Canada / Mines Alert Canada emphasizes economic, social, ecological and cultural integrity. The organization operates on a not-for-profit basis and is not subject to Federal or Provincial income tax.

##### (b) Capital assets

The Organization follows the accounting policy of recording as expenditure, the cost of capital assets acquired during the year. The expenditure for the year related to the acquisition of computer equipment and furniture totaled \$4,290 (2009 - \$3,455).

##### (c) Revenue recognition

The Organization follows the deferral method of accounting for contributions.

##### (d) Use of estimates

The preparation of these financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

##### (e) Financial instruments

Short-term investments are accounted for as held-to-maturity and are recorded at cost plus accrued interest. Other financial instruments are measured at the initially recognized amount less appropriate allowances.

##### (f) Allocation of expenses

The Organization assigns salary costs directly to programs and allocates a portion of administrative salary expense to some programs. Not done in 2010 fiscal year.

#### 2. SHORT-TERM INVESTMENT

Short-term investment consists of a cashable GIC that matures December 31, 2011 and earns 0.9% interest.

### 3. DEFERRED REVENUE

Deferred revenue consists of funding received prior to the year end that relates to the next fiscal year.

### 4. RELATED ENTITIES AND TRANSACTIONS

On November 3, 2003 Canary Research Institute for Mining, Environment and Health (Canary) was incorporated without share capital, under the laws of Canada. Canary is a Registered Charity and is not subject to income tax. The Board of Directors of Canary is currently comprised of two directors of MiningWatch Canada plus three other directors. During the year \$169,844 (2009 - \$145,356) of MiningWatch Canada's program generated revenue was from Canary. As at December 31, 2010 there is an amount due from Canary of \$119,836 (2009 - \$54,023).

Canary has not been consolidated in these financial statements. The following is a summary of the financial position of Canary as at December 31, 2010 and the results of operations for the period then ended.

	2010	2009
<b>Canary</b>		
Total assets	\$ 211,715	\$ 93,407
Total liabilities	196,815	88,491
Net assets	\$ 14,900	\$ 4,916
Total revenue	\$ 185,792	\$ 135,200
Total expense	175,808	150,971
Excess of revenue over expense for the year	\$ 9,984	\$ (15,771)

### 5. INTERNALLY RESTRICTED FUNDS

#### CONTINGENCY FUND:

During the 2006 fiscal year the Organization decided to set up an internally restricted contingency fund. The purpose of the fund is to address unforeseen changes in the organization's finances and to invest in projects for which ongoing funding is not available. During the year the organization transferred \$50,000 (2009 - \$10,000) to this fund.

#### LEGAL FUND:

During the 2009 fiscal year the Board of Directors decided to set up an internally restricted legal defence fund. The purpose of the fund is to provide funds for legal actions related to the objectives of the Institute. During the year the Organization transferred \$5,000 to this fund (2009 - \$20,000).

### 6. FINANCIAL INSTRUMENTS

Financial instruments consist of cash, short-term investments, accounts receivable, due from Canary Research Institute, and accounts payable and accrued liabilities. Unless otherwise noted, it is the board's opinion that the Organization is not exposed to significant interest rate, currency or credit risks arising from its financial instruments and that the carrying amounts approximate fair value.

### 7. COMMITMENTS

The Organization has a lease commitment for office space which expires April 30, 2016. Annual lease payments including operating costs are approximately \$20,000.

### 8. CAPITAL DISCLOSURE

The Organization defines its capital as its net assets, which are not subject to external requirements. Management's objective, when managing capital, is to safeguard the Organization's ability to continue as a going concern, so that it can continue to provide services in accordance with its mission.

### 9. INSTITUTIONAL DONORS

The Organization is thankful for support from the following organizations:

- Canadian Auto Workers Social Justice Fund
- Canadian Labour Congress
- Environment Canada
- Global Greengrants Fund
- Inter Pares
- International Development Research Centre
- Ontario Public Service Employees Union
- Primate's World Relief and Development Fund
- Sigrid Rausing Trust
- Steelworkers Humanity Fund
- Wallace Global Fund