



MiningWatch Canada

Mines Alerte

Negotiating for the Planet: Communities vs. the Mining Industry on the World Stage

***Briefing Paper
March, 2000***

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"At the moment, one large negotiation process is underway about how the world can achieve sustainable development. Rio+10, also known as the World Summit on Sustainable Development (WSSD), to be held in Johannesburg, South Africa, will discuss this issue and take into account the results that come out of regional, national and international consultations and multi-stakeholder dialogues. Powerful interest groups such as the mining industry are intervening in this global arena and trying hard to block any meaningful development of sustainability as they promote their interests and lobby authorities to bend regulations and standards."

– JATAM, Indonesia, introduction to International Mining Workshop, Jakarta

MiningWatch Canada, other non-governmental organisations (NGOs), communities affected by mining, mine workers, and others have found ourselves swept up in the global negotiation leading to Rio+10, because the owners of the largest mining companies in the world have chosen to engage here.

The outcomes matter: they will affect the power ordinary people have to create sustainable livelihoods for themselves and for future generations.

The world of global negotiation is not our turf. It is in communi-

Demystifying international fora

The world of international politics is complicated and confusing. This article will attempt to set out some sign posts.

"During the Earth Summit in 1992, the governments of the world committed themselves to take action on the global social and environmental crisis created by hundreds of years of the relentless destruction of Mother Earth at the expense of the well-being of present and future generations of the world's peoples. At the time, governments agreed to address the crisis through a number of agreements (or statements), such as the Rio Declaration on Environment and Development, Agenda 21 (a

ties, in the workplace, and in the regions where we have the strength to resist and change the industry. And it is law, regulation and enforcement made by provincial and national governments that change industry practice.

It is precisely because people organizing around the world are winning in their push for indigenous rights, workers' rights, environmental protection, and human rights that the industry is choosing to invest in an enormous public relations battle at the international level.

non-binding program of action), the Convention on Biological Diversity, the Framework Convention on Climate Change, the Statement of Principles on Forests."

– Joji Cariño

Since 1992, there have been a number of other international agreements. Although these agreements have strong moral suasion, they have no force in a country unless they are "ratified" and enacted into law by the national government. Canada's record on ratification and implementation of these agreements is poor.

Indigenous Peoples

In 1986, the United Nations Working Group on Indigenous Populations began to draft a Declaration on the Rights of Indigenous Peoples. The draft was finalized by the Working group in 1994, and is now in the hands of the United Nations High Commission on Human Rights (UNCHR). The only other international legal instrument on the rights of Indigenous Peoples is an International Labour Organization document (ILO Declaration 169). The draft declaration establishes an unqualified right to self-determination and the principle of priori

Rio+10 a.k.a. the World Summit on Sustainable Development (WSSD)

The lead-up to Rio+10 involves a number of meetings of government representatives and other organizations to negotiate the basic statement of the conference – the “Chairman’s Report” – as well as different country reports that will be presented in Johannesburg. The most recent meeting to develop the Chairman’s report was in New York (Preparatory committee meeting #3 or ‘Prepcom 3’) at the end of March. The mining industry had a side meeting to present the report of “Mines Minerals and Sustainable Development” (MMSD), to lobby for the language they wanted in the Chairman’s report, and to show the world “how mining can contribute to sustainable development”. (The MMSD report is discussed below.)

The next Preparatory Committee meeting (Prepcom 4) is scheduled to be held in Indonesia at the end of May. A few days before this meeting, JATAM – the mining activist network of Indonesia – is hosting a

The World Bank Extractive Industries Review

The World Bank family of organisations, including the Multilateral Investment Guarantee Agency (MIGA) and the International Finance Corporation (IFC), participate in providing loans, guarantees and political risk insurance that facilitate global companies to build mines, oil wells and logging in developing countries, as well as pushing policies that facilitate foreign investment and privatisation.

Many of these projects have had devastating consequences, and the World Bank has now been pressured into establishing a review of their

Industry organisation toward WSSD

“For (mining companies) to put their strategies together around public relations, about how they deal with environmental relations, environmental crises, how they deal with these globally, they can bring considerable strength to their practice if they’ve got these things integrated.”

– Marcia Smith, National Public Relations, quoted in the Vancouver Sun, 13 February, 2002

The industry lobby has been driven by the Global Mining Initiative – a grouping of the 30 largest mining companies in the world established a few years ago. It has three parts:

- a research arm called Mines Minerals and Sustainable Development (MMSD), which has recently released its draft 500 page report (a team has been established by NGOs and communities around the globe to do a critical analysis of the document);
- the creation of an on-going industry association called

Canadian government initiatives

The Canadian government has a secretariat housed with Environment Canada that is preparing for its role in Rio. This secretariat has made a very limited amount of funding available to NGOs through the Canadian Environmental Network to prepare comment.

Natural Resources Canada has developed a proposal that it is distributing to governments, industry and NGOs for comment.

“Since many of the critical issues facing the minerals and metals sector require action by governments, or by governments in concert with other stakeholders, there is a need to examine options for how best to provide a focus and means of follow up for the many disparate initiatives currently underway... A broad range of issues could be examined. For example, discussions could encompass public policy frameworks

informed consent before development can take place.

Alongside the Earth Summit, indigenous peoples from around the world united to create the Kari-Oca Declaration, upholding their rights and established their position as a “major group” in the processes. A series of Forums and meetings have been held by indigenous organizations to set out their positions on sustainable development.

Nishnawbe Aski Nation in Ontario has formal accreditation for all these UN processes leading up to Rio+10.

meeting of communities and organizations from around the world to set out our concerns with mining and with the Chairman’s document.

At the same time, the Canadian government, like others, is developing its report on progress since 1992 for presentation at Rio+10.

Rio+10 will be held August 26 to September 7 in Johannesburg. The central meeting (of accredited participants, predominately governments) will hear the Chairman’s report and the reports from different governments and come to agreements on action. Some NGOs, indigenous groups, and of course industry, have official standing for this meeting. Most of the groundwork for the meeting is already being negotiated. At the same time as the central meeting, a number of other forums are organized, including an indigenous forum and an NGO forum, where alternative positions and reactions will be worked out.

investments in extractive industries. This review is headed up by Elim Salim, an “eminent person” from Indonesia. Salim has a secretariat and some funding to investigate and hear submissions about the relationship between the World Bank’s investments and the “alleviation of poverty.” His report is due in June 2003. A number of NGOs have been very critical of this review, and in January over 100 signed a letter raising these concerns.

International Council on Mines and Minerals (ICMM);

- the staging of a conference for CEOs of the major mining companies called ‘Resourcing the Future’ in Toronto from May 12-15, 2002. Some NGOs, labour and community representatives have been invited to this meeting.

In response to a public outcry following a number of accidents involving cyanide, the mining industry has also developed and pushed a draft Cyanide Code, which sets out guidelines and a method to certify companies for responsible cyanide use. Unfortunately, the Code is voluntary and allows industry to self-certify, and NGOs fear it will be used to avoid legislation and regulation on the use of cyanide in mining.

The Mining Association of Canada has also been actively developing its own *Towards Sustainable Mining* document, which will set out guidelines for environmental and social practices for MAC members (30 major mining companies).

covering economic (e.g. transparent taxation and investment regulations), social (e.g. poverty alleviation, role of communities), and environmental (e.g. environmental standards, material stewardship and the role of sound science) aspects of mining, mineral development, and metals production, use and recycling. As well, they could encompass a review of the means for carrying out an effective sustainable development dialogue where governments, with input from industry and civil society, deal with mining/metals related issues.”

NRCan has made \$30,000 US available to the Mineral Policy Center to comment on this proposal together with other mining activist groups and communities.