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MiningWatch Canada
Mines Alerte

Newsletter

Number 9: Summer 2002

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Activist Workshop on Canadian Mining Coming Soon: October 4-6

On October 4-6 of this year, MiningWatch will hold an Activist Workshop on Canadian Mining in Winnipeg, Manitoba. This will be a fantastic opportunity to strengthen the network of activists around mining issues in Canada. The workshop will focus on the full costs of mining, perverse subsidies given to mining companies, unlimited access to land ("free entry"), exploration, and diamond mining.

The registration fee for this week-end long workshop is $105, which includes workshop materials and all meals. We hope to be able to provide subsidies to those people who are in need. For further information and registration, please contact Mel at the MiningWatch office, or e-mail her care of: mel@miningwatch.ca.

"Canadian Mining Companies in Latin America: Community Rights and Corporate Responsibility" Conference Held At York University, May 9-11

On May 9-11, Latin American and Canadian social and environmental activists, economists, and academics came together at York University in Toronto to set out a series of challenges for the mining industry and governments alike on the eve of a major industry conference.

"We wanted to provide an opportunity to examine the activities of Canadian mining companies in Latin America, and Canadian government policy, in the context of economic globalisation and the revindication of community rights in a changing world context," said Viviana Patroni, Director of CERLAC.

CERLAC, the Centre for Research on Latin America and the Caribbean at York University, together with MiningWatch Canada, organised the conference *"Canadian Mining Companies in Latin America: Community Rights and Corporate Responsibility"* at York University to coincide with the mining industry's *"Resourcing the Future"* con-



Left to right: Francisco Ojeda Riofrío (Front for the Defence of Tambogrande), David Szablowski (York University), and Nedjo Rogers (Environmental Mining Council of BC) at the CERLAC conference, York University, May 10, 2002 (J. Kneen photo)

ference in Toronto. The conference was supported by several departments and centres at York University as well as the International Development Research Centre (IDRC), the Canadian Environmental Law Association (CELA), and the Canadian Auto Workers (CAW).

Key issues included the role of the World Bank and the International Monetary Fund (IMF) in privatising resources and creating favourable conditions for transnational mining companies, at the expense of national sovereignty as well as labour and environmental protection, and the involvement of the Canadian government (including the Canadian International Development Agency, CIDA) in supporting these efforts. Speakers discussed the economic, social, and environmental costs of large-scale mines, and challenged the industry to deal fairly and honestly with the communities affected by their proposals and activities.The fundamental right of communities to decide their own course of development — to say "no" to mining if that is their decision — was a central theme.

One of the strongest presentations was that of Francisco Ojeda Riofrío, of the Front for the Defence of Tambogrande. The municipality of Tambogrande was in the process of setting up a plebescite for people to decide whether they wanted mining or agriculture to be the future of their region. In the June 2 vote, 97% of the population voted for agriculture and against mining, with a 70% turnout. Manhattan Minerals, who wants to mine under the village of Tambogrande and the Peruvian Minister of Mines have so far refused to accept the validity of the vote.

The "Resourcing the Future" conference was aimed at setting an industry-driven agenda for the United Nations' World Summit on Sustainable Development in Johannesburg at the end of August, and was originally to include the presentation of the results of a one-year research project entitled "Mines, Minerals, and Sustainable Development (MMSD)."

See our analysis of the industry's attempts to set the agenda for the Johannesburg WSSD conference in our last Newsletter (#8). See also our press release following the CERLAC conference, both available on the our web site.

Following the conference, visitors from Chile, Peru, Colombia, Ecuador, and Mexico took advantage of the opportunity to travel to Ottawa to meet with non-governmental organisations through IDRC (the International Development Research Council), the Department of Foreign Affairs and International Trade, and Export Development Canada.

North American Indigenous Mining Summit

June 12-15 saw MiningWatch Canada staff participating in the North American Indigenous Mining Summit in Mole Lake, Wisconsin. The Summit brought together indigenous and non-indigenous people from across North America to share information and experience. Some of the most heavily-affected communities could not be represented due to immediate crises, such as the Western Shoshone, whose cattle were being seized by the US Government.



SAGE Council members Pamela Malone and Laurie Weahkee (seated) present "Power Map" methodology at North American Indigenous Mining Summit. (J. Kneen photo)

Nevertheless, the Summit succeeded in bringing people together to support the struggles of the Sokaogan Anishnabe (Wisconsin), who had recently won (in the Federal Appeals Court) the right to define their own water standards, and the Hopi and Diné (Arizona), represented by the Black Mesa Trust and the Black Mesa Water Coalition, who are trying to end Peabody's use of vast quantities of scarce water to pipe coal to market as a slurry.

Information and ideas were shared on topics ranging from dealing with contaminated sites and health disasters to education to youth organising to the upcoming World Summit on Sustainable Development. Strategy sessions facilitated by Albuquerque's SAGE Council using "Power Map" methodology, helped participants get a better handle on situations around coal, uranium, and hard-rock (sulphide) metal mining.

The Summit was co-sponsored by the Sokaogon Chippewa Community, the Indigenous Mining Campaign Project (a partnership between the Indigenous Environmental Network and Project Underground), with a Spirit Run sponsored by the Lac Vieux Desert Community.

Regional Mining Workshop and WSSD Prep Com IV, Bali, Indonesia

MiningWatch Canada staff also attended a regional workshop for 74 members of mining-affected communities and NGOs from the Asia-pacific region. The workshop was held in Kuta, Bali, Indonesia on May 24-26. It preceded "Prep Com IV," the last preparatory conference for the World Summit on Sustainable Development (WSSD) conference in Johannesburg (August-September 2002).

This mining workshop was organized by JATAM (an Indonesian mining activist network), with a steering committee made up of people from various parts of the world. The conference aimed to fulfill two major needs in a relatively short space of time:

1) To provide a regional forum for mining affected communities and NGOs from the Asia-pacific region (similar regional workshops have been held recently in Africa, Central and South America).
2) To bring together representatives from mining affected regions around the world (mainly developing areas) and international NGOs that support these communities to strategise on a more global level, share various positions and statements that have been developed in the past three years, and decide on how to best inject a global position into the World Summit on Sustainable Development process.

The presentations at the conference focussed on issues that are common to mining in the Asia-Pacific region – mining and small island ecosystems, impacts from riverine and submarine tailings disposal on reef systems, impacts of seismic activity on tailings impoundments, successful political struggles and geopolitical realities. There were also presentations of various collective statements and position papers from past national and international mining meetings. New position statements were developed. There was one from women, one from the Asia-Pacific region, one from Indonesia itself (still unavailable), and one from the workshop as a whole.

The biggest challenge faced by the workshop was keeping focused in the face of distractions associated with the activities surrounding Prep Com IV in neighbouring Nusa Dua. The Prep Com process ran from May 27-June 7, 2002. Many of the participants of the regional mining workshop also attended the Prep Com as a "mining caucus."

The focus of this massive gathering of international delegates from governments, the UN, the private sector, and civil society was the "Chairman's Text" that is to be ratified by governments at the WSSD.

In particular, Section 41 of the Chairman's Text deals with mining and was unacceptable to the mining caucus. The mining caucus re-wrote section 41 and tried to get the revised text into the hands of official delegates. But by the 29th, section 41 had been dealt with in the formal process and no significant changes were made. This experience was common not only for other civil society groups but also for government representatives engaged in the formal process who found their attempts to have the text lead to real change to protect the global environment thwarted by the main trading nations (US, Canada, Japan, Australia).

By the end of Prep Com IV there were numerous protests being staged in Nusa Dua.

Planet in Focus: Toronto International Environmental Film & Video Festival

Planet in Focus will be holding its third annual international environmental film and video festival in Toronto, September 25-30, 2002. Planet in Focus's mission is to promote the use of film and video as a catalyst for public awareness, discussion and appropriate action on the ecological and social health of the planet.

This year Planet in Focus will be screening three films that focus on the impacts of mining on communities and the environment:

- *Brittania Beach* (about an abandoned mine in southern British Columbia that is the single largest point source of metal pollution in North America)
- *Gold Accident* (about ongoing environmental problems at a mine in Kyrgyzstan run by Canadian mining company Cameco)
- *The Return of Navajo Boy* (about the impacts of uranium mining on a Utah Navajo community).

MiningWatch Canada was a sponsor of the festival last year and will once again support the festival this year and provide commentary on the film *Gold Accident*.

Planet in Focus can be reached at (416) 531-1769 or e-mail piffest@hotmail.com or see www.planetinfocus.org

Update on the Metal Mining Effluent Regulations

The new Metal Mining Effluent Regulations (MMERs) finally became law on June 19, 2002 with their publication in Part II of the Canada Gazette.

On July 28, 2001 the new (MMERs) were published in the Canada Gazette, Part I and a public consultation period was open until September 26, 2001. During this time Environment Canada received 23 submissions.

Thirteen submissions came from mining companies (including the iron ore companies Wabush Mines, the Iron Ore Company of Canada and La Compagnie Minière Québec Cartier) and mining associations including the Mining Association of Canada, the Ontario Mining Association, and the Association Minière du Québec Inc.

The only provincial government to provide comments was that of Newfoundland and Labrador. The government of Newfoundland and Labrador argued that the Wabush and Iron Ore Company of Canada mines should remain excluded from the new MMERs, as they had also been excluded, through "grandfathering," from the Metal Mining Liquid Effluent Regulations (MMLERs) promulgated in 1977.

Alternatively, the government of Newfoundland and Labrador requested that provisions be made to facilitate the inclusion of the tailings facilities of the two iron ore mines in Schedule Two of the new MMERs, which authorises the use of lakes and rivers as tailings impoundments. The tailings facilities of these two mines do not currently qualify for inclusion in Schedule Two. It is certain that the Iron Ore Company of Canada will not be able to meet the requirements for inclusion in Schedule Two within the two year Transitional Authorization period allowed under the MMERs. One submission came from an academic who argued that the costs of compliance with the proposed MMERs would be onerous for the three iron ore mines. Two submissions came from private citizens and one from a consultant.

Five submissions came from non-governmental organizations (NGOs), including MiningWatch Canada and Northwatch (see copies of these submissions in the issues section on our web site). The Mining Caucus of the Canadian Environmental Network also provided comments, signed by seventeen ENGOs.

Between Gazette I and Gazette II, Environment Canada held bilateral meetings with a number of commentators and some changes were made to the regulatory text as it appeared in Canada Gazette, Part I.

A significant change from Gazette I to Gazette II was the addition of another Transitional Authorization period of 2 years, following consecutively on the first two year Transitional Authorization period, specifically for mines that cannot meet the requirements for Total Suspended Solids. Mining companies wanting to avail of this option will need to provide documented engineering evidence to the effect that there is no feasible alternative to requesting another Transitional Authorization period. This second Transitional Authorization period is needed for the Iron Ore Company of Canada to be able to come into compliance with the new MMERs. However, as officials from Environment Canada acknowledge during a briefing session on July 5, 2002, other mines will likely avail of this new provision as well.

Other changes made between Gazette I and II include:

- adjustment of the definition of "effluent" to specifically exclude effluent from sewage treatment facilities;
- allowing for the deposit of waste rock into a tailings impoundment area;
- requiring monitoring for cyanide only by those mines that use cyanide as a process reagent;
- allowing for quarterly sampling for radium-226 at non-uranium mines following 10 consecutive tests results that are less than 10% of the authorized monthly mean concentration;
- harmonizing the method detection limits and the calculation of loading with the approach of Ontario's MISA Program;
- allowing for relief in monitoring frequency when unforeseen circumstances (e.g., winter storms) cause safety concerns or access problems and render the collection of samples of effluent impracticable;
- allowing for the relocation of records from the mine site to another location in Canada once a mine becomes a recognized closed mine; and
- allowing for a limited number of mines to apply for a second transitional authorization, for total suspended solids only, two years after the regulations come into effect; this transitional authorization may only be applied for if it can be demonstrated that there is no feasible alternative available to the mine operator based on documented evidence of engineering necessity.

Foreseeable Amendments to the MMERs

The MMERs are promulgated under the Fisheries Act. The Fisheries Act prohibits the dumping of deleterious substances in waters frequented by fish (section 36) and the destruction of fish habitat (section 35). It would seem that these prohibitions would prohibit the use of natural water bodies containing fish habitat as tailings impoundments (tailings do not meet the effluent standards set out in the MMERs). However, in the MMERs there is a Schedule 2 that defines a number of existing tailings impoundments in lakes and rivers as authorized tailings impoundment areas.

Furthermore, Environment Canada expects imminent requests for amendments to the new MMERs (requiring approval of Governor in Council and the Cabinet) so that more mining companies that dump tailings into natural water bodies, or plan to in the future, may be included on Schedule 2. These requests for amendments to the new MMERs are expected to come from the iron ore mines (Wabush Mines and the Iron Ore Company of Canada) and from a couple of unspecified gold mines, according to Environment Canada officials.



Pipeline carrying cyanide disharge from Hemco Nicaragua's Bonanza mine. Anneli Tolvanen has been working with MiningWatch Canada and the Humboldt Foundation of Nicaragua to document the aftermath of Greenstone Resources' involvement in Bonanza and La Libertad, Nicaragua. (Anneli Tolvanen photo)

The regulations can be viewed on the Internet at http://www.ec.gc.ca/nopp/metals/mmer/english/index.htm.

(For more information and history see the Backgrounder on our web site.)

New MiningWatch Staff: Mel Quevillon, Regional Organizer

Mel Quevillon began working with MiningWatch as a Regional Organizer at the beginning of June. Her job, to work with Canadian communities affected by mining, was created in response to the growing list of needs expressed to MiningWatch. She hopes to visit a number of different communities across Canada in the next few months and listen to people's stories in order to see where MiningWatch can provide support, to strengthen networks around various issues, and to create new networks. Since this role is still quite new, Mel is looking for input from you – how could the role of a Regional Organizer be useful for your community? Please feel free to contact Mel: mel@miningwatch.ca. Ω

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