

Memo

To: Cathy Spoel, Grace Patterson, Sarah Miller & Paul Muldoon

From: Ken Traynor

Subject: Briefing note for Universalialia Visit

Date: June 15, 1998

The attached material was prepared to brief you all on the International/Trade & Environment programming we are being evaluated on by Universalialia. The aim is to receive approval for program funding from CIDA which would mean a commitment from them based on a project proposal for a minimum funding of \$100,000 per year for three years for our international programming. This funding would be available from the 1999 funding year on. If you have any questions feel free to call me. I will be Ottawa on Tuesday but back here on Wednesday.

**Briefing notes re Collaboration with Cooperaccion in Peru and the CIDA Review Visit from
Universalial Consultants - June 18, 1998.**

1. Universalial is a consulting firm which evaluates the financial and programming systems for Environmental NGOs looking to receive a 3 year programming commitment from the Environment and Sustainable Development Program of CIDA. (See App 1 with information on their site visit.) They have already received extensive documentation on CELA programming from us. (See App 2 for list of materials provided).
2. We received \$75,000 in 1994 from CIDA for joint programming on Biopiracy with the Rural Advancement Foundation International (RAFI) and an international network of ENGOS which funded workshops in Asia and Africa and the research and writing of the book Enclosures of the Mind on Indigenous Knowledge, Patenting and Biopiracy.
3. In 1997 we received \$15,000 for exploratory work with the Environmental Mining Council of BC (EMCBC) and a Peruvian ngo called IPEMIN to investigate possible collaboration on mining work. Ramani Nadarajah and Ken Traynor of CELA together with Alan Young from EMCBC traveled to Peru in Feb/97 to meet with IPEMIN principals and visit mining sites in Peru and then we hosted an extensive visit to Canada by two IPEMIN staff. At the end of this visit we had drafted a further funding proposal for CIDA for workshops and education materials on the assessment of mine development in Peru and Canada worth \$75,000. (See App 3 for report on visit to Peru and App 4 for proposal to CIDA for funding).
4. Our proposal was funded and the project is underway. In the interim the people we had worked closely with formed a new ngo in Peru called Cooperaccion which has continued the work originally begun with IPEMIN. As part of our programming with Cooperaccion Keith Stewart a graduate student in the Environmental Studies program at York does translation work for us. In May he spent two weeks in Peru with Cooperaccion and his report to us on the visit is attached as App 5.
5. Nalini Perera the Head of the ESDP program within CIDA traveled to Peru in March and came away very impressed with Cooperaccion. It is also useful to add that Michelle sits on the project advisory committee for the ESDP program and knows all of the staff there.
6. The work with Cooperaccion on Mining grows out of our Trade and Environment work just as the earlier collaboration with RAFI and others on Biopiracy was based on work in Canada on biotechnology and on the trade related aspects of Intellectual Property rights. In essence they both represent international organizing with counterparts in the face of growing corporate deregulation and voluntarism. We are actively working with the EMCBC and other environmental org. working on mining in Canada to set up a National Environmental Mining Council and because of the active role Canadian mining companies play internationally especially in the Americas we are working to set up a network of ENGOS working on mining in the hemisphere. The work with Cooperaccion is part of this networking. (See App 6 for summary of National Environmental Council proposal underdevelopment).
7. Our other Trade and Environment programming is funded (since 1994) by the CS Mott Foundation based in Flint, Michigan. The funds cover salary and programming costs for KT and MS to work in the areas of Trade and Environment, Life Patenting and Biotechnology and Mining (See App 7 for summary).

Say
RECEIVED JUN 12 1998

June 9, 1998

Sarah Miller
Canadian Environmental Law Association
Suite 401-517 College Street
Toronto, Ontario
M6G-4A2

RE: ENGO REVIEW: OUR VISIT

Dear Mrs. Miller

First of all, I wish to thank you for the documents we received which help us prepare for our visit and review. Here are some guidelines which I hope will be helpful to you. We have prepared various questionnaires that Charles will have with him the day of his visit.

If it were possible for you to organize a phone interview during the afternoon with one or two of your Board members, that would be very helpful for us. Better yet, if one of the Board members were available during the afternoon for a short visit/interview, that would also be very interesting. Of course, we understand they may have other engagements at this time, so we will then schedule otherwise.

Here is a list of people we would like to get in touch with, and we realize that one person may fulfill more than one of the functions described below.

Individual to be interviewed for each Environmental NGO	Method Of Data Collection
Chair Of Board or Chair of International Committee	• telephone interview • brief questionnaire
Chair of Audit Committee (if this post exists)	• telephone interview
Executive Director	• personal interview • brief questionnaire
Chief Financial Officer (if available)	• personal interview
staff person responsible for ESDP funded project	• personal interview
staff involved in international activities	• personal or group interview

Board members	• questionnaire survey
overseas partner: • Executive Director, • Chief Financial Officer, • project staff, • project participants (if possible)	• personal interviews during overseas mission

Personal interviews will probably take place during the morning. Each board member has a questionnaire to be sent out and returned to my attention (Alicia Sliwinski) by the end of the month of June, Charles will give you those envelopes.

Some key issues we are looking at are the following:

- Financial systems are adequate
- Governance systems are accountable
- Internal management systems are appropriate
- Program management is appropriate and program goals and objectives are relevant
- Learning systems are adequate

For each of these issues, we have developed a series of questions that Charles will be asking and discuss with you, and with other members of your organization that can be present, either in person or over the phone.

I hope this information will help you prepare for Charles' visit. Please do not hesitate to contact me if you need more specifics regarding the review.

Thank you for your cooperation,

Sincerely,



Alicia Sliwinski

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Environmental Mining Exchange Project: Exploratory Phase CIDA REF # O38307-S52040

1.0 END OF PROJECT STATUS

Funds from the Environment and Sustainable Development Program (ESDP) of the Canadian International Development Agency (CIDA) were used to assist the Canadian Environmental Law Association (CELA), the Environmental Mining Council of B.C. and the Yukon (EMCBC) and the Instituto para desarrollo de la Pesca y Minería de Peru (IPEMIN) to organize reciprocal visits to Peru, in February - March, and to Canada, in May-June, in 1997.

The funds were used for travel expenses, food and accommodation costs, communications and translation. Major in-kind contributions included staff -time, including planning time, and part of the translation expenses.

All of the exploratory project activities have been completed.

In February, two CELA staff members and the Director of EMCBC traveled to Peru for 12 days. The visit included participation in a Meeting of the Community Action Group on Canadian Mining in Latin America and a Meeting of an informal Continental Action Network on International Mining Activities. The meeting was organized by IPEMIN as part of their participation in an IDRC funded program of Co-Development Canada. There were participants from NGOs in several Latin American countries and academics, unions, women's groups and community organizations from Peru and from both the South and the North. The meetings in Lima were followed by visits to La Oroya and Cerro de Pasco in the central mining zone of Peru.

The meetings were an excellent exchange of ideas and approaches to mining development. A summary report of the meetings is included as Appendix 1. An English translation of the document submitted by IPEMIN to the meeting on their consultation with the community of Rancas is included as Appendix 2. This document was distributed widely during the IPEMIN visit to Canada. The visit also included two days of focused exchange with the mining team of IPEMIN and planning work for the return visit to Canada of IPEMIN representatives. The visit to Peru was highly successful serving to give CELA and EMCBC an excellent grounding in the challenges and realities facing mining oriented work in Peru. The visit allowed us all to establish excellent contacts with activists from around the Americas and allowed us to gain a better understanding of the work of IPEMIN on mining issues. This information was used to organize a protracted visit to Canada.

The return visit to Canada occurred from May 24th to June 19th. It included visits to Montreal and Ottawa for meetings with NGOs and labour groups; to Toronto for meetings with company officials, environmental activists and NGOs; to Sudbury for a visit to the Falconbridge mine and smelter hosted by the union there; to Vancouver for a workshop on environmental assessment of mining activities and meetings of the Canadian Environmental Network; and mine and smelter visits in Trail, Kimberly and to the Greenhills Coal mine. A detailed Canadian itinerary is included as Appendix 4.

At each city IPEMIN was able to make presentations on the reality of mining in Peru including recent developments and the role of Canadian companies in the changes occurring in Peru. We spent a number of days working on next steps in our collaboration and will be submitting a further proposal to the ESDP of CIIDA to develop materials for and to organize Mine Development Assessment workshops in Peru, Chile and Canada. The visit allowed us to organize meetings with Placer Dome, Barrick and Cominco officials, all of whom have operations in Peru. These meetings would not have happened in Peru. Finally we were able to extend the visit by two days to participate in a workshop on Mining Impacts on Ecosystem Health organized by Friends of the Earth Canada with IDRC funding.

This exploratory phase has been highly successful. All organizations have a good understanding of the approaches and capacities of each other and a good grounding in the realities faced by each other on the ground in Peru and Canada. We have been able to exchange significant amounts of

information and ideas on how to approach mineral development issues. We have laid the groundwork for an effective future collaboration and developed specific ideas for next steps to make this collaboration happen.

This project has increased the capacity of all the organizations to pursue their objectives around promoting sustainable mineral development and has accomplished important information exchanges.

1.1 ACTIVITIES

PLANNED	REALIZED	COMMENTS
1. Visit to Peru	yes - Trip from Feb. 22 to March 5	Excellent meetings including with activists from around Latin America, site visits to mine sites and communities in the Andes, planning meetings for Canada visit.
2. Visit to Canada	yes - Trip from May 24 to June 19 to Montreal, Ottawa, Toronto, Sudbury, Vancouver, Trail, Kimberly and other B.C. communities	Excellent meetings with NGOs re funding IPEDIN, environmental organizations re mining, unions representing miners, company officials. Site visits to working mines and smelters, project proposal work and assessment workshop.

1.2 CONCRETE RESULTS

PLANNED	REALIZED	COMMENTS
1. Visits planned and carried out	yes	Visits were excellent and accomplished goals
2. Learned about each others organization, strategies and context	yes	Further collaboration planned and underway
3. Developed further proposal for funding	yes	Proposal to ESDP for Sept. 1/97.

1.3 ACHIEVEMENT OF OBJECTIVES

PLANNED	ACTUAL	COMMENTS
a) learn from the differing organizational and educational approaches and experiences of IPEMIN and CELA,	Accomplished	Lots of learning occurred on all fronts
b) better understand issues, information needs and resources on "best practices" for environmental and health protection in mineral development planning and assessment,	A good start was made and priority areas for focus were identified.	Work has begun on further collaboration on "best practices" in mine development
c) to contribute to the collaborative design of an information exchange project that will allow public interest groups to work together to articulate concerns, and provide informed and effective input to environmental assessments of mineral development projects.	Proposal prepared for submission	The visits served as important first steps in this process and specific follow-up actions are being carried out and are planned when funding becomes available.

1.4 FINANCIAL REPORT AS AT AUGUST 30, 1997

Item	Budgeted	Actual	Variance
IPEMIN Expenses			
Air/ground travel expenses to Canada	\$4,000	\$3,415.06	+584.94 (note 1)
Travel in Canada	500	1366.67	-866.67 (note 2)
Food & Accommodation	2000	3716.85	-1,716.85 (note 3)
Photography	200	200	0
Telephone/Fax	200	200	0
In-kind translation for Peru mtgs.	300	500	-200
Participant time (20 days @\$40 *2)	1600	2480	-880 (note 4)
Contingency (5%)	440	440	0 (note 5)
sub-total IPEMIN expenses	9240	12318.58	-3,078.58 (note 6)
CELA Expenses			
Air/Ground travel expenses to Peru	4000	3845.92	+154.08 (note 7)
Travel in Peru	900	454.08	445.92
Food & Accommodation	1000	1705.71	-705.71 (note 8)
Canada meetings travel	500	1507.17	-1,007.17 (note 9)
Photography (in-kind)	200	236.47	-36.47
Telephone/Fax (in-kind)	200	200	0
Translation for Peru meeting	300	300	0
Participant time (20 days@\$100 * 2)	4000	5600	-1,600 (note 10)
Contingency (5%)	550	550	0 (note 11)
Translation expenses in Canada	0	4144.33	-4,144.33 (note 12)
Sub-total CELA/EMCBC expenses	11650	18543.68	-6,893.68 (note 13)
Total Expenditures	\$20,890	\$ 30,862.26	-\$9,972.26

Notes to Financial Statement

Note 1 — We were able to get excellent fares for Lima - Montreal - Toronto- Vancouver - Lima

Note 2 — We had extensive in Canada travel due to meetings and visits in Montreal, Ottawa, Sudbury and interior B.C. The plane travel to Sudbury was major component of variance and return to Lima via Ottawa to attend Friends of Earth IDRC workshop added to costs.

Note 3 — The Canadian portion of the project lasted an extra 14 days beyond the originally planned 10 days. In Toronto accommodation in the Steelworkers Humanity Fund guest suite saved \$450.

Note 4 — José De Echave and César Mosquera spent at least 31 days each in this project.

Note 5 — The contingency funds were used to cover extra costs due to the length of stay in Canada.

Note 6 — Funds to cover variance were from IPEMIN \$200 for translation in Peru and extra staff time of \$880, Friends of Earth IDRC project on mining \$748.28; CELA funds \$ 360.30; Steelworkers in-kind \$450 for hotel; contingency \$440.

Note 7 — We sent three people to Peru from Canada because of the excellent fares available.

Note 8 — We were over budget because of sending three people to Peru and unbudgeted in Canada costs in B.C. during visit to Canada.

Note 9 — Our in Canada travel costs were much higher due to the length of the visit in Canada and number of cities visited.

Note 10 — Participant time was greater due to three people to Peru and extended visit in Canada.

Note 11 — Contingency funds were used to cover over budget items.

Note 12 — We translated an IPEMIN document to English (see appendix 4) for distribution during the visit at a cost of \$769.33 and hired translation in Ottawa and Toronto for \$375. We used extensive in-kind translation in B.C., 10 days @ \$300, from EMCBC and Co-Dev worth at least \$3000.

Note 13 — Funds to cover the variance came from in-kind translation - EMCBC and Co-Dev - \$3000; in-kind CELA/EMCBC staff time \$1600; CELA funds \$1,743.68; contingency funds \$550.

2.0 PROJECT MANAGEMENT

CELA managed and disbursed the funds for the project. Tickets were purchased in Canada due to favourable quotes so funds were largely disbursed in Canada. All of the organizations involved are experienced NGOs which made the project management simple and straight forward. Extra funds available to the Trade and Environment program of CELA allowed us to overcome the added costs encountered due to the extended stay in Canada and the unanticipated translation costs.

3.0 APPENDICES

Appendix 1 — Summary Report of Lima Meetings

Appendix 2 — IPEMIN Report on Community Consultation

Appendix 3 — Canadian Itinerary

Appendix 4 — Invitations to visit Canada for visa requirements

APPENDIX 3

Trip Itinerary - César Mosquera and José De Echave

May 24 th	Arrive Montreal stay with M. Cisneros
May 25 th - 27 th	Meetings in Montreal organized by IPEMIN and Cisneros
May 28 th	Travel to Ottawa in AM meetings with Marc Alain re fisheries issues
May 29 th	Meetings with David Brooks at IDRC, Oxfam Canada and CCIC, travel to Toronto in evening
May 30 th	CM to Sudbury by plane for tour of Falconbridge mine, meetings with Rolfe Gauthier Union President and presentation to union and community members, meeting with Inco union representatives on strike return Toronto in evening. --- JE meeting with Mining Caucus of Great lakes United Coalition, planning with CELA in Toronto
May 31 st - June 1 st	Tour Toronto and time off
June 2 nd	Planning and presentation to CELA staff, meetings with Save the Children and Interchurch Committee on Human Rights in Latin America, Friends of Earth Canada — evening Canadian election results
June 3 rd	Meeting with Barrick Gold representatives, CAW Social Justice Fund, USWA Humanity Fund reps. And Common Frontiers, evening travel to Vancouver
June 4 th	Orientation and Planning meetings with EMCBC
June 5 th	Mining Assessment workshop and trip planning and evaluation to date
June 6 th	Meeting with Placer Dome representatives, meeting with Co-Dev
June 7 th	Day off in Vancouver
June 8 th	Travel to Kimberly by van
June 9 th	Tour Sullivan Mine with Cominco environment officials
June 10 th	Meeting with Community and union representatives
June 11 th	Tour Greenhills Coal Mine and meet company officials
June 12 th	Tour Trail smelter operation of Cominco meet with company and union representatives
June 13 th	Return to Vancouver
June 14 th - 15 th	Canadian Environmental Network Meeting and International Mining Issues Workshop, National Mining Caucus meeting, further project planning meetings.
June 16 th	Day off
June 17 th	Travel to Ottawa
June 18 th - 19 th	IDRC Funded NGO workshop on Mining and Environment, overnight flight to Lima

Building Community Capacity through Mining Assessment Workshops August 1997

Introduction:

The scope and impact of the mineral industry has become increasingly global over the last decade. Canada plays a major role in this evolution. The last several years has seen the Canadian mining industry expand its exploration and development activities both domestically and internationally. The industry, including senior and junior companies has interests in more than 8,300 properties worldwide, 3,400 of which are in 100 foreign countries. At the end of 1996 there were at least 260 Canadian mining companies in South America, 120 in Mexico, and 90 in Central America/ Caribbean.

In 1996, Canadian mining companies raised more than \$7 billion for domestic and foreign mining projects on the four Canadian securities markets in Vancouver, Toronto, Alberta and Montreal. This figure represents almost 50% of the world's exploration dollars. Significant amounts of these resources have been used for exploration in Peru.

Recent innovations in mineral extraction technology allow for the development of larger scale, lower grade mineral operations which carry the potential for larger environmental impacts. Alternatively, better mitigation and reclamation systems are being developed and applied at certain operations, primarily in North America.

Nevertheless Canadian firms have recently been involved in serious environmental problems and accidents both domestically and in countries such as the USA, Guyana, Philippines and Papua New Guinea. Similarly, Canadian environmental mining policy and regulations, although relatively advanced in comparison to many developing nations, are the subject of intense debate and, in some cases, legal challenge within Canada.

In response to these economic and technological trends there are growing connections between community and environmental groups in the North and South concerned about the future role of mining in sustainable local economies. An active exchange of contacts and information has begun around responsible mineral development techniques and technologies, policies and processes.

Over the last year CELA, Environmental Mining Council of B.C. and Yukon (EMCBC) and Cooperacion (formerly IPEMIN) participated in the development of national and international collaboration on mining issues. We also spent considerable time exchanging experiences and evaluating opportunities for cooperation to mitigate the environmental effects of mineral development in Canada and Peru. The need to build public capacity to provide informed, proactive input towards environmentally sound mining practices and policies is common to communities in Canada and Peru. Throughout the world there is a growing demand for the public exchange of practical, accessible information on mineral development impacts, on "best practices", and on public policies and processes that promote responsibility and accountability for mining operations.

The exchange program, funded by ESDP, completed in June 1997 (see report on the Environmental Mining Exchange) allowed us to investigate means for sharing skills and developing tools to address these mineral development challenges for use in Canada and Peru. The connections and experience of the members of Cooperacion in Peruvian mining communities where Canadian companies are now active create the opportunity to intervene in the development decisions. The technical expertise, provided by EMCBC and CELA, together with their experience in the environmental assessment of mineral development, their links with Canadian mining unions, and to community organizations engaging Canadian mining companies, can be of value to Peruvian communities and organizations and can provide leverage to influence the actions of Canadian companies.

This project will be an important start to developing the capacity to positively influence the mine development decisions

being made in Canada and Peru by developing workshop materials on the assessment of mine developments, workshops in Peru and Canada, followed by wide dissemination of the materials in print and electronically.

Project Context in Peru and Canada

Peru

The history of Peruvian mining shows us that changes in the development model for this sector have a direct influence on the living and working conditions in communities which coexist with mining activity. For example:

- The Mining Code of 1901 set a framework for the presence of foreign investment and the beginning of large-scale mining in Peru;
- In 1950, the Mining Code and the resumption of world-scale mining, led to the entrance of companies such as Southern and Marcona Mining Company into Peru.
- In the 1970s, the General Mining Act and the structural reforms of the time, which led to the so-called New Forms of Investment (NFI) in Peruvian mining, resulted in the nationalization of foreign companies and the exploitation of new deposits.
- The current General Mining Act (1992) brought about a so called liberal counter-reform in the mining sector.

All these turning points have directly affected the living and working conditions of mining communities and their development. Currently, the reforms being implemented and the attending changes in economic, legal and institutional frameworks, have sought to turn Peru into an attractive site for mining investment. This has been achieved, we believe, at the cost of ignoring the need for equitable and sustainable development for mining communities, localities and regions.

The magnitude and nature of the structural reforms applied to mining in the last few years are aggravating the trend toward deterioration of living and working conditions in mining communities, putting off indefinitely the people's aspirations for sustainable local development. The need to establish a balance between mining development and sustainable development for communities is not part of current mining policy. Extremely difficult labour conditions, low level of commitment to local development in communities and mining regions, and an environmental act pushed aside are some of the worrisome aspects attending the so-called mining boom in countries like Peru.

Canada

At the provincial and federal level in Canada, the current political emphasis on economic growth over ecological health has negatively affected environmental assessment and enforcement. The public accountability around assessment of mines in particular has been problematic at several sites across Canada. A number of trends are creating concern around the current and future environmental impacts of mining.

Some critical trends include:

- significantly reduced government resources/capacity for assessment, monitoring and enforcement of existing environmental regulations resulting in substantial compliance problems;
- limited public capacity for independent and equitable participation in development assessment processes;
- ongoing scientific and technological uncertainty for dealing with cumulative effects and long term toxics problems;
- increased corporate capital mobility and subsequent heightened regional competition (both domestically and internationally) for mineral investment, has resulted in reduced weighting of environmental and social issues.

These factors have combined to create mounting pressure on NGOs to play an active watchdog role over processes and projects. Meeting this demand requires that more resources must be applied to critical analysis of project proposals and performance. As well NGOs must take on a training function to ensure that other members of the public are able to play more effective roles in protecting ecological values from irresponsible mineral development.

Despite industry assurance that "Modern Mining" practices are benign, that companies will respect all stakeholders and that they now understand that being environmentally responsible is good business, the past year has seen a variety of

problems arise during and after the environmental assessment process.

For example, at the Huckleberry and South Kemsess mines in B.C., both of which were recently permitted through the EA process, we have seen how "Modern Mining" companies perform. At these sites we have witnessed submission of false or substandard geochemical and geophysical work during the EA process. Many promises and recommendations made during the EA process have failed to be enforced. Environmentally significant changes to mine plans were made without public notification. There have been heavy sedimentation problems to fish bearing streams. There is unauthorized dumping of potentially acid generating rock. And, as is apparent from the above, there has been inadequate or absent environmental monitoring. These challenges occur wherever mineral development is going ahead.

Building Solutions

The experiences over the past several years demonstrate the need in both Canada and Peru to:

- build capacity to more actively engage in the technical and political aspects of EA processes;
- evaluate industry performance with independent monitoring;
- identify and document weaknesses in government capacity to enforce standards and;
- set precautionary precedents and advocate stronger protection from public liability.

Assessments and subsequent monitoring of mine sites in Canada over the last few years have provided many valuable lessons. Public interest priorities for environmental mine design, assessment and performance must be more systematically applied to future assessment and enforcement processes. Assessing risk, designing workable safeguards and seeing these safeguards enforced is, however, a difficult, technical and time-consuming process. There are few people with this critical experience.

Effective international networking and sharing of strategies and solutions that work can play a critical role in accomplishing better monitoring and less destructive mineral development. The recent establishment of an environmental assessment process in Peru can be an opportunity for public input and to learn from other experiences. It will only happen if active, informed, capable public organizations participate in these processes.

Our experience has shown that most of the critical questions and concepts can and should be addressed by lay people within a framework of effective public oversight. The real risks and uncertainties associated with geological science and mine planning make it essential that these assessments are not left to specialists and the overworked, politically pressured public officials.

The Evolving Roles of Communities and NGOs

Regional, national and international networks have been established to co-ordinate and exchange information and strategy between key environmental, labour and aboriginal groups. Increased access to technical experts and to electronic communications tools including geographic information systems and Internet research and communications tools have contributed significantly to these recent developments. In general, the goal is not to supplant government capacity and responsibility, but to supplement and strengthen its public interest accountability in the face of pressures brought about by globalization of investment and mobility of corporate capital.

Valuable case studies of the dynamics of decision-making around mining and environmental issues are provided by: The BHP diamond mine in the NWT recently completed a controversial environmental review and is moving to implement an independent environmental monitoring agency and, in Labrador, local Innu and Inuit are preparing to participate in the environmental assessment of the major Voisey's Bay Nickel mine (Inco).

In other communities, promising examples exist of joint (company/union/community/ government) clean up efforts on environmentally contaminated operations. In British Columbia, the Trail Community Lead Task Force was established in 1990 at a large (Cominco Ltd.) lead/zinc smelter, operating since 1916. The goal of the program was to reduce blood

lead levels in children. The program, in combination with some major refinery efficiency investments, has resulted in significant reductions in blood lead levels. The Task Force is an interesting model of cooperative community-based approach to problem solving.

Other examples of effective public involvement in mine reclamation and remediation planning include the Equity Silver Mine (Placer Dome Canada) and the Sullivan (Cominco Ltd.) copper mine. In both cases public involvement in technical and policy issues has been acknowledged by government and industry as essential to the successes of the program. These examples formed the basis of our recent mining exchange project program in Canada. Many of the lessons learned in these specific situations also form the basis for the workshop materials to be developed.

The speed and extent of the recent globalization of mineral investment have created environmental, economic and regulatory challenges that, in many regions, are overwhelming or have the potential to overwhelm community and government as well as industry capacity to protect ecosystem health. At the same time, promising opportunities and positive examples point the way for the evolution of mining's role beyond the devastating social and ecological impacts that has been an inescapable part of its history.

Due to the nature of potential ecological and economic impacts, the challenge of setting out the terms and conditions for environmentally responsible mineral development will be a central natural resource issue in this next phase of regional development in the Americas. This project can make an important contribution on this issue.

Project Description

CELA will be responsible for project coordination, financial management and accounting.

Goal/Objective	Activities/Outputs	Anticipated Results	Indicators of Results
Improve public capacity to influence mine development decisions	Develop effective mine assessment workshop materials in Spanish and English	Community representatives acquire increased understanding of mine development process	Level of environmental and mining expertise and understanding in community and partner organizations
	Carry out workshops in Peru, Canada and Chile	Workshop materials are distributed and used widely	Distribution and use of materials
	Distribute the materials widely in the Americas	Community representatives and other organizations become involved in and influence mine development decisions	Extent of public involvement and engagement with company and government decision makers
		Mine design improved and social and environmental impacts reduced	Improved community health indicators and reduced environmental impacts
		Monitoring of mine impacts increases	Extent of government and public monitoring

The project involves four major activities.

1. The development, testing and evaluation of effective workshop materials for assessing potential impact of mineral development. These materials will be developed and improved from existing materials and strategies used by

Cooperaccion, EMCBC and CELA . The material on environmental and technical aspects will be the primary responsibility of CELA and the community level impacts will be the responsibility of Cooperaccion.

2. The translation of materials into Spanish and English, coordinated by CELA.
3. Three workshops in Peru at both the community and national level and non-CIDA funded workshops in Chile and Canada using these materials within 12 months.
4. Dissemination of the materials in print and electronic forms throughout the Americas.

It is important to note that these specific activities are only part of a number of complimentary initiatives that the organizations are involved in with respect to mining in the Americas.

CELA is analyzing Canadian mining laws, particularly those dealing with environmental regulation of mining impacts as part of a comparative study of Chilean and Canadian mining law in cooperation with the Observatorio Conflictos Ambientales (OCA) in Chile. The project, funded by the Centre for International Environmental Law in the USA also involves the assessment of environmental impacts of three Canadian mines in Chile and workshops on environmental impacts of mining in communities in northern Chile. CELA also is an active member of Common Frontiers and cooperates with the United Steelworkers Humanity Fund in support of Chilean unions in Canadian mining companies.

Cooperaccion, CELA and EMCBC with Friends of the Earth Canada, the Canadian Institute for Environmental Law and Policy and CODEFF in Chile, are developing a multi-year research project on Mining and Ecosystem Health in Chile and Peru. Cooperaccion is leading the research design on community impacts and indicators of ecosystem health.

Cooperaccion staff have years of experience on mining issues in Peru. They are a member of a consortium of NGOs for local development in La Oroya and are developing educational and video materials on environmental, health and safety issues in the smelter town. This work is supported with funds from Christian Aid, SUCO, Diakonia, the European Union and the CAW Social Justice Fund.

The Environmental Mining Council is the only conservation organization in Canada working full time on mining issues Including working on activist training and the production of a coordinated set of information on the environmental threats and challenges posed by mining. EMCBC, CELA and the Canadian Institute for Environmental Law and Policy will develop a national environmental mining strategy session in Winter/98. EMCBC has been contracted to deliver workshops on mining issues for the Canadian Environmental Network, the national WWF Endangered Spaces Program, the CPAWS National Board of Trustees, the newly formed Citizen's Mining Council of Newfoundland, the Continental Action Network on International Mining Activities, and the International Development Research Council.

Workshop Materials Design

CELA will be primarily responsible for developing the workshop materials. Cooperaccion staff will add Peruvian material and adapt the material for use in the Peruvian workshops. Improvements will be made to the materials based on comments and evaluations of the materials done by workshop participants. In developing the workshop materials CELA will be able to draw on the extensive experience within EMCBC including board member Glenda Ferris who has been involved in technical mine reviews for 15 years and has a broad range of expertise on ecological mine design, geochemistry and geo-technical issues. She was recently invited to represent the Canadian Environmental Network on the Management Committee of the national industry/government/NGO Mine Effluent Neutral Drainage (MEND) research program and was invited to make presentations at the 1997 International Conference on Acid Rock Drainage.

Peruvian Workshops

The Peruvian workshops will include two in the mining communities of La Oroya and Cerro de Pasco and a national workshop in Lima with community representatives and others from national and regional organizations. La Oroya and Cerro de Pasco both have long histories as mining communities in Peru and both have recently seen major changes because of the privatization program of the Peruvian government. Cominco has purchased a part interest in the mine at

Cerro de Pasco which is expanding and Barrick is also active exploring in the region.

This three stage methodology has been adapted from the experience of working with the community in Rancas near Cerro de Pasco in a consultation exercise reported on in our Mining Exchange Project report. There are three key steps within the workshop methodology for the La Oroya and Cerro de Pasco workshops.

1. **Strategic planning:** The first step is to analyze the overall context within which the communities must operate and to identify their strengths and weaknesses, as well as the opportunities and dangers which they face.
2. **Self-diagnosis:** The second step is to develop a more detailed local self-diagnosis through the active participation of delegates from the most representative organizations of the community in collaboration with the project team.
3. **Elaborating community proposals:** This step will design a community development proposal defining an equilibrium between mining development and community development and an evaluation of strategies adopted to date.

The Lima workshop will address four central themes:

1. **The situation of the mining industry:** Understanding current trends at the global, regional and national levels with particular emphasis on the role of transnational mining companies and the way in which the dramatic expansion of the mining frontier in Peru affects the land, resources and daily life of a large number of communities.
2. **The mining process:** Information regarding the characteristics of the different phases in the mining process will be presented to participants and the importance of addressing these variables in elaborating community strategies vis-a-vis mining projects will be discussed.
3. **The legal framework:** The distinctive legal and regulatory aspects involved in the development of mining projects will be presented. Particular emphasis will be on those aspects in which communities may become directly involved such as those which detail the environmental obligations of mining companies and the requirements regarding public participation in these environmental obligations as well as the regulations regarding conflicts over land or water between mining firms and communities, and the rights to compensation which currently exist.
4. **The impact of mining on communities:** A range of information, knowledge and experience regarding the different impacts of large-scale mining on communities will be presented. Topics to be addressed include the natural environment, access to natural resources, the local economy, culture and health.

These themes will initially be developed through seminar-style presentations by specialists and representatives of social organizations, government authorities, mining companies and non-governmental agencies before being addressed in workshop settings by participants. An important goal of the workshop is to bring together representatives from a number of mining communities in Peru and to expose these representatives and those from national organizations to detailed information on the mine development process and tools available for environmental assessment using the workshop materials prepared in this project.

Timeline

The work of this project will be carried out over a twelve month period in three stages, once funding is secured.

Stage One - Months 1- 4	Stage Two - Months 5 - 8	Stage Three - Months 9-12
● detailed workplanning ● workshop materials design ● begin translation of materials ● workshop planning and preparation ● begin community contact and hire local coordinator	● complete translation ● hold workshops ● participant and facilitator evaluation of workshop materials	● Rework workshop materials ● Prepare materials and workshop reports for dissemination ● Evaluate project ● Prepare report ● Plan further initiatives

Budget in Canadian dollars

EXPENSES		REVENUE			
ITEM	BUDGET AMOUNT	Cash Contribution		In-kind Contribution	
		ESDP	CELA	CELA	COOPERACCION
Direct Project Expenses - Cooperaccion					
A1. Workshop in La Oroya	9,400	9,400			
A2. Workshop in Cerro de Pasco	9,400	9,400			
A3. Seminar/Workshop in Lima	4,650	4,650			
A4. Equipment purchase	3,475	3,475			
A5. Dissemination	700	700			
A6. Wages (proj.manager & coordordinators)	10,700	10,700			
A7. Admin. Costs in Peru	3,475	3,475			
Sub-total	41,800	41,800			
Direct Project Expenses - CELA					
B1. Mining Assessment Workshop Materials Preparation	10,000	10,000			
B2. Travel to Peru	3,200	3,200			
B3. Prep.of materials for website	1,700		1,700		
B4. Retainer for Translation	10,000	10,000			
B5. Staff time	8,840		8,840		
B6. Communications, office costs	6,200		6,200		
B7. Mining Information Resources	6,000			6,000	
Sub-total	45,940	23,200	16,740	6,000	
C1. Project Evaluation	2,500			2,500	
C2. Canadian Administration	10,000	10,000			
TOTAL	100,240	75,000	16,740	8,500	

ESDP Funding going to the South \$41,800
Percent of CELA Budget this project represents; 12%
Total cumulative ESDP Funding that we have d received since July 11, 1993: \$89,900

Budget Notes

A1 & 2 — The costs for the organization of the various phases of the workshops include: publicity and promotion, coordination, communication, travel costs, per diems, coffee and tea, work materials, secretarial support and facilitation. These costs are based on the experience from workshops done in Rancas in 1996. The budgets for the strategic planning workshop in both locations is \$2700, for the Self-Diagnostic workshop \$2700 and the elaborating community proposals workshop \$4000. Total per location \$9,400.

A3 — Cooperaccion staff organized the international meetings in Lima in February, 1997 on Community Decision Making models in conjunction with CoDev Canada and have extensive experience in such meetings. The budget items for the workshop are :

* Publicity and promotion	1,350
* Infrastructure	1,100
* Materials	400
* Facilitator	400
* Dissemination of results	1,100
* Secretarial services	300

A6 — Wages are for a half-time project manager and a 1/4 time coordinator to organize the workshops and Cooperaccion participation in this project.

B1 -- These funds are for 60 days @\$200 per day for design of materials and technical writing

B2 — Travel quotes are from a Toronto travel agency for people to go to Peru for workshop presentations.

B3 — EMCBC maintains a Mining Information Website and has received funding to upgrade it for use as an organizing tool for B.C. organizations and communities.

B4 — 500 hrs @ \$20/hr

B5 — 1 day per week for 52 weeks @\$170 per day

B6 — Communications costs and office and other support costs

B7 — EMCBC is developing extensive technical experience in G.I.S. mapping software, is developing an extensive mining information database and Website. All of these materials will be available to the project. CELA library resources and librarian available to project as well as material from our subscriptions to a number of mining information services.

C1 — CELA staff will assist in the evaluation design and analysis.

Building Community Capacity through Mining Assessment Workshops
Report on Trip to Peru by Keith Stewart: May 12-26, 1998

The following is a report on the two weeks I spent in Peru, working with our Latin American partner Cooperaccion as part of the CIDA-funded "Building Community Capacity through Mining Assessment Workshops" project. The general goal of the trip was to strengthen the relationship between the partner organizations through an intensive period of discussion with Cooperaccion's staff and participant-observation of the on-the-ground work in Peru. More specifically, I was asked by Ken Traynor of CELA to undertake the following tasks:

1. Establish closer understanding of Cooperaccion ways of working and strategy for their mining work. Prepare English summary for Alan, Nedjo and Ken.
2. Gain a better understanding of their education/consultation/workshop methods through observation of La Oroya workshop, discussion with workshop presenters and workshop participants. Prepare summary in English and bring back materials used.
3. Determine the type of environmental materials and any others that would best meet the needs for the Cerro de Pasco and Lima workshops through meetings/discussions with Cooperaccion and Cerro de Pasco contacts.
4. Begin initial discussion about what focus a three year program of collaboration might take and methods of evaluation for current project.
5. Develop an understanding of and description of the coalition of groups working in La Oroya and their objectives for use by ourselves and part of a report to the CAW SJF.
6. Prepare an informal report on the video project funded by the CAW SJF.
7. Find out what materials on mining activity are used by Cooperaccion and what materials are available in English. (Paul Bousquet may be a source in this as well).
8. Meet with SUCO director in Peru, Paul Bousquet and others for discussion/briefing re Peru, Canadian government and private sector activity in Peru and SUCO programming in Peru.
9. Discuss possible participation in an IDRC-funded research initiative with Cooperaccion and the multi-stakeholder process being proposed by IDRC/IISD.

In addition, Patty Barrera of Common Frontiers, also asked that I find out about Cominco's activities in Peru and discuss a possible CAW-funded project with the fishworkers' union with Cooperaccion's team working in Chancay.

While in Peru, I generally shadowed José Echave as he worked, although during my first trip to La Oroya José was in Cerro de Pasco, so I travelled/ worked more closely with Miguel Lévano. I also met and chatted regularly with other team members. Appendix A outlines the principal activities undertaken and on which this report is based.

For purposes of clarity, I will structure this report as a series of responses to the tasks outlined above. I have fairly extensive notes and documentation from the visit and if you are interested in more information on any of the following items, please feel free to contact me at "kstewart@web.net" or (416) 656-1954.

1. Establish closer understanding of Cooperaccion ways of working and strategy for their mining work.

Cooperaccion is a relatively new organization, although its four principal staff members, or socios, have a long history of involvement in this area through their previous work with the NGO IPPEMIN. Cooperaccion has an incredibly detailed 3-year strategic plan which structures their work; this plan will be undergoing its first annual review and evaluation in June, 1998. The work of the organization is divided between three teams. In each of the teams, they look for individuals from the area in which they are working to provide additional expertise and to work as project promoters; they are also actively seeking to involve young people, i.e. recent graduates, as part of the teams and attempting to achieve gender-parity within the overall organization. The teams work relatively independently, but the team leaders meet regularly to discuss strategies and analyze the broader context in which each of them works. The three teams include:

1. Coastal Development: The work of this team is concentrated in the city of Chancay, where they are seeking to promote a participatory process involving fishing unions, community organizations and local authorities to develop a community-action plan addressing: a) the environment in coastal cities (particularly with regards to pollution from fish-meal plants); b) food security (with a focus on the small-scale, in-shore fishery which produces for direct, local consumption); and c) the exploitation of natural resources (with an emphasis on local employment).

Recently, they have also been involved in emergency relief and reconstruction efforts following the El Niño floods, as well as work on a smaller project involving retired people.

Team members (and their area of expertise) include Juan Carlos Sueiro (economist), Julia Cuadros (planner) and Walter Huaman Rodriguez (local promoter).

¹ The legal requirements governing NGOs in Peru require that the supreme decision-making body be the General Assembly of Associates (the equivalent of Canadian Boards of Directors, although the Associates generally work for the organization). The current members of Cooperaccion's General Assembly of Associates are the four members who split off from IPPEMIN: Julia Cuadros Falla, Juan Carlos Sueiro Cabredo, José De Echave Cáceres and César Mosquera Leyva.

2. *Artisanal mining:* This team is working in the Santa Filomena area where families work a gold deposit using almost purely manual labour and 19th century technology; the work is both physically dangerous and highly toxic (mercury is used to process the ore with virtually no safety gear or containment facilities). The work of Cooperaccion here has focused on improving the situation of women and children in the community, and eliminating child labour in the most dangerous areas of the mine by mechanizing the transport of the ore to the surface.

Team members include César Mosquera (lawyer) and María Kathia Romero (anthropologist); they are currently interviewing for the positions of Mining Engineer and Local Promoter.

3. *Mining and Communities:* This is the team with which we work most directly, and as such their strategy is discussed in more detail below. In general, they work in the La Oroya/Cerro de Pasco region, seeking to build the capacity of communities to promote socially- and environmentally-responsible mining.

Team members include José de Echave (economist), Mary Luz Chavez (environmental expert with training in chemical engineering and some experience with mining environmental assessment), Miguel Lévano (sociologist) and Maribel Chavez (local promoter and a nurse by training).

Other staff people include Carmen Escobedo Granados (Secretary) and Nancy Chavez² (Accountant). Cooperaccion is also active in a series of networks and working groups at the international, national and regional level on mining, local development, food security and NGO-capacity building.

They have been fairly successful in identifying different funding sources in order to address the priorities identified in their strategic plan. The organization's financing is fairly diverse -- they currently have nine separate projects and our project accounts for only 15% of their overall budget.

Cooperaccion's communication strategy is based around their electronic bulletin, which is distributed to over 70 organizations and individuals (nationally and internationally). They also produce a paper copy of the bulletin which is distributed to roughly 30 organizations and institutions within Peru. The editorial from the bulletin is sent out as an op-ed piece to newspapers and has been published in the national papers Republica (kind of like the Toronto Sun) and Gestion (Peru's equivalent of the Financial Times); it has also appeared in provincial papers. José's work on Canadian mining capital in Peru has been published in Actualidad Economica (equivalent to Report on Business) and they are looking to expand their media contacts in an effort to get more information on community conflicts into the national press. They are interested in getting material on EMCBC's web page and would like to know what would be the best format/process for sending the material up here.

² Note: none of the Chavez' working for Cooperaccion are related.

2. **Gain a better understanding of their education/consultation/workshop methods through observation of La Oroya workshop, discussion with workshop presenters and workshop participants.**

This work is really divided between the two geographical regions of La Oroya and Cerro de Pasco (Vicco), with a distinctive strategy in each area, and in La Oroya the work is furthered sub-divided between rural and urban areas. In La Oroya, Cooperaccion works as part of a coalition called UNES. I will focus here on the development of environmental recovery plans, but these workshops have to be seen as part of a broader strategy of local development outlined below (see section 5 for details on UNES).

In the rural, peasant communities outside of the city of La Oroya, Cooperaccion is organizing workshops in three towns (Yauli, Morococha and Huay Huay), but leaders from neighbouring communities are invited to each of these sets of workshops. In each of these towns, they have arranged a series of workshops (between 4 and 6, depending on the numbers involved, speed of progress, continuity of participants, etc.). They begin by asking community members to identify the principal environmental problems facing their community. They then facilitate a process of establishing a set of objectives and alternatives for environmental improvements which would promote local development. They then develop strategies to achieve these objectives through an analysis of the communities strengths and weaknesses as well as the external threats and opportunities. As the final stage of this process, they elect delegates from these workshops who will participate in the implementation of the environmental plan and become part of a provincial environmental network.

The goal of the workshops is to produce, through a participatory process, an environmental plan over which the community feels a sense of ownership, and the institutional infrastructure to follow-through. In the rural areas where the social fabric is still strong, they have had problems of almost too much participation (for the first workshop in Morococha, about 90 adults and 40 high-school students attended) and have had to try to reduce these numbers as the process unfolds but be sure to include some of the key local leaders (e.g. mayors, the presidenta of the "vaso de leche" program, health workers, teachers, presidents of the popular assemblies etc.).

In the urban area where the social fabric is weaker and community organizations have relatively shallow roots, participation is more restricted (although there were still 30-35 people at the workshop I attended). In addition, the workshops are organized jointly with the other UNES members and have a broader focus on urban development. Nevertheless, pollution from the smelter is still emerging as a key theme which is important because previously there was a tendency to accept pollution as a necessary trade-off for employment. In the workshop I attended in Old La Oroya (the neighbourhood closest to the smelter), working groups were established to address the two principal themes which emerged: urban problems and environmental problems.

The workshops in Vicco, a small community near Cerro de Pasco, are scheduled to begin June 7 and will have a different focus from those in La Oroya where mining and smelting activities are long-established. In Vicco, a Peruvian firm El Brocal (with investment from Cominco) is seeking to develop a massive open-pit zinc mine so the workshops will

focus on mine development and the problems surrounding alternative land-uses rather than mitigating effects from existing facilities. El Brocal is an old-style mining firm with little interest in negotiating with the community; there are already fierce conflicts and a variety of legal proceedings, regarding which the community has appealed to CELA for help (see Appendix B: Request from the Community of Vicco to CELA).

The workshops in Vicco will thus focus on analyzing the mine development process and developing a community-based alternative proposal to conventional Peruvian mining practices which will limit the negative social and environmental impacts of the mine. They have signed an agreement with Vicco outlining the respective responsibilities and duties of the community and Cooperaccion in putting on the workshops in order to formalize the process and clarify commitments.

3. Determine the type of environmental materials and any others that would best meet the needs for the Cerro de Pasco and Lima workshops through meetings/discussions with Cooperaccion and Cerro de Pasco contacts.

Based on my discussions with the Cooperaccion team, it would appear that the best strategy for this project would be for CELA and EMCBC to provide a set of back-ground documents to Cooperaccion which they could then adapt as appropriate for use in the workshops and in the rest of their work.

Their workshop strategy thus far (i.e. for La Oroya, although I suspect this will hold true for Vicco as well) does not involve extensive use of written materials by participants. This is at least in part because they are attempting to draw out ideas and information from community-members through Cooperaccion-facilitated processes rather than present them with information from the outside; this is done in order to promote a sense of community ownership of the results and follow-up. They will, however, be using visual materials (the video and photo-display described in section 6 below) as part of this process.

Written materials will be used more in the lead-up to the Lima workshop. The types of documents that they would like from us include:

A) Best Practices and the Ecological Design of Mines

- a summary of current mining "best practices" (what are its components, etc.) and a Spanish-language version of Alan's presentation on the ecological design of mines. This information should be presented with a focus on mines which are currently in the exploration stage. It could also be turned into a booklet by Cooperaccion which could be used in the final workshop,

B) Case Studies of Alternatives Involving the Local Community

- the Trail refinery and a working mine (Kimberley, or perhaps a non-Cominco example) where there is community involvement;
- sample agreements signed between communities & First Nations, and proposed enforcement mechanisms.

- C) Alan's presentation on the Canadian mining industry in a global context
- D) A list of current environmental and social standards facing the mining industry in Canada
- E) Geographical mapping systems and community-based resource management
-it may make more sense to integrate this into a future IDRC project

4. Begin initial discussion about what focus a three year program of collaboration might take and methods of evaluation for current project.

In discussions around possible areas of work in a three-year program of collaboration they identified the following key themes where they felt Cooperacion and CELA/EMCBC could productively work together. They will be reviewing their strategic plan this month and would appreciate our comments on these thematic areas as soon as possible.

1) Environmental Assessment of Mining Projects and Citizen Participation.

Environmental assessment and management are relatively recent concerns in Peru. The Program for Environmental Adaptation and Management (PAMA) was adopted in 1996 and under its rules mining firms have 5 years (and smelting firms have 10 years) to meet a set of emissions limits (only into water, not air). In addition, all metallurgical companies must invest 1% of the value of total sales into environmental protection measures (although these don't seem to be too carefully designed or monitored). There aren't currently any provisions for public participation in PAMA.

Environmental impact studies are now required for new projects or for expansions of existing facilities by more than 50%. These studies are supposed to be made available to the public, although thus far their availability has been fairly restricted. The system is, however, so new that no one seems to sure as to how it will work or what exactly are the possibilities (if any) for genuine public participation beyond reading the company's study.

Joint work in this area would have to undertake two tasks. The first would be assuring public access to the environmental impact studies; currently, however, even if these studies were publicly accessible the capacity to take advantage of this information at the community or NGC level simply doesn't exist. Thus the main objective should be to develop local scientific and organizational capacities to genuinely participate in the environmental assessment process and make this process more effective and democratic. Transferring some of the Canadian experience/expertise in this area could be invaluable.

2. Implementation and Monitoring of Community Environmental Plans.

The current project is designed to generate community environmental plans, but there is no guarantee that they will be implemented. Implementation implies further developing the technical and organizational capacities of communities to monitor existing projects (e.g. mines and the smelter in the La Oroya region), and to effectively negotiate

and enforce agreements between communities and mining corporations in the case of new mines (e.g. the San Gregorio mine in Vicco, or the Pierina or Antamina mines). Cooperaccion and CELA/EMCBC could build on the current project in these areas, with Cooperaccion working with local communities and the Canadian institutions sharing information on, and helping to negotiate with, Canadian companies and "best practices" in Canadian mining.

3. The Construction of Political/Institutional Spaces for Communities to Defend Themselves.

The work of building a regional environmental defense network has already begun, but the strengthening and deepening of this network, where representatives from various communities can come together to share experiences, information and build joint strategies vis-a-vis the expansion of the mining frontier and cleaning up existing facilities, could also be part of the three year project.

4. The Construction of a National Mining and the Environment Network.

This network, composed of community representatives and NGOs, would attempt to expand the work and models being developed in the central highlands region to the rest of Peru and to link up with similar initiatives elsewhere.

5. Develop an understanding of and description of the coalition of groups working in La Oroya and their objectives for use by ourselves and part of a report to the CAW SJF.

In La Oroya, Cooperaccion works alongside Filomena Tomaira and ECO as part of a coalition called the Union for Sustainable Development (UNES). The work of UNES, which is funded by Christian Aid, Oxfam-UK and Diakonia of Sweden, has four components: the development of local leadership capacities (primarily the responsibility of ECO); the promotion of economic initiatives (the responsibility of Filomena); the development of environmental recovery plans (the responsibility of Cooperaccion); and urban development (UNES, in conjunction with the municipality).

Cooperaccion works quite closely with Filomena, so I got to know them better than the ECO; in addition, the director of UNES, whom I ended up spending a fair bit of time with, is a Filomena staff person. Filomena is a women's organization which was founded in 1985 by women from popular organizations in La Oroya and professional women engaged in mining struggles. Its goal is the promotion of the participation of women and the strengthening of their role in managing local development so as to improve their quality of life and the status of their gender. Its major programs include: women's health and community (which includes a health clinic); leadership training in gender and development; and the promotion of economic projects (primarily the provision of micro-credit through loan circles and the organization of a women's savings and credit service through a

Communal Bank). It is the micro-credit program³ which is Filomena's principal contribution to the UNES project. ECO is an NGO with strong labour ties⁴ and focuses on providing leadership training workshops; ECO's work is focussed primarily in the urban area whereas Cooperaccion's work includes the rural areas around the city of La Oroya. ECO doesn't appear to have a strong local base or staff people living in the area as do Filomena and Cooperaccion.

6. Prepare an informal report on the video project funded by the CAW SJF.

Cooperaccion received funding from the CAW's Social Justice Fund to produce a video, a photographic display, and a booklet combining testimonials with the historical photos, all of which deal with the relationship between large-scale mining and communities in Peru.

I have seen the first nine minutes of the 15 minute video and the text from the remainder. It looks quite professional and should be quite useful for working with communities, as it can be shown to small or large groups and they can then discuss how the various topics addressed in the video relate to their community. I also provided translations of the narrative and interviews which will be used as English sub-titles in a version which will be sent to Canada. We had hoped that I would be able to bring the completed video back with me, but it wasn't quite ready.

Earlier this year, Cooperaccion organized a contest for old photos of La Oroya/Cerro de Pasco. A number of these have been reproduced and enlarged and they, along with a set of contemporary photos and photos taken by miners themselves as part of a photo workshop organized by another NGO in the early 1990s will be part of a portable exhibit which will be displayed in La Oroya, Cerro de Pasco and Lima. The idea is to provide a visual history of the development of these communities, along with brief captions which will encourage local residents to reflect on where they have come from and begin to think about where their communities are going as part of the workshops. I have seen all of the photos (they haven't been mounted yet) and they are quite remarkable. José and Cesar hope to bring the display with them to Canada next Fall.

The booklet will combine the principal concepts/history outlined in the video with the images from the photo exhibit and a number of personal testimonials. It will be distributed within the communities where Cooperaccion is working.

³ The micro-credit program is not gender-specific, although the majority of members are women.

⁴ Cooperaccion members also have a history of strong ties to labour groups, but it is important to note that in the current context, mining unions in Peru are on the defensive (some have collapsed) and the mining centrals are very weak due to President Fujimori's anti-labour legislation and massive lay-offs in the mining sector designed to replace union jobs with systems of sub-contracting. As a result, according to José, many of those who previously would have spoken as union representatives are now speaking out as "citizens" and "community members."

7. **Find out what materials on mining activity are used by Cooperaccion and what materials are available in English.**

Cooperaccion has access to, and will be adapting some of, the resources on Mining and the Environment produced by the Observatorio de Conflictos Ambientales in Chile. They have very limited access to materials in English as no one in Cooperaccion is fluent in English, although they can, with difficulty, read a little. They are very interested in getting Spanish versions of some of the EMCBC materials they encountered while in Canada identified in section 3 above.

8. **Meet with SUCO director in Peru, Paul Bousquet and others for discussion/briefing re Peru, Canadian government and private sector activity in Peru and SUCO programming in Peru.**

I participated in a full-day workshop with SUCO in Peru and chatted with Paul Bousquet. For more information on this, please contact me directly.

9. **Discuss possible participation in an IDRC-funded research initiative with Cooperaccion and the multi-stakeholder process being proposed by IDRC/IISD.**

Cooperaccion will be attending the multi-sectoral workshop being organized in Lima for late June by Nola Kate Seymoar of the International Institute for Sustainable Development. They were surprised to see themselves listed as co-sponsors of the event, as they had had no direct contact with the organizers. Therefore, they asked that they be removed from the list of organizations sponsoring the event, but will attend and will ask that community representatives from Vicco also be invited so that they can directly present their concerns and point of view.

The guidelines for the IDRC Mining Initiative are still being worked out and Cooperaccion is favouring applying directly to the MINGA project (an IDRC fund addressing community-based management of natural resources which is linked to the Mining Initiative) for funding to undertake more detailed research on elaborating community-based development alternatives (there would also be room for the GIS/Mapping stuff here). This work could provide more detailed research to complement and supplement the more process/organizing work we would (hopefully) be doing through the CIDA project.

10. **Report on Cominco's activity in Peru and Cooperaccion's work with fishing unions.**

I brought back a Spanish-language report on Cominco's activities (basically they've bought a zinc smelter and are going to double its capacity and have shareholder participation in a couple of mines) and a project proposal from the Chancay (artisanal fishing) team for the CAW SJF for Patty. For more detail, contact me.

APPENDIX A:
List of Activities Undertaken while in Peru

1. Extensive discussions with José Echave and Miguel Lévano, and meetings/ interviews with Maribe Chávez and Mary Luz Chávez of the Mining and Communities team. Meetings and general discussion with the other Cooperaccion "socios": Julia Cuadros, Juan Carlos Sueiro and César Mosquera.
2. Participation in a day-long SUCO workshop where the various organizations associated with SUCO gave presentations on their activities.
3. Discussion with Paul Bousquet re. the role/strength of environmental groups in Peru.
4. Two trips to La Oroya which included: participation in the urban workshop; a visit to the town of Yauli with team-members (the workshop had to be cancelled due to cattle vaccinations); and a tour of the La Oroya.
5. Visits to the offices of Filomena Tomaira (a women's organization based in La Oroya and one of Cooperaccion's partner organizations in the UNES coalition in La Oroya) and discussions with their staff.
6. Attendance at Cooperaccion's meeting with a team of consultants hired by CIDA to prioritize the environmental problems facing Peru and suggest ways for CIDA to focus its funding commitments.
7. Visit to the offices of the NGO producing the CAW-sponsored video and translation of the text for English sub-titles.
8. Discussions with Jose and Cesar re. the IDRC/IISD-sponsored workshop in Lima June 27-29 and translation of communication with Nola Kate Seymoar et al.
9. Two meetings with representatives from the community of Vicco re. CELA support for the community in its negotiations with El Brocal/Cominco.

APPENDIX B:
Request from the Community of Vicco to CELA

Dear Ken:

Please find attached a translation of the letter from the President and Fiscal of the community of Vicco to Paul Muldoon as Executive Director of CELA. As you are aware, I met with Fortunato Palacín Vilca (the President of the community) and Miguel Palacín Quispe (the Fiscal - an ombudsman/independent auditor) twice during my recent trip to Peru to discuss their community's conflict with the Peruvian mining company El Brocal and its principal investor, COMINCO of Canada. They have been working closely with our Peruvian counterpart COOPERACCION and will be participating in workshops through our joint CIDA-funded project.

The community is not opposed to mining activity, but is asking for CELA's support in their struggle to ensure that the development of the San Gregorio zinc deposit (located on community lands) be developed in accordance with the following principles:

1. Respect for private property and community rights. In particular, the fact that El Brocal has charged the two community leaders mentioned above with kidnapping (see below for details) is not a promising opening to negotiations.
2. That any activity to be undertaken be a product of a dialogue and agreement between the two parties (i.e. the community and the mining companies) and not be imposed by one of the parties.
3. Community access to, and participation in, the feasibility study, the environmental impact assessment, the closure plan and environmental safety plans (particularly with regards to the containment and treatment of tailings).
4. Payment of a fair price for land, considering the investment opportunity or market value. In addition, the community wants the land to be ceded to the mining company for a limited time, rather than "in perpetuity" as is currently being claimed, and they want the size of the claim (currently 3,310 hectares) to be greatly reduced.
5. Restoration of the 5,000 hectares of community lands already polluted by Centromin Peru and El Brocal.
6. That these negotiations include COMINCO-Canada, as a principal investor.

They are asking for letters of support from CELA for these principles, that we contact other organizations in Canada such as the Inter-Church Committee on Human Rights in Latin America who might also send letters of support, and request that we contact COMINCO in Canada in an effort to involve them in negotiations.

PEASANT COMMUNITY OF VICCO

Office: Edificio Comunal, Av. 22 de Junio, Vicco, Pasco, tel. 064-703022

Year of the Defence of the Protocols of Rio de Janeiro

Of. N. 1172 C.C. Vicco

Mr. Paul Muldoon
Executive Director,
Canadian Environmental Law Association

Regarding: Expressing our regards and requesting your support

Dear Sir:

With this letter we send you greetings from our ancestral community and request your collaboration in the search for a solution to the constant abuse we are receiving from the mining firm El Brocal, of which COMINCO of Canada is one of the principal shareholders. They are polluting our land and furthermore plan to expropriate our land for their interests.

Thus we are requesting support in a campaign of informing, and receiving backing from, friendly institutions in the attempt to open a dialogue with COMINCO of Canada.

Attached is a synopsis of the facts and actions which have created this conflict.

We await your response to our community's cause, and bid you farewell with our warmest regards,

Sincerely,

Fortunato Palacín Vilca
President

Miguel Palacín Quispe
Fiscal

Background to the Request from the Community of Vicco

The following is a summary based on my discussions with the President and Fiscal of Vicco, the "Memory Aid of Facts and Actions between the Peasant Community of Vicco and the Mining Firm El Brocal" which they provided for me, and my discussions with Jose Echave of COOPERACCION.

Vicco is located in the central Andean region of Peru, near the mining town of Cerro de Pasco. It is a small peasant community located at 4100 m in altitude and livestock-raising is the primary agricultural activity. El Brocal, a Peruvian mining company with a long history in the area, began prospecting in the area in 1992. They discovered a large deposit of zinc at San Gregorio, within the lands owned by Vicco. COMINCO has recently bought a zinc refinery in Lima and is doubling its capacity; although they deny any involvement in San Gregorio within Peru, it is clear that they are providing financial backing to El Brocal and want the zinc from San Gregorio to feed their expanded refining capacity. El Brocal has a long history of refusing to negotiate with communities, and a poor social and environmental record. For this reason, the leaders of Vicco and COOPERACCION feel that it is crucial to draw in COMINCO, who will benefit from the project but are denying any responsibility for it.

Under Peruvian law, sub-surface resources are owned by the state and mining claims tend to take precedence over all other forms of land-use. Once a mining firm stakes a claim, it must negotiate with the community for purchasing the rights to the land, but if these negotiations are not successful, then the Ministry of Energy and Mines (with participation by the Ministry of Agriculture) will establish a price based primarily on the altitude of the land; this price is generally seen as favouring the mining company who thus have little incentive to genuinely negotiate with communities.

The community of Vicco and El Brocal have been engaged in legal battles since 1992, with the community arguing that El Brocal hasn't consulted them and hasn't followed proper procedures. On December 10 1996, El Brocal signed an agreement with four members of the community's executive and paid them approximately Cdn. \$25,000. This agreement was rejected by the General Assembly of the Community on Feb. 5, 1997 on the grounds that those executive members didn't have the authority to sign the agreement and the four executive members involved were impeached for having acted against the interests of the community.

Subsequently, negotiations were entered into between the community and El Brocal beginning April 8 1997, but on May 16 1997, El Brocal obtained "under suspicious circumstances", the signature of the then-President of Vicco on a claim in perpetuity over 3,310 hectares and indicated that it would not continue with the negotiations with the community. The community has challenged this mining claim for violating several Peruvian laws.

On January 30, 1998, 30 members of the National Police, functionaries, workers from El Brocal along with two experts from the Ministry of Energy and Mines were discovered on community lands. They were invited to the town hall, where it was learned that they were assessing the value of the land for the purposes of expropriation. The community members protested that they hadn't been informed and an agreement was signed to suspend the inspection until a later date when the community could participate. On February 3, the community communicated to the Director-General of Mines regarding this agreement.

On February 5, representatives of El Brocal charged Fortunato Palacín Vilca and Miguel Palacín Quipe with forcible confinement (kidnapping) of the two Ministry of Mines experts. I have seen pictures of the meeting between the community representatives and the Ministry officials, as well as the agreement they signed; they do not appear to have been forced or threatened. Rather, it would appear that El Brocal is attempting to get rid of the key community leaders by having them jailed or tied up in court, and intimidate other would-be leaders.

On March 6, 1998, the two experts, Federico Becerra Seràstegui and Gustavo Cenzano Breña, presented their study to the Director General of Mines where they claimed that they had completed their survey of the lands on February 5 (although they were not seen in the area by any community members). They valued the 3,277.787 hectares, including all buildings and infrastructure, at US \$547,916.

On April 2, following great difficulties, the community was able to obtain a copy of the report. They dispute the accuracy of the survey, arguing that it undervalues some of the agricultural land, missed approximately 180 houses, 20 km. of fences, irrigation canals, livestock herds, as well as public infrastructure such as rail lines, electrical lines, roads, water pipes, etc. They have continued with legal processes to dispute the assessment, but these haven't been resolved to date. The leaders of Vicco are fighting as many of the legal battles as they can in Lima as they feel that the local officials around Cerro de Pasco are closely linked to El Brocal.

National Environmental Mining Strategy

Overview of the Project and the Process

The purpose of this summary is to outline the key elements of the process and subsequent project for producing a national environmental mining strategy. Combined with the *Project Priorities Summary* from the March 26th Steering Committee meeting in Ottawa, this document will provide the material for the development of a two-year workplan and the subsequent grant proposal to implement this strategy.

Please direct comments, questions and recommended changes to
Alan Young - ph: 250-384-2686, fax: 250-384-2620, email: alan@miningwatch.org

What...

The National Environmental Mining Strategy (NEMS) addresses the urgent need for a co-ordinated public interest response to the threats to water and air quality, fish and wildlife habitat and human health posed by irresponsible mineral exploration and development across Canada. Through a focused program of advocacy, research and education, it aims to,

- challenge and improve the accountability of the mining industry
- target weaknesses in environmental assessment and regulation of mining
- support communities and activists working to protect the ecological integrity and sustainability of their regions

NEMS draws together and elevates the collective efforts of many creative public groups working on the frontline at the community level and the policy arena. It is a direct response to industry and government failures in providing environmental protection from destructive mining practices.

A national council will guide the strategy through both an Ottawa-based office and regional programs delivered through partners in affected communities.

Who...

NEMS has been developed through a series of planning sessions and interviews over the last year and has been endorsed by representatives from key national and regional environmental groups as well as aboriginal communities involved in mining issues. Groups forming the NEMS steering committee included; national organizations – the Canadian Environmental Law Association, Canadian Arctic Resources Committee, Canadian Nature Federation and the Canadian Institute for Environmental Law and Policy, Canadian Council on International Cooperation; regional groups - Northwatch from Ontario, the Environmental Mining Council of BC and the Yukon Conservation Society; and representatives from the Gwich'in First Nations in the Yukon and the Innu in Labrador.

Why...

Over the last several years regional and national environmental and aboriginal organizations have been engaged in localized mining conflicts and campaigns. Despite some notable challenges and victories, these disparate efforts have clearly not been enough to make real progress against the ecological, economic and social impacts of the modern mining industry.

The legacies of native lands overrun by mineral staking rushes in Labrador, the loss of salmon runs to Acid Mine Drainage in BC, the negative effect of the diamond boom on protected areas and wildlife habitat in the Northwest Territories, the inventory of thousands of toxic abandoned mines in Ontario are examples of long term ecological, economic and social deficits left by mining for communities.

Nowhere are the problems more clearly illustrated than in the failure of the environmental assessment processes across Canada to adequately assess and manage the short and long term risks from mining. Recent high profile cases of flawed processes and projects include the BHP

diamond project in the NWT, the Voisey's Bay review in Labrador, the South Kemess and Tulsequah Chief mines in BC and the Cheviot mine in Alberta. The promise of environmental responsibility has not been met.

During this time, the political voice of the industry and its proponents within Canada has grown. Well-funded and multi-faceted industry public relations campaigns such as *Keep Mining in Canada* range from elementary school programs to a national parliamentary lobby effort that is virtually unrivalled in its intensity and persistence.

Exploiting leverage around global investment competition, industry has successfully campaigned for significant reductions and restrictions in federal and provincial regulatory and taxation requirements. The structural changes and political leverage generated by industry through these campaigns are recognized by many environmental, aboriginal and labour organizations as being hazardous to essential ecosystem and human health safeguards. The result is reduced corporate accountability and liability, and decreased public access to transparent and consistent decision-making processes.

One outcome of this elevated public concern is an increase in private environmental litigation. Another outcome is that many organizations have been working independently and through regional networks to develop the necessary technical and political capacity to address mining-related problems. We are now at a point in the evolution of this issue where there is a clear need to implement a more coherent plan in order to meet the strategic objectives of those groups whose interests are threatened by inappropriate mineral development.

How...

Through a series of meetings undertaken over the last year, the aforementioned groups from across Canada have examined the many mining-related problems facing them. By examining their organizational strengths, weaknesses, needs and opportunities this diverse collection of activists have developed a collective strategic response to multiply the strength of their efforts.

The resulting strategy includes a commitment to form a national environmental mining council with representatives from environmental and aboriginal groups across the country. This pool of experienced national, regional and local players will act as the steering committee to guide strategies and the delivery of campaigns and programs (see next page for summary of issues and objectives). Existing and future regional groups and programs will be assisted and serviced through the formation of a national office in Ottawa.

The roles identified for the council are to,

- Facilitate the flow of information, tools and resources among the affected groups
- Set and advocate a common agenda for reforms
- Develop quick response capacity for critical issues and events
- Develop a coherent network to articulate public interest concerns
- Promote community partnerships in program design and delivery
- Gather intelligence on strategic opportunities and concerns
- Assist in delivery of legal, technical advocacy support
- Initiate analysis of mining-related policy and economic instruments

Budget Summary

The proposal covers the two-year start-up period for the council and national office. These funds will serve as the catalyst for advocacy, research and campaign capacity on mining into the future.

Regional program delivery	\$ 50,000
Council coordination and meetings	\$ 20,000
Infrastructure and communications	\$ 30,000
National office staff and contracts	<u>\$150,000</u>
<i>Total</i>	<i>\$250,000</i>

National Environmental Mining Strategy Issues and Objectives Summary

After extensive discussions groups from across the country focused on six key issues and objectives listed below. Within each issue area a series of needs, opportunities and priorities have been defined. A discussion of the program details will accompany the full proposal.

Issue 1: THE INEFFECTIVENESS AND EROSION OF ACCOUNTABILITY IN ENVIRONMENTAL ASSESSMENT AND REGULATORY PROCESSES

Objective: Through technical and strategic support, to strengthen public capacity to successfully engage the decision-making processes related to mining

Issue 2: THE NEGATIVE IMPACT OF OUTDATED mineral tenure systems ON land use and protected areas PLANNING

Objective: To address current policy and legal imbalances which bias mineral rights as 'highest and best use' over protection of biodiversity and cultural values.

Issue 3: WEAK AND INSUFFICIENTLY ENFORCED MINE RECLAMATION AND ABANDONED MINE CLEANUP STANDARDS

Objective: To improve public protection against environmental and financial liability created by inadequate mine reclamation practices.

Issue 4: THE URGENT Need for mining-specific community SUPPORT and campaign RESOURCES

Objective: Through direct training, and the development of strategic tools, empower communities and individuals to participate and intervene effectively in environmental mining-related decision processes.

Issue 5: THE INTERNATIONAL REALITY of the mining industry REQUIRES International AWARENESS AND links AMONG COMMUNITIES AND NGO'S

Objective: To establish and promote the mutual exchange of information and strategic assistance among groups who share concerns about the negative affects of mineral development, wherever it occurs.

Issue 6: MINING'S ROLE IN THE BROADER CONTEXT OF SUSTAINABLE DEVELOPMENT STRATEGIES

Objectives: To research and promote a more environmentally sustainable approach to the extraction, production, consumption and disposal of our mineral resources

1998/99 Funding Request -Summary

This request to the C.S. Mott Foundation is for US\$120,000 to be used over the next 18 months to support the work of two people to carry out programming in the four areas laid out below. These four areas have been chosen based on CELA expertise, opportunities available for intervention given our past monitoring and our strong interest in using the extensive experience on trade issues and the overall expertise available at CELA as a resource to strengthen the programming of other NGOs on trade and environment issues. The alliances developed over the past years provide important delivery vehicles for this programming.

The four program areas are:

1. Confronting the Ecological Limits of "Free Trade" — we want to inject a more challenging perspective of the role of trade into the largely sterile trade and environment debate beginning with the Santiago Heads of State meeting under the FTAA process.

2. Mineral Development in the Public Interest — natural resources and trade are key issues in Canada. Canadian mining companies are leading advocates for deregulation and voluntarism in Canada and play an important role in many countries of the Americas also. Our goal is to develop new non-governmental initiatives to engage corporate mining power directly in pursuit of public interest objectives using the alliances established over the last two years in the Americas.

3. Legal Analysis of Recent Key Developments in Trade Law — the Ethyl Corp. damage claim under Chapter 11 of NAFTA, the WTO Beef Hormone Cases, the WTO Venezuela Gas Case, NAFTA side agreements as a model for the Multilateral Agreement on Investment (MAI) We want to do an analysis of the implications of these cases, utilizing our experience in the trade debates, for publishing in the legal press, distribution in Europe and at the WTO. This analysis will be the basis for more popular versions for distribution to environmental and NGO organizations. We also feel it is important in the run-up to the MAI decision at the OECD to have a cogent critique of the North American Agreement on Environmental Cooperation (NAAEC) and the CEC given the emphasis that appears to be developing of using NAFTA like approaches for environmental issues under MAI. We have access to a number of networks through past work and believe we can use our experience of deregulation in Ontario and Canada under NAFTA to present an effective commentary at the international level.

4. The 1999 WTO TRIPS Review — Internationally a number of coalitions have been formed to challenge the growing trend to allow patents on lifeforms. Many of these groups see the 1999 review of the TRIPS chapter of GATT as a major opportunity for change. We will take the lead in Canada collaborating with the Rural Advancement Foundation International (RAFI) in the Canadian elements of these initiatives: (a) extension of the intellectual property legal concept of "Ordre Public"; (b) an international Congress on Society and Innovation; (c) seeking an advisor opinion on life patents from the World Court; and (d) pushing for the exclusion of life's products and processes under the ordre public clause Article 27(2) of the TRIPS Agreement.

Support from C.S. Mott has been key to assisting CELA to develop our ability to engage on trade and environment issues. Our request at this time is for resources which will allow us to focus this work more precisely and to free up expert legal expertise at CELA to work on these issues over the next eighteen months in order to influence the development of these trade institutions at the international level given opportunities presently available.

