

Mining and Indigenous Peoples: Use of Agreements for Socially Sustainable Results



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Presentation Overview

- Role of agreements in mining development
 1. Support environmental impact assessment & major permit applications
 2. Support social license: indigenous participation in the project, environmental management
- Corporate-indigenous agreements
 - Relationship-building
 - Types and staging of agreements

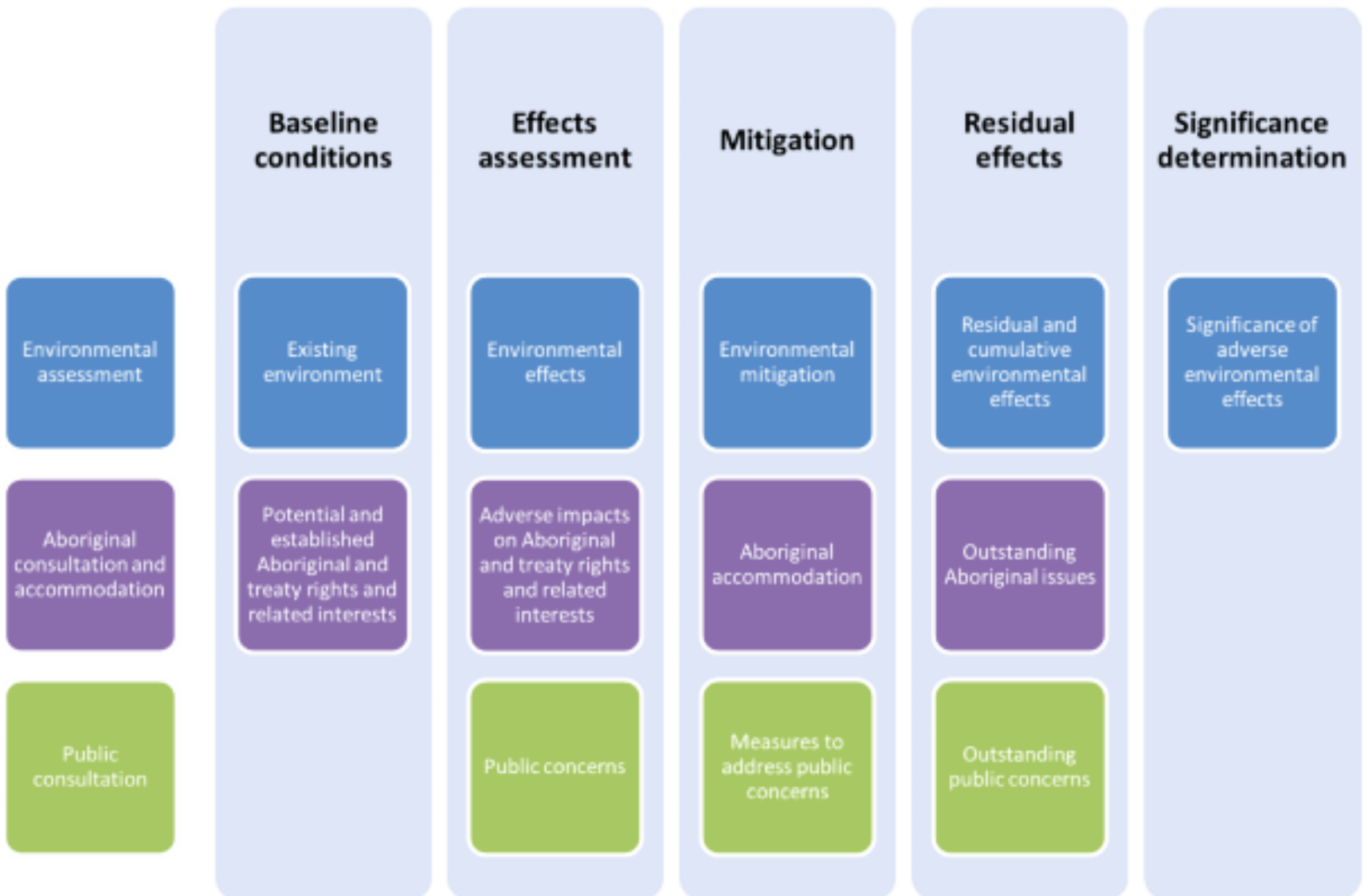


Environmental Assessment: Aboriginal Rights & Interests

- The proponent will ***demonstrate how the perspectives of Aboriginal groups were incorporated into the design of the project***, including mitigation measures.
- The proponent will address issues such as habitat, nutrient and chemical cycles, food chains, productivity ... The proponent will also examine changes in the distribution, populations, behaviour, and availability of wildlife, fish, and flora in the important context of ***implications to current use of lands and resources by Aboriginal peoples***.



Federal CEAA 2012 Consultation



Crown delegation of procedural aspects

Most EA agencies delegate the following responsibilities to proponents:

- consulting directly with Aboriginal groups;
- proposing and carrying out the consultation program set out in the application;
- carrying out any additional consultation measures that may be specified by the agency;
- reporting on consultation activities;
- reporting on the issues identified by Aboriginal groups through consultations; and
- reporting on how the proponent proposes to address and/or attempts to accommodate any potential adverse impacts.

Proponent Role

- Support Crown agency processes
 - Provide administrative and technical capacity to engage on the project
 - Level the playing field to build confidence and willingness to work with proponent and government agencies
 - Create a track record of success on minimizing impacts and maximizing benefits
- Negotiate agreements directly with Aboriginal groups to:
 - Support Aboriginal participation in the project
 - Create and maintain social license to operate
 - Minimize impacts and maximize benefits



Project Agreements

Relationship Management

- Play a valuable role in meeting expectations of stakeholders
- Define the relationship & obligations of the company and community/ies
- Tool for community development at the local level



Project Agreements

Relationship Management

- Negotiation process itself enhances learning and identification of common goals
- Foster accountability/transparency on socially and environmentally responsible practices



Project Agreements

Relationship Management

- increase understanding between the respective parties
- secure lasting local support for resource development
- mitigate the potential to negatively impact environmental and/or socio-economic conditions
- produce tangible, meaningful benefits to the communities



Project Agreements

Relationship Management

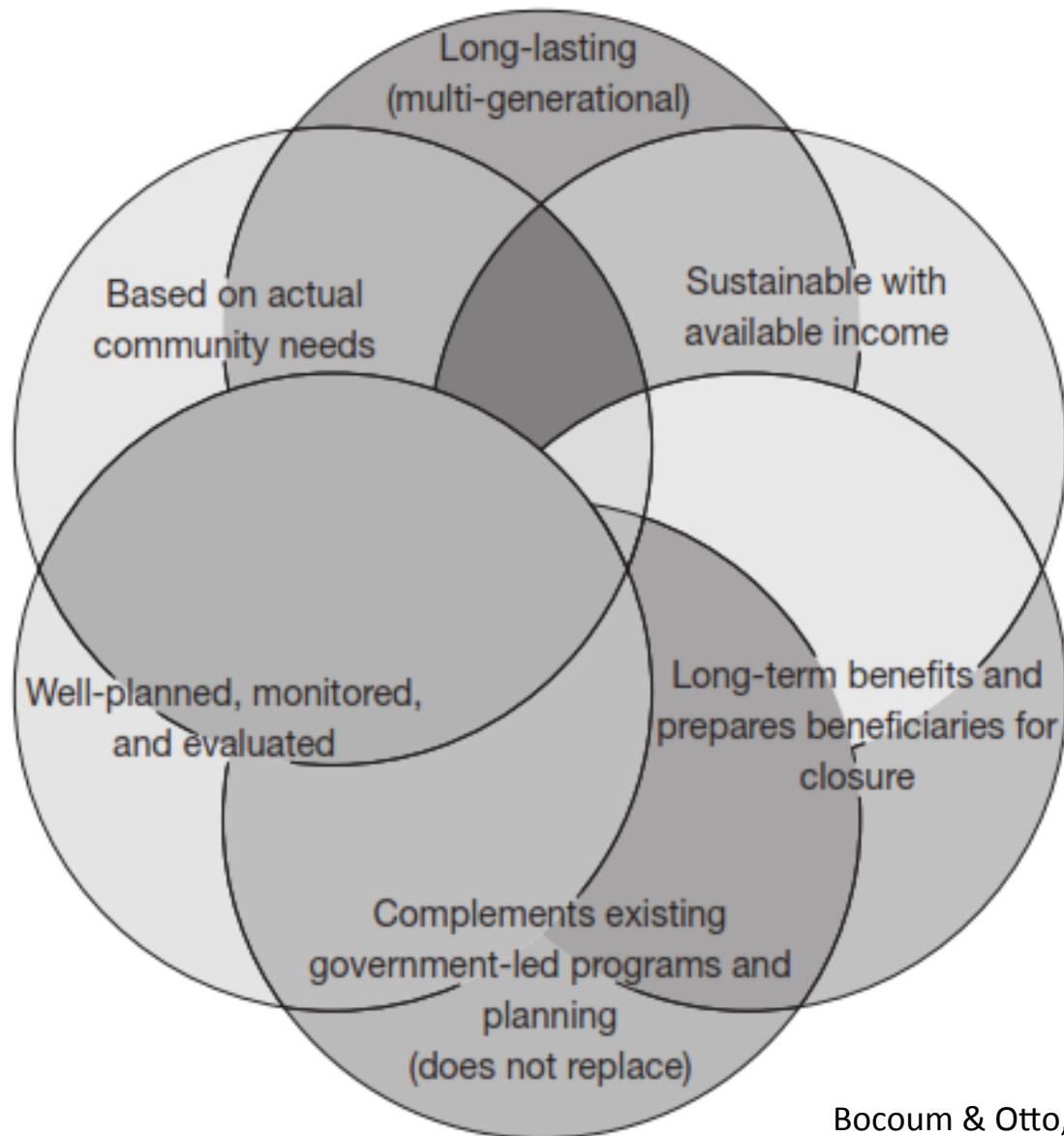
- Agreements produce:
 - Clear objectives
 - Defined governance/management
 - Joint planning
 - Measurable results that can be tracked and reported



BC AMTA



Core Principles of Successful Agreements



Project Agreements

Exploration stage agreements

- Letter of intent
- Protocol/communication agreement
- Exploration agreement/MOU
- Capacity agreement
- Traditional use/knowledge study



Project Agreements

- Establish communication protocol (e.g. roles and responsibilities, decision-making, etc.) and outline next steps in detail
- Ask how the community wishes to be involved in the process and be prepared to cover their out-of-pocket and outside consultant costs
- Facilitate access to information from multiple sources
- Develop capacity of both parties to integrate Aboriginal participation in the project (environmental mgmt., employment, contracts)



Project Agreements

Development/assessment stage agreements

- EIA capacity and study agreement(s): complete & integrate traditional studies, cultural heritage, socio-economic, effects assessment
- Capacity to participate in consultation process for major permits
- Negotiation agreement (set the table for IBA negotiations)
- Impact Benefit/Project Agreement





McLeod Lake Indian Band 2010





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