

*Attatama Nunanga, My Father's Land*  
Formal Intervention by Dr. Zacharias Kunuk O.C.

*Nunavut Impact Review Board Technical Public Hearing  
Final Environmental Impact Statement File #08MN053  
Baffinland Iron Mines Corporation Mary River Project  
July 23, 2012, Igloolik, Nunavut*

Submitted June 8, 2012

PART ONE: WRITTEN (B)  
Introduction to Human Rights Impact Assessment

## Introduction to the Human Rights Impact Assessment of the Mary River Project

As stated in the Executive Summary, Isuma TV and NITV have retained Lloyd Lipsett,<sup>1</sup> a human rights lawyer to conduct a Human Rights Impact Assessment (HRIA) of the Mary River project with the expectation that this can provide Inuit, the proponent and other parties with additional information about the international human rights laws, standards and guidelines that are accepted as relevant to mining projects around the world—and that should be considered in the context of a major mining development in Nunavut.

At the outset, it is acknowledged that the HRIA has been undertaken recently and is not yet completed;<sup>2</sup> therefore, this written submission does not purport to present the final conclusions of the HRIA. However, the submission does seek to achieve the following:

- To explain the rationale and value-added for the NIRB Board, the proponent and other parties to consider, adopt and include an explicit human rights framework for the Mary River project.
- To offer preliminary observations about the Mary River FEIS based on document review, consultation with Inuit and expert opinions provided by Dr. Ian Mauro and Dr. Frances Abele; and
- To outline the issues to be addressed by the intervenors at the final public hearings held by NIRB in July 2012.

The intervenors wish to acknowledge at the outset that the existing legal framework and regulatory processes for mining development in Nunavut—including the *Nunavut Land Claims Agreement*, the current review process conducted by the NIRB and the efforts of the proponent to prepare a robust FEIS—contain important measures that are relevant to the protection of human rights. The HRIA does not seek to minimize or undermine the existing legal framework, regulatory processes or proponent's efforts in any way. It is agreed that good-practice environmental and social impact assessments can cover many important human rights issues; nonetheless, it should be noted that "human rights" are explicitly mentioned only 3 times in the thousands of pages of the FEIS.<sup>3</sup> Human rights therefore are at best addressed implicitly, without adequate reference to the relevant international human rights laws, standards and guidelines. Consequently, the FEIS may have some "blind spots" with respect to human rights. The intervenors believe that there is value in making the linkages between human rights and the policies, commitments and measures contained in the FEIS more explicit so that all stakeholders are informed of their rights and responsibilities.

The fact that human rights have not yet been considered in detail for the Mary River project is likely due to the fact that the relevant international human rights standards and guidelines are new and were adopted after the review process began: for instance, the United Nations

---

<sup>1</sup> A statement of Lloyd's professional credentials is included at **Appendix A**.

<sup>2</sup> The intervenors began discussion with Lloyd Lipsett of LKL International Consulting Inc. in the fall of 2011, retained his services in early 2012, and launched the HRIA in April 2012. It is anticipated that the HRIA will be completed by the end of 2012 or early 2013.

<sup>3</sup> An electronic search of the FEIS conducted on May 16, 2012 found the following 3 references to "human rights:" volume 1, part 6, page 11 in a discussion of human resources; volume 3, part 7, page 37 in a discussion of workforce and human resources; and, in volume 10, page 24 in Baffinland's sustainable development policy.

*Guiding Principles on Business and Human Rights* was adopted by the UN Human Rights Council in June 2011 (and have subsequently been accepted and applied by governments, multilateral institutions, the mining industry and other businesses). This submission will explain these new international human rights standards and guidelines and how they can help address the social expectations and concerns of Inuit and other stakeholders; enhance the on-going due diligence for the proposed Mary River project; and, in turn, address potential negative impacts and maximize potential positive impacts on human rights.

a. Definition of the HRIA

HRIAs are tools that allow stakeholders of a proposed business operation and investment to understand the potential positive and negative impacts in terms of human rights. In the context of the Baffinland mine, the main focus will be on the potential impacts on the Inuit of Nunavut and other stakeholders as potential employees of the mine; as project-affected communities; and, as potential suppliers or business associates of the mine. The HRIA will assess the role and responsibilities of government agencies and the company to protect, respect and remedy potential impacts on human rights, as defined by international human rights law and compared with good practices for the mining industry.

The assessment will be undertaken through a participatory process where all stakeholders will be invited to present their views. In this regard, HRIAs have important capacity-building potential: through the conduct of a rights-based, transparent and participatory HRIA, stakeholders can learn about their rights and can express their concerns and expectations about a proposed business operation and investment. Furthermore, in collaboration with Isuma TV's Digital Indigenous Democracy project, digital media, video and radio will be used as much as possible (where appropriate) in order to encourage broad participation in the HRIA while respecting the language, oral tradition and cultural rights of the Inuit.

In the initial visit to Iqaluit and Igloolik by Mr. Lipsett, the question of timing of the HRIA was raised by a number of interlocutors. While the HRIA may have been initiated later in the NIRB review process, it is being undertaken very early in comparison to most HRIAs that have been conducted to date with respect to mining projects. To date, the majority of HRIAs of mining projects have been undertaken after operations have begun—often when human rights violations have been alleged and/or social conflict has emerged.<sup>4</sup> The intervenors believe that undertaking HRIAs prior to project approval and commencement of operations (i.e. an *ex ante* assessment) is the most effective way to prevent negative human rights impacts from occurring in the future.

b. Objectives for the final HRIA

Beyond the short-term objectives for the intervenors' participation in the NIRB review process outlined above, the final HRIA (that will be published in late 2012 / early 2013)<sup>5</sup> has the following objectives:

---

<sup>4</sup> As an example, Mr. Lipsett participated in the Human Rights Assessment of Goldcorp's Marlin Mine in Guatemala, which was undertaken several years after mining operations had begun and when serious allegations of human rights abuses existed and significant social conflict had emerged in the indigenous communities surrounding the mine. A copy of Human Rights Assessment report can be viewed at: [www.hria-guatemala.com](http://www.hria-guatemala.com).

<sup>5</sup> Based on the current timetable for the Mary River review process, this timing will coincide with the Minister's Decision; Regulators Meeting; Issuance of Project Certificate and the development of the

- Provide a comprehensive assessment of the risks (potential negative impacts) and opportunities (potential positive impacts) for human rights for the Mary River project. The analysis will make more explicit linkages between Baffinland's policies and procedures, as well as the government's regulatory framework, and current international human rights standards and guidance.
- Given that the final HRIA report will be published in full, it can provide additional information for duty-bearers (i.e. Baffinland and relevant government agencies) and rights-holders (Inuit, their representative organizations, and other individuals affected persons such as non-Inuit employees) about human rights issues. Given that the HRIA is undertaken in collaboration with the Digital Indigenous Democracy project—which features engagement with Inuit in oral Inuktitut through radio and social media—additional information about the views of the affected communities will be provided to supplement other past and on-going consultation processes about the proposed mine.
- The final HRIA can serve as a baseline human rights study that can contribute to the assessment of actual human rights impacts over the life-span of the mine. Such baseline information, including the relevant human rights questions and indicators, can inform and be integrated into on-going engagement, monitoring and remediation processes if the mine is approved.

To fulfill these objectives, the final HRIA will be balanced (i.e. pay equal attention and rigour to potential positive and negative impacts), comprehensive (i.e. assess the full range of relevant international human rights standards and guidelines) transparent (i.e. provide full information about methodology, consultation and reporting) and constructive (i.e. seek to provide observations, conclusions and recommendations that are targeted to and implementable by the different parties). A Code of Conduct is attached as **Appendix B** and provides additional information about the ethical principles that will guide the implementation of the HRIA.

c. Justification for an HRIA in the context of the Mary River project

To appreciate the relevance and justification of HRIAs for mining projects anywhere in the world, including in Nunavut, it is important to understand that there have been important international developments related to business and human rights over the past six or seven years. When Baffinland began exploration activities related to the Mary River project around 2004, and even when the NIRB began its review process in 2009, there was no clear international consensus about the responsibilities of businesses with respect to human rights; however, it is now impossible to deny that an international consensus exists and is gaining significant momentum.

The new international consensus about business and human rights is related to the work of John Ruggie in his role as UN Special Representative on Business and Human Rights from 2005 to 2011. The key milestones in his work were the UN Human Rights Council welcoming the *Protect, Respect and Remedy Framework* in 2008 and endorsing the *United*

---

framework for Monitoring and Enforcement (if the project is approved). The HRIA can provide useful and constructive information at any of these future steps in the project approval process.

*Nations Guiding Principles on Business and Human Rights* in 2011. Some of the most important points for all businesses to consider are outlined below.

\* \* \*

### **The UN Protect, Respect and Remedy Framework**

The *Protect, Respect and Remedy Framework* rests on differentiated but complementary responsibilities. It comprises three core principles: the State duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and the need for more effective access to remedies. Each principle is an essential component of the framework: the State duty to protect because it lies at the very core of the international human rights regime; the corporate responsibility to respect because it is the basic expectation society has of business; and access to remedy, because even the most concerted efforts cannot prevent all abuse, while access to judicial redress is often problematic, and non-judicial means are limited in number, scope and effectiveness.

#### **Key concepts for the corporate responsibility to respect human rights**

- There are few internationally recognized rights that business cannot impact, or be perceived to impact, in some manner. Therefore, companies should consider all such rights.
- In addition to compliance with national laws, companies have a baseline responsibility to respect human rights. Failure to meet this responsibility can subject companies to the courts of public opinion (comprising employees, communities, consumers, civil society, as well as investors), and occasionally to charges in formal courts. Whereas governments define the scope of legal compliance, the broader scope of responsibility is defined by social expectations, as part of what is sometimes called a company's 'social licence to operate.'
- Corporate responsibility exists independently of States' duties. Because the responsibility to respect is a baseline expectation, a company cannot compensate for human rights harm by performing good deeds elsewhere. 'Doing no harm' is not merely a passive responsibility, but may entail positive steps.

### **UN Guiding Principles on Business and Human Rights<sup>6</sup>**

The corporate responsibility to respect human rights

#### **A. Foundational principles**

11. Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

12. The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in

---

<sup>6</sup> The full text of the Guiding Principles, including commentary, can be accessed at: <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.

13. The responsibility to respect human rights requires that business enterprises:

- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

14. The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts.

15. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- (a) A policy commitment to meet their responsibility to respect human rights;
- (b) A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
- (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

\* \* \*

In terms of global acceptance, the *UN Protect, Respect and Remedy Framework and Guiding Principles on Business and Human Rights* are being integrated into other key international standards that are relevant to the mining industry, including the *OECD Guidelines for Multinational Enterprises*<sup>7</sup> and the *IFC Performance Standards*.<sup>8</sup> In addition, *ISO 26000, Guidance for Social Responsibility*, has integrated human rights as one of the seven core subjects of social responsibility.<sup>9</sup>

Moreover, the *Protect Respect and Remedy Framework and Guiding Principles on Business and Human Rights* are being adopted and implemented by numerous governments, industry associations, companies and civil society organizations.<sup>10</sup> For the mining industry, it is

---

<sup>7</sup> Revised OECD Guidelines, including provisions relating to human rights due diligence, were adopted by OECD Member States on May 25, 2011:

[http://www.oecd.org/document/19/0,3746,en\\_21571361\\_44315115\\_48029523\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/19/0,3746,en_21571361_44315115_48029523_1_1_1_1,00.html)

<sup>8</sup> Revised IFC Sustainability Framework and Performance Standards, including acknowledgement of business responsibility for human rights (and recommendation of human rights due diligence for high risk projects) were adopted by IFC's Board of Directors on May 12, 2011 and will come into effect on January 1, 2012. See the IFC fact sheet with information about the revised framework and standards:

[http://www.ifc.org/ifcext/policyreview.nsf/AttachmentsByTitle/Updated\\_SustainabilityFramework\\_Fact-sheet/\\$FILE/Updated\\_SustainabilityFramework\\_Fact-sheet.pdf](http://www.ifc.org/ifcext/policyreview.nsf/AttachmentsByTitle/Updated_SustainabilityFramework_Fact-sheet/$FILE/Updated_SustainabilityFramework_Fact-sheet.pdf)

<sup>9</sup>[http://www.iso.org/iso/iso\\_catalogue/management\\_and\\_leadership\\_standards/social\\_responsibility/sr\\_discovering\\_iso26000.htm](http://www.iso.org/iso/iso_catalogue/management_and_leadership_standards/social_responsibility/sr_discovering_iso26000.htm)

<sup>10</sup> A UN Guiding Principles Portal has been launched that includes the text of the Guiding Principles; Commentaries; Implementation and Uses of the Guiding Principles; Events; History of the Guiding

important to note that the International Council on Mining and Metals ("ICMM")—an industry association that brings together 22 of the world's biggest mining and metals companies as well as 34 national and regional mining associations and global commodity associations—has released guidance for their members on management and best practices to respect human rights.<sup>11</sup>

Finally, it is worth noting that the *Protect, Respect and Remedy Framework* has been referenced in a number of Canadian policies and standards relevant to the mining sector, including the Prospector and Developer's Association of Canada, "E3 Plus: A Framework for Responsible Exploration," and the Government of Canada's international CSR strategy, "Building the Canadian Advantage: A Corporate Social Responsibility Strategy for the Canadian International Extractive Sector."<sup>12</sup> Mr. Lipsett also participated in a recent study about corporate social responsibility for the Mining Association of Canada—of which Baffinland is a member—that suggests that human rights is an important issue for the Canadian mining industry to address proactively in the coming years.<sup>13</sup>

The intervenors therefore believe that, taken together, all these recent international developments suggest that human rights is an important issue that should be incorporated into Mary River project on a proactive basis.

d. What value-added does a HRIA bring to ESIA processes?

HRIAs have evolved out of the methodologies and established practice for environmental and social impact assessment (ESIA) since the 1970s. However, HRIAs differ from environmental and social impact assessments as they explicitly focus on international human rights standards, and stress the importance of rights-based methodologies for the conduct of the assessment.

Currently, the question seems not whether or not human rights are relevant to EISAs, but rather whether human rights should be integrated into existing environmental and social assessment and risk management processes, or should be undertaken as "stand-alone" HRIAs.

Mr. Lipsett has previously explored this issue in a co-authored academic article entitled "Can Human Rights Contribute to Sustainability?" that is attached as **Appendix C**.

---

Principles; and Additional Materials: <http://www.business-humanrights.org/Documents/UNGuidingPrinciples>

<sup>11</sup> ICMM, "Human Rights in the Mining and Metals Industry: Overview, Management Approach and Issues," (2009); ICMM, "Human Rights in the Mining and Metals Industry: Resolving Local Level Concerns and Grievances," (2010); ICMM, "Integrating Human Rights into Corporate Risk Management Processes," (2012). The International Council on Mining and Metals (ICMM) was established in 2001 to improve sustainable development performance in the mining and metals industry.

<sup>12</sup> <http://www.international.gc.ca/trade-agreements-accords-commerciaux/ds/csr-strategy-rse-strategie.aspx?view=d>. Although the Government's CSR policy is a voluntary measure aimed at Canadian companies operating overseas, it stands to reason that similar policy expectations would be encouraged for foreign companies operating in Canada.

<sup>13</sup> Lipsett, Lloyd et al., "Recommendations of the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries: Current Actions, Stakeholder Opinions and Emerging Issues," Mining Association of Canada, January 2012, available at: <http://tinyurl.com/83xqn9f>

This issue is also explored in the recently released (March 2012) guide by the International Council on Mining and Metals entitled “Integrating Human Rights into Corporate Risk Management Processes.”<sup>14</sup> After discussing the necessity for mining companies to consider human rights as part of their risk management processes, including the conduct of ESIA’s, the ICMM considers that there are three basic options that can be pursued: (1) build human rights into the ESIA; (2) conduct a separate assessment focused on a particular human rights issue or set of issues that have been identified as significant in previous assessments; or (3) conduct a stand-alone human rights impact assessment (HRIA).<sup>15</sup> Going forward, from the perspective of the mining industry, it seems preferable to integrate human rights into ESIA’s:

While it is generally preferable for that human rights due diligence procedures be integrated into a company’s internal control systems rather than being stand-alone exercises (albeit depending on the project circumstances), the key objectives [for mining companies and industry associations] is to ensure that their risk management frameworks adequately address human rights concerns. With the universal endorsement of the UN Guiding Principles and their mainstreaming into other international and domestic standards, the expectations of adequate human rights due diligence have been clearly established.<sup>16</sup>

e. Conclusions and recommendations

Based on the foregoing, the intervenors believe that human rights are relevant to the Mary River project. The proponent also states that “we respect human rights and the dignity of others” in section 3.0 of its Sustainability Policy. However, a specific discussion of how human rights will be respected—through human rights due diligence in accordance with the *UN Protect, Respect and Remedy Framework and Guiding Principles*—is currently lacking in the FEIS. As mentioned above, this can be explained because the new international human rights standards and guidance relevant to the mining industry did not exist when the Mary River review process began. However, given that the project remains at a pre-approval and pre-operation stage, it would be relatively straightforward for the proponent to adopt a proactive strategy of human rights due diligence and thus satisfy international human rights law, standards and guidance.

The current HRIA represents an opportunity for independent advice and analysis about prospective human rights due diligence for the Mary River project. The intervenors therefore extend an invitation to the proponent and other parties to participate in the current HRIA as a constructive opportunity for enhancing human rights due diligence as the project moves through the review process and beyond.

**Recommendations:**

- **That Baffinland voluntarily adopt and implement a human rights due diligence strategy that conforms to the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.**
- **The NIRB Board should consider encouraging or requiring Baffinland to adopt and implement a human rights due diligence strategy that conforms**

---

<sup>14</sup> <http://www.icmm.com/page/75929/integrating-human-rights-due-diligence-into-corporate-risk-management-processes>

<sup>15</sup> Ibid. at page 11.

<sup>16</sup> Ibid. at page 7.



**to the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.**

- **The design and implementation of a human rights due diligence strategy should be done in consultation with Inuit and other stakeholders and should draw upon specific human rights expertise.**
- **The proponent and other parties collaborate with the HRIA as it pursues its research, interviews and analysis in the coming months. While they are not bound by the findings, conclusions or recommendations of the final HRIA, there is a constructive opportunity to build shared understanding and dialogue around human rights due diligence for the Mary River project.**
- **For future review processes of mining projects in Nunavut, that the NIRB encourage or require proponents to proactively integrate human rights into their environmental impact statements in conformity with the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.**

2. Human rights protection in Canada and Nunavut

As mentioned above, one of the important contributions of an HRIA is its reference to the relevant international laws, standards and guidelines. Therefore, the final HRIA will examine the following:

- Canadian signature and implementation of international human rights treaties.
- Canadian and Nunavut laws and regulations, including the Nunavut Land Claims Agreement, that protect human and Inuit rights.

The following table provides examples of some of the references to international human rights information that is relevant to the Canadian domestic legal framework, and that will contribute to the “gap analysis” of the implementation of international human rights standards in Nunavut.

Institution	Website
<b>Human Rights Reports</b>	
Canada and the UN Human Rights System	<a href="http://www.ohchr.org/EN/countries/ENACARRegion/Pages/CAIndex.aspx">http://www.ohchr.org/EN/countries/ENACARRegion/Pages/CAIndex.aspx</a>
Canada and the Universal Periodic Review of the UN Human Rights Council <ul style="list-style-type: none"> <li>• National Report</li> <li>• Compilation of UN information</li> <li>• Summary of Stakeholder information</li> <li>• Outcome document, including recommendations</li> </ul>	<a href="http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CCASession4.aspx">http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CCASession4.aspx</a>
Canada and the UN Human Rights Treaty Bodies	<ul style="list-style-type: none"> <li>• Information about Canada's reports to and recommendations from the UN human rights treaty bodies can be found in the Treaty Body Database: <a href="http://tb.ohchr.org/default.aspx">http://tb.ohchr.org/default.aspx</a></li> <li>• Canada's reports to the treaty bodies are also published by Heritage Canada: <a href="http://www.pch.gc.ca/ddp-hrd/docs/index-eng.cfm">http://www.pch.gc.ca/ddp-hrd/docs/index-eng.cfm</a></li> </ul>
UN Special Procedures	<ul style="list-style-type: none"> <li>• A list of the country visits to Canada and reports by the UN Special Procedures can be found at <a href="http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm - canada">http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm - canada</a></li> </ul>
ILO reports and	<ul style="list-style-type: none"> <li>• Information about Canada's ratification of ILO Conventions and</li> </ul>

recommendations	individual observations by the ILO Committee of Experts can be found on ILOLEX Database of International Labour Standards: <a href="http://www.ilo.org/ilolex/english/index.htm">http://www.ilo.org/ilolex/english/index.htm</a> <ul style="list-style-type: none"><li>• Information about Canada's participation in the ILO can also be found on the Human Resources and Skills Development Canada website: <a href="http://www.hrsdc.gc.ca/eng/lp/ila/Representing_Canada/ILO.shtml">http://www.hrsdc.gc.ca/eng/lp/ila/Representing_Canada/ILO.shtml</a></li></ul>
-----------------	--

**Recommendations:**

- **To the extent that Baffinland wishes to adopt a human rights due diligence framework, that it revise the final FEIS to include relevant international human rights instruments ratified and implemented by Canada as part of its description of the legal and regulatory framework for the Mary River project.**
- **For future mining projects in Nunavut, that NIRB encourage or require proponents to consider international human rights instruments that have been ratified and implemented by Canada as part of their description of the legal and regulatory framework.**

3. Human rights analysis of the FEIS: Table of Human Rights Issues, Indicators and Standards

As mentioned above, the full HRIA is not completed. However, the table attached here and as **Appendix D** illustrates the analysis of the different human rights issues, according to the relevant human rights indicators in the tools developed by the Danish Institute for Human Rights and Rights & Democracy (also attached at **Appendix D**) and human rights standards and guidance—aligned with the relevant sections of the FEIS.

Human Rights Themes and Sub-Issues	Human Rights Assessment Questions and Indicators <sup>1</sup>	Relevant International Laws, Standards and Guidance	Relevant Volumes of FEIS
<p><b>General</b></p> <ul style="list-style-type: none"> <li>Human Right Policy and Due Diligence for business and the mining industry</li> </ul>	<ul style="list-style-type: none"> <li>Has the government accepted the UN Guiding Principles on Business and Human Rights?</li> <li>Has the government taken steps to implement the UN Guiding Principles, both in terms of policy coherence and access to remedies?</li> <li>Does the government provide any information or support to companies for implementing human rights due diligence?</li> <li>Has the company endorsed the UN Guiding Principles on Business and Human Rights?</li> <li>Does the company have a human rights policy?</li> <li>Has the company undertaken a process of human rights due diligence that conforms to the UN Guiding Principles on Business and Human Rights?</li> </ul>	<ul style="list-style-type: none"> <li>UN Guiding Principles on Business and Human Rights</li> <li>OECD Guidelines for Multinational Enterprises, Chapter</li> <li>IFC Performance Standards</li> <li>ICMM Guidance on human rights and related issues</li> </ul>	<p>Volume 1 - Main document</p>
<p><b>Consultation and Information</b></p> <ul style="list-style-type: none"> <li>Right to Self-Determination</li> <li>Freedom of expression / access to information</li> <li>Indigenous peoples rights to free, prior and informed consultation and consent</li> </ul>	<ul style="list-style-type: none"> <li>DIHR, B.2.1, B.3.2</li> <li>R&amp;D, Right to self-determination (Community: Q4-6, 10, 17 -19, 21 ; Government: Q16 - 21; Company: Q10 - 13)</li> </ul>	<ul style="list-style-type: none"> <li>International Covenant on Civil and Political Rights, article 1</li> <li>International Covenant on Economic, Social and Cultural Rights, article 1</li> <li>International Covenant on Civil and Political Rights, Article 19</li> <li>UN Declaration on the Rights of Indigenous Peoples, Articles 18, 19 and 32(2)</li> <li>ILO Convention 169, Articles 6, 7 and 15(2) (NB. Not ratified by Canada)</li> <li>IFC Performance Standard 7 on Indigenous Peoples (2012 revision including FPIC)</li> <li>ICMM Position Statement on Mining and Indigenous Peoples (2008), commitments 3, 7 and 9</li> <li>IFC Performance Standard # 1 on Social and Environmental Assessment and</li> </ul>	<p>Volume 1 – Main document Volume 2 – Consultation, regulatory, impact assessment methodology</p>

<sup>1</sup> “DIHR” refers to the questions contained in the Danish Institute for Human Rights’ Human Rights Compliance Assessment Tool; and “R&D” refers to the questions contained in Rights & Democracy’s “Getting it Right” Guide for Human Rights Impact Assessment. The full text of these questions and indicators are attached at **Appendix XX**.

		<p>Management Systems, paragraphs 19 – 22; Performance Standard #4 on Community Health, Safety and Security, paragraph 5, Performance Standard # 5 on Land Acquisition and Voluntary Resettlement, paragraph 9.</p> <ul style="list-style-type: none"> <li>• ICMM Sustainable Development Framework, Principles 9 and 10</li> <li>• OECD Guidelines for Multinational Enterprises, Section III</li> </ul>	
<p><b>Employment and Training</b></p> <ul style="list-style-type: none"> <li>• Non-discrimination</li> <li>• Right to work</li> <li>• Right to just and favourable conditions of work</li> <li>• Right to education</li> <li>• Right to participate in cultural life</li> <li>• Right to liberty and security of persons</li> <li>• Right to peaceful assembly</li> <li>• Gender Equality</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, A.3.1, 3.2: Non-discrimination</li> <li>• DIHR, A.6.1: Just and favourable conditions of work</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to participate in cultural life (Community: Q13, 14, 15; Government: Q2, 3, 8, 9, 15; Company: Q1 -10)</li> <li>• R&amp;D, Right to liberty and security of persons (Government: Q6; Company: Q2 - 3)</li> <li>• R&amp;D, Right to peaceful assembly (Community: Q4-7; Government: Q3-4; Company: Q1 -6)</li> </ul>	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights, Article 23 and 24</li> <li>• ILO Declaration of the Fundamental Principles and Rights at Work <ul style="list-style-type: none"> <li>◦ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);</li> <li>◦ Right to Organise and Collective Bargaining Convention, 1949 (No. 98);</li> <li>◦ Forced Labour Convention, 1930 (No. 29);</li> <li>◦ Abolition of Forced Labour Convention, 1957 (No. 105);</li> <li>◦ Minimum Age Convention, 1973 (No. 138);</li> <li>◦ Worst Forms of Child Labour Convention, 1999 (No. 182);</li> <li>◦ Equal Remuneration Convention, 1951 (No. 100);</li> <li>◦ Discrimination (Employment and Occupation) Convention, 1958 (No. 111).</li> </ul> </li> <li>• International Covenant on Economic, Social and Cultural Rights, Articles 6 and 7</li> <li>• ILO Convention 169, Articles 15(2), 20(1) and (2) (NB. Canada has not ratified)</li> <li>• UN Declaration on the Rights of Indigenous Peoples, Article 17</li> <li>• Global Compact, Principles 4, 5 and 6</li> <li>• IFC Performance Standard #2 on Labor and Working Conditions</li> <li>• OECD Guidelines for Multinational Enterprises, General Policy 4 and Section IV</li> </ul>	<p>Volume 1 - Main document Volume 4 – Human environment Volume 9 – Cumulative effects and other assessments Volume 10 – Environment, health and safety</p>

<p><b>Environment and Wildlife</b></p> <ul style="list-style-type: none"> <li>• Right to food and water</li> <li>• Right to health</li> <li>• Right to adequate standard of living</li> <li>• Indigenous peoples rights to lands and natural resources</li> <li>• Right to self-determination</li> <li>• Right to participate in cultural life</li> <li>• Right to freedom of movement</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, B.2.1, 2.3 &amp; 2.4: Land Management</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to self-determination (Community: Q22 -Q32; Government: Q19-30; Company: Q7- 19)</li> <li>• R&amp;D, Right to participate in cultural life (Community: Q10 -15; Government: Q3, Q4-8, Q15; Company: Q1-10)</li> <li>• R&amp;D, Right to freedom of movement (Community: Q6-8, Q12 -15; Government: Q3, 4, 9; Company: Q1-7)</li> </ul>	<ul style="list-style-type: none"> <li>• International Covenant on Economic, Social and Cultural Rights, Article 11 and 12;</li> <li>• Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 11, 12 and 14;</li> <li>• Convention on the Rights of the Child, Article 24 and 27.</li> <li>• Committee on Economic, Social and Cultural Rights, General Comment 4, 14 and 15</li> <li>• UN Declaration on the Rights of Indigenous Peoples, Article 29</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination, Article 5;</li> <li>• IFC Performance Standards 1 on Social and Environmental Assessment and Management Systems, 3 on Pollution Prevention and Abatement, 4 on Community Health, Safety and Security and 6 on Biodiversity Conservation and Sustainable Natural Resource Management</li> <li>• IFC General EHS Guidelines and Environmental, Health and Safety Guideline for Mining Industry</li> <li>• Global Compact Principles 7 and 8</li> <li>• OECD Guidelines for Multinational Enterprises, Section V</li> <li>• ICMM, "Planning for Integrated Mine Closure: Toolkit"</li> <li>• ICMM, "Financial Assurance for Mine Closure and Reclamation"</li> </ul>	<p>Volume 1 – Main document  Volume 5 – Atmospheric environment  Volume 6 – Terrestrial environment  Volume 7 – Freshwater environment  Volume 8 – Marine environment  Volume 9 – Cumulative effects and other assessments  Volume 10 – Environment, health and safety</p>
<p><b>Community: Food, Health, Safety and Culture</b></p> <ul style="list-style-type: none"> <li>• Indigenous peoples rights to free, prior and informed consultation and consent</li> <li>• Freedom of expression / access to information</li> <li>• Right to self-determination</li> <li>• Right to food</li> <li>• Right to health</li> <li>• Right to adequate standard of living</li> <li>• Right to participate in cultural life</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, B.2.1, 2.3 &amp; 2.4: Land Management</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to participate in cultural life (Community 1-15; Government: 1-16; Company: Q1-10)</li> <li>• R&amp;D, Right to self-determination (Community 1 -25; Government: 1-19; Company: 1-22).</li> </ul>	<ul style="list-style-type: none"> <li>• See above</li> <li>• OECD Guidelines for Multilateral Enterprises, General Policies #1</li> <li>• IFC Performance Standard 1: Social and Environmental Assessment and Management Systems, paragraph 13-16 and Performance Standard #7 on Indigenous Peoples</li> <li>• ICMM Sustainable Development Framework, Principle 3 and ICMM Position Statement on Mining and</li> </ul>	<p>Volume 1 – Main document  Volume 2 – Consultation, regulatory, impact assessment methodology  Volume 4 – Human environment  Volume 9 – Cumulative effects and other assessments  Volume 10 – Environment, health and safety</p>

<ul style="list-style-type: none"> <li>Indigenous peoples rights to lands and natural resources</li> </ul>		<ul style="list-style-type: none"> <li>Indigenous Peoples, paragraph 6</li> <li>ICMM Sustainable Development Framework, Principle 9; ICMM Position Statement on Mining and Partnerships for Development; and ICMM Position Statement on Indigenous Peoples, Commitment #7</li> <li>UN Global Compact and UNIFEM Women’s Empowerment Principles #6</li> <li>UN Common Approach on Human-Rights Based Approaches to Development</li> </ul>	
<p><b>Revenue Flows and Governance</b></p> <ul style="list-style-type: none"> <li>Indigenous peoples rights to lands and natural resources</li> <li>Right to Self-Determination</li> <li>Non-discrimination</li> </ul>	<ul style="list-style-type: none"> <li>DIHR, B 2.1: Land management and prior informed consent</li> <li>DIHR, B.4.1: Corruption and bribery</li> <li>DIHR, C.1: Relation with suppliers and contractors</li> <li>R&amp;D, Right to self-determination (Community: Q3, 7, 9, 16; Government: Q17, 23, 24, 25; Company: Q4, 13, 14, 15)</li> </ul>	<ul style="list-style-type: none"> <li>International Covenant on Economic, Social and Cultural Rights</li> <li>ILO Convention 169, Article 15(2) (NB. Canada has not ratified)</li> <li>OECD Guidelines for Multilateral Enterprises, General Policies #1; Section X “Taxation”</li> <li>ICMM Sustainable Development Framework, Principle 9, ICMM Position Statement on Mining and Partnerships for Development and ICMM Position Statement on Mining and Indigenous Peoples, Commitment #7</li> <li>Additional standards for combating corruption and promoting transparency of payments to governments: Global Compact, Principle 10 and ICMM SD Framework, Principle 1, Extractive Industry Transparency Initiative, OECD Guidelines for Multinational Enterprises, Section VI “Combating Bribery”.</li> </ul>	<p>Volume 1 - Main document Volume 4 – Human environment</p>



4. Preliminary expert opinion on environmental issues in the FEIS

The following reproduces the letter of expert opinion submitted to the intervenors by Dr. Ian Mauro as part of the HRIA research. A statement of professional qualifications for Dr. Mauro is included as **Appendix E**.

Geography and Environment  
Mount Allison University  
Sackville, New Brunswick, E4L 1A7  
(tel) 506-364-3224  
(email) imauro@mta.ca



Lloyd Lipsett, President  
LKL International Consulting, Inc.  
5430 Saint-Laurent Blvd., Suite 405  
Montréal, Québec H2T 1S1

June 5, 2012

Dear Mr. Lipsett,

**Re: Final Environmental Impact Statement for the Baffinland Iron Mine**

Thank you for asking me to review and comment on Baffinland Iron Mines' (BIM) Final Environmental Impact Statement (FEIS) for the proposed Mary River Project. As the Canada Research Chair in Human Dimensions of Environmental Change - with a specific focus on Inuit communities, climate change, food security, and risk assessment - I am pleased to offer my expert opinion on these matters for your Human Rights Impact Assessment (HRIA).

Having reviewed and analyzed the FEIS with my research team<sup>1</sup>, I am impressed with the detail and scope of the document, which is 15,610 pages in length and contains extensive technical data. However, one major gap in the FEIS is that it seems to downplay the significance of climate change in its assessment of "cumulative impacts". While the FEIS does mention climate change, it seems to be underrepresented as a consideration, given the global importance of this issue. To underscore this point, we searched the entire contents of the FEIS for mention of "climate change" and the "International Panel on Climate Change (IPCC)", and found that:

- The FEIS only contains the words "climate change" on 201 of its 15,610 pages, or 1.34% of the document.
- The FEIS only contains "IPCC" on 12 of its 15,610 pages, or 0.07% of the document.

Given the extensive data and associated predictions regarding climate change in the Arctic - specifically the UN's 2007 IPCC Report for which its authors co-won the Nobel Peace Prize - it is surprising that BIM's FEIS did not consider this more fully. The FEIS seems to only include "cumulative impacts" across the proposed mining activities, and I therefore have three specific concerns:

1. Since the FEIS largely neglects climate change in the assessment of cumulative impacts, it may underestimate risk for wildlife species
2. Since the FEIS largely neglects climate change in the assessment of cumulative impacts, it may underestimate risk for infrastructure built on permafrost
3. By neglecting to fully consider the combination of climate change and mining, the FEIS may underestimate the risk of cumulative impacts on community food security

To demonstrate the value of considering climate change when assessing cumulative impacts, we conducted a comparative analysis (Appendix 1) of BIM's FEIS and the 2007 IPCC Report, and have demonstrated a lack of convergence between their respective conclusions regarding Arctic wildlife, permafrost, and food security. I suggest that, in light of this comparison, BIM's conclusion that the cumulative impacts of mining are "not significant" should be revised to account for the additional stress of climate change on the Arctic environment and local communities.

### 1. Climate Change and Marine Mammals

BIM's assessment of the cumulative impacts on marine ecosystems focuses only on the potential impacts from the project itself. It neglects to consider the potential cumulative impacts of the project when combined with long-term climate change.

The FEIS acknowledges that ice cover in the Canadian Arctic has decreased in recent years and that "ice is generally forming later and clearing earlier", noting that "any changes in the ice regime will reduce the challenges of ice navigation" (FEIS, 2012, Vol. 9, 74). In Volume 8 of the FEIS, which focuses on marine environment, BIM further recognizes that "climate variability and change has the potential to diminish sea ice habitat (seasonal duration, consolidation, thickness and extent), thereby making the remaining sea ice more valuable to ecosystem components that rely on it" (FEIS, 2012, Vol. 8, 20). Furthermore, BIM suggests that it is difficult to predict "the extent of changes to ice cover expected to occur during the 21st century as a result of climate change" but that in "a worst case climate change scenario using the maximum value predicted for a reduction in sea ice extent by 2100 (46%) [...] the area of disturbance would remain negligible" to the local or regional study areas (FEIS, 2012, Vol. 8, 20).

---

<sup>1</sup> Bernard Soubry and Rebecca Anne Dixon.

All of the marine mammals found in the Regional Study Area (RSA) and discussed in the FEIS, are ice-dependent and part of a larger ecosystem that climate change threatens at all levels. The 2007 IPCC Report makes the following connections between climate change, sea ice, and marine biota:

Changing climatic conditions in Arctic and sub-Arctic oceans are driving changes in the biodiversity, distribution and productivity of marine biota, most obviously through the reduction of sea ice. As the sea-ice edge moves northward, the distribution of crustaceans (copepods and amphipods), adapted for life at the sea-ice edge, and fish such as polar cod (*Boreogadus saida*), which forage on them, will shift accordingly and their abundance diminish (Sakshaug et al., 1994). This reduction is likely to seriously impact other predators, e.g., seals, sea birds and polar bears (*Ursus maritimus*), dependent on sea ice for feeding and breeding (see Chapter 4, Box 4.3; Sakshaug et al., 1994) as well as humans depending on them (Loeng et al., 2005; Vilhjálmsson et al., 2005).  
(Anisimov et. al., 2007, 668)

Overall, the IPCC indicates that climate change may lead to decreasing abundance and health of marine species in the Arctic. When viewing the Mary River Project in the context of rapid Arctic climate change, the additional stressors such as shipping, sea ice disturbance, ballast water, and air craft flights may cause significant impacts on marine species. Importantly, many of these species can be found on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the International Union for the Conservation of Nature (IUCN) listings, indicating that these are already considered as vulnerable by the international community.

To enhance an understanding of “cumulative impact” as a combination of climate change and mining activity, we conducted a comparative analysis (Appendix 1). We specifically compared the FEIS Volume 8 on marine mammals with the 2007 IPCC Report’s “Polar Regions (Arctic and Antarctic)” chapter, and created a matrix that helped us to determine a new combined risk assessment for marine mammals. When holistically considering the cumulative impacts of climate change and mining on marine species, the risk may be more “significant” than originally reported.

## **2. Climate Change, Permafrost, and Infrastructure**

Similarly, I am concerned about the climate projections in the designs of the Mary River Project infrastructure. The FEIS addresses several areas of permafrost management, including the building and stabilization of the mining area, the proposed railway, and the operation area. It states that any designs “must address the need to minimize disturbances and preserve the integrity of the ground surface, protect the natural resources, and also protect Project infrastructure and operations” (FEIS, 2012, Vol. 6, 4). The statement also considers possible areas of the project which may be at risk of permafrost degradation, including the Milne Port, the Milne Inlet Tote Road, and the proposed railway (FEIS, 2012, Vol. 6, 29-30); it considers the necessity of a “permafrost management plan”.

In terms of the possible effects of climate change on the structure of permafrost, however, the FEIS dismisses any vulnerability of the proposed structures to climate change, stating that, “based on accepted climate change models, it is generally believed that global warming will have little impact on the very cold and deep permafrost conditions in the areas of the Mary River Project Site and associated infrastructure locations over the currently planned life of the Project” (FEIS, 2012, Vol. 1, 104).

The latter assumption contains, in my opinion, two problems. The first is that the best climate change data currently in existence contradicts that general belief; the second is that, given that the latest assessment of the IPCC dates back to 2007, upcoming data indicates that permafrost predictions are much more severe than previously anticipated (Schurr, 2011, 32).

In reviewing the 2007 IPCC Report, it is overwhelmingly clear that permafrost thaw caused by climate change has the potential to be extremely destructive in the Arctic, whether by undermining infrastructure or by releasing stored terrestrial carbon sinks that further perpetuate warming. The IPCC authors predict that “warming and thawing of permafrost will bring detrimental impacts on community infrastructure (very high confidence)” (Anisimov et al., 2007, 658). If climate change is taken into account while predicting permafrost conditions, the risk of damage to industrial infrastructure also becomes significantly higher. The 2007 Report states:

The thawing of ice-rich permafrost creates potential for subsidence and damage to infrastructure, including oil and gas extraction and transportation facilities (Hayley, 2004), and climate warming will exacerbate existing subsidence problems (Instanes et al., 2005). These risks have been assessed using a ‘permafrost hazard’ index (e.g., Nelson et al., 2001; Anisimov and Belolutskaia, 2004; Anisimov and Lavrov, 2004; Smith and Burgess, 2004), which, when coupled with climate projections, suggests that a discontinuous high-risk zone (containing population centres, pipelines and extraction facilities) will develop around the Arctic Ocean by the mid-21st century (Nelson et al., 2001).  
(Anisimov et. al., 2007, 675)

While I acknowledge that BIM does include a permafrost management plan in its design, its estimates concerning the impacts of climate change on permafrost may not be sufficient to protect that infrastructure—and, consequently, the environment on which it is

built. The 2007 IPCC Report points out that even buildings specifically designed to resist the erosion brought about by permafrost degradation will be at risk (Anisimov et. al., 2007, 675).

Given those kinds of predictions, I would suggest that climate change *can* and *will* exacerbate the cumulative impact of permafrost thaw on mining development, and vice-versa. The existing climate change data is exceedingly clear on this point: the design of any Northern infrastructure must fully consider permafrost thaw, a consequence of climate change, which is anticipated to increase in severity as time progresses. To ignore the data as it is presented seems unwise, both in terms of environmental protection and in terms of the safety of operations for the life of the mine and its workers.

### 3. Food Security

Food security is defined by the Food and Agriculture Organization (FAO) as “when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their dietary and food preferences for an active and healthy life,” (FAO, 1996)” (Meakin and Kurvits, 2009, 10). In the Arctic, food security is a major concern, as a result of the rapid change from traditional hunting lifestyles, the increased costs associated with harvesting, as well as the expense and often poor nutritional content of store-bought foods (Meakin and Kurvits, 2009, 6). The FEIS discusses food security in Volume 4: Human Environment. While it recognizes that “country food is a critical component of the diet for many households” (FEIS, 2012, Vol. 4, 105), it again does not make the connection between food security and the increased vulnerability of wildlife caused by cumulative impacts of climate change and mining activity.

BIM does not believe that there will be any significant impact on the harvesting of country food due to a decrease in wildlife populations or changes in their habitat and range. It states: “Although potential exists for wildlife to avoid areas of intensive Project interaction, the amount of country food harvested per level of effort is not anticipated to change meaningfully” (FEIS 2012, Vol. 4, 244). BIM reaches similar conclusions for specific “key issues” of:

- Harvesting of narwhal by Pond Inlet;
- Harvesting of beluga and walrus in Foxe Basin by Igloolik and Hall Beach;
- Harvesting of narwhal and beluga in Hudson Strait by Cape Dorset and Kimmirut; and
- Harvesting of ringed seal in Steensby Inlet on landfast ice.

(FEIS, 2012, Vol. 4, 208-209)

These assessments again exclude climate change as a cumulative factor contributing to loss of habitat and increases in mortality. As I discussed above, climate change is widely predicted to have negative effects on wildlife populations and distribution, and this will likely be exacerbated by mining activity. The 2007 IPCC Report refers specifically to the fact that “impacts on food accessibility and availability, and personal safety are leading to changes in resource and wildlife management and in livelihoods of individuals (e.g., hunting, travelling) (high confidence). The resilience shown historically by Arctic indigenous peoples is now being severely tested (high confidence)” (Anisimov et al., 2007, 655). Challenges to this resilience are exacerbated by other changes in Arctic communities:

Alterations in the physical environment threatening specific communities (e.g., through erosion and thawing permafrost) and leading to forced relocation of inhabitants, or shifts or declines in resources resulting in altered access to subsistence species (e.g., Inuit hunting of polar bear) can lead to rapid and long-term cultural change and loss of traditions. Such loss can, in turn, create psychological distress and anxiety among individuals (Hamilton et al., 2003; Curtis et al., 2005). However, across most of the Arctic, climate change is just one of many driving forces transforming communities. These forces arise from inside and outside the community, but combined are influencing the acculturation process by influencing ways of living, and loss of traditions that are positively related to social, cultural and psychological health. (Berry, 1997)

(Anisimov et. al., 2007, 672)

Mining and industrial activity are certainly among the outside forces mentioned by the IPCC, and need to be considered in the full context of the dynamic changes in the Arctic, at the present time and in the future. As this submission contends, the cumulative impacts of climate change and mining will likely affect wildlife adversely, and therefore community-level food security will necessarily be impacted.

Despite this evidence, BIM anticipates that the Project will have positive effects on the issue of food security. The positive impact will result from the Project’s provision of waged labour, which it says will increase household incomes to enable purchase either of store-bought food or of equipment required for harvesting activities (FEIS, 2012, Vol. 4, 143). While increasing socio-economic opportunities for Inuit communities is very important (and, indeed, a critical benefit of the Mary River Project), transition from

traditional to store-bought foods is not always beneficial, particularly for food security and health. The IPCC indicates that wage labour may diminish community adaptability to changing climate:

Increased access to outside markets and new technologies improve the ability to develop resources and a local economic base; however, increased time spent in wage-earning employment, while providing significant benefits at the individual and household levels through enhanced economic capacity, reduces time on the land observing and developing the knowledge that strengthens the ability to adapt. This underscores the reality that climate change is one of several interrelated problems affecting Arctic communities and livelihoods today (Chapin et al., 2005a).  
(Anisimov et. al., 2007, 661)

In addition, increased ability to purchase store-bought foods has created many new health problems among Inuit, including cardiovascular diseases, diabetes, dental cavities and obesity (Anisimov et. al., 2007, 671). Many studies suggest that country food is usually a healthier and more food-secure option for Northern communities (e.g. Kuhnlein et al., 2003, 30-31; Beaumier and Ford, 2010).

There is international concern about food security in indigenous communities, specifically in the North. Recently, the UN's Special Rapporteur's report on the right to food in Canada noted that food security is already a significant issue in Arctic communities (Office of the UNHCR, 2012, 8). The cumulative impact of climate change, its potential effects for wildlife, and increased mining activity might further exacerbate food insecurity due to depletion of country foods, harvesting practices, and the associated health benefits. These cumulative impacts will likely be significant and must be considered for a holistic assessment of food security.

#### 4. Conclusions and Recommendations

The 2007 IPCC Report concludes that the question of climate change is highly relevant and problematic for sustainable development in the Arctic:

Even without climate change, the complexity of producing a viable plan for sustainable development of the Arctic would be daunting; but the added uncertainty of climate change, and its likely amplification in the Arctic, make this task enormous. The impacts on infrastructure discussed above, together with the probable lengthening of growing seasons and increasing agricultural effort, opening of new sea routes, changing fish stocks, and ecosystem changes will provide many new opportunities for the development of Arctic economies. However it will also place limits on how much development is actually sustainable.

(Anisimov et. al., 2007, 676)

Having done a comparative analysis of BIM's FEIS with the 2007 IPCC Report, it appears that certain gaps regarding climate change and its impacts on sustainable development regarding the Mary River Project might need to be further explored, and conclusions that impacts to marine mammals, permafrost and food security are "not significant" is perhaps premature. Given these findings, I would encourage stakeholders involved in the Mary River Project to more fully consider the development and its cumulative impacts in the context of climate change.

Importantly, the IPCC Fifth Assessment Report is forthcoming between 2013-2014, and will make a valuable contribution to the planning and evaluation of the Mary River Project. More accurate and comprehensive data would enable all parties involved in the Project to better evaluate the risk associated with cumulative impacts on the Arctic environment and communities that rely upon it.

I would like to thank you again for the opportunity to submit my comments on the BIM FEIS for the Mary River Project. Should you have any questions, concerns, or comments, please do not hesitate to contact me.

Sincerely,



Ian J. Mauro, PhD  
Canada Research Chair in  
Human Dimensions of Environmental Change  
Mount Allison University

## Bibliography

Anisimov, O.A., D.G. Vaughan, T.V. Callaghan, C. Furgal, H. Marchant, T.D. Prowse, H. Vilhjálmsson and J.E. Walsh, 2007: Polar regions (Arctic and Antarctic).

*Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson, Eds., Cambridge University Press, Cambridge, 653-685.

Baffinland Iron Mines Corporation. Mary River Project Final Environmental Impact Statement. February 2012. <<http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/08MN053-BAFFINLAND%20MARY%20RIVER/2-REVIEW/08-FINAL%20EIS/FEIS/>>.

Beaumier, Maude, and J.D. Ford. "Food Insecurity among Inuit Women Exacerbated by Socio-Economic Stresses and Climate Change." *Canadian Journal of Public Health* 101:3 (2010): 196-201.

Kuhnlein, Harriet, Laurie Chan, Grace Egeland and Olivier Receveur. "Canadian Arctic Indigenous Peoples, Traditional Food Systems, and POPs." In *Northern Lights Against POPs: Combatting Toxic Threats in the Arctic*. Montreal: McGill-Queen's University Press, 2003: 22-40.

Meakin, Stephanie and Tiina Kurvits. *Assessing the Impacts of Climate Change on Food Security in the Canadian Arctic*. Grid-Arendal. March 2009.

Raper, Sarah. "IPCC gazes into the future." *Nature Climate Change* 2:1(2011): 232-233.

Schurr, Edward, Benjamin Abbott, and the Permafrost Carbon Network. "High Risk of Permafrost Thaw". *Nature* 480:1 (2011): 32-33.

Office of the United Nations High Commissioner for Human Rights. *Olivier De Schutter, Special Rapporteur on the right to food: Visit to Canada from 6 to 16 May 2012*. 16 May 2012. <[http://www.srfood.org/images/stories/pdf/officialreports/201205\\_canadaprelim\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/201205_canadaprelim_en.pdf)>

Appendix 1 – Comparative Analysis: BIM FEIS Data on Marine Mammal Species and 2007 IPCC Assessment

Species	Status	BIM FEIS	IPCC Data	BIM Assessment	2007 IPCC Assessment	Combined Risk Assessment
<b>Ringed seal</b>	<b>COSEWIC<sup>121</sup></b> : Not at risk	<i>Habitat Loss</i> : 136 km <sup>2</sup> of landfast ice at Steensby Port and along shipping lane. 5.6 % and 0.36 % of suitable landfast ice in the Steensby Inlet and Foxe Basin, respectively. (Vol. 8, 160) ~76.5 km <sup>2</sup> of pack ice during a single transit to and from Steensby Port. <1 % of pack ice in Hudson Strait, Foxe Basin and near Steensby Inlet. Temporary (Vol. 8, 161)	<i>Habitat Loss</i> : Reduction of sea ice will result in changes in food chain, as well as loss of feeding and breeding sites (Anisimov 668)	No significant residual effects. Habitat loss and mortality to be of low magnitude and confined to LSA (Vol. 8, 273).	Climate change will result in loss of habitat, changes in the food chain, greater spread of disease, and behavioural changes, making marine mammals more vulnerable.	Significant
<b>Walrus</b>	<b>COSEWIC<sup>122</sup></b> : Special Concern, High Priority for Assessment  <b>IUCN</b> : Data Deficient	<i>Habitat Loss</i> : 0.07 km <sup>2</sup> at dock structures at Steensby Port. 1.5 km wide section of landfast ice edge due to icebreaking. 76.5 km <sup>2</sup> of pack ice for a single passage (Vol. 8, 179).	<i>Habitat Loss</i> : Loss of sea ice will affect walrus, which "occupy a narrow ecological range with restricted mobility" (Anisimov 669).	Habitat loss is predicted to be of low magnitude and confined to LSA. No mortality expected (Vol. 8, 273).	Climate change will result in loss of habitat for breeding and feeding, and will alter the cycles of organisms on which marine mammals depend. Walrus require very specific ecological conditions and are thus vulnerable to changes.	Significant

Appendix 1 – Comparative Analysis: BIM FEIS Data on Marine Mammal Species and 2007 IPCC Assessment

Species	Status	BIM FEIS	IPCC Data	BIM Assessment	2007 IPCC Assessment	Combined Risk Assessment					
Beluga	SARA: Under Consideration  COSEWIC: Endangered, Special Concern  IUCN: Near threatened	Habitat Loss: belugas prefer ice cover of 4/10 – 8/10. Ships to transit through their overwintering habitat in Hudson Strait about every two days, breaking through 30 km <sup>2</sup> per trip. Effects are not permanent (Vol. 8, 198).  Mortality: Belugas in the Arctic tend to avoid ships and can swim quickly (Vol. 8, 210).	Habitat Loss: Mean average of sea ice to be diminished by 22%-33% by 2080 (Anisimov 662)  Mortality: Melting sea ice will result in problems with the timing of sea-ice organisms and secondary production, "severely affect[ing] the populations of sea mammals" (Anisimov 669).	No significant residual effects. Habitat change will be of low magnitude and confined to the LSA. No mortality is expected (Vol. 8, 273).	Climate change will result in loss of habitat and changes in the cycles of organisms on which marine mammals depend, with severe population effects.	Significant					
							SARA: Under consideration Hudson Strait (Vol. 8, 216-217)	Habitat Loss: the narwhal depends on sea-ice organisms for feeding and polyvnyas for breathing (Anisimov 669)	No significant residual effects. Habitat change will be of low magnitude and confined to the LSA. No mortality is expected (Vol. 8, 273).	Climate change will result in loss of habitat for feeding and breathing and will cause changes in the cycles of organisms on which marine mammals depend, with severe population effects.	Significant
							COSEWIC: Special Concern  IUCN: Near threatened	Mortality: Narwhals will avoid ships and can swim quickly (Vol. 8, 225).	Mortality: Melting sea ice will result in problems with the timing of sea-ice organisms and secondary production, "severely affect[ing] the populations of sea mammals" (Anisimov 669).	No significant residual effects. Habitat change will be of low magnitude and confined to the LSA. No mortality is expected (Vol. 8, 273).	
Bowhead Whale	SARA: Under consideration  COSEWIC: Special Concern  IUCN: Least concern	Habitat Loss: 44 km <sup>2</sup> of pack ice temporarily disturbed by ore carriers in Hudson Strait (Vol. 8, 230-231)  Mortality: Bowheads will avoid ships. Ships will travel more slowly during ice-cover periods. Bowheads tend not to spend time at the surface in groups thus strikes are unlikely (Vol. 8, 241).	Habitat Loss: Bowheads are dependent on sea-ice organisms for food. Use polyvnyas for breathing (Anisimov 669).  Mortality: Increased temperatures allow survival of disease-carrying insects. Eg. Giardia spp. and Cryptosporidium spp. Infraction of bowhead whales (Anisimov 671).	No significant residual effects. Habitat change will be of low magnitude and confined to the LSA. No mortality is expected (Vol. 8, 273).	Climate change will result in loss of habitat and food sources, as well as increasing the risk of disease. Whales will thus be more vulnerable.	Significant					



Appendix 1 – Comparative Analysis: BIM FEIS Data on Marine Mammal Species and 2007 IPCC Assessment

Species	Status	BIM FEIS	IPCC Data	BIM Assessment	2007 IPCC Assessment	Combined Risk Assessment
<b>Polar Bear</b>	<b>SARA</b> : Special Concern  <b>COSEWIC</b> : Special Concern  <b>IUCN</b> : Vulnerable	<i>Habitat Loss</i> : Loss of seal habitat (136 km <sup>2</sup> of landfast ice at Steensby Port) and potential mortality of 15 seal pups  <i>SARA</i> : decrease foraging opportunities. 76.5 km <sup>2</sup> of pack ice to be disturbed, also affecting ringed seals, polar bears' primary prey, but ice pans still large enough to be suitable habitat (Vol. 8, 248-249).	<i>Habitat Loss</i> : Polar bears are the top predator and are thus highly dependent on sea ice for feeding (ringed seals) and breeding (Anisimov 668).	No significant residual effects. Habitat change to be of low magnitude and confined to the USA. Defensive kills may occur, but these would be taken out of the quota, with compensation for hunters (Vol. 8, 274).	Climate change will result in loss of habitat, as well as decreased access to diminishing food sources. Condition and number of bears, particularly cubs, is already worsening.	Significant
<b>Bearded Seal</b>	<b>SARA</b> : No status  <b>COSEWIC</b> : Data deficient  <b>IUCN</b> : Least concern	<i>Habitat Loss</i> : 0.07 km <sup>2</sup> lost for dock structure. 1.5 km section of landfast ice will be disturbed along shipping lane. 76.5 km <sup>2</sup> of pack ice to be disrupted by passage of ship (Vol. 8, 261).  <i>Mortality</i> : Preference for edges of ice floes, landfast ice, and polynyas raises some concern for collision; however access to water, speed, and early development of swimming skills by pups will decrease likelihood of collisions (Vol. 8, 270).	<i>Habitat Loss</i> : Sea-ice edge is predicted to move northward; this will affect feeding, breeding, and birthing habitats (Anisimov 668).  <i>Mortality</i> : Changes in prey amount and distribution likely to affect populations of sea mammals (Anisimov 669).	No significant residual effects. Habitat change to be of low magnitude and confined to the USA (Vol. 8, 274).	Climate change will result in loss of habitat for feeding, breeding, and birthing, as well as changing the distribution of food sources, making marine mammals more vulnerable.	Significant

[1] Species at Risk Act

[2] Committee on the Status of Endangered Wildlife in Canada

[3] International Union for Conservation of Nature

## 5. Preliminary expert opinion on social and economic issues

The following reproduces the letter of expert opinion submitted to the intervenors by Dr. Frances Abele as part of the HRIA research. A statement of professional qualifications for Dr. Abele is included as **Appendix F**.

Frances Abele  
61 Rue de Rena  
Cantley, QC  
J8V 3B2

June 6, 2012

Zacharias Kunuk  
NITV (Nunavut Independent Television Network)  
IsumaTV (Isuma Distribution International Inc.)  
Kingulliit Productions Inc.  
Igloolik, Nunavut

Dear Mr. Kunuk:

Thank you for inviting me to comment on the Final Environmental Impact Statement (FEIS) prepared by Baffinland Iron Ore Company for the Nunavut Impact Review Board assessment of the Baffinland iron mine project.

The FEIS evaluates the Baffinland project from the perspective of the company. I offer an analysis that assesses certain aspects of the project from the perspective of North Baffin communities. I do not try to speak for those communities. Members of the communities and Inuit organizations are doing this themselves. Rather, my comments are based on published research and analyses of experiences elsewhere in the North with similar projects and impacts.

Specifically, my focus is on community well-being, and the possible interactions between community well-being and the paid work opportunities provided by the mine and associated transportation system.<sup>17</sup>

### **Employment and Sustaining Community Well-Being**

I begin here with a description of the basic way that community economies function, so that others reading this letter will know what I am talking about. Without an understanding of the community economy, there is no way to evaluate the Baffinland project from the point of view of community well-being.

For most people, earning a living is at the centre of their lives, providing sustenance, creating meaning, reinforcing self-respect, and enriching community and family relationships. As is well-recognized, in Nunavut communities, harvesting is an essential aspect of earning a

---

<sup>17</sup> In choosing this focus, I deliberately disregard other employment related impacts (such as aggravation of existing shortages of skilled workers in Nunavut as a whole, increased public expenditures for training, the costs associated with additional social services required due to the social disruptions of particularly during the booming construction phase of the project) --though all of these are important. Presumably the Government of Nunavut assessments of this project will deal with these matters.

living. It ensures that people will have healthy food to eat. It offers meaningful and satisfying ways for harvesters to provide food for their families and others in the community. It sustains the vitality of language and cultural continuity. For community members, it is a highly valued activity.

Modern harvesting is integrated with the cash economy. Harvesting provides a social safety net for community members, a practical way to provide high quality food, and a respected and deeply valued form of work. For reasons having to do with the politics of distant lands, harvesting no longer directly generates much cash, and certainly not surplus cash. Therefore, modern harvesting requires cash investments, usually by individuals. These investments cover the expenses associated with going on the land, and of course other living costs of harvesters and their families. Country food and other gifts of the land are the income from the cash that is invested. Harvesting involves cooperation among hunters and the people who prepare the food and skins, and sharing of the fruits of the harvest among community members. The resulting integrated community economy is often referred to with the shorthand phrase, 'mixed economy'.

The central importance of the mixed economy to the vitality and viability of the small communities of the North Baffin is acknowledged in the FEIS and in many other authoritative sources.<sup>18</sup> New paid employment opportunities have to be considered in light of their importance in providing opportunities to individuals. But they must also be assessed for their overall effects on community economies. This includes considering impacts on the viability of harvesting, as well opportunities for individuals and communities.

From this perspective, there is a statement in the FEIS that requires comment:

Baffinland can strive to create an accessible work environment and can implement specific capacity-building programs, but has no control over Inuit cultural change. (Volume 4, p 72)

From the context it is clear that the statement refers to the FEIS acknowledgement that the company's predictions of levels of Inuit employment during the operational phase of the mine might be overestimates. The statement implies that "Inuit culture," or rather the failure of that "culture" to change in the right direction, could impede the participation of Inuit as employees at the mine and transportation system.

Focusing on "culture" is misleading and essentially meaningless. The term provides an excuse for the failure of employment programs at the mine to be adapted so that they contribute to improving the life circumstances of individual workers, and also to supporting, rather than damaging, the viability of community economies. If employment programs are designed so that they do improve life circumstances, and they do support the viability of community economies as they actually operate, they will have a better chance of success.

### **Long and short term employment opportunities**

The FEIS and the Socio-Economic Baseline Study from which it draws much information present a mass of careful analysis of the potential of the North Baffin and Iqaluit labour markets. I have concluded that this analysis is based upon the best available aggregate

---

<sup>18</sup>The importance of the mixed economy in Nunavut communities is referenced in successive editions of the Government of Nunavut's *Nunavut Economic Outlook*, and supported by substantial research. See the summaries in Abele 2009, Natcher 2012, Institute for Applied Circumpolar Policy 2012, and Hamlet of Igloolik 2009-10,.

information. It is very easy, however, to get lost in the details of description of current conditions and educated guesses about the future. In the rest of this letter I highlight some of the most important considerations.

*Short term jobs: construction phase*

The FEIS estimates that between 1,720 and 2,680 individuals will be on payroll over four years during the construction phase of the project (Vol. 3 Table 3-1.1; Vol. 4 p. 63). Many of these short term jobs will be available to people with minimum educational requirements. The FEIS states that the demand for unskilled labour (see Level D in table below) will exceed supply in the North Baffin and Iqaluit during the construction phase.

There are benefits to this situation, mainly in the form of ample employment opportunities and increased income, even for people without secondary education or specialized training. As the FEIS notes, some of the people who try the short term jobs available in the construction phase may wish to continue their employment at the mine. In order to do this, they will have to find opportunities for apprenticeship and other training.

There are significant risks in the construction phase of the project. The impact of sudden infusions of cash from rotational employment on community life is now well known.<sup>19</sup> These include mental stress experienced by new workers coping with long hours, shift rotation, absence from families, the sustained concentration necessary for working with dangerous equipment –in addition to after effects of job-related physical disabilities or job loss. All of these sources of stress affect workers' families and communities as well; as they come home along with the workers and their paycheques. These effects are not unique to short term employment, but they may be expected to appear suddenly and with most effect in the first few years (that is, in the construction phase), as many people gain experience with this form of work.

It seems likely that these factors will affect the ability of workers to find and then take advantage of opportunities for educational upgrading and further training, so that they may qualify for better paid jobs in the operations phase. No matter the level of commitment initially, in the active period of facility construction, human resource practices can suffer. Special measures, then, are warranted. Some of these are discussed in the final section of this letter.

Another risk that is common in the generally boom-town atmosphere of project construction is that the high demand for labour and the sudden availability of work will draw young people out of school prematurely. In addition to the mitigation measures outlined in Volume 4 of the FEIS, I recommend that the Nunavut Impact Review Board consider the practices employed at the Diavik Mine in the Northwest Territories, to provide active support in the high school system through a variety of programs designed to encourage young people to stay in school.

*Longer term jobs: operations phase*

When the mine is operating (after the end of the 4 year construction period), the FEIS predicts that there will be "roughly 950 payroll positions." This table, based on information provided in the FEIS on pages 63-4, shows the opportunities that will be available:

---

<sup>19</sup> See the evidence analyzed in Canada, Ministry of the Environment, 2009; Gibson and Klinck 2005; O'Faircheallaigh 1995.

Occupational level: education and training required	Examples	Est. number of full-time, year round jobs in operations phase	Est. number of year round jobs held by workers from North Baffin and Iqaluit
minimal entry requirements; on-the job training provided (Level D)	Kitchen helpers, cleaners, security guards, trades helpers, labourers	95	Supply of 125 exceeds demand
Secondary school and/or occupation specific training (Level C)	Heavy equipment operators, administrative support, scheduling jobs and occupations in food and beverage services	475	40
Usually require apprenticeship training or college/university education (Level B)	Industrial trades, train crew operating, drillers and blasters, supervisors, administrative occupations, technical occupations, managers, professional occupations	375	No estimate given; apparently 0

The table of course indicates the upper limits of jobs available.

The FEIS estimates that “[s]ome 300 LSA individuals will be involved per year...equal to approximately 165 full year job equivalents.” (Volume 4, p 68) This estimate takes presumed turnover (based on experience to date), the expected supply of labour, and other factors into account (See FEIS Table 4-4.3).

Fully three quarters of the people who start working at the mine and transportation system will start at Level D, the lowest paid and least skilled occupations. The FEIS states:

Substantial labour force development will need to take place to raise local employment participation in the Project from these anticipated levels and to move workers out of unskilled positions into Level C and Level B and higher positions. This will include helping those who seek to work at the Project to meet entry requirements; reducing turnover rates so that workers are able to move toward more regular rotational employment on a full-year basis; and increasing the skills of these workers so they can progress from Level D positions to higher level jobs. (FEIS Vol. 4, p 67).

The FEIS states that the available labour force in the North Baffin and in Iqaluit was not "tapped out" in the preparatory phase of the project, basing this conclusion on the facts that

there are unemployed workers in the labour force, and that new hires had not leveled off during the project preparation phase.

As the FEIS acknowledges, there are a number of large guesses behind such statements. It is not possible to know how many people will choose to work at the mine, once presented with the choice. It is unknown how many of these will seek further training. And the fact that new hires had not leveled off at one particular cutoff point tells us nothing about what would have happened two months or even two days later: a linear projection of labour supply must eventually be proven wrong.

What does appear to be clear is that without a substantial and successful training effort, most of the workers who come from the Baffin region will be in the lowest paid category of employment, and almost none will attain the highest level jobs.

Some other statistics provided in the FEIS suggest a need to probe a little more deeply. In 2006, 2,255 North Baffin residents "filled" 1100 jobs (a ratio of 2 people to 1 job), while 3,665 Iqaluit residents filled 2,650-2,800 jobs (a ratio of 1.3 or 1.4 to 1 job). As noted in the FEIS, "Inuit employment in North Baffin is characterized by many individuals earning small levels of income, well under what full-time work would pay, and a small number earning full-time year round income levels."(p60) What is behind this pattern?

Since there has been no study that will allow us to investigate reasons for this difference, we must speculate. In an area where jobs are scarce (as they are in North Baffin relative to, say, Iqaluit), one might expect a different pattern, in which people who did manage to get jobs held on to them. In North Baffin, the contrary is the case. Given the strength of the mixed economy in North Baffin, it is possible that people work for wages for shorter periods than they might because they quit work when they have accumulated sufficient funds for harvesting, family care-giving, or to meet other personal goals. A significant number of people who live in northern Baffin communities may *prefer* well-paid work that is either part-time, or not year round –because this is the most rational employment pattern for them and for the well-being of their families.

Some support for this interpretation of the data may be found in the fact that in many of the communities to which government offices have been decentralized, it has rarely been possible to fill all of the full-time year-round positions with local employees, even when these are available. Even when the obstacle to filling these positions is low education levels or lack of training in communities, one would expect that nearly ten years after decentralization, the availability of such jobs would be having an effect on education and training, so that local people would be by now qualifying for the jobs. In fact, the contrary is the case; Grade 12 graduation rates are falling, slightly, in the North Baffin.

If this line of reasoning is even partly correct, it will be important to the well-being of North Baffin communities that employment opportunities be structured in a way that will enable people to work at well-paid jobs for part of the year only, to share jobs, or to fill positions on the "labour pool" system. It will also be important to implement realistic measures to encourage young people to complete their education.

## **Conclusions and Recommendations**

The predominantly Inuit communities of northern Canada have distinctive economies that balance productive activity on the land with waged work. They have developed valuable

social institutions that allow communities to operate at the intersection of the cash economy and harvesting practices, and to benefit from both.

If the Baffinland project goes ahead, it will be a major feature in the lives of people who live in the North Baffin for at least a generation, and its impact on that generation will be felt for many years after it closes. It will affect, directly, how people will earn their livings, and consequently the vitality and viability of the harvesting economy that is at the centre of northern community health and well-being.

Furthermore, Baffin communities will not experience the impact of this project as an isolated event. The impact of this project will be combined with the impacts of other possible major projects, the changes due to climate change, and population growth. It is irrational to assess this project as if there will be no combined effects of all of these changes. It is necessary, therefore, to take a precautionary approach, planning not only to take advantage of opportunities, but to deal with risks and the possible negative effects of the combined effects of multiple projects, demographic changes and environmental change.

In general, the FEIS outlines labour force recruitment and management practices that are similar to measures that are used by other non-renewable resource companies operating in Canada. Some of the successful practices developed in other jurisdictions have not been incorporated in the FEIS, however. **I recommend that that Nunavut Impact Review Board review the practices followed by the Diavik mine in the Northwest Territories to ensure that the standards set for the Baffinland project, should it go ahead, are not less than those.**<sup>20</sup>

Many commitments concerning labour force management and other matters are made in the FEIS, certainly all in good faith. Both organizational theory and Canadian experience to date with major projects, however, teach us that good faith commitments are rarely sufficient. There need to be institutions to enforce **accountability**, and also to support “learning by doing” –innovations that might be necessary if the original means of reaching goals are not successful. I recommend, then, that should the project proceed, there be established an **Independent Monitoring Agency to which the proponent would make public reports, and which would be empowered to require changes in practices that do not appear to be leading to compliance with the standards that have been set.**

The Independent Monitoring Agency should labour force recruitment and development practices, retention rates, and innovations in the organization of work to make part-year employment a realistic choice. It should also ensure that North Baffin communities have the means to monitor the impact of the project on their own communities, by funding voluntary socio-economic baselines studies (such as the one already conducted by the Hamlet of Igloodik) and periodic repetition of the studies to enable communities to monitor impact and recommend project adjustments.

Concerning the labour force itself, **the proponent should be required to develop employment and education opportunities at all levels (Level B, C, and D) that would allow workers to structure their “wage work lives” in a way that harmonizes with the mixed economy and family obligations.** There should be opportunities for employees to work part of the year permanently, without penalty. For some

---

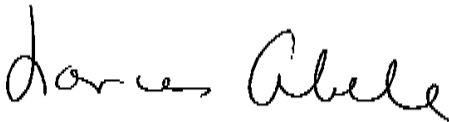
<sup>20</sup> An overview appears on Hofer 2009.

positions, it might be desirable to establish of a “work party” system in which hamlets commit to provide a certain number of workers on a regular schedule, but not necessarily the same workers each time. Various models of job-sharing should be considered for more senior positions. These are all practices for which there are real-life precedents. They would represent minimal recognition by the company that rather than waiting for “Inuit culture” to change, it would be desirable to innovate in the creation of more viable work options for the workers who are already available, and on whose land the mine proposed.

Finally, please consider that it is important that sufficient time be taken with the Baffinland decision. Understandably corporations plan their projects and establish timelines that are most suitable to their profitability. This is their responsibility to their shareholders. The leaders of the North Baffin, and the Nunavut Impact Review Board may respect this commitment, but they also have another heavy responsibility. This is to ensure that the decisions that they enhance the long term well-being of the particular and very special societies of the North. Given the bounty of resources of northern Canada and the advantages of being seen to be a "best practices" territory, there is time to do this right, and to set a world standard for sound environmental and human development standards.

Thank you very much for your attention.

Yours truly,



Frances Abele, Ph.D.  
Professor, School of Public Policy and Administration  
Academic Director, Carleton Centre for Community Innovation  
Carleton University

cc: Lloyd Lipsett  
President  
LKL International Consulting Inc.  
5430 Saint-Laurent Blvd., Suite 405  
Montréal, Québec H2T 1S1  
Cell: 514.451.5051

#### References

Abele, Frances. 2009. "Northern Development: Past, Present and Future" in Frances Abele, Tom Courchene, France St-Hilaire and F. Leslie Seidle, eds. *Northern Exposure: Peoples, Powers and Prospects in Canada's North*. Montreal: Institute for Research on Public Policy.

Canada, Ministry of the Environment. 2009. *Foundation for a Sustainable Future: Final Report of the Joint Review Panel for the Mackenzie Gas Project*. Available at <http://www.ceaa.gc.ca/default.asp?lang=En&n=155701CE-1>

Gibson, Ginger and Jason Klinck. 2005. "Canada's Resilient North: The Impact of Mining on Aboriginal Communities" *Pimatisiwin: A Journal of Aboriginal and Indigenous Community Health*. 3 (1): 116-139.



Government of Nunavut. 2002. *Building Nunavut Through Decentralization: Evaluation Report*. Report prepared by Millenium Partners.

Hamlet of Igloolik. 2009-10. *Socio-Economic Baseline Study*. Prepared by Sheena Kennedy and Frances Abele, Carleton Centre for Community Innovation, Carleton University.

Hoefler, Tom. 2009. "Diamond Mining in the Northwest Territories: An Industry Perspective on Making the Most of Northern Resource Development" in Frances Abele, Tom Courchene, France St-Hilaire and F. Leslie Seidle, eds. *Northern Exposure: Peoples, Powers and Prospects in Canada's North*. Montreal: Institute for Research on Public Policy.

Institute for Applied Circumpolar Policy. 2012. *A New Paradigm for Arctic Health: Challenges and Responses to Rapid Climate, Environmental and Social Change*. Dartmouth College. Available at [http://iacp.dartmouth.edu/images/stories/2012\\_Health\\_Report.pdf](http://iacp.dartmouth.edu/images/stories/2012_Health_Report.pdf).

Natcher, David C., Lawrence Felt, Andrew Procter, eds. 2012. *Settlement, Subsistence and Change Among the Labrador Inuit: The Nunatsuvummiut Experience*. Winnipeg: University of Manitoba Press.

O'Faircheallaigh, Ciaran. 1995. "Long Distance Commuting in Resource Industries: Implications for Naïve Peoples in Australia and Canada" *Human Organization* 54 (2): 205-213.

## 6. Transversal human rights considerations

### a. Consultation with indigenous peoples and other stakeholders

At the outset, the intervenors wish to acknowledge that the proponent and other parties such as the QIA and NIRB have undertaken substantial consultation efforts throughout the Mary River review process.

From a human rights perspective, consultation is a fundamental principle of indigenous peoples' rights, as articulated in ILO Convention 169 (which has not been ratified by Canada) and the UN Declaration on Indigenous Peoples Rights. The international human rights standards related to consultation are focussed primarily on the obligations of the State to establish appropriate frameworks and processes for consultation with indigenous peoples across a wide spectrum of issues, including development strategies and the use of land and resources.

Currently, there is significant debate about the meaning and implication of "Free, Prior and Informed Consent" (FPIC) for consultation with indigenous peoples. At the outset, it is important to note that FPIC is a rapidly evolving legal concept that is still subject to quite a bit of sensitivity and controversy. There is, however, emerging interest and understanding from leading companies, industry associations, financial institutions and government agencies about the relevance of FPIC.

What does FPIC mean?

As there is no standard definition of the component terms of "free", "prior", "informed" and "consent" contained in an international treaty, various actors have suggested definitions. An illustrative range of definitions is provided in the table below from an international NGO, a Canadian law firm, and the International Finance Corporation.<sup>21</sup>

Term	Definitions
Free	<ul style="list-style-type: none"> <li>• Oxfam: Free from force, intimidation, manipulation, coercion or pressure by and government or company</li> <li>• Fasken Martineau: No coercion, intimidation or manipulation from the State</li> <li>• International Finance Corporation: The process of informed consultation and participation entails consultation that occurs freely and voluntarily, without any external manipulation, interference or coercion, and without intimidation.</li> </ul>
Prior	<ul style="list-style-type: none"> <li>• Oxfam: Prior to government allocating land for particular land uses and prior to approval of specific projects. You must be given enough time to consider all the information and make a decision.</li> <li>• Fasken Martineau: Consent has been sought sufficiently in advance of any authorization of commencement of activities. Must respect time requirements of indigenous consultation processes.</li> <li>• International Finance Corporation: The Affected Communities of Indigenous Peoples should have access to relevant project information</li> </ul>

<sup>21</sup> The definitions are found in Oxfam Australia's "Guide to Free Prior and Informed Consent"; Fasken Martineau. "FPIC: Legal Requirements and Practical Realities"; and, IFC Performance Standard 7 and Practice Note (as revised in 2012).

Term	Definitions
	<p>prior to any decision making that will affect them. ... To achieve this objective, consultations should take place prior to and during project planning.</p>
Informed	<ul style="list-style-type: none"> <li>• Oxfam: You must be given all the relevant information to make your decision about whether to agree to the project or not. Also: this information must be in a language that you can easily understand; you must have access to independent information, not just information from the project developers or your government; and, you must also have access to experts on law and technical issues, if requested, to help make your decision.</li> <li>• Fasken Martineau: Must provide accurate and understandable, easily accessible information</li> <li>• International Finance Corporation: Should have access to relevant project information ... including information on potential adverse environmental and social impacts affecting them at each stage of project implementation (i.e., design construction, operation and decommissioning).</li> </ul>
Consent	<ul style="list-style-type: none"> <li>• Oxfam: Consent requires that the people involved in the project allow indigenous communities to say “Yes” or “No” to the project at each stage of the project, according to the decision-making process of your choice. The right to give or withhold consent is the most important difference between the rights of Indigenous Peoples and other project-affected peoples.</li> <li>• Fasken Martineau: Controversial as to meaning and when required</li> <li>• International Finance Corporation: FPIC builds on and expands the process of ICP [informed consultation and participation] described in Performance Standard 1 and will be established through good faith negotiation between the client and the Affected Communities of Indigenous Peoples. The client will document: (i) the mutually accepted process between the client and Affected Communities of Indigenous Peoples, and (ii) evidence of agreement between the parties as the outcome of the negotiations. FPIC does not necessarily require unanimity and may be achieved even when individuals or groups within the community explicitly disagree.</li> <li>• International Finance Corporation: FPIC required when:             <ul style="list-style-type: none"> <li>○ Impacts on lands and natural resources subject to traditional ownership or under customary use;</li> <li>○ Relocation of Indigenous Peoples from lands and natural resources subject to traditional ownership or under customary use;</li> <li>○ Significant impacts on critical cultural heritage that is essential to the identity and/or cultural, ceremonial, or spiritual aspects of Indigenous Peoples lives, including natural areas with cultural and/or spiritual value such as sacred groves, sacred bodies of water and waterways, sacred trees, and sacred rocks;</li> <li>○ Use of cultural heritage, including knowledge, innovations or practices of Indigenous Peoples for commercial purposes.</li> </ul> </li> </ul>

As the project has not been approved, it is too early to analyze whether the principles of FPIC have been respected or not. However, there are many strengths to the existing regulatory framework in Nunavut and the efforts that the proponent and other parties such as the QIA and NIRB have undertaken to involve Inuit in information and consultation meetings. One of the intervenor's particular concerns, however, is about the quality and timeliness of the availability of information in Inuktitut—particularly in oral Inuktitut. This is one of the gaps that the Digital Indigenous Democracy project is trying to fill for the remainder of the Mary River review process; and, into the operations phase if the project is approved.

Beyond FPIC, which is a standard that applies to consultation with indigenous peoples, the international human rights standards related to access to information and freedom of expression for all stakeholders are also relevant: meaningful consultation is premised on the provision of adequate information and the respect of stakeholders' right to freely express their opinions and concerns.<sup>22</sup>

Another observation about consultation from a human rights perspective relates to the scope of issues that should be consulted upon. According to the DIHR HRCA tool, the following table outlines how consultation is related to international human rights standards, as well as the matters upon which consultation should take place.

Human rights affected by consultation	Issues that should be addressed
The right to self-determination	<ul style="list-style-type: none"> <li>• Consultation should take into account indigenous decision-making processes and authorities</li> </ul>
The right to food, including the right to water.	<ul style="list-style-type: none"> <li>• Local food supply and use of agricultural land</li> <li>• Water usage patterns</li> <li>• Local wildlife and marine life</li> </ul>
The right to housing	<ul style="list-style-type: none"> <li>• Access to basic services (electricity, water, sewage)</li> <li>• Disruptions and/or pollution affecting residential areas</li> <li>• Informal occupation of land</li> <li>• Relocation plans</li> </ul>
The right to education	<ul style="list-style-type: none"> <li>• Disruptions/improvements to the learning environment</li> </ul>

<sup>22</sup> See article 19 of the International Covenant on Civil and Political Rights and article 13 of the Inter-American Convention on Human Rights. While the right to freedom of information is most often formulated in relation to public authorities, disclosure of information and consultation are a touchstone for the fulfillment of all human rights, and are key components of transparent and accountable governance. In this regard, consultation and disclosure of information is a cross-cutting indicator for company compliance with international human rights standards in the DIHR Compliance Assessment Tool. See also: Chapter III (Disclosure) of the OECD Guidelines for Multinational Enterprises; GRI Sustainability Reporting Guidelines on Human Rights; IFC Performance Standard 1, paragraphs 19 – 22; and, Principle 10 of the ICMM Sustainable Development Framework.

The right to health, including environmental concerns	<ul style="list-style-type: none"> <li>• Hazardous activities and materials</li> <li>• Environmental policies and records</li> <li>• Occupational health and safety policies and records</li> <li>• Emergency plans and procedures</li> </ul>
The right to an adequate standard of living	<ul style="list-style-type: none"> <li>• Current land usage and needs</li> <li>• Resources that are located on the land</li> <li>• Measures to protect future access to resources</li> <li>• Employment opportunities</li> </ul>
The right to own property	<ul style="list-style-type: none"> <li>• Land rights and patterns of use of lands</li> <li>• Common property resources</li> <li>• Traditional or sacred lands</li> <li>• Conservation plans</li> <li>• Resettlement plans</li> <li>• Compensation to be paid for land and resources</li> </ul>
The right to freedom of movement	<ul style="list-style-type: none"> <li>• Relocation plans</li> <li>• Informal occupation or use of lands</li> <li>• Use of roads and trails</li> </ul>
The right to participate in cultural life	<ul style="list-style-type: none"> <li>• Local cultural traditions and activities</li> <li>• Cultural and spiritual significance of lands</li> </ul>
The right to life, liberty and security of the person	<ul style="list-style-type: none"> <li>• The implementation of the Voluntary Principles on Security and Human Rights requires consultations with public security forces and other stakeholders, particularly in relation to conducting risk assessments.</li> </ul>

#### Recommendations:

- That NIRB, the proponent and other parties ensure that any final approval of the Mary River project take into account the principles of Free, Prior and Informed Consent (and other human rights principles related to consultation with other stakeholders). Furthermore, any major changes to the project in the future should also be subject to a process of Free, Prior and Informed Consent.
- That NIRB, the proponent and other parties ensure that any on-going consultation about the Mary River project (if approved) cover the full range of topics that are relevant to human rights.
- That NIRB, the proponent and other parties consider how to use radio, social media and other means to maximize informed consultation in Oral Inuktitut on an on-going basis throughout the lifespan of the project (if approved). The HRIA and Digital Indigenous Democracy project extend an invitation to dialogue about lessons-learned from their experience with the use of community radio and social media.

b. Access to remedies, including monitoring project-based complaints mechanisms

Access to remedy is the third pillar of the "Protect, Respect and Remedy" framework. It is stated that: "State regulation proscribing certain corporate conduct will have little impact without accompanying mechanisms to investigate, punish, and redress abuses. Equally, the corporate responsibility to respect requires a means for those who believe they have been harmed to bring this to the attention of the company and seek remediation, without prejudice to legal channels available."<sup>23</sup>

The establishment of an effective and credible company-level grievance mechanism is increasingly an area of good practice for companies seeking to respect international human rights.<sup>24</sup> There are currently a number of interesting case studies about different grievance mechanisms implemented by businesses that may be useful for the proponent to consider when it implements its company-level grievance procedure (if the project is approved).<sup>25</sup>

A formal process for raising and addressing complaints is especially important in the context of mining projects where there are multiple impacts on a large number of affected people over a significant period of time, and where unanticipated impacts, complaints and disputes are inevitable. While the issue of access to remedies focuses in part on the company-level recourse available for stakeholders, it explicitly recognizes that they should not be prevented from using other legal mechanisms. This also implies that companies can and will make use of various legal mechanisms to protect their interests and to respond to allegations or complaints against them. However, given their relative economic strength and legal sophistication, companies' use of legal mechanisms may create additional barriers for stakeholders to access remedies.

The proponent has outlined the proposed company-level grievance mechanism in the FEIS. This mechanism respects the human rights-based principle that it should favour mediation, but should not prejudice people from seeking access to other judicial or non-judicial mechanisms. As the FEIS does not currently make explicit reference to human rights, nor does the proponent have a detailed human rights policy, it is unclear whether the proposed grievance mechanism will be implemented in a rights-respecting manner.

**Recommendations:**

- **To the extent that Baffinland voluntarily undertakes or the NIRB Board encourages and/or requires additional human rights due diligence, ensure that the Mary River project formally adopts and implements a rights-respecting grievance mechanism according to the UN Guiding Principles on Human Rights and other relevant guidance.**

c. Gender and women's rights

The FEIS acknowledges that the different phases of the Mary River Project could impact gender relations as well as affect in different ways men and women. These concerns are

---

<sup>23</sup> Ruggie 2008, para. 82.

<sup>24</sup> ICM (2009), "Human Rights in the Mining & Metals Industry: Handling and Resolving Local Level Concerns & Grievances;" IFC (2009), "Addressing Grievances from Project-Affected Communities."

<sup>25</sup> [http://shiftproject.org/sites/default/files/Report\\_28\\_Mapping.pdf](http://shiftproject.org/sites/default/files/Report_28_Mapping.pdf)

mainly discussed in Volume 4 on Human Environment of the FEIS and in the Human Resource Management Plan (HRMP) (appendix 10F-3).

These documents note that women are faced with supplementary barriers in mining operations, including feeling threatened or being vulnerable to harassment in a remote male-dominated environment. The FEIS underlines that during consultations with community (consultation conducted by Knight-Piesold between 2006-2010 (appendix 2b)) it was mentioned that a critical mass of women on site might mitigate those concerns (vol 4, part 1, p 77). To achieve this goal the importance of putting in place specific recruitment efforts and providing opportunities for women to gain non-traditional skills through training has been highlighted (ibid).

To that end, the HRMP (Appendix 10F-3) enumerates a series of measures that Baffinland is considering implementing to support the integration of women in the project. These include:

- Developing a Code of Conduct and Anti-Harassment/Discrimination Policy (5)
- Providing training to workers and managers in gender and cultural sensitivity and how to avoid and address harassment. (5)
- Developing an affirmative action plan that sets out measurable goals and procedures to monitor compliance with government employment equity legislation and any harassment policies (7)
- With the assistance of a qualified Inuit organization, developing and locating training programs developed specifically to attract women who might want to work at the Project. (7)
- With the assistance of a qualified Inuit organization, developing and implementing gender-sensitivity training programs. (7)
- Providing appropriate accommodation and facilities for female Inuit employees. (7)
- Working with affected communities and women's organizations so that traditional health care practices in those communities are respected and women's health care is included as a part of the health care plan. (23)

The HRMP also points out that the Inuit Resources Strategy that Baffinland will develop (12) will have an Inuit women's access employment component that will include:

- An analysis of the project workforce, which will assess any potential differential impact on women and men of policies, strategies, procedures, practices and conditions applicable to the project workforce. Where appropriate, Baffinland will use the result of this analysis to revise employment and training policies, strategies, procedures and practices (16)
- A process to be developed by Baffinland to work with the QIA, Nunavut, and federal government agencies, and Inuit women's groups to assist Inuit women prepare for jobs with Baffinland and its contractors. (16)
- A workplace environment that is welcoming to Inuit women and workplace policies that assist Inuit women employees to retain their positions. (16)

The FEIS notes that since women were less likely to attend or participate to public meetings, a special consideration should be given to ensure that their views are adequately represented in consultation and engagements processes that will take place to during the construction phase (until 2015) and during the project development phase (2016-onwards) (see Stakeholder Engagement Plan, Appendix 10F-1, 11). This will include meeting specifically with women.

Finally, the HRMP notes that Baffinland as part of the IIBA will have to prepare a yearly implementation report for submission to the executive committee which will include data on Inuit women's access to employment.

The FEIS makes an effort to take in consideration gender issues; however, gender is only discussed in volume 1-2 and 10 of the FEIS. From a human rights perspective, gender is a transversal issue (related to non-discrimination and women's rights) for all aspects and sections of the FEIS. This is an area that the final HRIA will undertake further analysis in consultation with women in the communities and gender / women's rights experts.

#### **Recommendations:**

- **That Baffinland considers expanding the scope of its future work on gender issues to develop this as a transversal issue across all areas of operations and impact assessment. To the extent that Baffinland considers developing further human rights due diligence, that it adopts and implements gender and woman's rights as a transversal issue. In this regard, that Baffinland consult with independent human rights and gender experts when developing gender-related policies (including trainings) and monitoring measures.**

#### d. Cultural rights

The importance of maintaining and using traditional languages (including oral traditions) is part and parcel of the respect for cultural rights. This does not only imply respect for traditional language but also making information accessible in this language.

The FEIS acknowledges the importance of preserving traditional language (this issue is mainly discussed in Vol 1 (part 1-7), 4 (part 1) and 10 of the FEIS).

The FEIS notes that the oral tradition of Inuits was taken in consideration during the research phase of the project including through:

- Conducting an Igloodik Oral History Project to collect information regarding traditional land use, harvesting, and cultural values in the areas around the Project (see the Land Use Report in Volume 4, Appendix 4C). This research also contained information about traditional use by Igloodingmiut of the Steensby Inlet area and associated marine resources (Vol 1, part 7, 57).
- Conducting individual interviews in Pond Inlet, Igloodik and Arctic Bay in 2006 through early 2008. Local Inuit were trained by an anthropologist to interview, record, and map Elders' information. The interviews were transcribed in Inuktitut and translated into English. The transcribed interviews were incorporated in a central Inuit knowledge database and coded to sort by topic (Vol 1, part 7, 57)

The FEIS notes that preserving Inuktitut and its oral tradition has been an important element of its communication strategy (Executive summary, 82) throughout the different phases of the project:

- To date it has tried to provide information that can be understood by everyone (written and spoken Inuktitut and English) (Appendix 10F-17)



- During the community based research (conducted by Knight-Piésold from 2006-2010), Baffinland participated to call-in programs on the radio (Vol 1, part 7, 58).
- During consultations, Power-Point presentations used in meetings were in Inuktitut, speeches delivered in English were translated. As much as possible, two translators were present at all meetings with Baffinland Liaison Officers attending meetings to provide backup translation. During meetings, headsets were provided, so attendees could properly hear the translations. Minutes from these meetings were recorded and incorporated in a central public consultation database (Volume 2, Appendix 2A-2) (Vol1, part 7, 56).
- As part of its Stakeholders Engagement Plan (Appendix 10F-1) Baffinland notes that it will:
  - Encourage presenters to speak slowly, clearly, and in small blocks to ensure that interpreters can keep up and communicate the information accurately (11).
  - Consider Oral transmission of information, especially over the local community radio stations (11)
  - Endeavour to have oral information interpreted and written information translated into Inuktitut. (11)

The FEIS notes that the project is not expected to exert pressures leading to a decline in Inuktitut land and harvesting-related language. While English is expected to be the main language used on-the-job at the Project, the Project will also support Inuktitut language in association with English. Because, the context in which Inuktitut will be used at the Project is somewhat similar to the context in which it is used during harvesting activities (for example, weather conditions will be highly important and will be the subject of many conversation), it is expected that Inuktitut terminology related to knowledge of weather patterns and forecasts should be maintained and perhaps strengthened. (Vol 4, part 1, p60).

The HRMP outlines a series of measures that will be taken to respect and preserve the language of Inuit employees in the workplace. These include:

- Developing a policy to support the use of Inuktitut in the workplace with a requirement for monitoring which will include (7):
  - baseline data on the number of employees on the project whose first language is Inuktitut
  - positions held by employees on the project whose first language is Inuktitut
  - data regarding accreditation/recognition of trainees or employees whose first language is Inuktitut
  - benchmarks established to encourage increased use of Inuktitut in training and employment on the project
  - an indication of progress, based on indicators approved by the Management team, toward increased training opportunities for trainees, and employment for employees, whose first language is Inuktitut
  - measures to support and increase use of Inuktitut on the project
- Encourage establishment of Inuktitut-speaking work groups within sub-activities of the project, with the provision that at least one member of each work group can communicate competently in English with other personnel on the project (7).
- Provide translation and interpretation services as necessary for all employees to function safely, effectively, and comfortably. Specifically, all relevant safety materials, policies, directives, and public postings will be readily available in both English and Inuktitut (7).
- Ensure that all staffing documents and processes, including notices, applications, and interviews are available in, and can be completed in Inuktitut (7).

- Make available Inuktitut and English language training programs for all employees either during or outside of regular working hours. These training programs will be planned during the construction phase of the project and implemented within a reasonable timeframe after start of commercial operations (7).
- Make Inuktitut publications, broadcasts, and other mass media readily available to project workers (7).
- Make available job posting in English and Inuktitut (10)

The HRMP notes that Baffinland as part of the IIBA will have to prepare a yearly implementation report for submission to the executive committee which will include data on use of Inuktitut and Inuit instructors (46)

Baffinland will prepare an annual report specifically on progress on the “Inuktitut In The Workplace” policy (47).

#### **Recommendations:**

- **That Baffinland to reflect and give more information on how the oral tradition of Inuits will be systematically integrated in the Stakeholder Engagement Plan (Appendix 10F-1).**
- **That Baffinland to consider conducting periodic independent evaluations monitoring respect and preservation of Inuktitut and its oral tradition, as well as accessibility to information.**
- **That NIRB, the proponent and other parties consider how to use radio, social media and other means to maximize informed consultation in Oral Inuktitut on an on-going basis throughout the lifespan of the project (if approved). The HRIA and Digital Indigenous Democracy project extend an invitation to dialogue about lessons-learned from their experience with the use of community radio and social media.**

9. Conclusions and recommendations

- That Baffinland voluntarily adopt and implement a human rights due diligence strategy that conforms to the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.
- The NIRB Board should consider encouraging or requiring Baffinland to adopt and implement a human rights due diligence strategy that conforms to the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.
- The design and implementation of a human rights due diligence strategy should be done in consultation with Inuit and other stakeholders and should draw upon specific human rights expertise.
- The proponent and other parties collaborate with the HRIA as it pursues its research, interviews and analysis in the coming months. While they are not bound by the findings, conclusions or recommendations of the final HRIA, there is a constructive opportunity to build shared understanding and dialogue around human rights due diligence for the Mary River project.
- For future review processes of mining projects in Nunavut, that the NIRB encourage or require proponents to proactively integrate human rights into their environmental impact statements in conformity with the UN Guiding Principles on Business and Human Rights and other guidance relevant to the mining industry.
- To the extent that Baffinland wishes to adopt a human rights due diligence framework, that it revise the final FEIS to include relevant international human rights instruments ratified and implemented by Canada as part of its description of the legal and regulatory framework for the Mary River project.
- For future mining projects in Nunavut, that NIRB encourage or require proponents to consider international human rights instruments that have been ratified and implemented by Canada as part of their description of the legal and regulatory framework.
- As certain gaps in the FEIS regarding climate change and its impacts on sustainable development regarding the Mary River Project need to be further explored, and conclusions that impacts to marine mammals, permafrost and food security are “not significant” is perhaps premature, that NIRB encourage stakeholders involved in the Mary River Project to more fully consider the development and its cumulative impacts in the context of climate change. Importantly, the IPCC Fifth Assessment Report is forthcoming between 2013-2014, and will make a valuable contribution to the planning and evaluation of the Mary River Project. More accurate and comprehensive data would enable all parties involved in the Project to better evaluate the risk associated with cumulative impacts on the Arctic environment and communities that rely upon it.

- That NIRB review the practices followed by the Diavik mine in the Northwest Territories to ensure that the standards set for the Baffinland project, should it go ahead, are not less than those.
- That an Independent Monitoring Agency be created to which the proponent would make public reports, and which would be empowered to require changes in practices that do not appear to be leading to compliance with the standards that have been set.
- That the proponent should be required to develop employment and education opportunities at all levels (Level B, C, and D) that would allow workers to structure their “wage work lives” in a way that harmonizes with the mixed economy and family obligations.
- That NIRB, the proponent and other parties ensure that any final approval of the Mary River project take into account the principles of Free, Prior and Informed Consent (and other human rights principles related to consultation with other stakeholders). Furthermore, any major changes to the project in the future should also be subject to a process of Free, Prior and Informed Consent.
- That NIRB, the proponent and other parties ensure that any on-going consultation about the Mary River project (if approved) cover the full range of topics that are relevant to human rights.
- That NIRB, the proponent and other parties consider how to use radio, social media and other means to maximize informed consultation in Oral Inuktitut on an on-going basis throughout the lifespan of the project (if approved). The HRIA and Digital Indigenous Democracy project extend an invitation to dialogue about lessons-learned from their experience with the use of community radio and social media.
- To the extent that Baffinland voluntarily undertakes or the NIRB Board encourages and/or requires additional human rights due diligence, ensure that the Mary River project formally adopts and implements a rights-respecting grievance mechanism according to the UN Guiding Principles on Human Rights and other relevant guidance.
- That Baffinland considers expanding the scope of its future work on gender issues to develop this as a transversal issue across all areas of operations and impact assessment. To the extent that Baffinland considers developing further human rights due diligence, that it adopts and implements gender and woman’s rights as a transversal issue. In this regard, that Baffinland consult with independent human rights and gender experts when developing gender-related policies (including trainings) and monitoring measures.
- That Baffinland to reflect and give more information on how the oral tradition of Inuits will be systematically integrated in the Stakeholder Engagement Plan (Appendix 10F-1).

- **That Baffinland to consider conducting periodic independent evaluations monitoring respect and preservation of Inuktitut and its oral tradition, as well as accessibility to information.**
- **That NIRB, the proponent and other parties consider how to use radio, social media and other means to maximize informed consultation in Oral Inuktitut on an on-going basis throughout the lifespan of the project (if approved). The HRIA and Digital Indigenous Democracy project extend an invitation to dialogue about lessons-learned from their experience with the use of community radio and social media.**

## Appendix A: Statement of Professional Credentials for Lloyd Lipsett

*Lloyd Lipsett is an international human rights lawyer with 15 years of experience working with leading companies, governments and civil society organizations. He has developed a niche in the emerging field of human rights impact assessment with a focus on assisting companies in the extractive sector identify and address opportunities and risks associated with human rights, anti-corruption and corporate social responsibility.*

### Education and Professional Accreditation

- |             |  |
|-------------|--|
| 1999        | <p>Law Society of Upper Canada</p> <ul style="list-style-type: none"> <li>• Successfully completed the requirements of the Bar Admission Course</li> <li>• Licensed to practice law and serve as a notary in Ontario and Canada</li> </ul>   |
| 1994 - 1997 | <p>Bachelor of Laws (<i>cum laude</i>), McGill University Faculty of Law</p> <ul style="list-style-type: none"> <li>• Specialization in international law, human rights, rule of law and corporate social responsibility</li> <li>• Certification in mediation and arbitration</li> <li>• Legal clinic work with the Mohawk Council of Kahnawake Legal Services and McGill Legal Information Clinic</li> </ul> |
| 1990 - 1993 | <p>Bachelor of Arts (<i>magna cum laude</i>), Queen's University</p> <ul style="list-style-type: none"> <li>• Specialization in political studies and philosophy</li> <li>• Dean's Honour List (top 3% of faculty) and Stirling Entrance Scholarship</li> </ul>  |

### Selected Experiences in the field of Corporate Social Responsibility

- |         |   |
|---------|---|
| Current | <p>Rapporteur for an International Bar Association Task Force on the issue of illicit financial flows, poverty and human rights</p> <ul style="list-style-type: none"> <li>• Organizing and leading meetings of a Task Force of 10 international legal experts in the fields of taxation, corporate law, international development and human rights</li> <li>• Organizing and leading consultations with stakeholders in Brazil, Swaziland, Zimbabwe, Botswana and South Africa</li> <li>• Supervising a team of researchers to prepare draft sections of the Task Force's report</li> <li>• Completing, editing and revising the Task Force report</li> </ul>                                  |
| Current | <p>Human rights impact assessment of the Baffinland Iron Mine in Nunavut, Canada on behalf of Isuma TV's Digital Indigenous Democracy project</p>   |
| Current | <p>Team Leader and Lead Human Rights Expert to conduct a Human Rights Impact Assessment of Vanuatu's accession to the World Trade Organization on behalf of United Nations Development Program and UN Office of the High Commissioner for Human Rights</p> <ul style="list-style-type: none"> <li>• Coordinating a team of 4 independent experts to develop and implement a rights-based assessment methodology related to the positive and negative impacts of trade liberalization under the World Trade Organization's accession package; to conduct field missions to Vanuatu for stakeholder interviews; and, to produce a report to be presented in the Parliament of Vanuatu.</li> </ul> |

- Liaison with the UNDP and OHCHR staff to develop lessons-learned and strategy for human rights impact assessment of trade-related issues in the Pacific region.
- Current Advisor to Canadian Human Rights Commission on business and human rights
- Research and policy briefing on issues in relation to the Commission's role as the Chair of the International Coordinating Committee of National Human Rights Institutions' Working Group on Business and Human Rights
- Current Presentations and advice on human rights and due diligence for extractive industry representatives
- Liaison between the United Nations Global Compact and Goldcorp for the preparation of a case study on the human rights impact assessment of the Marlin Mine
  - Sessional lecturer at Osgoode Hall's Mining Law Certificate Program
  - Presentations on due diligence for human rights, corporate social responsibility and anti-corruption to Canadian law firms and mining companies
- 2011 Lead Researcher and Author for the Mining Association of Canada's study about follow-up to the National Roundtables on Corporate Social Responsibility in the Canadian International Extractive Industry
- Interviews with Government of Canada officials, representatives of civil society organizations and extractive industry associations and companies about corporate social responsibility, human rights and anti-corruption initiatives
  - Drafting, editing and presenting report to Mining Association of Canada's International Social Responsibility Committee
- 2011 Human rights impact assessment of BHP Billiton's Diamond & Specialty Product Division's operations in North America, including the Ekati diamond mine in Northwest Territories, potash projects in Saskatchewan, offices in Vancouver, Saskatoon and Yellowknife and a port facility in Washington State.
- 2011 Preparing an options paper and draft methodology for Foreign Affairs and International Trade Canada for the implementation of the Human Rights Agreement of the Canada-Colombia Free Trade Agreement (annual human rights review to Parliament)
- 2010 Drafting and editing of a private Canadian corporation's first Corporate Sustainability Report using the Global Reporting Initiative framework
- 2009 - 2010 Senior Reviewer and Human Rights Expert for the human rights impact assessment of Goldcorp's Marlin Mine in Guatemala ([www.hria-guatemala.com](http://www.hria-guatemala.com))
- Adaptation and application of human rights impact assessment methodology to controversial mine
  - Analysis of international human rights framework as it applies to Guatemala and the mining sector (with focus on labour practices;

occupational health and safety; environmental management; consultation with indigenous peoples; land acquisition; social and economic investment; and, interaction with public and private security forces)

- Customization of questions and indicators to assess human rights impacts in the community and the company's compliance with relevant international standards and best practices
- Drafting and reviewing final report, including practical recommendations to improve the mine's human rights performance in Guatemala, as well as the company's global policies and practices

- 2003 – 2008 Assumed management responsibility over Rights & Democracy's work on business and human rights, and corporate social responsibility:
- Acted as in-house legal advisor for flagship Human Rights Impact Assessment (HRIA) project: attended the International Advisory Committee Meetings with prominent business and human rights practitioners; presentations to partner organizations for the 5 HRIA case studies in Indonesia, Democratic Republic of Congo, China, Argentina and Peru; edited the publication for potential libel issues
  - Participated in National Roundtables on Corporate Social Responsibility, including the preparation of Rights & Democracy's submission to the Government of Canada; the presentation of the President to the Montreal roundtable; and an op-ed published in the Montreal Gazette
  - Presentations on business and human rights to Canadian corporations such as Bombardier and Rio Tinto Alcan
  - Attendance at private discussions between Rights & Democracy, the OECD National Contact Point and mining companies about human rights concerns with their overseas operations
  - Participated in informal and formal consultations with John Ruggie, the UN Special Representative on Business and Human Rights
- 1998 – 2001 Promotion of human rights and environmental issues to Canadian corporations as part of regulatory compliance and reputation management and dispute resolution strategies while practicing law at McMillan Binch
- 1994 – 1997 Legal research, writing and course work on corporate social responsibility while attending the McGill University Faculty of Law

#### Chronological Work Experience

- 2008 - present President, LKL International Consulting Inc.
- Founder of an international consulting firm incorporated in Canada
  - Provides professional services to public institutions and private companies in relation to their international policies and programming with an emphasis on human rights, democracy support, rule of law and corporate social responsibility
- 2003 - 2008 Senior Assistant to President, Rights & Democracy
- Provided legal and policy advice to the President (Jean-Louis Roy, Janice Stein and Jean-Paul Hubert) and Board of Directors of an arms-length federal institution ("Crown corporation") in Canada with a mandate to



promote human rights, democratic development and the rule of law in developing countries

- Participated in all aspects of institutional and programme administration as part of the senior management team, including regulatory compliance; strategic planning; policy development; programme design, implementation and evaluation; special initiatives; communications; government relations and partnerships; fundraising; human resources; management of offices in Haiti and Afghanistan
- Negotiated and implemented formal partnerships with the Government of Canada, multilateral organizations and international partners (e.g. UN Office of the High Commissioner for Human Rights, Commonwealth Secretariat, Danish Institute for Human Rights, etc.)
- Established an office of Rights & Democracy in Geneva, Switzerland for liaison with the UN Office of the High Commissioner for Human Rights and for supporting the activities of civil society organizations and national human rights institutions at the Human Rights Council
- Successfully negotiated a significant increase in core funding from the Parliament of Canada, as well as project funding from various public and private sources
- Supervised the communications team and various project teams related to programming in developing countries
- Provided legal research and opinions; drafted and negotiated complex legal documents; revised model contracts; managed legal aspects of relationships with donors, partners and suppliers
- Drafted speeches and presentations for Parliamentary Committees, media articles and important correspondence for the President and the Chair of the Board of Directors

2001 - 2002 Research Consultant, Rights & Democracy

- Provided legal and policy advice on issues relating to international human rights, democracy and security after the terrorist attacks of September 11, 2001
- Animated multi-stakeholder policy dialogues on human rights and anti-terrorism issues

1998 - 2001 Lawyer, McMillan Binch LLP

- Specialization in litigation and dispute resolution
- Successfully represented clients at all levels of Ontario and federal courts
- Provided legal research and opinions on a diverse range of complex legal and commercial issues
- Member of Advocate's Society and Asia-Pacific Bar Association

1997 Legal Intern, Rights & Democracy

- Research on issues related to international justice and rule of law, the International Criminal Court and national human rights institutions

1996 Research assistant, McGill University Faculty of Law

- Research on culture and human rights for Stephen J. Toope, Dean of the Faculty of Law

- 1996            Legal Intern, Mohawk Council of Kahnawake Legal Services
- Research on constitutional and aboriginal law issues
  - Provided legal information and advice to band members
- 1995            Legal Intern, McGill Legal Information Clinic
- Provided legal information and referral services to students and members of the general public in Montreal
- 1993            Field Operator, PanCanadian Petroleum Inc.
- Operated an oil & gas field at the Rockyford Battery near Drumheller, Alberta

#### Recent Reports and Presentations

Lipsett, Lloyd and Brent Bergeron, “Human Rights: A New Framework for Responsible Mining,” Presentation at Osgoode Hall Mining Law Certificate Program, April 2012.

Lipsett, Lloyd and Susan Joyce, “Human Rights Impact Assessment: Lessons-Learned About Community Consultation and Corporate Confidentiality,” Forthcoming publication in special report of International Association of Impact Assessment on human rights impact assessments.

Lipsett, Lloyd et al., “Recommendations of the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries: Current Actions, Stakeholder Opinions and Emerging Issues,” Mining Association of Canada, January 2012, available at: <http://tinyurl.com/83xqn9f>

Lipsett, Lloyd, “The Human Right to Water,” Presentation to University of Toronto Faculty of Law, November 2011.

Lipsett, Lloyd et al., “Human Rights Risk Assessment of BHP Billiton’s Diamond & Specialty Products Assets in North America,” July 2011 (confidential document).

Lipsett, Lloyd and Kimberly Inksater, “Methodology for Human Rights Reporting on the Canada-Colombia Free Trade Agreement,” March 2011 (confidential document).

Lipsett, Lloyd and Susan Joyce, “Can Human Rights Contribute to Sustainability?” Paper prepared for Aachen conference on Sustainability and Mining, June 2011.

Lipsett, Lloyd, “Corporate Due Diligence for Human Rights,” Presentation to the Prospector and Developers’ Association of Canada Conference, March 2011.

Joyce, Susan and Lloyd Lipsett, “Human Rights Assessment of Goldcorp’s Marlin Mine,” On Common Ground Consultants, May 2010, available at [www.hria-guatemala.com](http://www.hria-guatemala.com)

## Appendix B: Code of Conduct for HRIA

The HRIA seeks to provide independent, balanced, credible and constructive information for all stakeholders. All persons that will contribute to the implementation of the HRIA agree to respect the following ethical and professional principles while implementing the HRIA:

### 1) Principle of Transparency

We will provide stakeholders with relevant, adequate and reliable information about the objectives, methodology and activities of the HRIA on an on-going basis through a dedicated webpage and local radio programming. The HRIA's findings and conclusions will be made available in a printed report and in digital video format. Special efforts will be undertaken to ensure that the HRIA is appropriately translated, communicated to and understood by the Inuit communities in the area of influence of the Mary River project.

### 2) Principle of Independence and Balance

In the conduct of the HRIA and our research and analysis, we will be independent of government, political, business or other interests. The HRIA team will be solely responsible for the methodology, findings and conclusions of the assessment.

We will seek to engage with the full range of stakeholders of the Mary River project in order to elicit diverse opinions, concerns and expectations for the assessment—including from both proponents and opponents of the project. We recognize the right to fair, equal and respectful treatment of all stakeholders regardless of their positions and/or decision to participate in the HRIA.

We will maintain a balanced approach to potential positive and negative impacts in our information gathering, interviews, analysis, recommendations and reporting.

### 3) Principle of Inclusion and Non-discrimination

In addition to actively seeking the participation of the full range of stakeholders, we will ensure that the process is open to any individuals or groups that self-identify as stakeholders and wish to communicate their concerns and expectations.

We seek to encourage diversity, and will be impartial and non-discriminatory in our assessment. In particular, we will promote gender equality and balance and will respect Inuit culture and custom, including their oral traditions, throughout the HRIA process.

### 4) Principle of Informed Consent and Confidentiality

We will provide full and accurate information about the HRIA process, in advance, to all individuals, groups, organizations and/or institutions to be interviewed so that they are able to make an informed decision concerning their participation, or not, in the assessment. We respect the right of individual or groups approached by us to decide voluntarily to participate or not in the assessment without fear of negative consequences or repercussions.

We will obtain the informed consent of all participants who agree to have their interviews filmed. Participants will also be provided with the option of being interviewed without being

filmed. We will fully respect any requests for anonymity and confidentiality in the treatment of information and opinions shared by all participants.

5) Principle of Professionalism and Accuracy

We will conduct our professional activities with integrity, honesty, and will make every effort for our assessment to be free from misrepresentation or deliberate bias. We will adhere to the highest standards of accuracy and honesty in presenting, interpreting and referencing data and research.

6) Principle of Respect for Universal Principles

We will promote the international and national laws and principles with respect to human rights as the normative foundation of the HRIA. Where such laws do not exist or are not fully implemented, we will highlight these gaps. In the conduct of the HRIA, we will respect the equal rights and dignity of all human beings.

**Appendix C:**  
**Lipsett, Lloyd and Susan Joyce, "Can Human Rights Contribute to Sustainability?"**

Paper prepared for Aachen conference on Sustainability and Mining, June 2011.

## Introduction

The following paper explores the relationship between human rights and sustainability in the mining industry. At a policy level, human rights complement and reinforce the international standards for sustainability; currently, many of these standards are being revised to make more explicit reference to international human rights.<sup>26</sup> On the ground, rights-based approaches can strengthen the methodologies and best practices that have been developed to assess, mitigate and manage environmental and social issues. When fully integrated into business operations throughout the life cycle of a mine, respect for human rights not only addresses human rights concerns but also can strengthen mechanisms to achieve sustainability objectives and underpin strong community engagement.

In terms of international law and policy, there is also an emerging consensus that all business enterprises have a responsibility to respect the full range of international human rights; the challenge has been to define that responsibility, in particular vis-à-vis the obligations of States for human rights. With the development of the United Nations' "Protect, Respect and Remedy" framework for business and human rights, there will likely be a proliferation of voluntary initiatives to support companies in meeting their responsibility to respect human rights; however, further calls for regulation and legislation are inevitable if companies do not act swiftly, in concert and in good faith. The actions of mining companies will be particularly under scrutiny, given the wide range of potential human rights impacts of their operations, as well as the challenging national contexts in which many of them operate.

Some companies may still view human rights with scepticism, perhaps based on a fear that a human rights focus will exacerbate conflict and litigation and perpetuate unreasonable demands from stakeholders. However, human rights should rather be viewed as integral to a proactive business strategy that serves to gain and maintain the social licence to operate. Part of the shift from viewing human rights as a source of polarization or reputational risk to a foundation for sustainability involves understanding that strong human rights performance is achievable. A company with strong policies and practices for sustainability has many important building blocks in place to demonstrate it is exercising the necessary due diligence for human rights. This paper seeks in particular to illustrate a number of practical and concrete areas for the integration of human rights into existing processes for risk / impact assessments, legal compliance, corporate governance and grievance resolution.

---

<sup>26</sup> In 2010, the Organization for Economic Cooperation and Development began an update of its Guidelines for Multinational Enterprises. One of the objectives for the update is to "develop more elaborated guidance on the application of the Guidelines to human rights, including if deemed appropriate, in a separate chapter of the Guidelines, drawing, in particular, on the work of the [UN Secretary-General's Special Representative on Business and Human Rights, John Ruggie]." Similarly, the International Finance Corporation is in the process of reviewing its Sustainability Framework and Performance Standards. It is proposed that the Sustainability Policy "confirms IFC's recognition of the private sector's responsibility to respect human rights. Performance Standard 1 and its accompanying Guidance Note provide information on how to use human rights impact assessments as a voluntary risk management tool in high risk situations." In addition, there are explicit references to human rights in the International Council on Mining and Metals' Sustainable Development Framework and the Prospector's and Developers Association of Canada's E3 Plus Framework for Responsible Exploration.

**Sustainability and Human Rights: Aren't They the Same Thing?**

At the outset, it is worth asking whether sustainability and human rights are essentially the same thing. Is this just a matter of semantics with sustainability and human rights being synonyms that can be used interchangeably? If a business operates sustainably, does this not imply that it respects human rights, and vice versa?

The high degree of overlap between the two concepts can be seen in the following definitions for sustainability and rights-based development:

- Sustainability: "Achieving a balance among economic prosperity, environmental health, and social equity... Minerals professionals can engage with communities of interest in the process of improving quality of life by helping to balance the need for minerals, metals, and fuels against the need to protect the environment and society from unnecessary adverse impacts." -- *Milos Statement on the Contribution of Mining Professionals to Sustainable Development*.<sup>27</sup>
- Rights-based development: "Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom." -- *United Nations Declaration on the Right to Development*.<sup>28</sup>

Some of the key points of convergence between sustainability and human rights will be explored below. At the same time, some of the nuances between the two concepts will be highlighted in order to emphasize that they should not be used interchangeably.

**Shared concern for the economy, environment and society**

Both sustainability and human rights are broad concepts that encompass the economy, the environment and society. The Milos Declaration speaks of "balancing economic prosperity, environmental health and social equity" and the UN Declaration on the Right to Development speaks of a "comprehensive economic, social, cultural and political process" of development.

The following table demonstrates how specific human rights are related to economic prosperity, environmental health and social equity.

**Table 1: Comparison of the Milos Declaration with Human Rights**

Components of the Milos Declaration	Parallels in the International Human Rights Framework
<ul style="list-style-type: none"> <li>• economic prosperity</li> </ul>	<ul style="list-style-type: none"> <li>• The economic prosperity of individuals is related to the right to work, the right to just and favourable conditions of work, the right to the highest attainable standard of living.</li> <li>• At a national level, the progressive realization of economic, social and cultural rights is facilitated in conditions of economic prosperity. States are obligated to dedicate the maximum of</li> </ul>

<sup>27</sup> [http://www.sdimi.org/milos\\_decl\\_October%206\\_2003.pdf](http://www.sdimi.org/milos_decl_October%206_2003.pdf)

<sup>28</sup> <http://www2.ohchr.org/english/law/rtd.htm>

Components of the Milos Declaration	Parallels in the International Human Rights Framework
	available resources to the progressive realization of rights.
<ul style="list-style-type: none"> <li>environmental health</li> </ul>	<ul style="list-style-type: none"> <li>Environmental health is related to the right to a healthy environment.<sup>29</sup> It is also related to the right to the highest attainable standard of health, the right to food and the right to water, as well as the right to life.</li> <li>The health of animals, fish and ecosystems are related to the right to food and the right to health, as well as and to the economic rights of individuals and groups whose livelihoods depend on them.</li> </ul>
<ul style="list-style-type: none"> <li>social equity</li> </ul>	<ul style="list-style-type: none"> <li>All human rights are subject to the general principles of anti-discrimination and equality.</li> <li>The civil and political rights that allow individuals to participate in government protect social equity.</li> <li>Social equity is promoted by the progressive realization of economic, social and cultural rights.</li> </ul>

### Avoidance of negative impacts

Sustainability and human rights both focus on protecting the environment, society and individuals from adverse impacts. In the Milos Declaration, sustainability balances the need for minerals, metals, and fuels against the need to protect the environment and society from unnecessary adverse impacts. As discussed in the section below, the corporate responsibility to respect human rights means that a company must "do no harm" and address all the negative impacts (direct and indirect) of its operations on human rights.

One of the key components of a rights-based approach is an explicit focus on vulnerable groups, such as women, children, indigenous peoples and migrant workers.<sup>30</sup> This reinforces good practices for sustainability that seek to identify and address the risks and negative impacts on vulnerable groups that may be excluded from the benefits of mining. The international instruments that protect indigenous peoples rights explicitly state that appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact of resource development.<sup>31</sup>

<sup>29</sup> The right to a healthy environment is not explicitly stated in the International Covenant on Economic, Social and Cultural Rights. However, it is specifically protected by regional instruments such as the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador"), Article 11, and is articulated in UN statements such as General Assembly Resolution 45/94, which states that "[a]ll individuals are entitled to live in an environment adequate for their health and well-being."

<sup>30</sup> In addition to the general provisions in the International Bill of Rights, there are specific international treaties that address the rights of vulnerable groups in greater detail: UN Convention on the Elimination of All Forms of Discrimination Against Women; UN Convention on the Rights of the Child; UN Declaration on the Rights of Indigenous Peoples; UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

<sup>31</sup> UN Declaration on the Rights of Indigenous Peoples, Article 32.

An area where sustainability can reinforce human rights due diligence relates to "life cycle management" where a company actively addresses the negative impacts at all stages of a mining project but most importantly, considers sustainability in closure and post-closure in the design of the mine. This strengthens the guiding principle that a company must exercise due diligence for human rights on an on-going basis, especially when there are significant changes in its operations. Life cycle management provides an opportunity to focus on the long-term potential impacts on human rights.

One important nuance should be highlighted: whereas sustainability might be viewed as a balancing act, where trade-offs can be made between negative impacts in one area with positive impacts in another, when considering negative impacts to human rights, the principles of human rights are much more unequivocal that no such trade-offs are permitted.<sup>32</sup>

### **Avoidance of conflict**

Closely related to the avoidance of negative impacts is the importance of avoiding conflict. There are multiple causes for conflicts between mining companies and communities, including some that are beyond the control of companies. A mining project that is fraught with conflict is not sustainable, as social tensions undermine social equity and social protest may jeopardize economic prosperity. Issues related to environmental health are often the cause of conflict as individuals and communities will mobilize in reaction to fears about the pollution of water and the loss of land.

Human rights are often infringed in conflict situations, including direct impacts on the right to life, liberty and security of person, as well as indirect impacts on the full range of other human rights. The use of private security firms and interaction with public security forces create significant risks of human rights infringements. One of the first codes of conduct to explicitly address human rights in the extractive industry, the Voluntary Principles on Security and Human Rights, was developed to address these risks.

A shared focus on sustainability and human rights can help avoid conflicts and maintain the social licence to operate over the life cycle of a project. Where there is formal agreement to a project, as well as mechanisms and procedures for on-going dialogue about shared concerns, there is a much higher likelihood that the company will build its legitimacy, credibility and trust within the community, thereby lowering the risk of opposition and conflict.

### **Importance of engagement and empowerment**

Approaches to sustainability have stressed the importance of engagement, capacity building and empowerment of communities to participate in the decision-making throughout the life cycle of a mining project and to share in the benefits from resource development. The Milos Declaration states that minerals professionals can engage with communities of interest in the process of improving quality of life.

A focus on human rights creates stronger imperatives for on-going consultation and information sharing with all stakeholders, which are considered to be a component of the right to freedom of expression. Furthermore, consultation with and participation of

---

<sup>32</sup> UN Human Rights Council, "Protect, Respect and Remedy: A Framework for Business and Human Rights," (A/HRC/8/5) at paragraph 55.



indigenous peoples are central principles in the international instruments that protect indigenous peoples rights.

Engagement and empowerment are also fundamental principles of a rights-based approach to development. The active, free and meaningful participation of all individuals is required; and, the focus on vulnerable groups may require building their capacity to participate in a meaningful manner.

Engagement and empowerment can be viewed as important components of a successful strategy for respecting human rights and contributing to sustainability, particularly as they create conditions for a successful long-term partnership between companies and communities.

### **The Context for Human Rights and Business**

One of the most obvious differences between the drivers for integrating human rights and sustainability into mining management relates to the legal status of human rights. Although human rights are mandatory and legally enforceable, the specific responsibility of companies (as opposed to States) to respect human rights has not always been obvious. This is no longer the case.

Sustainability standards have developed in the last 2 decades, and while increasingly accepted by many companies, they are seldom if ever regulated or backed by legal obligations at either national or international levels. The exception in terms of legal obligations has come with those required for project financing, applying the IFC Performance Standards and Equator Principles in most cases, but only for those companies or projects being financed. Multilateral agencies such as the OECD and the World Bank have developed guidelines and performance standards that explicitly apply to companies' sustainability practices, and which provide some mechanisms for complaints to be addressed.

The international human rights framework, by contrast, has developed as a comprehensive set of legal instruments (treaties, conventions, declarations) ever since the Universal Declaration of Human Rights was adopted by the United Nations in 1948. These international human rights instruments are signed and ratified by States that are, in turn, required to implement them through national laws, regulations and policies. Although there are often gaps in the national implementation of international human rights by States, human rights standards are meant to be mandatory.

Moreover, the legal status of human rights is supported by the requirement to have effective remedies for those whose rights have been violated. There are courts, regulatory agencies and complaints procedures that can address allegations of human rights violations at the national, regional and international levels. While they are not always effective, these institutions provide avenues for remedies for human rights violations.

Faced with a growing tension between the importance of business enterprises and their potential impacts on human rights and the lack of precision about their responsibility for human rights, the UN Secretary-General appointed John Ruggie in 2005 as a Special Representative to study the issue. In 2008, the United Nations Human Rights Council unanimously welcomed the result of his work, the "Protect, Respect and Remedy" policy

framework for business and human rights.<sup>33</sup> The framework provides useful distinctions between (a) the State's obligation to protect individuals and communities against human rights infringements by corporations; (b) the corporate responsibility to respect human rights in their operations through appropriate due diligence; and (c) the shared duty of States and corporations to provide access to remedies to those who believe their rights have been infringed.

This framework has already garnered considerable acceptance from governments, multilateral institutions, leading corporations, industry associations, investors, lenders and civil society organizations. As this framework is operationalized through Guiding Principles and industry-specific guidance, and the social expectations and legal responsibilities for corporations to respect human rights become increasingly precise, it is important that mining companies understand its requirements and adapt their social sustainability practices to take human rights into account.

### Key features of the "Protect, Respect and Remedy" framework<sup>34</sup>

- There are few if any internationally recognized rights that business cannot impact—or be perceived to impact—in some manner. Therefore, companies should consider all such rights.<sup>35</sup>
- In addition to compliance with national laws, the baseline responsibility of companies is to respect human rights. Whereas governments define the scope of legal compliance, the broader scope of the responsibility to respect is defined by social expectations—as part of what is sometimes called a company's social licence to operate.
- The corporate responsibility to respect human rights exists independently of States' duties to protect them. Because the responsibility to respect is a baseline expectation, a company cannot compensate for human rights harm by performing good deeds elsewhere. "Doing no harm" is not merely a passive responsibility for firms but may require taking specific action, for example in areas when State protection of a specific right is particularly weak.
- To discharge the responsibility to respect requires on-going due diligence about human rights. In this regard, companies should consider three sets of factors. The first is the country context in which their business activities take place, to highlight any specific human rights challenges they may pose. The second is what human rights impacts their own activities may have within that context. The third is whether they might contribute to abuse through the relationships connected to their activities.

---

<sup>33</sup> The Human Rights Council is an inter-governmental body within the UN system made up of a rotating group of 47 Member States responsible for strengthening the promotion and protection of human rights around the globe.

<sup>34</sup> UN Human Rights Council, "Protect, Respect and Remedy: A Framework for Business and Human Rights" (A/HRC/8/5), 7 April 2008.

<sup>35</sup> The main international human rights standards are set forth in the *International Bill of Rights* (which contains the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*), as well as in International Labour Organization's *Declaration on the Fundamental Principles and Rights at Work* (which consolidates the 8 core ILO labour rights conventions). Additional international and regional human rights treaties may apply depending on the country in which a company operates. In conflict situations, international humanitarian law is also relevant to a company's responsibility to respect human rights.

- A basic human rights due diligence process should include: (a) adopting a corporate human rights policy; (b) undertaking human rights impact assessments of existing and proposed activities; (c) integration of human rights policies throughout a company; and (d) tracking performance, including regular updates of human rights impact and performance.<sup>36</sup>
- The corporate responsibility to protect human rights includes avoiding complicity. Complicity refers to indirect involvement by companies in human rights abuses—where the actual harm is committed by another party, including governments and non-State actors. On-going due diligence can help a company avoid complicity.
- Finally, the corporate responsibility to protect includes access to remedies. This requires a means for those who believe they have been harmed to bring this to the attention of the company and seek remediation, without prejudice to the legal challenges available. Providing access to remedy does not presume that all allegations represent real abuses or bona fide complaints.

In June 2011, John Ruggie will present a number of "Guiding Principles" to the Human Rights Council that will provide further guidance to States and to corporations about how they should "operationalize" their mutual responsibilities relative to human rights and businesses. At the time of writing, the Guiding Principles have been published in draft form and are available for public commentary.<sup>37</sup>

### **Human Rights Impact Assessment as a Cornerstone of Due Diligence**

Human Rights Impact Assessments (HRIAs) have the objective of helping companies comply with international and national human rights laws, as well as to identify and manage the risks of negative human rights impacts related to the country and operational context in which a company operates.

HRIAs have evolved out of the methodologies and established practice for environmental and social impact assessment since the 1970s.

HRIAs differ from environmental and social impact assessments as they explicitly focus on international human rights standards, and stress the importance of rights-based methodologies for the conduct of the assessment. HRIAs can be undertaken at various stages of the project cycle, including *ex ante* assessments prior to the development of a project and *ex post* assessments after a mine has begun operation. To date, the majority of HRIAs that have been conducted and published are *ex post* assessments.

---

<sup>36</sup> In the recently published draft of the "Guiding Principles for the Implementation of the United Nations 'Protect, Respect and Remedy' Framework," the corporate responsibility to respect human rights focuses on the following policies and processes: (a) policy commitment; (b) human rights due diligence; and (c) remediation.

<sup>37</sup> The Draft "Guiding Principles for the Implementation of the United Nations 'Protect, Respect and Remedy' Framework" are available at: <http://www.reports-and-materials.org/Ruggie-UN-draft-Guiding-Principles-22-Nov-2010.pdf>. The on-line forum for public commentary on the draft can be found at: <http://www.srsgconsultation.org>.

According to the "Protect, Respect and Remedy" framework, HRIAs are one of the key components of an on-going process for companies to demonstrate due diligence for human rights:

Many corporate human rights issues arise because companies fail to consider the potential implications of their activities before they begin. Companies must take proactive steps to understand how existing and proposed activities may affect human rights. The scale of human rights impact assessments will depend on the industry and national and local context. While these assessments can be linked with other processes like risk assessments or environmental and social impact assessments, they should include explicit references to internationally recognized human rights. Based on the information uncovered, companies should refine their plans to address and avoid potential negative human rights impacts on an ongoing basis.<sup>38</sup>

The centrality of human rights impact assessments is also underscored in the draft "Guiding Principles:"

In order to identify, prevent and mitigate adverse human rights impacts, and to account for their performance, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, and tracking as well as communicating their performance.<sup>39</sup>

#### **A Practical Example: the HRIA of the Marlin Mine**

The authors were members of a 4-person team that undertook the human rights impact assessment of Goldcorp's Marlin Mine in the Western Highlands of Guatemala. The conduct of this assessment is, in and of itself, evidence of the heightened importance of human rights to internal and external stakeholders of mining companies.

The genesis of the assessment was an agreement between Goldcorp and a group of shareholders from socially responsible investment and pension funds. The assessment was commissioned and overseen by a Steering Committee that included a representative of Goldcorp, a representative of shareholder group, and a representative of Guatemalan civil society. On Common Ground Consultants was hired as an independent assessment team to conduct the assessment and to prepare a report, including recommendations specific to the mine and for Goldcorp's global operations. As mentioned above, this was one of the first company-supported HRIAs to be published in its entirety; this transparency by the company means that further details are available about the assessment's methodology, findings and recommendations.<sup>40</sup> In addition, Goldcorp has published a detailed response to the

---

<sup>38</sup> UN Human Rights Council, "Protect, Respect and Remedy: A Framework for Business and Human Rights" (A/HRC/8/5), 7 April 2008 at para. 61.

<sup>39</sup> Draft "Guiding Principles," Principle 15. Principle 16 elaborates on some of the methodological requirements for a HRIA process: "In order to become aware of human rights risks generated through their activities and relationships, business enterprises should identify and assess the actual and potential adverse human rights impacts of those activities and associated relationships. This process should: (a) Draw upon internal or external human rights experts and other resources; (b) Involve meaningful engagement with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of its operations."

<sup>40</sup> On Common Ground, "Human Rights Assessment of Goldcorp's Marlin Mine," May 2010 ([www.hria-guatemala.com](http://www.hria-guatemala.com)).

assessment report, and has committed to publishing periodic updates about its actions to implement the report's recommendations.<sup>41</sup>

Many aspects of the assessment were in relatively novel and uncharted territory, particularly related to the application of the "Protect, Respect and Remedy" framework to an impact assessment and the comprehensive focus on human rights standards and indicators related to the various stakeholder concerns. Because of the absence of established methodologies and criteria for evaluating company performance relative to its human rights responsibilities, the team's approach was to identify what the relevant human rights standards were for each concern, define the criteria for due diligence being applied in that area of company practice and for that particular context, and then to review the company's performance. The assessment team found that in most areas, existing international standards and good practices for environmental and social sustainability in the mining sector provided useful guidance and at times specific details about the due diligence required for the company to respect human rights.

It is beyond the scope of this paper to repeat the specific findings of the assessment. Rather, the authors wish to demonstrate some of the linkages between the human rights framework and sustainability. The following table provides examples of how the international human rights standards applied in the assessment were reflected in existing good practice standards and reporting indicators for sustainability.<sup>42</sup>

**Table 2: Examples of Coherence between Human Rights and Sustainability Standards**

<b>HUMAN RIGHTS CONCERN</b>	<b>INTERNATIONAL HUMAN RIGHTS INSTRUMENTS</b>	<b>SUSTAINABILITY GOOD PRACTICE STANDARDS AND GUIDANCE</b>	<b>GRI SUSTAINABILITY REPORTING INDICATORS</b>
Consultation with Indigenous Peoples	ILO Convention 169, Articles 6, 7 and 15(2) UN Declaration on the Rights of Indigenous Peoples, Articles 18, 19 and 32(2)	IFC Operational Directive 4.20 on Indigenous Peoples (1991), paragraph 15(d) IFC Performance Standard 7 on Indigenous Peoples (2006), paragraph 9 ICMM Position Statement on Mining and Indigenous Peoples (2008), commitments 3, 7 and 9	Disclosure on Management Approach – Human Rights (Indigenous peoples rights)  MM5: Total number of operations taking place in or adjacent to Indigenous Peoples' territories, and number and percentage of operations where there are formal agreements with Indigenous Peoples' communities
Water	International Covenant on Economic, Social and Cultural Rights, Article	IFC Performance Standards 1 on Social and Environmental Assessment and Management Systems, 3 on Pollution	Disclosure of Management Approach – Environmental

<sup>41</sup> The response and periodic updates are available on Goldcorp's website. See: [http://www.goldcorp.com/\\_resources/Goldcorps\\_Response\\_to\\_Marlin\\_Mine\\_HRA\\_report\\_final\\_06\\_29\\_10.pdf](http://www.goldcorp.com/_resources/Goldcorps_Response_to_Marlin_Mine_HRA_report_final_06_29_10.pdf)

<sup>42</sup> A table that aligns the international human rights standards with the good practice standards and reporting indicators for sustainability for all the issues in the Human Rights Assessment of the Marlin Mine is available as Appendix E at [www.hria-guatemala.com](http://www.hria-guatemala.com).

HUMAN RIGHTS CONCERN	INTERNATIONAL HUMAN RIGHTS INSTRUMENTS	SUSTAINABILITY GOOD PRACTICE STANDARDS AND GUIDANCE	GRI SUSTAINABILITY REPORTING INDICATORS
	<p>11 and 12; American Convention on Human Rights, Article 21 and 26 and Additional Protocol in the Area of Economic, Social and Cultural Rights, Articles 11. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 14(2)(h); and Convention on the Rights of the Child, Article 24(2)(c). Committee on Economic, Social and Cultural Rights, General Comment 15 UN Declaration on the Rights of Indigenous Peoples, Article 29</p>	<p>Prevention and Abatement, 4 on Community Health, Safety and Security and 6 on Biodiversity Conservation and Sustainable Natural Resource Management</p> <p>IFC General EHS Guidelines and Environmental, Health and Safety Guideline for Mining Industry:</p> <p>Global Compact Principles 7 and 8</p> <p>ICMM Sustainable Development Framework, Principles 4 to 7</p> <p>OECD Guidelines for Multinational Enterprises, Section V</p>	<p>EN8: Total water withdrawal by source</p> <p>EN9: Water sources significantly affected by withdrawal of water</p> <p>EN10: Percentage and total volume of water recycled and reused</p> <p>EN21: Total water discharge by quality and destination</p> <p>EN22: Total weight of waste by type and disposal method</p> <p>MM3: Total amounts of overburden, rock, tailings and sludges and associated risks</p> <p>EN23: Total number and volume of significant spills</p> <p>EN24: Weight of transported, imported, exported, or treated hazardous waste</p> <p>EN25: Water bodies and related habitats significantly affected by discharges or water and runoff</p> <p>EN28: Fines and sanctions for non-compliance with environmental laws and regulations</p> <p>EN30: Total environmental protection expenditures and investments</p>

HUMAN RIGHTS CONCERN	INTERNATIONAL HUMAN RIGHTS INSTRUMENTS	SUSTAINABILITY GOOD PRACTICE STANDARDS AND GUIDANCE	GRI SUSTAINABILITY REPORTING INDICATORS
Local development projects	Universal Declaration of Human Rights, Articles 23, 25, 26 International Covenant on Economic, Social and Cultural Rights, Articles 6, 11, 12, 13 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, Articles 6, 10, 13 ILO Convention 169, Articles 15(2)	OECD Guidelines for Multilateral Enterprises, General Policies #1; ICMM Sustainable Development Framework, Principle 9; ICMM Position Statement on Mining and Partnerships for Development; and ICMM Position Statement on Indigenous Peoples, Commitment #7 IFC Performance Standard #7 on Indigenous Peoples, paragraph 10. UN Global Compact and UNIFEM Women's Empowerment Principles #6 UN Common Approach on Human-Rights Based Approaches to Development	Disclosure of Management Approach – Economic / Human Rights  EC8: Development and impact of infrastructure investments and services

One of the overall conclusions of the report is particularly relevant to the discussion of sustainability and human rights. The assessment found that a number of important human rights issues could have been identified by the ESIA, even if not explicitly focused on human rights. However, the weaknesses of the ESIA meant that critical issues had not been addressed; many of these weaknesses are frequently repeated in mining industry ESIA's.

This observation led to a recommendation that follow up reviews of the human rights impact assessment's findings should be undertaken periodically at the Marlin Mine to measure improvements in performance. They should also be used throughout Goldcorp's global operations, particularly when developing new projects or acquiring new concessions and operations.

### **Integrating Human Rights into Sustainability Policies and Procedures**

There is a debate about whether human rights policies, procedures and assessments should be undertaken as "stand-alones" or integrated into broader sustainability efforts. While recognizing that stand-alone initiatives are important and have their merits, particularly when a company is beginning to develop specific due diligence measures for human rights, it also makes sense to maximize efforts to integrate human rights into existing policies and procedures. The concern is how to effectively integrate human rights throughout a company and making them a shared commitment of all employees and stakeholders, rather than turning them into "tick-boxes" or losing the significance of human rights issues within other criteria.

Promising entry points for the integration of human rights into broader policies and procedures for sustainability include:

### **Integrating human rights into risk assessments and ESIA's**

The human rights analysis can be integrated into project risk assessments and environmental and social impact assessments. One of the advantages of integrating human rights into environmental and social assessment is that these are standard regulatory requirements that companies undertake at an early stage of permitting and developing a mining project, and their purpose includes generating input into the design of management systems. In other words, integration of human rights into ESIA can be a driver of *ex ante* assessment, rather than *ex post* assessment. As stand-alone initiatives, HRIAs have been mostly undertaken in reaction to challenging situations where there are significant allegations of human rights infringements. While these *ex post* HRIAs can be valuable to address the specific issues raised by stakeholders, they are undertaken too late in the life cycle of the project to prevent the infringements from occurring.

Furthermore, the human rights analysis can extend the range of issues examined by ESIA, for instance in relation to labour rights, interaction with private security firms and public security forces, as well as the collective dimensions of indigenous peoples rights. These areas are not traditionally within the scope of an ESIA yet they cover some of the most significant areas of impacts on local people from a mining project.

Another advantage of integrating human rights with environmental and social assessment is the opportunity to have more detailed technical information about the due diligence measures a company should undertake. A basic principle of HRIAs is that the assessment articulates the potential impacts in terms of international human rights standards; however, human rights instruments do not provide detailed technical guidance about avoiding negative impacts in the mining industry. It is one thing to say that a mine must avoid negative impacts on the right to water in terms of quality, quantity and accessibility, but it is another to provide technical guidance about how this should be done in terms of water management systems.

One drawback of this approach however is that ESIA are almost always done by external consultants and not all components may be implemented with the same rigor as the environmental management. In contrast, risk assessments are usually undertaken as a management review process based on internal company criteria. The integration of human rights into company policy and procedures will be most effective when management and personnel are part of learning how to identify and respond to risks to human rights from their operations.

### **Integrating human rights into other due diligence processes**

Human rights can be usefully integrated into the legal due diligence processes normally associated with the acquisition, financing and permitting of mining projects. Often these due diligence processes are focused on compliance with national laws and regulations. A human rights analysis will go beyond legal compliance and identify the gaps in national law, regulations and their implementation that create risks of potential infringements of international human rights standards.

This focus on the national context can help delineate the scope of human rights risks and therefore the level of due diligence that is required for a project: in States with weak legal systems and poor human rights performance, companies need to be much more proactive about internal policies and procedures that ensure respect for human rights than in countries that effectively protect human rights.



Furthermore, as financial institutions and export credit agencies become more attuned to the human rights responsibilities of companies, they will conduct their own risk assessment and screening related to human rights. Companies that include a strong human rights analysis in their project proposals will likely improve their chances of obtaining financing, particularly from sources that use public funds.

### **Integrating human rights into corporate governance**

Good corporate governance practices are an important foundation for strong sustainability performance. Similarly, due diligence for human rights must be integrated into governance practices with the leadership and support of Boards of Directors and senior management.

One of the first steps a company should take in order to address human rights is to adopt a human rights policy. In the draft Guiding Principles proposed by John Ruggie, he states the following about a company's policy commitment for human rights:<sup>43</sup>

As the foundation for embedding their responsibility to respect human rights, business enterprises should express their commitment through a statement of policy that:

- a. Is approved at the most senior level of the business enterprise;
- b. Is informed by appropriate consultation with relevant internal and external expertise;
- c. Stipulates the enterprise's expectations of personnel and business partners;
- d. Is communicated internally and externally to all personnel, business partners and relevant stakeholders;
- e. Is reflected in appropriate operational policies and procedures to embed it throughout the business enterprise.

Leadership by the Board of Directors and Management is an important signal that human rights is not a marginal issue, but rather is central to a company's core values and operational strategies. Furthermore, measures to integrate human rights throughout a company require the buy-in of corporate headquarters and site managers in order to be effective and appropriately resourced. Monitoring, verification and remediation measures related to human rights should also be supported by internal reporting up to senior management and the Board of Directors, public reporting (e.g. GRI Reporting), as well as a company's internal and external audit functions.

### **Supporting human rights with grievance mechanisms**

Grievance mechanisms are part of good corporate governance and are an indicator of active engagement with employees and communities. They are also a critical piece of the corporate responsibility to respect human rights. As discussed above, access to remedy is the third pillar of the "Protect, Respect and Remedy" framework. While the State has an obligation to create various judicial and non-judicial mechanisms that provide access to remedies, companies need to establish operational-level grievance mechanisms to make it possible for grievances by employees and affected communities to be addressed early and remediated directly. Whistleblower programs are frequent company responses, and while important in some contexts, but may not be appropriate or effective in different cultural or social contexts.

---

<sup>43</sup> Guiding Principles for the Implementation of the United Nations "Protect, Respect and Remedy" Framework, Principle 14.

As stated in the draft Guiding Principles, operational-level grievance mechanisms perform two key functions regarding the corporate responsibility to respect:<sup>44</sup>

First, they support the 'tracking' of human rights performance as part of the enterprise's ongoing human rights due diligence. They do so by providing a channel for those directly impacted by the enterprise's operations to raise concerns when they believe they are being or will be harmed. By analyzing trends and patterns in complaints, business enterprises also can identify systemic problems and adapt their practices accordingly.

Second, these mechanisms make it possible for grievances, once identified, to be addressed and for harms to be remediated early and directly by the business enterprise, whether alone or in collaboration with others involved, thereby preventing harms from compounding and grievances from escalating.

Rights-compatible grievance mechanisms at the operational level<sup>45</sup> thus provide a link between human rights due diligence and the sustainability in terms of conflict resolution, engagement and avoidance or remediation of negative impacts.

## Conclusion

Human rights and sustainability are closely related concepts and share objectives related to promoting economic prosperity, environmental health and social equity. Integration of commitments to human rights complements and strengthens the importance for mining companies to fully address negative impacts, avoid conflicts, and engage with and empower communities that are affected by their operations.

The fact that human rights are grounded in international law and policy strengthens their relevance to all mining operations, and imposes standards that may exceed national-level legal and regulatory requirements. The "Protect, Respect and Remedy" framework clarifies the corporate responsibility for human rights and provides a number of guiding principles for companies to operationalize a commitment to human rights.

Although human rights require a separate analysis and should be supported by specialized expertise, they can be successfully integrated into existing practices for social and environmental risk assessment, legal compliance, corporate governance and grievance mechanisms. The objective is for human rights to become an integral part of doing business, rather than a disconnected sideshow.

Ultimately, efforts to link human rights and sustainability can find common ground based on the a commitment to respect human dignity and self-determination and to provide effective channels for engagement throughout the life cycle of a mining project. Pressures on mining companies to respect human rights will not disappear, but rather will intensify in the coming years. Therefore, a proactive approach to human rights should become a fundamental component of a broader strategy for sustainability.

---

<sup>44</sup> Guiding Principles for the Implementation of the United Nations "Protect, Respect and Remedy" Framework, Commentary to Principle 27.

<sup>45</sup> Operational-level grievance mechanisms should be legitimate, accessible, predictable, equitable, rights-compatible, transparent, and function on the basis of dialogue and engagement. UN Human Rights Council, "Protect, Respect and Remedy: A Framework for Business and Human Rights" (A/HRC/8/5), 7 April 2008, at paragraphs 92 - 95.

**Appendix D: Human rights issues and indicators**

Human Rights Themes and Sub-Issues	Human Rights Assessment Questions and Indicators <sup>1</sup>	Relevant International Laws, Standards and Guidance	Relevant Volumes of FEIS
<p><b>General</b></p> <ul style="list-style-type: none"> <li>Human Right Policy and Due Diligence for business and the mining industry</li> </ul>	<ul style="list-style-type: none"> <li>Has the government accepted the UN Guiding Principles on Business and Human Rights?</li> <li>Has the government taken steps to implement the UN Guiding Principles, both in terms of policy coherence and access to remedies?</li> <li>Does the government provide any information or support to companies for implementing human rights due diligence?</li> <li>Has the company endorsed the UN Guiding Principles on Business and Human Rights?</li> <li>Does the company have a human rights policy?</li> <li>Has the company undertaken a process of human rights due diligence that conforms to the UN Guiding Principles on Business and Human Rights?</li> </ul>	<ul style="list-style-type: none"> <li>UN Guiding Principles on Business and Human Rights</li> <li>OECD Guidelines for Multinational Enterprises, Chapter</li> <li>IFC Performance Standards</li> <li>ICMM Guidance on human rights and related issues</li> </ul>	<p>Volume 1 - Main document</p>
<p><b>Consultation and Information</b></p> <ul style="list-style-type: none"> <li>Right to Self-Determination</li> <li>Freedom of expression / access to information</li> <li>Indigenous peoples rights to free, prior and informed consultation and consent</li> </ul>	<ul style="list-style-type: none"> <li>DIHR, B.2.1, B.3.2</li> <li>R&amp;D, Right to self-determination (Community: Q4-6, 10, 17 -19, 21 ; Government: Q16 - 21; Company: Q10 - 13)</li> </ul>	<ul style="list-style-type: none"> <li>International Covenant on Civil and Political Rights, article 1</li> <li>International Covenant on Economic, Social and Cultural Rights, article 1</li> <li>International Covenant on Civil and Political Rights, Article 19</li> <li>UN Declaration on the Rights of Indigenous Peoples, Articles 18, 19 and 32(2)</li> <li>ILO Convention 169, Articles 6, 7 and 15(2) (NB. Not ratified by Canada)</li> <li>IFC Performance Standard 7 on Indigenous Peoples (2012 revision including FPIC)</li> <li>ICMM Position Statement on Mining and Indigenous Peoples (2008), commitments 3, 7 and 9</li> <li>IFC Performance Standard # 1 on Social and Environmental Assessment and</li> </ul>	<p>Volume 1 – Main document Volume 2 – Consultation, regulatory, impact assessment methodology</p>

<sup>1</sup> “DIHR” refers to the questions contained in the Danish Institute for Human Rights’ Human Rights Compliance Assessment Tool; and “R&D” refers to the questions contained in Rights & Democracy’s “Getting it Right” Guide for Human Rights Impact Assessment. The full text of these questions and indicators are attached at **Appendix XX**.

		<p>Management Systems, paragraphs 19 – 22; Performance Standard #4 on Community Health, Safety and Security, paragraph 5, Performance Standard # 5 on Land Acquisition and Voluntary Resettlement, paragraph 9.</p> <ul style="list-style-type: none"> <li>• ICMM Sustainable Development Framework, Principles 9 and 10</li> <li>• OECD Guidelines for Multinational Enterprises, Section III</li> </ul>	
<p><b>Employment and Training</b></p> <ul style="list-style-type: none"> <li>• Non-discrimination</li> <li>• Right to work</li> <li>• Right to just and favourable conditions of work</li> <li>• Right to education</li> <li>• Right to participate in cultural life</li> <li>• Right to liberty and security of persons</li> <li>• Right to peaceful assembly</li> <li>• Gender Equality</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, A.3.1, 3.2: Non-discrimination</li> <li>• DIHR, A.6.1: Just and favourable conditions of work</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to participate in cultural life (Community: Q13, 14, 15; Government: Q2, 3, 8, 9, 15; Company: Q1 -10)</li> <li>• R&amp;D, Right to liberty and security of persons (Government: Q6; Company: Q2 - 3)</li> <li>• R&amp;D, Right to peaceful assembly (Community: Q4-7; Government: Q3-4; Company: Q1 -6)</li> </ul>	<ul style="list-style-type: none"> <li>• Universal Declaration of Human Rights, Article 23 and 24</li> <li>• ILO Declaration of the Fundamental Principles and Rights at Work <ul style="list-style-type: none"> <li>◦ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);</li> <li>◦ Right to Organise and Collective Bargaining Convention, 1949 (No. 98);</li> <li>◦ Forced Labour Convention, 1930 (No. 29);</li> <li>◦ Abolition of Forced Labour Convention, 1957 (No. 105);</li> <li>◦ Minimum Age Convention, 1973 (No. 138);</li> <li>◦ Worst Forms of Child Labour Convention, 1999 (No. 182);</li> <li>◦ Equal Remuneration Convention, 1951 (No. 100);</li> <li>◦ Discrimination (Employment and Occupation) Convention, 1958 (No. 111).</li> </ul> </li> <li>• International Covenant on Economic, Social and Cultural Rights, Articles 6 and 7</li> <li>• ILO Convention 169, Articles 15(2), 20(1) and (2) (NB. Canada has not ratified)</li> <li>• UN Declaration on the Rights of Indigenous Peoples, Article 17</li> <li>• Global Compact, Principles 4, 5 and 6</li> <li>• IFC Performance Standard #2 on Labor and Working Conditions</li> <li>• OECD Guidelines for Multinational Enterprises, General Policy 4 and Section IV</li> </ul>	<p>Volume 1 - Main document Volume 4 – Human environment Volume 9 – Cumulative effects and other assessments Volume 10 – Environment, health and safety</p>

<p><b>Environment and Wildlife</b></p> <ul style="list-style-type: none"> <li>• Right to food and water</li> <li>• Right to health</li> <li>• Right to adequate standard of living</li> <li>• Indigenous peoples rights to lands and natural resources</li> <li>• Right to self-determination</li> <li>• Right to participate in cultural life</li> <li>• Right to freedom of movement</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, B.2.1, 2.3 &amp; 2.4: Land Management</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to self-determination (Community: Q22 -Q32; Government: Q19-30; Company: Q7- 19)</li> <li>• R&amp;D, Right to participate in cultural life (Community: Q10 -15; Government: Q3, Q4-8, Q15; Company: Q1-10)</li> <li>• R&amp;D, Right to freedom of movement (Community: Q6-8, Q12 -15; Government: Q3, 4, 9; Company: Q1-7)</li> </ul>	<ul style="list-style-type: none"> <li>• International Covenant on Economic, Social and Cultural Rights, Article 11 and 12;</li> <li>• Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 11, 12 and 14;</li> <li>• Convention on the Rights of the Child, Article 24 and 27.</li> <li>• Committee on Economic, Social and Cultural Rights, General Comment 4, 14 and 15</li> <li>• UN Declaration on the Rights of Indigenous Peoples, Article 29</li> <li>• International Convention on the Elimination of All Forms of Racial Discrimination, Article 5;</li> <li>• IFC Performance Standards 1 on Social and Environmental Assessment and Management Systems, 3 on Pollution Prevention and Abatement, 4 on Community Health, Safety and Security and 6 on Biodiversity Conservation and Sustainable Natural Resource Management</li> <li>• IFC General EHS Guidelines and Environmental, Health and Safety Guideline for Mining Industry</li> <li>• Global Compact Principles 7 and 8</li> <li>• OECD Guidelines for Multinational Enterprises, Section V</li> <li>• ICMM, "Planning for Integrated Mine Closure: Toolkit"</li> <li>• ICMM, "Financial Assurance for Mine Closure and Reclamation"</li> </ul>	<p>Volume 1 – Main document  Volume 5 – Atmospheric environment  Volume 6 – Terrestrial environment  Volume 7 – Freshwater environment  Volume 8 – Marine environment  Volume 9 – Cumulative effects and other assessments  Volume 10 – Environment, health and safety</p>
<p><b>Community: Food, Health, Safety and Culture</b></p> <ul style="list-style-type: none"> <li>• Indigenous peoples rights to free, prior and informed consultation and consent</li> <li>• Freedom of expression / access to information</li> <li>• Right to self-determination</li> <li>• Right to food</li> <li>• Right to health</li> <li>• Right to adequate standard of living</li> <li>• Right to participate in cultural life</li> </ul>	<ul style="list-style-type: none"> <li>• DIHR, B.2.1, 2.3 &amp; 2.4: Land Management</li> <li>• DIHR, B.3.1 &amp; 3.2: Environmental Health and Safety</li> <li>• R&amp;D, Right to participate in cultural life (Community 1-15; Government: 1-16; Company: Q1-10)</li> <li>• R&amp;D, Right to self-determination (Community 1 -25; Government: 1-19; Company: 1-22).</li> </ul>	<ul style="list-style-type: none"> <li>• See above</li> <li>• OECD Guidelines for Multilateral Enterprises, General Policies #1</li> <li>• IFC Performance Standard 1: Social and Environmental Assessment and Management Systems, paragraph 13-16 and Performance Standard #7 on Indigenous Peoples</li> <li>• ICMM Sustainable Development Framework, Principle 3 and ICMM Position Statement on Mining and</li> </ul>	<p>Volume 1 – Main document  Volume 2 – Consultation, regulatory, impact assessment methodology  Volume 4 – Human environment  Volume 9 – Cumulative effects and other assessments  Volume 10 – Environment, health and safety</p>

<ul style="list-style-type: none"> <li>Indigenous peoples rights to lands and natural resources</li> </ul>		<ul style="list-style-type: none"> <li>Indigenous Peoples, paragraph 6</li> <li>ICMM Sustainable Development Framework, Principle 9; ICMM Position Statement on Mining and Partnerships for Development; and ICMM Position Statement on Indigenous Peoples, Commitment #7</li> <li>UN Global Compact and UNIFEM Women’s Empowerment Principles #6</li> <li>UN Common Approach on Human-Rights Based Approaches to Development</li> </ul>	
<p><b>Revenue Flows and Governance</b></p> <ul style="list-style-type: none"> <li>Indigenous peoples rights to lands and natural resources</li> <li>Right to Self-Determination</li> <li>Non-discrimination</li> </ul>	<ul style="list-style-type: none"> <li>DIHR, B 2.1: Land management and prior informed consent</li> <li>DIHR, B.4.1: Corruption and bribery</li> <li>DIHR, C.1: Relation with suppliers and contractors</li> <li>R&amp;D, Right to self-determination (Community: Q3, 7, 9, 16; Government: Q17, 23, 24, 25; Company: Q4, 13, 14, 15)</li> </ul>	<ul style="list-style-type: none"> <li>International Covenant on Economic, Social and Cultural Rights</li> <li>ILO Convention 169, Article 15(2) (NB. Canada has not ratified)</li> <li>OECD Guidelines for Multilateral Enterprises, General Policies #1; Section X “Taxation”</li> <li>ICMM Sustainable Development Framework, Principle 9, ICMM Position Statement on Mining and Partnerships for Development and ICMM Position Statement on Mining and Indigenous Peoples, Commitment #7</li> <li>Additional standards for combating corruption and promoting transparency of payments to governments: Global Compact, Principle 10 and ICMM SD Framework, Principle 1, Extractive Industry Transparency Initiative, OECD Guidelines for Multinational Enterprises, Section VI “Combating Bribery”.</li> </ul>	<p>Volume 1 - Main document Volume 4 – Human environment</p>

# Planning

## The Right to Life

### *The community and human rights*

- 1. Has anyone in your community ever been “disappeared”, been executed and/or been the victim of any other forms of violence which compromised their right to life? If so:**
  
- 2. Have some groups in your community ever been specifically targeted for disappearances, executions and/or other forms of violence which compromised their right to life? If so:**
  
- 3. Have women in your community ever been targeted for disappearances, executions and/or other forms of violence which compromised their right to life? If so:**
  
- 4. Has anyone in your community ever been sentenced to death?**
  
- 5. Have some groups in your community been specifically targeted for the death penalty?**
  
- 6. Have women been targeted for the death penalty in your community? If so:**
  
- 7. Have any women in your community ever been sentenced to death?**
  
- 8. What opportunities (legal or other) are available when someone has been “disappeared”, been executed and/or been the victim of other forms of violence which compromises their right to life?**
  
- 9. Do you have reasons to believe that the planned investment project could result in cases of disappearances, executions and/or other forms of violence which compromise the right to life? If so:**



**10. If you believe that the planned investment project could result in cases of disappearances, executions and/or other forms of violence which compromise the right to life, is the government aware of your concerns?**

**11. Has anyone in your community been “disappeared” since the company began planning the investment project?**

**12. Has anyone in your community been executed and/or a victim of any other forms of violence which compromised his or her right to life since the company began planning the investment project?**

**13. Has anyone under the age of 18 in your community been sentenced to death as a result of a crime committed or allegedly committed against the company?**

***The government and the national human rights context***

**1. Have there been cases of extrajudicial, summary or arbitrary executions in the country?**

**2. Have there been cases of enforced or involuntary disappearances in the country?**

**3. Have there been cases of any other forms of violence which compromise people's right to life in the country?**

**4. Are there laws, policies or programmes protecting the right to life in the country?**

**5. Has the death penalty been abolished in the country? If not:**

**6. Does the government consider that the planned investment project could result in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life?**

**If so:**

**7. Are there mechanisms through which people can file a complaint and/or obtain a remedy if someone disappears, is executed or is the victim of any other forms of violence which compromise their right to life? If so:**

**8. Have any civil society organizations documented or reported cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**9. Has the national human rights institution dealt with cases related to disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**10. Do the concluding observations of the Human Rights Committee mention cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**11. Do reports from the Special Rapporteur on extrajudicial, summary or arbitrary executions mention cases of executions in the country?**

**12. Do reports by the United Nations Working Group on Enforced or Involuntary Disappearances mention cases of disappearances in the country?**

**13. Has the government been involved or accused of being involved in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**14. How does the government respond when there are alleged cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

### ***The company and human rights***

**1. Has the company inquired about possible cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the planned investment project area?**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of being involved in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in other regions or countries? If so:**

**4. Does the company have a policy or programme to prevent the use of any forms of violence? If so:**

**5. Does the company consider that the planned investment project could result in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**6. Do the company's feasibility studies and/or the risk assessments mention cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the planned investment project area?**

**7. Does the agreement between the company and the government mention any problems with regard to the right to life in the planned investment project area?**

**8. Are people who have allegedly committed a crime in the country at risk of being sentenced to death? If so:**

**9. Has anyone been sentenced to death as a result of alleged crimes committed against the company in other regions or countries?**

## **The Right to Liberty and Security of the Person**

## **The community and human rights**

### **The government and the national human rights context**

- 1. Have there been cases of arbitrary use of force against people in the country (by the police, government security forces, paramilitary forces, private security forces, armed groups, mercenaries, etc.)?**
  
- 2. Have there been cases of arbitrary arrests and/or detention of people in the country?**
  
- 3. Are there laws, policies or programmes governing the use of force by the country's police, armed forces or any other government security forces?**
  
- 4. Are there laws, policies or programmes governing the arrest and/or detention of people by the country's police, armed forces or any other government security forces?**
  
- 5. Does the government consider that the planned investment project could lead to the arbitrary use of force against people? If so:**
  
- 6. Are there mechanisms through which victims of arbitrary use of force can file a complaint and/or obtain a remedy? If so:**
  
- 7. Does the government consider that the planned investment project could lead to the arbitrary arrest and/or detention of people? If so:**
  
- 8. Are there mechanisms through which victims of arbitrary arrest and/or detention can file a complaint and/or obtain a remedy? If so:**
  
- 9. Have any civil society organizations documented or reported cases of arbitrary use of force in the country?**

**10. Have any civil society organizations documented or reported cases of arbitrary arrest and/or detention in the country?**

**11. Has the national human rights institution dealt with cases of arbitrary use of force in the country?**

**12. Has the national human rights institution dealt with cases of arbitrary arrest and/or detention in the country?**

**13. Do the concluding observations of the Human Rights Committee mention cases where security forces have arbitrarily used force in the country?**

**14. Do the concluding observations of the Human Rights Committee mention cases where security forces have arbitrarily arrested and/or detained people in the country?**

**15. Has the government been involved or accused of being involved in cases of arbitrary use of force in the country?**

**16. How does the government respond when there are alleged cases of arbitrary use of force in the country?**

**17. Has the government been involved or accused of being involved in cases of arbitrary arrest and/or detention in the country?**

**18. How does the government respond when there are alleged cases of arbitrary arrest and/or detention in the country?**

***The company and human rights***

**1. Has the company inquired about possible cases of arbitrary use of force, arbitrary arrest and/or detention (by the police, government security forces, paramilitary forces, private security forces, armed groups, mercenaries, etc.) in the planned investment project area?**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of arbitrary use of force, arbitrary arrest and/or detention? If so:**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of using force in other regions or countries?**

## **The Right to Freedom of Movement**

### ***The community and human rights***

**1. Has your ability to move freely and/or choose your residence ever been restricted? If so:**

**2. Have some groups in your community ever been particularly affected by restrictions on their ability to move freely and/or choose their residence? If so:**

**3. Has women's ability to move freely and/or choose their residence ever been restricted? If so:**

**4. Have you ever been forcibly displaced? If so (you may want to answer questions on forced evictions):**

**5. What opportunities (legal or other) are available if you feel that your ability to move freely and/or choose your residence has been restricted?**

**6. ADo you have reasons to believe that the planned investment project could affect your ability to move freely and/or choose residence? If so:**

**7. If you believe that the planned investment project could affect your ability to move freely and/or choose residence, is the government aware of the situation?**

**8. Have you been informed of any changes that could affect your ability to move freely and/or chose your residence in the future (for example, the imposition of security parameters)? If so:**

**9. Are you able to move freely and/or choose your residence since the company began planning its investment project? If not:**

**10. Are you able to enter the investment project area since the company began planning its investment project? If not:**

**11. Are you able to leave the planned investment project area since the company began planning its investment project? If not:**

**12. Do you have access to fishing or hunting areas?**

**13. Do you have access to woodland, farmland or grazing land?**

**14. Do you have access to markets to buy or sell goods?**

**15. Do you have access to water sources?**

**16. Are you nomadic? If so:**

## **The government and the national human rights context**

**1. Is the right to freedom of movement (i.e. the right to move freely and choose one's residence) respected in the country?**

**2. Are there laws, policies or programmes protecting the right to freedom of movement in the country?  
If so:**

**3. Does the government consider that the planned investment project could result in restrictions on the right to freedom of movement? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain a remedy if their right to freedom of movement has been affected? If so:**

**5. Have any civil society organizations documented or reported cases of violations of the right to freedom of movement in the country?**

**6. Has the national human rights institution dealt with cases related to the right to freedom of movement in the country?**

**7. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to freedom of movement in the country?**

**8. Has the government been involved or accused of being involved in placing unjustified restrictions on the right to freedom of movement in the country?**

**9. How does the government respond when there are alleged violations of the right to freedom of movement in the country?**



## ***The company and human rights***

- 1. Has the company inquired about possible restrictions related to the right to freedom of movement (i.e. the right to move freely and choose one's residence) in the planned investment project area?**
  
- 2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of restrictions to the right to freedom of movement? If so:**
  
- 3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting people's right to freedom of movement in other regions or countries? If so:**
  
- 4. Does the company have a policy to ensure that it does not restrict the right of people to freedom of movement? If so:**
  
- 5. Does the company consider that the planned investment project could result in restrictions on people's right to freedom of movement? If so:**
  
- 6. Do the company's feasibility studies and/or risk assessments mention any restrictions on people's right to freedom of movement in the planned investment project area?**
  
- 7. Does the agreement between the company and the government mention any restrictions with regard to the right to freedom of movement in the planned investment project area?**

## **The Right to Self-Determination**

### ***The community and human rights***

- 1. Have you (as a peoples) ever been deprived of your means of subsistence? If so:**
  
- 2. Are you (as a peoples) able to collectively decide how you want to be governed? If not:**

- 3. Are you (as a peoples) able to freely dispose of your land and natural resources? If not:**
  
- 4. Were you (as a peoples) consulted about the planned investment project? If so:**
  
- 5. Were you (as a peoples) given information about the planned investment project?**
  
- 6. What opportunities (legal or other) are available if you (as a peoples) feel that your right to self-determination has not been respected?**
  
- 7. Do you have reasons to believe that the planned investment project could affect your right to self-determination? If so:**
  
- 8. If you believe that the planned investment project could affect your right to self-determination, is the government aware of the situation?**
  
- 9. Do you feel that you (as a peoples) could be discriminated against in the context of the planned investment project?**
  
- 10. If you believe that you (as a peoples) could be discriminated against in the context of the planned investment project, is the government aware of the situation?**
  
- 11. Have you been informed of any potential changes that could affect your right to self-determination?  
If so:**
  
- 12. Do you (as a peoples) self-identify as indigenous? If so:**

- 13. If you (as a peoples) do not self-identify as indigenous, how do you identify yourself?**
- 14. Are you (as a peoples) involved in any legal action or other struggle for the recognition of your right to decide how you want to be governed?**
- 15. Are you (as a peoples) involved in any legal action or other struggle for the recognition of your land and natural resources?**
- 16. Are land titles held collectively or individually in the area where you live?**
- 17. If you (as a peoples) have been consulted about the planned investment project, do you feel that consultations were carried out in good faith?**
- 18. During the consultation process, was consideration given to your traditional decision-making processes?**
- 19. Were there any significant changes to the planned investment project as a result of the consultations?**
- 20. Were there any important modifications to the planned investment project after the consultation, and about which you were not consulted?**
- 21. If the right to free, prior and informed consent is recognized in your country, did you (as a peoples) consent to the planned investment project? If so:**
- 22. Did you (or will you) have to relocate as part of the planned investment project? If so:**
- 23. Do you have reasons to believe that the planned investment project could affect your collective right (as a peoples) to decide how you want to be governed? If so:**

**24. Do you have reasons to believe that the planned investment project could affect your collective right (as a peoples) to freely dispose of your land and natural resources? If so:**

**25. Do you have reasons to believe that the planned investment project could deprive you (as a peoples) of your means of subsistence? If so:**

**26. Do you have reasons to believe that you (as a peoples) could experience changes in your access to water as a result of the planned investment project?**

**27. Do you have reasons to believe that you (as a peoples) could be forced to change your customary uses of natural resources as a result of the planned investment project (for example, the ways you obtain food or water, transportation methods or routes, collection of medicinal plants, practice of rituals or ceremonies)?**

**28. Do you have reasons to believe that your traditional knowledge or practices could be affected as a result of the planned investment project?**

**29. Has the company or the government carried out studies to assess the potential impact of the planned investment project on your social, spiritual and cultural life of your community?**

**30. Has the company taken any measures to ensure respect for your social, spiritual and cultural life? If so:**

**31. Has the company or the government carried out studies to assess the potential environmental impact of the planned investment project?**

**32. Has the company or the government taken any measures to ensure respect for the environment in which you (as a peoples) live? If so:**

## **The government and the national human rights context**

- 1. Are indigenous or other peoples able to determine how they want to be governed in the country?**
  
- 2. Are indigenous or other peoples denied the collective right to freely dispose of their land and natural resources (including mineral and subsurface resources) in the country (i.e. permanent sovereignty)?**
  
- 3. Does the government recognize the existence of specific peoples (indigenous or others) in the planned investment project area?**
  
- 4. Are there laws, policies or programmes recognizing the right of indigenous and other peoples to self-determination? If so:**
  
- 5. Does the government consider that the planned investment project could affect the collective right of indigenous or other peoples to decide how they want to be governed? If so:**
  
- 6. Does the government consider that the planned investment project could affect the collective right of indigenous or other peoples to freely dispose of their land and natural resources? If so:**
  
- 7. Does the government consider that indigenous or other peoples could be deprived of their means of subsistence because of the planned investment project? If so:**
  
- 8. Are there mechanisms through which indigenous and other peoples can file a complaint and/or obtain a remedy when their right to self-determination has not been respected? If so:**
  
- 9. Have any civil society organizations documented or reported cases of violations of the right to self-determination of indigenous or other peoples in the country?**
  
- 10. Has the national human rights institution dealt with cases of violations of the right to**

**self-determination of indigenous or other peoples in the country?**

**11. Do reports from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**12. Do the concluding observations of the Committee on the Elimination of Racial Discrimination mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**13. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**14. Do the concluding observations of the Committee on Economic, Social and Cultural Rights mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**15. Has the government been involved or accused of being involved in violating the right to self-determination of indigenous or other peoples in the country?**

**16. Has the government adopted the International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries? (If so, you may want to look at state obligations under this convention.)**

**17. Does the government have a consultation policy allowing for the full participation of indigenous and other peoples in decision-making processes in the country?**

**18. Is the right to free, prior and informed consent recognized in the country? If so:**

**19. What role did the government play in the negotiation of the planned investment project?**

**20. Do the indigenous or other peoples living in the planned investment project area have traditional systems of governance? If so:**

**21. Has the government formally recognized the collective right of indigenous and other peoples to freely dispose of their land and natural resources?**

**22. Has the government taken any steps to identify the land and/or natural resources that indigenous or other peoples have traditionally used or occupied? (For example: has indigenous land been demarcated?)**

**23. Who retains ownership of the land and natural resources that indigenous or other peoples have traditionally occupied and used in the planned investment project area?**

**24. Does the government provide means for indigenous and other peoples to control the use of the land and natural resources where they live?**

**25. Are there laws, policies or programmes regulating investments on indigenous and other peoples' land in the country?**

**26. Has the government taken measures to ensure that indigenous or other peoples are not deprived of their means of subsistence due to the planned investment project?**

**27. Has the government carried out studies to assess the potential impact of the planned investment project on the social, spiritual and cultural life of indigenous or other peoples? If so:**

**28. Has the government taken any measures to protect and preserve the social, spiritual and cultural life of indigenous or other peoples living in the planned investment project area?**

**29. Has the government carried out studies to assess the environmental impact of the planned investment project on indigenous or other peoples? If so:**

**30. Has the government taken any measures to protect and preserve the environment in the planned investment project area?**

**The company and human rights**

**1. Has the company inquired about possible problems related to the right to self-determination (i.e. the collective right of indigenous and other peoples to decide how they want to be governed and to freely dispose of their land and natural resources) in the planned investment project area? If so:**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of violations of the right to self-determination of indigenous and other peoples? If so:**

**3. Does the company acknowledge the existence of specific peoples (indigenous or others) in the planned investment project area?**

**4. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of not respecting the right to self-determination of indigenous or other peoples in other regions or countries? If so:**

**5. Does the company have a policy or programme regarding indigenous or other peoples living in the planned investment project area? If so:**

**6. Does the company consider that the planned investment project could have an impact on the collective right of indigenous or other peoples to freely dispose of their land and natural resources? If so:**

**7. Does the company consider that the planned investment project could have an impact on the collective right of indigenous or other peoples to decide how they want to be governed? If so:**



- 8. Does the company consider that indigenous or other peoples could be deprived of their means of subsistence because of the planned investment project? If so:**
- 9. Do the company's feasibility studies and/or risk assessments mention the presence of indigenous or other peoples in the planned investment project area? If so:**
- 10. Has the company consulted the indigenous or other peoples living in the planned investment project area? If so:**
- 11. Has the company ensured the effective participation of indigenous or other peoples in the decision-making related to the planned investment project? If so:**
- 12. If the right to free, prior and informed consent is recognized in the country, did the company seek to obtain the free, prior and informed consent of indigenous or other peoples living in the planned investment project area? If so:**
- 13. Has the company made any agreements with indigenous or other peoples affected by the planned investment project? If so:**
- 14. How has land ownership been determined within the context of the planned investment project?**
- 15. Does the agreement between the company and the government mention the presence of indigenous or other peoples in the planned investment project area?**
- 16. Has the company carried out studies to assess the potential impact of the planned investment project on the social, spiritual and cultural life of indigenous or other peoples? If so:**

**17. Has the company taken any measures to ensure respect for the social, spiritual and cultural life of indigenous or other peoples living in the planned investment project area?**

**18. Has the company carried out studies to assess the potential environmental impact of the planned investment project? If so:**

**19. Has the company taken any measures to ensure respect for the environment in the planned investment project area?**

## **The Right to Participate in Cultural Life**

### **The community and human rights**

**1. Can you participate in cultural life?**

**2. Can women in your community participate in cultural life?**

**3. Can you use your traditional language(s)?**

**4. Can women in your community maintain and use their traditional languages?**

**5. Can you practice your religion? If not (you may want to answer questions on the right to freedom of thought, conscience or religion):**

**6. Can women in your community practice their religion?**

**7. Do you have access to cultural facilities?**

**8. Do women in your community have access to cultural facilities?**

**9. Do you feel that the members of your community are discriminated against because of their culture?**

**10. What opportunities (legal or other) are available if you feel that your right to take part in cultural life has been restricted or denied?**

**11. Do you have reasons to believe that the planned investment project could affect your right to take part in cultural life? If so:**

**12. If you believe that the planned investment project could affect your right to take part in cultural life, is the government aware of the situation?**

**13. Do you have reasons to believe that your community could be discriminated against because of its culture in the context of the planned investment project? If so:**

**14. If you believe that your community could be discriminated against because of its culture in the context of the planned investment project, is the government aware of the situation?**

**15. Do you have reasons to believe that your ability to participate in cultural life could change as a result of the planned investment project?**

***The government and the national human rights context***

**1. Are there restrictions related to the right to take part in cultural life (i.e. the right of people to enjoy their own culture and to disseminate it; to maintain and use their language; to practice their religion; to have access to cultural facilities; and to have access to an education system that respects their culture) in the country?**

**2. Are there laws, policies or programmes guaranteeing the right to take part in cultural life in the country? If so:**

**3. Does the government consider that the planned investment project could result in restrictions on the right to take part in cultural life? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain a remedy when their right to take part in cultural life has been restricted or denied? If so:**

**5. Have any civil society organizations documented or reported cases in which the right to take part in cultural life has been restricted or denied in the country?**

**6. Has the national human rights institution dealt with cases related to the right to take part in cultural life in the country?**

**7. Do the concluding observations of the Committee on Economic, Social and Cultural Rights mention cases in which the right to take part in cultural life has been restricted or denied in the country?**

**8. Has the government been involved or accused of being involved in restricting or denying the right to take part in cultural life in the country?**

**9. Does the government recognize the cultural diversity of its population?**

**10. Does the government ensure that everyone in the country receives an education that is culturally acceptable? (If not, you may want to answer questions on the right to education.)**

**11. Does the government ensure that everyone in the country can practice his or her religion? (If not, you may want to answer questions on freedom of thought, conscience and religion.)**

**12. Does the government ensure that everyone in the country can maintain and use his or her language?**

**13. Does the government ensure that everyone in the country has access to cultural facilities?**

**14. Does the government ensure that everyone in the country can enjoy and disseminate his or her own culture?**

**15. Does the government pay special attention to ensure that indigenous peoples are able to fully take part in cultural life?**

**16. Does the government pay special attention to ensure that cultural minorities are able to fully take part in cultural life?**

### ***The company and human rights***

**1. Has the company inquired about possible restrictions related to the right to take part in cultural life (i.e. the right of people to enjoy their own culture and to disseminate it; to maintain and use their language; to practice their religion; to have access to cultural facilities; and to have access to an education system that respects their culture) in the planned investment project area? If so:**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in violations of the right to take part in cultural life? If so:**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting or denying the right to take part in cultural life in other regions or countries? If so:**

**4. Does the company have a policy or programme to ensure that its activities do not affect the right to take part in cultural life? If so:**

**5. Does the company consider that the planned investment project could result in restricting or denying the right to take part in cultural life? If so:**

**6. Does the company acknowledge the existence of cultural groups in the planned investment project area?**

**7. Do the company's feasibility studies and/or risk assessments mention the presence of cultural groups in the planned investment project area? If so:**

**8. Does the agreement between the company and the government mention the presence of cultural groups in the planned investment project area? If so:**

**9. Has the company carried out studies to assess the potential impact of the planned investment project on spiritual and cultural life? If so:**

**10. Are sacred sites going to be affected by the planned investment project?**

## **The Right to Privacy**

### **The community and human rights**

**1. Has your privacy, reputation or honour ever been affected? If so:**

**2. Are you able to freely communicate with others (i.e. without interference)? If not:**

**3. Has your reputation or honour ever been affected? If so:**

**4. Has women's reputation or honour been affected? If so:**

**5. Has the reputation and honour of certain groups ever been affected? If so:**

**6. Has your personal and family privacy ever been restricted? If so:**

**7. Have women's personal and family privacy ever been restricted? If so:**

**8. Have certain groups' personal and family privacy ever been restricted? If so:**

**9. Has your ability to freely communicate with others ever been restricted? If so:**

**10. Have certain groups ever been particularly affected by restrictions on their ability to freely communicate with others? If so:**

**11. Has women's ability to freely communicate with others ever been restricted? If so:**

**12. What opportunities (legal or other) are available if you feel that you have been deprived of your right to privacy, reputation or honour?**

**13. Do you have reasons to believe that the planned investment project could affect your privacy, reputation or honour? If so:**

**14. If you believe that the planned investment project could affect your privacy, reputation or honour, is the government aware of the situation?**

**15. Has anyone ever interfered with your personal or family life? If so:**

**16. Has your home ever been illegally searched? If so:**

**17. Has your mail ever been interfered with (i.e. read by people for whom it was not intended)? If so:**

**18. Have your conversations or telephone calls ever been monitored, recorded or otherwise interfered with? If so:**

**19. Can you express opinions about the company and/or the planned investment project without fearing attacks to your reputation and honour? If not (you may want to answer questions in the section on the right to freedom of opinion and expression):**

**20. Has anyone ever discredited community leaders or organizations because of things they said about the planned investment project and/or the company? If so (you may want to answer questions in the section on the right to freedom of opinion and expression):**

**21. Have any local or national activists been intimidated, harassed or punished for things they said confidentially about the planned investment project? If so (you may want to answer questions in the section on the right to freedom of opinion and expression):**

**22. Do you think that the company has informers?**

***The government and the national human rights context***

**1. Are there problems related to the right to privacy, reputation and honour in the country?**

**2. Are there laws, policies or programmes protecting the right to privacy, reputation and honour in the country? If so:**



- 3. Does the government consider that the planned investment project could result in people being deprived of their right to privacy, reputation and honour? If so:**
  
- 4. Are there mechanisms through which people can file a complaint and/or obtain a remedy if they feel that they have been deprived of their right to privacy, reputation and honour? If so:**
  
- 5. Have any civil society organizations documented or reported cases of violations of the right to privacy, reputation and honour in the country?**
  
- 6. Has the national human rights institution dealt with cases related to the right to privacy, reputation and honour in the country?**
  
- 7. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to privacy, reputation and honour in the country?**
  
- 8. Has the government deprived or been accused of depriving people of their right to privacy, reputation and honour in the country?**
  
- 9. Has the government ever interfered with people's personal or family life in the country?**
  
- 10. Does the government ever interfere with people's mail or telephone calls in the country?**
  
- 11. Does the government ever willingly undermine anyone's reputation and honour in the country?**
  
- 12. How does the government respond when there are alleged violations of the right to privacy, reputation and honour in the country?**

***The company and human rights***

**1. Has the company inquired about whether the right to privacy, reputation and honour is respected in the planned investment project area and/or in this industry?**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of violations of the right to privacy, reputation and honour? If so:**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of depriving people of their right to privacy, reputation and honour in other regions or countries? If so:**

**4. Does the company have a policy or programme regarding the right to privacy, reputation and honour? If so:**

**5. Does the company consider that the planned investment project could result in attacks on people's privacy, reputation and honour?**

**6. Do the company's feasibility studies and/or risk assessments mention any cases where people were deprived of their right to privacy, reputation and honour in the planned investment project area?**

**7. Does the agreement between the company and the government mention any problems with regard to the right to privacy, reputation and honour in the planned investment project area?**

## **The Right to Peaceful Assembly**

### ***The community and human rights***

**1. Has your ability to peacefully gather or demonstrate ever been restricted?**

**2. Have some groups in your community been particularly affected by restrictions on their ability to**

**peacefully gather or demonstrate? If so:**

**3. Have women been particularly affected by restrictions on their ability to peacefully gather or demonstrate? If so:**

**4. What opportunities (legal or other) are available if you feel that your ability to peacefully gather or demonstrate has been restricted?**

**5. Do you have reasons to believe that the planned investment project could affect your ability to peacefully gather or demonstrate? If so:**

**6. If you believe that the planned investment project could affect your ability to peacefully gather or demonstrate, is the government aware of the situation? If so:**

**7. Are you able to demonstrate freely against the planned investment project?**

**8. Do you ever hesitate to peacefully gather or demonstrate due to fear of punishment?**

**9. Has anyone ever intimidated, harassed or punished you for peacefully demonstrating against the company and/or the planned investment project? If so (you may want to answer questions in the section on the right to liberty and security):**

**10. Have you ever been arrested and/or detained for peacefully demonstrating against the company and/or the planned investment project? If so (you may want to answer questions in the section on the right to liberty and security):**

***The government and the national human rights context***

**1. Are there problems related to the right to peaceful assembly in the country?**

**2. Are there laws, policies or programmes protecting the right to peaceful assembly in the country? If so:**

**3. Does the government consider that the planned investment project could result in restrictions on people's right to peaceful assembly? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain a remedy if they feel that their right to peaceful assembly has been restricted? If so:**

**5. Have any civil society organizations documented or reported violations of the right to peaceful assembly in the country?**

**6. Has the national human rights institution dealt with cases related to the violation of the right to peaceful assembly?**

**7. Do the concluding observations of the Human Rights Committee mention violations of the right to peaceful assembly in the country?**

**8. Has the government been involved or accused of being involved in placing unjustified restrictions on the right to peaceful assembly in the country?**

**9. How does the government respond when there are alleged violations of the right to peaceful assembly in the country?**

### ***The company and human rights***

**1. Has the company inquired about whether the right to peaceful assembly is respected in the planned investment project area?**

**2. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in violations of the right to peaceful assembly? If so:**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting people's right to peaceful assembly in other regions or countries? If so:**

**4. Does the company have a policy or programme regarding the right to peaceful assembly? If so:**

**5. Does the company consider that the planned investment project could result in restrictions on the right to peaceful assembly? If so:**

**6. Do the company's feasibility studies and/or risk assessments mention any restrictions on people's right to peaceful assembly in the planned investment project area?**

**7. Does the agreement between the company and the government mention any problems with regard to the right to peaceful assembly in the planned investment project area?**

# Operational

## The Right to Life

### *The community and human rights*

**1. Has anyone in your community disappeared, been executed and/or been the victim of any other forms of violence, which compromised their right to life, since the beginning of the investment project? If so:**

**2. Has anyone in your community been sentenced to death since the beginning of the investment project? If so:**

**3. Have certain community groups been specifically targeted for disappearance, execution and/or other forms of violence, which compromised their right to life, since the beginning of the investment project? If so:**

**4. Have certain community groups been specifically targeted for the death penalty since the beginning of the investment project? If so:**

**5. Have women been targeted for disappearance, execution and/or other forms of violence, which compromised their right to life since the beginning of the investment project? If so:**

**6. Have women been targeted for the death penalty since the beginning of the investment project? If so:**

**7. What opportunities (legal or other) are available when someone has disappeared, been executed and/or been the victim of other forms of violence, which compromise their right to life?**

**8. If your right to life was affected, did the government take any measures to redress the situation? If so:**

**9. Before the start of the investment project, had anyone in your community ever disappeared?**

**10. Before the start of the investment project, had anyone ever been executed and/or the victim of any other forms of violence which compromised their right to life?**

**11. Has anyone under the age of 18 been sentenced to death as a result of a crime committed or presumably committed against the company?**

***The government and the national human rights context***

**1. Have there been any cases of extrajudicial, summary or arbitrary executions in the country?**

**2. Have there been any cases of enforced or involuntary disappearances in the country?**

**3. Have there been cases of any other forms of violence which compromise people's right to life in the country?**

**4. Are there laws, policies or programmes protecting the right to life in the country?**

**5. Has the death penalty been abolished in the country? If not:**

**6. Does the government consider that the investment project has resulted in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**7. Are there mechanisms through which people can file a complaint and/or obtain remedy if someone disappears, has been executed or been the victim of any other form of violence which compromises their right to life? If yes:**

**8. Have any civil society organizations documented or reported cases of disappearances, executions**

and/or any other forms of violence which compromise people's right to life in the country?

**9. Has the national human rights institution dealt with cases related to disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**10. Do the concluding observations of the Committee on Human Rights mention cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**11. Do reports from the Special Rapporteur on extrajudicial, summary or arbitrary executions mention cases of executions in the country?**

**12. Do reports by the United Nations Working Group on Enforced or Involuntary Disappearances mention cases of disappearances in the country?**

**13. Has the government been involved or accused of being involved in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

**14. How does the government respond when there are alleged cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the country?**

### ***The company and human rights***

**1. Is the company aware of cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the investment project area?**

**2. Is the company aware of cases of people being sentenced to death in the investment project area?**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of being involved in cases of disappearances, executions and/or any other forms of violence which**



**compromise people's right to life in the context of this investment project? If so:**

**4. Have people been sentenced to death as a result of alleged crimes committed against the company?**

**5. Does the company have a policy or programme to prevent the use of any form of violence? If so:**

**6. Does the company consider that the investment project has resulted in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**7. If there have been alleged cases of disappearances, executions and/or any other forms of violence which compromise people's right to life related to the investment project, what measures has the company taken to address these allegations?**

**8. Has the company ever been accused of being involved in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in other regions or countries? If so:**

**9. Have people been sentenced to death as a result of alleged crimes committed against the company in other regions or countries?**

**10. Has the company inquired about the possible past involvement of its joint venture partners, subsidiaries or sub-contractors in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**11. Do the company feasibility studies and/or risk assessments mention cases of disappearances, executions and/or any other forms of violence which compromise people's right to life in the investment project area? If so:**

**12. Has the company taken any measures to avoid being involved in cases of disappearances, executions and/or any other forms of violence which compromise people's right to life? If so:**

**13. Are people who have allegedly committed a crime in the country at risk of being sentenced to death?  
If so:**

**14. Does the agreement between the company and the government mention any problems linked to the right to life in the investment project area?**

**15. Does the company promptly investigate allegations of disappearances, executions and use of any other forms of violence that are linked to the investment project?**

## **The Right to Liberty and Security of the Person**

### **The community and human rights**

**1. Have you been physically abused since the beginning of the investment project?**

**2. Have certain groups of people been specifically targeted for physical abuse since the beginning of the investment project? If so:**

**3. Have women been targeted for physical abuse since the beginning of the investment project?**

**4. Have you been arbitrarily arrested and/or detained since the beginning of the investment project? If so:**

**5. Have certain groups of people been specifically targeted for arbitrary arrest and/or detention since the beginning of the investment project? If so:**

**6. Have women been targeted for arbitrary arrest and/or detention since the beginning of the investment project?**

**7. What opportunities (legal or others) are available if you have been the victim of arbitrary physical abuse, arrest and/or detention?**

**8. If your right to liberty and security has been affected, did the government take any measures to redress the situation? If so:**

**9. Before the investment project, was anyone in your community ever physically abused? If so:**

**10. Were you ever arbitrarily arrested and/or detained before the start of the investment project? If so:**

**11. Have community members ever been sexually abused by anyone linked to the company? If so:**

**12. Has insecurity in your community increased since the beginning of the investment project?**

**13. Do women feel less secure since the beginning of the investment project?**

**14. Have you ever been physically abused by any security forces working on behalf of the company?**

**15. Have you ever been arbitrarily arrested and/or detained by any security forces working on behalf of the company? If so:**

**16. Have children been arbitrarily arrested and/or detained by security forces working on behalf of the company?**

***The government and the national human rights context***

- 1. Have there been cases of arbitrary use of force against people in the country (by the police, government security forces, paramilitary forces, private security forces, armed groups, mercenaries, etc.)?**
  
- 2. Have there been cases of arbitrary arrest and/or detention of people in the country?**
  
- 3. Are there laws, policies or programmes governing the use of force by the country's police, armed forces or any other government security forces?**
  
- 4. Are there laws, policies or programmes governing the arrest and/or detention of people by the country's police, armed forces or any other government security forces?**
  
- 5. Does the government consider that the investment project has led to the arbitrary use of force against people?**
  
- 6. Does the government consider that the investment project has led to the arbitrary arrest and/or detention of people?**
  
- 7. Are there mechanisms through which victims of arbitrary use of force can file a complaint and/or obtain reparation? If so:**
  
- 8. Are there mechanisms through which victims of arbitrary arrest and/or detention can file a complaint and/or obtain reparation? If so:**
  
- 9. Have any civil society organizations documented or reported cases of arbitrary use of force in the country?**
  
- 10. Have any civil society organizations documented or reported cases of arbitrary arrest and/or detention in the country?**

**11. Has the national human rights institution dealt with cases of arbitrary use of force in the country?**

**12. Has the national human rights institution dealt with cases of arbitrary arrest and/or detention in the country?**

**13. Do the concluding observations of the Human Rights Committee mention cases where security forces have arbitrarily used force in the country?**

**14. Do the concluding observations of the Human Rights Committee mention cases where security forces have arbitrarily arrested and/or detained people in the country?**

**15. Has the government been involved or accused of being involved in cases of arbitrary use of force in the country?**

**16. How does the government respond when there are alleged cases of arbitrary use of force in the country?**

**17. Has the government been involved or accused of being involved in cases of arbitrary arrest and/or detention in the country?**

**18. How does the government respond when there are alleged cases of arbitrary arrest and/or detention in the country?**

***The company and human rights***

**1. Is the company aware of cases of arbitrary use of force in the investment project area (by the police, government security forces, paramilitary forces, private security forces, armed groups, mercenaries, etc.)?**

**2. Is the company aware of cases of arbitrary arrest and/or detention in the investment project area?**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of arbitrary use of force in the investment project area? If so:**

**4. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of arbitrarily arresting and/or detaining people in the investment project area? If so:**

**5. Does the company have a policy to prevent the arbitrary use of force against people?**

**6. Does the company consider that the investment project has resulted in cases of arbitrary use of force against people?**

**7. If there have been alleged cases of arbitrary use of force related to the investment project, what measures has the company taken to address these allegations?**

**8. Does the company consider that the investment project has resulted in cases of arbitrary arrest and/or detention of people?**

**9. If there have been alleged cases of arbitrary arrest and/or detention related to the investment project, what measures has the company taken to address these allegations?**

**10. Has the company been accused of arbitrary use of force in other regions or countries? If so:**

**11. Has the company been accused of arbitrarily arresting and/or detaining people in other regions or countries? If so:**

**12. Did the company inquire about whether its joint venture partners, subsidiaries or sub-contractors had been accused of or involved in cases of arbitrary use of force, arbitrary arrest and/or detention? If so:**

**13. Do the company feasibility studies and/or risk assessments mention cases of arbitrary use of force in the investment project area?**

**14. Do the company feasibility studies and/or risk assessments mention cases of arbitrary arrest and/or detention in the investment project area?**

**15. Has the company taken any measures to avoid affecting the right to liberty and security? If so:**

**16. Does the company have its own security force? If so:**

**17. Does the agreement between the company and the government mention any problems linked to the right to liberty and security in the investment project area?**

**18. Does the company promptly investigate allegations of abuse linked to the investment project?**

## **The Right to Freedom of Movement**

### ***The community and human rights***

**1. Are you able to move freely and/or choose your residence since the beginning of the investment project?**

**2. Have you been displaced forcefully since the beginning of the investment project?**

**3. Have certain groups of people been particularly affected by restrictions on their ability to move freely**

and/or choose their residence since the beginning of the investment project? If so:

**4. Has women's ability to move freely and/or choose their residence been restricted since the beginning of the investment project? If so:**

**5. If there have been changes related to your ability to move freely and/or choose your residence (for example, the imposition of security parameters), were you informed of these changes? If so:**

**6. What opportunities (legal or other) are available if you feel that your ability to move freely and/or choose your residence has been restricted?**

**7. If your right to freedom of movement has been affected, did the government take any measures to redress the situation? If so:**

**8. Were you able to move freely and/or choose your residence before the start of the investment project?**

**9. Have you been able to enter the investment project area since the beginning of the investment project?  
If not:**

**10. Have you been able to leave the investment project area since the beginning of the investment project? If not:**

**11. Are there fishing or hunting areas where you can no longer go since the beginning of the investment project?**

**12. Has your access to woodland, farmland or grazing land changed since the beginning of the investment project?**



**13. Has your access to markets (to buy or sell goods) changed since the beginning of the investment project?**

**14. Has your access to water sources changed since the beginning of the investment project?**

**15. Are you nomadic? If so:**

***The government and the national human rights context***

**1. Are there problems related to the right to freedom of movement (i.e. the right to move freely and choose one's residence) in the country?**

**2. Are there laws, policies or programmes protecting the right to freedom of movement in the country?  
If so:**

**3. Does the government consider that the investment project has resulted in restrictions on the right to freedom of movement? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain reparation if their right to freedom of movement has been affected? If so:**

**5. Have any civil society organizations documented or reported cases of violations of the right to freedom of movement in the country?**

**6. Has the national human rights institution dealt with cases related to the right to freedom of movement in the country?**

**7. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to freedom of movement in the country?**

**8. Has the government been involved or accused of being involved in placing unjustified restrictions on the right to freedom of movement in the country?**

**9. How does the government respond when there are alleged violations of the right to freedom of movement in the country?**

***The company and human rights***

**1. Is the company aware of problems related to the right to freedom of movement (i.e. the right to move freely and choose one's residence) in the investment project area?**

**2. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting people's right to freedom of movement in the context of this investment project? If so:**

**3. Does the company have a policy to ensure that it does not restrict the right of people to move freely and to choose residence?**

**4. Does the company consider that the investment project has resulted in restrictions on people's right to freedom of movement? If so:**

**5. If there have been alleged cases of restrictions on people's right to freedom of movement related to the investment project, what measures has the company taken to address these allegations?**

**6. Has the company been accused of restricting people's right to freedom of movement in other regions or countries? If so:**

**7. Has the company inquired about whether its joint venture partners, subsidiaries and sub-contractors have ever restricted people's right to freedom of movement? If so:**

**8. Do the company feasibility studies and/or risk assessments mention any restrictions on people's right to freedom of movement in the investment project area?**

**9. Has the company taken any measures to avoid restricting the right to freedom of movement? If so:**

**10. Does the agreement between the company and the government mention any problems linked to the right to freedom of movement in the investment project area?**

**11. Does the company promptly investigate allegations that the investment project has affected people's right to freedom of movement?**

## **The Right to Self-Determination**

### **The community and human rights**

**1. Have you (as a peoples) been deprived of your means of subsistence since the beginning of the investment project? If so:**

**2. Has your ability (as a peoples) to collectively decide how you want to be governed been affected since the beginning of the investment project? If so:**

**3. Has your ability (as a peoples) to freely dispose of your land and natural resources been affected since the beginning of the investment project? If so:**

**4. Have you (as a peoples) been consulted about the investment project? If so:**

**5. Were you (as a peoples) given information about the investment project?**

**6. Do you feel that you (as a peoples) have been discriminated against in the context of this investment project?**

**7. What opportunities (legal or other) are available if you (as a peoples) feel that your right to self-determination has not been respected?**

**8. If your right to self-determination has not been respected, did the government take any measures to redress the situation? If so:**

**9. Do you (as a peoples) self-identify as indigenous? If so:**

**10. If you (as a peoples) do not self-identify as indigenous, how do you identify yourself?**

**11. Were you (as a peoples) involved in any legal action or other struggle for the recognition of your land and natural resources before the start of the investment project?**

**12. Are land titles held collectively or individually in the area where you live?**

**13. If you (as a peoples) were consulted about the investment project, do you feel that the consultations were carried out in good faith?**

**14. During the consultation process, was consideration given to your traditional decision-making processes?**

**15. Were there any significant changes to the investment project as a result of the consultations?**

**16. Were there any important modifications to the investment project after the consultation, and about which you were not consulted?**

**17. If the right to free, prior and informed consent is recognized in your country, did you (as a peoples) consent to the investment project?**

**18. As part of the investment project, did you (as a peoples) have to relocate?**

**19. Have you you experienced changes in your access to water since the beginning of the investment project?**

**20. Have you been forced to change your customary uses of natural resources since the beginning of the investment project? (For example, the ways you obtain food or water, transportation methods or routes, collection of medicinal plants, practice of rituals or ceremonies, etc.)**

**21. Do you feel that your traditional knowledge or practices have been affected since the beginning of the investment project?**

**22. Has the company or government carried out studies to assess the impact of the investment project on your social, spiritual and cultural life?**

**23. Has the company taken any measures to ensure that it respects your social, spiritual and cultural life? If so:**

**24. Has the company or government carried out studies to assess the environmental impact of the investment project on you?**

**25. Has the company or government taken any measures to ensure that it respects the environment in which you live? If so:**

## **The government and the national human rights context**

- 1. Are indigenous or other peoples able to determine how they want to be governed in the country (political status)?**
  
- 2. Are indigenous or other peoples denied the collective right to freely dispose of their land and natural resources (including mineral and subsurface resources) in the investment project area (i.e. permanent sovereignty)?**
  
- 3. Does the government recognize the existence of specific peoples (indigenous or others) in the investment project area?**
  
- 4. Are there laws, policies or programmes recognizing the right of indigenous and other peoples to self-determination (i.e. the collective right of these peoples to decide how they want to be governed and to freely dispose of their land and natural resources)? If so:**
  
- 5. Does the government consider that the investment project has affected the collective right of indigenous or other peoples to decide how they want to be governed? If so:**
  
- 6. Does the government consider that the investment project has affected the collective right of indigenous or other peoples to freely dispose of their land and natural resources? If so:**
  
- 7. Are there mechanisms through which indigenous and other peoples can file a complaint and/or obtain reparation when their right to self-determination has not been respected? If so:**
  
- 8. Have any civil society organizations documented or reported cases in which the right to self-determination of indigenous or other peoples has not been respected in the country?**
  
- 9. Has the national human rights institution dealt with cases of violations to the right to**

**self-determination of indigenous or other peoples in the country?**

**10. Do reports from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**11. Do the concluding observations of the Committee on the Elimination of Racial Discrimination mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**12. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**13. Do the concluding observations of the Committee on Economic, Social and Cultural Rights mention cases of violations of the right to self-determination of indigenous or other peoples in the country?**

**14. Has the government been involved or accused of being involved in depriving indigenous or other peoples of their right to self-determination in the country?**

**15. Has the government adopted the International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries? (If so, you may want to look at the obligations under this convention since there are different protections offered.)**

**16. Does the government have a consultation policy allowing for the full participation of indigenous and other peoples in decision-making processes in the country?**

**17. Is the right to free, prior and informed consent recognized in the country? If so:**

**18. What role did the government play in the negotiation of the investment project?**

**19. Do the indigenous or other peoples living in the investment project area have traditional systems of governance?**

**20. Has the government formally recognized the collective right of indigenous and other peoples to freely dispose of their land and natural resources?**

**21. Has the government taken any measures to identify the land and/or natural resources that indigenous or other peoples have traditionally used or occupied (for example, has indigenous land been demarcated)?**

**22. Who retains ownership of the land and natural resources that indigenous or other peoples have traditionally occupied and used in the investment project area?**

**23. Does the government provide means for indigenous and other peoples to control the use of the land and natural resources where they live?**

**24. Are there laws, policies or programmes regulating investments on indigenous and other peoples' land in the country?**

**25. Has the government taken measures to ensure that indigenous or other peoples are not deprived of their means of subsistence due to this investment project?**

**26. Has the government carried out studies to assess the impact of the investment project on the social, spiritual and cultural life of indigenous or other peoples? If so:**

**27. Has the government taken any measures to protect and preserve the social, spiritual and cultural life of indigenous or other peoples living in the investment project area?**



**28. Has the government carried out studies to assess the environmental impact of the investment project on indigenous or other peoples? If so:**

**29. Has the government taken any measures to protect and preserve the environment in the investment project area?**

**The company and human rights**

**1. Is the company aware of problems related to the right to self-determination (i.e. the collective right of indigenous and other peoples to decide how they want to be governed and to freely dispose of their land and natural resources) in the investment project area? If so:**

**2. Does the company acknowledge the existence of specific peoples (indigenous or others) in the investment project area?**

**3. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of not respecting the right to self-determination of indigenous or other peoples in the context of this investment project? If so:**

**4. Does the company have a policy or programme regarding indigenous or other peoples living in the investment project area? If so:**

**5. Does the company consider that the investment project has had an impact on the collective right of indigenous or other peoples to freely dispose of their land and natural resources? If so:**

**6. Does the company consider that the investment project has had an impact on the collective right of indigenous or other peoples to decide how they want to be governed? If so:**

**7. If it has been alleged that the investment project has had an impact on the right to self-determination of indigenous or other peoples, what measures has the company taken to address these allegations?**

**8. Has the company been accused of violating the right to self-determination of indigenous or other peoples in other regions or countries? If so:**

**9. Has the company inquired whether its joint partners, subsidiaries or sub-contractors violated the right to self-determination of indigenous or other peoples in the past? If so:**

**10. Do the company feasibility studies and/or risk assessments mention the presence of indigenous or other peoples in the investment project area? If so:**

**11. Has the company consulted the indigenous or other peoples in the investment project area? If so:**

**12. Has the company ensured the effective participation of the indigenous or other peoples affected by the investment project in the decision-making processes surrounding the investment project? If so:**

**13. Has the company taken any measures to ensure respect for the right of indigenous and other peoples to self-determination?**

**14. If the right to free, prior and informed consent is recognized in the country, did the company seek to obtain the free, prior and informed consent of indigenous or other peoples living in the investment project area?**

**15. Has the company made any agreements with indigenous or other peoples affected by the investment project?**

**16. How was land ownership determined within the context of the investment project?**

**17. Does the agreement between the company and the government mention the presence of indigenous or other peoples in the investment project area and their right to self-determination?**

**18. Has the company carried out studies to assess the impact of the investment project on the social, spiritual and cultural life of indigenous or other peoples? If so:**

**19. Has the company taken any measures to ensure respect for the social, spiritual and cultural life of indigenous or other peoples living in the investment project area?**

**20. Has the company carried out studies to assess the environmental impact of the investment project on indigenous or other peoples? If so:**

**21. Has the company taken any measures to ensure respect for the environment in the investment project area?**

**22. Does the company promptly investigate allegations that the investment project has affected indigenous or other peoples' right to self-determination?**

## **The Right to Participate in Cultural Life**

### **The community and human rights**

**1. Has the cultural life of your community been affected since the beginning of the investment project? If so:**

**2. Has your ability to maintain and use your traditional language(s) been affected since the beginning of the investment project? If so:**

**3. Has your ability to practice your religion been affected since the beginning of the investment project? If so:**

**4. Has your access to cultural institutions been affected since the beginning of the investment project? If so:**

**5. Has the education provided in your community changed since the beginning of the investment project? If so:**

**6. Do you feel that your community has been discriminated against because of its culture?**

**7. What opportunities (legal or other) are available if you feel that your right to take part in cultural life has been restricted or denied?**

**8. If your right to take part in cultural life has been restricted or denied, did the government take any measures to redress the situation? If so:**

**9. Do you feel that your ability to freely disseminate information about your culture has been restricted since the beginning of the investment project? If so:**

**10. Do you feel that your ability to seek, receive and impart information about your culture has been restricted since the beginning of the investment project? If so:**

**11. Have your traditional practices or knowledge been affected since the beginning of the investment project?**

**12. Have the traditional roles of men and women in your community changed since the beginning of the investment project?**

**13. Have the traditional roles of elders in your community changed since the beginning of the investment project?**

**14. Have the traditional roles of children in your community changed since the beginning of the**

investment project?

**15. Has the presence of “outsiders” linked to the investment project had any impact on the cultural life of your community?**

**16. Have any of the following aspects of your community’s life been affected by the investment project:**

**17. Does the land affected by the investment project have a cultural significance for your community?**

**18. Were sacred sites in your community identified as part of the investment project planning process?**

**19. Has the company refused to hire members of your community on the basis of their culture?**

**20. Has anyone left your community since the beginning of the investment project because they felt they were discriminated against on the basis of their culture?**

**21. Has the company or the government carried out studies to assess the impact of the investment project on the cultural life of your community?**

**22. Has the government taken any measures to protect and preserve the cultural life of your community?  
If so:**

***The government and the national human rights context***

**1. Are there problems related to the right to take part in cultural life (i.e. the rights of people to enjoy their own culture and to disseminate it; to maintain and use their language; to practice their religion; to have access to cultural institutions; and to have access to an education system that respects their culture) in the country?**

**2. Are there laws, policies or programmes guaranteeing the right to take part in cultural life in the country? If so:**

**3. Does the government consider that the investment project has resulted in restrictions on the right to take part in cultural life? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain reparation when their right to take part in cultural life has been restricted or denied? If so:**

**5. Have any civil society organizations documented or reported cases in which the right to take part in cultural life has been restricted or denied in the country?**

**6. Has the national human rights institution dealt with cases related to the right to take part in cultural life in the country?**

**7. Do the concluding observations of the Committee on Economic, Social and Cultural Rights mention cases in which the right to take part in cultural life has been restricted or denied in the country?**

**8. Has the government been involved or accused of being involved in restricting or denying the right to take part in cultural life in the country?**

**9. Does the government recognize the cultural diversity of its population?**

**10. Has the government taken any measures to ensure that the company respects the cultural life of people living in the investment project area?**

**11. Does the government ensure that everyone in the country receives an education that is culturally acceptable?**

**12. Does the government ensure that everyone in the country can enjoy and disseminate his or her culture?**

**13. Does the government ensure that everyone in the country can practice his or her religion?**

**14. Does the government ensure that everyone in the country can maintain and use his or her language?**

**15. Does the government ensure that everyone in the country has access to cultural institutions?**

**16. Does the government pay special attention to ensure that indigenous peoples are able to fully enjoy their cultural life?**

**17. Does the government pay special attention to ensure that cultural minorities are able to fully enjoy their cultural life?**

***The company and human rights***

**1. Is the company aware of problems related to the right to take part in cultural life (i.e. the rights of people to enjoy their own culture and to disseminate it, to maintain and use their language, to practice their religion, to have access to cultural institutions, and to have access to an education system that respects their culture) in the investment project area?**

**2. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting or denying the right to take part in cultural life in the investment project area? If so:**

**3. Does the company have a policy or programme to ensure that its activities do not affect the right to take part in cultural life? If so:**

**4. Does the company consider that the investment project has resulted in restrictions on the right to take**

**part in cultural life? If so:**

**5. If it has been alleged that the investment project has restricted the right of cultural groups to take part in cultural life, what measures has the company taken to address these allegations?**

**6. Has the company been accused of restricting the right to take part in cultural life in other regions or countries? If so:**

**7. Has the company inquired whether its joint venture partners, subsidiaries and/or sub-contractors have ever restricted the right to take part in cultural life? If so:**

**8. Does the company acknowledge the existence of cultural groups in the investment project area?**

**9. Do the company feasibility studies and/or risk assessments mention the presence of cultural groups in the investment project area? If so:**

**10. Has the company taken any measures to avoid restricting the right of cultural groups to take part in cultural life? If so:**

**11. Does the agreement between the company and the government mention the presence of cultural groups in the investment project area? If so:**

**12. Does the company promptly investigate allegations that the investment project has affected the right to take part in cultural life?**

**13. Has the company carried out studies to assess the impact of the investment project on spiritual and cultural life? If so:**



14. Were sacred sites identified as part of the investment project planning process?

## **The Right to Privacy**

### ***The community and human rights***

1. Have you enjoyed personal and family privacy since the beginning of the investment project?

2. Have you been able to freely communicate with others (i.e. without interference) since the beginning of the investment project?

3. Has your reputation or honour been affected since the investment project started?

4. Have certain community groups been particularly affected by restrictions on their personal and family privacy? If so:

5. Have certain community groups been particularly affected by restrictions on their ability to freely communicate with others? If so:

6. Has the reputation and honour of certain groups been particularly affected since the beginning of the investment project? If so:

7. Has women's personal and family privacy been affected since the beginning of the investment project? If so:

8. Has women's ability to freely communicate with others been affected since the beginning of the investment project? If so:

9. Has women's reputation or honour been affected since the beginning of the investment project? If so:

**10. What opportunities (legal or other) are available if you feel that you have been deprived of your right to privacy, reputation or honour?**

**11. If you feel that you have been deprived of your right to privacy, reputation or honour, did the government take any measures to redress the situation? If so:**

**12. Before the start of the investment project, had your privacy, reputation or honour ever been affected?**

**13. Has the company ever interfered with your personal or family life?**

**14. Has your home ever been illegally searched? If so:**

**15. Has the company ever interfered with your correspondence**

**16. Has your mail been interfered with (i.e. read by people for whom it was not intended)? If so:**

**17. Have your conversations or telephone calls ever been monitored, recorded or otherwise interfered with? If so:**

**18. Has the company ever refused to recruit or promote you because of personal or family matters or because of the nature of your correspondence with others?**

**19. Has the company ever dismissed you because of personal or family matters or because of the nature of your correspondence with others?**

**20. Has the company ever attacked your reputation or honour?**

**21. Can you express opinions about the company and/or the investment project without fearing attacks to your reputation and honour? (If not, you may want to answer questions in the section on the right to freedom of opinion and expression.)**

**22. Have any local or national activists been intimidated, harassed or punished for things they have said confidentially about the investment project? (If so, you may want to answer questions in the section on the right to freedom of opinion and expression.)**

**23. Do you think that the company has informers?**

***The government and the national human rights context***

**1. Is the right to privacy, reputation and honour respected in the country?**

**2. Are there laws, policies or programmes protecting the right to privacy, reputation and honour in the country? If so:**

**3. Does the government consider that the investment project has resulted in people being deprived of their right to privacy, reputation and honour? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain reparation if they feel that they have been deprived of their right to privacy, reputation and honour? If so:**

**5. Have any civil society organizations documented or reported cases of violations of the right to privacy, reputation and honour in the country?**

**6. Has the national human rights institution dealt with cases related to the right to privacy, reputation**

and honour in the country?

**7. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to privacy, reputation and honour in the country?**

**8. Has the government been involved or accused of being involved in depriving people of their right to privacy, reputation and honour in the country?**

**9. Has the government ever interfered with people's personal or family life in the country?**

**10. Has the government ever interfered with anyone's mail or telephone calls in the country?**

**11. Has the government ever willingly undermined anyone's reputation and honour in the country?**

**12. How does the government respond when there are alleged cases of violations of the right to privacy, reputation and honour in the country?**

### **The company and human rights**

**1. Is the company aware of problems related to the right to privacy, reputation and honour in the investment project area?**

**2. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of depriving people of their right to privacy, reputation and honour in the context of this investment project? If so:**

**3. Does the company have a policy or programme regarding the right to privacy, reputation and honour?**

- 4. Does the company consider that the investment project has resulted in attacks on people's privacy, reputation and honour?**
- 5. If there have been alleged cases of people being deprived of their right to privacy, reputation and honour, what measures has the company taken to address these allegations?**
- 6. Has the company been accused of depriving people of their right to privacy, reputation and honour in other regions or countries? If so:**
- 7. Has the company inquired whether its joint venture partners, subsidiaries and/or sub-contractors have ever violated the right to privacy, reputation and honour? If so:**
- 8. Do the company feasibility studies and/or risk assessments mention any cases where people were deprived of their right to privacy, reputation and honour in the investment project area?**
- 9. Has the company taken any measures to ensure respect of people's right to privacy, reputation and honour?**
- 10. Does the agreement between the company and the government mention any problems linked to the right to privacy, reputation and honour in the investment project area?**
- 11. Does the company promptly investigate allegations that the investment project has affected people's right to privacy, reputation and honour?**

## **The Right to Peaceful Assembly**

### ***The community and human rights***

- 1. Are you able to peacefully gather or demonstrate since the beginning of the investment project?**

**2. Have certain community groups been particularly affected by restrictions on their ability to peacefully gather or demonstrate since the beginning of the investment project? If so:**

**3. Can women peacefully gather or demonstrate since the beginning of the investment project? If not:**

**4. What opportunities (legal or other) are available if you feel that your ability to gather or demonstrate peacefully has been restricted?**

**5. If your right to peaceful assembly was affected, did the government take any measures to redress the situation? If so:**

**6. Were you able to peacefully gather or demonstrate before the start of the investment project?**

**7. Are you able to demonstrate freely against the investment project?**

**8. Do you ever hesitate to peacefully gather or demonstrate due to fear of punishment?**

**9. Has the company ever intimidated, harassed or punished you for peacefully demonstrating against the company and/or the investment project?**

**10. Have you ever been arrested and/or detained for peacefully gathering or demonstrating in the context of the investment project? (If so, you may want to answer questions in the section on the right to liberty and security.)**

***The government and the national human rights context***

**1. Are there problems related to the right to peaceful assembly in the country?**

**2. Are there laws, policies or programmes protecting the right to peaceful assembly in the country? If so:**

**3. Does the government consider that the investment project has resulted in restrictions on people's right to peaceful assembly? If so:**

**4. Are there mechanisms through which people can file a complaint and/or obtain reparation if they feel that their right to peaceful assembly has been restricted? If so:**

**5. Have any civil society organizations documented or reported cases of violations of the right to peaceful assembly in the country?**

**6. Has the national human rights institution dealt with cases related to the right to peaceful assembly?**

**7. Do the concluding observations of the Human Rights Committee mention cases of violations of the right to peaceful assembly in the country?**

**8. Has the government been involved or accused of being involved in placing unjustified restrictions on the right to peaceful assembly in the country?**

**9. How does the government respond when there are alleged cases of violations of the right to peaceful assembly in the country?**

### ***The company and human rights***

**1. Is the company aware of problems related to the right to peaceful assembly in the investment project area?**

**2. Has the company (or any joint venture partners, subsidiaries or sub-contractors) been accused of restricting people's right to peaceful assembly in the context of this investment project? If so:**

**3. Does the company have a policy or programme regarding the right to peaceful assembly?**

**4. Does the company consider that the investment project has resulted in restrictions on the right to peaceful assembly?**

**5. If there have been alleged cases of restrictions on people's right to peaceful assembly related to the investment project, what measures has the company taken to address these allegations?**

**6. Has the company ever been accused of restricting people's right to peaceful assembly in other regions or countries? If so:**

**7. Has the company inquired whether its joint venture partners, subsidiaries and/or sub-contractors have ever restricted people's right to peaceful assembly?**

**8. Do the company feasibility studies and/or risk assessments mention any restrictions on people's right to peaceful assembly in the investment project area?**

**9. Has the company taken any measures to ensure respect for people's right to peaceful assembly? If so:**

**10. Does the agreement between the company and the government mention any problems linked to the right to peaceful assembly in the investment project area?**

**11. Does the company promptly investigate allegations that the investment project has affected people's right to peaceful assembly?**



**Appendix E: Statement of professional credentials for Dr. Ian Mauro**

## *CURRICULUM VITAE*

---

### **IAN J. MAURO, PHD**

CANADA RESEARCH CHAIR IN  
HUMAN DIMENSIONS OF ENVIRONMENTAL CHANGE  
GEOGRAPHY AND ENVIRONMENT  
MOUNT ALLISON UNIVERSITY  
SACKVILLE, NEW BRUNSWICK  
EMAIL: IMAURO@MTA.CA  
OFFICE: 506-364-3224

---

**Objective:** To enhance human rights and social and ecological justice regionally, nationally and internationally through transdisciplinary research, education and outreach

---

#### ***Research Interests***

- Human rights and climate change
  - Social and Ecological Justice
  - Local and Indigenous knowledge systems
  - Climate change & adaptation
  - Renewable energy and technologies
  - Agricultural bio/nanotechnology
  - Urban/rural transformation
  - Sustainable food systems
  - Food and water security
  - Environmental health
  - Environmental Science & Studies
  - Risk analysis and assessment
  - Community-based research
  - Research ethics
  - Environmental Activism
  - Participatory video
  - Media & communication Studies
  - Research methods & statistics
  - Qualitative and Quantitative methods
- 

#### ***Education***

- 2008-2010    Postdoctorate, School of Environmental Studies, University of Victoria.  
Project: “Inuit Knowledge and Climate Change in the Canadian Arctic”.  
Supervisor: Nancy J. Turner.
- 2002-2008    Ph.D. Program, Department of Environment & Geography, University of  
Manitoba. Thesis: “Riding the Risk Wave: Farmer Knowledge and  
Experience with GM Crops in the Canadian Prairies ”  
Supervisor: S.M. McLachlan.
- 1998-2002    B.Sc. (Environmental Science), With Distinction. University of Manitoba  
Thesis: “Farmer-focused risk assessment of genetically modified crops in  
Manitoba”

---

***Scholarships and Awards***

- 2011 Canada Research Chair (Tier II) in “human dimensions of environmental change” (\$500,000)
- 2011 Apple Distinguished Educator for Multi-media Research Contribution
- 2008-2010 Social Sciences & Humanities Research Council (SSHRC) postdoctoral fellowship (\$81,000)
- 2009 University of Manitoba Distinguished Dissertation Award for PhD thesis that made a “groundbreaking novel contribution” to research (\$3,000)
- 2004-2008 Social Science & Humanities Research Council (SSHRC) doctoral fellowship (\$80,000)
- 2006 Canadian Organic Growers (COG) Mary Perlmutter Scholarship (\$5,000)
- 2005 University of Manitoba High Quality Student Incentive Award (~\$1,000)
- 2005 Faculty of Environment high GPA award (~\$1,000)
- 2002-2004 Manitoba Rural Adaptation Council (MRAC) Graduate Student Stipend (\$35,000)
- 1999-2002 University of Manitoba Honours List
- 1998 University of Manitoba Entrance Scholarship (~\$1,000)

---

***Grants***

- 2011 Atlantic Canada Adaptation Solutions Association and Natural Resources Canada. *Climate Change, Adaptation and Community-based Video and Geospatial Visualization in Atlantic Canada*. \$100,000.
- 2011 Walter and Duncan Gordon Foundation (Canada). *Sheila Watt-Cloutier Visiting Scholar Position*. \$25,000
- 2011 Mount Allison University internal research grant. *Sheila Watt-Cloutier Visiting Scholar Position*. \$18,000.
- 2011 Salamander Foundation (Canada). *Sheila Watt-Cloutier Visiting Scholar Position*. \$7,500.

- 2011 Oak Foundation (US). *Sheila Watt-Cloutier Visiting Scholar Position*. \$5,000.
- 2011 Canada Foundation for Innovation (CFI). *Human Dimensions of Environmental Change Institute* (infrastructure grant for multi-media video research facility). \$75,000
- 2011 New Brunswick Innovation Foundation (NBIF). *Community Innovators: A Study of Sustainable Agriculture and Renewable Energy in New Brunswick*: \$10,000.
- 2010 Social Sciences and Humanities Research Council (Community University Research Alliance). *Local AND Just: Researching Alternative Food Systems across Urban, Rural and Remote Manitoba* (with S.M. McLachlan and others, University of Manitoba). \$1,000,000 (over five years).
- 2009 Social Sciences and Humanities Research Council (Northern Communities Towards Social and Economic Prosperity Grant). *Culture and Ecology in Cumberland Sound: Community Adaptation to Global Warming* (with P. Kulchyski and C. Trott, University of Manitoba). \$243,950.
- 2009 Nunavut Film Development Corporation (Feature film development grant). *Inuit Knowledge and Climate Change: Live From the Floe Edge* (with Zacharias Kunuk and Isuma Productions). \$233,000.
- 2009 Health Canada (Climate Change and Health Adaptation in Northern First Nation and Inuit Communities Program). *Inuit Knowledge and Climate Change: Assessing, Mitigating, and Communicating Health Risks* (with Zacharias Kunuk and Isuma Productions). \$200,000.
- 2009 Telefilm Canada (Canadian Television Fund). *Our Traditional Homeland: Inuit Knowledge and Climate Change Film* (with Zacharias Kunuk and Isuma Productions). \$200,000.
- 2009 The Walter and Duncan Gordon Foundation (Northern Communities Programme). *Inuit Knowledge and Climate Change: A Video Research Project* (with Zacharias Kunuk and Isuma Productions). \$50,000.
- 2009 Nunavut Wildlife Management Board (Studies Fund). *Culture and Conservation: Inuit Knowledge, Climate Change, and Wildlife Management in Nunavut*. \$30,000.
- 2008 Social Sciences and Humanities Research Council (Community-University Research Alliance Grant). *Local AND Just: Researching Alternative Food Systems across Urban, Rural and Remote Manitoba* (with S.M. McLachlan, University of Manitoba). \$20,000. Full CURA proposal submitted fall 2009.

- 2008 The David Suzuki Foundation (Grant from David Suzuki's Founder's Fund). *Inuit Knowledge and Climate Change in the Canadian Arctic*. \$10,000
- 2006 Heifer International (Canada Program). *Harvest Moon Local Food Initiative: Food Security and Rural Economic Development in Manitoba* (with the Harvest Moon Society). \$200,000 (between 06-10).
- 2005 InterPares. *Battling the Biotechnology Gene Giants Film*: \$5,000
- 2004 Council of Canadians. *Genetic Matrix Documentary Video: A Primer on Biotechnology*: \$15,000
- 2002 Manitoba Rural Adaptation Council (Agriculture and Agri-Foods Canada). *Participatory Risk Assessment of Genetically Modified Crops in Manitoba* (with S.M. McLachlan, University of Manitoba): \$80,000 (between 02-07).
- 2002 Social Sciences and Humanities Research Council. *Local Rural Knowledge and Participatory Risk Assessment of Genetically Modified Crops in Manitoba* (with S.M. McLachlan, University of Manitoba): \$160,000 (between 02-05).

### ***Teaching Experience***

- 2012 Geography and Environment for Mount Allison University. Developed and teaching 2<sup>nd</sup> year *Contemporary Environmental Studies*.
- 2011-2012 Geography and Environment for Mount Allison University. Developed and co-taught a 4<sup>th</sup> year seminar called *Arctic Environmental Change* with Sheila Watt-Cloutier.
- 2004-Present Environment & Geography Instructor for University of Manitoba Panguitung "Bush" School in Nunavut. I am a co-instructor of an interdisciplinary program with professors in Native Studies and Inuit Elders. This six-week 'experiential learning' course immerses both graduate and undergraduate students (approximately 25/year) in the culture, politics and environment of the Arctic. The specific courses that I developed and have taught are:
- 3020 T60: Traditional Land Use and Ecology of Cumberland Sound
  - 3020 T61: Strategies in Environmental Resource Management
- In addition to teaching, I facilitate various Inuit knowledge workshops that bring elders, community members and students together to discuss topics such as climate change, Arctic flora and fauna, hunting culture, the inukshuk and qulliq oil lamp, midwifery, soapstone carving, printmaking, and more. Please see the promotional video for the course that I made at: [www.isuma.tv/hi/en/ian-mauro/pang-program](http://www.isuma.tv/hi/en/ian-mauro/pang-program)

I have co-advised two graduate students at the University of Manitoba in the Faculty of Architecture:

- Bradshaw, C. Masters of Landscape Architecture. 2009. Thesis: *Sailivik: Community Consultations and Landscape Plan for a Healing Centre in Pangnirtung, Nunavut.*
- Wiseman, K. Masters of City Planning (MCP). 2009. Thesis: *The Little Planner Goes to Market: Reframing the urban food system through the promotion of urban ecological planning perspectives.*

I am currently a co-advisor for a graduate student at Mount Allison University (in a special ad-hoc graduate program):

- Jellet, M. Masters of Science. 2012. Thesis: *Food Security, Climate Change and Risk of Flooding in the Tantramar Region, New Brunswick*

I am currently advising an undergraduate thesis student at Mount Allison:

- Soubry, B. Undergraduate Thesis. 2012: *Multi-media Human Rights Impact Assessment in the Canadian Arctic.*

---

## ***Volunteer Experience***

2002-present Harvest Moon Society

Co-founder, board member, and core volunteer for the Harvest Moon Society (HMS). This volunteer not-for-profit organization seeks to enhance agroecological and cultural sustainability in rural Manitoba. The HMS owns a sustainable agriculture learning centre and has developed an extensive program of University and community education opportunities. In addition, the HMS runs the 'Harvest Moon Festival', which is a perennial event that links urban and rural people to celebrate 'Healthy Land, Healthy Communities'. Current HMS projects include development of a local food network ([www.harvestmoonfood.ca](http://www.harvestmoonfood.ca)), further developing our interpretive nature trail, Architectural design/build and Living Rural Communities and Environments University courses, high school education and outreach, and more. In 2007, the Manitoba Eco-Network named the HMS 'Environmental Group of the Year'. Our website is: [www.harvestmoonsociety.org](http://www.harvestmoonsociety.org)

---

## ***Consulting***

- 2002-present Communications Consultant: I work as an independent communication consultant, offering videography, video editing and media outreach services
- 2009-2010 The Conference Board of Canada: I work as a consultant and contract researcher for The Conference Board of Canada, which the foremost, independent, not-for-profit applied research organization in Canada specializing in economic forecasting and public policy. I am currently working on projects related to their “Centre for the North” project.
- 2009-2010 The Canadian Wheat Board: I work as a consultant to The Canadian Wheat Board, Canada’s “single desk” wheat marketing agency, and have provided workshops and project design and implementation feedback.
- 2002-2010 ETC Group Researcher: I work as a consultant for ETC Group, an international civil society organization specializing on environmental and cultural erosion, technology, and corporate concentration. ETC Group is at the forefront of critical analysis and policy development regarding biotechnology, nanotechnology, synthetic biology, geo-engineering and intellectual property.

---

## ***Publications***

### *1. Research Contributions:*

#### *Refereed Publications*

1. **Mauro, I.J.** 2010. “Biotechnology and Ecological Risk”. *Encyclopedia of Geography*. Sage Publications.
2. **Mauro, I.J.** 2010. “Sustainable Agriculture”. *Encyclopedia of Geography*. Sage Publications.
3. **Mauro, I.J.**, S.M. McLachlan, and R.C. Van Acker. 2009. Farmer knowledge and *a priori* risk analysis: A pre-release evaluation of genetically modified Roundup Ready wheat across the Canadian prairies. *Environmental Science and Pollution Research*, 16, 689-701.
4. **Mauro, I.J.** and S.M. McLachlan. 2008. Farmer knowledge and risk analysis: Postrelease evaluation of herbicide-tolerant canola in western Canada. *Risk Analysis*, 28, 463-476.
5. **Mauro, I.J.** 2008. *Riding the Risk Wave: Farmers Knowledge and GM crops in the Canadian Prairies*. University of Manitoba. Department of Graduate Studies.

#### *Academic Creative Works (Video)*

1. **Mauro, I.J.**, A. Sylvester, B. Phillips and C. Norris. 2012. *Land, Life and Climate in Atlantic Canada*. First video in a series funded by Natural Resources Canada.
2. Kunuk, Z. and **I.J. Mauro**. 2010. *Qapirangajuk: Inuit Knowledge and Climate Change*. Isuma Productions and University of Victoria. The world’s first feature-

- length Inuktitut language film on Inuit knowledge and Climate change. Available at: [www.isuma.tv/ikcc](http://www.isuma.tv/ikcc)
3. Kunuk, Z. and **I.J. Mauro**. 2009. *Ukiutatuq Takuguk! Look! The Arctic!*. Igloolik Isuma Productions and University of Victoria (Video). Invited UN submission to COP-15 international climate change negotiations.
  4. Alivaktuk, J., Q. Ellsworth, S. MacDonald and **I.J. Mauro**. *Speaking out on climate change: A silent film*. Igloolik Isuma Productions (Video).
  5. Akulukjuk, R., Q. Ellsworth, S. MacDonald and **I.J. Mauro**. 2009. *Aputili?* Igloolik Isuma Productions (Video)
  6. **Mauro, I.J.** 2005. *Genetic Matrix: The Schmeiser Case and the Fight for the Future of Life*. Dead Crow Productions and the Council of Canadians (Video). Translated into Spanish and Japanese.
  7. **Mauro, I.J.**, S.M. McLachlan and J. Sanders. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. Dead Crow Productions and Dada World Data (Video).
  8. **Mauro, I.J.** 2005. *Genetic Revolution: Putting Biotechnology in its Place (featuring Dr. David Suzuki)*. Dead Crow Productions in association with the Organic Agriculture Protection Fund (Video).
  9. **Mauro, I.J.** 2004. *Pangnirtung Community Footage*. University of Manitoba Bush School in association with Hans Weber and Parks Canada.
  10. **Mauro, I.J.** 2003. *Genetically Modified Wheat Informational Video (Featuring Dr. Rene Van Acker)*. Translated into French.

*Refereed Conference Proceedings*

11. Trott, C., **Mauro, I.J.**, Kulchyski, P. and Z. Kunuk. Dangerous Knowledges: Inuit Perspectives on Climate Change Challenge Scientific Orthodoxy. The Inuit and the Aboriginal World: 17<sup>th</sup> Inuit Studies Conference Proceedings.
12. **Mauro, I.J.** 2009. Inuit knowledge, global warming, and Arctic food security. *Proceedings of the Manitoba Growing Local Conference*, Winnipeg, Manitoba. Doucette, K (Ed.)
13. **Mauro, I.J.**, S.M. McLachlan and J. Sanders. 2007. Seeds of change: farmers, biotechnology & the new face of agriculture. *Proceedings of Cultivating Appetites for Knowledge International Food Conference*, Victoria, BC. Warner, K.D., DuPuis, M., Getz, C. and Stuart, D. (Eds.).
14. McLachlan, S.M., **I.J. Mauro**, K. Lind, M. Yestrau, and R.K. Brook. 2007. Local knowledge and participation of rural and urban communities in risk assessment. *Proceedings of Cultivating Appetites for Knowledge International Food Conference*, Victoria, BC. Warner, K.D., DuPuis, M., Getz, C. and Stuart, D. (Eds.).
15. **Mauro, I. J.** and S.M. McLachlan. Risk Analysis of Genetically Modified Herbicide Tolerant Crops on the Canadian Prairies. Canadian Food Inspection Agency Conference on Herbicide Tolerant Crops. September 9-10, 2003. Ottawa, Ont.
16. McLachlan, S.M. and **I.J. Mauro**. 2003. Participatory video and risk analysis of GM crops. Rural Sociology Society. July 26-29



*Technical Reports*

1. **Mauro, I.J.** 2009. Who's Doing What in the Canadian North?: An Analysis of 101 Key Players and Their Activities. The Conference Board of Canada.
2. **Mauro, I.J.** 2009. Who's Doing What in Northern Ontario? An Analysis of 41 Community and Economic Development Organizations Working in the Region. The Conference Board of Canada.

*Popular Publications*

1. **Mauro, I.J.** 2008. The glacial pace of change: Inuit, the Arctic, and global warming. *Glove Magazine*. Winter Issue.
2. **Mauro, I.J.** 2002. Producers, Pundits, and Paradigms: Genetically Engineered Crops and Participatory Research. *Manitoba Eco-Journal*. November/December.

2. *Other Research Contributions**Selected Presentations (Invited)*

1. **Mauro, I.J.** 2012. *The Science of Storytelling: A Digital Dispatch on Biotech and Climate Change*. Keynote at the Science Atlantic Conference. March 3, Sackville, New Brunswick.
2. Shiva, V. and **I.J. Mauro**. *A Conversation with Vandana Shiva*. February 26, Sackville, New Brunswick.
3. **Mauro, I.J.** 2011. *How Do We Build Resilient Communities in the Face of Climate Change* (panel). Canadian Science Policy Conference. November 18, Ottawa, Ontario.
4. **Mauro, I.J.** 2011. *From Thief to Igloo Builder: Indigenous Knowledge Video Research in Canada's North*. The Social Sciences and Humanities Research Council and Canada Research Chairs. November 17, Ottawa, Ontario.
5. **Mauro, I.J.** 2011. *Northern Reflections: Science, Education and Conservation in Canada's North*. The Weston Foundation. October 15, Toronto, Ontario.
6. **Mauro, I.J.** 2011. *Language of the Land: Education and Research in Canada's North*. Nunavut Arctic College Masters of Education Program. University of PEI. July 14, Charlottetown, PEI.
7. **Mauro, I.J.** 2011. *Multi-media Education and Research*. Keynote Lecture. Apple Distinguished Educators Institute. July 7, Vancouver, British Columbia.
8. **Mauro, I.J.** and Z. Kunuk. 2011. *Qapirangajuj: Inuit Knowledge and Climate Change Screening and Lecture*. Congress. May 31, Fredericton, New Brunswick.
9. **Mauro, I.J.**, Weaver, A., Johnason, N and R. Chumpugnee. 2011. Keynote Panel on "How Do We Build Resilient Communities in the Face of Climate Change". Congress. May 31, Fredericton, New Brunswick.
10. **Mauro, I.J.** and Z. Kunuk. 2011. *Qapirangajuj: Inuit Knowledge and Climate Change Screening and Lecture*. Smithsonian Institution Film Festival Opening. March 31st, New York City, NY.
11. **Mauro, I.J.** and Z. Kunuk. 2011. *Qapirangajuj: Inuit Knowledge and Climate Change Screening and Lecture*. Smithsonian. March 27, Washington, DC.
1. **Mauro, I.J.** 2011. *Qapirangajuj: Inuit Knowledge and Climate Change Screening and Lecture*. Cinecenta Theatre. March 17, Victoria, British Columbia.

2. **Mauro, I.J.** 2011. *From Thief to Igloo Builder: Community-based Video Research in the Canadian North*. Notes from the field lecture. University of Victoria. March 16, Victoria, British Columbia.
3. **Mauro, I.J.** 2011. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. February 9. Health Canada Results workshop. Ottawa, Ontario.
4. Kunuk, Z. and **I.J. Mauro**. 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Keynote Lecture*. ArcticNet Annual Meeting. December 15, Ottawa, Ontario.
5. **Mauro, I.J.** 2010. Testimony for the Standing Committee on Agriculture. Parliament of Canada. December 14, Ottawa, Ontario.
6. **Mauro, I.J.** 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. Forum for Parliamentarians. November 24, Ottawa, Ontario.
7. **Mauro, I.J.** and Z. Kunuk. 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. Cinematheque. November 11, Winnipeg, Manitoba.
8. **Mauro, I.J.** and Z. Kunuk. 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. Cinematheque. November 10, Winnipeg, Manitoba.
9. **Mauro, I.J.** 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. Arctic Summit. November 9, University of Winnipeg, Winnipeg.
10. **Mauro, I.J.** 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. Arctic Summit. November 9, University of Winnipeg, Winnipeg.
11. **Mauro, I.J.** and Z. Kunuk. 2010. *Qapirangajuq: Inuit Knowledge and Climate Change Screening and Lecture*. November 6, Churchill, Manitoba.
12. Kunuk, Z. and **I.J. Mauro**. 2010. *Qapirangajuq: Inuit Knowledge and Climate Change World Premiere*. ImagineNative Film and Media Arts Festival. October 23, Toronto, Ontario.
13. **Mauro, I.J.** 2010. *Inuit Knowledge and Climate Change: Research and Filmmaking in the Canadian Arctic*. Reel Green Film Festival. Red River College. March 13, Winnipeg, Manitoba.
14. **Mauro, I.J.** 2010. *The World Has Titled: Inuit Knowledge and Climate Change*. Memorial University. February 24, Saint John's, Newfoundland.
15. **Mauro, I.J.** 2010. *Hunters and Farmer Food Systems: Re-imagining Sustainable in an Era of Environmental Change*. Keynote presentation. Growing Local Food Conference. February 20, Winnipeg, Manitoba.
16. **Mauro, I.J.** 2010. *Climate Change and the Far North*. Cinematheque. February 18, Winnipeg, Manitoba.

*Selected Media Coverage and Reviews of Work*

My doctoral research was one of four featured projects in the Social Sciences and Humanities Research Council (SSHRC) 2005-2006 annual report. It stated:

*“Economic pressures, shifting attitudes and global competition are challenging the food system on which all Canadians depend. Many issues demand expert attention – from mad cow disease to genetic modification of crops. Yet the experts with the experience to contribute to solutions – Canada’s farmers – are outside the academic and scientific domains we traditionally turn to for answers. Stephane McLachlan, Ian Mauro and their teams at the University of Manitoba are working to foster collaboration among farmers, researchers and policy-makers – aiming to enrich academic understanding by capturing and transferring rural knowledge. One of their techniques is to videotape farmers’ own accounts of their experiences and insights. One such video and its associated website were accessed 87,000 times in a single month: clear evidence of an appetite among Canadians for time-tested rural wisdom”*

SSHRC featured my postdoctoral project in the most recent 2010 winter issue of their research magazine *Dialogue*. This article was posted as the lead research piece on the banner of their main homepage and an excerpt is as follows:

*“Postdoctoral fellow and filmmaker Ian Mauro expected to gather knowledge from Inuit elders about climate change that would help empower their indigenous voice in current policy debates. What he didn’t expect was to uncover new scientific evidence of a warming climate. In a unique, SSHRC-supported, community-based multimedia project, the University of Victoria researcher in environmental studies teamed up with...acclaimed Inuk filmmaker Zacharias Kunuk (*Atanarjuat The Fast Runner*) to record interviews with Inuit elders using digital video... “Do you want to know the most mind-blowing thing I’ve heard?” asks Mauro. “Inuit elders from four northern settlements separated by thousands of kilometres have independently concluded that climate change is caused by the earth having tilted on its axis.”... “Trusting the knowledge of elders, we shared their perspectives with scientists,” says Mauro. “By linking different ways of knowing, we discovered that a warming atmosphere is actually changing the refraction index of the sky, which dramatically alters the visual landscape of the Arctic.”*

My research and community outreach has been the focus of many local, national and international media reviews, including CBC's flagship news programs *The National*, *The Current*, and *Power and Politics with Evan Solomon* as well as *The Globe and Mail*, *Forbes Magazine*, and others. Selected media are presented below:

- Wodskou, C. 2010. Re-imagining the Arctic. *CBC's The Current*. Feature on Inuit knowledge and climate change project for national radio audience. Forthcoming.
- Sharon, R. 2009. Inuit knowledge and climate change. *CBC's The National*. Feature story on December 9<sup>th</sup>: [www.youtube.com/watch?v=LCWK74ulb68](http://www.youtube.com/watch?v=LCWK74ulb68)
- CBC North. 2009. Film festival brings Inuit perspective to climate conference. December 9.
- Campbell, M. 2009. From Igloolik to Copenhagen: Documentary project brings the Inuit perspective on climate change to world stage. *Winnipeg's Uptown Magazine*. December 3.
- Matchan, L. 2009. "I've gone from the stone age to the digital age". *Pulitzer Centre on Crisis Reporting*. November 11.
- Letts, D. 2009. Silence speaks louder than words: Young filmmaker raises the alarm on climate change without raising her voice. *News North*. October 26.
- Mayes, A. 2009. 1,000 'Mooners' to descend on three-day HARVEST FEST. *Winnipeg Free Press*. September 17.
- White, P. 2009. Return of wheat wars surprises farmers. *The Globe and Mail*. June 26.
- Wiebe, L. 2009. Altered wheat opposed by many. *The Winnipeg Free Press*. June 26.
- Nickel, R. 2009. Canada farmers opposed to GM wheat – survey. *Reuters International News Service*. June 25.
- Dawson, A. 2009. Researcher says socioeconomic factors can be measured scientifically: Give Farmers a Say In Commercializing GM Crops. *The Manitoba Co-operator*. June 25.
- Ewins, A. 2009. Interest in GM wheat still lacking. *The Western Producer*. June 25.
- Redekop, B. 2008. Hands together for Harvest Moon. *Winnipeg Free Press (front page)*. September 14.
- Villeneuve, J. 2008. Harvest Moon: A festival on the rise. *Brandon Sun*. September 7.
- Gervais, D. 2007. Harvest Moon Society, Rural Culture, and Sustainable Agriculture. *CBC's Shaken Not Stirred* (Manitoba-wide radio). October 20<sup>th</sup>.
- Martin, N. 2007. Students soak up Inuit culture in North. *Winnipeg Free Press*. June 29.
- CBC. 2007. Province-wide radio noon call in program on biotechnology (hosted by Cathy Little). March 28, Calgary, AB.
- Breakfast Television. 2007. Seeds of Change. March 28, Calgary, AB.
- Jansen, L. 2006. Cozy relationship between Universities, Industry, Hurts Science: Suzuki. *Winnipeg Free Press*. January 26.
- Canadian Association of University Teachers. 2006. Seeds of Change a runaway hit! *CAUT Bulletin*. January issue.

- SSHRC. 2005. Harvesting knowledge: Manitoba researchers give farmers a voice in GM crop debate. Feature story on their website.
- King, R. 2005. It's the farming doc 'they' don't want you to see. *Winnipeg Free Press*. November 30
- Vanderhart, T. 2005. Seeds of Change Unsown. *The Ubysssey Magazine*. November 25.
- Canadian Association of University Teachers. 2005. Controversial video to be released across Canada. *CAUT Bulletin*. November issue.
- Brophy, D. 2005. Academic Freedom called into question at the U of M. *University of Manitoba Gradzette*. November 7.
- Fallding, H. 2005. Local Film on GM Food a Hot Ticket (Front Page). *Winnipeg Free Press*. October 26.
- Vanderhart, T. 2005. Seeds of Change Unsown. *The McGill Daily*. October 24.
- Vanderhart, T. 2005. Councils 'condemn' university for inaction on controversial documentary. *The Manitoban*. October 19.
- Friesen, R. 2005. GM video sparks accusations of censorship. *Manitoba Cooperator*. September 21.
- Anonymous. 2005. Researchers Cry Foul. *Globe and Mail*. September 13.
- Fallding, H. 2005. GM grain film blocked by U of M: researchers. *Winnipeg Free Press*. September 12.
- Canadian Association of University Teachers. 2005. Video Held Hostage. *CAUT Bulletin*. September issue.
- Sanders, J. 2005. Monsanto, Lawyers, Lies and Videotape: Seeds of Censorship Sown at the University of Manitoba. *Canadian Dimension*. August/September issue.
- White, E. 2004. Survey seeks farmers' views on GM wheat. *Western Producer*. February 26.
- Friesen, R. U of M survey measures attitudes toward GM wheat. *Manitoba Cooperator*. February 25.
- Rampton, R. 2004. Study probes Canadian farmers' views on GM wheat. *Forbes Magazine (online)*. February 20.
- Freisen, R. 2003. GM wheat wouldn't fly in Manitoba right now, survey reveals. *Manitoba Cooperator*. October 24.
- Rance, L. 2003. Student explores impact of herbicide-tolerant crops. *Farmers' Independent Weekly*. October 16.
- Fallding, H. 2003. Farmers Cool To Engineered Wheat: Survey. *Winnipeg Free Press*. October 9.
- Warwick, J. 2003. Most Farmers say no to growing GM wheat. *Saskatoon Star Phoenix; Regina-Leader Post* (Front Page). August 9.
- Dawson, A. 2003. Farmers being surveyed about GM crops. *Farmers' Independent Weekly*. April 10.
- Brooymans, H. 2002. The Second Coming of Columbus (Featuring Vandana Shiva and Ian Mauro's work on GM crops and farmers). *Edmonton Journal*. May 4

---

### ***Additional Teaching, Consulting, and Communication Experience***

My doctoral research has been of great interest to stakeholders worldwide. As a result, I have been invited to make various presentations on the outcomes of this study. Selected professional presentations for policymakers, farm organizations, and academics are presented.

- **Mauro, I.J.** 2010. *Hunters and Farmer Food Systems: Re-imagining Sustainable in an Era of Environmental Change*. Invited keynote presentation. Growing Local Food Conference. February 20, Winnipeg, Manitoba.
- **Mauro, I.J.** 2010. *Climate Change and the Far North*. Invited multi-media presentation. Cinematheque. February 18, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan. 2008. *Riding the Risk Wave: Farmer Knowledge and Experience with GM Crops in the Canadian Prairies*. Invited Canadian Wheat Board Presentation. November 21, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan. 2007. *Academic Freedom and Genetically Modified Organisms*. University of Calgary. March 27, Calgary, Alberta.
- **Mauro, I.J.** 2006. *Food Frontier: GMO, Pharmaceutical and Nanotech Crops*. Memorial University (Newfoundland). October 24, St. John's, Newfoundland.
- **Mauro, I.J.** 2006. *Biotechnology and the Future of Labour*. Consultation with academics, farm groups and US-based labour organizations. Cornell University. June 14, New York City, USA.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Risk Analysis of Genetically Modified Herbicide-tolerant Crops: The On-Farm Experience in Western Canada*. Farmer-to-farmer meeting on GM rice. November 10, Little Rock, Arkansas, USA.
- **Mauro, I.J.** 2005. *Risk Analysis of GM crops on the Canadian Prairies*. Canadian Food Inspection Agency Meeting. March 2, Ottawa, Ontario.
- **Mauro, I.J.** 2005. *GM crops as Invasive Species?* Agriculture Service Board Meeting. January 26, Red Deer, Alberta.
- **Mauro, I.J.** 2005. *GMOs, Organic farming, and co-existence*. Invited Canadian Wheat Board presentation. January 17, Winnipeg, Manitoba.
- **Mauro, I.J.** 2004. *Genetic Matrix. The Schmeiser Case and the Future of Life*. National Farmers Union AGM. November 19, Saskatoon, Saskatchewan.
- **Mauro, I.J.** and S.M. McLachlan. 2004. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Special Meeting for the US consulate. June 24, University of Manitoba, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan. 2004. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Priel Stevenson Hood & Thornton Law offices. June 16, Saskatoon, Saskatchewan.
- **Mauro, I.J.** and S.M. McLachlan. 2004. *Risk Analysis of Genetically Modified Wheat on the Canadian Prairies*. National Farmers Union sponsored meeting on GM wheat. June 14, Dundurn, Saskatchewan.
- Brook, R.K., S.M. McLachlan and **I.J. Mauro**. 2004. Video editing and community-based research workshop. May 7, Natural Resources Institute, Winnipeg, Manitoba.

- **Mauro, I.J.** and S.M. McLachlan. 2004. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Saskatchewan Organic Directorate Annual Meeting. March 20, Davidson, Saskatchewan.
- **Mauro, I.J.** 2004. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Dakota Resource Council Special Presentation. February 28, Minot, North Dakota.
- **Mauro, I.J.** and S.M. McLachlan. 2003. *Risk Analysis of Genetically Modified Herbicide Tolerant Crops on the Canadian Prairies*. Manitoba Crop Protection Industry Meeting. October 27, Manitoba Agriculture, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan, 2003. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Canadian Food Inspection Agency Consultation on herbicide-tolerant crops. September 9-10, Ottawa, Ontario.
- **Mauro, I.J.** and S.M. McLachlan. 2003. *Risk Analysis of Genetically Modified Crops on the Canadian Prairies*. Invited Canadian Wheat Board (CWB) presentation. September 8, Winnipeg, Manitoba.

Risk communication and public participation in environmental science and studies have been important elements of my work. Therefore, I have organized and presented at many public events, student meetings, and high schools to broadly share information regarding my research. Selected events are highlighted.

- **Mauro, I.J.** 2009. *Arctic Peoples and Environments*. Invited guest lecture to grade four class at Ecole Riverbend Community School. January 23, Winnipeg, Manitoba.
- **Mauro, I.J.** 2006. *Save our seeds* (with Dr. Ignacio Chapela). March 13, University of Toronto, Toronto, Ontario.
- **Mauro, I.J.** 2006. Corporate to campus cross-pollination of the mind: Intellectual property, copyright and qualitative video research. March 13, York University, Toronto, Ontario.
- **Mauro, I.J.** 2006. The Corporatization of Universities (with Drs. Nancy Olivieri, Ignacio Chapela, David Noble and Ann Clark). March 12, University of Guelph, Guelph, Ontario.
- **Mauro, I.J.** and S.M. McLachlan. 2006. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture* (with Dr. David Suzuki). January 25, UMSU Celebration Week, University of Manitoba, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan. 2006. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. January 21, Cinematheque, Winnipeg, Manitoba.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture* (with Nancy Olivieri). November 30, Winnipeg Art Gallery, Winnipeg, Manitoba.
- **Oliveri, N., I.J. Mauro** and S.M. McLachlan. 2005. *Privatization of the University and the Future of the Academy*. November 30, University of Manitoba, Winnipeg, Manitoba.

- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. November 28, Concordia University, Montreal, Quebec.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. November 24, University of Victoria, Victoria, British Columbia.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. November 23, Community Theatre, Salt Spring Island, British Columbia.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. November 22, Simon Fraser University, Vancouver, British Columbia.
- **Mauro, I.J.** and S.M. McLachlan, 2005. *Seeds of Change: Farmers, Biotechnology and the New Face of Agriculture*. November 17, Embassy West Hotel, Ottawa, Ontario.
- **Mauro, I.J.** and S.M. McLachlan. 2005. *Seeds of Change: Farmers and the Battle for Academic Freedom*. November 17, National Farmers Union Convention, Ottawa, Ontario.
- **Mauro, I.J.** 2005. *Battling the Biotech Gene Giants*. Fundraiser for SOD with Dr. David Suzuki. April 25, Regina, Saskatchewan.
- **Mauro, I.J.**, Schmeiser, P, Chopra, S. and Avi Lewis. 2005. *BSE, GMOs and the Fight for the Future of Our Food*. 500 person public event at the Winnipeg Art Gallery with film screening of *Genetic Matrix*. February 4, Winnipeg, Manitoba.
- **Mauro, I.J.** 2005. *Genetic Matrix. The Schmeiser Case and the Future of Life*. World Issues class at Vincent Massey Collegiate. January 17, Winnipeg, Manitoba.
- **Mauro, I.J.** 2004. *Genes, Grains, and Grandmothers: A nexus of the most important issues of our time*. Environmental Science Student Association Retreat. February 14, Delta Marsh, Manitoba.
- **Mauro, I.J.** 2004. *Of Mice and Men: Stories from the Supreme Court Hearing of Monsanto versus Schmeiser*. Environmental Awareness Week Keynote Address. University of Manitoba. February 5, Winnipeg, Manitoba.
- **Mauro, I.J.** 2003. *Genes, Grains, and Grandmothers: The Impact of Genetically Engineered Crops on Our Lives*. Council of Canadians Special Presentation. December 2, Red Deer, Alberta.
- **Mauro, I.J.** and S.M. McLachlan. 2003. *Biotechnology, Environment & Human Rights*. Human Rights and the Environment Symposium. November 28, Kelvin High School, Winnipeg, Manitoba.
- **Mauro, I.J.** 2003. *GM foods, patenting of life, and trade*. October 21, Vincent Massey Collegiate, Winnipeg, Manitoba.
- **Mauro, I.J.** 2003. *Biotechnology and Trade*. University of Winnipeg. September 13, Winnipeg, Manitoba.



In addition to my academic teaching and outreach I have instructed various outdoor education and recreation programs.

- **Logan, D.,** L. Reeves, and I.J. Mauro. 2006. *Wilderness Survival, edible plants, and living on the land*. Outdoor Survival Course taught at Room To Grow. September 8-11, Boissevain, Manitoba.
  - **Mauro, I.J.** *Zen and the Art of Bicycle Maintenance*. Annual course (1998-2002) taught through Olympia Cycle and Ski and Recreation Services, University of Manitoba.
- 

### ***Public Participation & Partnerships***

Over the course of my work and research I have collaborated with a number of civil society, environmental, and community-based organizations, including:

- Polar Bears International (International)
  - Greenpeace (International)
  - ETC Group (International)
  - InterPares (International)
  - David Suzuki Foundation (CND)
  - Igloolik Isuma Productions (CND)
  - Council of Canadians (CND)
  - National Farmers Union (CND)
  - Canadian Organic Growers (CND)
  - Boreal Forest Network (CND)
  - Canadian Biotechnology Action Network (CND)
  - Canadian Centre for Policy Alternatives (CND)
  - Community Economic Development Network (CND)
  - Forum on Privatization (CND)
  - Food Secure Canada (CND)
  - Beyond Factory Farming (CND)
  - Dakota Resource Council (USA)
  - Farmer to Farmer Campaign (USA)
  - Saskatchewan Organic Directorate (SK)
  - Harvest Moon Society (MB)
  - Manitoba EcoNetwork (MB)
- 

### ***Specialized Skills***

#### *Documentary Video Production*

- HD and HDV Digital camera operator
- Digital SLR
- Audio recording
- Lighting

*Video Editing*

- Final Cut X
- Avid Media Composer
- Adobe Premiere
- Livetype
- Soundtrack
- Cinema Tools
- Photoshop
- QuickTime Professional
- VLC

*DVD & CD Authoring*

- DVD Studio Professional
- iDVD

*Website Development*

- iWeb and Dream Weaver

*Geomatics*

- ArcView

*Quantitative Research*

- Large-scale Likert-scale surveys
  - Design, logistics and mailout
- Statistical Analysis (using SAS, SPSS, and Ordian software packages)
  - Univariate
    - ANOVA, regression, t-tests, Diversity indices, Tukey-Kramer tests
  - Multivariate
    - Factor Analysis, Logistic Regression, Information Theoretic Approach, Correspondence Analysis (CA), Principal Components Analysis (PCA), Nonmetric multidimensional scaling (NMDS), Multiple discriminant analysis (MDA), Redundancy Analysis (RA), Canonical Correspondence Analysis (CCA)

*Qualitative Research*

- Participatory research, Action research, focus groups, semi-directed interviews, grounded theory, case studies, biography, video-based methods

---

***References***

Dr. Nancy J. Turner, Distinguished Professor (& postdoctoral supervisor), Environmental Studies, University of Victoria, Victoria, Canada, V8W 3R4. (Tel) 250-721-6124; (email) nturner@uvic.ca

Dr. Peter Kulchyski, Professor, Native Studies, University of Manitoba, Winnipeg Manitoba, Canada. R3T 2N2. (Tel) 204-474-6333; (email) kulchysk@cc.umanitoba.ca

Dr. Chris Trott, Associate Professor and Warden and Vice-Chancellor, St John's College, University of Manitoba, Manitoba, Canada, R3T 2N2. (Tel) 204-474-8529; (email) trottcg@cc.umanitoba.ca

## Appendix F: Statement of professional credentials for Dr. Frances Abele

I am Professor, School of Public Policy and Administration and Academic Director of the Carleton Centre for Community Innovation at Carleton University. My research and teaching experience concerns Aboriginal-state relations, northern political and economic development, citizen engagement and public participation, community development and the northern social economy and, generally, Canadian public policy.

Since the early 1980s, I have been working to understand the impact on northern communities of various forms of political and economic development. I have worked in many parts of the Canadian north and to a limited extent with colleagues elsewhere in the circumpolar north. During the 1990s, I was Deputy Director of Research for the Royal Commission on Aboriginal Peoples, with special responsibility for research and policy on the North, as well as sections of the final report dealing with governance and economic development. I was president of the Association of Canadian Universities for Northern Studies during 2000-2005. My practical northern experience includes community-based research, expert testimony at project assessment hearings, research on northern administration with the Institute of Public Administration of Canada, and voluntary participation in a variety of consultative processes.

My most relevant publications include:

"Use it or Lose it? The Conservatives' Northern Strategy" in Bruce Doern and Chris Stoney, eds. 2011. *How Ottawa Spends 2011-12: Cutting Fat or Slicing Pork?* Montreal and Kingston: McGill-Queen's University Press, 2011.

"Aboriginal Workers and the Recession" (with Senada Delic) in G. Bruce Doern and Chris Stoney, eds. *How Ottawa Spends 2009-2010*. Toronto: Oxford University Press, 2010, pp. 163-192.

*Northern Exposure: Powers, Peoples and Projects*. (co-editor with Tom Courchene, France St. Hilaire, Leslie Seidle) Montreal: Institute for Research on Public Policy, 2009.

"Northern Development: Past, Present and Future" in Frances Abele, Tom Courchene, France St. Hilaire, Leslie Seidle, eds. *Northern Exposure: Powers, Peoples and Projects*. Montreal: Institute for Research on Public Policy, 2009, pp 19-65.

"The State and the Northern Social Economy: Research Prospects" *The Northern Review* No. 30 (Spring 2009) pp 37-58.

"A Little Imagination Required: How Canada Funds Territorial and Northern Aboriginal Governments" with Michael J. Prince, in Allan Maslove, ed. *How Ottawa Spends 2008-09: A More Orderly Federalism?* Montreal and Kingston: McGill-Queen's University Press, 2008.

"Kanadskii opyt uluchsheniia polozeniia korennykh narodov na rynke truda," (Canadian experience in improving the position of native peoples in the labour market), Region: Ekonomika i sotsiologiya (*The Region: Economics and Sociology*, no. 4 (2004), pp. 200-211.

"Indigenous People in the Cities of Northern Canada: The Importance of the Rural Economic Base" in Peter Solomon, ed. *New Actors in Northern Federations: Cities, Mergers, and*

*Aboriginal Governance in Russia and Canada*. Centre for European, Russian and Eurasian Studies, University of Toronto, 2006.

“The Smartest Steward? Indigenous People and Petroleum-Based Economic Development in Canada’s North” in G. Bruce Doern, ed. *Canadian Energy Policy and the Struggle for Sustainable Development*. Toronto: University of Toronto Press, 2005, pp.223-245.  
*Gathering Strength: Native Employment Training in the Northwest Territories*. Calgary: Arctic Institute of North America, 1989. 258 pgs.

# Curriculum Vitae June 2012

TELEPHONE NUMBER IN DEPARTMENT: -2553

**NAME:** Frances Abele

**DEPARTMENT:** School of Public Policy and Administration

## A EDUCATION

B.A. (Hons)	Political Science	University of Calgary	1976
M.A.	Political Science	York University	1978
Ph.D.	Political Science	York University	1983

Doctoral dissertation:

“The Berger Inquiry and the Politics of Transformation in the Mackenzie Valley”

## B EMPLOYMENT

### 1. Academic Appointments

July 2006	Professor School of Public Policy and Administration Carleton University
July 2003 – June 2009	Adjunct Professor Doctoral Program in Native Studies Trent University
January – June 2003	Visiting Scholar, Scott Polar Research Institute University of Cambridge, England
July 1996 - June 2001	Director, School of Public Policy and Administration, Carleton University
September 1996-1998	Membre adjoint de l'école des gradués, Université Laval
July 1989-	Associate Professor School of Public Administration Carleton University
January 1985	Assistant Professor School of Public Administration Carleton University
1985-89	Research Associate Arctic Institute of North America University of Calgary

1982-1984                      Staff Research Associate  
Arctic Institute of North America  
University of Calgary

1977-1982                      Sessional Lecturer, York University

## 2. Other Employment

2007 -                              Research Fellow, Institute for Research on Public Policy

May 1992  
- Dec 1994                      Deputy Director of Research - The North  
Royal Commission on Aboriginal Peoples  
(secondment)

## C                      PROFESSIONAL HONOURS

Queen's Golden Jubilee Medal for leadership in education and research, 2002.

Carleton University Research Achievement Award, 2010.

## D                      PUBLICATIONS

### 1. Refereed Scholarly Publications

#### a) Books

*Soliloquy and Dialogue: The Evolution of Public Policy Discourse on Aboriginal Issues* with Caroline Dittburner and Katherine Graham. Ottawa: Canada Communications Group, 1996. 351 pgs.

*Gathering Strength: Native Employment Training in the Northwest Territories.* Calgary: Arctic Institute of North America, 1989. 258 pgs.

#### b) Articles in refereed Journals

"What Now? Future Federal Responsibilities Towards Aboriginal People Living in Cities"( with Katherine Graham) *aboriginal policy studies* v 1 n 1 spring 2011.

"The State and the Northern Social Economy: Research Prospects" *The Northern Review* No. 30 (Spring 2009) pp 37-58.

"Inuit Diplomacy in the Global Era: The Strengths of Multilateral Internationalism" (with Thierry Rodon) *Canadian Foreign Policy* 13:3 Spring 2007.

"Four Pathways to Aboriginal Self-Government in Canada" (with Michael J. Prince) *American Review of Canadian Studies* 36:4 pp 568-597 Winter 2006.

"From Public Education to Social Marketing: The Evolution of the Canadian Heritage Anti-Racism Social Marketing Program" (with Judith Madill) *Journal of Non Profit and Public Sector Marketing* 17 (1/2) (2005).

"Kanadskii opyt uluchsheniia polozeniia korennykh narodov na rynke truda," (Canadian experience in improving the position of native peoples in the labour market), Region:

Ekonomika i sotsiologija (*The Region: Economics and Sociology*, no. 4 (2004), pp. 200-211.

"And Now for a Northern Solution? The Transfer of Forest Fire Control and Forest Management to the Governments of the Northwest Territories and Yukon" *The Northern Review* 5 Winter 1990, pp. 82-102.

"Canadian Contradictions: Forty Years of Northern Political Development", *Arctic* 41(4), Winter 1987, pp. 310-320; reprinted in Kenneth Coates and William R. Morrison, editors, *Interpreting Canada's North: Selected Readings*. Toronto: Copp Clark Pitman, 1989.

"The 1982 Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy (with M. O. Dickerson) *Canadian Public Policy*, March 1985, pp. 1-15.

"Interdepartmental Coordination and Northern Development" with E.J. Dosman, *Canadian Public Administration* 24(3), Fall 1981, pp. 428-451.

"Offshore Diplomacy in the Canadian Arctic: The Beaufort Sea and Lancaster Sound", with E.J. Dosman, *Journal of Canadian Studies* 16(3), Summer 1981, pp. 3-15.

c) Articles in Refereed Conference Proceedings

"Converging or Diverging Pathways to Aboriginal Self-Determination? Indigenous Peoples, Self-Government, and the Federation" (with Michael J. Prince) in *Convergence or Divergence in North America: Canada and the United States*. Centre for Canadian Studies, Simon Fraser University, 2004. 34 pgs.

d) Edited Books

*Northern Exposure: Powers, Peoples and Projects*. (co-editor with Tom Courchene, France St. Hilaire, Leslie Seidle) Montreal: Institute for Research on Public Policy, 2009.

*How Ottawa Spends 1991-92: The Politics of Competitiveness*. (editor) Ottawa: Carleton University Press, 1992.

*How Ottawa Spends 1991-92: The Politics of Fragmentation*. (editor) Ottawa: Carleton University Press, 1991.

e) Chapters in Edited Books.

"Four Ways to See It: Aboriginal People and Public Policy in Selected Ontario Cities" (with Russell LaPointe, David Leech, Michael McCrossan) in Evelyn Peters, ed. *Fields of Governance #5: Urban Aboriginal Policy Making in Canadian Municipalities*. Montreal and Kingston: McGill-Queen's University Press, 2012.

"Federal Urban Aboriginal Policy: The Challenge of Viewing the Stars in the Urban Night Sky" (with Katherine Graham) in Evelyn Peters, ed. *Fields of Governance #5: Urban Aboriginal Policy Making in Canadian Municipalities*. Montreal and Kingston: McGill-Queen's University Press, 2012.

"Use it or Lose it? The Conservatives' Northern Strategy" in Bruce Doern and Chris Stoney, eds. 2011. *How Ottawa Spends 2011-12: Cutting Fat or Slicing Pork?* Montreal and Kingston: McGill-Queen's University Press, 2011.



"Aboriginal Workers and the Recession" (with Senada Delic) in G. Bruce Doern and Chris Stoney, eds. *How Ottawa Spends 2009-2010*. Toronto: Oxford University Press, 2010, pp. 163-192.

"Northern Development: Past, Present and Future" in Frances Abele, Tom Courchene, France St. Hilaire, Leslie Seidle, eds. *Northern Exposure: Powers, Peoples and Projects*. Montreal: Institute for Research on Public Policy, 2009, pp 19-65.

"Introduction and Overview" (with Tom Courchene, France St-Hilaire, Leslie Seidle) in Frances Abele, Tom Courchene, France St-Hilaire, Leslie Seidle, eds. *Northern Exposure: Powers, Peoples and Projects*. Montreal: Institute for Research on Public Policy, 2009 pp 3-18.

"The New Northern Policy Universe" (with Tom Courchene, France St-Hilaire, Leslie Seidle) in Frances Abele, Tom Courchene, France St-Hilaire, Leslie Seidle, eds. *Northern Exposure: Powers, Peoples and Projects*. Montreal: Institute for Research on Public Policy, 2009 pp 561-594.

"Coming in from the Cold: Inuit Diplomacy and Global Citizenship" with Thierry Rodon, in J. Marshall Beier, ed. *Indigenous Diplomacy* Palgrave, 2009.

"A Little Imagination Required: How Canada Funds Territorial and Northern Aboriginal Governments" with Michael J. Prince, in Allan Maslove, ed. *How Ottawa Spends 2008-09: A More Orderly Federalism?* Montreal and Kingston: McGill-Queen's University Press, 2008.

"The Future of Fiscal Federalism: Funding Regimes for Aboriginal Self-Government" with Michael J. Prince, in Yale Belanger, *Aboriginal Self-Government in Canada*. Saskatoon: Purich Publishers, 2008.

"The Evolution of the March 21 Anti-Racism Social Marketing Program: A Case", (with Judith Madill) in Hastings, G., ed. *Social Marketing*, London:Elsevier, 2007.

"Beyond the Blue Horizon: Northern Development Policy in the Mulroney Years" in Raymond Blake, ed. *Examining the Legacy: The Era of Prime Minister Brian Mulroney*. McGill-Queen's University Press, 2007.

"Indigenous People in the Cities of Northern Canada: The Importance of the Rural Economic Base" in Peter Solomon, ed *New Actors in Northern Federations: Cities, Mergers, and Aboriginal Governance in Russia and Canada*. Centre for European, Russian and Eurasian Studies, University of Toronto, 2006.

"Between Respect and Control: Traditional Indigenous Knowledge in Canadian Public Policy" in Michael Orsini and Miriam Smith, eds. *Critical Policy Studies: Contemporary Canadian Approaches*. Vancouver: UBC Press, 2006.

"Constructing Political Spaces for Aboriginal Communities in Canada" (with Michael J. Prince) in Ian Peach, ed. *Constructing Tomorrow's Federalism: New Routes to Effective Governance*. Winnipeg: University of Manitoba Press, 2006.

"Symbolism, Surfacing, Succession and Substance: Martin's Aboriginal Policy Style" with Russell LaPointe and Michael J. Prince, in Bruce Doern, ed. *How Ottawa Spends 2005-06* Montreal and Kingston: McGill-Queen's University Press, 2005, pp.99-120.

"The Smartest Steward? Indigenous People and Petroleum-Based Economic Development in Canada's North" in G. Bruce Doern, ed. *Canadian Energy Policy and the*

*Struggle for Sustainable Development*. Toronto: University of Toronto Press, 2005, pp.223-245.

"Paying for Self-Determination: Aboriginal Peoples, Self-Government and Fiscal Relations in Canada." With Michael J. Prince. In Michael Murphy, ed. *Reconfiguring Aboriginal-State Relations, Canada: The State of the Federation 2003*. Institute of Intergovernmental Relations, School of Policy Studies, Queen's University, 2005, 237-263. (second author)

"Belonging in the New World: Imperialism, Property and Citizenship" Gerald Kernerman and Philip Resnick, eds. *Insiders and Outsiders: Essays In Honour of Alan C. Cairns*. Vancouver: University of British Columbia Press, 2005, pp. 213-226.

"Aboriginal Governance and Canadian Federalism: A To-Do List for Canada" with Michael J. Prince in Francois Rocher and Miriam Smith, eds. *New Trends in Canadian Federalism*. 2<sup>nd</sup> ed. Peterborough: Broadview Press, 2003, pp 135-166.

"Alternative Futures: Aboriginal Peoples and Canadian Federalism" with Michael J. Prince in Herman Bakvis and Grace Skogstad, eds. *Canadian Federalism in the Millennium: Performance, Effectiveness and Legitimacy* Toronto: Oxford University Press, 2002, pp. 220-237.

"Lessons from the Policy Discourse on Aboriginal Education," with Carolyn Dittburner and Katherine Graham, in Marlene Brant Castellano, Lynne Davis and Louise Lahache (eds.) *Aboriginal Education: Fulfilling the Promise*. UBC Press, 2000. Pp. 3-24.

"Funding Aboriginal Government in Canada: Recent Developments" with Michael J. Prince, in Harvey Lazar, ed. *Canada: The State of the Federation 1999-2000: Toward a New Mission Statement for Canadian Fiscal Federalism*. McGill-Queen's University Press, 2000. Pp.337-370.

"The Importance of Consent: Indigenous Peoples' Politics in Canada" in James Bickerton and Alain Gagnon, *Canadian Politics*, 3rd. ed. Peterborough: Broadview Press, 1999. Pp. 443-462.

"Negotiating Canada: Thirty Years of Change in Aboriginal Policy" with Katherine Graham and Allan Maslove in Leslie Pal, ed. *How Ottawa Spends 1999-2000*. Ottawa, Oxford University Press, 1999. Pp. 251-292.

"Understanding What Happened Here: The Political Economy of Indigenous Peoples" in Wallace Clement, ed. *Understanding Canada: Building on the New Political Economy*. Kingston and Montreal: McGill-Queen's University Press, 1996, pp. 118-140.

"Various Matters of Nationhood: Aboriginal Peoples and Canada Outside Quebec" in Kenneth McRoberts, ed. *Beyond Quebec: Taking Stock of Canada*. Kingston and Montreal: McGill-Queen's University Press, 1995. Pp. 297-312.

"Wrestling with History: Prospects for Peace in Aboriginal-Canada Relations" in Jerry Haar and Edgar J. Dosman, eds. *A Dynamic Partnership: Canada's Changing Role in the Hemisphere*. University of Miami North-South Centre: Miami, 1993. Pp. 131-146.

"The Politics of Competitiveness" in Frances Abele, ed. *How Ottawa Spends 1991-92: The Politics of Competitiveness*. Carleton University Press: Ottawa, 1992. Pp. 1-22.

"The Politics of Fragmentation" in Frances Abele, ed. *How Ottawa Spends 1990-91: The Politics of Fragmentation*. Carleton University Press, Ottawa, May 1991. Pp. 1-31.

"Who Benefits? The Transfer of Responsibility for Fire Control and Forest Management from the Federal to the Territorial Governments" in Gurston Dacks, ed. *Devolution and Constitutional Development in the Canadian North*. Carleton University Press: Ottawa, 1990. Pp. 43-70.

"The Democratic Potential in Administrative Expansion" in Gurston Dacks, ed. *Devolution and Constitutional Development in the Canadian North*. Carleton University Press: Ottawa, 1990. Pp. 295-316.

"High Politics is Not Enough: Services for Aboriginal Peoples in Alberta and Ontario" (with Katherine Graham) in David Hawkes, ed. *Defining the Responsibilities: Federal and Provincial Governments and Aboriginal Peoples*. Carleton University Press: Ottawa, 1989. Pp. 32.

"Canada as a 'White Settler Colony': What About Natives and Immigrants?" with D. Stasiulis in W. Clement and G. Williams, eds. *The New Political Economy*, McGill-Queen's University Press, 1989, pp. 240-277.

"Confronting 'Harsh and Inescapable Facts': Indigenous Peoples and the Militarization of the Circumpolar Region", in E.J. Dosman, ed. *Sovereignty and Security in the Arctic*. Routledge: New York, 1989, pp. 176-193

"Plus Que Ça Change: The North and Native Peoples", with K. Graham, *How Ottawa Spends 1988-89*, Carleton University Press, 1988, pp. 113-138.

"Conservative Northern Development Policy: A New Broom in an Old Bottleneck", in Michael J. Prince, ed. *Tracking the Tories: How Ottawa Spends 1986-1987*, Methuen 1986, pp. 149-178.

"Dene-Government Relations: The Development of a New Political Minority" in Neil Nevitte and Allan J. Kornberg, eds. *Minorities and the Canadian State*, Mosaic Press, 1985, pp. 136-172.

## **2. Other (Non-refereed) Scholarly Publications**

### a) Non-refereed books

none

### b) Chapters in non-refereed books

"Sources of Hope" Comment on Les relations interculturelles in John Trent and Robert Young, *After the Referendum: What is the Path Ahead?* Ottawa: University of Ottawa Press, 1996, 4 pgs

### c) Review articles

"Best Chance, Perilous Passages: Recent Writing About Nunavut" *International Journal of Canadian Studies* 21 (Spring 2000) pp 197-212.

### d) Articles in non-refereed journals

"Homeless in the Homeland: The Situation for Indigenous People in Canada's North" (with Nick Falvo and Arlene Hache) *Parity* 2010 Volume 29 pp 21-23.

"Canada Needs a University in the North" (with F. Leslie Seidle) *Nunatsiaq News* October 15, 2010. 1 pg.

"The Human Dimension of Arctic Foreign Policy --Time to Build a Northern University" (with F. Leslie Seidle) *The Hill Times* September 13, 2010.

"It is Time to Build a Northern University" *Montreal Gazette* August 30, 2010.

"A Strong North Must Be Prosperous" (with Tom Courchene, France St-Hilaire, F. Leslie Seidle) *Ottawa Citizen* June 15, 2009 and subsequently a number of other CanWest newspapers.

"Constructing Political Spaces for Aboriginal Communities in Canada after 1992" (with Michael J. Prince, in *Constructing Tomorrow's Federalism/Batir le Federalisme de Demain*. Post Conference Magazine. Regina: Saskatchewan Institute of Public Policy in collaboration with Centre for Research and Information on Canada. 2004. 2 pgs.

"Understanding a Changing North" Guest Column, *Canada Research Horizons* Winter 2004. 1 pg.

"Counsel for Canadian Federalism: Aboriginal Governments and the Council of the Federation" With Michael J.Prince. *Constructive and Cooperative Federalism: A Series of Commentaries on the Council of the Federation*. Institute for Intergovernmental Relations, Queen's University and Institute for Research on Public Policy. 2003. Web publication. 31 ms. pgs.

"Aboriginal Peoples in Northern Canada: The Peaceful Revolution Meets Global Capital" in *The Canadian North: Embracing Change*. The CRIC Papers: Centre for Research and Information on Canada, June 2002, pp. 9-15.

"Small Nations and Democracy's Prospects: Indigenous Peoples in Canada, Australia, New Zealand, Norway and Greenland" *Inroads* 10, 2000, pp. 137-149.

"A Time to Celebrate" Editorial in *Arctic*, 1 pg., Winter 1999. (*Arctic* is a refereed journal, but my editorials were commissioned, not peer reviewed.)

"Traditional Knowledge in Practice" Editorial in *Arctic*, 2 pgs., Winter 1997.

"Why Jean Chretien -and the Canadian people- should read the report of the Royal Commission on Aboriginal Peoples" *Canada Watch*. Summer 1997.

"Beyond Oka: Dimensions of Mohawk Sovereignty". Interview with Kahn-Tineta Horn, *Studies in Political Economy* 36 June 1991. (*Studies in Political Economy* is a peer-reviewed journal, but this interview was commissioned, not peer reviewed.)

"The Danger to the North". *Policy Options* 11(1) January/February 1990 (with Peter Usher).

"Aboriginal Peoples and Economic Development: Is It Business as Usual?". *Financial Times*, 16 September 1989 (with Katherine Graham).

e) Articles in non-refereed conference proceedings

"Native Claims Settlements and Native Training: Overview, Issues and a Model" with P. Kulchyski. *Proceedings of the International Workshop on Population Issues in Arctic Societies*. Copenhagen and Montreal, 1985, 21 pgs.

"A Framework for Mutual Benefit: Social and Political Research in the North" in K. de la Barre, ed. *Proceedings: Northern Population Workshop IV*. Frobisher Bay and Montreal, 1982, pp. 8-12.

f) Technical reports

*Literature Review: Bilingual Education*. Prepared for the National Committee on Inuit Education. (with Katherine Graham) March 2010.

*Literature Review: Building Post-Secondary Success*. Prepared for the National Committee on Inuit Education. (with Katherine Graham) March 2010.

*Literature Review: Inuit-Centred Education*. Prepared for the National Committee on Inuit Education. (with Katherine Graham) March 2010

*Like An Ill-Fitting Boot: Government, Governance and Management Systems in the Contemporary Indian Act*. National Centre on First Nations Governance, 2007.

*The Feasibility of a Northern Policy Research Institution* Consultation and Report for the Walter and Duncan Gordon Foundation. 2006

*First Nations Governance Pilot Projects: Challenge and Innovation. Volume 1 and 2*. Carleton Centre for Community Innovation for the National Centre for First Nations Governance, 2005. (with Katherine Graham, Alex Ker, Craig Brown, Chris Stoney). 200 pages. Web-published at <http://www.fngovernance.org/>.

*Aboriginal Peoples and a New Social Architecture for Canada's 21<sup>st</sup> Century*. Canadian Policy Research Networks. 2004. Web-published at <http://www.cprn.com/>.

*Serving the Public North of 60*. with Katherine Graham. Institute of Public Administration of Canada Report. Toronto: Institute of Public Administration of Canada, 2003. (equal authorship)

*Talking with Canadians: Citizen Engagement and Social Union Framework Agreement*. with Katherine Graham, Alex Ker, Antonia Maioni, Susan Phillips, Ottawa: Canadian Council for Social Development, 1998. 90 pgs.

*Overcoming Institutional Barriers to Social and Economic Wellbeing in the Ottawa-Carleton/Ontario Region*, with Katherine Graham and Alex Ker, CSTIER Diversification Group Papers Series, 1999. 55 pgs.

*A New Economic Development Policy for the North? The Impact of the Free Trade Agreement*, with Peter Usher, Canadian Centre for Policy Alternatives, October 1988, 46 pgs.

*Northern Politics Review* with W.H. Critchley, Northern Political Studies Programme, University of Calgary, 1983 and 1984, 95 and 125 pgs.

g) Book Reviews in Scholarly Journals

J. R. Miller, ed. *Sweet Promises: A Reader on Indian-White Relations in Canada*. Toronto: University of Toronto Press, 1991. Review published in the *Canadian Journal of Political Science*.

Douglas Holmes, *Northerners: Profiles of People in the Northwest Territories*. Toronto: James Lorimer and Company, 1989. Review published in *Arctic*.

Rebecca Aird, ed. *Running the North: The Getting and Spending of Public Finances by Canada's Territorial Governments*. Ottawa: Canadian Arctic Resources Committee, c. 1989. Review published in *Arctic*.

Frank Cassidy and Robert Bish, *Indian Government: Its Meaning in Practice*. Lantzville and Halifax: Oolichan Books and The Institute for Research on Public Policy, 1989. Review published in the *Canadian Journal of Political Science* 23:3 (September 1990).

Dara Culhane Speck, *An Error in Judgment*. Vancouver: Talonbooks, 1987. Review published in *Resources for Feminist Research* 17:3 (September 1988).

h) Major Encyclopedia or Dictionary Articles

"Canadian Native Urbanization and Non-Reserve Populations" an entry in *The Native North American Almanac*, 2<sup>nd</sup> edition. Gale Research, 2000. (revision of earlier entry)

"Canadian Native Urbanization and Non-Reserve Populations" an entry in *The Native North American Almanac*. Gale Research 1994.

"Resource Use Conflicts in Canada" an entry in *The Native North American Almanac*. Gale Research, 1994.

## **E. OTHER SCHOLARLY OR PROFESSIONAL ACTIVITY**

### **1. Editorial Responsibilities**

Member, Editorial Board, *aboriginal policy studies*, 2010 -

Member, Drafting Committee (Editorial Committee), *Revue société de droits* 2008 –

Member, Editorial Board, *Canadian Public Administration* 2006 –

Member, Editorial Advisory Board, *Arctic* 1995 -

Member, Editorial Board, *Studies in Political Economy* 1985-2003

Member, Editorial Board, *American Indian Treaty Encyclopedia*. University of Kansas. 2001-02.

### **2. Papers presented**

"Seeing Like a Community: Social Science Research in Northern Communities" (with Sheena Kennedy Dalseg) International Polar Year Final Conference, Montreal, April 21, 2012.

"State and Society in a Northern Capital: Yellowknife's Social Economy in Hard Times" (with Jerry Sabin) ) Presented to the Annual Meeting of the Canadian Political Science Association, Concordia University, Montreal, June 1, 2010

"What Was It About the Berger Inquiry? The Lasting Impact of the Inquiry into the Construction of a Pipeline in the Mackenzie Valley, 1974-76" Presented to the Annual Meeting of the Canadian Political Science Association, Concordia University, Montreal, June 1, 2010.

"What Now? Pressures on the Federal Role" (with Katherine Graham) Colloquium on Urban Aboriginal Policy, Congress of the Humanities and Social Sciences, Concordia University, Montreal, June 2, 2010.

"Living With Caribou: Dene Knowledge and Policy Development in the Context of 'Crisis'" (with Walter Bayha and Deborah Simmons) Presented to the Annual Meeting of the Canadian Political Science Association, Concordia University, Montreal, June 2, 2010.

"Northern Economies: Special Problems of Analysis and Planning" *Annual Meeting of the British Association of Canadian Studies*. University of Cambridge, April 7, 2010.

"Aboriginal People in the Cities and New Challenges for the Federation" *Federalism and the Relational Dimension of Indigenous Governance* University of Ottawa, March 10, 2010.

"Imagining the Best Possible Northern Economy" *Founders Lecture, Department of Geography*. Carleton University, March 10, 2010.

"Canada and New Zealand: Formulating the Relationship between the State and Indigenous Peoples" (with Katherine Graham) *Canada and New Zealand: Connections, Comparisons, and Challenges*. Victoria University of Wellington, New Zealand, 8 -10 February, 2010.

"The State and the Northern Social Economy" *Nunavut Social Economy Summit* Iqaluit, November 26, 2009.

"Government, Governance and Management Systems in the Contemporary Indian Act" *Rebuilding Our Nations: Eastern Aboriginal Conference*. National Centre for First Nations Governance. Halifax, March 3, 2009.

"The Best Possible Northern Economy" Sixth Conference of the International Association of Arctic Social Science, Illimarfik (University of Greenland) August 23, 2008.

"Settler Colonialism and Commission of Inquiry: Access and Legitimation" Fifth Galway Conference on Settler Colonialism. University of Galway, June 29, 2007.

"Commentary: Governance and Partnerships: The Agenda Now" presentation at *Economic Transformation North of 60*. Public Policy Forum Seminar. Ottawa, Dec 13, 2006.

"Opening to a Stronger Democracy: "The Indian Problem" and the Royal Commission on Aboriginal Peoples" Presentation to the Indigenous Bar Association 18<sup>th</sup> Annual Fall Conference, *Making Aboriginal Policy: A Conference Ten Years after the Final Report of the Royal Commission on Aboriginal Peoples*, October 19-21, 2006. Bessborough Hotel, Saskatoon, Saskatchewan

"Reflections on Serving the Public North of 60: Notes on Public Policy in Nunavut" Presented to the Nunavut Federal Council Learning Event, Iqaluit, June 7, 2006

"The Rewards of Decolonization: Assimilation and Transformation of "Southern Ideas" in Northern Canada" British Association of Canadian Studies Annual Conference, University of Cambridge, April 20, 2006.

"Indigenous Peoples in the Cities of Northern Canada: The Importance of the Rural Base" Paper presented to the Fourth Canada-Russia Conference on Federalism, Moscow, December 2005.

"Northern Research in the Public Interest" Presented to the Third Annual Meeting of the Northern Research Forum: *The Resilient North – Human Responses to Global Change*. Yellowknife, Northwest Territories. September 15-18, 2004.

"Indigenous People in Canada: Two Sovereignties or a Third Order?" Public lecture, Scott Polar Research Institute, University of Cambridge, February 27, 2003.

"Citizenship and Sovereignty in the Colonial Period" Graduate seminar, Scott Polar Research Institute, University of Cambridge, March 7, 2003.

"The Canadian Model of Indigenous Self-Government" Invited lecture, Canada Day, University of Umea, Sweden, March 19, 2003.

"An Historical Approach to Contemporary Conceptual Problems in Indigenous-Canada Relations" Invited lecture, University of Aberdeen, March 25, 2003.

"Indigenous Peoples and Self-Determination in Canada" Public lecture, Amerika Haus, Munich, Germany, April 9, 2003.

"Indigenous Self-Government and the Canadian Federal System" Invited lecture, University of Augsburg, Germany, April 12, 2003.

"What If? --What if the National Aboriginal Organizations had been invited to the negotiations to reach a Social Union Framework Agreement" Presented at *Perspectives and Directions: The Social Union Framework Agreement* Conference sponsored by the Saskatchewan Institution of Public Policy, the Institute for Intergovernmental Relations of the School of Policy Studies at Queen's University. Regina, February 4, 2000.

"Belonging Here" Symposium on Canada's Art Histories, Part I: Aboriginal Art Histories" Carleton University Art Gallery, January 29, 2000.

"Assessing the Approach to Research and Analysis of the Royal Commission on Aboriginal Peoples" presented at The Politics of Knowledge Production, Management and Ownership/Control, a conference at Carleton University, January 23, 1998.

"Institutional Barriers to Social and Economic Wellbeing in the Ottawa-Carleton/Outaouais Region," with Katherine Graham and Alex Ker. Presented at the History of Cities in Europe Conference, Venice, Italy, September 5, 1998.

"Reflections on the Value of Royal Commissions" 50th Anniversary Conference of the Institute of Public Administration of Canada, St. John's Newfoundland, August 26, 1997.

"The Possibility of Aboriginal Self-Government" at Kanadas Ureinwohner: Auf Dem Weg in Die Zukunft/Canada's First Nations: Shaping the Future. Annual Conference of the Association of Canadian Studies in German Speaking Countries, Grainau, Germany, February 17, 1996.

"The Policy Discourse in Aboriginal Affairs" Annual Meeting of the Canadian Political Science Association, University of Calgary, June 6, 1994.

"Approaching the North: Research Process and Research Proposals," (with Katherine Graham), prepared for the Royal Commission on Aboriginal Peoples Research Symposium on the State of Research in the Field of Aboriginal Affairs, Ottawa, April 30 - May 1, 1992.

"Governance: A Proposed Research Agenda," (with Katherine Graham) prepared for the Royal Commission on Aboriginal Peoples Research Symposium on the State of Research in Aboriginal Affairs, Ottawa, April 30 - May 1, 1992

"Free Trade and the North" Annual Meeting of the Canadian Regional Science Association, 2 June 1988, Windsor, Ontario.



"Northern Aboriginal Politics and Canadian Sovereignty and Security" Conference on Sovereignty, Security and the Arctic, York University, 8-9 May 1986.

### **3. Contract or Other Research**

*Employment, training and procurement: strategic choices for the Mackenzie Gas Pipeline*  
Expert testimony to the Joint Review Panel for the Mackenzie Gas Pipeline, technical hearing, December 7-8, 2006.

*A Systems Analysis of the Indian Act.* Research paper for the National Centre on First Nations Governance. December 2006.

*The Canadian Experience with Positive Labour Market Programs to Improve the Situation of Indigenous Peoples.* Carleton University Canada-Russia Project, December 2003.

*Strategic Planning and Organizational Development.* Course Syllabus and Module 1, Curriculum for a Web-Based Course for Volunteer Managers. Pilot Project. Centre for the Study of the Voluntary Sector and Volunteer Canada. 2002.

*Draft Terms of Reference for a Study of Governance in Centres of Excellence for Women's Health.* (with Katherine Graham and Susan Phillips) Health Canada, 2002.

*Aboriginal Distinctions* (with Katherine Graham). Facilitated discussion and report for the Interdepartmental Task Force on Aboriginal People, Government of Canada, 2001.

*The March 21 Campaign and Action 2000: An Interpretive Case History.* (with Judith Madill and Joan Murphy). Department of Canadian Heritage, 2000.

*Diversity: Changes in Major Canadian Institutions in Response to and Reflecting the Diversity of Canadian Society.* (With Katherine Graham, organized the workshop., facilitated, and wrote workshop report) for Multiculturalism Branch, Department of Canadian Heritage, October 19, 1999.

*Flexibility in the Implementation of the Inherent Right of Self-Government.* (with Gurston Dacks). Contract research for the Aboriginal Summit of the western Northwest Territories. March 1998.

*Changing the Training Programs Branch, Public Service of Canada: A Case Study* with Katherine Graham, Susan Phillips and Gene Swimmer, Centre for Policy and Program Assessment, December, 1997.

*A Strategic Framework for Redefining Diversity in the Federal Public Service* with Katherine Graham, Alex Ker et al. (Foundations paper for the Public Service Commission of Canada), Centre for Policy and Program Assessment, December 1997.

*A Study of Transport Canada Western Region Pilot Project: Flight Service Specialist Training for Native People* with James Ross (longitudinal evaluation), Arctic Institute of North America, November 1987, 76 pp.

#### **Research Grants and Awards:**

Nasivvik Centre Student Intern Grant, 2011. \$5252

European Union Curricular Development Grant, 2011. E3300.

Resources and Sustainable Development in the Arctic, SSHRC, 2011. \$2.5 million (I am one of four principal co-applicants; the PI is Chris Southcott of Laurentian University) My portion will be \$140,000.

Improving Access to University Education in the Arctic, ArcticNet, 2011 \$25,000. The grant is for \$143,000 in 2011-12 (PI is Thierry Rodon, adjunct at Carleton and Laval). My portion will be \$25,000.

Co-applicant on a successful CURA application, Responsible Investing Initiative. The grant is for \$1,000,000 during 2011-16 (PI is Tessa Hebb of Carleton). My portion will be \$30,000.

Knowledge Mobilization Grant, Social Economy Research Network, Hub. 2010. \$6,000.

Improving Access to University Education in the Arctic, SSHRC, 2010 \$15,968 (my portion of an ArcticNet grant led by Thierry Rodon; total award \$143,070)

President's Doctoral Scholarship, 2010 – 2014, \$15,000 per year for a doctoral student who will work with me.

Understanding the New Northern Economy SSHRC, 2009, \$78,500

Housing and Poverty in Yukon, 2010, \$20,000

Housing and Homelessness in Yellowknife. SSHRC, 2009, \$20,000

Member of the Knowledge in Society project, SSHRC, Urban Aboriginal Economic Development Network. 2008 Co-applicant

Member of the Northern Social Economy SSHRC Major Research Grant. \$100,000

Member of the MCRI Project, SSHRC Major Research Grant. *Indigenous Peoples and Governance*. \$2.1 million, 2006 – 2010; my portion \$27,500.

First Nations Government Centre, Study of the First Nations Governance Pilot Projects, Contract research through the Carleton Centre for Community Innovation. 2004-5. \$85,000.

Workshop on On-site Learner Support for Distance Learners in the Certificate in Nunavut Public Service Studies. Rural Development Secretariat of Agriculture Canada. (with Chris Turnbull) November 2004 \$12,000.

Member of the MCRI Project. SSHRC Major Research Grant. *Policy-Making and Multi-Level Governance*. Principals: Robert Young, University of Western Ontario, David Seigel, Brock University. \$2.5 million 2004-2009. I am one of 76. I am responsible for research on urban Aboriginal policy in Ontario. My budget is \$17,500.

Joint Donner Canadian Foundation - SSHRC Research Grant: Devolution of Responsibilities from the Federal to the Territorial Level (member of a consortium), \$28,400, 1987-89 with Katherine Graham, additional grant \$9,600, 1989.

Government of Ontario: Study of Provincial Services to Native Peoples (with Katherine Graham): \$3000.

Carleton University Faculty Research Grant: Northwest Territories Public Administration, 1987-88, \$1,400

Transport Canada Research Contract: Evaluation of the Native Flight Service Specialist Training Program, 1985-87, \$85,000

Donner Canadian Foundation Research Grant: A Study of Northern Native Employment Training, 1983-1986, \$250,000

Northern Political Studies Program, University of Calgary, Research Grant: Public Administration in the Northwest Territories and Yukon, 1982, \$1,000

Petro-Canada: Supplementary Funding for the Native Employment Training Study, Arctic Institute of North America, 1983-1985, \$9,000/year for 3 years

Canada Council Doctoral Fellowship, 1978-1981

#### **4. Other Professional Activities**

Member, ASPP Publications Committee, Canadian Federation for Humanities and Social Sciences. 2012 -

Member, Advisory Board, *Northern Public Affairs*. 2012 -

Invited expert participant, Canada-UK Colloquium on The Arctic and Northern Dimensions of World Issues. Iqaluit, Nunavut, November 4-6, 2010.

Member, Research Advisory Committee, Office of the Federal Interlocutor for Metis and Non-Status Indians, 2008 - 2010.

Session co-organizer, Sixth Conference of the Association of Arctic Social Scientists, Illimarfik (University of Greenland) Nuuk, August 21-29, 2008.

Member, Planning Committee on the 10<sup>th</sup> Anniversary Conference of the Royal Commission on Aboriginal Peoples, to be held jointly by the Indigenous Bar Association and the University of Saskatchewan. 2005 – 6.

President, Association of Canadian Universities for Northern Studies, 2001-2005

Member of the Board of Directors, Association of Canadian Universities for Northern Studies, 1999-2005

Member, Research Committee, Institute of Public Administration of Canada, 2000 – 2003.

Member, Advisory Committee to the Study Team on the Post-Secondary Recruitment Program of the Federal Public Service, Office of the Auditor-General of Canada, 1999-2000.

Advisor, University of the Arctic committee to develop a concentration in public policy and administration. 2005

Member, Planning Committee for the Tri-Council Consultation on Northern Research, *Dialogue on Northern Research*, 2003-04.

Member, Research Committee, Institute of Public Administration of Canada, 2000 – 2003.

Member, Advisory Committee to the Study Team on the Post-Secondary Recruitment Program of the Federal Public Service, Office of the Auditor-General of Canada, 1999-2000.

Chair, Federalism and Federations Adjudication Committee, Social Sciences and Humanities Research Council, 1999.

Member, Executive Board, Association of Canadian Universities for Northern Studies, and Carleton University representative, 1999-

Board of Directors, Canadian Arctic Resources Committee, 2001 – 2003.

Advisory Committee, Canadian Arctic Resources Committee, 1999 - 2001.

Advisor, Policy Research Round Table, Canadian Council for Management Development, January 28, 1998.

Section Head (Public Administration) Annual Meeting of the Canadian Political Science Association, 1997-98.

Member of Executive, Canadian Association of Programs in Public Administration, 1997-99.

Member, Eastern Board, Canadian Aboriginal Economic Development Strategy, 1990-1994.

Member, Board of Directors, Canadian Centre for Policy Alternatives, 1989-90.

Member, Community and Business Economic Development Advisory Council, Education Materials Development Project, Business Enterprises and Self-Governing Systems of Indian, Inuit and Metis Peoples, School of Management, University of Lethbridge, 1989-90.

Reviewed articles for the following journals: *Canadian Journal of Political Science*, *Canadian Public Administration*, *Etudes Inuit Studies*, *Arctic*, *Governance*, *Canadian Public Policy*, *Canadian Journal of Native Studies*, *The Northern Review*, *International Journal of Canadian Studies*, *Journal of Comparative Policy Analysis*, *Publius*, *Politiques et Sociétés*, *Polar Record*

Reviewed manuscripts for Broadview Press, Captus Press, Queen's University Centre for Resource Studies, Social Sciences Federation of Canada, McGill-Queen's University Press, UBC Press, University of Toronto Press.

Reviewer of research grant applications for Social Sciences and Humanities Research Council; Heritage Canada Canadian Studies program, Fonds pour la formation de Chercheurs et l'Aide à la Recherche (FCAR).

External examiner for doctoral dissertations and master's theses in several departments at Carleton University, and of dissertations at the University of Alberta, Trent University, University of Winnipeg, Université de Montréal, Ecole National d'Administration Publique, Université Laval, Queen's University, University of Toronto and York University.

## **5. Scholarly Work in Progress**

"Property Rights, Land Claims Agreements, and the Northern Political Economy" with Joshua Gladstone

"Seeing Like a Community: Social Science Research in Northern Communities" with Sheena Kennedy

"Intergovernmentalism and the Well-Being of First Nations" submitted to Ghislain Otis and Martin Papillon, eds. *The Relational Dimension of Indigenous Governance and Federalism: Theories and Practices* accepted by editors; book **under review**.

"The Lasting Impact of the Inquiry into the Construction of a Pipeline in the Mackenzie Valley, 1974-55" book chapter under review.

"State and Society in a Northern Capital: Yellowknife's Social Economy in Hard Times" (with Jerald Sabin). Journal article to be submitted to *Community Development Journal*.

"An Approach to Understanding Modern Community Economies in Inuit Nunungaat" (with Sheena Kennedy).

"The Uses of History" ms. completed and under revision for submission to a journal yet to be determined.

*Reconfederating Canada: Aboriginal Self-Determination and Canadian Federalism* with Michael J. Prince. We are writing this book under contract with UBC Press. It is approximately 50% completed.

## **F ACADEMIC RESPONSIBILITIES (TEACHING)**

PADM5872	Canada, the European Union, and Arctic Policy	2012
PADM5224	Aboriginal Policy	2011
PADM6113	Foundations of Policy Analysis	2008, 2009
PADM5113	Policy Research 1	2008, 2009, 2011, 2012
PADM5224	Aboriginal Policy	2008, 2010
PADM5113D	Policy Research for Evaluators	2007, 2008, 2010
PADM6101	Policy Research I	2006, 2007
PSCI1002	Global Political Issues (taught in Nunavut)	2006
PADM6106	Comparative Policy Analysis	2006
PAPM3000	Policy Research	2003-2006
PADM5806	Aboriginal Policy	2005, 2006
PADM5603	Qualitative Research in Public Policy	2003-2006
50.515	Public Sector Management	2002
50.586	Aboriginal Policy	2002
50.300	Policy Research	2001
50.605	Ideas, Institutions and Interests II	2000
50.586	Federal Policy and Indigenous Peoples	1999
50.573	Policy Concerning Indigenous Peoples	1996
50.563	Qualitative Research Methods	1996
50.530	Organizational Theory	1995
50.610	Policy Research	1995
50.530	Organizational Behaviour in Developing Countries	1985-1990
50.572	Native Employment Policy	
52.519	Native Social Welfare	
52.540	Social Administration and Policy	
52.551	Program Evaluation	
50.562	Planning and Evaluation	
50.567	Political Economy of the State	
50.573	Federal Northern Development Policy	
12.510	Northern and Native Studies	

Ph.D. Thesis (completed):

Evren Tok, "Varieties of Communitarianism in the Cities of the Anatolia Region" School of Public Policy and Administration. Carleton University 2011. (committee member)

Chris Alcantara, "What explains why some modern Aboriginal treaties get signed, but not others?" (Committee member) Department of Political Science, University of Toronto, 2006.

Richard Marquardt, "Changes in Labour Market Policy 1980-2000: State Structure, Discourse and Social Relations" (supervisor) School of Public Policy and Administration, Carleton University, 2007 (supervisor).

Francesca Scala, *Experts, Non-Experts, and Policy Discourse: A Case Study of the Royal Commission on New Reproductive Technologies*. School of Public Policy and Administration, Carleton University, 2002. (supervisor)

Luc Juillet, *Aboriginal Rights and the Migratory Birds Convention: Domestic Institutions, Non-State Actors and International Environmental Governance*. School of Public Policy and Administration, Carleton University, 2001. (supervisor)

Don Cozzetto, *Governance in Nunavut*, Centre for Public Administration and Public Policy, Virginia Polytechnic Institute and State University, Blacksburg, Virginia, 1990 (committee member)

Thierry Rodon, *Co-existence ou domination? L'expérience de cogestion des ressources renouvelable des autochtones du Canada*, Département de sciences politiques, Université de Laval, 1998 (co-supervisor with Pierre-Gerlier Forest).

Fadi El-Jardaly, "Evaluation of Changes to the Health Care System in Ontario" (committee member) Carleton University, 2003. (committee member)

Ph.D. Thesis in Progress:

Doaa Mahmoud, "School to Work Transition in Egypt" (co-supervisor) School of Public Policy and Administration, Carleton University, 2010 –

Senada Delic, "Aboriginal Labour Market Success" (committee member) School of Public Policy and Administration, Carleton University, 2007-

Russell LaPointe, "The British Columbia Treaty Process" (supervisor) School of Public Policy and Administration, Carleton University, 2004- *leave of absence*

Holly Dobbins "The Development of Nunavut in the Circumpolar Context" (committee member) Maxwell School of Public Policy, Syracuse University 2004-

Andrew Muir "Karl Polanyi and the Northern Labour Market" (supervisor) 2007-8; 2011 -

Joshua Gladstone "Comprehensive Claims Agreements and Northern Development" (supervisor) 2010 -

Farzana Jarwali, "Ismaeli Philosophy and Social Welfare States" (committee member) 2009-

Master's Thesis Supervisor (completed):

Bob Moquin, "Policy Coordination in the Government of Nunavut" School of Public Policy and Administration, 2005.

"A Culturally Relevant Education for Aboriginal Youth," Stephen Augustine, School of Canadian Studies, Carleton University, 1999.

"Financial accountability in Aboriginal governments", Terry Goodtrack, School of Public Administration, 1997.

"Northern Economic Development", Lynda Chambers, Institute of Canadian Studies, 1991.

"The Status of Disabled Persons in Canada: A Historical Analysis of the Evolution of Social Policy to Develop Effective Change Strategies Directed Toward Achieving Equality", Paul Wright, School of Social Work, 1990.

"The Evolution of a Racism: First Peoples and the European Invasion of Canada", Doris Rajan-Eastcott, School of Social Work, 1990.

"Women and Retirement", Valerie Mildenberger, School of Social Work, 1990.

"Political Development and Decay in the Northwest Territories Government", Lorraine Hewlett, Department of Political Science, 1989.

"Underdevelopment in the Canadian North: The Innut of Sheshatshiu", John Crump, Institute of Canadian Studies, 1988.

"La situation de l'emploi chez les jeunes Inuit de la region de Baffin", Claire Mailhot, Institute of Canadian Studies, 1988.

"Indian Land Claims in the Yukon 1968-1984: Aboriginal Rights as Human Rights", Jon Pierce (co-supervisor), Institute of Canadian Studies, 1988.

Master's thesis in progress:

Frank Gale, "The Duty to Consult" 2010 –

Teaching innovations:

With the help of colleagues, I developed a distinctive approach to delivery of the Certificate in Nunavut Public Service Studies, for distance delivery of courses in three Nunavut communities. This system uses a combination of WebCT, video tape, on-site support by specially trained facilitators and coordination by a student liaison officer based at Carleton.

In winter 2005, with support from the Education Development Centre and my teaching assistant Russell LaPointe, I developed a "hybrid" version of PADM3000 in which on-line exercises and assignments were intended to provide more hands-on practice and coaching than is possible in a large lecture class. On the basis of an evaluation of this experience, I will improve the hybrid course for delivery in winter 2006.

## **G ADMINISTRATIVE RESPONSIBILITIES (INCLUDING COMMITTEE WORK)**

### **Department**

Chair, Committee to Develop a Strategic Hiring Plan, 2012

Member, Tenure and Promotion Committee, 2011 - 12

Chair, Hiring Committee, School of Public Policy and Administration, 2009-10.

Member, Admissions Committee, Master's Program. 2008.

Co-ordinator, Certificate in Nunavut Public Service Studies and Undergraduate Supervisor, School of Public Policy and Administration, 2002 – 2010

Member, Committee to Revise the Master of Arts in Public Administration, 2005-

Director, School of Public Administration, 1996 – 2001

Director, Canadian Centre for Policy Alternatives, 1996-2001

Chair, Tenure and Promotion Committee, School of Public Administration, 1996.

Member, Interviewing Committee, Institute of Women's Studies, 1988-89

Director, Centre for Social Welfare Studies, School of Social Work, 1985-89

Coordinator, Speakers Series, School of Public Administration, 1985-88

Member, Personnel Committee, School of Public Administration, 1985-86, 1988.

Member, Tenure & Promotion Committee, School of Public Administration, 1989.

## **Faculty**

Academic Director, Carleton Centre for Community Innovation, 2007 –

Research Director, Carleton Centre for Community Innovation, 2004 - 07

Member, Kroeger College Awards Selection Committee, Ethics in Public Policy, 2000 – 2009.

Member, Committee to Advise the Dean of Public Affairs and Management Concerning Certificate Programs at Carleton. 2001-02.

Chair, Selection Committee, Director of the Institute of Criminology and Criminal Justice, 2001.

Member, Committee to Draft a Constitution for the Faculty of Public Affairs and Management, 1997

Member, Research Advisory Committee to the Dean of Social Science, 1990

Member, Steering Committee for the Institute of Political Economy, 1988-1995

Member, Management Committee, Institute of Canadian Studies, 1987-89

Coordinator, Political Economy Summer School, 1987-88

## **University**

Member, Committee to Consider a Web-based Common C.V., 2012 -



Member, NSERC CRC Planning and Selection Committee, 2011 -

Member, Search Committee for the Director of the School of Social Work, 2008-09.

Member, University Promotions Committee, 2007, 2008.

Member, Internal Adjudication Committee, Social Sciences and Humanities Research Council, graduate applications. 2003, 2005, 2006, 2007, 2008.

Member, Search Committee for the Vice-President Research, 1999 - 2000.

Chair, Ombuds Committee, 1998 - 2001.

Chair, Senate Committee on Disabilities, 1998 - 2000.

Member, Carleton University Senate, 1998 - 2001.

Member, Carleton University Research Ethics Committee, 1998 - 2001.

Member of Senate, 1996, 1998 - 2001

Member, Diversification Research Group, Centre for the Study of Training, Investment and Economic Restructuring. 1997-2000.

Member, Task Force on Native Studies at Carleton, 1989-90

## **H OTHER**

In 2000, with Saul Schwartz, I developed a collaboration among the Northwest Academy of Public Administration, Murmansk, Russia, the School of Public Policy and Administration, Carleton University, and Nunavut Sivuniksavut, an Ottawa-based, Inuit-controlled post-secondary training program. The purpose of the project was to bring Canadian experience with improving post-secondary access for Indigenous people to bear in a similar project in the Kola Peninsula. Our Russian partners eventually developed and delivered a successful program to prepare Sami for entrance to the Northwest Academy. The project was funded by the Department of Foreign Affairs and International Trade, who contributed \$60,000 over two years.

During 2001-present, I have developed and coordinated the delivery of the Certificate in Nunavut Public Service Studies, a Senate-approved program to offer bachelor's level courses in public administration to fully employed public sector workers in Nunavut. The Certificate has been fully funded by the employer, and this year is in hiatus due to funding uncertainties. I am in the process of developing a similar program for the Cree Regional Authority in northern Quebec.