



Meeting Summary: Global Lessons from Mt. Polley – Exploratory Discussions on Implications and Opportunities

9:00– 14:00, December 4, 2014

Terminal City Club, 837 W Hastings St Vancouver, Canada

Purpose | Overview

A major tailings spill of the scope and significance of Mount Polley in British Columbia has global implications across the mineral sector. The spill raises important questions and offers lessons for industry, communities and government. We identified interest in having discussion among First Nations, industry, NGOs, academics, and others before official reports are released in February. There was interest in creating a constructive space to consider findings and to discuss issues, both those likely to be covered in official reports and those which may not be addressed in these reports.

With this in mind, a half day meeting was convened by RESOLVE¹ and GEMMx^{2 3} on December 4, 2014. The purpose of convening this exploratory dialogue was to consider whether a larger cross sector session in early 2015 could be useful to constructively share perspectives on lessons, identify and contribute to potential responses to the Mt. Polley tailings spill. We considered substantive issues and how such a meeting might be resourced. The World Economic Forum expressed interest in collaborating, particularly with regard to implications that extend to other regions and linkages to its Responsible Mineral Development Initiative (RMDI).⁴

Participation

Leaders from industry, academia, First Nations and NGOs attended the December 4th meeting. Participants included: Lyn Anglin, Chief Scientific Officer, Imperial Metals; Oliver Brandes, Co-Director & WSP Lead; POLIS Project on Ecological Governance, University of Victoria; Ben Chalmers, Vice President, Sustainable Development, Mining Association of Canada; David Chambers, President, Centre for Public Participation; Jim Cooney, Adjunct Professor, UBC; Gillian Davidson, Director, Head of Mining and Metals, World Economic Forum; Jesse McCormick, board member, Justice and Corporate Accountability Project; David Parker, Senior Advisor, Canadian International Resources and Development Institute; Dave Porter, CEO, BC First Nations Energy and Mining Council; Anne Marie Sam, Regional Advisor, BC, Canadian

¹ www.resolv.org

² <http://gemm.ca/>

³ RESOLVE and GEMMx took the initiative to independently convene this exploratory session. The conveners were assisted by Alan Young.

⁴ <http://www.weforum.org/reports/responsible-mineral-development-initiative>.

Boreal Initiative; Calvin Sandborn, UVic Environmental Law Centre Legal Director; and Alan Young, Director, Corporate Programs, Canadian Boreal Initiative.⁵

During the discussion we identified issues, opportunities, challenges and potential pathways for response or further discussion. Regional, national and global implications were considered. The following provides an overview summarizing the discussion:

Key Themes

The discussion was not exhaustive but we identified themes that form the basis of planning for a meeting early in 2015.

1. Questions and Lessons– We discussed the importance of access to reliable, independent information concerning spills and remediation, including the need for a credible messenger or process around this information. Participants reflected on a number of governance implications such as new processes between government ministries and First Nations, some of which appear to be getting underway. Questions were raised about the role and influence of corporate culture. Discussions touched on the capacity of regulatory agencies to carry out duties, and issues related to the practice of accepting and relying upon the advice of professionals accountable for decisions, or “professional reliance.” Participants discussed whether the bonding process is effective in ensuring acceptable remediation and protection of public liability. The importance of appropriate disaster response plans was also highlighted.
2. Opportunities – Looking ahead, participants identified opportunities that come from the Mt. Polley spill. Ideas focused on how to reach a better standard of performance. The discussion explored British Columbia and Canada’s potential to lead best practices across jurisdictions, resulting in a top global standard for both current and future mines. Many participants would like to see the question “what is the mine of the future?” addressed across sectors, particularly with regard to mines in high value watersheds. Other suggestions included pathways for civil society and local participation and the role of multi-stakeholder dialogue; legal and policy reform of mining codes and regulations; and alignment of voluntary guidelines with binding compliance to result in improved standards, including the role of transboundary water management agencies.
3. Ongoing Initiatives – It was beyond the scope of the meeting to develop a complete list of relevant initiatives to build from; participants acknowledged that there are multiple initiatives underway. Those identified are being tracked and will inform future discussions. This will allow us to explore in greater detail how they can inform next steps.
4. Inputs and Gap Analysis – As outlined, a number of initiatives are underway examining Mt. Polley, with reports and assessments in development. Participants recognized the need to add value and avoid duplication. As such, we discussed planning the next meeting and any subsequent activity based upon a “gap analysis.” Gaps in current

⁵ Meeting conveners Jessica Bratty, Glenn Sigurdson and Chris Tucker of GEMM were present at the meeting, as were Stephen D’Esposito and Sarah Daitch of RESOLVE.

reports would be highlighted with a focus on lessons and opportunities identified by a cross sector planning committee (soon to be constituted – see Next Steps). This would build from an initial list generated at the December 4th meeting. Identifying these gaps and how they can be fulfilled would reveal pathways forward, forming the basis for future discussions at a larger session in early 2015. This would position the committee to set priorities and consider focused activities and supporting cross-sector strategies. Potential pathway categories were identified, including: technical/operational; organizational; policy and procedural.

5. Finding the Space – Participants identified an interest in building an inclusive, cross-sector planning committee to contribute to distilling and disseminating lessons from the spill. Many participants agreed that an event like the Mt. Polley spill presents opportunities for substantive improvement to advance responsible mining. According to participants, establishing a constructive “space” would enable lessons learned to be transformed into better practices. Participants agreed that creating this “space” requires legitimacy and the inclusion of diverse perspectives, and consideration of where work is already underway.

Next Steps

It was agreed that contact details of other attendees be shared and a draft overview summary of the discussion circulated. Participants agreed to provide input on the draft summary so a final version can be prepared and shared. Participants agreed to consider whether they would like to be a part of a future planning committee. The planning committee’s purpose would be to design a larger session in early 2015, secure appropriate resources and prepare accordingly so it can be successful. Other additions to the committee are likely as it develops.

Given common interests across sectors, meeting participants on December 4th saw a constructive role to be played by building a cross sector space for dialogue following Mt. Polley, supporting the conversation going forward on the future of responsible mining.