Mining Association of Canada
Towards Sustainable Mining

Meeting of the
Community of Interest Advisory Panel
SUMMARY REPORT

March 6-7, 2018
Toronto, ON

Towards Sustainable Mining
Vers le développement minier durable

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Executive Summary

The Community of Interest Advisory Panel (COI Panel) is an independent multi-stakeholder group that monitors the Mining Association of Canada's (MAC) Towards Sustainable Mining (TSM) initiative's progress and serves as an external source of knowledge and experience. This executive summary provides a brief account of the meeting held in Toronto on the evening of March 6th and the full day on March 7th, 2018.

The objectives of the March meeting were to:
1. Hear the perspectives of the Panel on issues that are important to their COI and relevant to the industry.
2. Improve our understanding of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Free, Prior and Informed Consent (FPIC) and the Truth and Reconciliation Commission's (TRC) Call to Action #92.
3. Provide input on the review of the TSM Aboriginal and Community Outreach Protocol.
4. Present and receive feedback on the draft Water Protocol.
5. Provide an update to the Panel on interim Panel and MAC business, including updates on MAC's response to the Panel Statement on Climate Change and Panel Renewal.
6. Select which companies/company will undergo post-verification review for 2018.

Issues Tracking and Materiality Process
During a Tuesday evening roundtable, Panel members shared issues of importance to the COI they represent that are relevant to the mining industry, including:

- Indigenous rights and reconciliation
- Employment of Indigenous peoples
- Community engagement
- Mine closure
- Water

- Sustainable Development Goals
- Shift to a lower carbon economy
- Increasing downstream standards
- Internationalization of TSM

These issues will inform a materiality survey for the Panel, which will contribute to the prioritization of which issues the COI Panel will focus on in 2019.

Draft Water Protocol Review
MAC presented the draft Water Protocol for the Panel's review and comments. The Panel provided overarching comments and specific comments for each indicator, including that the Protocol should consider the following:
- Incorporate more explicit references to climate change and adaptive management
- Strengthen the water balance criteria
- Consider both absolute and intensity targets
- Include additional criteria for Level AAA
- Clearly communicate the definition of Level C practices to companies and COIs, including more explicitly communicating the minimum expectation of meeting regulatory compliance

Indigenous Reconciliation Expert Panel
A panel of Indigenous representatives, including 3 COI Panel Members, was convened to share their perspectives on Indigenous reconciliation and the Truth and Reconciliation Commission Call to Action #92, and their implications for the mining sector. The panel members included:

- Will David, a representative from Inuit Tapiriit Kanatami (ITK), who shared his perspectives on UNDRIP
- Daniel Benoit, a Métis Panel member, who shared his experience as a federal government employee working with an Indigenous community to reduce waste and emissions
- Theresa Baikie, an Inuit Panel member, who shared her experiences with Inuit land claim agreements and how that influenced the experience at Voisey's Bay Mine
- Chief David Walkem, a First Nations Panel member, who shared his community's experience with the forestry sector

After the opening presentations, the Panel participated in a plenary discussion in response to the perspectives they shared, which included the following key discussion topics:
- Often government looks to industry to fulfill the Crown's duty to consult and maintain relationships with Indigenous peoples
- Government plays an important role in ensuring Indigenous peoples are treated equally and fairly (e.g. closing the gaps between Indigenous peoples and the rest of Canada, recognizing land title)
- Corporate and government management and staff require cultural awareness education and training
- Reconciliation includes establishing gender-balanced relationships in communities and companies
- Recognition that industry faces challenges in determining its role in the Reconciliation agenda

Aboriginal and Community Outreach Protocol Review
MAC presented the scope of the Aboriginal and Community Outreach Protocol review to the Panel and requested their feedback. The Panel shared comments on the following key topics:
- Change the title of the Protocol to use the term 'engagement' rather than 'outreach' and replace 'Aboriginal' with 'Indigenous' and make corresponding changes throughout the Protocol
- Consider a stand-alone Indigenous Rights Protocol or a stand-alone Indigenous indicator in the existing Protocol
- Integrate UNDRIP and the TRC Calls to Action into the Protocol
- Integrate direct COI input and feedback into the rating process (e.g. assessing the effectiveness of community engagement)
- Measure targets and/or outcomes of meaningful engagement
- Identify topics in the Protocol where additional guidance (or FAQs) would be helpful

The Panel also provided more specific comments on each of the four indicators in the existing Protocol, which are summarized in the body of this report.

MAC Updates
MAC provided updates on continued international interest in TSM (i.e. Spain and Philippines membership) and on MAC's response to the Panel's statement on climate change. MAC shared their proposal to Natural Resources Canada for funding to develop best practice guidance on managing mining-related risks in a changing climate in the Canadian context; if approved, the work will take place from April 2018 to March 2020. The Panel shared the following reactions and comments:
- Are there easy and quick actions that could be pursued simultaneously with the 2-year research project? MAC acknowledged that additional actions will be discussed once the research project is approved and launched, and agreed to keep the Panel apprised of progress.
- MAC may need to consider devoting more resources to climate change in the long term; the Panel also indicated interest in continuing to provide support to MAC on this topic.

MAC and select Panel members also shared their experience in jointly presenting on MAC's work related to climate change at the Prospectors and Developers Association of Canada (PDAC) convention, which generated significant interest.

Panel Business
The Panel selected Imperial Metals and Dominion Diamond Mines as the two companies that will undergo post-verification review in 2018. The Panel discussed the opportunity to conduct a site visit to the Mount Polley mine in British Columbia for the fall 2018 COI Panel meeting.

> **Summary of Key Outputs from the March 2018 COI Panel Meeting**
> ✓ Advice provided to MAC on: their response to the Panel's Statement on Climate Change; the draft Water Protocol; and the Aboriginal and Community Outreach Protocol review
> ✓ Deeper understanding of Indigenous issues by Panel members
> ✓ Selection of companies for post-verification review in 2018

1. Introduction

The Mining Association of Canada's (MAC) Communities of Interest (COI) Advisory Panel ("the Panel") met on the evening of March 6th and the full day on March 7th in Toronto. The Panel, established in 2004, monitors the Towards Sustainable Mining (TSM) initiative's progress and serves as an external source of knowledge and experience.[1] Its mandate is to:

- Help MAC members and communities of interest improve the industry's performance
- Foster dialogue between the industry and its communities of interest
- Help achieve the goals of TSM

This report presents a summary of discussions at the March 2018 Panel meeting. Unless indicated, Panel members' comments are not attributed. While the report captures the discussion and Panel member perspectives, should there be specific decisions and recommendations proposed by the Panel, the approach and results are described in this report, along with any dissenting views. Meeting presentations were shared with Panel members and this content is not duplicated within the body of this report.

2. Summary of Action Items

Below is a summary of action items arising from the COI Panel meetings. Action items are reported until complete. Action items throughout the report are underlined.

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[1] For more information on MAC's COI Panel, visit: http://www.mining.ca/site/index.php/en/towards-sustainable-mining/community-of-interest-advisory-panel.html

ACTION ITEMS					
#	ITEM	LINK TO REPORT	RESPONSIBLE	TIMELINE	STATUS (as of March 2018)
#1 October – 17	Panel Renewal Working Group to review Panel comments on gender equality and provide a proposal to address these concerns	6.0	Panel Renewal Working Group	Winter 2017/18	Complete
#2 October – 17	Follow up from Rio Tinto PVR • Rio Tinto to share their review of the past 20 years of learnings on community and Indigenous engagement and associated agreements with the Panel • Stratos to share web links to the UK legislation and centralized database on payments to government with the Panel • Rio Tinto to provide the Panel with details of climate scenarios run by the company • Rio Tinto to provide the Panel with details of company initiatives, if any, to understand the possible impacts of climate change to Biosystems on company lands.	PVR Report	Rio Tinto	Winter 2017/18	Complete
#1 March – 18	Distribute the IGF Sustainability Forum Meeting report once it is available	5.2	Stratos	April 2018	Not started
#2 March – 18	Distribute the sustainable development strategy for a zero emissions and waste Indigenous community.	7.0	Dan Benoit	March 2018	Complete

3. Overview of the Meeting

3.1. Overview of the Agenda

The meeting began with an informal dinner for Panel members on March 6th. Panel members were invited to share issues of importance to the community of interest they represent that are relevant for MAC or the mining industry in general. The primary focus of the full-day meeting on March 7th was the review of the Aboriginal and Community Outreach Protocol. Specifically, the Panel was asked to provide input into the review scope for the Aboriginal and Community Outreach Protocol, which included discussions on Indigenous reconciliation and the four indicators of the existing Protocol. MAC also sought feedback from the Panel on the draft Water Management Protocol and MAC's response to the Panel Statement on Climate Change. Finally, the meeting included an update on TSM and Panel working groups, as well as discussion and selection of companies to participate in the 2018 Post-Verification Review.

3.3. Meeting Attendance

Attendees are listed in Appendix A. The following changes to Panel composition should be noted:
- This was the first meeting for Stephen Walker (representing the Finance category for the Panel).
- Stephen Hazell and Phil Oxhorn were unable to attend.
- Cory McPhee, the industry representative from Vale stepped down from the Panel.
- The following guests and observers joined the meeting:

- o Will David (representative from ITK), invited to participate in the expert panel on Indigenous reconciliation and mining
- o Joan De Venecia-Fabul (Phelix Mining and Chair of the TSM Implementation Committee), Euls Austin (Phelix Mining and Board Member for the Chamber), and Joyce Sapla (Phelix Mining) from the Chamber of Mines of the Philippines
- o Gustavo Koch (Executive Director) and Graciela Keskiskian (TSM Coordinator) from Cámara Argentina de Empresarios Mineros (CAEM), the national mining association in Argentina

4.   Roundtable for Issues Tracking and Prioritization

Over dinner on Tuesday evening, Panel members were invited to share issues of importance that they see as being relevant for MAC or the mining industry in general. The following key points were raised:

Non-industry perspectives

- *Indigenous reconciliation*
    - o Indigenous peoples seeking legal advice are often doing so in the areas of **sustainable natural resource development** and the application of **Indigenous customary laws**
    - o **Indigenous rights** need to be kept and upheld in areas of mining activity
    - o The federal government is endeavoring to balance the need to fulfill its **fiduciary duty** to provide services to and support Indigenous peoples (e.g. wastewater treatment), and working towards **Indigenous reconciliation** (e.g. working collaboratively with Indigenous peoples to design waste and emissions-free communities)
    - o Recognizing the presence of reconciliation in **small actions**
    - o Implications of the **United Nations Declaration of Rights for Indigenous Peoples** (UNDRIP) need to be better understood
- *Community engagement and socio-economic benefits*
    - o There needs to be a continued evolution in the amount and type (e.g. entry-level vs. management) of **Indigenous peoples' employment**; t**hird party certification** may support Indigenous employment and career advancement opportunities
    - o Jurisdictional requirements and community expectations for **community engagement** are becoming **increasingly complex** and difficult to navigate, particularly for smaller mining companies (e.g. increase in Impact-Benefit Agreements in Canada and internationally)
    - o Using the **Sustainable Development Goals** to achieve a shift towards a just, sustainable and inclusive economy
    - o The transition of communities from mining towns to more **diversified economies,** or the shift in specific mining activities (e.g. from integrated mining to milling only), is a topic of interest for communities impacted by **planned mine closures**, where relationships with Indigenous peoples is an important factor
    - o Due to the nature of commodity cycles, we should expect the next 5-6 years to show an **increase in commodity prices**, particularly for copper, iron, lithium and cobalt
- *Environmental issues*
    - o **Water** is an important topic for the environmental and Indigenous communities of interest
    - o How to achieve a shift towards a **lower carbon economy**, including funding needs (e.g. responsible investment)
    - o Conducting **joint environmental research** with Indigenous peoples should be explored

Industry perspectives

- *International standards*
  - Interest in the **international application of TSM** was raised as an issue of importance by several industry members. In particular, as the list of countries interested in applying TSM continues to expand, the implications for the brand will need to be assessed, particularly in conflict areas
  - **Downstream standards** and pressures continue to increase on mining industry members (e.g. Responsible Jewelry Council, Responsible Steel and other commodity groups)
- *Environment*
  - The recent update to the Tailings Management Protocol and associated guidance is an indicator of **MAC leadership** in mine waste and water management, and **implementation** of this revised Protocol will be an important consideration for members this year
  - **Closure** and reclamation are also related issues of importance
  - There has been an increasing trend in the **electrification** of mine sites e.g. Glencore recently announced a 2nd all-electric mine in Canada
- *Decline of mining investment in Canada*
  - There is a **decline of mining investment** in Canada relative to other jurisdictions (e.g. Latin America, Australia), which could be attributed to regulatory changes and uncertainty, a spillover effect from the public perception that "something is wrong" with the pipeline industry, and/or a loss of global influence
- *Role of the COI Panel*
  - One industry member wished to reiterate that the COI Panel's comments and feedback are greatly appreciated by industry members
  - Developing a COI Panel with trust between multiple stakeholder groups and transparency was noted as an important factor by an international mining industry association representative

5. MAC Updates

MAC provided updates on relevant topics for the COI Panel.

5.1. International Update on TSM

Since the last meeting, the national mining association of Spain, CONFEDEM, and the Chamber of Mines of the Philippines (COMP) officially adopted TSM for its membership. This marks the first association in Asia and a total of five organizations outside of Canada to adopt the program. MAC additionally provided an overview of interest expressed by other jurisdictions.

5.2. MAC's Response to the Panel's Climate Change Statement

On October 3rd, 2017, MAC released its official response to the Panel Statement on Climate Change[2]. This response and an initial prioritization of the actions committed to by MAC was informed by a MAC Steering Committee and inputs from Panel members. MAC shared that the heavy demand for industry engagement on climate change initiatives from government and stakeholders informed MAC's approach to prioritize actions one at a time, with the understanding that once an action was initiated, MAC could reassess available capacity and begin advancing other commitments.

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[2] The Panel released a statement titled "Rising to the Challenge: Advisory Statement on Climate Change Issued to MAC and MAC Members" in November 2016.

One of the immediate actions MAC completed was to submit an application to the Natural Resources Canada (NRCan) call for research proposals related to climate change adaptation. In this application, MAC proposed to develop best practice guidance for managing mining-related risks in a changing climate in the Canadian context, informed by examples representative of Canadian geography, metal and mineral types, and the mining lifecycle. This proposal was conditionally approved by NRCan in late February, with funding that was matched by MAC. In response to comments from the NRCan review panel, MAC amended their application to reflect a methodology for stakeholder engagement, including the Panel's role. Once final approvals are received, the work is scheduled to take place from April 2018 to March 2020. This work will likely inform other actions recommended by the Panel in their Statement on Climate Change, such as integrating climate change considerations into TSM Protocols and disclosing key risks and opportunities from climate change.

Following the update shared by MAC, Panel members shared the following comments:

- The planned 2019 review of the Energy and GHG Emissions Management Protocol will overlap with the NRCan funded research
    - MAC added that the Aboriginal and Community Outreach Protocol review may take more than 1 year, which would delay the review of the Energy and GHG Emissions Management Protocol
- Are there **easy and quick actions** that could be pursued simultaneously with the 2-year research project?
    - MAC shared that they are already advancing over half of the committed actions on an ongoing basis
    - MAC also shared that once the research project is approved and launched and the demands are better understood, the Steering Committee will revisit what actions can be advanced in the near term; MAC was open to inviting Panel members to participate in this meeting and contribute to priority-setting conversations
    - It will be important to develop a work plan; MAC acknowledged that they will be reporting back to the Panel on their progress
    - The integration of climate change into TSM Protocols should be considered in upcoming Protocol reviews (e.g. Aboriginal and Community Outreach, draft Water Protocol)
- MAC may need to consider **devoting more resources to climate change** if demands are expected to increase in the long term (e.g. from government, the Panel, etc.) and members require more support to respond
    - One industry Panel member shared that both MAC and member companies have constrained resources, i.e. increasing MAC resources may not necessarily address the issue
- **Can the Panel provide greater support** to MAC on the issue of climate change adaptation?
    - MAC shared that Panel members were involved in its application to NRCan and they will continue to seek Panel inputs on this research as it advances
    - MAC should ensure inclusion of Indigenous representatives in this work, even if the topics are technical
- Panel members shared examples of other events and organizations working on similar issues, which could be used to inform MAC's work, including:
    - The Task Force on Climate-related Financial Disclosures
    - The International Council on Mining and Metals (ICMM)
    - The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) Sustainability Forum: Minerals and Metals in a Low Carbon Economy, which took

place on Saturday March 3 and will produce a meeting report; <u>Stratos will distribute this</u> <u>meeting report to the Panel once it is available</u>

- o Member company site-based target setting initiatives
- o The planned Climate Change Workshop hosted by the International Finance Corporation in Washington DC in May, which will focus on adaptation

- MAC shared that ICMM members are represented on its working groups, and acknowledged that the upcoming literature review will identify planned and existing related initiatives
- The World Bank could also play a greater leadership role in energy performance measurement (e.g. funding for measurement and/or energy reduction efforts)

Both MAC and the Panel members that presented on MAC's and the Panel's work related to climate change at the Prospectors and Developer's Association of Canada (PDAC) convention shared their feedback with the broader Panel. They all agreed it was an effective session with significant interest from the audience and shared the following additional reflections:

- The audience was diverse with representation from Peru, Ecuador, Brazil, etc.
- Participants shared positive feedback with Panel members (e.g. it was "the talk of the pavilion" for the PDAC Corporate Social Responsibility series)
- A Globe and Mail reporter is interested in writing a follow-up feature on the topic
- Global Affairs Canada and World Bank representatives also expressed interest in learning more
- One Panel member reflected on the importance of the downstream category for Panel renewal in this context (i.e. importance of climate change)

6. Draft Water Protocol Review

MAC presented the draft Water Protocol to the Panel for comments and feedback. The following background and context was provided to the Panel:

- The selection and definition of the four indicators was developed based on the Panel's input during the March 2017 meeting
- The intent is to encourage companies to think about water on a catchment basis (e.g. engage with stakeholders within the water catchment)
- The fourth indicator for reporting evolved to include performance
- The "FAQs" section has not yet been completed
- MAC particularly wishes to seek the Panel's input on level AAA criteria, i.e. what constitutes excellence in water management?

> The draft Water Protocol includes the following indicators:
> 1. Water Governance
> 2. Operational Water Management
> 3. Watershed-scale Planning
> 4. Water Reporting and Performance

MAC also shared that feedback from the Panel will be provided to the working group for the next round of amendments. The revised Water Protocol will then be distributed to the Panel for a final round of feedback in advance of submitting the Protocol for MAC Board approval.

The following general comments and feedback were shared by the Panel in response to the draft Water Protocol:

- One Panel member expressed agreement with the four indicators as the "right ones"
- **Linkages to other Protocols**

- o It was suggested that a stronger linkage to the Tailings Management Protocol should be made; and
  - o Linkages could also be made to the Aboriginal and Community Outreach and Energy and GHG Emissions Management Protocols
- Explicit reference to the promotion of **best available technologies and practice** (e.g. evidence of fresh water consumption reduction, zero discharge, etc.) should be included
- A goal to achieve **water reuse** (i.e. zero discharge or continuous reduction in water use) should be explicitly stated
  - o MAC shared that although Protocols ask members to define targets, MAC is typically not prescriptive in what those targets should be, particularly given the wide range of water contexts that may exist
  - o One industry Panel member shared that a mine site may be supplying some water to a community and in that scenario would not be recognized as a zero-discharge site
- The use of **water for mine processes should not be considered a right** as it should be provided under certain conditions
  - o It is important to recognize water as an assumed human right for people
  - o There should also be recognition of water quality and quantity as an Indigenous right
  - o MAC shared that the TS
  - o M Water Stewardship Framework recognizes water as a right
- A **water management infraction** (e.g. spill, fine, non-compliance) should result in an automatic Level B, similar to the approach taken in Energy & GHG Management Protocol (i.e. missing annual targets) and Safety and Health Protocol (i.e. fatality)The term "usage" should change to "volumes" to better reflect that we are talking about quantities of water moved around the site

The following comments were provided on indicator 2, **operational water management:**
- The Protocol should incorporate a **climate lens**, including a link to local climate modelling (e.g. forecasted hydrological conditions for the local area specifically)
  - o MAC shared that the Indicator 2 Level AA criteria references future scenarios of varying hydrological conditions and acknowledged the reference to climate change could be more explicit
- **Adaptive management**, which could reference climate change considerations, and efforts to maximize water recycling should be incorporated into Indicator 2
  - o MAC shared that reference to the water management hierarchy i.e. avoid, reduce, minimize and offset, was intended to address adaptive water management
  - o The mitigation hierarchy should be defined in the FAQ
- Adjusting criteria for **water balances**
  - o Preparing water balances (Level A criteria) are a legal requirement in British Columbia; Level A criteria should require a water balance that is regularly updated (e.g. every 1-2 years) and incorporates feedback from communities
  - o Water balances should be used both for planning purposes and to validate actual water use
  - o Water balances developed for planning purposes should be captured in Level A for short-term forecasts and Level AA or AAA for long-term forecasts (i.e. closure)
- Panel members suggested that **Level AAA criteria** include:
  - o Approaches to water management and treatment during operations that minimizes water management in the long-term
  - o Adaptive actions taken in response to an evaluation of effectiveness

- Level A criteria "relevant employees and contractors are provided with training …" should be a "bare minimum" requirement and applies to all topics (i.e. not just water)

The following comments were provided on indicator 3, **watershed-scale planning**:
- Member companies should consider **collaborating with Indigenous peoples** on watershed issues of mutual interest
  - MAC acknowledged that encouraging collaboration on cumulative effects and watershed-based planning could be more explicit in the Indicator 3 criteria
  - A Panel member further emphasized that the greatest opportunity for collaboration with Indigenous peoples is on the topic of water
- Panel members suggested that **Level AAA criteria** should include:
  - Alignment with existing Indigenous laws and land use policies
  - Championing the creation of watershed cumulative effects monitoring programs
    - Criteria should reward companies that try, even if they are unable to get other stakeholders to participate
    - Member companies should demonstrate that they have continued to try working with stakeholders on a regular basis (i.e. versus trying once)
  - Watershed planning that considers in-stream flow needs (e.g. Lower Athabasca Regional Plan has set thresholds at which point water intake must be reduced)
- Level AAA criteria "participation in cumulative effects monitoring" should be Level A

The following comments were provided on indicator 4 **water reporting and performance:**
- Declining grades in mine sites imply more water is required to extract the metals and/or minerals; in this context both **absolute and intensity targets** could be considered
  - If an industry member is unable to achieve a target but can describe why target is not met and what improvements will result these learnings, Level AA should still be achievable
  - MAC shared that the Energy and GHG Emissions Management Protocols provides member companies with the option of intensity, volume-based or other targets
- Level A "reporting system … in place" should more specifically require integration of water data into sustainability reports, which could help smaller mining companies achieve higher standards

There was also a discussion amongst the Panel on what constitutes **Level C, B, A, etc. criteria**
- Is Level A considered the average of existing industry performance?
- Level C implies a "60% grade", i.e. doing what is needed to pass, but that this doesn't appear to be reflected in the Water Protocol criteria; for example, Indicator 2 Level B criteria "established processes to monitor a facility's water performance" should be in Level C
- MAC shared that Level C implies no management system is in place (i.e. regulatory compliant but no proactive actions for good management practices are taken), Level B implies there are gaps in the management system, Level A implies a fully functional management system, and Level AA and AAA are best practice
- Guests from Argentina indicated that some proposed Level A criteria would be considered Level B criteria in Argentina
- Several Panel members shared their concern that Level C criteria, as currently stated, does not assume regulatory compliance as a bare minimum
  - In Argentina, Level C implies complying with the law
  - MAC shared that a base requirement (i.e. guiding principle of the program that members commit to) is that members are in compliance with the law, which is an implicit understanding in the other TSM Protocols

- o MAC acknowledged that regulatory requirements vary by province and territory, which is a challenge
    - o MAC acknowledged that an explicit reference to regulatory compliance may be required in the Water Protocol
- Compliance with the law could be established without a management system or formal process, which may affect the sustainability of long-term regulatory compliance
    - o Small companies may not have the resources to ensure a management system is implemented
- Level C could give the false impression to senior management that practices are "okay", when in reality they may be liable for inadequate practices
    - o For example, Level C for indicators 3 and 4 should be considered inadequate practice (i.e. at minimum reporting practices and a commitment to watershed planning should be in place)
    - o Disclosing Level C practices may be difficult for companies (i.e. disclosing vulnerabilities)
    - o The definition of "Level C" practices should be clearly communicated to member companies and COI
- It was suggested that Level A, AA or AAA criteria should consider variations of climate change in their water conditions assessment

Following the Panel discussion, MAC shared that they may reach out to individual Panel members as they work through the advice provided. They also shared that a member company may pilot the draft version of the Protocol and learnings will be integrated into the final version. In addition, the first year after the Water Protocol is released, lessons learned are gathered and integrated into the Protocol, as needed.

7. Indigenous Reconciliation Expert Panel

A panel of Indigenous representatives was convened to share their perspectives on Indigenous reconciliation and the Truth and Reconciliation Call to Action #92, and their implications for the mining sector. The following COI Panel members and invited guest shared their perspectives with the Panel:
- Daniel Benoit, Métis COI Panel member
- Will David, representative from Inuit Tapiriit Kanatami (ITK) and invited guest of the COI Panel
- Theresa Baikie, Inuit COI Panel member
- Chief David Walkem, First Nations COI Panel member

Remarks by the above members were followed by a plenary discussion.

7.1. Expert Panel Perspectives

Dan Benoit shared a slideshow of images from his work as an employee of Indigenous and Northern Affairs Canada, where he has worked closely with an Indigenous community to reduce waste and emissions, as part of the reconciliation journey. He shared the following comments with the Panel:
- The federal government is being tasked to solve persistent social and environmental problems in Indigenous communities
- In this particular case, the community had a contaminated site (i.e. a diesel tank farm) that required remediation and a wastewater system that required a re-design
    - o Rather than pursue a status quo approach (i.e. replace the diesel tank farm), the federal government chose to pursue alternative heating sources

- o Multiple federal government departments worked with the Indigenous community to develop a plan to reduce reliance on diesel
        - o A sustainable development strategy was created that outlined a vision for a zero emissions and zero waste community; <u>Dan agreed to distribute this strategy to the Panel</u>
- Dan also reflected that it is difficult to balance meeting federal government fiduciary obligations while allowing Indigenous communities to design their own solutions

Will David shared the following perspectives with the Panel:
- A distinctions-based approach is critical, as it recognizes that Indigenous peoples can be quite distinct from one another, and this has significant implications for the implementation of UNDRIP
- For example, each of the four Inuit regions in Canada have their own modern land claim agreement that clearly articulates distinct recognized rights in the Canadian system
- UNDRIP is not a clear, fixed international law; it required significant negotiations between beneficiaries and states, which informed the terminology used, and there is a fair amount of divergence in the expert community on how to interpret UNDRIP
- Free, prior and informed consent (FPIC) is referenced in UNDRIP Articles 18 and 19 and is included as part of the Truth and Reconciliation Commission's recommendations. FPIC represents the relationship between the state actor and agent, although this responsibility may be delegated by the state to a non-state actor
- Certain articles of UNDRIP are very important to Inuit, such as article 37 (right to recognition, observance and enforcement of treaties)
        - o A significant challenge is the lack of government interest in implementing and monitoring agreements with Indigenous peoples
- ITK has published two papers on UNDRIP implementation, which state that the UNDRIP principles support one another and are interrelated, i.e. cannot be viewed in isolation
- Oxfam published a Community Consent Index in July 2015 that demonstrated mining companies have more corporate policies on consent than other sectors (e.g. renewable energy, oil and gas), and that this has also been increasing over time
        - o A criticism of this study is that it does not examine the effectiveness or implementation of the policies
- It would be helpful for corporate actors, particularly in the mining and forestry sectors, to share lessons learned with other industries

The Panel shared the following comments in response to Will's perspectives:
- Global Affairs Canada has shared that there has been an increase in conflict scenarios in the renewable energy sector and a decrease in conflicts in the mining sector; Will agreed that recent cases of forced evictions are from clean energy projects
        - o Smaller energy projects are also contributing to displacement of Indigenous peoples by blocking access to lands
- The Supreme Court of Canada has issued a number of rulings related to Indigenous rights for the forestry and mining sectors, which has driven their improved understanding of this topic
        - o This has been occurring in parallel with improvement efforts driven by industry
        - o The federal government has not been as involved as they should be

Theresa Baikie shared the following perspectives with the Panel:

- Inuit land claim agreements outline the need for reconciliation by referencing consent and impact-benefit agreements (IBAs)
- Reconciliation is just beginning in Nunatsiavut (e.g. residential schools apology delivered in Fall 2017)
- The Voisey's Bay mine project was initially opposed by the Inuit and Innu, but Inuit have now benefited from the project via an IBA negotiated before the land claim agreement was in place
  - This signifies the importance of implementing agreements
  - On the other hand, the Voisey's Bay project has decreased access to traditional food sources (e.g. meat, berries, traditional medicine, etc.)
- Muskrat Falls is an example of a renewable energy project that is resulting in significant impacts on Inuit land and food sources

Chief David Walkem shared his community's experiences with the forestry sector, and shared the following perspectives with the Panel:
- A co-management agreement was finalized between the Indigenous community and forestry sector that included a GIS system to measure different Indigenous values; however, this was abandoned following the devastation of the forest by the Pine Beetle
- Industry-community relationships are essential (e.g. Indigenous communities not needing to attend government meetings because they trust the industry can speak to Indigenous needs appropriately)
  - Indigenous communities are struggling with making the right decisions re: sustainable resource development while also reconciling deep hurts and anger
  - Strong Industry-community relationships can help communities better understand their options and the associated trade-offs
- A lot of time and energy has been dedicated to defining the reconciliation calls to action; the focus should be on action rather than "redefining" reconciliation
- Racism is a major barrier to reconciliation
- Dave's First Nation community has historically not been adequately engaged by the mine on their traditional territory. Up until 2009, only 10 members of the First Nation were employed by the mine. More recently this relationship improved substantially

"Reconciliation is meeting the First Nation where they're at, where they want to go, reflecting on biases and implementing programs to get them there."

7.2. Plenary Discussion

Panel members shared the following comments in response to the expert panel perspectives:
- British Columbia's culture has dramatically changed since 2008
  - Highland Valley improved engagement with Indigenous communities; some of the most progressive agreements for Indigenous peoples in British Columbia are with Highland Valley
  - Employment and Social Development Canada provided funding for a Mine Training Society in Kamloops to successfully assist New Gold in maximizing Indigenous employment
- Often **government looks to industries and companies** that are advancing projects to fulfill the Crown's duty to consult and maintain relationships with Indigenous peoples

- o Industry operating near Indigenous communities have better capacity to build and maintain relationships with Indigenous peoples than the government
  - o Industry must also build and maintain relationships with Indigenous communities in order to maintain their social license to operate
- **Government plays an important role** in ensuring Indigenous peoples are treated equally and fairly (e.g. recognizing Indigenous people, recognizing land title)
  - o This includes closing the gap between Indigenous peoples and the rest of Canada (e.g. infrastructure)
  - o Industry should lobby government to clarify and recognize legal rights of Indigenous peoples, which will also help clarify their operating environment
  - o Provincial/territorial governments have an important role to play in incorporating Indigenous rights into their laws and regulations
  - o For example, the British Columbia government has required that every Minister have a plan for implementing UNDRIP and Truth and Reconciliation Commission (TRC) recommendations
  - o Federal and provincial/territorial consultation obligations are sometimes duplicative, which increases the consultation burden for Indigenous peoples; there needs to be a government-wide coherent approach to consultation
- As **mining technology evolves**, new skills and expertise are needed; companies should visit communities and provide opportunities for high school graduates to get relevant hands-on experience, which allows them to apply for jobs without diplomas
  - o One Panel guest pointed out that Indigenous peoples have managed to adapt to many changes in the mining industry previously
- Management and staff require **cultural awareness education and training**; bias is rooted in ignorance
  - o Cross-cultural training is common in IBAs, but effective implementation may vary
  - o Setting common goals with Indigenous peoples helps staff understand why Indigenous peoples need to be included
  - o Voisey's Bay has successfully implemented Inuit-designed and Inuit-led cross-cultural sensitivity training for every employee on site, as per the IBA terms, which has resulted in a decrease in discrimination against Indigenous peoples
  - o Cultural awareness training will be successful with 95% of the staff, but there will likely be a 5% that remain biased/discriminatory
  - o Cross-cultural training should focus more on the older generation; the younger generation may already be aware of Indigenous issues
  - o Corporate policy and targets could be developed to support cultural awareness training at the corporate and site level
  - o MAC membership is working with the Mining Industry Human Resource (MiHR) council to build from Suncor's cross-cultural training materials and pursue government funding to make this a publicly available resource for industry
  - o Elders in residence can act as a resource for Indigenous and non-Indigenous employees for cultural and spiritual assistance
  - o Bringing government senior management to Indigenous communities is an effective awareness-building approach; once government staff meet Indigenous peoples in communities they become champions; but this is limited due to the time and financial resources it requires
- Reconciliation includes establishing **gender-balanced relationships** in communities and companies

- o Companies rely on Indigenous communities to select who they want to have trained, which may limit diversity of available candidates
- o Females should be represented on negotiation teams and involved in dispute resolution mechanisms
- o Training targets should exist for females
- o Industry has struggled with the gender diversity issue but is working hard to make progress
- **Challenges** faced by industry include:
  - o Lack of consensus amongst Indigenous communities on who should receive benefits and how to divide benefits
  - o Barriers to engaging with Indigenous communities without an IBA in place
  - o Non-Indigenous consultants providing bad advice
  - o Building capacity to support Indigenous land security and tenure; this is particularly challenging when exploration companies are the first "boots on the ground" and need to address these issues, often without the capacity to do so effectively
- If IBAs are negotiated transparently with Indigenous communities, it helps ensure the agreement remains valid as community leadership changes
- This work doesn't need to be called "reconciliation" as long as you are doing the right thing, which may resonate with corporate leaders more than "reconciling the past"
- A human rights based approach may be more comprehensive than a "section 35" approach
- One Panel member reflected that key words raised during the Panel discussion included relationships, trust, transparency and racism; they also shared that this conversation should be reflected in the Aboriginal and Community Outreach Protocol in an accessible and practical manner

8. Aboriginal and Community Outreach Protocol Review

MAC presented the scope of the Aboriginal and Community Outreach Protocol review to the Panel and requested their feedback on each of the four existing Protocol's indicators, as well as any other general feedback or reflections on the Protocol.

8.1. Indicator-Specific Discussions

The Panel divided into four break-out groups to have in-depth discussions on each of the four indicators; some Panel members rotated between groups during the break-out discussion period. The break-out discussions were followed by a plenary discussion on the Protocol's indicators. Comments from the Panel on the Protocol's existing indicators are summarized below, by indicator.

Indicator 1: COI Identification
Panel members shared the following comments on the existing Protocol's indicator 1:
- How do we **define communities**, particularly in the context of expanding virtual communications?
  - o An individual may represent more than one COI
  - o Community members may not all live in the community
  - o Need to distinguish between rights holders and stakeholders, e.g. has the company identified rights holders and how they are impacted?
  - o Both collective and individual rights need to be understood and identified
  - o Need to ensure COI identification occurs on an ongoing basis (i.e. can't just happen once)

- One challenge faced by industry is keeping up to date with self-identifying Indigenous Nations, which may or may not have a treaty with the Government of Canada
- **Approach community engagement from an ecosystem perspective**, i.e. not just company-community bilateral relations, but communities may engage with each other or there may be tri-partite engagement
    - Mining companies should also consider engaging with each other, as communities do not always differentiate impacts from different companies and cumulative effects may need to be discussed
    - Exploration and junior mining companies also need to be involved, as their engagement approaches may create residual issues that appear during mine site development
- **Identifying responsible parties**
    - The Protocol does not identify what level of corporate management is responsible
    - Same question applies for broader "societal" issues (e.g. those raised by international organizations or individuals not living in close proximity to the mine site); is this a site staff, corporate office, MAC or other group's responsibility?

- **Specific comments on criteria**
    - Consider moving Level AAA criteria "COI … provide regular input into the identification of COIs" to Level A
    - Level A criteria should change the reference for engagement with "challenging interests" to "concerned groups" or "vulnerable peoples" (i.e. those without loud voices)

Indicator 2: Effective COI Engagement and Dialogue

Panel members shared the following comments on the existing Protocol's indicator 2:

- Consider **separating community and Indigenous engagement**, as there may be different approaches for rights holders vs. stakeholders
    - One Panel member shared the concern that this may contribute to racism by separating them out
- **Terminology**
    - The language in the criteria are from an industry technocratic perspective; consider changing the tone and terminology to be more accessible to communities (e.g. focus on effectiveness)
    - Panel members acknowledged that language does need to be auditable/verifiable
    - Need to broaden the reference to culturally-specific training to reflect TRC Call to Action #92
- **COI input on ratings**
    - Consider including site-level COI input in assigning Level AA and Level AAA ratings
    - Approaches to verification could include (1) third party verification, (2) verification in community, and (3) site-level COI panel; using these approaches could result in Level AAA rating
- **Assessing effectiveness of community engagement**
    - Consider criteria on assessing engagement effectiveness that was shared by a former COI Panel member during discussions of the Community Engagement Effectiveness Task Force that explored this issue in 2016
    - Communities should also be defining what effectiveness means to them
    - Does effectiveness need to be verified annually?

- The minimum standard should be to ensure **compliance with regulatory requirements**
  - o In the real world, sites may be in and out of compliance; how do we ensure they remain in compliance?
- **Specific suggestions for criteria**
  - o Suggest focusing discussions on values more than concerns/benefits to allow identification of common values amongst communities, and rotating meetings in different communities so that communities can hear from each other
  - o Consider examining whether companies are actively identifying best practices (e.g. benchmarking processes), since the practice is evolving so rapidly
  - o Guidance should be provided for "meaningful engagement" in Level AAA criteria
  - o Communities may need support in developing and providing traditional knowledge to the project (baseline and ongoing)
  - o Criteria need to be flexible, adaptable and linked to effectiveness (e.g. community representatives may choose not to participate despite best efforts)

Indicator 3: COI Response Mechanism

Panel members shared the following comments on the existing Protocol's indicator 3:

- **COI input and feedback**
  - o COI should provide input into the design of the response mechanism
  - o The inclusion of feedback in the decision-making process should be more prominent
- **Suggestions for the FAQ**
  - o In the FAQ there should be an acknowledgement that there may be multiple response mechanisms or ways to access the response process for different COI (e.g. in-community, 1-800 number, etc.)
  - o There should be guidance or an FAQ for "remedy"
- **Scoring**
  - o Companies should be scored equally for appropriate response mechanisms (e.g. one is not better than the other)
  - o Need to differentiate between process and outcomes; a company may follow the same process for each group but get different outcomes
  - o There should be an effectiveness assessment or another form of quality assurance
- **Specific suggestions for criteria**
  - o The response mechanism should be responsive to both genders
  - o There should be a reference to escalation mechanisms (e.g. escalating to the judicial process)
  - o AAA criteria should include companies that reach out to communities for collaboration, even if communities do not respond (i.e. acknowledge companies are not "stonewalling")
  - o Should reframe AAA criteria to undertaking collaborative goal setting process and achieving "mutually beneficial" goals rather than "common" objectives
  - o Should reframe this indicator to focus on responding to input and requests from communities broadly and should be able to address both grievances as well as requests for collaboration or other types of constructive requests for engagement and support from facilities

Indicator 4: Reporting

Panel members shared the following comments on the existing Protocol's indicator 4:

- **Level AAA criteria** should include:
    - Report publicly at the community level
    - Opportunities for the community to provide feedback in an accessible manner
    - COI provides input into the scope, form and nature of reporting
    - Feedback received, from the response mechanism or elsewhere, and the company's response is publicly reported; this may better belong in indicator 3
- **Targets and outcomes**
    - This Protocol is one of the few without a performance element
    - It is challenging for industry to report what's been done each year; should this indicator include identifying targets?
    - Is there an outcome (vs. process) that should be measured? Data accuracy would be difficult to verify, and transparency should allow for data inaccuracies to be identified
- There is benefit in keeping this as a **standalone indicator**; it will likely not reflect Indigenous-specific references

8.2.   General Comments on the Protocol

The Panel also shared reflections on the Protocol more broadly both before and after the break-out group discussions on the existing Protocol indicators. Panel members shared the following comments on the Protocol overall:

- **Title of the Protocol**
    - The Protocol title should change; we are beyond "outreach" (e.g. engagement, dialogue and ongoing participation)
    - Protocol should reference consultation and accommodation
- **Terminology in the Protocol**
    - One Panel member suggested that the definition of COI may need to be revisited within the scope of the Protocol (e.g. does the Protocol need to cover engagement with the financial community?); MAC responded that the first indicator defines the COIs you should be engaging with, which does not necessarily need to include all of those listed in the Appendix COI definition
    - A Panel member suggested including in the FAQ section of the Protocol "What is the difference between a rights holder and stakeholder?"; the Protocol should reflect the distinction of adjacent communities vs. communities with rights
    - The term "Aboriginal" is used in section 35 of the Constitution, while "Indigenous" reflects an internationally accepted term; may also wish to consider the term "First Nations, Métis and Inuit", as they all see themselves as distinct peoples
- **Does the Protocol remain relevant?**
    - One Panel member raised a concern that this Protocol may not be able to capture the complexity of the consultation process and create a false sense of security
    - Consultation is a highly regulated space; is this Protocol relevant in that context?
    - Not all companies are "there" yet; the Protocol remains valuable as a means of encouraging continuous improvement
- **Stand-alone Indigenous Protocol**
    - The Protocol is currently focused on engagement; should it move to a "rights recognition" Protocol?

- o A rights-based approach doesn't apply only to Indigenous (e.g. could also apply to labour rights, women's rights, environmental rights); a human rights protocol has been considered in the past, but has not been actioned (with the exception of the child and forced labour commitment)
- o Outcomes for Indigenous peoples should be more specific than for general COIs
- o We run the risk of losing sight of the importance of engagement if we broaden the scope
- o One Panel member suggested focusing on strengthening the existing Protocol, while also identifying gaps that could be filled elsewhere

- **Stand-alone Indigenous indicator**
  - o Since the Protocol is applicable to all COI (e.g. labour, suppliers, etc.), do Indigenous considerations in the Protocol need to be addressed by a stand-alone indicator?
  - o One Panel member shared that Indigenous rights and engagement is so important it may deserve its own piece
  - o MAC noted that all COI should be engaged at a certain level, but there may be another layer of considerations for Indigenous engagement
  - o Communities, including Indigenous communities, should be engaged on shared priorities and interests (e.g. closing social and economic gaps, education, etc.), while engagement with Indigenous communities should more specifically include identifying land users, understanding Indigenous laws and customs, and working towards consent
  - o Currently Indigenous and more general COI elements are mixed in together, which makes reading the indicator confusing (e.g. which criteria are for Indigenous vs. general COI)
    - ▪ That being said, there are only 4 questions specific to Indigenous peoples in the Protocol's self-assessment

- **Integration of UNDRIP and TRC Calls to Action**
  - o One Panel member suggested the Protocol explicitly acknowledge the TRC Calls to Action and UNDRIP and demonstrate how they are implemented in the Protocol (e.g. require senior management awareness/training)
  - o The Protocol should reflect the evolution of expectations and language (e.g. recognition of UNDRIP, TRC, acknowledgement that all people are "treaty people"), which the industry has kept pace with
  - o The TRC Call to Action #92 is for the most part covered by TSM

- **International mining context**
  - o An international mining industry representative shared that what the government has committed to may vary; for example, Argentina has committed to the International Labour Organization (ILO) Convention No. 169 and not UNDRIP
  - o MAC agreed that the Aboriginal and Community Outreach Protocol may be the least transferrable protocol to other jurisdictions, as it includes terminology specific to Canada, although the approach to engagement is broadly applicable

- **Influence of the revised federal regulatory regime** (e.g. Impact Assessment Act, Fisheries Act, etc.)
  - o The new regulatory regime may guide identifying Indigenous rights holders and provide greater access to participant funding
  - o One Panel member suggested not relying too heavily on federal government guidance, as it may rely on geographic proximity rather than traditional land users in the area

- **Evolving Level AAA criteria**

- o Is there a way to recognize companies that are beyond level AAA criteria, besides the TSM awards? This would avoid wrecking the "flow" of Protocol scores over time (e.g. if level AAA criteria change, Protocol scores will likely decrease)
  - o Will it be difficult to approve the revised Protocol if it means companies scores will decrease? Companies did not push back against the Tailings Management Protocol revisions, despite several companies dropping 1-2 levels immediately; 1-2 years of advance notice was provided to allow for a phased approach
- **Integrating COI inputs and feedback**
  - o If COIs provide input into the TSM ratings, this may reflect the COI impression of the company rather than the process (e.g. did they like the information they got vs. did they feel listened to); instead, could facilitate dialogue with the COIs that informs the rating
  - o The community input/feedback on meaningful engagement is valuable, but should be considered separate from the self-assessment and verification process
- **Verification process**
  - o Is there a need to seek third-party certification of data? Sustainability reports do not always reflect realities on the ground
  - o Responsible sourcing space is recognizing the value of third party certification
  - o Auditing GHG information is different than auditing the state of relationships
  - o Should COI be involved in (e.g. sign-off on) the verification process? Verifiers currently engage with a selection of community representatives if they are validating Level AA or AAA criteria
    - ▪ When the Panel has asked communities for feedback on the company's TSM ratings, responses have been mixed; is the verifier's due diligence with communities effective?
  - o Primary motivator for TSM is to drive better performance; does the audit reflect that?
  - o Could communities become verification service providers? Verifiers must be accredited, qualified and experienced auditors and demonstrate understanding of TSM
  - o Should the COI Panel revisit the verification process? It was last reviewed in 2011
- **Level of effort for the Protocol review**
  - o The review of this Protocol is likely to extend beyond 1 year, as it is foundational and cuts across all other Protocols
  - o One industry member reflected that the Tailings Management Protocol review was a greater level of effort due to the clear need for radical changes; based on this experience, should Protocol reviews be assigned levels of effort applicable to the level of change that may be required?
  - o MAC shared that there will be a 2-day workshop in April to review the Protocol in detail and a review group will be established representing community practitioners from member companies, public relations specialists and TSM Initiative Leaders
  - o MAC reflected that there is not a crisis in engagement practices in Canada like there was for tailings; rather, most industry members have achieved Level AA or higher and it is timely to reassess the definition of leading practice
- **Protocol guidance**
  - o MAC shared that the purpose of the Protocol is to describe the "what", but the "how" is typically addressed in guidance, if necessary
  - o Should we consider including a "how to" guidance document for the Protocol, similar to the approach taken for the energy or crisis management Protocols?

- o It was suggested that PDAC's e3+ guidance could be a good starting point on describing the "how to"; MAC also worked with the OECD to develop their Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector and as a result, this guidance document is very closely aligned with TSM
  - o Guidance could address inclusive engagement and prevention of conflict situations, e.g. how do you approach a situation where most communities agree with the path forward, but one does not? How do you define impact on someone's use of land (e.g. proximity, population size, values)?
- **Other comments**
  - o Could indicator 1 be subsumed under indicator 2?
  - o The Protocol should include a reference to corporate policies that should be in place

9. Other Panel Business

Stratos requested volunteers for the Panel Statement Working Group and asked that interested Panel members contact Michael van Aanhout and/or Leah Henderson at Stratos.

9.1. Preparing for the October meeting and Post-Verification Review Selection

MAC shared a list of previous companies and locations where post-verification reviews (PVRs) have taken place, along with a list of companies undergoing external verification that could be selected for PVR in 2018.

Panel members indicated their preference for conducting a PVR with Dominion Diamond Mines and Imperial Metals, which would provide an interesting comparison of smaller mining company experience versus the larger mining companies that were reviewed October 2017 (Rio Tinto and Glencore). With respect to a location for the meeting, Panel members felt there was benefit in visiting PVR company sites where possible and that it would be very interesting to see the restoration work that has taken place at Mount Polley since the tailings dam failure.

MAC indicated that the PVR sessions are typically scheduled in the first week of October or last week of September.

10. Closing and Meeting Evaluation

Panel members shared their closing thoughts in a final roundtable and provided feedback via in person evaluation forms.

The feedback received indicated that everyone enjoyed the meeting, felt that the outcomes met their expectations, and found the meeting to be well-organized. The Indigenous expert panel session in particular was identified as a valuable discussion.

The following comments were raised by individual Panel members in the closing roundtable:

- The Aboriginal and Community Outreach Protocol review is likely to be a 2-3 year journey, like the Tailings Management Protocol review process

- PDAC is realizing that to be a leader in exploration and development, they need to push members beyond the voluntary e3+ guidelines; the Water and Aboriginal and Community Outreach Protocol are being considered as requirements for PDAC members
- One Panel member suggested that everyone carry the UNDRIP and TRC booklets distributed by MAC with them, to allow for continuous reading and reflection of this important content
- MAC shared that the advice the Panel provided on the Water Protocol is reflective of what the Task Force is also working to address
- A successful Aboriginal and Community Outreach Protocol should reflect the communities' perspectives on whether they received meaningful engagement

In the closing comments, many Panel members shared that the conversation was valuable, informative and insightful for both industry and non-industry members, particularly the perspectives shared by the Indigenous expert panel. One Panel member highlighted that the expert panel format was helpful for the discussion. Several Panel members agreed that the focus on Indigenous issues (e.g. UNDRIP, TRC Calls to Action) was valuable, while one added it was good to see meeting topics aligned with the material issues of interest to the Panel. Several Panel members thought the spirit of continuous improvement was well reflected in the conversation, i.e. TSM was moving to the next level.

International mining industry associations shared that their understanding of the Protocols had improved, and they would bring home a lot of valuable information back to their countries. Several Panel members thanked the international mining industry associations for their contributions and perspectives.

The following additional comments were raised by individual Panel members in the feedback form:

- Having separate rooms for break-out group discussions would help the groups each hear and focus on their contributions
- The outcomes achieved through the meeting were not always clear
- Time was short given the depth and breadth of topics covered
- The structure of the meeting did not necessarily draw quieter members into the conversation though one Panel member commented that all Panel members were actively contributing to the conversation, which created a richer and more varied dialogue.
- A preliminary plan for MAC's response to climate change would have been helpful to share with the Panel (e.g. as a document or material)
- It is important that the COI Panel remain close to the Aboriginal and Community Outreach Protocol review process moving forward

"I appreciate the time to discuss UNDRIP and the TRC Calls to Action. We captured the spirit of continuous improvement today; we are not accusing the mining industry of getting in a rut for too long, rather, the industry is constantly adding and improving the Protocols. The bars and expectations are shifting and response is already happening."

Appendix A: List of Participants

TSM Community of Interest (COI) Advisory Panel
2018 Membership List

COI Panel Category	Name
Aboriginal people	Dan Benoit
	Theresa Baikie
	(Vacant)
Environment	Nathan Lemphers
	Stephen Hazell*
Social NGO including faith based groups	Joy Kennedy
International development	Philip Oxhorn*
Economic / community development	Chief David Walkem
	Tim Johnston
Finance/investment	Stephen Walker
Labour/workplace	Doug Olthuis
Expert	Maya Stano
Industry representatives	Pierre Gratton
	Peter Read
	Scott Yarrow
	Michel Julien
	Mark Wiseman
	Cory McPhee*
	Josée Méthot
	Shirley Neault (Chair of ILs)

* Regrets

Additional Attendees	Organization
Observers	
Gustavo Koch	Cámara Argentina de Empresarios Mineros (CAEM), the national mining association in Argentina
Graciela Keskiskian	
Joan De Venecia-Fabul	Chamber of Mines of the Philippines, the national mining association in the Philippines
Euls Austin	
Joan Sapla	
Will David	Inuit Tapiriit Kanatami
Maxime Lachance	Quebec Mining Association
Geoff Smith	Mining Association of Canada
Brendan Marshall	
Organizers	
Ben Chalmers	Mining Association of Canada
Andrew de Vries	
Rebecca Lafontaine	
Michael van Aanhout	Stratos
Leah Henderson	