



February 19, 2014

Mr. Duane McMullen
Director General
Trade Commissioner Service Operations and Trade Strategy
Department of Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, ON K1A 0G2

Dear Mr. McMullen:

On behalf of the Mining Association of Canada (MAC), I am writing to expand upon our previous submission dated January 28, 2014. In that submission, we made a series of recommendations related to the Office of the Extractive Sector CSR Counsellor (CSR Counsellor) and Canada's OECD National Contact Point (NCP). In particular, in the second recommendation contained in the submission, we suggested a new role for the CSR Counsellor as follows:

The function of the Office of the CSR Counsellor should further be focused on the "front end" of any request for review, i.e., to clarify the issues and the guidelines involved, to encourage the parties to address the issues through direct dialogue under local-level mechanisms, and to advise parties on the implementation of the guidelines. MAC believes companies will be motivated to participate in this front end of the process, as they have participated in the initial stages of the requests for review brought to the Office to date, and as an alternative to other, more formal forms of review.

This first step is essentially to determine the nature of the dispute and whether mediation could be effective in resolving it. In MAC's view, this first step should be mandatory: a company's refusal to participate in this front-end process should have as a consequence a loss of public support for the proponent's project by the Government of Canada's Trade Commissioner service.

Should the Government of Canada decide to implement this recommendation, we further suggest that a clear process be established leading to a possible decision to withdraw Trade Commissioner support. This process should include an opportunity for the company that is subject to a complaint to explain why it has chosen not to participate in the 'front end' process, and to have that explanation factored into the decision to withdraw support.

MAC further recommends that funds currently supporting other parts of the existing CSR strategy be reallocated to ensure that the CSR Counsellor has the resources necessary to run an effective process. A well-resourced CSR Counsellor will give comfort to companies and communities that the process is going to be effective and will provide additional incentive to participate. In turn, more willingness to participate from both companies and communities will help lead to a greater likelihood that conditions will be right to move on to successful mediation, a service which, in our letter of January 28, we also recommended be assigned exclusively to the NCP.

I would like to thank you in advance for considering these additional recommendations and would be happy to discuss these further should you have any questions.

Sincerely,



Pierre Gratton
President and CEO
Mining Association of Canada