

Strengthening Community Engagement & Participatory Monitoring

Written Submission for the NIRB's Assessment of
Baffinland Iron Mines Corp's "Phase 2 Development" Proposal
NIRB File No.: 08MN053

Dr. Zacharias Kunuk and Nunavut Independent Television Network
27 September 2019

Executive Summary

The following submission is made by Dr. Zacharias Kunuk, O.C. from the community of Igloodik and the Nunavut Independent Television Network (NITV).

The basic point of our submission is that the processes for ongoing community engagement and participatory monitoring for the Mary River Mine must be strengthened. This is essential to respect Inuit rights to informed consultation; to respond more effectively to the questions and concerns expressed by community members; and, to provide more transparency about the mine and the implementation of the IIBA.

In the past months, we have participated in a variety of community meetings related to the proposed expansion of the Mary River Mine and have conducted interviews with Inuit community members and elders about their perceptions about the mine. We have filmed many of these discussions and they are available in Inuktitut and English at www.isuma.tv. From our observations, there are a number of important and recurring themes for the Inuit with whom we have engaged:

- Need for better communication and information about the mine and the proposed expansion.
- Need for more participation and transparency between communities and the Inuit organizations involved in the monitoring of the mine and implementation of the IIBA.
- Need for better jobs for Inuit at the mine and thus the need for more training.
- Need for more time for communities to understand the project.

We recognize that these are broad themes and that there are many practical, logistical, cultural and linguistic challenges for building strong relationships and governance processes around remote mining sites in Nunavut. We also recognize that Baffinland cannot successfully address these themes without the involvement, cooperation and support of the other parties.

Baffinland also appears to acknowledge the need for improvements in terms of “aboriginal and community outreach” in a recent report about the implementation of the Mining Association of Canada’s Towards Sustainable Mining framework. Baffinland’s current self-assessment is that it has a low score on “effective COI [community of interest] engagement and dialogue,” which implies that there is room for continuous improvement.¹

¹ In its 2017 TSM Progress Report (at page 68), Baffinland gives itself a score of “B” on “effective COI engagement and dialogue” on a scale of AAA, AA, A, B or C.

Moreover, Baffinland has suggested some consolidation of the terms and conditions in the Project Certificate related to community engagement, which may help support a more effective approach in the future. Therefore, building upon Baffinland's proposed revisions to the Project Certificate, our recommendations are focused on strengthening community engagement and participatory monitoring for the Mary River Mine.

- We recommend that specific and detailed community engagement plans should be developed for each of the affected communities. These plans should be developed using a participatory methodology (e.g. community workshop) and should set out the modalities, responsibilities and key performance indicators for ongoing engagement and participation of communities.
- We recommend that all other relevant parties (including QIA, NIRB, Government of Nunavut, Government of Canada, the Hamlets and any other relevant community organizations or NGOs) should be involved in the development of the community engagement plans in order to ensure a more coordinated, efficient and sustainable approach.
- As part of the efforts to strengthen community engagement and participatory monitoring, we also recommend that additional efforts should be undertaken to involve female Inuit and to focus on issues of importance from a women's rights perspective.
- We recommend that multimedia technology be considered to help address some of the challenges related to ongoing community engagement and participatory monitoring in the context of the North Baffin region.
- We provide recommendations for strengthening the participatory monitoring processes for the mine as an important component of ongoing community engagement. In particular, the ongoing processes for monitoring and reporting on socio-economic impacts should be enhancing in order to support more informed consultation about many of the key concerns for Inuit.
- As part of the participatory monitoring of the mine, we also recommend that there needs to be a strengthened focus on monitoring and reporting process for the working conditions of Inuit at Mary River.
- We recommend that the implementation of community engagement and participatory monitoring efforts continue to be assessed and externally verified (e.g. according to the Mining Association of Canada's Towards Sustainable Mining framework).

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1. Introduction

Dr. Zacharias Kunuk O.C. and the Nunavut Independent Television Network (NITV) have been granted intervenor status by the Nunavut Impact Review Board (NIRB) to participate in the public hearings about the proposed Phase 2 of the Mary River Mine.

Dr. Kunuk is a founder of the Nunavut Independent Television Network (NITV) and is a member of the community of Igloolik.²

NITV focuses on creating community-based productions in Inuktitut, especially within the North Baffin region.³

Dr. Kunuk and NITV have been involved in many discussions about the Mary River Mine since the initial public consultations about the development of the mine. In particular, they participated in the NIRB's public hearings for the original Mary River project in 2012-2013 when the NITV team recorded testimonials from community members as part of a community-based human rights impact assessment (HRIA).

NITV has also worked with the NIRB to record and broadcast public hearings and other community meetings to assist in providing more information about the Mary River Mine to Inuit and the public.

² **Dr. Zacharias Kunuk O.C.:** Born in 1957 in a sod house on Baffin Island, Zacharias Kunuk was a carver in 1981 when he sold three sculptures in Montreal to buy a home-video camera and 27" TV to bring back to Igloolik, a settlement of 500 Inuit who had voted twice to refuse access to outside television. After working for six years for the Inuit Broadcasting Corporation as producer and station manager, Kunuk co-founded Igloolik Isuma Productions Inc. in 1990 with Paul Apak Angilirq, Pauloosie Qulitalik and Norman Cohn. In addition to Atanarjuat The Fast Runner, Kunuk has directed more than 30 videos screened in film festivals, theatres, museums and art galleries. He has honorary doctorates from Trent University and Wilfred Laurier University; is the winner of the Cannes Camera d'or, three Genie Awards, a National Arts Award, and the National Aboriginal Achievement Award, and just recently, the 2017 Technicolor Clyde Gilmour Award from the Toronto Film Critics Association. Zacharias Kunuk was named an Officer of the Order of Canada in 2015.

³ **Nunavut Independent Television Network** (formerly called Tarriaksuk Video Centre), based in Igloolik, Nunavut, is Canada's first artist-run media centre located in a remote Inuit community. Founded in 1991, NITV's mandate is to encourage and support the creation of artistic, community-based media productions that serve the objectives of self-representation and cultural/linguistic preservation by adapting Inuit oral traditions to modern media technologies. Specifically, NITV aims to expand local access television in Igloolik and link other Nunavut communities through NITV on IsumaTV 3.0, by developing the use of Internet-TV (IPTV) to increase the production and distribution of Inuktitut-language and other Aboriginal programming. NITV is one of the founding members of IsumaTV [www.isuma.tv], a collective multimedia internet platform for Inuit and Aboriginal media worldwide. NITV also is one of the founding partners in Digital Indigenous Democracy, an effort to bring global partners into a working collaboration through 3.0 internet and socio-political networking.

2. Summary of Recommendations

At the outset, we would like to state that we believe that Baffinland and all parties recognize the importance of ongoing engagement with Inuit communities and participatory monitoring as an important part of managing impacts and building trust with affected communities. Our main preoccupation is about how to strengthen the implementation of the relevant community engagement and participatory monitoring activities—particularly if Phase 2 is approved and the scope of the Mary River Mine’s activities and potential impacts expands.

In this regard, we believe that there is ample evidence to support the need for continuous improvement. In community meetings, the theme of needing more information and communication continues to be a priority. Moreover, Baffinland has also tacitly acknowledged a need for improvement in its self-assessment of “effective COI [community of interest] engagement and dialogue” as part of its reporting on the Towards Sustainable Mining (TSM) framework for the Mining Association of Canada.⁴

Therefore, all of our recommendations are essentially about improving the ongoing community engagement and participatory monitoring of Mary River Mine. The following table provides a summary of our specific recommendations, as well as a cross-reference to our specific comments related to the terms and conditions for the Project Certificate.

| Kunuk / NITV recommendations | Specific comments |
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| <p>1. Community engagement plans should be developed for each of the affected communities. These plans should be developed using a participatory methodology (e.g. community workshop) and should set out the modalities, responsibilities and key performance indicators for ongoing engagement and participation of communities.</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #1 • Proposed new condition to Project Certificate |
| <p>2. All other relevant parties (including QIA, NIRB, Government of Nunavut, Government of Canada, the Hamlets and any other relevant community organizations or non-governmental organizations) should be involved in the development of the community engagement plans in order to ensure a more coordinated, efficient and sustainable approach.</p> | |

⁴ The relevance and potential utility of the TSM framework is discussed below—particularly to help provide clear indicators for improved performance as well as a system for monitoring and verification of community engagement efforts.

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| <p>3. As part of the efforts to strengthen community engagement and participatory monitoring, additional efforts should be undertaken to involve female Inuit and to focus on issues of importance from a women’s rights perspective.</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #2 • Proposed new condition for the Project Certificate |
| <p>4. Participatory monitoring processes for the mine should be strengthened as an important component of ongoing community engagement. In particular, the ongoing processes for monitoring socio-economic impacts need to be enhanced in order to support more informed consultation about many of the key concerns for Inuit.</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #3 • Proposed revision to Project Certificate Condition 49 regarding the Terrestrial Environment Working Group (TEWG) |
| | <ul style="list-style-type: none"> • Kunuk / NITV Comment #4 • Proposed revision to Project Certificate Condition 77 regarding the Marine Environment Working Group (MEWG) |
| | <ul style="list-style-type: none"> • Kunuk / NITV Comment #5 • Proposed revision to Project Certificate Condition 131 regarding the Socio-Economic Monitoring Working Group (SEMWG) |
| | <ul style="list-style-type: none"> • Kunuk / NITV Comment #6 • Proposed new condition for the Project Certificate about the Inuit Advisory Panel |
| <p>5. As part of the participatory monitoring of the mine, there should be a strengthened focus on monitoring and reporting on the working conditions of Inuit at Mary River.</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #7 • Proposed new condition for the Project Certificate |
| <p>6. Multimedia technology be considered to help address some of the challenges related to providing more information in a manner that is timely and respects Inuit cultural and linguistic rights and preferences.</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #8 • Proposed new condition for Project Certificate |
| <p>7. Implementation of community engagement and participatory monitoring efforts continue to be assessed and externally verified (e.g. according to the Mining Association of Canada’s Towards Sustainable Mining framework).</p> | <ul style="list-style-type: none"> • Kunuk / NITV Comment #9 • Proposed new condition to the Project Certificate |

3. Specific Comments

A. Community engagement plans

| Review Comment Number | Kunuk / NITV Comment #1 |
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| Subject/Topic | Community Engagement Plans |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005 |
| Summary | It is recommended that the Proponent develop detailed and specific community engagement plans for each affected community as a means to support continuous improvement of ongoing community engagement and participatory monitoring. |
| Importance of issue to the impact assessment process | Community engagement and participatory monitoring are critical pieces of the impact assessment process, especially to respect Inuit rights. |
| Detailed Review Comments | <p>We believe that there is ample evidence to support the need for continuous improvement when it comes to community engagement and participatory monitoring.</p> <p>Developing community engagement plans is part of good practice for stakeholder engagement for mining projects, and it helps meet most</p> <p>Community engagement plans should be developed using a participatory methodology (e.g. community workshop) and should set out the modalities, responsibilities and key performance indicators for ongoing engagement and participation of communities.</p> <p>If conducted in a participatory manner, the development of the proposed community engagement plans provides an opportunity to consult with community members on how engagement and monitoring efforts can be more responsive.</p> <p>Moreover, the participatory development of community engagement plans can encourage greater coordination between the Proponent and other parties</p> |

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| | who have a role in providing information to and consulting with Inuit. |
| Recommendation/Request | <p>To add the following condition to the Project Certificate:</p> <p>“The Proponent should adopt a detailed community engagement plan for each affected community, which will be developed in a participatory manner.”</p> <p>“The Proponent should coordinate with all other relevant parties, including QIA, NIRB, Government of Nunavut, Government of Canada, the Hamlets and any other relevant community organizations or non-governmental organizations, in order to ensure a coordinate approach to the development and implementation of the community engagement plan.”</p> |

| Review Comment Number | Kunuk / NITV Comment #2 |
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| Subject/Topic | Participation of Inuit women in community engagement and participatory monitoring |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005 |
| Summary | As part of the development of community engagement plans, it is important to ensure that ongoing community engagement and participatory monitoring processes effectively involve women. |
| Importance of issue to the impact assessment process | Inuit women should be effectively consulted by the Proponent regarding the impacts of the Projects affecting them, as these impacts are distinct from the impacts experienced by the men. |
| Detailed Review Comments | Mining projects often impact differently on men and women. Women can experience more negative socio-economic impacts, while having less access to employment benefits. It is therefore difficult for Baffinland and other parties to have a complete understanding of the impacts of the Mary River Mine if women are not adequately consulted. |

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| | <p>In the case of the communities affected by Mary River, it has been reported that women’s involvement with caregiving is limiting their capacity to be employed at the mine, and most likely is also limiting in their capacity to attend community consultation. Childcare services are difficult to access in the communities.</p> <p>The issue of women’s participation in mining projects has received a lot of attention since the initial approval of the Mary River project, and there are many good practices that Baffinland and other parties can integrate. For example, the following guides are informative of current industry best practices that can be adapted to Mary River context:</p> <ul style="list-style-type: none">• The Prospectors and Developers Association of Canada (PDAC), <i>Gender Diversity and Inclusion: A Guide for Explorers</i>.• International Finance Corporation, <i>Unlocking Opportunities for Women and Business – A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies</i>.• The Danish Institute for Human Rights, <i>Towards Gender-Responsive Implementation of Extractive Industries Projects</i>. <p>Given the priority given to ongoing community engagement in our submission, we commend the following tips from the above-noted PDAC guidance for gender inclusive consultation to Baffinland:</p> <ul style="list-style-type: none">• Hold meetings at a range of times and places in the community: this can include schools, local markets or churches.• Provide resources that allow flexibility for men and women to participate in your consultation (childcare, meals/refreshments).• Host conversations that are for women-only and with mixed groups.• Make sure that your meeting host/facilitator has conflict mediation skills and has been trained to lead gender inclusive conversations/discussions.• Provide multiple ways for people in the community to provide input: large community meetings, |
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| | surveys or other tools that can capture a range of perspectives. |
| Recommendation/Request | <p>The following condition should be added to the Project Certificate:</p> <p>“Ensure that women are consulted as part of the development of community engagement plans, and that ongoing engagement and monitoring activities are designed in a manner to encourage the participation of women and to address issues of importance to women and/or impacts that particularly affect women. Women’s participation in the various environmental and socio-economic monitoring groups should also be encouraged.”</p> |

| Review Comment Number | Kunuk / NITV Comment #3 |
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| Subject/Topic | Use of multimedia technology to improve community engagement and participatory monitoring |
| References | <p>Addendum to the Final Environmental Impact Statement</p> <p>Mary River Project – Phase 2 Proposal</p> <p>7.2 Engagement Activities for the Phase 2 Proposal</p> <p>Project Certificate 005</p> |
| Summary | Multimedia technology can help improve community engagement and participatory monitoring. It should be used more strategically and systematically in the various engagement and monitoring activities for Phase 2. |
| Importance of issue to the impact assessment process | As outlined throughout this submission, ongoing community engagement and participatory monitoring (through the various Working Groups and other processes) are of fundamental importance to respect the rights of Inuit and to address community concerns. Multimedia tools provide an opportunity to improve these processes, particularly given the challenges of informing and consulting with remote communities. |
| Detailed Review Comments | From NITV’s experience, multimedia technology (including Internet, video, audio, radio, etc.) can help address some of the practical, logistical, cultural and linguistic challenges related to community engagement and participatory monitoring in the remote communities of North Baffin. |

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| | <p>Furthermore, providing information in audio or video format can facilitate more timely communication and respects Inuit oral culture and language.</p> <p>We therefore recommend that Baffinland and all other relevant parties—including those involved in the various Working Groups responsible for participatory monitoring—consider how they can use multimedia technology to facilitate input from and provide feedback to communities about their activities and discussions.</p> <p>To ensure that the potential of multimedia technology is harnessed, Baffinland and all other relevant parties should support investments in improved Internet infrastructure in the local communities.</p> |
| Recommendation/Request | <p>To add the following condition to the Project Certificate:</p> <p>“As part of the development of community engagement plans, the Proponent and other parties should consider how multimedia technology can address some of the challenges related to ongoing community engagement and participatory monitoring in the context of the North Baffin region.”</p> <p>“As part of the consideration of using multimedia technology to support community engagement and participatory monitoring, the Proponent and all other relevant parties are encouraged to support investments in improved Internet infrastructure in the local communities.”</p> |

B. Participatory monitoring processes

| Review Comment Number | Kunuk / NITV Comment #4 |
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| Subject/Topic | Terrestrial Environment Working Group (TEWG) |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005 Condition 49 |

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| Summary | <p>As part of the effort to strengthen participatory monitoring, the Project Certificate should clarify that the TEWG is open to participation of community organizations and non-governmental organizations (as it is at present), and should consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions.</p> |
| Importance of issue to the impact assessment process | <p>The TEWG has an important role to play in project design, decision making and monitoring.</p> <p>For Phase 2, it is anticipated that the TEWG will be the focal point for important discussions about potential interactions between the proposed railway line(s), caribou and other wildlife and traditional Inuit activities, so it is important that there is strong community participation in and feedback from the activities of the TEWG.</p> |
| Detailed Review Comments | <p>The TEWG description in the Project Certificate does not include detailed description of the membership such as there is for the Marine Environment Working Group (MEWG).</p> <p>It should be clarified that TEWG membership (or participation as observers) is open to community organizations and non-governmental organizations as appropriate. We recognize that currently WWF is an observer in the TEWG, so this clarification should not be problematic.</p> <p>As outlined in Comment #3 above, it is also recommended that the TEWG consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions.</p> |
| Recommendation/Request | <p>To add the following clarification to Condition 49:</p> <p>“Membership on the TEWG will include the Proponent, Environment and Climate Change Canada, the Government of Nunavut, the Qikiqtani Inuit Association, and other agencies or interested parties <u>(including community organizations and non-governmental organizations)</u> as determined to be appropriate by these key members.”</p> |

| Review Comment Number | Kunuk / NITV Comment #5 |
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| Subject/Topic | Marine Environment Working Group (MEWG) |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005 Condition 77 |
| Summary | As part of the effort to strengthen participatory monitoring, the Project Certificate should clarify that the MEWG is open to participation of community organizations and non-governmental organizations, and the MEWG should consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions. |
| Importance of issue to the impact assessment process | The MEWG has an important role to play in project design, decision making and monitoring. For phase 2, it is anticipated that the MEWG will be the focal point for important discussions about potential interactions between the proposed shipping routes, marine wildlife and Inuit traditional activities, so it is important that there is strong community participation in and feedback from the activities of the MEWG. |
| Detailed Review Comments | The TEWG description in the Project Certificate does not include detailed description of the membership such as there is for the Marine Environment Working Group (MEWG). It should be clarified that MEWG membership (or participation as observers) is open to community organizations and non-governmental organizations as appropriate. We recognize that currently WWF and Ocean’s North are currently observers in the MEWG, so this clarification should not be problematic. As outlined in Comment #3 above, it is recommended that the MEWG consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions. |
| Recommendation/Request | To make the following changes to PC Condition 77: |

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| | <p>“Membership on the MEWG will include the Proponent, Environment Canada, Fisheries and Oceans Canada, Parks Canada, the Government of Nunavut, the Qikiqtani Inuit Association, and other agencies or interested parties <u>(including community organizations and non-governmental organizations)</u> as determined to be appropriate by these key members.</p> |
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| Review Comment Number | Kunuk / NITV Comment #6 |
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| Subject/Topic | Socio-economic monitoring through the Mary River Socio-Economic Monitoring Working Group (SEMWG) and/or other processes |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005 Condition 131 |
| Summary | <p>As part of the effort to strengthen participatory monitoring, we note that socio-economic issues are of significant concern to Inuit community members; however, the mandate and activities of the current SEMWG are not at the same level as the TEWG or the MEWG.</p> <p>We therefore recommend that the Project Certificate should strengthen the mandate of the SEMWG, clarify that the SEMWG is open to participation of community organizations and non-governmental organizations, and should consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions.</p> |
| Importance of issue to the impact assessment process | The SEMWG has an important role to play in project design, decision making and monitoring. For phase 2, it is anticipated that the SEMWG will be the focal point for important discussions about a variety of important topics for Inuit (as suggested in the proposed list of topics in Baffinland’s proposed revision to Condition 131), so it is important that there is strong community participation in and feedback from the activities of the MEWG. |

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| Detailed Review Comments | <p>Currently, the requirements in the Project Certificate related to the TEWG and the MEWG are stronger than for the SEMWG (and QSEMC). However, socio-economic issues are no less important to Inuit than environmental issues.</p> <p>While the TEWG and MEWG meet numerous times per year, the SEMWG only meets once annually. As a result, the number of topics and level of detail that the SEMWG can cover is weak, especially when compared to the topics covered by the TEWG and MEWG. This is also reflected in the amount of information included in the annual monitoring reports provided to the NIRB.</p> <p>Inuit communities already experience socio-economic impacts from the Project and have found it challenging to be heard and involved regarding these issues. The concerns and questions about socio-economic issues will likely increase in Phase 2. Therefore, we believe that the SEMWG should be strengthened and should operate with as much rigour as the TEWG and MEWG.</p> <p>Similar to our recommendations about the TEWG and MEWG, the SEMWG should be open to participation of community organizations and non-governmental organizations, and the SEMWG should consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions.</p> |
| Recommendation/Request | <p>To make the following addition to Condition 131:</p> <p>“The Proponent will work with the other relevant parties to ensure that the SEMWG has sufficient time and resources to effectively monitor and report on the full range of socio-economic issues and impacts under its mandate. Membership on the SEMWG will include community organizations and non-governmental organizations as determined to be appropriate by key members of the SEMWG.”</p> |

| Review Comment Number | Kunuk / NITV Comment #7 |
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| Subject/Topic | Inuit Advisory Panel |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 7.2 Engagement Activities for the Phase 2 Proposal Project Certificate 005, Inuit Qaujimanituqangit Management Framework |
| Summary | The new Inuit Advisory Panel (IAP) created by the Proponent should be included the Project Certificate Conditions. |
| Importance of issue to the impact assessment process | The Proponent’s public reporting on the activities of the IAP will facilitate a better understanding of the inclusion of IQ in the processes of the Project and improve collaboration to that effect. |
| Detailed Review Comments | <p>Baffinland has recently published its Inuit Qaujimanituqangit Management Framework, which mentions the creation of the Inuit Advisory Panel (IAP): “The objective of the IAP is to integrate Inuit Qaujimanituqangit into project planning and the development and implementation of environmental and socio-economic monitoring programs. In recognition of the IAP’s intent and IIBA Article 15.5.2, Baffinland will work with the QIA and North Baffin communities to develop mutually acceptable Terms of Reference for the Inuit Advisory Panel”.</p> <p>The issue of Inuit Qaujimanituqangit (IQ) has been a priority during the discussions of Phase 2 and the QIA and other parties have made detailed submissions about the importance of better integrating IQ into project planning and environmental and socio-economic monitoring.</p> <p>Furthermore, according to the Mining Association of Canada’s Towards Sustainable Mining framework, the integration of IQ (or “traditional knowledge”) is an important indicator for effective community engagement and dialogue with Inuit (or “aboriginal”) communities.</p> <p>While the composition and Terms of Reference for the IAP have yet to be determined, this initiative appears to</p> |

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| | <p>be important enough to be added to the Project Certificate Conditions in order to ensure effective implementation and monitoring on this important topic on an ongoing basis.</p> <p>When it is constituted, we similarly recommend that the IAP should consider using multimedia technology to facilitate input from and provide feedback to communities about its activities and discussions.</p> <p>Furthermore, there is therefore an opportunity to create an effective communication channel between the IAP and the Working Groups. This channel would allow for Inuit and their traditional knowledge to become part of the regular process for planning and decision-making in the Project, which would in turn be favorable to the creation of a relationship based on trust between the Proponent and the communities.</p> |
| <p>Recommendation/Request</p> | <p>To add the following conditions to the Project Certificate related to the creation of an Inuit Advisory Panel:</p> <p>“An Inuit Advisory Panel (IAP) shall be established to serve as an advisory group to integrate Inuit Qaujimanituqangit into project planning and the development and implementation of environmental and socio-economic monitoring programs. In recognition of the IAP’s intent and IIBA Article 15.5.2, Baffinland will work with the QIA and North Baffin communities to develop mutually acceptable Terms of Reference for the Inuit Advisory Panel.”</p> <p>“The IAP shall have a mandate to engage with the MEWG, TEWG and the SEMWG to ensure that Inuit Qaujimanituqangit is integrated into the monitoring activities and programs of the working groups.”</p> |

C. Monitoring and reporting on Inuit working conditions

| Review Comment Number | Kunuk / NITV Comment #8 |
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| Subject/Topic | Monitoring and reporting on Inuit working conditions |
| References | Addendum to the Final Environmental Impact Statement Mary River Project – Phase 2 Proposal 4.2.5 Socio-economic Conditions Project Certificate 005 |
| Summary | There are a number of issues related to the working conditions of Inuit at Mary River have been raised in community meetings, interviews and the media. Some of these include allegations about discrimination and harassment against Inuit workers. Such allegations or rumours can undermine community perceptions about the mine and discourage Inuit from pursuing potential job opportunities. In recognition that the quality of jobs for Inuit at Mary River is as important as the number of jobs created, it is important to have strengthened monitoring and reporting processes related to Inuit workers' rights. |
| Importance of issue to the impact assessment process | Potential jobs at the mine are one of the priority socio-economic issues for Inuit communities. Ensuring that those jobs respect Inuit workers' rights is important to maximize the positive socio-economic impacts on communities. |
| Detailed Review Comments | <p>Baffinland has various policies that are meant to protect Inuit workers from discrimination and negative behaviors by other workers in the workplace. However, allegations of discrimination and harassment against Inuit workers have been raised in community meetings, interviews and media stories.</p> <p>We are not in a position to judge whether these allegations are true or not, but seek to ensure that the various internal and external processes in place for monitoring Inuit workers' rights are effective, and that there is more reporting on how allegations, concerns and grievances related to workers are addressed.</p> <p>We understand that Baffinland and QIA conduct joint monitoring on the working conditions of Inuit as part of the implementation of the IIBA, and some information</p> |

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| | <p>about ongoing monitoring is provided in the Annual Project Review Forum reports. Moreover, it is assumed that there are other internal and external monitoring activities that are aimed at ensuring Inuit workers' rights are respected.</p> <p>More information and dialogue about Inuit working conditions—including reporting on how Inuit workers' concerns or grievances are handled and resolved—can help build trust about the quality of jobs and working conditions that Inuit have at the mine. This is particularly to ensure that job opportunities translate into positive contributions for workers and communities.</p> <p>Within the overall monitoring and reporting on Inuit working conditions, we highlight the importance of specific policies and initiatives related to integrating female Inuit into the workforce and protection against gender discrimination and sexual harassment. In this regard, we note that extensive guidance regarding women and mining has been published since the Mary River project was approved, which may be useful to adapt to the context of Mary River. In particular, we commend the following tools for consideration:</p> <ul style="list-style-type: none">• The Prospectors and Developers Association of Canada (PDAC)'s <i>Gender Diversity and Inclusion: A Guide for Explorers</i>.• International Finance Corporation, <i>Unlocking Opportunities for Women and Business – A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies</i>. <p>Finally, it is widely recognized that having effective grievance mechanisms for workers is an important part of a company's responsibility to respect workers' rights. In addition to typical channels of raising complaints and concerns through managers and/or the Human Resources Department, it is also important to have grievance mechanisms that provide adequate safeguards for workers to feel comfortable raising concerns without fear of retaliation. Therefore, as part of monitoring and reporting on working conditions, it is</p> |
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| | important to provide information on the effectiveness of the grievance mechanism in place for Inuit workers at the mine. |
| Recommendation/Request | <p>To add the following condition to the Project Certificate:</p> <p>“The Proponent is encouraged to work with all relevant parties, including the QIA and Mary River Socio-Economic Monitoring Working Group, to provide more information to communities about the working conditions at the mine and measures taken to provide a working environment that is free from discrimination and harassment.”</p> <p>“As part of the monitoring and reporting on working conditions, specific information should be provided about policies or initiatives to support gender, inclusion and freedom from sexual harassment.”</p> <p>“As part of the monitoring and reporting on working conditions, specific information should be provided about the effectiveness of the grievance or complaints mechanism for workers, including any safeguards provided for workers against any type of retaliation for raising grievances or complaints.”</p> |

D. External verification of community engagement and participatory monitoring

| Review Comment Number | Kunuk / NITV Comment #9 |
|------------------------------|---|
| Subject/Topic | External verification of community engagement and participatory monitoring |
| References | <p>Addendum to the Final Environmental Impact Statement</p> <p>Mary River Project – Phase 2 Proposal</p> <p>7.2 Engagement Activities for the Phase 2 Proposal</p> <p>Project Certificate 005</p> |
| Summary | To reinforce the accountability, transparency and credibility of ongoing community engagement and participatory monitoring efforts, Baffinland should continue to use the Mining Association of Canada’s Towards Sustainable Mining framework, and should demonstrate continuous improvement towards “AAA |

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| | Level” on the KPIs for “effective [community of interest] engagement and dialogue.” |
| Importance of issue to the impact assessment process | As outlined throughout this submission, ongoing community engagement and participatory monitoring are of fundamental importance to respect the rights of Inuit and to address community concerns. Ongoing assessment and external verification of engagement and dialogue according to industry standards and good practices should help to drive continuous improvement and maintenance of high standards throughout the life of the mine. |
| Detailed Review Comments | <p>As noted above, Baffinland has started to report publicly on the implementation of the Towards Sustainable Mining (TSM) framework, as required by its membership in the Mining Association of Canada.</p> <p>This framework has been developed to increase the accountability, transparency and credibility of mining projects around environmental and social issues, including ongoing engagement and dialogue with communities. While there are other relevant benchmarks and standards for mining companies to respect the rights of indigenous peoples, we are referring to it as a benchmark that Baffinland has committed to.</p> <p>In its first TSM Progress Report published earlier in 2019, Baffinland scored itself as a “Level B” in its self-assessment of “effective COI [community of interest] engagement and dialogue” on a scale that goes from Level C (lowest) to Level AAA (highest). We believe that this implies a recognition that there is a need for improvement in community engagement.</p> <p>We believe that implementation of the criteria in the TSM framework can provide a clear and measurable path forward for continuous improvement on this important topic. Furthermore, the TSM framework provides for a verification system involving external verification by an independent auditor every three years, a CEO Letter of Assurance and post-verification review process. These monitoring and verification processes should help strengthen the ongoing</p> |

implementation and continuous improvement of this standard.

In particular, we believe that full implementation of the criteria to move from “B Level” towards “AAA Level” will be responsive to questions and issues raised by community members.

We also note that one of the indicators for “AA Level” involves the incorporation of traditional knowledge, which is relevant to the above-noted issue of inclusion of Inuit Qaujimanituqangit and the potential role of the Inuit Advisory Panel in environmental and socio-economic monitoring.

**TSM Aboriginal and Community Outreach Protocol
Effective COI Engagement and Dialogue: Assessment
Criteria⁵**

| LEVEL | CRITERIA |
|-------|--|
| C | <ul style="list-style-type: none"> • Communications with COI are reactive. • The facility has no engagement and dialogue processes. • COI are neither consulted nor engaged. • Communications are typically one way only |
| B | <ul style="list-style-type: none"> • Informal engagement processes are in place, and occasional dialogue occurs with COI. • There are plans to develop COI engagement systems, but they have not been implemented. |
| A | <ul style="list-style-type: none"> • Documented COI engagement and dialogue systems are in place. • The facility provides assistance to ensure COI are able to participate in engagement and dialogue processes, where appropriate. |

⁵ <https://mining.ca/wp-content/uploads/2019/02/Aboriginal-and-Community-Outreach-EN-WITH-TAILINGS-CRITERIA.pdf>

| | | |
|--|----|---|
| | | <ul style="list-style-type: none"> • Communications are written in the local language for COI (as required) and are written in language that is clear and understandable to COI. • Designated employees have been informed of and trained in meeting Aboriginal consultation requirements, including those procedural aspects that have been transferred to the proponent by any applicable government. • Time is built into processes to allow for meaningful review of proposals by COI. • Relevant materials are provided to COI for review in a timely manner. • Processes are in place to engage with COI on credible risks to the public that are associated with company activities, including tailings management. |
| | AA | <ul style="list-style-type: none"> • COI are invited to provide input to determine the scope of engagement on issues of concern to them, including those associated with identified credible risks to the public such as tailings management. • Processes exist to identify the needs of COI for capacity building to allow them to engage in effective participation on issues of interest or concern to them. • Accountability for COI engagement and dialogue rests with senior management. • Senior management reviews engagement and dialogue systems, and the results from COI engagement, at least annually. • Engagement and dialogue training is provided to designated personnel, including appropriate culturally-specific training. • Designated employees are informed of and trained in meeting Aboriginal consultation requirements transferred to the proponent by governments. |

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|------------------------|--|--|
| | | <ul style="list-style-type: none"> • Traditional knowledge is sought, as appropriate, from local Aboriginal communities and organizations and is applied to support decisions and inform practices including environmental monitoring. • Consultation protocols established by Aboriginal communities and organizations are followed or integrated into consultation procedures to the extent possible. |
| | AAA | <p>Formal mechanisms or agreements with COI are in place to ensure they can effectively participate in issues and influence decisions that may interest or affect them.</p> <ul style="list-style-type: none"> • The facility has a consistent history of meaningful engagement with COI. • Processes to build the capacity of COI to allow them to effectively participate in dialogue exist. • COI contribute to periodic reviews of engagement processes to allow continual improvement. • Negotiated agreements with Aboriginal peoples are in place for the operations or projects where appropriate. |
| Recommendation/Request | <p>To add the following condition to the Project Certificate:</p> <p>“The Proponent shall commit to external monitoring, verification and reporting about its engagement and dialogue with Inuit communities through the Mining Association of Canada’s Towards Sustainable Mining framework (or some equivalent and credible standard) in order to demonstrate continuous improvement.”</p> | |