

CONSIDERATION OF COMMENTS ON THE DRAFT ABORIGINAL COMMUNITY CONSULTATION POLICY SPECIFIC TO THE MINING SECTOR

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PRESENTATION PLAN

- Consultation on the draft Mining Sector Policy
 - Methodology
 - Review of the consultation
- Discussion by theme on the consideration of comments received

METHODOLOGY

Consultation on the draft Mining Sector Policy

- Transmission to all Aboriginal communities, pre-consultation, October 13, 2015
- Discussion workshop, November 24, 2015, as part of the Québec Mines 2015 conference
- Transmission to targeted stakeholders on December 11, 2015
- Public Consultation, October 2015 to August 2016

REVIEW OF THE CONSULTATION

Consultation on the draft Mining Sector Policy

- 16 meetings with First Nations, the mining industry and other stakeholders
- 37 Aboriginal communities shared their comments
- A summary document on the consideration of comments was produced in the fall of 2016 and winter of 2017
- This document was the subject of a consultation with DAA, MJQ and SAA in spring 2017

REVIEW OF THE CONSULTATION

- A new version of the Mining Sector's Aboriginal Communities Consultation Policy was developed in the summer of 2017, taking into account comments received as part of the public consultation
- A link was made with the ministerial consultation policy in September 2017
- The two policy documents were the subject of a consultation with the MJQ and SAA in October 2017
- The new version of the policy is presented as part of today's Discussion Forum

DISCUSSION BY THEME

1 – POLICY DEVELOPMENT PROCESS

- Continue the consultation process before the draft Policy is adopted

2 – EVALUATION AND UPDATING OF THE POLICY

Comments

- Validity date, evaluation and review
- Consultation with the First Nations
- Changes in legal and regulation framework

3 – LANGUAGES

Comments

- Published in French and in English
- Use of Aboriginal languages

4 – INTRODUCTION

Comments

- Respect for Aboriginal rights
- Consider the interests of the Aboriginal communities

5 – SCOPE OF THE POLICY

Comments

- Resume the important elements of the Interim Guide
- Define or recognize the Aboriginal communities' ancestral or treaty rights
- Ensure adequate and effective First Nations participation
- Include strategic elements

6 – ASPECTS SPECIFIC TO AREAS UNDER AGREEMENT AND NEGOTIATION OF AGREEMENTS ON CONSULTATIONS

Comments

- Application throughout the territory
- More details on Consultation Agreements

7 – CONSISTENCY WITH CHANGES TO JURISPRUDENCE

Comment

- Consultation and accommodation processes

9 – AIMS

Comments

- Respect for Aboriginal rights
- Ensure that Aboriginal communities concerns are taken into account
- Strengthen relationships and promote dialogue

10 – ROLES AND RESPONSIBILITIES OF PROMOTERS

Comments

- MERN's expectations
- Suggestions to achieve the Policy's aims
- Describe specific procedures to promoters

11 – ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES

Comments

- Aboriginal community's consultation policy and land development plan
- Collaboration and participation in good faith

12 – CLARITY OF THE DOCUMENT AND CLARITY OF THE CONSULTATION PROCESSES

Comments

- Add a glossary of official, legal and technical definitions
- Include elements of the Interim Guide
- Provide a hyperlink to the Mining Act

13 – SEPARATE CONSULTATION BY THE GOVERNMENT

Comments

- Québec must always consult the Aboriginal people separately
- The Aboriginal consultation should be a separate process from the public consultation

14 – CONSIDERATION OF EACH COMMUNITY’S SPECIFIC FEATURES

Comments

- Take each community’s specific features into account
- Encourage promoters to become familiar with certain Aboriginal contexts and situations

15 – IDENTIFICATION OF PARAMETERS AND ELEMENTS FOR WHICH CONSULTATIONS ARE NEEDED

Comments

- Conditions that will trigger a consultation
- Preliminary analysis or pre-consultation
- Duty to consult and accommodate throughout the mining development process

17 – DETERMINATION OF TIME ALLOWED FOR CONSULTATION

Comments

- The First Nations should have enough time
- The time allowed should be adjusted based on the complexity of the project

18 – NATURE OF INFORMATION MADE AVAILABLE BY QUÉBEC

Comments

- Make available all the relevant information
- Provide a non-technical summary of the project
- Provide a preliminary assessment of potential harmful effects
- Provide tools to monitor projects and applications more easily

19 – CONFIDENTIALITY OF INFORMATION AND CONCERNS SUBMITTED BY THE COMMUNITIES

Comment

- The information sent to the Government by the community should remain confidential

20 – CONSENT FOR PROJECTS

Comment

- Before a right, licence or authorization are issued

21 – ACCOMMODATION AND POSSIBILITY FOR THE GOVERNMENT TO REFUSE TO ISSUE A RIGHT, PERMIT OR AUTHORIZATION

Comments

- Accommodation defined by the First Nations
- Effective participation by the First Nations
- Refuse to issue a right, permit or authorization, according the outcome of the consultation
- Conditions to its instructions to address Aboriginal rights

22 – FEEDBACK

Comment

- Québec should inform the First Nations of the reasons underlying its decision

23 – CONFLICT RESOLUTION/ARBITRATION PROCESS

Comment

- Implementation of a conflict resolution process

24 – CONSULTATION ON EXPLORATION ACTIVITIES

Comments

- Québec is not aware of the exploration work done by promoters
- Promoters must consult the communities if Québec does not intend to do so directly
- It is important to consider the possibility of an annual plan for mining exploration work
- Québec must immediately amend the Mining Act

25 – CONSULTATIONS BEFORE ISSUING CLAIMS

Comments

- Consultations should be held before a claim is granted
- Québec must bring the Mining Act into line with its constitutional duties
- The Policy should provide for processes, or at least for information, prior to the issuing of a mining title

26 – MAKING INFORMATION ON CLAIMS AVAILABLE TO ABORIGINAL COMMUNITIES

Comments

- The Québec Government must itself send all information to the communities
- It is important for the communities to be told of the existence of GESTIM
- Before modifying GESTIM, the MERN should consult the First Nations

27 – ROLE OF PROMOTERS

Comments

- The promoter should inform the Aboriginal community concerned about the granting of the claim and its plans for exploration activities
- It is up to the Government to inform the Aboriginal communities
- No constraints or coercive measures on promoters to provide relevant and complete information

28 – INFORMATION MADE AVAILABLE TO PROMOTERS

Comments

- The Policy should include a special section on the rights of the First Nations
- When a claim is granted, the necessary information on the First Nations concerned should automatically be provided

29 – IDENTIFICATION OF AREAS INCOMPATIBLE WITH MINING ACTIVITY

Comment

- The First Nations should be able to exclude areas from mining exploration and extraction

32 – REHABILITATION AND RESTORATION PLANS

Comments

- The draft Policy does not address the subject of rehabilitation and restoration plans
- The MERN should identify the information and consultation activities
- The MERN's expectation towards promoters

33 – MONITORING COMMITTEE

Comment

- The First Nations should be represented on the monitoring committees mentioned in the Mining Act

34 – IBA, SOCIO-ECONOMIC ACTIVITIES, PARTNERSHIPS AND ABORIGINAL POLICIES

Comments

- The First Nations want a political and economic partnership
- The Policy should mention Québec's commitment to encourage and facilitate the signature of impact and benefit agreements (IBAs)
- The Policy should include a special section on the socio-economic opportunities

36 – DISASTERS

(AUTHORIZATION FOR EXTRACTION WITHOUT A LEASE)

Comment

- In the event of a disaster, the communities should be involved in the decision process

38 – SUPPORT AND REGULAR MEETINGS

Comment

- The MERN should set up regular meetings for harmonization activities, as it does for forest planning

39 – SOCIAL ACCEPTABILITY

Comment

- The MERN's work on social acceptability helps to show why promoters must exchange information with, and consult, the communities. This should be underscored in the Policy

40 – SECTION 5.3

(APPLICABLE PROCESS TO MINING PROJETS SUBJECT TO EIARP)

Comment

- Consultation meetings between the First Nations and the Government may also be organized at the request of the First Nation, and not just at the Government's request

41 – INFORMATION ON GEOLOGICAL POTENTIAL

Comment

- Mining and geological maps showing the mining potential of the area claimed by the community should be made available

OUT OF SCOPE OF THE POLICY

Themes

- United Nations Declaration (8)
- Identification of the territorial base for consultation purposes (16)
- Consideration of cumulative impacts (31)
- Payment of royalties (35)
- Financing for consultations (37)

OUT OF SCOPE OF THE POLICY

Theme

- EIARP: Environmental assessment of projects (30)