Monitoring the mining industry in Australasia and the Pacific

'TAKE CONTROL' AURORA TELLS INDONESIAN GOVERNOR

Perth-based mining company Aurora Gold has lobbied Indonesian government authorities to "take control of illegal mining and of unrepresentative groups" after disaffected landowners blockaded access to the Mt Muro gold mine.¹

According to Chalid Muhammad, Coordinator of the Jakarta-based Mining Advocacy Network (JATAM), Aurora has also hired 23 men from the village of Konut to act as security personnel. Aurora Company Secretary, Michael Boud, says that to describe them as a "security force would be highly misleading". Their role "is more in the nature of casual caretakers".²

Disenchantment with the Mt Muro gold mine reached a flashpoint in late September 1999. Opposition to the mine stems from the dispossession of several thousand villagers, including small-scale miners, when the mine was being developed and from the environmental impacts of the mine.

In 1987 the US company which held exploration rights to the area threatened to withdraw from its mining agreement unless the government acted against the small-scale miners. In 1988 security forces moved into the area and arrested dozens of miners and destroyed hundreds of their mining operations. Raids by security forces have continued in the years since.

Aurora took over the Mt Muro site and started production in 1994. Today it holds exploration rights over 480 sq. km. Aurora Gold's major shareholders are Ashton Mining (30%) Westpac Custodian Nominees (12%), National Nominees (11%) and Chase Manhattan Nominees (9%).

In 1996, Aurora distributed an Indonesian



Local people displaced for the establishment of the mine remain dissatisified. Photo: JATAM.

language memo about what it refers to as "illegal miners".

"If steps are not taken against illegal miners it will be considered as a sign of weakness and the problem will get worse."

Aurora Gold memo

"Impress upon the Department of Mining and Energy and the police (Mobile Brigade) that there is a need to take steps to restore security and order in the Mahanyan district", the memo stated. Aurora sought tough measures. "Arrest the financial backers from Banjarmasin".

"If steps are not taken against illegal miners it will be considered as a sign of weakness and the problem will get worse", the memo continued.³

Frustrated by their inability to resolve the issues with the company locally, land-owner representatives visited Australia in February 1998, hosted by Community Aid Abroad (CAA).

At a meeting in Perth between Aurora, landowners and CAA, an agreement was reached "on a process for identifying, verifying and resolving" the concerns about the Mt Muro mine. In particular the rights of small-scale miners and compensation for land taken for the mine had been discussed in the four-hour meeting.⁴ However, the promised negotiations were slow to eventuate.

Before discussions started, the Managing Director of Aurora bemoaned the lack of law enforcement in the post-Sueharto era against what he termed 'illegal miners'.

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INDONESIA

Burston complained that "there is little done to discourage or prosecute offenders ... there currently appears to be some reticence, perhaps on account of the continuing uncertainty, in maintaining the levels of law and order which had been experienced previously".5

Finally negotiations occurred eighteen months later on 30 August 1999. However, when Aurora took the view that it would not consider claims for compensation from the small-scale miners evicted between 1987 and 1992, the talks broke down.

Frustrated by years of promises and little action, hundreds of community members blockaded several of the Aurora mining pits in late September. Aurora issued a statement saying that it would employ 150 people from fifteen affected villages in the area but that the blockades were preventing them from fulfilling this promise.

Local people reject the jobs offer as a 'divide and conquer' tactic. "The representative negotiators refused the company's offer because the company kept avoiding dealing and discussing the whole issue", the Jakarta-based Mining Advocacy Network co-ordinator. Chalid Muhammad said. "According to the representative negotiators, the job offer was merely an attempt on the company's part to deviate from the substantial issues", he said.

In late September 1999 the controversy over the mine grew. Burston defended Aurora's actions when concerns were raised about the role of the military in dealing with opponents of the mine. "We have a few army people and police that do patrols of the area and are charged with law



Mt Muro gold mine. Photo:JATAM.

and order by the government", he said. "That's all we have on site, the army aren't really involved in that side at all and those things [military harassment of local people] just don't happen now", he said.6

Aurora proclaimed that it "has overcome the difficulties caused by illegal miners and land rights activities ...".

In early October, the acting Governor of Central Kalimantan and representatives of the Department of Mines visited the mine. In a media release after the visit, the Director of Aurora's Indonesian subsidiary. John Vernon, said that he had "called on the authorities to take control of illegal mining and of unrepresentative groups".7

Aurora dismissed the opposition and blockade of its mine. The access road to one mining pit, it said "was blockaded in late September by an unrepresentative group of the community agitated by a local non-government organisation".8

By mid-October Aurora proclaimed that it "has overcome the difficulties caused by illegal miners and land rights activities at its Mt Muro Gold Mine in Indonesia".9 While the blockades may have been lifted, opposition remains with Aurora now facing the prospect of legal action.

Aurora is having problems elsewhere too. The Toka Tindung project, which Aurora has been exploring, was placed on a care and maintenance basis "due to the social and political climate in the province". Aurora also has a 50% interest in the Morobe gold exploration project in Papua New Guinea.

Bob Burton

- 1 Aurora Gold, 'Update: mining operations Mt Muro', Announcement to the Australian Stock Exchange, 11 October 1999
- 2 Aurora Gold, letter to Mineral Policy Institute, 24 September 1999
- 3 Aurora Gold, "Penambangtan Tanpa Ijin (Peti)", September 1996. (Translation from Indonesian by Community Aid Abroad).
- 4 Aurora Gold, 'Constructive outcome to talks on Indonesian mine', Media Release, 24 February 1998.
- 5 Doug Wilkinson, 'Aurora Gold faces political uncertainty in Indonesia', The Miner, August 1999,
- 6 'Aurora under fire in WA Parliament from Greens MP', AAP, 22 September 1999.
- 7 Aurora Gold, 'Update: mining operations Mt Muro', Announcement to the Australian Stock Exchange, 11 October 1999.
- 8 Aurora Gold, 'Aurora overcomes Indonesian difficulties with strong quarter', Media Release, 19 October 1999. 9 ibid.



PRESIDENT

Paul Chatterton



Mining Monitor is published quarterly by the Mineral Policy Institute (MPI). Mining Monitor is aimed at providing detailed, referenced information to inform and support community organisations concerned about the impacts of mining projects (including oil and gas) in Australasia and the Pacific.

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MINING & ENVIRONMENT WORKSHOP

REVISED CODE OMITS HUMAN RIGHTS & ENFORCEMENT

The draft revised Minerals Council of Australia (MCA) Code for Environmental Management has rejected incorporating key issues raised by community groups. The draft avoids broadening the scope of the Code to include social issues, to set specific performance indicators or establish any complaint process for dealing with non-performance by signatories.

The Chair of the MCA's Code Policy Task Force, Gavin Murray, from Placer Dome Asia-Pacific, writes in the revised draft code that specific performance indicators would be inappropriate. "The diversity of the industry, and its geographic dispersal (within Australia and overseas) make it difficult to develop effective and valid comparative indicators".

"The industry believes that better performance will result if companies have the flexibility to innovate and to develop their own solutions to their environmental management issues".

Nor does the MCA see any need to establish a process to deal with complaints against signatories for non-compliance. "As the Code is voluntary, we do not believe that enforcement procedures are an effective means of driving change", Murray told Mining Monitor (MM).²

Instead the MCA is placing its faith in 'peer pressure'. "We believe peer pressure can play a compelling role in encouraging companies to comply. This is expected to be a major driver towards signatory compliance", Murray says. He told MM that peer pressure within the industry is likely to work on an "informal basis" at CEO level.

While community groups have advocated a legislatively based code with compliance and enforcement provisions, the MCA has opted for an informal, in-house process. The MCA envisages that if there is failure to comply with the code the MCA's Executive Committee could ask the com-



Chairman of the MCA Code Task Force, Gavin Murray. Photo: Bob Burton.

pany to re-state its commitment to the code or withdraw. Non-complying companies, Murray says, "may choose to voluntarily withdraw their commitment if unable to meet code obligations".

"As the Code is voluntary, we do not believe that enforcement procedures are an effective means of driving change."

Gavin Murray

The revised code, which was distributed to the 400 participants of the MCA Environmental Workshop in Townsville in October 1999, is not intended to be reviewed again until 2005.

The revised code proposes to establish an External Advisory Group (EAG) consisting of approximately seven members to be selected by the MCA's Environment Committee. The proposed taskforce would include representatives from government, a community non-government organisation

(NGO), an environmental NGO, the MCA Environment Committee, an environmental practitioner and the industry environmental foundation. AMEFE.

Murray told *MM* that the Chair for the EAG "would initially be identified and members selected by the Chair in consultation with the MCA Environment Committee". The proposal is based on the advice of Ben Woodhouse, a former Dow Chemical Vice-President and now a consultant with Ecos Corporation. Woodhouse is advising the MCA on its Code for Environmental Management (see *MM*, March 1999).

While the terms of operation of the EAG have not been determined the MCA has signalled that participants may be required to agree to some information remaining confidential. Murray says committee members "may have access to information that is commercial-in-confidence".

Murray downplays the possibility of confidentiality being required. "We have highlighted confidentiality as an issue that they [the committee] will need to address ... [but] are not proposing that their discussions be confidential", he told MM.

Industry sources indicate that the World Wide Fund for Nature (WWF) has been canvassed as the 'environmental' organisation to be invited to join the committee. Murray is cov about whether WWF will be asked to be the environmental NGO representative. "No decision has been made regarding membership", he told MM. "The emphasis would be on individuals with an interest in the industry rather than the organisations that they represent". Program Leader - Resource Conservation for the WWF, Michael Rae, said that WWF had not been approached but that a requirement for confidentiality would rule out WWF participation.3

continued next page

MINING & ENVIRONMENT WORKSHOP

CODE REVIEW DUCKS KEY ISSUES

continued from previous page

Community Aid Abroad's (CAA) Public Policy Officer, Jeff Atkinson, told the MCA conference that the exclusion of social aspects from the code was a major weakness.

"Mining companies are increasingly moving in to Africa, Asia and to Latin America where there are often areas of political instability and civil strife. In such countries it is not unknown for the military or the police to have a bad human rights record", he told the conference.4

"Companies can very easily find themselves relying on physical protection of their property ... on bodies whose behaviour towards the local population sometimes leaves a little to be desired. And companies can therefore find themselves easily associated with human rights abuses", he said.

"What should an Australian company do in such circumstances? Should it try and keep the military at bay? Should it employ its own security forces? Should it perhaps hire Sandline or Executive Outcomes?" he rhetorically asked.

"What are the guidelines here? What are the standards? What is acceptable? What isn't acceptable?" he asked. "On this the code is silent and offers no guidance".

The lack of enforcement provisions was a deficiency in the code, Atkinson said, suggesting that a formal complaints process be established. "Perhaps we might call it a mining ombudsman", he suggested.



Jeff Atkinson from Community Aid Abroad. Photo: Bob Burton.

"What is envisaged here is a mechanism established by the industry itself, and possibly with the involvement of the government to handle substantial complaints brought by the communities in the local area against the particular project", he said.

"Should it try and keep the military at bay? Should it employ its own security forces? Should it perhaps hire ... Executive Outcomes?"

Jeff Atkinson

"It would be an independent and accessible body to which individuals, groups and communities who felt that the industry standards had been breached rightly or wrongly ... who feel that they have been unjustly treated and therefore have a grievance and have them fairly adjudicated", he told the conference.

"I would like to stress that the aim of the ombudsman would not be to embarass or to catch them out but to raise standards in the industry, primarily through peer pressure", Atkinson said, seeking to reassure the industry audience.

Atkison told the conference that the need for such a body was quite urgent. He told the conferece that "in the absence of a clear industry commitment to independent compliance monitoring Community Aid Abroad is planning in the near future to establish its own mining ombudsman".

The CAA mining ombudsman would "formally handle complaints from communities in the countries in which we operate, who believe rightly or wrong, that they have been unfairly treated by an Australian mining company".

Atkinson said that the proposal was born from a desire to defuse tensions building at minesites that could eventually lead to violence as happened at Panguna and at Freeport. "I wonder if there had been a complaints mechanisms available in those days ... that maybe some of the violence and the deaths might have been avoided",

Bob Burton.

- 1 Gavin Murray, Introduction, first draft of the revised Minerals Industry Code for Environmental Management, October 1999, page 2.
- 2 Gavin Murray, e-mail to Bob Burton, 11 November 1999
- 3 Michael Rae, e-mail to Bob Burton, 11 November
- 4 Jeff Atkinson, speech to Minerals Council of Australia Environmental Workshop, 11 October



A TAILINGS TALE

Mining Monitor asked Ok Tedi Mining Limited (OTML) Project Manager on Human Health and Ecological Risk Assessment, Don Carroll, what OTML would have done differently if they knew when they were starting the mine what they know now.

Carroll referred to the original plan of

constructing a tailings dam in the mine vicinity which had failed due to a landslide.

"We would look towards waste rock management and tailings management more down [the] river valley ... because the geologically unstable area was upriver", he said.

Carroll said that OTML would accept liability for the damage caused by OTML. "Any damage caused by OTML [to the] landowners, we'll negotiate with them in terms of our liability", Carroll said.

MINING & ENVIRONMENT WORKSHOP

GLOBAL 'SUSTAINABILITY INITIATIVE' PROPOSED

In October 1999 a group of CEOs from nine of the world's largest mining companies met in London to plan the development of a global mining industry 'sustainability initiative'.

The Vice President of the Minerals Council of Australia and Managing Director of Rio Tinto Australia, Barry Cusack, told the MCA Environmental Workshop that the initiative was "prompted by a survey of opinion leaders".

The survey found that the mining industry had little public support. The 'sustainability initiative', Cusack said, had as "its ultimate goal ... [is] to align our industry with global public expectations".

"The CEOs' initiative is an effort to plot a course for our industry well into the next century it seeks a formula for balancing the priorities for economic development, environmental protection and social equity", he told the conference.

Cusack expects that once the 'sustainability initiative' has been developed it will be taken to a broader audience. "The initiative is a process that involves the co-operation of representatives from NGOs, governments and representative bodies such as the World Business Council for Sustainable Development", he told the conference.

The initial meetings are being held by a select group of CEOs aligned with the World Business Council for Sustainable Development (WBCSD) from companies including Western Mining Corporation, Placer Dome, Rio Tinto and others Cusack referred to as "the majors". Other mining and oil companies that are members of the WBCSD are BHP, Noranda, Shell International, Unocal, Suncor Energy, BP-Amoco and Statoil.

"It is being talked about under the auspices of the World Business Council for Sustainable Development and they have various other special interest areas if you



Vice-President of the MCA, Barry Cusack. Photo: Bob Burton.

like and we would perceive that that is the forum under which the mining sector would come", Cusack told Mining Monitor.2

"The CEOs felt that things needed a bit more of a push."

Barry Cusack

Why does the industry need another peak group? "I think increasingly we have seen the growth in multinational companies and ... they have perceived that the industry is being held back in its potential for reasons other than discovering orebodies and processing them", Cusack told MM.

"The CEOs", Cusack told MM, "felt that things needed a bit more of a push, we needed to identify what are the truly big issues and what can be done be done in a number of facets, research, facilitation, sharing of knowledge and do it over a reasonable timeframe towards some sort of outcomes.

"Where aren't we moving fast enough is really the thrust. Can we, as chief executives, get behind this, put the resources of all of our organisations behind it, and accelerate [in] the areas of weakness?"

Cusack is optimistic that the new body can have a significant impact on issues, such as greenhouse, over the next three to five years. "We all know that some of the issues have been around for a long time and that good work has been done and we are not meeting community expectations", he says.

"Unless we accelerate we will be here in another ten years but the community increasingly won't accept it, so we've got to say 'we have got to do a better job of managing what we do".

The increasing wariness of banks in backing projects mired in environmental or social controversy has also forced the industry to reassess its future. "We are going to find, increasingly, finance houses and individual investors are being more attracted to investing in what they perceive to be responsible companies", Cusack told MM.

"So if I have a vision it is that our industry will once again have the public support that it had when I was a young man", Cusack said.

"If we can bring together the enterprise of the mining companies, the facilitation of governments and international agencies, the co-operation of citizen organisations and the creativity of the research community then I believe the so called triple bottom line can be satisfactorily balanced", he told the conference.

Bob Burton.

1 Barry Cusack, speech to the Minerals Council of Australia Environmental Workshop, 10 October

2 Barry Cusack, interview with Bob Burton, 10 October 1999.

AUSTRALIAN NEWS

NORTH'S 'ETHICAL' MEETING

On 29 October 1999, the first extraordinary general meeting called by shareholders to discuss an environmental or human rights issue in Australia was held. North Limited was taken to task over its proposed Jabiluka uranium mine inside Kakadu National Park.

The meeting had been requisitioned by 122 concerned shareholders, including the Mineral Policy Institute, under Section 249 of the Corporations Law, which enables 100 shareholders to call a special meeting to ask questions of the directors. The shareholders opposed the Jabiluka mine on the basis of it being an environmentally and socially destructive project, as well as a financially inappropriate investment.

The Jabiluka uranium mine stands to endanger a world heritage site and is opposed by the traditional owners of the site, the Mirrar people. The proposed mine may also be facing a \$200 million in unbudgeted costs and runs the risk of significant clean up costs in the future. North Ltd has a 67% interest in Energy Resources Australia, the company developing the Jabiluka mine.

The main resolutions put to the meeting were to request:

- the Directors to advise why North Ltd is investing in unsustainable and financially uncertain industries such as the nuclear industry:
- a full independent report into how Jabiluka will affect the investments of North and shareholders; and
- that a full set of Principles for Responsible Development be adopted into the constitution of the company.

North described the EGM requisition as 'activists hijacking the annual meeting' and during the meeting, the Managing Director, Michael Deeley stressed the fact that the requisitioning shareholders only represented 0.05% of total shareholders.1

The shareholders, known as North Ethical Shareholders, were provided with 45 minutes to address the Directors of North Limited about their concerns. Speakers included shareholders with significant hold-



The Jabiluka mine. Photo: Skyscan

ings, Roman Catholic priest, Father Paul Collins, and Senators Bob Brown and Lvn Allison

A lively discussion ensued, in which several concerned shareholders, from a range of age groups and occupations, addressed the directors. North Ltd directors repeated their belief that uranium mined for nuclear power was a safe undertaking, and that the recent incident at the Japanese Tokaimura nuclear power plant was a 'small accident'. However, one Director of North Ltd revealed later that Jabiluka had prompted much debate amongst the Board of Directors.

"The resolutions were supported by 5-6% of all shareholders, with a further 75% abstaining".

At the close of the meeting a poll was taken on three resolutions posed by North Ethical Shareholders, regarding the implementation of an ethical investment policy, and a independent investigation into the financial viability of the mine. The resolutions were supported by 5-6% of all shareholders, with a further 75% abstaining.

In 1998, the World Heritage Committee commissioned a report by the International Union for Conservation of Nature into the impact of the mine. The report concluded that, based on the unacceptably high degree of scientific uncertainties relating to the Jabiluka mine design, tailings disposal and possible impacts on catchment ecosystems, mining operations at Jabiluka should cease. However, in response to lobbying from the Australian government-. the park was not listed on the 'World Heritage in Danger' list.

The corporate sector has responded swiftly to the success of ethical shareholders in gaining an extraordinary general meeting. In response to lobbying by the business community, as of 1 September 1999 the minimum paper-based share transfer on the Australian Stock Exchange is \$500.

In addition, on the same day, the Federal Government held an inquiry into Section 249 of the Corporations Law with view to changing the regulation so that at least 5% of shareholders would be needed to call an Extraordinary General Meeting, instead of the existing 100 shareholders.

This proposed change was supported by the Executive Director of North Ltd, Dr Deeley, who addressed the inquiry. "Special interest groups have become adept at obtaining parcels of shares—as little as 50 shares—and distributing one share to each shareholder... Their whole purpose is to disrupt the company's interest rather than to enhance it", he told the inquiry.²

Ethical shareholders and environmental and human rights groups fear changes would be used to further insulate companies from shareholders' feedback on company activities.



Nina Lansbury MPI Research Co-ordinator.

¹ Australian Financial Review, 10 July 1999, p 13. ² Hansard, 1 September 1999, Matters arising from the Company Law Review Act 1998.



DID THE MINING INDUSTRY LEARN FROM BOUGAINVILLE?

The closure of the Bougainville mine was a wake-up call to the mining industry to pay more attention to avoiding or minimising the social impacts of mines.

However, after working as a consultant on social monitoring for a number of mining companies in Papua New Guinea (PNG) and Irian Jaya, Dr Glenn Banks, Lecturer in Geography at the Australian Defence Force Academy in Canberra, wonders whether the call was heeded.

Despite "the regular pronouncements from resource companies of the lessons they learnt from social and commercial disasters such as Bougainville, Ok Tedi and Freeport", he says, "I find the continuing lack of rigorous social monitoring programs astonishing".1

Banks points to an "apparent loss of interest in social monitoring by all parties involved, but primarily by the sponsors, the companies".

While the mining industry has devoted considerable attention to environmental 'best practice' little attention had been paid to developing an equivalent for social monitoring. In its review of the Code of Environmental Management, the Minerals Council of Australia has once more excluded consideration of social impacts.

Social monitoring, he says, "should be about the regular assessment of the social, economic and cultural effects of mining. Where appropriate it should also seek ways to mitigate negative impacts".

Banks argues that one of the problems with social monitoring is that companies and government tend to focus on a narrow range of indicators.

Instead, he argues, it should range "from quantitative measures of economic and social change (compensation and royalty payments, business contracts, household economics and livelihoods, school enrolments, health trends, police arrest



A social monitoring team at work at Angogi 1 in the Aroa Valley near the Freeport mine in West Papua. Photo: Glenn Banks

"I find the continuing lack of rigorous social monitoring programs astonishing."

Glenn Banks

records etc.), to much more qualitative material on aspirations, opinions, concerns and problems".

Mining agreements in PNG, he says, usually either require or imply the need for social monitoring carried out around the mine site. Over the last decade there have been a number of attempts at establishing social monitoring programs. However, in the absence of government guidelines, unlike for environmental monitoring, companies have proceeded in different directions.

Banks suggests that some of the key elements in designing an appropriate social monitoring program would include the following principles: "Community participation. The program must have significant community input into the design and implementation of the program.

Independence. The social monitoring program should not be carried out solely by the company, or solely by the community.

Transparency. For the program to be above suspicion, it should be transparent. One mechanism that assists in transparency is for the results of any monitoring to be publicly available.

Beyond compliance. By advocating the notion of best practice there is a recognition that the current regulatory regime is inadequate.

Coverage. Social monitoring should provide a rigorous assessment of all the changes in and effects on, the community that is acceptable to all stakeholders. In geographic terms, the monitoring should take in all areas that the mine or its infrastructure has a significant and direct effect on.

Program life. A program must, as a minimum, continue from the start of the mine through to the end of the mine life, and probably beyond.

Integration. A simple description of the changes occurring is a useful first step, but unless that information is integrated with, and used as the basis for, future planning (corporate and/or government) then there is little other than academic value in the work.

Funding. Ideally the program should be jointly funded by government and company. It would be better, though less realistic, to get a community contribution as well."

The decline in interest by the mining industry in PNG and Irian Jaya, Banks says, is due to a range of factors.

At the Freeport mine in Irian Jaya, where Banks was a consultant to the company, the insistence by the consultants that there be community participation and control over the project was seen as suspicious by some mine staff. However, community



Survey work in a village near the Freeport mine. Photo: Glenn Banks

There "was a suspicion ... our work was venturing into areas ... specifically human rights abuses ... which the company were reluctant (at best) to have to deal with".

Glenn Banks

members would not participate unless they had control of the project.

"Some company personnel", Banks says, "believed we were too closely tied to representing or serving community interests. Allied to this was a suspicion that our work was venturing into areas which were of central concern to the community (specifically human rights abuses), but which the company were reluctant (at best) to have to deal with". As a result the project was discontinued after the initial work

At Placer Dome's Porgera gold mine in PNG, Banks experienced a different problem. After undertaking an initial social monitoring program, the Porgera Joint Venture requested Banks and another person to develop a proposal for a social monitoring program. However, "after an initial rush of support, it again floundered, this time largely on the rocks of corporate cost-cutting initiatives", he says.

Banks argues that at Porgera the company lost interest in a government sponsored process after debate over the issue of 'fly-

Social monitoring programs compared to proposed best practice principles

Mine	community participation	independent	transparent	beyond compliance	inclusive coverage	length of mine life	integration	funding
Porgera - 1998	?	X	X	X	?	X	?	X
Porgera - 1996/97	✓	✓	✓	✓	✓	X	✓	X
Porgera - 1992-94	X	✓	✓	✓	✓	X	X	X
Ok Tedi - 1999	x	✓	?	?	X	X	?	X
Ok Tedi - 1991-95	x	✓	✓	✓	X	X	X	X
Lihir	?	✓	Х	Х	?	✓	✓	X
Misima	X	X	X	?	?	?	✓	X
Tolokuma	Χ	Х	?	?	?	✓	?	X
Kutubu/ Hides/ Gobe/ Moran	X	X	?	?	?	?	?	?
Freeport	✓	✓	✓	✓	?	X	X	X

in, fly-out' and pressures on communities in the mining lease area resulted in meetings becoming heated. "As a result", he says, "the company is loathe to support further work along the lines of what was carried out in 1997".

Banks says that Porgera subsequently concentrated on monitoring agreements relating to "reducing the Fly-In, Fly-Out (FIFO) component of the workforce and the subsequent development of a township at Paiam." Banks says he particularly disappointed" at the change at Porgera from what he considered was "one of the better regimes" to one that was more internally focussed.

Social monitoring at the Lihir gold mine was at the instigation of the Australian government finance agency, the Export Finance Insurance Corporation (EFIC), which is part funding the mine. EFIC required the mine proponents to employ a consultant to prepare social monitoring annual reports since the start of construction.

The reports are submitted to the PNG Department of Environment and Conservation and the company before they are submitted to EFIC, and made available to the



Dr Glenn Banks. Photo: Bob Burton.

At Kutubu there "has been no systematic attempt to monitor or document social and economic change in the community".

Glenn Banks

occasional social monitoring committee for the mine. However, Banks notes that the consultant's ability "to discuss and publicise the results of the monitoring is severely restricted by the terms of the contract with EFIC".

Social monitoring of the Ok Tedi gold and copper mine in the Western Highlands has only been carried out during the early 1990s covering the communities downstream. After work was completed the program was discontinued. While some work has been recommenced as part of the settlement of the lawsuit between villagers and BHP it has its limitations.

"There has never been any social monitoring program among the Wopkaimin who live around the mine site itself at Ok Tedi", Banks says.

Banks says that with Chevron's Kutubu oil and gas project there "has been no systematic attempt to monitor or document social and economic change in the community". The efforts of Chevron, he "have been directed at the establishment and, to a much lesser extent, maintenance of local incorporated land groups".

Banks concedes to having an "uneasy feeling" that much of the social monitoring

MINE **CURRENT STATUS OF SOCIAL MONITORING**

PORGERA Last Review and Action Plan 1996-97. Porgera Social Monitoring Committee still exists

and meets quarterly.

Current company plan to shift to more internal and monitoring of agreements, along

with direct company-community negotiations.

OK TEDI No social monitoring around mine site.

Limited social monitoring currently being carried out in Lower Ok Tedi villages.

LIHIR Lihir Social Monitoring Committee exists. Role unclear.

> Annual Social Monitoring reports prepared for EFIC, and submitted jointly to Department of Environment and Conservation (DEC), company and Lihir Social

Monitoring Committee.

MISIMA Internal Reporting only. Unclear if reports submitted to DEC.

TOLOKUMA Internal Reporting only.

KUTUBU/ HIDES/ None recently. **GOBE/ MORAN**

FREEPORT Baseline Study completed 1998, reporting to community organisations, company and

local government. No plans for continuation. Internal company program reporting,

and direct company-community negotiations.

work "is still irrelevant" to local communities. Why? "My hunch is that this relates to the fact that Melanesian societies have traditionally had little interest in impartial observers and viewpoints: they want interested parties, not disinterested assessments".

Banks argues that, to date, social monitoring programs have only been useful for the community when community representatives have been able to use information in bargaining with the mining company over specific concerns.

For the mining industry, he suggests there have been a number of reasons for their decreasing interest in social monitoring. "Social monitoring has not established itself as an indispensable part of the industry, and so is often an early casualty of the cost-cutting provoked by falling commodity prices or rising operating costs", he suggests.

While social monitoring is a requirement of mining agreements. Banks argues that one of the problems is that the PNG Department of Environment and Conservation is unable to enforce the legislative requirements. Banks says that, despite current projects, there is a need for further capacity building programs.

Compounding the disinterest of government is the wariness of the mining companies. "Companies do not find the existing social monitoring programs of great relevance", he says. "They rarely 'solve' problems for them or tie in directly with the practical, day-to-day concerns of community affairs ... companies have felt that such work creates additional problems, or at least additional avenues for community complaints".

Increasing the amount of social monitoring, Banks suggests, lies in straddling the need for communities to gain useful information and companies, which fund the programs, to see their relevance as well.

"Relevance essentially equals directed, issues-focused, pragmatic and utilitarian programs which are relatively easy to design and implement", he says. Restoring company enthusiasm for social monitoring, however, has its risks. "The danger of social monitoring becoming this



Bini village in the Tsinga Valley near the Freeport mine in West Papua. Photo: Glenn Banks.

is that it would only essentially serve the interests of the company".

Part of the attraction of such a monitoring program, Banks says, would be that "wider community issues and concerns would not necessarily be canvassed by such work".

> "Social monitoring has not established itself as an indispensable part of the industry, and so is often an early casualty of the cost-cutting provoked by falling commodity prices or rising operating costs."

> > Glenn Banks

Social monitoring with a narrower vision, could be "primarily to assist in local, provincial or national government department planning, which is a solid, pragmatic use of social monitoring work".

This would avoid social monitoring becoming "a forum to rehash community concerns against the company, which strong community involvement tends to lead towards, at least in the initial stages".

Banks points to internal corporate cultures as being another barrier to social monitoring. Occasionally, he says, there is the perception that people involved in social monitoring "have taken the side of the community over issues".

"Given that they are paying the bill, they [the companies] feel somewhat aggrieved to find they are not painted as the good guys. In my experience this has been most explicit in the Freeport case, where at one stage our 'ideology' meant that a number of key company people didn't want to be seen as being associated with our project!", he says.

Banks is sober about the prospects for what he would advocate as good social monitoring. "The spectre of Bougainville — the classic example of losing touch with community change, aspiration and sentiment — and all the attendant potential risk associated with it, appears to be fading."

Bob Burton

Dr Glenn Banks is Lecturer in Geography at the Australian Defence Force Academy in Canberra. He has worked as a consultant on social monitoring work for the Porgera Joint Venture, PT Freeport Indonesia, and Chevron Niugini.

1 Dr Glenn Banks, "Keeping an eye on the beasts: Social Monitoring of large-scale mines in New Guinea", Seminar presented to the Resource Management in Asia-Pacific Seminar Series, Research School of Pacific and Asian Studies, Australian National University, 11 March 1999.



(A) INSIDE THE EYE

IS THE CODE ANTI-SOCIAL?

When the mining industry wants, it can quickly mobilise significant resources to defeat what it perceives as a threat to its interests. Witness its campaigns to persuade the Commonwealth Government to preserve and extend the diesel fuel rebate or weaken the native title legislation.

Several years ago the Commonwealth Environment Protection Agency publicly indicated that it was considering developing a code of conduct for Australian mining companies operating abroad. The mining industry was horrified that mandatory standards could be imposed on it.

Instead, the Minerals Council of Australia (MCA) announced that it would develop its own voluntary code of conduct. After some lobbying the government agreed to let the industry develop its own code. It was a shrewd move, putting the industry in control of the development of the code's standards, enforcement and implementation.

When the MCA first developed the code it baulked at the insistence of non-government organisations (NGOs) that the code should include social as well as environmental standards.

The MCA committee claimed they didn't have time and that the issues could be covered when the code was reviewed in a few years time. However, it still wanted NGOs to endorse the code.

NGO groups declined, withdrawing from participating in a process that would cover some issues but not others and without adequate time to consult with other NGO groups in the region.

Three years passed and companies that signed the code have showered the public, government and NGOs with environment reports.

When the MCA announced this year that it would be reviewing the Code for Environmental Management it sought comments from NGOs. Once more NGOs made the simple point that the code must include guidance on how the mining industry will deal with the many social di-

mensions to mining – from relocation and compensation to protection of human rights.

The MCA has once more put it in its 'too hard' basket. In the introduction to the revised code, the Chairman of the MCA Code Policy Task Force, Placer Dome's Gavin Murray, concedes that "some" may regard the absence of social issues from the code "as a key omission". Murray says that the MCA acknowledges social issues as being "very valid concerns".

However, the MCA once more finds excuses for not expanding the code. Murray says that including "non-environmentally related issues risks detracting from the Code's original aim and objectives".

At the MCA's annual Environmental Workshop in Townsville a special session discussed whether the code should be expanded to include social provisions. Opinion was divided with some supporting a broader code but most preferring to leave it to the next review in 2005.

"The code, like all selfregulation processes,
puts the industry in
control of deciding what
issues are of sufficient
public controversy it
feels it has to make some
concessions on, and
which it can ignore."

Nor does the MCA want to establish a formal complaints procedure for dealing with breaches of the code. As far as the industry is concerned, the Code is working just fine, thank you.

The beauty of self-regulation for the industry is that when it wants to preserve the status quo, it just drags its feet and hopes no-one will notice.

If the industry wants to turn a blind eye to

breaches of the existing code, it is easily done. If it decides that too many industry members really don't want to have to be subject to scrutiny for controversies over social issues, that too is easily done.

The code, like all self-regulation processes, puts the MCA in control of deciding what issues are of sufficient public controversy where it feels it has to make some concessions on, and which it thinks it can ignore.

One need look no further than the silence of the code on what should be a simple issue, the dumping of tailings in rivers. There are enough companies that participate in the code development process that use rivers as a tailings dump to ensure that there is no mention that this might be an unacceptable practice. And those that don't dump tailings in rivers aren't going to rock the boat.

It is a cosy, club-like process that ensures the code sets out lowest common denominator standards to which the big mining industry players can agree.

The mining industry would like us to believe that it can protect the public interest through self-regulation. The weakness of the code is proof that it can't.



Geoff Evans, Director, Mineral Policy Institute.

TAILINGS

PAKISTAN

SHELL DEFENDS EXPLORATION IN NATIONAL PARK

Shell has defended its plan to explore for major gas deposits in Pakistan's largest National Park on the grounds that it would "be contributing to sustainable development". After the deadline for the last edition of Mining Monitor (MM) (see "Shell pushes to explore Pakistan National Park", MM Sept 99), Shell responded to a number of questions.

In a letter to MM, Shell argued that sustainable development "is about balancing and integrating the economic, social and environmental aspects of everything it does". Shell is a 49.9% shareholder in a joint venture with Premier Oil Ltd which is encountering stiff opposition to proposals to explore in the Kirthar National Park.

Shell defended its proposal on the grounds that "the potential gas reserves in the Dumbar block would provide a highly significant energy resource of great importance to Pakistan". Shell also argues that the environmental benefits will be greater than the costs. "A Dumbar gas discovery would ... reduce Pakistan's use of foreign exchange for liquid fuel imports, replace the more environmentally unfriendly energy currently being used to produce electricity, and reduce the amount of trees currently being cut for fuel in rural areas".

Shell argued that it is committed to following a 'six point strategy' including to "seek and engage stakeholders to participate in resolving the challenges". Shell believes that by demonstrating its ability to explore in neighbouring areas and through sponsoring "an independent third party to undertake a baseline survey of the Kirthar National Park" it will win over those opposing the exploration project.

Shell is confident that it will find significant gas deposits in the National Park and argues that it should be allowed to develop the project after it has undertaken "world class Environmental Impact Assessments and Environment Management Plans ... with the express aim of minimising environmental impact".

Shell avoided acknowledging that its proposal

involves exploration in a National Park, choosing instead to refer to Kirthar as a "sensitive environmental area".

While Shell refused to participate in a recent public conference organised by non-government organisations it proclaims that it will "encourage active participation from stakeholders, to develop a shared understanding and to provide solutions".

1 Steve Mecklin, Shell Development and Offshore, letter to *Mining Monitor*, 15 September 1999.

INDONESIA

NGOs PROPOSE NEW COUNCIL



Executive Director of WALHI, Emmy Hafild. Photo: Bob Burton.

Indonesian environment groups have proposed that President Wahid establish a National Council for Sustainable Development to be responsible for pro-active development of an environmentally and community-focussed development strategy.

Executive Director of the Indonesian Forum for the Environment (WALHI), Emmy Hafild, said the proposed council would be responsible for giving direction on the implementation of the provisions of the environment in the existing guidelines on state policy.

The council, she says, should also act as a watchdog to ensure the implementation of policies on the management of resources and environment are consistent with the principles of sustainable development.

The proposed council would be responsible to the President and consist of cabinet ministers, NGO groups, academics and business people.

NEW HOPE IN ACEH



Aceh human rights advocate, Otto Ishak.

Otto Ishak, Director of the Cordova Foundation, a human rights group, is hopeful that human rights abuses will ease after the election of a the new Indonesian Government.

The investigation in early 1999 by the Indonesian National Commission on Human Rights into human rights abuses in Aceh (see "Indonesian human rights groups challenge Mobil", MM March 1999) failed to gather much of the available evidence. "The national investigative team that was appointed by the President didn't have any credibility in the eyes of the society, because they are considered not neutral", he says.

"The members of the fact finding teams did not have any training especially specialised skills, such as forensic skills, for these purposes. There was also pressure and intimidation from the military to stop the investigations and the amount of time was very limited, only six months", he says.

"What the Australian Government could do is to pressure the Indonesian Government to allow the formation of an independent fact-finding team which is credible and capable of carrying out human rights investigations", Ishak says.

At the heart of the surge in support for independence of Aceh from Indonesia, Ishak says, are the ongoing military abuses and the minimal return to the province from the oil and gas wealth extracted.

Ishak sees some signs of hope. "It is a hopeful sign that the new minister responsible for human rights is from Aceh", he says. In early November, the new Indonesian President announced that the non-local military forces would be withdrawn and that a referendum would be held on Aceh's independence from Indonesia.

TAILINGS

EAST TIMOR

TIMOR SEA PROJECT PROCEEDS

The formal ratification in mid-October by the Indonesian Parliament of the vote for independence in East Timor has resulted in the oil and gas deposits being transferred to East Timor. Previously the petroleum resources of the Timor Gap were covered under the Timor Gap Zone of Co-operation Treaty negotiated between the Australian Government and the Indonesian Government.

Following the ratification vote the Australian Minister for Industry, Science and Resources, Mr Nick Minchin, announced the go-ahead for the development of the Bayu-Undan oilfield. The project, when it comes on stream in 2004, is expected to provide approximately \$135 million per annum for its twenty year life to East Timor.

The role under the treaty formerly undertaken by the Indonesian Government has now transerred to the United Nations until such time as the transitional arrangements have been completed and the new government of East Timor is formed.

WMC'S TAMPAKAN LOSING STEAM

Strong opposition and low copper prices have forced Western Mining Corporation (WMC) to put its proposed Tampakan copper project, on the Philippine island of Mindanao, on the backburner.

WMC is keen to downplay the likelihood of mine development in the near future, stating it is still working on a feasibility study for the project. However, low world copper prices have forced WMC to scale back its effort on the project. WMC sources have confirmed that the project has slipped down the company's internal priority list.

Local concerns remain, however, about the liklihood of the military being called in to deal with mine opponents. A local chief in the region, Llkd Magdasang, fears the army will force people off their traditional lands if the mine proceeds.

In 1996 Gavan Collery from WMC wrote to Community Aid Abroad that "we do not condone the use of military action to achieve corporate objectives". However, late last year Theresa Penerea, the WMC Philippines Information Officer, told a journalist that the project has "the support of the government" and if they faced disruption "Okay, so of course

we have to ask for help and then they will have to provide us with help. We have confidence in government." The journalist asked Penerea "that would mean using the army I take it?". To which she said, "mmmm...ves".

- 1 Gavan Collery, letter to Alison Cleary, National Advocacy Coordinator, Community Aid Abroad, 13 September 1996.
- 2 Evan Williams, "Mindanao Mining", Foreign Correspondent, ABC-TV, 6 October 1998.

DRAFT MINERALS POLICY RELEASED

The Philippines Mines and Geosciences Bureau has released a draft "National Minerals Policy" for public comment. The draft policy draws heavily on the views of the international mining industry lobby group, the International Council on Metals and the Environment.

The draft policy considers submarine tailings disposal as a potentially appropriate tailings disposal practice, self regulation the appropriate framework to develop and "multinational corporation as pace setters in mine environment management".¹

1 Mines and Geosciences Bureau, *The National Minerals Policy: promoting sustainability through responsible mining*, Republic of Philippines, Department of Environment and Natural Resources, undated, page 34.

PHILIPPINES

CLIMAX GETS GO-AHEAD FOR DINKIDI

The Perth based Climax Mining, the first company to be awarded a Financial Technical Assistance Agreement (FTAA), has received approvals from the Philippines Department of Environment and Natural Resources for the controversial Dinkidi gold and copper project.¹

New exploration and mining projects, made more attractive by the relaxation of foreign investment legislation, have prompted broad based opposition. Climax's exploration proposal has met strong local resistance.

1 "Climax mining closer to developing Philippines project", *Asia Pulse*, 20 August 1999.

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TAILINGS

AUSTRALIA

AND THE WINNER IS ...

In its submission to the Senate References Committee on Environment Inquiry into Australia's Response to Global Warming, the Australia Institute has calculated that Australia has the world's highest greenhouse gas emissions per person.1

The Australian Institute stated that Australia had the highest level of emissions at 26.7 tonnes. "This is twice the average level for all other industrialised countries (13.4 tonnes) and 25% higher than emissions per person in the USA (21.2 tonnes)", Dr Clive Hamilton said.

"While the USA has higher emissions per capita from energy (20.6 tonnes compared to Australia's 17.6 tonnes), Australia has much higher levels of emissions from agriculture and land-use change", Hamilton said.

In descending order, the six nations with the highest per capita emissions are: Australia (26.7), Luxembourg (24.2), USA (21.2), Canada (20.6), New Zealand (17.3) and Ukraine (16.7).

A spokesperson for Environment Minister, Senator Robert Hill, attacked the Australia Institute claiming that its figures could not be trusted.2

1 Australia Institute, Greenhouse gas emissions per capita of Annex B Parties to the Kyoto Protocol, Submission to Senate References Committee on Environment Inquiry into Australia's Response to Global Warming, 4 November 1999.

2 "Govt dismisses greenhouse gas emissions figures", AAP, 3 November 1999.

Something to say?



If you have a view why not write a letter to the editor (100-200 words) and send to:

- bburton@hydra.org.au; or
- PO Box 157 O'Connor, ACT, 2602, Australia).

SHALE OIL MINING PLAN FOR BARRIER **REEF REVEALED**

Documents released to Greenpeace under Freedom of Information reveal that the proposed shale oil project near Gladstone intends to mine within the Great Barrier Reef World Heritage Area.

One of the documents released the minutes of a January 1999 meeting between the former Chair of the Great Barrier Reef Marine Park Authority, Ian McPhail, and the Chairman of the consortium comprising Southern Pacific Petroleum/Central Pacific Petroleum and Suncor Energy, Sir Ian Macfarlane.

The minutes reveal that the consortium refused a request to relinquish sections of its mining licence that overlap with the Great Barrier Reef Marine ParkAuthority. McPhail noted "I urged him to surrender those parts of the other two leases that entered the marine environment and

thereby remove future controversy ... he refused the invitation"

The insistence of Macfarlane on retaining the right to mine within the World Heritage Area contradicts media statements by Suncor that it "will not conduct mining activities in the World Heritage Area, now or at any time in the future".1

In an earlier media release SPP/CPM/Suncor stated that they "place particular importance on safeguarding coastal marine eco-systems and helping to promote the long term health of the Reef".2

The Suncor consortium has hired Ecos Corporation, the consulting company of former CEO of Greenpeace, Paul Gilding, to assist overcoming concerns about the project.

1 Suncor Energy, "Suncor will not mine in World Heritage Area", Media Release, 24 September 1999. 2 SPP/CPM/Suncor, The Stuart Project and the Great Barrier Reef, SPP/CPP/Suncor, July 1999.



HIGHLANDS PACIFIC PRESSES AHEAD DESPITE LOSING RAMU PARTNER

One of the project partners in PNG's Ramu nickel-cobalt mine project USA based Nord Pacific, is exiting the project, leaving junior mining company Highlands Pacific to look for a replacement.

Highlands has announced it is pressing ahead with the project, but needs to find an experienced large scale mining company prepared to become a new partner. The Brisbane-Port Moresby based company currently owns 68.5% of the project but can only afford to fund 35% of mine development. Highlands Pacific says it has approached "the usual suspects".

The proposed ocean dumping of mine waste at the home of PNG's largest tuna fishery has been roundly criticised by academics, NGOs in PNG and elsewhere in the world, and even by parts of the PNG government (see "Ramu partner launches legal squabble", MM September 1999).

A public hearing of the Ramu environmental plan held in Madang earlier this month was presented with a comprehensive critical

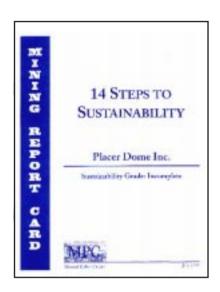
submission on the mine by PNG's NEWG (NGO Environmental Watch Group). NEWG wrote that "this submission is history in the making as this is the first opportunity for a PNG or home grown group of environmentally concerned people to have a say or express deeply rooted concerns about permanent ecological and social damage directly caused by mining operations". The meeting featured heated verbal criticism of the mine proposal, with government officials left in no doubt as to the concerns held by local NGOs.

The PNG government has commissioned a review of the project environmental plan, to be carried out by consultants Dames & Moore. In a preliminary briefing, Dames & Moore indicated that there was a lack of hard data and understanding of the fate of the mine waste to be dumped in the ocean, and that the risk of upwelling of waste needed to be further examined over the period of a year.

Nevertheless, it is expected that the review will suggest a go-ahead for the mine, subject to conditions.

RESOURCES

REPORT





Mineral Policy Center, 14 steps to sustainability: Mining report card: Placer Dome Inc, July 1999, 38pp.

This report is a response to Placer Dome's 1998 Sustainability report. The report sets out fourteen specific steps that Placer Dome could take towards fulfilling its goals of achieving sustainability.

The report is available from the Mineral Policy Center's website as a pdf file at www.mineralpolicy.org/PlacerDome.html

MPI WEBSITE

The Mineral Policy Institute (MPI) is launching a new look web site in December. The new site will feature:

- * the launch of a ground breaking report on Australia's export credit agency, EFIC;
- * material on Ok Tedi, including audio interviews with mine-affected locals;
- * easy on-line ordering of MPI reports;
- * back copies of Mining Monitor; and
- * a secure credit card donation facility.

Have a look at www.mpi.org.au

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NUGGETS

A LAW UNTO THEMSELVES?

In a recent submission to the High Court of Australia, Rio Tinto's legal representative requested the court to direct the Industrial Relations Commission to deal with a company appeal "in accordance with the law of Coal and Allied Operations Pty Ltd".

What was that about the separation of the corporation and the State?

("Law according to Rio", *The Australian Financial Review*, 2 September, 1999, page 63.)



Australian Aluminium Council Executive Director, David Coutts, rejected a Senate inquiry into greenhouse policy as it could "divert the development of greenhouse policy towards a political agenda".

(Nick Horden, "Greenhouse inquiry slated by industry", Australian Financial Review, 13 August 1999, page 25.)

IMPROVING OUR IMAGE WITH NUCLEAR WASTE

Consultants to Pangea Resources, the private company proposing to build a nuclear waste dump in either the Western or South Australian outback, wrote in a confidential report, that "a waste repository could strengthen Australia's environmental credentials and counter criticisms that Australia is not doing enough to reduce greenhouse gas emissions".

(DuPont and Associates and Bergin and Associates, Advancing Australia's security interests – hosting a common nuclear waste facility for the Asia-Pacific region, August 1999.)



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