



To: consultation@globaltailingsreview.org

Re: *Global Tailings Standard Review*

December 20, 2019

Dear Dr. Bruno Oberle and Co-convenors,

Thank you for the opportunity to participate in the Global Tailings Standard draft comment period. Given the scale and scope of projects that are proposed and in operation at the British Columbia headwaters of transboundary salmon rivers shared with Alaska and Washington, we are very concerned about the downstream risks to communities, water resources, and fisheries.

[Southeast Alaska Indigenous Transboundary Commission](#) is a consortium of 15 sovereign Tribal nations located in Southeast Alaska. Established in March of 2014, SEITC seeks to protect the vital and sacred rivers that sustain our communities and culture. SEITC derives its authority from Tribal governments. Each member Tribe has formally designated their representative by letter or resolution.

[Salmon Beyond Borders](#) is a Southeast Alaska based campaign, driven by sport and commercial fishermen, community leaders, tourism and recreation business owners and concerned citizens, in collaboration with Tribes and First Nations, united across the United States and Canadian border to defend and sustain our transboundary rivers, jobs and way of life.

Southeast Alaska Indigenous Transboundary Commission (SEITC) and Salmon Beyond Borders (SBB) will focus on the following key priorities from our review of the Global Tailings Standard draft: implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); moving toward the goal of zero harm to people and the environment; and ensuring adequate financial assurances for closures and disasters.

1. **Implementation of UNDRIP:** While the draft Global Tailings Standard outlines the importance of human rights in Topic II, Principle 3, it only references UNDRIP in the footnotes. The engagement, full participation, and consent of affected communities is essential; we maintain that it is not enough for companies to understand how impacts may cause irreparable damages to communities, but that

companies must be required to gain Free, Prior, and Informed Consent (FPIC) from all Indigenous Peoples, throughout the life of a mine (consent should be on-going). The documentation of a companies' meaningful engagement, human rights due diligence and FPIC for Indigenous Peoples should be made publicly available and filed with government agencies.

The Global Tailings Standard could follow guidance from the Initiative for Responsible Mining Assurance (IRMA) Standard's chapter on FPIC (2.2). There must be a credible process and accountability to "meaningfully engage" people.

In addition, Principle 2 highlights the need to integrate various factors into selecting the site and design to minimize the risk of tailings facility failure. A missing requirement under this principle is to ensure no-go zones and land-use plans, whether established by Indigenous governments or otherwise, are respected.

- 2. Moving toward the goal of zero harm to people and the environment:** As we have paid particular attention to the recommendations from the Mount Polley Expert Panel that came following the Mount Polley mining disaster, we have identified some key recommendations that are lacking from the Global Tailings Standard draft.

The Mount Polley Expert Panel recommended that one pathway to zero failures was to eliminate the existing inventory of tailings storage facilities (TSF). Principle 11 outlined in the draft focuses on implementing levels of review and risk management for all stages of the TSF - but lacks the requirement for full closure and remediation at the end of the life of the mine. At a minimum, and whenever possible, dry closure should be required. With a changing climate, and examples like Mount Polley and the disasters in Brazil, we must take a hard look at the elevated risks that come with tailings dams built upstream. Furthermore, there should be a global inventory and independent risk assessment for tailings dams worldwide that is made publicly available.

We strongly support Principle 1 and ensuring detailed site characterization is done to an extensive level to ensure the best siting and design are made to further ensure safety and reduce the risk of failures.

- 3. Financial assurances for closure and disasters:** The Global Tailings Standard draft includes a reference to financial assurances in Principle 2, Requirement 2.5, but this should absolutely be a key principle of the Global Tailings Standard. We support fully funded mine reclamation bonds up front to help ensure safer TSF are built and that which would guarantee the polluter does in fact pay.

In addition to financial assurances for mine closures and remediation, we also support a global fund to be set up for catastrophic mine disasters, as was done following the Exxon Valdez tanker disaster in Alaska. A tax should be collected into a disaster fund that could be accessed by impacted communities. An independent panel should be appointed to hear from those impacted to decide on compensation measures.

We thank you for your time, expertise, and consideration of our comments. Please do not hesitate to reach out to us with questions.

Sincerely,

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