

Comments on the MMSD Draft Report

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Introduction

Setting

1. Review of the Draft Report was carried out over several days. It was done with two colleagues. Had the report been suitable, one aim was to derive ideas and insights to enrich graduate courses in project management and policy development for multi-disciplinary, multi-cultural settings.
2. Thirty pages of rough notes were produced. Therefore, if what is below needs amplification or clarification, that is available.
3. The aim of these Comments is to point out omissions and weaknesses in the report, as a contribution to making the Final Report as credible and as useful as possible to *all* interested, concerned and engaged actors and agents.
4. There is much work to be done. The Draft Report is hard to read because its weaknesses far outweigh its strengths. I believe that if the writers of the Draft Report were to read it all at one sitting, most of the weaknesses would be obvious.

Strengths

5. The strengths of the report are massive detail on most of the key actors and some of the key regions and countries, and, many sets of recommendations, plans, and proposals. Examples of the latter include:

- uses of LCA on page 11-10,
- on collaboration (under Recommendations) on page 13-27, and
- principles (under Recommendations) on p 14-27.

But too many lists – almost all – are very long and very few are prioritized (which might have allowed removal of unrealistic and impossible items). Analysis is therefore much more difficult, and often there is no “result”.

Weaknesses

General Weaknesses

6. The general weaknesses (in no particular order)
 - Structure:
 - o No real beginning and no real ending – no flow.
 - o Too much data and detail in the narrative (that would better be in Annexes, and/or very briefly summarized in the main body)
 - o Elements of an introduction are found throughout the Report. The Conclusion in Chapter One is nowhere referred to in Chapter 16, or Chapter 15.
 - o The best introduction in the report is the first two pages of Chapter 15.
 - o The only mentions of “conclusion” are in Chapters 1 and 4.
 - o Boxes bigger/longer than one page are disruptive. Ones that are in parts on separate pages need to be checked for order.

- It is not possible to determine what the report “stands for”, other than the creation of more organizations and processes. But nowhere is it proven these are worthy of the time, effort and cost *relative* to already existing ones - as is or with change.
 - No consistency in, or standard format for, Chapter elements. This is particularly problematic for any assessment of the (many different layouts of) “Ways Ahead”. The number of times and manner the reader is directed or given a reference to or reminded of (“discussed later”) something elsewhere in the Report is disruptive, and often frustrating because the guidance is not concise.
 - Most of the writing is “western”, with little indication that “asian” or “african” perceptions or sensibilities have been acknowledged. In the “west”, structures are key to business organizations and processes. In “asia”, process is clearly favoured over structure, which is avoided if at all possible.
- Contents
- The contents reflect a clear bias against “companies”, both above all other actors, and (almost) regardless of context or circumstance.
 - There is significant repetition of selected statements, themes, and positions.
 - More use could be made of schematic graphs, both to reduce the amount of narrative and to enhance understanding of complex issues.
 - Many paragraphs have two or more subjects, (more than 80 such were recorded) or are headed by a title that seems little related to the contents (For example see page 4-12).
 - Some single paragraphs contain a major contradiction.
 - Dozens of lists are presented, but none are prioritized, which makes analysis very difficult, which in turn reduces the value of the list to the reader. Examples:
 - On page 9-24, the second paragraph – is it possible to imagine a real world situation in which all, or even most, of these factors could be applied, even over time, without prioritizing the ones that are possible?
 - Table 9-1 is a shopping list (less security) with no prioritization. It is hard to imagine even Kimberly, BC (the site of the best-case story in the Report) having all the elements to deal with even most of the items.
 - International and Multilateral Actions (page 12-27) includes a final paragraph and bullets (page 12-28) that is a representative example of many places in the Report with a list of every conceivable issue or factor, without reference to which is essential, necessary, desirable or incidental.
 - Valuable truths are sprinkled throughout the whole report. But most are embedded in or set beside lists of “ifs”, hoped-for developments, allegations or claims. The dispersion and setting greatly blunt the impact and value of the truths.
 - There is no glossary of terms that should be defined if they are to be clearly and consistently used. Particular examples include -”transition”, “developing”, “government” and “NGO”.
- Binding; the document was continuously dis-assembling.

Omissions from the Draft Report

7. It is admitted that this list is subjective, but the subjectivity is based on experience and colleagues’ opinions. The list begins with themes that are absent – or almost so - that could and should inform and influence analysis of the issues of the Report.

8. Security. SD has a *quadruple* bottom-line. The Report notes economic, environmental and social aspects, but virtually ignores security, or peace and security, or the emerging, global foreign policy idiom: human security.

The Report seems to have set aside most of the proceedings of the 11 July 2001 Workshop in London at the IISS.

In most parts of the world, not only are armed forces active in many forms – state, national, rebel, private, rogue, and criminal to name several - but they are part and parcel of government (if not governance), business, education, and diplomacy. Whether armed forces of any form are or are not cause or part of the problem; any problem, there is no doubt they will be part of a solution only if they are engaged.

Armed forces are part of civil society. They and their families are citizens.

The Report needs to assemble the many dispersed components and comments on conflict, security and “armed” forces. This will allow better reflection of the fact that security is often the foundation for most to all of the elements that can protect, promote, expand and maintain SD.

9. Technology: The *role and impact* of technology, for a technical sector, in a world that – for good or bad – is pushing technology as the vehicle for a better future, needs more attention. The technology that has, as claimed, promoted unemployment in the mining sector can – if one thinks “outside the box” - provoke opportunities for more people to be better employed.

10. HIV/AIDS. The Report contains much about South Africa, and much of that related to the scourge of AIDS.

There is not a word about the position of President Mbeki on HIV/AIDS. In South Africa today, this is first a government problem – a problem magnified by the leader, not “the company”.

11. Indonesia’s 30 years of Transmigration. Although Indonesia features often and widely in the report, and resettlement comes up in many contexts, not a word appears about arguably the best, and longest, and most organized example in the world of the good and bad aspects of resettlement.

It is vital that all learn from lessons readily available, especially in disciplines and fields where the impact is first and most at the “grass roots.” The globe’s emerging crisis –as pointed out by the likes of Samuel Huntington - is migration. It is an ever more complex mix of various forms of forced expulsion from and voluntary exploitation of some of globalization’s finest features; free markets and self-determination.

12. NGOs. NGOs are considered often in the report, as they should be.

However, the analysis of their influence, impact and potential is skewed too much to the positive. This is because no account is made of the fact that an increasing number of NGOs are far from “non-government”, especially in countries with the least democratic governance. In effect, NGOs there are an element of the regime maintenance structure.

Many others NGOs are big business in all but name.

Many NGOs in Asia are GANGOs – Government authorized NGOs with some staff on the government payroll.

Corporations,, as well as a host of legal and illegal, national and transnational associations and organizations are establishing more and more NGOs.

13. On Governance and Sovereignty. Several times the Report notes – implicitly or explicitly - that good governance is key to progress on SD. Democracy is a foundation of good governance, and people tend to get upset if they are not governed (and engaged) democratically; i.e., empowered. The Report indicates/claims that sovereignty is no longer the overriding issue for or determinant for government.

On the contrary, sovereignty may be *the* crucial issue for the foreseeable future and, therefore, set the tone for what good governance there can be and for what peace and security is available to (the multi-faceted, multi-level) business of mining.

There are only 200-some states in the world, in which sovereignty and personal identity are legally defined. But there are about 2400 significant nations. Many of these significant nations want to be self-determining, to practice democracy and to participate as “equals” in all aspects of life. They point to the current, global agreement that democracy and free markets are *the* ideology and they *should* apply them. They also note that the reason they are currently not a state relates to a treaty, or a person, or a victory many years past, the maintenance of which no longer “makes sense”

Until possibly several hundred significant nations become states, the issue of sovereignty will continue to be the one most related to conflict – in SD, in business, in the courts, as well as on the battlefield. Witness the Middle East today, or Aceh.

Until self-determination plays out, the issues of history, land and property rights, and migration are unlikely to be peaceful or their problems resolved. And while it is playing out, the shortfall in competence in governance – at all levels – is highly unlikely to be reduced.

14. UN. The UN and the Bretton Woods-period organizations are *all* “transition” organizations today. Whether or not they have the means and the will and the competence and the “sustaining legitimacy” to be – overall – a positive force for SD is uncertain. All are reforming, restructuring and changing; a necessary response to several major embarrassments and failures and, finally, acknowledged inherent weaknesses.

15. SMEs and MicroCredit programmes. There is global support for both, especially in poor and developing or crisis-stricken countries. They clearly offer vehicles to solutions for a number of the problems in the Report, but are nowhere mentioned. Their absence reinforces the fact that the Report offers very few solutions.

Specific Weaknesses

16. The most satisfying Chapter was Number 12. However, most of it should be in either an Annex or – parts –in the Introduction to the Report. It is the only chapter containing statements that do not make “companies” the main culprit, noting (if not strongly enough) that governments – or elites - are often both the cause of most problems *and* the key to conditions and actions that will promote progress in SD (if, of course, more of the key actors cooperate and collaborate).

17. Chapters 1, 8, 9 and 16 are the most challenging individually, and more so in combination. There are no consistent and coherent connections among the few concrete and practical elements. Again; it is hard to know what the Report “stands for”.

18. Page 1-13. The first sentence under the heading “A Sustainable.....” must go. It weakens the credibility of the whole report, because it contradicts much in the Report and highlights the absence of Report definitions. Whether MMSD wishes to acknowledge it or not, the Draft Report, and what most participants at the 11 July Workshop on Conflict and Mining agreed, and what most stakeholders know (even if they do not publicly admit it), is that sustainable development *does* mean making one mine at a time sustainable. It is at each mine where everything (else) in the process is tested, and the most involved members of the mining sector – people at the mine - decide whether the tests are passed.

19. Implied Assumptions. The Report has a number of implied assumptions that arguably are suspect. Since the Report includes no formal Assumptions, these provoke more attention than they deserve. The following are examples.

- That every mine interacts with every (other) actor and agent the Report deems a stakeholder and/or shareholder.
- That SD is connected directly to everything, and/or everything is included in SD. See Box 6-1 for an example of such a claim.
- That all conflict around a mine is mining-related or caused, and must be resolved by the miner/mining community. Most conflict at, or impacting on, a mine was underway before the mine arrived, or took root because of causes: social, political, security, historical, economic, or natural, totally apart from miners and mining.
- That every mine opens with a community in place; people living there or depending upon what was there before the mine, and who will continue to live there after the mine closes.
- That family problems of the type described in many parts of the Report are miner or mining-unique, or, even, more serious for the mining sector than other sectors.
- That government is always – or, in some parts of the world, mostly - the people and processes at the center that receive and use revenues (from mining). Government - international, national, provincial and local - is often a tension-filled competition among people and processes “in” government and others “around” government who have the power and the influence to actually decide what is given to and taken from the people.
- That an NGO should “govern”, or lead governance, even in the total absence of competent local or provincial or national government, and even for the briefest period.

20. The focus of the report is about working together; about all the actors and agents engaging to deal with shared and common problems for improved SD. But MMSD held an indigenous people-only workshop. This also shows bias, not least because, by the Report’s own record, indigenous people are only one element of the “community” at or around the mining activity. Until or unless MMSD holds a companies-only workshop, or a government-only workshop, or because there may be some agreed outcome, a security-only workshop, it may be hard for the Report to accurately and fully reflect the spectrum of concerns in a way that all actors and agents see to be fair.

21. Errors

- Manufacturing operations also have a finite life-span. Indeed, today, with the globalization of goods and services employed in manufacturing, its life in a given site (or country) may be far shorter than that of a mine. Also, manufacturing tends to be in or near big communities. Is this one of the learning opportunities for mining?.

- Page 9-31/32. There are at least three errors of assumption or fact on issues of conflict. As well, were the last sentence of the first para on page 9-31 actioned, the result would be a time-bomb in some countries, ready to explode the minute (any level of) government learned the company was at best ignoring it and at worst disobeying laws it (the government) wanted kept.

22. Clear bias. In the report, “companies” are invariably listed first, and often alone when referring to corruption, need to change, need to do more, need to pay more. On corruption it must be remembered that Transparency International’s work is about countries not companies, and that most companies would like nothing better than to work “clean”. It is much simpler, cheaper and safer. But “indigenous” governments and elites invariably set the context for corruption that - as long as it is not too expensive – companies “cover” as a cost of doing business.

23. Water receives too little attention. It’s “role” and future and impact – for mining, as well as for conflict, food security and the environment, make it the globe’s only truly strategic material. The Report makes much of the energy issue, but nothing of the fact that increasing demands for energy – for mining or whatever - can only reduce the amount of water available to people; people who, if their standard of living rises, will demand more, cleaner water. Double jeopardy! Water is the mining issue that crosses all sectors, all disciplines and interest groups.

24. Chapter 14 could be much better. The first paragraph should be in the Introduction. It indicates that the Project paid no heed to a fact of history. – reported in Foreign Affairs (Vol 74 No 3; one of several equivalent articles) – that “in the transitional phase of democratization, ...countries become more aggressive and war-prone, not less, and they do fight wars with democratic states.” At the very least, civil unrest results.

25. Not enough account is made of the implications of the fact that, in many countries, health is an important and governing cultural issue.

26. Europe – Opportunity lost. It is unfortunate the project could not set up a Regional “partnership” in Europe. It is the “region” with the most to teach about mine closures, terminal costs and the impact of mining’s departure from “communities”.

27. The worst problems are arguably in developing and transitional countries. But by far the majority of case stories are from developed countries. Can more be learned *from* the case stories *for* the people and places with the worst problems?

28. China. China is the next superpower (maybe a more expressive superpower than the democratic US), the next trade behemoth and, almost certainly, the cause and effect of the biggest pressures on environmental well-being. The Report has numerous references to how big and important China is in terms of supply and demand for all mining products and impacts. With one-fifth of the world’s people and a global diaspora and business ethic, it deserves more analysis in the Report.

29. Japan. Japan is the second biggest economy in the world, a key determinant in energy futures and a major market for many of mining's non-energy products. It, together with China, deserves at least part of a Chapter, if the Project has enough from its work to set a proper context.

30. Contradictions

- Government by government, or company, or NGO or association of interest groups. Which does the Project favour, or not, and why?
- Page 9-20 Middle/third paragraph. "This approach centers on establishing a *formal* relationship with local people and their representatives and being guided by their needs and priorities – in effect trying to work well with *informal* local governance structures"???
- The Project states it did not focus on Artisanal (and small-scale) mining. Why then Chapter 13??
- Independence of Project – The final three pages of the main body of the *whole* Report appear to be an effort to seek re-establishment of the Project, perhaps under a different name/mandate. This type of ending – *not* a conclusion - for a Report of this nature and size is not appropriate.

31. Much is made in the Report about mining taking away "farming" (lands), one of the subsistence lifestyles. How many mines throughout the world have obstructed or precluded farming, or expropriated agricultural lands? If this is a really a major problem, it is suggested the oil industry be consulted – they have a oil well in the writer's uncle's back yard and both are happy.

The Writer's Comments, as an engineer, educator and security specialist

32. Use Figure 2-1 only if it is explained.

33. Use Figure 14-1, but integrate its meaning into the narrative so that it is more useful. Perhaps it should be "drawn" in "reverse" to be clearer. Since the party with a veto is the most powerful and influential stakeholder/shareholder, should it not be the outer/controlling ring?

34. Make Artisanal and Small-Scale Mining one of the short list for the "ways ahead". They are apart from the big, hard issues at/of the "main" mine, vital for the people at the mine after closure, and "connect" to all aspects of life for men, women and children in terms of their community, poverty alleviation/prosperity, CASD, CSDP, economic diversification, social well-being, education needs and options, and integration with rural issues. Continuing after mine closure, they may strengthen progress on land and property rules and practices.

35. Consider the concept of a professional student. If it is a concern that young people would rather work in the mine for money than go to school, *pay* them to go to school, or create "sandwich" programmes in which pay depends on both work and school being attended. As in the West, call it a scholarship. Everybody gains, for very little.

36. Clean up “at home”. Many of the real and perceived problems could be alleviated by making better use of what we already have and “are”. It will often be faster to use better what we have than design, establish and sustain new organizations and processes that are effective.
37. NGOs are sometimes far from “good”. Some are more competitive and less flexible than companies, government or communities. The roles of NGOs – presented in the report on page 16-22 – clearly indicate that, in today’s world, their performance may be anywhere within a very broad spectrum.
38. Governance. Do not ignore that in many of the states with real and pressing problems related to mining, the reason there is no *local* “good governance” at and for the site (other than nationally) is because the central government and/or the controlling elites did not want there to be any and wish to keep it so.
39. The concept of a global indigenous people’s forum seems utopian in the extreme. One could be formed, certainly, were the resources made available, but the costs – all costs, may outweigh benefits to the sector.
40. Please, no more organizations until some of the existing ones are retired or morphed into more effective ones. Effective means active, responsible, and accountable for more than talk and willing and able to monitor and enforce what they are responsible for.
41. The Global Compact should be considered as the “process” and the “structure” for all non-specific dialogue on any mining issue.

Recommendations for 17 April

42. Direct the writers of the Draft Report to read the whole Draft Report at one sitting.
43. Consult the Millennium Project (MP) to
- review the statement and outlines of the 15 Global Challenges that are the focus of the MP,
 - scan the many elements of the Project that are concerned with sustainable development and the environment,
 - consider the (annual) State of the Future Index as an example of a clear and concise report.
44. Review the last Chapters and the Reading -The Age of Project Management - of the textbook “Project Management” by Meredith and Mantel (Fourth Edition ISBN: 0-471-29829-8). Their contents may guide improvements of the Draft Report of this Project.
45. Wherever the Draft Report calls for action and refers to existing agents -organizations, processes or regimes, and actors that do or are supposed to promote or prosecute such action
- prioritize the actions,
 - determine, to the degree possible, if existing agents deserve retention, reform, or expansion, etc, before suggesting a new agent be established,

- if a new agent is suggested, state which existing agent now “assigned” to the issue can be retired/replaced.
46. Build at least one detailed “strawman” or case study from all the “good” examples given in the Report. Use it as a standard for analyzing strengths and weaknesses of others (good and bad).
47. Construct a glossary of terms/definitions
48. Engage a new project editor to direct the writing of the follow-on, Final Report

Construction of Final Report

49. This is a list of what is believed to be the most important aspects of a Final Report that is “as credible and as useful as possible to ALL interested, concerned and engaged stakeholders.”
- New Introduction, perhaps based most on the first two pages of Chapter 15, and with some explanations of actors, stakeholders and shareholders.
 - Executive Summary, that clearly ties the Introduction Chapter to the Conclusions and Recommendations.
 - Put (most of Draft Report’s) data, information and numbers and boxes into Annexes.
 - Standardize the format and layout of all Chapters.
 - State all important boundary conditions; those for the Project (operations) and those for the Report, and briefly describe any important impacts/constraints.
 - List all sponsors.
 - List all assumptions; those for the Project and those for the Report
 - Harmonize the concluding sections of all Chapters. Present them as findings from analysis of what is (mostly) in Annexes, and in ways that promote flow and cumulative understanding. Chapter order may need change.
 - Integrate, in the final Chapter, the closing contents from all Chapters to produce a prioritized short list of actions that should be taken now/first. These are actions that can be afforded, and if achieved, defended.
 - Conclusions of the Project
 - Recommendations for the Project and the Report.
 - Bind the Final Report securely.

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