



3 April 2006

NIRB File No.: 00MN059

To: Parties

Re: **Draft terms of reference for the Kitikmeot Socio-Economic Monitoring Committee**

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Dear Parties:

The Nunavut Impact Review Board (NIRB) is pleased to introduce these draft terms of reference for the Kitikmeot Socio-Economic Monitoring Committee (SEMC) for your review and comment. They are intended to satisfy condition 44 of the Jericho project certificate by providing an effective monitoring framework that promotes cooperation among the Kitikmeot communities, GN, KIA, INAC, and NIRB.

These terms of reference are intended not to place excessive burdens of time or resources on any of the Parties. They ask only that information, collected and interpreted by Parties in pursuit of their own objectives, is channeled to the Committee.

The first committee meeting will be held on or before 1 July 2006. At this time the Parties should discuss funding options for the operation of the Committee and initiatives undertaken by Parties to the Committee. Potential sources of funding include governments, industry and the Nunavut Implementation Panel.

These terms of reference do not constrain Parties in fulfilling their monitoring obligations under other mandates. Nor do they cause the duplication of roles or activities of those Parties. Rather, I trust you will find they create a flexible framework in which Parties are able to bring forward their own information about socio-economic trends into a thoughtful, problem-solving environment.

Parties must be able to work within their own objectives and retain their jurisdictional autonomy while participating on the SEMC. The effectiveness of this important exercise will be dictated in part by each Party's ability to articulate their areas of responsibility and concern.

Please review these terms of reference with these comments in mind. I will be pleased to discuss them with you in detail at your convenience. Parties have until Friday, May 12<sup>th</sup> to comment on these draft terms of reference before they are sent to the Board for approval.

Regards,

*Original signed by*

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## **Draft Terms of Reference for the Kitikmeot Socio-Economic Monitoring Committee**

### **Introduction**

The Kitikmeot Socio-Economic Monitoring Committee (SEMC or the Committee) is an advisory committee created under Condition 44 of the Jericho Project Certificate which states:

Prior to the commencement of operations, a Kitikmeot Socio-Economic Monitoring Committee be formed to supplement, not replace the IIBA. This committee includes GN, INAC, KIA and NIRB's Monitoring Agent and will involve the preparation of an annual report of the impact of the mine on the closest communities, including Inuit who live near the project area.

The NIRB has been identified by regulatory agencies as the lead agency for this condition as indicated by the Jericho Project Status Sheet (Appendix C of the Jericho Project Certificate).

NIRB's responsibility for project specific monitoring may be found in section 12.7.1 of the Nunavut Land Claims Agreement which states that NIRB "may provide for the establishment of a monitoring program for that project which may specify responsibilities for the proponent, NIRB, or Government".

Relevant to socio-economics, section 12.7.2 of the Nunavut Land Claims Agreement states that the purpose of a monitoring program shall be:

(a) to measure the relevant effects of projects on the eco-systemic and socio-economic environments of the Nunavut Settlement Area; (b) to determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions; (c) to provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals; and (d) to assess the accuracy of the predictions contained in the project impact statements.

As stated above, the Committee and its functions are intended to complement, not replace or duplicate the IIBA.

### **1. Role**

1.1 The role of the SEMC shall be to:

- a) create a forum in which effective communication and consultation among all Parties fosters increased knowledge and understanding of socio-economic systems operating in Nunavut communities;

- b) operate in a spirit of cooperation and mutual respect for the goals and aspirations of the Parties while fulfilling its mandate outlined in these terms of reference;
- c) coordinate with the Regional Inuit Association so as not to duplicate efforts arising from the IIBA.
- d) participate in building capacity at the project, community, regional, territorial and national levels through research and consultation to identify and adapt to changes in the social, cultural, political and economic environments;
- e) create a flexible source of relevant socio-economic objectives and information available to project proponents as they develop their individual socio-economic impact assessments;
- f) examine and, to the best of the Committee's ability, adopt best practices in socio-economic monitoring;
- g) provide recommendations and advice to NIRB, GN, INAC, KIA, Tahera and the effected communities on the approach, models, content and technical aspects of socio-economic monitoring;
- h) provide opportunities for meaningful public participation and involvement in monitoring such that the monitoring effort is community-driven to the greatest possible extent;
- i) identify and review Valued Components and indicators, identify and pull together relevant baseline data, and monitor the changes to indicators over the duration of the Jericho project;
- j) assess the positive and negative impacts of the Jericho Mine on the closest communities using, where possible, predictions outlined in the Environmental Impact Statement;
- k) make recommendations to the NIRB on mitigation and adaptive management strategies.

## 2. General Principles

2.1 Developing solid and relevant socio-economic baseline data will support monitoring and assessment of the complex social and economic changes that are taking place in the Kitikmeot region.



2.2 Data is needed in a timely manner in order to support analysis of the effects that specific projects may be having on Nunavut communities.

2.3 Understanding the beneficial and adverse effects of a project, and understanding how mitigation alternatives can reduce adverse effects, and increase beneficial effects, will reduce harm and improve quality of life of real people.

2.4 Good assessment methodologies can help to target mitigation measures where they will do the most good. They can also serve to identify areas where uncertainty and risk may lie due to lack of baseline data or incomplete understanding of processes. This understanding will serve to focus monitoring and follow-up priorities.

2.5 Solid baseline data, combined with good understanding of the mechanisms by which various components of mining projects interact with key functions of the social, cultural, political and economic life of Nunavut communities, will help to identify segments of the population that may be most at risk and segments of the population most likely to benefit from interventions before, during, and after a project.

### **3. Responsibility**

3.1 The Committee will report annually to the Nunavut Impact Review Board with an assessment of the positive and negative impacts of the Jericho Project on the effected communities. The report will be prepared by NIRB's Monitoring Officer.

3.2 The Committee shall make recommendations to NIRB on the success of the terms and conditions of the Jericho project certificate and any mitigation and adaptive management strategies identified by the Committee.

### **4. Ethics**

4.1 Any research conducted by the Committee should follow the Ethical Principles for the Conduct of Research in the North, prepared by the Association of Canadian Universities for Northern Studies (attached).

### **5. Membership**

5.1 The Kitikmeot Socio-Economic Monitoring Committee shall be constituted as follows:



NIRB..... 1 member

Communities

Kugluktuk..... 1 member  
Cambridge Bay..... 1 member  
Umingmaktok and Bathurst Inlet..... 1 member  
Gjoa Haven..... 1 member  
Taloyoak..... 1 member  
Kugaaruk..... 1 member

Government of Nunavut..... 1 member

Kitikmeot Inuit Association..... 1 member

Indian and Northern Affairs Canada..... 1 member

Tahera..... 1 member

5.2 Each of the Parties shall appoint representatives to the committee.

5.3 The NIRB representative shall set the date of the first meeting in consultation with Parties. The first meeting will be held no later than 1 July 2006.

5.4 A community representative must be a member of the community he or she represents

5.5 In the event of a vacancy or vacancies, the Committee shall carry out its duties and perform its functions with a majority of representatives that have been appointed.

5.6 The duties of each representative are as follows:

- a) report to their principals on the Committee's activities;
- b) act as liaison between their organization and the Committee;
- c) participate in the preparation of materials for review by the Committee, NIRB and the effected communities
- d) dedicate the time necessary to effectively participate in Committee activities;



- e) attend each Committee meeting and actively participate in Committee discussions;

5.7 NIRB's Monitoring Officer shall chair the Committee. The duties and responsibilities of the Chair are as follows:

- a) leading Committee members to consensus wherever possible, although it is recognized that consensus may not always be achieved;
- b) reviewing, approving and distributing meeting agendas in advance of meetings;
- c) presiding over meetings and encouraging the participation of all members;
- d) ensuring that adequate and thorough discussions take place for all agenda items to allow for appropriate decisions to be taken;
- e) ensuring that discussions adhere to agenda items;
- f) acting as presiding officer and signatory when necessary;
- g) supervising any staff or contractors employed by the committee;
- h) acting as financial officer for the Committee.

5.8 The objective of the Committee shall be to take decisions by consensus. In the event that a vote is required, a simple majority shall decide.

5.9 Committee members have the responsibility to ensure that all matters and documentation of the Committee are kept strictly confidential.

5.10 The actions and accomplishments of the Committee shall be reviewed on an annual basis by all members to ensure consistency with the mandate and function of the Committee outlined in the terms of reference.

5.11 At a minimum, the Committee shall meet twice annually at mutually convenient venues. In the event that the Committee deems it necessary to hold more than two meetings annually, these additional meetings may be conducted via teleconference.

5.12 All reasonable efforts shall be made by the Committee to accommodate the logistical needs of the representative from Bathurst Inlet/Umingmaktok.



5.13 Once the Project has ceased commercial production of rough diamonds, the Committee may agree to a schedule for winding down and concluding the operations of the Committee, either during or after rehabilitation, reclamation and closure.

## **6. Financial Management and Funding**

6.1 At the first meeting the Committee shall discuss funding options for the operation of the Committee.

6.2 NIRB shall develop the Committee's budget in consultation with Parties.

6.3 The collection, preparation, analysis and interpretation of data to be presented by Parties to the Committee shall be the financial responsibility of each Party.

6.4 It is acknowledged that the community representatives may lack certain resources required to fully participate on the Committee. The Committee shall give special consideration to requests by the community representatives for financial and other forms of support.

6.5 The Committee shall establish measures and procedures for appropriate financial accountability by the Committee. The Committee must maintain spending within its annual budget and must comply with the measures and procedures established for financial accountability.

6.6 The Committee shall have the authority to make disbursements in order to fulfill its mandate under these terms of reference and within its annual budget.

6.7 The Committee will report annually on the expenditures for the previous period.

## **7. Monitoring Program**

7.1 The Committee shall undertake to carry out the activities outlined within this section.

7.2 In the event that one or more members would like certain elements of sections 7, 8, 9, 10 modified, the following procedure shall be followed:

- a) those members proposing modifications shall do so in writing and submit the proposed changes to the Committee. The written









9.3 Each party shall be responsible for outlining their use of traditional and/or local knowledge in data collection, analysis and interpretation.

9.4 Reports to the Committee shall be submitted by Parties no later than January 31<sup>st</sup> of each year.

9.5 NIRB's Monitoring Officer shall be responsible for the preparation of the Committee's annual report to the NIRB on behalf of the Committee. This annual report will be based on the information collected by the Parties and presented in their reports to the Committee. The annual report to NIRB will provide the following information:

- a) the methodology used for data collection, analysis and interpretation, including the use of tradition and/or local knowledge;
- b) the criteria used to assess the significance of effects on the impacted communities;
- c) an analysis and interpretation of the collected data focusing on positive and negative impacts of the Jericho project on effected communities and referring, where possible, to the predicted effects of the project on the communities;
- d) an analysis of the success of the project certificate project terms and conditions;
- e) recommendations for mitigation and adaptive management strategies to be undertaken by Parties of the Committee;
- f) recommendations for research required to help the Committee fulfill its obligations under these terms of reference;
- g) the outcomes of any community participation initiatives conducted during the year.

9.5 The annual report to NIRB will provide executive summaries in English, Inuinnaqtun and Inuktitut.

9.6 A draft annual report shall be prepared by the NIRB's Monitoring Officer and submitted to the Committee for comment. The Monitoring Officer will take all recommendations into account prior to presenting the annual report to the NIRB.



9.7. The NIRB shall review the annual report and make recommendations to Parties for follow-up and mitigation.

9.7 A popular summary of the annual report will be prepared in English, Inuinnaqtun and Inuktitut and distributed to Parties and the wider public within 60 days following NIRB's decision on the annual report.

## **10. Valued Components and Indicators**

10.1 It is acknowledged that the current state of knowledge of the socio-economic system in Nunavut, including its dynamics, stressors, linkages and relevant boundaries and the factors influencing its flexibility, adaptability and resilience, prevents the immediate identification of all relevant Valued Components and indicators.

10.2 It is acknowledged that indicators are best developed through a collaborative process that identifies possible relationships among Valued Components, project components and indicators.

10.3 Valued Components and indicators shall be identified through a process that includes:

- a) the presentation to the Committee of Valued Components and related indicators by each Party at the first meeting;
- b) a decision by the Committee to adopt those VCs and indicators.

10.4 In the event that the Committee cannot come to a decision to adopt the VCs and indicators presented to it, the array of Valued Components and indicators outlined in Appendix A shall come into effect.

10.5 It is acknowledged that:

- c) the Valued Components and indicators outlined in appendix A require a periodic re-evaluation of relevance and effectiveness;
- d) if necessary, Valued Components and indicators should be modified over time and new Valued Components and indicators added as new information becomes available and new issues are brought to light;



## Appendix A

Appendix A outlines the indicators that will be used by the Committee in fulfilling its mandate subject to section 10.4.

It is acknowledged that these indicators represent a preliminary array of indicators based on work done by Tahera (Socio-Economic Baseline Study, December 2002, FEIS Appendix C.1.1).

It is acknowledged that these indicators may not fulfill the needs of the Committee, and that the indicators below may be changed, eliminated or integrated with those presented by Parties at the first meeting.

Brackets next to indicators identify the organization most likely to collect the data.

### Population and Demographics

- Population by community and region (GN, Statistics Canada)
- Percent change by community and region (GN)
- Age of population by community and region (GN, Statistics Canada)
- Ethnicity by community and region (GN, Statistics Canada)
- Gender by community and region (GN, Statistics Canada)
- Population 16 years and older (GN)

### Community wellness

- Family Structure (GN, Statistics Canada)
- Health professionals (GN)
- Sexually transmitted diseases (GN)
- Number of suicides (GN)
- Number of teen births (GN)
- Children in care (GN)
- Criminal incidents by category and community (GN)
- Criminal charges by age and gender, by community (GN)
- Number of housing units (GN, Statistics Canada)
- Number of residents per unit (GN)

### Education and training

- Company training initiatives by type and participation rates (Tahera)
- Success of the training initiatives in meeting objectives (Tahera)
- School capacity by community and school (GN)
- Number of students by community and school (GN)
- Number of high school graduates by community and school (GN)

