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Corporate Social Responsibility at Kinross Gold's Paracatu Mine in Brazil: A Multiperspective Collaborative Case Study Status Report

Chapter Four

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1 | Kinross Paracatu Case Study Conception, Design and Current Status

In a May 25, 2009 meeting of the team members of the *Multi-Perspective, Collaborative CSR Case Study Project*, Dr. Ben Bradshaw of the University of Guelph offered to contribute a case study assessment of the mining operations of Kinross Gold at Paracatu, Brazil as a replacement for a planned Indonesian case study that, for reasons beyond the control of the researchers, increasingly seemed untenable within the envisaged time frames. Field research at Paracatu for a related research exercise (to fulfill the needs of a thesis being prepared by MA Candidate, Gustavo de Oliveira) was planned for May-August 2009, and so the offer was feasible and welcomed, especially given that funding for it in its original form was already secured through a separate initiative.[1]

Consistent with the other case studies, the Kinross Paracatu assessment seeks to explore answers to six key research questions:

- How are Canadian mining companies addressing the environmental, social and economic (ESE) challenges they face in their overseas operations?
- What legal challenges are Canadian mining companies operating abroad experiencing, and how are these firms meeting their legal requirements?
- What voluntary CSR standards/instruments/initiatives are companies using, and to what effect?
- What lessons can be learned from mining company responses to ESE challenges they have faced?
- How do mining companies add or diminish economic, environmental and social value in the communities in which they operate?
- How well does the collaborative, multi-perspective methodology work?

And, as with the other case studies, the research is being guided by a multi-perspective, collaborative team, which, in the case, consists of the following members:

- Gustavo de Oliveira, Brazilian field researcher and MA Candidate, Department of Geography, University of Guelph, Canada;
- Dr. Ben Bradshaw, Lead Research Supervisor and Associate Professor, Department of Geography, University of Guelph, Canada;
- Dr. Kernaghan Webb, Overall project team leader and Associate Professor, Department of Law and Business, Ryerson University, Canada;
- Dr. Fred Bird, Professor, Political Science, University of Waterloo, Canada;
- Dr. Hevina Dashwood, Associate Professor, Political Science, Brock University, Canada;
- Jim Cooney, Principal, Jim Cooney and Associates, Vancouver, Canada;

[1] Funding has been secured through a successful proposal to the Kinross Canada-Brazil Network for Advanced Education and Research in Natural Resource Management (see: www.uoguelph.ca/news/2008/01/post_90.html)

- Dr. Lise-Aurore Lapalme, Senior CSR Policy Advisor, Natural Resources Canada, Ottawa, Canada;
- Ms Joy Kennedy, Coordinator, United Church of Canada Ecological Justice Program, Toronto, Canada;
- Dr. Marcello Veiga, Associate Professor, School of Mining Engineering, University of British Columbia, Canada;
- Mr. Rinaldo Mancin, Environmental director, IBRAM (Brazilian Mining Association), Brazil;
- Mr. Mauricio Boratto Viana, Director, Associação Mineira de Defesa do Ambiente (Environmental Defense Association of Minas Gerais), Brazil; and
- Mr. Edson Farias Mello, Federal Ministry of Mines and Energy, Brazil.

This team not only guided study design, but has also been actively reviewing the initial results to ensure that the report is balanced, accurate and nuanced.

Evidence for the case study has been generated from a variety of methods. In Canada, document review and interviews with senior management at Kinross Gold's offices in Toronto were completed in order to identify the company's overarching CSR policies, and some Kinross Paracatu specific CSR practices. Rather than replicate efforts, the Toronto interview portion of this work was completed by project colleague, Dr. Kernaghan Webb, in support of the Kinross Maricunga case study. As detailed in that case study report, Kinross Gold consented to participate in both studies. Importantly, this consent was offered without any conditions beyond those offered to all study participants – that they have an opportunity to review and correct any statements offered through the course of the research. In Brazil, a first field season was completed in and around Paracatu by Gustavo de Oliveira between July 5, 2009 and September 7, 2009. Semi-structured interviews were completed with 21 key informants, representing the community (n=9), civil society (n=5), government (n=4), and Kinross Paracatu (n= 3). Community perspectives were further captured via a focus group workshop with representatives of six Paracatu 'neighbourhood associations' that border the mine operations. Additionally, in order to capture some history of community opinion, or at least significant mine-community events, all articles from a local newspaper (currently published bi-weekly) related to the mine for a twenty-year period were scanned. Finally, by living in Paracatu for a period of two months and openly and regularly engaging with town people, the researcher benefitted from considerable participant observation.

Consistent with the Multi-Perspective, Collaborative CSR Case Study Project methodology, a first complete draft of a case study report was completed in both English and Portuguese and distributed to reviewers starting February 26, 2010. To date, completed reviews have been secured from half of these individuals. These reviews point to a need to refine the draft in order to, among other things:

- augment coverage of the legal context and history of mining at Paracatu;

- document more completely Kinross Paracutu's community engagement initiatives; and
- secure more community-level opinions and perspectives in order to enable greater triangulation of findings.

These suggestions have been well received and are currently being addressed through desktop research and a second field season planned for June/July 2010. This fieldwork will be completed by UBC Mining Engineering PhD Candidate, Andre Xavier.

The remainder of this status report reproduces those sections of the first draft of the Kinross Paracatu case study report that, though in need of updating and expansion as per the suggestions of reviewers, are unproblematic with respect to being balanced, accurate and nuanced. Those sections that do not, as yet, meet these necessary conditions have not been included here. Consistent with the Multi-Perspective, Collaborative CSR Case Study Project methodology (and our ethical obligations to study participants), the final report will be published following additional fieldwork and review of an updated draft report. This is anticipated for August 2010.

2 | Historical Context: Foreign Direct Investment in Brazil's Mining Sector

Resource extraction has been long been a key part of Brazilian history. Indeed, the arrival of the Portuguese in Brazil in 1500 was largely driven by a search for gold and other natural riches (e.g. redwood, sugar, diamonds, etc.), all destined for use in Europe. While some gold was found in these early days, more significant discoveries were made two centuries later, especially in the present day State of Minas Gerais ('General Mines'), where Kinross Paracatu is located. The significance of gold mining to the country's growth is highlighted by Machado and Figueiroa (2001), who regard it as enabling a fourth major economic wave in Brazil.[2] Foreign capital has long had a presence in Brazil's mining sector, with Dutch and British firms playing key roles as early as the late-1700s. In particular, the success of the British-financed and owned St. John Del Rey Mining Company drew further foreign attention to Brazilian mineral opportunities (Machado and Figueiroa 2001).

More recently, foreign direct investment (FDI) substantially increased in Brazil following the implementation of neoliberal economic policies. Indeed, as of the late 1990s, Brazil was the second largest recipient of FDI in the developing world (Borini 2004).[3] As argued by Shapiro *et al*. (2007), high levels of FDI in resource extraction sectors can be explained by a host country's desire to overcome domestic limits on capital, skills, and technology. While this may have historically been true of Brazil, it is less so today. Indeed, Brazil is home to a global mining giant, Vale, which purchased Inco of Canada in 2006 and has since grown to become the second largest mining company in the world. Hence, while foreign mining firms play an important role in Brazil's mining sector, Brazil plays an important role domestically and internationally through the activities of Vale.

[2] The three others centred upon redwood (or 'pau-brasil' - the origin of the name 'Brazil'), sugar cane, and cattle.
[3] For all of Latin America, FDI increased from US$18 billion in 1990 to US$108 billion by 1999 (Casanova 2004).

FDI in developing countries offer both advantages and disadvantages for host countries. On the positive side, host countries benefit from more employment opportunities, resource royalties and other corporate taxes, and the transfer of knowledge, technology, and management techniques. On the negative side, transnational firms can unduly influence domestic market conditions and generate concerns with respect to national sovereignty, working conditions, dispossession of traditional lands, environmental quality, and the capturing of resource rents (Borini 2004; Bebbington 2009). Brazil is not immune to these generic issues; indeed, it has been shown that transnational firms rank near the bottom of all institutions in Brazil with respect to the peoples' trust (Borini 2004). This fact places considerable pressure on foreign mining firms like Kinross Gold, as well as the public systems designed to regulate their activities.

3 | Legislative Context: Brazil's Regulatory System Governing Mining

The political governance structure of Brazil at both the Federal and State levels (including the Federal District) is divided into three entities with equal power: the legislative assemby; the executive; and the judiciary. At the Municipal level, only the legislative assembly and executive are represented (Brasil 2007). According to the Brazilian Federal Constitution of 1988 (Art. 23, Item XI), the Union (Federal level), the States, the Federal District and the Municipalities have equal responsibility to register, monitor and enforce prospecting and exploration permits of mineral and water resources in their territories (DNPM 2009a). Article 225, Items IV and V require Environmental Impact Assessments (EIAs) to be conducted and made public for any activity or project that could negatively impact the environment (Brasil 2007). Almost all mining-related EIAs are reviewed at the State level. The State of Minas Gerais, where Paracatu is located, has its own Constitution and regulations related to activities that negatively impact the environment. Such legislation is outlined in Articles 214, 215 and 216 of the Constitution of the State of Minas Gerais (ALMG 2009). Recently though, the State of Minas Gerais further regionalized its EIA licensing process by creating eight regional and one central office, and delegating review, monitoring and approvals to these localized offices. These local agencies are called SUPRAMs (Regional Superintendence of Environment).

Recent studies of EIAs in Minas Gerais by Viana (2007) have shown the permitting process, at least to the point of permitting, to be exemplary with respect to its transparency, quality of public participation, and level of detail. Indeed, Viana (2007) regards the state of Minas Gerais to be one of the leaders in implementing effective licensing regulations in Brazil, notwithstanding its economic dependence on mineral activities. Viana (2007) is less supportive of regulatory oversight in the post-permitting phase given a dearth of monitoring and follow-up.

With respect to resource royalties, the arrangements in Brazil are markedly different than in Canada. Gold extraction, for example, is subject to the CFEM tax (Financial Compensation for the Exploration of Mineral Resources), which is set at 1% of total revenues (i.e. 1% of the total

value of extracted gold sold in the market). Monies accrued from CFEM are distributed in the following manner: 12% to the Union, divided amongst the DNPM - National Department of Mineral Production, IBAMA - Brazilian Institute of the Environment and Renewable Resources, and MCT - Ministry of Science and Technology; 23% to the State of origin; and 65% to the Municipality of origin (DNPM 2009b). In other words, the majority of mineral rents in the gold mining industry are captured by municipalities. This creates, at least in principle, significant opportunities for municipalities to directly benefit from mining operations. A recent effort by Enriquez (2007) to assess the verity of this principle offers mixed support. While the CEFEM tax is an important economic instrument, municipalities with weak governance and management are likely to misallocate funds and/or fail to support sufficiently the diversification of their economies beyond mineral operations.

4 | Kinross Gold Inc. and its corporate CSR approach

While Kinross Gold Corporation has its headquarters in Toronto, its key mining operations are all located outside of Canada, employing approximately 5,500 employees globally and generating annual revenues of approximately $1,617 million (Kinross Gold 2008). [4] The company was established in 1993 through the amalgamation of CMP Resources and 1021105 Ontario Limited. Since then there have been a number of acquisitions and amalgamations (e.g., Amax Gold, 1998; La Teka Resources, 1999; LT Acquisition, 2000; TVX Gold, and Echo Bay Resources, 2003; Crown Resources, 2006, Bema Gold, 2007). Today, Kinross Gold's major mining operations are located in the United States, the Russian Federation, Brazil and Chile. The latter two countries account for approximately 42% of the company's global production, based on three main operations: Paracatu, Brazil; Maricunga, Chile; and La Coipa, Chile. The company also has two developments in Chile (Lobo-Marte and Cerro Casale), and one in Ecuador (Fruta del Norte).

With ventures in multiple countries spread widely around the globe, the company has developed a regionally-based structure, with Regional Vice-Presidents and senior management personnel in place at a country level in Brazil, Chile, Ecuador, the United States and Russia. In the fall of 2009, the company adopted a new matrix-based management model, whereby functions at a regional level (including environment, community relations, government relations, permitting, and other functions) are co-managed by functional leaders at the corporate level. The corporate level is responsible for establishing the overall direction of the company, while the regions and sites are responsible for executing on the specific local deliverables (e.g. safety, production targets, stakeholder engagement, etc).

The key elements of Kinross Gold's conception of CSR are outlined in three documents. The first of these, *Living our Values: the Kinross Way*, which was adopted in 2007, identifies four

[4] In comparison, Barrick Gold, the world's number one gold producer, employs more than 19,300 people at 26 operating mines (Barrick Gold Corporation, 2008)

values that anchor the firm's core purpose (Kinross Gold 2009a): putting people first; outstanding corporate citizenship; a high performance culture; and a rigorous financial discipline. These values are manifest in Kinross Gold's *Ten Guiding Principles for Corporate Responsibility*, also published in 2007. In the introduction to the document, the firm's commitment to, and rationales for, CSR are outlined (Kinross Gold 2009b):

> We believe we have both a moral and a business imperative to be a good neighbour wherever we operate…and we understand that maintaining our social license to operate means maintaining strong and mutually beneficial relationships with communities and stakeholders wherever we live and work.

While recognizing that social responsibility is "more a journey than a destination," the principles are nevertheless described as "firm, non-negotiable guidelines" that will provide a foundation for detailed policies addressing a wide range of issues (Kinross Gold 2009b). The ten principles commit the firm to the pursuit of safety, compliance with the law, ongoing dialogue with stakeholders, environmental protection, respect for human rights, provision of rewarding work, maximization of local community opportunities, provision of lasting benefits to communities, and engaging in dialogue with global representatives on CSR issues.

A third key document outlining the company's CSR approach is the Kinross Gold Code of Business Conduct and Ethics, which was approved in February 2004 and amended with Board approval in April 2007. The Code applies to Kinross Gold directors, officers and employees. It addresses workplace policies (e.g. to ensure a discrimination-free and harassment-free workplace), environment, health and safety issues, third-party relationships, legal compliance, confidentiality associated with Kinross Gold information, and the use of Kinross Gold assets. The Code also prohibits corruption, including participation in any bribes, kickbacks, improper profit-sharing arrangements, illegal gratuities or improper inducements or payments to any public official. All employees are required to read and annually acknowledge understanding of, and compliance with, the Code, which is monitored by the Corporate Governance Committee. Additionally, in 2008, Kinross Gold launched a company-wide Whistleblower Policy, as well as a corresponding internet and toll-free telephone-based reporting hotline, in multiple languages, through a third-party service provider. A similar whistleblower mechanism was developed for non-employees.

In 2008 the company issued its first *Corporate Responsibility* report, which describes the company's CSR commitments and activities globally, highlighting specific initiatives at various operations (Kinross Gold 2008).[5] In preparation of the report, the company formed a Corporate Responsibility (CR) Advisory Board, and appointed Corporate Responsibility Site Coordinators "at key company locations." The report was prepared using the Global Reporting Initiative guidelines as a structure, and report data were independently reviewed. This effort to adopt evolving industry CSR standards is similarly reflected in a number of other company initiatives.

[5] The company plans on issuing its next comprehensive report in 2010.

For example, in Canada, Kinross Gold is a member of the Mining Association of Canada (MAC) and signatory to their "Towards Sustainable Mining" guiding principles. The company is also a signatory to the International Cyanide Management Code for Manufacture, Transport and Use of Cyanide in the Production of Gold, a member of U.S.-based Business for Social Responsibility, and Canadian Business for Social Responsibility, and a responding company to the Carbon Disclosure Project.

A new operating model for the company was launched in the fall of 2009, which acknowledges the key strategic importance of corporate responsibility in achieving the company's goals. It established a new External Relations/Corporate Responsibility (ER/CR) group as one of the company's four strategic operating groups.[6] The ER/CR group is under the leadership of the Executive Vice-President, External Relations and Corporate Responsibility, who reports to the President and CEO. The ER/CR group includes Environment, previously part of the mining operations organization, as well as large Project Permitting, which thereby recognizes the connection between corporate responsibility and the ability to successfully permit new projects. A new position of Vice-President, Corporate Responsibility was also established as part of this new structure, recognizing the importance of having a senior person dedicated to the corporate responsibility function at a corporate level. Mirroring these organizational changes, modifications to the company's governance and board committee structure are now being considered, including a CR committee encompassing and replacing the existing EH&S committee of the Board, and a new Charter embracing an expanded corporate responsibility mandate for this committee; a decision on this is expected in early 2010. A further significant development has been the establishment of a Corporate Responsibility Working Group.

These CSR efforts have been increasingly well received by third party organizations that rate CSR performance, which in turn is generating a positive reception of the company by governments. In July 2005, Kinross Gold was selected as a constituent of the Jantzi Social Index, a leading Canadian index of 'socially responsible' companies. In a spring 2007 rating of Canadian mining companies, a joint Globe & Mail/Jantzi Research initiative gave Kinross Gold a "C-" rating, noting that while the firm had "a relatively good compliance record on environmental, and health and safety matters, its related management systems are average. The firm discloses little information in these areas" (Globe and Mail, 2007). By November 2007, however, a Jantzi survey for the popular Canadian newsmagazine Maclean*'s* gave Kinross Gold an "A-" rating (tied for the top rating among Canadian mining companies), based on its adoption of a detailed set of CSR guidelines and principles, and its participation in the development of an international code for gold mining firms' use of cyanide (Macleans, 2007) . In 2009, Kinross Gold was one of only two mining companies included in the Jantzi-Maclean's "50 Most Socially Responsible Corporations."

[6] The other three are: Mining Operations; Strategic Development & New Investment; and Project Development.

Interviews and research conducted for this case study suggests recognition throughout the Kinross Gold organization that the company's CSR activities are in a maturing 'learning curve' stage, moving from principles, commitments and first-generation reports driven by Kinross Gold executives to more operational-level initiatives and the development of more robust and complete performance metrics. That said, it is also evident that many of Kinross Gold's operations, including Kinross Paracatu, have, for some time now, been undertaking significant CSR activities. Many of these are identified in the next section.

5 | Kinross Paracatu: Study area and mining operations

The city of Paracatu, and the larger similarly named municipality of which it is a part, are situated in the northwest of the Brazilian state of Minas Gerais, in a region dominated by *cerrado*, or tropical savannah (see figure 1). The name Paracatu means 'Good River' in tupi-guarani, one of the several native languages of Brazil; it, of course, refers to the Paracatu River, which is a locally significant watercourse, and was once rich in both minerals and biological life. The municipality currently occupies an area of 8,232km^2, and in 2007 the city's population was 79,739. Its economy is largely dependent on mineral extraction, particularly gold and zinc, as well as agriculture, particularly the production of dairy goods (IBGE 2009). In 2008, the GDP of the municipality was CAD$405 million, or CAD$4,800 per capita.

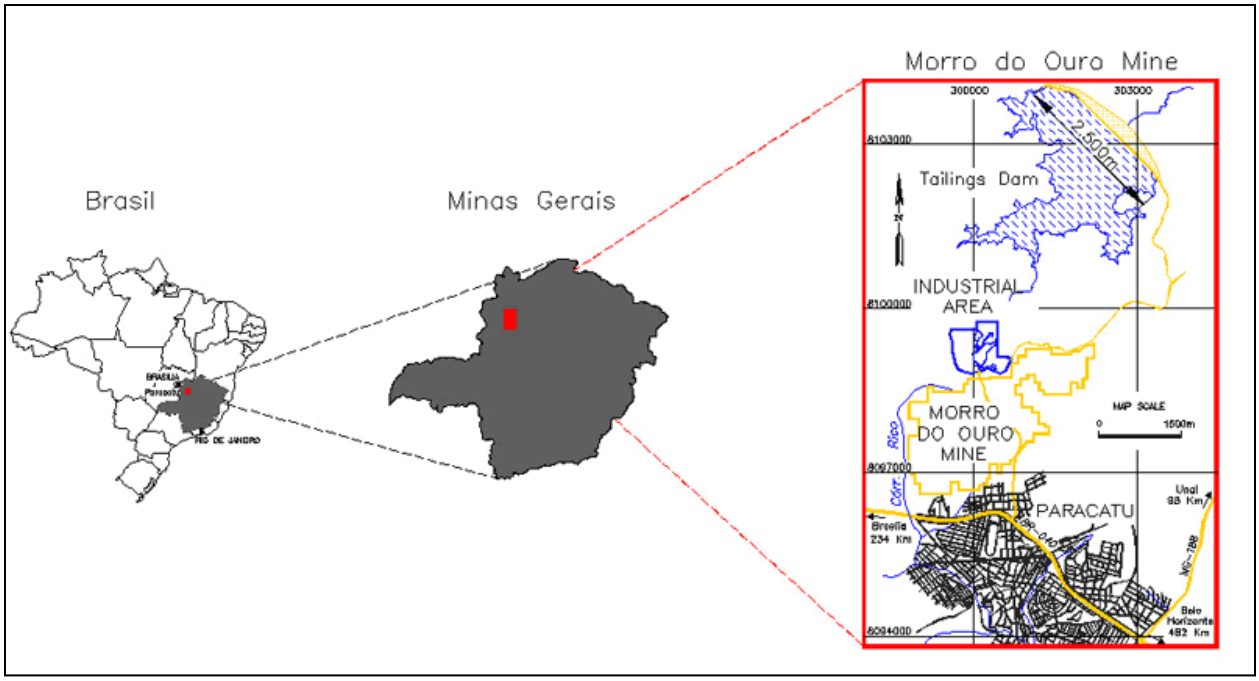

Figure 1: Location of Kinross Paracatu (Source: Kinross 2010)

Gold mining in the State of Minas Gerais dates to the late 16th century. Owing to its relatively remote location in the interior region of the state, gold mining in Paracatu only began in 1722 based on the efforts of pioneers Felisberto Caldeira Brant and José Rodrigues Frois (Paracatu 2009). Drawn by the abundance of alluvial gold and the mineral riches of the region, the

population quickly expanded thereafter; by the early 1800s, the city of Paracatu boasted a population of approximately 19,000 people, including 4,420 slaves, and a relatively advanced infrastructure (Gonzaga 1910). As with other boom towns, this growth stalled with the decline in easily accessible alluvial gold. By 1910, alluvial mining was finished; and though gold was still abundant, it required modern technologies to be profitably extracted. Problematically, such investment was not forthcoming given a lack of modern infrastructure, and especially railroads, in the region. By 1910, the larger municipality of Paracatu supported around 60,000 inhabitants, while the city itself was inhabited by 6,192 people (Gonzaga 1910). With the establishment of the new federal capital in nearby Brasília in 1960, however, Paracatu began to experience a slow revival (IBGE 2009, Paracatu 2009). This growth accelerated with the establishment of the Morro do Ouro (Gold Mountain) open-pit gold mine in 1987. The initial venture, known as Rio Paracatu Mineração (RPM), was jointly developed and owned by Autram Mineração e Participações (later TVX Gold Inc) and Rio Tinto, with the latter assuming full responsibility for its operations. Kinross Gold purchased the property, in part, in 2003 and, in full, at the end of 2004.

The mine's gold equivalent production in 2008 was 188,156 ounces at an average cost of US$450 per ounce. As of 2009, the proven and probable reserves were 17.5 million ounces. In 2006, Kinross began an expansion of the mill facilities, which is expected to triple throughput to 61 million tonnes per annum and extend the life of the mining operation to 2040. Kinross currently employs 1,165 people. Beyond direct employment, the mine generates considerable wealth for businesses and various levels of government through payment of taxes, social investments, and the purchasing of goods and services. For example, from January to July of 2009, mineral operations directly generated CAD$91.3 million in the international market, CAD$249.6 million within Brazil (excluding state and municipal contributions), CAD$5.5 million within the state of Minas Gerais (excluding the municipality of Paracatu) and CAD$44.5 million within Paracatu (Caramello 2009, Taveira and Coelho 2009). These figures are expected to increase when the current expansion project is completed later in 2010.

Kinross Paracatu's operations are certified by the International Standards Organisation's ISO 14001 standards, Social Accountability International's SA 8000 standards, Occupational Health and Safety Advisory Service's OHSAS 18001 standards, and follow the International Cyanide Management Code (Kinross 2009b). Among other awards and nominations, RPM/Kinross Paracatu has been ranked as one of the best companies to work for in Brazil in 2004, 2006, 2007 and 2008 by the Great Place to Work Institute (GPWI 2009)

6 | Identification of CSR issues

Currently under redraft

7 | Perspectives

Currently under redraft

8 | Summary

Company-community relations at Kinross Paractu are generally healthy as a result of both proactive and thoughtful community engagement by the mine operators over the years of the mine's operation, and a supportive historical and institutional context. While some community, environmental, and worker well-being issues exist, these are modest, especially in comparison to issues that exist at other foreign-owned mines in Latin America.

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