



## **Request for Review**

**McEwen Mining**  
(NYSE: MUX; TSX: MUX)

### **For Impacts to Rock Glaciers and Periglacial Environments in San Juan Province of Argentina of the Los Azules Copper Mining Project**

July 7th, 2012

Presented to:

The Corporate Social Responsibility (CSR) Counsellor  
The Extractive Sector CSR Counsellor  
Government of Canada  
1 Front Street West, Suite 5110,  
Toronto, Ontario M5J 2X5, Canada

Attn: Marketa Evans

[csr-counsellor@international.gc.ca](mailto:csr-counsellor@international.gc.ca)

#### *Complainant*

The Center for Human Rights and Environment (CEDHA) – Argentina  
Contact: Jorge Daniel Taillant  
Email: [jdtailant@cedha.org.ar](mailto:jdtailant@cedha.org.ar)  
Cel: +54 351 507 8376

#### *Co-Signatory to the Complaint*

**Fundación Ciudadanos Independientes (Fu.CI)**

San Juan, Argentina

Contact: Silvia Beatriz Villalonga

[silvia.beatriz.villalonga@gmail.com](mailto:silvia.beatriz.villalonga@gmail.com)

<http://www.fundacionciudadanosindependientes.org/>

Fundación  
**Ciudadanos  
Independientes**

## ***Nature and Summary of the Request for Review***

The following is a ***Request for Review*** submitted to the [CSR Counsellor of Canada](#), in hopes that through her good offices, the CSR Counsellor can help mediate a resolution to the conflicts presented herein. This ***Request for Review*** addresses *past, present and future* impacts to glaciers and periglacial environments by the Los Azules copper mining project in San Juan Argentina, owned by McEwen Mining of Canada (NYSE/TSX: MUX), previously owned by the also Canadian *Minera Andes*. Los Azules was acquired by McEwen Mining in January of 2012, midstream in the course of our engagement with the project.<sup>1</sup> When we refer to *Minera Andes* we are generally referring to engagement *prior* to the acquisition; when we refer to *McEwen Mining* we either refer *generally* referring to the present owner or to specific engagement any time *after* the acquisition.

Below is a picture of more than 200 rock glaciers and uncovered white glaciers in the area and general vicinity of the Los Azules copper mining project. The reader can see this site via internet simply by entering the following coordinate address into the Google Earth search box.

31 6 14.42 S, 70 12 52.03 W (cut & paste as is in Google Earth)

With Google Earth open, also [download the glacier polygons](#) and the [project polygons](#) to see the project site with the glaciers and the project concession area as in the image below. Once downloaded, double-click the file to unzip it, and Google Earth will open it automatically and load the images. You may have to check the temporary boxes of the viewable downloaded items at the end of the “sidebar” (appears on left of the Google Earth window) under the “view” drop down menu. The red and white polygons correspond to the Los Azules mining concession, where exploration, drilling, and the introduction and maintenance of roads is underway. The small blue, white and magenta polygons are the glaciers in the project area. All of the activity carried out in the past and being carried out at present at Los Azules, has and/or can potentially impact glaciers. Studies are needed ***before*** such activity is carried out to determine if the activity indeed impacts glaciers or periglacial environments. Detailed satellite images clearly show that glaciers have already been impacted by the Los Azules project. Detailed information about, and analysis regarding, this impact is available in a report produced by CEDHA which was published in May of 2012. That report can be downloaded at: <http://wp.cedha.net/wp-content/uploads/2012/07/Glacier-Impact-Report-Los-Azules.pdf>.



Image from Google Earth shows many of the 200 ice glaciers that exist at and near the Los Azules project site.

<sup>1</sup> We use the term “periglacial environment” and “permafrost” interchangeably in this *Request for Review*.

## Center for Human Rights and Environment (CEDHA)

In April of 2011 as we were initiating our research, CEDHA first approached Minera Andes (prior to the McEwen acquisition) with our study objectives and preliminary findings and initiated constructive and good faith engagement with the company. We have maintained this engagement and predisposition with the company, throughout our work and study.

The company (Minera Andes at the time) made what we believe were concrete commitments to address our findings, including extending an invitation to visit the project site.<sup>2</sup> A visit was agreed for January of 2012. As a corresponding act of good faith, CEDHA unilaterally delayed the publication of our findings (which were ready in October of 2011) to participate in this site visit and compare our satellite image analysis with ocular observations on the ground before publishing our results.

After the McEwen acquisition (January of 2012)<sup>3</sup> the company's predisposition for engagement changed. The promised site visit, which would have been the first of its kind in Argentina of concerned stakeholders visiting a mining project to examine glacier impacts, was first postponed and then cancelled by the company. According to the company, the reasons for the cancellation of the site visit had to do with project delays, yet these delays did not seem to have any visible effect on the drilling operations reported by the company to shareholders during the same period.

Even more troubling, the company has recently posted on its website and has made public declarations stating falsely and misleadingly that "**no ice glaciers are present in the project area**".<sup>4</sup> The company also failed to invite or even inform our organization (one of the few, if not the sole stakeholder organization engaging with the company on glacier impacts) of a public presentation its hired glacier specialists made to media and to the general public in San Juan Province, to present preliminary findings on glacier impacts and studies underway.

It was due to the cancellation of the site visit, due to the information posted on McEwen Mining's website indicating that *there are no ice glaciers at the project site*, and due to the failure of the company to engage with us on our findings on glacier impacts, that we decided to move forward with the publication of our glacier impact report for Los Azules.

While early engagement with Minera Andes seemed to be progressing constructively, since the acquisition by McEwen Mining, the company has essentially ignored our emails, requests, and communications and has also taken a firm and public stance against the findings of our report, denying that there are glaciers present at the project site and ignoring altogether that their activity has or is presently impacting these glaciers.

The statements by the company to its shareholders and to the public stating *that there are no ice glaciers at the project site* are both false and misleading. McEwen's delay and refusal to address our findings, and the continued exploration activity at the project site without first carrying out necessary glacier and periglacial impact studies (when evidence clearly shows that they are indeed impacting glaciers and probably periglacial environments as well) are both illegal but also fail to meet very basic due diligence requirements on social and environmental standards.

The conduct, activity, reporting and management of impact by Minera Andes (now McEwen Mining) is in violation of:

- The IFC's Social and Environmental Performance Standards
- The Global Reporting Initiative's reporting standards, and
- The OECD Guidelines for Multinational Enterprises.

---

<sup>2</sup> See CEDHA's press release announcing this site visit agreement: <http://wp.cedha.net/?p=8849&lang=en>

<sup>3</sup> <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2012/McEwen-Mining-US-Gold-and-Minera-Andes-Business-Combination-Completed/default.aspx>

<sup>4</sup> See: <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2011/Minera-Andes-Reports-Drill-Results-and-Development-Update-for-the-Los-Azules-Copper-Project/default.aspx>

## Center for Human Rights and Environment (CEDHA)

We believe intervention by the CSR Counsellor through the review procedure available to the CSR Counsellor can provide assistance in seeking a constructive solution to this conflict. Minera Andes has shown early on a predisposition to engage constructively. Our organization has also maintained a constructive predisposition to work with Minera Andes (and now McEwen) to address and find solutions to the evidence of glacier and periglacial environment impacts that we have found. Solutions *are* possible to the current predicament that would not only be important to achieve for the project and company, but more generally would provide an important and precedent-setting example for the extractive sector generally. Such an example could help guide many other projects operating in the high Andes region of Argentina and Chile (many of which are also Canadian), where glacier impacts from mining activity is quite common due to ignorance about glaciers, lack of due diligence procedures by extractive companies and lack of monitoring and control from State authorities. CEDHA in fact is working on the development of a Protocol for Mining Activity in Glacier Areas precisely for this reason, for which we have also invited McEwen Mining to collaborate. McEwen Mining has not responded to this invitation.

If the CSR Counsellor's office is not successful in helping resolve this conflict our organization, as well as the co-signatory organization, will likely proceed to litigation in Argentina or in Canada, to stop the Los Azules mining project from going forward until past, present and future damage to glaciers and periglacial environments are fully addressed, repaired and/or avoided in the future.

This request to the CSR Counsellor is an earnest and good-faith effort on our behalf to avoid such legal confrontation. We sincerely believe that a workable solution is possible and hope that the CSR Counsellor can bring the parties involved to mutually identifying and agreeing on these solutions.

## ***A few words on rock glaciers and periglacial environments***

The glaciers to which we will be referring in this document are called “rock glaciers”. These are “ice glaciers” in the sense that they have ice in them. Rock glaciers also have rock debris content that typically covers the glaciers and/or mixes with the ice core. While no single typology exists to determine just how much ice a rock glacier may have, typical rock glaciers can have 70% or more ice content. Glaciers that are covered by a thin layer of loose rock debris are also referred to as “debris-covered” glaciers. When the rocks mix with ice they are more simply referred to as “rock glaciers”. In either case, “rock glaciers” or “debris covered glaciers” are definitely “**ice glaciers**”, a key terminological point that will be important to this *Request for Review* and to gauging McEwen’s good faith public portrayal of the circumstances they face in terms of glacier impacts at Los Azules.

Periglacial environments refer to *frozen ground*, generally occurring where sub-zero temperatures keep moisture in the earth frozen year round, or at least for two consecutive years. These grounds are also commonly called *permafrost*. For the purpose of this document, the terms “periglacial environment” and “permafrost” are interchangeable.

What’s important to understand about both rock glaciers and permafrost is that they provide critical storage of water and moisture in ice form, to be used by the ecosystem year round as the warmer months slowly melt the ice. The rock glaciers and permafrost then can be recharged and reconstituted with snowfall during the following winter.

Rock glaciers and periglacial environments are both crucial ice resources providing freshwater to the arid and dry regions of San Juan Province, in the Andes Mountains. Rock glaciers and periglacial environments are critical to supply water in rivers and streams for irrigation, animal and human consumption and community and environmental sustainability. A small glacier the size of a football field can provide a typical family with potable water for an entire generation!

We’ve provided four images below showing: a typical rock glacier and a debris-covered glacier. Note that images (1) and (2) show NO ice or snow, which is common of rock glaciers and explains why they are difficult for the untrained eye to identify. It is quite common (and also quite erroneous) to hear a non-expert suggest in the midst of rock glaciers that there are no glaciers or that there is no ice present. An uninformed person might be standing on a colossal amount of ice, able to provide drinking water for an entire city for many months, and simply not know it! Image (2) is a rock glacier from the Los Azules project influence area. Notice that no ice is visible!

Image (3) below shows water surging from the base of a rock glacier, seemingly appearing out of nowhere. This is the glacier at work providing to the ecosystem a steady flow of melt water, which lasts year round. Image (4) shows an exposed cross-section of a rock glacier displaying massive amounts of ice in the interior, below a layer of rock on the surface. Rock glaciers can have just as much ice in their massive interior as an ordinary uncovered white glacier.



1) Photo of Typical Rock Glacier (arrow points to glacier edge) in Northern Argentina



2) Above image from Google Earth is one such glacier in the Los Azules area



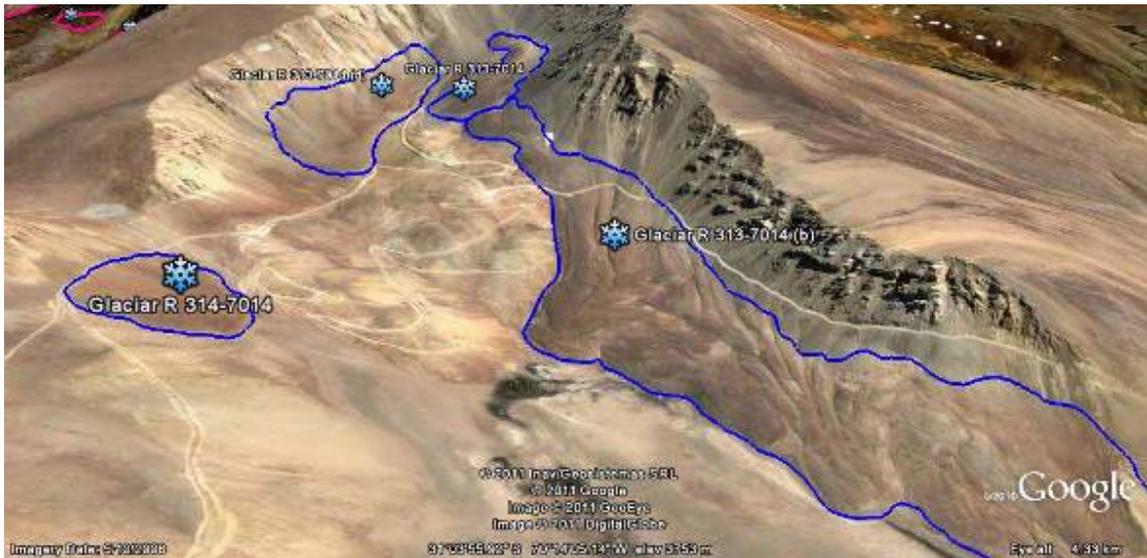
3) Water gushing forth at base of a rock glacier in Andes Mountains (Laguna Negra Basin, Chile); photo by Pablo Iribarren



4) Debris-covered glacier shows massive ice content underneath rocks

Glaciers, rock glaciers, and periglacial environments (in some cases referred to as *permafrost*) are protected by Argentine national and provincial laws because they are considered as “regulators of water basins”, which means simply that they provide ice melt water at a slow and steady pace (instead of melting quickly in the spring) to local rivers and streams year-round, even when the winter snow and ice has melted away.

Despite growing information and evidence that the Los Azules project is in a rich glacier zone (which would include rock glaciers and permafrost), and that there is clear evidence that project activity is already affecting glaciers in the project area, the company has failed to show that it is taking steps to address and correct this situation. Below is an image of a rock glacier in the Los Azules project showing how a mining access road used for transporting drilling equipment cuts into several rock glaciers (the glaciers are the blue polygons; the road is the thin yellowish line).



Mining exploration roads at Los Azules seen in picture cut into several rock glaciers (blue polygons)

## What CEDHA's Report on the Risks and Impacts to Rock Glaciers and Periglacial Environments of the Los Azules Project found.

*(Portions of this section are extracts from the Executive Summary of the Report)*

[link to the full report](#)

Finalizing its exploratory phase a mere few kilometers from the Chilean border on the western limit of San Juan Province of Argentina, the copper mining project Los Azules of Minera Andes (now merged with US Gold to form McEwen Mining of Canada (NYSE/TSX: MUX) is surrounded by some 226 glaciers, including rock and uncovered glaciers, and permafrost zones. Seventy nine (79) glaciers are directly in the project's activity area. Forty nine (49) are outside the project area but along or near project access roads used by the company. Ninety eight (98) are outside the formal project area but in the general project vicinity.

Easily accessible satellite imagery (as publicly available through Google Earth) shows that exploratory roads introduced and/or used in the region by Minera Andes have already impacted at least 6 rock glaciers in the immediate project vicinity, while another five ice glaciers have potentially been affected by drilling and the construction of drilling platforms.

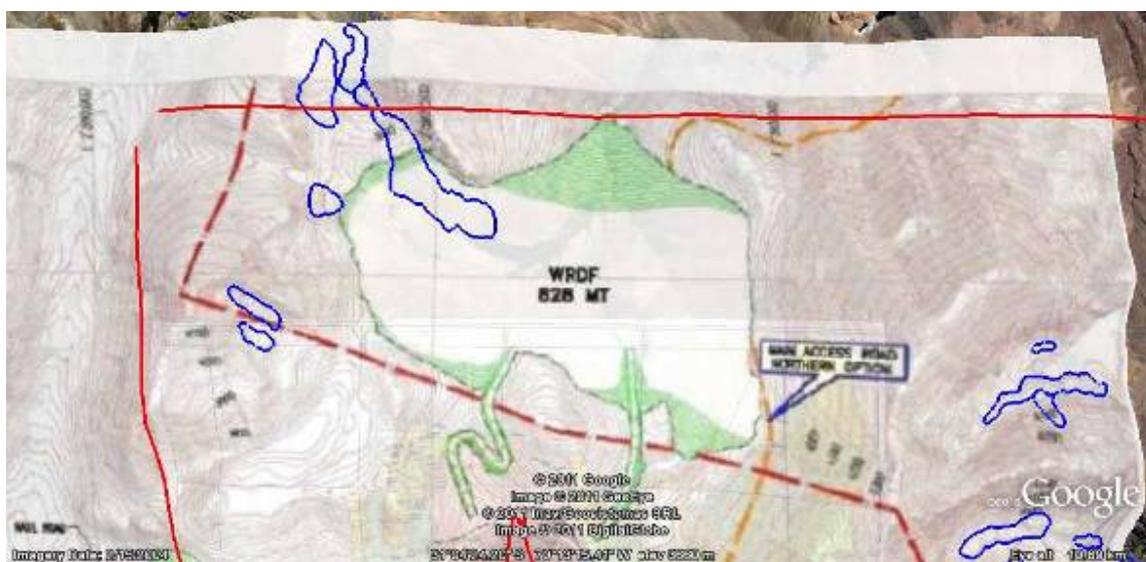
In the case of CEDHA's report on Los Azules, we have also reviewed photograph imagery and information which shows that McEwen Mining's access road maintenance and new road introduction is currently impacting or placing rock glaciers at risk.

The impacts to permafrost areas (essentially frozen ground with high water content) cannot be gauged from satellite imagery, but due to the presence of rock glaciers (which indicates likely presence of permafrost) we expect that past and present activity also has had and *currently has* impacts to permafrost. Further, drilling companies working for Minera Andes have reported equipment difficulty and delays from the difficulty of drilling into permafrost and rock glaciers—providing evidence that our claims of the existence of periglacial environments and glaciers are fully legitimate. Lack of up-to-date imagery does not provide the necessary information to ascertain *just how many* additional glaciers might have been damaged by exploratory activities at Los Azules, either by Minera Andes' tenure of the project or by past mining company activity.

## Center for Human Rights and Environment (CEDHA)

In terms of eventual project implementation, five (5) rock glaciers are in the projected pit area<sup>5</sup>, while seven (7) other rock glaciers presently are located where McEwen Mining plans to locate sterile rock waste<sup>6</sup>, the tonnage of which if placed on rock glaciers would irreparably impact these glaciers with acid drainage as well as generate physical instability that could result in landslides. We have for example, a severe landslide recently at the Veladero mine (Barrick Gold)<sup>7</sup> because Barrick sited a waste rock facility on permafrost, and we have also seen glacier impacts at the Kyrgyz Republic Kumtor mine, operated by Centerra, also because of poor project design relative to glacier presence.<sup>8</sup> Five (5) other glaciers at the Los Azules project could also be affected as they are adjacent to the project's projected *Tailing Storage Facility*<sup>9</sup>. Rock glaciers and any permafrost existing in the pit area would be terminally destroyed.

In the image below we see how the programmed location of a Los Azules waste facility (image taken from official project documents) would pile waste rock on existing glaciers (polygons in blue).



**Project map from Minera Andes' EIA compared with glacier inventory shows glaciers in waste facility**

Because of the characteristics of the region, and the altitude at which the project is located (above 3,500 meters—11,500ft), as well as the evident existence of rock glaciers at the project site, it is likely that permafrost is widespread in the area. In the similar nearby El Pachón project (Xstrata Copper) which is a few hundred meters lower on average (the higher the altitude the more likely there may be permafrost zones), there is approximately 20% permafrost area as mapped by Xstrata Copper's hired consultants, URS.<sup>10</sup> The rich wetland areas (vegas systems) present in the Los Azules project vicinity suggest that rock glacier and permafrost melt, discharge to the local streams

<sup>5</sup> These rock glaciers can be coordinate referenced and viewed through Google Earth using the glacier inventory in the annex. They are: 316-7013 (f); 316-7013 (e); 317-7013 (b); 316-7014 (b); 317-7014. [Also download the KMZ project map file](#) to superimpose the Los Azules Project map along with the satellite images from Google Earth.

<sup>6</sup> These rock glaciers can be coordinate referenced and viewed through Google Earth using the glacier inventory in the annex. They are: 313-7014 (b); 314-7014; 319-7013; 319-7012; 3110-7012 (b); 3110-7012 (d); 3110-7012 (c). [Also download the KMZ project map file](#) to superimpose the Los Azules Project map along with the satellite images from Google Earth.

<sup>7</sup> For report on the Veladero sterile rock pile collapse see: <http://wp.cedha.net/wp-content/uploads/2011/10/Special-Report-waste-pile-collapse-ENGLISH.pdf>

<sup>8</sup> For information on Kumtor mine see <http://www.eurasianet.org/node/64928>

<sup>9</sup> These rock glaciers can be coordinate referenced and viewed through Google Earth using the glacier inventory in the annex. They are: 317-7016 (d); 317-7016 (c); 318-7016 (b); 318-7016 (d). Also [download the KMZ project map file](#) to superimpose the Los Azules Project map along with the satellite images from Google Earth.

<sup>10</sup> To see El Pachón's geomorphological map, indicating over 200 rock glaciers and 20% permafrost, see: <http://wp.cedha.net/wp-content/uploads/2011/09/MAPA-2.6.1-AM-GEOMORFOLOGIA.jpg>

## Center for Human Rights and Environment (CEDHA)

and rivers with significant water run off, and one can only assume that at least a similar percentage of permafrost to that found at El Pachón (if not more) is also present at the Los Azules project. Locating project facilities or waste pile dumps on permafrost can be devastating, as we have seen from the Veladero case (Barrick Gold) in San Juan, Argentina, where Barrick sited one of its waste dumps on permafrost grounds, which led eventually to a massive rockslide the size of a small town, that could have been fatal had it occurred with workers present or continued on down the mountain side to the leach pad facility.<sup>11</sup> McEwen Mining has not publicly stated the location of permafrost zones in its project area. It should do so before continuing any activity, including exploratory work.

Glaciers, debris-covered glaciers, rock glaciers, *and* permafrost are all protected by the National Argentine Glacier Protection Act.<sup>12</sup> San Juan's provincial Glacier Protection Act<sup>13</sup> also protects glaciers. Both laws establish glaciers as reserves of "public interest". Current legislation prohibits any industrial activity, including specifically "mining" that impacts glaciers or periglacial environment resources. Because Los Azules is in a glacier zone, McEwen is mandated by recent glacier protection legislation to produce a glacier impact study. This study is past due as of April of 2011 and should review any past impacts that may have occurred in previous project exploratory phases. No such study by Minera Andes/McEwen exists as of yet. The company has indicated that a glacier impact study to comply with this law *is* underway, however this study should have been completed and approved by public authorities *before* any further exploration takes place on the project. If any current activity *is* taking place at Los Azules at present, without such a study or authorization from the public authority, such activity is illegal by law. McEwen Mining publishes on its website at the same time as the publication of this *Request for Review* that indeed drilling is currently in progress.<sup>14</sup>

Two mining companies, Barrick Gold and Xstrata Copper, concerned that glacier protection will affect their capacity to implement their extractive operations (Pascua Lama and El Pachón, respectively), filed legal complaints in 2011 in the federal court system requesting a suspension of the national glacier law. A mere few days before the submission of this *request for review*, the [Argentine National Supreme Court ruled](#) that the Glacier Law stands, and that companies operating in Argentina in glacier areas must carry out glacier impact studies as stipulated in the law.

In this regard, and as concerns this request for review, beyond what may or may not be a legal requirement, McEwen Mining should apply careful due diligence procedures and management to the Los Azules project to ensure that it is not impacting natural resources and the delicate [glaciosystems](#) in which it conducts its activity. The company should also take measures to ensure that it is not impacting the human rights of populations which could have their right to water affected by impacts to glaciers and periglacial environments.

While Minera Andes fails to mention the presence of ice at the project site, two passing references in the company's reports suggest that Minera Andes *has* been made aware by their subcontractors that there are indeed ice glaciers and permafrost zones in the project region. More recent discussions we've maintained with the project management team have also revealed that a scientific study regarding ice presence in the project area is also underway.

A newer posting on the new McEwen Mining website suggests that the company is carrying out "glaciology studies", but then indicates that "no ice glaciers are present in the project area".<sup>15</sup> This conflicting last affirmation is a misleading statement confusing the untrained reader, since glaciers by definition have ice and suggesting that there are no "ice" glaciers would lead the reader to conclude that there are no glaciers present, and more specifically that there is no ice present, when

<sup>11</sup> See: <http://wp.cedha.net/?p=8299&lang=en>

<sup>12</sup> See: <http://wp.cedha.net/wp-content/uploads/2011/09/Argentine-National-Glacier-Act-Traducción-de-CEDHA-no-oficial.pdf>

<sup>13</sup> For the San Juan Province Glacier Law (available only in Spanish) see: <http://wp.cedha.net/wp-content/uploads/2012/07/ley-glaciares-provincia-de-san-juan.pdf>

<sup>14</sup> <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2012/McEwen-Mining-Expansion-Drilling-Intersects-053-Copper-Over-351-Meters-at-the-Los-Azules-Project1129434/default.aspx>

<sup>15</sup> <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2011/Minera-Andes-Reports-Drill-Results-and-Development-Update-for-the-Los-Azules-Copper-Project/default.aspx>

## Center for Human Rights and Environment (CEDHA)

we know for a fact that there are indeed many glaciers at the project site. Specifically, there are rock glaciers that undeniably have large quantities of ice, and would hence be “ice glaciers”. Logically, if there were no *ice glaciers* at the project site, Minera Andes would not be carrying out a full glacier inventory and study as they suggest is taking place, and which we now know has been commissioned to experienced glacier experts (at ERM). In fact, Minera Andes’ glacier team held a public meeting in San Juan in February of 2012, in which they recognize the presence of glaciers at the project site.<sup>16</sup> The scientist in charge of the study, Andrés Miglioli, carefully states that “there are no *uncovered* glaciers at this project”.

What Miglioli is implying by his statement is that the glaciers at Los Azules are not *uncovered* glaciers, but rather, subterranean or *covered* “rock glaciers”. And when Miglioli refers to possible impacts of Los Azules to glaciers, he limits his comment to say that *one glacier* would be affected by the eventual location of the project pit. His only doubt in terms of impacts to other glaciers stems from his clarifying point that the precise pit area has not yet been fully determined by McEwen. In sum, McEwen’s own glaciologists admit that there *is* a glacier inside the present pit area of Los Azules, and that more might be present in the pit area if that area is changed in its present size and/or location. Miglioli however makes no reference to potential or existing project impacts to glaciers outside the pit area. What we should also consider, however, is that mining impacts to glaciers manifest long before the actual pit excavation takes place, and can in fact be more damaging in the exploratory phase (due to exploratory drilling and road maintenance and introduction) in areas far beyond the eventual pit area defined.

Even the investor community considering investments in Los Azules has already identified and is discussing the glacier risk at the McEwen mining project.<sup>17</sup>

The suggestion by McEwen on its website that that there are no “ice glaciers” in the project area is at the very least wrongly employed, and at worst, intentionally misleading to the reader. Since the glaciers at the immediate project site are mostly debris-covered rock glaciers, the company should have referred to what its own hired glacier expert refer to—“uncovered” glaciers, that is, glaciers that show ice to a viewer standing near the glacier. However, even this affirmation is not correct since indeed *there are* several uncovered glaciers near enough to the project site to warrant a study as to the impacts that operations at Los Azules’ might have on these glaciers. These include wind studies to determine if particulate matter from project operations or CO2 emissions from transit for the project will contaminate uncovered glacier surfaces—which could lead to accelerated melting of the glaciers at or near the project area and related access roads.

As per the two previously mentioned references, p. 78 of the 2010 technical report reveals one of the most important elements of proof not only of the existence of rock glaciers in the project area, but of the intromission of drilling in glacier areas within the project site:

“Drilling by Minera Andes Inc. was contracted to various drilling companies including Connors Drilling, Patagonia Drill Mining Services, Adviser Drilling, Boland Minera and Major Drilling. Drilling conditions have been particularly difficult especially in faulted intersections or in areas of unconsolidated surface scree/talus/**rock glacier** in which resulted in an average drilling rate of 700 meters per month (Rojas, 2010).” [bold added]

From the citation, we can derive that Minera Andes has already drilled into glaciers. Drilling into a rock glacier or into permafrost is illegal by law in Argentina.

On p.148 we find another reference to a *Prefeasibility Study* which includes a line item labeled: “Environmental Permitting including Vegas and **Rock Glaciers** \$566,000” [bold added].

---

<sup>16</sup> See: [http://www.diariodecuyo.com.ar/home/new\\_noticia.php?noticia\\_id=508897](http://www.diariodecuyo.com.ar/home/new_noticia.php?noticia_id=508897)

<sup>17</sup> See for example:

- a) [http://messages.finance.yahoo.com/Stocks\\_\(A\\_to\\_Z\)/Stocks\\_M/threadview?m=tm&bn=140141&tid=1493&mid=1493&tof=11&so=E&ftr=2](http://messages.finance.yahoo.com/Stocks_(A_to_Z)/Stocks_M/threadview?m=tm&bn=140141&tid=1493&mid=1493&tof=11&so=E&ftr=2)
- b) <http://www.siliconinvestor.com/readmsg.aspx?msgid=28004507>

## Center for Human Rights and Environment (CEDHA)

Minera Andes does not address the presence of rock glaciers or permafrost in the project zone in its main Environmental Impact Reports, and minimizes all possible environmental impacts from the project, suggesting “At the present time, there are no known environmental liabilities at the project site, as it is an exploration project”.

Counter to this appraisal, and specifically in terms of glacier, rock glacier or permafrost impacts, the mining *exploration phase* is in fact one of *the most detrimental* to rock glaciers and permafrost due to the common destruction of ice mass both in the opening of virgin roads which oftentimes (due to the ignorance or disregard of project design, environmental precaution, and the general unawareness of tractor operators) plow straight through rock glaciers and permafrost. It is also common to discover that drilling operations have occurred into ice bodies. All such impacts to uncovered glaciers, rock glaciers and permafrost are illegal in Argentina.

There are extensive examples the high Andes Mountains and other mountain ranges of many mining projects in exploration phases that have seriously impacted glaciers and permafrost such as at El Pachón (Xstrata Copper), Filo Colorado (Xstrata Copper), Pascua Lama (Barrick Gold), Veladero (Barrick Gold), Vicuña (NGX Resources), Las Flechas (NGX Resources), Del Carmen (Malbex), El Altar (Peregrine), Aguilar (Glencore), are but a few examples). There are several rock glaciers in the Los Azules project site area that clearly evidence road impacts. Due to the non-availability of more recent satellite imagery, the actual count of impacted glaciers from mining exploration activity may be considerably higher.<sup>18</sup> We also have recent reports and photographs of glaciers impacted by access roads introduced or maintained by Minera Andes, leading to the Los Azules project site. Below is a recent image showing a road introduced by Minera Andes cutting through a rock glacier at the base of the mountainside. The yellow oval shows the rock glacier.

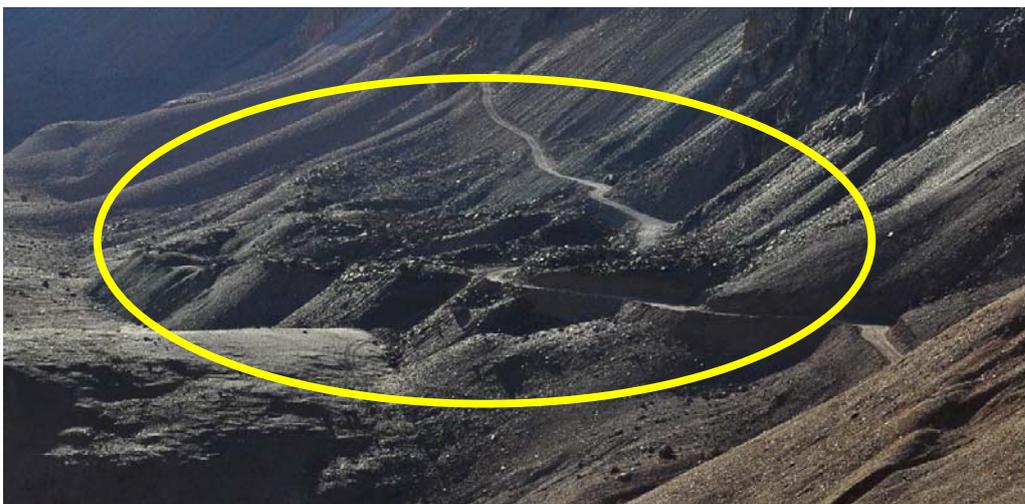


Photo: Mining access road to Los Azules cuts through rock glaciers.

Los Azules is scheduled to initiate operations in 2013 or 2014. As it stands, Los Azules is in violation of both Argentina’s national and provincial glacier protection laws, with regards to glacier and periglacial environmental impacts and protection. This project could not legally advance if these impacts are not corrected. While no legal action has yet been filed by environmental groups against Los Azules, this is probably due to the fact that little is known in public circles about the project, and less so regarding glacier presence. Yet these impacts, as they become public, would invariably lead to serious undermining and complications of McEwen Mining’s environmental impact assessment approvals or significant delays in the issuance of extraction permits, indefinitely stalling the project

<sup>18</sup> See for example the following glaciers, with clear evidence of mining roads running through their mass: 313-7014 (b); 314-7014; 316-7013 (e); 317-7013 (b). [Also download the KMZ project map file](#) to superimpose the Los Azules Project map along with the satellite images from Google Earth.

## Center for Human Rights and Environment (CEDHA)

until these impacts can be assessed, mitigated and future impacts avoided (should the project be allowed to continue forward). To this, the recent Supreme Court verdict now fully legitimizes the National Glacier Act and its corresponding obligations to companies like Minera Andes to sort out their glacier issues, conduct glacier impact studies, and ensure absolute glacier and permafrost protection. This may involve considerable redesigning (such as rethinking the location of sterile rock pile sites or having to conduct an extensive review of permafrost zones), and/or the introduction of extensive glacier repair and protection contingency plans for the Los Azules project.

Glaciers (uncovered/white glaciers and rock glaciers) and periglacial environments (permafrost) are critical to San Juan Province's local water supply for small farming, local industries and populations. Rock glaciers in the Los Azules project area discharge water into local rivers and tributaries, including the Río La Embarrada, Río Frío and Río de las Salinas, which in turn feed the San Juan river, the province's most important waterway.

Los Azules' impacts to rock glaciers and periglacial environments are primarily caused (or will be caused) by roads and infrastructure both during the project's exploratory phase as well as in the project's implementation phase. Further irreversible impact would be caused by excavation of the pit area, while impacts will also result from the sites chosen for waste piles (these site choices are avoidable).

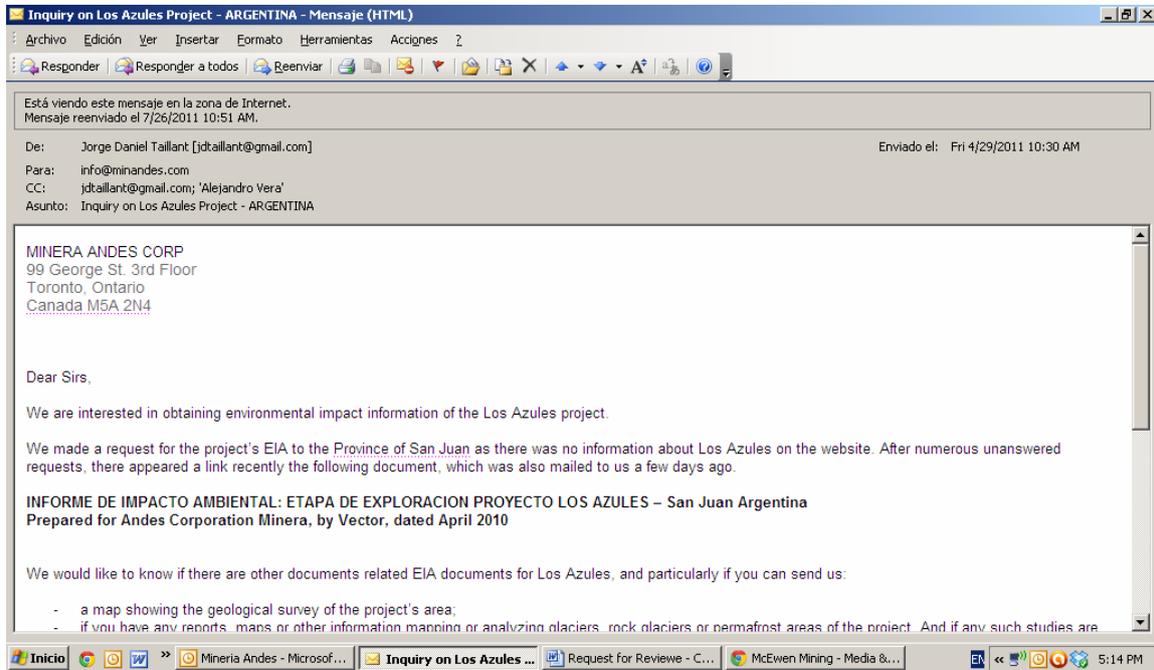
Exploratory and access roads were and continue to be introduced by Minera Andes, while some roads may predate Minera Andes' acquisition of the Los Azules project site. However, these roads and their impacts to the environment and to rock glaciers and periglacial environments in particular are part of the environmental impact of the project, for which Minera Andes (McEwen Mining of Canada) is responsible. Furthermore, road upkeep of existing roads and use of those roads by McEwen Mining, if they are impacting glaciers, should be avoided. As such it is presumed that past damage to rock glaciers and periglacial environments continues today and will continue indefinitely if not addressed.

The demands we made in our report to Minera Andes / McEwen include:

- **To suspend** all activity at the Los Azules' project (including exploration work) until a proper *glacier impact assessment* can be carried out to determine if Los Azules was, is, or will indeed destroy, move, or impact the more than 200 glaciers in its vicinity and related periglacial environment areas;
- **Ensure no more harm is done to rock glaciers or periglacial environments** whether during the exploratory or implementation phases;
- **Ensure full compliance** with national and provincial glacier protection laws;
- **Establish** a clear and transparent policy to protect all glacier and other cryogenic resources in all of the company's operations;
- **Repair** damage to rock glaciers and periglacial environments in the project area that have been caused by the project and avoid future impacts;
- **Avoid** any future impact to glacier resources as might be caused by roads, exploration, drilling, extraction, waste piles, contamination, etc.
- **Remove** from the company's website the statement that there are no ice glaciers present at the project site;
- **Contribute** to the creation of a Protocol on Mining Operations in Glacier Areas;
- **Ensure fluid and transparent communication** with stakeholders and society;
- **Guarantee public participation** in future discussions about glaciers as is mandated by the Argentine National Glacier Act;

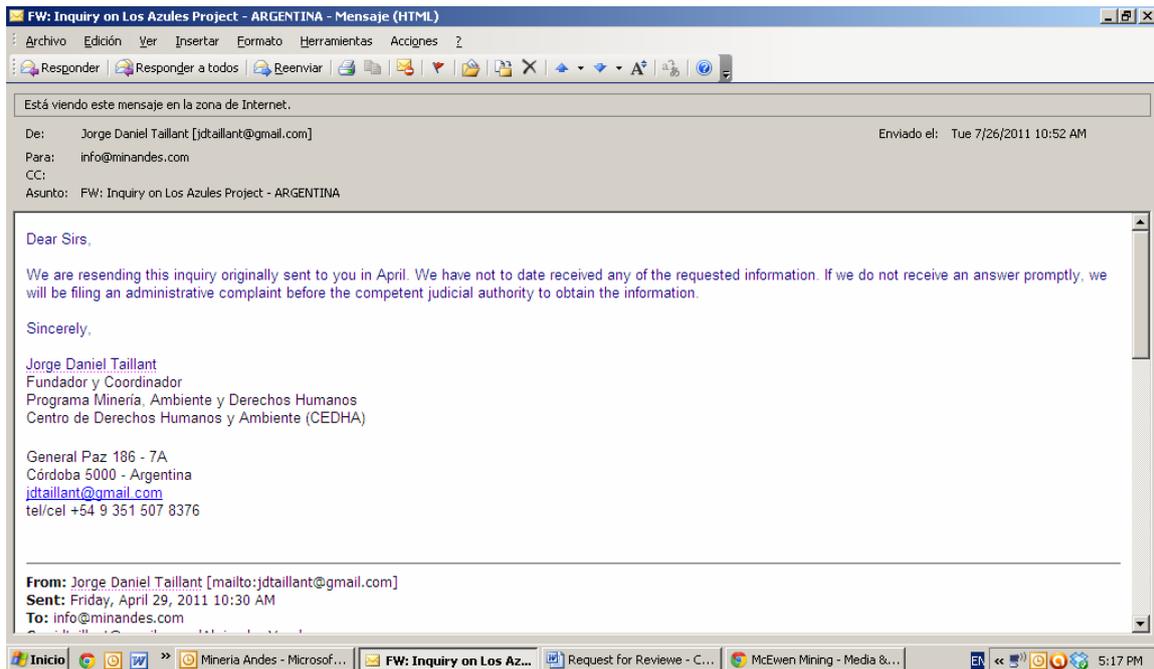
## ***Good Faith Communications with Minera Andes (McEwen Mining)***

Our first formal communication with Minera Andes regarding potential glacier impacts of the Los Azules project took place on April 29<sup>th</sup>, 2011. A screen capture of that initial contact is posted below.

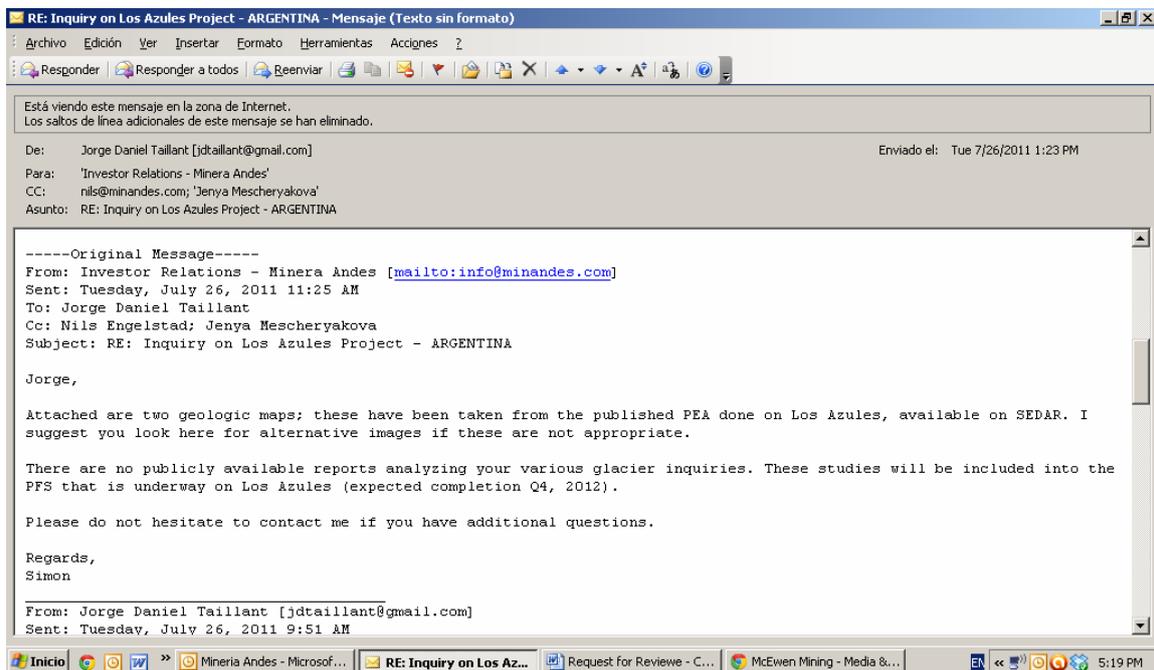


Three months passed, and this email went unanswered by Minera Andes. There was simply no response whatsoever—not even an automated email response. We resent the inquiry on July 26, 2011, adverting to the company's non-response, and threatening legal administrative action if they did not reply. This *second* email is reproduced below.

## Center for Human Rights and Environment (CEDHA)



The legal threat had immediate results. We received an answer the same day, only a few hours later. See the response email from Minera Andes reproduced below.



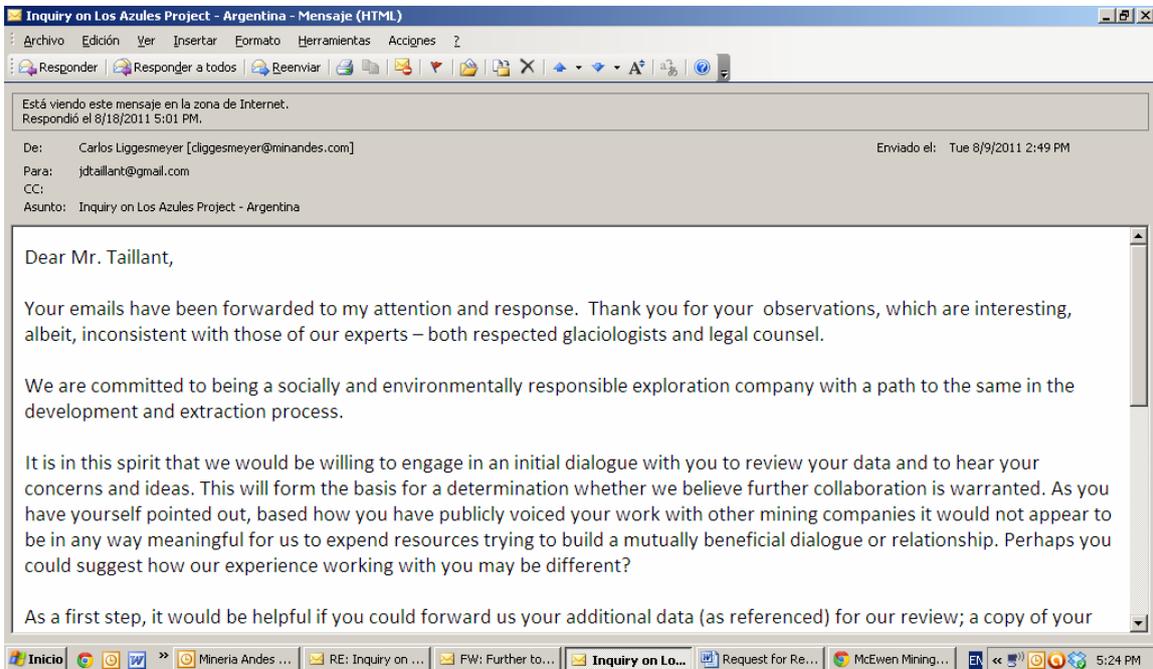
Several emails were exchanged that day. We finally offered information suggesting that we had evidence of glaciers impacted by the project and strongly encouraged Minera Andes to engage with us indicating that we were open to constructive engagement. No reply came back.

## Center for Human Rights and Environment (CEDHA)

On August 8<sup>th</sup>, already having carried out an in-depth glacier inventory, we sent Minera Andes a satellite image (the same one we placed in the summary section of this *Request for Review*) showing the presence of many of the more than 200 glaciers (blue and white polygons) in the project area (red polygon).



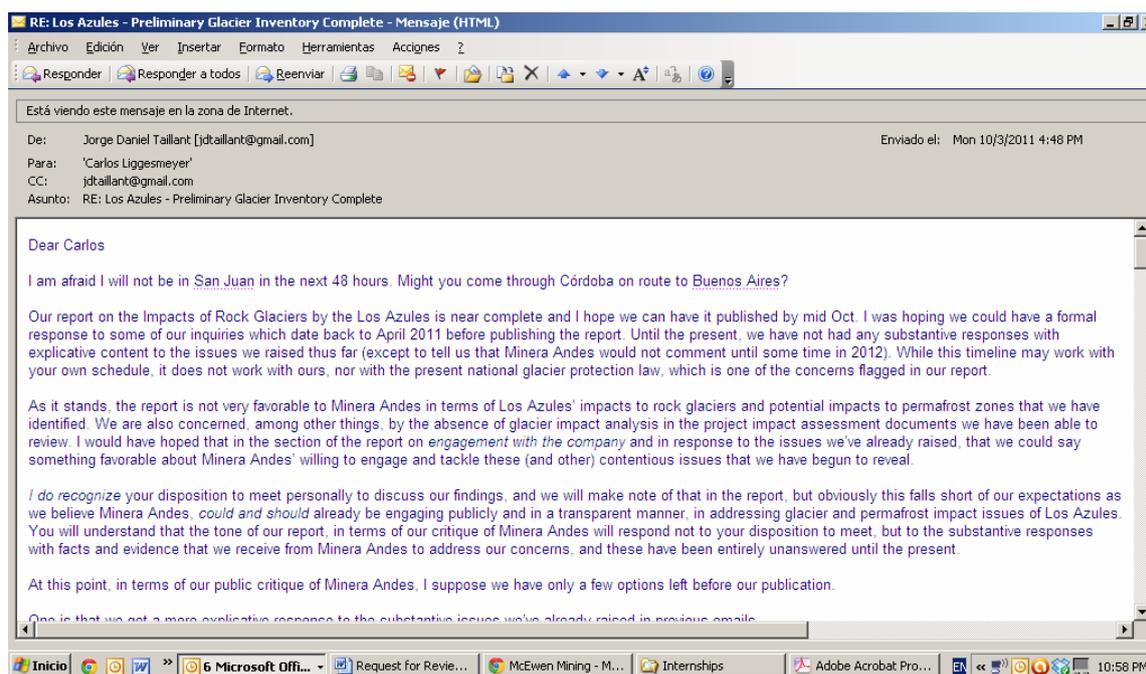
Sending this satellite image seems to have generated immediate concern from Minera Andes, as just 24 hours later on August 9<sup>th</sup>, 100 days after our initial contact, the Los Azules Argentine project manager, Carlos Liggesmeyer, contacted us and initiated the first significant and substantive engagement with our concerns. Below is Mr. Liggesmeyer's first email. We are reproducing this email as Mr. Liggesmeyer has indicated to us that all of the company's communications are "on the record".



## Center for Human Rights and Environment (CEDHA)

A series of emails ensued following this initial exchange, all of which were in a constructive tone by both CEDHA and Minera Andes. By October 3, 2011, we were very close to publishing our findings on the glacier presence at Los Azules. As such we sent a lengthy email to Minera Andes with a brief depiction of our findings (see below), concluding and indicating that,

- Our analysis showed evidence of glacier and permafrost impacts by Los Azules;
- Minera Andes has not responded to our concerns;
- The positive disposition to meet and engage did not meet our expectations as to what Minera Andes had to do to address its impacts;
- We expected some formal response to the points we were raising regarding impacts;



To our positive surprise, we received a [formal response letter from Mr. Liggesmeyer to this email on October 7<sup>th</sup>](#),<sup>19</sup> five days later, extending CEDHA an invitation to visit the Los Azules project with our glacier experts, to take stock of the issues we were finding in our satellite imagery analysis. We would like to recognize that this gesture was indeed a very positive gesture on behalf of Minera Andes and from Mr. Liggesmeyer, and displayed what we thought to be at the time, an earnest and very legitimate effort by the company to engage with an informed critical stakeholder, despite the fact that our findings represented serious issues and concerns for the company, which could delay or completely stall the project.

In order to recognize this gesture by Minera Andes, on October 26, 2011, CEDHA published a detailed press release commending Minera Andes for extending this invitation, stating:<sup>20</sup>

**"Minera Andes' willingness to invite CEDHA to the Los Azules project, before the project's implementation phase is a key step forward in this new and conflictive debate over the impacts of mining to glaciers and permafrost", said Taillant ...**

<sup>19</sup> See: <http://wp.cedha.net/wp-content/uploads/2011/10/letter-minera-andes-to-cedha-oct-7-2011-.pdf>

<sup>20</sup> See: <http://wp.cedha.net/?p=8849&lang=en>

## Center for Human Rights and Environment (CEDHA)

A series of exchanges followed this invitation, including a letter dated October 17<sup>th</sup>, 2012 from Mr. Liggesmeyer indicating that the site visit could take place in late January 2012 or early February.<sup>21</sup> CEDHA immediately responded to and accepted this invitation on October 18<sup>th</sup>, 2012, setting out several conditions related to the access and liberty of selecting our team and specific locations that should be accessible during an eventual visit. Minera Andes accepted all of our conditions. On October 21, 2012, Mr. Liggesmeyer indicated that the precise date of the site visit could take place between 6-17 February, 2012.

At least six further emails were exchanged, all in a positive note, regarding next steps and regarding our parallel work and engagement with Xstrata Copper (owner of El Pachón) about the development of a *Protocol for Mining in Glacier and Periglacial Environments*, in which we hoped Minera Andes could participate. All was set, we believed, for our site visit to occur in February of 2012. As we had indicated, we withheld the publication of our report awaiting the site visit.

In late December 2011 and early January 2012, rumors of an acquisition of Minera Andes by McEwen Mining of Canada circulated widely and for several days.<sup>22</sup> The formal announcement of the merger came from McEwen on January 24<sup>th</sup>, 2012. During these days, on January 7<sup>th</sup>, 2012, we received an email communication from Mr. Liggesmeyer, indicating that heavy rains had delayed operations at the project site. He suggested that we consider moving the site visit to March of 2012. A later press release by McEwen Mining (June 28<sup>th</sup>, 2012) would reveal that in fact these complications did not hinder drilling operations which continued on through April of 2012, according to McEwen Mining.<sup>23</sup>

Yet on February 15<sup>th</sup>, 2012 we received another email from Mr. Liggesmeyer, indicating that the project had suffered “innumerable complications” and was further burdened by management changes in Canada (presumably due to the McEwen acquisition), with no clarity as to when our site visit could take place. Yet according to other press statements to investors and shareholders, drilling did not cease.<sup>24</sup> It seemed that Minera Andes (now McEwen mining) was sending two different messages and changing its position with regards to engagement with CEDHA. The company could continue drilling, which involved the movement and use of heavy machinery, but it could not facilitate a non-invasive site visit to make ocular observations at the project site to evaluate glacier impacts.

The demur in the site visit brought the end of summer in the southern hemisphere, resulting in quickly changing weather conditions and making any realistic possibility of conducting a site visit to the project site remote. We sensed that the company had made a 180 degree turn in its predisposition for a site visit, and on engagement. We did not yet know of the drilling that was occurring at the project site at the time. It was about that time that we discovered newly posted false and intentionally misleading information on McEwen Mining’s website (information that is still posted at the time of the submission of this Request for Review), indicating that “**no ice glaciers are present in the project area**”.<sup>25</sup> This statement in our view greatly undermines the seriousness and credibility of the company’s position, particularly because it is clear that the company has already stated information to the contrary in other project documentation. We let Mr. Liggesmeyer know of this opinion.

---

<sup>21</sup> <http://wp.cedha.net/wp-content/uploads/2012/06/letter-minera-andes-to-cedha-oct-17-2011-.pdf>.

<sup>22</sup> See:

a) <http://sufiy.blogspot.com.ar/2011/12/tnr-gold-los-azules-litigation-us-gold.html>

b) <http://www.forbes.com/sites/energystockchannel/2012/06/15/mcewen-mining-minera-andes-acquisition-corp-makes-bullish-cross-above-critical-moving-average/>

<sup>23</sup> see: <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2012/McEwen-Mining-Announces-Resource-Update-at-the-Los-Azules-Copper-Project-in-Argentina1130031/default.aspx>

<sup>24</sup> <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2012/McEwen-Mining-Expansion-Drilling-Intersects-053-Copper-Over-351-Meters-at-the-Los-Azules-Project1129434/default.aspx>

<sup>25</sup> See: <http://www.mcewenmining.com/Media-Events/News-Releases/News-Releases-Details/2011/Minera-Andes-Reports-Drill-Results-and-Development-Update-for-the-Los-Azules-Copper-Project/default.aspx>

## Center for Human Rights and Environment (CEDHA)

What was before under Minera Andes' ownership a willingness to engage and discuss our findings over glacier impacts now became, under McEwen management, a public denial of glacier presence. This occurred despite clear evidence that not only were there ice glaciers at Los Azules, but that project activity was impacting these glaciers, potentially placing the project in direct conflict with national and provincial legislation.

As already mentioned in the previous section, the wording of the statement published online is not only false, but misleads the uninformed reader by suggesting that there are no "ice" glaciers present at the project site, as opposed to what we can only presume would be some "other" type of glacier. Indeed, as company hired technical experts have said, there are "rock" glaciers present at the Los Azules project, and these rock glaciers are definitely "ice glaciers".

This word choice of referring to "ice" glaciers is not a small, meaningless or coincidental mistake, but a carefully and intentionally crafted use of confusing terminology to mislead the reader. The study now being carried out by McEwen's hired glaciologists has already confirmed that there *are* ice glaciers at the project site: these would be *rock glaciers*. Rock glaciers don't show ice because the ice is underneath the surface. When McEwen's glacier report is published, they will undoubtedly refer to the presence of "rock" glaciers, and will likely say (as other companies are saying) that there are no "uncovered glaciers", as if one type of glacier were more important than the other. This is also a false concept which has been utilized by more than one extractive company to establish a false hierarchy of glacier value. Rock glaciers and uncovered glaciers are equally important as water providers and to ecosystems which depend on their ice melt for sustainability.

Rock glaciers have a lot of ice and they are definitely "ice glaciers". While it may seem trivial to the reader to consider this play on words, in fact, we actually see that this play on terminology is exactly the same rhetoric employed by other companies, such as Xstrata Copper in the very similar El Pachón project, which also has serious conflicts with glaciers present in the project area. Xstrata Copper went from saying there are no "white" glaciers at their El Pachón project site (when CEDHA first published our report on glacier impacts of El Pachón well over a year ago), and utilizing little understood terminology to refer to the ice presence without actually employing the term "glacier", such as referring to "the cryosphere", which simply refers to "ice" realms, to only a few days ago admitting finally that there are indeed rock glaciers present at the project site.<sup>26</sup> They also utilize in their rhetoric the false hierarchy approach to their ice presence description. Needless to say, this is a deceptive tactic to draw attention away from the fact that glaciers are present at the project site and that there may be as a consequence, conflicts of the project with Argentina's glacier law.

McEwen's highest project executives are to this day making public statements to mislead investors and other concerned company stakeholders. Jim Duff, Chief Operating Office of Los Azules for McEwen Mining, stated for example, in a press Question/Answer session for a digital mining magazine:<sup>27</sup>

**Q: Did the Argentina Glacier Law affect Los Azules plans?**

A: Minera Andes is strongly committed to environmental protection. During the exploration stage and during the project operation we will comply with every applicable law and regulation for environmental protection, including the San Juan Province Glacier Law.

**Q: Are there glaciers in Los Azules area?**

A: There is none in the project area.

On March 29<sup>th</sup>, nearly sure at this stage that McEwen would not allow us to visit its project site, at least during this season, we sent a lengthy email to Mr. Liggesmeyer conveying:

- That due to their failure to facilitate our visit to the project site, we were moving forward with the publication of our report;

<sup>26</sup> See: <http://www.tiempodesanjuan.com/notas/2012/6/26/una-minera-nacional-amenaza-12853.asp>

<sup>27</sup> [http://www.latinomineria.com/revistas/index\\_neo\\_en.php?id=844](http://www.latinomineria.com/revistas/index_neo_en.php?id=844)

## Center for Human Rights and Environment (CEDHA)

- Concern with the misleading statements we found on the McEwen website, falsely claiming there were no “ice glaciers” at the project site.

The following day, March 30<sup>th</sup>, 2012, Mr. Liggesmeyer communicated to us that in fact, McEwen Mining would not allow the site visit that Minera Andes had committed to the year before, and that perhaps a visit the following year could take place.

On April 3<sup>rd</sup>, 2012, Mr. Liggesmeyer indicated that the company had not finished its glacier study but that there had been a public presentation on San Juan about the glacier study underway. (CEDHA was not invited to or even informed of this event.)

On April 19<sup>th</sup>, 2012, Mr. Liggesmeyer contested our earlier communication indicating that McEwen would not change the information on the press release referring to “ice glaciers” not being present at the project site, which we argue to be false and misleading:

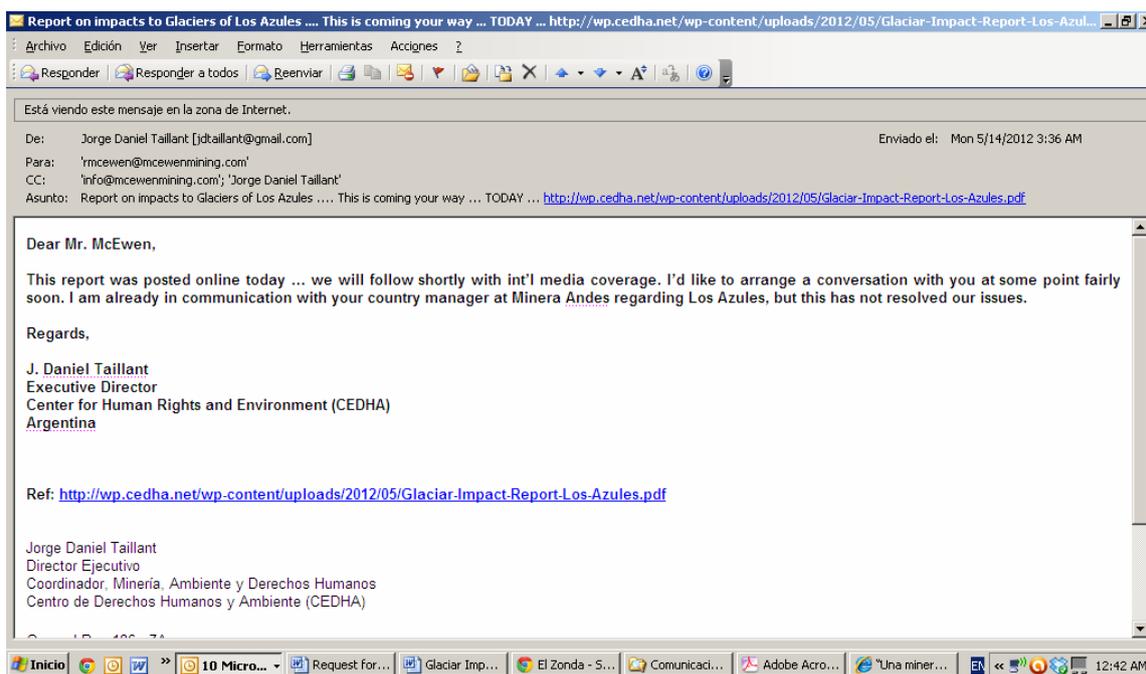
“The expression which you say is misleading on our website is published in a report covering the results of exploration from the 2010/2011 campaign which has a date of June 27, 2011 and which as a result cannot be changed”. (translated email from C. Liggesmeyer to CEDHA, April 2012—available upon request).

On May 14<sup>th</sup>, Mr. Liggesmeyer was the first person to receive our report, [Risks and Impacts to Rock Glaciers and Periglacial Environments of the Los Azules Project](#).

Realizing that we had clearly exhausted the willingness of Mr. Liggesmeyer and his local team to address our concerns, and that upper management at McEwen Mining was conveying false and misleading information about the glacier presence at Los Azules, we decided that it would be necessary to shift our communication and request of engagement higher up in the management chain.

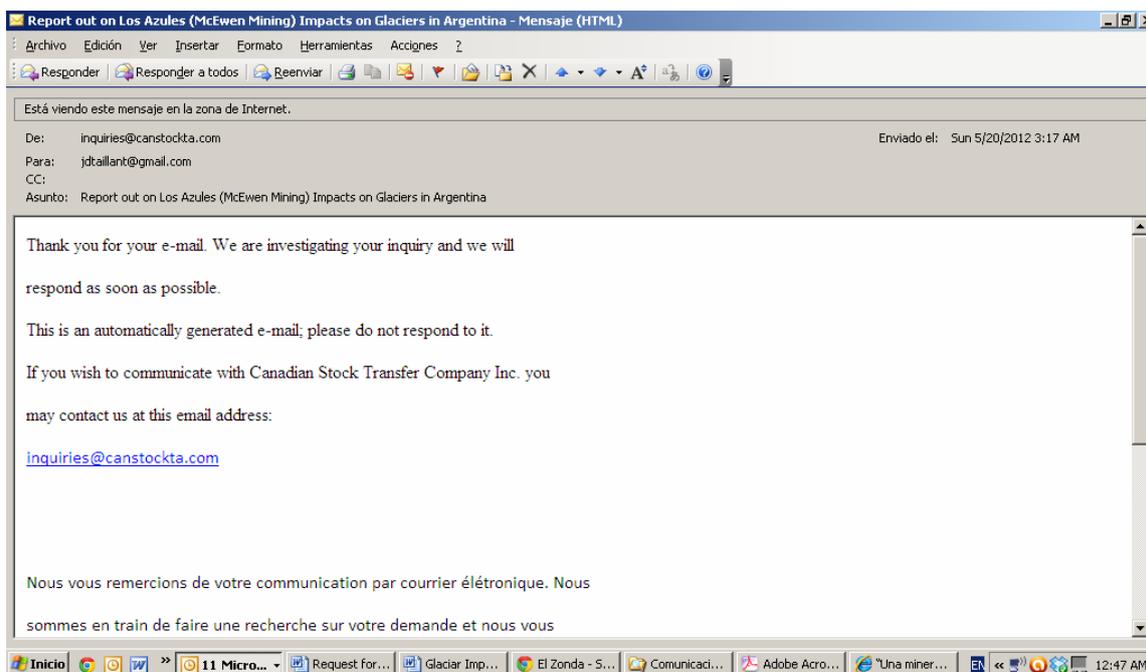
On that same day, May 14<sup>th</sup>, 2012 (the publication date of our report), we sent a copy of the Los Azules glacier and periglacial environment impact report to Robert McEwen, majority owner and CEO of McEwen Mining, inviting McEwen Mining to engage on our findings. We mention in the communication that we were not pleased with developments with the local project team.

## Center for Human Rights and Environment (CEDHA)



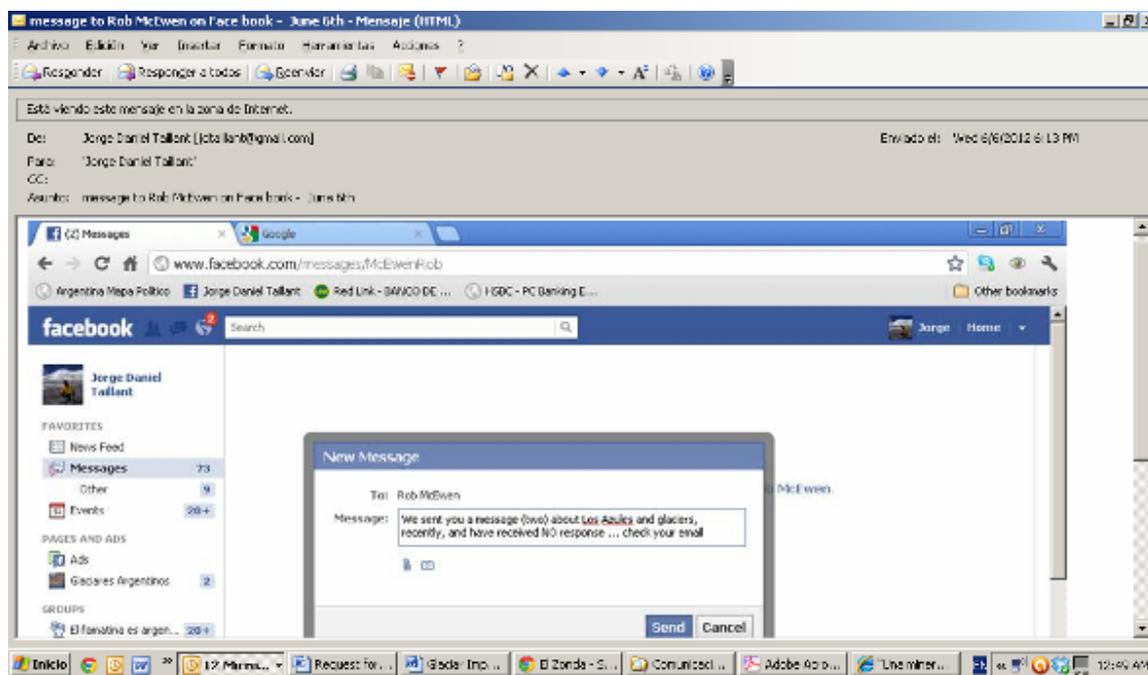
No response came to this email and so on May 17<sup>th</sup>, just before McEwen Mining's shareholder meeting, we sent yet another message to Robert McEwen with a very open offer to engage constructively on finding a solution that would both benefit McEwen Mining as well as the sector more generally—and most importantly, work towards the protection of glaciers.

On May 20<sup>th</sup>, 2012, we received an automatic reply from McEwen Mining (see below), indicating that we would have a response “as soon as possible”. To date we have not received any response whatsoever from the company.



## Center for Human Rights and Environment (CEDHA)

Having exhausted all other channels of communication to attempt to engage McEwen Mining on their glaciers and periglacial environment impacts by Los Azules, on June 6<sup>th</sup>, we sent a Facebook message to Robert McEwen, thinking this might be a way to get the company's attention. That message also went unanswered.



It seems clear from the lack of response (despite more positive early engagement extended by Mr. Liggismeyer under Minera Andes management), from the cancellation of the promised site visit following the acquisition of the Los Azules mining project by McEwen Mining, from the absolute lack of response from corporate headquarters at McEwen Mining despite several attempts to communicate with McEwen Mining in a constructive manner, and largely from the recent misleading publication on the corporate website and by high corporate executives stating falsely that there are no “ice glaciers” in the project area, that McEwen Mining of Canada is not taking steps to confront, address and correct its glacier and periglacial environment impacts at Los Azules. The company is simply refusing to engage with one of its most informed and concerned stakeholders.

To the credit of Minera Andes (under previous management), and to Country Director Mr. Carlos Liggismeyer, the company was the *only* company that we have contacted in our 3+ years of work on mining impacts to glaciers, that in the initial contacts immediately responded in a constructive manner to our inquiry and engaged offering a channel for discussion around any potential impacts they might have to glacier resources. The project manager, Carlos Liggismeyer, also indicated that the company would address any problems that we found regarding glacier impacts that were verified on the ground.

We believe this attitude marked an important advancement compared to other responses we have witnessed from other mining ventures in the region, such as those of Barrick Gold (Pascua Lama and Veladero), Xstrata Copper (Filo Colorado and El Pachón) and Yamana Gold (Agua Rica), for instance, that have outright denied glaciers impacts, that have unfoundedly criticized our work, and that have even suggested there are no glaciers at their project sites.

Other companies, such as Osisko, Newmont, and Peregrine Metals, have simply ignored all together our information requests about potential glacier impacts.

## Center for Human Rights and Environment (CEDHA)

A few critical points of this positive engagement by Minera Andes are in order however:

1. It should be clear that this engagement *never* actually included any steps by the company to take measures to enter into a substantive discussion about the content of our findings. Minera Andes only offered dialogue and a site visit which never happened.
2. Positive engagement occurred under Minera Andes, prior to McEwen's acquisition in January of 2012. McEwen Mining has offered nothing at all.

CEDHA has contacted Minera Andes on at least 30 occasions, since our first contact, never once indicating that we were not willing to engage constructively. We've always maintained a position of willingness to engage to find a solution to the problem.

Due to this unfortunate change of attitude on the part of Minera Andes (now McEwen Mining), and because the company is now clearly denying the obvious presence of *ice glaciers* at their project site, we decided to move forward with the publication of our findings as previously planned. The offer by Mr. Liggesmeyer to defer any eventual visit to the next season of operations (2012-2013), without addressing the impact issues we've published, without developing a glacier protection policy, and while maintaining false and misleading information on the company website about glacier presence at the project site, are simply unacceptable. There is no reason that McEwen Mining should not immediately and publicly commit to protecting glaciers. There is no reason that McEwen Mining should not have a glacier protection policy in place and that it should address our findings. The company should also cease all activity until these glaciers and periglacial environment issues are fully addresses, mitigated and repaired.

We hope that McEwen Mining will maintain its commitment to address the impacts we have cited in our study, and that it will cease publishing that there are no *ice glaciers* at the Los Azules site, which from the ample evidence available is clearly a false statement. We also hope that we will still be able to engage constructively with the company and conduct a site visit to verify the information presented herein. We maintain a constructive disposition to engage with McEwen Mining to address the conclusions we draw on the risks and impacts to rock glaciers and other ice resources protected by law.

## ***Violations of International Standards***

*In this section of the Request for Review, we highlight that McEwen Mining's activities as related to the Los Azules copper project in San Juan, Argentina are in violation of the international voluntary standards upon which the CSR Counsellor has grounds upon which to act and initiate a review. In each case the violations have a similar unifying element, related to:*

- *Failure to adequately engage on stakeholder concerns*
- *Failure to provide information about project impacts and guarantee participation of stakeholders;*
- *Failure to adequately address natural ecosystems vulnerability;*
- *Failure to establish and implement policies to protect the natural resources affected by their operations;*
- *Failure to adequately report and establish materiality of their operations relative to social and environmental impacts;*
- *Failure to adequately protect the human rights of affected stakeholders;*

### ***a) Violations of IFC Performance Standards***

The failure to properly address glacier and periglacial environment impacts by McEwen Mining implies direct violations of the following IFC Social and Environmental Performance Standards:

- Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts;
- Performance Standard 4: Community Health, Safety, and Security;
- Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources;

### ***b) Violations of the Global Reporting Initiative Reporting Standards and Principles***

The failure to properly address glacier and periglacial environment impacts by McEwen Mining implies direct non-compliance with the principles and reporting standards as established by the Global Reporting Initiative.

The failure to properly address glacier and periglacial environment impacts, the publication of false information about glacier presence on McEwen Mining's website, and the failure of adequately engaging key stakeholders violates in the GRI:

- The principle of Materiality;
- The principle of Stakeholder Inclusiveness;
- The principle of Sustainability Context;

While McEwen Mining has not yet produced a sustainability report which would include the Los Azules project, it is evident from the company's current decisions and publications that its public statements and reporting on current project conditions simply do not reflect the organization's significant economic, environmental and social impacts, which are essential pillars of the GRI reporting framework and standards.

***c) Violations of the OECD Guidelines for Multinational Enterprises***

McEwen Mining is also not in compliance with the OECD Guidelines for Multinational Enterprises. This Request for Review could have also been presented to the Canadian National Contact Point which reviews cases of Canadian mining companies that are not in compliance with the OECD Guidelines. However, the overlap and additional norms violations pertinent to the IFC Performance Standards and to the GRI Guidelines offer other additional and incremental grounds beyond the OECD Guidelines violations and for this reason, the CSR Counsellor was chosen as the more appropriate forum.

McEwen Mining violations to the OECD Guidelines include violations to the following chapters:

- I. Concepts and Principles (paragraph 2)
- II. General Policies (paragraphs 1, 2, 6, 7, 10, 11, 12, 14)
- III. Disclosure (paragraphs 1, 2, 4)
- IV. Human Rights (paragraphs 1, 2, 3)
- VI. Environment (paragraphs 1, 4, 5, 8)
- IX. Science and Technology (paragraph 1)

### ***Requests to the CSR Counsellor***

We ask the Canadian CSR Counsellor to:

- Engage McEwen Mining with a view to encourage that McEwen Mining develop, adopt and adhere to a glacier and periglacial environment protection policy in its operations;
- Encourage McEwen Mining to publicly address the findings and analysis of our glacier and periglacial environments impact report on Los Azules;
- Encourage McEwen Mining to publicly address how it will correct past, present and future glacier and periglacial environments impacts;
- Encourage McEwen Mining to cease all exploratory and/or other operations until it has completed its glacier survey and can conduct a proper glacier impact assessment;
- Encourage McEwen Mining to commit to not further impact glaciers and periglacial environments;

## Center for Human Rights and Environment (CEDHA)

### **Complainant**

Center for Human Rights and the Environment (CEDHA) was founded in 1999 to promote greater harmony between the environment and people. CEDHA works on environmental and human rights protection, corporate accountability, access to justice, transparency and access to information, climate justice, and compliance of social and environmental norms. In 2007, CEDHA received the Earth Care Award, the Sierra Club's most distinguished international advocacy award for the promotion of Corporate Accountability and Human Rights. CEDHA is based in Córdoba, Argentina and has a Democratizing Glaciers Initiative and a Mining, Environment and Human Rights Program, dedicated to promoting greater transparency, access to information, more robust and effective State controls and community awareness of mining activities in the region and their impacts to the environment and communities.

CEDHA is the author of numerous reports on glacier impacts of mining operations and is presently engaged in the development of a Protocol for Mining in Glacier Areas.

Contact info:

Jorge Daniel Taillant

[jdtailant@gmail.com](mailto:jdtailant@gmail.com)

Tel. +54 9 351 507 8376

[www.cedha.org.ar](http://www.cedha.org.ar)

### **Co-Signatory**

**Fundacion Ciudadanos Independientes (Fu.C.I.)** of San Juan Argentina was founded in 2003 and works actively on anti-corruption, bringing local complaints and working to promote greater accountability and transparency. One of Fu.C.I.'s key focus areas is environmental sustainability, and advocacy around open pit mining and toxic substances in the Andes Region.

Contact info:

Silvia Villalonga

[fuci@infovia.com.ar](mailto:fuci@infovia.com.ar)

Tel. +54 9 264 410 2938

[www.fundacionciudadanosindependientes.org](http://www.fundacionciudadanosindependientes.org)

### **Links to related evidence and documents:**

#### **Reports**

- [Report on Impacts to Glaciers of Los Azules - May 2012](#)
- [Technical Information CEDHA – Los Azules Project](#)
- [Environmental Impact Report Los Azules. Exploratory Phase](#)
- [Environmental Impact Declaration \(DIA\) San Juan. Nov. 2010](#)
- State Resolution Requiring Glacier Study for Los Azules (pp: [1](#), [2](#), [3](#), [4,5](#))

#### **Maps and other Technical Information**

- [Geomorphological Map of Los Azules \(PDF\)](#)
- [Geomorphological Map in Google Earth Format \(.kmz\) \(1MB\)](#)
- [Project Polygons \(.kmz file to view in Google Earth\)](#)
- [Project Map in Google Earth format \(.kmz\) \(1MB\)](#)
- [Glacier Inventory at Los Azules \(Excel File\)](#)
- [Glacier Inventory at Los Azules \(PDF File\)](#)

## Center for Human Rights and Environment (CEDHA)

- [Glacier Inventory at Los Azules \(.kmz file to view in Google Earth\)](#)
- [Definition of the Glaciosystem](#)

### **Letters Between CEDHA and Minera Andes**

- [Letter CEDHA to Minera Andes - 29 April, 2011](#)
- [Letter Minera Andes to CEDHA - July 26, 2011](#)
- [Letter CEDHA to Minera Andes - 8 August, 2011](#)
- [Letter Minera Andes to CEDHA - 7 Oct, 2011](#)
- [Letter CEDHA to Minera Andes - 11 Oct, 2011](#)
- [Letter Minera Andes to CEDHA - 17 Oct, 2011](#)
- [Letter CEDHA to Minera Andes - 18 Oct, 2011](#)

#### Argentine National Glacier Protection Law

<http://wp.cedha.net/wp-content/uploads/2011/04/ley-glacieres-definitiva.pdf>

(request an English version of the law: [jdtailant@gmail.com](mailto:jdtailant@gmail.com))

#### San Juan Province Glacier Protection Law

<http://wp.cedha.net/wp-content/uploads/2012/07/ley-glaciares-provincia-de-san-juan.pdf>

#### Verdict of the Argentine National Supreme Court Against Barrick Gold Sustaining the Glacier Law

<http://wp.cedha.net/wp-content/uploads/2011/04/Fallo-Barrick-Revocaci%C3%B3n-de-cautelar.pdf>

#### Other resources on Glacier Laws

[http://wp.cedha.net/?page\\_id=8216&lang=en](http://wp.cedha.net/?page_id=8216&lang=en)

#### Other resources on Glaciers

[http://wp.cedha.net/?page\\_id=8225&lang=en](http://wp.cedha.net/?page_id=8225&lang=en)