

Canadian Environmental Assessment Agency

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October 11, 2012

Dear Joint Review Panel Secretariat,

On October 4th, Shell's lawyers submitted a letter to the Jackpine Mine Expansion Joint Review Panel (JRP) requesting to exclude us from the hearings on the grounds that we do not qualify to present evidence. Their letter aims to seriously constrain public participation opportunities at the Joint Review Panel hearing and thus misapplies elements of CEAA 2012. We find this highly problematic in a range of areas, as the JRP is specifically mandated with offering opportunities for public participation in the review process. This attempt to prevent us, and other members of the public, from participating in the JRP hearings is improper. The employ of the CEAA 2012 is similarly inappropriate given that the process is intended to "ensure that opportunities are provided for meaningful public participation during an environmental assessment" and to promote democracy and transparency in decision-making. Further, such an approach would be contrary to the JRP's amended Terms of Reference, which state at Section 4.4 that: "[t]he [JRP] hearing shall be public and the review will provide opportunities for timely and meaningful participation by the public, including Aboriginal persons and groups."

We wish to correct some misrepresentations in the letter from Shell's lawyers. Their letter claims that we wish to "present on the sociology of the oil and gas industry". Our submission specifically discusses the Shell Jackpine Mine Expansion proposal, including a number of key concerns related to non-fulfillment of earlier agreements. Among the points we raise are the special provisions of the ERCB Directive 74 (2010) under which the Shell Jackpine mine's compliance with new tailings directives would be available for evaluation only retroactively.

Our submission also references, through the UNEP 2011 report, broader transnational concerns regarding Shell's practices in other sites (specifically Nigeria), that demonstrate the company's insufficient implementation of their own internal standards and international best practices. The Amnesty International briefing significantly bears on Canada's treatment of indigenous peoples in areas of extraction, which affect Canada and Alberta's international standing with regard to respect for human rights and the elimination of racial discrimination. That report raises important points related to the impingement of ongoing oil sands projects in the Canadian North on constitutionally protected rights of aboriginal people. These points clearly shed light upon the extent to which this project is in the public interest.

We would also like to clarify some further matters with relation to specialist knowledge and expertise. Below we provide biographies that demonstrate our specialist knowledge in this area which distinguish us from the general public and will assist the panel in making a determination. That said, as individuals with immediate family members residing in Alberta and the Niger Delta of Nigeria, and as residents of Canada, we consider ourselves to be impacted by this project.

Sincerely,

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Isaac Asume Osuoka
Doctoral Candidate
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Isaac 'Asume' Osuoka was the coordinator of Oilwatch Africa for many years and is currently a PhD candidate in the Faculty of Environmental Studies at York University in Toronto. He was one of the first recipients of the Canada Vanier Graduate fellowship, a prestigious award from the Social Sciences and Humanities Research Council of Canada. As Coordinator of Oilwatch Africa, Osuoka interacted closely with indigenous communities of South and North America, including Canada. See <http://www.yorku.ca/yfile/archive/index.asp?Article=12547>. Through this work and his current research he has had the opportunity compare extraction in the Canadian tar sands with the oil industry in West Africa. Asume is very well known internationally for his advocacy and research related to the oil industry and has presented in various international venues, including at United Nations meetings.

Dr. Anna Zalik is a tenured faculty member at York University and holds a PhD from Cornell University. From 2005-7, she was a Ciriacy Wrantrup post-doctoral fellow at the University of California- Berkeley in Natural Resources and Political Economy. Along with colleagues, Zalik is currently engaged in a multi-year Social Science and Humanities Research Council of Canada (SSHRC) grant concerning regulation on Canadian oil and gas frontiers, and a second SSHRC grant concerning democracy and transparency in the Nigerian oil industry. Her peer-reviewed work concerns the political economy and sociology of the oil and gas industry - including with relation to Shell practice internationally. Zalik has given invited lectures at the University of Chicago, the University of Toronto, UC-Berkeley, Cornell University, the Peace Research Institute of Oslo, Trent University and Queen's University, among others. A list of her publications may be found at <http://www.yorku.ca/fes/wa/FacultyProfiles/app/profile/571558>.