

Keywords

- > Mining
- > Risks and damages
- > Case studies
- > Environmental justice
- > Extractive frontiers

Between 1970 and 2004, the global extraction of major metals grew by over 75 percent, industrial minerals by 53 percent, and construction materials by 106 percent

Contrary to beliefs that the economy has been decoupling from natural resources and environmental impacts, **the mining extraction frontier continues to expand**. We still see raising per capita consumption in high demand countries like China, the European Union (EU) and the United States.

Modern economies require mining resources. However, decisions on **what** and **how much, where** and **how** mining takes place must not be made without the consent or even against the will of those affected. Similarly, monitoring, restoration and compensation plans require prior informed consent.

Rationale

In many countries of the world, a dramatic increase in extractive activities followed the adoption of neoliberal economic reforms with the promise of more economic growth. In the past decade, instigated by the rising price of some minerals on the world market, investors have **increased pressure on deposits at the commodity frontiers**. Previously unattractive deposits became prosperous and economically viable. This refers not only to precious and other metals, but also aggregates and – not being focus of this policy brief - fossil fuels. The projects developed and conducted by multinational companies often generate high profits for the investors while contributing very little to the economy and the development of the producing country. **Demonstrated short- and long-term impacts of mining operations** encompass both ecological and socioeconomic damages, including cultural losses and adverse effects on health. The rising appetite for mining has not only exacerbated already existing conflicts but also triggered new ones around extractive industries, mobilising general public campaign against the identified threats of the



Mining conflicts reported

Source: EJOLT report 7

mining sector. As a consequence, activists suffer varying degrees of repression.

Analysing landmark cases from the fastest growing kinds of mining, the EJOLT project found that the areas contested between industry and government experts, and the affected populations, consist of:

- (i) the **distribution of burdens and benefits** of mining activities, and the **struggle over knowledge and risk**, given scientific uncertainties;
- (ii) **rights** in terms of environmental conservation and preserving cultural integrity, indigenous rights, and local values and visions of development;
- (iii) **participation** in decision-making on the use of local resources.

Background

Our recommendations are grounded on an **international effort at exploring contemporary mining conflicts at the crossroads of growth and environmental justice**.

This is done based on 24 case studies from 18 different countries (Argentina, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, India, Mexico, Namibia, Niger, Peru, Slovenia, and Turkey) which are described by local activists and scholars taking part in the EJOLT project. While 17 of the reported cases focus on conflicts related to metal mining (e.g. gold, silver, copper, zinc, and lead), four address uranium mining and one refers to coal mining. As an example from construction material



Citizen committees from Greece supporting demonstrations against a gold mine in Krumovgrad, Bulgaria

Photo: Za Zemiata



Protesters from the Namibian National Society for Human Rights (NSHR)

Photo: K. Kraft, Allgemeine Zeitungocial



In Ecuador, an indigenous Shuar points at the Muranunca, 'the place where the rivers are born' (now under mining concession)

Photo: L. de Heredia

Policy demands

WHAT AND HOW MUCH: Besides promoting efficiency gains, resource use policies should set **caps on the extraction and use of mining resources**. Mining for ores containing radioactive elements, as contaminants or – in the case of uranium – as main content, should be minimized [and ultimately banned]. They require special safety provisions, plus monitoring and rehabilitation programs suitable for the long duration of lasting radioactivity, i.e. up to 100,000 years.

WHERE: The environmental, economic, social and cultural impacts of mining investments as well as unequal exchanges must be thoroughly assessed and taken into account within a **participatory planning process**. This process has to explicitly include the ‘zero’ alternative: **no mining in valuable areas** (e.g. protected sites or land belonging to indigenous communities). Local authorities and community institutions should be guaranteed real power in the decision making and monitoring stages.

HOW: The whole process of planning, operating and closing a mine requires utmost transparency and accountability.

- For transparency and participation, national mining laws – often a relic from a pre-democratic past – have to be modernised making **participation mandatory and effective** by offering sufficient time for it. Governments should invest in proper research to establish what is best practice in their own natural environment.
- In the preparation phase, substantial Environmental Impact Assessments and Integrated Assessments conducted by financially and scientifically independent experts and open to public scrutiny should be legally required, defining restrictions where necessary to guaranty compliance with existing legislation, plans and strategies. A **publicly accessible shortlist of experts** agreed between governments and civil society organizations and independent financing schemes are needed.
- Rehabilitation funds must be set up before the mining operation starts, and be filled while it is in full swing, long before the terminal phase. The level of savings required should be **based on international experience**; studies evaluating practices and identifying loopholes are overdue and should be financed by the EU. Setting up funds sufficient for **rehabilitation and reparation to the rights of impacted people and nature** should be legally mandatory for all corporations operating from Europe (like the financial transaction tax taken at the point of origin). Deposits need to be accessible (for European operators stored in a European bank) and safeguarded so investors can not claim it in case of critical financial situations (e.g. bankruptcy). Similar provisions should be encouraged for corporations not operating from Europe by national governments and through international agreements.
- Governments and labour unions should pressurise and oblige **companies to adopt EU environmental and social standards in their global operations**, including the phasing-out of cyanide use.
- **Monitoring and enforcement** must be independent of the mining operator, complementing or replacing existing monitoring operations, and be conducted by **sufficiently skilled, trained and equipped public authorities or independent experts** licensed by them; both must be independent of mining revenues in the financing of their operations. The **results must be accessible to the public**; a mandatory management committee of all stakeholders (management, unions, authorities, civil society) can help. Monitoring should include compliance with the license and – not least for tax reasons – the supervision of volumes mined and the content of precious metals in the processed ore.
- Enforcement requires good monitoring data, plus sufficiently authorized and equipped public authorities, able to **close down immediately all illegal mining** and to credibly threaten closure to legal ones in case of non-compliance with legislation or concessions.
- Trust requires dealing with a known counterpart, so **concession application should be limited to real and traceable investors**, i.e. not hosted offshore or in tax heavens.



This policy brief was developed as a part of the project *Environmental Justice Organisations, Liabilities and Trade* (EJOLT, 2011-2015) (FP7-Science in Society-2010-1).

The project supports the work of Environmental Justice Organisations, uniting scientists, well known activist organisations, think-tanks and policy-makers from the fields of environmental law, environmental health, political ecology, ecological economics, to talk about issues related to Ecological Distribution. EJOLT aims to improve policy responses to and support collaborative research and action on environmental conflicts through capacity building of environmental justice groups around the world. Visit our free resource library and database at www.ejolt.org and follow twitter.com/envjustice or www.facebook.com/ejolt to stay current on latest news and events.

example from construction material mining, a sand mining conflict from India is also reported.

The analysis helps to better understand the link between mining conflicts and the quest for growth and the metabolism of economies as well as the role that ecologically unequal exchanges play in this context. **The environmental justice conflicts occurring in relation to mining are not limited to the described cases.** Yet, the compilation of these cases underline the significance of mining conflicts in the transition to sustainability and the role

that the environmental justice movement might play in strengthening environmental liability in a legislative and governance context.

For more information

Mining conflicts around the world. Common grounds from an Environmental Justice perspective

EJOLT Report No. 7, available at:

www.ejolt.org/reports

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