



JUSTICE IN MINING

A Global Jesuit Advocacy Network

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COVID-19 pandemic: A call of the Justice in Mining Network to strengthen cooperation and solidarity with communities affected by mining

The COVID-19 pandemic is having a devastating impact across the world on all aspects of life –the economy, social security, education, food production and the health of families and communities. In this scenario, our actions should be guided by the values of cooperation and solidarity, otherwise, marginalised people and the most vulnerable groups in society will bear the brunt of this pandemic, during and after this crisis.

The Justice in Mining Network represents Jesuit Social Centres and Jesuit organisations from all around the world that accompany communities affected by mining in Asia, Latin America and Africa. Despite living in territories rich in natural resources, most of these communities suffer from poverty, violence, inequality and a structural lack of access to education, healthcare and other basic services. Our main advocacy goal is to stop the criminalisation of social leaders, human right defenders and environmental activists, while ensuring that issues of equity and sustainability are addressed by the national governments and the extractive industries.

In light of the COVID-19 pandemic, we want to express our concern for our member organisations and the local communities they work with, as well as make key policy recommendations to address the challenges posed by the outbreak.

The shrinking of the civic space and the threats to the human right defenders

Previous to the COVID-19 outbreak, the shrinking of the civic space was already a worrying trend across the world. Now some governments and other actors might use this crisis to expand their powers, stifle civic freedoms and silence any form of criticism.

Before imposing strict lockdown measures, governments should consider that social isolation can be very dangerous for human right defenders and community leaders. The loss of protection mechanisms and the lack of media attention makes them easy to target. This is already happening in the rural areas of Colombia, where the [death squads are taking advantage of the lockdown to kill activists](#), but it can also happen in other countries in Latin America (specially, in Honduras and Brazil two of the most dangerous countries for the human right defenders), as well as other continents.

In Asia-Pacific, some have expressed their fears that the extraordinary harsh measures taken by the governments of [India](#) and [Philippines](#) to impose social distancing (including curfews, harassment and arbitrary detention of journalists, community leaders and human right defenders) will not be rolled back once the pandemic has passed.

The artisanal miners in conflict zones and high risk areas will be hit hard by this crisis

The artisanal mining sector represents an important livelihood and source of income for many poor and remote households in Africa, Oceania and Central and South America. There are approximately [41.5 million people globally who work in the artisanal mining sector \(30% of whom are women\)](#). Counting their families, we have that [around](#)

[100 million people depend on small-scale artisanal mining for their livelihood](#) compared to the 7 million workers in industrial mining worldwide. The vast majority of the artisanal miners work in the informal sector and they and their families lack access to healthcare and other safety nets. Many of them are located in conflict zones and high risk areas, dealing with the presence of organised crime, structural violence and armed groups which take advantage of this situation by fixing illegal taxes, smuggling minerals, or taking over artisanal mines.

The lockdown measures and the restrictions imposed on international trade will probably have a devastating impact on these communities, as they are the weakest link of the global supply chain of minerals. There are already reports that [illicit traders in the gold market are making huge benefits at the expense of the most vulnerable miners](#), whose income has decreased significantly (up to 50% less) in some producing areas of DR Congo and other neighbouring countries. These growing inequalities pose a risk on the already fragile peace and security in eastern DR Congo as well as in other conflict affected and high risk areas.

Business as usual in the time of COVID-19 could endanger the lives of workers and local communities

The call for solidarity and cooperation with local communities and workers should also be addressed to mining companies. This is not the time for them to exert pressure on governments and public administrations to lower regulations and protect business interests, as some sectors have already tried to do in [Indonesia](#) and the [United States](#). Greed cannot guide the response of the mining companies to this public health crisis. This attitude will not only frustrate the current efforts to contain the COVID-19 spread, but will sow the seeds of future conflicts.

Running mining operations without acknowledging and addressing the public health risks of the pandemic could endanger the lives of workers and local communities. The decision to reduce and possibly stop mining activities should take into account the voices of the workers and local stakeholders. In those cases where minimum services are required to preserve the safety of the mines and the tailing dams, companies should provide their workers with the necessary means (e.g. training, personal protective equipment, etc.) to protect their health.

Disruption in global supply chains can derail the entire global development model

The objectives of the Climate Change Agenda to reduce greenhouse emissions could be affected by [the disruptions in the global supply chains of minerals](#) caused by the COVID-19 crisis. Most of the policies designed to achieve those goals focus on the replacement of fossil energy sources with renewable energies, such as wind turbines, solar panels, electric vehicles, etc.

But producing low-carbon technologies requires a considerable amount of “critical minerals”, including rare earth elements. China is a major player in the geopolitics of the energetic transitions as it is one of the main producers of these technologies. On the other hand, the international trade in many of these “critical minerals” has been linked to human right abuses and huge environmental risks as they tend to be mined and processed in [conflict-prone countries with poor governance](#).

The COVID-19 pandemic is unveiling the deep interdependencies of global development and its fragility. Disruptions in global supply chains of minerals could impact significantly on the “energy transitions” needed to reduce greenhouse emissions globally; by the same token, the price volatility in global commodity markets could cause a drastic economic recession in many mineral and fossil fuel producing countries, with severe social and political consequences. Governments, international organisations and other stakeholders involved in the Climate Change Agenda and the Sustainable Development Agenda should ensure better mainstreaming of human rights (addressing particularly the right to health and the right to a healthy environment) in their climate change and energy transition policies. We believe that this would be key to improving good governance of natural resources and achieving a just transition worldwide.

GENERAL POLICY RECOMMENDATIONS

We, the Justice in Mining Network, make the following urgent policy recommendations to national governments, international organisations and the business operators and other stakeholders involved in the global supply chains of minerals.

Regarding the situation of the human right defenders:

- Given the important role that the human right defenders and the civil society organisations play in the implementation of all human rights and fundamental freedoms, as recognised in the Declaration on Human Right Defenders, passed the UN General Assembly in 1998, governments must ensure that the exceptional measures taken to contain the spread of the COVID-19, including mobility restrictions and the limitations to the right of association and peaceful assembly, are temporary, strictly necessary and proportionate to the protection of public health.
- Given the specific risks faced by the human right defenders, governments must also ensure that the protection schemes and other ad hoc measures taken, either by the public agencies or the local communities, to protect human right defenders are not suspended or limited during the quarantine.
- During and after humanitarian emergencies, the freedom of the press, the right to information and to free speech have proved to be effective means to hold governments, authorities and decision makers accountable for their actions. These freedoms must be defended, so that human right defenders, community leaders and civic organisations can play their role in identifying the needs and voicing the concerns of the marginalised and the most vulnerable people.
- We encourage the member states of the Organisation of American States (OAS) to follow the guidelines, resolutions and recommendations included in the [Resolution 1/2020](#) of the Inter-American Commission on Human Rights (IACHR). Especially, its recommendations regarding the protection of the human right defenders and other vulnerable groups in the context of the COVID-19 pandemic.
- Those human right and environmental defenders who had been arbitrarily detained and imprisoned and remain in jail, awaiting for trial, should be immediately released. This is the case of [eight water defenders of the rivers Guapinol and San Pedro in Honduras, who have been unfairly imprisoned for more than eight months now](#). Accordingly, we support the initiative of one of our member organizations, ERIC-Radio Progreso, which, in collaboration with the Fundación San Alonso Rodríguez (FSAR) and the Center for Justice and International Law (CEJIL), [have requested precautionary measures before the Inter-American Commission on Human Rights \(IACHR\) in order to protect the life and integrity of these eight water defenders](#).

Regarding the artisanal and small scale miners:

- National governments must ensure that artisanal and small scale miners know the risks related with the COVID-19 pandemic and have the necessary means to protect themselves during this period. Authorities should engage in constructive dialogue with the cooperatives of artisanal miners and local traders in order to address this public health crisis effectively.
- Given the vulnerability of unemployed artisanal and small scale miners and their families, we urge national governments, development agencies and other international organisations, such as the European Union, to include this population (especially the women and children of these communities) in the vulnerable groups that will be prioritised for humanitarian aid.

- For those economic operators working with artisanal miners in the formal supply chains, we encourage them to draft and disseminate guidelines for protection and hygiene adapted to their necessities at the workplace and during the processing and transportation of the minerals. These guidelines should include also a gender perspective, since there are specific risks for the women who work in the artisanal sector.

Regarding the due diligence obligations and the supply chains of minerals:

- All business operators involved in the mineral supply chains must comply with their environmental and due diligence obligations in accordance with the [United Nations Guiding Principles on Business and Human Rights](#), the [Organisation for Economic Cooperation and Development \(OECD\) Guidelines for Multinational Corporations](#) and the [OECD Guidelines for Responsible Minerals Supply Chains](#). In the context of the COVID-19 spread, we urge them to stop their activities if necessary during the pandemic and to include additional measures to manage the risks associated with the health and the security of the workers and the artisanal miners.
- In those conflict-affected and high risk areas rich in mineral-resources, such as the African Great Lakes region or the remote rural areas from Colombia, we urge national governments to increase cooperation with the OECD and the local authorities to put in place due diligence mechanisms in order to tackle the illicit trade of minerals and protect the most vulnerable groups and communities to the COVID-19 pandemic.
- In the context of this public health crisis, the complementary measures taken by the EU Commission to ensure the effective implementation of the EU Regulation on responsible supply of “conflict minerals” (see the [EU Regulation 2017/821](#)) should include aid packages to improve the access of artisanal miners and local communities to healthcare services and other safety nets.
- We urge the Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) and the OECD to define a clear mineral supply chain strategy with a two-fold objective: meeting the Paris Agreements on reducing greenhouse emissions while addressing the issues related with weak governance in mineral producing countries, as well as the corporate responsibilities of the extractive industries regarding human rights and environmental protection. We believe such a dialogue will help to deal with the outcomes of this crisis and to build more resilient societies in the future.

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