

# Digging At Our Conscience

## MINING TOOLKIT



An average mobile phone is made from 42 different minerals including aluminium, coltan, copper, gold and tungsten.

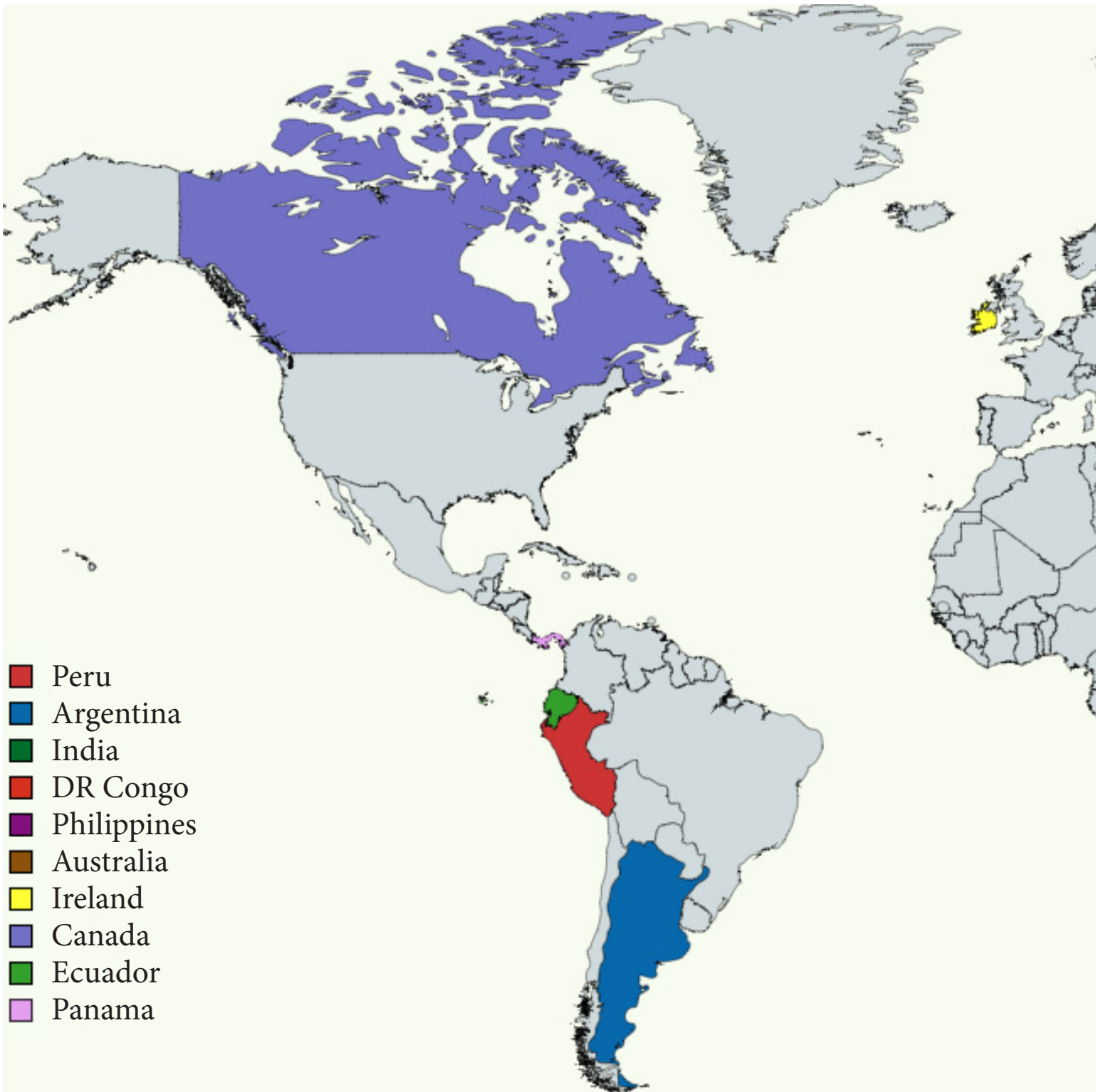
It takes 8,000 litres of water to produce the gold in one ring.



The Future We Need

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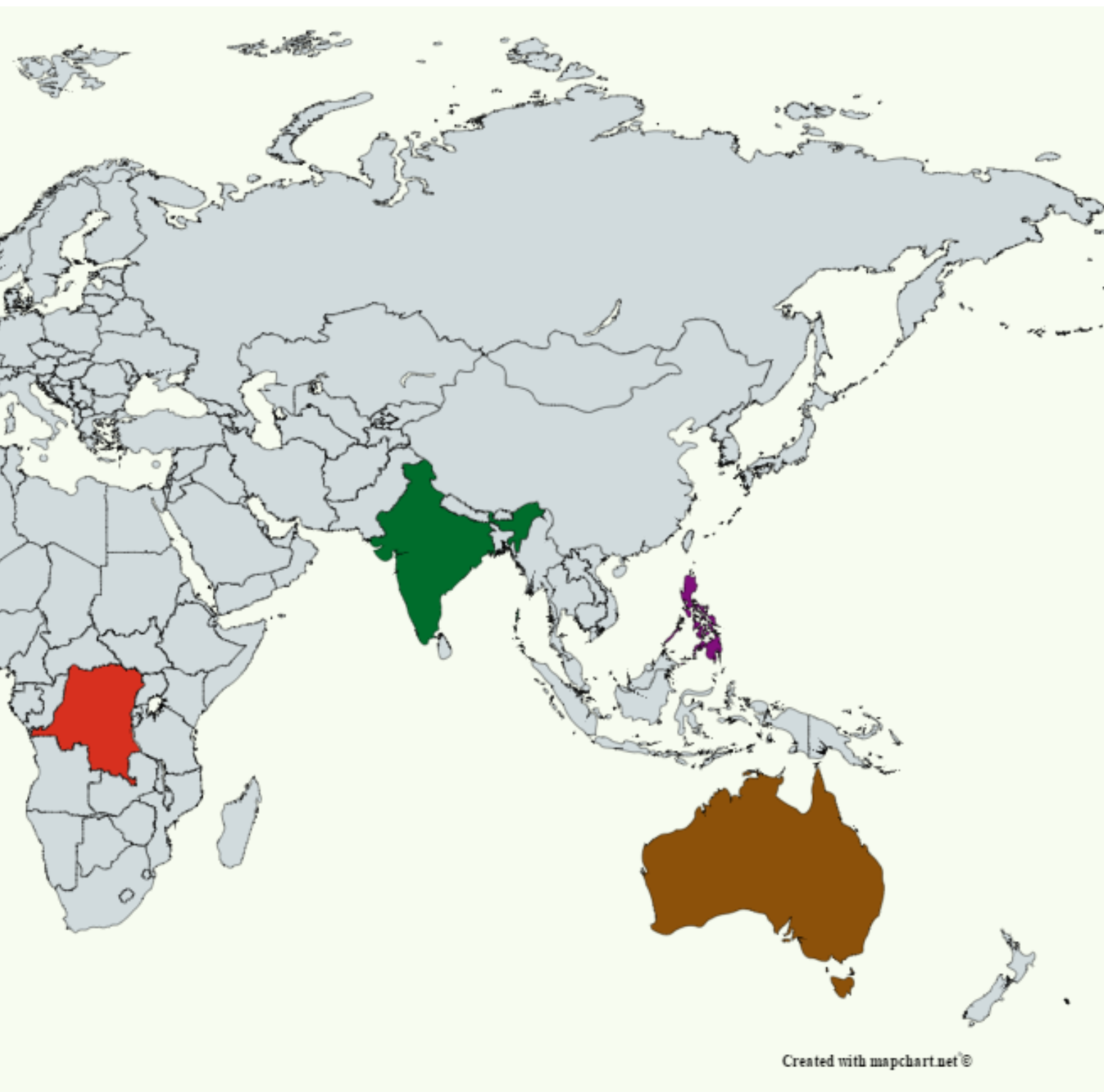


## Cover

Photo credit: Sasha Lezhnev / Enough Project

Caption info: Kaniola gold mine in South Kivu, Democratic Republic of the Congo.







## INTRODUCTION

It is 10.32 on a sunny Saturday morning in London and Paul is about to enter his favourite store on Regent Street, to browse the latest in the world of electronics. Having spent hours checking out all the new stuff. Paul decides on the latest tablet computer from a famed electronics company. Expensive?? Yes.... but the new retina screen bursting with colours and near-perfect definition will completely outclass his last tablet bought just 18 months ago. At the other end of the planet, it is dusk and the dust in the air is turning red. Zhao has finished his day mining rare earth minerals in Inner Mongolia, China, the heartland of the rare minerals extraction. These minerals are vital components in technological developments and Zhao knows the importance of this industry to his country, which controls 90% of the world production. He is aware of the terrible environmental price that his community is paying and he knows that annually, millions of tons of processed soil, doused in acid and chemicals, are dumped in the nearby lake. Neither Paul nor Zhao have the slightest idea of the bond that unites them. *(adapted from www.gaiafoundation.org)*



*"Am I like millions of others enthralled by the endless offers of new products? The mining of rare minerals required to meet our insatiable thirst for technological gadgets is now one of the most pressing and controversial issues of today."*

**This 'Mining Toolkit', through a series of 12 case studies, is designed to provide information about the impact of mining on local communities worldwide. It also serves to challenge us to take responsibility for what we buy!**

### THIS TOOLKIT COVERS THE FOLLOWING AREAS:

1. Issues facing local communities in their dealings with mining projects
2. Specific examples of the consequences of irresponsible mining practices
3. Social, environmental and health impacts of the depletion of natural resources.
4. The importance of networking with civil society, faith-based and non-governmental organizations (NGOs) for positive outcomes.
5. Sharing strategies and campaigns of best practice.

## MINING / EXTRACTIVE INDUSTRIES

Simply put, the extractive industries relate to 'the prospecting and exploring of natural resources, acquiring and extracting them from the earth'.<sup>1</sup> Mining is the process used to obtain any material that cannot be grown or manufactured.

## GROWTH IN EXTRACTIVE INDUSTRIES

The rapid growth of the extractive industries is raising serious global concerns. It is partly in response to our insatiable demand for the latest electronic gadgets. These are designed to have a shorter lifespan and be thrown away. Pope Francis says in his papal encyclical: *Laudato Si "The Earth, our Home, is beginning to look more and more like an immense pile of filth"*

## TYPES OF MINING

Mining projects vary according to the type of metals or resources to be extracted.

**Open pit mining** or **quarrying** is the recovery of minerals like gold, silver and copper from an open pit in the ground, e.g. Peru, Ecuador and the Philippines.



<sup>1</sup> [http://www.teachmeanfinance.com/Scientific\\_Terms/Extractive\\_industries.html#ixzz1uO1zFz2t](http://www.teachmeanfinance.com/Scientific_Terms/Extractive_industries.html#ixzz1uO1zFz2t)

<sup>2</sup> Yes to Life, No to mining

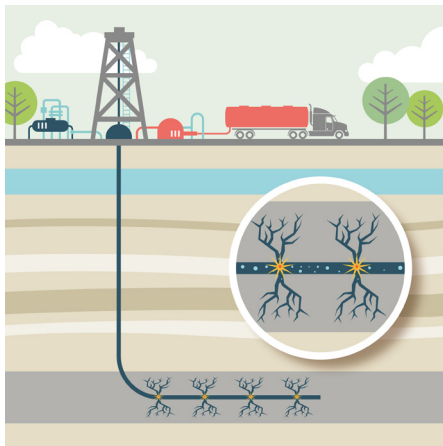


**Mountain top removal** to reach the mineral deposit in and under the mountain e.g. USA, Argentina and Europe.

**Coal Seam Gas Mining (CSG)** is widely used in Australia. Methane gas is now found in coal seams that were previously too deep to mine.

**Tar Sands Mining** entails a process whereby oil is extracted from a combination of clay, sand, water, and bitumen e.g. Canada

**Hydraulic Fracturing** is a relatively new process of drilling and injecting large volumes of water, chemicals and sand into the ground at a high pressure. This breaks open shale rocks which releases the natural gas (methane) inside, e.g. Argentina, UK and the USA.<sup>3</sup>



Hydraulic Fracturing Process Diagram <sup>4</sup>

## HEALTH AND WELL BEING

It has been proven that mining can adversely affect quality of life i.e. the physical, mental, and social well-being of individuals and whole communities. The potential health risks of some mining projects are grossly underestimated. There is evidence of increased respiratory and gastro-intestinal diseases<sup>5</sup> and higher incidences of cancer in communities living close to specific mining projects. While some countries impose stringent health and safety standards on mining companies, many governments drop these standards in order to secure more financial gain.

## OTHER ISSUES OF CONCERN

**Water** The excessive use of water required in mining often exhausts the local water supply, making agriculture and livestock production difficult or impossible. Poisonous substances can seep into water systems, contaminating the water table. This reality negates the fundamental right of access to safe drinking water and adequate sanitation, guaranteed by the UN Human Rights Council in 2010.

**Air** Some mining processes release high emissions of sulphur dioxide and dust from heavy metals, like lead and mercury that pollute the air.

**Noise** pollution associated with mining includes the combined impacts of blasting, drilling and grinding, heavy machinery and trucks.

**Land degradation** covers contamination of soils and deforestation. Agricultural activities near a mining project are jeopardised by the effects of chemical spills and windblown dust from mining activities.

**Food Security** is critical, but global analysis reveals some mining projects destroy the conditions essential for healthy farming activity. Farmers believe mining contributes to livestock deaths, soil pollution, acidic water supplies and desertification of their land.

**Waste Disposal** from the mining process is a critical environmental issue. Chemicals like arsenic, mercury, and pyrites plus radioactive materials, percolate into the soil and water systems for up to twenty years after mining ceases.

**Wildlife and Habitats.** The invasive presence of industrial activity adversely affects the natural habitat of flora and fauna. Removal of vegetation and topsoil, contaminated water, the release of pollutants into the air and the noise factor are all contributing elements.

<sup>3</sup> <http://www.dangersoffracking.com/>

<sup>4</sup> <http://goodenergiesalliance.com/7-what-is-fracking/>

<sup>5</sup> [http://www.tsjc.org/uploads/media/Symptomatology\\_of\\_a\\_gas\\_field\\_April\\_2013-1.pdf](http://www.tsjc.org/uploads/media/Symptomatology_of_a_gas_field_April_2013-1.pdf)



## MINING AND THE ECONOMY

For many countries especially in the global south, the export of minerals like gold, silver, copper and zinc is their most important economic activity. However rich mineral wealth does not necessarily lead to economic wealth! Low economic growth and great poverty in some of these countries proves this point.<sup>6</sup> Despite this, governments, global and financial institutions like the World Bank, continue to promote mining as a pathway out of poverty!

The promise of certain job creation and economic growth that mining will bring, proved to be exaggerated, short-lived and of benefit to just a few.<sup>7</sup> Part of the reason for this is the significantly reduced labour force required, due to the rapid technological advances in mining processes.

### TRADE AGREEMENTS AND MINING

Free trade is usually defined as the absence of tariffs and quotas, allowing each country to specialize in the goods it can produce cheaply and efficiently relative to other countries. Trade agreements can affect a huge range of laws and programmes that determine how our economies work, how we grow and sell food, and who benefits—or loses. Multi-national companies, in conjunction with governments, often behind closed doors, lock those decisions into permanent agreements that in many cases override national and international laws. Three trade agreements currently under negotiation:

- **Transatlantic Trade and Investment Partnership (TTIP)** between the United States and Europe. <http://ec.europa.eu/trade/policy/in-focus/ttip/>
- **The Trans-Pacific Partnership (TPP)** between the EU and 11 Pacific nations. <http://tppinfo.org/>
- **Comprehensive Economic and Trade Agreement between Canada and EU (CETA)** <http://ec.europa.eu/trade/policy/in-focus/ceta/>

6 <http://www.oxfamamerica.org/static/media/files/metals-mining-and-sustainable-development-in-central-america.pdf>  
7 <http://www.gaiafoundation.org/UnderMiningAgriculture>

## WHY SHOULD WE BE CONCERNED ABOUT TRADE AGREEMENTS?

- ✓ They give new powers to corporations to sue governments;
- ✓ They lead to more privatisation of public services like health and education;
- ✓ They weaken workers' rights and put millions of jobs at risk;
- ✓ They reduce environmental protection and food safety regulation
- ✓ They can be a blueprint for future trade deals around the world.

## TRANS ATLANTIC TRADE AND INVESTMENT PARTNERSHIP (TTIP)

Despite huge opposition, this proposed trade agreement between Europe and America, is moving closer to being adopted. In trade deals like TTIP, corporate profits often take priority over the voice of the people, and undermine the democratic process and human rights issues. Investor State Dispute Settlement (ISDS) has been hugely controversial in the TTIP debates and has been met with fierce opposition from some national governments, MEPs and civil society. ISDS<sup>8</sup> allows corporations to sue governments for future losses allowing corporations to “sue for the loss, or expropriation of its future profits”. With an ISDS system in place, corporations would be able to challenge governments in a private trade tribunal giving corporations excessive power over national governments.

### A VICTIM OF THE ISDS

‘Gabriel Resources’ a Canadian Company is using the ISDS to claim \$4 billion from the Romanian Government in compensation for ‘loss of future earnings’. In the face of huge public opposition, the Government withdrew the lease to the Canadian company, to mine for gold. The reason was the project necessitated blowing up four mountains, displacing two villages and creating a toxic cyanide lake in the Roşia Montană region. The ISDS process favours the mining company, which allows them to sue the Romanian government for €4 billion in compensation. This is despite the fact that to date ‘Gabriel Resources’ has reportedly spent a mere \$500 million on this project!

8 ISDS <http://londonminingnetwork.org/2015/07/gabriel-resources-world-bank-rosa-montana>



<sup>9</sup>Church tower of Geamana, Romania, submerged in toxic pond of a copper mine. Glyn Thomas Photo<sup>9</sup>

Many mining activities release harmful gases like methane that contribute to global warming and climate change. Additionally, extensive deforestation removes the trees that absorb carbon dioxide and solar heat. Scientific evidence confirms that climate change is a critically urgent issue, responsible for the deaths of 4.5 million people each year because of air pollution. It is predicted that the climate crisis will claim 100 million lives between now and the end of the next decade.<sup>10</sup>

dramatic changes to global climate.

- Since then we have burned millions of tons of wood, coal, petrol and gas.
- We have poisoned the atmosphere with more and more CO<sub>2</sub>, greenhouse gas.
- We have already warmed the planet by one degree.

### Resources

- **“Wake up Call”** a short animated film showing the true cost behind some of our most prized electronic gadgets. [https://www.youtube.com/watch?v=jid2A7ldc\\_8&feature=youtu.be&t=13s](https://www.youtube.com/watch?v=jid2A7ldc_8&feature=youtu.be&t=13s)
- Also worth watching is the **Story of Stuff**: <http://storyofstuff.org/movies/story-of-stuff/> and the **Story of Broke** <http://storyofstuff.org/movies/story-of-broke/>

*“This is one of those rare issues, because of its magnitude and scope, that if we don’t get it right, we may not be able to reverse. There is such a thing as being too late when it comes to climate change.”*  
Barack Obama, (3.8.2015)

**2°C**  
is one of the most common figures in climate change debates. Above this our planet is in crisis.

## CLIMATE CHANGE AND MINING

On a human scale 2° degrees doesn't make a big difference but for the global climate this number represents a vital threshold that we mustn't cross. If we cross this 2° degrees line, we will unchain serious transformations for global climate eg. changes in precipitation patterns, melting of the ice sheets on the poles, the resulting rise in the sea level and mass population movements. We have already seen and experienced this in recent years with changing weather patterns.

### Climate history changed

- With the development of the steam engine and the subsequent industrial revolution, we have seen

<sup>9</sup> <http://www.yestolifenotomining.org/3093-2/>

<sup>10</sup> [http://linkis.com/theguardian.com/Insight\\_Astronomy\\_Ph.html](http://linkis.com/theguardian.com/Insight_Astronomy_Ph.html)





The Future We Need

# THE FUTURE WE NEED TOOLKIT

## CANADA – A MINING GIANT

### CONTEXT

Canada occupies most of the continent of North America, sharing borders with the U.S to the south, and the state of Alaska to the north west. Much



of Canada is viewed as a sparsely-populated pristine wilderness. It is this, but it is also one of the world's mining giants:

- About 75% of the world's exploration and mining companies are headquartered in Canada.
- Almost 1,300 Canadian mining companies operate in more than 100 countries globally. This includes every country in Latin America and 43 African countries.

### MINING IN CANADA

#### 1. ALBERTA'S TAR SANDS ARE LOCATED IN THE N.E. AREA OF ALBERTA STATE, IN WESTERN CANADA.

These tar sands contain an estimated 173 billion barrels of bitumen, a tar-like substance that requires intensive processing to become synthetic crude oil. This oil has higher carbon content than many other petroleum sources. Replacing 3 million barrels a day of conventional oil with tar sands oil is equivalent to adding 22 million passenger cars to the roads!

The extraction process contaminates the water and creates enormous toxic tailing ponds. The Alberta Tar Sands, comprising 140,000km square of forests, equivalent to the size of England, is described as 'the most destructive project on earth'<sup>11</sup>

#### 2. FRACKING IN ALBERTA

Fracking for shale gas, oil and coal bed methane is more advanced in Alberta than in other areas of Canada. This controversial process has been ongoing for fifty years in Alberta, with 171,000 wells being fractured. Today however, the new multi-stage horizontal fracking presents different challenges.

### CHALLENGE

The United Nations has challenged Canadian mining practices on a number of occasions through the following bodies:

#### Convention on the Rights of the Child (CRC)

CRC recommended 'a clear regulatory framework be established for gas, mining and oil companies operating in territories outside Canada'. This will ensure that their activities do not impact on human rights, especially those related to children, or endanger the environment.

#### The UN Human Rights Committee

reviewed Canada's record in July 2015, for compliance with the International Covenant on Civil and Political Rights. In the draft report the UN HCR expressed strong criticisms and concerns on Canada's mining activities overseas.

**NGOs** expressed their grave concerns about the restrictions imposed by the Canadian Government on the rights of indigenous Canadians, specifically limitation on freedom of expression.



Fracking Threatens Our Drinking Water – Ban Fracking Now<sup>12</sup>

### RESPONSE

70% of Canadians support a national moratorium on fracking, until it is scientifically proven to be safe.<sup>14</sup>

**The Council of Canadians** (Canada's largest citizens' organisation) opposes fracking because of its vast water use, high carbon emissions, impact on human health, the disruption it causes to wildlife and the danger posed to

<sup>11</sup> [www.gaiafoundation.org/canada-alberta-tar-sands-the-most-destructive-project-on-earth](http://www.gaiafoundation.org/canada-alberta-tar-sands-the-most-destructive-project-on-earth)  
<sup>12</sup> <https://secure.canadians.org/ea-action/action?ea.client.id=1899&ea.campaign.id=31179>

ground water and local drinking water. They are calling for a country-wide halt on all fracking operations and engagement with people in communities across Canada who are saying **'No fracking way!'**

**The Council of Canadians** also opposes further tar sands development because of serious social, environmental and economic consequences. They criticise Canadian foreign policy as being increasingly about protecting corporate interests in the tar sands rather than the environmental consequences i.e. climate change.

**Greenpeace** is lobbying oil companies and the Canadian Government, to stop the tar sands and end the industrialisation of a vast area of indigenous territories, forests and wetlands in Northern Alberta.

**Over 100 prominent scientists** from across North America have released a consensus statement entitled:

'Ten Reasons for a Moratorium', that shows why Canada and the US should forget any new tar sands development.<sup>14</sup>

**The Mining Solidarity Network (MISN)** is a grassroots group which brings into the arena the voices and experiences of communities impacted by extractive industries.<sup>15</sup>

*Mining Watch Canada* is a non-profit organisation. It responds to industry and government failures, to protect the public and the environment from destructive mining practices. It also challenges them to deliver on their sustainability rhetoric.<sup>16</sup>

## RESOURCES

- [www.cbc.ca/natureofthings/features/fracking-in-canada](http://www.cbc.ca/natureofthings/features/fracking-in-canada)
- <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> Canada HR Committee

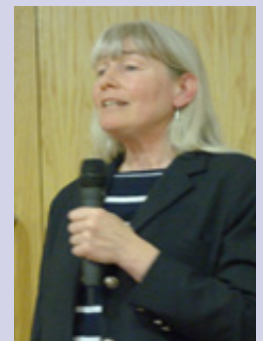
## ERNST versus ENCANA

Jessica Ernst, a 57 year old Canadian, has a small ranch northeast of Calgary, Alberta. She lost the use of her water wells after a gas company hydro-fracked several drill holes nearby. The water was so badly contaminated that it could be set on fire! Jessica alleged that fracking released hazardous amounts of chemicals such as methane into her well and that her concerns were not properly investigated.

Thus began an eight year campaign against EnCana Corporation the big oil and gas company. As well as fighting for clean water, Jessica is also fighting for freedom of expression, fair legal procedure and justice.<sup>13</sup>

Anti- fracking campaigners in Ireland heard Jessica's story when she visited them in 2013. Her campaign is still going on. She has now gone to the Supreme Court of Canada to challenge Alberta's court ruling against her. The ERNST versus ENCANA case will be heard in 2016.

Jessica has been awarded a 'Woman of Courage' award by UNANIMA, a nongovernmental organisation made up of 17 congregations of women religious working at the U.N. to affect systemic change at international level. The organisation applauds Jessica Ernst's courage in standing up for her rights despite unremitting opposition.



Stop the tar sands flood<sup>17</sup>

<sup>13</sup> [www.factsandopinions.com/tag/Jessica-ernst](http://www.factsandopinions.com/tag/Jessica-ernst)

<sup>14</sup> [www.gaiaformation.org/canada-alberta-tar-sands-the-most-destructive-project-on-earth](http://www.gaiaformation.org/canada-alberta-tar-sands-the-most-destructive-project-on-earth)

<sup>15</sup> [www.greenpeace.org/canada](http://www.greenpeace.org/canada)

<sup>16</sup> [www.solidarityresponse.net/about](http://www.solidarityresponse.net/about)

<sup>17</sup> [Council of Canadians.org](http://CouncilofCanadians.org)



The Future We Need

# THE FUTURE WE NEED TOOLKIT

## DEMOCRATIC REPUBLIC OF CONGO CONFLICT MINERALS

### CONTEXT

The Democratic Republic of Congo (DRC), located in central Africa, is one of the poorest countries in the world. The reasons for this are complex. They include the consequences of armed conflict, massive population displacement and a persistent economic crisis. The DRC is rich in natural resources, especially coltan but despite this, the majority of the people are impoverished.



Since 1999, the price of coltan has increased exponentially, yet in 2012 the DRC had the lowest GDP per capita in the world. Currently it is bottom of the UN's Human Development Index and its people rank amongst the most undernourished worldwide.<sup>1</sup>

### CHALLENGE

The global demand for technology is fuelling the mining of 'conflict minerals' in the DRC.<sup>2</sup> These are minerals mined in conditions of armed conflict and human rights abuse. Rebel groups have used the DRC's minerals to fund their conflicts since the early 1990's, resulting in the deaths of over five million people due to the ongoing conflict. This is the highest number of deaths recorded anywhere since the Second World War.

In spite of the presence of MONUSC, the international UN peacekeeping force, rebels in eastern DRC continue to fight for control of these highly lucrative mines. Annually they are making millions of dollars through imposing illegal taxes at mine sites, controlling transport and the smuggling routes that have sprung up.

Conflict minerals which fund rebel groups, contribute to political and economic instability while neglecting workers' rights, safety and their ability to earn a fair wage.

1 <http://www.globalwitness.org/campaigns/conflict/conflict-minerals>  
2 <http://www.sourceintelligence.com/what-are-conflict-minerals/>  
3 OECD Organisation for Economic Corporation and Development  
4 <http://www.sec.gov/News/Article/Detail/Article/1365171562058>

### RESPONSE

In recent years, NGOs such as 'Fairtrade' have been pressing for electronic companies to vet their supply chains. They need to ensure that armed militia remain out of these.

To achieve this, the following have been introduced:

**Voluntary guidelines and principles** related to best practice in conflict areas have been developed:

- The *UN Guiding Principles on Business and Human Rights (2011)*
- The *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (2011)*<sup>3</sup>

**Legally-binding initiatives** to stem armed conflict and deter companies from using conflict minerals in their products are:

- The *US Congress 2010 'Dodd-Frank Act'*<sup>4</sup> obliges companies listed in the US, to declare their use of conflict minerals sourced in the DRC.<sup>5</sup>
- The EU Parliament passed a mandatory '*Conflict Minerals Regulation*' in 2015. This requires EU-listed companies to certify to responsible sourcing of minerals throughout their supply-chain, from a high-risk area anywhere in the world.
- When the EU law is fully implemented, companies will be required to publicly report whether they purchased conflict minerals.

### OUTCOMES

There is no certainty whether the US conflict minerals disclosure law has been a success. The UN Group of Experts on the Congo however, which has studied hundreds of mines found that the law has reduced the proportion of mined metals fuelling conflict. This in turn

**COLTAN**  
80% of the world's coltan, a black tar-like mineral comes from the DRC. The properties of refined coltan are a vital element for electronic devices. The global demand for technology is inadvertently responsible for fuelling the ongoing conflict.<sup>6</sup>

5 [www.wfp.org/countries/congo-democratic-republic-of/food-security](http://www.wfp.org/countries/congo-democratic-republic-of/food-security)  
6 <http://news.vice.com/article/vice-news-archives-the-vice-guide-to-congo>



increased the number of “legitimate” mines, proving that a rights-based and sustainable approach to mining will lead to prosperity and stability in the region.

Other initiatives including the *iTSCi (ITRI Tin Supply Chain Initiative)* and the *CFTI (Conflict-Free Tin Initiative)* are encouraging companies to invest responsibly in the region.

The Dutch government, because it does not purchase minerals from the DRC, is acting as a neutral broker. It is endeavouring to ensure that all stages of the supply chain are conflict-free to signal to the market that conflict-free minerals can be sourced from eastern DRC.

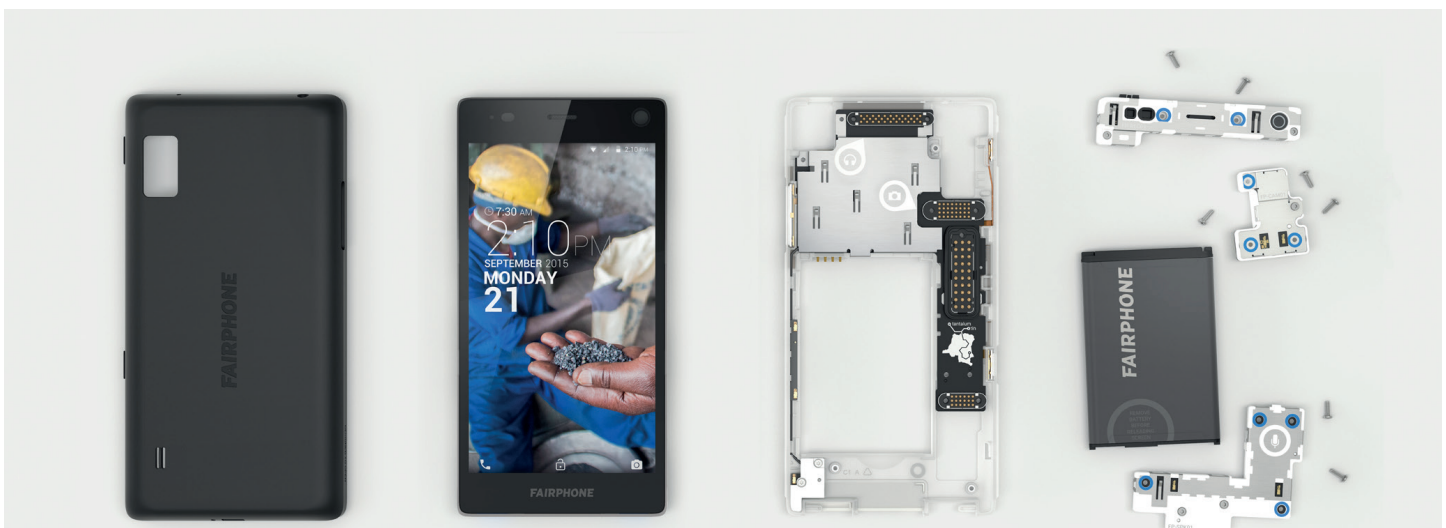


## Fairphone

**FAIRPHONE** is a social enterprise company which aims to develop a Smart-phone that is designed and produced with minimal harm to people and the planet. Based in Amsterdam and supported by the Waag Society (nl), Fairphone's motivation was to develop a mobile device that does not contain conflict minerals. Fairphone also demands fair labour conditions for the workforce along the supply chain.

## Actions

- Find out what minerals are used in your electronic devices and where they are sourced.
- Explore the possibility of buying an eco-friendly mobile phone. <https://www.fairphone.com/phone/>
-  Read up on the different Guidelines for Business Activities in conflict-affected areas such as the DRC.





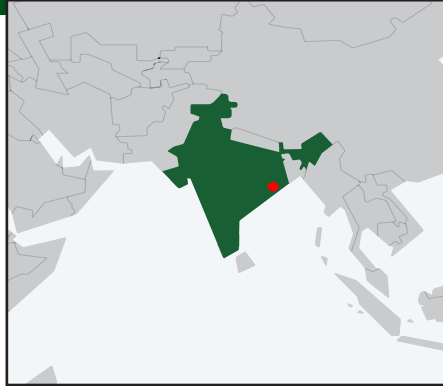
The Future We Need

## THE FUTURE WE NEED TOOLKIT

# India - Mining in Odisha

### CONTEXT

Odisha, formerly Orissa, with a population of around 42 million people, is a state located in eastern India. Three-quarters of Odisha is covered in mountain ranges



and 32% of its total area is covered in forest. Odisha has abundant natural resources - a fifth of India's coal, a quarter of its iron ore, a third of its bauxite reserves and most of its chromite. Vedanta Resources, a UK-listed mining company with a local state-owned Mining Corporation had hoped to extract an estimated \$2 billion-worth of bauxite. This is lying under the forested plateaus of the Niyamgiri hill ranges.

When Vedanta announced a \$3.2 billion huge private university project, the central government agreed to accord SEZ (Special Economic Zone) status to eight sites in Odisha. The company's plan to create an open-cast mine however, faced massive resistance from local indigenous people.

plus their identity as a self-sufficient and healthy people. Vedanta's plan to rip apart the Niyamgiri Hills for bauxite was never acceptable to the Dongria Kondh. Ever since the mine was first proposed, they committed themselves to protecting the sacrosanct hills, even if it meant sacrificing themselves. The Dongria Kondh were serious about their commitment – after all, they believe there is no life without the hills, where Niyam Raja, their god, has always lived.

Presuming planning permission to mine, Vedanta ploughed ahead and built a refinery in the town of Lanjigarh which cost the company around US \$800 million. Work began on a conveyor belt that would bring the bauxite down from the hills to the refinery. The refinery was approved by the government on condition that no forest would be used; yet Vedanta annexed 60 hectares of village forest against the wishes of local communities. This refinery completely destroyed Kinari



*Vedanta's aluminium refinery at Lanjigarh, Odisha, seen from the Niyamgiri Hills. Photo, Survival International*

village, displacing over a hundred indigenous families, many of whom now survive on handouts.

### CHALLENGE

For a decade, the approx. 8,000 Dongria Kondh people lived under the threat of mining by Vedanta and its state-owned partner company. Vedanta's plan to make an open-cast mine would have violated the Niyam Dongar Mountain, disrupted its rivers and compromised the Dongria Kondh as a distinct people. Had the mine gone ahead, the Dongria would have suffered the loss of their traditional way of life and knowledge of the environment,

### RESPONSE

Proving the strength and resilience of a people determined to protect their land, their god, and their

### PIA'S STORY

The indigenous people, Dongria Kondh, who inhabit the pristine forests of the Niyamgiri hill ranges depend mainly on agriculture for their livelihood. Pia is an accomplished horticulturist producing exotic fruits such as pineapple, oranges and mango. For her and for all the Dongria the Niyamgiri Hills are sacred and whilst they farm them, their activities respect the hills. Reverence for the land permeates every aspect of their lives. Indeed, their villages are situated beside the many perennial streams that flow from the Niyamgiri hills, and they are considered the protectors of these streams, hills and forests by the people of the nearby plains below.

way of life, the Dongria Kondh successfully stopped the mining project from going ahead.

Collaborating with Survival International, they protested against Vedanta locally, setting up roadblocks and forming a human chain around the Mountain of Law. Survival International lobbied the Indian and UK governments, submitted reports to the UN and OECD and persuaded several shareholders, including the Norwegian government, and the Church of England to divest from the company.

Their cause enjoyed the support of celebrities, Michael Palin, Joanna Lumley, Bianca Jagger, Booker Prize winner, Arundhati Roy, and great, great, grandson of Charles Darwin, anthropologist Dr. Felix Padel who lived with and championed the cause of the Dongria for years.



## OUTCOMES

The UK government ruled that Vedanta 'did not respect the rights of the Dongria Kondh,' and 'did not consider the impact of the construction of the mine on the [tribe's] rights,' and concluded that 'a change in the company's behaviour' was 'essential'.

In 2013, the Indian Supreme Court told Vedanta that the Dongria must decide whether to allow mining on the Mountain of Law. The Court ordered a consultation - the country's first ever 'environmental referendum' - with the tribal villages surrounding the mine site. All twelve Dongria Kondh villages consulted, courageously rejected Vedanta's project in the face of intimidation and harassment, but the final decision lay with the Ministry of Environment and Forests. In January 2014, after many years of protests and legal battles, India's Ministry of

**Survival's Director Stephen Corry said,**  
 'Many people wrongly believe that the fight for tribal peoples' rights is unwinnable, especially when they're pitched against huge multinationals like Vedanta. But this outcome shows that might isn't always right. The Dongria's determination, coupled with overwhelming public support, has set a new precedent for tribal rights in India.'

Environment and Forests turned down the Vedanta's mining plans.

It was hoped that this unprecedented defeat would send:

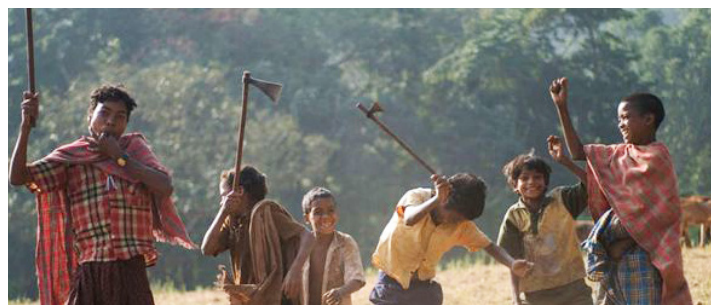
- a message of encouragement to other communities contesting mining activities on their land and
- a strong warning to other companies intent on mining peoples' land without their prior consent.

However, the state government is, once again, promoting the mining of bauxite on Dongria land. The people face a resumption of the fight to protect their beautiful mountain home from destruction.

'The David versus Goliath narrative is powerful, and will sustain and inspire, but it is not complete. The market and the state have inextricably entered their lives. It will need a caring partnership between the Dongria Kondh, civil society organisations and the government to figure out how to navigate the very difficult terrain they face ahead of them, and for them to continue inspiring and teaching the rest of the world how to live lives finely tuned to nature.' *'Revisiting the Legend of Niyamgiri'* <Opinion> Comment, *The Hindu* January 2nd, 2015 - Ashish Kothari (with Kalpavriksh, Pune.)

### Resources:

- <http://www.survivalinternational.org/tribes/dongria>
- <http://www.survivalinternational.org/news/9621>
- <https://intercontinentalcry.org/niyamgiri-you-are-still-alive/>
- <http://www.thehindu.com/opinion/op-ed/comment-on-niyamgiri-and-fight-between-dongria-kondh-tribal-group-and-vedanta/article6745650.ece>
- <http://www.yestolifenotomining.org/precedents>



*The Dongria Kondh celebrating their victory over mining giant Vedanta Resources (Jan. 2014) © Toby Nicholas/Survival*

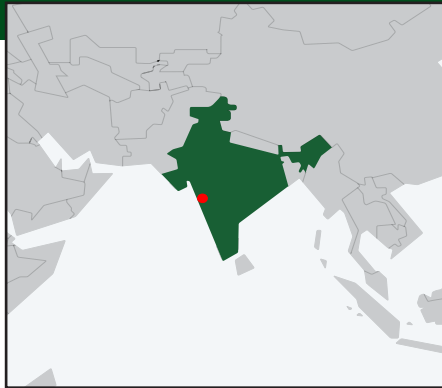




## INDIA - MINING IN GOA

### CONTEXT

Situated in western India, Goa is the country's smallest state with 1.5 million people, yet, it is one of the richest. Endowed with lush green forests, beautiful landscapes, waterfalls, temples and beaches, tourism is a primary industry. Simultaneously a burgeoning iron ore mining sector developed along a 65-mile length of Goa's coastline, which rivalled Goan tourism. Farming land diverted for mining projects led to land disputes, with concerns about climate change further aggravating this situation. Food shortage then became an issue in many communities, resulting in social unrest and migration.



### CHALLENGE

Indiscriminate and environmentally unsound mining practices were pursued by politically powerful operators. This led to communities being divided over whether mining should cease altogether because not everyone benefitted. As Goa yielded 60% of India's iron ore exports mining brought in much welcomed foreign exchange. It also gave employment to 150,000 people. However, 18% of the forests have been lost, open-cast mining has destroyed hills. Mining waste is not being well managed and is damaging agricultural land.

### RESPONSE

Civil society and NGOs such as the Goa Foundation lobbied mining operators for damage caused to the environment causing a negative impact on public health. On August 2nd 2008, hundreds of tribal women, supported by Presentation Sisters and local clergy, attended a public hearing in Quepem, where they met the owners of the Joleracho Dongor iron ore mine. They challenged the integrity of the Rapid Environment Impact Assessment of the proposed mine, stating it was fabricated, and suppressed vital information. The women feared that mining in the area would destroy their water resources and cause serious health hazards.<sup>2</sup> In January 2012, the 'Save Goa' campaign presented a petition signed by forty Goan organisations, to the local Governor of Goa. Subsequently the 'Goan Diaspora' worldwide spearheaded a campaign urging the government to rein in illegal and indiscriminate mining.



Cartoon by Khalil Bendib<sup>1</sup>

### Vijay's story

When I inherited the family farm my land was good. I kept dairy cattle and grew vegetables, enough for my family with a little over that I sold to local markets. Although farming was hard work, I loved the life style as I was on the land my father and grandfather had worked before me. It meant our family was together, however this all changed when mining operations started close by. Dust from the mines became a problem as mining construction caused the destruction of forest and vegetation that would have filtered and cleansed the air. The mine's heavy demand on water resources meant my dairy cows were deprived of a vital necessity. Farming became less and less profitable, until eventually, water pollution forced us out of our family farm. I had to become a miner to feed my family. I miss farm life, but with government policies in favour of non-agricultural land-use, farming is no longer a viable option for me.

<sup>1</sup> From 'Goa Cursed By Its Mineral Wealth', by Emily Bild, Special to CorpWatch April 23rd, 2009: <http://www.corpwatch.org/article.php?id=15351>

<sup>2</sup> Goan Women up in arms against mining lobby Fr. Robert Attickal SJ [http://www.presentationistersunion.org/news/view\\_article.cfm?id=181&loadref=16](http://www.presentationistersunion.org/news/view_article.cfm?id=181&loadref=16)



Paddy fields in Mulgaon village (Goa) destroyed by mining silt  
(Photo: Ramesh Gavas)

## OUTCOMES

- The Indian Supreme Court banned iron ore mining in Goa
- In September 2012 the Justice M.B. Shah Commission of Enquiry into Illegal Mining was set up. It was tasked to probe irregularities in the mining industry.
- The commission report claimed that at the current rate of mining, all the natural resource would be depleted in nine years!

## WHAT NEXT?

(1) Mining operations remained suspended until the new Bharatiya Janata Party (BJP) government came into power and finally revoked the ban. It issued orders to mine operators to resume mining. A number of the state's mineral resources companies like Vedanta Ltd. confirmed their intent, preparing to begin mining activities after the monsoon, in October 2015.<sup>3</sup>

(2) The Goa Foundation is opposed to provisions in the new Mining & Minerals Development & Regulation Amendment Act 2015. They fear it would grant leases, renewals or extensions of mining leases without auction, which they claim is tantamount to transferring the wealth of the States, and therefore of the people, to miners.<sup>4</sup>

(3) Indian fishermen, farmers and advocacy groups worry that water sources will again be severely contaminated and farms devastated by silt from the mines. They allege that, in the past, waste containing graphite collected on riverbanks and washed into the water during monsoon rains, making it exceedingly difficult to find quality fish.

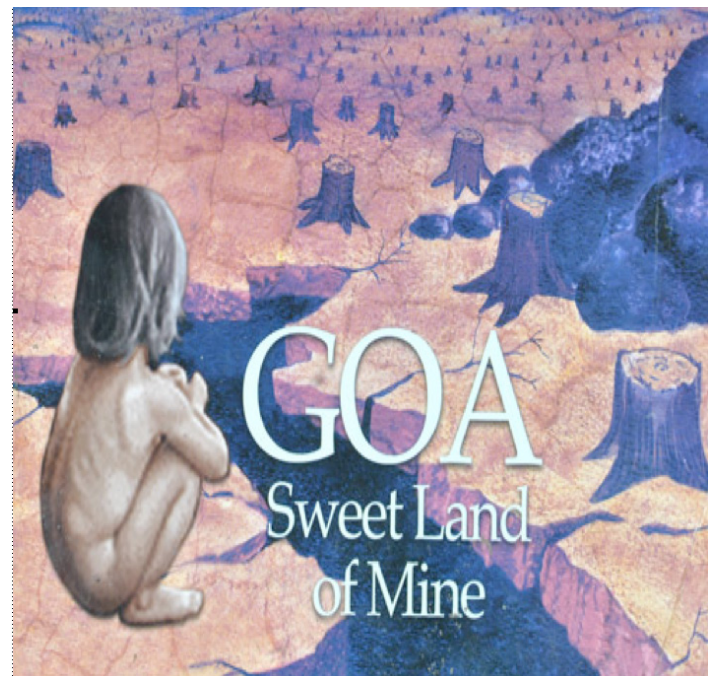
(4) Additionally, various key ministers have been demanding amendments to the 2013 Land Acquisition Act, specifically the clauses empowering communities to grant consent for land acquisition and deal with amounts of compensation.<sup>5</sup> So the struggle goes on.

### Resources:

- [www.goafoundation.org/mining](http://www.goafoundation.org/mining)
- [www.downtoearth.org.in](http://www.downtoearth.org.in)
- <http://www.ndtv.com/video/player/news/no-option-but-to-halt-mining-activity-justice-shah/246418> (10-minute video interview with Judge Shah in 2012)

## In April 2014

The Supreme Court lifted the ban on mining saying it could resume in Goa, provided companies adhered to the principle of sustainable development.



<sup>3</sup> The State of Mining in Goa: <http://www.goafoundation.org/mining/>  
<http://timesofindia.indiatimes.com/city/goa/Mining-operations-will-resume-after-Ganesh-Chaturthi-GMOEA/articleshow/48631104.cms>

<sup>4</sup> Representation from the Goa Foundation, (Petitioner in Writ Petition No.435/2012 before the Supreme Court of India): <http://www.goafoundation.org/mining/>

<sup>5</sup> [http://www.nytimes.com/2015/03/23/world/asia/opposition-delays-modis-land-acquisition-effort.html?\\_r=0](http://www.nytimes.com/2015/03/23/world/asia/opposition-delays-modis-land-acquisition-effort.html?_r=0)



The Future We Need

# THE FUTURE WE NEED TOOLKIT

## ECUADOR - MINING

### CONTEXT

Ecuador, situated in the north west of South America, borders Peru and Colombia and has a coastline on the Pacific Ocean. It contains some of the planet's most diverse ecosystems



and is home to thousands of indigenous people who have lived there for millennia. Vast reserves of copper, gold, crude oil and natural gas lie below the fragile cloud and rain forest in Tandayapa, and Mindo, north of the capital Quito.

The Ecuadorian Government is in severe debt because of its failure to develop and diversify its economy. To address the debt issue it is extensively developing its rich mineral heritage.

### MIGUEL'S STORY

My name is Miguel and I am one of the Shuar indigenous people who live in the Amazon rainforest region of Ecuador. The area's great altitudinal range with its suitable weather conditions allows us to grow a large variety of agricultural products. The government's approval of the Mirador gold and copper mining project is putting the rain forest at risk of extinction. In turn this is negatively impacting our lives. More than 10,000 people are fighting for survival as small farmers. Tragically one of our leaders, Jose Tendetza, (pictured) was found bound and buried in a shallow grave, only days before he was due to present the Condor Mirador Mine Case to a Conference in Lima. The case coincided with the UN Climate Change Summit that was held in Peru in Dec. 2014.



1

### CHALLENGE

Despite its new Green Constitution, with a full chapter on the Rights of Nature, the government is still contracting mining rights to many powerful international mining companies. The rainforest is at serious risk of extinction and entire groups of indigenous people are being displaced as a result of the activities of these companies. This is compounded by the failure of the government to protect human rights and the rights of nature. The following are some of the devastating environmental and social consequences of the Government's policies:

1. Communities are displaced and divided by tactics of intimidation and manipulation by mining companies.
2. Deforestation of rain forest and the unique cloud forest.
3. Contamination of water, farms and forest.
4. Disappearance of large mammals.
5. Huge impact on birds and endangered species.
6. Mining areas have become militarised with a heavy police presence.

### RESPONSE

The people of the Intag region of Ecuador, where the Mirador mining project is, realised the negative impact of mining on the environment, with short term economic benefits. To address this they sought alternative and sustainable means of development that are community based and eco-friendly.

Well organised communities combined with strong regional and international allies, showed that an economy based on eco-tourism was possible. This would offer more jobs in the long term without leaving a lasting legacy of destruction for future generations. Cornell University from the U.S.A. participated in this development and worked with the local community, women's groups, DECOIN (Defence and Ecological Conservation of Intag ) and REI (a network of tourism providers in the area).

<sup>1</sup> <http://www.srradio.com.ec/confeniae-repudia-asesinato-de-jose-tendetza/>  
Photographer: Jamieson Johnson



## EXAMPLES OF ALTERNATIVE PROJECTS WHICH HAVE BEEN DEVELOPED ARE:

- **AACRI (a coffee-producing co-op)** was founded in 1998 and now encompasses 150 families. The coffee produced is very high quality Arabica; it is shade-grown, certified organic and fair trade. The association also teaches farmers a sustainable method of land use rather than the traditional slash-and-burn method.
- **Women's Groups** are engaged in crafting of sisal textiles and in artisanal soap and shampoo production. These products are sold locally and exported to the USA and Japan.
- **Toisan Solidarity Store** was created as a response to the challenge of alternative development. It sells products produced by organised groups in the Intag area, under the Fair Trade label only.



2

## OUTCOMES

The Intag mining project evoked a strong local and international response to address the destruction caused by the rampant mining. When the mining was interrupted due to lobbying and community protest, the area was declared an ecological region. 'Under Rich Earth', a film by Malcolm Rogge<sup>3</sup> shows how much the local people suffered during this struggle, which resulted in two Canadian mining corporations exiting the project. Despite this, more mining companies are waiting in the

wings to exploit Ecuador's very lucrative mineral deposits. Some companies use legal means to limit their risk, while still maintaining a hefty stake in the profits.

In 2011 the government signed more mining contracts, thereby reopening the conflict.

In April, 2015, Pacto, another extremely bio-diverse and historical region of Ecuador, was earmarked for mining development by the Ecuadorian Mining Ministry. Thousands of local inhabitants met to reject this latest mining concession and communities got together with national citizens' groups and voted against the introduction of mining in the area. So far no free, prior or informed consent has been sought from the local communities in relation to the mining concessions. The world needs to take note of what is going on in Ecuador! And so the struggle continues...



An AACRI farmer processing Coffee. (AACRI.com)

## Actions

1. Keep informed on the ongoing story of mining in Ecuador.
2. Support national and international groups who lobby for just and transparent mining policies.

### Resources:

- [www.mininginecuador.co](http://www.mininginecuador.co)
- [www.amazonwatch.org](http://www.amazonwatch.org)
- [www.earthlawcenter.org](http://www.earthlawcenter.org)
- [www.globalwitness.org](http://www.globalwitness.org)
- [www.ekairos.org](http://www.ekairos.org)

2 <https://theintagproject.wordpress.com/coffee/>

3 <http://www.cinemapolitica.org/film/under-rich-earth>



## MINING AND HUMAN RIGHTS

Mining by its very nature gives rise to concerns about human and environmental rights. Mining for valuable resources leads to gigantic profits for companies that often have no stake in local communities. Instead some companies work with national governments to impose mining projects on these communities.

The human rights based approach (HRBA) adopted by the UN in 2003, empowers people to know and claim their rights. HRBA is designed to ensure that the standards and principles of human rights are integrated into all policymaking and reflected in the day to day running of an organisation.

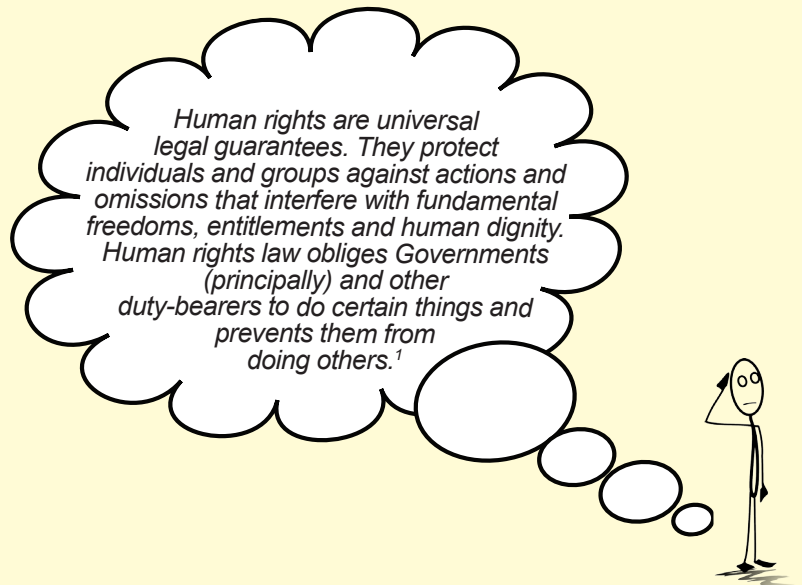
When a mining company plans to develop a project on, or near land occupied by an indigenous group, the HRBA underpinning the negotiations is critical. To develop a relationship between the two parties, the HRBA must ensure:

- A. *Respect and protection of the cultural and political integrity of Indigenous people;*
- B. *The informed consent of Indigenous people is obtained in all matters that affect them;*
- C. *Protection of rights not profit margins!*
- D. *Rights-based benchmarks are used to measure and monitor practices.*

The principles which are fundamental in applying a human rights based approach are:

- **P**articipation;
- **A**ccountability
- **N**on-discrimination and equality
- **E**mpowerment and
- **L**egality

These are known as the **PANEL** principles. <sup>2</sup>



**Sarah's Story:** A woman in a small Minnesota town saw a sale notice for local land. She became suspicious when she saw the exorbitant asking price. It transpired that a representative of a mining company just knocked on her neighbour's door offering \$10,000 on the spot. Then in exchange for a signature committing to the sale of the land, they agreed that \$1.5 million would follow to complete the deal.

The land owner had no idea his land would be turned into a huge mining pit, close to a lovely scenic spot. Neither did he know their pure well water would become unfit to drink, nor that their clean country air would be filled with cancer causing particles...

### WHY THIS LAND?

The mining company wanted the silica sand that was on it, because it's a vital ingredient for a 'fracking cocktail'. This cocktail is the most effective way to dislodge gas or oil deep underground, through a mining technique known as hydraulic fracturing or 'fracking'.

**Personal Responsibility is critical! Each of us has to buy responsibly and understand the implications for others, of what we are buying and using. Checking product supply lines to guarantee they are 'slave free' and not endangering our planet is essential. ....**

<sup>1</sup> <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>

<sup>2</sup> <http://www.scottishhumanrights.com/careaboutrights/whatisahumanrightsbasedapproach>



## HOW TO COUNTER HUMAN RIGHTS ABUSE IN MINING?

As the case studies in this Toolkit show, there are many examples reflecting the devastation caused by unregulated mining activities. A local community can appeal to their national governments if their rights are infringed by mining practices. If this approach fails, they can present their case to the UN through appropriate mechanisms, which serve as good advocacy tools. These mechanisms include:

### Addressing Human Rights (HR) Abuse

- a. Who is responsible for HR abuse related to mining?
- b. Is it the mining company?
- c. Is it the Government who granted the license?
- d. Is it the consumer purchasing the commodity?
- e. Who takes responsibility to redress the damage?

**1. 'Special Rapporteur (SR) on the Rights of Indigenous People'**.<sup>3</sup> On receiving a report citing the evidence of concern or abuse, s/he will respond to an invitation to visit the country as an independent expert. The report of the SR is presented to the UN Human Rights Council.

**2. UN Universal Periodic Review (UPR)**, of the UN Human Rights Council, documents the human rights record of every country on a four year cycle. When their country is under review civil society groups may submit a 'shadow report' to the UPR process reflecting justice areas not being addressed by the Government.

**3. 'UN Guiding Principles on Business and Human Rights'** of 2011 is implemented as the "Protect, Respect and Remedy" Framework. This is a very important mechanism re accountability.

Fully cooperating with citizens re the above, will encourage every Government to protect citizens against HR abuses; hold companies to their corporate responsibility to respect HR; and ensure greater access by victims to effective remedies.

## DO TRADE AGREEMENTS UNDERMINE NATIONAL LAW?

As cited in the Introduction to this Toolkit, some trade agreements have given rise to rights abuse on a large scale, as evidenced by the following.

On June 5, 2009, Peruvian security forces attacked thousands of Awajun and Wambis protestors blocking a jungle highway near Bagua, north of Lima. Thirty two people died and hundreds were wounded in the 'Bagua Massacre'. They were protesting against the **Free Trade Agreement (FTA)** with the USA.<sup>4</sup> This agreement facilitated the indiscriminate exploitation of the Amazon region for logging on a mammoth scale; as well as unbridled exploration for oil and gas.

The FTA as implemented by the Government has led to violation of the rights of indigenous people, enshrined in the Peruvian Constitution. In terms of HRBA, 'informed consent' was not sought from the local communities before work began. The call for justice on behalf of those killed continues.

## EUROPEAN UNION (EU) LAW RE MINING AND SUPPLY LINES

In May 2015, EU Parliamentarians passed a law to ensure European companies buying tin, tungsten, tantalum, and gold do not contribute to HR abuses or to conflict, in source countries. This law applies to 'EU companies' mining metals needed for manufacturing of popular electronic gadgets.

The new law means that companies must provide information about their supply chains, especially in conflict areas. They have to show the steps taken to identify and to address risks, in the sourcing of all minerals they purchase.<sup>5</sup>

### ACTION: ENCOURAGE DEVELOPMENT OF ECO-ELECTRONIC DEVICES THAT:

- 1) Use environment friendly methods to source non toxic materials;
  - 2) Implement green practices in their manufacturing process.
- Eco-phones for example use less energy, have low radiation emission and can be recycled.<sup>6</sup>

<sup>3</sup> UN Special Rapporteurs are independent experts appointed by the UN with the right to visit any country.

<sup>4</sup> The United States-Peru Free Trade Agreement (FTA) entered into force on February 1, 2009. The FTA eliminates tariffs and removes barriers to U.S. services,

<sup>5</sup> <http://www.theguardian.com/global-development/2015/aug/15/developing-countries-high-price-global-mineral->

<sup>6</sup> [www.fairphone.com](http://www.fairphone.com)





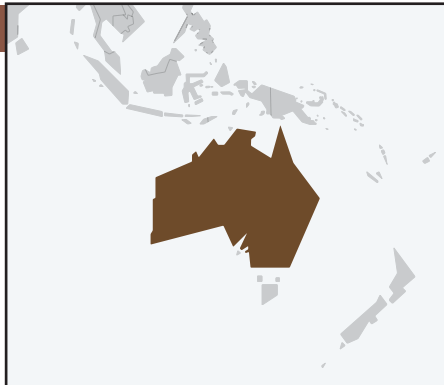
The Future We Need

# THE FUTURE WE NEED TOOLKIT

## AUSTRALIA – A MINING GIANT

### CONTEXT

Australia with a population of only 23 million, is the sixth largest country in the world. A major exporter of coal and gas, it is also rich in iron, copper and uranium. In October 2015, the Australian government approved a controversial \$16.5bn project, to create the gigantic Carmichael coal mine in the Galilee Basin, Central Queensland. Recognised as the 13th largest greenhouse gas emitter in the world, emissions from Australia's coal resources alone, if developed, would consume two-thirds of the world's remaining carbon budget!



### CHALLENGE 1 - THE GREAT BARRIER REEF

The Great Barrier Reef, a UNESCO World Heritage site, is under threat from ocean warming. Now with the construction of the port to export coal from the Carmichael project the reef seabed is further endangered. Scientists fear that the massively increased mining-related traffic could destroy the reef by mid-century.

### CHALLENGE 2 - COAL SEAM GAS (CSG)

Australia has 3,508 active CSG wells, with most located in Queensland. CSG, a type of unconventional natural gas, is made up of 95% methane gas found in coal seams at great depths underground. Coal seams contain both water and gas. During mining operations huge quantities of water are pumped out of the coal seam to allow the gas to flow to the surface.

The water extracted from the CSG process is salty, toxic and unfit for human consumption. It is critical that this water is safely stored. Greenpeace claims that CSG mining will release an additional 128 million tonnes of carbon emissions into the atmosphere.<sup>2</sup>

The war on coal is escalating. The United Nations says there can be no new coal mines if the world is to keep global temperature below two degrees Celsius.



### TAMMY'S STORY

We moved from the city to Toowoomba, Queensland five years ago to get away from the city's pace of life, to bring up our family in a rural environment and enjoy a better way of life. Now we are surrounded by gas fields and the value of our property has plummeted, but our greatest fear is for the health of our family. Living in Tara, we could see that our children were unwell. Our concerns were confirmed by visiting Doctor Geryl McCarron<sup>3</sup> who conducted an investigation into the health of residents before and after the introduction of gas wells. She found serious health issues such as headaches, nose bleeds and itchy eyes evident in adults and children due to the presence of the gas wells.<sup>4</sup> We are also very worried about water scarcity and pollution. The Great Artesian Basin is our only reliable source of water and now this is threatened. There is no Government limit on the amount of water mining companies can use; they take what they want. We worry a lot and right now for us, the future is very bleak...

1 Adani Indian Coal Mining, is the largest power producer in India [www.adanimining.com/](http://www.adanimining.com/)  
 2 <http://www.theguardian.com/environment/2014/jul/28/largest-coal-mine-in-australia-federal-government-gives-carmichael-go-ahead>

3 [http://www.tsjc.org/uploads/media/Symptomatology\\_of\\_a\\_gas\\_field\\_April\\_2013.pdf](http://www.tsjc.org/uploads/media/Symptomatology_of_a_gas_field_April_2013.pdf)  
 4 Ibid

## BUILDING ALLIANCES

Tammy's story highlights how the residents of Tara knew from the outset that they had a David and Goliath struggle with the mining companies. When a small community stands up to powerful mining companies, it needs its voice to be heard. Following the release of the 'Dr. Geryl McCarron Report' (2013), local Sisters of Mercy and their concerned co-workers lent their support to the Tara residents.

Subsequently the local group issued a press release outlining their concerns for residents' health. This document was endorsed by Bishop Robert McGuckin of Toowoomba Diocese. However, despite a meeting between the mining company and concerned groups, there has been no agreed change in mining operations in the region.

## RESPONSE

Lock the Gate Alliance formed in 2010, is a national grassroots organisation made up of 250 local groups with 40,000 members consisting of farmers, aborigines, conservationists and urban residents. The alliance is opposed to any unsafe coal and gas mining project in their efforts to protect:

- Australia's Water Systems
- Agricultural Land
- Food and Fibre Production
- Australia's Bush Lands, Wetlands and Wildlife
- Aboriginal Heritage
- The Health of all Australians.<sup>5</sup>

## ON-GOING ACTIVITIES

- A documentary by the Lock the Gate Alliance features personal stories of Australians whose lives have been changed forever by coal mining. The film shows devastation but also illustrates success stories where "community activism is the only way to change anything."<sup>6</sup>
- The ABC TV 4 Corners programme: 'The End of Coal' explores the external driving forces that neither the Federal Government, nor the mining industry can control.<sup>7</sup>

5 <http://www.lockthegate.org.au/>

6 <http://www.yestolifenotomining.org/undermining-australia-coal-vs-communities/>

7 <http://www.abc.net.au/4corners/stories/2015/06/15/4253096.htm>

- Further information on carbon emissions is contained in *Halfway to Paris – How the world is Tracking on Climate Change*<sup>8</sup>. It notes that emissions reduction target of 40-60% by 2030 would be the bare minimum for Australia to be in line with science and the rest of the world.

## THE FUTURE

Tony Abbott, the former Prime Minister was a firm believer that coal was 'good' for humanity, so his government gave the green light for massive coal mining projects throughout Australia. Hopefully this will be countered by the fact that the Australian government signed the COP21 Paris Climate agreement in December 2015. This, it is hoped will guarantee greater protection for land, water and rural communities, through ending special treatment for the mining industry.

Another sign of hope relates to Queensland Senator Glenn Lazarus's decision to call on the Government to establish a Royal Commission into the human impact of CSG mining in Queensland. Subsequently, the invitation he extended to Prime Minister Malcolm Turnbull, to do a first-hand tour of regions impacted by CSG activities, is very significant. It focuses the political spotlight on the vexed land-access issue and farmers rights to 'say no' to



mining companies.

### Resources

- [www.miningwg.com](http://www.miningwg.com)
- [www.mercyworld.org](http://www.mercyworld.org)
- [www.lockthegatealliance](http://www.lockthegatealliance)
- [www.yestolifenotomining](http://www.yestolifenotomining)

8 <http://www.climatecouncil.org.au/uploads/0630e9285ed11c7113f22de34b3bf68e.pdf>

9 <http://www.1millionwomen.com.au/blog/energy-companies-resisted-renewable-energy-target-now-say-theyre-earth-friendly/>



## PERU

### CONTEXT

Peru is located in South America sharing a border with Ecuador, Colombia, Brazil, Bolivia and Chile. Half the population live in Western Peru which flanks the Pacific ocean, with a quarter of its people living in the high Andean region. Peru has rich resources of precious minerals like gold, silver and copper.



In the 1990s the Government-owned mines reported annual losses of US\$100+ million. To redress this, the Government encouraged foreign investment for the mining of the large deposits of valuable minerals in the high Andes. This led to a surge of investors flocking to Peru to mine the valuable resources in the high Andes and the oil reserves in the Amazonian region of Peru.

### CHALLENGE

To counter the huge losses from State controlled mines, 45% of Cajamarca territory was sold off to mining companies. The rush to mine valuable minerals without adequate planning or consultation has had serious consequences for the campesinos of this region.

#### Marian's Story

I'm living and working with the Campesinos of Cajamarca, in the high Andes of northern Peru. Our community strongly opposes mining projects because they threaten our livelihood and the fragile eco-system of this region. In solidarity with other communities, we're challenging the Government which sold mining licences to many foreign companies, netting them \$2 billion a year in taxes! Unrestricted mining means companies start projects before a feasibility study is carried out. They are meant to consult with and obtain approval from the campesinos, on whose land the project will be located, but many have not done so.

Ten years ago there was a mercury spill linked with the 'Yanacocha Mining Company', which led to Cajamarca having the highest incidence of cancer in Peru. Conscious of this, we're challenging the 'Newmont Mining Company' over their 'Conga Project gold mine. It's being constructed in the Cajamarca lake area. International human rights groups have joined us in mounting a 24-hour guard of our sacred lakes, to prevent this mining project going ahead...

An example is the ongoing conflict between the Campesinos and 'Newmont Mining Company' over the \$4.8 billion 'Conga Gold Mining Project' centred on a huge open pit mine. The campesinos are very worried that the project involves moving water from four natural mountain lakes, the major water source in an arid area, into man-made reservoirs constructed by the company. A peaceful demonstration in 2012 resulted tragically, in the death of three campesinos, leaving many others wounded.



*Cajamarca Campesinos guarding their sacred lake system.  
Photo used with permission*

Following national and international condemnation of the violence, a State of Emergency was imposed by the Government. Newmont then suspended work on the mine. In 2014 the State of Emergency was lifted.

Incredulously, the Peruvian Government passed a law at the same time, granting immunity to all army and police personnel, from prosecution for death or injuries caused in the course of duty! In 2016, the Newmont Conga Project is not yet fully operative.





1 *Campesinos in Cajamarca protesting the Newmont 'Conga Project' January 2012. Photo with permission from Earth First! Newswire*

## RESPONSE

Mercy Investment Services (MIS) invest small amounts in mining companies, to have a voice at the shareholder's table. They challenge companies like Newmont Mining to develop best practice, including consultation with local communities, to obtain free and prior consent before starting to mine. MIS is in dialogue with Newmont regarding the 'Conga Project'.

'EarthRights International'<sup>2</sup> (ERI) is a group of prominent non-governmental human and environmental rights organizations. In July 2014, ERI filed an '*amicus curiae*'<sup>3</sup> (friend of the court) brief in the Peruvian Constitutional Court, to support the challenge brought by 'Grufides' an NGO Opposing Newmont's Conga Project. The case argues that the gold mine could destroy essential wetlands and contaminate ground water. Continuing the project amounts to a violation of the fundamental rights of the Campesinos, who are entitled to live in a safe and healthy environment.

### Media Report - Maxima Acuna de Chaupe, the Woman who Scares a \$10 billion Business.



<https://action.sumofus.org/a/newmont-mining-peru/>

1 [www.earthrights.org](http://www.earthrights.org)

2 [www.Earthrights.org/publications/amicus-brief-constitutional](http://www.Earthrights.org/publications/amicus-brief-constitutional)

3 [www.action.sumofus.org/a/newmont-mining-peru](http://www.action.sumofus.org/a/newmont-mining-peru)

4 <http://www.vette350.com/2012/08/most-of-peru-region-opposes-newmont-mine.html>

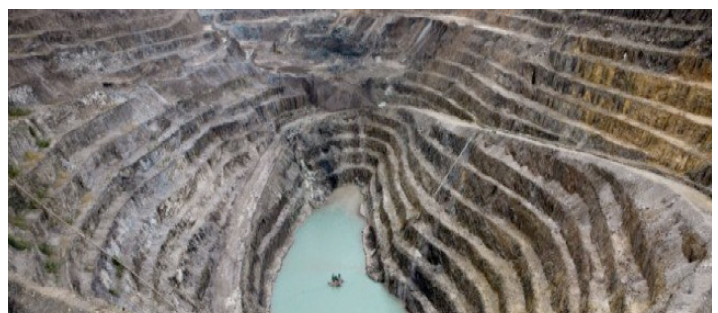
## HEADLINE

*'The world's second largest gold mining company is at war with an indigenous Peruvian farmer from Cajamarca!'*

Maxima Acuna de Chaupa has been fighting for years to save her land and her community. Newmont Mining is equally determined to go ahead with their giant open pit gold mine, despite serious environmental concerns. Maxima told reporters: *"I may be poor. I may be illiterate, but I know that our mountain lakes are our real treasure. Are we expected to sit quietly and let them poison our land and water?"*

Newmont lost to Maxima in court, suggesting her land should be safe. Not so! It was reported that security officers, possibly sponsored by Newmont invaded her land and destroyed part of her house. The struggle continues. *(Adapted from 'Earth Works' Feb 2, 2015<sup>4</sup>)*

According to 'Global Witness', fifty-seven anti-mining protestors have since died at the hands of the police in Peru. They attribute this to the country's weakening of environmental protection and the government's dangerous crackdown on civil society.



<sup>5</sup> *Open pit mine in Northern Peru*

## OIL SPILLS IN THE AMAZON REGION

Tragically oil spills have been reported along the Northern Peruvian Pipeline operated by Petroperu. On January 25th 2016, the first spill, along the Chiriaco River, released an estimated 2,000 barrels of oil, affecting eight Awajún indigenous communities with 5,000 people. The second spill on February 3rd of the same year, released another thousand barrels contaminating the territories of Wampis communities, affecting some 3,500 people. The local mayor of the Imaza District said that the water is polluted and no one can drink it.<sup>6</sup> To date, both Petroperu and the government have been slow to put a clean-up plan into operation.

5 <https://www.globalwitness.org/en/press-releases>

6 <http://amazonwatch.org/news/2016/0219-collateral-damage-oil-stains-perus-amazon-again>



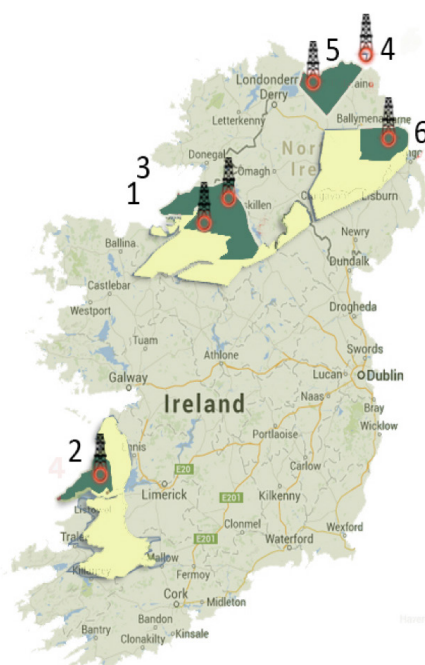
The Future We Need

# THE FUTURE WE NEED TOOLKIT

## IRELAND - FRACKING ALONG THE RIVER SHANNON

### CONTEXT

Unlike many other European countries, Ireland remains very rural in character with little industry outside the main urban areas. Ireland is internationally known for the excellent quality of agricultural products. In a world of ever increasing industrial landscapes, its tourism industry is growing because of its unspoilt environment. Ireland is in an excellent position because of its climate and geographical location, to begin harnessing renewable and sustainable energy sources such as solar, wave, wind and biomass. Unfortunately, there doesn't seem to be the political will or vision to encourage it.



### Shannon's Story

My name is Shannon and I'm the longest river in Ireland. I begin my journey in the misty moors of County Cavan and travel leisurely for 200 miles flowing like a vein right down through the countryside. At Limerick, through a large estuary between south Co. Clare and north Co. Kerry, I enter the Atlantic Ocean. As I wind my way to the sea, my water supports a number of whole ecosystems, contributing to the beauty of creation and benefiting Irish tourism and other aspects of the economy.

The bio-region through which I flow is dotted with lakes, smaller rivers and aquifers that supply drinking water to the communities in these areas. Some of my aquifers are very shallow with an extremely high risk of pollution from any heavy industrial activity such as fracking. In Ireland there are laws forbidding people to build houses near important aquifers, so the idea that fracking could take place safely anywhere near underground water systems is absurd.

Contaminated spillages automatically end up in streams, lakes and rivers. If fracking goes ahead, inevitably I would carry toxic chemicals that pose a disastrous threat to the environment, to flora and fauna, and to humans. I tremble when I see a bleak future for all the beings that I support. I tremble when I think of the polluted water I will carry - water that will cause disease and death.

I plead with all those who have the power to stop the fracking of my landscape to 'come to their senses', to think of the resulting negative effects on their children's children, and ensure the pristine quality of my waters. I ask to have my rights recognized like the Whanganui River in New Zealand. Before it is too late, humans take heed!

1

1 <http://goodenergiesalliance.com/7-2-fracking-areas-in-ireland/>

## CHALLENGE

In Ireland, it is in counties along the river Shannon that fracking is being proposed - in the Lough Allen and Clare Basins. The Lough Allen Basin covers an area of 8,000 square miles and includes parts of counties Cavan, Donegal, Leitrim, Mayo, Monaghan, Roscommon, Sligo (Republic of Ireland); Fermanagh and Tyrone (Northern Ireland). The Clare Basin includes parts of counties Clare, Cork, Kerry and Limerick.

The proposed intensive industrialization of 100,000 acres in Leitrim alone, will see a "pad constructed every two miles on the landscape." 600 drill pads are proposed. Each pad will contain 2,000 wells and 1,200 miles of pipeline will be required to carry away the raw gas.<sup>2</sup> Meanwhile, across the border in Northern Ireland, Tamboran Resources plans to create 60 fracking pads in Fermanagh covering 40,000 acres.<sup>3</sup>

Rather than extracting new sources of gas, we should be leaving most of what is already discovered IN THE GROUND if we are to keep global warming below a 2 degree rise.

## TAKE ACTION

### Find and join your nearest environmental group.

There are many groups that are campaigning against Fracking. Other groups want to see the end of the fossil fuel era, whilst others promote renewable energy sources. Good Energies Alliance Ireland (GEAI) does both.



## CAMPAIGNS

Trading Water for Fuel is Fracking Crazy  
 - <http://ecowatch.com/2014/02/18/trading-water-for-fuel-fracking-crazy/>  
 Your Help is URGENTLY needed: 'Amend The Bill - Stop making it easy for Fracking'  
<http://www.youtube.com/watch?v=3xgMfJM1hmk>

**Form a group with your friends** - Begin with your neighbours, your town or village or your local representatives. Demand a stop to plans to introduce shale gas exploration and development.

<sup>2</sup> <http://goodenergiesalliance.com/>  
<sup>3</sup> <http://www.frackaware.com/wordpress/>

## Make your voices heard – every voice counts!



All help, whether public speaking, photography, website work, writing to local media (letters to the editor, press releases), research, flyer distribution, poster-making and donations, are all extremely helpful!

### Educate yourself so you can educate others

- Be willing to share your thoughts and ideas with others. Everyone who is against our reliance on fossil fuels and especially the use of shale gas, needs to hear you and you need to hear them!



### Connect with other groups

- stay connected. Brainstorm and share your ideas. Often the simplest ideas inspire great change.



### Share information and your enthusiasm

- The oil and gas industry, regulators and governments around the world are manipulating the people with bribes, impossible promises of jobs and riches, and keeping too many secrets. Don't let industry, government or regulators divide your community and family if you live in an area under threat!

Lobby your local authority and national government to choose wise policies which promote renewable energy and shun the myth of shale gas riches. Demand that they keep water, communities and families safe. If all communities across Ireland demand this, industry and government can't ignore it.







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# THE FUTURE WE NEED TOOLKIT

## PANAMA

### CONTEXT

Panama, a country the size of Ireland, is one of the most biologically diverse places on earth. Located between Costa Rica and Colombia, the country is a lush little strip of land



with rainforests, mangroves and rivers. These rivers are seen as “big business” for dam development. However, this development is met with fierce opposition from indigenous and farming communities whose livelihoods depend upon the rivers.

The Ngäbe-Buglé<sup>1</sup> community, with a population of about 200,000, is Panama’s largest indigenous group. They have traditionally survived by working small farm plots, hunting and fishing.

### CHALLENGE

Panama’s need to produce its own electricity imperils the land and culture of the Ngäbe community. The Barro Blanco power plant is only one in a series of proposed hydroelectric projects endangering their way of life. The dam being constructed in the Tabasará River would adversely affect 2,000 families and some 5,000 farmers, all of whom fear for their livelihoods. The project, approved in June 2011 without adequate consultation with locals, could displace the Ngäbe by threatening to flood homes, schools, and farms.<sup>2</sup>

### RESPONSE

After repeated complaints against the company for allegedly employing coercive and manipulative techniques, the Ngäbe organizations and international NGOs petitioned the Inter-American Court of Human Rights and submitted an urgent appeal to United Nations Special Rapporteurs.

<sup>1</sup> Nick Swyter, The Ngäbe Buglé: Panama’s Vocal Minority, THE PULITZER CTR. ON CRISIS REPORTING, (July 13, 2013), <http://pulitzercenter.org/projects/central-america-panamangäbe-buglé-barro-blanco-hydroelectric-dam-tabasará-river-infrastructure-sustainable>

<sup>2</sup> <http://www.corpwatch.org/article.php?id=15861>

<sup>3</sup> There are growing concerns over Panama’s freedom of press. On 20th January 2015, a

They asked them to call on the State of Panama to suspend the dam construction until the government complied with its obligations under international law.

### Isabella’s Story

I live in the rugged mountains of Panama on the Costa Rican border amongst exuberant rainforests, tropical islands and amazing wildlife. I am one of the Ngäbe people who have lived in these remote hills for centuries. We now face relocation as our homelands are to be flooded, due to the government’s decision to expand both the hydroelectric dam and mining industries.

Our water is being poisoned. Conflict continues in our communities because of the expansion of these industries. We are constantly in conflict with armed riot troops and tensions have flared resulting in violence, bloodshed, brutal police crackdowns and deaths.

We see the government wanting to serve its own interests, rather than to protect our basic human rights, which are violated every day. Our labour is not respected and we are left with nothing.

However, the world does not know how we live our lives. The media is not interested in our story; maybe it’s boring or not exciting enough. Panama is advertised as a paradise for holidays but the real story is never told. One of my friends, recently evicted from his village, said that on the ground we suffer so much, but at international level they say that ‘everything is fine’. We need our story to be told.<sup>3</sup>

### LIMITED SUCCESS

In February 2015, on the grounds that the environmental and social impact assessment was faulty, Panama’s National Environmental Authority (ANAM) temporarily suspended the construction of the dam, then 95% complete. This was pending the outcome of a court case that challenged the assessment.<sup>4</sup> The decision triggered

Canadian journalist was denied entry into the country. She had been working on behalf of the Canadian broadcaster, CBC, covering a story about Canadian mining companies in Latin America. Many believe that this is symptomatic of a wider issue relating to freedom of press. A recent report by Reporters Without Borders revealed that Panama has dropped 58 places on the freedom of press index since 2010

<sup>4</sup> <http://www.culturalsurvival.org/country/panama>

an administrative investigation that found other irregularities, including logging without permission and failure to adequately manage sedimentation and erosion.

During 15 years of opposition to the Barro Blanco project, the Ngäbe exposed violations of human rights. Their claims had never been heard but now, satisfied with the suspension, they urged the Dutch and German banks involved in financing the project to halt the disbursement of remaining funds. However, in March a new round of negotiations began, headed by the Panamanian Vice President and facilitated by the UN. In July 2015, construction of the dam resumed. The Ngäbe community is now divided between those willing to reach a compromise with the government and the company, and those who want to see suspension of the dam once and for all.<sup>5</sup>

Ngäbe activists continue to blockade the country's main highway in an attempt to stall the final stages of dam construction and pressure the government to cancel the project.<sup>6</sup>



## ANOTHER CHALLENGE FOR NGABE PEOPLE

Panama is rich in gold and copper reserves. The signing of the Panama – Canada Trade Agreement in 2009, accelerated an exponential growth in mining, especially for Canadian companies. One of the

world's largest remaining copper mega-deposits, Cerro Colorado, lies inside Ngäbe territory. In the Colon province, a number of indigenous peoples and peasant farmers, backed by a national consortium of environmental groups oppose the development of a gold mine by two Canadian companies.

Those opposed to mining are concerned that these mines would strip thousands of hectares of rainforest, deplete and contaminate water supplies and displace communities that for centuries have made the area their home.

## RESPONSE

In early 2012, protests against mining and hydropower activity left at least three demonstrators dead during confrontations. As a result, the President, Ricardo Martinelli, was forced to ban mining activities in indigenous ancestral lands. Protests continued nevertheless because in July 2013, the government awarded further concessions to a mining firm within this territory.

In July 2014, Parliamentarians proposed a one-year moratorium on mining and planned to strengthen the environmental and institutional framework. As late as June 2015, while the bill was still being discussed in Parliament, protests intensified in opposition to the lifting of the ban on concessions for indigenous land.

According to government estimations, Panama's proven mineral reserves could account for 10% of Panama's GDP by 2017, up from 2% in 2013. Current President, Mr. Varela, has made mining one of the five key pillars of his Strategic Plan for 2015–19. So the mammoth struggle goes on, not only in Barro Blanco, Colon and Cerro Colorado but at other mining and hydroelectric projects all across Panama - with the Ngäbe people still resisting.

### Resources

- [www.intercontinentalcry.org](http://www.intercontinentalcry.org)

<sup>5</sup> Ngäbe-Buglé women on the front lines of resistance against construction of the Barro Blanco dam. Photo: ESCRIBANA and CONAMUIP

<sup>6</sup> "Autoridad Nacional del Ambiente paraliza proyecto Barro Blanco por incumplimientos". La Prensa. 10 February 2015

<sup>7</sup> [Intercontinentalcry.org](http://Intercontinentalcry.org)



The Future We Need

## THE FUTURE WE NEED TOOLKIT

# ARGENTINA- *Rapid Expansion*

### CONTEXT

Argentina is a large elongated country in the southern half of South America. Being mineral rich with plentiful deposits of oil, gas, gold, silver and lead, mining is



rife in all twenty two provinces. Since the 1990's private investment in mining has greatly increased. The year 2002 saw the advent of mega-mining projects. This led to protests and unrest never seen before, as communities struggled to assert their rights.

Currently in Argentina there are two models of mining. One is extraction and exhaustion; the other is production according to needs. The latter is sensitive to the environment rather than merely exploiting it. Mining companies tend to favour the first model!

### JOSE'S STORY

I live in a beautiful valley that has produced fruits and vegetables for over 100 years. The Rio Negro, which flows from the snows of the Andes and its tributaries are the life blood of our farming community. Mining is now a critical issue in the Rio Negro province. As a member of a local group living close to a mining project, I see injustices on a daily basis.

Mega-mining projects destroy the environment, our water, health and the local economy. Using toxic chemicals, including cyanide, mining is having a detrimental impact on the general health of the community. Conflict and violence has brought division to our once peaceful communities. Our protests have led to arrests and beatings, mainly from security personnel employed by the mining company.

One farmer spoke about the bad smell, the unbreathable air and the oily water in our rivers and wells. Several people are suffering from respiratory problems and skin diseases. '

"The scale of the projects across the entire country is phenomenal. This is not publicly known, as the media does not provide information and the Government sides with the mining companies."<sup>1</sup> *Eyewitness account.*

***Unregulated mining breaches international human rights law in multiple ways. It is universally accepted that human rights and protection of the environment are mutually dependent on each other. A safe and healthy environment is critical to ensure the protection of people's rights.<sup>2</sup>***



<sup>3</sup> *Catamarca Mine*

<sup>1</sup> <http://sistersofmercy.org/2014/10/07/the-government-won't-act-but-we-will-addressing-fracking-in-argentina/>

<sup>2</sup> [http://www.un.org/en/globalissues/democracy/human\\_rights.shtml](http://www.un.org/en/globalissues/democracy/human_rights.shtml) we-will-addressing-fracking-in-argentina/

<sup>3</sup> <http://www.flickr/photo/alestaleiro>



## CHALLENGE

A number of mining projects were instigated in the country without prior consultation with the local population. Understandably local communities were enraged and mobilised to call for their rights to be recognised by:

- Holding their Government to account for passing laws that favour mining instead of safeguarding communities
- Holding companies to account for mining activities that contribute to poor health.
- Prioritising the protection of life and nature in all its forms.
- Including them in partnerships with mining companies in the interests of the common good.
- Promoting employment and improved standards of living, while exploring job opportunities other than mining.

## RESPONSE

Observatorio Petrolero Sur (OPSur), the Latin American branch of Oilwatch Network<sup>4</sup> promotes democracy, sustainability and empowerment of people.<sup>5</sup> Under the guidance of OPSur many local communities in Argentina have mobilised to protest against both mining and fracking activities.<sup>6</sup> Examples of opposition include Mapuche communities who halted fracking because it violated the ILO's (International Labour Organisation) Convention which calls for respect of indigenous and tribal peoples' cultures, ways of life, traditions and customs.<sup>7</sup>

Another example was a concerted campaign by environmental activists, indigenous people, even including local politicians and forest rangers to prevent a Chinese mining company from setting up a project to extract oil from a national park. As one activist pointed out, "They are violating at least three national laws, as well as risking the contamination of a forest, which is home to species threatened with extinction and half of the country's birds."<sup>8</sup>

As a result of this strong opposition, five provinces have now banned fracking. Many Argentinians continue to campaign against the further expansion of fracking.<sup>9</sup>

## WHAT NEXT?

The rapid expansion of mining in Argentina is being facilitated by loopholes in the law,<sup>10</sup> for example, President Macri in February 2016 revoked a 5% tax imposed on mining and energy companies by the previous government.<sup>11</sup> Indigenous people in Argentina have an almighty challenge ahead.



4 <http://www.opsur.org.ar>

5 Video2013- YouTube:ArgentinaLibre de Fracking/blog/english

6 [www.foei.org/mining/argentina](http://www.foei.org/mining/argentina)

7 <http://www.ilo.org/wcmsp5/groups/public/>

8 <http://dialogochino.net/argentinians-protest-against-chinese-oil-exploration/>

9 <http://www.opsur.org.ar>

10 [www.foei.org/mining/argentina](http://www.foei.org/mining/argentina)

11 <http://www.mining.com/argentinas-new-government-scraps-mining-taxes/>

12 <http://www.foei.org/news/mining-and-human-rights-violations-in-argentina>



The Future We Need

## PHILIPPINES - Subaanen People

### CONTEXT

The Philippines is a Southeast Asian country in the western Pacific, comprising more than 7,000 islands, with a population of 94 million. The country is rich in mineral deposits and exports among other things, silver, coal, gypsum and sulphur. Many of these resources are located in areas where the 12 million indigenous people live.



The Subaanen tribe of western Mindanao live beneath the dormant volcano Mount Pinukis, which for them is their sacred mountain. The streams of water that flow down the mountain irrigate the rich soil, facilitating the growth of abundant rice and corn crops. For the mining companies, it is just a potential supply of iron ore, manganese and gold!

### CHALLENGE

Historically, the mining industry has a very poor record in the Philippines. Records kept by the United Nations Environmental Programme (UNEP), reveal the Philippines to be among the worst countries with regard to tailings, dam failures and toxic waste. The people of Midsalip were horrified when open cast mining licenses were granted for 70% of their land including Mt. Pinukis.

### COMMUNITY RESPONSE

The Subaanen community knew that they needed to organise, get active and build alliances if they were going to save their sacred mountain.

### Message from the Subaanens:

*"The land should be protected and cared for, because life lies within it.*

*"Everything is connected. What happens to one part creates a domino effect. If Mt. Pinukis range is destroyed, it will affect the sacred mountain, Syaman, the water system of the Zamboanga peninsula, fisher folks and will affect the rest of creation. If mining will continue, we will no longer have materials for our rituals. Mt. Pinukis is where we meditate, pray and is the source of all our medicines."*

According to human rights organizations, since 2001 over than 700 citizens Philippine citizens many of them associated with political opposition groups and protests, have been killed. At least 11 of these extrajudicial killings were related to protests against mining. In 2012, one of the Subaanen tribal leaders, Timuay Barlie Barlives and his 14 year old son were murdered and their bodies mutilated.<sup>1</sup>



Local communities set up pickets to stop mining (Oct. 2010)

### ORGANISING

The key to getting organised was in letting everybody know what the facts were. Mining companies often promise local communities benefits without telling them of medium or longer term problems.

Community leaders worked through groups like local farmers cooperatives and parish groups to explain how the mining would threaten the local ecosystem that supported rich rice cultivation.

<sup>1</sup> <http://www.columbans.co.uk/news/columbans-lament-murder-of-indigenous-leader-and-son/>

## GETTING ACTIVE

In moving from information to action it was helpful to take gradual steps-

- **Petitions**

Petitions build support and get the message out both within the community and then further afield. They helped local people to take ownership of their campaign and are a first step to action for change.

- **Public Meetings**

These were held on a graduated basis, starting within the local community and moving up to regional and eventually national events.

### **Building Alliances**

Once the local community had been mobilised to get active, the next crucial step was to build alliances that could challenge powerful mining interests. Potential allies were invited to attend public forums at local regional and national levels and also contribute to the debate. This process helped to form a wider coalition of support for the Midsalip community in their struggle.



### **Building strength**

An important part of the campaign strategy was to use partners' influence to highlight their cause and gain further support, on both a national and international level:

#### **National**

The campaign sought support from the local church community and from the diocesan Bishop who signed the petition and became active on the issue. This led eventually to a very strong statement from the Filipino Bishops Conference "A Statement of Concern on the Philippine Mining Act of 1995"

*'The adverse social impact on the affected communities, especially on our indigenous brothers and sisters, far outweigh the gains promised by large-scale mining corporations.'*

#### **International**

Columban missionaries, working in Midsalip for many years have an international network of Justice Offices. Their UK Justice and Peace Office was instrumental in buying shares in Rio Tinto, the company involved in mining in the Midsalip area. As shareholders they attended the Rio Tinto AGM in London and raised the issue with the company. They brought testimony from the local community and read out the Bishops' Statement.

Using contacts built up with international partners, two world-ranking environmental experts, Robert Goodland and Clive Wicks, went to the area on a fact finding mission in 2008. They were accompanied by British MP and former Minister for Development, Clare Short. They subsequently produced a report entitled, Philippines: Mining or Food?<sup>2</sup>

## USING THE LAW

A coalition of groups representing local Muslim and Christian communities and other concerned groups, took a petition to the Supreme Court to have their land declared a special conservation area. This was granted and the Department of Environment and Natural Resources (DENR) and the Mines and Geosciences Bureau (MGB) were directed to cease issuing mining permits.

While this was a cause of celebration for the Subaanen people, mining companies have continued to try and impose themselves on the community. The struggle goes on but if mining is allowed to continue unabated, land and seas will be seriously compromised and the destruction of remaining forest will exacerbate the ever-increasing and alarming impacts of climate change.

#### **Resources:**

- <http://www.eccr.org.uk/dcs/MininginthePhilippines-ConcernsandConflicts.pdf>
- <https://intercontinentalcry.org/canadian-mining-firm-admits-wrongdoings-to-subanon-people/>
- <https://ejatlas.org/conflict/mt-canatuan-gold-mine-on-subanon-ancestral-lands-western-mindanao-philippines>
- <http://columbanlaymissionaries-philippines.blogspot.ie/2011/11/vicious-cycle-of-destruction.html>
- <https://miningjusticealliance.wordpress.com/tag/philippines/>



# RIGHTS OF NATURE



***“Every component of the Earth Community has three rights:  
—The Right to Be,  
—The Right to Habitat,  
—The Right to fulfill its role in the ever-renewing processes of the earth community.”***

Thomas Berry  
(priest, historian and eco-theologian 1914-2009)

## INTRODUCTION

Initial suggestions that nature itself might have rights similar to a person may be met with laughter and ridicule! This is understandable, given the fact that for millennia legal systems around the world have treated land and nature as "property". While Rights of Nature may be a novel idea in Western society, indigenous communities have always recognized rights of nature within their tradition of living in harmony with nature e.g. the U'wa people of Columbia speak of oil as the blood of Mother Earth.

## WHAT ARE THE RIGHTS OF NATURE?

Nature has rights, meaning that our ecosystems - including trees, oceans, animals, and mountains - have rights, just as we human beings have. Rather than treating nature as property under the law,

Rights of Nature acknowledges that all life, both human and ecological, has the right to exist, persist, maintain and regenerate its vital cycles. The Rights of Nature perspective transforms the relationship between nature and humans by asserting that nature is not just an object, but a subject, in its own right. Rights of Nature acknowledges that all life, both human and ecosystems, is deeply interconnected. Decisions and values under the Rights of Nature are based on what is good for the whole community of life.



*“If you try to pick out anything at all in the universe you will find it hitched to everything else.” John Muir*

Acknowledging that nature has rights is ground breaking, in that it fundamentally changes the legal standing of ecosystems. Many countries, including France, Kenya and South Africa have enshrined the right of their citizens to a clean and healthy environment in their respective national constitutions. While these rights help to protect the environment for the communities living in them, they are not rights of nature per se. We have the responsibility and the legal authority to enforce these rights on behalf of ecosystems.

## Why the Rights of Nature?

The Rights of Nature approach is critical today due to the relentless exploitation and destruction of the environment. Some mining projects necessitate



entire mountains being removed, or the integrity of forests being destroyed, or rivers and lakes being compromised, to meet the insatiable demands of consumerism.

- In 2012, New Zealand granted legal standing as a person (via guardians), to the Whanganui River, to protect its interests.



Flickr, Sarah Craig, Faces of Fracking, Creative Commons License.

## EVOLUTION OF RIGHTS OF NATURE IN LEGISLATION

*"We must insist on laws that recognise the inherent rights of nature. Any laws or conventions that aim for less must be rejected"*

Linda Sheehan, (Exec. Director of Earth Law Center)

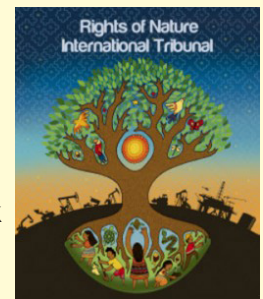
In recent times, the Rights of Nature concept has been gaining ground beyond the confines of indigenous people:

In 1972, United States Supreme Court Justice, William O Douglas, in his dissenting opinion on *Sierra Club v Morton*, a landmark environmental law case, argued for "inanimate objects" to have legal standing in order to sue in court.

- In 2000, Switzerland recognised the dignity of animals, plants and other organisms in its constitution.
- In 2008, when Ecuador clarified the meaning of nature's rights in its new constitution, it was responding to the reality of the devastation of ecosystems, caused by the extractive industries.
- In 2010, Bolivia passed the world's first laws granting all nature equal rights to humans. This too was a response to the relentless exploitation of land.

## INTERNATIONAL RIGHTS OF NATURE TRIBUNAL

In January 2014 the Global Alliance for the Rights of Nature held the first International Rights of Nature Tribunal in Quito, Ecuador, while a second one took place in Lima, Peru in December 2014.



The third and most recent International Rights of Nature Tribunal was held concurrently with the United Nations Framework Convention on Climate Change (UNFCCC COP 21) in Paris, France.

- The Tribunal is a unique, citizen-created initiative, which enables people from all over the world to have a voice to protest the environmental destruction often sanctioned by governments and corporations.
- The Tribunal offers earth-driven, not market driven, solutions to climate change.
- The Tribunal in Paris featured internationally renowned lawyers and moral leaders who heard cases concerning climate change, fracking, GMOs (Genetically Modified Organisms), etc. They then made recommendations about Earth's protection and restoration.
- The Tribunal recognized that Human Rights and Rights of Nature are inseparable, and that both are being systematically violated by systems based on the arrogant belief that humans have the right to dominate and exploit Earth.
- The Tribunal strongly supported keeping fossil fuels in the ground as an essential approach to prevent further harm to Nature.

**For more information see:  
[www.rightsofnature.eu](http://www.rightsofnature.eu)**



# MINDFUL OF MINING

**Mindfulness can be defined as: ‘the quality or state of being conscious or aware of something’.** In sum, a greater awareness of the present moment and the fact that we are part of something bigger than ourselves. This awareness extends to our responsibility to Earth and the global community.

Conscious that absolutely everything we depend on comes originally from the natural world, it is important that we live in harmony with it and learn to share resources in a sustainable and life-enhancing manner.

Our case studies highlight the urgency of action that is needed in the face of injustice wherever and however it occurs. One facet of this is related to mining projects that exploit local communities and cause environmental degradation. Notwithstanding this, many of the products we use everyday need resources that are mined. For this reason we need to be attentive to the challenges associated with the mining industry. These can range from minor infringements of human rights and environmental damage, to major displacement of people and irreparable damage to ecosystems. As mindful and concerned global citizens, this is our concern and responsibility!

A true “ecological debt” exists, particularly between the global north and south, connected to commercial imbalances with effects on the environment, and the disproportionate use of natural resources by certain countries over long periods of time. The export of raw materials to satisfy markets in the industrialized north has caused harm locally, as for example in mercury pollution in gold mining or sulphur dioxide pollution in copper mining.  
Pope Francis, Laudato Si paragraph 51.

**According to the UNHCR the mining of gold, diamonds and precious metals has caused the deaths of thousands and displaced over a million people.<sup>1</sup>**

This highlights the importance of checking that supply lines are slave-free for all resources and that there has been no violation of human or environmental rights. To ensure this before purchasing we need to ask the following questions:

- *Where did the minerals in your product originate?*
- *Do the working conditions comply with international standards?*
- *If there is uncertainty about the impact of the mining project on the local community and the environment, would you still want to buy the latest gadget?*
- *Would you buy the product if you discovered that metals contained in your phone, laptop, TV, car, kitchen appliances, have been resourced in places of conflict?*

All of this means that we have to be responsible global citizens, mindful of those caught in intolerable conditions so that we can buy everything we think we **need!**<sup>2</sup>

## BREAKING NEWS

Berta Cáceres, a leader for indigenous rights and social justice in Honduras, was murdered in her home on Wednesday 2nd March, 2016. Berta’s life is an example that fear is not an option, and is an inspiration that another world is possible. Her death is a major loss for social movements not only in Honduras, but around the world. ‘Grassroots International’.



<sup>1</sup> <https://www.globalwitness.org/campaigns/conflict-diamonds/>

<sup>2</sup> Watch this video to learn about the true cost of your mobile phone: [www.justicepaix.be/conflict-minerals/](http://www.justicepaix.be/conflict-minerals/)





## CONCLUSION - WHAT NOW? A CALL TO ACTION...

Having read through *'Digging At Our Conscience'* it's time to consider ACTIONS that will change our behaviour. This can be done in small steps, so we 'tread more lightly' on planet Earth:

**STEP 1. SHOP RESPONSIBLY.** Think carefully: do you really need to upgrade or replace that phone, laptop, iPad? Check into 'Repair Cafes' which are popping up everywhere.

**Buy 'fair trade.'** Check that supply lines for products and cheap clothes are slave free – workers rights are respected.

**STEP 2. REDUCE CARBON EMISSIONS** through simple actions like changing to an eco-friendly light bulb, powering down electronics, using less water, and recycling everything. Consider how we light and heat our homes, our car usage and rubbish disposal, all of which contribute to greenhouse gas emissions.

[www.epa.gov/climatechange/wycd/](http://www.epa.gov/climatechange/wycd/)

**STEP 3. KEEP INFORMED – GET INVOLVED!** Trade agreements like TTIP can have a profound effect on people's lives, so we need to know what we are signing up for and what consequences may follow. Learn from the many groups which are campaigning on these issues.

### STEP 4. LEARN ABOUT THE 'CIRCULAR ECONOMY'

Change from the modern 'buy, use and dispose' linear mentality, to the 'circular economy' that mirrors nature. Nothing in nature is wasted, but circles back into the supply chain.

Buying second-hand says something. It means I'm rejecting this unsustainable system of production that throws away things which are still functioning.

[www.onegreenplanet.org/lifestyle/how-buying-secondhand-can-help-save-the-world/](http://www.onegreenplanet.org/lifestyle/how-buying-secondhand-can-help-save-the-world/)



**"You may never know what results come from your actions, but if you do nothing, there will be no results". Mahatma Gandhi**

The 'Future We Need' (FWN) is a faith-based group comprising members from the Columbans, Franciscans, Jesuits, Loreto, Mercy Family, Presentation and UNANIMA. It was set up after Rio+20 to promote education and advocacy on sustainable development issues.

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**BE LIKE NATURE AND NEVER GIVE UP!**

**“Never doubt that a  
small group of thoughtful,  
committed citizens can change  
the world; indeed, it's the only  
thing that ever has”.**  
Margaret Mead.



**The Future We Need**