



Promotio Iustitiae

Social Justice and Ecology Secretariat (SJES), General Curia of the Society of Jesus, Rome - Italy

Mineral Mining: Boon or Bane?



Cover Images: From Rubaya in DRC, Ivan Benitez, Alboan, Xavier Jeyaraj, and SJES Archives. **Design:** Rakesh Mondol SJ (CCU)

Mineral Mining: Boon or Bane?



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Promotio Iustitiae (PJ) is published by the Social Justice and Ecology Secretariat (SJES) from the General Curia of the Society of Jesus (Rome) in English, French, Italian and Spanish. All the issues of PJ are available electronically in PDF format at www.sjesjesuits.global. You may also access all issues in Epub and Mobi format since n. 105/2011.

The last printed version of *Promotio Iustitiae* n. 101 was in 2009. From issue n. 102 onwards, we publish only the electronic version. Hence, we highly recommend you print a copy of the issue and display it in common places such as reading rooms, libraries etc.

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Editorial

Xavier Jeyaraj SJ

Relentless extraction of minerals from the ground began in the Neolithic age. However, with the industrial revolution, mining minerals increased manifold. With the Industrial Revolution 3.0 and 4.0, there has been a giant leap to automation, computerisation, electronics, and the internet requiring minerals available only in some countries in the Global South. With scientific and technological growth in the last century, mining activity increased to make human lives easier and more comfortable. Today we rely on these products for our health, knowledge, transport, science, home appliances etc. To satisfy the demands of consumers and the profit-oriented market economy, the mining companies go to any extent to exploit the resources as much as possible and as quickly as they can. But at what environmental and human cost and at whose expense? Who gains and who losses? Is there an ethical 'limit to growth'?

The scale of social and environmental impacts of mining has reached worrying levels. Human ingenuity and development are essential, but not at the expense of imbalance in the environment and inequality of human living. Just as Caiaphas said that "It is better for one man to die for the people than that the whole

nation perishes" (Jn 11:50), before allowing Jesus to be crucified on the cross, the concept of "sacrifice zones" became popular in the 20th century. It is literally to say that the suffering of some, rather millions of poor communities, for the sake of so-called "economic growth" and "progress", is absolutely fine. It is an actual crucifixion of local communities affected by the large-scale extraction of minerals and other raw materials. The ruling elite seems to say sustaining a predatory economic system is necessary, and we cannot 'go back' while economic and social recessions are a reality to deal with. This is what Pope Francis denounces on numerous occasions. It is anti-life, and it endangers the Common Home.

The Justice in Mining network, one of the four Global Ignatian Advocacy Network (GIAN), brings together Jesuit social centres, NGOs and Universities that promote integral ecology and socio-environmental justice in mining-related contexts. During 2021 and 2022, the network has been identifying those Jesuit entities involved in this field from a human rights perspective to understand better their work, their context, the challenges faced and the opportunities for networking and advocacy ahead.

This 135th edition of *Promotio Iustitiae*, ‘**Mineral Mining: A Boon or Bane?**’ has compiled some of these case studies. It is a continuation and an update of PI-118 of 2015 dedicated to “*Governance of mineral resources: challenges and responses*”, with a renewed focus on the work carried out by the people and organisations collaborating with the *Justice in Mining* network. These documented cases show a long tradition of accompanying the communities, particularly the indigenous groups, affected by mining conflicts in the Global South. To complement their work, the institutions in the Global North, taking the call to “build bridges between rich and poor, establishing advocacy links of mutual support” (GC35, D3, # 28) seriously campaign, advocate and defend the rights of the communities, where the Jesuit social centres and organisations are directly working with. Some Universities, thankfully, have linked their research on mining-affected realities with public advocacy.

Ultimately, in this issue of PI, we hear the concrete experiences of persons and communities and their in-depth reflections that challenge us to promote socio-environmental justice and integral ecology. The cases shared reveal two vital prevailing practices in the extractive industry.

Firstly, PM Tony, T. Herbert, R. Cervera, and F. Serrano’s articles clearly show how the *government agencies favour mining companies and promote investment in extractivism*, disregarding indigenous peoples’ and their territorial rights. T. Kavala and J. Arellano highlight the weak or non-implementation of the Constitutional and legal rights of the indigenous people.

Secondly, the cases highlight how the *mining companies operate solely with the motive of profit, evading every national and international law and binding regulation* before, during and after extracting the minerals. They disregard:

- a) the right to free, prior, and informed consent of the local people (E. Hernandez);
- b) the labour rights of minors and abuse of women and children (J. Nyembu & V. Reyes);
- c) the unity and territorial integrity of indigenous peoples along with the nature through inducement, assimilation, intimidation of leaders - aided and abetted by public institutions - and even give death threats, or even to the extent of eliminating the leaders (E. Hernandez, T. Kavala); and
- d) impacting the health and livelihood of people (F. Serrano) and the health of the environment through deforestation, pollution of water, air, agriculture leading to displacement and migration (PM Tony).

Despite these dangers, the good news is that some are willing to risk their own lives and are ready to stand for truth and justice and defend people’s lives. It is indeed a consolation to see that over the years, some Jesuit social centres have emerged as model organisations that are ready to walk the extra mile to be with and accompany the vulnerable in their difficult moments. These case studies have come from some of the Jesuit social centres located in the Global South, namely, *Bagaicha* and *Prerana* Resource Centre in central India; Centro Montalvo in the Dominican Republic; Radio Huayacocotla in the Mexican Province in Huayacocotla, Sierra Norte de Veracruz; ERIC-Radio Progreso in

Honduras; Arrupe Centre for Research and Training (Centre Arrupe pour la Recherche et la Formation - CARF) in Lubumbashi, DR Congo; but as mining today is more than ever interconnected with global economic dynamics, this special number also includes contributions from Jesuit NGOs Global North such as Alboan Foundation in Spain, Canadian Jesuit International and Jesuit Social Services – Australia. Some of these stories show experiences of successful collaboration between organizations from different Jesuit Conferences (J. Nzumbu & V. Reyes, G. Otano, F. Serrano), through national coalitions (H. Fernandez, J. Piper), even collaborations between Jesuit social centres and Jesuit Universities, such as St. Louis University (F. Serrano), in the USA, or Deusto University (J. Arellano), in Spain. Their work of accompaniment, service, training, research and documentation and advocacy includes a) campaigning and lobbying for humane legislation and practice; b) engaging with policy and decision-makers in the company and governments; c) sustaining the ongoing struggle for rights to self-determination, autonomy, dignity, decent life, and livelihood by creating coalitions, conducting forums, organising communities etc.; d) Research, documentation, publication and Radio

broadcast; and e) promoting discourse around responsible mining practices.

What can I, a single individual, do to *walk with the poor and vulnerable people and care for our common home*? The primary challenge is to collaborate. No single person or a well-meaning organisation can bring about significant social change. Substantial social transformation requires collaboration as an alliance or broad coalition. Secondly, we need a platform for dialogue to raise awareness and our concerns collectively by listening to one another. Thirdly, we must demand, despite the dangers, that the governments fulfil their ethical and democratic duties, defend human rights and human rights defenders and provide access to justice (G. Otano). Finally, we must discern together since we require clarity, knowledge and understanding of justice and the system of governance today. But it requires **'humility'** to recognise, **dialogue and discern** the various interests that are at stake surrounding the expansion of mining activities, and **courage** to denounce bad practices, **defend** the rights of the most vulnerable and **fight** against the forces that seek to reduce civic space and public debate (A. Bebbington).

Original in English



Energy Transitions, Mineral Extraction, and the Challenge of Justice

Anthony Bebbington

Director of the Natural Resources and Climate Change program at the Ford Foundation

The Just Energy Transition is everywhere and it is also nowhere. It seems everywhere in the sense that more and more organisations and activists are talking about it: announcements for events on Just Transition appear in our email inboxes, governments are negotiating Just Energy Transition Partnerships, philanthropies are making commitments to support Just Energy Transitions (JETs), and scholars are writing about Just Transitions (witness the pages of the journal *Energy Research and Social Science*). But JETs are also nowhere. There is no empirical case of an energy transition that can be referred to as “just”, and there are few cases where countries have decarbonised important percentages of their energy systems. JETs are also nowhere because while there may be some conceptual agreement that transition must ultimately involve the full decarbonisation of energy, there is little or no agreement on what justice would look like in such a transition. JETs exist neither in empirical form nor conceptual form. JET is an aspiration, maybe even an empty signifier.

And yet many of us continue to work with the idea precisely because it is an aspiration that motivates and a term that creates space for debate about energy and mineral

futures. We at the Ford Foundation have taken up the term, at the same time as we grapple with its meaning. Here I discuss some of our explorations to outline what may be challenges that are relevant to other actors interested in JETs. I begin with a brief description of how we have approached the issue of the just transition. I then comment on the possible relationships between the energy transition and trends in mining dynamics. Finally, the paper closes by reflecting on the justice problem in the just energy transition and the political foundations that might help bring just energy transitions into being.

While there are no conclusions here, there are perhaps two meta-messages. First, it is convenient to think of the energy transition as a systemic transformation. If control over, and flows of, energy constitute one of the fundamental bases of economic and social organisation, then a transition in the systems of production, distribution, and control of energy brings the possibility of substantial societal change. These transformations go well beyond the reach of any single organisation while also meaning that organisations working on just energy transition need clarity regarding the types of system transformation to which they aim to

contribute. This, in turn, means being clear on what they/we mean when invoking “justice.” Second, grasping the issue of the “just transition” requires humility in the face of the probability that an organisation that works on this issue will have to accept that many of its decisions will be “second best”. These decisions about “what to do” will end up privileging certain justices without having a sufficiently robust justification for why they are doing so.

Ford’s Natural Resources Journey: From Resource Rights to Just Transitions

The Ford Foundation’s Natural Resources and Climate Change program seeks to strengthen the rights of access, control, and governance of natural resources exercised by local, Indigenous, Afro-descendant and traditional communities in search of self-determination. We have worked in tropical forest areas occupied or claimed as territory by local communities and where investors and other external actors are putting pressure on these lands. And in areas with mineral or hydrocarbon deposits, also occupied by local and Indigenous communities experiencing pressure from extractive industries.

These two lines of work led us to the issue of the just transition. Although our work supporting the titling, self-governance and defence of lands and territories of Indigenous and Afro-descendant communities was based on a commitment to human rights and social justice, this line of grant-making was also related to issues

of climate change. This is because any pathway to climate change mitigation must involve the protection of primary forests, given their importance for carbon capture and storage. A considerable percentage of the world’s remaining forests exist in indigenous territories, and many studies have shown that when the rights of these populations are recognised and protected, it is much more likely that these forests will remain standing.¹ Strengthening these rights is, therefore, a critical part of a transition to a liveable world, and the very strengthening and protection of these rights make this transition more just.

Our work also connected us with other paths towards a just transition. For example, in Indonesia, South Africa and Colombia, we work or have worked with communities whose rights have been violated by coal mining. These violations are several: land dispossession; health impacts; pollution; and violence against families, women and environmental defenders. At the same time, in a context like Indonesia, coal mining implies deforestation. Globally, Indonesia has lost the most forest due to large-scale mining, especially in areas with a concentration of coal mining.² In another study, we mapped the drowning cases in East Kalimantan, showing that these drownings (often of young people) systematically occurred in the water lagoons left by coal mines, which do not carry out environmental remediations after closing their operations.³ These experiences connected us with organisations seeking to eliminate

¹ See <https://www.rainforest-alliance.org/insights/indigenous-peoples-the-best-forest-guardians/>

²<https://www.pnas.org/doi/abs/10.1073/pnas.2118273119>

³<https://www.sciencedirect.com/science/article/abs/pii/S2214629620300530>

coal mining and served as our first connection to just energy transition.

In almost every country where we work, the connection to the transition discussion has also been through our work on the local and community effects of metal mining. The energy transition will require a much greater and more intensive use of many minerals.⁴ Some minerals are called “rare earths”, some are minerals that until now have not been extracted as much, such as lithium and cobalt, and some are familiar minerals, such as copper, nickel, iron, and aluminium. We began to see plans or narratives in which companies or governments spoke of increasing mining to extract the necessary minerals to respond to climate change. The transition brings the familiar challenges that mining creates⁵: inadequate prior consultation; human resettlement; few local benefits; conflicts and divisions within local populations; etc. I return to this topic in the following section.

Finally, we connected with the problems related to new investments in alternative energies, especially wind and solar: problems of inadequate or absent consultations; impacts on the livelihood strategies of local populations; land dispossession, etc.

In these different contexts, our argument has been that a key component of the just transition has to be the recognition of the rights of these diverse communities for two reasons. First, this recognition of rights is necessary to talk about the justice of any

transition, be it energy, climate, political or economic. Second, and more instrumentally, the stronger, more recognised, and better protected the rights of communities are, the more sustainable the management of natural resources will be. This is because, as mentioned above, forests are best protected when communities’ rights to land, territory and self-governance are recognised. Moreover, in the case of the extraction of transition minerals, when there is a violation of rights due to mining investment, there is a greater probability of social conflict. These [conflicts cause delays and costs](#), implying delays in extracting the minerals necessary to decarbonise energy systems.⁶

One could object that an emphasis on the rights of the communities who live where energy is produced and where minerals needed to decarbonise energy systems are extracted ignores the equally legitimate rights of communities who need increased access to energy as well as of future communities whose rights will be compromised by climate change and who therefore have an interest in the rapid decarbonisation of energy systems. This focus is indeed a limitation, both in our way of thinking about the concept of “justice” in just transitions and the political conditions that will make a just transition possible. I will speak to these two problems below, following a reflection on the mining dimension of the decarbonisation of energy systems.

⁴<https://iea.blob.core.windows.net/assets/ffd2a83b-8c30-4e9d-980a-52b6d9a86fdc/TheRoleofCriticalMineralsinCleanEnergyTransitions.pdf>

⁵ D. Kemp and J. Owen 2017 *Extractive Relations: Countervailing Power and the Global Mining Industry*. London: Routledge.

⁶<https://www.pnas.org/doi/abs/10.1073/pnas.1405135111>

The Mining Intensity of the Energy Transition

Civil society organisations have begun to realise that the energy transition will necessarily be accompanied by an intensification of mineral extraction, even when some groups have avoided the issue for fear that it could be used as an argument to slow down the rollout of renewables. However, in the last couple of years, the implications of the mineral intensity of energy transition have attracted much more attention and were discussed in several side events at the climate COPs in Egypt and Scotland.

The scale of mining expansion that the energy transition requires is huge. Although there are different estimates in the literature, all are high. For example, solar energy is estimated to require [between 11 to 40 times more copper](#) per unit of energy produced than fossil sources. Wind turbines are estimated “[to require up to 14 times the iron needed for fossil fuel power generation](#)”.⁷ If projected demands for copper are fully met, according to colleagues at the University of Queensland’s Sustainable Minerals Institute, between 2000 and 2050, [copper mining will produce 900 per cent more tailings](#) than it produced during the entire 20th century. [Demand for lithium, cobalt, and nickel](#) – all needed for batteries to store solar and wind electricity, and more

specifically for electric vehicles – will also grow by orders of magnitude. A World Bank study estimates that cobalt production will have to grow by 500% between now and 2050.⁸

There is no reason to assume that the impacts of this phase of mining extraction will differ from previous ones. To the extent that the companies are the same, the workers are similar and have been trained in the same schools, and the laws and regulations have not changed much, it would seem logical to assume that the dynamics of extraction and its relationship with the environment and communities will be similar. From the impacts that have characterised previous rounds of mining expansion, one can highlight the impacts on human rights, civic space, and environmental defenders. Global Witness data shows that four defenders are killed on average per week, and the mining sector has been the most dangerous sector for defenders.⁹ Mining companies also use litigation to silence dissenting voices, especially through the so-called Strategic Litigation Against Public Participation (SLAPPs). The Centre for Business and Human Rights identified 355 cases of SLAPPs between 2015 and 2021, of which 30 per cent involved the mining sector – and the mining sector had more cases than any other.¹⁰ The fear is not only that these trends will continue, but also that some of these impacts could be even more serious

⁷ Interestingly, though, the [study](#) generating these numbers felt that the impact of such mineral use was still reasonable, and certainly lower than continued fossil fuel-based energy systems.

⁸ See <https://www.worldbank.org/en/news/press-release/2020/05/11/mineral-production-to-soar-as-demand-for-clean-energy-increases>

⁹ See <https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/#a-global-analysis-2021>

¹⁰ See <https://www.business-humanrights.org/en/from-us/briefings/slapped-but-not-silenced-defending-human-rights-in-the-face-of-legal-risks/>

in this next phase of mining expansion, and for several reasons.

One reason is that all indices of the quality of democracy and civic space signal a global deterioration. The International Centre for Not-for-Profit Law (ICNL) reports that between 2012 and 2018, at least 72 countries proposed or implemented legal restrictions on civil society.¹¹ According to Freedom House, 2019 marked 14 continuous years of deterioration in civic freedoms, with declines in 25 of 41 established democracies.¹² This trend worsened during COVID. ICNL identified 54 countries that have legislated measures to limit freedom of expression and 136 that have introduced measures restricting freedom of assembly.¹³ It is worth asking how much room there is for a just transition when political and democratic contexts become increasingly hostile to exercising rights.

Second, this phase of extraction risks bringing severe environmental impacts. On the one hand, we have the simple matter of scale. Suppose the extraction of copper during the first half of this century is estimated to produce 900 per cent more tailings than during the 20th century. In that case, this implies a hugely increased footprint on the environment. The extraction of lithium in the Andes of Chile, Argentina and Bolivia will cause irreparable damage to the salt flats where lithium is found. In extracting the lithium, there is no other option than to drain and destroy the salt flats, which provide ecosystem and cultural services to fauna,

flora and the surrounding communities. Around 70% of cobalt globally comes from the forests of the Democratic Republic of the Congo (where significant amounts of copper are also extracted). Nickel mining in Indonesia has expanded into forest areas and communal lands, and the government is promoting nickel as a strategic commodity for the country. In both the DRC and Indonesia, the extraction of minerals for decarbonisation produces effects that lead to greenhouse gas emissions (through the burning of forests) and to loss of carbon sequestration capacity.

These environmental impacts are simultaneously social: they influence the environments and landscapes that constitute the bases for the livelihoods and symbolic systems of the populations that occupy and use these places. A [recent study](#) concludes that a “complete phase-out of coal could disrupt demographic systems with a minimum of 33.5 million people, and another 115.7 million people if all available ETM [energy transition mineral] projects enter production.” A [companion study](#) concludes that some 54% of currently projected transition minerals are located on or near the lands of [Indigenous and peasant peoples](#). The adverse impacts and displacements that would flow from this mining reconstitute injustices. And the loss of non-replaceable environments constitutes an injustice for future generations who will not have the possibility of knowing specific habitats and species and will not have had a voice in

¹¹ See <https://www.icnl.org/our-work/global-programs/the-civic-space-initiative>.

¹² See <https://freedomhouse.org/article/new-report-freedom-world-2020-finds-established-democracies-are-decline>.

¹³ See <https://www.icnl.org/covid19tracker/>

making the decisions that led to their being denied this possibility.

Finally, this cycle of mining expansion takes place within narratives about the urgency of reducing emissions substantially before 2030 to avoid global warming that exceeds 1.5 or 2 degrees Celsius. “The urgency” is a narrative that lends itself to the justification of many things, which, in other contexts, would be questioned. I have heard mining executives say, paraphrasing: “How are we going to convince the communities that, no matter what, we have to extract these minerals?” Narratives of urgency can also lend themselves to forms of authoritarian government expressed in special decrees of “national interest”, especially in contexts where restrictions on civic space are already increasing. Narratives of urgency can justify the creation of sacrifice zones in which a sacrifice is called for in the name of the common good, not just for national economic growth. The sacrifice becomes “necessary”. How can “justice” be understood and pursued in these very complicated contexts?

In Search of Justice

While the idea of a just transition emerged from the labour union movement, many types of justice, injustice and inequality are at stake in these transitions. A first type is indeed justice for the workers affected by the closure of the mines or thermal power plants where they worked or on which they depended. To cite one example, in South Africa’s Mpumalanga coal complex – a sprawling landscape with a network of interconnected mines and power plants that produces 83% of South Africa’s coal – there are some 120,000 jobs at stake in the mines and electric sector alone.

A second type is justice for the communities that depend on these carbon economies. Continuing with the example of Mpumalanga, these are communities whose quality of life and human health have long been harmed by the presence of mines and power plants (one estimate is that every year, 5,000 South Africans die due to pollution in this coal belt). A just transition would have to address these negative impacts for such communities. It would combine reparations for these accumulated injustices, the closure of the coal complex that has done them so much damage, and the creation of new economies that would allow new and improved livelihoods and life.

A third type of justice at stake relates to the demands of communities – mostly peri-urban and rural – that do not have access to energy. Since the fossil-based energy matrix does not give them adequate access to power and electricity, their demands would presumably be that any system that replaces it gives them greater access to electricity than the current system. If the first two areas of justice above have to do with the supply side of energy, this area revolves around the demand and need side.

A fourth type of justice arises from the demands of communities where new renewable energy investments are situated – investments which always require access to significant portions of land or sea. Emerging literature documents the harmful impacts of wind and solar farms on the communities where they are built due to lack of prior consultation, impacts on grazing or fishing systems, loss of

landscape value, etc.¹⁴ The case of the Isthmus of Tehuantepec in Oaxaca is one of them,¹⁵ the region of La Guajira in Colombia another - where the historical territory of the Wayuu people has the unfortunate experience of being both a coal extraction region, with the presence of one of the largest coal mines in Latin America, El Cerrejón, and a territory of investment in renewable energies. In meetings I took part in during 2022, Wayuu leaders spoke of dispossession, new divisions in the communities, violent conflicts between families, and consultation processes that were absent or captured by specific interests.

Fifth is the injustices experienced by interests that have no voice. To the extent that nature is understood as a subject of rights, this implies that it is also a subject of justice - a justice that it cannot demand on its own, but other parties can demand that on its behalf. Similarly, to the extent that one accepts the notion that there are components of the landscape that are actors with identity, they can also be subjects of justice. This is the argument (although with different words) of anthropologist Marisol de la Cadena, who speaks about the hills of Peru threatened by mining where spirits, or Apus, reside.¹⁶ If the destruction of both Apus and nature with rights would create injustices, the implication is that a just transition would have to bring justice to these entities and

imply at least their protection. Equally without a voice are the rights of future generations. Suppose a transition weakens or violates the rights of the unborn. In that case, it creates injustice - though the absence of an energy transition will also violate the rights of these generations due to the multiple impacts that continued global warming will have on the world they will inhabit.

Finally - for this discussion - are the injustices created by North-South colonial relations, class relations, and historical relations of inequality. These are the injustices that underlie the demands for "loss and damage" funds in the process of the UNFCCC COPs, demands that finally received a response at COP 27.¹⁷

The co-existence of these different justices presents multiple challenges. The possibility that different interest groups - all poor or at least all excluded from current decision-making processes - seek various forms of justice implies that certain ways of seeking justice or responding to the climate crisis may create tensions and conflicts between different groups and different fractions of the environmental movement. Fractures and tensions may emerge between those groups who want to accelerate the transition to renewables and Indigenous and other populations who fear the many injustices such an

¹⁴ Sellwood, S. and Valdivia, G. 2018 "Interrupting Green Capital on the Frontiers of Wind Power in Southern Mexico." *Latin American Perspectives* <https://journals.sagepub.com/doi/abs/10.1177/0094582X17719040>

¹⁵ See, for example, Ramirez, J. (2021). 'Contentious Dynamics Within the Social Turbulence of Environmental (In)justice

Surrounding Wind Energy Farms in Oaxaca, Mexico', *Journal of Business Ethics*, 169 (3): 387-404.

¹⁶ Marisol de la Cadena (2015), *Earth Beings: Ecological Practices across Andean Worlds*, Durham: Duke University Press.

¹⁷ <https://unfccc.int/news/cop27-reaches-breakthrough-agreement-on-new-loss-and-damage-fund-for-vulnerable-countries>

accelerated transition could create for rural communities.

For organisations working on these issues, the challenges are obvious. Faced with so many differentiated justices, how does an organisation prioritise which type of justice to raise up? How does an organisation prioritise when faced with differentiated contexts where, for example, the labour issue is central in some cases and not in others or where access to energy is highly unequal in some cases but not in others? Even if one refuses to prioritise, how can one justify the implicit argument that all these injustices have the same weight? A further challenge suggested by this diversity of types of justice has to do with the construction of political alliances in favour of the energy transition. How to imagine the construction of alliances based on different, potentially conflicting interests?

Of course, those who should bear the main costs of the energy transition and who should solve this problem of political alliances are the historical emitters of greenhouse gases. Unfortunately, western countries are not doing well in that regard. A significant part of the financial capital based in Western economies continues to invest in the extraction of hydrocarbons. According to the 2020 Production Gap Report, governments invested more funds from their post-Covid recovery packages in fossil energy than clean energy: \$233 billion compared to \$146 billion.¹⁸ The Rainforest Action Network report, “Banking On Climate Chaos”, concludes

that, after the Paris Agreements, between 2015 and 2021, the 60 largest commercial banks in the world had invested \$3.8 trillion in projects based on fossil energy.¹⁹ One commentator notes that it is “striking that unlike any of [the] other sectors implicated in speeding global warming, there is not a single one of the 60 major commercial banks that have staked out a leadership position on decarbonising”.²⁰

These are indicators of the lack of interest various economic and political elites show in achieving a just transition. They also reflect the weight of North-South injustice in these discussions and the difficulty of building alliances that can serve as strong political bases to sustain transition processes. Yet there will never be a just energy transition without a political actor with the power and ability to convene and carry out such a transition. In the face of many sources of resistance, the only path to a just transition is based on broad-based alliances. Building these alliances will require hard and frank discussions about the different interests of different groups and the different justice they demand. For such alliances to be forged, these discussions must reach agreements on the acceptable trade-offs between the types of justice supported by the different interests in the agreement. A just transition will not be characterised by having identified the “correct” version of justice but rather by reaching political agreements on a form of transition that satisfies the basic rights and concerns of diverse interests. This will not be an easy path. It implies fighting against the forces that seek to reduce civic space

¹⁸ See <https://productiongap.org/2020report/>

¹⁹ See <https://www.ran.org/wp-content/uploads/2021/03/Banking-on-Climate-Chaos-2021.pdf>

²⁰ See <https://www.environmental-finance.com/content/analysis/gfanz-fails-to-deliver-at-cop26.html>

and public debate. It means that there is an adequate representation of those interests that do not have a voice. And above all, it

implies sustaining agreements in which all parties must compromise and often accept second-best justice.

Original in English



The Expansion of Metal Mining in the Amazon: Social and Political Impacts

Javier Arellano-Yanguas
Deusto University, Bilbao, Spain

1. Introduction¹

The Amazon has been viewed as a land of milk and honey throughout history. However, since the turn of the millennium, the growing global demand for meat, timber, and oil has intensified the region's destruction. Paradoxically, in the last decade, the need to source minerals critical for the energy transition has heightened pressure on this unique corner of the planet.

The Amazon rainforest contains large deposits of copper, tin, nickel, iron, bauxite, manganese and gold. Between 2000 and 2015, mining was responsible for 9% of all deforestation in Brazil, reaching the figure of 11,670 Km². The negative impacts extended up to 70 km beyond the borders of the concession areas (Science Panel for the Amazon, 2021a). Currently, there are approximately 45,000 mining concessions in the Amazon, either

approved or pending, of which 21,536 overlap with protected areas and indigenous territories (ibid.). These concessions cover around 1.28 million km², representing 18% of the Amazon's land area.

Mining has different effects on the Amazon. While large companies legally mine minerals such as bauxite, copper and iron, gold mining is largely informal/illegal. Both large-scale mining and illegal mining have harmful effects on the physical environment. Some of these effects are direct. For example, they generate pollution that, due to high rainfall, spreads in ways that are difficult to control. New road construction also produces indirect physical effects providing access to logging companies, livestock and crop farmers. In general, these weaken the territorial control of indigenous peoples and local populations.

¹This article summarizes the first part of the research project *Energy Transition, Mining Expansion and Eco-social Conflicts in the Amazon* (Arellano-Yanguas and Bernal-Gómez, 2022), developed within the framework of a joint

project between the University of Deusto and the Alboan Foundation, in collaboration of SAIPE and the Latin American Centre for Rural Development (RIMISP).

In addition to these physical impacts, mining produces subtle social and political changes, which are often more lasting and also affect the environment. Such 'intangible' shifts negatively affect local populations and their ability to be the masters of their future. Moreover, they often open the door to other physical changes that severely impact the ecosystem, such as illegal mining and logging. Therefore, accounting for these indirect impacts is crucial when mining operations are being planned in the Amazon.

2. What do we know about the social and political impacts of mining in the Amazon?

Few studies address the social and political impacts of medium-scale/large-scale mining in the Amazon (Cruz et al., 2021; Quiliconi & Rodriguez Vasco, 2021; Ramos-Cortez & MacNeill, 2022). Considering the already established operations, these studies show that local populations have reluctantly accepted a form of imposed coexistence with mining activities. In these cases, the level of satisfaction and the risk of conflict are linked to mining's economic, social and environmental impacts. If companies invest in offsetting those impacts, populations tacitly renew their Social License to Operate (SLO). This unspoken negotiation between companies and local people is under constant review, leaving the situation precarious. In this context, low-intensity conflict is recurrent. It signals the opening of a new negotiation process to strike a new balance between the community's interests and the company's (Arellano-Yanguas, 2011).

Other studies focus on the impacts on the Amazonian environment and the right of indigenous peoples to the self-government of their territories (Quijano Vallejos et al., 2020). Although national legislation frequently recognises these rights, they are eroded—if not directly contradicted—by mining rights approval processes and the practices of corporations and public authorities (Sawyer & Gómez, 2008).

Given the relative scarcity of direct studies on the social and political impacts of large mining operations in the Amazon, it is helpful to approach this analysis from a dual perspective. First, we will identify effects common to all rural environments near mining operations. Second, we will highlight how the Amazon differs from other potential mining locations.

2.1. Social and political impacts of mining projects in the rural environment

The social and political impacts on the environment surrounding a mining operation can be differentiated according to its development phase. In the first phase, when a company begins its activities, interaction with the local population is marked by building expectations and establishing under-the-table relationships with different groups of inhabitants (Salas Carreño, 2008). The announcement of mining activities often provokes the emergence of resistance movements and conflict. In this context, companies need to secure the SLO or permission from local populations to work in their territory. The SLO is an explicit or implicit permission that the presence of social conflict or resistance movements may challenge. Hence, in these early phases, mining companies focus on avoiding conflict or minimising its impact on their ability to operate and attracting investors whose

money is needed to finance the exploration costs and, eventually, the construction costs of the venture (Franks et al., 2014). These conditions lead companies to amplify the potential positive impacts of their activities, building high expectations of prosperity and well-being while minimising or hiding potential problems. Promises of employment and local development are the catchphrases most commonly used to encourage local buy-in (Bebbington et al., 2008). Likewise, the commitment to use clean technologies is among the responses to address critics (ICMM, 2012).

The success of these strategies varies depending on the context. Sometimes local opposition produces strong resistance movements, forcing companies to abandon their plans (Kröger, 2021; Walter & Wagner, 2021). Cases like this can be found, but they are rare (Orihuela et al., 2022). At the other extreme, local populations, driven by their confidence in or need for the benefits of mining activities, provide no opposition, and companies move forward without major obstacles. These situations also exist, but they are becoming less frequent. The third and most common case is where conflicting visions and interests exist within local communities (Arellano-Yanguas, 2011). In this context of division, companies try to undermine opposition and strengthen their allies.

Often, companies' strategies to divide local populations negatively impact the medium to long term. First, there are many examples of companies co-opting leaders perceived as potential opponents. To do this, they offer jobs, service contracts or financial compensation in exchange for a favourable position concerning the

company's projects. Second, they seek to convince local authorities of the benefits of mining. This is done through legal and illegal avenues. Among the first attempts is implementing services and projects that benefit local communities (Himley, 2013; Perla, 2012). In this way, public administrations are 'substituted', and a dependency relationship is developed, although this is all carried out legally (Arellano-Yanguas, 2011). However, corrupt means are also employed by providing benefits-in-kind or cash payments to local authorities (López-Cazar et al., 2021). Third, economic and media power and social media are used to discredit leaders and divide organisations that are critical of the company. Fourth, companies encourage the inward migration of populations that support their activities and aid in establishing new organisations that are more receptive to their plans (Castillo Guzmán, 2020). Finally, in some cases, companies resort to violence to intimidate those who resist (Bebbington, 2007). Thus, in many countries, the extractive industries sector has much more violence against social leaders. Criminal groups usually carry out this violence, but in some cases, the military and police serve the interests of mining companies, either through direct involvement or by turning a blind eye to violence (Imai et al., 2017; Rasch, 2017).

These actions provoke social division, violence and corruption; they undermine the ability of different local actors to work together and erode trust in public institutions. In the medium and long term, all of these elements hinder consultation processes, the forming of a shared vision of a desirable pathway towards development and, in many cases, effective governance and control over the territory (Arellano-

Yanguas, 2011, 2019; Bebbington, 2012; Salas Carreño, 2008).

We can also find examples of good practice. In the last two decades, large mining companies have addressed these problems by promoting a discourse around responsible mining and being an ally to local populations who seek development opportunities. They have also instituted policies and good practice guidelines to position themselves as good neighbours. However, in everyday practice, many continue to have problematic relationships with the communities hosting their operations.

Sometimes, companies secure a good relationship with local populations at the outset of operations. This is because locals have expectations and are confident that the company's activities will benefit them. In these cases, the authorities' challenge is controlling these expectations and competing interests and groups. However, once the operation is already underway, conflicts can be stoked due to (i) the gap between expectations and final results; (ii) different social groups having unequal access to employment and the benefits of mining activities; (iii) local authorities being co-opted and the local political system being distorted through the support for pro-business candidates in local and regional elections; (iv) the increasing dependence of the society as a whole on the company; (v) accelerated social changes due to immigration; (vi) alcohol and drug abuse; (vii) increase in sexual violence and gender inequality as mining activity is very masculinised; and (viii) when resources are transferred to local governments, corruption among local officials increases, and criminal groups emerge that intend to benefit from these

resources (Arcell, 2014; Arellano-Yanguas, 2011).

These problems, which occur when the mining operation is already underway, generate negative impacts similar to those produced in earlier stages, especially in terms of internal divisions, lack of trust in the authorities and the erosion of the legitimacy of public institutions.

2.2. Specific characteristics of the Amazon that affect the impact of mining operations.

By definition, the Amazon is characterised by its geography and its environment. The Amazon River basin and its tributaries were covered initially, up to the foothills of the Andes, by more than 7 million km² of tropical rainforest, forming a unique ecosystem. This vast territory is home to more than 47 million people spread across eight countries. About 4.5% of those inhabitants, 2.2 million, are indigenous, belonging to more than 410 different groups or nations (Science Panel for the Amazon, 2021a).

About 45% of the Amazonian territory is protected in some way due to its ecological value or because indigenous peoples occupy it with some right of control over the territory (Watson et al., 2019). Indigenous groups have different types of recognised rights and control over more than 3,000 territories. Eighty per cent of these territories are covered by forest; indeed, more than thirty-five per cent of all virgin forests in Latin America are occupied by indigenous peoples. Therefore, there is a strong link between indigenous peoples and the preservation of the Amazon forest (Science Panel for the Amazon, 2021b).

Water is the central element of the Amazon ecosystem. The rainfall is very high, ranging between 1500 and 3000 mm, depending on the location. This hinders mining waste management, as there is a heightened risk of mining tailings and wastes contaminating waterways with heavy metals, consequently fuelling opposition to implementing new mining operations (Siqueira-Gay et al., 2020). On the other hand, the difficult access into the Amazonian territory requires more significant investment by companies and, often, the close collaboration of governments through their armies.

A second characteristic element is the region's dispersed population pattern. Most of the Amazonian population is concentrated in a few large cities. The rest of the population is widely spread across the territory in many small towns, settlements and communities. On the one hand, this dispersed pattern makes it difficult for companies to interact with local populations and poses an obstacle to companies that want to act transparently. That being said, many mine developers take advantage of this dispersion to ignore the opinion of these populations or subdivide them into various interest groups to carry out narrow consultations that only serve to legitimise their aims. On the other hand, from the point of view of local populations, dispersion makes communication and collaboration more difficult and resistance movements harder to organise.

The situation and role of indigenous peoples has received particular attention. Mining concessions affect more than 30% of all territories belonging to indigenous peoples (Quijano Vallejos et al., 2020). Two factors determine the impact they feel and

their reaction to this scenario – namely, the measure that their authority in the concession territory is legally protected and the value they attribute to the territory itself. Although the Amazonian countries have broadly ratified Convention 169 of the International Labour Organization, it has not been rigorously enforced (Wright & Tomaselli, 2019). Thus, government measures to comply with their legal commitments often generate disputes and internal divisions in indigenous groups (Schilling-Vacaflor & Eichler, 2017). Furthermore, the different criteria for valuing territorial control are also disputed. While some groups seek economic compensation, others refuse to attribute monetary value to assets on which their political autonomy and, therefore, survival depends.

The presence and role of the state in the Amazon is another important factor when analysing the impact of mining. After the commodities price boom at the turn of the century, most governments, regardless of political affiliation, actively promoted investment in mining (Gudynas, 2009). Given the challenging context for mining companies in the Amazon, governments have actively assisted companies in carrying out their projects. There is a belief that the persistent problems in mining territories are due to a lack of state involvement; however, issues are rooted in the state's selective presence, focusing on facilitating the Amazon's exploitation rather than defending the rights of its peoples (Ramos-Cortez & MacNeill, 2022). Actions favouring companies have discredited governments, produced or aggravated conflicts and eroded the legitimacy of public institutions (Schilling-Vacaflor et al., 2018).

Conclusions

The need for an energy transition towards decarbonised societies is leading to mining expansion from the Andean mountains towards the headwaters of the Amazon basin. 'Energy transition' has provided governments and mining companies with a new catchphrase to legitimise their search for mineral deposits, which had been considered problematic for decades due to the potential impact on the environment.

However, beyond its ecological impacts, there are challenges to making mining politically and socially viable in the Amazon context. Firstly, with the prevalence of indigenous peoples, Amazonian populations often have prior rights of control over their territories. Secondly, large settlements of great environmental value are statutorily

protected in the legal systems of different countries. Such protections predate interest in mining, and attempts to weaken them are widely contested. Finally, the presence of mining companies, besides its negative impact on livelihoods, tends to generate tension and conflict within communities, between communities and companies, and between different levels of government.

It would be expected for a range of opinions and interests to exist in any community; however, it is incredibly alarming that companies attempt to encourage and deepen these divisions to cripple the capacity for collective action against their objectives. This strategy—a tried and trusted one in the extractive sector—delegitimises institutions and undermines trust in them, producing negative dynamics in the long term.

Original in Spanish
Translation Nils Sundermann

References:

- Arce, M. (2014). *Resource extraction and protest in Peru*. University of Pittsburgh Press.
- Arellano-Yanguas, J. (2011). *¿Minería sin fronteras? Conflicto y desarrollo en regiones mineras de Perú*. IEP y PUCP.
- Arellano-Yanguas, J. (2019). Extractive industries and regional development: Lessons from Peru on the limitations of revenue devolution to producing regions. *Regional & Federal Studies*, 29(2), 249-273
- Arellano-Yanguas, J., & Bernal-Gómez, M.d.P. (2022). *Transición energética, expansión minera y conflictos ecosociales en la Amazonía*. Universidad de Deusto.
- Bebbington, A. (2007). *Mining and development in Peru*. Peru Support Group.
- Bebbington, A. (2012). *Social conflict, economic development and the extractive industry: evidence from South America*. Routledge.
- Bebbington, A., Hinojosa, L., Humphreys-Bebbington, D., Burneo, M. L., & Warnaars, X. (2008). Contention and ambiguity: mining and the possibilities of development. *Development and Change*, 39 (6), 887-914.
- Castillo Guzmán, G. (2020). *Local Experiences of Mining in Peru: Social and Spatial Transformations in the Andes*. Routledge.
- Cruz, T. L., Matlaba, V. J., Mota, J. A., & Filipe dos Santos, J. (2021). Measuring the social license to operate of the mining industry in an Amazonian town: A case study of Canaã dos Carajás, Brazil. *Resources Policy*, 74, 101892.

- Franks, D., Davis, R., Bebbington, A., Ali, S., Kemp, D., & Scurrah, M. (2014). Conflict translates environmental and social risk into business costs. *Proceedings of the National Academy of Sciences*, 111 (21), 7576-7581.
- Gudynas, E. (2009). Diez tesis urgentes sobre el nuevo extractivismo. En J. Schuldts & A. Acosta (Eds.), *Extractivismo, política y sociedad*. CAAP.
- Himley, M. (2013). Regularising extraction in Andean Peru: mining and social mobilisation in an age of corporate social responsibility. *Antipode*, 45 (2), 394-416.
- ICMM. (2012). *Mining's contribution to sustainable development: an overview*. International Council on Mining & Metals
- Imai, S., Gardner, L., & Weinberger, S. (2017). The Canada Brand': Violence and Canadian Mining Companies in Latin America. *Osgoode Legal Studies Research Paper* (17).
- Kröger, M. (2021). *Iron will: Global extractivism and mining resistance in Brazil and India*. University of Michigan Press.
- López-Cazar, I., Papyrakis, E., & Pellegrini, L. (2021). The extractive industries transparency initiative (EITI) and corruption in Latin America: Evidence from Colombia, Guatemala, Honduras, Peru, and Trinidad and Tobago. *Resources Policy*, 70, 101907.
- Orihuela, J. C., Caverro, C. P., & Contreras, C. (2022). Extractivism of the poor: Natural resource commodification and its discontents. *The Extractive Industries and Society*, 9, 100986.
- Perla, C. (2012). *Extracting from the extractors: The politics of private welfare in the Peruvian mining industry*. Brown University Providence.
- Quijano Vallejos, P., Veit, P., Tipula, P., & Reyta, K. (2020). *Undermining rights: Indigenous lands and mining in the Amazon*. World Resource Institute.
- Quiliconi, C., & Rodríguez Vasco, P. (2021). *Chinese mining and indigenous resistance in Ecuador*. Carnegie Endowment for International Peace.
- Ramos-Cortez, C., & MacNeill, T. (2022). Challenging the 'absent state': Neoliberal extractivist governance and state effects in the northwest Peruvian Amazon. *Political Geography*, 98, 102720.
- Rasch, E. D. (2017). Citizens, criminalisation and violence in natural resource conflicts in Latin America. *European Review of Latin American and Caribbean Studies* (103), 131-142.
- Salas Carreño, G. (2008). *Dinámica social y minería: familias pastoras de puna y la presencia del proyecto Antamina (1997-2002)*. Instituto de Estudios Peruanos.
- Sawyer, S., & Gomez, E. T. (2008). *Transnational governmentality and resource extraction: Indigenous peoples, multinational corporations, multilateral institutions and the state*. UNRISD.
- Schilling-Vacaflor, A., Flemmer, R., & Hujber, A. (2018). Contesting the hydrocarbon frontiers: state depoliticising practices and local responses in Peru. *World Development*, 108, 74-85.
- Schilling-Vacaflor, A., & Eichler, J. (2017). The shady side of consultation and compensation: 'Divide-and-rule' tactics in Bolivia's extraction sector. *Development and Change*, 48 (6), 1439-1463.
- Science Panel for the Amazon. (2021a). *Chapter 10: Critical interconnections between the cultural and biological diversity of Amazonian peoples and ecosystems*. United Nations Sustainable Development.
- Science Panel for the Amazon. (2021b). *Chapter 19 in Brief: Drivers and ecological impacts of deforestation and forest degradation*. United Nations Development Program
- Siqueira-Gay, J., Sonter, L. J., & Sánchez, L. E. (2020). Exploring potential impacts of mining on forest loss and fragmentation within a biodiverse region of Brazil's northeastern Amazon. *Resources Policy*, 67, 101662.
- Walter, M., & Wagner, L. (2021). Mining struggles in Argentina. The keys of a successful story of mobilisation. *The Extractive Industries and Society*, 8 (4), 100940.

- Watson, R., Baste, I., Larigauderie, A., Leadley, P., Pascual, U., Baptiste, B., Demissew, S., Dziba, L., Erpul, G., & Fazel, A. (2019). *Global assessment report on biodiversity and ecosystem services*. IPBES.
- Wright, C., & Tomaselli, A. (Eds.). (2019). *The Prior Consultation of Indigenous Peoples in Latin America: Inside the Implementation Gap*. Routledge



Father Stan Swamy and Adivasi/Indigenous Peoples' Resistance to Mining-Induced Displacement and Dispossession in Central-Eastern India

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Introduction

Father Stan Swamy, originally from Verugalur village in the Tiruchirapally district of Tamil Nadu, joined the Jesuit Province of Jamshedpur, Jharkhand. During his formation and ministry, he kept his love and commitment to the Adivasi societies of the Jharkhand region. During his early years of training, he discovered that Adivasi societies had lived some of the cherished values such as freedom, egalitarianism, consensus in decision making and a symbiotic relationship with nature. They did it without much conceptualisation, but with the power of a deep sense of reverence for the other (both animate and inanimate) and what James C Scott called “the moral economy of the peasant.” In his Memoirs, Stan narrates the ingenuity of the Adivasi mind that has yet to separate humankind from the animal kingdom as mainstream ‘civilised’ societies across the globe have. For example, an Adivasi family, with whom Stan stayed during his village life while picking mangoes from the tree in their courtyard, deliberately left some fruits for the birds of the air!

While experiencing and knowing Adivasi ethos by living with them, Stan also had experiences of the exploitation and oppression they continually confronted despite the numerous constitutional and legal provisions to protect their ethno-territories, resources, cultural values, customary practices, language and history that ensure them to be distinctive and healthy social groups. Their distinctiveness emerged from the fact that they had kept themselves away from more self-aggrandising caste-Hindu societies of the plains. Instead, the Adivasis withdrew themselves into the hills and forests of the subcontinent. The Adivasis fought and gained legal recognition and approval from the British colonial regime. As a result, they are acknowledged as freedom-loving, self-governing distinctive social formations with their ethno-territories. But the post-independent regimes follow a policy of assimilation which appropriates Adivasi resources in the name of national development. More than 40 per cent of the country’s mineral (metallic and non-metallic) deposits lay in Adivasi ethno-territories. However, the extraction of these resources in such abundance has not

benefitted the Adivasis due to feeble administrative regulation of resource extraction processes and gross neglect of the constitutional and legal provisions favouring local communities. Consequently, Adivasis and those working in solidarity with them to protect their rights have remained in perpetual conflict with the state and its policies in India around the acquisition of land and forest within Adivasi ethno-territories.

This article attempts to sketch father Stan Swamy's life briefly and works defending Adivasis in central-eastern India against mining-induced displacement.

Father Stan Swamy

Stan was born on 27 April 1937 and completed his matriculation at a Jesuit-run school--St. Joseph's High School, Trichy, in Tamil Nadu. He was inspired by the Jesuits' works there and joined the Society of Jesus in June 1957. He did his bachelor's studies in Sociology at St. Xavier's College, Ranchi (Jharkhand). He did two years of regency at St. Xavier's High School as a hostel prefect and teacher. The hostel had almost 90 per cent Ho-Adivasi boys. He visited their homes during the summer holidays to know their culture and lifestyle.

He did his theological studies at the Ateneo de Manila, Philippines. Along with theology, he did his masters in Sociology as well. He was ordained a priest on 14 April 1970 in Manila. Returning to Jharkhand in 1972, he worked among the Hos for two years. After that, he went to Belgium for a year as a special student at the Centre de Recherché Socio-Religieuses at the UC Louvain. On his return from Belgium, he took up his teacher cum directorship at the Indian Social Institute, Bangalore (ISIB), in

1975. He trained hundreds of youth in social analysis for 15 years. While at the ISIB, he used to visit his Adivasi friends in Jharkhand to be in solidarity with the leaders and masses who kept up the demand for a separate Jharkhand state from the erstwhile united Bihar of which Jharkhand was a part till the year 2000.

He returned to Jharkhand in 1990 to live and work among the Adivasis. For a few years, he remained in Chaibasa, attempting to strengthen the Hos' traditional local self-governance (Munda-Manki system). Meanwhile, he expanded his interactions and networks among many people's movements fighting unjust displacement and dispossession in various parts of predominantly Adivasi regions of Chhattisgarh, Jharkhand and Odisha.

Mining and Adivasis

Post 1991, the Indian government began adopting policies of liberalising the economy, which witnessed the inflow of national and international capital investments in resource-rich Adivasi regions. Indigenous groups, who comprised 85 to 90 per cent of the total population of Jharkhand, for example, have been worst hit by the large-scale exploitation of the natural resources of the region through the development of mines, industries and commercial exploitation of water bodies, forests and land (*jal, jungle and jameen*). The majority of them still live in a state of semi-starvation throughout the year. The remaining 10 to 15 per cent of the population, mostly settled in urban centres, are immigrants who have intruded into this region to amass wealth for themselves. The history of the indigenous people of Jharkhand is one of struggle against outside exploiters whom they

contemptuously called *dikus*¹. These *dikus* have gradually reduced Adivasis to a non-dominant position.

Correlations between mining, forced displacement and civil conflicts are robust and common everywhere. Added to this is the issue of historical differences and memories of discrimination, exploitation and oppression of Adivasis by the immigrant *diku* population, annexation of Indigenous people's land, and corporate payoffs further fuel the existing conflicts in these regions. Moreover, mining activities in India have been largely unregulated².

The scale of lawlessness that prevails in India's mining sector is hard to overstate. Even government officials acknowledge that the mining sector faces a myriad of problems, including widespread "illegal mining". Generally speaking, that refers to cases where operators harvest resources, they have no legal rights to exploit. Official statistics indicate that there were more than 82,000 instances of illegal mining in 2010 alone - an annual rate of 30 criminal acts for every legitimate mining operation in the country. ... Even bigger problem is the failure of key regulatory mechanisms to ensure that even legal mine operators comply with the law and respect human rights³.

In some communities affected by mining, farmers complain about endless streams of overloaded iron-ore trucks passing along narrow villages that had left their crops

coated in thick layers of metallic dust, destroying them and threatening economic ruin. In some areas, heavily-laden trucks commute several kilometres, grinding along narrow, broken roads, leaving vast clouds of dust in their wake. Hence, people resist mining which deprives them of their land and resources.

Stan's work

Taking stock of the situation, Stan Swamy proposed shifting his residence to Ranchi, the Capital of Jharkhand, in 2000. Stan and his colleagues set up a social research and training centre called Bagaicha in Namkum, Ranchi. The centre remains open to everyone working and defending human rights, especially the Adivasi/indigenous peoples and others who have historically been exploited and marginalised.

Bagaicha, under Stan's leadership, formed a movement of Adivasis, Jesuits, and others to provide a robust ideological orientation and solid commitment to defending people's constitutional rights. The movement enabled numerous organic intellectuals and community-based grassroots people's movements to emerge.

Thus, the Bagaicha movement remained consistently alert to all ideologies, processes and policies that would violate Adivasis' special constitutional and legal rights and spoke out against them. Thousands of grassroots human rights defenders enriched the Bagaicha

¹ During early British colonial days Adivasis of Jharkhand fought against those who exploited and troubled them. They termed these alien exploiters and trouble makers as *dikus*.

² Human Rights Watch (2021) *Out of Control: Mining, Regulatory Failure, and Human Rights in India*, <http://www.hrw.org> (accessed on 25 December, 2021).

³ Ibid.

movement with a firm conviction to defend marginalised people's rights, even at the cost of their lives. In the initial days of their struggle, they shouted the slogan, "*Jan denge, jameen nain denge*" (we will give lives, but not lands). Later, this slogan was reformulated to say, "*Jaan bhi nahin denge, jameen bhi nahin*" (we will give neither our lives nor our land). Thus, they asserted their rights over resources in their ethno-territories. The Bagaicha movement empowered people determined to defend their rights in their respective villages. Consequently, several grassroots people's movements have stopped many corporate houses from taking away indigenous people's land in Jharkhand and neighbouring states.

Father Stan Swamy has enumerated the following things he has been doing in his memoirs, "*I Am Not A Silent Spectator*," published by the Indian Social Institute Bangalore in 2021. He has questioned the following:

1. The non-implementation of the 5th schedule of the Constitution of India. Article 244(1) of the constitution, Part B stipulates that a 'Tribes Advisory Council (TAC) composed solely of members from the Adivasi community will advise the Governor of the state government about any and everything concerning the protection, well-being and development of Adivasi people in the state.
2. Why have the provisions of the Panchayats Extension to Scheduled Areas (PESA) Act 1996 been nearly ignored? This Act recognised that Adivasi communities in India had a rich social and cultural tradition of self-governance by their *Gram-Sabhas* (village councils).
3. Why has the government been silent about implementing the *Samata* Judgment 1997 of the Supreme Court of India? The judgment was meant to provide some significant safeguards for Adivasis to control the excavation of minerals in their lands and to help develop themselves economically.
4. About the half-hearted action of government on the Forest Rights Act, 2006. This Act was meant to "correct the historical injustice" done to Adivasis and other traditional forest dwellers.
5. Why has the government been unwilling to carry out the Supreme Court order, 'Owners of the land is also the owners of sub-soil minerals,' while it continues to auction coal blocks to industrialist without a due share to owners of the land?
6. The Jharkhand government's efforts to amend the 'Land Acquisition Act 2013.' The Act defends Adivasis' land rights. So why was the amendment proposed to do away with the 'social impact assessment' while allowing the government to give away even agricultural and multi-crop land for non-agricultural purposes?
7. The setting up of the 'Land Bank' is a plot to annihilate the Adivasi people since it claims that all 'common land' in villages belongs to the government and it would be free to allot the common industrialists.
8. The indiscriminate arrests of thousands of young Adivasis under the label of

Maoist insurgents because they question and resist unjust land alienation and displacement.

Stan remained convinced that people have the power to defend their rights, provided they know their rights. He was never rendering service to the people. Instead, Stan understood the laws and considered it his duty to make people aware of them so they would understand and defend their rights. Hence, his approach was two-pronged: (1) he intervened at policy levels to make constitutional and legal provisions work for people whose cares and cancers are often neglected and wilfully violated by the bureaucrats and politicians to make way for significant capital. And (2) he animated people's resistance movements to strengthen deprived communities with knowledge of the laws. He did this in solidarity with them in their struggle.

Stan's relentless stand against displacement and the violations of Adivasi rights by the government and corporate houses has made it difficult for some companies to advance their favoured model – a development model that impoverishes the many while favouring a few, promotes inequality and injustice and, causes environmental and ecological disasters. Consequently, there have been continuous efforts by the powerful to silence Stan and the activities carried out through the platform of Bagaicha. Finally, on 08 October 2020, he was arrested by the National Investigation Agency (NIA). Stan was imprisoned at an overcrowded jail in Mumbai and denied bail several times by the High Court of Mumbai, and necessary

medical treatment was denied to him even when he had tested Covid-19 positive in prison. Eventually, after spending almost eight months in jail, he breathed his last on 05 July 2021.

Conclusion

The scenario in Jharkhand and the country concerning Adivasis' rights over resources is going to be worse than before since successive governments have grossly neglected people's rights despite ongoing people's resistance movements. The present regime has been more aggressive as it has already handed over mineral resources, including coal, to the corporate sector. In a series of proposed amendments to existing laws and policies, the present union government has moved to monetise, privatise, commercialise and even militarise forests, trampling over Adivasis' and forest-dwelling communities' recognised rights over forests and other resources in their respective ethno-territories. Even as India boasts of switching to solar energy to meet its emission control targets, it is privatising the coal industry, auctioning coal mines and encouraging open cast mines without guaranteeing end use but for commercialisation and export. Thus, the current policies reflect the interests of domestic and foreign capital – coal is used as a commodity for profit, not necessarily for any development purpose⁴.

The task ahead is more challenging due to the rapidly changing socio-economic, geo-political and cultural realities within and outside Adivasi social formations.

⁴ Karat Brinda (2021) "Home Truths on climate change," *The Hindu*, 4 December, [https://www.thehindu.com/opinion/op-](https://www.thehindu.com/opinion/op-ed/home-truths-on-climate-change/article37947048.ece)

[ed/home-truths-on-climate-change/article37947048.ece](https://www.thehindu.com/opinion/op-ed/home-truths-on-climate-change/article37947048.ece) (accessed on 31, December, 2021).

However, Stan's vision, love and commitment for Adivasis and other marginalised social formations and his relentless efforts via the platform of Bagaicha challenge us to be hopeful and explore renewed and creative ways to bring justice to people whose rights are violated. In this context, it is natural to ask what would be Bagaicha's approach to taking its activities forward in the coming days. Obviously, it would be Bagaicha's first concern to continue to remain the same: resist unjust displacement and dispossession of indigenous and other marginalised societies in predominantly Adivasi regions of Jharkhand and other neighbouring states. To do this, Bagaicha will forge alliances with all those working

towards this goal, engaging and being in solidarity with people's struggles. Secondly, it is also crucial that Bagaicha engages with policy and decision-making bodies and mining companies to reasonably consider the case of mining-affected local communities. Simultaneously, the struggle for rights to self-determination, autonomy, dignity, decent life, and livelihood must continue. Given the special provisions and legislation to protect Adivasi ethno-territories, it is imperative to encourage and promote organic leadership to strengthen people's movement to ensure justice reaches the doorsteps of the historically marginalised.

Original in English



India: The Piparwar Open Cast Coal Project

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This case study outlines the context, the involvement, and the lessons learned by a Social Centre in accompanying people affected by open-cast coal mining. We are in India, in the state of Jharkhand, in the north Karanpura coalfields of Hazaribag District.

The Context

The fertile Karanpura Valley is the core area of the North Karanpura coalfields, covering an area of 1,230 sq. km. and approximately 200 villages. The whole area has been restricted into 'coal mining blocks' previously allotted to Central Coalfields Ltd. (CCL, a subsidiary of the Public Sector Undertaking Coal India Limited). Still, it is now being offered to private players through auctions. Other significant private mining companies in the area now are NTPC, TATA, JSW and ADANI.

Our reflection focuses on the first mine on the north side of the Damodar River, the Piparwar OCP (Open Cast Project), allotted to CCL. An Australian company, White Industries Ltd., had won an international contract with Coal India Limited for a 'turn key' project to construct this mine with a new mining technique (an in-mine crusher and conveyer belts direct to the washery).

It was a five-year contract to build the new mine, but ownership and mining remained with CCL. The project interested those at *Prerana* Resource Centre (PRC) because it was within the geographical area of Hazaribag Province and would affect the lives of many indigenous people in the area; also, because with Australians being there, this Australian contact was of interest. In addition, an Australian social scientist Peter Mayer strongly recommended a study of the impact of mining.

What Happened?

By coincidence, PRC was able to link up with an Australian advocacy group, AIDWATCH, whose concern was not mining but the misuse of Australian foreign aid. To win the five-year contract with Coal India Ltd. on the international market, White Industries Ltd. had been given Australian foreign aid to help them lower their bid, which was seen as a misuse of aid money.

PRC initially searched for media contacts; eventually, the *Illustrated Weekly* [now defunct] ran a full page written by Sachu Sarangi, 'How to Kill a River', which was the beginning. Next, PRC started a network of non-formal education centres in the area's villages; the teachers served as field

workers. They began gathering information about the mine (notification notices, baseline survey data, statistics of affected persons, legal framework etc.). PRC would send reports from these field workers of ground-level happenings to AIDWATCH, who would then present them to the Australian government, which essentially questioned CCL's glowing reports on the benefits and progress of the project. Finally, the Australian government sent delegations to see for themselves and establish the veracity of contradicting statements.

AIDWATCH, in the person of activist Carol Sherman, visited the area several times. In Australia, media people were contacted; two very effective TV presentations were on the impact of this 'green fields' project. Bulu Imam of Hazaribag documented rock art and various cultural sites in the area. Prodipto Roy of Delhi's Council for Social Development also net-worked in, and high-level meetings were held in Ranchi; brochures were published. Walter Fernandes of the Indian Social Institute New Delhi came and guided PRC in doing surveys and integrated this into his nationwide survey of all-India displacement data.

They published a booklet: '*Social Impact: Piparwar and the North Karanpura Coalfields*' in July 1993, in cooperation with the local NGO, Nav Bharat Jagriti Kendra. In July 1993, INTACH, CSD AND PRC combined to hold a workshop in Delhi on '*Crisis of the Upper Damodar Valley Cultural and Ecological Implications of Mining*' with professional resource persons and the publication of papers by INTACH. Throughout 1992 and 1993, and up to 1996, there were regular articles in the local

Hindi newspapers, some supporting the project, others questioning it on various counts. In this way, PRC found itself at the intersection of several streams--cultural aspects, foreign aid, social impact, environmental impact, research and media.

Outcome

There was no way this project could be halted, but this was the time (the early 90s) when coal mining was taken for granted. The money it brought into a locality negated public concern about destructive impacts. People's resistance was not overly intense; most displaced persons had latent hopes of incoming new wealth, and there was no precedent for their guidance. They were naively optimistic about the promise of employment; with that hope, they became lukewarm protestors, some even playing the game of *dalals* (go-betweens).

The mine went ahead, and now after 30 years, it is finished. The overburden dump was greened, and it is comparatively and marvellously well-wooded. However, the PRC's ground activities, letters and seminars brought into focus many issues not being addressed then nor even noticed by the government and CCL. New at that time, the problems are now, decades later, well on the public agenda and have become typical mining displacement issues. Such are the right to prior informed consent, grievance redressal, having a multiple mine area master plan, an accessible information office, host village impact, three possibilities of livelihood restoration, post-mine restoration, structures for participation, protection of cultural and religious sites, the need of independent monitoring, the inflated

promises of benefits, lack of a cost-benefit analysis and resettlement options.

There was, in the area at that time, a strong Naxalite (Maoist) activity, with their armed groups needing finance and eager to take over the leadership of the resistance to the mining. But once they had the leadership, they negotiated with the mining company for a large amount of money to buy urban properties and arms, then allowed the mine to start, leaving the displaced persons helpless and abandoned. They were later arrested under criminal charges, but the mining company and government officials who conspired have not been taken to task. This process of taking over the leadership, negotiating with the mining company, and then taking the payoff is typical to political parties. Local political parties now take up mining displacement issues, but sadly, they, too, have their agenda.

Knowing there were more [extraction activities] to come, and to help people prepare, the program of non-formal education centres and women's saving groups has continued throughout that area, now run by the local Aadarsh Mandair NGO. In this program, environmental issues have been less addressed, and social issues were more the focus. However, these included cultural issues (the sacred sites), especially water sources destroyed by mining.

Lessons Learned

We learnt that besides the mining company and the affected people, many other players are in the game such as, political parties, unscrupulous brokers, land sharks, trucking mafia, and competing activist organisations. It is a very complex situation with the PRC's involvement becoming relatively marginal as time

passed. Money rules. Bribery and misinformation were standard practices. Companies bribed local leaders and the spoils shared with political parties. Contractors won the silence of locals by co-opting them into the black-market coal business. There was also secrecy about the mine planning. Indeterminate information and exaggerated claims of benefits for the local people are given out.

We learnt the power of middlemen and brokers, called locally as '*dalals*'. The company uses them to work at the lower village level, to contact and bribe people, gather information, and make payments. They receive company payment, often remaining unknown to the people, often even leading the protests themselves. While policies are stated as upfront issues, things are done through the back door. This often seemingly helps the displaced person -- a displaced person without proper land papers might be given compensation, with an excellent cut to the official giving it.

We learnt that the government is of little help to the affected people. It takes the side of the mining company in many ways - its staff does the survey work, conducts the land acquisition procedures, and mediates disputes. The local government officials, however high they are, are bound to follow the decisions made in some distant Ministry at the level where there are strong political influences. There is often a quick turnover of both company and government officials. As technocrats, it takes them time to learn the social and environmental issues; by then, they are eventually transferred. Further, they aim to implement the work, keep a good record book, and seek promotion. Justice issues on the ground are not given attention.

We learnt that several key issues are beyond local solutions. For example, once the government has legally acquired a person's land, there is no legal provision by which it can be returned to that person after mining completion. Another significant issue is that of Gair Mazura land. Most Dalit and tribal communities in the affected villages occupy Gair Mazura land, which the World Bank holds as 'customarily held land' but which the principle of 'eminent domain' terms as government land, and for which the people receive no compensation. Many main issues continue to be ignored: that of prior informed consent and two significant issues, namely, a resettlement place and livelihood restoration. The custom now is to give money and tell them to go but giving money of whatever amount does not make for rehabilitation.

We saw that for support, the locally affected people need to link up with some national organisations like NAPM (National Alliance of Peoples' Movements). An international link-up is helpful; they have higher social and environmental standards and can put pressure. We had this in Piparwar with AIDWATCH.

Conclusion

The demand for coal is formidable. Those who want it are many. The actual implementing company, downstream urban-industrial market demand, multiple contractors and suppliers, transporting companies, ancillary industries (cement and steel), the government, which wants the royalties, shareholders -- all have personal interests in keeping coal mining going and expanding.

A key factor is the absence of any objective cost-benefit analysis of coal mining. The cost of environmental damage and social damages are externalised and not included in the price of the coal. The local people pay the price for blackened water and denuded forest lands. If the price they pay were included in the cost of coal, it would not be worth mining coal.

People's resistance is strong initially, but the threats to culture, way of life, and livelihood survival loom strong. As the company's infrastructure and temporary employment grow, the resistance diminishes. Ongoing strenuous protest is met by the state violence of blanket-ordered police cases and, as in the Pakari Barwadih mine shooting of protestors. We saw that a campaign needs to be run before the company physically occupies the site. Before that, they will negotiate, but once they take occupation, they ignore the demands of the locally affected people. As many advocacy groups now realise, the point where these projects can best be challenged is at the sources of finance -- the IFIs, Banks and Insurance Companies. In the long run, technical and engineering compulsions override social issues.

The Karanpura Valley has coal beneath its 200 villages. Each mining project presents its environmental and social assessments as just one mine site. Still, the mines are contiguous, with the core village of one being the buffer village of another. Therefore, the impact assessments are taken individually. Although the environmental and social impact of one mine might be manageable, can the ecosystems of the Karanpura Valley cope with so many coal mines? And can the government effectively do the resettlement and economic rehabilitation of so many

people? The list of villages that no longer exist is growing – Mangadahar, Bijian, Purnadi, Itij, Urub, and Churchu... their communities all scattered.

There are 20 coal blocks to be developed in the Valley. The mining vultures are gathering. National Thermal Power Corporation (NTPC) is already opening up three more open-cast coal mines. JSW has taken the Moitra coal block, Adani has now

won the Gondalpura coal block, and CCL is working in Magadh, Amrapali and Chandragupta. There are many more to be auctioned in an age where coal is seen as a significant greenhouse polluter. Is the future of the Valley to be paddy fields turned to broken rubble, roads of blackened dust, and its people illegal coal scavengers? Or will the actual cost of coal mining become apparent as the people struggle to have their voices heard?

Original in English



Coal Mines and Human Rights Movement in Jharkhand

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Jharkhand (meaning forest tracts) is the 28th state of the Indian Union, separated from the united Bihar on 15 November 2000 as a consequence of a very long struggle by the Adivasis and their sympathisers to be a separate state that would respect and promote Adivasi autonomy and welfare.¹ Even after the formation of the separate state, however, it continues to be governed as per the convenience of corporate powers that exploit its rich mineral, natural and human resources. Jharkhand state has 40% of India's mineral resources, large forest areas, and water bodies. But, the Adivasis continue to struggle to earn their basic necessities and protect their agricultural and forest lands at the onset of accelerated mineral extraction processes that do not benefit local owner-inhabitants. Hence, this is a conflictual story of the Adivasis' struggle against big corporations, assisted by the state, to protect the resources that

would give them security, identity, dignity and sustenance in the long run.

The setting of this story is the Pachuara coal mines area of Amarapara block in the Pakur district of Jharkhand. The report shows how difficult and dangerous it is for human rights defenders to get involved in defending the rights of the Adivasi communities from unregulated extractive industries. Sr. Valsa John, a member of Sisters of Charity of Jesus and Mary (SCJM) and a teacher at the village school at Jiapani near Amarapara, regularly visited the villages to meet the parents of the students and motivate them to send the children to school. One day in 1997, while visiting the Pachuara area, she noticed a tent set up by the Geological Survey of India. She learned from them about the government's plan for coal mining in the area. When the people of the place asked the men in the tent why they were there, they answered, "We are on government duty." The people of the

¹ Adivasis are mainland India's indigenous peoples who have kept themselves away from the caste Hindu societies of the plains. As caste-based discrimination, oppression, and exploitation increased and became rampant in the plains, Adivasis withdrew themselves into hills and forests. They lived there in harmony and a symbiotic relationship with nature.

Hence, their traditional habitats had thick forests, perennial water sources and vast deposits of minerals. Historically, these forested and undulating regions of Adivasi terrains were invaded and encroached on by the settlers, denuding thick forest covers and extracting minerals to the enormous disadvantages of Adivasis and the ecosystem.



Figure 1: The map highlights the districts of Dumka Godda, Pakur and Sahebganj districts of the Jharkhand state

villages were kept in the dark about the plans of the government to start mining.

Conscientizing Villagers and Organising Them

Soon Sr. Valsa John went to the village and told the people about the impending dangers – their land would be taken for mining, and they would be displaced and have no place to go. Gradually the people gathered more information about the proposed project. ‘The Eastern Mines Trading Agency’, in a joint venture with the Punjab State Electricity Board, had acquired the coal block of the area

comprising Pachuara and nine villages. The extracted coal was to be transported to Punjab for electricity production there. This specific project was awarded to a company named ‘PANEM Coal Mines Limited’. Since then, Valsa worked tirelessly to mobilise the people of the nine villages. She shifted her stay to Pachuara at the house of the *Parganait*², Mr Bineej Hembrom, the traditional head of 32 neighbouring villages. Gradually the people of the affected and neighbouring villages got mobilised, and they organised a resistance movement, *Rajmahal Pahar Bachao Andolan* (Rajmahal Hills Protection

² *Parganait* is the traditional local governance system of the Santal Adivasis. It is a cluster of

villages headed by one of the headmen of these villages

Movement), against the destructive mining project.

People's Resistance to Mining

Every family in these nine villages organised themselves under the *Rajmahal Pahar Bachao Andolan* (RPBA). A core committee comprising each village's youth leaders was formed under the leadership of the *Parganait* and his son, Paisil Hembrom. Valsa instructed them about special provisions and laws to protect Adivasi land: the Fifth Schedule of the Constitution, the Panchayat Extension in Scheduled Areas (PESA) Act 1996, the Santal Parganas Tenancy Act 1949 and the Samata Judgement of the Supreme Court 1997. These laws prohibited any private company from undertaking mining activities on Adivasi land. The villagers wrote joined memorandum to the district and state authorities and people's elected Representatives (MLAs and MPs) demanding the cancellation of the mining project that would displace them. However, these memos of the people went unheeded. Then the villagers set up a barricade at the entry point of their villages to prevent outsiders and strangers from entering the area and kept round-the-clock guarding, taking turns, by the men, women, youth and even children from the villages. The news of the villagers' resistance movement spread far and wide. Many civil society organisations, news agencies and human rights activists from elsewhere also supported the movement. The villagers empowered themselves by changing their socio-economic and political lives. They learned more about the special land laws that favour them,

decided to improve their agricultural practices, reduced excessive drinking habits, and discouraged people from going to faraway cities (migration) in search of work. They conducted regular protest marches at Amarapara, the nearest block³ headquarters and submitted memos to the block administration.

Thwarting People's Resistance by the Mining Company

The PANEM Coal Mines soon set up an office near the weekly market at Amarapara. They began to recruit several unemployed Adivasi youths. The youth were lured with easy money, extra-perks, jobs, etc. They, in turn, convinced the co-villagers to part with their land to accommodate the company's agenda. They created fear in the minds of villagers who protested against the company. Rumours were spread that if they fought against the company, the government would take away their land anyway, without compensation, since the land belongs to the government. Gradually the unity of the resistance movement began to be disturbed. Infighting began among the Adivasis. The company added fuel to the fire, and the government administration supported the company.

The company, with the administration's help, filed cases against the active leaders of the movement. As a result, many of Valsa's associates were booked under non-bailable offences. Many of them, including women like Agnes Hembrom, were arrested and imprisoned for months. Due to fear of arrest, it became impossible for the area's people to visit the weekly market

³ A Block is the lowest level government (bureaucratic) unit, and its office was set up

ostensibly to advance community development.

or see their children in the different hostels for education. Several of them, like Joseph Soren, were threatened with life and killed in planned accidents. All these further frightened and divided the people. Even family members turned hostile towards each other. Valsa and the movement leaders tried their best to keep the people together. For six long years, they managed to keep the company and administration from entering the area. Yet gradually, with the help of go-betweens, the company got the upper hand over the people.

Approaching the Courts for Justice

As a last resort, the peoples' movement approached the High Court of Jharkhand, hoping it would uphold the constitutional provisions in favour of the Adivasis badly affected by coal mining. However, contrary to their expectation, the Court took the company's side. The Samiti (people's organisation) approached the Supreme Court. The Supreme Court was inclined to take the case towards providing better compensation and rehabilitation provisions for the displaced people. This move had the potential to have a verdict that would nullify the Court's historic ruling in the case of the Samata Judgement, which clearly said that in predominantly Adivasi Areas or the Fifth Scheduled Areas, no private agencies could acquire land or undertake mining. This situation forced the *Rajmahal Pahar Bachao Andolan* (RPBA) to enter into a memorandum of understanding with the PANEM company as a strategy towards advancing Adivasi interests while allowing the company to start mining under certain conditions put down by the RPBA.

Entering an Agreement with PANEM

The memorandum of understanding had many unique features besides what many other rehabilitation policies contain. It agreed that the company accepts that the village community is the land's original owner, and the company is there only to extract coal. Mining pits would be refilled after coal extraction, levelled, and fertile soil put at the top; the company would provide irrigation facilities, and the land, in usable shape, be given back to the people. In addition, a crop compensation of INR 6,000 per acre and INR 10,000 per acre as a share of the profit would be provided yearly to the original landowners while mining was carried out. Furthermore, the first preference will be given to project-affected people (PAP) in granting all jobs, including professional ones, should their children become qualified for such positions. Moreover, a committee consisting of two representatives each from every affected village, two representatives of the Samiti, and two from the company will supervise the implementation of the agreements.

The agreement between RPBA and PANEM was signed in 2006, and then PANEM began its mining operation. Sr. Valsa John and the Samiti leaders focussed on implementing the contract's provisions. The Samiti leaders ensured that money was sent to each villager-beneficiary's account per the agreement, and no middlemen would take undue benefits as a share from the payment. They made sure the contracts were implemented on time. The meeting of the monitoring committee, promoted by Valsa, often used to be held with heated arguments with company representatives. The committee repeatedly questioned the Managing Director for not implementing

the conditions of the agreement. The Director gradually realised Valsa was a solid nut to crack. He was not accustomed to straight and tough talks; Valsa was not ready to accommodate any 'ifs' and 'buts'. She stood for the decisions made in the previous meetings between the monitoring committee and the management of PANEM and wanted the company to comply with their own decisions. The company eventually decided to remove Sr. Valsa from its way.

A Tragic End to the Episode of People's Resistance

On the other hand, as the mining began and money was deposited into the bank accounts of villagers, their aspirations, values, and lifestyles began to change. Some of the youth who joined the company earned a lot of money as contractors, hiring dumper trucks and doing other mining-related activities⁴. A few of them built well-furnished houses and bought four-wheelers for themselves. The active members of the Samiti remained watchdogs on the company to ensure that the agreement conditions were strictly followed. But Samiti members remained economically weak while others continued to make much money. The company agents then played on the sentiments⁵ of the Samiti leaders. The former convinced the latter that as long as Valsa was there in the Samiti, they would not be able to earn any material benefit. They suggested that since the movement against establishing the mine is over and an agreement between the

people and PANEM is already in place, they should send Valsa away and manage the affairs themselves. This was the company's "wise advice" to the Samiti members. Consequently, they hatched a plot to chase Sr. Valsa away. And the company had appointed its people to eliminate her physically.

On the night of 14 November 2011, while the state was preparing to celebrate the anniversary of establishing the separate Jharkhand state, about 40 armed men, including some disgruntled Samiti members and the company's men, surrounded the house where Sr. Valsa was staying and cruelly murdered her with sharp weapons. The family and other people in front of the armed crowd were stunned and could not do anything to rescue her. Surajmuni Hembrom, the girl who stayed with her, was a helpless witness to all that had happened.

Sr. Valsa's life demonstrates how dangerous it is for human rights activists to get involved in defending the rights of local communities affected by mining in the Adivasi villages of Jharkhand. Seeing how some of us dare to take risks to protect people's rights amidst impending dangers is heartening. Sr. Valsa's love for the most marginalised people is beyond words of appreciation. Her acquired knowledge about the Adivasis' special constitutional and legal rights, her faith in people's power and her volunteerism as a religious nun living in solidarity at a Santal village (incarnational approach), her relentless

⁴ There was a sudden diversification of livelihood activities that differed much from the traditional half-yearly, rain-dependent paddy cultivation of villagers' agricultural fields.

⁵ That they are fighting for justice but have only a little economic benefit, unlike other co-villagers

effort to hold the people together, her faith in the possibilities of alternatives, and above all her courage to confront the mighty PANAM Coal Mining Limited company are heroic and genuinely

admirable. She continues to inspire the religious who wish to live a prophetic life. Sr. Valsa lived a life of “faith that does justice.”

Original in English



David vs. Goliath: Extractivism and Community Organising in the Sierra Norte de Veracruz (Mexico)

Raúl Cervera, SJ

With contributions from the “Sierra Norte de Veracruz” team, Mexico

Introduction: Mining in Mexico and the Sierra Norte de Veracruz project

For 40 years, metal mining companies have exponentially increased activities in Mexico. This increase is due to the ever-rising prices of these resources globally. Most are foreign companies: more than half come from Canada. Others are legally established in the United States, China and Japan.

Currently, these corporations hold more than 25,000 concessions granted by neoliberal governments to explore and extract minerals in Mexico¹. These concessions cover more than 22 million hectares, more than 11% of the national territory. In 2014, Enrique Peña Nieto's government sponsored a reform of the Mining Law that allowed large foreign companies to invade our territories, extract minerals and industrialize them.

The “Sierra Norte de Veracruz” project is an initiative of the Mexican Province of the Society of Jesus with origins dating back to 1974. The project is currently led by a team of lay people and Jesuits who offer services to Indigenous Otomi (*Ñuhú*), Nahuas and Tepehuas (*Masapijní*), as well as Mestizo communities.

Over the years, it has consolidated into two strands of action: the first strand is radio broadcasting, through *Radio Huayacocotla*, *La Voz Campesina*, with a power output of 10,000 watts. Its Hertzian waves reach several regions across five states: southern Tamaulipas, northern Veracruz, eastern San Luis Potosí, eastern Hidalgo, and northern Puebla. It also transmits online through its internet application.

The second strand is centred on personal accompaniment for social, economic and cultural organizations managed by the same communities. Currently, these

¹ Concessions are permits granted by the Mexican federal government to companies to explore and extract, among other things, mineral deposits. Commonly, companies pay a paltry fee in return. While concessions do not grant ownership of the land or subsoil to the company, in practice there is often little

difference. Concession areas are called “lotes” [lots] that normally cover hundreds or thousands of hectares. The Mining Law was conceived as a law of “social interest” which is often interpreted in such a way that means companies' interests take primacy over the rights of communities.

operations are located in the Texcatepec municipality (Otomí) in the northern mountains of Veracruz and the Xochicoatlán municipality (Mestizo) in northern Hidalgo. In the latter, the Jalamelco community has actively resisted the Autlán Mining Company for more than eleven years, thus preventing the environmental devastation of the region.

The Explosion in Mining

The “*Sierra Norte de Veracruz*” team members were aware of extractivism, particularly the exploitation of our country’s mineral wealth by large foreign companies. In any case, the quality of information we received was contrasting and generally poor. However, this changed as we became involved in community responses to the events detailed in the following discussion.

In 2019 we had our first direct meeting with a company that intended to carry out extractive activities in the territory where Radio Huayacocotla is based and operates.

In May, representatives of a company called “*La Victoria*” were presented to the *Ejido Assembly*² of the Carbonero Jacales community in Huayacocotla. They proposed a proposal to start exploration work to track possible indicators suggesting the existence of silver, lead, zinc and copper.

Our initial inquiries showed that the company did not have a website then. However, in time we found out that the name of this mysterious company was

“*Minera La Victoria Exploración*”, Variable Capital Limited Liability Investment Company, which is based in the Bermuda Islands and with offices in our country. We even found the name of its legal representative.

In the assembly mentioned above, most of the *ejidatarios* and *ejidatarias*³ of Carbonero Jacales rejected the visitors’ proposals.

Perhaps the reason for this reaction was that a significant percentage of community members extracted and sold a non-metallic mineral called kaolin, which is abundant in the region. Moreover, they do so under the relatively self-managed “social mining” scheme. For this reason—we thought—they did not look well upon the idea of a company that could end up competing with the community for resources.

It should be noted that the *ejidatarios* and *ejidatarias* received advice from Engineering in Sustainable Regional Development students, from the Benito Juárez García Welfare University (UBBJ), newly founded by the federal government, based in the same community.

That same month of May, two or three people from the Tzocohuite *ejido* came to Radio Huaya looking for advice. During their visit, they said that a few representatives from “a mining company” had presented themselves to the community seeking consent to start exploration activities in their territory. Unfortunately, our ability to help them then was limited, as we did not yet have much information on what was happening.

² Translator’s note: The Ejido system is a communal agrarian tenure system practiced in Mexico. Individual Ejidos are properties containing parcels of private and communal

land. An Ejido Assembly is an Ejido’s governing body.

³ Male and female members of an Ejido Assembly.

Around the same time, engineers and administrative workers from *“La Victoria Exploración”* requested and held a meeting with the coordinator of the new campesino university. A representative of our team was also invited to attend by the coordinator. Faced with the highly flattering presentation by the company agents regarding the communities and the university itself, the radio representatives replied that community decision-makers always guided it.

At the company’s request on Monday, 15 July 2019, an assembly of municipal, Ejido and community decision-makers from the Huayacocotla, Zacualpan and Agua Blanca municipalities was held. *“La Victoria Exploración”* wanted to inform them about the plans it had in hand. Officials from federal offices in the region and a representative from the Veracruz state government were also in attendance.

The mining company agents laid out the project to locate deposits of the metals mentioned above in great detail. In addition, they explained the acronyms of the “lots” where they intended to carry out their exploration activities, which cover a good number of communities in the three municipalities.

When the attendees were given the floor, several people expressed their fear that the activities of *“La Victoria Exploración”* would contaminate the water used by families. They also asked if there were foreign capital investments in the company. There were other points made, all from a critical perspective. For their part, the company’s representatives avoided the line of questioning, reiterating the project’s supposed benefits.

Some representatives from the *Ejidos* explained that their own *Ejido* Assemblies had decided not to allow mining companies to enter their territory. They also expressed that, in a general assembly, the *Ejidos* had agreed not to allow extractive projects.

At the end of the meeting, all participants raised their hands in rejection of the *“La Victoria”* mining company’s plans. Furthermore, they committed to record this in their *Ejido* Assemblies minutes to express opposition to any extractive company. At least ten communities followed through with this commitment.

The Huayacocotla City Council, in an extraordinary session, declared the municipality “free of metal and toxic mining” and stated the following consensus: “not to grant authorization for land use, land use change or construction for the realization of exploration and extraction of metals or toxic mining projects, in Veracruz territory”.

A Persistent Business

Despite the rejection by the *Ejidos*, in the following months, agents of *“La Victoria Exploración”* continued to push for an exploration permit from the communities. Furthermore, they set up a “mining camp” in Agua Blanca as their operations centre. On three occasions, they tried to convince the *ejidatarios* and *ejidatarias* in Carbonero Jacales, but each time they were rejected; eventually, they were prohibited from entering assemblies. Nevertheless, they kept up the pressure through anonymous leaflet campaigns and door-to-door visits by the company agents. They even threatened UBBJ staff members to “let them work.”

Through the company, *Proa Comunicaciones*, they sought to convince Radio Huaya to support the extractive project, but they were met with a radio station team steadfast in its respect for community decisions. They even tried to do espionage and persuasion undertakings through undercover agents who showed up at our facilities.

It was also public knowledge that they conducted drilling activities in various parts of the territory without prior authorization, notably in the “Canalejas” community.

Political ecology can offer one hypothesis to help explain these events. The principle of geographical fixation postulates that “higher geographical fixation of a resource corresponds to higher pressure on local land and society; on the contrary, in scenarios of lower geographical fixation of a resource, location is sought in territories inhabited by deferential societies or in ‘non-places’” (Suárez-Ruggiero 2018, 16).

In 2020, the COVID-19 pandemic hit our country. It prompted a slowdown in all activities, including this invading corporation’s activities. However, until 2022, the spread and virulence of the disease could not be restrained.

There is a broad consensus that from 2021 to the present, engineers from “*La Victoria Exploración*” have not been detected in the region. It represents a first victory, not for the company, but for the communities.

We remain on our guard because we know that extractivism is underpinned by the enormous economic interests of foreign investors. Their economic interests increase the likelihood that, after some

time, the projects in our region will recommence.

This observation is borne out by some of our research findings, which have uncovered links between “*La Victoria Exploración*” and the multinational companies *Electrum Group* and *Hochschild Mexico*, the latter with investments in Argentina, Peru, Bolivia, Brazil and South Africa.

In addition, it should be noted that, despite the electoral promise by the federal government not to grant further mining concessions, these corporations have found allies within the President’s innermost circle. Ties between these characters and the national leadership of the UBBJ have been the source of conflict within the latter, provoking the UBBJ’s decision to suspend relations with our team, as we will see below. The controversial construction of the Mayan Train project and the Trans-Isthmus Corridor confirm the current government’s contradictions.

Actions Undertaken by the “Sierra Norte” Team

From the outset, the “*Sierra Norte del Estado de Veracruz*” team put itself at the service of decisions made by the local community. This position translated into radio broadcasts dealing specifically with these issues. In addition, Radio Huaya’s typically critical stance against industrial mining, reflected in many of its programs, was of significant importance.

Another noteworthy project response is related to the more formal establishment of the “Huayacocotla-Puebla Platform”, driven by our team and the Ibero-American University on its campus in Puebla City. The Platform supported

collaboration between both institutions, with the university mainly contributing its academic resources. Subsequently, other Jesuit universities nationwide lent their support to the process. When the Land and Territory Axis was launched on the Platform, a Land and Territory Defence Committee was simultaneously created within our team.

In March 2020, the “First Workshop to Analyse and Design Project Matrices” was held at the UBBJ headquarters. In that university, academic staff members participated, alongside our team from Ibero Puebla, two or three students and a handful of representatives from the *Ejid*os. This first workshop began a formal investigation into mining concessions and the uncovering of “*La Victoria Exploración*”. This research was carried out jointly by the platform members, and it continues with these notes being drafted from the fifth analysis workshop that took place from 9 to 11 February.

The external circumstances impacting the UBBJ and its operations would lead to the expulsion of the first campus coordinator and some teachers. Presumably, this was due to their involvement in the struggles of these rural men and women, particularly their participation in the first analysis workshop.

Another action undertaken by our team, headed by the committee for the defence of territory, was a brutal campaign to inform affected communities about mining concessions granted in their region, of which *ejidatarios* and *ejidatarias* were often unaware. Through dialogue with

communities, we also communicated information we had gathered about “*La Victoria Exploración*”.

With this same pre-emptive focus, a campaign was launched to study Pope Francis’ encyclical *Laudato Si’*, and workshops were held in six towns in Xochicoatlán to involve more communities in the struggle in Jalamelco.

Finally, our team and communities are supporting amparo appeals—handed down by the judicial authorities—to annul the abovementioned concessions.⁴ At the same time, we intend to encourage and facilitate the formation of a campesino front to unite forces and spearhead resistance against these projects of death. The initiatives developed by Radio Huayacocotla are part of our commitment to upholding communities’ rights to be masters of their destinies, regardless if their decisions conflict with business interests or not.

Conclusions

The conclusions that we have reached in the Sierra Norte of Veracruz Team are as follows:

- 1) Broadly speaking, the company “*La Victoria Exploraciones*” initially adopted a respectful demeanour towards the communities. This was demonstrated by the consultation they carried out per the country’s current legislation, which echoes the ILO Convention 169, except that the latter refers explicitly to Indigenous communities.

⁴ Translator’s note: An extraordinary constitutional appeal for the protection of

fundamental rights. Found in most legal systems in the Spanish-speaking world.

- 2) Due to several determining factors—foremost of all the communitarian heritage of these communities—the people and the authorities of the three municipalities broadly rejected access to the company through verbal interventions and in official documents duly recorded.
- 3) After the *Ejidors'* negative response, the company reacted disrespectfully to their collective will. Radio Huayacocotla denounced the company's questionable tactics.
- 4) Radio Huayacocotla always supported community decisions. This stance significantly helped legitimize, disseminate and strengthen the communities' position.

References:

Francisco Suárez y Carlos Ruggiero, "Introducción general", en Francisco Suárez y Carlos Ruggiero, "Los conflictos ambientales en América Latina. Casos y reflexiones", I, Prov. de Buenos Aires 2018.

*Original in Spanish
Translation Nils Sundermann*



Extractive Mining in the Dominican Republic: A View from Local Communities

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The Dominican Republic and Haiti, two sister nations that share the island of Hispaniola in the heart of the Caribbean, both suffer constant threats and impacts of extractive mining, despite being among the countries most vulnerable to climate change. This vulnerability comes from an economic model based on the ruinous extraction and exploitation of natural resources, where large-scale mining represents the most significant threat and risk to ecological stability. Moreover, this model **reproduces the dynamics of colonization**, in addition to **poisoning the water, destroying cultural and environmental landscapes**, and unravelling the social fabric.

Situated within this panorama of extractivism is the Canadian company Barrick Gold, the protagonist of a drama involving an open-pit mine in Pueblo Viejo, in the Sánchez Ramírez province. This mining company stands out for its adverse impacts on local communities, as the community leader Leoncia Ramos expresses: “*Living on top of gold has been our*

greatest misfortune.” Mining affects the traditional livelihoods of communities: important water sources have been polluted and depleted, undermining the healthcare and agriculture of local populations. In addition, forced displacements have disrupted social cohesion, and the poverty cycle is ever more severe.

The people of Cotuí have resisted Barrick Gold’s mining ventures, and two achievements of their struggle are worth mentioning for their significance to the wider world. First, they have planted a seed of hope for the right to live in dignity and a healthy environment. Second, they serve as “a mirror” for other communities in their country and their Haitian brothers and sisters, where massive mining operations have been granted permits. The community of Cotuí has opened the doors of its “*enramada*”¹ house, called “*Campamento de los Encadenados*” [Camp of the Chained], where they welcome other communities, organizations and activists to show them what can happen when a

¹ Translator’s note: an *enramada* is a shelter consisting of a timber frame covered with interwoven canes or branches

territory is impacted by mining. In addition, they have encouraged various players to take a radical stance against extractive mining due to the vulnerability of the island of Hispaniola.

A Model Targeting Island-wide Expansion

A threat looms on the border between Haiti and the Dominican Republic, where projects are already being developed. The entire border length may fall prey to the irrational desire of mining companies to subject the island to the catastrophic extractive model.

In this northern area of the border, in the municipality of Restauración, in the Dajabón province, we find the Neita Phase I mining project—a property of 226 km² which stretches along the Haitian border. The Dominican State granted this concession to the Canadian company Unigold Resources Inc. in October 2002 to explore gold, silver, zinc, copper and associated minerals. On 25 February this year, Unigold applied for an operating license covering 9,990 hectares out of the 21,031 hectares contained in the concession.

The struggle for sustainable societies and local leadership has been ongoing for over a decade. It is now bolstered by socio-environmental and religious groups who have come together in an Assembly to resist mining projects in border communities. These communities have had their daily lives upset by the presence of mining companies who, with various machinery and exploration tools, force their way into the territories and agricultural plots of the campesinos.

Faced with this onslaught, communities have become more aware of their grave danger, given the government's granting of an exploration tax credit. This step paves the way for the immediate commencement of the next stage: mining. The socio-environmental impact on communities is of little concern, and neither environmental impact studies nor the necessary social license is sought.

It is alarming that the region's fragile geology and ecology have not been considered, nor the interconnectedness of its mountain ranges, forests, rivers, bodies of water and their relationship with the water cycle of the region's ecosystems on which people's daily lives depend.

The mining company Unigold has spread its tentacles deep into the earth, scouring its bowels for gold and silver while fracturing everyday life and neighbourly community relations. This has marked a new juncture for community life in the territories where Unigold is present. Other communities have felt the impacts of this situation as they see the looming threats to their natural resources, access routes, and livelihoods, usually based on agriculture, livestock and agroforestry activities.

The exploration and mining concessions in Dajabón communities are met with bewilderment and fear. On the one hand, this is due to a lack of information and transparency from local authorities and the Ministry of Energy and Mining. On the other, it is because of a fast-tracked process that does not consider the studies carried out by the Dominican State itself on the issues and challenges posed by mineral resource exploitation in the border area of the Dominican Republic and Haiti. The Ministry of Economy, Planning and

Development, through studies, warns against the convergence of mining sites in the border provinces of the Dominican Republic and Haiti: the island's primary hydrological resources are found in this region, and these cross-border water sources, which serve a variety of uses, are interdependent (MEPyD, 2016).

The studies shed light on how mineral resource exploitation could impact biodiversity, soil, landscape and community health and well-being. Moreover, they also warn of the inadequate protection of water basins, the potential for conflict as competition increases over access to water, and the lack of good governance in the border territory to tackle the issues of environmental sustainability and climate change.

In this context, mining in border communities poses a dilemma: choose life or death. We who work in the social and pastoral field, who live and accompany the people of these communities, opt for preserving life and protecting the environment.

Irreversible Damage and Debts Accumulated since Colonial Time

Latin America and the Caribbean have shown that foreign investment in mining is not synonymous with sustainable development. Increases in mineral exports do not translate into improved livelihoods for communities impacted by extractive activities. On the contrary, mining often drives the displacement of local populations, with negative impacts experienced by families, communities and small-scale producers. In practice, extractive activities cause socio-environmental conflict, irreversible environmental destruction, ill effects on

families' health, and disputes over water usage. In other words, communities are subjected to ever-more infringements and scarcity daily.

For this reason, the extractive model threatens environmental sustainability, people's livelihoods and sustainable human development. Pope Francis has been emphatic in making a case for abandoning "a voracious economic model, profit-oriented, short-sighted, and based on the misconception of unlimited economic growth." This prophetic outlook guides and summons us in this struggle for sustainable well-being.

Large-scale mining in this country has already created social and territorial breakdowns while rousing the hopes and dreams of people who believe that developmentalism should not and cannot be stopped. Moreover, the promises of mining are often sustained through manipulation and deception, thereby numbing communities and weakening their resolve to protect life, foster sustainable well-being and care for Mother Earth, our Common Home.

The Binational Forum on Mining and Climate Change, a space of resistance for Dominican and Haitian organizations

Faced with the scourge of mining extractivism on the island, people resisted and developed actions to defend their territories. Among these initiatives is the **Binational Forum on Mining and Climate Change**, established by various socio-environmental organizations from Haiti and the Dominican Republic that have come together to mobilize actions to

defend territory and the shared common goods of the natural world.

The Forum has denounced that “large-scale mining has created irreparable socio-environmental destruction in the Dominican Republic and Haiti. This extractive model violates the fundamental rights of communities and territories. Now it seeks to widen its dominion to encompass water sources that are vital for agriculture, energy and life on the island, such as the Artibonito River, and with it, all rivers that originate in the Dominican Central Cordillera and the Haitian Central Plateau, which are vital to the social and economic development of our peoples”². The Forum is a space of encounter and solidarity, and it stipulates that mining destroys community cohesion and affects territories. It defends communities’ right to decide what type of development they want and their right to say No.

From Colonization to Neoliberalism

The manipulative discourse of modernization and development and **false promises of collective well-being and prosperity** have characterized our island’s vast history of extractive activities since 1492. Unfortunately, such claims are untrue. Extractivism has jeopardized climatic stability, the social cohesion of the territories, human rights, and the food security of the island’s communities.

The dominant powers on the island viewed mining as a model for development without foreseeing the dire consequences that would accompany it. Along with their

international allies, the Creole oligarchs peddle the notion that mining can be sustainable, environmentally friendly and people-friendly.

Given this scenario, where political will in the Dominican Republic is aligned and committed to national and transnational mining, we have realized that only those communities with strong and cohesive organizations can stop extractive projects. These communities fight for the right to fullness of life by mobilizing national and international solidarity; spreading information and denouncing wrongdoings; supporting the linking-up of collective processes; interconnecting struggles throughout the continent and at a global level; and above all, mobilizing local communities in defence of their territories.

The mission of the Padre Juan Montalvo Centre for Reflection and Social Action (Centro Montalvo) is to contribute to the construction of a just and intercultural society underpinned by solidarity, centred on the poorest and most excluded in society. We promote the idea that these are people of dignity and dialogue, with the agency and capacity to collaborate with other social actors and commit themselves to social transformation. This commitment guides our accompaniment of communities and local populations affected by mining and impacted by the effects of climate change in the Dominican Republic. Our programs are aimed at strengthening social and community links and empowering local groups, environmentalists and human rights

²[DECLARACION-FINAL-FORO-MINERÍA-Y-CAMBIO-CLIMÁTICO-RD-HAITÍ.pdf](https://remamx.org/DECLARACION-FINAL-FORO-MINERÍA-Y-CAMBIO-CLIMÁTICO-RD-HAITÍ.pdf)
(remamx.org)

activists with the capacity to influence public policies from an environmental justice perspective.

We provide training on extractivism and environmental/climate justice for environmental and community activists to increase their understanding of environmental issues and strengthen their capacity to take action in their territories where they are leaders in their respective struggles. We also raise awareness of and publicly advocate against the various impacts of large-scale mining in the country and on the island by utilizing complaints mechanisms, mobilization and advocacy.

We support women in their struggle for gender justice by providing a platform for their leadership in resisting the impacts of climate change and extractivism. This has helped shed light on their stories and turn the focus on female leadership across the different areas of resistance at the community level: environmental, gender, social, ecological, territorial, climate justice, and racial. The voices of women, deeply rooted in their community/territory, and their accounts of their experiences and daily lives in their communities form the basis of this project.

References:

Ministerio de Economía, Planificación y Desarrollo (2016), “La Explotación de los Recursos Mineros en el área de la frontera dominico – haitiana: un desafío para la gestión y la protección de las fuentes de agua de la isla Hispaniola”, available at: <https://mepyd.gob.do/publicaciones/la-explotacion-de-los-recursos-mineros-en-el-area-de-la-frontera-dominico-haitiana> [Accessed on 31.03.2023]

Original in Spanish
Translation Nils Sundermann



The Irrationality of Extractivism in Honduras: The Guapinol Case

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The Extractivist Model and its Long History

Honduras is found in the navel of the Americas. This geographical location, combined with the vast natural resources contained within its 112,000 km², has historically affected the country, plaguing it with “the curse of abundance.” The world’s capitals have forever had their hands on our natural resources, turning us into a stockpile of mineral and land reserves, available to be withdrawn when required.

Since becoming a Republic two hundred years ago, Honduras has undergone at least three extractivist cycles, where each time, the State has been co-opted to serve the interests of a clique of elites. The first spans the late 19th century to the mid-20th century, with North American companies’ gold and silver mining activities¹. The second was centred on the land, the search for cheap labour and the expansion of export-driven monoculture crop

cultivation, mainly bananas². This laid the foundations for a model that, in the long run, dramatically worsened working conditions, concentrated wealth, and rendered the country economically dependent on foreign powers.

The third cycle involved the extraction of mineral resources and the licensing of hydroelectric projects. It began in 2007 when the Honduran Council of Private Enterprise (COHEP) focused its strategic plan on accumulating wealth from natural resources. The global economic crisis spurred the wave of market interest in commodities, and Honduras was caught in this current. This reflection is the focus of our exploration into extractivism in the last decades.

In 2009 a *coup d’état* took place in Honduras, the first of the 21st century in Latin America, a political crisis that was a smokescreen to allow the elites to gain total institutional control and put the government at the service of their new economic gamble. In just six months, the *de*

¹ To further explore this cycle see, Araya, Carlos, 1979, *El enclave minero en Centroamérica, 1880-1945: un estudio de casos de Honduras, Nicaragua y Costa Rica*. Available at:

<https://revistacienciasociales.ucr.ac.cr/images/revistas/17-18/araya.pdf>

² For the milestone events of the century in Honduras see: Barahona, *Síntesis histórica del siglo XX*.

facto regime approved a flood of licenses for mining projects and energy, hydroelectric, wind and photovoltaic projects. Although the proposed energy transition may seem like a positive step in principle, the situation looks markedly different when the developments violate legal structures and exclude local communities. This cycle is summarized in the motto “Honduras open for business”, the tagline for auctioning off the national territory, with the Employment and Economic Development Zones (ZEDE)³ used to attract investors.

A recent report states that in Honduras, the land in 156 municipalities is in danger due to 540 mining licenses, and rivers are under threat in 100 municipalities due to 307 permits for power generation. In addition, at least 165 extractive projects threaten indigenous peoples’ territories⁴.

The country gains nothing from this economic strategy. It only benefits a small group of investors, leaving only destruction for the communities that have historically cared for these rivers and mountains. In the last decade, licenses were handed out, and a legal framework to implement these projects was approved, fundamentally protecting investors. One such law was the General Mining Law, tailored to the owners of these new licenses.

³ The ZEDE are special development zones entailing the licensing of a portion of territory to investors. The law empowers them to have their own tax regime, security system, and education. Currently the law has been repealed by the National Congress, it is expected to be ratified in the next legislature.

⁴ FOSDEH, UNAH, OXFAM. Territorios en Riesgo III: Minería, hidrocarburos, y

Guapinol: An Emblematic Case

Among dozens of approved mining licenses, we find the Guapinol Case—named for its impacts on the Guapinol and San Pedro rivers—which entailed the granting of two iron oxide mining licenses known as ASP and ASP2⁵ in the Montaña Botadero Carlos Escaleras National Park (hereinafter, Carlos Escaleras National Park), situated in the Aguán Valley, an area also affected by agro-industrial extractivism. Both licenses were awarded to *Inversiones Los Pinares*, belonging to the EMCO Group, whose main partners are the married couple Lenir Pérez and Ana Facussé, who belong to one of the wealthiest families in the country. Among their holdings is the *Corporación Dinant*, with over 12 thousand hectares of oil palm in the Aguán valley.

The mining licenses were preceded by the installation of the iron oxide pelletizing plant, located fifty meters from the Guapinol River. To carry out the iron processing, the EMCO Group created *Inversiones ECOTEK S.A.* because the licenses granted to *Inversiones Los Pinares* are for non-metallic mining⁶, so they cannot be involved in the processing stage. These two mining licenses and the pelletizing plant could easily have gone unnoticed among the 540 licenses scattered across the country; however, this case came to symbolize the irrational nature of the

generación de energía eléctrica en Honduras. UNAH, FOSDEH, OXFAM: Tegucigalpa, 2021.

⁵ The list of licenses in Honduras is available at: <https://inhgeomn.gob.hn/mineria/>

⁶ CESPAD, Una procesadora de óxido de hierro, la otra tragedia de Guapinol. October 2022

country's mining industry. Here we will detail at least four perspectives as to why the project is unviable:

First, the project is environmentally unviable because of the destruction it entails. The two licenses are located in the heart of the Carlos Escaleras National Park, home to "34 declared micro-catchment areas that supply drinking water to the Tocoa, Sabá, Gualaco, Olanchito, Bonito Oriental and San Esteban municipalities. Around 42,000 inhabitants from the various communities receive water from Botaderos Mountain."⁷

Second, there have been indications of lawbreaking in the project from start to finish. For example, in April 2013, EMCO MINING COMPANY, now *Inversiones Los Pinares*, submitted two applications for granting two non-metallic mining licenses called ASP and ASP2, covering 200 hectares. Both licenses were located in the core zone of the protected area of the *Montaña de Botaderos* National Park.

On December 12 of the same year, the National Congress reduced the core zone of the Park by Decree without complying with the required process for the modification of protected areas, reconfiguring article 5 of Decree 127-2012, which had previously declared the *Montaña de Botaderos* National Park a protected area. This new legislation, Decree 252-2013, was published in the new year by *La Gaceta*⁸, the official journal of the Republic of Honduras, confirming yet another crime.

Illegality characterizes the *modus operandi* of *Inversiones Los Pinares*. In this case, the company did not comply with technical advice from the Forest Conservation Institute or the Ministry of the Environment. Their expert opinions establish that the project's development is not feasible as the mining project is located both in the forested area and in the recovery subzone of the protected area of Carlos Escaleras National Park, where mining is prohibited. Nevertheless, despite all these legal violations, the mining project has proceeded with the road construction, removing forested areas in the Park's core zone and installing the pelletizing plant.

In addition to these illegal activities, there has been no prior, free and informed consultation, which is a prerequisite for establishing these projects in communities. No feasibility studies have been carried out, and the permits provided by the Tocoa municipality were issued unlawfully. In parallel to violating environmental regulations, the police and the military have protected miners and repressed the local population.

From a socio-economic perspective, it is unviable because the environmental impacts far outweigh the employment opportunities offered to communities. The State receives barely 6% of the profits that mining companies make from mineral extraction⁹.

And finally, these licenses have damaged the social fabric and sense of community. The company has pursued a multi-

⁷ Cronología de la Criminalización del Campamento Guapinol

⁸ Ibid.

⁹ Oxfam, *Privilegios que niegan derechos. Desigualdad extrema y secuestro de la democracia en América Latina y el Caribe*. p. 88.

pronged strategy, from influencing institutions, public officials, and media campaigns in favour of mining and against the communities resisting the project to sowing division within organizations and communities and assassinating their leaders.

By studying the behaviour of the EMCO Group in its mining licenses and other companies with extractive projects, we can identify common patterns in the rolling out of these projects. Companies across the extraction industry follow the same template. The strategy has at least four phases¹⁰:

First comes the “seduction” or “persuasion” phase. In this phase, the company seeks to seduce the community with offers of community projects such as schools, health centres and electricity services. In addition, some business groups have created foundations to soften up communities or “social wash” their image.

In the second phase, divisions are sown within the community and leaders who oppose mining are harassed. When seduction does not work, the companies provoke division and violence in community organizations. They lobby for changes to the boards of community organizations, or they set up parallel boards of directors. In this strategy, they utilize community members or people from neighbouring communities whom

they have managed to win over by offering them employment or specific support.

The third phase is intimidation, aided and abetted by public institutions, especially local authorities and the police. If they fail to bribe or divide the community, the business groups turn to criminalization. For example, in the Guapinol Case, the company pressured the Public Prosecutor’s Office to convict 31 community members accused of usurpation, property damage, seizure of public space, illicit association and arson, among others.

Eight defenders criminalized for their defence of the Guapinol and San Pedro rivers spent 914 days deprived of their liberty, accused of the alleged crimes of aggravated damages, superficial damages and unlawful deprivation of freedom. However, their nightmare ended in February 2022 when the Constitutional Chamber granted two amparo¹¹ appeals in favour of the defenders, thus definitively acquitting them.

Phase four: Persecution, death threats, and the physical elimination of community leaders. This phase comes into play if the mining project continues to be firmly rejected despite attempts to seduce or divide communities and if criminalization fails to weaken the struggle. The prominent leaders of the Committee had to flee for their lives and leave the region, but threats never disappeared. On January 7, 2023, Ali

¹⁰ To learn more about the strategies used by extractive companies consult: Equipo de Reflexión, Investigación y Comunicación y Universidad de Saint Louis Missouri, Impacto socioambiental de la minería en la región noroccidental de Honduras a la luz de tres estudios de casos: Montaña de

Botaderos (Aguán), Nueva Esperanza (Atlántida) y Locomapa (Yoro), 2016.

¹¹ Translator’s note: An extraordinary constitutional appeal for the protection of fundamental rights. Found in most legal systems in the Spanish-speaking world.

Dominguez and Jairo Bonilla, members of the Guapinol Community and the Committee for the Defence of Public and Natural Goods, were murdered.

State Capture

A common element in each phase is the conspiracy of public institutions, sometimes manifesting in the absence of political will or indifference towards human rights violations and environmental protection. Other times the participation is more direct, the most extreme demonstration of the State's complicity being the deployment of its security forces to protect facilities owned by *Inversiones Los Pinares*. The State's subordination to these higher powers is the only way to make sense of the following questions:

How is it that the Decree was modified to reduce the core zone of the *Montaña Botadero* National Park and establish a mining project? How is it that a mining project has been set up in a park, an essential water source for several municipalities? How is it that a mining project whose licenses do not comply with the law, and an iron processing facility with no environmental permits and expired certifications, continue to be constructed? How can this blatant unlawfulness continue unabated? How is it that a mining project continues to operate through bloodshed and the criminalization of defenders? How much more blood must be spilt for it to be stopped?

This unlawfulness, this damage to the environment and the violence visited on the community can only be sustained in a context where State powers support the mining project. This is a testament to the unsavoury reality that not only do Lenir

Pérez and Ana Facussé act above the State, but sometimes they are the State; sometimes, the State even seeks their permission to review their mining licenses.

Resistance to Extractive Projects

In parallel to the rollout of mining and hydroelectric projects, movements rejecting and resisting extractive companies have emerged in the country's different regions, made up of *campesinos*, indigenous peoples, urban sectors and legal teams. In this struggle, organizations and communities have implemented various campaign strategies, some of the most notable being: 1) community organization and training on what is happening in their territories; 2) protest camps at the entrance to communities where extractive projects have been planned; 3) research on mining, this has been decisive to uncover the unlawful activities and the legal strategies employed by companies to hoodwink communities; 4) public communications to denounce abuse, relying on community radio, social and multimedia networks; 5) collaboration among anti-mining campaigns which has united popular and religious spheres, thus allowing the parishes and dioceses of the region to join the struggle; 6) Popular art, slogans, songs and concerts by national artists which have continuously accompanied the struggle and encouraged resistance.

Conclusions

1. In Honduras, the massive rollout of mining and hydroelectric licenses over the past decade is riddled with lawlessness and accompanied by a series of laws to protect investors. Extractive projects were rolled out under the auspices of a *de facto* regime

and were strengthened by the administration of Juan Orlando Hernández, who controlled the entire institutional body. He made common cause with the elites, putting the institutions at the service of their businesses steeped in corruption, drug trafficking and money laundering. Now the former president is in a cell in a New York jail.

2. Extractivist projects have exacerbated the polarization of the country, intensifying wealth accumulation in the hands of the few and impoverishing the vast majority, increasing vulnerability to climate change and criminalizing community resistance and those who defend the rivers and mountains of their territories.
3. Extractivism is the ultimate expression of human irrationality. With mining and hydroelectric licenses, we overexploit the mountain forests and river waters, and with agro-industrial extractivism—oil palm, banana and sugar cane—we overexploit the waters of aquifers and valleys. As a result, we are running out of water; a short trip around the country will make it clear that our rivers are drying up.
4. There is a need to establish legal limits on the capacity for mining in our mountains and the capacity of our water resources in our country's rivers. These limits are urgent because

this deluge of mining and hydroelectric licenses has been granted without prior research. For this reason, a review must be carried out of all licenses and the conditions they were granted, especially where there is firm evidence of unlawfulness.

5. In the face of polarization, it is urgent to promote a countrywide dialogue which includes all sectors of society to discuss the limits of the market and the State concerning investments in extractive projects. We must establish parameters to determine which extractive projects can receive public investment and which cannot by defining how they will contribute to the common good. Our country's communities have historically cared for these strategic assets and resources.
6. Concerning the above, we need alternative economic models to the neoliberal model. Neoliberalism has been shown to devour natural goods, public institutions and the social fabric.

Amid the environmental and legal destruction caused by extractive projects, resistance is emerging in the voices of women, campesinos and young people. They have strengthened community movements in defence of their territories and forged bonds with sectors of the Church and with struggles from other regions around the country.

*Original in Spanish
Translation Nils Sundermann*



Research for Environmental Justice: Sacrifice Zones in Peru and Honduras and Jesuit Solidarity

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1. Sacrifice Zones and the Cry of those Affected. La Oroya, Peru, and El Progreso, Honduras

Sacrifice zones are those whose communities are exposed to extreme levels of contamination and toxic substances due to poverty, exclusion, and discrimination. This is a brief history of my experience as a researcher at Saint Louis University, the second oldest Jesuit university in the U.S., in two sacrifice zones in Latin America: the city of La Oroya in Peru and three rural communities near El Progreso in Honduras. It also recounts the solidarity response to the call for scientific evidence to speak the truth to those in power and seek environmental justice.

La Oroya in Peru is one of the most polluted cities in the world. The main cause of the contamination is the emissions of lead, cadmium, arsenic, nitric oxide, carbon dioxide, sulfur dioxide and other toxic substances spewing from a metallurgical complex in the city. The complex was built in 1922 by the U.S. company *Cerro de Pasco Co.* to process gold, copper, silver, lead, zinc and other metals abundant in Peru. The Peruvian government nationalised the complex in

1974 and sold it in 1997 to Doe Run of St. Louis, Missouri, a U.S. company of the Renco group. The company subsequently took the name Doe Run Peru.

The operations of the La Oroya metallurgical complex have generated wealth for the company's owners, jobs for the local population, and revenue for the state. However, the "smoke from La Oroya" has caused social conflict and severe air, water and soil contamination in the city and region and has poisoned the entire population. In 1999, a study of blood lead levels in children revealed that 99.1% of children had lead levels above the World Health Organization (WHO) level of concern: the first evidence of catastrophic mass poisoning of those who lived in La Oroya.

"We suffer from environmental contamination in La Oroya, but we do not have scientific evidence on the toxic substances that affect us." We need an independent scientific study to tell us the truth about pollution! This was the cry I heard from women human rights activists from La Oroya in 2004. They specified that the state does not have the capacity nor interest to study human exposure to metals and toxic substances that account for the

entire population. They also said they do not trust the lead exposure studies done by Doe Run Peru.

In Honduras, one of Latin America's poorest countries, rural communities face mining's impact in terms of water pollution, deforestation and environmental degradation, conflict and violence caused by land grabbing, breakage of their social fabric, and the violation of human rights. Such is the case in three communities near El Progreso, Honduras: Abisinia, Nueva Esperanza and San Francisco Locomapa. During a field visit in 2013, residents of these communities shared concerns with delegates from U.S. Jesuit institutions (including the author of this article) about their poverty and the impact of mining on their water and agricultural production, health, and quality of life. Further, the dialogue with residents also made it clear that the state in Honduras does not have the capacity and interest to carry out risk assessments of the health impact of contaminants in these communities.

These community concerns became requests for solidarity and support to obtain rigorous and reliable evidence regarding the vulnerability of rural communities so that they can defend themselves against mining expansion on their land. In September 2013, at a meeting with Nueva Esperanza residents, Enrique Castillo, one of the residents who opposed the entry of a mining company into the community, approached me with a plastic bottle filled with water from his home. "Please, I need you to analyse this water because the mining company is contaminating the water," Enrique requested.

"We want to know if we have lead in our bodies" in La Oroya. "We want to know how is the water we drink" in Honduras. This need for evidence of health risks and economic, social and environmental impact expressed by vulnerable populations motivated my participation and that of other researchers from the Jesuit University of Saint Louis in Missouri in studies that responded to the cry for the truth to demand protection against threats to health and the environment.

2. Research for action: Jesuits stand alongside communities

In 2005, I initiated a study of exposure to toxic metals in La Oroya with Monsignor Pedro Barreto SJ, now Cardinal of Peru, and with the Saint Louis Presbyterian Church. The study entitled "Environmental Contamination in the Homes of La Oroya and Concepción and its Effects on the Health of their Residents" was conceived with the research for action methodology and community participation. The main objective was to collect blood and urine samples to determine the presence of lead, cadmium, arsenic and other metals in the population. The Saint Louis University College for Public Health and Social Justice assumed institutional responsibility for the research and a substantial portion of its costs.

From the start, the research team faced formidable challenges. An executive from Doe Run in Saint Louis told me not to go to La Oroya because there was no need for such a study. The La Oroya community organisation had no funds to pay for the study. Public organisations like the Ministry of Health did not want to get involved in a study on environmental contamination related to a powerful

company like Doe Run. The workers' union of the metallurgical complex saw those who spoke of toxic metals' impact on health and the environment as enemies. Consequently, the approval process by the Peruvian state took almost a year and was only made possible thanks to the advocacy of Msgr. Barreto.

The challenges did not end with the study's approval. In August 2005, on the first day of recruiting research participants, two research teams were verbally attacked and stoned by workers of the metallurgical complex (Doe Run denied involvement in these attacks). In addition, anonymous flyers titled "Missouri Vampires Arrive in La Oroya" were distributed to intimidate the population and prevent them from participating in the study—then, both Msgr. Barreto, as well as the director of the project in Peru, received death threats. I was given a personal guard to watch over the blood and urine samples until those were sent to the Centres for Disease Control and Prevention (CDC) laboratories in Atlanta, U.S.

Despite the obstacles, the study was completed successfully. Preliminary research results were shared with the Ministry of Health, the Doe Run Company, the national and international press, and the public. Study participants received their laboratory test results together with a medical explanation. The research showed that men and women in all age groups had elevated lead levels. The group of most significant concern were children because 97% of children from 6 months to 6 years and 98% of children from 7 to 12 years had elevated blood lead levels. The results for cadmium and arsenic also exceeded acceptable levels. A community leader said that these results are the consequence of

the "toxic cocktail" that the company serves to the population every day. Through this study, evidence proved massive poisoning of the La Oroya residents, especially vulnerable groups such as children and pregnant women. It can no longer be doubted that the people suffered because of toxic emissions from the Doe Run Peru metallurgical complex.

In Honduras, after the community visits of delegates from Jesuit organisations in 2014, I began a case study on the impact of mining on health, water and the environment, and human rights in Abisinia, Nueva Esperanza and San Francisco Locomapa. This study was conducted with the Reflection, Research and Communication Team, ERIC, an educational and advocacy organisation of the Society of Jesus in El Progreso, Honduras. Ismael Moreno SJ, Father Melo, director of ERIC and Radio Progress, strongly supported the study. Like the Peru case, the study followed participatory research methods for social action. The study's primary purpose was to generate rigorous and reliable evidence on the impact of mining and extractive activities to inform and support organisational, educational, and advocacy initiatives in Honduras, the U.S., and Canada. The U.S. Jesuit Conference funded most of the study. Additional funding was provided by the Jesuit Central and Southern province based in Saint Louis, Missouri, and by the Saint Louis University College for Public Health and Social Justice, which also assumed institutional responsibility for the research and part of its costs.

The results of the research in Honduras came to light in two publications: Socio-environmental Impact of Mining in the northwestern region of Honduras in

Aguán, Nueva Esperanza and San Francisco Locomapa (2016) and Results of the Evaluation of Quality of Life and Water in Abisinia, Nueva Esperanza and San Francisco Locomapa and the responsibility of the state (2020). The first publication analysed the impact of the extractive model and public policies that support the expansion of mining in the territories of rural and indigenous communities, with specific cases of social conflict and violation of human rights.

The second publication revealed poverty in 92.8% of the 206 households surveyed. The study also established the parents' lack of education (only 16.5% of fathers and 23.8% of mothers completed primary school). Food insecurity was expressed by 78.6% of households. Other vital concerns pertained to the lack of health centres, medical insurance and alarm about water safety (coliforms, a bacterium that can cause intestinal diseases, were detected in 94% of the water samples for human consumption). This second publication described the high levels of human insecurity in all aspects of the population's daily life and the state's failure to assure the rights to safe water, health, education, and a healthy environment in rural Honduran communities. As one resident put it: "If a State means the satisfaction of our basic needs and the security of living in peace, then we poor people have never had a State in Honduras."

3. Jesuit solidarity and environmental justice

(a) Visible and invisible violence in sacrifice zones.

The press reported visible violence in the forms of death threats, injuries, and the death of organisers and protesters in Peru

and Honduras against environmental contamination, the state's abandonment, and the extractive industries' impunity. But another equally deadly violence is less visible and persistent over time. It is "slow" violence, the product of development policies, exclusive and destructive of the environment. Its impact on health only becomes evident after years of exposure to metallic and toxic substances in the air, water, soil, and food that increase the risk of abnormal growth, chronic diseases, mental disorders (in the case of lead) and a decrease in life expectancy. La Oroya, La Abisinia, Nueva Esperanza and San Francisco Locomapa are human and environmental sacrificial zones that cry out for environmental justice. There are a thousand others like them on the planet.

(b) The search for environmental justice.

The population resists; communities resist. Beginning with the 2005 study from Saint Louis University in La Oroya, city residents used evidence to sue the Peruvian state in the Inter-American Court of Human Rights for failing to protect them from toxic contamination. They sued Doe Run in the civil courts of Saint Louis for having exposed them to toxic metals. In Honduras, most respondents in the three communities studied resist mining. Sixty-nine per cent said they do not believe mining brings benefits to the community; the majority (89.8%) believe that mining causes environmental problems; many (55.8%) do not believe that mining brings development to the communities; while 74.8% do not agree with the establishment of mining projects in their communities. The resistance of the communities is expressed in declarations of "free of

mining” communities throughout Honduras.

“Environmental justice recognises that all people have a right to breathe clean air, drink clean water, participate freely in decisions affecting their environment, live free of dangerous levels of toxic pollution, experience equal protection of environmental policies, and share the benefits of a prosperous and vibrant pollution-free economy” (Colorado Department of Public Health and Environment). The communities’ resistance also manifests the search for compensation, restitution, and reparations for the damages caused and the rule of environmental justice without socioeconomic, gender, age, race or cultural distinctions.

(c) The role of Jesuit solidarity

What accounts for our long-term companionship--mine and my colleagues in Jesuit organisations—with the communities affected by contamination? Ultimately, it can only be explained as an act of faith and solidarity with the most vulnerable.

Solidarity is a fundamental principle of the Church’s social doctrine. Pope John Paul II tells us we have “an obligation to show solidarity” with a “firm determination to commit ourselves to the common good.” “It is not simply about helping others. It is good to do it, but it is more than that; it is a matter of justice”, Pope Francis tells us. This principle of solidarity and justice was, and remains, at the centre of decisions to form research teams and to ensure the means and resources to respond to the cry for truth and justice of people affected by extractive industries and contamination by toxic metals. Research for action narrated here has provided evidence to support those who suffer and those who accompany them so that they can speak directly to those in power. This is consistent with what Ignacio Ellacuria SJ said: “A Christian university must take the gospel preference for the poor. This means that the university should be present intellectually where it is needed: to provide science for those without science; to provide skills for those without skills; to be a voice for those without voices; to give academic support for those who do not possess the academic qualifications to make their rights legitimate.”

*Original in Spanish
Translation Nils Sundermann*



Building A Cross-Sector Coalition for Climate Justice in the Northern Territory, Australia

Jack Piper

Ecological Justice Project Officer, Jesuit Social Services' Centre for Just Places

"We are faced not with two separate crises, one environmental and the other social, but rather with one complex crisis which is both social and environmental. Strategies for a solution demand an integrated approach to combating poverty, restoring dignity to the excluded, and at the same time protecting nature." Pope Francis, Laudato Si' [139]

To build a broad coalition for climate justice, Jesuit Social Services and several organisations working in the Northern Territory, Australia, co-hosted a series of three forums between 2019 and 2021. The forums were held against the backdrop of worsening climate impacts, new opportunities in clean and affordable energy, and the Northern Territory and then Australian Government's proposed 'gas-led' economic recovery from the COVID-19 pandemic through the expansion of hydraulic fracturing (or 'fracking') for natural gas in the Beetaloo sub-Basin.

Plans to support the expansion of gas exploration made scientists, some Aboriginal communities and environmental activists raise alarm bells. Fracking seriously affects groundwater, biodiversity¹, human health², and Aboriginal sacred sites. And developing new oil and gas fields like the Beetaloo will open up significant new sources of greenhouse gas emissions.³ However, where the Government-sponsored narrative promoted prospects of much-needed jobs and economic stimulus, the forums successfully developed an alternative shared vision for the Northern Territory that puts people and the planet at the centre.

¹ U.S. Geological Survey. (n.d.). *What environmental issues are associated with hydraulic fracturing?*

https://www.usgs.gov/faqs/what-environmental-issues-are-associated-hydraulic-fracturing?qt-news_science_products=0#;

² Currie, J., Greenstone, M., & Meckel, K. (2017). Hydraulic fracturing and infant health: New evidence from Pennsylvania. *Science*

advances, 3, 12,

<https://doi.org/10.1126/sciadv.1603021>

³ Knaus, C. (2021). 'Grave mistake': Climate scientists issue dire warning over Beetaloo Basin fracking plans. *The Guardian*.

<https://www.theguardian.com/australia-news/2021/sep/23/grave-mistake-climate-scientists-issue-dire-warning-over-beetaloo-basin-fracking-plans>

Our Commitment to Ecological Justice

Jesuit Social Services is an Australian social change organisation working to build a just society where everyone can live to their full potential. In an increasingly complex era of the climate crisis, environmental degradation and rising social inequalities, new challenges towards building a just society appear. Since 2008, Jesuit Social Services has been on a journey to incorporate ecological justice into everything we do.

Ecological justice is both social and environmental justice. It rests on the principle of integral ecology, that everything is interrelated, and that ethical action in the environmental sphere - caring for our common home - is central to equity at a social level. This is in keeping with Jesuit Social Services' ongoing commitment to relational ways of working, as demonstrated in our service delivery models and advocacy.⁴

In *Laudato Si'*, Pope Francis describes the "intimate relationship between the poor and the fragility of the planet" and how the poorest are the worst affected by our "environmental crisis".⁵ A commitment to ecological justice means recognising that communities and individuals already experiencing social and economic disadvantage now face increasing environmental challenges. These populations are often the least responsible

for ecological risks and threats but are the most affected by their emergence.

Jesuit Social Services' *Dropping off the Edge* research into place-based disadvantage, conducted over more than 20 years, found that a small number of communities nationwide continue to experience a complex web of disadvantage. The 2021 iteration of the report examined environmental indicators, finding that the most economically and socially disadvantaged communities also experience disproportionate levels of environmental injustice, represented by indicators such as heat stress and air pollution.⁶

In 2019, Jesuit Social Services' commitment to ecological justice led us, alongside some other organisations working in the region, to host the Northern Territory's first climate justice forum.

In 2021, Jesuit Social Services established the Centre for Just Places, with seed funding from the Gandel Foundation and the Victorian Government. The Centre leads several collaborative climate justice and resilience projects, and projects that pursue a greater understanding of equity, disadvantage and well-being in Australian communities. It also supports place-based and strengths-based approaches to addressing injustice and inequity, and is leading a pilot project which amplifies lived experience voices to improve systems.⁷

⁴ Jesuit Social Services. (n.d.). *Ecological justice*. <https://jss.org.au/what-we-do/just-places/ecological-justice/>

⁵ Francis. (2015). *Laudato Si'*. 13, 16. https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html

⁶ Tanton, R., Dare, L., Miranti, R., Vidyattama, Y., Yule, A., & McCabe, M. (2021). *Dropping off the Edge 2021: Persistent and multilayered disadvantage in Australia*. Jesuit Social Services. <https://apo.org.au/node/315181>

⁷ Jesuit Social Services. (n.d.). *Centre for Just Places*. <http://justplaces.org.au/>

Worsening Climate Impacts Compound Already Existing Inequities

The Northern Territory, Australia, is a sparsely populated territory encompassing 1,349,129 square kilometres of tropical savannah, desert and shrublands in Australia's central and central northern regions, with the highest proportion of Aboriginal residents per capita in the country.⁸ Seventy per cent of Aboriginal people in the Northern Territory live in remote areas.⁹

Extreme heat, water scarcity, energy poverty, inappropriate housing, food insecurity, health impacts, service disruptions, species loss and ecosystem damage are not distant threats but real and present challenges in the Northern Territory.

As an example, in the year to July 2019, the Northern Territory's third-largest town, Alice Springs, experienced 129 days over 35 degrees celsius and 55 days over 40 degrees. The combination of worsening climate change and poor housing

standards, energy-inefficient housing, and high levels of energy insecurity in the Northern Territory - particularly in remote Aboriginal communities - is driving deep health inequities further.¹⁰ In addition, water security is an ongoing issue in the Northern Territory's remote communities. For example, in Yuendumu, the largest remote community in central Australia, roughly 900 residents face summers without a reliable drinking water supply. In 2019, the Northern Territory Government halted the building of new housing in the community due to low water levels in the aquifer.

There are fears that without resourcing to adapt, more Aboriginal people will be forced to leave their traditional Country, becoming climate refugees in other parts of the Northern Territory and Australia.¹¹ Pope Francis recognises the importance of placing indigenous communities at the heart of any ecological and social justice approach. The Pope says, "land is not a commodity but rather a gift from God ... a sacred space with which they need to interact if they are to maintain their identity and values. When they remain on

⁸ Australian Bureau of Statistics. (2022). Estimates of Aboriginal and Torres Strait Islanders. *ABS website*.
[https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release#:~:text=States%20and%20territories,-New%20South%20Wales&text=The%20Northern%20Territory%20had%20the,had%20the%20lowest%20\(1.2%25\).](https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release#:~:text=States%20and%20territories,-New%20South%20Wales&text=The%20Northern%20Territory%20had%20the,had%20the%20lowest%20(1.2%25).)

⁹ Northern Territory Government Health. (2016). Aboriginal and Torres Strait Islander health. Northern Territory Government website.
[https://health.nt.gov.au/professionals/aboriginal-and-torres-strait-islander-health#:~:text=The%20NT%20covers%20an%20](https://health.nt.gov.au/professionals/aboriginal-and-torres-strait-islander-health#:~:text=The%20NT%20covers%20an%20area,)

[area, languages%20spoken%20in%20the%20NT.](https://health.nt.gov.au/professionals/aboriginal-and-torres-strait-islander-health#:~:text=The%20NT%20covers%20an%20area,)

¹⁰ Quilty, S. & Jupurrurla, N.F. (2022, 27 June). How climate change is tuning remote Indigenous communities into dangerous hot boxes. *InSight*.

<https://insightplus.mja.com.au/2022/24/how-climate-change-is-turning-remote-indigenous-houses-into-dangerous-hot-boxes/>

¹¹ Allam, L., Evershed, N., & Bowers, M. (2019, December 18). Too hot for humans? First Nations people fear becoming Australia's first climate refugees. *The Guardian*.

<https://www.theguardian.com/australia-news/2019/dec/18/too-hot-for-humans-first-nations-people-fear-becoming-australias-first-climate-refugees.>

the land, they themselves care best for it.”¹²

The threats to the Northern Territory demand an urgent response. Yet, in 2021, the Northern Territory’s Beetaloo Basin became a crucial battleground in the Northern Territory Government and the then Australian government’s narrative about a ‘gas-led recovery’ from the COVID-19 pandemic. Unfortunately, the proposed ‘gas-led recovery’ largely missed an opportunity to direct economic stimulus to initiatives in ways that meet the twin challenges of tackling inequity and responding to the climate crisis. Instead, both levels of government heavily favoured the expansion of extractive industries - notably emissions of heavy gas and water-intensive large-scale agribusiness.

Fracking in the Beetaloo Basin

Hydraulic fracturing - called ‘fracking’ - injects chemicals, sand, and water at high pressure into a bedrock formation to create cracks from which hydrocarbons are released for extraction. The Beetaloo Basin - a significant site for fracking in the ‘gas-led recovery’ plan - is part of the larger McArthur Basin, 180,000 square

kilometres. Fracking in the area has been in the exploratory phase until recently.

Government plans to support the expansion of gas exploration triggered scientists, First Nations communities and environmental activists to raise alarm bells. Areas affected include pastoral lands, remote Aboriginal communities, and the traditional Aboriginal lands of the Jawoyn, Alawa, Jingili, Walmanpa, Warumungu, Ngandji and Binbinga, among others such as the Mudburra, whose traditional lands lie downstream.¹³

Fracking has severe implications for local life - oil and gas drilling can cause reduced air quality, habitat fragmentation and contamination of underground water sources,¹⁴ and research has shown an increase in poorer health for babies born near fracking sites.¹⁵ In its submission to the Scientific Inquiry into Hydraulic Fracturing in the NT (the “Pepper Inquiry”), Origin Energy - a company with significant plans for the Beetaloo at the time - suggested it would require 50-60 million litres of water per fractured gas well.¹⁶

Advocates continue to communicate deep concerns about the risks to precious groundwater, which supplies towns,

¹² Francis. (2015). *Laudato Si’*. 146.
https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html

¹³ Protect Country Alliance. (n.d.). *The Beetaloo Sub-basin: Communities and environment under threat*.
https://www.protectcountrynt.org.au/beetaloo_overview

¹⁴ U.S. Geological Survey. (n.d.). *What environmental issues are associated with hydraulic fracturing?*
[https://www.usgs.gov/faqs/what-](https://www.usgs.gov/faqs/what-environmental-issues-are-associated-with-hydraulic-fracturing)

[environmental-issues-are-associated-hydraulic-fracturing?qt-news_science_products=0#;](https://www.usgs.gov/faqs/what-environmental-issues-are-associated-with-hydraulic-fracturing?qt-news_science_products=0#;)

¹⁵ Currie, J., Greenstone, M., & Meckel, K. (2017). Hydraulic fracturing and infant health: New evidence from Pennsylvania. *Science advances*, 3, 12.

<https://doi.org/10.1126/sciadv.1603021>

¹⁶ Protect Country Alliance. (n.d.). *The Beetaloo Sub-basin: Communities and environment under threat*.
https://www.protectcountrynt.org.au/beetaloo_overview

homesteads, agriculture, and the cattle industry, with the potential for a contamination case in the Beetaloo Sub-Basin to spread to other interconnected river systems and threats to Aboriginal sacred sites.¹⁷ Threats to precious water sources are a stark reminder of our deep interdependence with our ecosystem and the bond between humans and the natural world; we live in an “integral ecology”, and an integrated approach to environmental and social justice is required.¹⁸

While perspectives on fracking among Aboriginal communities are mixed, some Traditional Owners have expressed strong opposition to fracking on their Country.¹⁹ Water, for the region’s Aboriginal communities, is culturally significant. For example, the Mudburra people consider ancient underground waters to be sacred and not to be disturbed. They are inextricably connected to shared cultural knowledge through songlines: these are unbroken oral histories that preserve and pass down history, which assists communities in maintaining a continual culture, and practical knowledge of the landscape, as well as transmitting social law. They are tied to the region’s physical features, as explained by Karen Adams, Wiradjuri woman and associate professor

in medicine and health sciences at Monash University, “those land markers are very, very important, hence the importance of land claims and acknowledgement of Traditional Owners.”²⁰ Songlines preserve memory about animals, plants, and seasonality, essential environmental information which follows navigational tracks, meaning that a disruption of the region’s physical features can interrupt the oral history and cause losses in cultural and practical knowledge.

Mudburra man Raymond Dixon explains the cultural significance of the Beetaloo water system to local communities: “Our songlines are carried through the underground and surface waterways. Beetaloo got a kudjika (song line) that flows through. At the end of the song, they put them down in the water.”²¹ Landscape and cultural history are inseparable in the Beetaloo Sub-basin, which amplifies the environmental-social nexus of the harmful effects of fracking in the area.

Some Aboriginal people protested against fracking since before the moratorium on fracking in the Northern Territory was lifted in 2018. Yet the fracking plan is proceeding. While fracking in the Beetaloo Sub-basin has not been tied to violence or physical conflict, it is also a source of

¹⁷ Protect Country Alliance. (n.d.). *The Beetaloo Sub-basin: Communities and environment under threat*.

https://www.protectcountrynt.org.au/beetaloo_overview

¹⁸<https://www.science.org/doi/full/10.1126/science.aag0826>

¹⁹ Knaus, C. (2021, August 2). Beetaloo Basin’s traditional owners condemn government for fracking handouts to gas companies. *The Guardian*.

<https://www.theguardian.com/australia-news/2021/aug/02/beetaloo-basins->

[traditional-owners-condemn-government-for-fracking-handouts-to-gas-companies](https://www.lockthegate.org.au/stand_strong_for_country)

²⁰ Willis, L. M. and O. (2016, July 8). Songlines: The Indigenous memory code [Current]. ABC Radio National.

<https://www.abc.net.au/radionational/programs/allinthemind/songlines-indigenous-memory-code/7581788>

²¹ Lock the Gate Alliance. (n.d.). *Stand Strong for Country*.

https://www.lockthegate.org.au/stand_strong_for_country

tension among non-Aboriginal people in the Northern Territory. Polling data from June 2020 shows that 86% oppose the industry, with 57% vehemently opposed. Only 7% are strongly supportive of fracking. The primary concerns expressed revolve around the effect of fracking on water: 67% believe it is a threat to water security - particularly groundwater - and 69% are opposed to government spending on fracking - although 72% were unaware of this government spending, which indicates possibilities for advocacy and awareness-raising. 35% support government money to fund renewable energy, 23% on manufacturing jobs, and 18% on health and education.²²

In addition to the threats to groundwater, human health, and Aboriginal sacred sites, developing new oil and gas fields like the Beetaloo sub-Basin will open up significant new sources of greenhouse gas emissions, with estimations that it could drive up Australia's greenhouse gas emissions by 13%.²³ Australia is the world's third-largest exporter and fifth-biggest miner of fossil fuels by CO₂ potential. It is the world's biggest exporter of liquified natural gas,

and its coal exports comprise almost 30% of the global share.²⁴

The Australian and Northern Territory governments' 'gas-led recovery' narrative emphasised the project's economic benefits. Following rising energy prices, fracking for gas was positioned as a social justice issue by bringing down the cost of living.²⁵ In December 2020, the then Minister for Resources, Water and Northern Australia provided estimates of increased economic activity of between \$18 billion and \$36.8 billion and the creation of 6,000 jobs over 20 years under the Beetaloo strategic plan.²⁶ Indeed, some see the gas industry as the best prospect for economic development in the remote communities affected by the plans to frack - where communities experience very high levels of inequity and disadvantage. Jacinta Nampijinpa Price, Northern Territory Senator for the conservative Country Liberal Party, shared, "there are Traditional Owners that have signed off because they want opportunities for those in their community, they want jobs, and they want to be able to be economically independent."²⁷

²² Protect Country Alliance. (2020). *NT Fracking polling June 2020*.

https://www.protectcountrynt.org.au/nt_fracking_polling_june_2020

²³ Knaus, C. (2021). 'Grave mistake': Climate scientists issue dire warning over Beetaloo Basin fracking plans. *The Guardian*.

<https://www.theguardian.com/australia-news/2021/sep/23/grave-mistake-climate-scientists-issue-dire-warning-over-beetaloo-basin-fracking-plans>

²⁴ Campbell, R., Littleton, E., & Armistead, A. (2021). Fossil fuel subsidies in Australia. *Australia Institute*.

<https://australiainstitute.org.au/wp-content/uploads/2021/04/P1021-Fossil-fuel-subsidies-2020-21-Web.pdf>

²⁵ Bardon, J. (2022, 20 July). Industry says gas from the Beetaloo Basin could solve Australia's energy crisis. Some energy analysts question that claim. *ABC*.

<https://www.abc.net.au/news/2022-07-20/beetaloo-basin-gas-solution-to-national-energy-crisis-questioned/101249492>

²⁶ Pitt, K. (2020). *Beetaloo strategic plan will unlock gas, jobs and development*.

<https://www.minister.industry.gov.au/ministers/pitt/media-releases/beetaloo-strategic-plan-will-unlock-gas-jobs-and-development>

²⁷ SKY News. (2022, 10 November). Govt 'not backing in the gas industry' with plans for NT solar farms. *SKY*.

<https://www.theaustralian.com.au/commentary/govt-not-backing-in-the-gas-industry-with-plans-for-nt-solar->

Given the promise of a 'gas-led recovery', it is important that organisations working in the Northern Territory continue to collaborate towards creating an alternative economic narrative for the region.

An Alternative Vision for the Northern Territory

Place-based responses to climate change are vital to addressing the intersections of climate change and health inequities and require new partnerships and the sharing of expertise across sectors and between communities. In addition, the transition to a zero-greenhouse gas emissions economy must be just.

While the transition is underway, questions remain about who may benefit and who may be left without the resources to cope and adapt. Worsening extreme weather in the Northern Territory threatens to further entrench health, social and economic inequities, particularly for Aboriginal communities.

There is a growing interest in the economic opportunities presented by renewables in the Northern Territory. However, without clear parameters set by the government, there is a risk that new projects could perpetuate the pattern of old industries - extracting value from Aboriginal land without the participation or benefit of Aboriginal Traditional Owners and local communities.

The Northern Territory climate justice forums sought to explore how Northern Territory leaders, organisations, and

communities could lead this transition together, to create more just and sustainable futures for community, country and climate. In September 2019, Jesuit Social Services and some other organisations hosted the inaugural climate justice workshop, attended by 60 participants representing community service providers, Aboriginal community-controlled organisations, land councils, local Government, the Northern Territory Government, industry experts and environmental organisations.

Key emerging themes included strengthening cross-sector relationships, the urgent need for regional adaptation planning prioritising remote communities, opportunities in community-owned clean energy, and listening to Aboriginal people for Aboriginal-led solutions. These priorities echoed Pope Francis's call in *Laudato Si'* that "the local population should have a special place at the table; they are concerned about their own future and that of their children and can consider goals transcending immediate economic interest. We need to stop thinking in terms of "interventions" to save the environment in favour of policies developed and debated by all interested parties."²⁸ In the coming months, the emerging alliance of organisations focussing on climate justice in the Northern Territory - including Jesuit Social Services - issued a joint statement responding to the Northern Territory government's draft document, *Climate Change Response: Towards 2050*, calling on the Northern Territory government to commit to a comprehensive, long-term

farms/video/ae7f9c252b569de27b41e4dc96e0d0cc

²⁸ Francis. (2015). *Laudato Si'*. 183.

<https://www.vatican.va/content/francesco/e>

[n/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html](https://www.vatican.va/content/francesco/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html)

plan to reduce emissions and avoid the worst climate impacts, support people to adapt, build community resilience, and ensure everyone has the opportunity to benefit from the transition to a clean energy future.

The second forum, building on the success of the inaugural meeting, was scheduled for early 2020. Held over two days, this forum was even larger and more diverse than the first, engaging more than 100 participants from more sectors, interstate participants and speakers, peak bodies, and from government representatives to grassroots community activist groups and concerned community members. The gathering included panel discussions, keynote addresses, group work and targeted skill-building sessions covering themes of housing, health and water security, justice imperatives in the clean energy transition, and strategies to build community power and influence.

Over the two days, working groups developed priorities for action and advocacy in 2020. As a result, the group achieved agreement on priorities across the areas of caring for Country, water security, emissions reduction, clean energy transition, housing and health. In particular, advocacy and action in the lead-up to the Northern Territory's August 2020 election. Connections between renewable campaigners and Aboriginal Traditional Owners at the forum directly informed pre-election policy asks and campaigning strategy.

The forum provided participants access to training opportunities that would otherwise be difficult due to cost and distance. Skill sessions - including a whole-group session on alliance building and

targeted sessions on media skills, relational meetings, and community-owned renewables - sought to build capacity amongst the group. The forum provided national visibility to Northern Territory issues through the involvement of national and interstate organisations. As an outcome, several Aboriginal organisations in the Northern Territory established the Central Australian/Barkly Aboriginal Climate Justice Alliance.

The third event in the series was held in 2021, against the backdrop of the then-Federal Government and Northern Territory governments' proposed plan for a 'gas-led' recovery from the COVID-19 pandemic. The two-day forum focused on the opportunity presented by the COVID-19 crisis to rebuild the Northern Territory economy.

Participants discussed their 2030 vision for the Northern Territory economy in small groups. Some themes concerning the Northern Territory's current political and economic systems that require change were identified, such as respecting Aboriginal people's rights, a just transition to a zero-carbon economy, and equitable adaptation to climate change. Other themes were an economic development that benefits the Territorians, the termination of treating the Northern Territory as a sacrifice zone to benefit external interests and reorienting the economy to serve the well-being of people and the planet.

Thomas Mayor, National Indigenous Officer of the Maritime Union of Australia, commented, "the voice of First Nations people as the custodians of this country, our country, with the power to be heard, the power to influence, the power to

campaign more effectively than we do today, would be a major part of the campaign to see that climate change is addressed, that there is climate action.”

Based on the visioning discussion, small groups were formed to hone in on changes needed in specific sectors to achieve the desired economy. For each sector, the small groups questioned what needs to change, emerging opportunities, and examples of activity already happening within those sectors that align with the participants’ vision.

Following the forum, participants established a Steering Committee as a means for regular information sharing and as a coordinating hub to progress work on areas of common concern. In addition to the Steering Committee, working groups were established around crucial topics like energy.

In welcome news, in September 2022, Origin Energy announced it would sell its stake in the Beetaloo Basin gas project at a loss of between \$70 and \$90 million. The win is credited to Aboriginal groups and pastoralists who have tirelessly campaigned against fracking in the region.²⁹ But the threat to the Beetaloo remains. Johnny Wilson, chair of Nurrdalinji Native Title Aboriginal

Corporation, emphasised, “whether it’s Origin, Tamboran, Santos or any other company, Traditional Owners will continue our opposition to fracking which we worry will damage our country, water, sacred sites and songlines, which are passed down for us to look after.”³⁰

A Broad Coalition for Climate Justice

Through the climate justice forums, Jesuit Social Services and its partners achieved their aim of bringing together a cross-sectoral coalition to build an alternative vision to the dominant ‘gas-led recovery’ narrative. The forums effectively fostered a shared understanding of climate impacts in the Northern Territory, built new relationships across diverse sectors, and drove ongoing collaborative action and advocacy. Importantly, as a result, participants from diverse sectors were able to articulate a broad vision for transformative change, which encompasses both meaningful actions on climate mitigation and adaptation and a vision for the local jobs and economies needed to address the deep inequities in the Northern Territory, particularly for Aboriginal people – a Northern Territory economy that would put the well-being of people and planet at its centre.

Original in English

²⁹ Jacks, T. & McManus, J. (2022, 19 May). The Traditional Owners taking on NT’s billion-dollar fracking industry. *The Sydney Morning Herald*.

<https://www.smh.com.au/interactive/2022/gaslighting-nt/>

³⁰ Butler, B. & Readfern, G. (2022, 19 September). Origin Energy to quit Beetaloo gas

project but environmental groups warn threat remains. *The Guardian*.

<https://www.theguardian.com/australia-news/2022/sep/19/origin-energy-to-quit-beetaloo-basin-gas-project-end-association-with-russian-oligarch-viktor-velkselberg>



Human Rights and Energy Transition in the DRC

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"The human environment and the natural environment deteriorate together; we cannot adequately combat environmental degradation unless we attend to causes related to human and social degradation." - Laudato Si', #48

Introduction

The climate crisis is a shared global challenge, yet some of the proposed solutions from the Global North further exacerbate existing socio-economic gaps between the North and South. For example, the green energy transition aims to cut greenhouse gas emissions by facilitating a switch to renewable technology. However, the batteries needed for renewables rely on minerals such as cobalt and copper. Consequently, this has made the Global South's mineral-rich countries vulnerable to exploitation and abuse. Such has been the experience of the Democratic Republic of Congo (DRC), a conflict-ridden country.

In the DRC, the linkages of war, mining, human rights abuse and environmental damage, and the search for alternative sources of energy to secure growth and consumption, are at the root of the commitment to social justice and a just energy transition by the Jesuits in Congo and the Canadian Jesuits International (CJI), the international solidarity agency of

the Jesuits of Canada. A transition to a Green Economy requires first a paradigm shift, one that will put foremost the care for our common home (*Laudato Si'* [LS]) and the respect for our fellow humans (*Fratelli Tutti* [FT]). Transitioning to green energy can be a sad reminder of the continuing exploitation of many to benefit a few. Or it can be the beginning of a new paradigm based on the common good.

The Climate crisis: Its Impact on the DRC

In 2010, there was heightened interest in mining due to the growing recognition of the climate crisis and the ratification of the 2015 Paris Agreement on climate change. Mitigation and adaptation were two identified strategies to address the climate crisis—both call for transitioning from fossil fuels to clean energy to achieve carbon neutrality. Rechargeable batteries, hydrogen fuel cells, and solar and wind

energy are at the heart of this transition strategy¹.

Renewable technologies require large quantities of minerals such as cobalt, copper, lithium, coltan, rare earth, nickel and gold. These are considered strategic or critical minerals essential to energy and ecological transition and for space exploration, robotics, 3D printing, and drone technology. However, their extraction enormously impacts human rights, the environment, and local communities' socio-economic and cultural rights². Mineral extraction has had tragic and historical consequences for the DRC.

War and Minerals

The roots of the ongoing wars in Congo can be traced to the aftermath of the 1994 Rwandan genocide. The Congo (Zaire at the time) initially refused to open its borders to forcibly displaced Rwandans, but it was later obliged by a United Nations resolution to welcome them.

That set the stage for the invasion of Congo by Rwanda and its allies in October 1996. Then, in collaboration with foreign powers, a coalition of dissidents from neighbouring

countries planned the overthrow of the 32-year dictatorship of Mobutu Sese Seko. The dissidents formed the *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL) with Laurent Désiré Kabila, a former Marxist rebel, as the leader. "The first African world war" involved nine African countries supporting either the Congolese government or the aggressors³.

On May 17, 1997, the AFDL overthrew Mobutu. The war ended with 60% of Congolese territory being controlled by rebel groups and the countries supporting them. After that, however, the relationship between Kabila and his collaborators soured due to the latter coveting Congo's natural resources⁴. On August 2, 1998, a new rebellion against Kabila broke out, led by the same coalition he had previously participated in.

The justification for the first Congo war was to bring to justice the perpetrators of the Rwandan genocide who found refuge in the camps in Congo. But quickly forgotten was such a political ideal. Instead, exploiting and controlling minerals became the goal,⁵ raising the stakes of mining in the conflicts⁶.

¹ Sovacool, Benjamin K, Ali, Saleem H, Bazilian, Morgan, Radley, Ben, Nemery, Benoit, Okatz, Julia and Mulvaney, Dustin (2020) Sustainable minerals and metals for a low carbon future. *Science*, 367 (6473). pp. 30-33. ISSN 1095-9203.

² Sovacool, Benjamin K (2021) When subterranean slavery supports sustainability transitions? Power, patriarchy, and child labor in artisanal Congolese cobalt mining. *The Extractive Industries and Society*, 8 (1). pp. 271-293. ISSN 2214-790X

³ Marie Mazalto, 'La réforme du secteur minier en République démocratique du Congo : enjeux de gouvernance et perspectives de

reconstruction', in *Afrique contemporaine*, 2008/3 n°227, 53-80.

⁴ Report of the special commission of the Transitional National Assembly, responsible for examining the validity of economic and financial agreements concluded during the wars of 1996-1997 and 1998, Kinshasa, 2005, p.9.

⁵ Ibid.

⁶ Raphaël Debertd; Philippe Le Billon, "Conflict minerals and battery materials supply chains: A mapping review of responsible sourcing initiatives", in *The Extractive Industries and Society*, Vol 8, No 4, December 2021, 100935.

Between 1996 and 2008, the wars revolved around coltan, cassiterite, tungsten and gold⁷. These minerals were essential to developing the rising digital and cellular phone industry. Armed groups extracted coveted minerals in the Congo and sold them to multinationals via companies in neighbouring countries. As a result, the US (Dodd-Frank Act) classified them as conflict minerals in 2010 and the European Union (EU) in 2017. Consequently, multinational corporations in the US and EU were obliged to observe due diligence, follow certification mechanisms, and ensure the traceability of supply chains for minerals from conflict areas⁸.

Child Labour

Large-scale industrial and artisanal mining activities have grown in the DRC parallel with recurring wars and armed conflicts. Minerals finance armed groups and the war economy throughout the Great Lakes region (DRC, Rwanda, Uganda, Burundi, and South Sudan).

Within this context, children find themselves trapped in poverty, bearing the brunt of the impacts of armed conflict. They work in artisanal mines or near-industrial mining areas. Children are employed in transporting, cleaning, and sorting minerals, often in unsafe conditions that expose them to health hazards. In addition, they are vulnerable to other human rights abuses, all for a paltry US\$3 a day.

Human right violations

Twenty-five years of armed conflicts have dealt a blow to the human rights of the

Congolese people. These wars are responsible for the death of at least 10 million people. Physical violence, sexual violence, abductions, and forced labour in conflict zones are new forms of slavery imposed on people, especially women and children.

War and mining have displaced more than six million people. They have resulted in a tremendous loss of knowledge for local communities: their traditional medicine; their relationship with the forest, soil and water; their culinary art; agricultural know-how; and their way of life.

Canada's Role in Mining and the Wars in the DRC

The influence and interest of the Canadian extractive industry in the DRC run deep: 70% of Congolese mining companies raise capital in Canada, and 30% of large mining companies in Congo are Canadian (i.e. Barrick, Ivanhoe, Banro, Tantalum, Kamoa, Kico and Alphasud). Moreover, Canadian companies have been present in Congo since 1995 and have had a substantial environmental and social impact on the country that persist even after they leave. This has been the case for Lufumbashi (TFM), Katanga Mining (Glencore), First Quantum (ANVIL, COMISA) and SOMIKA.

Canada is a mining country of great local and global importance. The extractive industry contributes about 4% to Canada's GDP. In 2020, the industry contributed \$107 billion to Canada's nominal GDP, employed 377,000 direct workers and created 315,000 indirect jobs. Canadian mining companies are present in 100

⁷ Ibid.

⁸ Ibid.

countries around the world. Toronto and Vancouver are hubs for exploring and financing mining projects worldwide⁹.

Government policies on corporate social responsibility and ethical behaviour are heavily influenced by lobbying from the mining industry. Existing policies that govern international corporate behaviour and due diligence are voluntary. Therefore, there is little to no accountability for Canadian corporations operating overseas. However, some companies have been accused of human rights violations and environmental damage that are so blatant the international community has brought them to the attention of the Government of Canada¹⁰.

Canadian companies are mainly interested in strategic minerals, with some relying on child labour. The extraction of these minerals is linked to armed groups and rebels, human rights violations, sexual abuse against children and women¹¹ and environmental harm¹².

Pope Francis: 'Take Your Hands off Congo.'

Pope Francis's visit to the DRC from January 31 to February 3, 2023, highlighted

the economic colonialism and human rights violations linked to wars and armed conflicts.

Two key moments in the Pope's visit summarise this cry from the heart. During his first message, the Pope spoke of "a forgotten genocide", well-known in the DRC but little heard of in the West. He pleaded for the wars to end. He exhorted the neo-colonial forces exploiting Africa: "Take your hands off Congo; take your hands off Africa; Africa, Congo is not a land to be exploited; not a house to be robbed; do not suffocate Africa; let Africa decide its destiny."

The Pope met with violence, war, and armed conflict victims. He listened to their testimonies of sexual violence, mutilations, massacres, and other forms of abuse. The people he met are still waiting for reparation. They plead for reconciliation and peace in the DRC. They are a forgotten people, sacrificed for economic and mining interests. "Your suffering is my suffering," he told them.

⁹ Ibid.

¹⁰ Justice and Corporate Accountability Project, *The "Canada Brand": Violence and Canadian Mining Companies in Latin America* (York University: Osgoode Hall Law School, 2017), page 5.

¹¹ Sovacool, Benjamin K (2021) When subterranean slavery supports sustainability transitions? Power, patriarchy, and child labor in artisanal Congolese cobalt mining. *The Extractive Industries and Society*, 8 (1). pp. 271-293. ISSN 2214-790X.

¹² Ibid, IBDH, 2022, *Copper and cobalt mining (2c) in the Lualaba Provinces: a danger to human*

rights. [Impact assessment report of COMMUS and Kamoia Copper on the rights of local communities IBDH 2022.pdf \(windows.net\)](#); M.M.Ki, ASBL, 2015, Assessment of the impacts of Banro Corporation's mining investments on human rights in the Democratic Republic of Congo. https://congomines.org/system/attachments/assets/000/000/723/original/Rapport_sur_les_investissements_miniers_de_Banro_%281%29.pdf?1437142711.

CARF: Supporting Affected Communities

The Jesuits in Congo have walked with the poor and marginalised for decades and continue to accompany people suffering from the impacts of mining. In 1961, the *Centre Pour l'Action Sociale* (CEPAS), the first Jesuit social justice institution in the DRC, was formed. In 2014, the *Centre Arrupe pour la Recherche et la Formation* (CARF), a Jesuit centre dedicated to mining governance and the social and environmental responsibility of mining companies in Congo, was created. CARF's mission is to spread a Christian vision of economic, socio-political and cultural development, especially in the circles of policy and social action in Congo.

CARF is in Lubumbashi, the capital of the mining province of Haut-Katanga in Southeastern DRC. It has distinguished itself in several areas: research and training on mining governance; conflict minerals; responsible supply chains for critical and strategic minerals; and social and environmental responsibility of mining companies. CARF is recognised for supporting, defending, and accompanying artisanal mining cooperatives and local mining communities harmed by mining. It works to end child labour in artisanal mines.

CARF is working on two large-scale projects. "AlerteMines" is a digital platform that aims to document human rights and environmental violations by the extractive industry in the DRC in real-time. It raises awareness of the need for mining companies and cooperatives to take responsibility for their impacts, outlines concrete ways to accompany affected communities, and promotes efficient

advocacy at national and international levels.

AlerteMines is set to expand from simple text messaging to image, audio and video engagement. In addition, modern observation and data collection methods, such as research drones and observation satellites, will be employed. The credibility and reliability of responsible, clean, sustainable, conflict-free transitional mineral supply and value chains depend on AlerteMines' collected data.

The second project, an environmental laboratory (CARFeLAB), aims to provide scientific evidence on mining areas' environmental, ecological and climatic impacts and prevent negative repercussions on people's health and well-being.

CJI: Advocacy in Canada

Canadian Jesuits International (CJI) supports poor and marginalised people in the Global South through the social justice work of Jesuit partners such as Centro Montalvo in the Dominican Republic and ERIC-Radio Progreso, Honduras. CJI also carries out education and advocacy in Canada on global solidarity.

CJI joined the Canadian Network on Corporate Accountability (CNCA) in 2014 during the latter's *Open for Justice* campaign. This campaign advocated for legislation that would provide access to Canadian courts for people seriously harmed by the international operations of Canadian companies as well as a

mandatory extractive sector Ombudsperson¹³.

In April 2019, the Government of Canada created the Canadian Ombudsperson for Responsible Enterprise (CORE) office. However, CORE did not have the power to investigate allegations of human rights abuses linked to activities of Canadian corporations overseas or compel documents and testimony. It was also not independent of the government.

CJI and other CNCA members advocated supporting a bill filed on March 29, 2022, in the House of Commons. Bill C-263, *Responsible Business Conduct Abroad Act*, specifically asks for the empowerment of the CORE.

To address the issue of child labour, the Canadian government sponsored Bill S-211, *Fighting Against Forced Labour and Child Labour in Supply Chains Act*. However, as currently drafted, it could do more harm than good. It only requires companies to report on mechanisms implemented to identify or prevent child labour and does not require them to act on violations¹⁴.

CNCA denounced Bill S-211; it instead supported Bill C-262, *Corporate Responsibility to Protect Human Rights Act*. "This bill goes beyond requiring companies to review their business

activities and identifying actual and potential risks to people and the planet; it will require them to take steps to mitigate risks and ensure remedy for those harmed"¹⁵. This follows similar due diligence legislation already passed in Europe.

CJI's 2022 fall campaign, *Green Justice: Human Rights and Energy Transition*, highlighted human and environmental rights abuses perpetuated by Canadian mining companies in the DRC. Fr Jacques Nzumbu SJ, a Jesuit from Congo, was the guest speaker. In addition, the campaign reached out to secondary and post-secondary schools and parishes and encouraged people to sign a petition to support Bills C-262 and C-263. Jenny Cafiso, CJI Executive Director, and Fr Nzumbu also held a press conference on Parliament Hill to underscore the gravity of the issue.

Caring for Our Common Home

Pope Francis spoke of neocolonialism, given the rush to accumulate strategic minerals essential for the green energy transition. The challenge in addressing the climate crisis is ensuring a just transition. The human rights and dignity of people affected by mining operations must be respected; the environment that

¹³ "What we do," Canadian Network on Corporate Accountability, June 28, 2021, <https://cnca-rcrce.ca/about-us/what-we-do/>.

¹⁴ "CNCA submission to the Standing Committee on Foreign Affairs and International Development's study of Bill S-211 (November 2022)," Canadian Network on Corporate Accountability, January 4, 2023, [https://cnca-rcrce.ca/2023/01/04/cnca-submission-to-the-standing-committee-on-foreign-affairs-and-international-](https://cnca-rcrce.ca/2023/01/04/cnca-submission-to-the-standing-committee-on-foreign-affairs-and-international-developments-study-of-bill-s-211-november-2022/)

[developments-study-of-bill-s-211-november-2022/](https://cnca-rcrce.ca/2023/01/04/cnca-submission-to-the-standing-committee-on-foreign-affairs-and-international-developments-study-of-bill-s-211-november-2022/).

¹⁵ "NEWS RELEASE: Bills Introduced to Protect People and the Planet Warrant All-Party Support," Canadian Network on Corporate Accountability, March 29, 2022, https://cnca-rcrce.ca/2022/03/29/news-release-bills-introduced-to-protect-people-and-the-planet-warrant-all-party-support/?utm_source=CNCA+website.

communities depend on should be protected.

Since 2016, local and international NGOs in the DRC and public authorities have worked together to eliminate child labour. Due diligence requirements in mineral supply chains in high-risk areas have made it more difficult for companies to employ children in artisanal mining or nearby industrial sites.

CARF is committed to rethinking local and international policies and technologies to become just, equitable and sustainable in the DRC and the rest of the world. It works with several local NGOs and with Jesuit partners at the international level. These include ALBOAN, the international development NGO of the Jesuits in the Basque Country and Navarre in Spain and Canadian Jesuits International (CJI).

As a follow-up to CJI's fall campaign, CARF has begun a new collaboration with CJI and Canadian Lawyers for International Human Rights (CLAIHR).

They hope to provide support and access to justice for local communities and individuals in the DRC affected by Canadian mining companies in Congo. By amplifying people's voices, CARF, CJI and CLAIHR hope to advocate for effective corporate accountability and human rights and environmental due diligence policies in Canada.

Finding solutions to the climate crisis rely on a transition to greener technology. The new economy that follows must be based on solidarity and the common good, not profit and exploitation. A just transition will not become a reality unless a paradigm shift happens.

Through advocacy, research and capacity-building, the Jesuits of Congo, CJI and their international partners play their part in facilitating this change and enhancing their response to the call for a deeper conversion, a greater commitment to justice and peace, and a bolder response to the cry of the earth and its people.

Original in English



Corporate Accountability and Supply Chains of Minerals: Lessons Learned from the ‘Conflict Minerals.’

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Introduction

Corporate Accountability in the supply chain of minerals is becoming increasingly important in today’s global economy. On the one hand, digitalisation has led to the widespread use of consumer electronics worldwide (e.g., mobile phones, laptops and tablets). These electronics require minerals such as tin, tantalum, tungsten and gold — the so-called 3TG minerals, also labelled by the United Nations in the early 2000s as ‘conflict minerals’ because of their link to financing organised crime or human rights violations in conflict zones or high-risk areas. On the other hand, the plans to decarbonise the economy through 2050 could increase the production of other minerals, such as graphite, lithium and cobalt, by nearly 500% to meet the growing demand for clean energy technologies, such as solar panels, windmills, electric batteries, etc. (World Bank, 2020). In this case, the emphasis given by international agencies is on the ‘strategic’ character of these minerals for energy transitions and not their conflictive nature.

This shift in emphasis, however, does not mean that the supply chains of ‘strategic minerals’ are risk-free. Recent research

found that 51 out of 103 mining companies that have a majority market share in one of the six strategic minerals for clean energy transition allegedly abused human rights —indicating a significant disconnect between policy and practice and suggesting that abuse is widespread in the sector (Business & HHRR Resource Centre, 2020). Therefore, any company involved in a mineral supply chain—either in the ‘upstream’ or the ‘downstream’—should be aware of the risks in certain extraction contexts and appropriately manage them.

But what does this mean? As we face a new phase of extraction focused on the ‘strategic minerals’, are there any lessons to be learned from the campaign on ‘conflict minerals’ launched a decade ago? In this article, I will first present the origins and rationale of the Conflict-Free Technology Campaign launched by the Alboan Foundation in 2014; secondly, I will discuss the lessons learned from the experience.

The Origins of the Conflict-Free Technology Campaign

Alboan Foundation is a Jesuit international NGO founded in 1996 with headquarters in the Basque Country and Navarre, northern

Spain. Its name is taken from the Basque language meaning 'alongside' or 'together with'. Alboan Foundation works with many excluded communities and other local organisations from Latin America, Africa and India.

Due to several circumstances, the Conflict-Free Technology Campaign began in 2014. On the one hand, a first research project conducted during 2009-2011 showed that Alboan's partner organisations in Guatemala, India and the Democratic Republic of Congo (henceforth, DRC) were affected by severe human rights abuses caused by environmental conflicts (Aleman Arrastio, 2012). One of the most controversial issues identified was the extractive activities' social and environmental impacts, especially in the mining sector. This finding echoed the conversations that were then taking place at the Global Ignatian Advocacy Network, created in 2008, dedicated to the Governance of Natural and Mineral Resources (GIAN-GNMR). In fact, in 2015, the said network decided to rename itself as 'Justice in Mining – A Jesuit Network' to emphasise the focus on mining conflicts and the network's commitment to fighting for justice in these contexts.

On the other hand, the 'conflict minerals' debate started in 2002 after the UN Panel of Experts on the Illegal Exploitation of Natural Resources in the DRC published a report. The report detailed the link between the exploitation of minerals and the conflict in eastern DRC and called for action to prevent the trade of these minerals from financing armed groups. In 2011, after much consultation, the Organization for the Economic Co-operation and Development (OECD) launched the *OECD Due Diligence*

Guidelines for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD, 2016). The 'Guide,' as it is known, established a five-step framework of due diligence as a basis for responsible supply chain management of minerals, including tin, tantalum, tungsten and gold, as well as all other minerals. The first attempt to translate these voluntary measures into binding obligations occurred in 2010. At that time, the Obama Administration introduced section 1502 in the Dodd-Frank Act, requiring US companies that use 3TG minerals to implement due diligence systems and check if these resources come from the DRC and nine adjoining countries.

Following that path, in 2014, the European Commission published its proposal to legislate the trade of minerals from conflict and high-risk areas (European Commission 2014). Almost immediately, Alboan joined the 'conflict minerals coalition' of European NGOs (henceforth, 'the Coalition'), which was created to coordinate lobbying strategies in Brussels and other EU Member States. By then, Alboan's campaigns team decided to launch a specific campaign on conflict minerals, integrating political advocacy to strengthen the EU regulation with consumer advocacy to raise awareness of consumer electronics' social and environmental costs.

The Rationale of the Campaign

Inspired by the idea of ecological conversion and Pope Francis' encyclical *Laudato Si'*, the Conflict-Free Technology Campaign was launched by the Alboan Foundation in 2014—the campaign aimed to promote individual, social and institutional changes (Otano, 2018). At the

individual level, the campaign aimed to create capabilities among Alboan's stakeholders (volunteers, teachers, educators, supporters and the public) to stop being passive consumers and instead become active citizens. First, we had to raise awareness about our individual and collective responsibilities towards the social and environmental impacts caused by the current consumption and production patterns of electronic goods. To do so, between 2014 and 2021, Alboan created educational materials on different topics (artisanal mining, mineral supply chains and electronic goods, social and environmental impacts, etc.); it conducted hundreds of training sessions; wrote op-eds in local and national media; launched a photo exhibition about the life of the Congolese artisanal miners and local communities; and published two reports with partner organisations, one about women and artisanal mining in eastern DRC, in collaboration with *Synergie des Femmes pour les Victimes des Violences Sexuelles* (Masika, 2017) and another one about gold mining and the local communities in Colombia, written by CINEP/PPP (Medina Bernal et al., 2019).

However, if efforts to raise public awareness are not matched by participation in concrete action, there is a risk of fostering a feeling of powerlessness (Otano, 2023). Alboan launched a signature collection to strengthen the Commission's legislative proposal on conflict minerals to prevent this from happening. Despite its success – 25,000 people signed – gathering individual signatures was not enough to change the irrationality of our consumption of electronic devices. To defy the “throw-away culture,” it was necessary to scale from the individual to the *social level*. That is how the campaign's team

launched an initiative called ‘Mobiles for the Earth’ to foster the reuse and recycling of old smartphones. Working in partnership with Recuintec, a company specialising in the treatment of e-waste, Alboan created a network of 200 collection points in collaboration with schools, youth centres, parishes, and small and medium-sized enterprises (SMEs) where anyone can deposit his old smartphones. For each phone collected, this company donates a small amount of money for development and humanitarian projects implemented by Alboan's partners in eastern DRC and Colombia. The rationale of this initiative, however, is not fundraising but reducing the rate of e-waste in our communities and improving its management by working with others.

Last but not least, at the *institutional level*, the aim was to gain influence over political leaders and decision-makers at the national and regional levels in the EU. The goal was for them to pass a law strong enough to include human rights due diligence obligations for all companies involved in the supply chain. During the negotiations, participation in the Coalition was crucial. For example, the European Network for Central Africa played a key role in bringing to the table the views of the Congolese civil society organisations (EurAc, 2017) and attracting influential personalities to the cause, such as the Nobel-laureate and winner of the EU's Sakharov Prize, Congolese gynaecologist Dr Denis Mukwege (EurAc, 2015). On the other hand, CIDSE Network, the international family of Catholic social justice organisations, succeeded in getting more than 145 bishops and religious leaders from over 38 countries and five continents to sign a joint statement asking for stronger regulation (CIDSE, 2015). Alboan also had

the opportunity to bring the photo exhibition on artisanal mining in eastern DRC and some Congolese partners to the European Parliament in 2017 when the law was passed (OJEU, 2017). Furthermore, collaborating with other European NGOs, it organised an advocacy tour with CINEP/PPP and other Colombian organisations in 2019 to discuss its implementation and denounce the criminalisation of human rights defenders in Colombia (VVAA, 2019).

Lessons Learned

The EU law on conflict minerals did not satisfy all the Coalition's demands¹. In our view, the legislation adopted by the EU improved Sec.1502 of the US Dodd-Frank Act in some respects. Even though both laws focused on the supply chains of 3TG minerals, the US Dodd-Frank Act put too much emphasis on covered companies certifying their products as 'conflict-free' if they sourced minerals from DRC or its neighbouring countries. This created a perverse incentive to avoid sourcing in that region, particularly in the DRC. Consequently, according to some experts, its initial implementation negatively impacted many artisanal miners and their families who depended on mining for livelihoods (Vogel and Raeymaekers, 2016). The EU legislators took an alternative approach to avoid these unintended effects (Koch and Kinsbergen, 2018). Firstly, they opted for a global scope, covering within the law mineral imports of 3TG from any conflict zone or high-risk

area worldwide. Secondly, they took a risk-based approach that, instead of focusing on 'conflict-free' certification, emphasised the individual responsibility of the company to conduct human rights due diligence aligned with the OECD Guidelines.

On the other hand, the EU law was less ambitious regarding the number of companies covered, around 300–400 companies, primarily direct importers, smelters and refiners from different Member States, compared to the 6,000 companies covered in the US. This is because the EU Regulation on conflict minerals leaves the 'downstream companies' –the ones that import manufactured electronic goods– free to decide whether (or not) to follow the OECD's Guidelines. This particular loophole encouraged Alboan's team to launch an initiative on public procurement of electronic goods to incentivise due diligence practices in the electronics sector via market mechanisms. However, the impact of this initiative so far has been very limited².

Now, regarding impacts on the ground. Since these legislative measures were passed, many traceability initiatives and industrial schemes have been put in place (in the DRC and globally) to manage the risks related to human rights abuses and environmental impacts in the early stages of the supply chains of different minerals. To name a few: the International Tin Supply Chain Initiative (ITSCI); the Conflict-Free Sourcing Initiative (CFSI)

¹<https://www.tecnologia-libre-de-conflicto.org/ley-tecnologia-libre-de-conflicto/>

² This is partly due to the absence of common criteria for the application of the EU Regulation on conflict minerals in terms of

transparency and public procurement policies (see EurAc 2021). Hopefully, the ex-post assessment of the EU Regulation that will take place in the second half of 2023 will pave the road in this direction.

and the Responsible Minerals Assurance Process (RMAP) launched by the Responsible Minerals Initiative (RMI); or Better Mining created by RSC Global Group. As some researchers have noted, the corporate standards have been broadening the scope from the 3TG to cover other strategic minerals while the corporate narrative has been slowly moving from ‘conflict-free sourcing’ to the ‘responsible mining’ frame (Bikubanya et al., 2023). However, one of the most important remaining challenges for these initiatives to manage human rights and environmental risks is the involvement of local communities and stakeholders in the design and implementation of due diligence programs (ibid.).

Although the EU Regulation and its implementation are imperfect, it is a crucial step to prevent human rights abuses in the supply chains of 3TG minerals. The efforts with the Conflict-Free Technology Campaign were worth it. Not just because the law was passed but because of the lessons learned. The campaign provided the Coalition’s member organisations and partners from the Global South with first-hand knowledge about the OECD due diligence principles (essential to

understanding corporate responsibility in mineral supply chains). In addition, members and partners also learned about the EU legislative process (which is crucial for civil society organisations to involve European citizens in the functioning of the EU institutions).

Of course, much work still needs to be done to fill the loopholes of corporate due diligence regulations and to foster local stakeholders’ participation in supply chain governance. But the Conflict-Free Technology Campaign experience also allowed us to start a new conversation with our partner organisations to understand better the different risks every kind of mining (e.g., artisanal vs industrial mining) may entail. Other pending challenges go beyond the current discussions on corporate due diligence regulations, such as adequate protection of human rights and environmental defenders, the effective recognition of indigenous rights, and access to justice for people affected by the activities of transnational corporations. This is why since 2017, we have been following up on the current negotiations of the United Nations Binding Treaty on Business and Human Rights.

References:

- Aleman Arrastio, A. (2012). ¿Tiene dueño la naturaleza? Tres experiencias de acción social y recursos naturales. Bilbao: ALBOAN.
- Bikubanya, D.-L., Arian, H., Geenen, S., & Katz-Lavigne, S. (2023). Due diligence in mineral supply chains from the Democratic Republic of Congo. E-International Relations. Retrieved from <https://www.e-ir.info/2023/01/26/due-diligence-in-mineral-supply-chains-from-the-democratic-republic-of-congo/>
- Business & Human Rights Resource Centre. (2021). Transition Minerals Tracker. Global Analysis of Human Rights Policies and Practices. Retrieved from: https://media.business-humanrights.org/media/documents/2021_Transition_Minerals_Tracker_Monday_numbers_updated.pdf
- CIDSE. 2015. ‘We need supply chain due diligence to stop complicity in funding conflicts’ – Catholic leaders’ statement. Retrieved from:

- <https://www.cidse.org/2015/04/30/catholic-leaders-statement-on-conflict-minerals/>
- European Network for Central Africa (EurAc). (2015). Conflict minerals in the DRC: Dr. Mukwege and a group of 34 NGOs call on the European Parliament to make a difference! Retrieved from https://www.eurac-network.org/sites/default/files/conflict_minerals_in_the_drc_dr_mukwege_ngos_call_on_the_ep_to_make_a_difference_-_may_2015.pdf
- — —. (2017). Accompanying Measures to the EU Regulation on the Responsible Sourcing of Minerals. Towards a strengthening of the governance of the artisanal mining sector in the DRC. Retrieved from <https://www.eurac-network.org/en/press-releases/new-report-accompanying-measures-eu-regulation-responsible-mineral-sourcing-towards>
- — —. & Pax for Peace. (2021). The EU Conflict Minerals Regulation. Implementation at the EU Member State level. Retrieved from <https://www.eurac-network.org/en/review-paper-eu-conflict-minerals-regulation-implementation-eu-member-states-level>
- European Commission. (2014). Joint communication to the European Parliament and the Council. Responsible sourcing of minerals originating in conflict-affected and high-risk areas. European Commission. Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=JOIN:2014:0008:FIN:En:PDF>
- Koch, D.-J., & Kinsbergen, S. (2018). Exaggerating unintended effects? Competing narratives on the impact of conflict minerals regulation. *Resources Policy*, 57, 255–263.
- Masika, J. (2017). *Women and Artisanal Mining*. Bilbao: Alboan.
- Medina Bernal, J. L., Cuenca Castelblanco, T., Serrano Pérez, C., & Carrillo González, L. (2019). Gold Mining and local communities in Southern Córdoba in Colombia, the case of El Alacrán mine. Bilbao: Alboan.
- Official Journal of the European Union (OJEU). (2017). Regulation 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas. Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2017:130:FULL&from=EN>
- Organisation for Economic Cooperation and Development (OECD). (2016). *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas: Third Edition*. Paris: OECD Publishing.
- Otano Jiménez, G. (2018). Social Justice as Environmental Justice: An interpretation of the Social Teaching of the Church from the practice. *Revista de Fomento Social*, 73(2).
- — —. (2023). Agency, Power and Ecological Conversion: The Case of Conflict-Free Technology Campaign. In C. Sedmak & S. Deneulin (Eds.), *Integral Human Development: Catholic Social Teaching and Capability Approach*. Notre Dame, IN: Notre Dame University Press.
- Vogel, Christoph and Raeymaekers, Timothy. (2016). Terr(it)or(ies) of Peace? The Congolese Mining Frontier and the Fight Against “Conflict Minerals”. *Antipode*. Pp.1102-1121.
- VV.AA. (2019). Gold Mining, Human Rights and Due Diligence in Colombia: Views from Civil Society on the Implementation of the EU Regulation on the Responsible Sourcing of Conflict Minerals and Policy Recommendations. Retrieved from <https://www.germanwatch.org/sites/default/files/Gold%20Mining%2C%20Human%20Rights%20and%20Due%20Diligence%20in%20Colombia.pdf>
- World Bank. (2020). Minerals for Climate Action: “The Mineral Intensity of the Clean Energy Transition.” Retrieved from <https://pubdocs.worldbank.org/en/961711588875536384/Minerals-for-Climate-Action-The-Mineral-Intensity-of-the-Clean-Energy-Transition.pdf>

Original in English

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