

Part 1

D. Mining

146. Mining industries are very important to many countries in particular developing countries. Mining, minerals and metals are important for their economic and social development. Minerals are essential for modern life. It is paramount that developing countries assert the implementation of their sovereign rights over national resources by strengthening institutional and legal frameworks to prevent environmental and social impacts derived from mining.

147. When managed properly, mining offers the opportunity to catalyze broad-based development and even reduce poverty. Since WSSD voluntary approaches such as ICMM and the Intergovernmental Forum on Mining, Metals, Minerals and Sustainable Development have been developed. However, in many cases, environmental, cultural and social impacts of mining are still inadequately addressed. A holistic approach was called for and could be further addressed in CSD-19. Some delegations expressed the need for the United Nations to support a principled approach to mining while others emphasized the need to continue developing a comprehensive policy framework.

148. Good governance at all levels is a necessary condition for mining to contribute to sustainable development, including rule of law as well as ethical, accountable, and transparent behavior by governments and companies while respecting national sovereignty. Enhancing the participation of stakeholders, including local and indigenous communities and women, in order for them to play an active role in mining development, is critical.

149. The challenge is to promote integrated mining activities that support local communities and economies, while preserving social development and protecting the environment and cultures, in keeping with the principles of the JPOI. There is a need to root the mining sector in the long-term development imperatives of national economies and to create linkages with these economies to reinforce its contribution to sustainable development. There is also a need to ensure a fair distribution of benefits from mining activities among citizens. Mining activities should provide benefits to and respect the cultures of local communities and indigenous peoples.

Obstacles, constraints and challenges

150. In many countries substantial mineral reserves remain underexplored or underexploited. Reasons for this include lack of data and information, lack of investment in the sector (national and foreign direct investment), and lack of infrastructure needed for the development of major projects.

151. Development projects must have the free prior consent and approval of the local community and respect national sovereignty.

152. Some countries lacking financial and technological capacity for mineral extraction may agree to skewed mineral development contracts. Dialogue with multinational companies can be difficult. There are cases of unethical business practices, lack of transparency and accountability, and the lack of respect for the rights and cultures of local and indigenous communities, resulting sometimes in social tensions and confrontations as well as political instability.

153. The achievement of sustainable development through mining activities is inhibited by weak legal and regulatory frameworks for environmental protection in mining activities and lack of good governance and enforcement capacities in government institutions.

154. Many mining operations leave heavy environmental liabilities, a large ecological footprint and a negative human legacy. Land degradation from mining limits the use of that land for agriculture or other traditional commodities. A number of mining operations are located near highly vulnerable biodiversity hotspots. Long term health impacts on workers and nearby communities are often inadequately compensated.

155. In some cases, legacy costs of abandoned mines and other health and environmental liabilities and costs of mining are shifted to host governments. Gains to governments from mining are not always enough to cover the costs of rehabilitation. Responsibility begins when mines open and continues beyond mine closure. Environmental liability for site remediation and clean-up need to be clearly defined.

Best practices and lessons learned

156. In order to promote investment in this sector, good governance at all levels and stable public policies are needed. The regulatory and monitoring role of the government and the international community is critical. This must be accompanied by good practices of mining companies such as CSR and sustainability reports.

157. Since WSSD, a number of good practices have been developed and shared, including on good governance and sustainable mining principles; mine safety and health, including in small-scale mining; management of tailings and waste rocks; rehabilitation of abandoned and orphaned mines; co-operation programmes to promote continuous learning targeting executives of the mining industry and governments.

158. Mention was made of a number of frameworks aimed at improving the transparency and sustainability of mining activities, such as the Kimberley Process and Extractive Industries Transparency Initiative (EITI); the Corporate social responsibility strategy for the Canadian mining sector operating abroad; national mining codes; investment of a share of revenues in dedicated funds such as rehabilitation funds for mining sites and revenue redistribution funds; the EU biodiversity action plan; Natura 2000, whose approach is to respect areas that should not be mined due to their high biodiversity, so-called 'no go areas'.

159. Some sustainable development partnerships were mentioned. Examples include Methane to Markets, the UNEP Global Mercury Partnership, and the International Cyanide Management Code.

Way forward

160. Transfer of environmentally sound mining technologies and know how is a high priority for many countries, including for rehabilitation of abandoned and orphaned sites. Technical and financial support to enable artisanal and small- scale miners to upgrade technology and minimize health and environmental risks posed by their operations is also important. The Communities and Small- scale Mining Network (CASM) provides one model of support.

161. Technical capacities of national institutions dealing with mining could be strengthened, notably in developing countries and countries with economies in transition. Actions include investing more in research and scientific capacity and upgrading technical education and training. Technical and managerial training for the mining sector needs to include sustainable development content.

162. Countries seeking to develop their mining sectors need increased investment flows, including foreign direct investment. Policies providing a predictable investment environment are important, as well as strong national capacities to negotiate effectively with prospective investors. Mining should decrease its ecological footprint as well as take its full responsibility for mining costs and liabilities for closure.

163. Mining companies, including multinational companies, need to respect human rights and human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169 and respect and adapt to local and indigenous cultures, protect biodiversity and ensure the sharing of benefits with the local communities including through investment and rehabilitation. Respecting free prior informed consent and obtaining legal permission are very important. In this regard, corporate social, economic and environmental responsibilities in relation to mining extraction activities should be more effectively coordinated to ensure the positive contribution for sustainable development.

164. A number of actions to advance sustainable development and management of mining would benefit from international cooperation, including a UN framework within this decade. These can be grouped in measures to: strengthen governance, transparency, and public accountability; build technical and managerial capacities; develop new mining technology; promote investment and technology transfer; ensure rehabilitation and benefit sharing.

165. Governance, transparency and accountability can be strengthened by: creating strong, clear and consistent regulatory frameworks, with laws in place to protect the environment, indigenous peoples' rights and cultures and ecosystems, and trained government officials that can implement these regulations; supporting voluntary international transparency and accountability initiatives like EITI as well as national and

local level initiatives; building governance capacity, especially at local level, but also all other levels; providing information access mechanisms for communities and other stakeholders on mining activities, their impacts and the use of mining revenues.

166. Reference has been made to the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development as a global policy forum on sustainable development, which enables its members to learn of the most recent best practices and lessons learned from any part of the world on the whole range of mining related issues - economic, social and environmental.

167. Capacity building to enhance developing countries' management of mineral revenues, including at the level of local authorities and communities, would help ensure that those revenues serve a positive role for development. There is a need for strengthening the capacities of local and national governments for safe management and disposal of waste accumulation, in particular from the mining sector. Capacity building can be furthered through regional and inter- regional exchange of experiences; identification and dissemination of best practices and creation of an appropriate knowledge base on mineral resources and mining for strategic planning and policy innovation as well as on managing mining's environmental and social impacts.

168. There is also a need for good planning that takes into account the needs of the local community and indigenous peoples while the mine is in operation and following closure. This may include skills development, alternative uses for the mine infrastructure, creation of new businesses and services to support mine development and downstream activities.

169. Many delegates highlighted the need for partnerships between all levels of governments, industry, communities and community organizations and aid agencies to promote coordinated and integrated approaches to optimize the generation and equitable distribution of benefits from mining.

170. More work and guidance is needed in such specific areas as: designation of areas of high ecological or cultural value as no-go areas to mining; rehabilitation of abandoned and orphaned mines and proper management of waste stockpiles; development of effective and efficient approaches to the funding of mine closure; enhancing EIAs and SIAs; improving health and safety of mine workers, respecting ILO Convention 176, including in the artisanal mining sector; and protecting the rights of women, especially women workers, and eliminating child labor.

171. Governments should consider reduce-reuse policies, increasing recycling of critically important metals, and research and development of safe substitutes for metals in production. A large share of some metals is already stored in existing infrastructure and products, and inventories and material preparation plans could facilitate their recovery.

172. Sustainable mining principles are being addressed at regional level in the Africa Mining Vision 2050, whose realization would benefit from international support.

173. A global initiative for sustainable mining was proposed for consideration, encompassing such areas as facilitating policy dialogue, defining product standards, promoting responsible behavior and transparency, and encouraging greater resource efficiency and recycling.

Part 2

Managing mining for sustainable development

292. Minerals are indispensable for development. Mining can contribute to poverty eradication, driving growth and enhancing living standards. On the other hand, mining has produced many environmental liabilities, social tensions and cultural problems in developing countries. The benefits have yet to be fully realized in particular in developing countries.

293. More sustainable mining operations require: strong, transparent and ethical governance; adequate laws and regulations; trained government officials that can enforce laws and regulations; transparency of revenue sharing; and legal systems offering recourse to communities adversely affected by mining activities. Many developing countries lack institutional and technological capacity, including for environmental regulation.

Moving forward

294. Strong legal and institutional systems for environmental and social protection are needed and enforcement, including through monitoring systems and EIAs, should be a priority. Strategic assessments covering the whole life-cycle of the project (including economic, social, environmental, and technological aspects) should be strongly encouraged. There is a need to ensure free informed prior consent and community approval of projects.

295. Restoration of land after mine closure remains a challenge in many countries due to environmental liabilities and social problems.

296. There is a need to ensure participation of all stakeholders, including local communities, indigenous peoples and in particular women, throughout the mining cycle, starting with the drafting of mining rules and public consultation before projects begin.

297. There is a need to improve working and living conditions of miners and their local communities. ILO standards and human rights principles should be implemented. There should be legal and judicial mechanisms to address compensation claims for fatalities, health damages and adverse economic, social and environmental impacts of unsustainable mining practices. It is necessary to address the issue of children working in mines while protecting livelihoods.

298. The artisanal and small-scale mining (ASM) sector needs legal recognition and technical and financial assistance to improve livelihoods while protecting the environment. There is need for awareness and education programs and other mechanisms such as: providing incentives for registration; developing markets for ASM products; promoting local value addition; and providing scaled-up extension services to ASM. Economic diversification to reduce dependence on mining should also be encouraged.

299. Greater commitment is needed from mining industries to adopt cleaner technologies, reduce environmental impacts, and internalize environmental liabilities through the whole mining process. Governments could strengthen CSR requirements and capacities of the mining sector. Companies need to seek out and train local population for jobs in the industry. National and international mining codes could make such commitments mandatory. CSR needs to be implemented at all stages of mining activities even after mine closure.

300. International support and capacity building would be needed to help countries devise and implement regulatory frameworks, including sharing of examples of mining laws and codes including approaches to revenue sharing.

301. International governance should be strengthened to foster greater transparency. The United Nations could provide guidelines for good governance at all levels in the mining sector. Many delegations stated that a UN framework for sustainable mining should be delivered for approval at CSD19.

302. The voluntary EITI and certification systems in the mining sector could be strengthened.

303. A stronger monitoring of mining is needed at the global level, through a balanced structure which includes all parties concerned. There is need for an independent monitoring body for uranium mining activities. The United Nations could develop a global instrument for the cleanup of closed and abandoned mines and uranium waste.

304. Developed countries should support efforts in developing countries so that mining can generate sustainable development. Partnerships, including public-private partnerships, could be put in place between international entities and interested countries, as well as at regional level. Technology transfer from developed to developing countries and capacity building could consider: strengthening technical capacities of national institutions dealing with mining; reinforcing capacities at the national and local level for establishing contracts with companies, managing contracts, managing revenues from mining, and organizing participatory processes; supporting countries to undertake geological surveys and gather mining data; investing more in research and scientific capacity and promoting capacity building in science and technology; upgrading mining education and training, for example through technical education and training organized jointly by developing countries and developed countries including sustainable development content; promoting access to information as a basis for decision-making; the exchange of knowledge, practices in scientific research, environmental practices, and post-mining good practices; strengthening capacity to address social and environmental issues in artisanal and small-scale mining sector; and diversifying local economies to create alternative employment to mining