



# **The EU Regulation on responsible mineral supply and its accompanying measures: views from civil society from producing countries**

WORKSHOP REPORT



# 1. Introduction

On the 29<sup>th</sup> and 30<sup>th</sup> of April 2019, five European civil society organisations, Germanwatch, Ökumenisches Netz Zentralafrika (ÖNZ), Commission Justice et Paix Belgique, Cordaid and the European Network for Central Africa (EurAc) organised a workshop in Brussels under the title **“The EU regulation on responsible mineral sourcing and its accompanying measures: views from civil society from producing countries”**.

The aim of this workshop was to bring together civil society actors from mining countries, such as the Democratic Republic of the Congo (DRC) and Colombia, as well as from the European Union (EU), to discuss the state of implementation of the Regulation. Participants discussed the risks, opportunities and challenges offered by the regulation and its accompanying measures for communities and miners in their respective countries. The workshop represented an opportunity for delegates from Civil Society Organisations (CSOs) from the two countries to share their experiences, perspectives and concerns.

The key result of the workshop was the elaboration of **recommendations to EU policy makers drafted jointly with civil society organisations from mineral producing countries and their European counterparts**. Given the important role that local actors in producing countries play to ensure transparent production chains, it is of great importance that their points of view on the implementation of the EU Regulation and, particularly on its accompanying measures, are heard.

The event was able to deliver on this objective through a critical discussion which included inputs both from representatives of producing and importing countries. This document provides an overview of the key-arguments, concerns and solutions discussed and elaborated during the two-day workshop.

The EU Regulation (hereafter referred to as the Regulation) on responsible sourcing of tin, tungsten, tantalum and gold (3TG) from conflict-affected and high-risk areas<sup>1</sup> (CAHRA) was adopted by the European Union in May 2017. It lays down supply chain due diligence obligations<sup>2</sup> for importers of these four minerals into the EU. These minerals are particularly in high demand, as they are central to the production of electronic devices such as smartphones and computers. In producing countries, such as the Democratic Republic of the Congo and Colombia, their extraction and trade are unfortunately frequently linked to the violation of human and workers' rights, to the financing of armed groups and other violent actors, while rarely contributing to the wealth and development of mining communities.

The extraction and export of minerals from CAHRA present a number of challenges, most of which are linked to the national context. Producing countries such as the DRC and Colombia

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2017:130:TOC>.

<sup>2</sup> Due diligence is an on-going, proactive and reactive process through which companies put in place systems and processes to ensure they are able to identify, manage and report on risks in their supply chain. For the minerals covered by the regulation, it means companies must check that what they buy is sourced responsibly and does not contribute to conflict or other related illegal activities.



have a recent history of violent conflicts, often perpetuated and financed through the exploitation of mineral resources. Such recent history has often resulted in weak State institutions which, in a context of mineral wealth, have been marred by high levels of corruption. In order to address both standards in international supply chains and the internal context in which minerals are produced, the European Commission decided in 2016 to allocate 20 million euro to “accompanying measures” to the Regulation. Such non-legislative accompanying measures aim at supporting artisanal miners, state and non-state actors in creating the conditions on the ground for transparent and responsible supply chains<sup>3</sup>.

To learn more about the implementation of the EU Regulation, see: [Advice note to Companies, Member States and the European Commission. Implementation of the EU Regulation: laying down supply chain obligations for importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas.](#)



Picture: Frederic Triest

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<sup>3</sup> For more information on the accompanying measures, see: EurAc, [Accompanying Measures to the EU Regulation on Responsible Mineral Sourcing. Towards an improved governance of the artisanal mining sector in the DRC](#), March 2017.

## 2. Overview of mineral extraction in the DRC and Colombia

### The Democratic Republic of the Congo (DRC)



The DRC is particularly rich in minerals. Yet the population hardly benefits from this extractive/underground wealth<sup>4</sup>. On the contrary, many human rights violations in the country are linked to the mining sector, which has been known to be exploited by violent actors to finance their operations. Natural resources, in particular minerals, have contributed to the prolongation of the armed conflicts and to the overall instability in the region.

So far, the Congolese state and its authorities have been unable to effectively govern and manage these resources: existing laws are not enforced or routinely bypassed, institutions are weak, and corruption is prevalent both in the public and in the private sector. Mining operations are marked by opacity: contracts signed with corporations are not transparent, social and environmental impact assessments, when even conducted, are not published<sup>5</sup>.

Artisanal mining is a crucial economic sector for the Congolese population. The country's Ministry of Mines<sup>6</sup> estimates that around two million artisanal workers are operating in the DRC. In the Eastern DRC only, there are over a thousand mining sites, many of which are enclaved or far from main routes<sup>7</sup>. The artisanal mining sector is particularly complex as it is largely informal and often vulnerable to the activities of armed groups or other violent actors. When artisanal miners are organised in cooperatives, the latter are often instrumentalised by and directed by middle-man and influential actors, thus lacking the democratic oversight and

<sup>4</sup> Cordaid, *L'exploitation minière au cœur des zones rurales : quel développement pour les communautés locales ?*, 2015.

<sup>5</sup> See for example: Congo Research Group, *All the President's wealth: the Kabila's family business*, 2017; Global Witness, *River of Gold. How the state lost in an Eastern Congo gold boom, while armed groups, a foreign mining company and provincial authorities pocketed millions*, 2016.

<sup>6</sup> Ministère des Mines de la RDC, *Agréments des Coopératives minières 2017*, 2017.

<sup>7</sup> Initiative pour la Transparence des Industries Extractives (ITIE), *Rapport de l'auditeur indépendant sur l'étude de cadrage de la couverture de l'exploitation minière artisanale à l'Est de la République Démocratique du Congo*, 2015.



decision-making mechanisms that are a sign of cooperative organising. Working and security conditions remain very often extremely precarious and dangerous on artisanal mining sites.

On the other hand, large-scale mining does not always benefit (e.g. through the provision of public services such as roads, hospitals, schools etc.) nor engage with the local population in a meaningful way. Local communities are rarely consulted prior to the beginning of mining operations. On the contrary, they are often forcibly expropriated and displaced without any re-settlement nor compensation. Community leaders raising their voices and defending local land rights may be arbitrarily arrested, harassed and/or murdered.

The environmental impact of mining activities is also significant: chemical waste and toxic products, for instance, affect the air, soils, water and the vegetation. Local ecosystems and biodiversity are herewith durably negatively impacted (e.g. drying of rivers, destruction of animal and aquatic species, deforestation)<sup>8</sup>.

Depending on the geographical context, it is very difficult to ensure the traceability of minerals coming from some areas. Many are smuggled out of the country. It is for example estimated that most of the gold produced in the East of the DRC is smuggled out of the country<sup>9</sup>. Moreover, there is a lack of accountability mechanisms in the allocation of revenues generated by the sector. Consequently, much of the resources of the country do not contribute to the development of the country nor to its population<sup>10</sup>.

Up to now, the formalisation of the artisanal mining sector has remained one of the main challenges of the mining sector in the DRC. According to DRC law, artisanal miners should be organised in cooperatives and allowed to access exclusive artisanal mining areas (*zones d'exploitation artisanale, ZEA*). However, artisanal workers are not always formally registered. Moreover, the cooperative structure – a requirement to access ZEAs, is often exploited by powerful local actors who use it for their own economic benefit. Efforts to establish traceability along production chains also risk putting more pressure on artisanal miners. In fact, such mechanisms are often financed mostly by local economic actors, who tend to recover their costs on the remuneration on the actors even lower in the chain. For example, the ITRI Tin Supply Chain Initiative (iTSCi) is funded at over 80% by upstream actors<sup>11</sup>. The new DRC mining code adopted in 2018 provides new opportunities (e.g. it foresees more transparency, sanctions, the formalisation of artisanal mining through mining cooperatives, the domestication of standards and principles of due diligence, the strengthening of the social responsibility and human rights protection regime)<sup>12</sup>. Yet its effective implementation and enforcement remain to be seen. In this regard, the election of a new President of the DRC might bring positive changes.

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<sup>8</sup> Commission Justice & Paix, [Les Etudes d'impact environnemental en RD Congo : outil pour qui, pour quoi ?](#), 2017.

<sup>9</sup> Reuters, [Gold worth billions smuggled out of Africa](#), 2019.

<sup>10</sup> See for example: Global Witness, [Regime Cash Machine, How the Democratic Republic of Congo's booming mining exports are failing to benefit its people](#), 2017.

<sup>11</sup> See: <https://www.itsci.org/governance-funding/>

<sup>12</sup> See Commission Justice & Paix, [Code minier en RD Congo: les enjeux de la réforme](#).

## Colombia



Picture: IPC

Political decisions over the last decade have actively promoted a differentiated access to and control over land-based resources in Colombia, excluding local communities from accessing environmental goods in their territories, while favouring private stakeholders, in particular multinational companies from abroad. Private investments in the mining sector increased more than fourfold between 2002 and 2011 and the social conflicts associated with mining have intensified<sup>13</sup>.

Mining titles have been given out to large-scale companies after the implementation of the mining code in Colombia in 2001. The artisanal miners who historically mined that land became illegal in this context. Private companies were privileged in accessing licenses often issued without expiry date, meaning that it is often impossible for the traditional miners to formalise their operation. Moreover, according to the legislation, local communities face the same regulative framework in terms of taxation and royalties as large-scale investors, but they often lack the technical and financial capacities to meet requirements tailored to private foreign companies. Hence, mining territories traditionally mined by local communities became officially allocated to large-scale companies, while informal artisanal and small-scale miners (ASM) has become criminalised. According to a study of the local Ombudsman Office in 2010, 86% of all applications to formalise mining activities through a mining title by traditional and small scale operators were rejected by the state. Often the only possibility to get access to the formal market is via a contract with the company in the location of the mine, which then buys the gold of the local producers for a price often as low as a half of the price on the global market, with all production costs laying with the local producers<sup>14</sup>.

Artisanal mining is stigmatised in the public discourse as mostly being associated with guerrilla funding and conflict financing - but the picture is more complex and needs a more differentiated territorial assessment. The criminalisation of informal miners does not allow for

<sup>13</sup> Vélez-Torres (2013): Governmental extractivism in Colombia: Legislation, securitization and the local settings of mining control. In: Political Geography. Vol. 38, p. 68-78.

<sup>14</sup> Betancur Betancur, Maria Soledad (2019) Minería del Oro, Territorio y Conflicto En Colombia. Broederlijk Delen, Germanwatch, Heinrich Böll Stiftung IPC., Bogotá. p. 24-31 <https://www.germanwatch.org/de/17220>.

the disclosure of the structural roots of the conflict and its financing of armed groups but gives new legitimacy to large scale companies. At the same time, this stigmatising discourse has justified the use of a strategy of warfare against artisanal and small-scale miners (ASM). There are “Mining and Energy Battalions” consisting of 68,000 people assigned to protect the mining and energy sector in all aspects of infrastructures and roads, and 1,229 agreements between companies and public security forces of which 24% are with mining companies<sup>15</sup>. The deployment of mining and energy battalions was followed by the creation of police and military structures to attack so-called criminal mining activity<sup>16</sup>.

In general, Colombia has seen an increase in murdered activists in particular in regions rich in natural resources such as gold and coal. Between January 2016 and March 2019, it is estimated that 498 leaders have been murdered. The greatest number of murders of social leaders, environmentalists and human rights advocates occurred in departments such as Antioquia and Cauca, the first and fourth biggest producers of gold in Colombia<sup>17</sup>.

One very important aspect, which is hardly addressed nor considered sufficiently in the public debate in Colombia and Europe, is the current environmental impact, especially of large-scale companies like Mineros SA in the department Antioquia, destroying ecosystems and livelihoods for the local population<sup>18</sup>.

Civil Society Organisations (CSOs) foresee that after the implementation of the mining code, 80% of the gold, which is now labelled as legal, will still be sourced informally, as the mechanisms of formalising informal sources remain unclear. As the case of the large international gold trade house, C.I.J. Gutierrez, demonstrates, international trade houses benefit from a lack of transparency and difficulties of formalisation process. In April 11, 2019, the Office of the Attorney General of the Nation reported supposedly illicit manoeuvres on the part of the C.I. J. Gutiérrez company and exposed money laundering for as much as US \$800 million in today's prices, a practice that has been common in this sector of the Colombian economy for decades. Criminal organisations acquire gold on the international market and smuggle it into Colombia, selling to national or international traders. These materials are then mixed with the gold of *barequeros*<sup>19</sup> and other miners that sell their gold legally, and subsequently enter the legal market where it is difficult, if not impossible, to demonstrate its illegal provenance.

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<sup>15</sup> Cepeda C. I, (2015) Convenios entre empresas y el sector minero-energetico y fuerza publica. Cual es el papel de la fuerza publica en el posconflicto armada? Presentacion Power Point. Disponible en <http://www.ivancepedacastro.com/wp-content/uploads/2015/11/DEBATE-CONVIENIOS.pdf>.

As well as Betancur Betancur see Footnote 10.

<sup>16</sup> See Footnote 10 page 58-60.

<sup>17</sup> See Footnote 10 page 36, 37.

<sup>18</sup> Betancur Betancur, Maria Soledad (2019) Minería del Oro, Territorio y Conflicto En Colombia. Broederlijk Delen, Germanwatch, Heinrich Böll Stiftung IPC., Bogotá. p. 77,78 <https://www.germanwatch.org/de/17220>.

<sup>19</sup> *Barequeros* are those who extract minerals without machineries according to a definition of the Colombian Ministry of Mines.



### 3. Challenges and risks for the EU Regulation for producing countries

The two brief country overviews presented above highlighted the complexity of the interrelated issues that affect the mining sector both in Colombia and in the DRC. In both countries, different and common sets of challenges need to be addressed in order for miners and local communities to benefit from transparency throughout the production chain.

#### 1) The financing of conflicts via resource trade is complex

- Past experiences, notably the US Dodd Frank Act<sup>20</sup>, have proven that regulatory measures **only targeting a limited number of countries have no major impact on the resolution of violent conflicts** and do not end their financing. For example, minerals banned from US imports have been further purchased by Chinese companies and have entered the markets in manufactured products. The EU regulation has learned from this limitation of the Dodd Frank Act and pursues a worldwide approach including all conflict-affected and high-risk-areas (CAHRA). At the same time, in contrast to the US-legislation, it is strongly weakened by only focusing on the upstream part of the supply chain (mining companies, raw material traders, smelters and refiners), thus creating loopholes and abating efforts to fairly share costs along the entire supply chain.
- Minerals and metals - even banned from imports - have always found their way out of the country via a non-transparent market networks including **trading routes and schemes via neighbouring countries, as in the case of minerals exported from the DRC through Rwanda, Uganda and Burundi** to smelters in Asia.
- Attempts of conflict-resolution need to focus on the root causes of the conflict, which are often found in structural poverty and inequality, instead of only regulating mining activities which affect the main source of livelihoods for the poorest groups in society. Therefore, **the accompanying measures to the Regulation** must consider this economic poverty dimension and deliver **development initiatives that support the adaptation process of small miners** to new due diligence requirements.
- The limited scope of the regulation, which focuses exclusively on 3TG, overlooks how context specific conflicts and their financing work in resource trade, e.g. in Colombia coal is an important resource used for conflict financing.

#### 2) Power imbalances in supply chains and between large-scale and artisanal miners

- **Concessions granted to large scale firms are often larger than the actual area exploited by those firms.** Mining products purchased from other sources (imported illegally, criminal sources etc.) or from artisanal miners who operate in these areas are

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<sup>20</sup> The Dodd Frank Act Section 1502, part of the U.S. government's Dodd-Frank Wall Street Reform and Consumer Protection Act, signed into law in July 2010, requires publicly traded companies to ensure that the raw materials they use to make their products are not tied to the conflict in Congo, by tracing and auditing their mineral supply chains.

therefore often listed as extracted by the companies themselves, although this is not the case. This poses a **risk for “white washing” of conflict minerals as the origin of the minerals is blurred.**

- There is an **unfair share of profits** generated from mining products in the supply chain that does not benefit small-scale miners to a substantial extent. This trend is reinforced by companies acquiring concessions in areas where local communities operate informally. This lawless situation **increases the dependency** of the community on companies.

### 3) Unequal impact of the regulation and the importance of ASM formalisation

- The cost of traceability and certification schemes is often born by ASM. Industry schemes need to ask their downstream members to divide/spread more the costs, instead of charging artisanal miners, the most vulnerable members in the supply chain.
- Formalisation processes bring ASM in a better position on the market, but they are often so costly and complicated that they can become an obstacle for artisanal actors.
- Formalisation must be coupled with support from importing countries to artisanal miners, so that they can **adapt their capacity to new due diligence requirements.**
- The Regulation may encourage companies in Europe sourcing from artisanal miners to withdraw from the small-scale sector as the latter cannot comply with due diligence standards set by the downstream. **This risks favouring large-scale miners in the producing countries as they have better capacities to comply with the new requirements.**
- Without the support of the artisanal sector, mining actors may increasingly depend on a reduced number of purchasers e.g. from China, which can negatively impact their trading position in the market.

### 4) Lack of environmental standards

- The Regulation does not contain provisions pertaining to **environmental standards on and around sites of mineral extraction.** Nonetheless, air, water and soil pollutions remain amongst the most relevant and urgent issues for local communities both in the DRC and in Colombia.
- By leaving out environmental issues from the Regulation, environmental destruction in mining areas risks becoming legitimised. In fact, even when complying with due diligence obligations pertaining to human rights and conflicts, companies may still sell their products on the legal markets that are destroying the surrounding environment and local livelihoods. At the same time, artisanal miners risk to be excluded from the market if not being formalised, even when they comply with environmental and social standards.
- The evaluation of the Regulation in 2023 offers an opportunity to address environmental issues previously neglected in the text.

- Moreover, more comprehensive due diligence legislations, such as the French *Loi sur le devoir de vigilance* deriving from the UN Guiding Principles for Business and Human rights, need to include environmental issues to effectively address possible destructive business impacts on local livelihoods.



Picture: Johanna Sidow



## 4. Key recommendations to EU policy and decision-makers

### Transparency and monitoring of the implementation of the EU Regulation

- ▶ **Ensure the effective implementation of the EU Regulation** which includes a transparent monitoring of the implementation and evaluation of its impact as well as sanctions for non-compliance.
- ▶ Company due diligence reports should be publicly available, including annexes and supporting documents. They have to inform about steps taken, and risks found and mitigated. These reports need to be published on the website of the competent authorities.
- ▶ **Ensure the publication of lists of national importers and origin of their imports** so that civil society organisations can monitor their practice in relation to their duty of due diligence.
- ▶ Provide a protection scheme **for CSOs or whistle-blowers** who publish/channel information on corporate non-compliance with the regulation.
- ▶ Provide funds and support for members of the civil society such as NGO-members, activists, local researchers, etc. to monitor the implementation of the respective measures in their home countries and to be represented in international fora, such as at the OECD Forum in Paris.
- ▶ Establish mechanisms to ensure transparency of the results of the evaluation of the Regulation, the transparency of the data collected, making sure they take into account dynamics at regional as well as at national level.
- ▶ The evaluation of the Regulation should require auditing procedures to take into account the perspectives and experiences of local actors, such as mining communities.
- ▶ Ensure that tenders and public grants, e.g. of the European Partnership for Responsible Minerals (EPRM) supposed to support the implementation process/the formalisation of ASM are also open to organisations at the grassroots' level and which may have lower capacity to apply to international tenders (e.g. tenders have been accessible uniquely in English so far).
- ▶ **Guarantee** that victims who have suffered from human rights violations caused by EU companies and their activities in mineral/metal supply chains have not only **access to courts and a formal justice system** to defend their claims and hold companies accountable for breaches of the Regulation, but also to measures and mechanisms that make international legal proceedings possible.

### Support to the local processes and artisanal mining in supply chains

- ▶ Promote appropriate systems of cost distribution throughout the entire supply chain with regards to certification and traceability. In particular, address the unequal sharing of the costs at the expenses of downstream actors, in order to avoid the

exclusion of the artisanal miners from supply chains. Industry schemes should ask their downstream members to bear the cost instead of charging the most vulnerable members in the supply chain.

- ▶ Improve the ownership of the Regulation and its accompanying measures on the ground through capacity building of relevant actors (artisanal miners' cooperatives, state services, CSOs, etc.).
- ▶ When drawing up the list of conflict affected or high-risk areas, **take into account regional and context specific conditions** (e.g. transit and smuggling trends) and recall that it is not exhaustive.
- ▶ **Support the settlement of national trading markets in producing countries** to make supply chains more transparent and to allow the setting of fair prices for primary resources.
- ▶ Support the installation of smelters and refiners in producing countries in order to shorten the supply chains and avoid trading via transit countries not affected by the Regulation.
- ▶ **Promote the diversification of livelihoods**, especially agriculture, through the restoration of both biological and economic diversity in areas affected by mining activities. Such actions have the potential to promote environmental sustainability and to reduce the dependence of communities on the extractive sector.
- ▶ **Provide financial and technical support to the governments in the producing countries** to ensure adequate knowledge, capacities and implementation of the OECD due diligence guidance and the EU Regulation. Ensure that this process includes national, subnational and local levels and all the actors within the supply chain.
- ▶ Provide financial resources to develop pilot projects for the implementation of the EU Regulation with the inclusion of environmental aspects, health and all human rights issues. The results of these pilot projects should be taken into account at the time of the revision of the EU Regulation.

## For the DRC

- ▶ **Improve artisanal mining conditions**, for example by allowing artisanal workers to access secure mining and more productive areas. The legislation on Artisanal Exploitation Zones (ZEA) already offers this opportunity, but its implementation remains incomplete. Artisanal miners need better access to mining licences and a fairer distribution of mining sites between artisanal and industrial mining. Cooperatives should be provided with legal support in order to strengthen their capacity to defend their rights over their land.
- ▶ **Provide technical and financial support to artisanal miners and local communities by:**
  - Supporting the creation and formalisation of artisanal miners' cooperatives to strengthen their administrative, management and decision-making capacities;

- Supporting access to credit and micro-credits to formalise the mining sector;
  - Promoting the principle of equality among the members of the cooperatives and local authorities which often consider cooperatives as their private enterprise. The dialogue between cooperatives and local authorities should be strengthened and ownership must be promoted.
  - Raising awareness around the existing regulations and legislations, including the EU Regulation. Existing initiatives in this regard must be supported and promoted.
- ▶ **Support regional mechanisms for certification**, such as the Natural Resources Initiatives of the International Conference of the Great Lakes Regions (ICGLR), in particular strengthen efforts to combat the illegal trade of minerals at the regional level.
  - ▶ **Support national mechanisms and administrations** (e.g. the SAEMAP, Division of Mines), in particular in the area of tax revenue collection from mining.
  - ▶ Support closer cooperation between downstream companies and artisanal cooperatives, in particular strengthen the cooperatives, implement Due Diligence and shorten the value chain. The poor image of small-scale mining is resulting in some commodity buyers (smelters, refiners...) boycotting artisanal-mined minerals. It is therefore important to create direct partnerships between re-processing industries and cooperatives. To this end, pilot cooperatives should be created to shorten supply chains and allow for more direct information flows and control mechanisms.
  - ▶ **Support the implementation of the mining code** by strengthening national administrations, for example through appropriate trainings supporting to implement public services, such as SAEMAP and 'Divisions des Mines'.
  - ▶ **Promote the diversification of livelihoods**, especially agriculture, through the restoration of both biological and economic diversity in areas affected by mining activities. Such actions have the potential to promote environmental sustainability and to reduce the dependence of communities on the extractive sector.





## For Colombia

**In the political dialogue with the government of Colombia, the EU and its member states should:**

- ▶ Demand that the government of Colombia proceed in compliance with the agenda established in the Agreement for a Stable and Lasting Peace as the minimum condition to ensure that the minerals exported do not come from conflict zones.
- ▶ Demand that the Colombian government urgently increases its efforts to protect human rights and environmental defenders, as well as former FARC combatants, and implements the Regional Accord on Access to Information, Public Political Participation and Access to Justice on Environmental Affairs in Latin America and the Caribbean (The Escazú Convention)<sup>21</sup>.
- ▶ Remind the Colombian state of its responsibilities within the framework of international human rights treaties, such as the UN Guiding Principles and the National Action Plan on Business and Human Rights, and its obligation to protect communities from human rights violations committed by companies.

## At national level

- ▶ Small-scale and artisanal miners have been expelled from their role as key actors in the gold production chain. The Colombian government must revise its formalisation process so that they get a chance to legalise their operations. It must accompany them in the process of recognition and inclusion into the formal supply chain. Moreover, small-scale and artisanal miners must be given capacity building and financial means so that they can deepen their knowledge and skills concerning more sustainable mining practices.
- ▶ The truth about the responsibility and consequences of the conflict in mining territories should be a priority case for the Commission for Clarification of the Truth. Therefore:
  - Support the documentation of concrete cases of human rights violations by companies in specific mining territories.
  - Present cases to the Commission for Clarification of the Truth about what has been happening in mining territories over the past 50 years.
- ▶ The defence of the environment must be the foundation upon which to construct new mining policy and it must be accompanied by a strategy of inclusion and productive reconversion in territories of long-standing mining tradition and block the entry of mining projects into agricultural territories and where ecosystems are put at risk.

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<sup>21</sup> The Escazú Convention establishes the right to Access to Information, Public Participation and Justice in Environmental Matters, as well as the need to protect environmental defenders. Unfortunately, the Colombian government **decided not to sign it** because national and international instruments already exist that make it possible to achieve this objective. See: Semana Sostenible, 2019/10/09. Available at: <https://sostenibilidad.semana.com/medio-ambiente/articulo/colombia-no-firmo-el-acuerdo-de-escazu/47010>.

- ▶ Support local CSOs in their advocacy for a new, democratically achieved, mining code that provides for the inclusion of local producers into legal supply chains, and that promotes peace and territorial autonomy.
- ▶ This also includes the right to construct other models of life that go beyond extractivism. This requires the recognition of the value created by medium-scale and small-scale miners, as well as *barequeros*<sup>22</sup>, just as it commits them to and educates them about their social and environmental responsibilities.



Picture: Mauricio Cabrera Leal

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<sup>22</sup> *Barequeros* are those who extract minerals without machineries according to a definition of the Colombian Ministry of Mines.