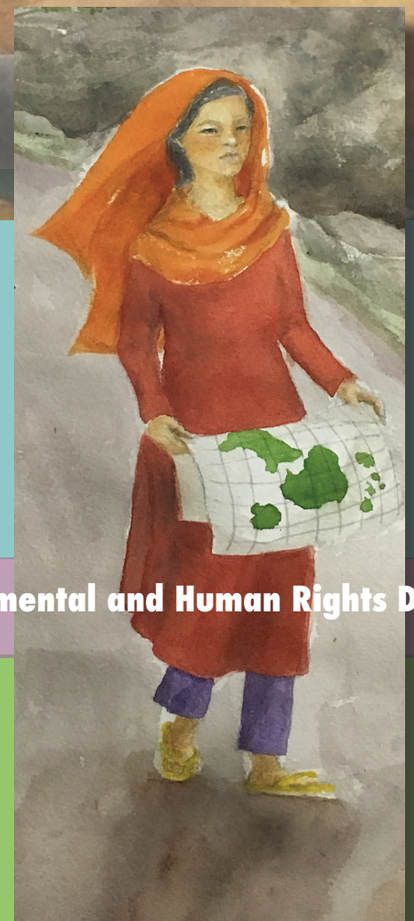
RESOURCE GUIDE FOR MONITORING EXTRACTIVES



for Women Environmental and Human Rights Defenders (WEHRDs)

This book is a resource guide written for community-based women environmental and human rights defenders (WEHRDs) who would like to investigate or monitor impending or actual mining operations in their own communities. This is to enable them to closely examine and document actual or potential impacts and human rights violations in their communities, with additional attention to women.

A project of

WOMEN IN ACTION ON MINING IN ASIA

with the support of:

OXFAM GAGGA Both ENDS fcam mamacash

RESOURCE GUIDE FOR MONITORING EXTRACTIVES FOR WOMEN ENVIRONMENTAL AND HUMAN RIGHTS DEFENDERS (WEHRDS)

Resource Guide for Monitoring Extractives
Non-Timber Forest Products – Exchange Programme (NTFP-EP)

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Contents

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We would like to express our gratitude and appreciation to all those who have been part of this initiative.

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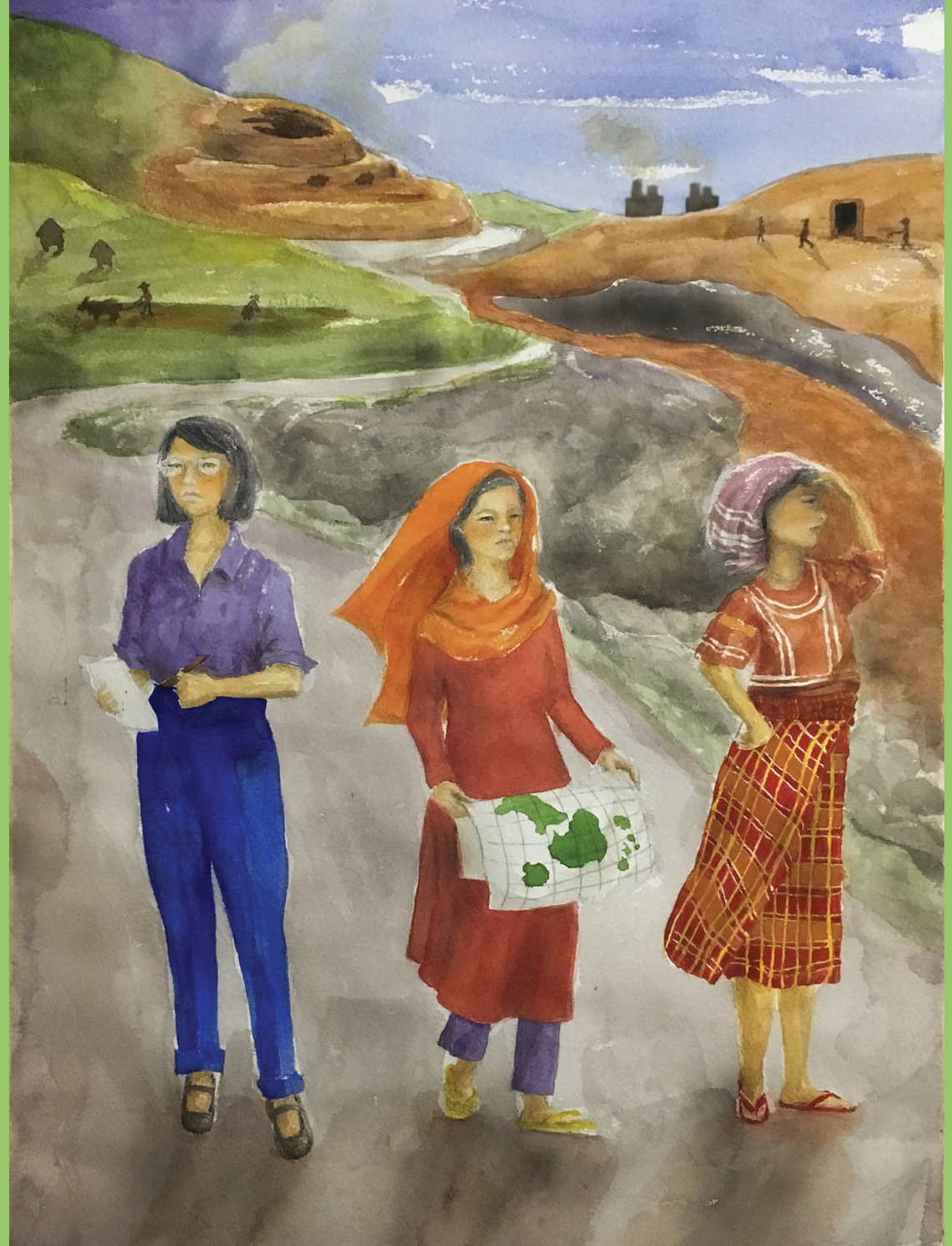
List of acronyms

CIPO – Cambodia Indigenous Peoples' Organization
CIWWG - Cambodia Indigenous Women's Working Group
Dhaatri – Dhaatri Trust
FCAM – Fondo Centroamericano de Mujeres
FGD – Focus Group Discussion
GAGGA – Global Alliance for Green and Gender Action
GIA – Gender Impact Assessment
IP – Indigenous Peoples
JATAM – Jaringan Advokasi Tambang
Keystone – Keystone Foundation
LILAK – LILAK (Purple Action for Indigenous Women's Rights)
mm&P – mines, minerals and People
MONES – Mongolian Women's Fund
NTFP-EP – Non-Timber Forest Products – Exchange Programme
PR – Primary Research
SETU – Center for Social Knowledge and Action (SETU Ahmedabad)
SR – Secondary Research
TKPT – Tim Kerja Perempuan & Tambang
UNBHR – United Nations Forum on Business and Human Rights
WAMA – Women in Action on Mining in Asia
WEHRDs – Women Environmental and Human Rights Defenders



Part I

Introduction

About the guide

This resource guide aims to help community-based women environmental and human rights defenders (WEHRDs). WEHRDs[1] are defined as both female human rights defenders, and any other human rights defenders who work in the defence of women's rights, or gender and community issues, as well as issues on the environment. They play a key role in promoting and protecting our rights as human, and work hard in protecting women's rights to a safe, healthy and sustainable environment.

- conduct basic investigation/monitoring of an impending or actual mining operation in their communities; and
- look at actual or potential negative mining impacts on their communities, with particular attention to violations and impacts on women.

Note

This guide is written for community-based WEHRDs who have minimal funding, technical knowledge, and skills in research. This guide is NOT a manual that contains step-by-step instruction on the conduct of mining monitoring or investigation. Also, it focuses on mining and not on all extractives.

1 In the operational term, we use WEHRDs as more appropriate to the advocacy being espoused by our network in GAGGA. Meanwhile, we adhere to the definition of the Special Rapporteur at the Human Rights Council defining WHRDs as both female human rights defenders, and any other human rights defenders who work in the defence of women's rights, or gender issues (A/HRC/16/44).

This guide provides an overview of the following:

- basic mining-related concepts and their relevance in a mining investigation;
  basic and important information that could be gathered by community members themselves;
- possible ways of gathering information even with minimal resources and technical knowledge;
- ways of using information gathered in the assertion of rights and advocacies.

The context for this guide

Mining communities in Asia have not been spared from the negative impacts of mining on communities. Among the widely documented impacts are:

- forced eviction of residents from their homes and lands;
- withholding or restricting access of people to their lands, including the natural resources and sites of social and cultural significance to them;
- negative health and environmental impacts;
- harassment and/or violence by company or government security, among many.

Sadly, the negative impacts of mining are worse for women, especially for indigenous and rural women. Mining tends to alter people's access to resources, worsening the already disadvantaged position of women in society.

This guide aims to empower WEHRDs by involving them in mining research and advocacy/campaign activities while bringing women's mining issues and advocacies to light in the context of the general mining-related struggles.

Parts of the guide

This guide is divided into parts, with the following content:

Part I discusses basic mining-related concepts and their relevance in a mining investigation;

Part II lists the basic and most important information that could be gathered in a mining investigation and the possible ways of information gathering;

Part III presents the possible forms of action that the community can do as a result of the mining investigation.

Understanding mining-related concepts

This chapter gives an overview of the various mining concepts likely to be encountered in a mining investigation. Familiarization with these concepts (including their interrelations) is essential in a mining investigation to determine the applicable or priority data to gather and analyze.

The basics of mining

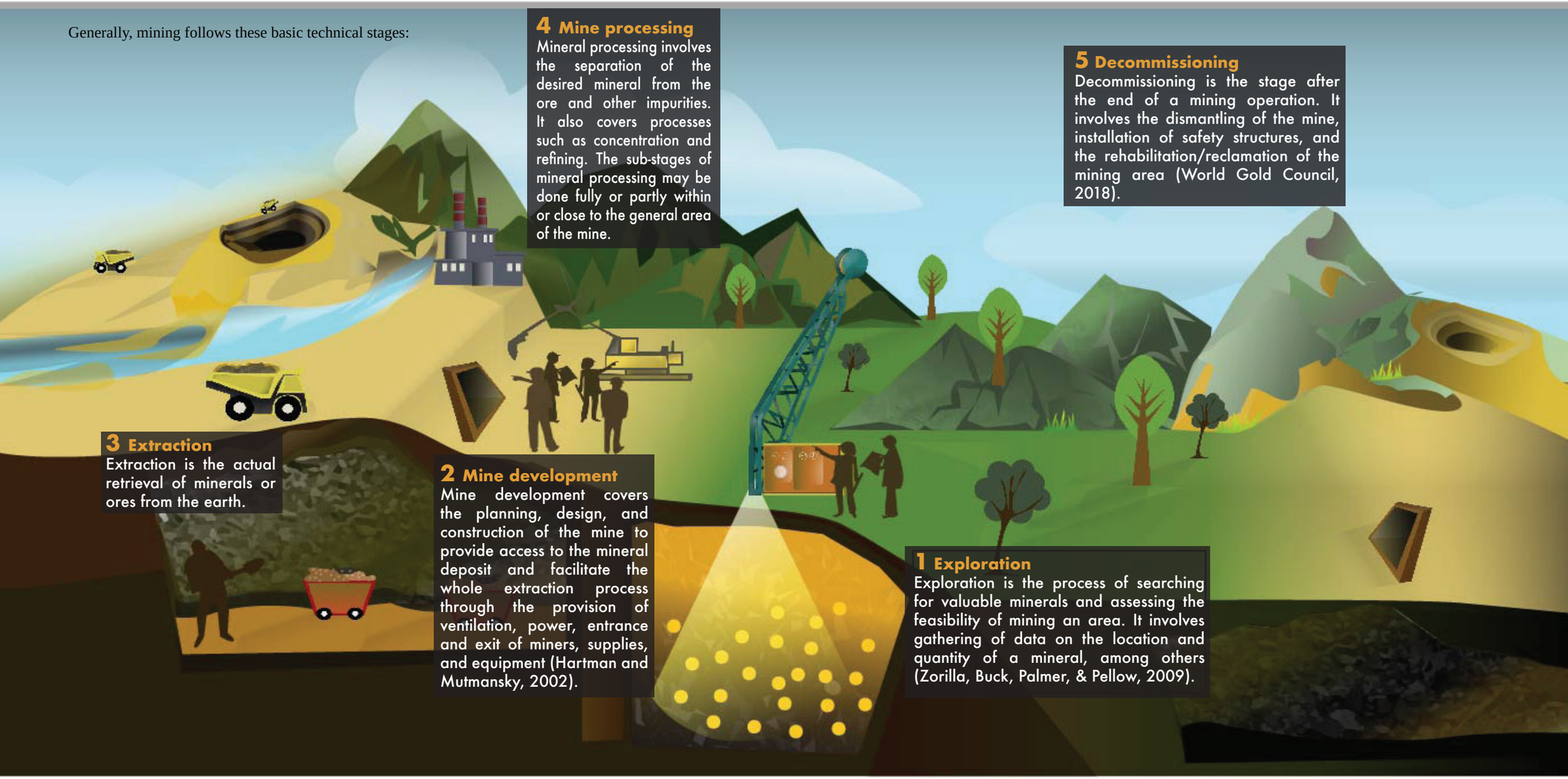
Definition of mining

Mining is the extraction of valuable minerals from the earth. Examples of minerals are copper, gold, silver, nickel, chromite, iron, bauxite, coal. **Minerals** can be extracted at a profit from ores. **Ores** are rock bodies or sedimentary deposits containing minerals in concentrations or quantities that can be profitably extracted.

Familiarization with the basic stages of mining guides the WEHRDs on what to expect during the course of operations, and aids in monitoring efforts. For example, the exploration stage may signal the start of road construction and cordoning off of the mining area. Mine development and extraction will likely bring about major changes in the terrain. A tailings dam may also be constructed and, as a result, interfere with the normal flow of a river. Meanwhile, decommissioning, the stage after the end of the mining operation, should include rehabilitation. This is something the community can demand for the company to implement.

Stages of mining

Generally, mining follows these basic technical stages:



4 Mine processing
Mineral processing involves the separation of the desired mineral from the ore and other impurities. It also covers processes such as concentration and refining. The sub-stages of mineral processing may be done fully or partly within or close to the general area of the mine.

5 Decommissioning
Decommissioning is the stage after the end of a mining operation. It involves the dismantling of the mine, installation of safety structures, and the rehabilitation/reclamation of the mining area (World Gold Council, 2018).

3 Extraction
Extraction is the actual retrieval of minerals or ores from the earth.

2 Mine development
Mine development covers the planning, design, and construction of the mine to provide access to the mineral deposit and facilitate the whole extraction process through the provision of ventilation, power, entrance and exit of miners, supplies, and equipment (Hartman and Mutmansky, 2002).

1 Exploration
Exploration is the process of searching for valuable minerals and assessing the feasibility of mining an area. It involves gathering of data on the location and quantity of a mineral, among others (Zorilla, Buck, Palmer, & Pellow, 2009).

Mining methods

The impacts of a mining project will largely depend on the mining method that will be applied. In turn, the choice of mining method depends on various factors, such as the nature of the mineral, the location, depth and distribution of an ore underground, overall ground and water conditions, and the technological and economic capacity of the miners or mining company, among others (Absalov, 2016).

Below are the two general mining methods, particularly in terms of extraction:

Underground mining

- Underground mining involves the access and extraction of ores at significant depths from the ground surface, usually through tunneling.
- It is commonly used for the following minerals: copper, zinc, lead, coal, nickel.

Surface mining (Yamatomi & Okubo, 2009)

- This involves the physical removal of soil and rock overlying or containing a shallow ore deposit, and may be in the form of:
  - simple panning, sluicing, or flushing of loose sediments in rivers or beaches (for placer gold and magnetite sand);
  - shallow excavations, such as strip mining, over a vast area (for coal, lignite, and nickel laterites); and,
  - voluminous excavations such as open pits (for copper porphyries) and mountain-top removals (coal seams) which drastically alter the existing topography.
- Commonly used for the following minerals: nickel, bauxite, iron and copper ores, coal and low-grade near-surface gold deposits (Yamatomi & Okubo, 2009).

The potential impacts of these methods differ. For example, underground mining is more hazardous to workers than surface mining (Zorilla et al., 2009). It may also cause ground subsidence in the event of tunnel collapse. Meanwhile, surface mining generally results in the stripping of vegetation and soil where the excavations are made, but the level of impact varies widely due to the range of methods under it.

Scale of the operation

The scale of operation also matters in a mining investigation in terms of potential impacts, stakeholders, and applicable laws. Mining operations are generally classified based on scale as 1.) **large-scale mining** or 2.) **small-scale mining** (sometimes called *artisanal mining*). [2]

Below are the usual characteristics of large-scale and small-scale mining:

LARGE-SCALE MINING

Large-scale mining is often undertaken by big companies with significantly large capitalization. It utilizes a higher level of technology and involves a huge employed labor force, resulting in high levels of production.

SMALL-SCALE MINING

Small-scale mining may be undertaken by an individual, families, or groups of people. The capitalization and level of technology and mechanization is significantly lower than that of a large-scale mining operation.

Each type of mining tends to be associated with particular negative impacts. Large-scale mining significantly alters the natural terrain and territorial delineations of a site. Further, large-scale mines, being owned by large corporations, can create major social impact, such as displacement or physical restriction of people traditionally living in the area.

Meanwhile, small-scale mining, especially practices that are not rooted in indigenous traditions, is more associated with unsystematic tunneling, inefficient mineral processing, and uncontrolled mercury use and disposal. Many of the problems are linked to low capitalization and technological capacity. Further, most small-scale mining operations are part of the informal sector, thus adherence to legal regulations is poorly observed. In addition, the discovery of a gold find may fuel a rapid influx of people to communities.

Mining impacts

Mining will always have impacts. However, it is absolutely necessary for mining operators to plan and carry out their operations such that impacts are kept to a minimum and within acceptable community standards, and are compliant to legal and international standards. More often than not, vulnerable populations such as children, women, and the elderly are more at risk to these impacts. Thus, it is important for communities to be aware and vigilant of the potential mining impacts in the context of an impending or actual mining operation.

2 There is no strong consensus on the delineation between the two but usually, the delineation is based on factors such as the nature of the mining financier/owner (individual, family, cooperative, corporation), the size of capitalization, size of labor force, size of concession, and production capacity, among other factors. Legal and/or administrative definitions differ per country.

Below are some of the common negative impacts of mining, categorized as follows: 1) biophysical/environmental; 2) health impacts; 3) social impacts; and 4) gender-related impacts. These categories are often inter-related.

Biophysical/environmental Impacts

Forest degradation. Mining significantly alters an area's terrain from the building of roads, to the construction of the actual mine and tailings dams. Denudation and degradation of forests and vegetation may also take place. These could negatively impact many aspects of the environment, such as wildlife population, and water quality and quantity. To illustrate, Broad, Cavanagh, Coumans & La Vina (2018) estimated that over 100 native hardwood trees died in the effluent of OceanaGold's tailings impoundment in Didipio, Philippines.

Loss of homes and shelter. Indeed, many mining-related activities have caused big damages to structures near the mines. For example, in Udaipur, Rajasthan, blasting has led to the massive cracks in the walls and roofs of the houses. This leads to the displacement and loss of homes affecting gravely the women and young children.

Water quality and quantity. Mining requires large amounts of water and may deplete the local water source. It could also pollute ground and surface water, as in the case of acid mine drainage (associated with metal and coal mines) and mercury and cyanide contamination (associated with gold mines). There have also been disastrous cases of tailings and/or cyanide spillage into the river systems, such as the case of the Marcopper mine tailings spill to the Boac river in the Philippines in 1996. Cases like these can significantly impact people's health, as well as crops and aquatic life.

Soil loss or soil degradation. Surface mining and/or siltation can strip a place of nutrient-rich topsoil.

Ground stability. Underground mining may cause disturbance in the surface due to collapse of tunnels and other underground cavities. Ground subsidence may damage homes and other structures.

Dust pollution and siltation. Mining, especially surface mining, may also cause dust pollution and siltation on farms.

Mine waste. Improper waste disposal like on tailing dams and mine pits also causes environment pollution and other health hazards.

Health Impacts

Occupational hazards. Mine workers are at risk of injuries and death from falling objects and tunnel collapse and faulty equipment use. They are also at risk of respiratory issues (e.g. silicosis, coal worker's pneumoconiosis, etc. (Kentucky Environmental Foundation, n.d.) due to the high levels of dust in the mines. Further, workers are at risk of noise-induced hearing loss due to the noise levels in the mines.

Skin allergies and respiratory issues. Dust and other particulates brought about by mining may cause skin allergies and respiratory issues.

Ingestion of water pollutants. Unregulated small-scale gold mining is quite known to pollute water forms with mercury used for gold processing. This may be ingested by aquatic animals or directly by humans.

Noise-related issues. Noise is generated in the mines. It can result in noise-induced hearing loss and conditions such as irritability (Tripathy & Patnaik, 1994). A pilot study of Manwar, V. D., Mandal, B.B., & Pal, A.K. (2016) concerning the noise levels of Indian mines revealed that noise levels near residential areas exceeded their Central Pollution Control Board limits.

Social Impacts

Loss of livelihood. One of the major and immediate impacts of mining is the loss of traditional livelihood as parts of the biophysical environment become part of a mining concession and access to community members become restricted. Besides the restriction of access, cases of forest degradation or water/soil contamination will further lead to loss of livelihood or decline in income. Further, job shift from agriculture to mining will also negatively impact local food production (Zorilla et al., 2009).

Violence and human rights violations. Mining companies or independent mining financiers may employ their own security personnel, armed mercenaries, or paramilitary personnel that may use unwarranted force and/or violence to intimidate, harass, injure or kill mining dissenters (Zorilla et al., 2009). As an example, the intensification of militarization and presence of paramilitary groups in indigenous peoples' (IP) lands in the Caraga region in the Philippines since around 2015 has been attributed by IP advocates to the interest of five coal mining companies in the area. This has resulted in massive evacuation and killings of a number of IP individuals (Davao Today, 2018).

Disruption in social relations. The entry of a mining project disrupts existing social hierarchies, structures, and traditions. Mining companies and even pro-mining governments tend to promote and facilitate the communities' adoption of mining by promoting factionalism and playing around the local politics and conflicts of interest among community members.

Mining projects are often accompanied by an influx of people with hopes of working as mine workers and entry of commercial establishments. In a community workshop, it was reported that the coal mine operated by PT Pingxiang in Central Bengkulu District in Indonesia has employed foreign workers without official permission.

Violation of cultural rights. A lot of mining concessions cover ancestral domains of IPs, who are disadvantaged especially in terms of legal recognition. There have been cases in which the traditional governance and decision-making systems of IPs were not honored by governments and mining companies in favor of mining interests, especially in the process of getting free, prior, and informed consent.

Gender-Related Impacts

(Hill, C., Madden, C., & Collins, N., 2017; Macdonald, 2002)

Exclusion of women. Women tend to be excluded in consultative, decision-making, and informative processes in line with mining. This results in having little or no control over the benefits or consequences of mining. The benefits of mining are often given to male members of the household rather than women.

Women put in economically disadvantaged position. Women tend to be disadvantaged in terms of unfavorable employment opportunities in the male-dominated mining industry, and the restriction of access to traditional means of livelihood and daily sustenance. In many instances, women are forced to walk longer distances to find sources of water or to go to their fields to gather foods or harvest their crops.

Sexual endangerment. Mining operations tend to pave the way to increase in vices and prostitution in mining areas catering to mine workers. This leads to increased risk of sexually transmitted infections, greater risk of spousal abuse, and increased pressure to enter sex work. Increased alcoholism also puts women at more risk of domestic violence.

Understanding laws and the legal system

Mining investigations almost always probe the legality of mining operations. Knowledge of the law and the legal system is important as it serves as a guide on the type of information that may be gathered, and the actions that can be undertaken to the legal advantage of the community.

Laws, including official rules, regulations, and policies, serve as bases for the following: rights and privileges of the various stakeholders and their respective conditionalities; responsibilities and accountabilities of the various stakeholders (including the government); violations and respective penalties; legal recourse that can be explored, such as filing complaints, filing lawsuits, making appeals, etc.

Meanwhile, the legal system encompasses the various laws as well as legal processes and procedures. Having a good sense of the legal system enables the community to identify opportunities in the system, upon which tactical and strategic legal actions can be anchored on.

Looking for legal violations

In order to look for violations, one must check if the rights and privileges of the community were respected by the mining entity, as well as the government. Likewise, it is important to check if the various stakeholders (usually the mining company and the government) were able to fulfill their responsibilities and accountabilities in the legal process.

Of course, the law may also accord mining entities rights and privileges provided upon the fulfillment of certain conditionalities. Thus, one way to look for violations is to look at the fulfillment of conditionalities for the availment or granting of rights and privileges to stakeholders, usually to mining companies. Conditionalities may involve:

- a stakeholder's eligibility
  - » The eligibility of the applicant may be based on parameters such as the applicant's nature whether as an individual or company, nationality, financial capacity, etc.;
- a stakeholder's fulfillment of requirements
  - » Documentary requirements usually from government regulatory offices (e.g. Environmental Impact Assessment, Social Impact Assessment, Pollution Control Board Consent, Archaeological Assessment);
  - » Procedural requirements (e.g. conduct of Free, Prior, and Informed Consent, especially among indigenous communities)
- financial requirements (e.g. processing fees)
- presence of required conditions
  - » Mining permits are granted based on conditionalities, such as the size of identified land, land classification, etc.
- absence of violations
  - » Mining permits or rights may be revoked in cases of violations (e.g. mine tailings spillage, dam collapse).

Familiarity with laws and the legal and governance system

Mining operations are governed by different laws and procedures per country. Further, different laws may govern different aspects of mining. As an example, there may be laws governing the following:

> ***Stages of mining*** Each stage of the operation typically requires different permits to undertake. A case in point, under the Philippine Mining Act of 1995, different permits are issued for extraction, for mineral processing, and even for ore transport. Thus the granting of a permit for one stage does not ensure the granting of permit to subsequent stages, giving the community an opportunity to block the process of a mining company's acquisition of new permits.

> ***Scale of mining operation*** Different laws may also govern different scales of mining. For example, small-scale mining operations in the Philippines are governed by the Small-scale Mining Act of 1991.

> ***Labor rights*** There are laws specific to or are focused on workers' rights and safety. For example, India's Mines Act of 1952 contains labor-, safety-, and even gender-related policies, such as those related to work hours and wages, safety standards, and even toilet and washing facilities for male and female workers.

Unfortunately, laws may inherently favor big mining interests. Laws may also favor the people in spirit but the duty-bearers in the justice system may politically take on the side of the mining sector. Nevertheless, WEHRDs must focus on how to maximize the law for their communities' benefit.

Laws related to mining do not only include laws that are directly focused on mining. A lot of mining-related concerns may be covered by laws related to IPs, women, labor, and the environment. For example, in India, there are land transfer regulation laws for Fifth Schedule Areas, which provides protection to resident tribal people against alienation of their lands to non-tribal people (Rebbapragada and Bhanumathi, 2001).

Environment laws on water, air, forests, and land help us understand the appropriate usage, access, policies and measures to be taken to prevent its misuse. In some countries, companies are subjected to mine closure and rehabilitation laws that regulate them to minimize and mitigate environmental effects and ensure sustainability of the mine site once mining operation ends.

Apart from local laws, communities may also use international laws and human rights principles in their legal battles or in simply formulating their positions. For instance, there are treaties that have been ratified by governments, such as the United Nations Declaration on the Rights of Indigenous Peoples that basically states that IPs have the right to self-determination.

Part II

Basic research approaches and information during mining investigation or monitoring

This part discusses the range of information that may be gathered by WEHRDs for a basic or preliminary mining investigation or monitoring. Approaches that may be used, especially in the context of minimal funding and technical knowledge and skills in research, are also discussed.

Approaches and methods for basic mining investigation or monitoring

There are diverse ways of gathering information for a mining investigation or monitoring that could be carried out without funding and help from technically trained researchers.

Secondary Research (SR)

One approach is *secondary research*. This approach involves looking at and using already existing data from various sources or previous researches. In the context of a mining investigation, this could mean looking at health records, legal and other public documents, newspaper articles, internet resources, maps, books, and many others.

Word of advice

To ensure accuracy of the information in secondary research (especially when using the internet), try to find the original documentary source as much as possible instead of relying heavily on sources that merely cite or lift information from other sources.

Primary Research (PR)

Another approach is *primary research*, which involves generating and gathering information directly from the community and various stakeholders or the biophysical environment. A full-blown mining investigation may employ a wide range of methods depending on the objective, such as conducting a water or sediment testing, getting hair samples to test for mercury, or conducting a well-designed survey. But for this guide's intended purpose and users, rapid appraisal methods that deliver results with less time and resources are ideal. Some of these methods are the following (Note that these methods may be used together.):

Mapping

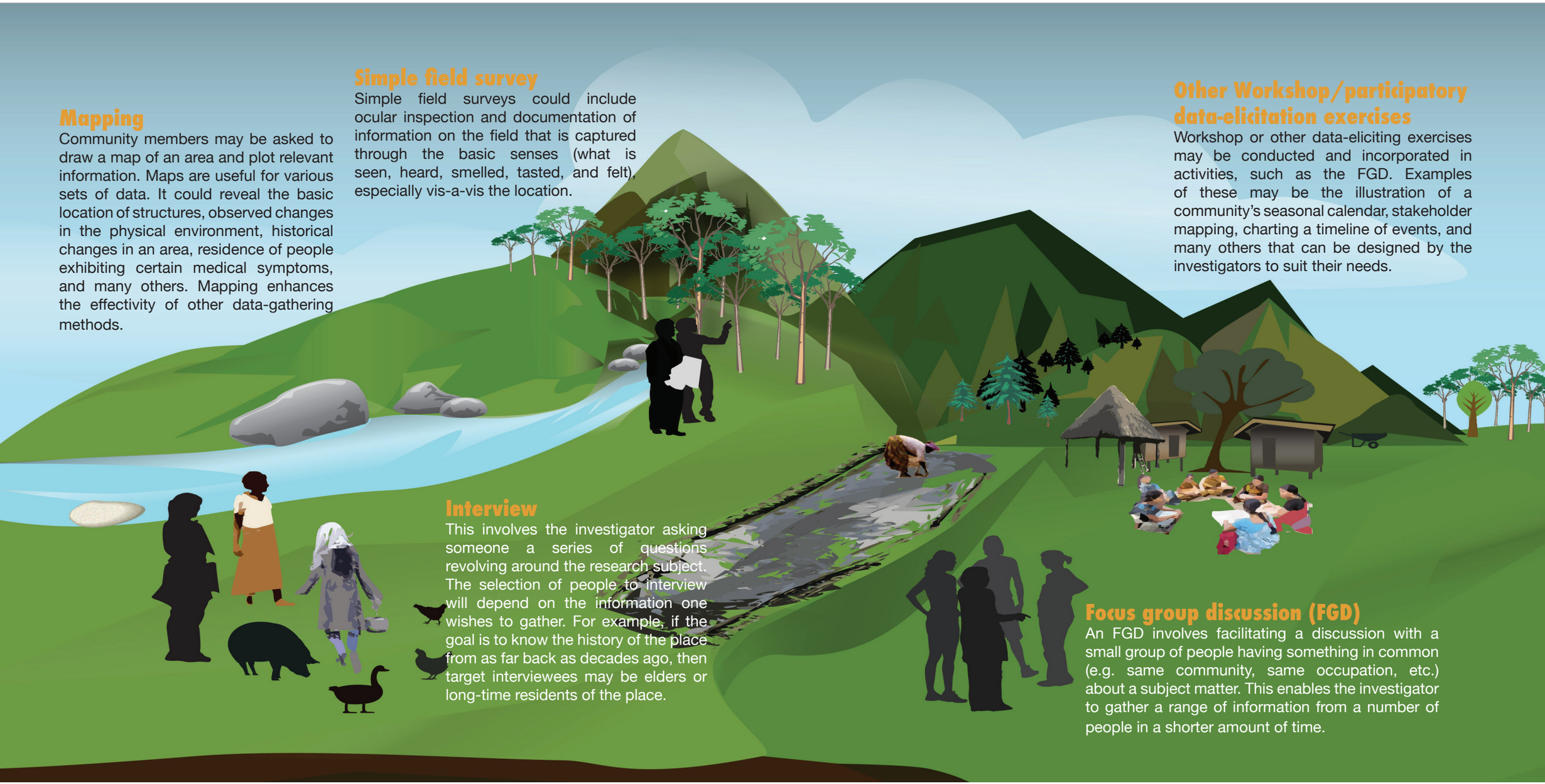
Community members may be asked to draw a map of an area and plot relevant information. Maps are useful for various sets of data. It could reveal the basic location of structures, observed changes in the physical environment, historical changes in an area, residence of people exhibiting certain medical symptoms, and many others. Mapping enhances the effectivity of other data-gathering methods.

Simple field survey

Simple field surveys could include ocular inspection and documentation of information on the field that is captured through the basic senses (what is seen, heard, smelled, tasted, and felt), especially vis-a-vis the location.

Other Workshop/participatory data-elicitation exercises

Workshop or other data-eliciting exercises may be conducted and incorporated in activities, such as the FGD. Examples of these may be the illustration of a community's seasonal calendar, stakeholder mapping, charting a timeline of events, and many others that can be designed by the investigators to suit their needs.



Interview

This involves the investigator asking someone a series of questions revolving around the research subject. The selection of people to interview will depend on the information one wishes to gather. For example, if the goal is to know the history of the place from as far back as decades ago, then target interviewees may be elders or long-time residents of the place.

Focus group discussion (FGD)

An FGD involves facilitating a discussion with a small group of people having something in common (e.g. same community, same occupation, etc.) about a subject matter. This enables the investigator to gather a range of information from a number of people in a shorter amount of time.

Information to gather in a basic or preliminary mining investigation

The information to be gathered in a basic or preliminary mining investigation and/or monitoring information may be classified into four categories of data, namely: a) basic profile of the mining operation; b) economic and socio-cultural information; c) bio-physical/ environmental information; and d) health-related information. Note that these categories are interrelated.

Below is a table of the information that may be gathered by WEHRDs in the course of their investigation/monitoring, as well as the data-gathering approaches that they can utilize.

Basic profile of the mining operation

Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Name of mining project	✔		Best sources are legal documents.
Name of the mining company	✔		
Permit status/legal basis • kind of permit or legal documents has the mining operation secured or is applying for • legal basis of the mining operation	✔		
Nature of the operation based on the permit/legal instrument? • in terms of stage in the mining process (e.g. exploration/ extraction)? • in terms of the scale (small/medium/large) • method of extraction (quarrying, open-pit, tunneling, etc.) • processes involved in the extraction • structures that will be built for the operation (tunnels, tailings dam, roads, etc.) • time-frame of operation • type of mineral • geographic scope of the operation (geographic coordinates and localities, e.g. cities, villages, etc.) • procedures and documents that must be fulfilled by the mining company during the application or during the operation itself.	✔		It is important to know the legal basis of the operation and the various laws and policies pertaining to mining applications in order to know this.
Financing and investor • name of company • country of origin	✔		
Actual status of the operation • pre-mining (has not started), active/ongoing, post-operation/decommissioning), • methods used for extraction (for exploration, extraction, processing, waste disposal, rehabilitation/decommissioning) • structures built for the operation (tunnels, tailings dam, roads, drilling pads, etc.)	✔	✔	For primary sources, field surveys and interviews with mine workers may be conducted.

Economic, social, and cultural information

Economic and Socio-Cultural Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Community Profile: • name of locality/community	✔	✔	
Basic institutions/services • government offices/names of officials • schools • hospitals/health facilities • religious institutions • changes that have occurred upon the start of the mining operation until the actual mining operation	✔	✔	
Existing formal land or tenurial classification/in the locality • ancestral domains • individual titled lots • government lands • protected areas • territorial conflicts/issues	✔	✔	It is best to get legal documents and maps for this

Economic and Socio-Cultural Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Population/demographics • number of persons, by age, gender, occupation, etc. • number of households • special/minority groups are in the area • changes that have occurred upon the start of the mining operation until the actual mining operation	✔	✔	
Local authorities (government, traditional leaders, influential people) • Include their interests and leanings in relation to the mining operation • the actions of these people in relation to the mining operation	✔	✔	
Sources of livelihood and access to resources, especially between men and women • income/time • per season • changes in the livelihood situation and access to resources that have occurred upon the start of the mining operation until the actual mining operation	✔	✔	It is important to document the differences between men and women. Sample documentation: *The community primarily earns from fishing in the rivers. Men commonly work as fishers while women sell the catch.*
Division of labor, especially between men and women • livelihood • domestic life/chores • politics/decision-making • spiritual/religious life • changes in the division of labor that have occurred in the mining operation from the beginning to present	✔	✔	

Economic and Socio-Cultural Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Description of events leading towards and during the actual mining operation (what, when, who, where, how?) • consultative and other social preparation events • visits/presence of mining representatives • entry of heavy equipment • recruitment of laborers • closing off of areas related to mining • presence of military, police, armed security personnel • reported harassment, confrontation between community members, and mining company and government • changes that have occurred in the community upon the start of the mining operation until the actual mining operation • Social programs conducted by the mining company (e.g. livelihood programs)	✔	✔	It is good to chart a timeline with the community. It is important to check if the legal obligations of the mining company in terms of social preparation and community relations have been fulfilled. It is important to gather data concerning men and women. Sample documentation: *The company asked each household to send one representative each to its consultative meeting with the community that was held last June 30, 2019 at the community hall. Eighty (80) out of 89 household representatives who attended the consultative meeting were males.*

Economic and Socio-Cultural Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Community Perspective • community's knowledge about the mining operation, especially the risks and effects on their livelihood • community's knowledge about the legal basis and other legalities of the mining operation • community's knowledge about their rights in relation to the mining operation • the information and documents about the mining operation that the community has acquired and how (through formal processes? through community initiative?) • community's concerns and views about the mining operation • venues available for the community to air out their concerns and hindrances for doing so	✔	✔	Important to gather data concerning men and women.
Mining Employment • recruitment schemes • demographics/profile of mining workers • employee compensation and benefits • employment terms/contracts/arrangement • safety practices observed (harnesses, safety equipment provided, chemicals handled)	✔	✔	Important to interview mine workers and gather data concerning men and women. Sample documentation: *Ninety percent (90%) of the underground mine workers are males, half of whom were residents of the community. The mining company did not hire women workers.*
Women's Rights and Security • reported security and violence issues in relation to the mining operation • changes in relation to the presence of alcohol and prostitution in the community that have occurred in the community upon the start of the mining operation until the actual mining operation	✔	✔	

Biophysical/environmental information

Biophysical/Environmental Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Land resources • different uses/classification of land in the area [forest, agriculture, coastal, etc] • resources/services derived from the land • physical characteristics of the soil (color, size of sediments/rocks, moisture, etc) • physical topography of the place (mountainous, hilly, plain, etc.)/ landforms in the area • landforms with economic and cultural significance • people with access to these areas • changes that have occurred from the beginning to present • for inactive/decommissioned mines, safety and rehabilitation measures done	✔	✔	Mapping is recommended.
Water resources • community's sources of water • water bodies in the area • water bodies with economic and cultural significance • people with access to these areas • different uses for water from these sources • observed characteristics of water from the various sources (color, texture/presence of sediments, odor, taste, quantity, etc) • seasonal changes (e.g. rivers that dry up during summer, flooding during rains) • note details like flood levels • changes that have occurred from the beginning to present • reported water thefts by corporates, contractors	✔	✔	Mapping is recommended.

Biophysical/Environmental Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Flora and Fauna • different ecosystems found in the area (e.g. forests, grasslands) • flora and fauna found in these ecosystems • flora and fauna that are economically important to the people • flora and fauna that are socially and/or culturally important to the people • seasonal characteristics/quantity of the flora and fauna • seasonal harvesting/hunting/fishing/utilization of flora and fauna vis-a-vis quantity and location • people with access to flora and fauna • crops planted, quantity, and seasonality • changes that have occurred from the beginning to present	✔	✔	Mapping is recommended.

Health-related information

Health-related Information to Gather	Data-gathering approach		Remarks
	SR	PR	
Ailments experienced before, during and after mining operations • by gender • by age • by occupation • by season • by location	✔	✔	It is good to gather data from community health workers.
Basic institutions/services • government offices/names of officials • schools • hospitals/health facilities • religious institutions • changes that have occurred from the beginning to present	✔	✔	

The Importance of Baseline Data to Document Mining Effects or Impacts

When investigating mining effects or impacts, it is important to gather baseline data. Baseline data is a known value or quality of a variable upon which another set of data may be compared to in order to see if a change has occurred. Typically, baseline data may be historical or location-based.

Example of the use of a historical baseline data:
Question: Did the construction of the tailings dam affect the number of fish in the river?

Baseline data: In 2005 (immediately before the start of the construction of a tailings dam), the average fish catch per household from the river was 5 kilos of fish per week.

Present data: (immediately after the construction and functioning of the tailings dam), the average fish catch per household from the river was 2 kilos of fish per week.

Preliminary conclusion: A comparison of the baseline data with the more current data shows a change in the fish catch. This suggests that the building of the tailings dam may have contributed to the decline in the average fish catch.

Example of the use of location-based baseline data:
Question: Do the mining operations contribute to the poor river water quality?

Village A and Village B are adjacent villages and are generally similar in terms of the number of population and in terms of biophysical conditions, but Village A is located upstream the mining operation while Village B is located downstream of the same river. The river water quality in Village A will serve as a baseline to be compared to the river water quality in Village B.

Part III

Using information from mining investigation

This part lays out various ways by which WEHRDs can use the results of their mining investigation to move forward with their goals in mind.

Assess the situation and come up with a position

Before drawing up plans to link up with other people in relation to the mining investigation, there is a need to come up with a clear and evidence-based position to take on the mining issue based on the results of the investigation. To do that, there is a need to assess the information that is already available.

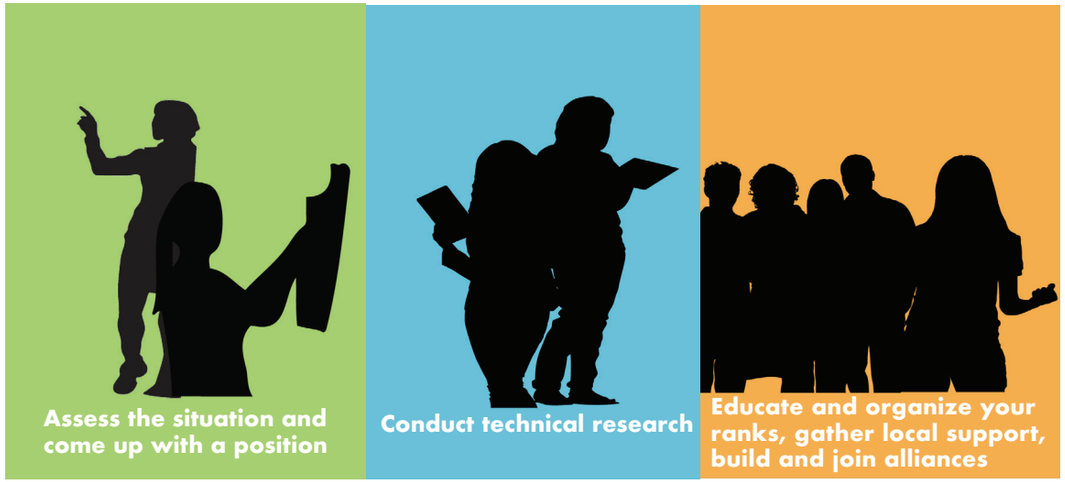
The following guide questions may help: What is already known about the mining operation, especially concerning its negative effects to the general members of the community? To women? To other sectors of the community? To people outside of the community? Is there outright violation of rights?

An example of maximizing the United Nations Business and Human Rights (UNBHR) Forum

Members of the Women in Action on Mining in Asia (WAMA) actively participated in the 2018 UNBHR Forum in Geneva, a venue that enables various sectors to discuss issues and initiatives pertaining to business and human rights. The venue allowed WEHRDs to discuss relevant issues, directly question and engage with business and government representatives, and submit documents on gender issues they were working on to the concerned UN Working Group (WAMA, 2019).

Conduct technical research

The preliminary investigation may reveal situations or conditions that are likely the effects of mining, and yet the results of the investigation are still insufficient to show that the mining



operation is causing the said conditions. Sometimes, it would be worthwhile to embark on more in-depth technical research with the aid of experts. Doing so can increase the chances of coming up with more quality and conclusive results that could highly impact community action (i.e. could strengthen support, appealing to media attention, could be grounds for legal action).

Educate and organize your ranks, gather local support, build and join alliances

The information gathered will show who are affected by the mining operation, how they are affected, and by how much. This data could help WEHRDs determine people, sectors, and groups with whom they share common grounds and thus could be approached to join and give support to community actions. Ultimately, information gathered can be used to inform, educate and gather support from people using various forms such as personal discussions/conversations, fora, comics, brochures, videos, and many others.

Primarily, community members must be approached and consolidated on the issue. There are also potential allies among sectors and groups outside the community. For example, there may be farmers depending on the rivers downstream of a mining operation for their irrigation. There may be government officials who are truly opposed to mining operations or are interested to take an opposing view on mining for political reasons. Further, it would be good to join mining alliances inside and outside the immediate locale. This is a good avenue to network with other communities, advocates, non-government organizations, technical experts and many more.

Take action through legal and official means

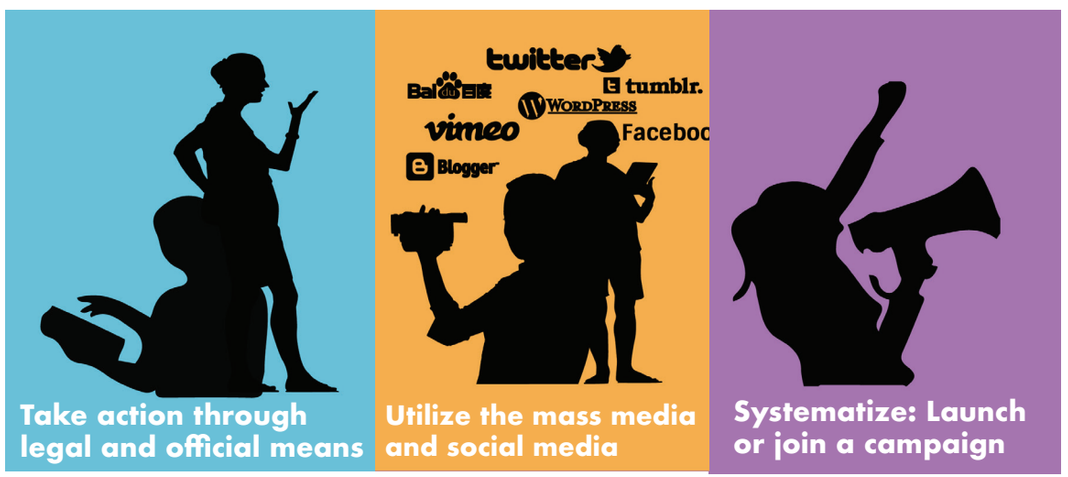
Taking action through legal and official means is good to take as it obliges government officials and offices to officially respond and/or take action. Official responses in favor of the mining-affected community will strengthen the overall struggle, while those that are not in favor can be used in the overall struggle/campaign as a tool to expose the positions of particular government offices or officials.

There are various actions through legal and official means. Simple forms could be writing a letter or seeking audience with a government official to formalize an inquiry or air out grievances, filing complaints, demanding the holding of public consultations, or inviting official representatives to consultative events organized by the community. There are also actions that are more high profile such as filing a formal case or pushing for a legislative investigation.

Utilize the mass media and social media

The information on hand could be examined for newsworthy elements. Newsworthy information could be brought to the media's attention by sending press releases, press statements, photos, or actually linking up and forming personal relations with media people. It is common practice for journalists to be assigned to a particular news beat or a particular topic of concern. One option is to identify journalists who are assigned to a beat related to mining, such as the environment, health, IPs, business, and link up with them depending on the topic of the newsworthy story.

Fortunately, one does not need to depend on conventional media alone. The social media give communities an avenue to send information out to the world for free. Photos and videos



are powerful tools of the community to send their messages across. It would be ideal if the information can be packaged in ways that are appealing and "share-worthy" in social media.

Systematize: launch or join a campaign

A campaign is a time-bound series of actions with clearly defined objectives, a build-up, a peak and a resolution. Actions need not always be conducted as part of a campaign, but community actions conducted within a campaign can magnify their impacts.

Photo 1.

Photos 1 and 2. *Members of WAMA synergize with around 200 delegates from 50 countries during the 2018 Thematic Social Forum on Mining and Extractivist Economy in Johannesburg, Africa to exchange experiences and ideas in the campaign against extractives, consolidate a broad movement of resistance, and build common struggles for solidarity.*

Photo 2.

Aside from the actions discussed, there are other various forms of actions that can be undertaken: petition-signing, photo/video-opportunities, mining-themed performances/painting sessions/ theatrical presentations, and mass protests in the communities or in symbolic places outside the community, etc.

Photo 3. *To intensify campaigns, results of documentations, petitions and case studies from the ground may be brought to international platforms, such as in the United Nations Forum on Business & Human Rights (UNBHR). In 2018, WAMA members carried the voices of indigenous women from mining-affected communities as active speakers/presenters at the UNBHR meetings providing critical contribution to raise issues of women that are not usually highlighted adequately by the government and corporations.*

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Annex

GIA Template

Location
Name of company
Status
Type of mineral
Financing/Investor
Affected community (IPs, farmers, upland, lowland, coastal, etc.)
Impacts/Violation
Strategies/Plan

About the Book

This book is a resource guide written for community-based Women Environmental and Human Rights Defenders (WEHRDs) who would like to investigate or monitor impending or actual mining operations in their own communities. This is to enable them to closely examine and document actual or potential impacts and human rights violations in their communities, with additional attention to women.

About the Writer

Erika Rey-Saturay has more than a decade of experience in research writing on programs and policies that affect the poor and marginalized groups, such as indigenous peoples and small-scale miners. She received her masters degree in anthropology from the University of the Philippines in Diliman. Her other areas of expertise include training and facilitation, project coordination, management, and evaluations and qualitative and ethnographic writing.

About the Publisher

The Non–Timber Forest Products – Exchange Programme Asia (NTFP-EP Asia) is a network of community based organizations and support NGOs in the South and Southeast Asia working on tenure rights and governance, community-based conservation, sustainable community livelihoods, and indigenous food and health.

In 2017, NTFP-EP Asia co-facilitated the Women in Action on Mining in Asia (WAMA), together with Dhaatri, Keystone, JATAM, MONES, CIPO and LILAK. WAMA is a young emerging network of grassroots women and their support organizations in Asia, which aims to strengthen the capacity of grassroots women, to express and represent their concerns about the impacts of extractives in their communities, and to act upon them through mobilization, advocacy and critical analysis, and networking.

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