



Mineral Resource Governance and the Global Goals: An agenda for international collaboration

Summary of the UNEA
4/19 Consultations



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Summary of the UNEA 4/19 Consultations

Developing an agenda for international collaboration on mineral resource governance

United Nations Member States have signalled a need for greater international cooperation on the topic of mineral resource governance. The fourth session of the United Nations Environment Assembly (UNEA), held in Nairobi, Kenya, from 11-15 March 2019 adopted UNEP/EA.4/Res. 19 on Mineral Resource Governance.

The resolution requests the Executive Director of the United Nations Environment Programme, on the basis of reports such as those prepared by the International Resource Panel and United Nations Environment Programme-GRID, to collect information on sustainable practices, identify knowledge gaps and options for implementation strategies, and undertake an overview of existing assessments of different governance initiatives and approaches relating to sustainable management of metal and mineral resources, and report thereon to the UNEA at its fifth session.

This document provides an overview of the issues and challenges related to mineral resource governance in extractive economies and describes the implementation of the UNEA resolution 4/19. The document includes an analysis of the current state of mineral resource governance and the sustainable management of metal and mineral resources. In particular it presents the findings of a series of 23 consultative meetings held between July and November 2020, during which 1,280 people, from 123 countries shared knowledge, challenges and good practice examples related to mineral resource governance. A further 111 written submissions were received from stakeholders from 61 countries (including government officials from 37 member states). The outcomes of the consultation process provided the basis upon which recommendations and suggested actions were presented for consideration by the UNEA.

Key Findings

1

Minerals underpin global development and are fundamental to the achievement of the 2030 Agenda on Sustainable Development and its 17 Sustainable Development Goals (SDGs) and 169 targets. However, the SDGs themselves do not contain reference to minerals, mining, or miners in the language of the goals and targets. This gap provides further impetus for current efforts to define an agenda for international cooperation on mineral resource governance under the mandate of UNEA resolution 4/19.

2

The United Nations has played an important role in the development of key mineral governance initiatives that have strengthened human rights and reduced conflict (Kimberley Process Certification Scheme and the United Nations Guiding Principles on Business and Human Rights), reduced the environmental impacts of cyanide and mercury use (International Cyanide Management Code and the Minamata Convention on Mercury), fostered cooperation and capacity building (Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development), improved the sustainability of artisanal and small-scale mining (Yaoundé Declaration on Artisanal and Small-scale Mining in Africa and the Mosi-oa-Tunya Declaration on Artisanal and Small-scale Mining, Quarrying and Development), introduced sustainability standards for project finance (International Finance Corporation Performance Standards on Environmental and Social Sustainability), encouraged broad-based economic development (Africa Mining Vision), and improved the management of tailings storage facilities (Global Industry Standard on Tailings Management).

3

Notwithstanding the proliferation of governance initiatives with relevance to minerals production and use, the sector continues to be characterized by significant environmental, social and economic challenges which have been further exacerbated by the COVID-19 pandemic. The regional consultative meetings identified concerning trends relating to the absence and, in some cases, the roll-back of environmental regulations, increased conflict and risks to environment and land defenders, and high rates of impoverishment due to the economic cost of COVID-19.

4

Global consumption is driving increased demand for minerals. More than 150 billion tonnes of rock are mined each year, to produce around 65 billion tonne of mineral product, 72 billion tonne of waste rock and 13 billion tonne of mine tailings waste. There are huge disparities in the scale of production of different commodities. For example, the total historical production of gold fits into just three Olympic-sized swimming pools, while the yearly production of sand, gravel and crushed stone (aggregate) would not fit in 14 million Olympic-sized swimming pools. Metals represent less than 3% of global mineral production, even while they account for the vast majority of mineral wastes. Industrial minerals and construction materials represent 84% of global mineral production, with energy minerals accounting for 13%.

5

The safety and stability of tailings facilities has become a major governance issue. As many as 10% of tailings facilities have reported notable stability concerns or failure to be confirmed or certified as stable at some point in their history. Active upstream-type facilities report a higher incidence of stability issues (18.3%) than other facility types, and this elevated risk persists even when these facilities are built in high governance settings.

6

Climate change and the renewable energy transition, as well as urbanisation and infrastructure investment, are creating substantial new demand for a range of minerals and materials. At the same time, ore grades are in decline for many metal commodities, meaning that more waste is produced for each unit of metal produced. In the absence of a significant shift in the mineral intensity of the global economy, achievement of the SDGs will require a substantial additional sum of mineral resources.

7

Large-scale mineral extraction in much of the developing world remains an enclave economic activity with few long-term linkages to local economies, thus missing opportunities to take advantage of multiplier effects and stimulate the larger economy for economic transformation. Unsuitable legislative frameworks, poor local implementation capacity, and vested political interests were some of the challenges identified during regional consultative meetings as hampering local economic linkages and equitable distribution of risk and benefit. Meanwhile, the local minerals and materials (so-called Development Minerals) most needed for domestic economic development (e.g. infrastructure, agriculture and manufacturing) have received insufficient attention. Artisanal and small-scale mining, despite the associated environmental and social challenges, is a large and under-recognised provider of employment and livelihoods in the developing world, and is often relied on in times of economic uncertainty, such as the current COVID-19 pandemic.

8

Indigenous peoples, mining-affected host communities, civil society actors, and environment and land defenders have become the target of violence, criminalisation, threats, and dispossession of their lands. However, positive trends are also evident in some regions (e.g. North America, Australia, and some parts of Asia and Latin America) with greater recognition of indigenous rights and increasing prevalence of agreement making between indigenous peoples and resource developers, including cases of substantial benefit sharing, involvement in environmental and cultural heritage management, employment, and business development.

9

Oversight of the mineral sector at the state level is mixed, but generally insufficient to ensure that the sector contributes positively to the achievement of the SDGs and avoids harm to people and the environment. A poor governance environment has been demonstrated to deter responsible investors from jurisdictions and leave only those tolerant of a high-risk operating environment – simultaneously constraining the opportunities of development from minerals and exacerbating environmental and social problems. While states are responsible for the governance of mineral resources within their jurisdictions, international cooperation can support states to ensure that domestic governance efforts are aligned with actions towards the achievement of sustainable and equitable development.

10

The governance landscape of mining is diverse. The mineral sector consists of a wide range of commodities, produced by a diverse range of actors, subject to different forms of regulation that include: international legal instruments, international standards, domestic law and regulation, industry standards, corporate standards and policies, multi-stakeholder and civil-society led initiatives, conditions on finance and shareholder activism, social pressure, institutional and individual capacity building. A high burden exists for mineral-intensive developing countries to regulate the sector, while insufficient support is available for local capacity building. These issues were raised in regional consultative meetings especially in Africa and Asia.

11

Responsible production, transparency, conflict and supply security are the predominant thematic issues shaping mineral supply chain due diligence approaches, while issues related to environment and community development have been under-emphasised. Supply chain due diligence was an issue of importance raised during European regional consultative meetings, while specific issues around supply chain leakage in the gold sector were raised in Latin America and Africa.

12

A large number of voluntary international and industry standards have been created to address sustainable development in the mineral sector. While these standards and frameworks have disseminated new norms and strengthened oversight, their influence is not as deep, into the body of the industry, or as wide, across the diversity of entities that make up mining, as is necessary for truly transformative change. Greater harmonisation and alignment is required due to the sheer number of initiatives. Further support to raise awareness of and capacity to implement these standards is also necessary, for governments, policy makers and industry (especially in regions such as Asia and West Asia where the regional consultative meetings identified low awareness levels).



Options for Priority Action

The following options for priority actions are proposed for consideration by all relevant stakeholders.



Material intensity of recovery following the coronavirus disease (COVID-19) pandemic

Minerals, in particular in the context of infrastructure development and the metals associated with renewable energy, will play an important role in the infrastructure-related stimulus packages to “recover better” following the COVID-19 pandemic. The sourcing of those minerals, in particular mineral aggregates, from sustainable and responsible mineral supply chains could play an important role. In that context, there is a need for urgent dialogue on the role of mineral resources in “building back or recovering better” following the COVID-19 pandemic. That dialogue could be enhanced through parallel efforts to consider:

- a. The role of the minerals sector, especially construction materials, in disaster recovery and planning; and
- b. The strengthening of the technical and sustainability standards of development banks for the sourcing of construction materials, including sand.



Platforms for cooperation and capacity-building

To accelerate action on sustainable mineral governance, extractive economies should develop and advance mechanisms to enhance implementation of existing governance initiatives, share knowledge across regional and international boundaries, and enhance connections between different stakeholder groups throughout the minerals supply chain (including, environmental and mining ministries, mining companies, financiers, manufacturers, civil-society organizations, affected groups and others). The following could be considered:

- a. Continue cooperative dialogue on the sustainable development of minerals and metals to identify priorities for future action and advance specific themes;
- b. Expand and regionalize existing forums through wider participation to include environment and mining ministries; ministerial-level representation and engagement; partnership with regional economic communities; and enhanced dialogue between producers, financiers and consumers;
- c. Multi-stakeholder dialogue and governance initiatives to set minimum standards, which should take a holistic and human rights approach and consider effective transparency and accountability aspects, and may include options for legal remedies and minimum standards for community benefit-sharing;
- d. Establish a funding mechanism to scale up capacity-building, knowledge-sharing and cooperation between Member States and other stakeholders in mineral resource governance.



Tailings management

The Global Industry Standard on Tailings Management was recognized by the regional consultative meetings as a significant advance in tailings governance, with the potential to improve safety and environmental outcomes. Further progress in mine tailings governance could be achieved by:

- a. Advancing the establishment of an independent entity to oversee, support and provide assurance on the implementation of the Standard;
- b. Encouraging and prioritizing the decommissioning, removal and rehabilitation of unsafe facilities, in particular those with no responsible owner;
- c. Promoting continued cooperation among United Nations agencies and relevant stakeholders to strengthen tailing governance and to collate and commission further research on innovations in tailings management, reduction, recycling and re-use, in particular the potential to re-use benign tailings material as an alternative to natural aggregate in the construction and land reclamation sectors, and to further develop the Global Tailings Portal to expand access to information.



Harmonization and alignment of governance initiatives

To streamline dialogue among mineral governance initiatives, as well as among stakeholders in general, efforts should concentrate on the alignment and harmonization of those initiatives. Options for incorporating or expanding new areas of governance, especially enhancement of the coverage of environmental issues, could be explored with the aim of improving holistic governance of the sector. Aspects that could be further explored include the following:

- a. Dialogue between Member States and partners on potential avenues for mainstreaming existing voluntary initiatives into national laws and regulatory instruments;
- b. Collaborative initiatives for capacity-building, focusing on “building from below” in order to reduce power asymmetries at the supply base;
- c. Development and implementation of a harmonized approach to auditing existing governance initiatives to enhance efficiency and coherence;
- d. Sharing of information to enable consumers, shareholders and other stakeholders to make informed decisions.



Artisanal and small-scale mining

To address the challenges and opportunities related to Artisanal and Small-scale Mining, the following actions should be considered by relevant actors:

- a. Encourage relevant state and non-state actors to action and adapt to the local context the Mosi-oa-Tunya Declaration on Artisanal and Small-scale Mining, Quarrying and Development;
- b. Encourage states and other stakeholders to conduct research and share knowledge regarding the scale and geographic extent of the artisanal and small-scale mining sector through country-wide censuses;
- c. The international community should investigate the development of a standard similar to the Equator Principles to support the financing of artisanal and small-scale mining for transformation, and to investigate options for strengthening artisanal and small-scale mining associations at the international level.



Mine waste recycling, re-use and circularity

While there have been discussions on the application of circularity approaches, specific programmes and projects are needed to build on previous work calling for better systemic engagement along the minerals value and consumption chains, incorporating all relevant actors. Further research and policy actions on mine waste and circularity must be supported. Examples of areas for investigation could include the recycling and re-use of tailings and other mine waste and by-products, re-mine and re-process wastes (including from artisanal and small-scale mining), re-use of demolition waste, and incorporation of waste re-use options in mine planning and closure planning.



National-level governance

Although significant work has been done to strengthen mineral laws and regulations, there continue to be challenges in the implementation of these laws as well as compliance with legal provisions and regulations. Legal reforms may contribute to supporting sectoral transformation by adopting laws and policies that include aspects of public participation, remedy and redress, transparency, trade agreements, value chain and linkage development, private-sector controls, anti-corruption efforts and long-term environmental liability. In many cases, support is needed for implementation of existing legal frameworks and to enhance capacities to monitor compliance with these provisions. Legal frameworks should extend to minerals that are mined or quarried, processed and used domestically, which are often referred to as Development Minerals.



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