

VOICES FROM THE GROUND

How the Global Mining Industry is Profiting from the COVID-19 Pandemic

LA VIDA VALE MAS QUE EL ORO NO A LA MINERIA



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How the Global Mining Industry is Profiting from the COVID-19 Pandemic.
June 2020

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London Mining Network (UK), MiningWatch Canada, Terra Justa, War on Want (UK)
and Yes to Life No to Mining

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Front Cover: Life is Worth more than Gold, La Puya, Guatemala, Credit Jen Moore

Back cover: "Wearing masks but with eyes wide-open saying no to mega-mining". Source: Nicolas Palacios

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INTRODUCTION

The mining industry is one of the most polluting, deadly, and destructive industries in the world. Yet to date, mining company responses to the COVID-19 pandemic have received little public scrutiny compared to other industries seeking to profit from this crisis.

This brief was written to provide in-depth cases which exemplify the four trends highlighted in the international open-letter “Global Solidarity with Communities, Indigenous Peoples and Workers at risk from Mining Pandemic Profiteers” (Appendix 1). The trends, which we expand upon here, pose an immediate threat to the health and safety of communities and organizations that have been struggling to defend public health and their environments against the destruction and devastation of mining extractivism for decades, as well as to the safety of workers in the mining sector.

This is not a comprehensive overview of the global mining industry, but rather an illustration of the trends we have analyzed together with the communities and social organizations with whom we have relationships in the Americas, the Asia-Pacific region, continental Africa and Europe. We are motivated by the strength that mining-affected communities and Indigenous peoples are showing in increasingly difficult circumstances, and their voices vitally need to be heard.

We have complemented these findings with a review of nearly 500 media sources (primarily in English and Spanish, but also in French and Portuguese), press releases, and reports on mining in the context of COVID-19. The sources continue to be compiled collectively into an open database (into which many other organizations are contributing sources), which is available for reference upon request.

As such, this snapshot report focuses on the impacts on mining-affected communities and organizations, as well as workers in some cases. For the purposes of this effort, we will leave the analysis of metals and mineral markets; the movement around mergers and acquisitions; industry bail-out packages; and the increase in speculation (and thus financing) of new mining projects especially in “precious metals” to the major industry periodicals and newspapers that are covering those trends closely. This instead provides a glimpse into the lived on-the-ground realities that are not being widely analyzed in mainstream media.

This snapshot report was jointly produced by Earthworks (USA), Institute for Policy Studies - Global Economy Program (USA), London Mining Network (UK), MiningWatch Canada, Terra Justa, War on Want (UK) and Yes to Life No to Mining with input from numerous partner organizations and communities in different parts of the world.

The findings are updated until June 1, 2020.

PATTERNS OF PROFITEERING



Half of a mountain, San Martin mine, Siria Valley, Honduras. Source: Pedro Landa.



A gargantuan mining truck at OceanaGold's Didipio Mine, Philippines. Source: Hannibal Rhoades.

**A. MINING COMPANIES ARE
IGNORING THE REAL THREATS OF
THE PANDEMIC AND
CONTINUING TO OPERATE,
USING ANY MEANS AVAILABLE.**

Mining companies and many governments have pushed to categorise mining as an essential service, enabling operations to continue despite substantial risk. In doing so, they have become key vectors for the spread of the virus and are putting communities, rural and urban populations, and their workforces, at great risk. In many cases, Indigenous and rural communities already face acute risk from the virus, especially communities whose health has been impacted by contamination generated by mining extractivism. They are struggling to protect themselves from potential outbreaks.

In **Argentina**, environmental defenders condemned Canadian company, Yamana Gold, for taking advantage of the country-wide imposed lockdown to advance its Suyai exploration-stage project in the province of Chubut where mining has been banned since 2003, due to widespread opposition.¹ On May 4, communities took to the streets to protest the decision while physically distancing.² Many received threats from police.

“Chubut is suffering from a crisis which has been designed to impose mega-mining, and the pandemic is the cherry on top. The people continue to shout “no!” while mining companies refine their strategies with new partners. The companies are investing in the

middle of this pandemic while compromised governments, sell the dignity of their peoples.” - Affected neighbour and member of NoALaMina Esquel

In **Brazil**, on March 29, 2020 just five days after the sector promised to donate millions of testing kits to the Federal Government³, the Ministry of Energy and Mines passed resolution 135/2020⁴ which determined the extraction, commercialization, transportation and supply of mineral goods were essential activities. On April 28, the government reinforced this ministerial resolution with a presidential decree (10.329/2020). The Brazilian Episcopal Conference along with many civil-society organizations have condemned these measures⁵. As a result, mining companies have kept hundreds of thousands of people working in close proximity and exposed to the risks of COVID-19, while they continue to reap profits⁶, obtain new mining concessions and environmental licenses to maintain or expand operations. Companies argue their health and safety protocols are adequate, despite workers complaints. Given that Brazil is one of the countries with lowest testing rates for COVID-19 in the world, overall reliable figures are difficult to obtain. In Itabira, a mining hub in Minas Gerais state, broad-based testing only started in late May. According to the local trade union, during the first days of the campaign, 642 Vale’s workers were tested and 81 (12%) confirmed positive for COVID-19.⁷ None of these cases were identified by the company's health surveillance program.

Also, in Parauapebas, the main mining town in Pará state, the number of deaths from respiratory diseases (a proxy for the severity of the COVID-19 pandemic) in April 2020 was 200% higher than in April 2019.⁸ The overall average in Pará increased 76%. In this context, the mining sector has become one of the most important vectors of the spread of the virus in the country.

"In the face of COVID-19, our leaders prioritize the health and safety of our members above everything else, even the economy", Chief of the AFNQL

In **Canada**, the Lac des Iles palladium mine (Impala Canada) in Northern Ontario continued to operate when mining was classified an essential service, and even after an outbreak was reported. Now, the mine has at least 25 workers infected and 1 worker has died.⁹ The nearby Indigenous community, Gull Bay First Nation, is reporting¹⁰ at least 8 people infected in connection with the mine outbreak. The company announced recently that they would resume operations by the end of May¹¹ a move which has the GBFN, "apprehensive"¹². As a result of the outbreaks, the Neskantaga First Nation called on the Ontario government to suspend mining exploration permits (also considered an "Essential Service"), stating "communities are overstretched and exhausted."¹³ In Northern Alberta, the Kearl

Lake oil sands mine project (Imperial Oil) deemed an Essential Service by the provincial government, has also continued to operate during the pandemic. In total, 45 workers tested positive,¹⁴ with many showing symptoms upon leaving the mine to return home in 4 other provinces across the country¹⁵ (spreading to Atlantic and Pacific coast). Upon returning home to British Columbia, workers provoked infection spread to at least 7 other people.¹⁶ The infection has also spread via these workers to the provinces of Nova Scotia and northern Saskatchewan where 152 cases have been reported, and 2 Indigenous Dene elders from the La Loche community have died from the virus.¹⁷ In Northern Quebec and Labrador, the Assembly of First Nations Quebec-Labrador condemned the Quebec Government's decision to classify mining as an "**essential service**" after operations had been suspended for a month without that status as "**unduly putting Indigenous communities at great risk**".¹⁸

In the Lualaba and Haut-Katanga provinces of the **Democratic Republic of the Congo** workers in industrial copper-cobalt mines, many owned and operated by multinationals, have been forced to choose between being confined in the mine site or taking "technical leave" with little to no remuneration.¹⁹ If workers choose to stay, they are made to work excessive hours and sleep in poor conditions with inadequate food, in some cases for months on end.

In **Ecuador**, mining companies have been exempted from the lockdowns imposed on the rest of the population. Chilean copper company, CODELCO, and the Ecuadorian state mining firm, ENAMI, took advantage

of the government-imposed lockdown to advance unwanted exploration activities. The companies invaded the Mancomunidad of the Choco Andino in the northwest of the country with machinery and tools to begin mining.²⁰ Indigenous communities in the provinces of Loja, Pichincha, Napo and Morona Santiago also condemned exploration companies for advancing unwanted activities during the pandemic.²¹ In north-western Ecuador, the controversial Llurimagua project has been at the centre of anti-mining struggles in the Intag cloud forest region for decades. On March 31, the government gave it a green-light and signed a Joint-Venture agreement between the State mining company, ENAMI, and the Chilean copper-mining company, CODELCO.²² The agreement was later put on hold after it was reported to have involved influence peddling.²³ Following the decision, the municipal government of Cotacachi implored the government to not use the health crisis to benefit mining, but rather to promote the small-scale ecological activities that the region is known for.²⁴ In the southern Ecuadorian Amazon, the Assembly of the Shuar Arutam People (PSHA) alerted the public of a possible COVID-19 outbreak in the isolated Shuar Arutam communities in connection with community members who attended the Prospectors and Developers Association of Canada (PDAC) convention upon invitation from Canadian mining company Solaris Resources.²⁵ Only a week before the global pandemic was declared and despite warnings, PDAC or the "Coronavirus convention" as journalists reported,²⁶ went ahead in downtown Toronto. Several attendees subsequently tested

positive. Upon return home to Shuar Arutam territory in southern Ecuador, two close relatives of PDAC attendees died from COVID-like symptoms and at least 8 others showed symptoms. Over 100 organizations condemned the company's actions as putting the communities at grave risk.²⁷ The PSHA also denounced Solaris Resources for organizing the delegation to Toronto, which took place without duly elected leaders of their representative organization and without respect for their expressed opposition to mining in their territory.

"Mining Companies are taking advantage of the pandemic to continue trying to impose their activities in our territories. They do not respect the State of Emergency and are continuing to infiltrate our communities. This puts us at greater risk." - PSHA, Ecuador

In **Mali**, B2Gold Corp first reported 1 worker infected with the virus at its Fekola exploration camp on April 16.²⁸ Nonetheless, the company continued its operations as usual. Now, it is reported that ten workers are infected with COVID-19, nine of whom were asymptomatic.²⁹ The Fekola mine continues to operate at full capacity.

In **Mexico**, despite mining not being deemed an essential activity until May 18, major Mexican mining companies, Grupo Frisco, Fresnillo and Industrias Peñoles, never suspended operations. For example, in Zacatecas, Mexico, Ocampo Mining Tayahua, a subsidiary of Grupo Frisco and property of Carlos Slim, rural and labour organizations denounced the company for continuing work on the underground mine, preferring to pay a fine than to stop work.³⁰ At least two workers at the mine have tested positive for COVID-19. Workers have also been protesting over low wages.³¹ In addition, in April, Mr. Roberto de la Rosa Dávila, a community leader from the nearby community of Salaverna, received threats from Grupo Frisco employees when he insisted that they stop exploration work on the land he works, part of the company's efforts to expand operations at Tayahua into an open-pit mine, which Mr. Dávila and others are not willing to accept.³² The company filed a complaint against Mr. Dávila and the public prosecutor then made an intimidating visit to his home, requesting that he present himself at their office. This led to fears that he is at risk of arbitrary detention, which would put his physical safety at risk and start a process of criminalization based on false charges. National and international organizations have since been raising concern about Mr. Dávila's safety and freedom.³³

In **Northern Ireland**, on April 4, community activists observed and recorded footage of Dalradian Resources employees continuing to conduct monitoring activities despite mining not being listed as an essential activity in the country. A local councillor reported that Dalradian's offices and compound remained open, and that company staff continued to access private property, cross farmers' fields and take water samples without wearing PPE or observing social distancing despite the UK's nationwide lockdown.³⁴

In **Panama**, on March 20, government authorities exempted the Cobre Panama mine, operated by Canadian company First Quantum Minerals, from lockdown measures imposed on the population. On March 24, the company announced that several members of its contract-workforce had contracted the virus.³⁵ Despite this, it continued operating. On April 4, the first worker died³⁶ from the virus, but the company still continued operations. A day later, the Panamanian Minister of Health ordered First Quantum to temporarily suspend its activities.³⁷ By this time, however, the virus had ripped through the workforce. On April 19, the company evacuated 800 workers from the mine site, and by April 30, 106 workers³⁸ had tested positive with 850 in quarantine. To date, five workers have reportedly died from the virus.³⁹

In **Peru**, the large Antamina copper mine (Glencore/BHP/Teck) was allowed to continue operating by the Peruvian government, albeit in modified form. On March 31, the company reported its first infected workers⁴⁰ and, on April 3, workers complained that the company was not taking the outbreak seriously and that there were many more showing symptoms.⁴¹ Despite these warnings, the company did not move to shut down the mine until April 13.⁴² As of April 30, one worker was reported dead⁴³ and another 210 infected⁴⁴.

At Hudbay's Constancia mine the company originally denied worker allegations that there were infected members among their ranks. At least 21 workers have since tested positive.⁴⁵ Local health authorities and affected communities concerned about the outbreak spreading demand that the company be investigated for putting the lives of their workers and communities at risk by violating sanitary measures in place⁴⁶. As of May 24th, over 800 workers were infected and at least 1 dead at 24 mining operations across Peru.⁴⁷ The potential relationship between these outbreaks and cases in nearby communities is not yet clear. Peruvian civil-society organizations have been criticizing the government's decision to allow mining to go ahead, citing the risks that pose to the health of rural communities and Indigenous peoples already struggling with pre-existing medical conditions.⁴⁸

In **Siberia**, at least 866 mine workers have tested positive for COVID-19 and workers suspect that many more could be infected. Over 6,000 people work at the giant Olimpiada Gold mine in Russia, operated by the Russian company, Polyus. This represents a massive jump from the 89 workers who were reported to test positive on May 12.⁴⁹ Recently, the government dispatched military personnel to set up a hospital and quarantine the mine, which some workers are criticizing as a way to prevent them from rioting over concerns for their health and safety.⁵⁰ The mine has continued to operate despite the exorbitantly high number of infected workers.

“They brought in the National Guard so that we don't start a riot, surrounded us like in prisons with patrols everywhere” - unidentified miner to the press.

On March 26, the **South African** government ordered the mining industry to shut down for a period of 21 days.⁵¹ Then on April 14, the government amended the lock-down measures to exempt mining and enable companies a progressive roll-out to resume operations, a move criticized by the the Association of Mineworkers and Construction Union (AMCU)⁵² who said that the health and safety measures required for

safe return were inadequate, and recently have demanded universal testing for workers following large outbreaks,⁵³ mid-May. Particularly troublesome is the situation at Anglo Gold Ashanti's 4km deep underground gold mine, Mponeng, where 164 workers tested positive.⁵⁴ The company reported that the mine was operating at 50% and continued to do so, even when the first workers tested positive the week before the outbreak.⁵⁵ Since the government shutdown was repealed, at least 195 workers have tested positive and one has died⁵⁶ from COVID-19.



Violent dispersal of the peaceful encampments against Oceana Gold's Didipio mine, Source: Julie Simongo of the United People's Organization of Didipio

***B. GOVERNMENTS AROUND THE
WORLD ARE TAKING
EXTRAORDINARY MEASURES TO
SHUT DOWN LEGITIMATE PROTESTS
AND PROMOTE THE MINING
SECTOR.***

Free of public oversight and scrutiny, governments have imposed restrictions on people's freedom of association and movement to protect public health. But these severe and even militarized measures compromise people's ability to defend their territories and their lives. Land defenders face greater risk of targeted violence and some remain unjustly imprisoned, posing additional risks of infection. Governments have also deployed state forces (military and police) to repress legitimate, safe protests, especially in instances where there is long standing opposition to a company's activities. In some instances, this has included the implementation of regulations or obstacles to access the justice system which entrench impunity, as well as heightened military and police presence in these territories. Meanwhile, mining companies are permitted to continue operating in these same territories or do so, despite restrictions. These and other actions cynically and unjustly benefit the extractivist mining sector.

In **Colombia**, serious concerns have been raised with respect to the new set of risks that the COVID-19 pandemic presents for social leaders, defenders and at-risk communities under threat of violence.⁵⁷ Civil society organizations warn that while the movements of defenders are limited by stay-at-home measures, armed groups continue to mobilize against them. Since the first case of COVID-19 was identified in Colombia on March 6, the organization INDEPAZ has documented the murder of 36 human rights defenders.⁵⁸

Jorge Enrique Oramas was the 100th defender murdered this year on May 16.⁵⁹ He was an environmental activist opposed to illegal gold mining in Los Farallones National Park, which has reportedly intensified during the pandemic.⁶⁰ One of several public declarations concerning the scourge of violence against defenders in Colombia denounces the Colombian government "for its lack of commitment with Colombian society to fulfill its mandate to build peace and a country with social justice."⁶¹

In **Ecuador**, on May 17, three members of the Zamora municipal government were arrested in the southern province of Zamora Chinchipe, for attempting to block trucks from travelling to the Fruta del Norte mine (Lundin Gold/Newcrest) due to concerns about COVID-19 after its operations were greenlighted by the government.⁶² Over 15 people, led by the mayor, were tear-gassed by police and three local authorities (a firefighter, a police officer and the councillor for sustainable development) were detained. On May 18, following their hearing, the detainees were accompanied by a citizens's march around the central square to protest their detentions. The mayor remarked to the press, "First comes health, then comes gold."⁶³

In **Honduras**, the administration of President Juan Orlando Hernández, whose government is widely discredited and denounced by social movements as a narco-dictatorship, has imposed a severe lockdown on Honduran society since March 15, including a 24-hour curfew and suspension of basic rights, including

freedom of expression and assembly, with military and police enforcement.⁶⁴ Across the country, communities have organized to put up their own checkpoints to control who can enter, given their lack of trust in the government's ability to contain the pandemic. These include communities resisting mining and other extractive projects, who have faced particularly intense forms of harassment and repression from police and military, exacerbating territorial conflicts, as reported by the Honduran Centre for the Promotion of Community Development (CEHPRODEC).⁶⁵ Meanwhile, human rights and environmental organizations are unable to accompany communities, or to properly verify and register complaints. At the same time, eight water defenders face additional threats to their health and lives as a result of the pandemic while they continue to be held in illegal pre-trial detention.⁶⁶ The eight have been held in prison since September 2019 on false accusations for their resistance to an open-pit iron-ore mine in the municipality of Tocoa, owned by Honduran company Pinares Investment.

Pinares is linked to one of the most powerful families in the country, the Facussé's, whose earlier conflict-ridden investments in palm plantations led to the assassination of dozens of campesino farmers.⁶⁷ The lawyers of the eight water defenders have received no response despite filing multiple appeals to seek their freedom. Meanwhile, their families are not allowed to visit and there are severe water shortages in the prisons, among other poor conditions. Making matters worse, a new criminal code is expected to be put into effect on June 25

that criminalizes social protest and puts civil liberties at further risk. Dozens of Honduran human rights, media and community organizations condemn the central government for "crystallizing [its dictatorship] in the context of the pandemic."⁶⁸

During the first two months of stay-at-home measures in **Mexico**, two journalists and four human rights defenders were murdered, three of whom were involved in land and environment defense.⁶⁹ Adán Vez Lira, murdered on April 8, had been involved in wetland ecosystem protection and resistance to Canadian-owned mining projects in the state of Veracruz.⁷⁰ Labour activist, Oscar Ontiveros Martínez, was also reported murdered on May 12 by community police linked to organized crime that operate in the area of Canadian mining company Torex Gold's mine in the municipality of Cocula, Guerrero.⁷¹ Ontiveros Martínez' assassination is connected with his involvement in a 2017 strike involving about 600 workers who sought to change unions, a struggle that has led to at least three murders and one disappearance to date. Indicating an intensification of violence during the pandemic, 44 aggressions had been reported as of mid-May to the Mechanism for the Protection of Human Rights Defenders and Journalists, double the monthly average.⁷²

In **Peru**, the government approved the “Law of Police Protection” which enables the use of lethal force by the police and military with total impunity, in addition to other troubling legislative reforms.⁷³ Peruvian civil-society organizations have determined that the law is “unconstitutional” and presents a grave risk for the integrity of life.⁷⁴ In Peru, it is well-documented that the police, who are permitted to provide security services on contract for mining companies, actively repress and criminalize land and territorial defenders who organize against mining.⁷⁵

In the **Philippines**, human rights organizations have been alerting the international community about the persecution of land and environmental defenders since the pandemic was declared, where at least ten have been arrested and one killed.⁷⁶ In early April, peaceful protest encampments to OceanaGold’s Didipio mine were violently evicted on the basis of COVID-19.⁷⁷ Over two hundred local and international solidarity groups condemned the violent dispersal of the Didipio encampments and called on the Office of the President to definitively cancel OceanaGold’s permit renewal application.⁷⁸ A recent report by United Nations experts said, “The use of force by the police was unnecessary and disproportionate,” urging the government to not use the pandemic to discriminate against Indigenous peoples.⁷⁹ Shortly after civil-society condemned the government’s continued persecution of land defenders and warned that extrajudicial killings were continuing when activist Jory Porquia was shot on April 30. He was a member of the Madia-es Ecological Movement, which

played a pivotal role in the passage of a decades-old mining ban in the province of Capiz and in successful campaigns against large-scale mining, coal power plants, and large dams across the region. Right before his death, Jory was in the midst of community kitchen and food relief operations in Iloilo City in response to the COVID-19 pandemic. Following his assassination, 42 of his family and colleagues were arrested.⁸⁰

“Even under the COVID-19 Pandemic, extrajudicial killings and other forms of human rights violations persist under the despotic rule of President Rodrigo Duterte.” Kalikasan People's Network for the Environment.

In **Turkey**, people camping out in protest against Alamos Gold’s Kirazli mine were violently evicted by the authorities who cited COVID-19 as the reason for their forced removal.⁸¹ Activists condemned the act, noting that the company still had security officials and personnel on-site. The activists were subsequently fined over US\$ 7,000, with the authorities citing disobedience of COVID-19 sanitary measures.⁸² Mine development has been suspended since October 2019, when the Turkish government did not renew the company’s mine concessions⁸³ following widespread protests⁸⁴ to protect the Kaz mountains, water and land from mine contamination. Activists were peacefully camping to ensure the company did not

re-enter the mine, but, now that they were forced to leave, they worry that the government will activate the permit at any time.

At a time when entire countries are struggling to get the bare minimum of test kits necessary, companies have boasted about the millions of privately sourced test kits they have provided to affected communities and workers. This is poor cover for the long-term health impacts that regularly result from mining activities and the often underhanded ways in which these same firms operate. It also represents an affront to the greater public good and the collective efforts of many states and communities to secure public access to tests, highlighting the glaring asymmetries of power between multinational corporations and states in the Global South. In some cases, companies are giving out food directly to people, creating social division and undermining peaceful resistance while people are unable to mobilize in the context of the pandemic.

Some mining companies have set up assistance funds or made sizeable donations to state ministries. These direct cash 'donations' are not only far from commensurate with the real impacts of their activities, they also represent a corruption risk, which is already evident as we see governments willing to weaken emergency measures, fail to enforce those in place, or exclude the mining industry from them entirely.

In **Australia**, Newcrest Mining donated \$1 million Australian dollars to the University of Queensland toward developing a COVID-19 vaccine, A\$20 million dollars for a "community support fund" to fight the virus,⁸⁵ and obtained 55,000 test kits⁸⁶ to be used at its operations. Despite these attempts to portray itself as a leader in the pandemic, Newcrest has been accused of committing serious violations⁸⁷ against community public health, the environment and human rights. These include serious community health concerns at the recently reopened Fruta del Norte mine⁸⁸ and widespread opposition due to potential environmental harm at the Cascabel project⁸⁹, both in Ecuador. In the Ivory Coast, the company is accused of poisoning people's drinking water with cyanide at the Bonikro Mine.⁹⁰ Meanwhile, in Papua New Guinea they are accused of overconsumption of water and dumping toxic tailings from the Lihir gold mine into a marine environment which has meant that local communities are no longer consuming the water.⁹¹

"They pump out water every day for gold operations, and they cause so much damage. Sometimes the water goes dry and the fish and everything in the water died away. At the same time, we are not using the water any more for drinking and cooking." - Ms Arau in an interview to RNZ journalist.

In **Brazil**, mining giant Vale S.A., known for its catastrophic tailings dam failures and crimes against people and the environment, announced in March that they would acquire 5 million COVID-19 test kits for their operations.⁹² Members of their workforce, as well as civil-society organizations, have condemned this campaign as a way of creating a smoke screen to obfuscate their abuses committed against the environment, affected communities and their labour force.⁹³ At the same time, Vale has suspended their Indigenous Health Program of the Pataxó peoples who live on the banks of the Paraopeba river, which was destroyed with the collapse of the company's toxic tailings storage dam in Brumadinho, Minas Gerais in January 2019. This and other complaints were presented in the company's Annual General Shareholder meeting on April 30. According to written declarations that were attached to the official minutes of the meeting,⁹⁴ the company has refused to respond to a request from the Prosecutor to provide sanitizing gel and other protective equipment to the Indigenous peoples, citing "logistical barriers".

Also concerning Brazil, in response to a question about Anglo American's continuing operations at their Minas Rio mine in Conceicao do Mato Dentro, despite a local municipal decree calling for all essential activities to stop, the company said that they had "already invested over BRL 15 million to purchase medical equipment, including respirators, PPEs and COVID 19 tests, in Brazil." Anglo American

then went on to justify the continued activity at this mine in Minas Gerais State on the basis of Federal decree No. 10,329 issued a month after the municipal order, calling mining an "essential activity". It appears that Anglo American did not suspend their operations in line with the municipal decree, but claim to have "adapted" their operations to comply with the federal decree.⁹⁵

In **Colombia**, Anglo American, BHP Billiton and Glencore are owners of the Cerrejón coal mine in the La Guajira region. Cerrejón has been supplying water during the COVID-19 pandemic to almost 300,000 people⁹⁶ and has donated US\$1.5 million to humanitarian aid and food security initiatives.⁹⁷ The company stands accused, however, of having caused many of the underlying problems in the first place. The mine has been associated with the displacement and the destruction of livelihoods of at least 35 indigenous, Afro-Colombian and small farming communities.⁹⁸ Cerrejón uses 16 million litres of water per day in a drought-stricken region and its operations have negatively affected 19 rivers and floodplains in the area, jeopardizing the endangered dry tropical forest ecosystem.⁹⁹ Most recently, the company diverted the Arroyo Bruno, a tributary of the only major river in the region, the Rancheria, in order to mine the coal underneath it. The company has ignored repeated requests by communities to respect Constitutional Court ruling T-698 to remove the dam placed on the Arroyo Bruno and return it to its original course.¹⁰⁰



Afro-descendant communities block Cerrejon coal railway. Source: Inez Perez

"During COVID, Cerrejon has been a truly irresponsible company with respect to health here inside the territory. It is clear that the Wayuu people are some of those exposed and we are at high risk because of the rail line which crosses 140km of our territory. People are arriving from outside without any controls. What guarantees do we have that these people who are arriving to the Bolivar Port, where the freighters arrive to pick up coal from all corners of the world, won't be transmitting COVID-19? The train, full of coal, is passing by 24 hours a day. The contamination continues to kill us and the company's irresponsibility, too. And for all of us who are complaining, who are speaking out, we are immediately threatened so that we stop condemning their actions. The worst of it is that the government is a government on its knees in front of the company."

Luis Misael Socarras Ipuana, Wayuu Women's Strength (Fuerza de Mujeres Wayuu)

In **Guatemala**, the Indigenous Xinka parliament condemned actions taken by Pan American Silver to hand out supplies and foodstuffs in response to the pandemic and collect signatures from residents, which risks undermining an ongoing court-ordered consultation process and sowing social division.¹⁰¹ The Xinka are concerned that the company could use the signatures gathered to try to demonstrate support for the Escobal silver mine. The company denies it will.¹⁰² For nearly three years, peaceful encampments and a court-ordered suspension has kept the large, underground mine closed. In May, supporters sent thousands of emails to the company asking why it would persist with an unwanted project, as well as to clarify its intentions with respect to the COVID-19 interventions.¹⁰³

In **Honduras**, Pinares Investment made donations of basic necessities to families in the municipality of Tocoa, where its proposed open-pit iron oxide mine is vociferously opposed. Concurrently, the company has sustained a defamation campaign against water defenders who have been detained or threatened with detention as part of efforts to divide communities and undermine the work of organizations, such as the San Alonzo Rodríguez Foundation, that provide support to families in the area. In 2019, an open council meeting held in the municipality of Tocoa passed a resolution opposing mining, while eight people have been jailed for their resistance to this project in defense of water.¹⁰⁴

“COVID-19 isn’t the only health crisis we’re facing. For a decade, communities surrounding the Escobal Mine have fought to protect their health from mining activities. Guatemalan courts ordered Pan American Silver to suspend its consultation and this includes community outreach, which gives rise to tensions and conflict. Pan American Silver should tell its employees to stay home and stop trying to buy support for the mine during this significant health crisis,” said Luis Fernando Garcia Monroy on behalf of the Xinka Parliament.

In **Mexico**, among others, Canadian mining company Alamos Gold has reported making donations of gloves and masks to local hospitals, as well as basic food stuffs to families near its highly contested Esperanza project in the state of Morelos. This project has been effectively suspended since 2013, as a result of organizing by the Morelos Movement against Precious Metal Mining Concessions

and others fighting to protect water and health from this proposed open-pit gold project.¹⁰⁵ The proposed mine site is 12 km from the city of Cuernavaca and a very short distance from the Xochimilco archaeological site, which was declared a UNESCO World Heritage site in 1999.

In **Northern Ireland**, community activists have called out Dalradian Resources over a £50,000 donation made by the company to cancer-support charity Marie Curie on May 4.¹⁰⁶ The private Canadian company, which faces staunch and widespread opposition to its planned Curraghinault project in the Sperrin Mountains, has also donated 150 litres of hand sanitiser to the charity. Local citizens organisation Save Our Sperrins has written to Marie Curie pointing out the conflict of interest involved in a charity working to uphold human health accepting a donation from a company involved in gold mining- a major cause of ill-health in many parts of the world. Save Our Sperrins has drawn particular attention to the fact that the ores Dalradian hopes to mine in the Sperrin Mountains contain some of the highest concentrations of radon gas in the UK.¹⁰⁷ Radon - a colourless, odourless radioactive gas formed by the radioactive decay of uranium- is recognised as a carcinogen by the International Agency for Research on Cancer (IARC).¹⁰⁸ Dalradian's proposed mine site is located just 1200 metres from a primary school and playgroup and yet closer to a church, a community centre, youth club and playing fields in the community of Greencastle.¹⁰⁹

Canadian company, **Barrick Gold** made several sizable "donations" to various African countries in early April to combat the COVID-19 epidemic. In Senegal, in the presence of the minister of mines, the company presented nearly a million US dollars to the finance ministry.¹¹⁰ In the DRC, Barrick donated US\$1.5 million dollars to an emergency COVID-19 fund set-up by the central government.¹¹¹ In Tanzania, amid allegations¹¹² of severe human rights violations at its North Mara mine, the company donated US\$1.3 million to various levels of government.¹¹³ Most worrisome was the sizable donation of US\$1.3 million made directly to the Ministry of Mines in Côte d'Ivoire.¹¹⁴ It is curious that none of this money was given directly to the respective ministries of health, given its expressed purpose. These donations raise concerns about who will ensure that this money is not used to bind countries' hands into keeping the mining industry open during the pandemic or providing it with certain privileges during the recovery period to follow.

On April 16, Canadian company **Teck Resources** announced it would donate 20 million dollars across its operations in Canada, Chile and Peru to "protect the health and well-being of communities."¹¹⁵ However, the announcement was not accompanied by suspension of its operations in Peru, Chile¹¹⁶ or Canada,¹¹⁷ where the company has been accused of failing to protect workers and community health from the COVID-19 pandemic. Nor did it prevent a serious outbreak at its Antamina mine, where over 200 workers

have tested positive.¹¹⁸ In an open-letter¹¹⁹ to Canadian newspaper the Globe & Mail in response to alleged actions of lack of care towards its workforce,¹²⁰ dated April 9, Teck misled the public by stating that “no positive cases existed at its operations.” The first cases, however, were confirmed at Antamina on March 31.

Anglo American, a company that fails to meet minimum societal expectations in every area of its operations according to the 2020 Responsible Mining Index,¹²¹ has boasted of its extensive efforts to support ‘host’ communities and employees in nine of the countries in which the company operates, including South Africa, Peru, Botswana and Chile.¹²² Much of the advertised support has involved providing privately-sourced ventilators, PPE and testing kits, with the company claiming to have distributed 500,000 quick testing kits in Peru alone. The company reports that it is providing emergency food rations and water tanks to host communities, but that it is also providing emergency support to state military and police forces in countries like Peru, where these forces have previously been employed to violently shut down legitimate anti-mining protests.¹²³



D. MINING COMPANIES AND GOVERNMENTS ARE USING THE CRISIS TO SECURE REGULATORY CHANGE THAT FAVOURS THE INDUSTRY AT THE EXPENSE OF PEOPLE AND PLANET.

While they frame mining as essential now and for global post-COVID-19 economic recovery, mining companies are lobbying to expedite administrative decisions and weaken the already-limited measures which do exist to address the social, cultural, environmental, and economic impacts of their activities that are almost always borne by affected communities with complete impunity. Whether explicitly, by suspending the little environmental oversight and enforcement there was, or implicitly, by making it more challenging for affected communities to get information and intervene in permitting processes, governments are making deep concessions to the mining industry – and companies are now lobbying governments to make such deregulation permanent.

In **Australia**, parliament has been adjourned until August and replaced with the advisory National Covid Coordination Commission,¹²⁴ stacked with members from mining, gas and energy backgrounds and headed by ex-Fortescue CEO Nev Power, despite concerns about conflict of interest, lack of transparency, governance and accountability.¹²⁵ Policy changes and requests agreed to by the government since the beginning of March include “14 requests to slash important environmental or corporate regulations, 11 requests for tax cuts and financial concessions, and 12 requests to fast-track project assessment.”¹²⁶ These include: stripping the community of the right to challenge mining projects that damage the environment in the courts; lifting the moratorium of gas fracking in Victoria; listing mining as an essential service and maintaining Fly-In-Fly-Out operations; extracting coal from three new longwalls, two of which will go under Greater Sydney’s drinking water reservoir; agreement between Commonwealth and NSW Governments to prop up coal-fired electricity generators; agreement to exploit the Great Australian Bight for oil; gutting environmental protections under the Environmental Protection and Biodiversity Conservation (EPBC) Act; delaying the implementation of a new regulation to encourage uptake of clean technologies; slashing environmental laws that protect threatened species so mining project assessments can be accelerated, and more. The government has bypassed parliament and passed 137 laws, of which 32 are not able to be amended when parliament returns.¹²⁷

On May 22nd, the **Brazilian** Supreme Court released a video to the public of a meeting between President Jair Bolsonaro and his ministers a month before. In this meeting, the Minister of Environment Ricardo Salles says that the pandemic is an opportunity to push through deregulation of environmental policy, given that the media and institutions are focusing their attention on the pandemic.¹²⁸ The minister's comments have since come to fruition. On April 13th, the government fired two top employees of the federal environmental enforcement agency, IBAMA¹²⁹ (a unit of the Ministry of Environment) after they appeared in a televised report,¹³⁰ which showed them completing their functions to combat illegal mining and the invasion of Indigenous Amazonian lands which are exposing Indigenous Amazonian communities to the virus.¹³¹ The National Association of Public Servants has publicly spoken out with hard criticism towards the Minister.¹³²

"Since Jair Bolsonaro took office, our indigenous lands are increasingly threatened by predatory economic activities that threaten the integrity of our ancestral territories and the natural resources essential for our survival. With the COVID-19 crisis, the illegal activities of miners, loggers, missionaries, drug traffickers, and other invaders, pose an even greater threat, because they can bring the virus to our territories and communities.

For this reason, we demand that any economic activity in our territories be stopped immediately, thus guaranteeing the protection of all our children, women, men, young people, wise elders, and our relatives in voluntary isolation." - Nara Baré, coordinator of the Indigenous Organizations from the Brazilian Amazon – COIAB

At the beginning of this year (2020), investigations by Brazilian journalists revealed that Anglo American and its two Brazilian subsidiaries have submitted nearly 300 applications to explore for gold and other minerals in the Brazilian Amazon - an ecosystem of global significance in the fight against climate change.¹³³ The investigations reveal that the company - which refused to answer questions from these journalists - has exploration interests that overlap with the territories of indigenous peoples.¹³⁴ These same peoples are being violently repressed by the Bolsonaro Administration, which is seeking to open the Amazon to extractive industries.¹³⁵ In order to do this, the Bolsonaro Administration is creating a new law, in contravention of the Brazilian Constitution, in order to grant Anglo American and other mining companies exploration permits in these territories.¹³⁶

Proposed Law 191/20 (PL 191/20) was submitted by President Jair Bolsonaro to the Brazilian Federal Chamber of Deputies in February 2020, and proposes to open up indigenous territories to the exploitation of minerals, water resources and agriculture.¹³⁷ This proposition directly violates Article 231 of the Brazilian Federal Constitution and the International Labour Organisation Convention 169, to which Brazil is a signatory. However, this law is still awaiting the creation of the Special Commission by the Executive Board of the Brazilian Federal Chamber of Deputies.¹³⁸

In Minas Gerais, the Brazilian state that has suffered from the socio-environmental consequences of the last two breaches of tailings dams containing toxic mine-waste, a virtual meeting of the Environmental Policy Council was held on May 8 with very little notice. The meeting led to environmental permits being granted for eleven new mining projects in the state. The Movement for the Mountains and Water of Minas Gerais (MovSAM) published a statement to reject the act,¹³⁹ which was signed by 55 civil-society organizations.¹⁴⁰

In **Canada**, the Alberta government suspended at least 19 requirements for the oil sands mining industry with respect to environmental monitoring and regulations, including on-site air quality and water monitoring, citing COVID-19.¹⁴¹ Following this decision, the chief of the Fort McCay Indigenous First Nation criticized the government for not consulting with Indigenous nations.¹⁴²

The Indigenous Athabasca Chipewyan First Nation noted in a press release that “environmental monitoring should never be optional.”¹⁴³

In Putaendo, **Chile** the first communities in the country to declare their territory “free of mining”, the government took advantage of the lockdown measures¹⁴⁴ and approved the environmental licence for Canadian-company, Los Andes Copper’s “Vizcachitas” project by way of a video seminar which excluded citizen participation,¹⁴⁵ despite calls from civil-society to suspend all environmental licensing during the pandemic.¹⁴⁶ The government then sent military troops¹⁴⁷ to the town to repress citizens who took to the streets to protest the action.¹⁴⁸ Canadian organizations have organized a campaign¹⁴⁹ asking the Canadian government to withdraw diplomatic support from the company, in light of these violations. A recent report from the Latin American Observatory of Environmental Conflicts (OLCA) shows that the number of Environmental Impact Assessments submitted to Chilean authorities has more than doubled during the pandemic in comparison to last year. They view this as an abuse of democratic process under current circumstances and an attempt to exclude citizen participation.¹⁵⁰

"[The approval of the Environmental licence] shows a lack of guarantees with respect to transparency of the process and the proper access to information and participation that communities require to make environmental decisions that will affect the future of their territories permanently. In the context of this sanitary emergency, we communities have very few possibilities to exert pressure, obtain advice, and react to the decision." - Agrupacion Putaendo

In **Colombia**, the government has resolved to move the process for prior consultation online, purportedly to "avoid the spread of COVID-19". This move has been publicly rejected by many Colombian Indigenous organizations as a major risk to the transparency and fairness of these proceedings.¹⁵² They have demanded the decision be overturned. The government also resolved to move public hearings for environmental licences online. In Bucaramanga, the Committee for the Defense of Water and the Santurbán Páramo (Comité para la Defensa del Agua y los Páramos de Santurbán)

submitted a request for protective measures following the decision, given that it would enable the heavily opposed Soto Norte gold-project¹⁵³ (MINESA) to go ahead with an online consultation. They were successful in getting the Procurator General to state that the decision would violate people's right to active and dynamic participation and that these virtual consultation mechanisms should be temporarily suspended.¹⁵⁴ Nonetheless, the government is continuing with its plan to move those hearings online.

"The online public hearings will negatively impact communities' rights to participation, especially those who are most vulnerable who face real limits to technological and [internet] connectivity in the territories in our region. Even the Colombian government has evidenced these limitations, but, regardless, is moving ahead to move this participation online." - The Committee for the Defence of Water and the Santurban

In **Ecuador**, President Lenin Moreno and his ministers have been taking advantage of the pandemic to justify the aggressive rolling out of widely opposed metallic mining in the country as a way to “reactivate the economy.”¹⁵⁵ In early May, the government developed a plan implemented through presidential decree to force local governments to lift any restrictions they had imposed on the transportation of minerals.¹⁵⁶ The measure was designed to ensure that mining companies could resume full operations starting in mid-May, accompanied by military convoys,¹⁵⁷ a move which has many local Amazonian governments concerned.

In **Honduras**, the government announced on March 27 that it would launch a digital platform under the responsibility of the Ministry of Natural Resources and the Environment to continue facilitating

permits for extractive projects during the public health emergency.¹⁵⁸ Projects, works or activities whose environmental license has expired or that have not yet obtained their final permit, are allowed to continue operating, with a grace period of 60 days after the end of the national emergency is declared to submit for reapproval or a final decision. Since 2018, in the context of multiple socio-environmental conflicts across the country, especially over mining, hydroelectric and other extractive projects, the Honduran state has kept secret decisions over environmental permits.¹⁵⁹ In addition, under the umbrella of a special law for economic acceleration and protection in the context of COVID-19,¹⁶⁰ the responsibility for approving mining activities, such as transportation and export of minerals, was shifted to the Secretary for Economic Development on March 30.

“This is just like 1998, when the mining law was passed in the wake of Hurricane Mitch, one of the biggest disasters to hit Honduras that took the life of 20,000 people and left 3 million others homeless, with an economic impact that set us back 40 years. Today, in the midst of a global humanitarian emergency due to COVID-19, the illegitimate government of Juan Orlando Hernández is taking advantage of the crisis to put in place corrupt measures to favour mining.”

- Pedro Landa, Equipo de Reflexión, Investigación/Reflection, investigation and communication Team (ERIC) Honduras

In **Indonesia**, a contested mining law was passed in the midst of the pandemic.¹⁶¹ This law had been slated for a parliamentary vote last year, but was not passed due to mass public protest. This year, with no public participation, the Indonesian parliament passed the law, which does not address the urgent environmental and human rights issues faced by mining-impacted communities. Instead, it allows for automatic contract renewal by private companies and removes the previous limit on the size of concessions.

“This new mining law [in Indonesia] will allow mining areas to expand, and that will lead to deforestation, this will push people to move deeper into the forests to survive and they will interact with wildlife, and these animals bring viruses to humans, increasing the risks of emerging infectious diseases.”- Pius Ginting, coordinator of Action for Ecology and Emancipation of the People (AEER)

In **Peru**, the Ministry of Energy and Mines stated that they will not discard the possibility that the hotly contested Tia Maria and Conga mine projects could be restarted given the “need to reactivate the economy” following the pandemic.¹⁶² Both projects are suspended due to overwhelming opposition regarding environmental concerns. In both cases, protesters have been killed by police during violent confrontations. In the case of Tia Maria, the Red Muqui notes that the fertile agricultural valley already has a productive future based on agriculture, not mining, which should be supported for the post-COVID-19 recovery.¹⁶³ Peruvian authorities also approved Decree 1500 to move consultations online and weaken environmental monitoring processes for the mining industry, which has been criticized by human rights and environmental organizations.¹⁶⁴

In the **United States**, the capacity of Federal and State agencies responsible for environmental protection, and the monitoring and enforcement of mining regulations, has been severely reduced by the pandemic. Meanwhile, companies have been told that the Environmental Protection Agency will not seek punitive measures for environmental noncompliance “as a result of the pandemic.” Nonetheless, mine permitting processes continue, despite the lack of public consultation.¹⁶⁵

“Communities are unable to deliberate on the consequences of many projects in the permitting phase due to lack of in-person meetings and access to documents, technical and otherwise, that describe the project and analyze the effects of the mine on the community and environment.” John Hadder, Great Basin Resource Watch (Nevada)

At the same time, companies are increasingly using supranational Investor State Dispute Settlement (ISDS) mechanisms, embedded in thousands of bilateral and multilateral trade agreements, to sue governments, especially in the Global South. They continue bringing or threatening suits in the hundreds of millions or even billions of dollars for decisions made by governments, courts and even human rights bodies, undermining national sovereignty to make decisions to protect public health and attacking the self-determination of people fighting to protect their wellbeing from extractive projects. Known pending mining claims - and where information is available - currently total US \$45.5 billion dollars with the actual total potentially much higher. Further threats are feared in response to measures taken during the pandemic.

In recent years, mining companies have increasingly used international arbitration to sue governments in cases where their investments are facing resistance from local communities over concerns about mining impacts on people's health and the environment.¹⁶⁶ For example, Nevada-based Kappes, Cassidy & Associates is currently suing Guatemala for US\$350M for a court decision suspending its gold mine for lack of prior consultation with communities who have opposed the project for years.¹⁶⁷ A Chinese consortium has threatened to sue Ecuador for US\$480M after its gold mine was similarly suspended for lack of community consultation. Colombia is being sued for upward of CAD\$1 billion dollars by three Canadian mining companies upset about measures to protect fragile wetlands from proposed gold mining projects that communities have vociferously opposed. Meanwhile, in Mexico, the US firm Odyssey Marine Exploration is suing for US\$3.54 billion for having failed to obtain permits needed to advance an offshore phosphate mine project off the coast of Baja California Sur. These suits are enabled by thousands of International Investment Agreements and are disproportionately brought against governments in the Global South, especially Latin America.

There are currently 42 known investor arbitration suits that mining companies have brought and that are pending against governments around the world. Their claims total at least US\$45.4 billion dollars. The actual amount could be much higher, given that the amount claimed is not known in 17 cases (data available upon request). These amounts are even more burdensome when governments are amassing massive debts in response to the pandemic and would be much better spent on efforts to make sure people have abundant water, health care, good food and clean air to breath. Nonetheless, law firms are anticipating that measures governments are taking to stem coronavirus spread and related economic impact could give rise to a whole new wave of ISDS suits.¹⁶⁸

“The economic victims of COVID-19 will not be mining companies, but the poorest and most vulnerable workers and communities around the world. At a time when countries are scrambling for resources to confront the global pandemic, governments of the world should come together and immediately suspend all investor-state (ISDS) cases and pending millionaire and billionaire awards for corporations, in particular for mining companies. In the longer term, these excessive foreign investor powers should be totally dismantled.” - Manuel Pérez Rocha, Associate Fellow, Institute for Policy Studies, Washington, D.C.

CONCLUSION



April 26th march against virtual-approval of the Environmental license for "Vizcachistas" project in Putaendo, Chile. Source: Putaendo Resiste

This snapshot report provides examples about how the global mining industry and its backers are taking advantage of the COVID-19 pandemic. They are continuing to mine despite the risks to workers and communities, as well as to advance unwanted projects against the will of affected people, while pressuring for regulatory change to enhance their profits long-term. Reforms they achieve now could be locked in by a supranational system of international arbitration that enables corporations to bring costly suits against governments, which they could similarly use to fight any measures that affect their bottom-line.

These examples also illustrate how land and water protectors, who are forced to stay at home to protect their health and the health of their communities, are being put at even greater risk from targeted violence, legal persecution and repression.

Their stories reveal multiple pandemics – health, economic, violence, militarization and corporate capture – which are all getting worse as the COVID-19 pandemic intersects with the predatory mining industry, and which they continue to battle to defend their land, water, health and livelihoods.

Envisioning a way forward that will ensure good food, clean air and water, healthy communities and planetary survival cannot rely on mining corporations and their backers, who are driven by their ruthless pursuit of profits. However, the health-centred struggles and collective approaches

of mining-affected communities and Indigenous peoples can help us to refocus on what is truly essential toward a healthier future for all.

Appendix – Global Statement



A sign stating OceanaGold's social commitments collapses into the undergrowth in Didipio, Philippines. Source: Hannibal Rhoades

Global Solidarity with Communities, Indigenous Peoples and Workers at Risk from Mining Pandemic Profiteers

The mining industry is one of the most polluting, deadly, and destructive industries in the world. Yet to date, mining company responses to the COVID-19 pandemic have received little scrutiny compared to other industries seeking to profit from this crisis.

We, the undersigned organizations, condemn and reject the ways that the mining industry and numerous governments are taking advantage of the pandemic to manufacture new mining opportunities and establish a positive public image, now and for the future.

These actions pose an immediate threat to the health and safety of communities and organizations that have been struggling to defend public health and their environments against the destruction and devastation of mining extractivism for decades, as well as to the safety of workers in the mining sector.

Based on a collective analysis emerging from conversations with affected communities, workers, and civil society organizations, we have identified the following trends that exemplify this threat. A review of over 500 media sources, press releases, and reports on mining in the context of COVID-19 further informs these findings.

One: Mining companies are ignoring the real threats of the pandemic and continuing to operate, using any means available.

Mining companies and many governments have pushed to categorise mining as an *essential service*, enabling operations to continue despite substantial risk. In doing so, they have become key vectors for the spread of the virus and are putting

communities, rural and urban populations, and their workforces, at great risk. In many cases, Indigenous and rural communities already face acute risk from the virus, especially communities whose health has been impacted by contamination generated by mining extractivism. They are struggling to protect themselves from potential outbreaks.

Two: Governments around the world are taking extraordinary measures to shut down legitimate protests and promote the mining sector.

Free of public oversight and scrutiny, governments have imposed restrictions on people's freedom of association and movement to protect public health. But these severe and even militarized measures compromise people's ability to defend their territories and their lives. Land defenders face greater risk of targeted violence and some remain unjustly imprisoned, posing additional risks of infection. Governments have also deployed state forces (military and police) to repress legitimate, safe protests, especially in instances where there is long standing opposition to a company's activities. In some instances, this has included the implementation of regulations or obstacles to access the justice system which entrench impunity, as well as heightened military and police presence in these territories. Meanwhile, mining companies are permitted to continue operating in these same territories or do so, despite restrictions. These and other actions cynically and unjustly benefit the extractivist mining sector.

Three: Mining companies are using the pandemic as an opportunity to cover up their dirty track records and present themselves as public-minded saviours

At a time when entire countries are struggling to get the bare minimum of test kits necessary, companies have boasted about the millions of privately sourced test kits they have provided to affected communities and workers. This is poor

cover for the long-term health impacts that regularly result from mining activities and the often underhanded ways in which these same firms operate. It also represents an affront to the greater public good and the collective efforts of many states and communities to secure public access to tests, highlighting the glaring asymmetries of power between multinational corporations and states in the Global South. In some cases, companies are giving out food directly to people, creating social division and undermining peaceful resistance while people are unable to mobilize in the context of the pandemic.

Some mining companies have set up assistance funds or made sizable donations to state ministries. These direct cash 'donations' are not only far from commensurate with the real impacts of their activities, they also represent a corruption risk, which is already evident as we see governments willing to weaken emergency measures, fail to enforce those in place, or exclude the mining industry from them entirely.

Four: Mining companies and governments are using the crisis to secure regulatory change that favours the industry at the expense of people and planet.

While they frame mining as essential now and for global post-COVID-19 economic recovery, mining companies are lobbying to expedite administrative decisions and weaken the already-limited measures which do exist to address the social, cultural, environmental, and economic impacts of their activities that are almost always borne by affected communities with complete impunity. Whether explicitly, by suspending the little environmental oversight and enforcement there was, or implicitly, by making it more challenging for affected communities to get information and intervene in permitting processes, governments are making deep concessions to the mining industry – and companies are now lobbying governments to make such deregulation permanent.

At the same time, companies are increasingly using supranational Investor State Dispute Settlement (ISDS)

mechanisms, embedded in thousands of bilateral and multilateral trade agreements, to sue governments, especially in the Global South. They continue bringing or threatening suits in the hundreds of millions or even billions of dollars for decisions made by governments, courts and even human rights bodies, undermining national sovereignty to make decisions to protect public health and attacking the self-determination of people fighting to protect their wellbeing from extractive projects. Known pending mining claims - and where information is available - currently total US\$45.5 billion dollars with the actual total potentially much higher. Further threats are feared in response to measures taken during the pandemic.

We condemn these responses to the COVID-19 pandemic as acts of aggression that exacerbate the threats and risks that affected communities, Indigenous peoples, land defenders and mine workers face on a daily basis.

We reject the central claim that mining represents an essential service either now or for the period of economic recovery. In the context of an intersecting global health, economic, ecological and climate crisis, we assert that healthy communities, Indigenous peoples, workers, and social movements – not the profits of predatory mining corporations – are essential.

We call on national governments to respect and support the autonomous organizing and self-determining processes of mining-affected communities and Indigenous peoples. Their efforts are vital to protecting community health and the environment, informed by their own knowledge and traditions, as well as to the food sovereignty of rural and urban populations through small-scale agriculture and other productive activities. Economic "reactivation" must not promote more mining, but should, instead, acknowledge and bolster community-based initiatives.

We call on international human rights bodies to pay close attention and actively condemn human rights violations committed by governments and mining

corporations during the pandemic and the recovery period to follow.

We stand in solidarity with the frontline communities, Indigenous peoples and workers most affected by the COVID-19 crisis and the mining industry's response. We call on others to support them in their vital campaigns for collective wellbeing and justice.

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