

LAMMP submission to War and Fashion consultation- On Fashion, Human Rights and Development

-Latin America is a major producer of a variety of mineral resources that are extensively used in the FAME industries. These minerals include gold, silver, copper, zinc, lead and iron ore. Whereas the use of these resources for jewellery, musical instruments and electronics may seem evident, their extraction is also valued for smaller or invisible items on which FAME industries depend on, such as for batteries (Lead) or for the fabrication of paint and pigments (Zinc, Iron ore, Barium)

-Gold is one of the most outsourced minerals in Latin America accounting for 20% of Peru's total exports¹ and with 92 metric tons produced in Mexico alone. As a precious mineral, there is emerging recognition of the link between its extraction and trading with human rights crisis in many conflict and high-risk areas, thereby falling into the category of "conflict mineral"².

--The extraction of these minerals is largely linked to environmental degradation, undermining land-based communities' strategies and mechanisms to survive and to protect their cultural heritage. This is particularly true for indigenous communities as it is enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 169 on the rights of indigenous and tribal peoples (ILO 169)

-Large multinational companies operating in Central and South America are directly linked to the growing levels of conflict and human rights violations in areas of influence, predominantly occupied by rural and indigenous communities. Canadian company Hudbay Mineral's Nickel mine in Guatemala³, and Yanacocha's Conga project (Gold) in Peru⁴ are two high-profile examples of the ways in which companies and states infringe on the rights of rural and indigenous communities.

- Whereas the impacts of these activities on the environment are well documented, the effects of natural resource extraction on the health of nearby communities is largely overlooked. Exposure to heavy metals in soil, dust, water and air triggering a number of illnesses and diseases, some of which are mortal and some of these will only develop in years to come.

- It is worth highlighting that health impacts are closely linked to open-cast mining which are being developed in remote areas where access to health services is limited at best. Subsequently, the repercussions of these effects on local populations is significant, leaving them with no opportunities to prevent and heal illnesses. Moreover, this phenomenon becomes a burden for women in these areas who are invariably the main carers for their families and households⁵

1 http://www.goldfacts.org/en/economic_impact/countries/peru/

2 In current draft proposal for the regulation on Conflict Minerals, the European Commission states:"Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability. "

3 <http://www.theguardian.com/environment/2014/jul/24/central-american-guatemala-biggest-nickel-mine-reopens-amid-violent-clashes>

4 Yanacocha is a joint venture of US-based Newmont Mining Corporation (51.35%), Minas Buenaventura (43.65%) and the International Finance Corporation (5%)

5 LAMMP, 2015. Forthcoming publication

-In many areas of open-cast mining operations, LAMMP supports women human rights defenders who suffer from heightened criminalization and repression from corporate and state actors⁶. Many of these women struggle to access remedy and justice in cases of serious human rights violations including torture, forced evictions and psychological abuse.

- Whereas gold is now recognised as being a conflict mineral if sourced in high-risk and conflict area, other minerals play an important part in exacerbating and fuelling armed violence. This for example in the case of Mexico, the world's largest silver producer and has significant reserves of Bismuth, Barite, Zinc and Molybdenum among others. However, it is also well-established that the Central American country is caught up in an endless war on drugs which has killed over 21, 258 people in 2014, most of whom were civilians. Furthermore, based on LAMMP's experiences with communities on the ground, the war on drugs is deeply felt by affected peoples as a vehicle to suppress anti-mining activism⁷.

- Demands in precious metals such as gold and silver as well as in other commodities such as in copper, steel and iron ore have led to the rampant increase of illegal mining activities, particularly in remote and isolated areas populated by indigenous communities.

- The supply chain of gold and other minerals remains dangerously opaque. As such 20% of the gold mined in Peru is produced illegally. In 2011, over 25 tonnes worth over \$1 billion were exported to Switzerland, where it is refined and used for the fabrication of jewellery and luxury watches among other goods⁸

-In Venezuela, where this phenomenon appears to be reaching an unprecedented peak, communities have reported to LAMMP the presence of paramilitary, armed groups, organised crime and the FARC supporting these activities. As a result there has been growing confrontations with these groups and exposure to violence, including gender-based violence⁹.

- Illegal mining is also directly linked to exposure to diseases and illnesses, such as malaria, lead poisoning and cancer¹⁰. This due for example to the absence of regulation of mercury and the processing of other metals, leaks and the inadequate or lack thereof, of adequate closure and recovering of the mining areas.

- It is necessary to note that despite national and international jurisprudence designed to protect indigenous communities from human rights violations (including but not limited to the UNDRIP and the ILO169), local governments are doing little to carry out this duty. On the contrary, in Venezuela the government has responded with further militarization in order to tackle illegal mining which has "created a climate of fear and terror". In another example, Peru is leading on work to combat illegal mining resulting in the criminalization of artisanal and small-scale miners

6 LAMMP report on the III Annual Forum on Business and Human Rights, 2015.

7 The Southern State of Guerrero which received important media attention in September 2014 for the disappearance of the 43 students is also a key mining operative area for both silver and gold.

8 "Peru exports more illegal gold than cocaine, and it's the world's biggest exporter of cocaine" retrieved from Quartz, September 2013.

9 "Tambien nosotros somos Venezuela: Indigenous Peoples raise the alarm as paramilitaries and illegal miners cross over their territories" LAMMP, 2015.

10 <http://www.theguardian.com/global-development-professionals-network/2014/dec/02/valuing-amazonian-land-voices-tackling-malaria-venezuela>



Latin American Mining Monitoring Programme

to the profit of large-scale companies¹¹.

In conclusion, the FAME industries are of particular relevance for natural resource extraction activities: whether for the manufacture of luxury items such as jewellery and watches, for the production of musical instruments, electronic devices or for smaller items necessary to the development of these industries.

Despite their relevance for the innovation and development of these fields, mining is also intrinsically linked to environmental degradation, contamination of water supplies, human rights violations and in the surge in conflicts over resources.

Affected communities are therefore struggling to get their voices heard and to access justice for harm and damage caused to their livelihoods, traditional ways of life and basic human rights. Women from these communities bear the brunt of these multiple impacts, and are the invisible victims of these destructive processes.

11 "Artisanal and Small-scale miners in Peru: A Blessing or a curse" Peru Support Group, 2012