

Vice-President Maroš Šefčovič and Commissioners Thierry Breton and Virginijus Sinkevičius
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels

28th September 2020

Re: Civil society concerns on EU critical raw materials plans

Dear Vice-President Šefčovič, Commissioner Breton and Commissioner Sinkevičius,

Following the publication of the European Commission's communications on Critical Raw Materials on Friday 4th September, 234 undersigned civil society organisations and academics write to express our deep concerns and urge you to realign strategies on raw materials with the interests of the planet and communities. This includes ensuring real action is taken to reduce absolute EU resource consumption, that communities' Right to Say No to mining projects is respected, and that exploitation of third countries is ended.

We are concerned with the overall narrative of the Action Plan where "diversified and undistorted access to global markets for raw materials" is central. The consequences for the environment and communities of this huge increase in metal and mineral mining is not clearly laid out – yet we know from experience and evidence that more mining leads to more biodiversity loss, more contaminated air, soil and water, lack of access to arable land and freshwater, displacement and eroded livelihoods, health impacts and more conflict.

Paradoxically, the expansion of mining to meet growing demands for renewable energy and other industrial transitions in the EU and beyond threatens the efficacy of global action to address the climate emergency¹.

Therefore, we urge you to:

Make absolute EU resource use reduction a priority

We welcome the acknowledgement in the Action Plan of the EU's "enormous appetite for resources" and resulting pressures, and that "the underlying problem....needs to be addressed by reducing and reusing materials before recycling them". However, in the ten actions that will be taken forward, there is no commitment to action on reducing absolute resource use, and thus the quantity of critical raw materials required. Although necessary, actions to increase recycling and secondary sourcing can only meet a small amount of the EU's demand in metals and minerals if the EU's consumption continues to expand and grow at its current rate.

¹ <https://www.nature.com/articles/s41467-020-17928-5>

We need cross-cutting policy action across multiple fields including industry, climate and energy, transport and circular economy to reduce absolute EU resource consumption. This includes setting reduction targets for EU material footprint and absolute energy demand, and sectoral legislative plans for production and consumption systems that ensure our economies stay within ecological limits².

Respect EU communities' Right to Say No to mining projects

A main aim of the Action Plan is to increase sourcing of critical raw materials within the EU. We are greatly concerned that local community voices are not being heard in their opposition to mining³. Europe already faces more than 500 local environmental conflicts and at least 59 of them are around extraction of mineral ores⁴. The Plan does not mention how local communities will be involved in the decision-making process – it seems there is simply a push for social acceptance of mining in the EU without ensuring democratic processes on the local level and a “Right to Say No”.

The Right to Say No goes beyond current requirements and discredited concepts such as Social License to Operate, which merely consult “stakeholders” on a future that has been predetermined before they get to the negotiating table. What is needed is a legally-binding Right to Say No mechanism at national level, mandated by the EU, in order to effectively redress the imbalances of power and knowledge asymmetries that exist between states and mining corporations on the one hand, and communities on the other. This mechanism must explicitly include communities' right to veto unwanted projects prior to project approval and licensing.

Ensure correct application and enforcement of EU environmental law by Member States

There is extensive evidence of systemic non-compliance in relation to mining operators across EU Member States. The Commission must adequately address breaches of EU law in the mining sector using the tools at its disposal, particularly regarding those cases that have already been lodged by communities through direct complaints, petitions to the European Parliament or Parliamentary questions⁵.

² These plans could include, for example, the mass move away from individual vehicle ownership. With prediction that for electric vehicle batteries and energy storage the EU would need almost 60 times more lithium in 2050, and environmental and social impacts related to lithium mining being significant, individual vehicle ownership can no longer be a sustainable option.

³ Some new projects are already experiencing local resistance which is going unheard, including an EU-backed lithium mining project in central Spain just 800m from a UNESCO World Heritage historic centre <https://theecologist.org/2020/jun/10/caceres-rejects-lithium-mine>

⁴ <https://ejatlas.org/>

⁵ As an example, the underperformance of the DG ENVI in assessing the correct application by Spain of EU environmental law in the “San Finx” case after 11 written questions, several Petitions at the European Parliament and two complaints before the Commission.

End exploitation of third countries, particularly in the Global South, and effectively protect human rights

The Plan acknowledges that “future demand of primary critical raw materials will continue to be largely met by imports also in the medium to long term” – thus the EU will continue to exploit third countries for our overconsumption. This is a matter of global justice: it is morally and ethically irresponsible that the EU continues and expands the resource grab, especially from the Global South and from EU enlargement countries, leaving huge environmental and social burdens. The Commission insists on sustainable and responsible mining practices and transparency. However, evidence shows that even global leaders in environmental standards have trouble keeping their commitments⁶. There needs to be a mandatory human rights and environmental due diligence law for the EU which imposes liability on companies for harms committed at home or abroad and guarantees access to justice for victims of corporate abuse. The EU should also participate in good faith in the ongoing negotiations to establish a UN Treaty on Business and Human Rights.

The Plan also refers to securing “a diversified and sustainable supply of critical raw materials, including through undistorted trade and investment conditions”. The current EU trade policy is solely aimed at liberalising the raw materials sector with little regard to human rights, the environment and the ability of countries in the Global South to develop their own raw materials sector. Trade agreements should be designed with a view to improve not just trade but also human rights, and in particular the rights of communities affected by extractives, as well as the social and environmental consequences of trade⁷.

New frontiers for mining

Finally, we are also concerned about the new frontiers mining is being pushed into, under “diversification and security of supply”. The Commission is for instance promoting and financially supporting the development of deep sea mining. While this is not mentioned in the Action Plan, we are concerned about this push of mining towards such highly vulnerable ecosystems. There needs to be clarification on actions the Commission will take towards establishing an international moratorium, as called for by the European Parliament and the Biodiversity Strategy.

This is an issue that cannot and must not be greenwashed. The reality is clear. Business-as-usual levels of energy and material consumption will lead to a huge increase in metal and mineral mining. We cannot run or hide from the impacts which could be catastrophic for the EU and for global action on climate change.

Yours sincerely,

⁶ Canada: <http://www.envjustice.org/2020/07/recent-study-gets-canadian-media-spotlight/>; Finland: multiple policy, monitoring and enforcement failures in the case of state-owned Talvivaara/Terrafame nickel mine <https://bit.ly/33vL10P>

⁷ <https://power-shift.de/alternatives-for-the-energy-and-raw-materials-chapters-in-eu-trade-agreements/>

EUROPE

Friends of the Earth Europe
European Environmental Bureau
Worldwide Fund for Nature
CEE Bankwatch Network
Seas At Risk
Yes to Life No to Mining
European Network on Indigenous Peoples
CIDSE
11.11.11
GoodElectronics Network
Global Justice Now
Patagonia
The Gaia Foundation
CATAPA
SOMO Centre for Research on Multinational Corporations
Andrew Lees Trust
Earth Thrive
Salva la Selva
Igapo Project
Fundação Montescola
Sociedade Histórica e Cultura Coluna Sanfins
Fermanagh and Omagh District Council
Asociacion Costavales
Associação Guardiões da Serra da Estrela
Programa de Voluntariado Francés en Intag
Asociacion ambiental Petón do Lobo
Asociacion galega Cova Crea
Asociacion Amigos e Amigas dos Bosques
Plademar Muros-Noia
ICCA Consortium
Anthropocene Actions
Institute for Ecology and Action Anthropology
Eko forum Zenica
Association of Ethical Shareholders Germany
London Mining Network
Associação Povo e Natureza do Barroso
SOS - Serra da Cabreira
PowerShift e.V.
Movimento ContraMinera Beira Serra, Portugal
Mining Watch Romania
Movimento de Defesa do Ambiente e Patrimônio do Alto-Minho
Rainforest Rescue / Rettet den Regenwald
Corema - Associação de Defesa do Património
Colectivo Ecoloxista Luita Verde
Movimento SOS Serra D'Arga
DKA Austria
Ozeanien-Dialog
Undisciplined Environments collective
Leuser Conservation Forum
Movimento SOS Serra d'Arga

Ecologistas en Acción
WEED - World Economy, Ecology & Development
INKOTA-netzwerk
Plataforma pola Defensa do Monte Neme
Asociacion Ambiental Senda Nova
Asociacion Véspera de Nada por unha Galiza sen Petróleo
Associação Socio-Cultural O Iribo
HYEO
Ecologistas en Acción Ciudad de Almería
War on Want
Plataforma Ciudadana Alconchel y Comarca de Olivenza sin minas
Manuel Lopes Zebral Comissão para a Reunificação Nacional da Galiza e Portugal
Urgewald
Alternatives Projet-Miniers
Asociacion Vecinal de Lentille
All People All Nature/ Save the Poddle
Bank Information Center
Undisciplined Environments Collective
Centro de Saberes para a Sustentabilidade
Aula da Natureza de Lousame
Federacion Ecoloxista Galega
Center for Global Nonkilling
Associação Unidos em Defesa de Covas do Barroso Portugal
Pintor de Artes Plásticas
We want a healthy country Slovakia
Slovak Union of Nature and Landscape Protectors (SZOPK)
Fedor Gömöry, Institute of Electrical Engineering, Slovak Academy of Sciences
Lethes go
GLOBAL 2000, Friends of the Earth Austria
Lumière Synergie pour le Développement
RAID (Rights and Accountability in Development)
Christian Initiative Romero (CIR)
Polish Zero Waste Association
Adega Asociación para a Defensa Ecolóxica de Galiza
BUND, Friends of the Earth Germany
Movimiento SOS Terras do Cavado
Danish Society for Nature Conservation
Milieudefensie, Friends of the Earth the Netherlands
Podpoľanie nad zlato
SOS Serra Darga
Irish Wildlife Trust
Estonian Green Movement, Friends of the Earth Estonia
Association Nao a mina, Sim a vida
German NGO Forum on Environment and Development
MiningWatch Portugal
Movimento SOS Serra d'Arga
Coalition for sustainable mining in Serbia (CORS)
CEKOR, Center for ecology and sustainable development
Plataforma Salvemos las Villuercas
Plataforma Corno do Monte
Asociación de Cultura Popular Alborada -Gallur

GPSA

Plataforma para el Ordenamiento Territorial, Portugal

Plataforma Ciudadana Sierra de Morón

Movimento de Defesa do Ambiente e Património do AltoMinho

Plataforma Villuercas

Grupo anti-mineração de Portugal

Movimento de Defesa do Ambiente e Património do Alto Minho (Portugal)

No a la Mina de Uranio de Retortillo

Za Zemiata, Friends of the Earth Bulgaria

Pro Natura, Friends of the Earth Switzerland

Colectivo Ecologista Madreselva

Hnutí DUHA, Friends of the Earth Czech Republic

Sciaena Portugal

Association SystExt France

Kremnica Beyond Gold

Zaštítimo Jadar i Rađevinu Serbia

Comunidade de Covas do Barroso

Ecologistas en Acción de Zamora

Academia de Frence en Madrid - Casa de Velazquez

STOP URANIO

Ecologistas en Acción de Extremadura

Asociación Ecoloxista Verdegaia

Natexplorers

Conserv-Action

Sindicatio Labrego Galego

Associação de Protecção da Natureza do Concelho de Trancoso

Plataforma Mina.Touro - O Pino Non

Asociacion do Monte Galego

Portugal Unido Pela Natureza

Guardiões da Serra da Estrela

AMMA Almirajara

Asociacion Redmontanas, Spain

Quercus Sonora

Red de Consumo Ecologico, Spain

Asociación para la Restauración del Paisaje Tradicional Verato

Plataforma de Omaña en Defensa de las Juntas vecinales

TerraJusta

Colectivo Arroutada Contra a Mina, Galiza

ContraMINAcción, Rede contra a Minaría Destrutiva na Galiza Collectif

Or de Question, Guyana

INFOE e. V.

INTERNATIONAL

Transnational Institute

Earthworks

Center for Emergency Aid, Rehabilitation and Development (CONCERN Inc.)

Africa Institute for Energy Governance

IMPACT (Indigenous Movement for Peace Advancement and Conflict)

Associação Montalegre Com Vida Justicia Paz e Integridad de la Creación Costa Rica

Comicion Ambiental Lenca, Honduras

Colpaz, Mexico

Paz y Justicia Honduras
Comité para la defensa de bienes comunes y públicos de Tocoa colón Honduras
Equipo de Reflexión, Investigación y Comunicación (ERIC)
Servicio social Pasionista de Honduras
Red Latinoamericana de Mujeres defensoras de derechos sociales y ambientales
Indonesia for Global Justice (IGJ)
Human Rights Concern - Eritrea (HRCE)
Inc./Marian Women Producers Cooperative/Unified Civilian Society Inc.
Network Movement for Justice and Development Sierra Leone
MiningWatch Canada
Solaospulos Associacao Cultural, Brasil
Rural Women's Assembly, Southern Africa
Malach Consulting
Coletivo Decolonial
Philippine Misereor Partnership Inc. (PMPI)
Guiuan Development Foundation, Inc.
Global South Coalition for Dignified Menstruation
Aid/Watch Australia
Social Action Commission, Diocese of Iligan
CRICE for Life Benin
The Future We Need
JATAM SULTENG
SKP KAMe
KRuHA Indonesia
GRABE-BENIN ONG
Kelompok peduli lingkungan Urai Uni
Endorois Welfare Council
Solidaridad y Misión - Misioneros Claretianos de América
Equipo Claretiano ante la ONU
Oxygen Project
UNLAD-BLFFA
Justiça nos Trilhos, Maranhão - Brasil
Sustainable Education and Enterprise Development Foundation, Mindanao
Alyansa Tigil Mina (ATM)
WoMin African Alliance
Peace Point Development Foundation - PPDF
Foundation for the Conservation of the Earth, Nigeria
GroundWork trust
Caritas Zambia
SAFCEI Patron
Center for Environmental Concerns - Philippines
Tagbuyawan Lakeshore Association
Agora Association, Turkey
Sibuyanon Against Mining
Bayay Sibuyanon Inc.
Paniai geoheritage studies network (pageosnet)
Philippine Alliance of Human Rights Advocates (PAHRA)
Radha Paudel Foundation
Sri Lanka Nature Group
Otros Mundos AC/Chiapas, Mexico
Movimiento M4, Movimiento Mesoamericano contra el Modelo extractivo Minero

Associação Leigos Missionários Combonianos Brasil
Escuela de Formación Política y Ciudadana eric-sj, Honduras
Comité por la Libre Expresión Honduras
Fundación Tant' and Observatorio Plurinacional de Salares Andinos
Justiça nos Trilhos, Brasil
Ciudadana preocupada e indignada, teóloga feminista, Costa Rica

ACADEMIA

Prof. Dr Joan Martinez-Alier, ICTA, Universitat Autònoma de Barcelona
Laurens Ankersmit, University of Amsterdam
Jerome Lewis, Centre for the Anthropology of Sustainability University College London
Andrew Kythreotis, University of Lincoln
Eneko Garmendia Oleaga, University of the Basque Country
Jean-Baptiste Bahers, CNRS, Université de Nantes
Filka Sekulova, Universitat Autònoma de Barcelona
Tessa Holland, Newcastle University
Federico Venturini, Università degli studi di Udine (Italy)
Tiziano Distefano, University of Pisa
Dr. Alexander Dunlap, Centre for Development and Environment, University of Oslo
Gustavo García López, Center for Social Studies, University of Coimbra
Severine Deneulin, University of Bath
Alberto Valz Gris, Polytechnic University of Turin
Hanne Cottyn, University of York (UK)
Merel Overloop, Ghent University
Sarah Katz-Lavigne, University of Bayreuth
Fedor Gömöry, Institute of Electrical Engineering, Slovak Academy of Sciences
Chris Little, York University
Ana Maria ângelo Marques da Silva, CLP-University of Coimbra
Departamento de Filosofía de la Univ. Autónoma de Madrid
Joseba Azkarraga Etxagibel, University of the Basque Country
Federico Demaria, University of Barcelona
Politics, Economy, Mining, Environment and Society Research Group Brazil
Lino Arturo Pizzolon, Water Observatory - Universidad Nacional de la Patagonia
Patrick Bond, University of the Western Cape
Bronwyn Clement, University of Toronto

N.B. This letter also received endorsement from 110 individuals, many from communities impacted by mining in Europe and beyond.