

Implementing UNEA Resolution 4/19 on Mineral Resource Governance

Regional Summary
Asia Pacific
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Mineral Resource Governance Recommendations and Suggested Actions Key



Intensified mining for recovery from the coronavirus disease (COVID-19)



Artisanal and small-scale mining (ASM)



Platforms for cooperation and capacity-building



Mine waste recycling, re-use and circularity



Tailings management



National-level governance



Harmonization and alignment of governance initiatives

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Asia Pacific Consultation Report

This report describes the outcomes of the Asia Pacific consultations conducted on the implementation of the United Nations Environment Assembly (UNEA) Resolution 4/19 on Mineral Resource Governance. Six consultative meetings were held, during which 146 representatives from Member States, including UNEP national focal points, as well as major groups and other stakeholders were convened to identify best practices and knowledge gaps, assess governance options and consider common elements of interest for next steps on the mineral resource governance agenda. Participants provided their feedback to three key consultation questions:

1. What are the most pressing mineral resource governance challenges in your region?
2. What are some examples of emerging, good, or best practices in your region?
3. What themes and issues should be the focus of future action, including by international or UN bodies, on Mineral Resource Governance?

An additional 20 written submissions from Asia, including three from Asian governments, were received in response to the consultation questions. Participants were invited to the following consultations:

- Briefing – Asia Pacific, 8 July 2020 (English/Chinese)
- Sub-regional Consultation – South and Southeast Asia, 29 July 2020 (English)
- Sub-regional Consultation – Pacific and Oceania, 30 July 2020 (English)
- Sub-regional Consultation – Northeast Asia, 31 July 2020 (English)
- Regional Consultation – Asia Pacific, 19 August 2020 (English/Chinese)
- Global Forums on the UNEA-4 Resolution on Mineral Resource Governance – 22 & 24 September 2020 (All UN languages)



Most pressing challenges in knowledge and practice

The first key question for the consultations was, “What are the most pressing mineral resource governance challenges in your region?”. This section provides a summary of responses from the region, and incorporates input from both the online consultations and written submissions.



Regulatory capture

Participants from a number of countries suggested that regulatory capture is a significant barrier to improving mining governance. Participants note that a number of factors compromise policy development and effective regulation, including when elected leaders are either beneficial owners of mining companies or their electoral campaigns were financed by mining companies.



Corporate accountability

Despite a range of examples of harm caused by mining companies, there is a lack of public understanding or accessibility of accountability mechanisms.

There is no broad consensus on minimum environmental and social standards, and remedy is often inadequate. Questions still remain about grievance mechanisms, and what consequences exist for when a company violates human rights. Under what circumstances, for example, would a permit be suspended or cancelled?



Shrinking civil space and community participation

Participants expressed concerns about the shrinking ‘space’ available for marginalized communities to articulate, challenge and resist mining operations that threaten their rights. A number of participants pointed to a 2020 Global Witness report, *Defending Tomorrow* that documented the threats and harm to land and environmental defenders in Asia and the Pacific.

The majority of these threats and harm were found to be located in the extractive industries. Participants identified that attention also needs to be given to the role of intermediaries and independent observers in improving transparency via disclosure of risks and impacts.



Re-evaluation of the social contract for mining

According to participants, attitudes towards mining, along with technological developments, are changing the ‘social contract’ for mining.

Tolerance for environmental damage, social harm and worker exploitation is decreasing, while calls for benefit sharing, avoidance of harm and access to remedy are increasing. Automation of mining and mineral processing is also changing the location and skills requirement for the workforce, meaning that the flows of employment benefits will change.



Holistic development

Participants encouraged a holistic evaluation of mining as part of the local, national and global development agenda, including issues such as intergenerational equity and 'full cost' accounting (i.e. Including social, environmental, cultural and political costs along with the economic). Participants advocated putting human rights and intergenerational equity at the centre of development goals.

Mineral governance frameworks were often perceived to be insufficient (or ineffective) in considering community impact issues alongside the economic such as: artisanal mining, benefit sharing, accountability, community participation in governance, recognition and respect of IP rights to their land and resources, and FPIC.



Ineffective local economic development strategies

For many Asian countries, foreign investment in mining is significant. Participants noted that some countries lacked the policies and capacity to support local value-adding and business development, and see this as a lost opportunity.



Deep Sea Mining

Deep Sea Mining (DSM) is a particular challenge for governance in the region. Many Pacific Island Territories are now considering this prospect as a means to build more resilience to their economies due to the downturn in tourism from COVID-19 lockdowns, however most lack the legislation or policy to guide even the exploration for DSM.



Informal mining, Artisanal and small-scale mining (ASM) and development minerals

Participants raised a variety of challenges relating to informal and artisanal mining, with particular reference to mining of development minerals. Issues include: formalization, weak regulation, appropriate regulatory authority, conflict, climate change adaptation and infrastructure development. The use of development minerals in disaster response is a gap in current disaster preparedness, plans and approaches.

Participants also noted the importance of promotion of responsible extraction of aggregates via sharing of good practices, network building and sharing knowledge about the benefit of strong legislation and policy to encourage and enforce responsible extraction.



Tailings safety and environmental impact

Many long-standing issues relating to mine tailings and poor remediation exist in the Asia Pacific region. Participants suggested that poor practice in siting and management of tailings is still occurring, and that communities and the environment continue to be negatively impacted.

Participants are hopeful that the new [Global Industry Standard on Tailings Management](#) will have wide take-up, that an independent body will be formed to oversee implementation, and that standards of practice will continue to improve.



Good practices

The second major question guiding the consultations was, “What are some examples of emerging, good, or best practices in your region?”. This section provides a summary of responses that incorporates input from both the online consultations and written submissions. It should be noted that this report does not endorse the accuracy, impact or efficacy of the listed examples, instead it faithfully reports the information contributed by participants during the consultations.



In Telengana, India sand production is delivered to government sand depots for auction. Users must book sand online and also a registered truck to deliver the sand ensuring a traceable system and increased government royalties.



Goenchi Mati Movement, India – a reconceptualization of mineral ownership for development.



Multi-partite Monitoring Teams (including CSOs and subnational governments) in monitoring compliance.



Mandatory social development and environmental protection and enhancement funds.



Mine decommissioning and rehabilitation funds.



In Thailand mining is only permitted in zones set by the National Mineral Management Policy Commission.



Secretariat of the Pacific Regional Environment Programme (SPREP) mineral sector EIA training, Regional EIA Guidelines for the Pacific and territories, and the Regional Strategic Environmental Assessment guidelines.



Malaysian EIA Consultant Registration Scheme.



Waigani Convention to Ban the importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement of Hazardous wastes within the South Pacific.



Future action

Participants from the region shared a great range of ideas for future action, this section summarizes the main ideas.



Realigning priorities

Improving the long-term focus of regulators, miners and other stakeholders to ensure that existing social, environmental, cultural, and economic capitals are taken into account when designating or approving mining areas. Intergenerational equity should be taken into account. Following the events of this year – unprecedented floods, fires and COVID-19 – the mining industry needs to understand and take responsibility for its contributions to climate change, land use change and biodiversity impacts.



Minimum standards

UNEA and UNEP should consider actively recommending minimum standards, in the spirit of the ILO labour standards and the IFC standards. These should take a holistic and human rights approach, and involve a dialogue between stakeholders about effective transparency and accountability. Participants suggested that minimum standards should include options for legal remedy (perhaps at an international level), and minimum standards for community benefit sharing.



Recycling and re-use

Further research into the re-cycling and re-use of tailings and other mine waste. Examples of areas for investigation included: re-mining wastes (including by ASM), re-use of demolition waste for aggregates, incorporating waste re-use options into mine planning and closure planning.



Harmonization of mining laws, policies and governance initiatives

Harmonization of initiatives provides an opportunity for closing gaps and loopholes as well as reducing confusion about which standards should apply.



Technical assistance and capacity building

Many opportunities for technical assistance and capacity building were nominated by the participants, particularly in relation to compliance and enforcement of new and existing regulation. Promoting coordination and connection between different parts of governments was also seen as an opportunity.



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