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**Business & Human Rights
Resource Centre**

Transition Minerals Tracker: 2022 Analysis

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Foreword

by **Mutuso Dhiwayo**, Executive Director, Zimbabwe Environmental Law Association (ZELA); Business & Human Rights Resource Centre Trustee

The reality of living in a cleaner, greener world is that we still need to get our hands dirty through mining activities.

When it comes to powering the technology required to cut emissions and avert climate breakdown, transition minerals – including cobalt, copper, lithium, manganese, nickel and zinc – are required in enormous quantities. They are essential components for the wind turbines and solar panels, electric vehicles and battery storage which will power the global transition to renewable energy – an imperative that has never been more urgent. But an approach to rampant extraction of these minerals which further embeds the historical human rights abuses of the sector poses real risk to a responsible, just energy transition as a whole. Put simply, communities are increasingly saying ‘no’ to irresponsible energy transition.

Responsible extraction, centring the rights of Indigenous Peoples, local communities and vulnerable workers, is the only way to ensure a transition that is fair, so that it can also be fast.

The Business & Human Rights Resource Centre’s [Transition Minerals Tracker](#) was developed to map a path towards this energy shift, by monitoring allegations of abuse related to transition mineral mining and formulating recommendations to key stakeholder groups including business, investors and government. This year’s analysis of the Tracker’s data should give all these stakeholders pause for thought: combined with historical data, it passes the grim milestone of 500 allegations of abuse, highlighting violations of land rights, environmental harms, worker deaths and increasing risk to Indigenous Peoples, amongst others, associated with the sector.

The new Tracker dataset for 2022 adds 65 new allegations, and again shows that it is local communities, defenders of people and planet, and civil society organisations who bear the brunt of these abuses. Corruption has also emerged as a salient issue for transition mineral mining, as most of these minerals are found in countries with weaker governance systems. The number of these allegations quadrupled year-on-year, revealing the need for a sharper focus on ensuring robust governance of the transition mineral sector, in addition to legislative reform that translates to real protection for the rights of the communities and defenders who will play a central role. While mining is essential to the transformative task of realising our net-zero ambitions, policy initiatives targeted at curbing rapacious demand for these minerals matter as well.

Transition mineral mining companies, as well as their investors, must also pull their weight. Urgent action is required to entrench robust human rights and environmental due diligence, develop models of shared benefit with host communities, beginning with respect for their right to consent, and lend public support for legislation that mandates these approaches. In other words, the time for a human rights-centred method of mining and recognition of its link to long-term value creation for the owners of these companies, is now.

A swift and sustainable energy transition depends on it.



Executive summary

As pressure intensifies to extract the minerals critical for the global renewable energy transition, human rights abuses remain a damning feature of the sector, posing a significant threat to reaching the urgent goal of net-zero carbon emissions by 2050. **The Resource Centre's [Transition Minerals Tracker \(the Tracker\)](#), which spotlights the human rights implications of transition mineral mining, now includes 510 allegations of abuse from 2010 – 2022 associated with the mining of six key minerals for the energy transition: cobalt, copper, lithium, manganese, nickel and zinc. Sixty-five new cases of alleged abuse were recorded in 2022, including widespread violations of environmental, land and Indigenous Peoples' rights, coupled with an increase in corruption cases.** With impacts of the global climate crisis multiplying quickly, particularly for Indigenous and other marginalised communities, it is crucial the energy transition does not come at their expense – a risk increasingly foreshadowed by the Tracker. Rather, a truly just energy transition will centre on [three core principles](#):

- ➔ **Shared prosperity** that builds worker and community rights in operations and supply chains;
- ➔ Robust **human rights due diligence** and worker, community and defender rights protections; and
- ➔ **Fair negotiation** between business, workers and communities, centring the principle of Free, Prior and Informed Consent.

Rapid company, investor and government action is necessary to build these principles into new approaches to transition mineral mining so that the benefits are shared by all – including by the communities being asked to host these operations and the workers being asked to extract these minerals.

The abuse allegations recorded in the Tracker this year call critical attention to this point, highlighting the multifaceted human rights impacts of transition mineral mining. Among them, and in line with previous years, allegations of abuse causing harm to local communities and the environment are the most prevalent.

The Las Bambas copper mine in Peru, which was linked to the highest number of allegations of abuse in 2022, is illustrative: allegations included violations of land rights, impacts on local environment, corruption and attacks against human rights defenders (HRDs), amongst others. Equally instructive, however, has been the response from local communities and the state to these violations; legal challenges have been initiated and numerous protests have led to production pauses and project delays.

As this year's analysis of the Tracker data reveals, communities around Las Bambas are not alone: **Indigenous and local communities across the globe are increasingly turning to both protest and the courts to halt this type of business-as-usual approach to transition mineral mining.** With the majority of minerals essential for the energy transition located [in reserves near or on the lands of Indigenous Peoples](#) and peasant peoples, this should perhaps come as no surprise. The Tracker, which now includes **49 allegations of abuse related to Indigenous Peoples**, brings into sharp relief the impacts of irresponsible mining for these communities, including on their livelihoods, cultures and their critical right to free, prior and informed consent (FPIC).

The people protecting these rights on the ground – land, environment and HRDs – are under persistent threat. **The Tracker now includes 133 attacks against HRDs (over a quarter, 26%, of all allegations), with 13 new attacks on HRDs recorded for 2022 alone. Of these, five were against Indigenous defenders.** According to the Resource Centre's data on attacks against HRDs, mining remains [the most dangerous sector](#) for those voicing community concerns over irresponsible business conduct. The fight to hold mining companies accountable by HRDs is growing in impact [and global recognition](#) – demonstrating the critical role the protection of HRDs must play in any truly just energy transition.

Transition mineral mining companies also have a key role to play in ensuring respect for these rights. A handful of the most well-established firms in the sector continue to be linked to the majority of abuses included in the Tracker: two-thirds of recorded abuses since 2010 have been linked to just 14 companies. **Glencore** is linked to 70 allegations of abuse, the most of any company in the Tracker for the second year in a row. **China Minmetals**, the owner of the Las Bambas copper mine in Peru, follows close behind with 67 allegations. Other companies linked to high numbers of allegations include **Grupo Mexico, Codelco, Freeport McMoran** and **Solway Group**. **Critically, less than half of the mining companies associated with allegations in the Tracker had human rights policies in place.**

This year, Tracker data additionally reveals a growing number of corruption cases associated with transition mineral mining. Increasing global demand for minerals may incentivise companies to cut corners on environmental regulations and effective public participation, suggesting corruption may be closely connected to many human rights abuses in the context of mining. As the global rush to secure transition minerals accelerates, the increase in such cases serves as a reminder for governments and all stakeholders in the sector: fighting corruption must remain a policy priority. Guidance on responsible business conduct and robust supply chain legislation should better integrate corruption risks and move decidedly away from a tick box approach.

This year's **analysis of the Tracker data spotlights the opportunity for mining companies, their investors and governments – both of countries endowed with vast reserves of transition minerals, as well as countries currently securing their supply chains – to demonstrate real commitment to a renewable energy transition that is just, swift and sustainable.** In simple terms, the energy transition cannot come at the cost of human rights. The recommendations in this briefing show it doesn't have to. Respect for human rights, recognition of hosting communities as equal partners entitled to sustainable benefit and commitment by the Global North to [curb demand](#) for transition minerals should be reflected in policymaking, investment decisions and operational approaches. In particular, emerging legislation on mandatory human rights due diligence must seek to protect those most at risk.

Disregard for community rights and recognition comes with increasingly severe consequences for those being asked to host large transition mineral mines, as well as for investors, companies and the regions in which they operate. This is an approach the world can ill-afford. The alternative – which starts with basic respect for human and environmental rights and centres communities and workers in the process – promises a just and sustainable energy transformation.

Key recommendations

Recommendations to companies:

- ➔ Assign clear Board responsibility for and oversight of respect for human and environmental rights.
- ➔ Implement human rights and environmental due diligence in operations and supply chains, alongside access to remedy, built on worker and community engagement that is safe and inclusive.
- ➔ Respect and publicly report on inclusive consultation and implementation of FPIC principles for Indigenous Peoples, prior to taking investment and operational decisions, followed by joint interrogation of shared asset models, for which communities and workers are well-advised.
- ➔ Develop decarbonisation and just transition plans to deliver good jobs and co-benefit in consultation with democratic representatives and rightsholders, including unions, Indigenous Peoples and community organisations, in operations and supply chains.

Recommendations to investors:

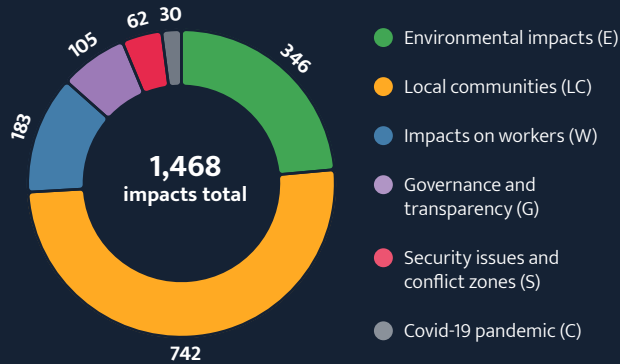
- ➔ Commit to rights-respecting investments with board oversight and undertake and promote analysis consistent with the UN Guiding Principles for Business and Human Rights (UNGPs). Evaluate risks and impacts of investee companies on people and the planet, alongside financial materiality.
- ➔ Undertake inclusive human rights and environmental due diligence and review potential investee companies' up-to-date record of environmental harm and human rights abuse, including links to attacks on HRDs.
- ➔ Develop engagement plans with transition minerals mining investee companies to insist on urgent and decisive action on human rights and environmental abuses in operations and to protect HRDs.
- ➔ Use leverage with investee companies which cause, contribute to or are directly linked to human rights and environmental harms, including attacks on HRDs.
- ➔ Publicly support emerging legislation on mandatory human rights and environmental due diligence and stronger legal guarantees on the protection of human rights as part of investment and trade agreements – with specific attention given to land rights and Indigenous Peoples' fundamental rights.

Recommendations to governments

- ➔ Commit to supporting responsible transition mineral mining and reducing conflict with impacted communities, including through legislation mandating human rights and environmental due diligence, inclusive of [corruption risks](#), throughout the transition mineral mining lifecycle and based on inclusive consultation and shared benefit with rightsholders, such as Indigenous Peoples and workers.
- ➔ Adopt policies to protect the environment, support recycling and re-use of minerals, increase product design efficiency and decrease demand for virgin minerals to reduce human rights impacts related to new mining activities, where community consent has been obtained and equitable benefit and joint monitoring agreements and grievance mechanisms are in place.
- ➔ Support an equitable energy transition by ensuring transition mineral operations offer good jobs with freedom of association, right to collective bargaining and greater retention of the value chain in the region.

Key findings

Number of allegations per category (2010 – 2022)



82% (418) of allegations are associated with at least two impacts

38% (194) of allegations are associated with impacts across at least two categories

112 allegations are associated with impacts on both local communities and the environment

72% (36) of allegations impacting Indigenous Peoples have impacts that ripple through multiple categories

Regional breakdown (2010 – 2022)

South America accounts for over half of all allegations. 70 have been recorded in Mexico and Central America, 92 in Africa.



65 new allegations in 2022

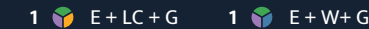
45 allegations with one category:



18 allegations with two categories:



2 allegations with three categories:



Less than half of companies with at least one allegation recorded in the Tracker (**34 companies, 47%**) had a human rights policy in place at the time of publication

Copper is associated with **69%** of all allegations



Which mines have been linked to most allegations?



Top environmental impacts (2010 – 2022)

Water pollution (94 allegations) is the leading impact

133 allegations (26%) are related to either water pollution, water access issues, or both

49 allegations are related to violations of environmental safety standards – of which, 34 allegations are also related to water issues

42 allegations are associated with harm to wildlife and species habitat. Of these, 81% are related to water issues (access or pollution).

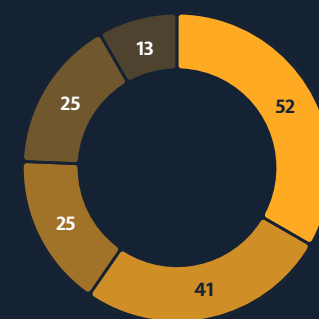
Top impacts on local communities (2010 – 2022)

133 attacks against HRDs, including 13 killings

83 allegations include impacts on the rights to peaceful protest – of which 41 are attacks against HRDs, with 14 relating to injuries.

49 allegations of violations of Indigenous rights, including 25 cases of alleged violations of either their rights to FPIC/land rights

Human rights defender (HRDs) attacks



133 allegations are related to attacks against HRDs (29%), including 43 cases of direct attacks

- SLAPPs
- Right to peaceful protest
- Intimidation and threats
- Arrests and detention
- Killings

Terms and approaches

The term ‘**Tracker**’ refers to the entire dataset that covers 93 companies and their 172 mining operations. The Tracker aims to cover significant and large-scale mines that are or have been in production for each of six key minerals (cobalt, copper, lithium, manganese, nickel and zinc), across all geographies, from 2010– 2022. Annual updates are provided, while ‘**Global analysis**’ refers to trends drawn from the full scope of the Tracker (2010– 2022).

The term ‘**Allegation**’ refers to publicly-reported allegations of specific incidents of: **alleged abuse by a company**, **civil society action against companies** or **publicly reported attacks against HRDs**.

One allegation can be associated with multiple impacts i.e., an incidence of water pollution may have other impacts, such as health impacts or impact on livelihoods. Our typology of impacts includes 51 indicators. Impacts are categorised into six categories of human and environmental abuse: **environmental impacts (E)**, **local communities and attacks against civil society organisations (LC)**, **impacts on workers (W)**, **governance and transparency (G)**, **security issues and conflict zones (S)** and the **Covid-19 pandemic (C)**. A full [Tracker methodology](#) is available on the Resource Centre website.

SAMPLE: ALLEGATIONS, IMPACTS AND CATEGORIES

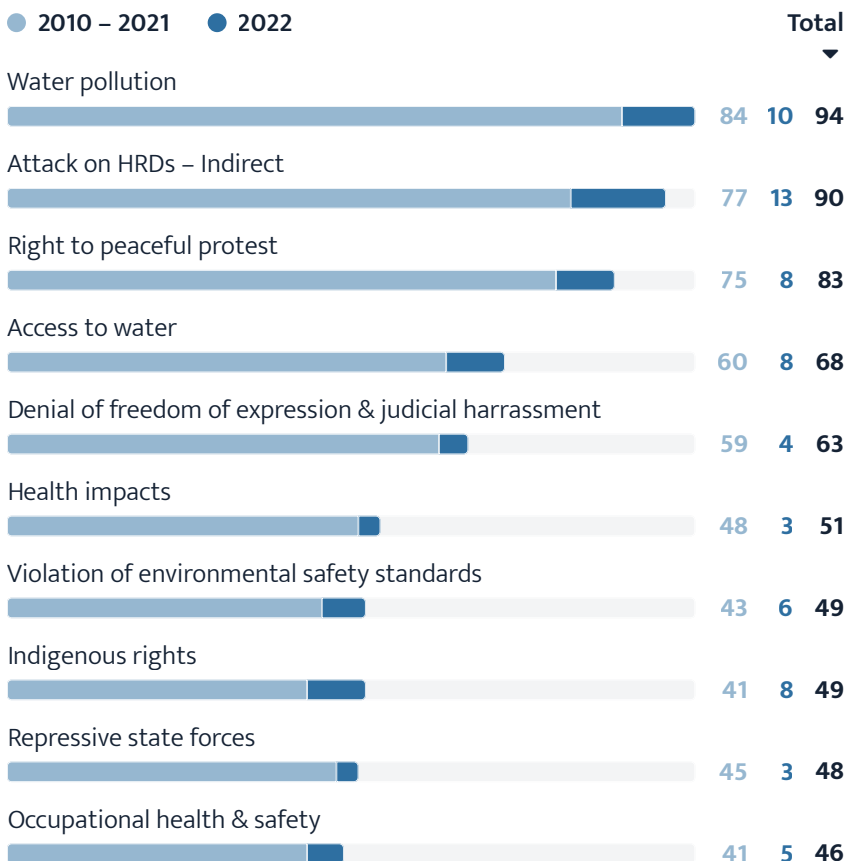
Categories	Impacts	Allegation 1	Allegation 2	Allegation 3	Total
E	Access to water	●			1
	Water pollution		●		1
	Impacts on wildlife and species habitat		●		1
	Total in the E category	1	2	0	3
LC	Land rights	●			0
	Insufficient/inadequate consultation		●		0
	FPIC			●	1
	Indigenous rights	●			0
	Total in the LC category	2	1	1	4
W	Child labour				0
	Work-related deaths				0
	Freedom of association and bargaining		●		1
	Total in the W category	0	1	0	1
G	Tax avoidance (inc. social funds)				0
	Corruption			●	1
	Total in the G category	0	0	1	1
S	Armed groups (complicity/cooperation)				0
	Abuses by private security			●	1
	Total in the S category	0	0	1	1
C	Worker health			●	1
	Total in the C category	0	0	1	1
	Number of impacts	3	4	4	11
	Number of categories impacted (each allegation)	2	3	4	



Global analysis and 2022 update

During 2022, the Tracker recorded 65 new allegations of human rights abuses associated with transition mineral mining. This compares with 61 allegations recorded in 2021. Between 2010 and 2022, the Tracker recorded a total of 510 allegations of abuse, which **include 133 cases of attacks against HRDs (26%), 13 of which took place in 2022 and of which five were against Indigenous defenders**. Unsurprisingly, the Resource Centre’s data has demonstrated mining continues to be the [most dangerous sector for HRDs](#), illustrating the urgent need for stronger regulatory protection for HRDs as pressure intensifies across all geographies to mine new minerals to facilitate the transition to renewable energy.

TOP 10 GLOBAL IMPACTS (2010 – 2022)



TOP 5 IMPACTS IN 2022



Resistance by Indigenous Peoples and local communities is rising

Human rights abuses against local communities and civil society organisations are still the most common allegations, with 310 allegations (61%) associated with at least one impact on local communities.

In 2022, 34 allegations – more than half of total allegations recorded – impacted communities. These included instances of mining operations threatening livelihoods, land rights and Indigenous rights, including their right to FPIC. There were also allegations connected to abuses of public participation rights, where communities affected by planned extension of mining operations, for example, were denied the right to be consulted in a meaningful and inclusive manner.

Indigenous Peoples continue to suffer the impacts of transition minerals extraction. Between 2010 and 2022, 49 allegations of recorded abuse were associated with Indigenous Peoples' rights, including 25 allegations of violations of either their rights to FPIC – a unique right protected by the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) and [ILO convention n°169](#) – and/or their land rights. Allegations involving Indigenous Peoples are representative of the multitude of consequences mining can have on communities: **72% (36 allegations) are associated with impacts that cut across at least two categories.**

Against this background, Indigenous and other local communities, and their defenders, nevertheless continued resisting abuse of their rights and demanding a more equitable approach to extraction in 2022.

Indigenous communities in [Peru](#) and [Australia](#), who have borne the costs of the traditional extractive model, called for the adoption of community equity model frameworks, by which mining companies co-design projects with Indigenous communities based on the principles of co-ownership and sustainable shared benefit. Meanwhile, **HRDs in Sierra Leone successfully advocated for a ground-breaking new law protecting customary land rights, recognising women's land rights and banning industrial development in protected and ecologically sensitive areas.** With the same piece of legislation, [Sierra Leone](#) became the first country to mandate community consent for future mining projects – a move that may inspire other countries endowed with transition minerals.

Indigenous and community-led efforts like these could set a critical precedent for the energy transition, by reimagining an extractive sector based on respect for human rights and principles of equity and sustainability.



Photo by Trócaire

Water intensity of mining operations continues to threaten communities

Allegations of abuses impacting the environment feature strongly in the Tracker. Environmental impacts appeared in **182 allegations (36%)**, the same as last year. **133 allegations (26% of all allegations) are either related to water pollution, access to water or both, highlighting the water intensity of transition minerals mining and the resulting struggle for surrounding communities.**

In the face of this, some states have begun to take action. In April 2022, the [Republic of Chile sued Albemarle, BHP and Antofagasta](#) for irregularities in lithium extraction in the country's northern region. According to the country's environmental tribunal, over-exploitation of the fragile ecosystem in which the extractive activities were being carried out, particularly related to water use, have caused severe, permanent and irreparable deterioration of the aquifer, the Tilopozo meadows, the wildlife and species habitat and the life systems and customs of the Peine Indigenous community.

Unsurprisingly, water pollution cases are closely linked with allegations of violations of environmental safety standards (27 allegations feature both). Water pollution also has concrete health consequences for local populations (27 allegations feature both). The majority of cases involving impacts on wildlife and species habitat also include impacts related to either water pollution or water access, or both.

Mining operations have multiple real-world consequences

In the past two decades, there has been significant attention allotted to several, particularly gruesome, human rights violations associated with transition mineral extraction, such as child labour issues endemic to the industry in the Democratic Republic of Congo (DRC). **While these issues should have long ago alerted companies and their investors to the salient risks of sourcing transition minerals from certain high-risk regions, evidence suggests many minerals critical to the energy transition are connected with multi-faceted impacts across the globe.** This illustrates the interconnectedness of sustainability challenges associated with the mining sector.



Specifically, most recorded allegations (418 allegations or 82%) are associated with at least two types of impacts, with 194 allegations (38%) spanning more than one category. In particular, evidence shows the environmental damage of mining has other, detrimental consequences for communities, as 111 (22%) allegations relate to impacts on both the environment and on the people who live there.

Which types of impacts are frequently reported together?

Here too, communities are taking action. In December 2022, in Chile, the [Antacameña de Conchi Viejo Indigenous community initiated legal action](#) against El Abra (a joint venture between Codelco and Freeport McMoran). A sulphuric acid spill from the mine impacted the environment, cultural heritage and ancestral land of the community. The spill was also alleged to have caused irreversible heritage damage in archaeological sectors, which are among the most important in the region. The case is ongoing and reflects growing efforts by impacted communities – many of them Indigenous – to use legal proceedings as a tool to protect their land and livelihoods from damaging transition mineral extraction.

NUMBER OF ALLEGATIONS TICKING TWO DIFFERENT IMPACTS IN THE LOCAL COMMUNITIES AND ENVIRONMENT CATEGORIES

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1 ▶ Access to water															
2 ▶ Water pollution	29														
3 ▶ Impacts on wildlife and species habitat	15	26													
4 ▶ Operations in/impacting protected areas	4	4	5												
5 ▶ Absence of or insufficient environmental impact assessment	10	9	2	3											
6 ▶ Violation of environmental safety standards (including tailings dams)	15	27	8	–	4										
7 ▶ Land rights	5	10	3	4	2	1									
8 ▶ Insufficient/inadequate consultation	7	13	3	2	12	3	14								
9 ▶ FPIC	4	6	3	2	3	1	8	11							
10 ▶ Indigenous rights	12	15	10	5	6	1	16	15	16						
11 ▶ Impact to ancestral, cultural, spiritual, and religious resources or sites	1	3	1	–	2	1	1	2	1	6					
12 ▶ Displacement	2	2	–	1	–	1	3	2	1	2	–				
13 ▶ Forced relocation	4	2	–	–	2	3	7	4	–	1	2	1			
14 ▶ Impacts on livelihoods	11	23	8	2	4	6	7	6	1	5	5	5	9		
15 ▶ Health impacts	11	27	7	1	7	14	5	9	1	7	4	1	5	11	
Total in the category	68	94	42	13	32	49	35	42	20	49	10	7	19	43	51

Figures at the intersection of a line X and a column Y correspond to the number of allegations associated with impact X and impact Y. For example, 10 allegations are associated with impacts on land rights (line 7) and water pollution (column 2)

Corruption cases related to transition minerals are growing

While the overall data and trends have largely remained consistent over the past decade, data for 2022 revealed a concerning growth in the governance category, with 10 allegations recorded in 2022 (42 recorded in total from 2010 – 2022). This category covers impacts including tax avoidance, access to information and payments/disclosure of payments to governments and corruption.

Corruption in the mining sector is not a new issue. Across all geographies, this scourge has ignited activism and the resistance of civil society against extractive industries for decades. According to the [OECD](#), the extractive sector accounts for one in five cases of transnational bribery. As pressure mounts to accelerate development of new transition mineral supplies, incentives to circumvent regulations through corruption may also increase. Corruption and embezzlement are often the root cause of human rights abuses, as such practices can undermine the capacity and willingness of governments to effectively protect them. Failure to tackle corruption has historically locked some resource-rich countries into the so-called ‘[resource-curse](#)’. This year’s analysis of the Tracker data highlights the threat of history repeating itself in the context of the global shift to renewable energy, which, in turn, risks undermining efforts to ensure a just and sustainable transition. Swift action to reverse this course is essential.

In 2022, after decades of investigations into allegations of corruption, Glencore entered into guilty plea agreements in the [UK](#) and the [US](#) and was ordered pay penalties of up to US\$1.5 billion. This included an estimated US\$25.7 million to third parties in the DRC. Under the US Department of Justice investigation, instances of bribery and corruption by Glencore were also reported in Cameroon, Equatorial Guinea, Côte d’Ivoire, Nigeria, South Sudan, Brazil and Venezuela. Other examples of reported corruption featured in this year’s Tracker analysis. These included a case of alleged undue influence by a [leading mining company in political elections in Zambia](#), while a [case reported in Guatemala](#) illustrated the risks associated with efforts to fast-track transition mining projects in the vein of the historical – and outmoded – extractive model. There, a company operating a nickel mine allegedly manipulated community consultations through regular payment instalments to community leaders in order to expedite a favourable outcome.

While corruption is often linked only to bribery in conflict areas, these and other examples highlight why a broader conception of corruption risk, and its effects, is essential. To date, emerging legislation on mandatory human rights due diligence generally fails to address the full impact of corruption in supply chains. This is particularly so given the systemic risks posed by corruption, which, in turn, raise the potential for social conflict around mining projects. Forty-one percent of global copper reserves, 70% of cobalt reserves and 59% of nickel reserves are located in countries with high levels of corruption – and urgent reforms are necessary, according to the [Expert Group on Preventing Corruption in Transition Minerals](#).

A handful of well-established companies continue to be responsible for the majority of allegations

The concentration of allegations linked to a limited number of companies – those among the most established in the sector – continues to be a reality. **For 2022, over half of the allegations were linked to just five companies: China Minmetals, Solway Group, Glencore (including through two joint ventures), Grupo Mexico and Codelco, which altogether accounted for 35 out of 65 allegations.**

Glencore remains first on the list, with 70 allegations recorded from 2010 – 2022, including five in 2022. It is followed by China Minmetals (the parent company of MMG,) which owns the Las Bambas mine in Peru.

- ➔ Las Bambas is the mine linked to the highest number of allegations for 2022 (eight allegations) and overall (63). While it is often closed due to community protest, when in production, it produces 2% of the world's copper supply.
- ➔ One in every five allegation was related to a company headquartered in China (95) – the highest count, followed by Switzerland (79) and Canada (59).

Labour rights and security at mining sites

The Tracker recorded five allegations of worker-related deaths in 2022, contributing to a total of 29 across the period of 2010 – 2022. This highlights it is not just local communities, but also workers, who are at risk in the sector and require more robust protection. Two deaths occurred in Chile (both associated with the same company, Codelco), one death occurred in Canada, one other in the US and then one in Portugal. Freedom of association and collective bargaining are also under threat, with violations related to these rights now associated with 28 cases in total (6 in 2022, of which, half were in Chile).



Mining for Transition Minerals: HRDs continued to pay the highest price in 2022

Thirteen attacks against those defending local communities and the environment were recorded in 2022. These attacks included arrests and arbitrary detention, as well as allegations related to denial of freedom of expression and judicial harassment, including cases bearing the hallmarks of Strategic Lawsuits Against Public Participation (SLAPPs). Four of these allegations involved violations of the right to peaceful protest.

As the Special Rapporteur on HRDs [put](#) it, defenders are “*targeted because they confront powerful vested interests by protecting our natural resources and shared climate, defending labour rights, exposing corruption, and refusing to accept injustice.*” The story of [Oscar Mollohuanca Cruz](#), a former mayor of the Espinar district in Peru and a human rights and environmental defender, is illustrative. After raising concerns about environmental harm resulting from Xstrata Tintaya’s copper mining operations since 2012, and the lack of legal protection for HRDs in the country, he was found dead in March 2022, with injuries on his body.

Although Indigenous Peoples comprise approximately one in 17 (6%) of the world’s population, they are disproportionately targeted for their activism: 38% of attacks (5 allegations) on HRDs in the transition minerals sector in 2022 were against Indigenous Peoples or their communities.

This is in stark contrast to the recognition increasingly bestowed upon Indigenous leaders for their efforts in holding corporations accountable for poor human rights practices. The [2023 Goldman prize winner Chilekwa Mumba](#) initiated a [lawsuit in the UK courts](#) to hold Vedanta Resources, the parent company of Konkola Copper Mine in Zambia, responsible for the pollution it caused. This case helped establish important new precedent, marking the first time the English Supreme Court ruled that a British parent company owed a duty of care to those impacted by the operations of its subsidiary in another country.



Mine Xstrata Tintaya
Photo by [Golda Fuentes](#)

This year's analysis of the Tracker data also confirmed that attacks on HRDs are one of the most salient issues in the transition minerals mining sector. This is in line with the Resource Centre's [broader findings](#) on risks to HRDs related to mining, which has consistently been the most dangerous sector for HRDs since the Resource Centre began tracking these attacks in 2015. Nearly 30% of attacks against HRDs recorded in 2022 were connected to mining, and the sector is even more dangerous for Indigenous defenders, with 41% of attacks against Indigenous Peoples in 2022 relating to mining. Lithium mining is of particular concern: according to a [recent study](#), 85% of current and planned lithium extraction projects are located on or near land managed or inhabited by Indigenous Peoples.

Despite these risks, human rights and environmental defenders are at the forefront of advocating for a rights-respecting, more sustainable energy transition that does not replicate the well-known harms of the traditional extractive model. Importantly, 2022 saw these HRDs achieving meaningful victories on the global stage, including the appointment of former UN Special Rapporteur on Human Rights Defenders, Michel Forst, as the first-ever [Special Rapporteur on Environmental Defenders under the Aarhus Convention](#).

With such significant impacts for HRDs and communities related to transition mineral mining, it is critical emerging human rights due diligence legislation around the world includes a focus on the protection of HRDs and Indigenous rights, both in places of extraction and in countries where mining companies are headquartered. However, there has so far been limited progress and attention paid towards these critical issues. In the EU in particular, the current version of the draft of the Corporate Sustainability Due Diligence Directive (CSDDD), adopted by the Legal Affairs Committee of the European Parliament in early 2023, [represents a missed opportunity](#) to explicitly recognise and protect HRDs as affected and legitimate stakeholders. [Sixty organisations](#) from around the world have called for strengthened language on defenders in the CSDDD, supported by the Special Rapporteur on Environmental Defenders under the Aarhus Convention.





Africa

Since the Tracker's inception in 2010, Africa has recorded the second highest number of allegations (92), of which 55 have occurred in the DRC, the world's largest producer of cobalt. This is followed by neighbouring Zambia (27), a leading copper producer. All four recorded cases of child labour in the Tracker are associated with the DRC.

Endowed with vast transition minerals resources, Africa is central to the energy transition and could benefit from increased foreign mining investment. The extractive industry has dominated the economies of DRC and Zambia, amongst others, for decades – and is linked to serious environmental and social consequences. In the DRC, while the spotlight has been put on the human right costs of artisanal and small-scale mining and its relation to fuelling local conflict, evidence from the Tracker's data, as well as [additional research](#), has established large-scale industrial mining actors are not without blame.

Africa is also associated with the highest number of impacts in the governance category (32 since the Tracker's inception, of which 24 are in the DRC). [Glencore's settlement in the US](#) in 2022 followed guilty-plea agreements for bribes in multiple countries in Africa, including the DRC. In the same country, an [audit](#) also identified more than US\$400 million disappeared between 2010 and 2020 from a state-owned mining company, which is involved in several of the world's largest cobalt and copper projects. The missing funds are presumed to have been misappropriated.



Europe

Only two new allegations were recorded in Europe in 2022 (Serbia and Portugal). This statistic is reflective of the lack of transition minerals resources in the region. However, this should not obscure the fact that the EU and companies headquartered there are pushing for further extraction of transition minerals in non-EU countries. In March 2023, the European Commission released its proposal for its [EU Critical Raw Materials Act](#) (CRMA), which aims to strengthen the EU's capacity to extract, process and recycle 'strategic raw materials', as well as diversify its sources of imports from non-EU countries. Like policies in the US and other industrialised nations, the EU is trying to secure its access to mineral supply chains but has yet to propose concrete targets to limit overall EU demand and consumption of transition minerals. Human rights safeguards in the proposed text remain limited. Rather than unequivocally requiring all proposed "Strategic Projects" respect human rights, and in particular the rights of Indigenous Peoples to give or refuse their FPIC per the [UN Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) and [ILO Convention N°169](#), the Commission's proposal only asks for a plan to '[facilitate public acceptance](#)'.

Risk of human rights abuses in connection with the extraction of transition minerals is not confined to mining operations outside of the EU. New or planned extensions of mining projects in the EU itself are also facing mounting community opposition due to serious concerns about their social and environmental impacts and lack of sufficient safeguards as projects are fast-tracked. A recent study requested by the [European Parliament's Committee on Petitions](#), which investigated a large number of petitions from local communities resisting mining, found the number of mining community conflicts is poised to increase in the region.

The Resource Centre has documented such cases [in Serbia and in Spain](#). In Serbia, the government annulled Rio Tinto's license for its Jadar lithium project in January 2022, following massive protests and widespread community opposition to the operation. In Portugal, [communities filed legal action](#) in 2022, protesting against illegal appropriation of their lands by a lithium mining company for the Barroso mine. While the defendants in the matter were acquitted in [February 2023](#), opposition to the mine remains [strong](#) – with residents fearing the environmental consequences of the project have been ignored. David Boyd, Special UN Rapporteur on Human Rights and the Environment, has called the planned mine a '[sacrifice zone](#)'.

Finally, the specific rights of Indigenous Peoples may also be affected by mining operations in the EU. UN Special Rapporteurs have urged Sweden, a country that has not ratified ILO convention 169, [to stop mining on the land of Indigenous Sami people](#).



Americas

South America remains the region linked to the highest number of allegations in the Tracker (259 from 2010 - 2022). Sixty-one incidents on the right to peaceful protest were reported in Central or South America. Peru had the most allegations, accounting for 37 of those in the region, with over half related to the copper mining project Las Bambas, owned by China Minmetals. Las Bambas is associated with multiple violations of the right to FPIC and with environmental harms, which have fuelled local conflict. Indigenous and peasant leaders defending their rights have been highly stigmatised and harassed, and five have been killed. Unsurprisingly, given the water intensity of mining for transition minerals in the Andes region, over half (64 out of 95) of the allegations of water pollution were registered in South and Central America: mostly from Chile (22) and followed by Peru (15). In Guatemala, seven of these allegations were related to the same project, the Fenix nickel mine operated by Compañía Guatemalteca de Níquel, a subsidiary of the Solway Group, and included multiple allegations of corruption, violation of community rights and environmental abuses.

Nine of 13 attacks on HRDs 2022 were reported in South America, making it the worst affected region in the year. Overall, the region accounts for 63% (84) of such attacks since 2010. However, 2022 also brought hope for improvements in the protection of HRDs: it was the first year after the [Escazú Agreement](#) – the first legally binding instrument in the world to include provisions on environmental and human rights defenders and the first environmental agreement adopted in Latin America and the Caribbean – entered into force in April 2021.

In particular, South America's Andes region is poised to continue playing a critical role in providing minerals essential for green technologies. Yet, it also a region plagued by egregious human rights abuses. Expansion of harmful extractive projects in the region, also associated with [poor regulation of the mining sector](#), may further threaten the rights of Indigenous and peasant communities there.

Asia and Pacific

Only two new allegations were recorded in the region in 2022. Three civil society organisations filed a complaint to the Australian OECD National Contact Point, on behalf of communities in Papua New Guinea, concerned about the potential impacts of plans to dump toxic mining waste from the Wafi-Golpu copper-gold project, via deep sea tailings placement, into the ocean. Historically, most allegations (22 or 34%) recorded in the Tracker for the region are located in Indonesia, a country endowed with vast reserves of nickel – a [mineral essential in the manufacturing of batteries for electric vehicles](#). The other allegation relates to a copper mine in Myanmar being used to harbour armed groups connected to the Myanmar military junta. Other countries associated with allegations include Papua New Guinea (14) and Australia (14).



Conclusion

The energy transition must be just if it is to be fast. Yet, as this year's Tracker analysis highlights, the extraction of transition minerals bears the hallmarks of the human rights abuses that have characterised the traditional extractive sector. Frontline and vulnerable communities, and particularly Indigenous Peoples, are already bearing the brunt of the effects of climate change. Recognition and respect for their rights to consent to mining, as well as share in any associated benefit, is critical if the transition is to be truly just. The freedom to safely voice their concerns and defend their rights, must be better protected. When this is not the case, the risk of conflict increases, often with severe consequences for these communities. It also results in project delays and operational disruptions, further compromising the speed of the transition to renewable energy.

This dangerous trajectory requires immediate intervention. An essential first step is the adoption and implementation of robust human rights and environmental due diligence policies by companies, and a commitment to shared benefit models with the communities who host their operations. Investors at this end of the renewable energy value chain need to use their leverage and influence to put an end to recurring abuses in the sector, or risk complicity. And governments must act too: adoption of legislation on human rights in mining projects and supply chains, including corruption risks, alongside working to reduce mineral consumption, is critical.

Without deliberate action by all three stakeholder groups – in recognition of the increasingly powerful demands by affected communities – the risk of undermining a fast and fair transition simply remains too great.





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Business & Human Rights Resource Centre is an international NGO which tracks the human rights impacts of over 10,000 companies in over 180 countries, making information available on our 10-language website.

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