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by Women in Action on Mining in Asia



In this new world that has emerged after the COVID-19 pandemic, mining-affected communities are still struggling to rebuild their lives after the losses they suffered during the past few months. Yet the solutions pitched by our governments are for protecting mining companies instead as they have introduced measures of regulatory reform in the mining sector as a panacea for economic revival. Mining companies who have also been vectors of spreading COVID-19 in many countries are being given a free pass by governments with complete impunity for their polluting operations and its environmental and social costs. Some of these are not entirely new developments, the strategies for such 'reform' were promoted in pre-pandemic politics. The opportunity provided by restrictions on public mobilisation through the lockdown allowed states to pass a series of contentious bills without public discussion and consent of affected communities. The economic crisis faced by developing countries in the third world is also serving as a breeding ground for new foreign investments and interventions of international financial institutions in our countries as COVID 19 recovery and structural reforms.

However, even through this period of acute and prolonged crisis, some signs of hope and resilience were seen as indigenous and rural communities in mining areas reminded us of the values of solidarity and community cohesion in this socially distant world. Despite having been failed by the state, they continued to support each other and devised creative solutions to survive the pandemic. Through these solutions, they demand and reassert their vision of a 'new normal' based on traditional indigenous wisdom and one in which they are working to reclaim their rights over their natural resources. Their experiences are evidence of the damages they suffered due to the plunder caused by the state and mining conglomerates and their self-determination and resilience in the face of oppression.

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'Economic Revival' via Resource Plunder, Violence and Exploitation: Policy Reform and Foreign Investments to overcome COVID crisis

While mining companies continued during the lockdown as an 'essential service', the breakdown in global supply chains did impact their production negatively, forcing a few companies to even shut down or remove mine labourers from their jobs. The economic solutions being pitched by states to recover from the ongoing crisis seeks to compensate for this loss by removing regulatory oversights to allow mining companies to increase production without any hurdles and facilitate entry of new companies and investments. The situation currently is seen to be similar to the [aftermath of the 2008 global financial crisis](#) which resulted in a massive increase in fossil fuel and energy projects.

[“We cannot go back to the way it was and simply recreate the systems that have aggravated the crisis. We need to build back better with more sustainable, inclusive, gender-equal societies and economies”](#) said Antonio Guterres, UN Chief Secretary during an online press conference on 25th June 2020. Yet countries such as India, Indonesia and Mongolia are pushing for more coal investments in their COVID-19 economic recovery plans and are working towards a complete restructuring of the environmental regulation system to benefit mining companies. The policies passed in these countries are set to increase the scale of extraction and put us on an even more dangerous path of climate destruction and environmental pollution in the times to come.

India

-In India, both the houses of parliament on March 2020 passed the [Mineral Laws \(Amendment\) Act 2020](#) This act establishes a new leasing system, allows for the extension of statutory environment clearances from the previous lessee to a new bidder and allows state governments to take advance auction for non-coal minerals before the expiry of their lease period. However, the biggest change is the complete restructuring of the coal sector which has been nationalised since 1973, by opening it up to private companies while easing the regulation system for their entry and boosting their production. The act seeks to remove end-use restrictions to allow private entities to own coal mines, both domestic and global, and even those companies who may not have previous experience in coal mining. It has also done away with all eligibility criteria except for an upfront payment to be given by companies further diluting the regulations in the coal sector. The coal ministry will now also help mining corporations in acquiring statutory environment and other approvals in 30 days rather than the usual timeline of 90 days. [This move is being forwarded to bring in more FDI into the coal sector and reduce dependency on coal imports.](#)

To initiate the process of privatisation of the coal sector, India has already put for auction, 41 new coal mining sites as a path to '*atmanirbharta*' or self-reliance in the post- COVID world. [Many of the proposed sites in these states are fifth schedule areas which are indigenous peoples' areas that have special constitutional status. This is a clear violation of laws protecting indigenous peoples' rights such as the PESA, FRA and the Samata Judgement.](#) Of the 41 coal mines, there are nine each in Jharkhand, Odisha and Chattisgarh which are already the most extensively mined out regions of the country.



SECL owned coal mines in Sarguja block of Chattisgarh, India. Source: Dhaatri

Before the announcement of the auctions, on May 21st by the Ministry of Environment and Forests amended the Environment Protection Act to [drop mandatory coal washing for supply to thermal power plants](#) and released a notification permitting thermal power plants to use any quality of coal regardless of its ash content. Through this notification, the Indian government has nullified an earlier rule through which thermal power plants were required to use coal with a maximum ash content of 34%. The notification justifies this by stating that “requirement of maintaining average ash content to 34% prompts industries to undertake import of coal, resulting in an outflow of foreign exchange etc.” Removal of coal washeries and allowing usage of low-grade coal is not only disastrous for the environment but also seeks to reduce capital costs to facilitate more private investment in the coal mining sector.

With the introduction of the Draft Environment Impact Assessment 2020, the Ministry of Environment and Forest seeks to drastically [restructure the process of environment monitoring and regulation in India](#), which is proposed as an amendment to the existing Environment Impact Assessment 2006. Moreover, the draft seeks to dilute not just the EIA 2006 (which itself lacks the strength of environmental protection) but also circumvents various rulings made by the National Green Tribunal and Courts, including the Supreme Court, against the earlier attempts of the central government to amend environmental regulations in favour of industries.

One of the biggest changes proposed by the new EIA is the introduction of post-facto clearances to projects that violated environmental safeguards or bypassed due processes of obtaining clearances. [Post facto clearance goes against ‘precautionary principles’ which is the core objective of EIA regulations](#), defeating the purpose of preventing environmental risks of a project before commencement of its operation. The draft only calls for such violating companies to pay a penalty for their previously conducted violations and continue without any corrective measures or fresh scrutiny. During the lockdown itself, there were cases of [a gas leakage in Vishakapatnam](#) and an [oil spill in Assam](#) linked to largescale industrial projects that had been operating without conducting EIA and public hearing procedures. [The draft also calls for dilution of public hearing procedures](#) by excluding many types of projects from the mandatory public hearing process, reducing the public's ability to scrutinise EIA reports by reducing the number of days from 30 to 20 for the public hearing process. It allows companies to not hold public hearings if they feel that a local situation may be volatile and thus these rules are a violation of international standards of free, prior and informed consent. You can read WAMA member Dhaatri's comments on the EIA [here](#).



Adivasi women at Rewa district protesting against the Draft EIA 2020 law. Source: Dhaatri

With this controversial draft being passed amidst the pandemic, it has been very hard for adivasi and rural communities who are most affected by these drastic changes, to gather and discuss the draft to submit their objections. It was not also translated in local languages for affected communities to respond. Yet mining-affected women in Rewa, Panna, Raigarh, Kabirdham and Bellary, Karnataka came out in protest to the draft EIA 2020 on the occasion of World Indigenous Day on August 9th 2020 thanks to quick online dissemination of the draft and local mobilisation by WHRDs.

On August 24th, the Union Ministry of Mines declared a note proposing mining reforms (perhaps as a result of resistance to its draft EIA) with a [series of policy changes](#) in the mining sector to further the 'Atmanirbhar Bharat' (self-reliant India) scheme under which the mining sector is being privatised and deregulated. The objectives of this note are stated as growth acceleration and employment generation in the time of COVID-19. The information for the release of this note was discreet and only a [10 day response period was given for this bill which was widely opposed by activists](#). This was later [extended to another week](#) due to the response of different groups.

Representing the women mineworkers and adivasi women living in mining areas, WAMA members in India sent a representation to the Ministry urging it to abandon such hasty and environmentally risk inducing privatisation of mining exploration and expansion, coal auctions and dilution of constitutional safeguards. You can read their objections to the proposed mining reforms and the recommendations submitted, [here](#). They propose that for self-reliance of adivasi women, the focus should be provided to alternative, sustainable means of sustenance from non-timber forest produce and traditional farming instead of destructive privatised mining activities and exploitative work conditions.

Indonesia

Ever since last year, the administration of President Joko Widodo has drafted [two omnibus bills containing more than 1,000 proposed amendments to 79 existing laws many of which activists fear will usher in greater environmental damage and resource conflicts](#). The conditions that emerged during the pandemic and the push by the coal mining lobby led to the parliament using COVID-19 as an opportunity and justification to push for these two controversial bills that seem to be completely damaging the system of environment regulation built in Indonesia over the years to provide safety nets to polluting industries.

One of the omnibus bills focused on job creation was passed on February 12th this year with a draft of more than 1000 pages. [This brings with it a series of environment implications](#) such as the centralisation of environmental planning and permits by revoking the authority of regional authorities, prescribing lighter penalties for environment violations, scrapping of the Amdal system of environmental impact assessments and various other changes that seek to massively deregulate the mining industry. Such a move is seen to provide more

protection to the coal industry specifically. Through this bill, many present coal miners will now be exempt from having to rehabilitate their concessions as its stated requirement now only applies to mining companies whose permits have expired. This is despite the utter

failure of the rehabilitation of coal mining pits that have led to the deaths of so many children in mining pits Samarinda and other parts of Indonesia. Another change being proposed by this bill is allowing mining companies to automatically renew their permits without having to offer concessions to state-owned companies. Mining companies are thus trying to push for the acceleration of this bill in the name of [reducing dependence on China and to facilitate ease of business and new investments within Indonesia](#).

On 10 June 2020, Indonesia's President Joko Widodo signed a bill amending Law No. 4 of 2009 on Minerals and Coal Mining ("**2009 Mining Law**") which has now been ratified into Law No. 3 of 2020 ("**2020 Mining Law**"). The amendments were enacted to reinvigorate the mining sector and encourage investment in mining exploration. [This law had been slated for a parliamentary vote last year but was not passed due to mass public protests](#). However with lesser public participation due to social distancing rules during the pandemic, the parliament took the use of this opportunity to pass this bill into law despite the massive public outcry that has been gathered over the past year over this bill. [The consequences of this bill are massive](#) as it proposes a definition of a 'legal mining territory' that allows mining companies to extend their operations to an unlimited extent and it allows automatic permit renewals for mining companies for up to 20 years. This law also seeks to abolish article 165 which has provisions regarding criminal acts and corruption sanctions of officials.

Changes brought about by both these bills seeks to benefit many coal mining companies such as PT Kaltim Prima Coal (2021), PT Multi Harapan Utama (2022), PT Adaro Indonesia (2022), PT Kideco Jaya Agung (2023), and PT Berau Coal (2025). Merah Johansyay, Coordinator of JATAM network has detailed in this [article](#) how these two bills are giving fresh blood to mining companies and seek to strengthen the immunity of the corporate-oligarchy and commented on the bailouts, subsidies and incentives being given to mining businesses in Indonesia.

In response to the passing of these bills, various labour unions, indigenous groups, environmental organisations and student representatives have [registered their protests](#) over the past few months calling for a revoking of all bills that protect the extractive industry and for the government to focus more instead on COVID-19 safety measures. Through these protests, groups demanded from the state protection for labourers and indigenous communities who suffered from the pandemic before the mining corporations.

The Philippines

A draconian law known as the 'Anti Terror Law' was passed by President Dueterte on July 3rd despite widespread opposition, amidst a series of authoritarian measures being taken in the guise of a 'national security' in the Philippines. [Replacing the Human Security Act of 2007](#), this law defines terrorism broadly and ambiguously, along with many other drastic changes that could lead to possibly more abuse and more terror than it intends to curb. Under the law, anyone who is suspected as a "terrorist" could be detained for 14 days without charges and that period could be extended to 24 days, violating the constitutional provisions that say a person without a warrant can only be charged with detention for 3 days. According to a [Global Witness report](#), Philippines is the second most dangerous country for environmental activists and land rights defenders and this law only introduces more risks and threats to these defenders and anyone who dissents against the Dueterte government. It could especially be endangering to indigenous peoples who have for years been threatened, harassed, terrorised and red-tagged for asserting their rights to the land as mentioned by Alyansa Tigil Mina in their [statement against the passing of the bill into law](#).



Indigenous women protesting in the Junk Terror Bill protest organised in Manila. Source: LILAK

WAMA Member LILAK Purple Action for Indigenous Women's Rights along with other member organisations associated with the Asian Forum of Human Rights and Development (FORUM-ASIA) signed a [joint statement](#) warning that the proposed law would lead to a crackdown on civic space and fundamental freedoms in the Philippines. LILAK also participated in the various protests where indigenous communities, students, labour unions and civil society organisations came together to give a clear call to "Junk Terror Bill".

[UN High Commissioner for Human Rights Michelle Bachelet on June 30 urged Duterte to refrain from signing the law.](#) "The law could have a further chilling effect on human rights and humanitarian work, hindering support to vulnerable and marginalized communities," Bachelet said.



Petitioners against the Anti Terror Act standing in front of Supreme Court in Manila. Source: LILAK

On August 9th, International Day of Indigenous Peoples, indigenous women and women collectives in the Philippines spoke out and stood against the Anti-Terror Act by [filing a petition before the Supreme Court questioning the constitutionality of the Republic Act 11479](#). The petition was led by lawyers from Legal Rights and Natural Resources Center as co-counsel. LILAK was amongst the key petitioners along with indigenous women from the Moro community and women leaders from communities in Cordillera and Mindanao.

[Department of Environment and Natural Resources is also working towards reopening some of the mines](#) that were closed by the late secretary Gina Lopez during an environmental audit conducted in 2017, as means of boosting the economy. Some of the [suspended mines that were approved](#) are Zambales Diversified Metals Group, Berong Nickel Corporation, Carrascal Nickel Corporation, Emir Mineral Resources Corporation, Strong Built Mining Development Corporation, Aam-Phil Natural Resources Exploration and Development Corporation and many others are in process of being approved.

Stories of Resilience and Hope

The abruptness of the lockdown which triggered a situation of hunger and economic losses, the long term impacts of livelihood loss, increase in cases of COVID-19 in mining-affected areas due to mining companies' operations without adequate COVID precautions, forced indigenous and rural communities to devise their local solutions to fight the pandemic. Grassroots solutions developed by local communities and coordinated efforts by civil society organisations to provide relief and donations to marginalised groups amidst lockdown restrictions were what helped in dealing with the crisis. The efforts made by them continue even now in order to develop a solidarity economy based on care to counter the greed that led us to the current situation.



Construction of cultural centre by the Kbal Romeas community during lockdown. Source: CIWWG

Indigenous communities in Ratanakiri and Preah vihar provinces of Cambodia performed a traditional ceremony to prevent people from outside from coming to their villages as they were scared of a mounting outbreak. Local network of indigenous women and youth groups, CIWWG organised regular trainings and workshops for making masks and spreading awareness to indigenous communities in these provinces about COVID-19 sanitation and prevention measures. Members of CIWWG also worked with the Kbal Romeas community in Stung Teng province to construct a cultural centre during the lockdown as an attempt to preserve and document their knowledge and cultural systems.

During this time of crisis, indigenous communities who have always displayed values of trust and solidarity reached out for one another through safety nets that they have developed even before the time of COVID-19. Indigenous communities in Indonesia had stocked up rice for emergencies and made use of their community savings to help out each other as the government relief supply was not adequate. JATAM East Kalimantan also helped in connecting a solidarity economy between urban and rural communities by setting up an online application for farmers in Samarinda to sell their produce to tackle the problems of interrupted distribution during the lockdown.



*Relief material distributed to indigenous women through Lilak's BABAYEnihan initiative.
Source: LILAK*

While governments and a few mining companies made weak attempts at relief work, these were mostly ineffective and more used for politicisation and propaganda. Communities complained of discriminatory relief distribution as only certain members of the community who were favoured by government officials or companies received rations. Some senior women in the Philippines were denied rations on the excuse of senior citizens being supported by pensions, despite the pensions not being released for the past six months. To reach out to indigenous women in need of help during this crisis, LILAK started a solidarity initiative as a relief response for indigenous women and their families known as 'BABAYEnihan' which translates to 'women to women solidarity'. Since its beginning in March 2020, with donations and partnerships from various women- and youth-led organizations, small businesses, artists, and individuals, BABAYEnihan has supported 38 indigenous communities and over 2000 indigenous women and their families. As COVID-19 worsens in the Philippines and indigenous peoples remain isolated and neglected, BABAYEnihan will continue its efforts to support indigenous women and their communities.



WHRD Keerthi Ji from Palghar distributing relief to widowed women. Source: Dhaatri

In India, many single and widowed indigenous women were left out of the government relief programmes and welfare schemes implemented during the lockdown due to lack of identity cards and support systems. Dhaatri reached out to 2200 single and widowed women-headed households in Rewa, Panna, Dahod and Palghar districts. SETU and mm&P reached out to 2,783 families in Gujarat and Rajasthan and Sakhi Trust reached out to 1550 families out of which 400 were of Devadasi, Dalit women in Bellary district. Sakhi also collaborated with district authorities to provide loans for migrant workers who were coming back to the villages for agricultural sustenance and to provide food and accommodation support to 32 migrant worker families in Jindal mining township and 550 families outside of Bellary in Uttara Kannada region.



Labour kitchen set up for migrant workers in Rewa district. Source: RDASS

Local NGO in Rewa district, 'Revanchal Dalit Adivasi Seva Sanstha' (RDASS) with support is given from Dhaatri and other NGOs set up a community kitchen on the national highway 27 known as 'Shramik Kitchen' (or Labour Kitchen) to provide migrant labourers travel

back to their villages don't starve en route.



Women workers protesting in Bellary for DMF and MGNREGA implementation. Source: Sakhi Trust

As a means of providing sustainable livelihoods to devadasi women and mining-affected families in Bellary district, Karnataka, where illegal iron mining has ravaged forests and agricultural lands, local NGO Sakhi trust is working towards a land rehabilitation programme through which they are providing seeds provide seeds, fertilisers and agricultural implements and collating local knowledge and practices. Sakhi also organised a protest in August 2020 where mine workers and mining-affected women came ahead to demand for the implementation of DMF and wages to be increased to Rs.300 per day for 300 days of work under the Mahatma Gandhi National Rural Employment Guarantee Scheme or MNREGA.

In Gujarat, WHRD Leelaben and their workers' unions facilitated migrant workers to get identity cards and registration under the Building and Construction Workers' Labour Welfare schemes, before they started returning to their places of work.

In Chattisgarh, Adivasi Samta Manch similarly organised local demands for employment guarantee and the implementation of the DMF and the forest rights laws. Indu Netam, WHRD from Chattisgarh gave an interview to Mongabay-India in which she talks about the importance of ensuring [joint community ownership in mineral governance](#) by narrating how the village council in her village Marka Tola in Bastar district formed a local cooperative within the community to ensure accountability to the damage done by mining. Such a model of community stakeholdership is an important intervention especially with the recent proposal of new mining projects in Chattisgarh and all over India.



Women collective in Panna district who work on making healthy food products out of forest produce Source: Dhaatri

WHRDs in the Tiger Reserve affected villages of Panna are also harnessing the power of community collectives during this time through forming a local women's cooperative to collectively gather Mahua flowers and seeds from the forest and find market linkages and processing so that women could get immediate returns. They are also preparing supplementary nutrition for the children from this forest produce. Kitchen gardens were organised in many places by network partners for food security.

Dhaatri and the network of WHRDs have also been working with the indigenous youth on a national level and initiated a community radio channel to exchange information related to COVID precautions, the changes in mining and forest laws, traditional forest food and stories of community resilience.

In Mongolia, MONES actively participated in advocating for rights of vulnerable women during the COVID-19 lockdown who were being left out of poverty mitigation schemes by the government. They wrote a representation documenting the impact on these women due to the lockdown and demanded additional food supplements for women and children, budgeting of temporary shelter for women who were victimized by domestic violence allocate funding for keep women employment, reduction or cancellation of rents for small retail businesses owned by women and support new initiatives for income generation during this time. As a response to their representation, the Government of Mongolia decided to establish a working group at the Ministry of Social welfare and Protection to address these issues. MONES and other NGOs in Mongolia are involved in the working group and through it continuing to providing consultancy to the Mongolian Government to ensure a gender-responsive response to the COVID-19 pandemic.



Relief material distributed by MONES to NGOs working on VAW issues. Source: MONES

The lockdown during COVID-19 was even more traumatic for women due to the increase in cases of violence against women during, the extent of which became so high that UN Women termed it as a '[shadow pandemic](#)'. In this situation, many WAMA member organisations were also working towards providing support to victims of domestic violence and abuse. In Cambodia, CIWWG took an active role in providing legal and social support to victims of violence during this time. In Mongolia, MONES worked towards providing financial support to NGOs working with victims of violence and provided relief support to these women as well.

WAMA Statement on response to COVID-19 pandemic in Asia:

We understand the grievous role that mining operations have in perpetuating pandemics and infectious diseases. We also understand that the anarchy caused by a small virus is a result of regressive development policies that put corporations and their profits before communities and eco-systems. We have experienced that neither states nor corporations have the capacity to control the new forms of disasters such as COVID once it erupts nor do they have responsible mechanisms of overcoming the colossal human and economic losses that a pandemic brings.

We also understood in the lockdown and post lockdown reactions of states, that even a pandemic of this scale brings no prudence. States are refusing to see the reading on the wall however big, disastrous and tragic. The mineral and environmental policies unlocked during the lockdown are universally and unpretentiously fatal to communities and their environment in most countries in the region.

We also understood that self-resilience was possible where communities are strongly connected to nature around them, where traditional knowledge systems are vibrant and where economies were more dependent on eco-system symbiosis than on largesses of the state or external labour. We also understood that women's sisterhood at community and civil society networks were what helped give new hope of finding pathways to resistance and change.

We thus urge all our governments, the UN bodies working on business and human rights and mineral sector resolutions for sustainability and climate change to study the COVID and other emerging infectious diseases from the narratives of women living close to forests and