Submission from ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮, on the Draft Policy Statement on Mineral Exploration and Mining in Ireland

Introduction

This document represents the submission from ▮▮▮▮▮▮▮▮▮▮▮, an international social and environmental expert in mining, on the scoping report for Environmental Assessment of the emerging Draft Policy Statement on Mineral Exploration and Mining in Ireland.

Experience and Expertise in Mining

▮▮▮▮ is ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ a social, environmental and resettlement expert with over 25 years' experience working in 37 countries in Africa, Asia-Pacific, Europe & South America. Eddie has experience in land access and resettlement planning, review, and implementation across all the key sectors, including private-sector/government-led, mining, oil & gas, hydropower, urban resettlement, conservation, and renewables to IFC/WB/EBRD/EIB standards. He has planned, implemented, managed, monitored, and reviewed land access and resettlement projects in 25 countries and conducted resettlement training in 18 countries. ▮▮▮▮ is fellow member of the Institute of Environmental Management and Assessment (IEMA), a member of the board of the International Association of Impact Assessment (IAIA), and a founding member of the Social Practice Forum, a group of social experts promoting good practices.

▮▮▮▮ has project-managed the resettlement process on a number of large mining projects including living and working on the Newmont Ahafo Gold Mining Project in Ghana for three years (2008-2010). ▮▮▮▮ company Intersocial is an active member of Geoscience Ireland.

▮▮▮▮ has written extensively on impact assessment including preparing a Sustainable Wellbeing Framework to assess all of the social, environmental and economic factors which result from mining activities.

Comments on the Draft Minerals Policy

I wish to make the following comments and recommendations on the Draft Policy Framework on Mineral Exploration and Mining ('Draft Minerals Policy').

1. **Unbalanced SEA that informs the Draft Minerals Policy**

I have already made a submission on the SEA which informs the Draft Minerals Policy pointing out that it is not balanced and fails to consider international standards and practice on social impact assessment and human rights.

In principle an organization that has a close relationship with industry through the provision of services should not be involved in preparing SEAs which frame policies about whether that industry should be constrained or expanded. This is no reflection on any consulting company in particular but a point of principle that a conflict-of interest exists. While we would all like to believe that there is no bias in impact assessment there are studies which point to clear bias in some countries. I have recently published a short paper on the subject as a primer for guidance on strengthening impact assessment that I am co-authoring with Rob Verheem from the Netherland Commission for Environmental Assessment. The article can be downloaded from this link: https://www.tandfonline.com/doi/full/10.1080/14615517.2021.1905222

Recommendation: The government needs to commission a new SEA for the minerals sector to provide a more balanced assessment of mining in Ireland which recognizes developing international standards and best practices, and the needs of local communities as they, in turn, try to advance their local development strategies and plans.

2. The sustainability case for mining in Ireland

There is a view from the mining industry that the existing regulatory framework will prevent negative environmental impacts.

However, no mining is risk-free and the precautionary principle needs to be applied to mining in Ireland particularly in sensitive water catchments with EU Protected SACs.

Regarding the impacts of modern mining practices in heavily-regulated OECD countries there are a number of clear examples where mining activities in Australia and the US are creating major negative environmental, social and economic impacts. I reference just two recent media articles:

1. The US: https://www.theguardian.com/environment/2021/sep/14/wall-street-coal-country-hedge-funds-coal-mining-appalachia-west-virginia

2. Australia: https://www.abc.net.au/news/2021-10-13/nt-mcarthur-river-mine-security-bond-reduction-foi-documents/100508728

Recommendation: The Draft Minerals Policy needs to recognize that significant risks will remain from mining activities and these cannot all be controlled through the environmental licencing system.

3. 'Green Mining'

We all accept that mining is required to provide many of our essential needs and that key metals will be required in greater quantities. However, the current narrative is not balancing the drive for 'green' minerals with a call for greater consideration of social and environmental impacts. While the case is made that we should produce metals here as we are using them, the fact is that we will still have to export the production as we have no heavy industry in Ireland.

A new report by the European Environmental Bureau and Friends of the Earth Europe 'Green mining' is a myth: the case for cutting EU resource consumption' makes the case for a greater focus on cutting consumption and the circular economy. See this link for the report: https://eeb.org/library/green-mining-is-a-myth/

The key recommendations from the report are presented in the graphic below:

Chapter 5

EU Policy Recommendations

Summary of key recommendations

Set targets and plans to reduce absolute resource consumption including a binding EU material footprint reduction target of 65% by 2050

Resource democracy where resources are treated as common, public goods

Post-growth policies to shrink sectors of economic activity that are ecologically destructive and offer little or no social benefit, and maintain or grow those that satisfy the basic needs and wellbeing of all

A circular society including designing long-lasting infrastructure and products embodying 'sufficiency and efficiency' principles

Holding industry to account including through mandatory EU due diligence legislation and granting communities a genuine Right to Say No to mining projects

Stopping destructive environmental impacts including that Natura 2000 and other protected areas should be strictly protected as 'no go areas' for extractive industries

Ending economic and resource exploitation including binding just trade and investment rules

Recommendation: The Draft Minerals Policy should avoid the use of the 'Green Mining' metaphor as this masks the serious environmental impacts from mining. Mining should be promoted for essential metals only in very limited circumstances in Ireland; and under conditions that professionally build social community cohesion and balances all local sustainable development needs.

4. Business Case for Mining: Transformation of mining from a labour-intensive industry to an automated industry

The mining industry is currently undergoing a transformation as mining companies are automating their operations. The main drivers for this are reduced costs, safety and reducing human factors including the ability of unions to strike and stop operations. In response to the drive for automation the leading international body on mining, the International Council on Mining and Metals (ICMM), has launched a campaign 'Skills for our Common Future initiative' which aims 'to accelerate national and regional efforts to build new, and bolster existing, skills that are necessary to drive inclusive economic participation and diversification beyond mining'. The key driver is to mitigate for the impacts of technological advances such as automation and artificial intelligence across the economy.

The business case for mining in Ireland is in decline. The example of Galmoy/Lisheen shows a very limited benefit to the exchequer with low royalties and low taxes. The main benefit was from PAYE taxes from the mining workforce but automation will significantly reduce the workforce. So, the economic case is declining, except for large deposits of metals required for green energy which are located outside sensitive catchments, important biodiversity areas and population centres.

The US government is proposing to introduce royalties on federal land set at 4% for existing mines and 8% for new mines (reference: https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/us-house-advances-toward-setting-first-ever-royalties-on-hard-rock-mines-66589690). Royalty rates in Ireland are extremely low by international standards and should be raised so that Ireland as a nation can benefit from these metals which are owned by the Irish people.

Recommendation: The Draft Minerals Policy should recognize that automation is reducing employment in mining and that royalties need to be raised significantly to compensate from lower returns.

5. Gold Mining & Open-Pit Mining

For gold mining the business case for allowing new mines is very weak given the environmental risks, the low employment created with automation and the significant social impacts. Gold is not required for industry in Ireland and the requirements of gold can be met through recycling. Open-pit mining causes many more impacts than underground mining. Ireland is a country which prides itself on beautiful landscapes and a clean environment and should follow the example of Costa Rica in banning open pit mining to limit environmental and social impacts.

Recommendation: The Draft Minerals Policy should limit the types of mining that can be conducted and avoid open-pit mining and gold mining as a policy.

6. Social Impacts of Mining & Social Impact Assessment

The Draft Minerals Policy only requires a very limited consideration of social impacts under the category of 'Population and Health' with a predominant focus on health.

The policy does not consider Social Impact Assessment (SIA) which is now in standard use by all the international mining companies when developing mining projects. The requirements for SIA are contained in the international standards of all the major development banks including the European Investment Bank (EIB) and the International Finance Corporation (IFC).

In addition, international human rights frameworks, for which Ireland is a signatory, require the protection of all human rights and the consideration of people affected by projects as rights-holders and not just stakeholders.

There is significant guidance on Social Impact Assessment internationally. I sit on the board of the International Association for Impact Assessment (IAIA) and they have produced comprehensive guidance on SIA (see: https://iaia.org/reference-and-guidance-documents.php).

The IAIA list the following social impacts from projects
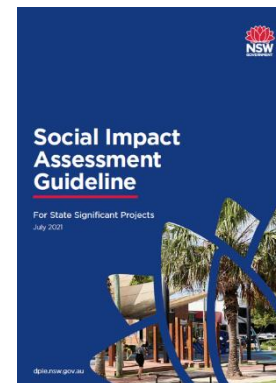Social impacts are changes to one or more of the following:
• people's way of life – that is, how they live, work, play and interact with one another on a day-to-day basis;
• their culture – that is, their shared beliefs, customs, values and language or dialect;
• their community – its cohesion, stability, character, services and facilities;
• their political systems – the extent to which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose;
• their environment – the quality of the air and water people use; the availability and quality of the food they eat; the level of hazard or risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources;

• their health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity;

• their personal and property rights – particularly whether people are economically affected, or experience personal disadvantage which may include a violation of their civil liberties;

• their fears and aspirations – their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children.

Source: Vanclay, F. 2003 International Principles for Social Impact Assessment. Impact Assessment & Project Appraisal 21(1), 5-11.

http://dx.doi.org/10.3152/147154603781766491

The most recent guidance on Social Impact Assessment has been developed by the New South Wales Department of Planning, Industry and Environment (reference: https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Social-Impact-Assessment)


Recommendation: The Draft Minerals Policy should adopt best international practice and require a Social Impact Assessment of mining projects. DECC should develop a Social Impact Assessment Guideline for projects of national significance, including mining, in Ireland.

7. Informed Participation and Broad Community Support

International standards recommend that projects secure broad community support. In Australia, the New South Wales Independent Planning Commission has blocked plans for a new coal mine by Hume Coal in the state's Southern Highlands, finding the potential impacts of the proposed greenfield development "are too great to be reasonably managed, and the social risks to the community are high". The commission found that the project did not have a social licence to mine given the large number of objections to the project and the significant risk of water pollution.

(https://www.miningmonthly.com/sustainability/news/1416880/ipc-gives-hume-coal-red-light-for-southern-highlands-project).

A recent EY report has identified Environmental and Social as the key risk in mining with 'Local Community Impact' being the top risk. The community benefit approach proposed in the Draft Minerals Policy is an outdated CSR model which has been found to be ineffective where projects face significant opposition. This results in the mining company splitting the community by promising benefits for support which can cause significant conflict and stress in the community. The solution is to establish an open dialogue supported by independent advice and place any discussion for the allocation of benefits until after a decision has been made on the future of the project. The company can propose a benefits package for the community, but this should not be used to 'bribe' sections of the community to support the project.

Up from 2021   Down from 2021   — Same as 2021   ★ New to the radar
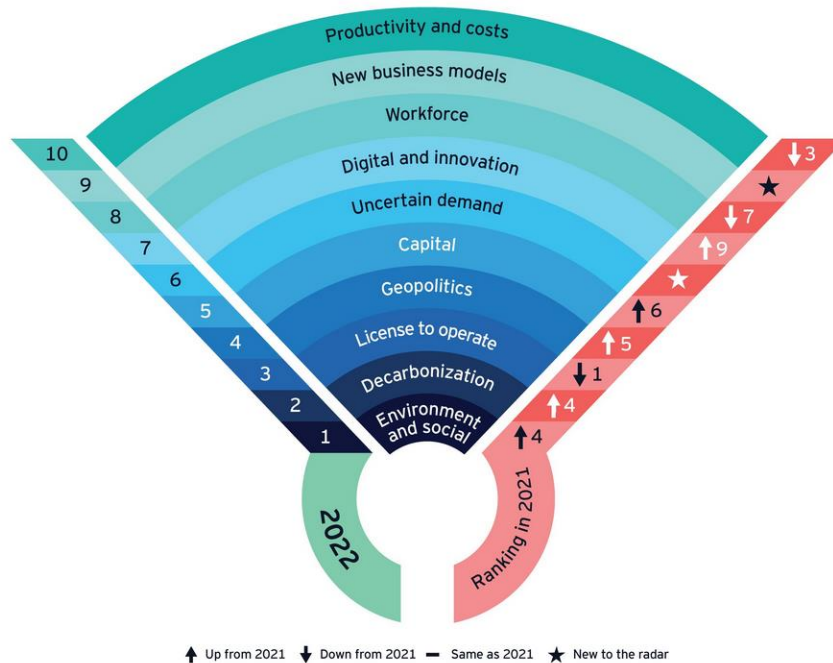
Reference (https://www.ey.com/en_gl/mining-metals/top-10-business-risks-and-opportunities-for-mining-and-metals-in-2022)

The Irish planning system provides very limited engagement with affected communities and wider society. The planning permission system only gives communities five weeks to respond to planning permissions for mines which often run to more than 5,000 pages of very technical information. The approach to significant projects needs to be to establish dialogue forums with independent moderation prior to the submission of a planning application where independent experts advise the community on the key impacts and repercussions of the proposed project and where the community has space to discuss their concerns.

The Dalridian Mine in Northern Ireland is an example of the problems that mining in Ireland will face. A public enquiry has now been ordered which will provide an opportunity for a more comprehensive assessment of the impacts of the project.

The mining company should be able to demonstrate that there is broad community support for the project – or in industry terminology a 'social licence'.

It is clear that without an approach to dialogue and agreement-making, that significant delays will be faced by mining projects and there will be considerable resources wasted in conflict with affected communities and wider stakeholders. A 'safe space' needs to be created which can be a dialogue forum where all sides hear from independent experts and agreement is reached on whether the project should proceed.

Recommendation: The Draft Minerals Policy should adopt best international practice and seek to establish dialogue forums which are independently moderated and resourced with independent advisors prior to the submission of a planning application. The mining project should seek to reach agreement with affected people based on broad community support. This will ensure that there is informed participation from the affected communities in line with international standards (IFC Performance Standards).