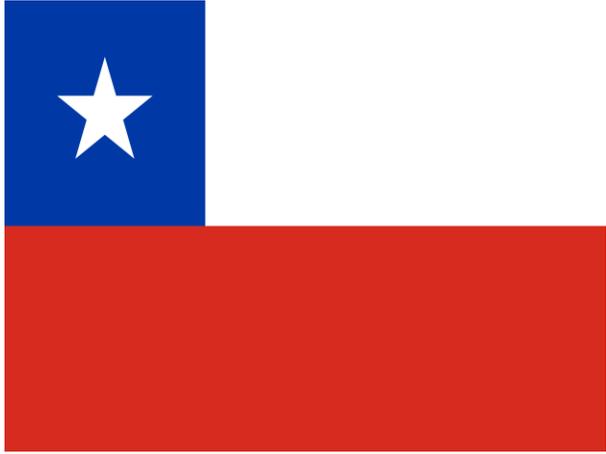




Li-ions in the DRC

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Environmental
Justice



Environmental Justice



Climate justice (CJ) ≠ environmental justice (EJ)

Trying to alleviate *climate* injustice by reducing emissions from motor vehicles may in fact be causing *environmental* injustice during the mineral extraction processes.

Bullard: "all people and communities have a right to equal protection and equal enforcement of environmental laws."

Cutter: Achieving EJ requires "equal access to a clean environment and equal protection from possible environmental harm irrespective of race, income, class, or other differentiating feature of socio-economic status."

Banzhaf et al: Most robust way to think of EJ is the correlation between "pollution, poverty and/or people of color"

If negative impact of projects or policies on some sectors of society (usually the poorest) is disproportionately large, then environmental injustice is present.

Cobalt

Usually a by-product of copper and nickel mining.

Used in Li-Ion batteries for ELVs
60% currently produced in DRC.
20% of that is produced in artisan (small scale) mines (ASM), some of which work together to form larger groups.

Many are suspected of using illegal child labour for extraction – the ILO reports that

“children, some as young as seven years of age, work in life-threatening conditions, subject to violence, extortion and intimidation”



DRC

Baumann-Pauly: DRC is “a country weakened by violent ethnic conflict, Ebola, and high levels of corruption.” (Transparency International (2021) ranks DRC as 11th most corrupt country)

UNSC: “years of lawlessness and a Government incapable of protecting its citizens have allowed armed groups to loot and plunder resources with impunity.”

Second Congo War (1998-2003) – UNSC found numerous examples of cobalt and other mineral wealth being systematically exploited by external forces, and concluded the “looting that was previously conducted by the armies themselves has been replaced with organized systems of embezzlement, tax fraud, extortion, the use of stock options as kickbacks and diversion of State funds conducted by groups that closely resemble criminal organizations.”

Sidorova & Lyubenova: Exploitation of DRC’s resources not a simple result of conflict but that the conflict itself was “artificially created chaos by various interested power parties for expansion, profit, and hope for further profit.”

Health Issues

Wilson Centre: Mining process linked to significant health impacts, including lung disease and heart failure.

Farjana et al: Cobalt mining releases radioactive waste, due to the gamma ray properties of the mineral.

Kakiya et al: Cobalt levels in soil samples taken near to mines was 15 times higher than the level deemed safe deemed safe by the EU.

“The concentrations of cobalt in all the mango fruits fall above the safety limit” and “that consumption and sale of fruits obtained from these areas should be discouraged to reduce health hazards for the consumers.”

Environmental Issues

Wilson Centre: Mining process is linked to significant environmental impacts, including pollution and habitat destruction.

Farjana et al: Electricity consumption and emission of metal particles from blasting are largest contributors to environmental emissions.

Major Players

Mukondo Mine at the southern tip of the DRC, close to the border with Zambia, is the largest deposit of cobalt in the world.

Mining right controlled by the privately owned multinational, Eurasian Natural Resources Corporation PLC. The Serious Fraud Office has been investigating the company for “allegations of fraud, bribery and corruption around the acquisition of substantial mineral assets” since 2013.

ENRC strongly refutes the accusations and in 2021 launched a counter-action against the SFO. In May 2022 the court found that the SFO had acted in serious breach of its own duties but largely dismissed the case against them.

Ways forward?

2019 – two big changes...

A Fair Cobalt Alliance (FCA) formed to keep children out of mines and help them into education.

FCA has many members from car manufacturers and battery producers, to mining companies, and although it will take time for the FCA to achieve its aims, it is a good first step.

ASM Production now under the auspices of new state-owned *Entreprise Générale du Cobalt* (Cobalt Enterprise Company)

EGC “is responsible for purchasing all domestically produced ASM cobalt ore, prior to processing and/or transformation and marketing,” and is an attempt to ensure “cobalt has been brought to market in a responsible manner.”

COVID has meant little investigation (yet) of impact.

Human Rights

Regional human rights charter is the Banjul Charter on Human and Peoples' Rights
Art 24 gives citizens "the right to a generally satisfactory environment favourable to their development"

DRC is a signatory to the Charter, but has failed to comply with Art 62 obligation to report every two years on "the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognized and guaranteed by the Charter."

The DRC has not reported since 2015.

Safe to say that DRC is failing in its duty to provide "a generally satisfactory environment..." if child labour is being used, mangoes are unsafe to eat, and water is unsafe to drink.

Summary

Cobalt is big business. DRC exports were worth US\$2.3bn in 2020

Mining and production companies post large profits – can't tell precisely, as many are private companies.

Net global benefit – Cobalt use in ELVs will reduce vehicle emissions (20% of global emissions). This will slow the effects of climate change, and may help to mitigate the worst impacts of climate injustice (sea level rise on SIDS etc).

This is **A Good Thing**.

Does doing the **Good Thing** cause environmental injustices? Revisit Banzhaf et al – is there a clear correlation between poverty and detrimental environmental impact?

Yes.

Governments, industry, consumers need to be aware of this, and avoid falling for the greenwash. Profits need to be better shared, the move towards responsible mining needs to speed up and go further.

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