

CESO-CIRDI SUMM Gender Mainstreaming Project
Ministry of Mining and Petroleum
Government of Ethiopia
June 20, 2021

Sidney Coles CESO Gender Equity Consultant, Specialising in Monitoring and
Evaluation and Mining Governance

Introduction:

The justification for this report is to bring clarity to the understanding of the experience of a CESO gender consultant engaged by SUMM to provide guidance on the development of knowledge products and training related to Gender Based Analysis Fundamentals, Gender Responsiveness, and Natural Resource Governance. It was written in the spirit of the same transparency that the Ethiopian government and its development partners CIRDI and CESO, under the auspices of Global Affairs Canada have signed onto under various bilateral and multilateral development agreements. It not was written not at the behest of any of these organizations but from the standpoint of an invested independent gender equity consultant.

For the past ten years, the Government of Ethiopia has been working steadily to improve indicators of gender equality performance in many governance areas. Ethiopia ranks second among Canada's International Assistance Recipients and yet, there remains great need for continued advancement of gender equity policy and programing in Ethiopia, particularly for women living in rural areas where poverty, poor nutrition, environmental degradation, limited access to health care, traditional attitudes and beliefs and limited access to financial opportunity all work to hinder gender equality measures. In fact, Ethiopia's gender equality performance continues to remain quite low because laws and policies, along with other formal and informal structures, are often not adequately resourced and do not take into full consideration the rights, concerns and needs of the marginalized or the most vulnerable groups of women and their families. This is particularly true of women belonging to ethnic and Indigenous minorities in all regions.

Mineral wealth is seen as a key economic driver of development for the country. Ethiopia's minerals sector is one of the major pillars of its Growth and Transformation Plans (GTP I & II). Ethiopia is now heavily invested in the prioritization of construction and economic development projects many of which can be linked directly to the production, processing and export of minerals and precious metals. Positioned in the Horn of Africa, it is resource rich with a breadth of untapped mineral and other resources including significant gold and tantalum deposits. Its strategic location to ports makes it attractive to foreign investment. Gold is Ethiopia's main mineral export. Facilitated by the Grand Transformation Program, the government hopes to increase exports to 10% of GDP. The Grand Transformation Program represents a \$US 75B World Bank Loan to build resource related infrastructure including highways, water, rail and energy.

The Ministry of Mining and Petroleum (MMoP) is responsible for the development of the mining and petroleum sectors, promoting them, issuing licences to private investors and ensuring that they conduct their minerals and petroleum operations in accordance with their concession agreements. MoMP is also the signatory of the Production Sharing Agreements (PSA) or the Modern Concession contracts on behalf of the Government of Ethiopia. To encourage and attract private investors and funders to participate in the development of its mining sector, the MoMP must also be seen to be investing in fair, sustainable and equitable policies, programs and practices in adopting international human rights-based labour, health and safety regulations and environmental protection standards. If those policies, programs, standards and regulations are to successfully align with the UN Sustainable Development Goals and other international human and women's rights protocols, including the African Union's Agenda 2063, African Union

Strategy for Gender Equality and Women’s Empowerment for 2018-2028, and the 2019 Gender Equality Women’s Empowerment (GEWE)¹, they must all be developed, operationalised, enacted and evaluated in state and civil society institutions from a gender equity perspective. To that end, the Government of Ethiopia (GoE) and the MoMP required that a Gender Mainstreaming Guide and a Gender Equity Strategy, mentioned previously, be written as pre-requisites for achieving the Ethiopian Petroleum Operations Policy and its Mineral Development Policy. In 2019, the African Union launched a strategy on Gender Equality and Women’s Empowerment (GEWE).

Global Affairs Canada (GAC) has funded much of the recent development in Ethiopia’s mining governance through a number of its international assistance and development agencies, primarily the Canadian International Resources and Development Institute (CIRDI) which is housed at the University of British Columbia’s School of Public Policy and Global Affairs. On March 1st 2021, the Canadian Executive Service Organization (CESO-SACO) a well-known Canadian not-for-profit development organization acquired CIRDI. CESO and CIRDI have been working together successfully in Ethiopia for several years on the Supporting the Ministry of Mines in Ethiopia (SUMM) project. Under the Conservative Stephen Harper government, the Ministry of Foreign Affairs Canada originally allotted CIRDI CAD\$15M over four years to fund the SUMM project, a public sector capacity building and governance program. The overall objective of the project was to improve resource governance and long-term management of a sustainable mining sector “for the benefit of all Ethiopians.” Global Affairs Canada took over the funding and oversight of the SUMM Project, originally approved by its predecessor the Ministry of Foreign Affairs and

¹ Most action in the GEWE is limited to policy statements pledging to promote women's participation in the sector

launched it officially in April 2016. SUMM’s strategic objectives over six years were the following:

1. Establish a consistent predictable and transparent licensing system²
2. Develop responsive stakeholder-responsive frameworks
3. Provide world class geoscience information and promote priority industrial minerals services
4. Enhance project management to support collaboration of resources of sustainable results.

Underpinning the international assistance and development work of both organizations is Canada’s Feminist International Assistance Policy (FIAP).³ Canada’s Feminist International Assistance Policy and priorities are closely aligned with the United Nations 2030 Agenda for Sustainable Development and its emphasis on people, planet and inclusive prosperity. FIAP

Action areas include:

1. Gender Equality and the empowerment of women and girls
2. Human dignity
3. Growth that works for everyone
4. Environment and climate action
5. Inclusive governance
6. Peace and Security

Finding 1/ Conclusion 1: SUMM activities inadequate to achieve FIAP objectives

The FIAP states that “Over the past year, the Government of Canada has continued to implement its Feminist International Assistance Policy, collaborating to enable transformational change in our partner countries. The Global Affairs Canada site echoes the commitment stating that “using its human-rights based Feminist international Assistance as its underling framework, GAC’s aim is to support the empowerment of women and girls, including those living in fragile

² A concise online database of Ethiopia’s geological resources and fully digitised the process now exists in the form of its Ethiopian National Mining Cadastre (ENMCS) portal for requesting permits, facilitating the procedure for foreign companies, many of which are Canadian.

³ “This policy responds to the recommendations made by stakeholders and reflects Canadian values. It defines an approach based on human rights, one that considers all forms of discrimination based on sex, race, ethnicity, place of birth, colour, religion, language, sexual orientation, gender identity, age, ability or migrant or refugee status.” – Hon. Marie-Claude Bibeau Minister of international Development and La Francophonie

circumstances.” Through this and other bilateral commitments like the UN 2030 Sustainable Development Goals (SDGs), Canada has committed to supporting partnerships, innovation and investment efforts to improve gender equality and the empowerment of women and girls. It is not a stretch to say that gender concerns in the mining sector intersect across all six of FIAP’s Action Areas. From a cross-cutting gender equity perspective and in the spirit of the FIAP⁴, part of the SUMM project mandate was to provide a roadmap for developing gender competency, accountability and commitment by:

1. Establishing a gender equity working group
2. Addressing priority needs including Ministry capacity gaps
3. Including gender in key activities and processes such as:
4. Policy and legal review
5. Guidelines, strategies, and procedures
6. Multi-stakeholder dialogues and forums.

This report will argue that both the funding parent (GAC) and its implementing partner organization (CIRDI) have largely failed in the gender equity component of its “feminist” development aid mandate. Under GAC, the SUMM project had to identify gender equality as a significant objective alongside trade, development, environmental sustainability and good governance⁵. In keeping with the SDGs and the FIAP, all Canadian development aid projects must be inherently feminist in order to meet all of their stated objectives but nowhere is this truer than when its efforts are engaged in a sector that is still lacking in women’s representation yet abundant in disproportionately negative impacts on the women who work in the sector or who live in communities directly impacted by it. In this, the fourth and final phase⁶ [sixth year] of the SUMM project the authors of the Gender Equity Strategy readily admit that

Only a few women are involved in field work in surveying, exploration, community development activities and others. Few female workers are placed in

⁴ See list of FIAP Priorities in Appendix “B” of this report

⁵ <https://w05.international.gc.ca/projectbrowser-banqueprojets/project-projet/details/D003320001>

⁶ <https://w05.international.gc.ca/projectbrowser-banqueprojets/project-projet/details/D003320001>

decision making positions. In addition to that, lack of technical skills and lack of accountability on gender mainstreaming are major issues that hinder the effective integration of gender in all areas and all levels of the mining and petroleum sectors.

In addition, it also states that the “lack of technical skills and lack of accountability on gender mainstreaming are major issues that hinder the effective integration of gender in all areas and all levels of the mining and petroleum sectors.”

Finding 2: Year 4/5 Gender activities amount to rubberstamping with limited commitment to action

A number of challenges arose with this final phase of the SUMM project and the overall engagement of Ministry staff with its Gender Mainstreaming component. The CESO gender consultants had only six weeks to review the Gender Equity Strategy (GES) and Gender Mainstreaming Guide (GMG) documents and to develop the training protocol with little guidance or support from local SUMM and Ministry representatives. The GES and GMG validation process, one of two key reasons for the consultancy, was unclear. In fact, the consultants were told by the SUMM Director that regional members of the Ministry’s Gender Equity Working Group (GEWG) had yet to provide any feedback or comment on the documents before the approval or validation process was to take place, despite the fact that they had received the documents a year in advance.

Though some active review of the GMG was built into the training protocol developed by the consultants, the process by which participants were to review and validate the documents by a show of hands vote prior to training session itself, was a questionable one. Such a vote felt, to the CESO consultants, like an empty gesture and a rubber stamping of gender equity and mainstreaming protocols and assumptions they felt might never actually be implemented, so far

into this final phase of the SUMM project. In a debrief call following the four-day training session, the Ministry gender focal point pointed out that a number of the regional participants in the training session had not read through any of the knowledge products and some left prior to their validation to avail themselves of transport back to their towns. This was a disappointing outcome, given that the familiarization with and validation by participants of these documents was meant to form the basis of the final phase of the project.

In addition, probing by the consultants on the topic of consultations with external community stakeholders, specifically on the gendered aspects of the impact of the mining sector and its governance, revealed that neither the SUMM team nor the Ministry gender focal point were working with nor had any collaborative partnerships with any women-led, grassroots or community organizations engaged directly or indirectly in the mining sector. Community consultation is one of the fundamentals of any successful inclusive development project. FIAP calls for it. Without consultation, the work of any such project is incomplete. Without consultation, the process of fairly and rigorously assessing the implications, for women, of any planned action, policy or program on behalf of the MMoP is impossible and therefore their design, implementation and monitoring, however well intended, are, for all intents and purposes fundamentally flawed. When women's unique perspectives and needs are not integrated directly and operationally into official MoMP policy, already the extrapolation can be made that, in those areas where women's lives are most impacted by the extraction industry (i.e. water collection, land ownership, access to capital, food security), not enough will be done to ensure positive outcomes for them in any of these same areas. When women's rights and wellbeing, tied as they inextricably are to the gamut of the processes of the industry itself, from purchase to exploration

to extraction to processing to export, are all but ignored, we can assume that the potential for environmental and human rights abuses across each of these are potentially abundant.

Groups that the MMoP could and should have consulted during the writing of the GES and the GMM include: Ethiopian Women Lawyers Association (EWLA), Centre for Accelerated Women's Empowerment (CAWE), Strategic Initiative of the Horn of Africa for Women (SIHA)⁷, Poverty Action Network of Civil Society in Ethiopia, the Consortium of Reproductive Health Association, Women and Children Development Organization, Harbu MFI⁸, Union of Ethiopian Women and Children Association (UEWCA), Ethiopian Women With Disabilities Association (EWDNA), Setaweet⁹, African Women's Communication and Development Network (FEMNET), East African Sub-regional Support Initiative for the Advancement of Women (EASSI)¹⁰

A Gender Equality Working Group (GEWG) has been established with representatives at the following Ministry directorates: Mineral Licensing and Administration, Legal Affairs, Environment and Community Development, Planning, Monitoring and Evaluation, Artisanal Mining, Human Resources, and Women and Youth Affairs from Geological Survey Ethiopia, guided by the Women and Youth Affairs Directorate in the MoMP. However, the seeming lack of commitment to integrate Global Affairs Canada FIAP pillars into the work of the Ministry and the SUMM project to date all point to an overall disengagement with gender issues in the most

⁷ SIHA is a network of civil society organizations from Sudan, South Sudan, Somalia, Somaliland, Ethiopia, Eritrea, Djibouti, and Uganda. SIHA was founded in 1995 by a gathering of women's groups with the view of strengthening their capacity and building regional solidarity

⁸ Harbu Microfinance Institution Share Company (Harbu) is an Ethiopian microfinance institution (MFI) based in Addis Ababa, Ethiopia. It assists farmers, especially women farmers.

⁹ Setaweet enables women to come together to solve the problems of inequality and empowers women to take charge on feminist issues such as gender-based violence, equal pay, economic empowerment, and equality in care work.

¹⁰ EASSI is a sub-regional, non-profit that strengthens the capacity of women, youth, and civil society organizations in governance, leadership, economic empowerment, policy advocacy and peace and security.

basic practical terms. The difficulties and vagaries that the CESO gender equity consultants faced were representative of this lack of seriousness and practical application of GAC's FIAP pillars, much less on any practical terms. The overall impression, the consultants had, of the seriousness of the integration of gender equity considerations into the intended policies and practices of the MoMP as they were outlined in the Gender Equity Strategy and Gender Mainstreaming Manual was limited. For example, while it is true that in the previous phase of the SUMM project, relevant Ministry staff received Fundamentals of Environmental Impact Assessment Training through the International Assessment Impact Association (IAIA), it is unclear whether any of that training was dedicated specifically to the gendered aspects of the environmental and social impacts of mining of mining.

This failure can be read as a symptom of the problematic link between GAC's competing ambitions to accelerate the development and empowerment of a governmental agency in Ethiopia that was wholly unprepared and unwilling to first address in its policies and practices, the potential for human rights and women's rights abuses in a sector already ubiquitously steeped in such abuses historically and around the world. At the heart of this failure is the added ethical complexity that aiding the Ethiopian government in this way has directly benefited Canadian mining interests across the country, but most alarmingly in the Tigray region where the governments of Ethiopia and Eritrea have been accused of engaging in genocidal activity against the inhabitants of the region beginning in November of 2020. The Ministry's failure, at this late stage of the SUMM project, to proactively embed gender equity and mainstreaming into its internal policies and practices in ways that legitimately reflect the various international sustainability compacts and gender equity agreements it has signed onto, might easily be read as a sanitization of their activities and a perpetuation of the illusion of commitment to gender equity

and transparency where, in truth, very little exists. By a similar judgement, the Canadian government has yet to call out the Ethiopian government's participation in what human rights agencies such as the UNHCR, Human Rights Watch and Amnesty International have reported as clear and purposeful engagement in genocidal activity that includes forceful displacement and the mass-rape of women in Tigray¹¹.

Part II: The State of the Mining Sector and Gender Mainstreaming

The stated focus of the next and final phase gender mainstreaming phase of the SUMM is to integrate the knowledge “gained” in previous phases into ensuring that the MMoP's capacity building project in the Artisanal mining sector. Ideally, heading into this phase, Ministry staff should already be prepared to do the institutional work of enforcing policies that remove the institutional barriers to women wishing to participate in ASM and to overcome the social-cultural norms and practices that limit their access to participation but also to their means to confront the negative impacts of mining in their communities. These negative impacts include reduced or tainted water resources, weak constitutional frameworks around land expropriation, exposure to physical and or sexual violence, the adverse impact of mining on family structures and women's reduced access to formal and informal justice redress mechanisms in accordance with CEDAW and ILO Fundamental Conventions as well as the UN International Bill of Rights. However, based on the inadequacies of Ministry efforts thus far, one might question the future will and the willingness of the Ministry to implement gender mainstreaming guidelines when

¹¹ <https://www.amnesty.ca/category/country/ethiopia> “Since the fighting broke out on 4 November 2020, thousands of civilians have been killed, hundreds of thousands of people have been internally displaced within Tigray, and 63,000 refugees have fled to Sudan. Amnesty International and other organizations have documented a string of serious human rights violations that include war crimes and likely crimes against humanity. There are also numerous credible reports of women and girls being subjected to sexual violence, including gang rape by Ethiopian and Eritrean soldiers.” <https://www.hrw.org/news/2021/03/05/ethiopia-eritrean-forces-massacre-tigray-civilians>

those are already so obviously lacking. The performative nature of the conclusion of this phase of the project is an indicator of the lack of aplomb with which it will be carried into the next.

The following sections of this report will not address gender mainstreaming but will focus on problematic developments and realities of the mining sector.

The preferential treatment the GoE gives to large international mining interests over domestic and small ASM outfits will mean that women will always benefit last and least from growth in this sector. Because the majority of artisanal miners do not have formal licenses, they do not benefit from legal protection of support packages provided by the government. Despite the fact that regional economies could be benefitting far more significantly from Ministry support for the development and regulated growth of artisanal mining, the government makes obvious its prioritization of large, internationally owned operations. In the aforementioned 2019 EITI report it is stated that “any application submitted for large-scale mining takes precedence over small scale and artisanal mining licenses” (26. EITI 2016-2017). The discrepancy is also obvious in the license durations that are assigned by the Ministry to the various mining scales. Licensed miners in Ethiopia fall into three categories i) Mining cooperatives ii) Small and Micro Enterprises SMEs and iii) mining Development Groups. Their respective licensing term schedules are the following:

Artisanal Mining licences: up to 2 years

Small Scale Mining licenses: up to 10 years and renewable for 3

Large Scale Mining licences: Up to 20 years unlimited renewals (each 10 years)

The requirement for an international applicant to have a presence in Ethiopia only takes effect in the final phase and once the application has been approved. Foreign companies, therefore, can apply online from anywhere, using their offshore documentation and only then are they required

to incorporate.¹² Cutting-edge prospecting technologies rely on airborne geo-data collection technologies like spectral data collection that do not require an actual or active presence on the ground but these remain overwhelmingly in the hands of large corporations with significant exploration budgets and advanced equipment.

There is no Ministry requirement pertaining to the technology or competence required in ASM; therefore, ASM miners operate beyond the reach of nearly all forms of Ministry governance. And because participation is informal and unregulated, it is rife with unsustainable and corrupt practices. Further, this vacuum of governance and support means that women in ASM are relegated to finding creative and resourceful ways of participating but always at the periphery and as subjects to the pervasively patriarchal networks that dominate those spaces.¹³ Tellingly, there is no chapter of African Women in Mining in Ethiopia. Women's exclusion from participation in ASM is often justified by citing the arduousness of the work itself. The point has some validity. The rough-hewn rudimentary tools that are used, for example, the large wood-framed panning sieves, when full of water, are very heavy and can cause serious and permanent injury. Because women cannot own the land or sites where gems and other minerals are found, their labour, peripheral as it is, is not rewarded by any substantial monetary benefit that would empower them or increase their potential to become leaders or decision makers in the sector.

Finally, public consultation in Ethiopia is not mandatory and therefore is not a part of the process of the environmental impact assessments that mining companies undertake. Not surprising then is the fact that the final results of third-party environmental impact assessments (often undertaken by third-party consultants paid for by the mining companies themselves) are

¹² In Simplifying Mining in Ethiopia. What has changed with the introduction of the mining cadastre portal. Author: Kewakebt Girma August 1, 2020. Published online by DLA Piper Africa, A Swiss verein whose members comprise a group of independent law firms working with DLA Piper. Issue 4/7

¹³ <https://www.theigc.org/wp-content/uploads/2021/04/Keili-et-al-March-2021-Policy-brief.pdf>

not made public. Sustainability Environmental Impact Social Impact Assessments are not listed among the MMoP application criteria and when the author contacted one of several Canadian mining companies that hold exploratory licenses in Tigray to ask that they forward their EIAS, no reply was forthcoming.

In spite of the stated mandate of the SUMM project and of its funder GAC, the pathway to formalized, integrated and operationalized commitments to Gender Mainstreaming (GM) as it relates to Economic, Environmental, Social and Governance (EESG) in the mining sector in Ethiopia is debatable. Perhaps, in light of the minimal compliance-based approach the Ministry seems to have taken, this is an inevitable outcome. Given that little to no operationalization of GM has occurred at the Ministry itself to date, the question arises of what the exercise is currently achieving in a broader sense beyond the performative or as a means to garner continued international development aid for capacity building in the sector and for those infrastructure projects that support it.

The public mandate of the Ministry of Mining and Petroleum is.

- To issue licenses to private investors engaged in mineral and petroleum operation and administer the contract in accordance with the concession agreements
- To develop the mineral resources of Ethiopia in an environmentally friendly manner (no environmental and community impact or gender assessments required)
- To develop the mineral resources of Ethiopia in an environmentally sound manner (the Ministry's lack of regulation of ASM and coinciding lack of technical support means that mine sites are poorly planned and poorly rehabilitated when their operations close down).
- In collaboration with different stakeholders (no women led organizations and community members were consulted)
- To regulate the market and products of precious and ornamental minerals produced at the level of tradition mining and
- To expand the development of the mineral resources in order to enhance the contribution of the foreign currency earnings of the sector in the national economic growth of the country.

The Global Affairs Canada funded SUMM project has financially and technically supported the MMoP geo-data collection database and the design and implementation of Ethiopia's Cadastre (registration and licensing) portal. Many of Ethiopia's mining policies have been borrowed directly from Canadian extraction policy and while one can argue that this aid has modernized a sector deeply in need of advancement, it has also facilitated opportunities for abuse that benefit larger international interests and the government itself in the form of royalties and taxation. The Ethiopian Revenues and Customs Authority (ERCA) received 85% of the revenues from the extractive sector and the MoMP received 9%.

A number of additional challenges inherent to the sector make the imbalance for the support for international mining outfits over local ASM and SSM mining interests significant. Not least of which is the lack of domestic miners' access to the kinds of technologies that larger international corporations avail themselves of across exploration, production, processing and export stages. Ore bodies are found at increasingly challenging depths which makes access very difficult for miners without the adequate tools and machinery. The rudimentary exploratory methods and tools that artisanal miners have at their disposal are insufficient to generate any true value-addition to their findings.

Only the big mining outfits have the equipment and technology necessary to maximize efficiencies and returns on efforts.¹⁴ Often, far more rudimentary approaches lead to frustration and the abandonment of sites, leaving behind swaths of disrupted landscapes that are never re-filled or rehabilitated by any measure. The two-year license limit for artisanal mining, as opposed to decades long large-scale license term options, is often insufficient for small, domestic

¹⁴ Yihdego Y. Salem, H.S, Ayongaba, B., Veljkovic, Z. (2018). Mining sector Challenges in developing countries, Tigray, Ethiopia and inspirational success stories from Australia International Journal of Mining and Mineral Engineering, (4): 321-367

outfits to meet the production requirements for renewal, leaving “inactive” or dormant sites open to co-option into the parcels included in licenses by larger firms¹⁵. In early May 2021, the Ethiopian government announced it had revoked the licences of multiple mining firms. Mining Minister Takele Uma said these licenses would be open to international tender. “Following a re-investigation, 27 mining companies that had been licensed but failed to enter operation have had their licenses revoked. A total of 90 licenses have been revoked – 63 in December of 2020. Many had failed to make royalty payments” (Mining Technology May 17, 2021). Kenticha tantalum mine, Tulu Kapi gold mine and Ethiopian firm Habesha mining are among the firms to which the Ministry sent a final warning letter. U.K-based Elentilo Group is said to have submitted an expression of interest and is making a bid for the Kenticha project. Kenticha is said to be worth \$USD45-50M and had both security issues and environmental issues when the mine tailings dam previously exceeded capacity and was polluting the surrounding area.

Finally, many local miners have no direct link, as bigger international mining companies do, to external markets so their products are sorely undervalued. This is particularly true of the gold market. Gold exports from Ethiopia have surged over the past year, a timeline that coincides with an eruption of political violence in Tigray that many in the international aid community are marking as genocidal activity. East Africa Mining¹⁶, a Canadian-owned company, for example, has invested USD \$66USD in African Exploration since 2005 and has identified 2.8 million ounces of gold and gold-equivalent resources representing an average discovery of cost per ounce of \$24.00 in Tigray State. According to an EAM news release in May (Sedar), the

¹⁵ According to the 2019 EITI report 28% of reporting templates were not submitted by extraction companies. (2019 EITI report)

¹⁶ Trading at \$0.32 977,000 oz inferred
<https://eastafricametals.com/wp-content/uploads/2020/02/EAM-Fact-Sheet-March-2020.pdf>

Ethiopian government lifted its state of emergency on May 4th 2021. “The Company has equal confidence in the progressive policy initiatives of the Ethiopian Government under the administration of his excellency Takale Uma. The MMoP has undertaken a program of major reforms to improve the Ethiopian Mining Proclamation designed to align government policy with the needs of international and domestic resource investors.” In the fiscal year of June-end 2020, Ethiopia exported \$90.3M worth of gold. Reuters has reported that since then, Ethiopia has exported \$504.73 million worth of gold, which is an increase of over four times from the previous year. A portion of the boost has come from artisanal miners selling through state controlled buying centres. The National Mining Corporation (MNIC) announced in 2012, the discovery of the largest gold and base metal reserves in the Regional State of Tigray. The Gold reserves discovered at Werri Central Tigray have estimated gold reserves of 18,000 kg, expected to be worth US\$792M¹⁷. The discoveries in Werri of Tigray would earn US\$4B in 20 years but without the technological know-how and state of the art equipment of Canadian-owned and other corporations, its extraction and export cannot be fully realized. Canadian mining assets cover approximately 2,674 km in the Regional State of Tigray where massive sulphide zones exist, including the Bisha deposit in Eritrea as well as several gold deposits.

Because they operate on an interrupted 24/7 schedule, most mine operations are heavily dependent on fossil fuels. Mining companies often own large tracts of land that are unsuitable for installing most renewable systems. Decision-makers do not often consider renewable solutions during mining project planning and design. No parallel investment has been made in Ethiopia on developing business models that will address the development of the renewable energy challenges of the mining sector.

¹⁷ <https://www.mining.com/us5-billion-worth-gold-reserves-discovery-in-ethiopia/>

The Ethiopian land-tenure system, based on state ownership, has been the catalyst for human rights abuses in the past. State sanctioned displacement is not new in Ethiopia. In 2012, its *Villagization* social reengineering program or forced relocation program in Gambella Region uprooted thousands of Indigenous people under the auspices of the Growth and Transformation Plan I (2010-2015). The “land deals” were a way to “extract as much revenue as possible from the human and material resources of the country.”¹⁸ In some cases, relocated people faced starvation because the agricultural infrastructure in their areas of relocation were not adequate enough to permit them to plant and harvest and to eke out an existence. Land was often leased for commercial agriculture, primarily sugar cane. Under this program, Ethiopia leased out 3.6 million hectares of “underutilized” land to foreign and domestic investors. Foreign donors and investors like Canada may argue that they are not directly involved in *villagization* or land expropriation¹⁹ programs, however, current exploration licenses alone account for thousands of square kilometres of land claims across Ethiopia (many in Tigray) and, given a history of questionable expropriation and land acquisition practices, one wonders how much of these parcels will change ownership in ways that actually have protected inhabitants in the region. Ethiopia’s Development Assistance Group (DAG) should be working to prevent such abuses,

¹⁸https://www.wilsoncenter.org/sites/default/files/media/documents/publication/policy_brief_9_erd_a_villagization_ethiopia_2014_.pdf

¹⁹ In Ethiopia, land is not subject to sale and exchange but rather, belongs to the common ownership of the people and the state. Article 40 (8) of the FDRE Constitution reads: Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment advance of compensation commensurate to the value of the property. Most expropriation, resettlement and rehabilitation programs lack clarity and redress is almost always unattainable. Under the Expropriation Proclamation (Proc 455/2005) expropriation of land is used extensively to serve vast economic development activities such as mining. Ethiopia’s Regional road authorities (woredas) in Ethiopia do not pay compensation for land they take for road construction or widening. Farmers whose land is expropriated for public projects may be compensated with new land parcels but not necessarily of equal size or fertility/arability and no mechanism exists by which to redress the difference. Many of the infrastructure projects that support the value chain including hydro-electricity, dams, railroads, roads all fall under the category of “public purpose” because they directly benefit the general public.

however, it must be noted that among the thirty states listed on the DAG²⁰ Australia, Canada Norway, Germany, the UK, Japan, India all have current exploratory or ‘EL’ designated mining licenses in Tigray region. One of the two Heads of Agency on the DAG, is Canada’s representative Rajani Alexander (Minister-Counsellor and Senior Director-Development of Canada). What we do have, as one form of record is a testimonial from a farmer whose land was expropriated in Gambella and whose dismay and devastation was recorded by the editor of the Ethiopian Observer.²¹

"When they [government officials] first came they told us an investor was coming and we would develop the land alongside one another. They didn't say the land would be taken away from us entirely. I don't understand why the government took the land."- Farmer Gemechu Garbaba
His wife added:
"Since the land was taken away from us we are impoverished. Nothing has gone right for us, since these investors came."

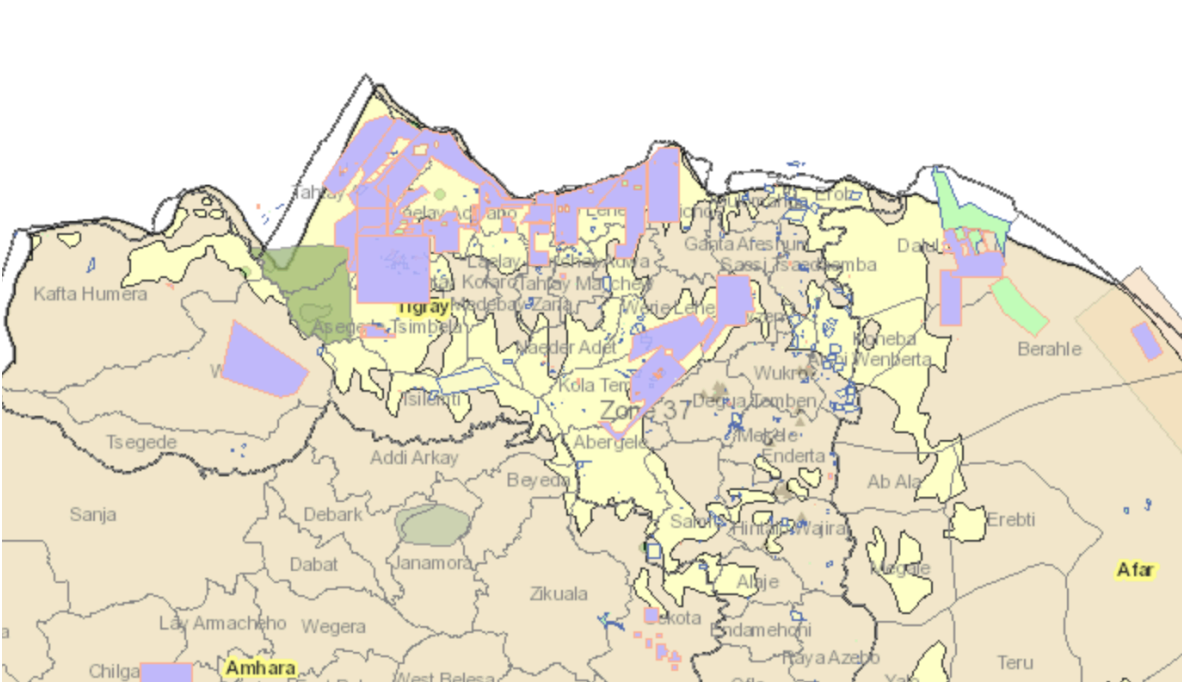
There is no reason to assume that the practices of state-sanctioned land expropriation for large-scale industrial agro interests is not also being co-opted to facilitate mining exploration and production across the country and in Tigray to the benefit of actors in the mining sector and the Ethiopian government. The concern of the author of this report, is that the conflict that began in November of 2020, involving both Ethiopian and Eritrean forces, may be providing cover in an opportunistic way, for the wholesale removal of Tigrayan people off the land and for a shift in political and military control that will allow Prime Minister Abiy Ahmed to take full advantage of the rich mineral wealth of the region without paying local reparations for land and can control the flow of the immense mineral riches recently discovered there. At very least, Canada’s failure

²⁰ The Development Assistance Group (DAG) comprises 30 bilateral and multilateral development agencies providing development assistance to Ethiopia. It was established in 2001 as a forum for donors to share and exchange information to enhance the implementation of Ethiopia’s Growth and Transformation Plan

²¹ Editor Mr. Keffyalew Gebremedhin served as a civil servant in different capacities within Ethiopian government. As a member of the Ethiopian Foreign Service, he headed the UN Division in the then international organizations department of the Foreign Ministry. For a brief, he was also the executive assistant to the foreign minister, until he vacated that post following his assignment to the Permanent Mission of Ethiopia to the United Nations in New York, where he served as a senior diplomat

to call out the massive human rights abuses in the region which observers have now listed as including state-sanctioned mass-murder, the burning of crops, the withholding of food aid, and the mass rape of women, the Canadian government may be seen to be protecting its development aid investment and the interests of Canadian mining companies with licenses to operate in the region. Fig. 1 below is a map from the cadastre portal showing the current mining licences in Tigray region from the cadastre portal. It is by far the site of most mining activity in Ethiopia.

Fig. 1 Map of mining parcels/projects with active licences in Tigray region



Mining consumes enormous amounts of energy. Energy is one of the most significant expenses for the mining industry and typically accounts for 15%-40% of operating costs. Energy demand in mind is anticipated to grow by 36% by 2035 (Maennling Toledano, 2018)The global mining industry corresponds to 80% of the world’s electricity use. Heavily financed by the Chinese Government, the Grand Reconnaissance Dam (GERD) on the Blue Nile is the largest,

low-cost hydropower facility that remains contentious for its capacity to generate electricity but will reduce Egypt's water share by 12-25% during filling period. Recently, Ethiopia began to fill the dam without a legally binding agreement and the U.S. has threatened to withhold aid to Ethiopia without a resolution to the water use vs. riparian rights dispute between Ethiopia, Egypt and Sudan. The Nile Basin Initiative (1999) or another regional framework (Cooperative Framework Agreement of 2010) may be used to secure an agreement binding to all states. Undoubtedly, the energy production from the GERD will be used to fuel mining endeavours across Ethiopia.

Canadian mining companies with active licences in Tigray Region:

It is often difficult to determine the true ownership of mining companies that bear multiple names and have intermingling executive leadership hierarchies. Often, Chinese interests in Canadian mining companies are both significant and nebulous with multiple holdings groups that own stakes of various percentages. According to a representative of Mining Watch, it is not uncommon for Chinese-owned companies to seek licences through Canadian companies under these types of tentacled ownership models because of the relative ease of the bureaucratic processes of obtaining licenses through a nation that is seen to be compliant with international laws and regulations. Many international laws and regulations pertaining to mining governance were developed by Canadians who currently are owners of roughly 70% of all mining interests worldwide.

Aura Resources Ltd TSX AUU /Gold79 Mines Ltd.

HQ Manotick ON Canada CEO: Gary Thompson Contact John McNeice
License application date: 04/06/2021 (Pending payment verification)
Area: 388 Km
Gold

East Africa Metals TSX EAM

Headquarters: Vancouver, Canada

CEO: Andrew Lee Smith

Board of Directors: Jingbin Wang and Anthony Harwood, CEO of Montero

Adyabo Property 30% interest Harvest Property 70% interest

Halima Hill I.P. (Au, Cu, Zi) Da Tambuk (Silica Ridge) and Mato Bula (Cu) will be developed by Tibet Huayu Mining Co. Ltd. mines

(2012) "Canaco's Harvest project in Ethiopia consists of six exploration concessions covering 468 sq. km in a 70 percent jointly-owned venture with Ezana Mining Development. The six concessions are known as Nefasit, Hamlo, Terakimti, Adi Nebrid, Igub and Medri Felasi. The exploration areas are the extension of the gold bearing mountains of the Eritrean highlands where a substantial amount of gold and associated minerals was discovered.

Based on the sale of the 70% interest of EAM's Ethiopian subsidiary, Tigray Resources Inc. ("TRI") to Tibet Huayu Mining Co. Ltd (news release dated February 8, 2019), EAM retains the mineral rights and all exploration obligations for the prospective targets not incorporated in the current resources defined within the Terakimti, Mato Bula and Da Tambuk mining licenses ("EAM Mineral Resources")

Terakimti (Cu, Au, Zi, diamonds), Mayshehagne (diamond drilling)

Tibet Huayu Mining Co. Ltd. ("THM"), EAM's operating partner for the Adyabo Projects, has been prepared to initiate the development of the Mato Bula and Da Tambuk mines since November 2020, when COVID travel restrictions were projected to be lifted and the mobilization of staff and equipment to site was expected to commence. This mobilization effort was further delayed by imposition of a state of emergency in response to conflict between j

Tibet Huayu Mining Inc.

Headquarters Lhasa, China

Chairman and CEO: Jianyun Liu

Huayu will have controlled resource quantities to 10 million tons of metal by 2020 at a market value 50 billion Yuan or profit and tax at 2 billion Yuan.

Tigray Holdings Corps 1.00206 388 15/07/2020 #00391 388km Copper, Gold and Base metals 3. 00503 388km Gold and base metals. 00057

Tigray Holdings (multiple Cu, Au,) East Africa Mining Ltd (Canada) Ezana Mining Development PLC with Sino Union Energy Investment Group (Metro City Group Limited, Pilot Wisdom Limited, Panaview Trading Limited, Reachasia Group Limited, Dolaway Group Limited and Madagascar Energy International Limited)

The mining operations will lead to the processing of a combined 300,000 tonnes annually. The first stage of plant processing operations will be based on a combination of gravity and flotation recovery with projected metallurgical recoveries of 70% for gold and 85% for copper.

WildSky Resources (Precious Metals) TSX WSK #0570 (license pending document verification). 29/09/20 395km Precious Metals

HQ: Vancouver, Canada

CEO: Wilson Jin CEO

Supported by Zijin Mining Group. Zijin Mining is a multinational mining company headquartered in China with a net income of 5.7B (gold, copper, zinc, iron)

Directors John Anderson, Bernarhdt Khalert, Zonglin Zhang

Sun Peak Metals TSX PEAK with EZNA/ Corp Ethiopia Mining #0009 136 km

HQ: Vancouver, Canada

President and CEO: Greg Davis (Sundrige Gold, Nevsun Resources)

Scott Ansell VP, Project Dev (Sunridge Gold, Nevsun Resources)

Application date: 08/09/2020 (Pending)

Gold 00011 389.Km Gold

Shire Project: 900KM Nefasit, Adi, Dairo, Terer & Meli

(Nevsun Resources connection to Bisha mine in Eritrea where they were harged with slave benefitting from slave labour)

Has invoked “force majeure” over the crisis and ceased operations on November 27, 2020.

Shire Project <https://sunpeakmetals.com/projects/shire-project/>

Ayiga Trade and Industry (Gold, Lead) Pending 21/11/2019 Copper, Gold, Lead 344km

Matrix Mining Group (Gold, Chromite, Copper, Lead, zinc) 342km ? Canadian?

Parallel Mining Corp TSX PAL Licences: #00393 399km 28/07/2020 0057 10/06/21 Gold 399 km (Pending document verification)

Gold, base metals

HQ: Vancouver, Canada

President CEO: John Anderson janderson@parallelmining

The Star Project Gold, gold and base metals, Precious and semi-precious minerals. comprises two distinct exploration blocks, the Flyer and the Wing Block under a single permit.

Vancouver Canada

Feb 11, 2021 Parallel entered into a definitive property purchase agreement with Tigray Holdings Corp. for the acquisition of 95% interest in the North Terer and Ziban Gedena property licences in consideration of a) 250K cash payment b) issuance of common shares representing 4.275M The Property is located in Northern Ethiopia and will be referred to as the Star Property Cooper will also serve on the Board of Directors

“We have been committed to East Africa for a number of years and have identified the Arabian Nubian Shield as the cornerstone of our long-term plans to develop large scale gold projects.

Parallel and Tigray are at “arm’s length”

<https://www.parallelmining.com/projects/the-star-project/>

Matrix Mining Group? 00850 30/07/202 342 km Chromite, Copper, Gold, Precious metals, Zinc Ore 0855 App 30/07/2020 Chromite, Gold, copper
HQ Calgary, Alberta

***Midroc²² Mining** A gold mining company legally registered in Ethiopia, holding the; Lega Dembi, Sakaro and Metekel Large Scale Mining Licenses and, currently, working towards the development of the Metekel Gold Mining Project.

Sheik Mohammed Hussein Ali Alamoudi, Owner and Chairman, Dr. Arega Yirdaw, General Manager and CEO. (See Detailed report in Appendix “A”)

²² “MIDROC” stands for Mohammed International Development Research and Organization Companies. MIDROC is owned by Ethiopian-born Saudi billionaire Sheikh Mohammed Hussein Al Amoudi

MIDROC's Lega Dembi mine (Appendix A) has had a devastating impact on the surrounding communities, including in particular the rural women living in these communities. The area around the mine is populated by the indigenous Guji people, who for centuries have pursued an agro-pastoral way of life, raising livestock and farming on their traditional lands. MIDROC's acquisition of the mining license led to large-scale deforestation and the exclusion of the Guji from land taken over by the mine. Obligations of free, prior and informed consent were not observed; indeed, the indigenous people had no input whatsoever into the decision to license the Lega Dembi mine. They received no compensation for the loss of their ancestral lands and the damage to their livelihoods. (See detailed report in Appendix "A")

Note: With financial support from the Canadian Government, Ethiopia retained a Canadian consulting firm to conduct the environmental assessment (EIAS) and, perhaps, to play some role in the health and socio-economic impact assessments. However, there has been a considerable lack of transparency on the firm's selection. The Terms of Reference for the EIAS was not made public. The toxins released into the environment by the Lega Dembi mine have had very severe consequences for the indigenous rural women and their families, impacting both their health and their livelihoods. Rural women living near the mines have suffered a high prevalence of miscarriages and stillbirths, and have given birth to a very high number of children born with severe developmental and physical disabilities. Women, children and men all suffer both the health effects and the impacts on their livelihood and way of life that stem from the environmental devastation. It is not yet clear whether Lega Dembi has been permitted to re-open.

Conclusion:

- Global Affairs Canada has invested a significant amount of its energy and resources into the capacity building of the mining sector in Ethiopia, including its aid in the development of the MMoP's geo-database and the Cadastre portal²³ as well as many of the governance policies which were adopted from the Canadian extraction sector.
- Coincidentally, multiple Canadian mining companies are heavily invested in (gold) exploration and extraction in Ethiopia in a very concentrated fashion in Tigray region.

²³ <https://ethiopian.portal.miningcadastre.com/MapPage.aspx?PageID=a16a9300-7c58-4f81-9e5c-97e13b22b0c6>

- Political and ethnic violence (and possible genocidal activity on the part of the GoE and Eritrea in that region) may be being used for ground cover for Abiy's taking complete control of the abundance of mineral resources there through forced displacement and political and military control.
- Canadian Prime Minister Trudeau has failed to comment on the international humanitarian community's stark warning about what is happening in Tigray region and Abiy's role in potential genocidal activities.

Global Affairs Canada has funded SUMM project activities in Ethiopia for four years.

This funding led to the development and implementation of the Ministry of Mining and Petroleum's geo-data database, the online Cadastre portal and many of the policies that guide its practices. Abundant mineral discoveries in Ethiopia, has accelerated and deepened international investment in the country, including significant investments by Canadian mining firms. However, the regional and local benefits of those investments are unclear. Land expropriation for the "public services" in the form of mining roads, new rail beds and power lines that all serve the sector has/may cause(d) the displacement of farmers and other villagers, many of whom will not be fairly compensated for the loss of their lands. A number of recent outcomes such as the failure of licensed entities to submit reporting templates, the notable lack of transparency and absence of public consultation in Environmental Assessments, the failure to engage, in any serious way, with the integration of the commitments of FIAP and SDG 5 into the development, evaluation and implementation of the Ministry's Gender Mainstreaming Strategy all point to a failed investment in all but the financial and political interests that are at stake in Ethiopia. In that vein, it would be remiss of the author not to point out, that much of that investment is in Tigray region where substantial deposits of gold and other base metals have been located. And while no clear lines can possibly be drawn between the eruption of violence, the forced displacement of thousands of Tigrayans and the sharp increase in gold revenue or the abundance of licences that

are newly active in the region, one might draw the conclusion that the upheaval provides cover for the kind of land-grabbing and exploitation that has occurred in other regions of the world by large mining and petroleum corporations.

That the Prime Minister of Canada, Justin Trudeau, has failed to call out Prime Minister Abiy Ahmed for the human rights violations perpetrated by his forces in Tigray region is notable and only lends to the assumption that GAC's and corporate Canada's investments are being prioritized over the suffering of the Tigrayan people. As of June 24, 2021 Reuters, CNN and the New York Times have confirmed an airstrike by the GoE on Tigrayan civilians in Togoga.²⁴ The government has admitted to the bombing but insists that those dozens of people killed were Tigrayan militants in civilian clothes. This framing has been discounted by eye-witness and humanitarian aid agencies on the ground.

²⁴ <https://www.reuters.com/world/africa/witness-airstrike-kills-dozens-ethiopia-tigray-region-2021-06-23/>

Appendix “A”

Submission in response to OHCHR Call for Input on “Realizing children’s rights through a healthy environment”

Submitted by: Development by Unity and Brotherly Action for the Future (DUBAF), Girja Integrated Rural Development Association (GIRDA), and the Center for International Human Rights (CIHR) of Northwestern University’s Pritzker School of Law²⁵ (8 October 2019).

This submission provides information about the impact on children’s rights, including the right to health, of the environmental degradation and pollution by the privately-owned Lega Dembi gold mine in Ethiopia.

Background Information. The Lega Dembi mine is a massive gold mine in the Shakiso District of the Oromia Regional State in southern Ethiopia. For centuries, indigenous Guji people have pursued an agro-pastoral way of life in this area, raising livestock and farming on their ancestral lands.

In 1997, Ethiopia granted a 20-year mining license to Mohammed International Development Research and Organization Companies (MIDROC), whose owner, through his various businesses, is the largest private employer in Ethiopia. Prior to privatization, the State operated a much smaller gold mine in the same area. MIDROC vastly expanded the size and scale of the mine, causing massive deforestation and the exclusion of the Guji people from portions of their ancestral land. In 2009, MIDROC obtained an additional license for the adjacent Sakaro Gold Mine, an underground mine connected by tunnel to the Lega Dembi mine.

As described below, the mine has caused severe health consequences, particularly for children. But despite the harsh environmental and health impacts, and despite widespread community opposition, in April 2018 the State renewed the mine’s license for an additional ten years. This decision sparked massive protests, which in turn led the State to suspend MIDROC’s license pending assessments of its environmental, health and socio-economic impacts. As of today, the mine remains closed, though the community fears that it may be allowed to reopen. In March 2018 CEDAW expressed concern “about the grave health, environmental and socioeconomic impact of the operations of the mine on Guji rural women and their families,” and it urged the State to “ensure full transparency and independence during the assessment process, including by publishing the results and sharing them with the Guji people, address the environmental and health damage caused and provide adequate reparations and compensation to the victims.”²⁶ To date, Ethiopia has not complied with these recommendations.

1. Impact on Children’s Rights, Particularly to Health

The environmental degradation and pollution caused by the Lega Dembi mine have violated the rights of the children in nearby communities to health, clean water, food, and education. Women have suffered uncommonly high rates of miscarriages and stillbirths, and many infants have died shortly after birth or been born with severe physical and developmental disabilities that shorten life expectancy and compromise

²⁵ DUBAF and GIRDA are licensed Ethiopian NGOs. DUBAF aims to make a lasting, positive difference in the life and livelihoods of the marginalized communities through supporting self-help initiatives and promoting indigenous values. GIRDA works with poor women, girls and boys, youth and marginalized communities and community-based institutions to have a significant positive impact on the underlying causes of poverty. CIHR, which is in special consultative status with ECOSOC, is dedicated to human rights education and legal and policy-focused human rights advocacy within the U.S. and worldwide.

²⁶ Committee on the Elimination of Discrimination against Women, 1665th and 1666th meetings, Concluding observations on the eighth periodic report of Ethiopia, CEDAW/C/ETH/8, ¶¶ 45-46 (14 March 2019), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fETH%2fCO%2f8&Lang=en.

quality of life, including deformed limbs, paralysis and mental incapacity.²⁷ Children as well as adults have suffered debilitating health issues, including tumors, headaches, skin conditions, and vision problems. The right to food has also been impaired: livestock have died or become ill, crops have produced smaller yields, and people have become ill from eating the food grown in the affected area. Their right to education has also been impaired, as children with deformed legs are unable to walk the long distances to school, and the schools lack the resources to educate children with severe developmental and physical disabilities.

These impacts resulted both from MIDROC's irresponsible conduct of its mining operations and from the State's failure to adequately regulate, monitor, and hold to account the mine. A March 2018 audit conducted by Addis Ababa University Business Enterprise PLC revealed, among many problems, the following departures from the way that a well-regulated mine would be operated:

a. **Failure to fence off the highly toxic tailings pond to prevent public access.** The toxic waste produced when gold is extracted from the ore is channeled into a tailings pond, where it is supposed to be contained until it has been purified. MIDROC has not fenced off this toxic pond, leaving it accessible to people and animals.²⁸ Local residents fetch water there for domestic use and have allowed their livestock to drink from the pond.²⁹ Many people report that they have never been warned not to do so.

b. **Failure to install impermeable liners at the base of the tailings pond.** A well-regulated mine would have impermeable liners at the base of the tailings pond to prevent seepage of toxic waste into the groundwater.³⁰ At the Lega Dembi mine, however, "no liners were installed to prevent passage of leachate to the groundwater system."³¹

c. **Contamination of freshwater stream due to the design of the mine.** In designing the layout of the mine, MIDROC situated the tailings pond in such a way that a freshwater stream used by the community for water flows directly through the tailings pond, thus contaminating that water source.³² A well-regulated mine would have kept the stream separate from the tailings pond, preserving it as a source of clean water for the community.³³

Due to these and many other failings, people living near and downstream from the Lega Dembi mine have been exposed to cyanide, heavy metals, and, it is feared, mercury. MIDROC acknowledges using cyanide to separate gold from ore.³⁴ Cyanide is highly toxic: it can cause respiratory failure, heart, brain, and nerve damage, and it can be lethal.³⁵ Heavy metals, which are often present where gold is found, and which can be released into the environment by the mining process, pose another danger. For example, both lead and arsenic have the potential to harm pregnancies, impair brain development, and damage organs.³⁶ Soil and water samples within and downstream from the Lega Dembi mine area have revealed concentrations of

²⁷ See A study on socio economic impacts of MIDROC Gold Mine – Lega Dembi & Sakaro operations, *prepared by* Research Team from Dilla and Bule Hora Universities (September 2019), pp. 27–30 (hereinafter Dilla & Bule Hora Study); Cecilia Jamasmie, *Ethiopians Protest MIDROC Gold Mining License Renewal*, TesfaNews (7 May 2018), <https://www.tesfanews.net/ethiopians-protest-midroc-mining-license-renewal/>; Interviews with community members.

²⁸ *Compliance audit in chemical management on MIDROC Gold Mine PLC's Legademi and Sakaro Mining Operations*, prepared by Addis Ababa University Business Enterprise PLC (March 2018), pp. 103–04, 121 (hereinafter AAUBE Report).

²⁹ *Id.* at 84, 117, 123.

³⁰ *Id.* at 102.

³¹ *Id.*

³² *Id.* at 65.

³³ *Id.* at 118

³⁴ *Id.* at 59. Cyanide is commonly used in gold mines, but it is essential that its use be carefully managed with appropriate measures being taken to avoid environmental degradation and adverse health impacts. See *id.* at 37, 52.

³⁵ *Facts About Cyanide*, Centers for Disease Control and Prevention, (Apr. 4, 2018), <https://emergency.cdc.gov/agent/cyanide/basics/facts.asp>; AAUBE Report, *supra* note 4, at 49.

³⁶ World Health Organization, https://www.who.int/ipcs/assessment/public_health/chemicals_phc/en/; AAUBE Report, *supra* note 4, at 44–45.

arsenic that substantially exceeded recommended limits.³⁷ The same is true of the concentrations of other heavy metals within the mining area, including high concentration of lead in soil samples.³⁸ The possible exposure to mercury is also a cause for grave concern. Exposure to even small amounts of mercury can impair development, vision, hearing, and memory and have toxic effects on the nervous, digestive, and immune systems.³⁹ MIDROC denies using mercury at Lega Dembi, but it has never adequately accounted for a 100 kg vat of mercury stored in the “gold room” when MIDROC took over operations from the State, which admits to having used mercury before the mine was privatized. Notably, MIDROC refused to allow the AAUBE auditors to enter the gold room, ostensibly for some unspecified “security” reasons.⁴⁰ Moreover, even if MIDROC has not used mercury to separate gold from ore, the cyanide used to separate gold from ore can simultaneously release mercury naturally present in the ore, and can mobilize mercury residue that may remain from the era of State-owned mining.⁴¹

3. and 4. Measures for the protection of the environment and related gaps and challenges

The situation at the Lega Dembi mine illustrates the consequences of a legal framework not implemented in practice. Ethiopian law purports to protect the environment: The Constitution provides all persons with the “right to a clean and healthy environment” and requires the State to ensure development projects do not damage the environment.⁴² The 1997 Environmental Policy of Ethiopia outlines policy goals, including regular audits and environmental monitoring with results made available to the public, the conditioning of mine contracts on pre-development environmental impact assessments (EIAs), sound management during operation, and the endorsement of both precautionary and “polluter pays” principles to control pollution.⁴³ Ethiopia’s Environmental Protection Authority (EPA) requires EIAs prior to federal licensing of projects that are likely to have negative environmental impacts.⁴⁴

None of this has been implemented with respect to Lega Dembi. The 2018 AAUBE audit concluded:

“The overall audit findings are that the MMPNG [Ministry of Mines, Petroleum and Natural Gas] and MoEFCC’s [Ministry of Environment, Forest and Climate Change] compliance and enforcement activities of the mine are inadequate to protect the area from significant health and environmental risks. We found neglect in compliance and enforcement program activities within the MMPNG, and significant deficiencies within the MoEFCC activities.”⁴⁵

“MMPNG regulatory oversight activities are inadequate. MMPNG’s mandate to promote the mining industry conflicts with its role as a regulator, thus reducing its regulatory effectiveness, particularly

³⁷ AAUBE Report, *supra* note 4, at 72–73, 76–78.

³⁸ *Id.* at 72, 77.

³⁹ World Health Organization, https://www.who.int/ipcs/assessment/public_health/chemicals_phc/en/; *id.* at 45.

⁴⁰ AAUBE Report, *supra* note 4, at 3, 66.

⁴¹ We note that the AAUBE audit did not find evidence of excessive levels of mercury in soil and water samples. However, it must also be noted that the audit was conducted “at the request of MIDROC GOLD PLC,” *id.* at 2, and that the laboratory analyses were conducted by a lab that “has been a client of MIDROC Gold PLC for the last seven years,” *id.* at 3. Under these circumstances, and given certain additional acknowledged limitations of the audit, *id.* at 2–3, the finding of no excessive levels of mercury needs to be confirmed (or repudiated) by an independent team of experts, working with an independent lab and without the acknowledged limitations of the 2018 audit.

⁴² Constitution of the Federal Democratic Republic of Ethiopia art. 44(1), 92(1)–(4), 21 August 1995, available at <https://www.refworld.org/docid/3ae6b5a84.html> (hereinafter Ethiopia Constitution).

⁴³ Environmental Policy of Ethiopia §§ 3.8(k), 2.3(m), 3.6(g), 3.8(b). Many of these guiding principles have been adopted in proclamations. *See, e.g.*, Mining Operation Proclamation No. 678/2010; Environmental Pollution Control Proclamation No. 300/2002; Environmental Impact Assessment Proclamation No. 299/2002.

⁴⁴ Environmental Protection Organs Establishment Proclamation No. 295/2002 art. 6(5)

(<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/85158/95185/F193782397/ETH85158.pdf>); Environmental Impact Assessment Proclamation No. 299/2002 art. 3–5 (<http://extwprlegs1.fao.org/docs/pdf/eth44281.pdf>).

⁴⁵ AAUBE Report, *supra* note 4, at 120.

with respect to safety, health and environmental issues. The fact that the ministry signed the Sakaro Mining contract agreement before submission of Environmental and Social Impact Assessment report and mine rehabilitation plan and before obtaining Environmental Clearance Certificate is a clear reflection of the dual role of the ministry.

Although MoEFCC has adopted compliance and enforcement legislative frameworks, there are significant gaps in implementing the frameworks that were issued. MoEFCC has not yet provided any approved standards for environmental pollutants of mining. . . Inspections by MMPNG and MoEFCC did not meet regulatory requirements. Neither MMPNG nor MoEFCC are conducting adequate monitoring and regular site inspections and neither have assessed how this is impacting risks.

Both ministries lack sufficient resources and tools to manage environmental risks from mining activities. e.g. Standards and laboratories, resources dedicated to the regulatory activities of monitoring, compliance and enforcement.⁴⁶

Despite the serious shortcomings disclosed by the AAUBE audit, a month after receiving the report the Ministry of Mines renewed MIDROC's license for an additional ten years. Only because of the protests that erupted in response to this decision did the State change course and suspend the mine's license. As for the AAUBE report? It was suppressed and not made available to the public, yet another indication of the unwillingness of the State to address these profound problems.

5. State Measures to Fulfill Children's Right to Participate

Ethiopia's Constitution provides several guarantees on the right to participate, including that "[n]ationals have the right to participate in national development and, in particular, to be consulted with respect to policies and projects affecting their community."⁴⁷ The Constitution makes ratified treaties "an integral part of the law of the land,"⁴⁸ and the Convention on the Rights of the Child, which Ethiopia has ratified, has as a core principle children's right to participate.⁴⁹ The Ethiopian Constitution also requires that "[t]he conduct of affairs of government . . . be transparent."⁵⁰

These constitutional promises have not been kept. Ignoring the obligation of free, prior and informed consent, the State did not consult the community in its decision to grant a license to MIDROC in 1997, nor at any point since.⁵¹ MIDROC and the State continually ignored vociferous protests and failed to address complaints, leading people to feel that MIDROC is a "government by itself."⁵²

It is particularly unfortunate that the State is continuing its pattern of non-transparency with respect to the current environmental and health impact assessments. It is believed that a team of Canadian consultants, brought in to conduct an environmental assessment, submitted a report to the State in late 2018, but that report has not been made public. The State has also failed to share with the community the results of a health impact assessment, despite promises to do so when the community was asked to cooperate with the study. In late 2018, some 3000 households responded to a lengthy oral questionnaire administered by the Ethiopian Public Health Institute, in consultation with the Canadian consultants. It is believed that the survey results confirm the severe health impacts suffered by communities near and downstream from the

⁴⁶ AAUBE Report, *supra* note 4, at 119.

⁴⁷ Ethiopia Constitution, *supra* note 18, art. 43(2); *see also id.* art. 92(3).

⁴⁸ *Id.* art. 9(4).

⁴⁹ Convention on the Rights of the Child art. 12, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3.

⁵⁰ Ethiopia Constitution, *supra* note 18, art. 12(1).

⁵¹ Dilla & Bule Hora Study, *supra* note 3, at 51.

⁵² *Id.* at 53.

mine. Although a report on this study was presented to the State in June 2019, the results still have not been shared with the affected community.

6. Monitoring of Environmental Risks to Children

As noted above, the monitoring of Lega Dembi’s environmental risks to the community, including children, has been totally inadequate. As just one egregious example, the AAUBE auditors noted that their audit could not include an analysis of groundwater samples “because all monitoring boreholes were damaged and were not functional during the field visit.”⁵³

⁵³ AAUBE Report, *supra* note 4, at 3.

Appendix B

List of FIAP Priorities

Gender Equality and the Empowerment of Women and Girls will be our core area of work. We will support efforts to reduce sexual and gender-based violence, to strengthen women's organizations and movements that advance women's rights, to improve governments' capacity to provide services to women and girls and to improve gender analysis. We also believe that gender equality can be advanced throughout our work by integrating this analysis across the other areas of action. A feminist approach does not limit the focus of our efforts to women and girls; rather, it is the most effective way to fight the root causes of poverty that can affect everyone: inequality and exclusion.

To promote **Human Dignity**, we will support access to quality health care, nutrition and education, and principled, timely, needs-based humanitarian assistance that better addresses the particular needs and potential of women and girls.

To foster **Growth that Works for Everyone** we will help increase women's access to economic opportunities and resources. This will help women and girls achieve the economic independence they need to take control of their lives.

To promote **Environment and Climate Action** we will support government planning and initiatives to mitigate and adapt to climate change, advance women's leadership and decision making and create economic opportunities for women in clean energy.

To support **Inclusive Governance**, we will work to end gender discrimination by promoting and protecting human rights, advancing the rule of law and building stronger institutions. We will also encourage greater political participation by women and girls.

To help strengthen global **Peace and Security** we will support greater participation of women in peacebuilding and post-conflict reconstruction efforts, help to increase women's representation in the security sector and enforce a zero-tolerance policy for sexual violence and abuse by peacekeepers.