

Rio Tinto: A Shameful History of Human and Labour Rights Abuses And Environmental Degradation Around the Globe

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Reporting on the company's 2011 AGM is available at <http://londonminingnetwork.org/2011/04/activists-from-around-the-world-attack-british-mining-giant/> and <http://londonminingnetwork.org/2011/04/rio-tinto-the-movie/>.

A list of articles on Rio Tinto is available at <http://londonminingnetwork.org/tag/rio-tinto/> and a fuller collection of material at <http://www.minesandcommunities.org/list.php?r=705>.

References corresponding to numbered notes in the text are listed at the end of the article.

Introduction

Mining giant Rio Tinto promotes itself as a responsible and ethical employer and good neighbour, as well as a protector of the environment. According to The Way We Work, the company's global code of business conduct, Rio Tinto's "focus on sustainable development – on economic prosperity, social wellbeing, environmental stewardship and strong governance and integrity systems – provides the framework in which our business operates..." (1)

Rio Tinto maintains that "respect is central to a harmonious workplace, where the rights of employees are upheld and where their dignity is affirmed, free of intimidation, discrimination or coercion of any kind."(2) With regard to human rights, the company professes to "...set out to build enduring relationships with our neighbours that demonstrate mutual respect, active partnership, and long term commitment."(3) Finally, with regard to the environment, the company proclaims that "excellence in environmental performance and product stewardship is essential to our business success...Wherever possible we prevent, or else minimise, reduce and remedy the disturbance of the environment." (4)

It sounds good. But the reality is that Rio Tinto's current operations are more in line with their past apparent collusion with fascist and racist regimes than their stated policies of respect for communities, workers and the environment. Despite the company's claims, there are countless examples of alleged human and labour rights violations and environmental devastation perpetrated by Rio

Tinto around the world and over decades. From Papua New Guinea to Namibia, from the Upper Peninsula of Michigan in the U.S. to Madagascar, and from Cameroon to Indonesia, Rio Tinto has a long and shameful record. We set out below summaries of some of the previous and ongoing allegations against Rio Tinto, gathered from information in the public domain. Please follow the links for further details of these allegations.

A Record of Consorting with Repressive Regimes

In 1930s Spain, under the rule of fascist General Francisco Franco, left-wing miners who had expressed discontent with Rio Tinto's mines by striking were called to order by Franco's troops. At the company's 1937 annual general meeting, Sir Auckland Geddes reported "since the mining region was occupied by General Franco's forces, there have been no further labour problems... Miners found guilty of troublemaking are court-martialed and shot."⁽⁵⁾ Under Franco's influence, Rio Tinto also provided ore for Nazi Germany's re-armament programme.⁽⁶⁾

In Apartheid-era South Africa, Rio Tinto's Palabora copper mine underpaid its migrant black labour force, failing to reach even the minimum wage set by the South African Institute of Race Relations.⁽⁷⁾ In neighbouring Namibia, black workers constructing the Rossing uranium mine lived in appalling conditions in temporary camps, which researchers found "akin to slavery."⁽⁸⁾ While Rio Tinto continues to this day to profess its code of ethics and principles it seems the company's drive for corporate profit is its top priority.

Borax Mine, Boron, California, USA

In the tiny Mojave Desert town of Boron, California, Rio Tinto recently locked out 570 miners from its borates mine. Since January 31, 2010, these families have been struggling to make ends meet without a paycheque from Rio Tinto. The company took this action in retaliation for the miners' refusal to agree to a contract that threatened to turn decent, family and community-supporting jobs into part-time, temporary or contracted jobs.

Rio Tinto has brought in replacement workers to do the jobs of long-time, experienced miners, some of whom have worked at the mine and processing plant for 30 to 40 years. It is unclear if the replacement workers have the ability to produce the same quality product with the same reliability as the experienced Boron miners Rio Tinto has locked out. It seems that Rio Tinto is simply using the replacement workers to help the company starve out the locked-out families.

The families of Boron have paid a heavy price for their courageous decision to stand up to Rio Tinto, a multi-billion-dollar, global bully that is used to pushing people around and getting its own way. They worry about making mortgage payments, paying for health insurance and putting food on the table. But with the support of the Boron community and of families and workers throughout California, the U.S. and the world, they are standing strong and committed to winning a fair contract at the mine in Boron.

Panguna Mine, Bougainville, Papua New Guinea

On the island of Bougainville, Papua New Guinea, the people fought and won a 10-year war against Rio Tinto and its Panguna copper and gold mine during the 1990s. Resistance to the mine was so intense, the company was forced to close it in 1989 and, since that time, the mine has not been operational. Though the people of Bougainville were ultimately successful in their battle with Rio Tinto, they paid a heavy price – both for the mine's development and for their opposition to it.

A class action complaint on behalf of the people of Bougainville now in U.S. federal court alleges that Rio Tinto committed crimes against humanity, war

crimes and racial discrimination, as well as violations of international environmental rights, among other atrocities, in its efforts to establish and operate the Panguna mine.

Specifically, the complaint alleges that:

§ In constructing its huge copper mine in Bougainville, Rio Tinto used chemical defoliants and bulldozers to destroy the rainforest that had been a key source of subsistence to local residents; the company then, allegedly, sluiced off the hillside.(9)

§ During the years of the mine's operations, billions of tons of toxic mine waste was generated and dumped onto the land and into pristine waters, filling major rivers with tailings, polluting a major bay dozens of miles away, and the Pacific Ocean as well." The pollution reportedly was so extensive residents of the island were exposed to toxic chemicals that have caused death and/or illness.(10)

§ Air and water pollution has caused serious health problems among the villagers, including upper respiratory infections, TB and asthma. In addition, because they could no longer farm, fish or hunt, villagers' traditional diet was replaced with processed foods, leading to an increase in the incidence of obesity.(11)

§ Rio Tinto "viewed the people of Bougainville as inferior due to their colour and culture and, therefore, intentionally violated their rights."(12) As part of its discriminatory treatment of the local people, the company allegedly paid "slave wages" to black workers.(13)

§ The company's behaviour sparked an uprising among the Bougainvillian people that resulted in the closing of the mine. In response, the Papua New Guinea government brought in troops to reopen it. Rio Tinto allegedly provided vehicles and helicopters to transport troops and played a role in instituting a military blockade that lasted for almost 10 years, causing the deaths of 10,000 people between 1990 and 1997.

Rio Tinto has been fighting the class action for a decade, seeking to have the complaint dismissed. Recently, however, the Obama Administration's Department of Justice refused to side with the company in its legal argument, thereby paving the way for the suit, which could cost Rio Tinto millions in reparations, to proceed in the U.S. court system.

Grasberg Mine, West Papua, Indonesia

The Grasberg mine in West Papua is another example of a Rio Tinto mining project gone terribly wrong. A joint venture between Rio Tinto (40% of joint venture production (14)) and Freeport-McMoRan, a U.S. corporation headquartered in Phoenix, Arizona, the Grasberg Mine is one of the world's largest single producers of both copper and gold, and contains the largest recoverable reserves of copper and the largest single gold reserve in the world, according to Freeport McMoRan.(15)

§ The mine reportedly has caused "massive environmental destruction" in West Papua due to the dumping of waste, including toxic metals, into Indonesia's river system.(16) According to WALHI, a leading Indonesian environmental group, the mine has already disposed of one billion tons of tailings into the local river system, resulting in copper concentrations in local rivers that are double the Indonesian legal fresh water limit. Over the life of the project, the mine reportedly will dump up to 3.5 billion metric tons of waste, despite the fact that riverine disposal is expressly prohibited under Indonesia's water quality control regulation.(17)

§ In 1996, local people rioted, destroying \$3 million in equipment and shutting the facility down for three days. Shortly thereafter, Freeport-

McMoRan, Rio Tinto's partner, reportedly started providing significant support to the Indonesian government and military to ensure the protection of the mine.(18) The company reportedly made an initial investment of \$35 million in military infrastructure and vehicles and paid at least \$20 million to military and police in Papua between 1998 and 2004.(19)

§ Serious human rights violations have reportedly occurred near the Grasberg Mine and Rio Tinto and Freeport-McMoRan have been accused of complicity due to their reliance on the military and police for security at the mine. According to Indonesia's National Commission on Human Rights, "in the mid-1990s the Indonesian security forces indulged in indiscriminate killings, torture and disappearances of local people in their safeguarding of the mine operations and their campaigns against West Papuan secessionists." (20)

§ In 2008, Norway eliminated Rio Tinto from its Government Pension Fund due to concerns about the way the Grasberg mine was being operated. The holdings the Fund divested itself were valued at \$850 million. (21)

Kelian Gold Mine, Indonesia

Kelian Equatorial Mining (PT KEM), which closed in 2005, was a mining company jointly owned and operated by Rio Tinto (90%) and PT Harita Jayaraya Inc. (10%), an Indonesian company in Indonesia's East Kalimantan province.(22) As at the Panguna mine in Bougainville and the Grasberg mine in West Papua, local opposition to the mine and the human rights violations and environmental degradation associated with it was very strong.

§ Hundreds of indigenous villagers were forcibly evicted from their land and 4,000 more reportedly had assets destroyed in the construction of the mine in the 1980s.(23)

§ According to the Indonesian Commission on Human Rights, protestors of the mine were arrested and detained on numerous occasions during the 1990s and some Kelian staff reportedly raped local community members. Local people also reported that mine security guards shot at and attacked them and local police ran a terror campaign intended to squelch protests. (24)

§ In its 13 years of production the mine reportedly dumped 100 million metric tons of waste rock into the environment, much of which was contaminated.(25) Rio Tinto acknowledged that there was "acid mine drainage" from the mine site; further, the company's own environmental report said that in 1996 almost 1,100 kilogrammes of cyanide were discharged from the mine into the Kelian River.(26)

§ Due to the pollution of the river local residents reportedly lost their source of clean water for drinking and bathing and began to suffer from skin rashes and eye infections; in addition, the river fish virtually disappeared, depriving residents of an important source of food.(27,28)

Kennecott Eagle Mine, Upper Peninsula, Michigan, USA

California is not the only location in the U.S. where Rio Tinto is involved in controversy. There are at least two environmental battles underway in the Great Lakes states of Michigan and neighbouring Wisconsin. Both involve Rio Tinto subsidiary, Kennecott.

§ Rio Tinto subsidiary Kennecott Eagle Minerals Co. is seeking to develop a nickel and copper mine in Michigan's Upper Peninsula; the mine is expected to yield 250 to 300 million pounds of nickel and about 200 million pounds of copper.(29)

§ Opponents of the mine have filed a lawsuit, seeking to overturn the state permit granted Kennecott; they contend the project does not meet legal requirements for protecting the environment and cite concerns including the

mine's potential to harm local rivers and groundwater. In addition, opponents say they fear the mine's ceiling could collapse beneath the Salmon Trout River, which is home to the coaster brook trout.(30)

§ A lawyer for the National Wildlife Federation, one of the parties in the lawsuit, said the Michigan Department of Environmental Quality (DEQ) (since renamed the Department of Natural Resources and Environment), which approved the project, "has not required adequate applications, much less that there be adequate protections."(31)

§ Kennecott also reportedly must obtain a permit from the U.S. Environmental Protection Agency, in order to discharge treated wastewater.(32) In addition to concerns about damage to the environment, local residents note that Eagle Rock, a traditional site of worship for the indigenous Anishinabe (Ojibwe) people, will be blasted through to construct the mine.(33)

§ "Last year a judge recommended that Eagle Rock be protected as a place of worship. However, the director of the DEQ, ignored this recommendation and approved Kennecott's mining permit alleging that Eagle Rock is not legally a place of worship because it does not consist of any built structures.(34)

Flambeau Mine, Ladysmith, Wisconsin, USA

Opponents of the Eagle Mine in Michigan cite environmental problems at the Flambeau Mine in Wisconsin as part of their argument against the development of the project.

§ Flambeau Mining Co., a subsidiary of Kennecott Minerals Co.,(35) (wholly owned by Rio Tinto)(36) operated the mine between 1993 and 1997, producing 181,000 tons of copper, as well as gold and silver.(37) Although the Flambeau mine site has been "reclaimed" since it was closed, local residents and environmental groups assert that it continues to contaminate local water.

§ A conservation organization in Wisconsin announced in 2009 its intention to sue the Flambeau Mining Company, as well as the Wisconsin Department of Natural Resources. The notice of intent to sue submitted by the plaintiffs' attorney notes that an independent analysis of the company's own monitoring data "shows that the partially reclaimed mine is causing both surface water pollution and groundwater pollution." According to the study, monitoring data prove that some groundwater does not meet the Flambeau Mine Permit standards or current Wisconsin groundwater quality standards.(38)

§ The notice of intent also cites a second independent analysis of the company's data, which concluded, among other things, that "statistically significant increased copper concentrations in crayfish (whole-body specimens), walleye (liver tissue) and sediment ... have been observed downstream from the Mine, raising the possibility of a causal relationship."(39) The Wisconsin Department of Natural Resources also confirmed that water samples from the site taken during regular monitoring had shown elevated levels of copper, sulfate, manganese and iron.(40)

§ In 2007, when an agreement was reached stating the mine site was suitable for wildlife habitat and recreation, additional monitoring of a 32-acre portion of the site was mandated for five years to ensure no contamination of water or soil, etc. An attorney for the National Wildlife Federation said at that time "Despite Kennecott's numerous attempts to clean up the source, it continues to pollute." She added, "They (Kennecott) have publicly admitted through their actions that the Flambeau Mine is polluting. Kennecott has broken its promise to Wisconsin's citizens not to pollute."(41)

QMM Mine, Fort-Dauphin, Madagascar

The island of Madagascar in the Indian Ocean provides yet another example of Rio Tinto's apparent disregard for the communities and environment in which it operates.

§ Rio Tinto operates an ilmenite(42) mine on the east coast of the island. The entity on the ground, QIT Madagascar Minerals S.A. (QMM), is a joint venture between Rio Tinto's wholly owned Canadian subsidiary QIT Fer et Titane (80%) and the government of Madagascar (20%). The project, which began construction in 2006, has received funding from the World Bank and infrastructure support from the government, including a new port. (The World Bank contributed \$35 million to the port and QMM \$110 million).(43,44) The mine reportedly contains at least 75 million tons of ilmenite deposits, which are found in mineral sands, and could be operational for up to 40 years.(45)

§ Thousands of local people reportedly were displaced by the mine development and many received either inadequate compensation or no compensation at all for their customary land rights. People also allegedly have lost access to the food, firewood and medicines they had relied upon from the forest, which has affected both their livelihoods and their local culture and customs. Reportedly grave sites also were destroyed in the mine's construction.(46)

§ Local people report that Rio Tinto has not hired as many workers from among the local population, depriving them of jobs and income they desperately need; in addition, the influx of workers from elsewhere has increased demand for food and housing, driving prices up beyond what local residents can afford.(47)

§ The mine reportedly has attracted opposition from conservationists since its inception because the mine site is located within the last remaining fragments of coastal forest in Madagascar; since this forest type is unique to the country - for example, QMM has reported 64 species of endemic flora found nowhere else - its fate is considered of global importance.(48)

§ Rio Tinto reportedly plans to restore the natural environment once the dredging of the sand is complete and has established two conservation areas to protect forest biodiversity; however, experts have said these areas are too small to sustain the numbers of species currently found in the forest, which will result in a reduction of species diversity.(49,50) ,

Lom-Panger Dam, Cameroon

In the West African nation of Cameroon, Rio Tinto Alcan is working with the government to accelerate the construction of the huge Lom-Pangar Dam, a project that reportedly will displace an estimated 28,000 people.(51) The government apparently is backing the dam because the country is in desperate need of new energy supplies and heavily dependent on hydroelectric power. Rio Tinto Alcan, the company's aluminium group, wants the power for a new smelter project;(52) Rio Tinto Alcan already partners with the government in Alucam, an aluminium facility.(53,54)

§ The Bank Information Center (BIC), an NGO that partners with civil society in developing and transition countries to influence the World Bank and other international financial institutions, has voiced concern that the dam would have "significant environmental and social impacts," including "flooding over 30,000 hectares of tropical hardwood forest, threatening the Deng Deng reserve and its biodiversity, and submerging a portion of the Chad-Cameroon oil pipeline."(55)

§ In addition, the BIC noted that the dam project "appears to respond to the energy demands of the expanding aluminium sector rather than the energy needs of the majority of the country's population lacking access to electricity."(56) Reportedly the Alucam smelter already consumes about half of

Cameroon's electricity and is seeking to more than double its production while receiving favorable electricity rates far below what residential users pay.(57)

§ According to the World Bank, the draft Environmental Assessment for the dam "states that the project will have significant environmental impact, particularly on natural habitats and physical cultural heritage, as well as health impacts (spread of malaria and other diseases). There also could be short-term adverse economic impact on local activities (agriculture, fishing, tourism, forestry and artisanal commerce," according to the agency.(58)

Rössing Uranium Mine, Namibia

The Namib Desert in Namibia is home to the Rössing Uranium Ltd. mine, one of the world's largest open pit uranium mines. Rio Tinto owns about 69% of the mine, which produced more than 9 million pounds of uranium in 2009(59) and is expected to remain in operation until at least 2023.(60) Like so many of Rio Tinto's operations, the mine has a history of controversy.

§ In 1970 the company received a licence to mine uranium at Rössing, but the licence apparently was illegal because it was given by the then-Apartheid regime in South Africa, an investor in the mine, which at that time was occupying Namibia; Rio Tinto reportedly mined at Rössing in defiance of the United Nations and findings of the International Court of Justice.(61)

§ Iran, which has had an ownership stake (15%) in the mine since it opened in 1976,(62) is another controversial investor in the mine. The U.S. and other countries have expressed concern that Namibia may provide Iran with uranium for its nuclear programme.(63)

§ Rio Tinto's labour rights record at the Rössing mine has been abysmal. According to the United Nations Council for Namibia, in the 1970s uranium was being mined "by virtual slave labour under brutal conditions." As recently as 2000 the company reportedly continued to discriminate against black workers, paying them much lower wages than white miners.(64) The company also reportedly maintained a well-armed "private army" to handle labour or civil unrest at the mine and civilians were killed by the military, which was assisted by the mine's security forces.(65)

§ Reports show that the Rössing workforce has suffered malignant diseases at higher rates than the general population or are at a much higher risk of ill-health and cancer because of past radiation exposures.(66) Former workers at the mine and family members have pursued legal remedies for serious illnesses suffered related to their work at the mine, which they allege was caused by exposure to uranium, a radioactive and toxic heavy metal, and silica dust - both known health hazards if inhaled. According to one former miner, workers were not offered facemasks to prevent inhalation, nor did they ever receive information about health hazards at the operation.(67)

§ Environmental concerns at the Rössing facility also are abundant. The mine produces 20 million tons of crushed, sulphuric-acid-soaked, slightly radioactive rock on an annual basis. In addition, the plant consumes millions of cubic metres of fresh water annually in a region where rainfall totals only about 3 centimetres per year.(68)

Tainted Past is Affecting Rio Tinto's Future

As is the case at many of its operations around the globe, Rio Tinto also is facing opposition to projects it would like to get up and running. For example, in the U.S. state of **Arizona**, the company is pursuing a land swap with the U.S. government which will allow it to develop a copper mine on what is now federal land. However, the land deal is being stalled in the U.S. Congress based largely on concerns about Rio Tinto's horrendous human rights record.(69)

In the Bristol Bay area of **Alaska**, there is heavy opposition to the development of the Pebble Open Pit Gold and Copper Mine in which Rio Tinto is a minority partner. The project would include what would reportedly be the largest dam in the world, which would be used to contain toxic waste produced in the mining operation. Native groups, commercial and sport fishermen and environmental groups are concerned about the threats the mine poses to salmon fisheries, moose, bear, caribou and other animals, and to the ecosystem as a whole.(70)

In March 2010, the **Colombian** Constitutional Court ordered a halt to the country's largest copper mining project, Muriel Mining's Mandé Norte project, citing lack of proper consultation with local Indigenous and Afrocolombian communities over the mine's potential environmental and cultural impact. "Adequate action was not taken to ensure the communities were aware of the nature of the Mandé Norte project and subsequently able to make a decision with full awareness and understanding," the court said in a ruling. Because Muriel's project will inevitably alter the area's ecological balance, the company must comply with its obligation to consult with the communities that inhabit that region and that will be affected by the mining activity, the judges said.(71) Rio Tinto reportedly has a partnership stake in the project.(72)

For more information:

International Longshore and Warehouse Union
1188 Franklin Street, San Francisco, CA 94109 USA
Craig Merrilees, +1 (0) 415-775-0533, x113; craig@ilwu.org
Amy Willis, +1 (0) 415-775-0533, x147; amy.willis@ilwu.org

To send messages of support to the locked-out miners, contact boronfamilies@gmail.com.

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