

# Délégation d'Amérique centrale: 20-27 mars

« Ces terres sont à nous! » *L'Amérique centrale en résistance face à l'extractivisme*

## RÉSUMÉ

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La tournée de la délégation, qui sera au Canada du 21 au 26 mars, vise à sensibiliser le public et les décideurs sur les impacts des projets extractifs canadiens en Amérique centrale à travers les témoignages d'activistes du Salvador, du Nicaragua et du Guatemala actifs pour la défense de leur territoire contre l'assaut des transnationales.

## MEMBRES DE LA DÉLÉGATION

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- **Bernardo Belloso (Salvador)**, président de l'Association pour le développement du Salvador (CRIPDES). Il a été l'un des leaders de la résistance contre les projets miniers dans la région de Chalatenango et de Cabañas et de la campagne de référendums locaux pour déclarer les municipalités du nord du Salvador libres d'exploitation minière.
- **Aleisar Arana Morales (Guatemala)**, président du Parlement du peuple autochtone Xinka. Aleisar a mené un processus de consultations communautaires lors desquelles 98 % des personnes ayant participé à la consultation ont rejeté les projets extractifs dans la région.
- **Javier Mejía (Nicaragua)** est économiste pour le Centre Humboldt au Nicaragua, où il travaille comme coordonnateur de l'ONG sur les enjeux liés à la gestion des ressources naturelles, en particulier sur les énergies renouvelables, l'exploitation minière et l'eau.
- **Yanira Cortez Estevez (Salvador)**, avocate, est juge au Tribunal latino-américain sur l'eau, une institution de nature éthique et scientifique, agissant comme personne-ressource sur les enjeux liés aux droits humains et à l'environnement.

## ÉVÉNEMENTS À MONTRÉAL

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### Conférence publique

Mercredi 22 mars, de 18h à 21h

Université du Québec à Montréal (UQAM), salle DS-R510, 405, rue Sainte-Catherine

<https://www.facebook.com/events/154139381771845/>

### Action publique « Pas de transition écologique sans justice »

Place Jean-Paul-Riopelle (en face du Palais des Congrès)

Mercredi 22 mars, de 12h à 14h

<https://www.facebook.com/events/426044091068392/>

## CONTACT MÉDIAS

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Marie-Ève Marleau : 514-358-2227 ou [coordo@cdhal.org](mailto:coordo@cdhal.org)

## AUTRES ÉVÉNEMENTS

**Ottawa:** Mardi le 21 mars, de 19h à 21h

Amnesty House, 312 Laurier Ave E.

<https://www.facebook.com/events/267127523720447/>

**London:** Dimanche le 26 mars de 14h25 à 15h45

Organizing Equality International Conference @ Museum London

<http://organizingequality.com/> et <https://www.facebook.com/OrganizingEquality/>

## ORGANISATIONS PARTENAIRES

Alliance de la Fonction publique du Canada, Alternatives, Americas Policy Group/CCIC, Amnistie internationale Canada, Association québécoise des organismes en coopération internationale (AQOCI), Association pour le développement du Salvador (CRIPDES), Center for Gender Advocacy, Centre international de solidarité ouvrière (CISO), Comité Femmes des diverses origines (FDO), Comité pour les droits humains en Amérique latine (CDHAL), Common Frontiers, Confédération des syndicats nationaux (CSN), Développement et Paix, Fédération des travailleurs et travailleuses du Québec (FTQ), Groupe de recherche sur les espaces publics et les innovations politiques de l'UQAM (GREPIP), Makila, Maritimes-Guatemala Breaking The Silence Network, McGill Research Group on Canadian Mining, MiningWatch Canada, Projet Accompagnement Québec Guatemala (PAQG), Réseau canadien pour la reddition de comptes des entreprises (RCRCE), Réseau d'études latino-américaines de Montréal (RELAM), Solidarité Laurentides Amérique centrale (SLAM), Syndicat canadien de la fonction publique, Syndicat des Metallos, Unifor-Social Justice Fund, United for Mining Justice, United Church of Canada, University of Western Ontario - Organizing Equality international conference.



## MEMBRES DE LA DÉLÉGATION

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### **Bernardo Belloso (Salvador), Association pour le développement du Salvador (CRIPDES)**

Président du CRIPDES, il a été impliqué depuis 1995 dans de nombreux processus d'organisation communautaire, incluant la lutte contre les plantations de canne à sucre dans la région du delta du fleuve Lempa. Au CRIPDES, il a été l'un des leaders de la résistance contre les projets miniers dans la région de Chalatenango et a voyagé en Amérique du Nord, en Amérique du Sud et en Europe pour renforcer le soutien aux communautés affectées. M. Belloso a aussi mené avec succès une campagne de référendums locaux pour déclarer les municipalités du nord du Salvador libres d'exploitation minière. Il est membre, entre autres, de la Table ronde nationale sur l'exploitation minière de métaux du Salvador, du Mouvement de résistance populaire du 12 octobre et de la Coalition démocratique de l'Amérique centrale.



### **Aleisar Arana Morales (Guatemala), Parlement Xinka**

Président du Parlement autochtone Xinka, composé de 13 organisations et 20 communautés du sud du Guatemala, avec une population de plus d'un demi-million de personnes. M. Morales est un cultivateur Xinka de Quezada, dans la région de Jutiapa. En tant que président du Parlement Xinka, Aleisar a mené des processus de consultation communautaire lors desquels 98% des participant.e.s à la consultation se sont prononcé.e.s contre les projets extractifs. Il est actif dans les mobilisations pour la défense des territoires Xinka contre l'assaut des entreprises transnationales.



### **Javier Mejía (Nicaragua), Centre Humboldt**

Économiste au Centre Humboldt, une ONG environnementale, où il travaille comme chargé de programme sur la gestion des ressources naturelles, traitant notamment des enjeux liés aux énergies renouvelables, à l'exploitation minière et à l'eau. Il accompagne des processus d'appui légal et technique à des communautés affectées par les industries extractives, dans l'optique de renforcer le leadership des mouvements sociaux et de promouvoir des espaces de dialogue et de plaidoyer. M. Mejía a appuyé différents processus de consultation et des réformes législatives visant la défense des territoires autonomes et de leur population, et dirigé des études sur les impacts sociaux et environnementaux des activités minières.



### **Yanira Cortez Estevez (Salvador), Tribunal latino-américain sur l'eau**

Avocate diplômée de l'Université centraméricaine José Simeón Cañas (UCA), Mme Cortez a complété des études supérieures en droits humains, criminologie et droits des ressources naturelles, étudiant à l'Université du Salvador (UES), de l'Université de Salamanca et de l'Université de Alcalá de Henares, Espagne. Experte en droits humains et environnement, elle a rédigé divers rapports sur la situation environnementale au Salvador à l'intention d'institutions salvadoriennes et internationales, et a été de 2004 à 2016 procureure adjointe pour la défense de l'environnement au Bureau de l'ombudsman pour la défense des droits humains du Salvador (PDDH). Durant cette période, elle a collaboré étroitement avec les mouvements environnementaux. Elle est actuellement juge au Tribunal latino-américain sur l'eau.

# Briefing Paper: The Impact of Canadian Mining in Central America

*By the Association for the Development of El Salvador - CRIPDES*

## The Growth of Mining in Central America

Since the 1990s Central American governments have encouraged direct foreign investment as part of their strategy for economic growth based on the extraction of natural resources. As of the 2000s mining activity grew rapidly, due to the increase in the international price of gold and other metals such as silver, zinc, lead, copper, and nickel. In 2011, gold prices hit record highs of over \$1,900/oz.<sup>1</sup>

The implementation of trade agreements, such as the free trade agreement such as Dominican Republic – Central America Free Trade Agreement - CAFTA-DR, the Association Agreement between Europe and Central America, UECA and bilateral trade agreements such as the Canada-Honduras free trade agreement have facilitated the promotion of a voracious extractives model. These treaties have also constructed a legal framework that strengthens the protection for foreign investment, weakens local regulatory mechanisms, and guarantees low-cost extraction of wealth in the form raw materials, like gold, for foreign markets.

## Minimal Contribution to National Economies and Regional Development

A 2008 Oxfam America report points out that the volatility of metal prices means that mining rarely contributes to sustainable growth and development. For example, gold has gone through several boom and bust cycles since the 1970s.<sup>2</sup> The report also found that although mines can potentially create high net earnings, the vast majority of that wealth flows out of the country to the transnational company owners.<sup>3</sup>

Overall, mining industry contributions to the Gross Domestic Product (GDP) of Central American nations are minimal. They range from 0.71% of GDP in Honduras (2009-2011) to 1.85% in Guatemala (2013) to 2.71% in Nicaragua (up to 2014). The actual percentages for metal mining are lower because the Central Banks of each country record the economic activity as “Mining and Quarrying Operations” which includes non-metal mining.<sup>4</sup>

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<sup>1</sup> Yousuf, H. (2011, August 23). Gold tops \$1,900, looking 'a bit bubbly' *CNNMoney*. Retrieved March 3, 2017, from [http://money.cnn.com/2011/08/22/markets/gold\\_prices/](http://money.cnn.com/2011/08/22/markets/gold_prices/)

<sup>2</sup> Power, T. M. (2008). *Metals mining and sustainable development in Central America: An assessment of benefits and costs* (Rep.), p. 9. Retrieved March 3, 2017, from Oxfam America website: <https://www.oxfamamerica.org/static/oa3/files/metals-mining-and-sustainable-development-in-central-america.pdf>

<sup>3</sup> Ibid, p. 20

<sup>4</sup> Alfaro, A., Sosa, T., & Cabezas, P. (January, 2016). Iniciativa Cristiana Romero. *Resumen Ejecutivo: Estudio de Factibilidad -Programa en Defensa de los Derechos Humanos y del Medioambiente en el Contexto de la Extracción de Materias Primas en Centroamérica*. (Rep.), p. 6.

A report by the Central American University (UCA) found that the employment generated by “Mining and Quarrying Operations” in El Salvador, Guatemala, Honduras, Nicaragua, in contrast with the total Economically Active Population, is extremely limited. The figures range from 0.06% in Guatemala to 0.10% in Honduras and Nicaragua.<sup>5</sup>

### **Concessions and National Territory**

Guatemala, Nicaragua, and Honduras are counted among the countries with the most concessions authorized to transnational companies. In the three countries mentioned above plus El Salvador there are 1,118 licenses. The concessions in each country, in relation to national territory, cover 70% of Honduras, 10.05% of Nicaragua, 30% of Guatemala, and 5.20% of El Salvador.<sup>6</sup>

### **Countries Involved in Mining in Central America**

The most investment in the Central American mining sector comes from companies based in the U.S., Canada, Colombia, and China. To a lesser degree, but still visible, are investments coming from EU companies, particularly the United Kingdom, Spain, Russia, Belgium, and Italy.<sup>7</sup>

The primary destination for Central American gold and silver are the U.S. and Canada. Most other metals are primarily shipped to the EU.

Apart from the economic costs and impacts, mining projects are frequently connected to human rights abuses, indigenous land rights violations, and environmental degradation. Below is an overview of the role Canadian companies play in the region and their connection to human rights violations.

### **Canadian Mining in Central America**

The Prospectors and Developers Association of Canada (PDAC) identifies mining as “a strategic industry for Canada” and as “a powerhouse for Canadian economy.”<sup>8</sup> It is estimated that 59% of the world’s publicly traded mining companies are listed on the Toronto Stock Exchange.

In Central America only, Canadian mining assets were estimated at 8,102 mil Canadian dollars with 18 mining companies involved<sup>9</sup> in 1915. These operations have had widespread political, social and environmental impacts in the region. The potential local economic benefits, however, have been far overshadowed the destructive social and environmental record.

In 2010, a leaked PDAC-sponsored report showed that out of 171 mining companies involved in conflict, 58 were Canadian. Out of those 58, the highest number were found in Central and

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<sup>5</sup> Ibid, p. 6.

<sup>6</sup> Ibid, p. 6-7.

<sup>7</sup> Ibid, p. 6.

<sup>8</sup> See PDAC. (2012). The Mineral Exploration Tax Credit and the Future of the Mining Industry in Canada, 1. Retrieved from <http://www.pdac.ca/docs/default-source/public-affairs/finance-taxation---pdac-research-paper.pdf?sfvrsn=6>. Visited March 2, 2017.

<sup>9</sup> See Natural Resources Canada. (2013). *Canadian Mining Assets (CMA) by Country and Region, 2014 and 2015*. Retrieved from <http://www.nrcan.gc.ca/mining-materials/publications/15406>. Visited March 2, 2017

South America.<sup>10</sup> According to the same report, the Corporate Social Responsibility (CSR) policies developed by some companies in response to continuous human rights and environmental violations have continued to be “a nebulous idea in search of a definition.”<sup>11</sup> With little to no governmental oversight of CSR practices, Canadian companies have committed systemic environmental, social, and economic abuses, paired with violations of the right to life, humane treatment, health, and property rights.<sup>12</sup>

Destructive environmental effects of large-scale mining are known to Canadian companies, including pollution of air, ground, and water, thanks to testimonies by the Office of the Prosecutor for the Defense of Human Rights of El Salvador at the Inter-American Commission for Human Rights. Their report demonstrates, water is under a particular threat from mining operations in Central America.<sup>13</sup> For example, if mining operations had been allowed to proceed in its El Dorado project, Canada based Pacific Rim Mining, now OceanaGold, would have used an estimated 900,000 liters of water per day. That amount would be sufficient for an average family of 4 for 20 years. In a region where less than 60% of rural population has access to drinking water and basic sanitation, this is an unthinkable waste.<sup>14</sup>

Lack of clean water directly links to poor health and increased illnesses. Those affected include not only mine workers, but communities in area of impact. For example, communities around Canadian Goldcorp Inc.-operated San Martin mine in Honduras have reported high prevalence of skin disease, gastrointestinal problems, miscarriages, and birth defects.<sup>15</sup> In Guatemala communities living down the river from Goldcorp’s Marlin mine have seen higher levels of arsenic, zinc, mercury, and copper, which are detrimental to human health.<sup>16</sup> These are just a few examples of communities living near large-scale mines experience similar effects throughout the region.<sup>17</sup>

Other human rights abuses, including forced displacements, social conflict in relations of communities and families, death threats and harassment, intimidation, sexual violence, forced disappearances and violent suppression of anti-mining opposition caused directly or indirectly by

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<sup>10</sup> See Canadian Centre for the Study of Resource Conflict. (Oct 2009). Corporate Social Responsibility: Movements and footprints of Canadian mining and exploration firms in the developing world. Retrieved from [http://miningwatch.ca/sites/default/files/CSR\\_Movements\\_and\\_Footprints.pdf](http://miningwatch.ca/sites/default/files/CSR_Movements_and_Footprints.pdf). Visited March 2, 2017

<sup>11</sup> Ibid, 12

<sup>12</sup> Working Group on Mining and Human Rights in Latin America. (2013). The Impact of Canadian Mining in Latin America and Canada’s Responsibility: Executive Summary of the Report Submitted to the Inter-American Commission on Human Rights, 10. Retrieved from [http://www.dplf.org/sites/default/files/report\\_canadian\\_mining\\_executive\\_summary.pdf](http://www.dplf.org/sites/default/files/report_canadian_mining_executive_summary.pdf). Visited March 2, 2017

<sup>13</sup> Procuraduría para la Defensa de los Derechos Humanos de El Salvador. (Oct 2012). *Informe sobre la minería metálica y los derechos humanos en la República de El Salvador*, presented at the general hearing held during the 146<sup>th</sup> session of the Inter-American Commission on Human Rights. Retrieved from <http://asprode.org/docs/mineria.pdf>. Visited March 2, 2017

<sup>14</sup> Global Water Partnership. (2012). Central America. Retrieved from <http://www.gwp.org/en/gwp-in-action/Central-America/>. Visited March 2, 2017

<sup>15</sup> See Footnote 5, p.5

<sup>16</sup> Physicians for Human Rights (2010). Toxic Metals and Indigenous Peoples Near the Marlin Mine in Western Guatemala: Potential Exposures and Impacts on Health (Cambridge, MA: PHR), p.3.

<sup>17</sup> See Footnote 4, p.18

the presence of Canadian companies have been well-documented in the region.<sup>18</sup> In the most extreme cases people have been killed, with little to no accountability from mining companies.<sup>19</sup>

The prevailing climate of impunity within which Canadian companies have been allowed to operate links directly to the complicity of local governments with mining companies and the lack of political will on the part of the Canadian government to put in place effective mechanisms to regulate the behavior of Canadian companies abroad.<sup>20</sup> On the contrary, it has been demonstrated that Canadian government has “*de facto* converted its cooperation agencies [such as Canadian International Development Agency] into mining investment promotion bodies,”<sup>21</sup> which have included political and economic support for mining companies abroad. Two cases currently in court that were initiated by the people of Guatemala against Canadian companies Tahoe Resources and HudBay Minerals are notable exceptions for those seeking redress for the actions of Canadian mining companies in Central America, and globally. However, the general climate of impunity and absence of legal justice for the victims continues to be the rule.

Below, we provide an overview of four case studies of Canadian-operated mining companies in Central America.

## CASE SUMMARY: Fenix Mine, Guatemala

Name: Fenix mine

Location: El Estor, Guatemala

Current company: Solway Group (Cyprus)

Metal extracted: Nickel

Current Status: In operation

Canadian mining companies consecutively owned concessions to this mine for 46 years until 2011, when HudBay Minerals sold the concessions to the Cyprus-based Solway Group.<sup>22</sup> The disastrous legacy of this 46-year long history was made public in 2010-2011, when three members of the indigenous Mayan Q’eqchi’ group filed three related lawsuits in Canadian courts

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<sup>18</sup> See Imai, S. (2016). The “Canada Brand”: Violence and Canadian Mining Companies in Latin America. *Osgoode Hall Law School Research Paper Series, Vol. 13, Issue 4, 2017*. Also Moore, J. and al. (Aug 2015). In the National Interest? Criminalization of Land and Environmental Defenders in the Americas. *Mining Watch Canada and ICLMG*. Also Working Group on Mining and Human Rights in Latin America. (2013). The Impact of Canadian Mining in Latin America and Canada’s Responsibility: Executive Summary of the Report Submitted to the Inter-American Commission on Human Rights.

<sup>19</sup> Amnesty International. (2016). ‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala’, p.53. Retrieved from <<https://perma.cc/V7WK-HJRU>>:. Visited March 2, 2017

<sup>20</sup> Russell, G. (13 Nov 2016). Canadian Mining Harms around the World: Criminal and Civil Law Reform Needed Now. *TeleSur*. Retrieved from <http://www.telesurtv.net/english/opinion/Canadian-Mining-in-the-World-Criminal-Civil-Law-Reform-Needed-20161113-0002.html>. Visited March 2, 2017

<sup>21</sup> See Footnote 4, p. 11

<sup>22</sup> Rights and Resources. ( 30 Dec 2015). Canadian Mining Companies Leave Behind Decades of Violence in Guatemala. Retrieved from <http://rightsandresources.org/en/blog/canadian-mining-companies-leave-behind-decades-of-violence-in-guatemala/#sthash.9b4kWXQQ.dpbs>. Visited on March 3, 2017



against HudBay Minerals seeking justice for shootings, murder, and gang rape of 11 women.<sup>23</sup> The cases are still in Canadian court, awaiting the decision.

However, the majority of human rights violations at the mine have occurred without repercussions, including decades-long violent evictions of indigenous peoples from their ancestral lands, murders, assaults, criminalization of peaceful protests and burning of homes, involvement in which have been categorically denied by the Canadian companies operating at the time.<sup>24</sup> HudBay alleges that CGN's (subsidiary of a Canadian company Skye Resources, and of HudBay since 2008) violent response to attempts by the community to repopulate the area in 2006-07, and then in 2009 were deemed "illegal occupation" and evictions "were carried out peacefully and without any injuries."<sup>25</sup> Canadian embassy's involvement was revealed at one point thanks to an Access to Information Request, where the Guatemalan Minister of Defense tells the Canadian ambassador that he had sent soldiers to the HudBay mine "in response to her request."<sup>26</sup>

The impunity and repression continues to this day, despite the fact that Constitutional Court of Guatemala recognized the collective right to land of the Q'eqchi' community.<sup>27</sup> When the operations restarted in 2014 amid violent clashes, Jennifer Moore of the MiningWatch described the state of affairs as the following: "Mining at this site is being carried out in the militarized context by an authoritative government that constantly criminalizes the community to instill the project by force."<sup>28</sup>

## CASE SUMMARY: San Andres Mine, Honduras

Name: San Andres mine

Location: Azacualpa, Honduras

Current company: Aura Minerals (Canada)

Metal extracted: Gold

Current Status: In operation

Since the mid-1990's, the mine has changed ownership three times. From Greenstone Resources

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<sup>23</sup> ChocVersusHudBay. (2017). The *About* Page. Retrieved from <http://www.chocversushudbay.com/>. Visited on March 3, 2017

<sup>24</sup> See Crystal, V., Imai S., and B. Maheandiran. (2014). Access to Justice and Corporate Accountability: A Legal Case Study of Hudbay in Guatemala, *Osgoode Legal Studies Research Paper Series*, online: <<https://perma.cc/YE32-9HSY>>. Also Skye Resources. (2007). Land Occupations End at Fenix Project. Retrieved from <http://www.schnoorversuscanada.ca/docs/skye-pr.pdf>. Visited March 3, 2017

<sup>25</sup> HudBay Minerals. (2017). The facts: Hudbay's former operations in Guatemala. Retrieved from <http://www.hudbayminerals.com/English/Responsibility/CSR-Issues/The-facts-Hudbays-former-operations-in-Guatemala/default.aspx#link3>. Visited on March 3, 2017

<sup>26</sup> See Imai, S. (2016). The "Canada Brand": Violence and Canadian Mining Companies in Latin America. *Osgoode Hall Law School Research Paper Series, Vol. 13, Issue 4, 2017*, (p.32).

<sup>27</sup> Vaca, L. (14 July 2011). Guatemala Court's Landmark Ruling Best Kept Secret. *Indian Law Resource Center*. Retrieved from <http://indianlaw.org/node/820>. Visited on March 3, 2017

<sup>28</sup> Hill, D. (26 Julio 2014). Reabre entre violentos enfrentamientos la mayor mina de níquel de América Central. *SERVINDI*. Retrieved from <https://www.servindi.org/actualidad/109582>. Visited on March 3, 2017



(defunct), to Yamana Gold (Canadian), and finally to Aura Minerals (Canadian).<sup>29</sup> According to Grahame Russell of RightsAction, with the change of ownership companies have passed along problems that include forced displacement, water contamination, health problems, intra-community conflicts, and criminalization of protesters.<sup>30</sup>

In 1998, 123 families signed off their land titles to Greenstone Resources in exchange for new homes in a community nearby. When the company filed for bankruptcy, community members were left with nothing.<sup>31</sup>

When it comes to the environment, both in 2003 and 2009 there were cyanide spills from the mine operations into the local river Lara, which resulted in the contamination of a critical water source, extermination of flora and fauna, and grave health problems for the community.<sup>32</sup> The company's attempt to cover up the spill in 2003 resulted in the assassination of a journalist who had been very critical of the company's actions. In the early 2000s, a city mayor with a strong anti-mining stance was murdered<sup>33</sup>. In the subsequent years, both during Yamana Gold and then Aura Minerals' operations, hundreds of local protesters were injured, dozens arrested and subsequently criminalized, some resulting in dubious crime charges.<sup>34</sup>

The most recent conflict has involved proposed relocation of the community cemetery, which resulted in violent clashes and further arrests.<sup>35</sup> After failing to respect a 2012 contract based on the same issue, Aura Minerals has signed a new contract with the community in 2016. In doing so, the company had used coercive and deceptive tactics, and the community trust for the company remains at a critically low point.<sup>36</sup>

## CASE SUMMARY: Pacific Rim/OceanaGold, El Salvador

Name: El Dorado

Location: Department of Cabanas, El Salvador

Current company: OceanaGold (Australia-Canada)

Metal extracted: Gold

Current Status: Permit denied

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<sup>29</sup> Rights Action. (10 Sept 2010). Military Coups, Mining, and Canadian Involvement. *Global Exchange Online*. Retrieved from <http://www.globalexchange.org/news/military-coups-mining-canadian-involvement>. Visited on March 3, 2017

<sup>30</sup> Ibid.

<sup>31</sup> Chavez, P. (2014). San Andres – Copan (Honduras). *EJAtlas Online*. Retrieved from <https://ejatlas.org/conflict/san-andres-copan-honduras>. Visited on March 3, 2017

<sup>32</sup> Observatorio de Conflictos Mineros de América Latina. (Nov 2011). Cuando Tiemblan los Derechos: Extractivismo y Criminalización en América Latina, pp. 69-70. Quito, Ecuador.

<sup>33</sup> Spring, K. (28 June 2016). Mining in a State of Impunity: Coerced Negotiations and Forced Displacement by Aura Minerals in Western Honduras. *Honduras Solidarity Network and Mining Watch Canada*. Retrieved from [http://miningwatch.ca/sites/default/files/mining\\_in\\_a\\_state\\_of\\_impunity\\_june\\_27\\_2016.pdf](http://miningwatch.ca/sites/default/files/mining_in_a_state_of_impunity_june_27_2016.pdf). Visited on March 3, 2017

<sup>34</sup> Imai, S. (2016). The "Canada Brand": Violence and Canadian Mining Companies in Latin America. *Osgoode Hall Law School Research Paper Series, Vol. 13, Issue 4, 2017*

<sup>35</sup> Ibid, see Footnote 33.

<sup>36</sup> Ibid.

Pacific Rim Mining first obtained a mining concession in the Department of Cabanas in 2002 and in 2004 the company applied for an exploitation permit. Local communities began organizing against the company and it spread to a national movement. A 2008 survey by the UCA showed 62.4% of people living in the mining zone were opposed to the mine.<sup>37</sup> At the national level in 2008, the President of El Salvador placed a moratorium on metal mining. Both subsequent governments maintained the ban.

Although Pacific Rim never met the requirements to be granted a mining permit, failing to submit a feasibility study and proof of surface land ownership, it sued the government of El Salvador in 2009 for \$77 million under conditions allowed by CAFTA-DR.<sup>38</sup> The claim was made with the International Centre for Settlement of Investment Disputes (ICSID), an arbitration body set up as a protection for investor rights.

Later that year three community leaders were murdered, including a woman 8 months pregnant, in apparent connection to their anti-mining organizing. In 2011 another activist was killed. None of the crimes have been fully investigated.<sup>39</sup>

In 2013 Pacific Rim was purchased by OceanaGold. OceanaGold continued the lawsuit against the government of El Salvador while increasing the ask to \$250 million. In October of 2016, the ICSID panel found that Pacific Rim/OceanaGold had not met the permit requirements and therefore ruled in favor of the Salvadoran state. The panel also ordered OceanaGold pay El Salvador \$8 million to cover the majority of the country's legal costs.<sup>40</sup> So far no payment has been made.

## CASE SUMMARY: B2Gold Corp., Nicaragua

Projects: La Libertad; El Limon; El Pavon

Locations: La Libertad, Nicaragua; El Limon, Nicaragua; Rancho Grande, Nicaragua

Current Company: B2Gold Corp. (Canada)

Metal extracted: Gold (all)

Current Status: In operation; In operation; Permit denied

Vancouver-based B2Gold is the largest gold producer in Nicaragua and has two operating open-pit mines. Each mine has faced opposition from the communities where they operate. Despite citizen opposition to the mines and the lack of community consultation, the Nicaraguan

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<sup>37</sup> Moore, J. (2017, February 23). In El Salvador, OceanaGold Must 'Pay Up and Pack Up' Retrieved March 03, 2017, from <http://miningwatch.ca/blog/2017/2/23/el-salvador-oceanagold-must-pay-and-pack>

<sup>38</sup> Westervelt, A. (2015, May 27). Lawsuit against El Salvador mining ban highlights free trade pitfalls. *The Guardian*. Retrieved March 03, 2017, from <https://www.theguardian.com/sustainable-business/2015/may/27/pacific-rim-lawsuit-el-salvador-mine-gold-free-trade>

<sup>39</sup> Moore, J. (2017, February 23). In El Salvador, OceanaGold Must 'Pay Up and Pack Up'. *MiningWatch*. Retrieved March 03, 2017, from <http://miningwatch.ca/blog/2017/2/23/el-salvador-oceanagold-must-pay-and-pack>

<sup>40</sup> Provost, C., & Kennard, M. (2016, October 14). World Bank tribunal dismisses mining firm's \$250m claim against El Salvador. *The Guardian*. Retrieved March 03, 2017, from <https://www.theguardian.com/global-development/2016/oct/14/el-salvador-world-bank-tribunal-dismisses-oceanagold-mining-firm-250m-claim>

government has often acted in favor of the mining company by preventing public demonstration and/or arresting protesters.<sup>41</sup> El Limon has had multiple work stoppages and seen protests turn violent.<sup>42</sup> In 2015, workers protesting the dismissal of three colleagues set up roadblocks that forced the mine to shut down for two weeks. In a clash with national police forces, one police officer was killed and 31 people were wounded.<sup>43</sup>

At the La Libertad mine, B2Gold began expanding the mine in 2010 with the discovery of the Jabali vein. This brought the company into confrontation with the nearby residents of Santo Domingo, a traditional, artisanal mining town since 1870.<sup>44</sup> The mine also raised serious environmental concerns related to deforestation and water contamination with nearby communities organizing to protect their land and water resources.<sup>45</sup>

There was also proposed mine in Rancho Grande, near valuable nature reserves. During the exploration phase the company was met with strong resistance from the 38 communities in the region.<sup>46</sup> In October 2015, the Nicaraguan government denied the company a permit on the basis of the project not being environmentally feasible.<sup>47</sup>

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<sup>41</sup> Chavez, P., & Navas, G. (2016, March 15). Libertad mining project, Chontales, Nicaragua. *EJAtlas Online*. Retrieved March 03, 2017, from <https://ejatlas.org/conflict/santo-domingo-mining-project-nicaragua>

<sup>42</sup> Nicaragua: Labor Dispute Leaves 1 Dead, 30 Injured. (2015, October 07). *teleSUR*. Retrieved March 03, 2017, from <http://www.telesurtv.net/english/news/Nicaragua-Labor-Dispute-Leaves-1-Dead-30-Injured--20151007-0044.html>

<sup>43</sup> Castro, I., & Mordant, N. (2015, October 14). B2Gold says to restart operations at Nicaragua mine. *Thomson Reuters*. Retrieved March 03, 2017, from <http://www.reuters.com/article/nicaragua-b2gold-idUSL8N12E4R720151014>

<sup>44</sup> Chavez, P., & Navas, G. (2016, March 15). Libertad mining project, Chontales, Nicaragua. *EJAtlas Online*. Retrieved March 03, 2017, from <https://ejatlas.org/conflict/santo-domingo-mining-project-nicaragua>

<sup>45</sup> Ibid.

<sup>46</sup> Müller, B. (2015, February 09). 'B2Gold has to go!' Rancho Grande's Struggle against a Canadian open pit gold mine in Northern Nicaragua. *Allegra Lab*. Retrieved March 03, 2017, from <http://allegralaboratory.net/b2gold-has-to-go-rancho-grandes-struggle-against-a-canadian-open-pit-gold-mine-in-northern-nicaragua/>

<sup>47</sup> Álvarez M., E., Chamorro, E., Canales Ewest, G., & Martínez, L.E. (2015, October 13). No habrá minería en Rancho Grande. *La Prensa*. Retrieved March 03, 2017, from <http://www.laprensa.com.ni/2015/10/13/nacionales/1918019-no-habra-mineria-en-rancho-grande>

# Additional Resources

## GENERAL RESOURCES

### **The Canada Brand Report**

<https://justiceprojectdotorg1.files.wordpress.com/2016/10/the-canada-brand-report5.pdf>

*This report profiles specific forms of violence and criminalization associated with Canadian mining projects in Latin America over a fifteen-year period. Separated into five parts, The Canada Brand report provides observations about the violent incidents studied, examines the degree of company disclosure, identifies key questions targeting company responsibility for the violence and criminalization, and reflects on the current state of Canadian government policies and legislation in relation to Canadian companies operating in Latin America.*

### **Metals Mining and Sustainable Development in Central America**

<https://www.oxfamamerica.org/static/oa3/files/metals-mining-and-sustainable-development-in-central-america.pdf>

*This report evaluates the relative benefits and costs of mining in Central America, as well as the distribution of benefits and costs among the stakeholders. This report focuses specifically on El Salvador, Guatemala, and Honduras, paying special attention to Pacific Rim Mining Corporation's El Dorado Mine in El Salvador, Goldcorp Inc.'s Marlin Mine in Guatemala, and Goldcorp's San Martin Mine in Honduras.*

### **Canadian Mining Harms Around the World: Criminal and Civil Law Reform Needed Now**

<http://www.telesurtv.net/english/opinion/Canadian-Mining-in-the-World-Criminal-Civil-Law-Reform-Needed-20161113-0002.html>

*Grahame Russell reports on the damaging impacts of Canadian mining companies in Central America, articulating that the Canadian government lacks the laws, mechanisms, and intentions to control and regulate their own companies. The article calls for a reform of the criminal code, ultimately developed to hold Canadian mining companies accountable for criminal allegations taking place in mining locations.*

## HONDURAS

### **Americas: "We Are Defending the Land With Our Blood": Defenders of The Land, Territory and Environment in Honduras and Guatemala**

<https://perma.cc/V7WK-HJRU>

*This Amnesty International report examines the situation faced by defenders of the land, territory and environment in Honduras and Guatemala. It is the first in a series of reports to be published on this group of defenders in several countries in the Americas.*

### **Mining in a State of Impunity: Coerced Negotiations and Forced Displacement by Aura Minerals in Western Honduras**

<http://miningwatch.ca/publications/2016/6/29/mining-state-impunity-coerced-negotiations-and-forced-displacement-aura>

*This report outlines the continuing struggle of the Honduran community of Azacualpa to defend*

*the integrity of the town, including a 200-year old cemetery, against the expansion of a Canadian-owned open-pit gold mine. The report, published by MiningWatch Canada and the Honduras Solidarity Network, documents how the Canadian mining companies that have operated the San Andrés mine in western Honduras have continually violated the affected communities land rights and communally-held land tenure for the last 18 years.*

**"Militarized neoliberalism" and the Canadian state in Latin America**

<https://www.policyalternatives.ca/publications/monitor/more-few-bad-apples#sthash.Jqb2PGFI.dpuf>

*Jen Moore reports on Todd Gordon and Jeffery Webber's book, "The Blood of Extraction: Canadian Imperialism in Latin America," discussing Canadian interests' expansion in Latin America and the state-supported militarization, providing specific examples from Honduras.*

**Blood for gold: The human cost of Canada's 'free trade' with Honduras**

<https://ricochet.media/en/177/blood-for-gold-the-human-cost-of-canadas-free-trade-with-honduras>

*This is the first instalment of a three-part series by Sandra Cuffe. In this report, Cuffe reports on Canadian mining companies accused of extracting Honduras' land for profit with no regard for the wellbeing of the environment, leaving behind a legacy of violence and land destruction and water contamination.*

**San Andres- Copan (Honduras)**

<https://ejatlas.org/conflict/san-andres-copan-honduras>

*This report explains the history and present-day struggles of the 300-year-old agricultural community of San Andres de Minas in the Copan department of western Honduras; these struggles are established on Greenstone Resources Limited of Canada's mining project that began in 1999. This report illuminates the adverse impacts of this mine on the community and environment of San Andres, Honduras.*

**Global Witness Report on Honduras**

<https://www.globalwitness.org/en-gb/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/>

*With murder tolls reaching 120 since 2010, Honduras has become a place of peril for environmental leaders. This report identifies the perpetrators, investigates causes for their immunity, examines the influence of the US in Honduran military, and provides preventative strategies and demands, calling to action both Honduran and US governments and foreign investors.*

**EL SALVADOR**

**Lawsuit Against El Salvador Mining Ban Highlights Free Trade Pitfalls**

<https://www.theguardian.com/sustainable-business/2015/may/27/pacific-rim-lawsuit-el-salvador-mine-gold-free-trade>

*Amy Westervelt reports on the recent activities of the mining company Pacific Rim, now owned by OceanaGold, which is suing El Salvador for halting mining within its borders. The article determines that a decision by an international trade tribunal could determine whether mining resumes.*

### **World Bank Tribunal Dismisses Mining Firm's \$250m Claim Against El Salvador**

<https://www.theguardian.com/global-development/2016/oct/14/el-salvador-world-bank-tribunal-dismisses-oceanagold-mining-firm-250m-claim>

*Claire Provost and Matt Kennard report on the international tribunal, which has dismissed a multinational mining company's demand that the government of El Salvador pay \$250m in compensation for refusing to allow it to dig for gold in the tiny Central American country.*

### **Water at the Heart of El Salvador's Struggle Against Neoliberalism**

[http://www.municipalservicesproject.org/sites/municipalservicesproject.org/files/Karunananthan-Spronk\\_2015\\_water-at-heart-struggle-against-neoliberalism-El-Salvador.pdf](http://www.municipalservicesproject.org/sites/municipalservicesproject.org/files/Karunananthan-Spronk_2015_water-at-heart-struggle-against-neoliberalism-El-Salvador.pdf)

*Over the past decade, efforts to achieve greater water sovereignty have been central in El Salvador's attempts to break from this neoliberal stranglehold, where foreign interests dominate the country to the detriment of local communities. Water scarcity in El Salvador is a political problem and not simply a naturally occurring phenomenon.*

### **Oxfam Australia: Gold, Water, and the Struggle for Basic Rights in El Salvador**

<http://resources.oxfam.org.au/pages/download.php?ref=1508&size=&ext=pdf&k=&alternative=-1&usage=-1&usagecomment=>

*This paper provides a unique and important perspective on the social impacts of mining in a country with a violent past, deep political divisions, and a rich history of social movement and active citizenship. Owned by OceanaGold, The El Dorado gold mine project in El Salvador exemplifies the pervasive and convoluted conflict between mining corporations and communities of El Salvador, highlighting the risks posed by mining to drinking water supplies in a country where clean water is scarce.*

### **Mining, Corporate Social Responsibility, and Conflict: OceanaGold and El Dorado Foundation in El Salvador**

[https://issuu.com/pedrocabezas/docs/el\\_dorado\\_report\\_07032016\\_final](https://issuu.com/pedrocabezas/docs/el_dorado_report_07032016_final)

*This report documents the current activities of the El Dorado Foundation, which was originally established by Pacific Rim Mining in El Salvador in 2005, and is now operated by its successor company, OceanaGold. The two companies have sought to develop a disputed gold mining project, which is currently stalled in the exploration phase, in the department of Cabañas in northeastern El Salvador. The project, which has not advanced in roughly ten years, is the subject of a controversial international arbitration process at the International Center for Settlement of Investment Disputes (ICSID) in Washington, D.C.*

### **In El Salvador, OceanaGold Must 'Pay Up and Pack Up'**

<http://miningwatch.ca/blog/2017/2/23/el-salvador-oceanagold-must-pay-and-pack>

*Compiling background from El Salvador's water protectors, statistics from Pacific Rim's PR lobby strategy, and details of the lawsuit against OceanaGold, Jen Moore reports on the status of the ongoing fight against OceanaGold's presence in El Salvador.*

### **Mining Watch Canada: El Salvador**

<http://miningwatch.ca/categories/company-country-issue/country/latin-america-and-caribbean/el-salvador>

*This database compiles a collection of articles about various invasive mining practices occurring in El Salvador.*

### **International Allies Against Mining in El Salvador: List of Resources**

[http://www.stopesmining.org/j25/index.php?option=com\\_content&view=category&layout=blog&id=96&Itemid=523](http://www.stopesmining.org/j25/index.php?option=com_content&view=category&layout=blog&id=96&Itemid=523)

*By collecting and listing an assortment of credible sources in bibliography form, this organization centralizes and categorizes different documents pertaining to the struggle against mining corporations in El Salvador.*

## **GUATEMALA**

### **Amnesty International: Mining in Guatemala: Rights at Risk**

<http://www.amnesty.ca/sites/amnesty/files/mining-in-guatemala-rights-at-risk-eng.pdf>

This report discusses the ways in which Guatemala's mining regulatory framework fails to uphold the human rights of Guatemalans and details cases such as the Marlin mine, Escobal, El Tambor and Fenix.

Amnesty International: We are Defending the Land with our Blood: Defenders of Land, Territory, and the Environment in Honduras and Guatemala

[https://www.amnestyusa.org/sites/default/files/honduras\\_guatemala\\_hrd\\_-\\_report\\_eng.compressed.pdf](https://www.amnestyusa.org/sites/default/files/honduras_guatemala_hrd_-_report_eng.compressed.pdf)

The report documents the dangers facing human rights defenders working on land, territory, and environmental rights in Guatemala and Honduras and makes recommendations for protecting them from attacks and criminalization.

### **New York Times (April 16, 2016): "Guatemalan Women's Claims Put Focus on Canadian Firms Conduct Abroad"**

[https://www.nytimes.com/2016/04/03/world/americas/guatemalan-womens-claims-put-focus-on-canadian-firms-conduct-abroad.html?\\_r=1](https://www.nytimes.com/2016/04/03/world/americas/guatemalan-womens-claims-put-focus-on-canadian-firms-conduct-abroad.html?_r=1)

*Suzanne Daley reports on the story of Margarita Caal Caal, a woman living in the hills of eastern Guatemala, who was sexually assaulted by employees of a Canadian mining company before being evicted from her own property. The article continues to express the shared struggles of Guatemalans who have been affected by multinational mining companies.*

### **Toronto Star (August 11, 2016): "Canadian Company Tried to Stop Referendum on Mine in Guatemala"**

<https://www.thestar.com/news/world/2016/08/11/canadian-company-tried-to-stop-referendum-on-mine-in-guatemala.html>

*Marco Chown Oved writes for the Toronto Star, reporting that Vancouver-based Tahoe Resources filed a lawsuit to prevent a Guatemalan village from voting on their mine — which the people rejected by 98 per cent.*



### **BBC News (June 6, 2014): “Clashes as Guatemalan Communities Fight Mine”**

<http://www.bbc.com/news/world-latin-america-27678668>

*This article provides detailed overview about the environmental impacts of the Escobal Silver Mine, which has been widely rejected by the Guatemalan people. In response to various injustices executed by Tahoe Resources, Nina Lakhani’s article summarizes civil unrest towards mining in Guatemala.*

### **Canadian Mining Companies Leave Behind Decades of Violence in Guatemala**

<http://rightsandresources.org/en/blog/canadian-mining-companies-leave-behind-decades-of-violence-in-guatemala/#sthash.9b4kWXQQ.iHMJHWxU.dpbs>

*The document analyzes the violent legacy of Canadian mining companies in Guatemala. Using several case studies to exemplify various human rights violations occurring in Guatemala, this report traces the history of violence inflicted by a multitude of Canadian mining companies.*

### **Case Law: Choc v. HudBay Minerals Inc. & Caal v. HudBay Minerals Inc.**

<http://www.chocversushudbay.com>

*Members of the indigenous Mayan Q’eqchi’ population from El Estor, Guatemala are pursuing three related precedent-setting lawsuits in Canadian courts against Canadian mining company HudBay Minerals over human rights abuses at HudBay’s former Fenix mining project in Guatemala. These cases are the first of their kind in Canada.*

### **Tahoe on Trial**

<https://tahoeontrial.net>

*On April 27, 2013, Tahoe Resources’ private security opened fire on peaceful protesters outside the Escobal silver mine, in the municipality of San Rafael Las Flores in southeastern Guatemala. The seven victims, allegedly shot at close range and while attempting to flee, have filed a lawsuit in Canadian courts against the company for its role in the violence. This database discusses the context of the events, the lawsuit, and the timeline pertaining to the Guatemalan plaintiffs who seek corporate accountability in Canada for violence.*

### **Canadian Centre for International Justice**

<http://www.cciij.ca/news/milestone-bc-court/>

*This article discusses the ruling against Canadian mining company, Tahoe Resources Inc., for committing human rights violations in Guatemala.*

### **State of Fear and Terror Deliberately Created to Force Tahoe Resources’ Mine on Guatemalan Communities – Report**

<http://miningwatch.ca/news/2015/11/11/state-fear-and-terror-deliberately-created-force-tahoe-resources-mine-guatemalan>

*Guatemalan journalist, Luis Solano, investigates the militarization of the Escobal project.*

### **In the National Interest? Criminalization of Land and Environment Defenders in the Americas**

<http://miningwatch.ca/publications/2015/9/21/national-interest-criminalization-land-and-environment-defenders-americas>

*Indigenous and Afro-descendant water and land protectors living throughout the Americas are met with extreme criminalization, violence, threats, and in some cases, murder when voicing their oppositions to mining. This article discusses the examples of militarization in communities*

*affected by Canadian mining companies, with specific focus on Guatemala, Peru, and Mexico.*

#### **Mining Watch Canada: Guatemala**

<http://miningwatch.ca/categories/company-country-issue/country/latin-america-and-caribbean/guatemala>

*This database compiles a collection of articles about various invasive mining practices occurring in Guatemala.*

#### **NICARAGUA**

##### **Latin American Dispatch: "In Nicaragua, A Conflict Over Mining Near the World's Second-Largest Rainforest"**

<http://latindispatch.com/2015/04/20/in-nicaragua-a-conflict-over-mining-near-the-worlds-second-largest-rainforest/>

*Max Serjeant reports on the ongoing protest of Nicaraguans against the Canadian mining company, B2 Gold, which began mining in August 2012 within the municipality of Rancho Grande. Following the story of the community's priest, Father Pablo Espinosa, Serjeant reports on various efforts dedicated to protecting the land from B2 Gold. Using many examples of unethical practices, the article expresses the intrusive reality of B2 Gold in Nicaragua.*

##### **TeleSUR TV: "Community Victory: Nicaragua Halts Canadian Gold Mining Project"**

<http://www.telesurtv.net/english/news/Community-Victory-Nicaragua-Halts-Canadian-Gold-Mining-Project-20151013-0020.html>

*This article discusses the municipality of Rancho Grande's victory, which successfully stopped the Canadian mining company, B2 Gold from persisting with their mining project. The community's triumph was predicated on the severe environmental impacts of the B2 Gold mine.*

##### **MAC, Sandra Cuffe: "Nicaragua: Community Resistance Defeats Canadian Mining Project"**

<http://www.minesandcommunities.org/article.php?a=13132>

*Sandra Cuffe explains the details of the successful resistance in northern Nicaragua, which revoked B2 Gold's open pit mine in the community of Rancho Grande.*

##### **Nicaragua: Labor Dispute Leaves 1 Dead, 30 Injured**

<http://www.telesurtv.net/english/news/Nicaragua-Labor-Dispute-Leaves-1-Dead-30-Injured--20151007-0044.html>

*This article reports on the El Limón gold mine, owned by the Canadian mining company B2 Gold, which was temporarily closed in October 2015 after a dispute erupted between protesting workers from the mine. Moreover, the article details the history of violent outbreaks at the mine dating back to 2009.*

##### **Libertad Mining Project, Chontales, Nicaragua**

<https://ejatlas.org/conflict/santo-domingo-mining-project-nicaragua>

*This report outlines the historical and present-day struggles of the community of Chontales, Nicaragua resulting from the exploitative extraction activities of Canadian mining companies. The report provides statistics of the population of Chontales, the specifics of the active mines and companies, and the details of conflicts between resistance groups and companies. The report continues to detail the damaging impacts on the community and environment, including*

*health and socio-economic impacts.*

**Of Miners and Land Defenders**

<https://briarpatchmagazine.com/articles/view/of-miners-and-land-defenders>

*Lori Hanson overviews the the struggle around Canadian mining projects in Nicaragua, emphasizing the contrasting discourses between B2 Gold and Nicaraguans' views towards mining and the criminalization of land protectors.*

**Mining Watch Canada: Nicaragua**

<http://miningwatch.ca/categories/company-country-issue/country/latin-america-and-caribbean/nicaragua>

*This database compiles a collection of articles about various invasive mining practices occurring in Nicaragua.*