

Teresa, San Miguel Ixtahuacan, Guatemala.

resisting
mining,
oil & gas

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memory, truth and justice for heroes

in the resistance against mining oil and gas

november | 2011



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This publication is dedicated to all heroes who have died in their resistance to mining, oil and gas, and to those that continue to resist around the world.

friends of the earth international is the world's largest grassroots environmental network, uniting 76 diverse national member groups and some 5,000 local activist groups on every continent. With approximately 2 million members and supporters around the world, we campaign on today's most urgent social and environmental issues. We challenge the current model of economic and corporate globalization, and promote solutions that will help to create environmentally sustainable and socially just societies.

our vision is of a peaceful and sustainable world based on societies living in harmony with nature. We envision a society of interdependent people living in dignity, wholeness and fulfilment in which equity and human and peoples' rights are realized.

This will be a society built upon peoples' sovereignty and participation. It will be founded on social, economic, gender and environmental justice and free from all forms of domination and exploitation, such as neoliberalism, corporate globalization, neo-colonialism and militarism.

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contents



Barrick Gold's mine in Porgera, Papua New Guinea has been subject to international attention in regards to human rights violations, particularly against women who have been gang raped by Barrick's security guards.

memory, truth and justice for heroes

in the resistance against mining oil and gas

november | 2011

foreword	4
introduction echoes of ecological war	5
one remembering fallen heroes	6
1.1 niger ken saro-wiwa 1941-1995	6
1.2 el salvador activist leaders threatened and murdered	7
1.3 colombia resistance hero	8
1.4 philippines anti mining martyrs and heroes	9
1.5 mexico blackfire out of chiapas	10
1.6 guatemala victims of gold mining	11
two terror at the hands of governments & security forces	12
2.1 indonesia disturbing community livelihoods	12
2.2 papua new guinea rapes, evictions and killings	13
2.3 uganda government stops NGOs from working in oil region	15
2.4 chile undermining freedom of expression	16
three a slow killing	18
3.1 canada facing a form of genocide	18
3.2 kyrgyzstan doctor imprisoned for defending her village	19
3.3 tanzania people and livestock poisoned	20
3.4 mongolia the children of father sky and mother earth	22
four resisting in defence of territories and livelihoods	23
4.1 australia battle in court and in the community	23
4.2 colombia a tribute to colombian workers	25
4.3 bulgaria popintsi village blockade	26
five busting the corporate social responsibility myth	27
conclusion	28
appendix manila declaration on extractives industries	29

cover image "We were fine before, but now things aren't as they used to be ... we are living a very difficult life — our crops, animals, everyone's health is at risk, violence, kidnappings. We don't count! We don't know what will happen with us. It hurts, because we are human, we have feelings. These things never happened before the mine came here. They only think of their love of money and for that reason they are discriminating against us. But we hope in God that one day we can change their hearts, then they will not come to do so many things to us, because they will finally recognize us as human beings."

Teresa is talking about the impact of Goldcorp's Marlin Mine within the Department of San Marcos, in the western highlands of Guatemala, located along the border between the municipalities of San Miguel Ixtahuacán and Sipakapa.

foreword

foreword

While going through the stories and articles for this publication, an online news article¹ came out about the fatal shooting of Rudy Segovia. Rudy was shot by a security guard working for the Canadian mining company TVI Resource Development Philippines Inc (TVIRD) in Canatuan, Zamboanga del Norte in Southern Philippines on 6 March 2011. The report said that Rudy was part of a group that picketed the road leading to the mine site and that they were trying to block a dump truck when the shooting happened.

I knew Rudy personally. He was a small scale miner displaced by TVI's operations and had struggled with the indigenous peoples community to stop large scale mining in Mount Canatuan, and until the end he fought for just compensation from TVIRD. I got to know him in campaign and community actions led by the Subanon indigenous peoples community against TVI in the mountains of Canatuan. My advocacy is intertwined with his struggle and I rage at his death because it is also mine.

The destruction of communities and ecosystems brought about by extractives - mining, oil and gas - has led to a global resistance movement fighting for the defense of life, land, resources, biodiversity, livelihoods, culture and justice. The viciousness of the extractives industry has led to the sacrifice of the lives of many community and environmental rights defenders in the struggle against mining, oil and gas.

News of killings of community members during protest actions and the murders of anti mining activists has become quite common, in the Philippines and elsewhere. One could easily go from angry to frustrated, to weary and jaded, with the never ending news of another killing, another victim, in the struggle against the onslaught of large scale corporate mining.

We are all are bound together by our common humanity and the solidarity of our struggle. An attack on a single resister is an attack on each of us, the killing of a single defender is an affront to us all. We are moved by the heroism of our comrades, enraged by their deaths and inspired by their sacrifice - we are reinvigorated in continuing our resistance, mobilization and transformation work.

On 10 November 2010, in joining the commemoration of the 15th anniversary of the death of Ken Saro-Wiwa and his eight comrades, the Friends of the Earth International Resist Mining, Oil and Gas Program (FOEI-RMOG) launched the *Global Day of Remembrance of Heroes in the Struggle Against Mining, Oil and Gas* with actions in Nigeria, Netherlands, Philippines, Guatemala and Mexico.

This publication continues with the remembrance campaign by bringing together stories from Africa, North America, Latin America, Asia Pacific, Central Asia and Eastern Europe on the heroism of those who have been killed and those whose rights had been violated, as well as those who are presently being repressed in their resistance against mining, oil and gas projects around the world.

May we forever keep their memories alive and, as Dylan Thomas said, "*Rage, rage against the dying of the light!*"

Romel Cardenas de Vera

Resisting Mining, Oil & Gas Program Coordinator
Friends of the Earth International

¹ "Villagers live in fear following killing of mine protester"
<http://globalnation.inquirer.net/region/philippines/view/20110311-324782/Villagers-live-in-fear-following-killing-of-mine-protester>



introduction

echoes of ecological war

The world's addiction to fossil fuels put the hangman's noose around the neck of Ken Saro-Wiwa. That noose was tightened under the watch of Shell through a Kangaroo military tribunal rigged by the worst dictator Nigeria ever had. Today the very oil rig that nods in the Niger Delta is a hangman's noose around the necks of the suffering peoples and communities.

Today we all stand before history. We stand in front of a backdrop of injustices, oppression and ecological genocide – not just historical but current and it is the threat of its progressing into the future that we stand together to fight.

We all stand before history and in the words of Ken Saro-Wiwa in whose honour we stand, we are appalled by the denigrating poverty of peoples who live in richly endowed lands. We stand distressed by their political marginalization and economic strangulation, angered by the devastation of their land and their ultimate heritage.

We stand anxious to preserve their right to life and to a decent living, push for *a fair and just democratic system which protects everyone and every ethnic group and gives us all a valid claim to human validation.*

The words Ken Saro-Wiwa spoke after the verdict of guilt was foisted on him fifteen years ago still ring in our ears today. As a man with a keen sense of history, he told the agents of the military dictator that he and his colleagues were not the only ones on trial. Who were the others? Hear him:

Shell is here on trial and it is as well that it is represented by counsel said to be holding a watching brief... The company has, indeed, ducked this particular trial, but its day will surely come and the lessons learned here may prove useful to it for there is no doubt in my mind that the ecological war that the company has waged in the Delta will be called to question sooner rather than later and the crimes of that war be duly punished. The crime of the company's dirty wars against the Ogoni people will also be punished.

Saro-Wiwa was a man of history. While shackled in one military jail or the other, the world recognised his worth and the validity of the Ogoni struggles. In his last months of his life on Earth he won several awards in recognition of his just struggles: Fonlon-Nichols Award for excellence in creative writing and the struggle for human rights; the 1994 Right Livelihood Award or Alternative Nobel Prize for Peace; the 1995 Goldman Environmental Prize, the most prestigious environmental award in the world; the eight Bruno-Kreisky Foundation Award for human rights and the 1995 British Environmental and Media Special Awareness Award and the Hammett Award for Human Rights of Human Rights Watch. The Students Union of the Ahmadu Bello University in Nigeria conferred on him the award of Grand Commander of the Oppressed Masses. Surely none of these could have been given to man of mean repute.

Standing on the shoulders of history we see clearly the beginnings of the trials that will expose those who have waged ecological wars against the Ogoni people and indeed against the peoples of the Niger Delta and elsewhere in the world. We continue to see a company like Shell bowing before courts in North America and before the Stock Exchanges accepting out of court settlements and paying fines to avoid prosecution on bribery and corruption charges. In all these we are confident that the words of Ken Saro-Wiwa will come to pass. One day, the eco devourers will have their day in the dock. And this is already happening in The Hague.

The dominant predatory production and consumption patterns in the world and the myth that crude oil is a cheap form of energy has meant a death sentence to communities under whose soils and in whose waters crude oil and gas happen to be found.

If good men like Ken Saro-Wiwa had stayed silent and allowed the pattern of environmental degradation by oil extractive activities to go on unchallenged in the Ogoni land, it is conceivable that things would have been infinitely worse by now than is the case. Today on account of the massive oil spills, gas flares and careless handling of other industry-related toxic pollutants, life expectancy in the Niger Delta has plummeted to 41 years. If Ken Saro-Wiwa had not started the struggle perhaps life expectancy would have nose-dived to 20 years. Perhaps.

We stand before history and affirm that the future in humanity must be built on the platform of solidarity, dignity and respect for the rights of Mother Earth.

We demand an end to fossil fuel addiction: be it crude oil, tar sands or coal. We call for a Sabbath of rest for Mother Earth. Over the years she has been abused, raped and exploited and it is time to say enough is enough. The blood of Ken Saro-Wiwa and all those massacred in the ecological wars for crude oil cry out today in demand for remaining oil to be left in the soil. With less than 40% of all crude oil still left in the soil it is foolishness to insist that we can go on driving on this dreg through eternity. We sound yet another wake up call now while there is time.

Leave the oil in the soil, the coal in the hole and the tar sands in the land.

We stand before history today and resolve to stand on the side of truth and justice. The struggles of Ken Saro-Wiwa and the suffering peoples of the Niger Delta and the world will not be in vain. We resolve to remain on the right side of history. Their blood cries out. And we cry here: **Justice Now!**

[Words from Ken Saro-Wiwa after the verdict of death was passed on him are in italics.]

Nnimmo Bassey

Chair, Friends of the Earth International

From his speech to The Hague, 10 November 2010 On the 15th anniversary of the murder of Ken Saro-Wiwa and eight other Ogoni leaders.

one remembering fallen heroes

nigeria ken saro-wiwa 1941-1995



Name: Ken Saro-Wiwa

Country: Nigeria

Company: Shell

Mineral: Oil

Ken Saro-Wiwa was a human rights and environmental activist, a member of the Movement for the Survival of the Ogoni People (MOSOP) and Vice President of Unrepresented Nations and Peoples Organization (UNPO) General Assembly from 1993 to 1995. Saro-Wiwa advocated for the rights of minorities and unrecognised or occupied territories who had joined together to protect and promote their human and cultural rights, to preserve their environments and to find nonviolent solutions to conflicts which affected them.

On 21 May 1994 four Ogoni chiefs were brutally murdered. Saro-Wiwa had been denied entry to Ogoniland on the day of the murders, but he was arrested and accused of incitement to them. Saro-Wiwa denied the charges, but was imprisoned for over a year before being found guilty. Eight other MOSOP leaders suffered the same fate (Saturday Dobee, Nordu Eawo, Daniel Gbooko, Paul Levera, Felix Nuata, Baribor Bera, Barinem Kiobel, and John Kpuine).¹

The trial was widely criticised by human rights organisations. The defendants' lawyers resigned in protest against the trial's cynical rigging and two witnesses who had testified against Saro-Wiwa later recanted stating that they had been bribed with money and offers of jobs with Shell to give false testimony – in the presence of Shell's lawyer.²

On 10 November 1995, Saro-Wiwa and the eight other MOSOP leaders (the "Ogoni Nine") were killed by hanging at the hands of military personnel.

The deaths provoked international outrage and the immediate suspension of Nigeria from the Commonwealth of Nations as well as the calling back of many foreign diplomats for consultation. The United States and other countries considered imposing economic sanctions on Nigeria because of its government's actions.

Under the US Alien Torte Law, the families of Ken Saro-Wiwa and the eight Ogoni activists brought a case against Shell and Brian Anderson, the head of the Nigerian operation. They alleged that Shell had conspired with the Government to capture and hang the men, and had worked with the Nigerian army to kill and torture Ogoni protesters.

On 9 June 2009, only days before the trial, Shell agreed to an out-of-court settlement of US\$15.5 million. However, the company denied any liability for the deaths, stating that the payment was part of a reconciliation process.³

In a statement given after the settlement, Shell suggested that the money was being provided to the relatives of Saro-Wiwa and the eight other victims in order to cover the legal costs of the case and also in recognition of the events that took place in the region.⁴

In August 2011 the United Nations Environmental Programme (UNEP) released its report showing the extent of the environmental contamination and threats to health caused by over 50 years of Shell operations in Ogoniland. The findings showed that Shell Petroleum Development Company's own procedure has not been applied in the control and maintenance of oilfield infrastructure in Ogoniland. FOEI Chair Nnimmo Bassey said that the \$1 billion initial restoration fund that the report has proposed is negligible compared with the mammoth ecological disaster caused by Shell.

1 Pilkington, Ed (2009-06-09). "Shell pays out \$15.5m over Saro-Wiwa killing". The Guardian (London). www.guardian.co.uk/world/2009/jun/08/nigeria-usa. Retrieved 2010-05-07.

2 www.globalgovernancewatch.org/ngo_watch/seeds-of-ngo-activism-shell-capitulates-in-sarowiwa-case

3 "Shell settles Nigeria deaths case". BBC. 2009-06-09. <http://news.bbc.co.uk/1/hi/world/africa/8090493.stm>. Retrieved 2009-06-09.

4 Mouawad, Jad (2009-06-09). "Shell to Pay \$15.5 Million to Settle Nigerian Case". New York Times. www.nytimes.com/2009/06/09/business/global/09shell.html?_r=1&partner=rss&emc=rss. Retrieved 2009-06-09.

el salvador activist leaders threatened and murdered



Names: Gustavo Marcelo Rivera, Luis Quintanilla, Ramiro Rivera Gómez, Dora Alicia Sorto and Francisco Pineda

Country: El Salvador

Corporation: Pacific Rim (Canada)

Mineral: Gold

The Canadian mining corporation, Pacific Rim, has been exploring in Cabañas, El Salvador since 2005. Communities have suffered severe damages, including depleted and contaminated water sources, logged trees and ruined soil. However, the most critical and serious problems have been the attacks, threats and assassination of leaders for their resistance against the proposed mining projects.

In 2009 these conflicts have led to several death threats and murders:

18 June 2009: Gustavo Marcelo Rivera was reported disappeared, and 22 days later on 3 July his dead body was found inside a well, with signs of torture.

28 July 2009: A local priest, Luis Quintanilla, was a victim of physical attacks, death threats and murder attempts.

20 December 2009: Ramiro Rivera Gomez was shot eight times in his back when he was going to milk his cows. He survived that assault, but he was later ambushed by men with rifles who machine gunned the car he was driving, killing him instantly.

26 December 2009: One week after Ramiro Gomez's killing, Dora Alicia Sorto was brutally assassinated. She was eight months pregnant.

Pacific Rim also attempted to weaken the community by investing millions in advertising to buy people out and create confrontations between villagers. But the local peasant communities, including women, young people and children, set up a blockade and demonstrated that transnational corporations are not so powerful.

The villagers, with support from some social and environmental organisations, pushed the Government to deny Pacific Rim exploration permits, pushing them out of Cabañas. In response, Pacific Rim filed a case against El Salvador in the International Centre for Settlement of Investment Disputes (ICSID), a World Bank Tribunal, demanding compensation of US\$100 million. ICSID accepted the case, and there is a very high likelihood that the Salvadorans will lose.

The actions and resistance of the population in Cabañas has not diminished. One of the main voices demanding justice and calling on the El Salvadorian Government to issue a law that bans the mining of metals is that of Francisco Pineda. Like others before him, Pineda has also been threatened with attempts of murder. Nevertheless, Pineda and the communities of Cabañas maintain their determination to struggle until the end.

one remembering fallen heroes

continued

colombia resistance hero

By Andrés Idárraga, Corporación para la Educación, el Desarrollo y la Investigación Popular - Instituto Nacional Sindical (CEDIN)rti



Name: Aury Sara Marrugo

Country: Colombia

Companies: ECOPEL, Amoco, Occidental, Shell and Texaco

Mineral: Oil

Aury Sara Marrugo was born 2 September 1962 in the Department of Turbana in Bolívar, Colombia. He was a worker of the Cartagena refinery Empresa Colombiana de Petroleos (ECOPEL) and chairman of the subcommittee of the Oil Workers Union, Union Sindical Obrera (USO), in the city of Cartagena. Aury Sara was kidnapped, tortured and found viciously murdered on 5 December 2001.¹

His murder was attributed to the paramilitary United Self Defense Forces of Colombia (AUC), headed by its leaders Carlos Castaño, Salvatore Mancuso² and alias “Juancho”. It became clear that the masterminds of the murder were people linked to political and economic power of the country. Aury had been campaigning against the privatization of ECOPEL, a state-run oil company that the USO had fought to establish.³

The AUC accused Aury Sara of being a guerrilla commander of the National Liberation Army -ELN-, when he was only a representative of the workers in the oil industry. As a representative of the unprotected classes and of the communities where he was made a leader, he attracted more and more people to him and the USO – he was part of the social struggle and resistance movement.

Friday 30 November 2001 was the fatal day Aury and his bodyguard, Enrique Arellano, were kidnapped. It was a major blow that impacted not only upon the USO, but the union and social movements of the city of Cartagena, the region and the country.

Today, amid the pain, anger, despair and powerlessness, his supporters have turned Aury's story into hope, strength and a dream of freedom. A tribute to Aury, who is remembered as a great man, friend and comrade.

He remains a light and inspiration to continue building the road of hope that one day will lead to a country with peace and freedom.

Aury Sara is remembered not as a victim, but as a resistance hero.

Extractives are one of the industries that have seen the murder, torture and repression of Colombian unionists standing up for workers rights.

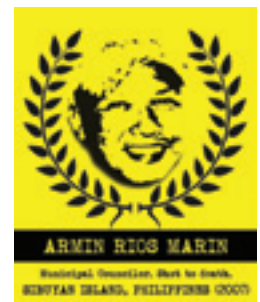
Over the past twenty years the Colombian labor movement has been decimated by the systematic violence of murder, disappearances, threats, and intimidation, accompanied by the systematic denial of the free exercise of labor rights by the Colombian government.

Colombia has been the most dangerous place in the world to be a trade unionist.

*According to the 2010 Annual Survey of Violations of Trade Union Rights 'On average, men and women trade unionists in Colombia have been killed at the rate of one every three days over the last 23 years.'*⁴

- 1 Aury's body was found with 70 stab wounds, underarms seared with a torch, gums mutilated and abdomen scarred with acid. His ordeal ended with a bullet in the face. Violence Against Colombia Trade Unionists and Impunity, paper by U.S. Labor Education in the Americas Project (USLEAP), 2008
- 2 'Colombia's checkbook impunity' - a briefing paper, Human Rights Watch, September 22, 2003
- 3 'Transnational corporations (TNCs) used to take 8% of the profits; now they get 70%. USO is fighting against new oil contracts giving 95% of profits to the TNCs, which include Amoco, Occidental, Shell and Texaco.' www.populist.com/02.7.Hirsch.html
- 4 2010 Annual Survey of Violations of Trade Union Rights, Colombia <http://survey.ituc-csi.org/+Colombia+>.html

philippines anti mining heroes and martyrs



Names: Gensun Agustin, Armin Marin, Eliezer Billanes, Ricardo Ganad, Mike Rivera and many more

Country: Philippines

Corporations: Tampakan Gold Copper Project (Xstrata), Mindoro Nickel Project (Intex Resources), Sibuyan Nickel Property Development Corp. (Pelican Resources) and others

Minerals: Gold, Copper, Nickel

On 14 September 2010 a candle lighting ceremony was held in front of the Manila Hotel. Church groups, community resisters, environmentalists and civil society members participated to remember fallen comrades – human rights defenders who had lost their lives in the course of their struggle against mining in the Philippines.

The remembrance activity was held to coincide with the opening of the three day Philippine Chamber of Mines Mining 2010 Conference and Exhibit at the Manila Hotel, which sought to entice foreign corporations into investing in local mining projects. The candle lighting ceremony, led by the local anti-mining alliance, Alyansa Tigil Mina (ATM), exposed the viciousness of mining in the Philippines. It highlighted the killings perpetrated against anti-mining activists which grew at an alarming rate during the nine year presidency of Gloria Macapagal Arroyo, who had championed the revitalisation of the local mining industry.

Among those remembered was ATM member Gensun Agustin, who just the year before had marched with them to protest against the Chamber of Mines Mining 2009 Conference. Gensun was very vocal in denouncing local and provincial leaders who pushed for magnetite mining from the beaches of Buguey, Cagayan, which he campaigned against as leader of the Alliance for Buguey Community Advocates (Albucoda) and a member of the Federation of Anti-Mining Advocates in Cagayan (Famac). Gensun Agustin was shot dead while on his way home on 1 March 2010.

The local mining alliance has suffered greatly from attacks and extra judicial killings among its ranks since the end of 2004, when the mining industry was aggressively promoted for foreign investments. On 3 October 2007, Provincial Councilor Armin Marin was shot dead by the chief of the security team guarding the mining site of Sibuyan Nickel Property Development Corp. as he was leading a protest against nickel exploration on Sibuyan island. The corporation's foreign partner, Pelican Resources, had just signed a deal to supply some 500,000 tons of nickel over five years to Australian-based BHP Billiton.

Still unresolved is the 9 March 2009 murder of Eliezer 'Boy' Billanes, a known social and environmental activist who had opposed the huge Tampakan Gold Copper Project, owned and managed by the UK-Swiss multinational mining company, Xstrata. Also unresolved are the killings in the first quarter of 2010 of two Mindoro island anti mining advocates, Ricardo Ganad and Mike Rivera. They had opposed the Mindoro Nickel Project of Norwegian corporation Intex Resources during a successful hunger strike by their group in front of the Department of Environment and Natural Resources in November 2009.

The list of murdered anti mining activists is longer, but is still just part of a longer list of victims of extra judicial killings in the Philippines during the Arroyo administration. For the members of ATM, these cases are not undetermined, isolated and unrelated cases, some of these are individuals that they have known and worked with in the struggle against mining and in the defence of environment and community rights. There is nothing that the industry can mine that is more precious and worth more than the life of a single defender of communities and the environment.

one remembering fallen heroes

continued

mexico blackfire out of chiapas



Name: Mariano Abarca Roblero

Country: Mexico

Company: Blackfire Exploration (Canada)

Mineral: Barite

In 2006 Canadian owned Blackfire Exploration bought peasant lands and mining concessions in Chiapas, Mexico to extract barite, a mineral that is used in the oil industry. The transnational corporation, which paid the community US\$1.50 per day per family to extract the oil from their lands, is also accused of stealing the mineral from other communities without permission.

Months after exploration started the communities started to feel its impacts including: cattle dying due to the polluted water; cracks in some houses by the road used by the company's trucks; mountain streams and other water sources disappearing; fish from the river dying; and rashes and skin abnormalities appeared in children after bathing in its waters.

The inhabitants demanded compensation for the impacts but Blackfire refused to pay. In response, the community tried to block the road but was met with armed men from the company who threatened them. They started to demand justice appealing to state and federal authorities only to realize that the Government was an accomplice to the company.

The peasant community started marches and mobilisations which resulted in the creation of the Mexican Movement of People Affected by Mining (REMA) from Chiapas State, under the leadership of Mariano Abarca Roblero. Blackfire officials bribed the municipal head with thousands of dollars to control this social outcry. Mariano received death threats and was even beaten by Blackfire officials, who went to his house with guns to intimidate him. But Mariano continued with the struggle. The Canadian company officials invented charges to imprison him and were successful. Mariano phoned Otros Mundos/Friends of the Earth Mexico from prison to say "the Government will release me if I abandon our struggle or if we suspend the REMA meeting, but I will not accept these conditions, I will stay here". Mariano's determination and the national and international pressure were such that the Chiapas authorities decided to release him.

Mariano's struggle against Blackfire continued, and in November 2009 he was murdered. In response, there was a large mobilisation in the region, with protesters calling out, "Canada, miner, you've killed a comrade!", "Blackfire out of Chiapas, murderers!".

The Government temporarily suspended one of the mining concessions arguing violations of environmental laws, deforestation, irreparable damage to the ecosystem, and climate change. Blackfire is aiming to reopen their mine, but the inhabitants say "we will burn the machinery they left if they don't leave these territories forever". Friends of the Earth Mexico continues supporting Mariano's family in their legal struggle for justice so his death does not go unpunished, as well as supporting the communities resisting and struggling in defence of lands and territories.

guatemala victims of gold mining



Name: Raul Castro Bocel

Country: Guatemala

Company: Glamis Gold, now known as Goldcorp (Canada)

Mineral: Gold

On 11 January 2005, Maya Kaqchiquel community leader Raul Castro Bocel was killed and many others injured when Guatemalan security forces broke up the blockade set up by local residents to stop the passage of mining equipment to Glamis Gold's Marlin mine.

The blockade was brought on by an incident a few days earlier where a truck carrying a giant cylinder to the Marlin project stopped on the main road because a pedestrian overpass blocked its passage. The truck personnel accompanying the equipment began to physically remove the overpass without previously contacting local officials, angering Maya Kaqchiquel residents who responded by detaining the vehicles.

Guatemala's President Berger justified the mobilisation of security forces as necessary protection for investors, and Glamis Gold assured shareholders that the Guatemalan authorities had decided that "the flow of commerce must continue" in spite

of the efforts of "anti-development activists". The Canadian Ambassador to Guatemala clarified that "permits have been granted according to national and international regulations".¹

The conflict stemmed from the failure of the Government to undertake an adequate process of consultation with the Indigenous Maya People affected by the Marlin mine and its failure to address the environmental concerns that the mine has generated in national public opinion.

In 1997 a mining license for Glamis Gold's Marlin mine, covering the areas of Sipakapa and San Miguel Ixtahuacan, was announced. Without the support of large segments of the mainly Maya population the anti mining movement in the region began. Through community forums and other efforts at public education, environmental groups and community leaders conducted an information campaign, disseminating the facts about gold mining and its implications for the communities, their territories and livelihoods. Mayan communities became aware of, and concerned about, ongoing exploration in their own towns and the potential implications that an expansion of mining in Guatemala could have on their lands and their health.

In its failure to organise a consultation process, the Guatemalan Government has violated the International Labor Organisation's Convention 169 on Indigenous and Tribal Peoples (ILO 169), to which Guatemala is a signatory. Guatemalan law also requires consultation before initiating activities that could have significant impact on Indigenous Peoples, as over half the Guatemalan population is indigenous.

In early December 2004 the Guatemalan Government, with the support of the Canadian Embassy, held a National Mining Forum to generate public support for the mine. Some Mayan leaders complained that a real consultation process would have brought together all members of affected communities in an open public fora, applying Mayan principles of decision making and consensus. Questioning the openness and neutrality of the forum, communities opposing the mine held a parallel meeting.

In late 2004, despite the widespread protest to the mine and the absence of a genuine consultation process, Glamis was able to get an agreement with the World Bank through its private investment branch (the International Finance Corporation), for US\$45 million in equity investments and loans. The overpass removal incident happened a few weeks after this.

The Marlin mine is now owned by Canadian mining company GoldCorp. The resistance against the mine and the repression against the people continue.

¹ www.mail-archive.com/natnews-north@yahoogroups.com/msg00626.html

two terror at the hands of governments & security forces

indonesia disturbing community livelihoods

Name: Talaga Raya Community

Country: Indonesia

Corporation: PT. Arga Morini Indah (PT AMI) Nickel Mine

Mineral: Nickel

"Prison is not a problem, even if I die, I don't want to relinquish my land. Government is supposed to help poor people, instead of arresting and detaining us like this. What is my guilt? I just defend my rights. My husband is a migrant worker, and my children are still young. If I will be sent to jail, who will feed them?"

Wa Ode Hanasia, in a meeting between arrested Talaga people and National Human Rights Commission in Prison Clas II A Bau-Bau on 8 June 2010.

The promise of compensation wasn't kept. By August 2010 only 42 people had received compensation and PT.AMI lowered the price of land to Rp 2,500 (US\$0.28) per square metre. Community resistance against the mine came to a climax on 17 May 2010 when 19 community members of Talaga Raya were arrested after protesting against the mine. Of the 19 two were acquitted because they were under age, the other 17 community members were detained until trial.

The State Prosecutor is attempting to use a controversial article in the Indonesian Mineral and Coal Mining Law that states that whoever hinders or disturbs mining activity can be sent to jail for a maximum of one year, or face a fine of Rp 1 million (US\$113). WALHI/Friends of the Earth Indonesia, other NGO's and the local community are challenging this in defence of the Talaga Raya's right to self determination and protection of their living spaces and livelihoods.

The PT. Arga Morini Indah (PT AMI) nickel mining operation has had devastating and negative impacts on the Talaga Raya community. The company has taken control of local agricultural land and toxic waste flow going into the sea has damaged sea weed crops and fishing. 100 families have suffered crop failure as a result of the mining waste that flows directly into the ocean.

The Talaga Raya community's rights to self determination of natural resources management, land, living spaces and livelihoods has not been recognised.

The majority of people in Talaga live as fisherfolk despite the Government of Buton Regency making the area a central mining zone. The PT. AMI mining zone consists of 1,900 hectares of which 1,000 hectares is owned by local people who use it for agriculture. This mining zone area is also the only clean source of water for the communities of Talaga Raya.

Conflict against the mine has existed since 2008 and there have been several peaceful community demonstrations. The community were pushed to accept PT.AMI with the offer of compensation. PT. AMI promised to compensate Rp 5000 (approx US\$0.56) per square of land and Rp 500,000 (approx US\$56) for each tree in a plantation.

conflicts emerging around mining, oil & gas

Policies of governments from the Global North help keep in place an unjust global economic model in the name of development, leading to injustices done to many Indigenous Peoples and local communities around the world. For many communities, these 'development projects' touted by neo-liberal governments and extractives corporations are synonymous with exploitation, environmental destruction, human rights violations and impunity.

Host governments issue legislations that hand over access and control over lands and resources to extractive industry players and the process of opening up public and community territories to corporate exploitation has always been marked by corruption, deception, manipulation, and repression of communities.

Suppressing dissident voices, dividing communities, poisoning peoples' land and livelihoods, forced evictions, cultural desecration and manipulating local and national politics are just some of the tactics used by extractive corporations. Repression by state armies, private 'security' companies, police and even vigilante groups are regularly employed to weaken and crush community groups and grassroots movements that are protecting watersheds, health, the environment and those who are working towards community-controlled development.

papua new guinea rapes, evictions and killings

An Ipili Elder points out the mine waste on his lands from Barrick Gold's Porgera mine.



Name: Ipili Community
Country: Papua New Guinea
Corporation: Barrick Gold (Canada)
Mineral: Gold

In the central highlands of Papua New Guinea lies some of the highest grade gold in the world. The deposit is owned by the world's largest gold producer, Canadian Barrick Gold. It is also one of the most controversial mines in the world with allegations of rapes, beatings and killings of community members by Porgera Joint Venture (PJV) security forces. Local grassroots human rights organisation, Akali Tange Association, issued a report in 2007 called 'The Shooting Fields of Porgera Joint Venture', documenting killings, torture, arbitrary arrest, and beatings by the mine's security forces¹.

Early in 2006 Barrick Gold took over the mine when it acquired Placer Dome, who had admitted to eight killings of community members by its security forces². There have been further allegations of killings by PJV security forces every year from 2007-2010.

As a result of the killings, the Papua New Guinea (PNG) Government established an investigation in 2006, but the findings have not been publicly released.

On 2 December 2007, MiningWatch Canada filed a complaint with the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions regarding killings of residents of Porgera by PJV's private security guards, PNG Police, and Mobile Unit Police at the Porgera Mine.

In March 2009 the Government of Papua New Guinea's National Executive Council responded to a request by Member of Parliament Philip Kikala of Lagaip-Porgera by deciding to deploy military and police in a "call out" to address "law and order issues" in the vicinity of the Porgera Joint Venture gold mine.

On 18 April 2009, more than 200 troops including four mobile units, an air tactical unit and intelligence officials from the PNG Defence Force were deployed in Porgera in an operation named "Operation Ipili '09."

On 27 April 2009, at the Ungima village adjacent to the open pit mine, 'Operation Ipili 2009' had completely burnt down all the houses and evacuated the land. All eighty houses of the Ungima village, two houses in Yokolama village and another four houses of Kulapi village were burnt. Villagers who spoke up to protect their homes were bashed and bruised. Others were detained.

Despite receiving condemnation from international NGOs such as Amnesty International³ and the Center for Housing Rights and Evictions – the Ungima village was burnt down two more times over the next three months.

Jetro Tulin from the Akali Tange Association and members of the Porgera Land Owners Association (PLOA) travelled to Barrick Gold's annual shareholder meeting in Canada in 2008, 2009, 2010 and 2011 to complain of human rights abuses at the hands of Barrick's Security, such as gang rapes, only to have these allegation repeatedly denied by Barrick Gold.

On 1 February 2011, Human Rights Watch released a report⁴ detailing gang rapes by Barrick's security guards at the Porgera mine in Papua New Guinea. The report identified 'systemic failures on the part of Toronto based Barrick Gold that kept the company from recognizing the risk of abuses, and responding to allegations that abuses had occurred.'⁵

Barrick states that they take a 'zero tolerance approach to human rights abuses'⁶, yet Barrick didn't act on the allegations from local leaders long before Human Rights Watch conducted its research.

1 <http://porgeraalliance.net>

2 "Canadian Firm Admits to Killings at PNG Gold Mine" by Bob Burton. Nov. 18, 2005. www.ipsnews.net/news.asp?idnews=31074

3 Amnesty International report, Undermining Rights: Forced evictions and police brutality around the Porgera gold mine, Papua New Guinea, 2 February 2010, www.amnesty.org/en/library/info/ASA34/001/2010/en

4 Human Rights Watch, media release, 1 February 2011, Papua New Guinea: Serious Abuses at Barrick Gold Mine, www.hrw.org/en/news/2011/02/01/papua-new-guinea-serious-abuses-barrick-gold-mine

5 Human Rights report, 1 February 2011, Gold's Costly Dividend: Human Rights Impacts of Papua New Guinea's Porgera Gold Mine, www.hrw.org/en/reports/2011/02/01/gold-s-costly-dividend-0

6 Statement in Response to Human Rights Watch Report, February 1, 2011, www.barrick.com/CorporateResponsibility/KeyTopics/PorgeraJV/Response-to-Human-Rights-Watch-Report/default.aspx

two terror at the hands of governments & security forces

continued



Jethro Tulin speaking out against Barrick Gold's human rights abuses, outside Barrick annual shareholder meeting in Toronto, Canada, April 2010.

testimony jethro tulin, akali tange association

"Whether you are from the north or the south, from an industrialised or third world country, where ever you come from ... the patterns of behavior of the multinationals who play in the extractive industries is the same, that is what I find out ...

... the challenges and the struggles we face as indigenous peoples who see all the resources that these multinational come in to extract are far more than we can tell by just talking here. I stand here and can say that Barrick's behaviour in my place, Porgera, Enga Province in Papua New Guinea is bad but if you are physically there at the site it is even worse, your eyes could not believe this.

So wherever in the globe you go over 65% of these companies are based in Canada ... what they say and what they portray themselves here in North America is that where they go and where they do business they leave good and treat the communities well before they extract the resources ... but what we find with their behaviour in my country, my place is opposite of what they say ... We are a small community and we have been surprised a lot and even if information does come out from us the people with the money, these corporates of extractive industries

they control the media, they control the government and they control people who are obstacles to their extractive process.

Last year when I came back from Canada I became a victim myself for speaking out against the behaviour of Barrick I nearly lost my life and my arm ... I went through an intervention from PNG to Australia to get treatment.

I am still fighting the struggle against Barrick today, we will never give up until these kind of people, criminals in corporate boxes, are held accountable for what they are doing against us."

Excerpt from a presentation by Jethro Tulin at the Mining (In)Justice conference, Toronto, Canada, May 2010

uganda government stops NGOs from working in oil region

Name: The National Association of Professional Environmentalists (NAPE) / Friends of the Earth Uganda
Country: Uganda
Corporations: Tullow, Heritage, Neptune, Eni-Italy and Dominion
Mineral: Oil

The Western Ugandan region of Albertine is rich with oil and so far less than 30% of its potential has been explored by companies such as Tullow, Heritage, Neptune, Dominion and Eni-Italy.

The Albertine region is rich in biodiversity, hosting many of Africa's mammal, bird, amphibian and plant species as well as 60% of Uganda's lakes and rivers. The region also supports a wide range of social, cultural and economic livelihoods. It is faced with the challenges of managing oil extraction, the environment and meeting international and regional obligations - mining is illegal in protected areas in Uganda.

The Government has been grappling with a number of issues concerning oil. It doesn't want NGOs to access the area to educate communities because it thinks if communities are informed about the impacts and dangers of oil in relation to their livelihoods they will revolt. As a result, the Government has militarised the area, denying NGOs access unless they get explicit permission from the Permanent Secretary of the Ministry of Energy and Mineral Development based in Kampala, which is many miles away from the oil region.

The National Association of Professional Environmentalists (NAPE) / Friends of the Earth Uganda was the first victim of this. NAPE has been working with communities in this area for a long time. On 12 July 2010 the NAPE staff travelled to the oil region to educate communities about the impacts of oil and how they could cope with them. On reaching Buliisa town, the van in which the NAPE staff were travelling was surrounded by security officers in cars and motorbikes armed with guns. They were harassed, arrested and detained by combined forces of the police, army, District Security Office (DSO) and the District Internal Security Officer (DISO) who claimed to be working on orders of the Permanent Secretary of the Ministry of Energy and Mineral Development.

The combined forces claimed that NAPE was not supposed to access communities or even go to the lake where the oil wells are situated. NAPE's Executive Director, Mr. Muramuzi Frank, demanded to know which law his staff had broken to be put in jail. They were released with no charge and warned never to return to the oil region unless they had explicit permission from the Permanent Secretary of the Ministry of Energy and Mineral Development.

NAPE is continuing to work in the area, despite harassment and intimidation, and has been putting pressure on the Government to remove such unnecessary and unlawful restrictions which infringe on the rights of NGOs and citizens of Uganda. Following the continued engagement of the Permanent Secretary, the Government organised a meeting composed of police, military and paramilitary, permanent secretaries of all ministries, local government leaders and some NGOs operating in the Albertine region. In the meeting the Government announced that it wouldn't tolerate NGOs which are critical of its handling of the oil and gas industry. This makes NAPE a prime target as well as organisations like Green Watch and the Africa Institute for Energy Governance (AFIEGO) who were also stopped from accessing the area.

As it looks likely that the Government will use the unfavourable NGO law and increased militarisation in the region, organisations like NAPE as well as community based groups, individuals, researchers and foreigners face a ban from working in the oil region leaving communities with no information regarding their rights on issues relating to the extraction of oil.

Regardless, NAPE will continue to advocate for good governance in the oil and gas industry through its recently formed network which will link media, churches and other civil society groups to unearth and condemn bad practices in the oil region.

two terror at the hands of governments & security forces

continued

chile undermining freedom of expression



The Huasco Valley, Chile. Community in both Chile and Argentina are resisting against Barrick Gold's Pascua Lama gold mining project.

Name: Luis Faura
Country: Chile and Argentina
Corporation: Barrick Gold Corporation, Canada
Minerals: Gold, copper and silver

"And hopefully I want to die old with my grandchildren and my great-grandchildren at my side and watching them swimming in the river."

Luis Faura, community leader and municipal councillor.

Pascua Lama is the first bilateral mining project in the world, thanks to a legal instrument approved by both the Chilean and Argentine governments. The Bilateral Mining Treaty establishes areas of operation for mining projects near or on the border of Chile and Argentina. This special jurisdiction does not include jointly developed bilateral environmental assessment, required for the financial control and preventive action of bilateral impact. This mega venture intends to extract 17.6 million ounces of gold at an altitude of 4000 metres in the glacial springs of rivers that irrigate the agricultural valleys on both sides of the Andes.

In the exploration phase of the project, irreversible damage was caused to the high mountain glaciers, negatively impacting the agricultural development of the Huasco Valley on the Chilean side and the Department of Iglesia on the Argentine side. The agricultural potential of these valleys is strongly developed in spite of being located in arid ecosystems; the Chilean side corresponds to the southern limit of the Atacama Desert.

Pascua Lama began construction in October 2009 after ten years of community resistance, demonstrations, international campaigns, documentaries and music. However, the actions of the company and the Chilean Government have undermined freedom of expression and decision-making, co-opting social and municipal activities and dividing the community. The leaders have faced threats, violent attacks, arrests and heavy police repression.

**testimony luis faura, community leader
and former municipal councillor**

My name is Luis Faura, and I am a councillor for Alto del Carmen and look how they have me (handcuffed) for defending the valley (in a roadblock conducted in 2007).

20 years ago the company arrived to take possession of the head of our valleys, specifically Chollay Valley, everyone was happy because supposedly there was going to be work and our products were going to be commercialised. As time passed we realised that this was not so, that this was a mega project that would destroy the most important thing for us, which is water.

This valley is a gold mine, whichever way you look at it, not only because of the gold in the mountains, but also because of its climate and landscape. Those who come here fall in love and those of us who live here are in love with it and don't want to leave.

We have mining projects like Pascua Lama which will affect this basin, which will affect the water, which will affect all this land. They can carry out a thousand studies and prove technically that it won't, but those of us who live here know it's not so.



Above: Protest against Barrick Gold's Pascua Lama project.

Below: Luis Faura.



three a slow killing

canada facing cultural genocide

Name: Athabasca Chipewyan First Nations

Country: Canada

Company: Syncrude (Canada)

Mineral: Oil sands

The oil soaked sands of Northern Alberta, Canada are the second largest oil deposit in the world, bigger than Iraq, Iran or Russia and exceeded only by Saudi Arabia¹. Labeled as the most destructive process known to mankind the mega tar sands operations produces three to five times as many greenhouse gases as conventional oil² and uses between 230 and 530 million cubic metres of water a year – 3 to 7 barrels of water are needed to produce a single barrel of oil. Whilst spewing massive amounts of carbon dioxide into the air, the biggest industrial development in the world is the second fastest source of deforestation, destroying the ancient boreal forest and leaving a hole the size of England.

Clayton Thomas-Muller, Mathais Colomb Cree Nation and member of the Indigenous Environment Network states:

*'Over the span of 38 years, Northern Alberta has changed from a pristine environment rich in cultural and biological diversity to a landscape resembling a war zone marked with 200-foot-deep pits and thousands of acres of destroyed boreal forests. Lakes and rivers have been contaminated and groundwater systems drained ... [T]he areas of concern fall under Aboriginal Treaties 8 and 11. These are treaties that ensure lands of the First Nations are not be taken away from First Nations by massive uncontrolled development that threatens their culture and traditional way of life.'*³

Relying on the rivers, lakes and forests nearby for fresh water and food these First Nations communities are front line to the devastating impacts of this mega-industry on their water supplies and health. The toxic waste from this 'Canada's Mordor'⁴ has been a major concern – communities have found deformed fish, declining numbers of waterfowl and strange tasting water.

Athabasca Chipewyan First Nations community local doctor, Dr. John O'Connor, began to voice his concern about the increasing number of cases of a rare form of cancer within the community. In response to his allegations an investigation was launched to discredit his findings – pitting Dr. O'Connor, the community of Fort Chipewyan and their supporters against provincial and federal governments, giant resource-based corporations and their advocates. Dr. O'Connor's name was cleared in 2009 and a study by the Alberta Cancer Board confirmed that the people of Fort Chipewyan are experiencing higher than normal rates of cancer.

George Poitras, member of the Mikisew Cree First Nation, Fort Chipewyan told The Dominion in Canada:

*'There's been a de facto extinguishment of our treaty rights because the Government continues to take up land without any consideration or consultation with the First Nations ... [I]f we don't have land and we don't have anywhere to carry our traditional lifestyle, we lose who we are as a people. So if there is no land, then it is equivalent in our estimation to genocide of a people.'*⁵

1 The Dominion, Tar Sands, Autumn 2007, www.dominionpaper.ca/topics/tar_sands

2 Tar Sands: Fueling the climate crisis, undermining EU energy security and damaging development objectives, pp.5, by Friends of the Earth Europe, Friends of the Earth France, CEE Bankwatch, Milieudefensie, May 2010

3 Clayton Thomas-Muller, Mathais Colomb Cree Nation (Pukatawagan), We Speak for Ourselves: Indigenous Peoples challenge the fossil fuel regime in Alberta, The Dominion, Tar Sands, Autumn 2007,

4 Maude Barlow, chair of the Council of Canadians labeled the Tar Sands as 'Canada's Mordor' in her speech to a protest at the Canadian Embassy in Copenhagen, 14, December 2009

5 Oil Versus Water: Toxic water poses threat to Alberta's Indigenous Communities, Kim Peterson, pp.12, The Dominion, Tar Sands, Autumn 2007, www.dominionpaper.ca/topics/tar_sands

testimony mike mercredi, athabasca chipewyan first nations

Before I started on this struggle I used to work for Syncrude Canada. I used to be one of these people that worked in their mines, I used to drive their heavy haulers, one of the biggest trucks in the world, making the money they offered. I had a friend and she opened my eyes as to what was happening and made me really think about what we were doing. Even after I spoke to her I still did not quit what I was doing. It wasn't until after I found out what was happening back home, when I got a phone call to say you have to come and see a friend of yours because they are dying, and it wasn't a very nice thing to see when I went to see them. It did have an effect on me but I still didn't quit.

Where I grew up and where I was raised you are conditioned to think and work in these places. They come and tell you that you have to work in these industries because you are part of the economic prosperity of the country, you are Canada's energy future, so take pride in what you do and come and work for our company and be a part of, I guess, Canada's superpower and energy. This is what they sold off to us, this is what I bought into, this is what I was raised to think, so I became one of them, I worked in their mines doing that.

Just last year I buried an Auntie. She died from cancer. This cancer they found is a rare cancer. A couple of years ago I buried my uncle. Last year we buried a gentleman, 27 years old. They diagnosed him in November we buried him in January.

kyrgyzstan doctor imprisoned for defending her village

Name: Baktygul Imankozhoeva

Country: Kyrgyzstan

Corporations: Centerra Gold Inc. (Cameco, Canada), Kumtor Gold

Mineral: Gold

"Locals are concerned about the impacts of the Kumtor Gold Mine operation on their health. It leads to regular conflicts between local people, the company and officials. The villagers are demanding proper compensation for the impacts of the wealthy industry. Throughout the last years, the health of the villagers deteriorated. It is hard to resist the pressure from the company and the authorities in bringing up these issues."

Local Barskoon village doctor, Baktygul Imankozhoeva.

After my uncle died I decided to quit Syncrude. I quit Syncrude and began picking up the fight of speaking out against it. I lost a lot of friends because a lot of them worked in Syncrude, I worked there for 10 years. People in my community even had mixed emotions about this because they didn't actually understand what was happening in their community. They didn't understand the cancers that were killing them until the doctor came over and said so. Our Elders had been telling this stuff for years but no one would listen to them. Now the western science doctor comes and says it. He sacrificed, he was a martyr for our community. He sacrificed his career, his medical career to save the people to get the peoples voice heard and to keep the people the knowledge and the information to go out and speak against these things ...

I do not want to bury any other members of my community, but right now they have up to 50 cases of this rare cancer. Last year we had six new cases. The doctor knows so much about it because he lost his father to it. This cancer can only be found in 1 in 100,000 people. Last year there were 6 new cases, there are only 1200 people in my community. So as you can see what we are facing, what we are facing is a form of genocide, it is a slow killing of my people.

Excerpt from a presentation by Mike Mercredi at the Mining (In)Justice conference, Toronto, Canada, May 2010

The village Barskoon is located on the southern shore of Lake Issyk-Kul, Jeti-Oguz district in Kyrgyzstan. The Issyk-Kul region is a special protected biosphere territory. On the southern shore of Lake Issyk-Kul there is a beautiful gorge and river with the same name as the Barskoon village. There are 7,500 people living in the territory of Barskoon district, and over 20,000 in the surrounding districts.

The Kumtor gold deposit is located in the southern Tien Shan. Kumtor is the largest gold mine operating in Central Asia by Canadian owned Cameco Corporation's subsidiary company Centerra Gold Inc. The project received finances from the Canadian Export Development Corporation (US\$50 million), International Financial Corporation (US\$30 million) and the European Bank for Reconstruction and Development (US\$30 million).

The road to the Kumtor gold-mining deposit runs through Barskoon. Glaciers, which are the source of the fresh water for the Lake Issyk-Kul, are being adversely affected by the physical destruction caused by the mine mainly from the daily explosions and the disposal of the mine rock waste onto the glaciers.

Several accidents have occurred at the mine. The most severe to both the environment and health of the local people is a spill of nearly two tons of cyanide and sodium hydrochloride in May 1998 which led to the poisoning of the Barskoon River. The spill killed several people and injured hundreds, although the exact number of deaths was disputed.

As a result of her human rights advocacy for her community, who are victims of the Kumtor mines's cyanide spill, Baktygul Imankozhoeva has been subject to numerous charges and court cases. On 15 December 2009 a decision by the Supreme Court of the Kyrgyz Republic upheld against Imankozhoeva a two-year conditional sentence for abuse of her official position.

three a slow killing

continued

tanzania people and livestock poisoned

Name: North Mara community

Country: Tanzania

Corporation: Barrick Gold

Minerals: Gold

In May 2009, toxic waste from a gold mine located in North Mara, Tanzania, spilled into River Tigithe. Reports from the surrounding villages alleged that up to 20 people and from 700 to 1,000 heads of livestock died from the contaminated water. But the company that operates the mine, African Barrick Gold, denied that the spillage led to the deaths of villagers.¹

Villagers living in Tarime district claim they are still experiencing health-related illnesses from the water. There are also reports that a number of people have been killed by security forces belonging to the company.²

Though the mine is described by Barrick as operating at zero discharge, meaning no water is released back into the surrounding environment, villagers have long complained that the mine has negative effects.

Relations between the company and people in surrounding villages are not the best, stemming both from dissatisfaction with the levels of compensation paid to those displaced by the mine when it was established in 2003 and from the belief that the mine has negatively impacted upon the environment.

There have been two reports³ confirming lasting negative effects of a toxic spill in Tanzania that occurred last May. The latest report,⁴ commissioned by an interfaith committee in Tanzania and written by scientists from the Norwegian University of Life Sciences and the University of Dar es Salam, found potential life threatening levels of arsenic around Barrick's North Mara mine. The study investigated the area around the tailing dam and the site of an accidental spill that occurred on 9 May, 2009. Despite that fact that these areas were tested four to seven months after the spill, this study shows that the water remains toxic for human consumption and grazing use.

According to Evans Rubara of the Christian Council of Tanzania, following the spill in May, 203 people became ill, 43 people died, and 1358 livestock died. Barrick responded to the report criticizing the integrity of the science, to which the authors responded with a detailed defense of their methodology.

Women and children collect water from the Tigithe river.

"We have always collected water from here, we live nearby, Most people depend on the river for everything; for bathing, washing, drinking, and for cattle."

"We have been complaining about the water since 2005, but this year was the worst. We have to use the water, because there is no other source, the Mara River is too far from here."

Esther Dustin, local North Mara woman

- 1 Dec 30, 2009, Jessie Boylan, IPS, 'Community Still Worries by Mine Contamination', www.ips.org/africa/2009/12/tanzania-community-still-worried-by-mine-contamination/
- 2 Dec 23, 2010, Cam Simpson, Bloomberg, 'Shooting Gold Diggers at Barrick African Mine Coincides With Record Prices', www.bloomberg.com/news/2010-12-23/shooting-gold-diggers-at-african-mine-seen-amid-record-prices.html
- 3 Bitala, Manfre, Charles Kweyunga, and Mkabwa LK Manoko, 'Levels of Heavy Metals and Cyanide in Soil, Sediment and Water from the Vicinity of North Mara Gold Mine in Tarime District, Tanzania' June 2009 www.protestbarrick.net/downloads/North%20Mara%20Pollution%20Report.pdf
- 4 Norwegian University of Life Sciences, investigation of trace metal concentrations in soil, sediments and waters in the vicinity of Geita Gold Mine and North Mara Gold Mine in North West Tanzania 2009 www.protestbarrick.net/downloads/FinalTanzania-2.pdf
- 5 Dec 30, 2009, Jessie Boylan, IPS, 'Community Still Worries by Mine

Contaminated water.



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testimony chacha ochibhota

Chacha Ochibhota, is a young man who has discoloured skin pigmentation covering his face and blood shot eyes. His medical record states that in July 2009 he claimed to “have used acidic water, contaminated by the mining project – sustaining burns on the face...” and he was referred to the Tarime District Hospital for further investigations.⁵

“I started feeling the problems in May this year,” he said. “I have a farm near the Tigithe River. When it was hot and sweaty I would bathe in the water and wash my face and body to cool down.

“It felt different, when I tasted the water, it didn’t taste normal, it was a salty taste, and it was the feeling of rubbing salt in wounds...

“I was referred to the district hospital, but because I had no money, I didn’t go.

“For me,” says Ochibhota, “I need only treatment, so I can do work. Now I can only lie in bed, or do soft work...”



Above: Chacha Ochibhota.

Below: Women collecting water from the Tigithe river. Since the contamination from the mine they take precautions to only get water from upstream of African Barrick Gold’s North mara mine.



three a slow killing

continued

mongolia children of father sky and mother earth

Name: Tsetsegee Munkhbayar

Country: Mongolia

Corporations: Centerra Gold, Puraam, Boroo Gold and others

Mineral: Gold

Today Munkhbayar lives with his wife and children in a crowded apartment in the congested city of Ulaanbatar, the capital of Mongolia. They sleep on the floor, a tradition Munkhbayar just can't shake from his life as a yak herder on Mongolia's Onggi River. It has been more than a decade since he was able to herd because the Onggi River near his home dried up - an innocent victim of the country's emerging gold mining industry. He stands on what used to be the banks of an Onggi River tributary and reflects whilst looking at the accumulation of rocks and pebbles before him:

"Ten years ago if I'd been standing right here the water level would have been above my head".

Munkhbayar and his community have paid a heavy price as Mongolian, Russian, Canadian, Chinese and other mining companies unearth the gold beneath their pasturelands. The mining companies use water intensive extraction methods that have bled out the rivers; highly toxic waste pollutes what little groundwater remains.

"My own family was affected by the pollution. We faced the tragic loss of my mother, who died of liver disease when she was just a little over 50. My son was one of the 30 or 40 children [in our community] who also became ill; and I had [a] cancer[ous lesion] removed from my chin. If I were living in a cleaner environment, none of this would have happened."

Munkhbayar and his community were determined to oppose the gold mining on the Onggi River to save their way of life. When they began, there were 37 mines on the Onggi River. In seven years he and the movement shut down 36 mines.

"We saw that people started to believe that citizen movements can make a difference."

But the Government kept giving new permits to mining companies. Soon Munkhbayar was joined with citizens from across Mongolia in what is today called the United Movement of Mongolian Rivers and Lakes (UMMRL). Together they have called on the Mongolian government to better protect their water, land and traditional livelihoods through nationwide petitions and hunger strikes. They have fought for the Government to pass legislation that would ban the most egregious mining exploration and exploitation near the country's riverbeds and forests. They faced much adversity, as Parliamentarians often emerged as partial owners of mining operations throughout Mongolia.

Munkhbayar and the UMMRL fought hard, but their task seemed overwhelming.

"During the last eight years we've been trying to save our river and our water, but in the overall picture we're not succeeding. We can't stop all the mining operations..."

Finally, just before Parliament concluded its 2009 session, it passed mining legislation in a heated eleventh hour meeting. The new law would prohibit mineral exploration at the headwaters of rivers, riverbeds and forests, and enlist the assistance of local communities and civil society groups to demarcate protected zones.

As the UMMRL celebrated their achievement, they waited for the Government's implementation measures. And as the Government sorted through the details of how to compensate mining operations they had erroneously giving permits to, the Mongolian mining industry launched their own attack to reverse the law. According to Mr. John Cazakov, a mining industry executive with the Boroo Gold company:

"The Mining Association and mining companies are trying to pass a new law which will stand against the [2009 mining law]. We have a lobby group in the Parliament and hope [our proposed] law will be passed very soon."

four resisting in defence of territories and livelihoods

australia battle in court and in the community

28 anti-mining activists protest inside the Barrick Gold mine in Lake Cowal, closing operations for over six hours.



Name: Neville Chappy Williams

Country: Australia

Corporation: Barrick Gold

Mineral: Gold

On 12 April 2009, 28 protesters were arrested at Barrick Gold's mine operation in Lake Cowal in central western New South Wales (NSW), Australia. Authorised by Wiradjuri Traditional Owners of Lake Cowal and its surrounds, the protesters entered the site at dawn climbing the bund walls into the open cut pit whilst Wiradjuri Traditional Owners performed a smoking ceremony.

Fifteen other protesters blockaded the front gates of the mine. Over 50 workers waited patiently to get into the mine site for their shift change. The protest halted mine operations for over six hours. It was the seventh cultural gathering and protest at the mine site since the campaign to save Lake Cowal, from the clutches of the worlds largest gold miner, began.

from impunity to accountability

The extractive industries are often exempt from prosecution or accountability in many countries where they operate, and many operate with impunity within their own countries and in the sphere of international law.

Attempts to create laws, remedies and sanctions so impacted communities have a right to say no to a mining, oil or gas project, halt already existing operations, seek compensation, and to protect their lands and livelihoods is met with stiff opposition from mining company executives, investors and politicians.

Graeme Russell of Rights Action, an organisation that advocates for impacted communities in Meso and Latin America states, "I wager that were these company executives, investors and politicians and their families and home communities themselves the victims of environmental and health harms or other human rights violations, they would expect and demand nothing less than full political and legal accountability and sanctions for the harmful actions, and full remedy for the harms and losses."¹

Whilst many of the corporations cited in this report consider themselves to be 'socially responsible corporate citizens' people in the Global South are still being murdered and repressed for their resistance against mining, oil and gas projects. Despite these obstacles, tactics and abuses, many communities continue to mobilise and resist in defence of their territories and livelihoods.

¹ International Mining & Impunity Day: Canadian-American mining companies making a killing in El Salvador, Guatemala, Chiapas, Graham Russell, December 10, 2010 www.rightsaction.org/articles/mining_&_impunity_day_121010.html

four resisting in defence of territories and livelihoods

continued



Wiradjuri Elder, Neville Chappy Williams at the gate of Barrick Gold's mine with supporters and the sacred fire. For over ten years Wiradjuri have protested against Barrick Gold on their lands.

A culturally and ecologically significant ecosystem in the heart of the Murray-Darling basin, Lake Cowal has also been the focus of a 10 year protracted and bitter legal battle. Since 2001, Wiradjuri Traditional Owners, represented by Neville Chappy Williams, have focused on the validity of consents issued by the NSW Government permitting Barrick to destroy all cultural heritage sites at Lake Cowal and on the protection of Wiradjuri Native Title Rights. These challenges have been partially successful with injunctions delaying approvals for the mine which lead to a complete overhaul of how consent to destroy Aboriginal cultural heritage are issued. In 2005, however, the NSW Government passed specific amendments to its planning legislation to prevent the original mine approvals from lapsing, thus thwarting the Land and Environment Court challenges.

Wiradjuri continue to battle against Barrick Gold and the NSW Government, recently winning injunctions to stop the expansion of the mine into their sacred land and the bed of Lake Cowal.

'The supporters were authorised [to enter the site] by us, the Traditional Owners. This is a fight for justice, Barrick Gold Corporation is destroying our culture. We have been in the courts now for 10 years, it has been a desperate, never ending uphill fight but we are not giving up and we are not going away.'

'They are destroying our culture so we stand firmly in the ground to assert our inherit right to occupy and enjoy our land. Aboriginal sovereignty has never been ceded, we have a right under 116 of the constitution to practice our religion.'

'We are never going to give up, we are never going away, we will fight to the bitter end to protect and preserve our ancient cultural heritage – that is Lake Cowal.'

Wiradjuri Traditional Owner from the Lake Cowal area, Neville Chappy Williams at the smoking ceremony.

For more info: www.savelakecowal.org

colombia a tribute to colombian workers

Name: Francisco (Pacho) Ramirez

Country: Colombia

Corporation: AngloGold, Muriel Mining, Conquistador Mines BHP Billiton, Angloamerican, Grey Star, Drummond, Cemex, Holcim and others

Minerals: various

To national and international non-governmental organisations, national and foreign unions, the international community, intellectuals, artists, students, and all of humanity, that they join us in denouncing these acts, calling for justice and reparations, and that they keep a permanent watch to ensure that this type of criminal behaviour is immediately halted in our country, our continent, and our planet.

Francisco Ramírez Cuellar, president of SINTRAMINERCOL, The Profits of Extermination

This article pays tribute to the workers that are organized in the National Mining Company (Minercol Ltda) Workers Union – SINTRAMINERCOL and its current president Francisco (Pacho) Ramirez.

Together with fellow workers, Ramirez has suffered persecution at the hands of government bodies and paramilitary groups for his struggle against mining. Colombia holds the record of being the country with the greatest number of murdered, persecuted and exiled workers, thus making trade unionism a very risky activity.

According to trade union and human rights organisation reports, Ramirez has suffered eight murder attempts, two of his fellow union members have been kidnapped and the trade union headquarters have been attacked twice. What is worse, twenty mining union members have been killed by military and paramilitary groups and the Colombian Government's security forces.

Ramirez has been working to defend the natural wealth of the country for more than two decades. He is a lawyer, and in that capacity he has filed several legal cases in defence of basic workers rights and union rights. He has coordinated legal cases against multinational corporations in the energy mining sector, suing them for human rights violations in Colombia.

In 1989, when he was working in the Mining and Energy Ministry, he organised the first mining sector workers union. He was fired together with other workers. In 1991 he organised SINTRAMINERCOL union initiating a head-on struggle against corruption of top executives at Minerales de Colombia S.A. who have plundered the country in collusion with representatives of big domestic and multinational companies.

The first attacks and death threats to the union leadership occurred in 1993, the first of which was in March, when four heavily armed individuals shot Ramirez and another trade unionist.

Ramirez has participated in important campaigns against transnational corporations who have influenced mining legislation reforms to suit their corporate interests. These corporations have been denounced in his book "The Profits of Extermination: How US Corporate Power is Destroying Colombia". He has promoted projects to improve the living conditions of small scale miners in southern Bolivar.

In the late '90s he initiated a campaign against Conquistador Mines, a company that actively engaged in dismembering the Federation of Small Scale Miners with the support of military and paramilitary forces, as well as displacing 25,000 people and killing hundreds of villagers. The campaign succeeded in stopping the mining operations in southern Bolivar and throwing out the transnational corporation.

The union, the small scale miners and some congressmen with democratic ideas initiated a social process to prevent the approval of a Mining Code bill. Despite the social mobilisation, the Colombian Congress passed this Code in 2001 which favours the interests of transnational corporations.

Ramirez has supported many workers struggles and provided legal advice to peasant communities, small scale miners, African-Colombian communities and Indigenous Peoples throughout the country, in their confrontations against corporations such as AngloGold, Muriel Mining, BHP Billiton, Angloamerican, Grey Star, Drummond, Cemex, Holcim, amongst others.

Even though Ramirez was an employee at the government-owned mining company, he is currently the staunchest critic and detractor of large scale mining in Colombia. In his work he seeks to find alternatives for the mining populations who, as he believes, need to reconsider their livelihoods and life styles to move in the direction of post-extractivist societies.

four resisting in defence of territories and livelihoods

continued

bulgaria popintsi village blockade



Community from Popintsi village in Bulgaria at the barricade against Euromax Resources.

Name: Popintsi village people

Country: Bulgaria

Corporation: Euromax Resources (called Omax before July 2004 and registered in Bulgaria as Martern Ltd.)

Mineral: Gold

The village of Popintsi is situated in the Srednogorie region of Bulgaria, where the biggest extractive industry operations in the country are concentrated. The Petelovo hill above the Popintsi village was explored extensively by the state company for geological explorations during communism. In 1986 there was a project for the extraction of the precious metals deposit, but since it involved cyanide leaching, it did not receive approval by the local people and authorities.

So when in 2005 the Canadian company Euromax Resources came with the intention to explore again the local deposit at the Petelovo hill above the Popintsi village, all its residents rose up and barricaded the access to the hill. In the summers of 2005 and 2006 the people practically moved out of their homes into a road camp up the hill, guarding the hill day and night.

On 10 July 2006 the village of Popintsi held a referendum on the exploration and extraction of gold on the nearby hill of Petelovoto and 97% of local people voted against the project and against possible future extraction of precious metals by cyanide leaching.

The referendum was initiated after the conflict took its first victim: Angel Daskalov, one of the locals who was barricading the road against the company's machinery, was found in the forest stabbed three times around the heart. Fortunately, emergency surgery saved his life, but the follow-up investigation did not have any results.

Additionally, the leaders of the village resistance have been subjected to constant pressure and intimidation. One of them, Todor Petkanski, was regularly called in to the police office to respond on behalf of the community with regard to complaints from the company.

The Popintsi village struggle was instrumental in attracting the attention of politicians, media and the general public to the fight for a cyanide-free Bulgaria.

five busting the corporate social responsibility myth

Extractive industry corporations have employed sophisticated messaging and company public relations to their shareholders and the mainstream media to boost their image to make it seem as though they are concerned with the environment and human rights.

The Rio Earth Summit in June 1992¹ placed the issues of biodiversity conservation, sustainable development and environmental protection on the world agenda paving the way to strengthen and promote the concept of Corporate Social Responsibility (CSR). The backlash from various movements in the Global South against the extractive industries history of depletion, destruction, devastation and human rights abuses saw corporations, with a maze of complicated linkages between the international financial agencies, multilateral agencies, government agencies and various think tanks and institutes, striking back with major initiatives aiming at 'reforming' the extractive industries or 'building up social partnerships' to manage 'social issues'.

Some of these initiatives include the Global Compact, Mines, Minerals and Sustainable Development Project (MMSD), Control Risks Group (CRG), International Council on Metals and the Environment (ICME), The Global Mining Initiative (GMI), World Business Council for Sustainable Development and Business Partners for Development (BPD). With a host of corporate CEOs from both mining and non-mining industries, representatives of multilateral agencies including the World Bank, United Nations, EU and US officials, talked of 'forging greater relationships and partnerships between business and its critics' and 'transparent and open engagement with environment groups, human rights groups and government', mainly to foster their global business interests, especially in the poor countries of the South. They have been helped in their venture by some international NGOs who are flushed with contributions from the mining giants to help promote the 'human face of global mining'.

With nearly every major extractive industry player adopting voluntary CSR or social sustainability statements and an entourage of socially responsible investors, consultants and NGOs willing to promote it, the question that still remains is why there are still so many cases of environmental and human rights violations. The case studies in this report show that CSR has clearly not provided sanction and remedy to assure human rights, nor supports affected communities in the protection of what is important to them. CSR has seemingly benefited corporations in distracting the public from ethical questions posed by their core operations. This corporate hypocrisy and insincerity generally suggests that better governmental and international regulation and enforcement, rather than voluntary measures, are necessary to ensure that companies behave in a socially responsible and just manner.

barrick gold: a case study of voluntary CSR

There are four case studies in this report that cite serious issues at the hands of Barrick Gold, the world's largest gold miner. Barrick Gold has been the subject of many documented studies of human rights abuses and environmental devastation, from NGO's such as Amnesty International and Human Rights Watch to university studies and even the Norwegian Government. Last year, the Norwegian Pension fund divested¹ \$230 million from Barrick for ethical reasons, relating to their mine in Papua New Guinea. Swiss Research firm Covalence compiled both quantitative and qualitative data spanning seven years and 581 companies and listed² Barrick as the 12th least ethical company in the world.

In Tanzania, there have been two^{3,4} reports confirming lasting negative effects of a toxic spill in Tanzania that has greatly impacted communities and their water sources. Barrick's activities at their Pascua Lama project on the border of Chile and Argentina has been linked to a 56%-70% decrease⁵ in the size of nearby glaciers by the Government Water Commission. In Australia, Wiradjuri Traditional Owners have been waging a protracted and bitter legal battle against Barrick Gold for 10 years over its destruction of cultural sites at its Lake Cowal project.

Yet Barrick takes pride in their 'reputation' which 'rests on responsibility' and that '[G]ood corporate citizenship is a calling card that precedes us wherever we go'.⁶

Recently Human Rights Watch released a report⁷ detailing gang rapes by Barrick's security guards at the Porgera mine in Papua New Guinea. Founder and Chairman of Barrick Gold, Peter Munk responded by stating that it would be impossible to police the behaviour of 5,500 employees, particularly in a country where "gang rape is a cultural habit".⁸ This degrading and racist comment from the founder of the largest gold mining corporation, which has signed onto the Voluntary Principles on Security and Human Rights, begs the question as to why Barrick Gold has operations at all if they can't police the behaviour of their employees. Such voluntary principles, that award corporations like Barrick Gold as corporate social responsible citizens, are bought dramatically into question when there is a trail of abuses of communities, their lands, and their livelihoods.

1 Rio Declaration on Environment and Development, Rio de Janeiro, 3-14 June 1992, www.un.org/documents/ga/conf151/aconf15126-1annex1.htm

1 Norwegian Government website www.regjeringen.no/en/dep/fin/press-center/Press-releases/2009/mining-company-excluded-from-the-governm.html?id=543107
 2 Huffington Post The 12 Least Ethical Companies In The World: Covalence's Ranking, www.huffingtonpost.com/2010/01/28/the-least-ethical-compani_n_440073.html
 3 Bitala, Manfre, Charles Kweyunga, and Mkabwa LK Manoko, "Levels of Heavy Metals and Cyanide in Soil, Sediment and Water from the Vicinity of North Mara Gold Mine in Tarime District, Tanzania" June 2009 www.protestbarrick.net/downloads/North%20Mara%20Pollution%20Report.pdf
 4 Norwegian University of Life Sciences, investigation of trace metal concentrations in soil, sediments and waters in the vicinity of Geita Gold Mine and North Mara Gold Mine in North West Tanzania 2009 www.protestbarrick.net/downloads/FinalTanzania-2.pdf
 5 Santiago Times "CONGRESSMEN SEEK PASCUA LAMA REVIEW BECAUSE OF GLACIER DAMAGE" http://web.archive.org/web/20071224131629/www.tcgnews.com/santiagotimes/index.php?nav=story&story_id=14096&topic_id=15, Santiago Times "Government Study: Chilean Gold Mine Threatens Local Glaciers 7/1/2010
 6 Corporate Social Responsibility: Our Commitment, www.barrick.com/CorporateResponsibility/OurCommitment/default.aspx
 7 Human Rights Watch, Gold? Costly Dividend: Human Rights Impacts of Papua New Guinea, Porgera Gold Mine 1/2/2011
 8 Peter Munk's reflections on being a winner, Michael Posner, Globe and Mail, 18/2

conclusion

conclusion

The recently released report of the United Nations Environmental Programme (UNEP) on the assessment of the devastation of Ogoniland in Nigeria brought about by 50 years of oil production by Shell has not only validated claims of environmental destruction in the Niger Delta but has shown the true extent of the appalling scope and depth that the pollution has reached.¹ It is this desecration of once richly endowed Ogoni land which led to the destruction of the lives and livelihoods of the Ogonis that Ken Saro-Wiwa and his comrades had fought against and lost their lives for. Now, fifteen years after their killings, the UNEP estimates that just cleaning up the pollution will take 25 to 30 years.

Shell has lately been forced to face up to the deaths of Saro-Wiwa and his comrades with the US\$15.5 million out of court settlement it entered into with the relatives of those killed, and a US\$ 1 billion initial capital injection for the Environmental Restoration Fund for Ogoniland to make up for the environmental destruction of the Niger Delta. While we may be heartened by this, the sad fact is that 15 years after the death of Ken Saro-Wiwa and his comrades the economic and political mindset which had sent them to the gallows has not been eradicated. The corporate hunger for fossil fuel and mineral resources is now more present, pervasive and prevalent globally than it ever was.

The race for resources and profits has led to the aggressive mergers and acquisitions among extractive industry players in the past two decades, and now communities and activists have to face oil and mining corporations that are increasingly amassing more capital at their disposal and exerting more political clout than ever. The case studies presented here show not only the environmental and social costs of the extractive industries but the price we pay in terms of the lives of those who fight for the protection of land, resources, human rights, communities and ecosystems who were killed in the course of their struggles against mining, oil and gas.

Killings and attacks against human rights defenders and the impunity with which these are perpetrated are made possible with collusion with state forces, either through outright commission of prejudicial acts or through omission of its duty to protect activists and community rights defenders against threats, violations and reprisals from non-state actors. This situation prompted the United Nations to come out with the Declaration on Human Rights Defenders in 1998. The UN Commission on Human Rights has again recently clarified and reiterated state obligations to human rights defenders in its *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.²

The environmental and social costs of extracting minerals, oil and gas are well documented, and the extractives industry had been forced to wage a global campaign to link mineral and fossil fuel extraction with sustainable development. In the 19th Session of the UN Commission on Sustainable Development (UN CSD 19) there were attempts to insert the term “sustainable mining” in the texts of the conference as well as diluting the right to Free Prior and Informed Consent (FPIC) of indigenous peoples. Indigenous peoples communities, whose territories are home to sixty per cent of coveted mineral resources, suffer disproportionately from the impact of extractives projects and they are also the most vulnerable to killings and attacks.³

Corporate Social Responsibility (CSR) propaganda serves to hide the fact that extractive industry corporations are in a global race for access and control of fossil fuel and mineral resources in order to feed the demand for raw materials and energy in the unsustainable production, distribution and consumption of non-essential commodity goods. Good CSR would cast corporations as champions of sustainable development bringing in employment, infrastructure and revenues indispensable for the economic well being of communities, nations and the global market.

An even more effective CSR strategy would clean up all the blood spilled in the obsession for mining, oil and gas, and make us forget the heroism of our comrades who have fallen victim to the viciousness and brutality of this industry. “*The first step in liquidating a people is to erase its memory.*” goes the often quoted passage from Milan Kundera, “*The struggle of man against power is the struggle of memory against forgetting.*”

There is nothing that the industry can extract from this earth that is more precious and worth more than the life of a single defender of communities and the environment.

We remember. We resist.



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A community meeting in San Miguel Ixtahuacán, Guatemala in 2010 for the organizing of a community referendum on mining. Inspired by the 2005 referendum in the neighboring municipality of Sipakapa. Of the 13 community assemblies held in Sipakapa, 11 rejected mining (unanimously in most cases), one supported the mine, and one abstained. In total, 98.5% of the participating population rejected mining. The company took legal action to have the referendum annulled. The Guatemalan Constitutional Court ruled that the referendum was legal, but not binding.

- 1 www.unep.org/newscentre/default.aspx?DocumentID=2649&ArticleID=8827
- 2 www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersjuly2011.pdf
- 3 The Manila Declaration of the International Conference on Extractive Industries and Indigenous Peoples, 31 March 2009

appendix manila declaration on extractives industries

Declaration of the International Conference on Extractive Industries and Indigenous Peoples

Indigenous Peoples and support organisations from 35 countries around the world and representing many more Indigenous Nations gathered together for the International Conference on Extractive Industries and Indigenous Peoples.

23-25 March 2009 Legend Villas, Metro Manila, Philippines

We, Indigenous Peoples and support organisations from 35 countries around the world and representing many more Indigenous Nations, have gathered together in this International Conference on Extractive Industries and Indigenous Peoples. As Indigenous Peoples we have a unique cosmic vision, diversity of languages, histories, spirituality and territories which have existed since time immemorial. However, we now find ourselves within the borders of States which have established norms and laws according to their interests. On account of this situation, we have suffered disproportionately from the impact of extractive industries as our territories are home to over sixty percent of the world's most coveted mineral resources. This has resulted in many problems to our peoples, as it has attracted extractive industry corporations to unsustainably exploit our lands, territories and resources without our consent. This exploitation has led to the worst forms of, environmental degradation, human rights violations and land dispossession and is contributing to climate change.

Environmental degradation includes, but is not limited to, erosion of our fragile biological diversity, pollution of land, air and water, and destruction of whole ecological systems. Extractive industries, and particularly those relating to fossil fuels, also have significantly contributed to the climate change that is destroying our Mother Earth.

Human rights violations range from violations of Indigenous Peoples' right to self-determination (which includes the right to determine one's own economic, social and cultural development), rights to lands, territories and resources, as well as displacement and violations of the most basic civil and political rights, such as arbitrary arrests and detention, torture, enforced disappearances and killings.

Our cultural diversity has also been grossly eroded because of the destruction of biological diversity and lands, territories and resources by extractive industries upon which our cultures are based. This erosion of our cultural diversity is also a result of the imposition of colonial systems and the settlement of non-Indigenous Peoples. Corporations enter into our territories with the promise of "development" through employment, infrastructure building and payment of governmental taxes. Despite these promises, there still exists a situation of dire poverty in those living close to extractive industry projects. This situation has fuelled conflicts between Indigenous Peoples and the State and extractive industry corporations, as well as causing divisions within the Indigenous communities themselves.

On 6-16 May 1996, a first "Mining and Indigenous Peoples Conference" held in London produced the "Indigenous Peoples' Declaration on Mining". This declaration highlighted conflicts occurring between our communities and corporations. It reiterated that Indigenous Peoples need to be the decision makers on whether or not mining should take place in their communities and under what conditions this may occur.

Almost 13 years have passed since this conference was held, but overall our situation on the ground has not noticeably improved. The opportunities and threats since the 1996 conference include:

- the welcome adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) by the UN General Assembly on 13 September 2007;
- new UN mechanisms for the protection of the rights of Indigenous Peoples, such as the UN Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples;
- a greater interest on the relationship between human rights and corporate behaviour, including the work of the UN Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises;
- the recognition of corporate social responsibility and a claimed willingness on behalf of corporations to negotiate agreements directly with Indigenous Peoples, although so far much of this seems to be more on paper or promises, as opposed to practice;
- the climate change crisis, coming about mainly because of dependence of the current economy on fossil fuels. These resources are mined on our land and many of our peoples are disproportionately affected by such activities; and
- the global financial crisis, caused by the unregulated liberalisation of finance.

Based on the foregoing observations, we assert that:

- Indigenous Peoples are rights holders, with an inextricable link to their lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, and should not be treated merely as stakeholders. We have a right to self-determination of our political condition and to freely choose our economic, social and cultural development (UN DRIP Article 3);
- our rights are inherent and indivisible and seek recognition not only of our full social, cultural and economic rights but also our civil and political rights;
- all doctrines, policies and practices based on the presumed superiority of colonial peoples and worldviews should be condemned;
- we contribute to the diversity and richness of the cultures that make up humanity and believe that we can teach valuable lessons to the rest of the world through our values and world views in how to tread gently upon the earth;
- destruction of Indigenous Peoples sacred sites and areas of spiritual and cultural significance by extractive industries must stop;
- the vulnerable position of women and youth with regard to the impacts of extractive industries, including loss of livelihoods, violence and impacts on health and well-being must be recognized;
- the development model premised on unsustainable consumption and production, and corporate globalisation, which fuels the entry of extractive industries onto our lands must be rejected;
- respect for the preservation of life on earth, and our right to food, must have precedence over extractive industry projects;
- extractive industry projects must not take precedence over our right to land - regardless of whether our rights are based on legal recognition or usufruct rights;

appendix manila declaration on extractives industries

continued

- there must be an immediate end to the criminalization of community resistance, the violent intimidation, harassment, and murder, of our leaders, activists and lawyers who are working for the defence of our lands and lives;
- extractive industry projects must not take precedence over the human right to water. Water is especially important in our lives and is sacred to us. In addition the major reserves of fresh water are found in our territories;
- the right to water is a fundamental human right which must be recognized. We therefore condemn the conduct of the World Water Council which demotes the right to water a "basic need";
- negotiations about climate change should not be conducted by States and international organisations unless there is full and effective participation of Indigenous Peoples. Furthermore, mitigation and adaptation measures related to climate change must be designed and implemented in keeping with Indigenous Peoples' rights;
- the failure to hold extractive industries to account in host and home countries must be addressed and mechanisms for accountability and enforcement must be created immediately; and
- implementation of interstate infrastructure initiatives - such as the South American Regional Infrastructure Initiative (IIRSA) - that lead to mega-projects on our lands and territories without first obtaining our free prior and informed consent (FPIC) are destructive to our cultures and survival, and a denial of our right to self determination.

Given the above, in order to ensure respect for the rights recognized in the UN DRIP, as well as the ecological integrity of our planet and communities, we call for:

- a stop to the plunder of our lands, territories and resources;
- a moratorium on further extractive industry projects that affect or threaten our communities, until structures and processes are in place that ensure respect for our human rights. The determination of when this has been realized can only be made by those communities whose lives, livelihoods and environment are affected by those projects;
- due process and justice to victims of human rights violations who are resisting extractive industries;
- review of all on-going projects that are approved without respect for our FPIC and self determination rights; and
- compensation and restitution for damages inflicted upon our lands, territories and resources, and the rehabilitation of our degraded environments caused by extractive industry projects that did not obtain our FPIC.

We call on Indigenous Communities and their Supporters:

- to create an international mechanism working on extractive industries and Indigenous Peoples aimed at sharing information, education, advocacy and the defence of our rights;
- to coordinate research on mining companies, processes and investment sources to empower communities, build strategic plans and ensure recognition and respect for our rights;

- to assert their right to control the authorization of projects, and where FPIC has been given, the conduct of extractive activities in indigenous lands and territories through the use of indigenous customary laws;
- to create a mechanism to compile legal precedents from relevant court decisions on Indigenous Peoples and extractive industries;
- to build relationships with non-indigenous groups concerned with the problem of extractive industries, nationally and internationally, to find common ground; and
- to establish a International Day of Action on Extractive Industries and Indigenous Peoples.

We call on Civil Society Organisations:

- to increase their support, and solidarity in a manner that is sensitive to the issues of Indigenous Peoples;
- especially conservation and other NGOs, not to impose themselves or their views upon us, but respect our legitimate leadership and also seek the FPIC of communities before intervening; this also applies to academics including anthropologists; and

We call on Companies:

- to respect international standards on rights in all jurisdictions, especially the minimum standards as set forth in the UN DRIP, which includes in particular, the right to lands, territories and resources and attendant right to FPIC. This also applies to consultants;
- to submit to independent and credible monitoring;
- to be accountable for the environmental disasters, destruction and human rights violations as a result of their operations;
- to employ proven technology and adhere to the precautionary principle at all levels and in each project;
- to recognize the specific vulnerability of indigenous women to the negative impacts involved with extractive industries;
- to ensure full transparency in all aspects of their operations, and especially to ensure affected communities have full access to information in forms and languages they can understand; and
- to conduct and implement environmental, social, cultural and human rights impact assessments to the highest international standards ensuring independent review and participation of indigenous peoples;

We call on Investors:

- to ensure that policies in relation to investments in indigenous territories reflect the rights articulated in the UN DRIP, and that the ethical index listings used should base their investment recommendations on third party information, as opposed solely to information from the company in which they may invest and
- not to invest in fossil fuel related projects.

We call on States:

- specifically those States that have not done so yet, to adopt the UN DRIP and ratify International Labour Organization (ILO) 169, and for those States who have to uphold the rights articulated therein;
 - to establish, in consultation with Indigenous Peoples, clear mechanisms and procedures at national levels for the implementation of international juridical instruments, specifically the UN DRIP, ILO 169 and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
 - to review laws and policies on extractive industries that are detrimental to Indigenous Peoples, and ensure consistency with the UN DRIP and international instruments protecting Indigenous Peoples rights;
 - to recognize and enforce the rights Indigenous Peoples to FPIC as laid out in UN DRIP, in accordance with our customary laws and traditional practices;
 - to recognize and ensure the demarcation and titling of our ancestral lands;
 - to recognize our customary laws and traditional mechanisms of conflict resolutions;
 - to support the efforts of Indigenous Peoples to develop economic alternatives to extractive industries, in order to alleviate the poverty that creates false dependencies on extractive industries;
 - to abolish hedge funds and all forms of private equity that are not transparent and well regulated, and which distort the price of minerals;
 - to legislate and regulate thorough processes for independently conducted environmental, social, cultural and human rights impact assessments, with regular monitoring during all of the phases of production and rehabilitation;
 - to protect indigenous activists, human rights defenders and lawyers working on human rights issues, and where the State is the violator we demand an end to the violations against our peoples;
 - to ban particularly harmful extractive practices, including riverine tailings disposal, gas flaring, effluent discharges, submarine tailings disposal, mountain top removal and large scale open-pit mining. Given the risks posed by climate change, serious re-consideration should be given to the construction of tailings containment in low-lying coastal areas and in areas exposed to increasingly severe weather events and
 - to ensure that their development cooperation policies and programmes respect Indigenous Peoples rights', in particular in the context of extractive industries and our right to FPIC.
- We call on the UN Permanent Forum on Indigenous Issues (PFII):**
- to request that the UN Indigenous Peoples Expert Mechanism conduct a study, with the participation of Indigenous Peoples, on the impact of extractive industries on them, by consolidating all recommendations, observations and decisions of UN Treaty and Charter bodies pertaining to the subject and identifying the measures taken by States to adhere with these;
 - to request that UN mechanisms, agencies and bodies promote the elaboration of mechanisms and procedures for States to implement to minimum standards set forth in the UN DRIP, including in particular the right to FPIC;
 - to establish procedures which provide indigenous communities with the opportunity to request the relevant UN agencies to assist them in the monitoring and provision of independent information in FPIC processes;
 - to support the Indigenous Peoples' proposal that there be an international Mother Earth Day, and encourage all UN agencies, mechanisms and bodies to do likewise;
 - to demand the full and effective participation of Indigenous Peoples in all discussions and decisions pertaining to international agreements and conventions that address issues of biological diversity and or climate change;
 - to emphasize the need to address the direct and indirect impacts of extractive industry on climate change, including those associated with mitigation measures;
 - to emphasize the need for the widespread diffusion of information and critical debate between Indigenous Peoples about the ongoing mechanisms and negotiations relative to carbon trading and the carbon market;
 - to request that the Special Representative to the Secretary General on the issue of human rights and transnational corporations and other businesses, John Ruggie, and other UN organisations, bodies and agencies, promote the enactment of legislation in home states of transnational corporations that provides for extraterritorial jurisdiction in relation to their activities;
 - to recommend that the World Bank Group update its operational directives and safeguard policies pertaining to Indigenous Peoples to include the right to FPIC, as required under the UN DRIP;
 - to recommend that the World Bank Group immediately stop funding, promoting and supporting fossil fuel related projects and large scale mining projects on indigenous lands, and provide a set timeline for ending of all such funding;
 - to recommend that the World Bank stop influencing the design of national policies in developing countries in a manner that promotes the interests of transnational mining corporations over the rights of indigenous communities;
 - to recommend that the World Health Organisation consider conducting a study on the impact of cyanide and heavy metals on the right to health of communities impacted by mining;
 - to address the urgent need for the genuine recognition of indigenous religious, cultural and spiritual rights, including their sacred sites in the context of extractive projects and
 - to recommend that all bilateral agreements should guarantee that indigenous peoples' human rights are respected.

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