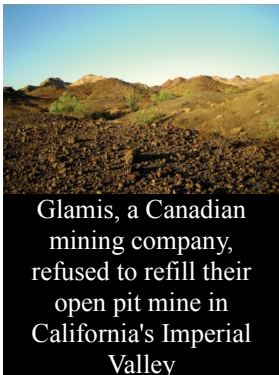


# MINING, MURDER, and FREE TRADE: HOLD CANADIAN MINING CORPORATIONS ACCOUNTABLE!

In pursuit of coal and metals, Canadian mining firms are ravaging the environment, violating human rights, and manipulating free trade agreements to sidestep accountability and undermine the right of nations to protect their citizens .

Mining projects frequently involve community displacement, disruption of farming and other local livelihoods, and contamination of local waterways with chemicals including cyanide, arsenic, copper sulfate, and heavy metals.

The controversial investor-state dispute resolution system included in NAFTA, the Central American Free Trade Agreement, and the Peru Free Trade Agreement give foreign investors special rights to sue governments in compensation for “profit infringement” and attack national laws that safeguard health, workers, and the environment. These investor state provisions allow foreign investors to sue governments for cash damages in special arbitration panels that operate outside the countries' court systems when they believe that federal or state laws or actions have negatively impacted their investments. Mining companies have used these provisions to undermine environmental laws when nations have attempted to curtail environmentally destructive activities. The following are only a select few examples of a global problem.



Glamis, a Canadian mining company, refused to refill their open pit mine in California's Imperial Valley

## UNITED STATES

Glamis (acquired by Goldcorp in 2006), a Canadian mining company, brought a case against the United States under the North American Free Trade Agreement, demanding \$50 million in compensation from the US when California passed environmental legislation required the company to backfill and regrade an open-pit, cyanide heap-leach gold mine on sacred lands of the Quechan indigenous tribe in the Imperial Valley. If Glamis had chosen to comply with US law, the company could have continued mining, but would have been required to eventually refill the pit they'd created, adding to their expenses.

On June 8<sup>th</sup>, 2009, a six year legal battle ended when an international tribunal convened to arbitrate the case under the World Bank's International Center for the Settlement of Investment Disputes ruled in favor of the United States.

While the environment won in this case, the win required a government that was willing to invest six years of costly legal resources at the risk of losing \$50 million dollars. A poorer nation would have likely caved under the pressure and agreed to a settlement in Glamis' favor.

## GUATEMALA

In 2005, thousands of Guatemalans protested the ratification of the Central America Free Trade Agreement. Guatemalans reasons for opposing the free trade agreement included a \$45 million World Bank-funded Glamis gold and silver mine on indigenous lands, in the north of the country in violation of International Labor Organization conventions that requires community involvement in the decision



Construction of Glamis Gold's Marlin mine project in Guatemala. Photo courtesy Centro de Acción para el Desarrollo y el Derecho.

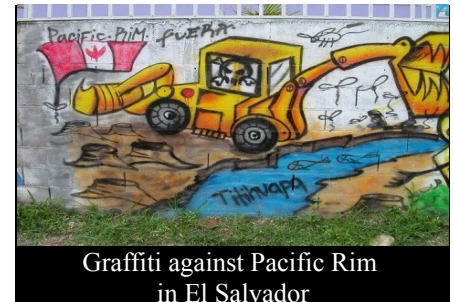
making process to mine on the lands on indigenous peoples. Guatemalans feared that if CAFTA were ratified, Glamis would bring a suit similar to the Imperial Valley case if activists were successful in stopping the project.

According to MiningWatch Canada, “On January 11 the Guatemalan army and police attacked a blockade set up by the peasants of Sololá to prevent a pedestrian overpass from being dismantled to allow equipment to be transported to the mine. Protestor Raúl Castro Bocel was killed...[O]n March 13, Álvaro Benigno Sanchez, a critic of the Marlin project, was shot dead by an employee of the Grupo Golan company providing “security” for the Marlin project.”

According to Intercontinental Cry, in June 2009, the Guatemalan government “ said that it will suspend Goldcorp's Marlin mine in San Miguel Ixtahuacán to make way for a full investigation of the health, environmental, and human rights impacts of the controversial mine project.”

## EL SALVADOR

In the department of Cabañas, El Salvador, communities have been protesting against a proposed gold mining project by Pacific Rim, a Canadian mining company, based on concerns that



Graffiti against Pacific Rim in El Salvador

cyanide used to extract gold would poison El Salvador's largest river, the primary source of drinking water for millions in the country. In 2007, the Ministry of Environment denied Pacific Rim's permit to start drilling for gold. In response, Pacific Rim filed a \$77 million suit against the Salvadoran government, demanding compensation for “lost profits” under the US- Dominican Republic- Central American Free Trade Agreement (DR-CAFTA).

In late 2009, a series of local activists against the project were assassinated -



**In Memory Of**  
 Marcelo Rivera Disappeared June 18, 2009  
 Ramiro Rivera Murdered Dec 20 2009  
 Dora Alicia Sorto Murdered Dec 26 2009  
 Salvadoran anti-mining activists, innocent victims of renewed violence. May their memory inspire us in our work for justice.

Marcelo Rivera (July 2009), Ramiro Rivera and his neighbor Felicita Echeverria Menjivar (December 2009), and Dora Alicia

Sorto Recinos (December 2009). In a nation with a bloody history of disappearances, mass executions, and politically targeted assassinations, these killings represent a calculated attempt to create a climate of fear to scare community members out of resisting the mining project.

## PERU

The Peru Free Trade Agreement contains provisions that give expanded rights to investors involved in natural resources contracts with the government, broadly defining natural resources contracts to include every aspect of the extractive, productive and marketing processes. Fear of lawsuits similar to the Glamis and Pacific Rim suits is expected to have a chilling effect on the passage of strong new public health or environmental laws. In June 2009, at least 10 indigenous protesters were killed and hundreds by police in Bagua, Peru. The victims were protesting a series of legislative decrees issued by Peruvian President Alan Garcia under the pretext of powers granted to him by the Peruvian Congress to implement the US-Peru Free Trade Agreement. The legislative decrees threatened to open 70% of the Amazon to foreign companies, including oil, mining, logging and agricultural interests. Indigenous groups feared this would ruin the environment and destroy their way of life.



After the Bagua massacre, three Global Justice for Animals and the Environment protesters chained their necks to the doors of NY Senator Charles Schumer's office to hold him accountable for voting for the Peru Free Trade Agreement, despite warnings from Peruvian indigenous representatives that the Agreement would destroy their way of live and bring violence to their communities.

## MEXICO

According to Mining Watch Canada, "Important changes to the Mexican Constitution in anticipation of the North American Free Trade Agreement (NAFTA) resulted in the facilitation of land privatization and the entry of foreign corporations. One such change was the modification of Article 27, allowing for the sale of "ejido" land to private owners – government or third parties including foreign multi-nationals. Another was the Mining Law of 1992 which together with the Law on Foreign Investment allowed for 100% foreign investment in exploration and production. Article 6 of this Mining Law also stipulates that the exploration and exploitation of minerals will have priority over any other use of the land, such as agriculture or housing. The modifications also allowed for the participation of the private sector in the production of some minerals previously reserved to the government including coal and iron. "

On November 27<sup>th</sup>, community anti-mining organizer Mariano Abarca was shot in the neck, chest, and heart and killed in front of his house in Chicomuselo, a town in Chiapas, Mexico. Prior to his death, Abarca faced death threats, incarceration, and legal harassment for his opposition to yet another Canadian company, Blackfire Exploration. Community leaders argue that Blackfire's open-pit barium mine waste scarce water resources, and that pollution from the mine could effect their crop cultivation in the near future.



**Mariano Abarca:**  
Murdered Nov 27, 2009  
Anti-mining organizer in  
Chiapas, Mexico.

## WHAT YOU CAN DO

\* Write to Canadian Prime Minister Stephen Harper ; The Right Honourable Stephen Harper, Prime Minister of Canada, Office of the Prime Minister, 80 Wellington Street, Ottawa, ON, Canada K1A 0A2. Ask him to urge Canada's Parliament to pass C-300 on mining in the Canadian House of Commons, which would:

- put in place human rights, labour, and environmental standards that Canadian extractive companies receiving government support must live up to when they operate in developing countries;
- create a complaints mechanism that will allow members of affected communities abroad, or Canadians, to file complaints against companies that are not living up to those standards;
- create a possible sanction for companies that are found to be out of compliance with the standards, in the form of loss of government financial and political support.

\* Call, fax, or email your Senators and Representative. You can find their names and contact info at <http://snipurl.com/LegLookup> Ask them to:

- support the TRADE Act (HR 3012/S. 2821) in the US Congress, which will force the Central America Free Trade Agreement to be renegotiated to "allow each country that is a party to the trade agreement to adopt and implement 3 environmental, health, and safety standards recognizing the legitimate right of governments to protect the environment and public health and safety."
- co-sponsor H.R. 4759, a bill to provide for the withdrawal of the United States from the North American Free Trade Agreement or introduce a Senate version of the bill.

\* Start a Global Justice for Animals and the Environment (GJAE) chapter in your community or affiliate your community group with GJAE to fight free trade policies that undermine environmental protection. For details call or email our office.

\* Volunteer or intern with Global Justice for Animals and the Environment. Learn more at <http://gjae.org/?page=VolIntern> or by calling or emailing our office.

\* Donate money or supplies to Global Justice for Animals and the Environment. Mail checks to the address below. Make checks out to "Wetlands Activism Collective and write "GJAE" in the note." To donate online, visit <http://gjae.org/?page=Donation>

\* Learn more about mining, trade, human rights and the environment at Global Justice for Animals and the Environment's website, <http://gjae.org>.



GJAE activists and our allies in TradeJustice NY Metro expose Pacific Rim's attempt to strongarm El Salvador into allowing toxic mining near the nation's primary river and principal drinking water source.



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