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Mining Justice

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Thanks to Esther Epp-Tiessen for compiling this issue of the *Peace Office Newsletter*.

Introduction

by Esther Epp-Tiessen

n Honduras, a Mennonite pastor who heads an agency promoting stricter mining laws receives death threats and has to flee his country. In Guatemala, villages receiving Mennonite Central Committee (MCC) support for community development projects learn that a large Canadian-owned gold mine could expand into their region, threatening their way of life. In Democratic Republic of Congo (DRC), MCC partners report that foreign investment in mining has fuelled the conflict that has killed millions of Congolese in the past decade.

These realities have led Mennonite Central Committee Canada to embark on a major education and advocacy initiative called Mining Justice. The Washington Office of MCC U.S. and the United Nations Liaison office of MCC are also involved in addressing issues related to mining and resource extraction.

MCC does not know a great deal about mining, but we are learning. However, MCC does know something about community development and about partnering with people who are seeking to improve their lives. And it is because of the call of partners for justice that we have become involved.

Increasingly, MCC partners around the world are saying that mining and other forms of resource extraction are contributing to their suffering. They acknowledge that mining creates jobs and brings some economic benefits to countries and communities. But these benefits are often outweighed by high social and environmental costs. These partners say that mining displaces communities; destroys forest and agricultural land and homes; contaminates

water; contributes to conflict and violence; and often leaves long-term ecological damage in its wake. Frequently it violates the rights of indigenous people to free, prior and informed consent.

In the early 1990s the World Bank and the International Monetary Fund began to promote mining and resource extraction as strategy for countries in the global south to expand their economies and contribute to development. They supported more liberalized trade regimes, de-regulation of the mining sector, and the privatization of publicly-owned mining operations.

Canada has gained tremendously from this strategy and is now a world leader in mining. According to a 2008 federal government report, 75 percent of the world's mining companies are headquartered in Canada. Over 1000 Canadian companies are operating in over 100 countries.

The government of Canada actively supports Canadian mining investment in a variety of ways. Export Development Canada, a federal agency, provides loans and risk insurance to Canadian companies. The Canadian International Development Agency (CIDA) provides technical assistance and advice on regulating the mining sector. The Department of Foreign Affairs eagerly pursues investment treaties, such as free trade agreements, and its embassies provide diplomatic support.

Ordinary Canadians are implicated in the activities of Canadian mining companies, through their own purchases and investments as well as the activities of the federal government. The Canada Pension Plan is

Biblical principles that inform mining justice

These are the biblical principles that provide a Christian theological foundation for Mennonite Central Committee's work in Mining Justice. For an expanded version of these principles, visit http://ottawa.mcc .org/miningjustice.

Loving neighbour

(Matthew 22:37-40). Around the world the activities of Canadian and United States mining companies impact the lives of our global neighbours, often in harmful ways.

Living and acting justly

(Isaiah 5:7-9; Amos 5:11-12, Luke 11:42)

There are aspects of the mining industry, as it operates internationally, that represent great injustice.

Caring for the vulnerable

(Exodus 22:21: Deuteronomy 24:19-20, Luke 4:18-19) Indigenous people are marginalized in many ways. Mining companies often do not take sufficient care to consult with and abide by the rights and wishes of Indigenous peoples.

Stewarding creation

(Genesis 1; Psalm 24:1-2, Mark 4:1-10, 30-32) Mining is extremely detrimental to God's creation.

Making peace

(Matthew 5:9, 38-44) Around the world, mining operations frequently contribute to conflict and violence.

Bearing witness

(Matthew 5:14-16) One important way for Canadian and U.S. citizens to build mining justice for affected people, communities and the earth, is to engage in public witness to government.

significantly invested in resource extraction. as are many personal investment portfolios.

The issue of mining poses significant dilemmas for MCC and for Canadian and United States citizens who seek justice for people living in the mining-affected communities at home and in the global South. Complicating matters is the reality that some MCC partner groups want to put an end to all mining in their communities, while others simply demand that mining companies operate according to clear human rights and environmental standards. Within this complexity, MCC seeks to listen to, learn from and advocate with vulnerable people.

This compilation of articles constitutes an introduction to the complexities of the mining issue. The first group of articles outlines some of the problems. Francisco Machado describes the impact of foreign-owned mining in Honduras. Mike Salomons outlines the basic issues in Democratic Republic of Congo and Tanzania. Krista Johnson reflects on a recent trip to Tanzania, while Tammy Alexander describes a visit to

a coal mining community in Kentucky.

The next series of articles identify a variety of strategies for responding. Nate Howard and David Henry describe how local community development in Guatemala empowers villages threatened with mining expansion. Ian Thomson and Stefan Cherry outline efforts in Canada to bring about accountability for mining companies; Mary Stata does the same for the U.S. Harley and Sue Eagle write about the UN and the rights of indigenous people. Gary Hawton explores the issue of socially responsible investment and how it can be a tool to pressure mining companies to do better.

One of the sidebar items identifies the biblical principles that inform MCC's work on mining justice. We invite readers to further explore MCC Canada's Mining Justice campaign by visiting the campaign website: http://ottawa.mcc.org/miningjustice.

Esther Epp-Tiessen is peace program coordinator and policy analyst with Mennonite Central Committee Canada.

Mining and Human Rights in Honduras

by Francisco Machado

Introduction

Honduras is a small and impoverished Central American country of 112,492 square kilometers (43,433 square miles). It would fit about 15 times into the province of Ouebec or the state of Alaska. Honduras had 30 years of democratic governments until that was interrupted by a coup d'état in June 2009. The population is 7.5 million inhabitants, 60 percent of whom live in extreme poverty despite the fact that the country has sufficient natural resources. Seventy percent of the country is mountainous, with elevations as high as 2,850 meters (9,350 feet), and Honduras has coasts on both the Atlantic and Pacific Oceans. The proximity of the two seas to the mountainous terrain and the resulting rising currents of air produce frequent and intense rainfall, averaging 1200 mm. (47 in.) per year.

Minina

The metal mining sector provides 2 to 3 percent of the annual gross domestic product. But the negative impact of the mining industry is residual and cumulative. The Rosario Mining Company operated from 1883 to 1954 in the Valle de Angeles. Fifty-six years after the mining ceased the communities of San Juancito and Cantarrana live with ground and water that is still being polluted with heavy metals such as lead, iron, and manganese. These effects occur in many parts of the country. The rise of multinational mining companies does not seem to have changed the objective, but has simply modernized the systems of domination and methods of extraction. Maybe the Biblical writer is talking about mining company behavior in Revelation 11:18. "The nations were angry; and your wrath has come. The time has come for judging the dead, and for rewarding your servants the prophets and your saints and those who reverence your name, both small and great—and for destroying those who destroy the earth." (NIV)

Impact on Human Rights

The existence of corruption related to mining in Honduras is evident in the compromised legislative process and illegal authorization of environmental licenses. The result is mining operation systems that do not follow the minimal norms that are required of the mining industry by the environmental agencies of Europe, the United States, and Canada. The principle of "he who pollutes must pay" has not been applied to most mining businesses in Honduras. Instead they enjoy many privileges and act with impunity and get support from some of the environmental authorities who are supposed to supervise their activities. Many communities, such as San Andrés, Copan (Grinston Minera/Yamana Gold), Vueltas del Río en Santa Bárbara (Geomarque), Proyecto San Martín in the Valley of Siria, Francisco Morazán (Entre Mares/ Gold Corp), were not consulted before mining agreements were made. The people's right to self-determination was ignored and the mining industry was imposed on communities through corruption in some local authorities and their deceptive relationships with the mining firms.

A resurgence of Honduran gold fever happened immediately after the ecological and social disaster of Hurricane Mitch in

November of 1998. Only 28 days after the devastating hurricane, in the midst of the pain and mourning over the thousands of deaths and substantial economic losses to the Honduran population, the mining companies and their local partners managed to get the National Congress to reform the mining law and win a series of concessions. Many of those concessions were illegal and unconstitutional; in October 2006 the Supreme Court of Justice found 13 of the articles to be unconstitutional. But, incredibly, that law remains in effect despite the struggles of those groups that are directly and negatively affected, and of efforts by environmentalists and others that have been trying to change the law since 2000.

In conclusion, mining exploitation in Honduras violates a number of the provisions contemplated in the United Nations International Covenant of Economic, Social and Cultural Rights. It injures the environment and causes illness, poverty, death and destruction to human beings and to nature.

Francisco Machado is a community development worker with Agricultural Engineering and Masters in Planning and Development qualifications and an ordained Mennonite pastor from Honduras. He is currently living in the United States with immigration status of political asylum.

Francisco is a Honduran Mennonite pastor. Since about 2000 he has been at the forefront of a movement to reform mining practices in his country to protect people and the earth. In 2008, he fled Honduras because of death threats uttered against him for his work.

At the 2009 MCC Manitoba annual meeting where he was a speaker, one delegate noticed that Francisco. though married, wore no ring. He responded with the question, "Why do we need gold rings, when they cause so much suffering?" Later that evening, the MCC offering plate was found to contain the typical offering of cash and cheques-as well as two gold rings.

The Canadian Extractive Industry in Africa

by Mike Salomons

frica is a continent richly endowed with natural resources, especially minerals. These natural resources were a primary motivation for the "Scramble for Africa" in the 18th and early 19th centuries, and are also behind the current version of that scramble as trans-national mining corporations vie for control of Africa's nearmonopolies of world supplies of chromium, diamonds and platinum, and extensive reserves of cobalt, gold, manganese, bauxite, coal, copper, nickel and uranium.1

Canada is the largest foreign investor in the mining and metals sector in Africa, with more than 100 Canadian exploration and mining companies active in 37 African countries.² According to Natural Resources Canada, Canadian mining company assets in Africa have grown from \$233 million in 1989 to \$14.7 billion in 2008.3 Two countries with significant Canadian mining

investment are Tanzania and the Democratic Republic of Congo.

Mining in Tanzania

Tanzania's economic reforms and increased openness to foreign direct investment over the last two decades has resulted in a wave of foreign investment. Canada is now the largest foreign investor in Tanzania.4 The mining industry is the fastest-growing sector of the economy, and in 2008 accounted for over half of Tanzania's exports. Tanzania is currently Africa's third-largest producer of gold, after South Africa and Ghana. Diamonds and gold have traditionally been the largest areas of production, although there are also deposits of nickel, coal, tanzanite and uranium.

Three main criticisms have been leveled against foreign mining companies in Tanzania: they pay inadequate taxes and royal-

Notes for Salomons article

- 1. United Nations Conference on Trade and Development. "Transnational Corporations, Extractive Industries and Development: Implications for Policies." 17 October 2006.
- Innocent Madawo. "Canadians lead new Scramble for Africa." Northern Miner.
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- 3. Denis Tougas. "Canada in Africa: The mining superpower." 20 November 2008. Available at: www.pambazuka.org
- 4. Foreign Affairs and International Trade Canada website: www.international.gc.ca
- 5. Christian Council of Tanzania, National Council of Muslims in Tanzania, and the Tanzanian Episcopal Conference. A Golden Opportunity? How Tanzania is Failing to Benefit from Gold Mining. 2nd Edition, October 2008.
- 6. Barrick Gold Response re Golden Opportunity report. 18 November 2008: www .barrick.com
- 7. http://swahili.policyforum-tz.org/files/ripotiyabomani.pdf
- 8. http://www.pr-inside.com/tanzania-mining-report-q-r1143277.htm
- 9. Rev. Leonard Mtaita and John Magafu, Christian Council of Tanzania, numerous personal communications in 2007/2008.
- 10. http://www.leat.or.tz/activities/buly/
- 11. http://www.marketwatch .com/news/story/dj-barricktanzaniagold-mining-ops/story .aspx?guid={CA063FE2-835A-4E85-914F-5B9118A234C4} &dist=msr 2

(continued on page 5)

It is in the mining zones where locals have remained poor instead of being economically stable after the coming of foreign large scale mining companies,

—Government of Tanzania, Bomani Commission Report, 2008.

ties; human rights abuses include neglect of worker rights and displacement of people from their land without adequate compensation; and environmental damage.

In 2007, the Christian Council of Tanzania, the National Council of Muslims in Tanzania, and the Tanzania Episcopal Conference came together to investigate allegations of misconduct in the mining sector. One major conclusion was that Tanzania does not benefit enough from mining because tax laws are overly favorable to multi-national corporations.⁵ As a result of this report and other critiques, a panel headed by Judge Mark Bomani recommended imposing higher royalty rates and granting fewer tax breaks to companies, and to give the government a 10 percent ownership of all mines in Tanzania.

Barrick, a Canadian-owned gold mining giant with four mines in Tanzania, has resisted an increase in royalties. It argues that "Tanzania's fledgling commercial gold mining industry has generated jobs, taxes, royalties, training, health care, education, technology transfer, foreign exchange and a variety of other benefits" while it has yet to generate virtually any profits for the companies over and above their initial investment. Industry proponents also note that as a direct result of the Bomani report, AngloGold, Barrick and Resolute agreed to pay annual levies of US\$200,000 directly to local governments to be used for community projects in the areas where their mines were located, with an additional \$125,000 paid annually to an "empowerment fund" to finance national development projects.

The Bomani report also alleges that two companies-Canadian group Barrick and the South African firm AngloGold Ashanti which hold the vast majority of the mining rights and operating facilities in Africa, have systematically excluded local communities from the decision-making process, displaced local communities without adequate compensation, manipulated state and national politics, and mistreated workers. The Bomani report concluded that employees' rights and treatment were amongst the worst in the country in these two companies. Barrick even fired 1,370 workers in 2007 for demanding that the company honor miners' rights to medical insurance and other benefits which are company policy in other countries.7

Mining companies' adherence to safety and environmental standards in Tanzania has been characterized as abysmal.⁸ The Christian Council of Tanzania alleges that Tanzanian authorities illegally evicted community members in Geita to make way for an international mining company. Accounts of evictions at the Bulyanhulu mining fields included reports of people being buried alive. Local communities have also accused mining companies of dangerously polluting the environment. It is alleged that at one of Barrick's mining sites the tailings dam overflow is freely running into pastures and fields, and heavily contaminated waters are allegedly leaking into local water sources. Local materials are sources.

Mining in the Democratic Republic of Congo

The Democratic Republic of Congo (DRC) is one of the most mineral-rich countries in the world, blessed—or cursed—with vast deposits of cobalt, coltan, copper, diamonds, and gold. Foreign governments and companies have pursued the resources of the DRC since the Portuguese landed in the 14th century.

Following the collapse of Mobutu's government in the 1990s, foreign multi-nationals and governments rushed in to profit from Congo's mineral wealth. Mobutu's successor, Laurent-Désiré Kabila, signed numerous mining deals with multinational corporations. In fact, many of these contracts—primarily with Canadian and American firms—were signed months before Kabila's forces officially took control of the central government. After his assassination in 2001, his son and successor, Joseph Kabila, oversaw the first democratic elections in more than forty years. That spurred yet another wave of foreign mining investment in the country. Canadian firms have been particularly active, and are now the largest non-African investor in the mining sector.

It is widely believed that mineral wealth has fuelled and prolonged violent conflict in the DRC. There are numerous well-documented allegations of close connections between foreign mining companies and rebel and local militia groups. A UN Expert Panel Report on the DRC has found that "by contributing to the revenues of the elite networks, companies and individuals fuel the ongoing conflict as well as human rights abuses."¹²

International NGOs have documented extensive corruption, lack of transparency and lifethreatening labor conditions. These, and concerns over the lack of benefits to the general Congolese population, led a coalition of more than 100 international and local Congolese NGOs to demand that the government "renegotiate, revoke, or cancel" disadvantageous mining contracts. An inter-ministerial commission responded by recommending that all the reviewed contracts be renegotiated to increase the government's stake in the mines. ¹⁴

Conclusions

There is intense debate between supporters and critics of exploiting mineral resources to increase economic growth. Many developing countries want foreign companies to bring in the capital, technology and expertise to exploit their natural endowments. On the other hand, they are eager to reap maximum benefits from their natural resources and are reluctant to surrender economic rents from these resources to foreign companies. There are also concerns that the potential economic gains may be outweighed by adverse environmental or social implications. 15 This complexity is evident in Africa, where the success of Botswana contrasts sharply with the experience of Sierra Leone. 16 In theory, natural resources can facilitate development as revenues from these resources help

overcome (1) a low level of savings and (2) a shortage of foreign exchange. However, most mineral- and oil-abundant countries have performed worse in terms of growth and poverty reduction than resource-poor countries. Many are poorer today than they were 20–30 years ago. Resource extraction has also often been associated with social conflict and political instability.¹⁷

The links between natural resource extraction and development are neither automatic nor direct.¹⁸ Mineral resources can provide opportunities for development and poverty alleviation in mineral-exporting countries, but effort is needed to address the economic, environmental, social, and political issues relating to mineral extraction.

Mike Salomans is MCC co-representative for Tanzania.

Can Mining Ever Be Just?

by Krista Johnson

his past June I participated in the first leg of a Mennonite Central Committee (MCC) Africa Peacebuilding Learning Exchange. Five MCC staff from North America travelled in Africa with five MCC partners from the Democratic Republic of Congo, Zimbabwe and Tanzania. We visited with peace partners in a number of places and in Tanzania our focus was mining justice. We traveled to gold mines and met with the communities displaced and impacted by those mines.

Before we left I had an expectation in mind as to the story that would unfold when I visited mines and the communities that they were impacting in Tanzania. I thought I would find that the mines were displacing the communities, stealing from them, and disregarding their needs for the sake of profit. I anticipated the kind of simplified story that we have the luxury of expecting from afar. Of course the theme that soon emerged was about the complexity of the situation, the shades of grey and the recurring phrase: "It's just not that simple." In a week of traveling and learning we only began to scratch the surface of the complexity of the mining justice issue in Tanzania.

We visited communities of displaced people who had lost their homes and their livelihoods when the mines came, and we saw the fierce hope that they held, despite great odds, that the situation would change. We saw the sides of mountains that had been

sheared away to remove the precious minerals found within them. We visited mining companies that were utilizing creative technologies to harvest and collect water so they would not tap into or pollute local water sources. We saw a young boy whose skin was devastatingly damaged after he swam in a river downstream from a mine that was polluting the water. We visited a mine to which the Tanzanian government had furnished a paramilitary group to protect it from the local community; there were an undisclosed number of shootings and deaths each year. We saw community-relations staff at the mines whose job was sustainable community development and who supported projects very similar to the peace and development programming that MCC supports internationally. We saw mining companies that were held accountable to the environmental standards of the national governments where they operated, but who spoke about the local communities in a derogatory manner reminiscent of colonialism.

It was complex and it led our Learning Exchange group to reflect on the question: "Can mining ever be just?" As Christians we believe that God is calling us to work for justice and peace in our world, and all too often mining is deeply unjust. Should we advocate for the end of mining in these places? Should we live in the midst of the great complexity of this issue and work with such companies to improve mining practices?

Notes for Salomons article (continued)

- 12. UN Expert Panel DRC Report, S/2001/357, April 2001
- 13. "The curse of gold: Democratic Republic of Congo" (New York: Human Rights Watch, 2005), 67, www.hrw.org/ reports/2005/drc0505; "Breaking the Curse: How Transparent Taxation and Fair Taxes can Turn Africa's Mineral Wealth into Development." Open Society Institute of Southern Africa, Johannesburg; Third World Network Africa, Accra; Tax Justice Network Africa, Nairobi; Action Aid International, Johannesburg; Christian Aid, London. March
- 14. Maru Kimani. "Mining to profit Africa's people: Governments bargain for 'fair deals' that enhance development." Africa Renewal, Vol 23#1 (April 2009),
- 15. United Nations Conference on Trade and Development. "Transnational Corporations, Extractive Industries and Development: Implications for Policies." 17 October 2006.
- 16. Pedro, Antonio M.A. "Mainstreaming Mineral Wealth in Growth and Poverty Reduction Strategies." ECA Policy Paper No. 1, Addis Ababa: ECA, 2004.
- 17. United Nations Conference on Trade and Development. "Transnational Corporations, Extractive Industries and Development: Implications for Policies." 17 October 2006.
- 18. Resource Endowment initiative (REi) report.

The Resource Curse

"Resource curse" is the term coined to refer to the paradox that countries with an abundance of natural resources, particularly minerals and fuels, typically have less economic growth and poorer development outcomes than countries with fewer resources. Numerous studies have verified the existence of the paradox, including ones conducted by the UN Development Program, the World Bank, and Oxfam America.

Further Resources BOOKS AND ARTICLES

Abiodun Alao, *Natural Resources* and Conflict in Africa: The Tragedy of Endowment. New York: University of Rochester Press, 2007,

Roger Moody, *Rocks & Hard Places:* The Globalization of Mining. Nova Scotia: Fernwood Publishing, 2007.

"Extractive Industries: What's the Problem" is the topic of the second issue of 2010 of New Routes, which is a quarterly journal of peace research and action published by the Life and Peace Institute, Uppsala, Sweden,

ONLINE RESOURCES

Mining Justice campaign of Mennonite Central Committees in Canada. The website includes background material, case studies, a Sunday school series, etc. http://ottawa .mcc.org/miningjustice

Canadian Network on Corporate Accountability is a coalition of churches, non-government organizations, trade unions and other groups seeking government regulation of Canadian extractive companies operations overseas, MCC Canada is a member of CNCA. http://halifaxinitiative.org/content/ canadian-network-corporateaccountability-about

KAIROS: Canadian Ecumenical Justice Initiatives is the social justice coalition of the Canadian churches. MCC Canada is a member of KAI-ROS. http://www.kairoscanada.org/en/ecojustice/mining/

MiningWatch Canada is a pan-Canadian initiative supported by environmental, social justice, Aboriginal and labour organisations, addressing mining practices that are harmful to human, social and environmental health. http://www .miningwatch.ca/

AUDIO-VISUALS

La Mina. A 15-minute film that highlights what people in Honduras and Guatemala have to say about Canadian-owned mining operations. Available from MCC offices. Also viewable online at http://ottawa.mcc.org/stories/videos/la-mina

When we visited the mines we clearly stated that we were not experts on mining. However, MCC does know something about sustainable community development. What can we as MCC add to this conversation? How can we be proactive agents in working to making mining more just? How is God *call-*

ing us to act in relation to this difficult and complex justice issue?

Krista Johnson works in Akron, Pennsylvania, as Peace Program Coordinator in Mennonite Central Committee's Program Development Department.

Cheap Energy, Hidden Costs

by Tammy Alexander

had the opportunity to visit eastern Kentucky in fall 2009, up in the beautiful Appalachian mountains. While there, I met a man named Elmer, who had been a coal miner most of his life. Elmer had always dreamed of having a fish pond. So, over the course of several months, he did the research, built his pond, and brought in fish. Originally, he thought that his family would eat some of the fish they raised. But, in the end, he found that he couldn't bear to eat the fish he and his kids had played with.

One day, Elmer returned home to find that most of his fish were dead. Mining operations on a nearby mountain had poisoned the water leading to the pond. The coal company wouldn't take responsibility. Local and federal authorities did little to help. Even legal action has thus far not resulted in any compensation for his loss. And the water quality continues to be too poor to sustain fish.

Elmer spoke with a sadness and resignation that is all too common in this region. The ecological damage caused by mountaintop removal coal mining is obvious—forests destroyed, valleys and streams buried, mountain contours permanently changed, wildlife habitat lost. But there is also a significant toll on human communities.

Yet many who have faced injustices similar to Elmer are afraid to speak up for fear they (or family members) will lose their jobs, as unemployment is high and coal companies control most of the jobs in the region. And, with the unions long gone from this area, there is little protection or recourse.

This issue is often portrayed as a battle between coal miners and environmentalists. The irony is that, if environmental and public health regulations were stronger (and if the regulations that exist were more strongly enforced), there would be more jobs for coal miners and more protection for coal

mining communities. Mountaintop removal costs less, leading to bigger profits for coal company owners. But such strip mining operations also require significantly fewer miners than traditional underground mines and result in more private property confiscations, property damage, and water and soil contamination.

And, if protecting the health, economic security, and rights of the people of Appalachia isn't reason enough to care, consider that 25 percent of the water in this country starts out in the headwaters of the Appalachian mountains. On my last day in Kentucky, I saw the evidence of water contamination firsthand. A small stream coming down the mountain was bright orange in color—likely due to iron sulfides released by mining operations. The water ran behind a firehouse and then past a quiet neighborhood before dumping into a larger stream.

We all want cheap energy. But we have to realize that cheap energy comes with hidden costs. The people of Appalachia are losing their land, their sovereignty and their way of life. We are all losing an important source of clean water.

It is important that we live in ways that reduce the need for cheap energy. It is also important for U.S. citizens to let their legislators and the Obama administration know that the exploitation of Appalachian communities, the ravaging of our mountains, and the pollution of an important watershed is not acceptable and cannot continue. Visit washington.mcc.org for more information and to let your voice be heard.

This article is reprinted with permission from the Wider View section of Third Way Café (ThirdWay.com). Tammy Alexander is Legislative Associate for Domestic Affairs (Immigration, Environment, Health Care) in the Mennonite Central Committee U.S. Washington office.

Development At What Cost?

by Nathaniel D. Howard and J. David Henry

n 1999, with Guatemalan government support, Glamis Gold Corporation began preliminary work on an open pit gold mine in the San Miguel Ixtahuacan region of western Guatemala. In November 2006, Goldcorp merged with Glamis, and the Marlin Mine officially opened. That mine has been impressively profitable for Goldcorp. Its 2007 corporate annual report states that Marlin Mine produced 227,000 ounces of gold and 2.9 million ounces of silver for almost \$204 million in revenue and \$72.8 million in profits.

The chief benefits of the project to Guatemalans are employment of unskilled labor and tax revenue. A human-rights assessment of the Marlin Mine recently stated that in 2008 the producing mine provided 980 of its 1609 jobs (61 percent) to local residents. Based on the company's agreement with the Guatemalan government, one percent of proceeds stays in the country as taxes and royalties.^{2,3}

Nevertheless, since 2000, local indigenous farmers and townspeople have raised concerns about the health and environmental impacts of the Marlin Mine, including the controversial use of cyanide to extract the gold. Cyanide is highly toxic and can poison people through inhalation, ingestion, and skin or eye contact. Despite its toxicity, cyanide leaching is a frequently used mining technique because it is cheap and because it can glean gold and silver from low-grade ores. However, its use is controversial and caused Goldcorp to be removed from Canada's respected Jantzi Social Index for Ethical Investments in 2009.4

According to local Mam people, there has been inadequate consultation from the start. They worry that their water sources will be used up and contaminated, and they claim that mine operations have damaged more than 100 family homes near the mine—that claim was recently corroborated by a team of engineers from the Unitarian Universalist Service Committee. They claim that the mine has displaced families, contributed to serious skin rashes and other health problems, and fostered social conflict.5 Since the mine's inception, hundreds of clashes have been documented between opposing factions, some leading to loss of lives.6

Though the Marlin Mine has continued to operate 24 hours per day, local and regional

opposition has become a major concern for Goldcorp. The concern is not that operations at the Marlin Mine will be suspended, but that a moratorium on further mining exploration and development in the region might be imposed. To counter increasing opposition, Goldcorp has intensified its national public relations campaign to convince Guatemalans that its mining operations are good for all local communities. The human density of the Guatemalan highlands rivals that of Toronto or Vancouver,⁷ so many people would be affected by potential mining operations. Goldcorp argues that the economic gains of its mining operations outweigh environmental impacts, and that its operations are legitimate and promising economic strategies for Western Highland communities.

However, the growing number of complaints and local demonstrations against Goldcorp strongly suggests that the "Marlin scenario" is not the development alternative that many Mayan communities are seeking.

An Adequate Assessment?

The larger question beyond the Marlin Mine is why are exploitive extractive industries arising so frequently in less developed countries? And, we ask, what can be done to alter this pattern?

Why do we get operations like the Marlin Mine? We believe it is because of a simplified perception of reality. The Guatemalan government makes sweeping assessments concerning the economic potential of the Western Highlands based on the gloomy statistics it receives every five years about soaring child malnutrition and illiteracy rates. Its conclusion is that this region is a wasteland. So the government heeds the pitch of a foreign mining company whose emphasis is on super-technology and short-term gain.

In Goldcorp's simplified economic analysis of the Western Highlands, no value is given to the centuries-old Mam traditions that help thousands of families survive, no value ascribed to the numerous rare bird species and countless medicinal plants and traditional healing practices. No value is assigned to the abundance of natural springs, scenic volcanoes or cultural sites found in the area. If these ecological and cultural attributes are damaged as the Marlin Mine develops,

United Nations Efforts

At the global level, the United Nations is making progress on the business and human rights conundrum, In 2005, then Secretary-General Kofi Annan appointed Prof. John Ruggie as Special Representative on business and human rights. Ruggie's task was to clarify how businesses should deal with human rights questions. Three years later. Ruggie unveiled his proposed framework for business and human rights. which drew widespread support from human rights advocates, businesses and national governments.

Ruggie's framework sets out three major principles. (1) the duty of national governments to protect against human rights abuses by third parties, including business; (2) the responsibility of companies to respect human rights; (3) and the need for more effective access to remedies for victims of human rights abuses. Following the success of this reframing of the problem, the **UN Human Rights Council appointed** Ruggie for another three-year term to figure out how this framework can be "operationalized" and how governments, companies and human rights defenders can improve the human rights situation on the ground.

We will not sacrifice the health and well-being of our children, or our children's children, to the greed for gold.

—Augusto Ortiz Ramos, mayor of Sibinal, San Marcos, Guatemala

The people are investing their own resources and sweat, while learning,

Notes for Howard/ Henry article

- 1. Common Ground Consultants Inc., May 2010. "Human Rights Assessment of Goldcorp's Marlin Mine: Executive Summary": p.32
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how do we assess the loss? Many of these attributes cannot easily be assigned a dollar value, yet they are fundamentally important to the Mam culture, to the informal economy, and to the ecosystems of the highlands. When assets such as these are undervalued or ignored by government and industries, then a grossly incomplete analysis of the region's sustainability and economic potential results.

A more complete analysis is one that ascribes to things—animate and inanimate, nonrenewable and renewable, cultivated and natural—their inherent value. This perspective on God's Creation is repeatedly affirmed in scripture.8 The intrinsic value of land, creatures and culture is recognized; they have inherent value in and of themselves, and they should be viewed as sacred. God's view of Creation, Biblically expressed, is one of mindfulness of each creature's unique value. Whether human, sparrow, river or mountain, each Act of Creation is unique, and the Creator seeks out a relationship with each. It would seem then that the starting point for the use of any part of God's Creation should be to acknowledge its uniqueness and to build a respectful relationship with it.

Community-based Development

For the last four years, Mennonite Central Committee-Guatemala (MCC) has partnered with the San Marcos Catholic Diocese to develop a relationship with the Western Highland municipality of Sibinal where Goldcorp has a license for future exploration. MCC workers have come to know Sibinal as a radically beautiful landscape with vibrant human communities. Sibinal is a rich mixture of Mam cultures, land-based traditions, sustainable use of natural resources, and cooperative communities with considerable economic potential.⁹

MCC has been working with four local communities as they explore new economic prospects for the future. Consider la Vega del Volcán. The core of its community's vision for development is a trout-producing cooperative consisting of 37 associates, 18 of whom are fish farmers. The cooperative runs a fish hatchery, is building a tourist cabana, and has a business plan for the creation of an organic fish food business. The people are investing their own resources and sweat, while learning how to make technical, administrative and strategic decisions. The cooperative association envisions itself producing rainbow trout for local sale and consumption, raising trout fingerlings to restock

ponds for all Sibinal communities, and serving as a destination for tourists to come for a trout dinner before and after climbing the Tacana volcano. The community is engaged in a development strategy that utilizes available natural resources in a sustainable manner and where local efforts are valued and local people are the primary actors. This development has been incremental, complicated, largely unscientific and certainly not part of a corporate business plan.

Offering Better Alternatives

The expectation is that this type of community organizing and economic development will have a major impact on how communities in the Sibinal region respond to mining proposals in the future. Why would the people of la Vega del Volcán consider selling their natural springs and land to a mining corporation if they are using them for sustainable trout production and other agricultural enterprises? Why would the communities of Sibinal acquiesce to the destruction of the mountains and bird habitats that attract paying tourists to their villages?

If the rise of exploitive extractive industries is to be curtailed in less developed countries, the local people need a growing economy, with sustainable enterprises that they can develop and own and manage. They must organize, develop their vision, and experiment with their enterprises. Groups such as MCC can offer valuable encouragement, functional support and resource assistance.

It is quite possible that the Guatemalan government may ignore the objections and proposals voiced by local Mayan communities, and that the legal battles being waged over mining issues in Guatemala will continue. And so initiatives such as the MCC Mining Justice Campaign, organizations like Mining Watch Canada, and the draft Canadian legislation Bill C 300 are very important. Small, locally-owned and sustainable enterprises need not be sacrificed for exploitive resource development. Models for local development like those in la Vega are essential for success. Nevertheless, the campaign has not been won. It is intensifying here and the people's opposition is increasing, but so is the price of gold.

Nathaniel Howard is an MCC community development worker. He has lived and worked in the San Marcos region of Guatemala for the past four years. J. David Henry is a retired national park ecologist and author of several books on Canada's boreal forest and its wildlife.

Responsible Mining: Voluntary or Mandatory?

by Ian Thomson and Stefan Cherry

Live years ago, Parliamentarians in Canada identified a troubling gap in how Canada promotes and protects international human rights. In a June 2005 report to Parliament focused on Canadian mining in developing countries, the Standing Committee on Foreign Affairs and International Trade (SCFAIT) cautioned that "Canada does not yet have laws to ensure that the activities of Canadian mining companies in developing countries conform to human rights standards, including the rights of workers and of indigenous peoples." The committee recommended 10 actions that the federal government could take to begin to bridge this gap.

Unfortunately, the government at the time ignored most of the recommendations and chose instead to convene a series of national consultations on the issue involving relevant industry associations, non-governmental organizations (NGOs) and other experts.

Throughout 2006, the government hosted four National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Sector in Developing Countries. What emerged was a surprising consensus between players that are usually at loggerheads. NGO representatives and leading industry associations found enough common ground to reach consensus on 27 policy recommendations to government—an unparalleled breakthrough for groups that could agree on very little at the outset of the roundtable process.

Industry associations were ready to acknowledge that there were major challenges facing their companies—conflicts with local communities, high risks when operating in a war zone, and the failure of developing countries to harness mining-related revenue to advance development, amongst others—and that the status quo wasn't satisfactory. NGOs that had entered the process demanding binding legislation to regulate corporate activity overseas were prepared to accept a non-judicial framework as a first step.

The proposed Canadian CSR Framework would see Canada establish an extractive sector ombudsman who could investigate complaints and impose weak sanctions when companies were found to be non-compliant.

The roundtable recommendations were heralded as a major policy breakthrough as they were delivered to the government in March 2007. Expectations were high, not only in Canada but with people in developing countries who had been following the roundtable process closely. But nearly two years passed with no response from the federal government, which appeared to be squandering a golden opportunity to move forward with groundbreaking CSR policy supported by all stakeholders.

In February 2009, with still no government response, Opposition Member of Parliament John McKay prepared a private member's bill based on the "Canadian CSR Framework" developed by the Roundtables Advisory Group. Bill C-300, "An Act Respecting Corporate Accountability for Activities of Mining, Oil or Gas in Developing Countries" was tabled on February 9th, 2009.

Bill C-300 proposes to promote environmental best practices and to ensure the protection and promotion of international human rights standards with respect to Canadian corporations involved in mining, oil or gas activities in developing countries. It authorizes the Ministers of Foreign Affairs and International Trade to articulate CSR standards for mining, oil or gas activities and it proposes that the federal government make financial and diplomatic support to Canadian companies conditional on compliance with CSR performance standards.

In March of 2009, the federal government finally presented its own response to the National Roundtable process entitled, "Building the Canadian Advantage: A Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector." Both of these initiatives, the Bill introduced by Mr. McKay and the initiative introduced by the federal government, were informed by the National Roundtables. But they differ in a significant way. While Bill C-300 provides clear accountability mechanisms, the government's policy relies solely on voluntary compliance and offers no sanctions for non-compliance. The approach of Bill C-300 is more consistent with the outcomes of the Roundtables which were supported by diverse stakeholders, including private sector representatives.

The proposed Canadian **CSR Framework would** establish an extractive sector ombudsman.

What can you do?

The Mining Justice Campaign of the Mennonite Central Committees in Canada suggests the following:

LEARN

 Visit http://Canada.mcc.org/ miningjustice for more information. Sign up for regular e-mail updates.

REFLECT

- Dialogue with others. Look for common ground and the common good.
- Examine how our lifestyles depend on the mining industry.

PRAY

- Pray for people harmed by mining and for those dependent on mining.
- Pray that all of us connected to mining may live more justly.

ADVOCATE

- Support legislation that will hold Canadian and U.S. companies accountable to human rights and environmental standards.
- Encourage your federal government to sign on to the United Nations Declaration on the Rights of Indigenous People,
- Support socially responsible investment.
- Affirm mining companies that operate in just and communityfriendly ways.

Citizens of resourceendowed countries must benefit from the wealth in their land. As of this writing, Bill C-300 is still moving through the parliamentary system. Mennonite Central Committee Canada supports this bill because it will provide enhanced mining justice in two ways. It will ensure that Canadian companies comply with international standards. And it will offer a form of recourse for people in developing countries whose lives and land are harmed by Canadian mining.

Ian Thomson is Program Coordinator for Ecological Justice through Corporate Accountability of KAIROS: Canadian Ecumenical Justice Initiatives. MCC Canada is a member of KAIROS. Stefan Cherry is a former policy analyst with the Ottawa Office of MCC Canada.

Justice through Transparency

by Mary Stata

How the United States can help turn the resource curse into a blessing.

In a cruel twist of irony, more than two thirds of the world's poorest people live in countries that are rich in natural resources. Tragically, these countries' biggest potential for economic growth and wellbeing is often its greatest downfall. Rather than making prudent investments in health, education, job creation, and infrastructure, revenue from lucrative extractive industries is often mismanaged, diverted to the military, or swallowed up by corruption. Resource-rich countries, such as Sudan and the Democratic Republic of Congo, have experienced long and brutal conflicts that are protracted by the oil and minerals in their soil. While these resources did not start the conflicts, they prolong them. Often referred to as the "resource curse" or "paradox of the plenty," this phenomenon is widely documented and all too common.

In addition to weak and corrupt states, western governments and private enterprises also play a role in the resource curse. Extractive industries pay governments for the right to operate in their countries, and for the natural resources they withdraw. Oil, gas, and mining companies are not required to disclose the details of these payments at present. Plagued by mismanagement and shrouded in secrecy, this opacity encourages corruption and often foments dynamics of conflict rather than strengthening social services or encouraging democracy. Transparency of these payments is critical in order to provide citizens and civil society with the information to hold their governments accountable.

The United States maintains a unique position regarding extractive industries. Many of the top oil, gas, and mining companies are listed with the Securities and Exchange

Commission (SEC) and are required to file periodic reports. The SEC protects investors and regulates securities markets. However, it does not demand that companies disclose the payments they make to governments.

The United States' Congress recently passed legislation to promote greater transparency and accountability for oil, gas, and mining revenue. The Energy Security Through Transparency (ESTT) Act of 2009 requires that all oil, gas, and mining companies registered with the SEC publish the payments they make to governments. This bill covers 90 percent of the major internationally-operating oil companies. By publicly disseminating revenue information, citizens and civil society groups can hold their governments accountable for the monies they receive.

Further, the ESTT will not be a disadvantage to U.S. firms or markets. This regulation includes European, Canadian, and Australian companies, in addition to emerging markets such as China, Africa, Brazil, and Russia. The SEC's wide scope of regulatory activities clearly does not single out U.S. companies. The ESTT will be instrumental in setting a new international norm for transparency and accountability for the extractive industries.

Citizens of resource-endowed countries must benefit from the wealth in their land. Transparency contributes to better governance of resource wealth, which in turn spurs economic development. The ESTT is a critical first step for providing a stream of reliable revenue information that can be leveraged to promote accountability. This transparency can help restore a country's wealth, land, and security to its most important resource: its people.

Mary Stata is Legislative Assistant for International Affairs for the Washington Office of Mennonite Central Committee.

Mining and the United Nations Declaration on the Rights of Indigenous Peoples

by Sue and Harley Eagle

istorically, Indigenous peoples have been relocated when their traditional territories were found to have valuable natural

The Black Hills were stolen by the United States government just 9 years after the Fort Laramie Treaty of 1868 was signed; gold was found during an illegal foray into territory of the Lakota and their Indigenous allies.

The Ouje'Bougoumou Cree (Quebec) have been relocated at least seven times since 1927, due to collusion of the Canadian government and mining companies that wanted to get access to rich natural resources.

Within the last two decades, many Dine'h (Navajo) have been relocated to lands polluted with toxic waste, so that coal mining can take place on traditional Dine'h lands which were never ceded to the United States.

Mining companies in Canada and the U.S. are required to consult with Indigenous peoples before beginning exploration or extraction of minerals when their lives stand to be impacted by the mining activity. The term "consultation" gives the impression that local people have input and their needs and interests related to land use are weighed in a decision. In many cases companies and governments spend some time taking statements, which they weigh as less important than the company's profit, jobs provided to predominantly non-Indigenous people, and the promise of increased government revenue through tax dollars.

Indigenous communities want free, prior and informed consent on the use of their land by the mining companies, and they expect government assistance in protecting the health of the land.

As the Chiefs of the Innu Strategic Alliance emphasized regarding potential mining activity by Labrador Iron Mines, Ltd. in June 2010, "We are open to constructive dialogue with the governments and the companies as long as our cultural, economic, social, environmental and spiritual aspirations are respected. We are not against all forms of development of the territory but we are against all development held without our consent."

Indigenous peoples have an important document to assist them in having a greater voice regarding mining activity on their lands and territories. In 2007 the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted. If the Declaration were to be effectively implemented by UN Member States, it would result in significant improvements to the lives of the more than 370 million Indigenous peoples who are often among the world's most impoverished and oppressed peoples.

However, Canada, the United States, Australia and New Zealand voted against passing this Declaration in 2007.

In early 2010 the Canadian government announced that it would take steps to endorse UNDRIP in a manner consistent with Canada's Constitution and laws.

The laws and Constitutions of Canada and the United States are not consistent with the need for collective rights of Indigenous nations. They have not protected Indigenous nations from being separated from their traditional lands, or ensured that they are a part of all decisions that directly affect them and the lands that should be theirs by treaty.

The United States of America announced in April 2010 at the United Nations that it is reviewing its position on the Declaration, and New Zealand and Australia, like Canada, have also announced their willingness to give "qualified" approval to the United Nations Declaration on Indigenous Peoples.

While it is encouraging to hear of possible shifts in the attitudes of the nations who formerly refused to sign on to the UNDRIP, nothing has yet changed. To give qualified approval means that a country is not intending to hold itself fully to this international document that Indigenous peoples have worked more than two decades to create.

Mennonite Central Committee Canada has written several letters to the federal government requesting that Canada sign on to the UN DRIP without qualifiers. We wait with cautious optimism to see what transpires.

Sue and Harley Eagle are Co-coordinators of MCC Canada's work with Indigenous people.

Indigenous communities want free, prior and informed consent on the use of their land, and they expect government assistance in protecting the health of the land.

Mining and **Indigenous People**

Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitations of mineral, water or other resources.

-Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

We are a country with an Aboriginal heritage. A growing number of states have given qualified recognition to the United Nations Declaration on the Rights of Indigenous Peoples. Our Government will take steps to endorse this aspirational document in a manner fully consistent with Canada's Constitution and laws.

-Michaelle Jean, Governor General of Canada, excerpt from Speech from the Throne, Spring 2010

Socially Responsible Investment: Linking Values with Personal Investments

by Gary Hawton

Meritas Mutual Funds is an investment company that offers Socially Responsible Investments (SRI) to Canadians through their choice of financial advisor. The challenge has been how to construct a socially responsible investment portfolio that included extractive industry shares that would appeal to Canadian investors as prudent.

In my opinion, not enough Canadians care about this issue. Often, the majority of investors just follow the lead of their financial advisor. That advisor typically has a number of favorite mutual funds that he/she recommends. Little time is spent to learn what companies are actually owned within those mutual funds, and whether their practices reflect the values and concerns of the client.

But investors need to ask what is the cost of their retirement income, especially when mining and energy companies are held within the portfolio? What good is 8 percent return if Canadian lakes are polluted to achieve it? Is an 8 percent return good enough to justify the displacement of thousands of villagers in the country where the mining happens? Will the 8 percent earned be enough to calm the conscience if others half way around the world have worked for pennies a day in mines?

These questions matter because the mining and energy sectors in Canada are a large part of the economy, and they represent nearly 40 percent of the stock market. Eventually, SRI fund managers end up with nothing to buy if they look for perfection. Instead, we use something called Best of Sector (BoS) analysis to choose good companies that operate within industries where it may be hard to be seen as good at all.

Jantzi-Sustainalytics, a research provider, has trademarked the BoS approach and applies it as they research companies and industries. This approach is consistent with the underlying philosophy and goals of the social investment movement. Instead of eliminating entire industries from investment eligibility, the BoS model provides an incentive for companies to improve their social and environmental performance. Companies understand that they will have access to "social capital" if their social and financial performance reaches certain standards.

In assessing a company's social and environmental performance, the BoS approach is applied in the areas of health and safety and environmental impact. Under this framework, analysts measure a company's social record against the best practices of industry counterparts. Thus, a company within the extractive industry sector is not expected to completely eliminate all negative environmental impact, but is measured against best practices in its industry. The BoS analytical model allows fund managers to manage a diversified investment portfolio across all sectors of the Canadian economy.

One part of BoS analysis is the concept of Free, Prior and Informed Consent (FPIC). This calls on companies to provide all the necessary information to those to be impacted by a new mining site prior to beginning any work.

Meritas Mutual Funds also encourages social investors who adopt a BoS screening methodology to become active shareholders. Social investors can use their voices as shareholders to call on companies to improve their practices.

Stockholders can ask for an annual report and see what they actually own. They may be troubled when they realize that they profit from a particular company's activities. The next step is to ask the fund company, through one's financial planner, what the fund manager is doing to address the troubling aspects of those companies. At Meritas, for example, we engage approximately 60 companies a year in conversations about practices that we would like to see improved.

If concerned investors find that their financial advisor gives reasons that he or she cannot do this, or reasons that one should not care about SRI, it may be time to find a new advisor (even if the advisor is a good friend, cousin, neighbor, or small group leader at church). Investor values and concerns certainly are reflected in how one lives. Why not align investments with values rather than having them work at cross purposes?

Gary Hawton is president of Meritas Mutual Funds, www.meritas.ca, and works in Kitchener, Ontario.

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