MINING CONFLICTS IN LATIN AMERICA

Impacts of mining versus the rights of local communities

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Una gestión social con proyección sostenible significa aprender a construir en el presente, para darle valor a nuestro futuro.
BACKGROUND
INTERNATIONAL DEVELOPMENTS

• Increased demand for mineral products
• Increase of mining investment throughout Latin America
  ‘Traditional’ mining countries: Bolivia, Chile, Peru
• ‘New’ mining countries: Colombia, Guatemala, El Salvador (often ‘post-conflict’ countries)
• Growing anti-mining movement
• Increasing attention for ‘responsible social investment’ (irresponsible mining) in Northern countries
  (not so in newly industrializing countries).
IMPACTS/CONFLICTS, CAUSES AND TRANSFORMATION
IN GENERAL

- Social impacts precede environmental conflicts (environmental conflicts from a social perspective)
- Mining conflict: much more than environmental conflict
- Impacts/conflicts: distinguish between (A) exploratory phase and (B) exploitation phase (project is fait accompli)
- Focus on underlying causes of frequent conflicts
- Perspectives/responses of affected communities changes over time (communities are never a unified front)
- Look for avenues for conflict transformation (organizational responses by affected communities)
CONFLICTS IN EXPLORATORY PHASE
IMPACTS

- Issue of participation in decision-making (EIA & FPIC)
- Informal land tenure > land evictions > displacement (Guatemala and elsewhere)
- Social tension > disruption of social organization > governability
- Ignoring traditional authority (e.g. indigenous peoples)
- Violent conflict > militarization > threats, assassinations by security forces / right-wing militia (Guatemala, Peru)
- Conflict becomes intertwined with armed conflict (Col.) > selective killings, massacres, forced displacement
CAUSES

- Inadequate legislation (not in line with international standards)
- Weak institutional capacity (authorities)
- Lack of democratic culture / accountability
- Authoritarian regimes (criminalization of social protest)
- Government delegates State responsibilities to companies
- Companies only pay lip service to CSR standards
- Companies: unease in dealing with social issues (formalistic approach)
COMMUNITY RESPONSES

• PERSPECTIVE: PREVENTING THE MINE OR OTHER PROJECT FROM GOING FORWARD
• Previous cases: there may not have been resistance
• Negotiating agreements with company (Bolivia: case of Guaraní with Repsol)
• Making claims to participation in official decision-making procedures
• Outright rejection of mining: community consultations as a political statement
• ALWAYS THERE ARE ALSO PEOPLE IN FAVOUR
CONFLICTS IN EXPLOITATION PHASE
IMPACTS

- SEE PRESENTATION OF MARIA & CLEMENTE
- Generally: diminishing livelihood resources
- Loss of access to land and territorial integrity
- Water contamination & competition for water
- Increase in economic differentiation (monetization), affects social cohesion
- Cultural disintegration (e.g. indigenous peoples)
- Inadequate benefit-sharing arrangements / management
- Increasing frustration and social unrest
CAUSES

- Weak institutional capacity (authorities)
- Deficient (prior) environmental and social impact assessments
- No environmental monitoring, evaluation and sanctioning of mining operations
- Monitoring functions delegated to companies
- Lack of access to justice / non-judicial grievance mechanism for communities
- Weak community organization (divided communities)
- Weak civil society backing
COMMUNITY RESPONSES

• PERSPECTIVE: REMEDY AND REPARATION TO AFFECTED FAMILIES AND COMMUNITIES
• Individuals, groups, communities affected by are seeking remedy: apologies, restitution, rehabilitation, financial/nonfinancial compensation, punitive sanctions (criminal/administrative), guarantees of non-repetition
• Political mobilizations for non-judicial remedy
• Judicial remedy (international/national lawsuits)
• ALWAYS THERE ARE ALSO PEOPLE IN FAVOUR
AVENUES FOR CONFLICT TRANSFORMATION
What can be done?

• Governments in South: bringing legislation and policy in line with international standards, institutional reform
• Governments in North: import requirements, demanding transparency and due diligence practices (EU and conflict mineral scheme)
• Companies: self-regulation, adhere to voluntary principles and standards, implement compliance mechanisms
• Consumers / concerned citizens: public pressure (‘blood on your mobile phone’ campaign), consumer action (example of ‘blood coal’ campaign)
Vuile kolen voor Nederland

Moordaanslagen, landonteigening, luchtvervuiling: Colombianen lijden onder de winning van steenkool die in Nederlandse centrales wordt verbrand.
Thank you for your attention