

## **Ecuador's Future for Canadian Transnationals An Exchange of Indigenous Perspectives**

<http://upsidedownworld.org/main/content/view/1871/49/>

By Jennifer Moore  
May 20, 2009

***“The sorrows are ours; the cows are not.”***

**Translation of a lyric written by Atahualpa Yupanqui (born Hector Roberto Chavero; died 1992), an Argentinian Communist exiled to Paris and who lived out his life there. The original Spanish is *“las penas son de nosotros, las vaquitas son ajenas.”***

“Welcome to the future,” says the sign behind the gated area where Vancouver-based Corriente Resources is developing an open-pit copper mine in Ecuador's Southern Amazon. Bumping along in the back of a pick-up truck on her way to visit one of several communities slated to be displaced by the project, the idea that the future is fenced off with restricted entry for local communities that have lived on the land for years, even generations, hit home for Anne Marie Sam.

From the Nak'azdli First Nation in central British Colombia, Sam is one of two indigenous representatives who visited communities affected by Canadian-financed mining activities in Ecuador earlier this month. “We don't even want Canadian companies in our territory, so we don't blame Ecuadorians for not wanting them here either.” The Nak'azdli Nation opposes a proposed gold and copper mine on their territory that they have determined “would not strengthen them as a community” which includes about 1,700 members.

The trip was a critical response to President Rafael Correa's recent invitation to the Canadian Embassy to help delegitimize the position of various indigenous leaders who are critical of his mining policy. The Embassy is still responding and will soon host a second delegation of indigenous leaders. This most recent visit was coordinated by the Quito-based Pachamama Foundation in cooperation with the Confederation of Indigenous Nationalities of Ecuador (CONAIE).

The CONAIE has criticized Correa for continuing with World Bank-backed policies to substitute the country's dwindling oil reserves with metal extraction. Ecuador has been an oil producer for more than forty years, but no large scale mining project has yet entered production here. The CONAIE is worried about possible impacts on both water and local livelihoods. They further argue that indigenous peoples and other affected communities should have the right to consent over what projects take place on their lands or territories. A position substantiated by international law.

However, Correa is unequivocally opposed to local communities having “a veto” over what he sees as a matter of national interest. He calls his critics “infantile environmentalists” and the “greatest threat” to his political project.

Coming from Canada - the world's principal source of financing for global mining activities – Robert Lovelace, a leader from the Ardoch Algonquin First Nation in Eastern Ontario, says his experiences in the Andean nation reveal that indigenous communities in both countries “share a heck of a lot in common.” Not only does Canada have its share of environmental disasters from extractive industry and

not uphold the right to consent for indigenous communities, it also lags behind Ecuador for not having ratified international conventions that recognize these rights including the American Convention on Human Rights, Convention 169 of the International Labour Organization and the UN Declaration on the Rights of Indigenous Peoples.

“We need to see much more of each other and we need to compare notes,” Lovelace says. An ongoing relationship, he believes, could be mutually beneficial. “When people in Ecuador stand strong,” he says, “it also helps us because it tells the mining companies that nobody is going to take the stuff that they've been giving out regardless of where they are.”

### **Canada's Glowing Reputation**

While Correa hopes that indigenous leaders invited by the Canadian Embassy will drown out the CONAIE's criticisms, the recent visit by Sam and Lovelace revealed that Canada's story is not as harmonious as Correa would lead Ecuadorians to believe.

“[Canada] has understood how to respect and benefit its ancestral peoples,” said Correa during a national radio address. The first people to benefit in Canada from mining, he added, “are the ancestral peoples.”

But Lovelace, speaking during two events in Quito which included members of Ecuador's Constitutional Court, the Ministry of Mines and Petroleum and an international group of lawyers, called Canadian mining a “two fold problem: for us and the rest of the world.” He insisted that within Canada it has to be seen within the context of colonialism and poor regulation.

The firm but soft-spoken leader explained that indigenous peoples are the most impoverished group in Canada, with high rates of suicide particularly for those who have lost their traditional ways of life, and that they have suffered official attempts to destroy their social and cultural fabric leading to rampant addictions and many broken homes. This, he explained, is a cost of the extractive and commercial mindset with which Canada was founded and continues to operate.

Lovelace has been opposing a proposed uranium mine on Ardoch territory, and shared his experience about how his community was sued for \$77 million dollars by Frontenac Ventures and about his three and a half months in jail as a result of efforts to prevent mining activities on their lands.<sup>1</sup> Radioactive contamination of lakes and rivers from uranium mining, occupational health hazards, and the uses of uranium for nuclear energy and arms are a few reasons why they do not support the mine.

Speaking to the national press, he added that the proliferation of Canadian mining companies can be explained by the fact that “we don't have tough rules” and have poor infrastructure to enforce the rules that we do have. The Toronto Stock Exchange (TSX) lists almost 60% of mining companies worldwide with over 1,400 projects in Latin America and more than 8,000 around the globe.<sup>2</sup>

He thinks stronger regulation, backed up by good monitoring and enforcement, should be “the cost of doing business for companies that are invited into other countries and invited onto indigenous land, as a bare minimum. Canada has to acknowledge that and do that because it is immoral not to.” The United Nations Committee on the Elimination of Racial Discrimination (CERD) has also urged Canada to develop such legislation.

But Canada has been reticent. It took the government four years to respond to parliamentary recommendations to strengthen its mining legislation for extractive industry abroad, and its recent decision reinforces voluntary guidelines rather than tightening regulations.

Interestingly, Ecuadorians from the northwestern valley of Intag recently launched a lawsuit against the TSX with the objective that the case will help lead to stronger regulations in Canada. Inteños have broadly opposed open-pit copper mining for over twelve years, but this has not stopped current project owner Copper Mesa Mining (formerly Ascendant Copper) from trying to use forceful means to try to reach its concessions. The TSX was warned before the company was listed that further financing could lead to human rights violations and violence in the valley.<sup>3</sup>

### **The Environment, an Afterthought**

However, Correa would have Ecuadorians believe that TSX-listed companies who are irresponsible, well, they are simply not Canadian. “Be careful!” he has warned on national radio. “There are some companies that try to pass themselves off as Canadian because they trade on the Canadian stock market, but they're not Canadian. Canada has strict, very strict, environmental requirements.”

But the Canadian public does not even know how much pollution mining operations have generated.

Only several weeks ago, the Federal Court released a “strongly worded decision” ordering the Canadian government to “stop withholding data on one of Canada's largest sources of pollution - millions of tonnes of toxic mine tailings and waste rock from mining operations throughout the country.”<sup>4</sup> Indicating the strength of Canada's mining lobby, it has taken sixteen years since the National Pollutant Release Inventory was created for the sector to be held to the same reporting requirements as every other industrial sector.

When Anne Marie hears a question translated for her from an audience in Quito: “Mining companies say that their projects will be clean, that they won't have serious environmental impacts, what do you think?” she laughs at the coincidence. “We hear the same thing,” she remarks. “But the question isn't whether a company will contaminate our water, it's when.”

Given the industry's track record in her home province, Anne Marie's nation has not been swayed by company promises that environmental impacts will be mitigated. A recent press release from the Nak'azdli Nation states, “There are close to 2,000 abandoned or closed mines in BC and two thirds of them are still polluting the land and water.”<sup>5</sup>

So, when the Nak'azdli First Nation was approached by Terrane Metals to develop a gold and copper mine on their lands at the headwaters of the Peace River watershed, they did not jump at the opportunity for an agreement with the company. They did, however, take the chance to do some of their own investigations and accepted the company's offer of \$150,000 CDN without promising any further agreement.

Anne Marie was appointed to study the issue.

“Our elders advised us not to focus just on the economic aspect, but to also seriously consider the social and cultural implications,” she said.

With the company funds, they hired their own experts and examined the social, cultural, economic, environmental and legal ramifications of the project put together in what she calls an “Aboriginal Interest and Use Study.”

They concluded that they could not support the project. Even when they hit a period during which many of their members were without work, they determined that the kinds of jobs they could qualify for based upon their education and experience – cleaning, cooking and construction – did not outweigh

the impacts.

Their disapproval has not stopped the company from seeking other nearby First Nation communities that would accept the project. Nor did it stop the provincial government from recently approving the company's Environmental Assessment despite not having consulted the Nak'azdli Nation. However, it has been a key tool in their resistance.

It is a challenge because “time is not on the side of First Nations when it comes to a mining project. It's always the timeline of the company.” But, she laughs, thinking about the time it took to read through the 6,000 page environmental assessment that the company provided and in which they found many weaknesses, “if I didn't read [the study], I wouldn't be able to tell you this story.” Education and communication, she says, “are key.”

### **Sorrow is Ours, the Cows are Not**

The newly elected Prefect of Ecuador's southernmost Amazonian province, Salvador Quishpe, welcomed the Canadian delegation to their final event in El Panguí. The Condor Mountain Range stretches along the eastern horizon of this steamy jungle town situated near some of the most contentious mining developments in the country.

Whereas Bob Lovelace contextualizes Canadian mining in terms of colonialism, Quishpe frames Ecuadorian mining around twenty five years of neoliberalism that he says continues despite Correa's slogan “Our patrimony belongs to all.” He jokes for a moment: “the Canadians came along and said, “Belongs to all, eh?” “Hey, that's good, then that includes us too!”

Quishpe reminded the 400-strong crowd that UNESCO has declared part of the Condor Mountains a World Biosphere which has over 48 distinct ecosystems and is one of the highest priority areas for scientific research in the neotropics. He also reminded the audience that vast stretches have been claimed for mining exploration and that the principal concession holders are Vancouver-based Corriente Resources and Toronto's Kinross Gold.

He observes that the industry's principal proponents - the Ecuadorian representatives of Canadian transnationals - are in large part former officials from the Ministry of Mines and Petroleum. So, he remarks, the same people who helped institute the neoliberal framework for mining in the 1990s are now sitting on top of some of the best deposits of gold and copper. “It is ultimately the companies, not the government, who makes mining policy in this country,” he concludes. “And while it's a mortal sin to say it,” he continues, “mining should be nationalized.”

Having recently been called “an enemy of the government” and a “dumb leftist” by Correa, Quishpe adds, “We are not against development.” Rather, he emphasizes, his province needs proper planning with strong participation. He proposes at least one industry – tourism - that he plans to promote during his upcoming term in local office. “We want development for the well-being of our peoples, not so-called development by which a transnational company takes away our riches for itself.”

Sam has a similar comment. “Our community has always said, we're not against development. But we need to have a say in what development happens in our area and where, and right now we're not being given that opportunity.”

### **The Waterkeepers**

As the event wraps up, Anne Marie hands Salvador a card. She explains that the image of a red and

green frog was drawn by an artist from her community. The frog represents the waterkeepers, she says, and Salvador is a water defender just like she and the rest of her clan from the Nak'azdli First Nation.

“Coming here has opened my eyes to how connected we are,” says Sam reflecting on the visit shortly later, “and how similar the fight we have to protect the land and the connection [we have with the land] whether indigenous or not.” She thinks about El Pangui's struggle at the headwaters of the Amazon, and recalls her own at the headwaters of the Arctic. “What we need,” she says, “is a stronger role for indigenous people that is not after the fact or after claims are made on the land.”

In British Columbia, she says they are using new technology that enables helicopters to identify and take images of what minerals are in the ground just by flying over their territories. “Instead of this information going direct to the internet so that people can begin staking claims,” she says, “the information should go to First Nations first. And then we can decide if we want to do small scale mining, or if we want to do something else because open pits are not a nice site to look at and a recreational lake in an open pit (which is what the Terrane Metals promises to leave behind in her territory) isn't an ideal situation for us.”

Robert Lovelace also believes that a much more meaningful participation is necessary. He describes it as a spectrum that usually begins with information sessions or token consultations. “Consultation,” he explains, “is still a form of tokenism because to consult with someone does not mean that you're going to agree with them or even take their advice into account especially when there's a power differential, whether based on capital or politics.”

“But when the values of each of the parties are truly recognized,” he says “and we look at consensual partnerships where both parties are able to give consent, then if one party can't give consent, a project or development doesn't go ahead. But that's honest partnership.”

“As long as the power of First Nations are recognized then they may assign their authority to a corporation or a level of government in order to facilitate something happening. But that's their choice, they're not being forced or imposed upon to do that. The last stage is true self-governance. That's having full authority to choose to move forward with development or not, or to choose another future altogether.”

While it has yet to be seen what the Canadian Embassy's upcoming delegation will share with Ecuadorian's, it will most definitely get broader coverage from the Ecuadorian press. As well, one can be almost sure that free, prior, and informed consent; recognition of the inherent rights of indigenous peoples; and the possibility of different futures other than the Canadian-owned, open-pit and underground mines envisioned for El Pangui, Yantzaza, Intag, Victoria del Portete, Molleturo, Ponce Enriquez, and many other parts of Ecuador will not be up for discussion.

#### **Notes:**

1. For further detail see: Justin Podur, “Canada's latest political prisoners”  
<http://www.zcommunications.org/znet/viewArticle/17019>
2. 2007 figures based upon the Toronto Stock Exchange's Mining Presentation
3. For more information see <http://www.ramirezversuscoppermesa.com/index.html>
4. Press release “Court victory forces Canada to report pollution data for mines” available at  
<http://www.commondreams.org/newswire/2009/04/24-0>

5. Press release “Proposed BC mines cannot proceed without Nak'azdli First Nation” available at [http://www.rightsaction.org/articles/Nakazdli\\_abuse\\_031909.html](http://www.rightsaction.org/articles/Nakazdli_abuse_031909.html)