

# **Protecting Your Community**

**From Mining and Other Extractive  
Operations**

**A Guide for Resistance**

**2d Edition - 2016**

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## Supplement (Separate Volume)

Resources

Organizing Tips

Avoiding Burnout

Using Media

# Introduction



Mining and other extractive industries are among the most destructive activities on the planet, especially for indigenous and farming communities. With large-scale mining, enormous quantities of earth and subsoil are processed and unimaginable quantities of water are used and huge quantities of toxic material are left. The impacts can last several lifetimes, or centuries. Cultures and community life are so disrupted that it can take generations for them to recover. These industries, often with the collusion of governments, have perpetrated grave human rights abuses and sometimes obliterated entire cultures. A 2015 study shows that catastrophic mine waste failures worldwide are increasing in frequency and severity.

NOTE: Less destructive mining operations do exist, but they are rare.

When a mining or other extractive company visits your community, you can expect nice talk and wonderful promises of benefits to the communities and about how much better modern mining is. They don't mention the immense environmental destruction, nor the depletion and contamination of aquifers and surface water, nor what happens to communities and the local economy.

To governments, companies offer visions of huge revenues from royalties and other sources, but don't mention the environmental and social wasteland they leave behind and the financial burden of rehabilitation. And they don't mention that for most developing countries, dependence on extraction has brought impoverishment and economic stagnation rather than prosperity. With good reason, the term "Resource Curse" is used to describe the impacts on those unfortunate regions which are rich in resources.

The primary interest of extractive industries is profit. Benefits to the local population and protection of the environment are not very important to them and are provided to the minimum extent possible, and then usually only under pressure. Too often, local jobs are few and very temporary, corporate funding for healthcare or education dries up after the mine closes, ecosystems are left in permanent ruin, and community divisions are irreparable.

Resistance to extraction projects is growing worldwide. Resisting is hard work, but the consequences of allowing mining are generally much worse.

***Resistance to mining is growing worldwide. Although extractive companies are powerful, they are also vulnerable.***

**SUCCESS IS POSSIBLE!** Although extractive companies are powerful, they are also vulnerable. There are ways to stop them or to minimize the damage they cause. It requires hard work and persistence, but the reward is the continued good health of your community and your environment, and continued enjoyment of life.

## About this guide

This guide is intended for leaders and organizers who can work with communities to carry out local actions, and who can also work at the regional, national, and international levels. It describes aspects of the mining process and the dangers your community faces when mining companies seek to operate in your community (Sect. 1), the many strategies you can use to fight back (Sect. 2 and Appendices A and B), examples of successful resistance by communities who fought back (Appendix C), and helpful resources in a companion volume (Supplement). Our hope is that with this guide, you too can succeed in protecting your community against these dangers.

*This guide is not only for mining.* Most of the tactics and countermeasures described herein apply equally well to other extractive and exploitative activities: oil, gas, logging, various polluting industries, and large hydroelectric dams. Most activities proposed by large corporations, although they promise benefits, ultimately devastate local communities and their surroundings. If your community is targeted, it is essential to organize and resist.

*Acknowledgements:* The material in this guide draws on the experience of several experts on mining and its impacts, particularly principle author Carlos Zorrilla. The guide came about because he realized that other communities around the world could benefit from the knowledge and experience that he and his colleagues gained while fighting to keep his area from being destroyed by mining companies.

Examples of successful resistance were provided by Dr. Beatriz Rodríguez-Labajos (Universitat Autònoma de Barcelona), who administers a valuable database of mining and other conflicts. We are also grateful to the colleagues and friends who helped with research, who provided photos and information, and who helped fund it. Special thanks to Jennifer Moore, Payal Sampat, and Shreema Mehta for their valuable reviews, to Anne Becher for translation and editing, and to MiningWatch Canada for hosting the guide and providing related materials on their website.

This edition is an expanded version of the guide by the same name that was published by Global Response in 2009 and used worldwide, whose authors included Paula Palmer in addition to the present authors.

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*Please give us feedback.* We welcome any comments, suggestions or corrections that you think can be helpful. Please send them to [mining-guide@riseup.net](mailto:mining-guide@riseup.net). Thank you.

*To download* this guide, go to [www.miningwatch.ca](http://www.miningwatch.ca), select “publications,” and search for “protecting your community” (with quotes). The Supplement is available there as well.

*For copies,* write [mining-guide@riseup.net](mailto:mining-guide@riseup.net).

# 1. About Mining

## 1A. Definitions

- **Artisanal mining:** small scale mining typically performed by individuals or small groups. It can be either alluvial or underground mining.
- **Greenfield mining:** mining in a previously undisturbed area.
- **Brownfield mining:** the expansion of mining in an already mined area.
- **Open pit mining**, also called **open cast** or **open cut:** This is the most destructive form of mining. In this large scale method, huge quantities of earth and rocks are removed and processed to extract the valuable materials, and the remainder is dumped. It leaves an enormous hole in the earth. A variation of this is **mountaintop removal**, in which an entire mountaintop or ridge is destroyed by explosives to gain quick access to the coal beneath.
- **Block caving** involves excavating ore underground, creating a gigantic cavern, into which the surface can collapse, gradually creating a large sinkhole. It can destroy surface features, disrupt or destroy the local ecosystem, and disrupt the flow of surface and subsurface water.
- **Placer mining**, also called **alluvial mining:** excavating sand, gravel, and sediment from river and stream beds (flowing or not), using dredging equipment, then separating out the desired minerals. The impact on streams and rivers, especially when not regulated, can be very detrimental.
- **Private company:** This term includes everything from a very small enterprise to a giant multinational corporation.
- **Seabed Mining, or Marine Mining:** the extraction of minerals from the seabed usually at great depths. It is a new type of

mining, and little is known about its impacts. There is grave concern that it can disrupt ecosystems which are critical to ocean health.

- **Surface Sand Mining** extracts minerals or petroleum directly from sands without digging pits.
- **Underground mining**, also called **gallery mining**, involves tunneling into the ground to remove the desired minerals. It sometimes involves huge machine-dug galleries.
- **Waste (tailings):** During the exploitation phase, the solid mine wastes are dumped and the liquid wastes are (optimistically) contained in large tailings ponds or reservoirs. These wastes are usually poisonous. Large-scale mining involves enormous quantities of waste materials.

## 1B. Typical Steps in the Mining Process

*Note:* The following steps and sequence can vary from country to country (or may sometimes be bypassed), but in most cases they occur in the following order. For more details, see Resources B.

**Concessions:** In most countries, before starting any mining activity, a company has to obtain a mining concession from the national or provincial government to operate in a specified area and time period. This typically allows them (after obtaining the proper permits) to explore, build roads into the area and drill to take subsoil samples to evaluate the mineral resources. In many countries, the mining concession also allows them to build beneficiation plants or refineries, and to perform other activities related to mining. Thus the concession is an

important step that can deeply impact communities.

The concession gives legal access to underground resources, but not to the land itself. The owners retain the right to their lands. The company might need to buy land or get a change of land use permit to gain access to the surface. In some countries the government may take the land by declaring these private or communal properties to be public. Another government strategy is to establish easements, so the owner is forced to rent or sell their property to the company or the government, often at a price that is not beneficial for the owner.

**Socialization:** In order to proceed, companies often need the consent (real or contrived) of the communities and local governments. This is the coveted “social license.” This is properly done by: (1) one or more initial meetings to inform the community about the project, followed by (2) a public consultation, in which the community approves or rejects the project. Obtaining the social license is not always a legal requirement, but investors may hesitate to invest in a project if the mining company doesn’t have the approval of the local communities, whether genuine or not. Still, this is often ignored or contrived – see Appendix A.

For a major project, mining companies are often willing to spend millions of dollars and make endless promises to try to win local support, suppress local opposition, and obtain the social license. They promise to build schools or bridges, provide scholarships, and lots of jobs – whatever they think will get them support from a community. While some promises are kept, many are not.

**Prospecting:** Prospecting involves taking rock samples and stream sediment to determine an area’s mining potential. Some

countries do not require government permits for this activity. Prospecting operations frequently use flyovers or satellite technology to focus the area of study and thereby save time and money.

**Terms of Reference (TOR):** After the concession has been obtained, a TOR document (mining plan) is usually required. The TOR may also be called the Plan of Operations (PoO).

The TOR document defines the path to be followed by the Environmental Impact Assessment (EIA), and should specify the following:

- Objectives and expected results
- Specific site where the study or project will take place
- Work breakdown: roles, responsibilities, qualifications of experts, and time schedule
- Equipment and chemicals to be used
- Operational constraints
- Social, economic and environmental risks to be addressed in the EIA.

A separate TOR may be required for each mining phase. The mining company may prepare the TOR, but more often it hires a company that specializes in these types of studies. Sometimes, the state prepares the TOR itself through the Ministry of the Environment or its equivalent.

In most cases, the Ministry of the Environment or equivalent then approves the TOR. However, unless there is enough pressure from the public, it could omit some important aspects. Once approved by the government, the TOR document authorizes the company to prepare the EIA, and it usually forms the basis for the EIA.

**Environmental Impact Assessment (EIA):** The next step is usually the Environmental Impact Assessment (EIA), also called the



Environmental Impact Study (**EIS**), the Environmental Assessment (**EA**), the Environmental and Social Impact Study (**ESIS**), the Manifestación de Impacto Ambiental (**MIA**) the Social and Environmental Impact Assessment (**S&EA**), and other similar names. The resulting report may be called the Environmental Impact Statement (**EIS**).

The EIA is an assessment of the possible impacts, positive and negative, that the proposed project may have on the natural and social environment. It should also acknowledge all social and environmental standards and identify the available methods and equipments to minimize impacts. It must also include a management plan for reducing or mitigating risks. A separate EIA is usually required for each phase except for exploration, and approval comes from the Ministry of Mines and Energy, the Ministry of the Environment, or equivalent governmental institution, who will then issue the Environmental License, or Permit.

Depending on the available information (and community pressure), the process could last from several months to several years. Most EIAs are far from complete or impartial, and are seldom objectively evaluated by the regulatory agencies. Often, the EIA is primarily a sales document, aimed at promoting the project to investors.

Companies, or individuals with concessions, typically hire others to perform the studies. To get quick approval, they may simply copy another EIA, making it irrelevant.

**Exploration:** This is a more intensive, organized, and larger scale form of prospecting. In some countries it is divided into initial and advanced exploration, with different EIAs required for each phase.

Exploration activities can include anything from taking water, rock and soil samples to drilling deep into the subsoil with elaborate

equipment (most common). The objectives are to discover the location and nature of deposits and decide if they are profitable to exploit (the feasibility phase of the project).

The exploration phase may last for months or years. The environmental impact will differ depending on whether it is initial exploration (to obtain a general idea of the content of the deposit) or advanced exploration that includes drilling of many wells inside the mining area to obtain samples of the deposit. Impacts can include contamination of water resources and severe impacts created by building roads or trails to transport the drilling equipment. Exploration uses great amounts of water to keep drills cooled, and various chemicals to facilitate the extraction of the samples.

**Exploitation:** If profitable deposits are found, the next phase is exploitation, carried out after the government has issued a permit or license. During exploitation, ore is removed from the subsoil (or from streams in placer mining) and is processed to extract and concentrate the desired metals.

Because they generate different impacts, in some countries, the government issues separate exploration and exploitation concessions. In others, there is only one concession, allowing companies to carry out all mining activities, including smelting.

Exploitation is typically the most destructive and dangerous part of the mining process. It can go on for many years and its effects may last for centuries. The most devastating kind of exploitation is open-pit mining.

**Beneficiation:** After the ore is extracted from the mine, it is milled and concentrated (beneficiated), refined, and purified to obtain nearly pure metal by means of a series of chemical, physical, and electrochemical processes. **Smelting** usually requires very high temperatures to drive off unwanted

materials (which often include poisons such as lead, arsenic, cadmium, mercury and sulphuric acid) from the ore, releasing them

***Producing one simple wedding ring generates 20 to 60 tons of waste, much of it toxic, and contaminates up to 8,000 liters of water.***

through chimneys into the air, and causing widespread health impacts. **Cyanide leach processing** is a common method for concentrating gold. It involves spraying a deadly poisonous cyanide solution over the crushed ore and collecting the dissolved metal from the bottom of the heap, followed by further processing. Other methods may use different toxic materials.

**Closure and Reclamation.** This is the final phase after mining is finished. Ideally, it involves addressing the social and environmental consequences of the project's ending, perhaps including job retraining, reforesting the areas used by the company, replacing the topsoil, and the costly in-perpetuity treatment of water to neutralize the contamination of surface and groundwater (almost impossible to guarantee). However, unless forced by citizen pressure, most of this cleanup usually never takes place because the company has not budgeted enough for it.

## 1C. State-supported extraction

As corporations increase their grip on national decision-making worldwide, nations become less able to resist them or to stand up for their own citizens. They may see resource extraction as a solution to pay off their national debt or to meet their national

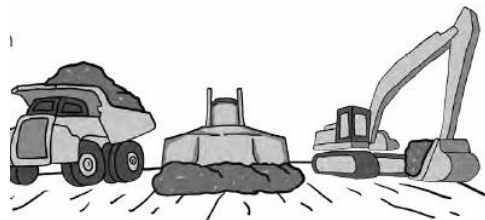
budget. The resulting onslaught of extractive activities leads to species extinction, water and air pollution and depletion, the destruction of communities, and climate change.

There are normally three forms of state-supported extraction: (1) through a totally state-owned company, (2) through a formal partnership between the state and a private company, or (3) through an arrangement whereby the state receives substantial tariffs from a project. We use the term "state-supported" to describe all of these. Regardless of the arrangement, the situation becomes even more difficult than when confronting only a private corporation.

If exploration begins and profitable deposits are found, the regional or national government may become very interested. It may openly violate its own laws or create new ones in hopes of benefitting from the project.

Unfortunately, the government often puts revenue collection above laws or respect for human and environmental rights. The situation can worsen if the government's finances depend heavily on the exploitation of natural resources.

State-supported extraction is discussed in more detail in Appendix B.



## 1D. Impacts of Mining

Mining operations, even when regulated, almost always bring major environmental

disasters (see Appendix C for examples). To build the mine and access roads, for example, companies destroy forests and other vegetation, reducing the region's biological diversity and wildlife habitat. As forests are destroyed and streams contaminated, communities may no longer find fish and game, edible plants, medicinal herbs, or plants used for construction.

Most mining is done in poor countries where people are most vulnerable, where regulatory capacity is weak and where public officials can be easier to influence. This is especially true when the country's budget depends on income from the sale of natural resources. But mines have also caused destruction and social upheaval in wealthier countries.

To push the project through, companies often are not truthful about the deposit or about dangerous materials that are used. For example, a company may tell the community that the mining project will only occupy a certain area, but a few years later, they announce that they have "discovered" other adjacent deposits. Gradually, the mining area grows and the impact steadily becomes worse.

If your community accepts large-scale mining, you may expect any or all of the following impacts:

### **Environmental impacts**

**Prospecting:** During prospecting, if trails are built into pristine areas, others can then use them for poaching, timber extraction and even land squatting and trafficking. The presence of people who are not from the area can cause other problems.

**Cyanide:** A tiny portion of cyanide, the size of a grain of rice, can kill a person. A

commercial gold mine may use many tons of cyanide yearly! Spilled cyanide can quickly kill people, animals, and fish. The industry has a long history of poisoning from cyanide spills. Although mining companies claim that cyanide decomposes into harmless chemicals, this is not true: cyanide remains toxic in river sediment, and it also breaks down into other toxic compounds that can persist for a long time.

**Acid mine drainage:** Sulfide-rich ores produce acid that leaches toxic heavy metals into waters. This "acid mine drainage" is almost impossible to contain or stop. It can poison drinking water, crops and streams over a large area, and sometimes has eliminated all life in and near rivers. Even after the mine is closed, acid and heavy metals usually continue to leach into surface and groundwater indefinitely - some Roman-era mines are still releasing acid mine drainage after 2,000 years. It cannot be immediately detected - it takes 2-5 years, sometimes longer.

**Open pit mining** is the most destructive form of mining. It leaves an enormous hole in the earth, as much as 4,000 m across and 1,000 m deep. It leads to the destruction of the surrounding ecosystems, with devastating results for local communities. It also consumes and contaminates huge

amounts of water and requires enormous tracts of land.

Large scale mining creates great quantities of often poisonous liquid and solid waste (sometimes millions of tons per year), which are usually laced with toxic heavy metals. Liquids in

tailings ponds often leak and poison underground aquifers. Dams sometimes break and release the toxic brew suddenly, wiping out everything downstream. When

***Mining often pollutes air and water with toxic chemicals, causing disease and death for animals, fish, and humans.***

any of this happens, communities are uprooted and their culture is disrupted. Dam failures are becoming more common.

During mining operations, both air and water are frequently polluted with toxic chemicals, including cyanide, lead, arsenic, cadmium, mercury and sulphuric acid, leading to sickness and death of humans, birds, fish and other animals. The poisonous dust can spread over vast areas. Smelting plants can contaminate air, soil, and water many kilometres away.

The damage can be enormous: hundreds of thousands of hectares of forests destroyed; all life in rivers killed for many kilometers. These large-scale mines generate noise, dust, poisons, and erosion that further affect animal, fish and human populations, forcing people to abandon their agricultural lands and livelihood.

Companies may declare bankruptcy or leave a miniscule fund for clean-up costs, leaving the mess for local governments and communities to deal with. Open pit mines are nearly impossible to reclaim and are often simply left to fill up with poisonous water.

**Smaller scale mining** may also cause environmental and social problems. Artisanal miners frequently use highly toxic mercury to extract gold particles. (*See Appendix C - Peru*). However, there are practical methods that avoid mercury use - See Resources Section O.

### Health impacts

Mining can have serious impacts on human health. Dust and air pollution cause lead and arsenic poisoning, respiratory illnesses and irritated eyes and skin, especially in children. Drinking or irrigating with water contaminated with toxic substances such as mercury, lead, arsenic and cyanide can cause a wide variety of serious illness, including cancer and birth defects.



There are also indirect health risks posed by mining operations: the prevalence of sexually transmitted disease, the loss of croplands and the depletion of water resources which can lead to decreased food supply, malnutrition, and a greater risk of infectious diseases. The health effects can continue long after the end of mining operations.

It is not easy to prove that mining is the direct cause of a specific person's illness, so it's difficult to sue a company for health problems. That is why it is so important to prevent environmental contamination *before* it happens.

Large-scale mining requires enormous amounts of water, and often depletes, diverts, or poisons water supplies in the area, undermining livestock grazing and farming. In the last few years, there have been numerous severe conflicts over access to drinking and irrigation water. Heavy metals, transported through rivers and underground water, can easily poison drinking water, crops, seafood and fishing, not only nearby but also hundreds of kilometers away.

**Smelting plants** can contaminate air, soil, and water many kilometers away, affecting not only the health of citizens, but also the economic future of the region when the public finds out that the food from there is contaminated.

**Underground mining** is dangerous because of frequent accidents that trap and sometimes kill mine workers. Death and debilitation from silicosis and lung cancer, cave-ins, explosions, floods and other accidents are common. Poisoned water from small-scale artisanal mines can cause serious diseases among the miners, their families, and downstream communities.

## **Social impacts**

If you allow the extractive company to explore your territory, social problems will inevitably arise. After the company leaves it can take many years until the social, cultural and spiritual connections, which are the true wealth of the community, can be restored.

While the full environmental impacts are not immediately obvious and develop over time, the social impacts of mining and other extractive activities are felt much earlier. Social divisions, criminalization and violence can occur even before a project begins operation, particularly when a project is forced on a community.

Towns near extraction operations usually lack adequate infrastructure for education, sewage, health and other social services required in a suddenly growing community.

**Community breakdown:** Many of the social problems are caused by the sudden influx of people from other areas or countries to operate the mine. When the companies bring hundreds of single men into local communities, it gives rise to bars, brothels, alcoholism, prostitution, and an upsurge in sexually transmitted diseases. An increase in crime is almost unavoidable, including assaults, robberies, and rape. The community's social fabric breaks down.

Communities and indigenous groups usually have ways of coping with social or natural disturbances or stress. These include group

solidarity, trust of one's leaders and neighbors, unwritten social rules, strong family ties, cultural identity, and strong, committed leaders able to guide the community. However, the company may deliberately try to weaken a community and its ability to organize effectively against them. It may attempt to create divisions by spreading false information about the project, buying off certain community members with gifts and well-paid special jobs, discrediting the leaders or organizations that question the mining project, or co-opting and or intimidating leaders into supporting the project.

Land trafficking may occur when an extractive company offers to buy land in order to obtain access to its concessions, or as a strategy to win over potential opponents. This also leads to the disintegration of communities, because once their land is sold, the former owners usually leave the area.

**Forced community displacement:** Often, extractive projects require that entire communities be relocated. Even when the company pays to relocate the village or town, the living situation is almost always worse than before: the farmland not as productive or too far away, the houses too close to each other, the schools inadequate, and so forth. For indigenous people, who are deeply connected to their land, the move can spell the death of their culture. And the companies or government are sometimes unable or unwilling to complete the relocation, leaving many homeless.

**Human rights violations:** If the company faces stiff opposition, it may resort to underhanded measures, such as paying local people to falsely accuse resistance leaders of committing crimes. It may employ thugs or paramilitary forces to intimidate, threaten, injure or even kill people.

The fact that a company is owned partly or wholly by the state does not guarantee that your rights will be protected. The state can use its security apparatus against the population regardless of whether or not the project is state-supported.

High-value minerals, such as gold, rare earth elements and gems, may attract armed criminal groups and lead to kidnappings, murders, and extortion, creating a violent and insecure environment. This problem is most severe in Mexico, Philippines, Colombia, and the Democratic Republic of Congo.

**Culture:** Loss of cultural identity results from several aspects of mining, but especially from the replacement of all human and community values by only two: money and material accumulation. Farmers and indigenous people usually do not consider themselves poor. They might not have much money, but for them money is only one kind of wealth, and not the most important one. Their real wealth includes fertile soil, a diverse environment, strong cultural identity, social harmony, and forests that are rich in game and other renewable resources. Many rural communities value these things above money or the things that money can buy. What, they might ask, is the point of having extra money if there is division and fighting among community and family members, alcoholism, loss of agricultural land, or contaminated drinking water?

But the companies work to change that concept of wealth, focusing only on money and material things, and downplaying the environmental, social, cultural or spiritual wealth of a community. This is illustrated by a comment made by a mining official in Ecuador: *"We have to convince these people that they are poor."*

Mining can also destroy spiritual sites and traditional hunting and gathering areas. If

fishing is part of the culture, mining could eliminate this source of food and erode their cultural identity.

**Impacts on women:** Women almost never benefit from mining projects. Mining involves mostly men, but women are often the most impacted by mining projects. Migration and social disintegration destroy traditional safety nets, and this especially affects women. When men work away from home, women are left to support the families, manage the land, handle finances, and assume other responsibilities that were previously borne by both husband and wife. The resulting stress on families often leads to domestic violence and marital breakups. And men sometimes bring home sexually transmitted diseases, which are very common in extractive areas.

## Economic impacts

The companies bring gifts and promise jobs and public works such as schools and roads. Many of those promises are not kept, or are honored only temporarily. But the mines also bring long term economic losses: destroyed agriculture and fishing due to the contamination or depletion of water; loss of hunting and gathering due to deforestation; loss of existing or potential tourism income because the area is no longer attractive to tourists; the cost of lost land; costs of health care due to mine-caused sickness; cost of replacing contaminated drinking water, and more. And the cost of living becomes much higher than in surrounding areas.

Local food production drops as mining jobs replace agricultural and livestock related jobs, leading to price increases. The local economy might be ruined if word gets out that the products of these areas are contaminated.

## Final Comments

The risk of these impacts must be faced by communities who open their doors to

extractive companies. Once opened, the doors cannot be easily closed

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## 2. How to Resist

### *How to resist in a nutshell*

- Act early and quickly. Acting later is more difficult but can still be effective.
- Get informed. Get as much information as possible on the proposed project, the company behind it, and the national government's role. Share it far and wide, including on the internet.
- Educate local people thoroughly about the consequences of the project and about their basic rights.
- Organize. Start locally with people you trust and who are respected. Quickly take the struggle to the national and international level.
- Spread the effort: Share the leadership and workload with others who have various skills.
- Form alliances with as many groups as possible, including national and international ones, and specially human rights organizations.
- Collect your own baseline data – images and measurements - as early as possible.
- Find long-term funding (even if limited).
- Document. Carefully document all illegalities and irregularities – and keep a paper trail of communications.
- Get legal assistance. The support of a good and aggressive lawyer is essential.
- Present Challenges - as many as possible, legal and otherwise. Especially challenge the Environmental Impact Assessment.
- Use the media. Get to know reporters and keep them informed.
- Be tenacious and persistent. Prepare for years of effort – persistence pays off in the end

*First they ignore you.  
Then they laugh at you.  
Then they fight you.  
Then you win  
-Gandhi.*

The following actions are designed to help strengthen your resistance and defeat extractive projects or significantly reduce their impacts. They are best used *before* concessions are granted or there is significant investment in a project, but most of them can also be effective later. So do everything possible to stop or slow the process at any stage. The more you delay, the harder it will be to stop the project.

There are likely more actions described here than you or your community have the resources to carry out. **DON'T GET OVERWHELMED!** Rather, treat the guide as a menu of options. Start by choosing those actions that you think will require the least effort and be most effective for your specific situation. Skip those that appear too difficult or less important. Many can (and should) be done at the same time.

If the state is promoting mining, analyze how best to raise the political cost for them. Your strategy will depend on the current political environment. Forming alliances with political leaders could be part of your strategy to create legislative opposition.

Many of these strategies are intended to make things difficult for the company and delay its work. Delays cost the company money, upset their investors, and give you more time to organize resistance.

**YOU DO NOT NEED TO LIMIT YOUR ACTIONS TO THE ONES PRESENTED HERE;** you can create new tactics as well, and some situations indeed call for creative new actions not discussed here. Do everything possible to ensure that the actions remain

nonviolent. You want to avoid giving the government a pretext for using the army or police against the struggle.

## **2A. Get Ready**

### **Prevention first (act quickly!)**

The duration of the struggle and mining's impact on the community are largely determined by two factors: (a) how quickly you and your community can mobilize against the threat, and (b) the strength, tenacity, and resilience of your community in resisting. It is helpful to think of an extraction company as a disease, and your community as an organism at risk. As in any real disease, it must be treated as soon as possible to prevent it from growing and causing more damage.

To prevent mining from gaining a foothold, first become informed yourself, and then publicize the threats by spreading the word to others and mobilizing your community. After they build roads, explore, discover resources, and spend money, stopping them becomes a longer, more difficult battle. The government will be under great pressure to allow the project to proceed if the company has invested millions of dollars and is protected by international free trade agreements. At that point it might appear that the project is inevitable, but this is not true. The actions in this guide are useful at any stage.

Find out quickly where concessions have been granted or requested. At the first hint of extractive industries being promoted, challenge them and try to work with local governments to pass legislation that prohibits or severely limits these activities in your county, province or other jurisdiction.

For example, perhaps you can pass legislation to ban the use of toxic substances



like cyanide, as some provinces in Costa Rica and Argentina have done. Or to prohibit mining in very steep terrain or above a certain altitude, as in the Philippines. The citizens of Wisconsin, U.S.A. helped pass a law that basically stopped all mining in their state. See Appendix C-6.

**Take control of meetings.** Preventing or slowing down the company's presence in the communities is very important at this early stage. Your community can do this by insisting that no company-sponsored meetings take place without the approval of the community, obtained in public assemblies. You want to be fully informed about the project and the company before they start spreading lies and half-truths. Do not let the companies set the ground rules for meetings and be extra careful they don't use them for their own ends (*See Appendix A, Tactics 2 and 3*).

### Have a plan

Have a goal, a strategy, and a plan of action. If too many in the community support mining, the goal may be to limit the damage rather than to get it stopped completely.

Write your plan down, discuss it with those you trust, and ask for their input. Record updates as needed. But be careful that the plan doesn't fall into unfriendly hands — make few or no copies. Also think about what your strategy will be if the plan is somehow leaked.

Think about how to best focus your limited energies and funding to make the greatest impact and maximize your chances of success. As the campaign moves on, your plan will help you define what has been achieved and what needs closer attention. Be flexible and able to quickly adapt your plan to new situations and new input.

### Collect information

To find out if a mining company has applied or intends to apply for a mining concession, look for articles in your local or regional paper, and keep an ear out for rumors — don't dismiss the tales you hear at the local hairdresser's, pub or other gathering places. Strangers may arrive in cars to look around, individuals might take samples of soil and water from rivers and streams, aircraft may start flying over, or surveyors may start investigating the area. This is when you should start digging for information. But don't believe most of what company or state officials tell you - at best you might get half-truths. If available, get copies of government maps showing concessions. If a company is in the process of acquiring concessions in your area, start alerting local communities and local governments, but make sure you have reliable information. Find out how much your local government officials know, and if they are willing to help.

Information may be available online, since some ministries of mines (or other relevant ministries) publish maps with detailed information about mining concessions. This information, coupled with details that can be gleaned from corporate filings, can help to map mining concessions and how they overlap with community lands. Visit the web site of the Ministry of Mines or its equivalent, and get as much information as possible on the project. If that doesn't work, request this information directly from the Ministry. You may need an official document requesting it, and for this you may need a lawyer or the help of an organization in the state or national capital. If there are regional mining directorates, it may be faster to get information from them. It may be even more efficient to get it from a friendly official.

**Always leave a paper trail.** Request information in writing, and make sure that the officials stamp your copy of the request

with the date and a signature, for future reference.

Once you have alerted your friends and neighbors, you might organize some of them to help you research more about the company and the next steps it will need to take. Research the company's history of social and environmental practices. If possible, contact other communities where the company has operated to learn more. Whenever possible, attend the public meetings organized by the companies to find out what is being offered, its plans, which members of the community support the company, and why (*See Appendix A, Tactic #2*).

Your country may have a National Development Plan that identifies areas where extractive industry activities are allowed or planned. This document can show whether your community is within an "extractive development" area, so you can start alerting and educating communities, local government, and other stakeholders.

Dig for details about the company. Who are they? What is their country of origin? Who are the major shareholders? What are they or the government planning? What is their record? Are they legally registered in the country? How are they funded? To find answers, check the company's web site frequently; if it's only in English, get someone to help you translate, or use online translation such as Google Translate (mediocre quality). Find other websites that also post information about the company (*see Resources B in Supplement*).

A pre-feasibility study may appear in a company website, and can be a good source of information. It legally has to be truthful.

**Mapping projects:** In some countries there are organizations and networks that have mapping projects intended to inform

communities and to help them organize against mining (*see Resources B in the Supplement*). This can save time and effort.

**Financial information:** Follow the money back to the source and make it public. If possible, find someone who can read financial statements. The most reliable source for financial information is EDGAR in the US and SEDAR in Canada – they are legally required to be truthful. The financial community worries a lot about their public image. If institutions like the World Bank are involved in financing the project, they have to be accountable to their donors. Make their involvement public and denounce irregularities to these institutions.

Find out who is supplying the company with loans. You might then start a letter-writing campaign to dry up the funding. If that fails, try to get a legal firm to write them a letter warning them of potential lawsuits if their funding is used to violate human rights.

**Identify the legal constraints** for companies to operate as defined by laws, the constitution, and international treaties, and the required legal procedures for acquiring concessions. DO NOT DELAY.

**Look for flaws:** If a concession has been granted: look for a good lawyer or environmental organization to help you discover flaws in the granting process, denounce them, and present a legal challenge. Investigate what steps are necessary before they can take the next step. Get copies of any and all available documents, and verify whether they met all the legal requirements (if possible with the help of a specialized lawyer). This might provide useful legal leverage.

This information is essential at the beginning and also thereafter. Share it with groups and communities, and report any history of bad behavior, contamination, or economic failures

to your community, the government or the media.

### **Collect baseline measurements and images**

Before exploration starts or as early as possible thereafter, arrange for community members to collect basic field measurements (temperature, pH, specific conductance, and water level) at important surface and ground water locations, during all seasons. See "Resources M" for inexpensive equipment. Continue collecting throughout the project to demonstrate the impacts.

While your equipment allows basic measurements, you'll eventually want to get more detailed analytical results. Some universities have laboratories to analyze water at low cost. Find a reliable expert or a trustworthy sympathetic staff or faculty person who can access a suitable lab, and who perhaps can write articles and obtain satellite images. Compare your field measurements of pH and specific conductance against lab results, as a check. You may need to raise funds for this.

**Obtain images:** Obtain airborne, satellite, or ground-based imagery to show conditions prior to the beginning of a mining project, or as early as possible. They can show the presence of springs, original forests, wetlands, faults, and disturbances due to road construction and exploration drilling. You can mark up the images to show the various projects going on in the area. Ask around to find someone who can obtain the needed images. Google Earth is also an excellent possibility, and provides historical imagery as well. Skytruth.org (*see Resources N*) can assist in obtaining imagery and in processing it into pictorial products.

*These measurements and images can be very powerful!* Having your own measurements changes the dynamics of meetings, because

the company no longer has the only available data. It also allows for more specific questioning; the company will be forced to address uncomfortable issues when citizens demonstrate, with data, that they are relevant. And the company now has to be honest with its own data analysis. Sometimes merely collecting samples, even without analyzing them, is enough to compel openness from the company.

Equally powerful are before-and-after measurements and images from similar mines elsewhere which show how mining affects the land, water, and community

### **Protect your land**

The company will often attempt to buy access routes and other key properties. They may offer high prices for land to win over residents and to weaken the resistance. Sometimes they will buy land gradually, a little at a time. Or they may force local farmers to sell their land at prices determined by the company. Or they might try to rent the land for many years, because then they can just pick up and leave when they're done without having to clean up or heal the land.

As soon as you know where the concession is, try to raise money to buy land within and adjacent to the concession, and turn it over to the community, or if the community is not legally recognized by the government, entrust it to someone 100% reliable. The land can eventually be used to help protect the local environment, for tourism, or for other uses. This is an important tool to stop the companies.

One valuable tactic is to, as soon as possible, have a religious group designate the area that is threatened by mining as "sacred land." Make sure that it is mapped and, if appropriate, has a shrine built on it and sanctified by a powerful religion of the country or state.

Educating and organizing is helpful too. If people understand that selling or renting land to the company will put their community at risk, or that it may provoke an invasion by land traffickers wishing to “make a killing,” they may be less willing to sell out. Also, start community discussions about locally-controlled land use planning and economic alternatives to mining so that people can imagine new economic opportunities if they keep control of their land.

The company may ask the government to expropriate or create an easement on the land. The best defense against an expropriation request is legal challenges, for example challenging the company’s need for the land, and demonstrating that it would violate Constitutional rights.

## 2B. Build Local Opposition

### Organize

A STRONG LOCAL ORGANIZATION IS ABSOLUTELY CRUCIAL TO SUCCESS. Create a local organization if one is not already in existence. It sometimes starts with only one or two persons and builds from there. Try to enlist the support of religious and civic leaders. Try to ensure that the organization is made up of trustworthy local individuals, preferably respected leaders of your community or area.

**Determine the galvanizing issues** that are of greatest concern and most likely to energize people. For many communities, water – quantity and quality – is a primary concern. For others, it is livelihood, or health, or self-determination, or social peace. Organize around these issues.

***Groups of women, when informed and engaged, can be very powerful.***

Your work could be opposed by some who see their false hopes for progress or quick money thwarted by your actions. Hence the importance of educating and maintaining unity in the community.

Inspire people by reminding them that together they have great power, and that they can refuse to cooperate in their own destruction.

*Strong women’s groups* can play a powerful role in stopping mining projects, since mining has the most severe impact on women. Women are often on the frontline of mining struggles. Also, include and encourage young leadership.

Solicit the help of a technical specialist (this is essential throughout the process) and train or find others who can take on aspects of the battle -- a financial specialist, media person, etc., and work jointly with other groups that may have skills your group does not have. Someone at a university may be helpful.

You would be surprised how many valuable resources you may have around you – retired government officials, lawyers, computer experts, graphic designers, surveyors, journalists, ecologists, water experts, photographers, etc. They can help you identify the constraints that companies are subject to, find the required legal procedures, document irregularities and publicize them.

**Get the word out.** To rally the community, keep the message simple, perhaps with a short, unambiguous slogan (for example: “No to Mining!”, or “Yes to Life, No to Mining!”) and a call to action.

**Distribute leadership:** For key leadership roles, don't rely on a single person; groom multiple leaders. Distributing leadership

and/or videos showing mine destruction and successful resistance are especially useful (*see Resources H*). Audio-visual material is often

### **List Pros and Cons**

*A very effective way to help communities think about mining is to list the pros and cons that the industry will generate. This is best done in an assembly that includes most of the community - men, women, young people and children. You can write two or three columns - pros, cons, and perhaps neutral impacts, and invite ideas from everyone. If this is done well, people will realize that although mining can generate certain benefits, the many negatives would impact the community much more profoundly. This procedure can be very hard for companies to combat, and it can unite communities.*

prevents your efforts being crushed by the elimination or departure of a single leader, and also eases the likelihood of burnout.

It is imperative that people be able to respond to situations very quickly. Arrange for a rapid response communication system – **and make sure the company knows this!** If there is no phone service, obtain walkie-talkies and give them to key people in the area. Make sure the equipment is well taken care of and that the system is working well. Think of an alternate means of communication in case the normal channel is disabled. And assume that your phone, email, or other electronic communication is being monitored and might be interrupted (*See Resources K*).

### **Inform the community**

As you collect information, inform the community through pictures, brochures, books, videos and pamphlets. Have meetings or go door to door talking to people in your community and nearby, and try to convince them of the need to organize and mobilize against the project. Tell stories and show pictures of environmental damage, health effects, and social breakdown. Plays or puppet shows can be effective. Photos

more effective than written material.

You might create a simple community newspaper (or post in an existing newspaper), and/or post weekly bulletins around the community. Get interviewed on radio programs or create your own programs. One effective and inexpensive way to inform is to distribute simple handouts with mostly pictures or drawings, showing the social and environmental impacts. (You may include the pictures at the end of this guide.)

**Keep key people informed** about meetings or other events that the company may host. Give copies of relevant documents (for example environmental laws and community rights) to leaders quickly so they can become familiar with them. Perhaps a person knowledgeable in law can help simplify it and make the language understandable.

**Field trips:** If possible, arrange field trips to other mining sites so people can see the environmental and social damage with their own eyes. Invite people from mining-affected communities to speak locally and share their experiences.

**Rights:** Also, in person or with handouts, inform people about the rights of citizens and communities and the obligations of the companies. For example, a concession usually gives the company rights only below the surface, and no company can legally enter private property without the owner's permission. Emphasize the fact that the company's rights do not outweigh individual or collective rights. Knowing and exercising their rights helps empower people. You might want to organize a talk featuring someone with expertise in collective and individual legal rights, or from a Human Rights organization to reinforce the message.

To keep motivation up, keep the community updated about recent actions, new organizations joining in, and other progress.

The objective is to create a "critical mass" of public opinion against mining and in favor of sustainable development and community well-being. Remember, if you don't work for your community's well-being, nobody else will. It's your community that is at risk, so your community must lead the resistance. Especially, make sure women are well informed and engaged - they often make a powerful difference.

After informing your community, meet with neighboring communities and with local entities such as local governments, business and farmers' groups, and women's organizations – anyone whose well-being may be imperiled by mining. Remember, mining can impact people and communities located tens of kilometers away from the mine - contamination carried by wind or water doesn't respect boundaries.

### **Work hard with local government**

Make sure that your community organizing remains separate from the government or the company. But if you think that your local government can be trusted, do everything

possible to get them as allies - they can play an important role, and are sometimes able to stop major projects. Consider approaching regional and/or national government officials as well. If mining is new in your area, government officials probably need to be educated about the many severe impacts. Make sure local governments understand that extractive projects can sometimes destroy local development plans, such as tourism, organic production, archaeological sites, or hydroelectric generation. You might quantitatively compare economic losses from tourism, agriculture, etc., plus the costs of lost land and contaminated water vs. the value of mining jobs (temporarily created or merely promised). You might point out that companies often transfer their profits to tax havens to avoid paying taxes.

Even though government officials often do not respond to the interests of the people who elected them, give them the benefit of the doubt. Avoid alienating them. Work with them and give them as much information as possible. Keep them informed about meetings and trips and invite them to your community so that they can have a closer look at the problem. Look for supporters on all sides of the political spectrum, but try to avoid letting party politics into your struggle.

There are other ways to benefit from a close relationship with the government - for example getting them to declare your county or province as a "Territory Free of Mining" or a "Tourism Development Area." Offer to work with them to produce a land management plan which specifically excludes extractive industries and supports local projects.

If you decide that trying to get the local government on your side is hopeless, consider approaching regional and national government officials who could become allies and try to win them over to your side. Some officials could give you very important

information, and later might defend your cause in Congress. They could present extractivism as detrimental for the entire country, not only for the affected communities.

NOTE: In some areas, tribal leaders may informally play the role of a local government, so it is important to also keep them informed and obtain their support. They are the ones who, after being well informed, can lead the resistance. Where land is collectively held, community organizing must involve Indigenous, agrarian and Afro-Descendant councils and authorities.

### **Get funding**

The struggle may last for years and may require substantial money. There are organizations that can help you financially in your battle (*See Resources P and Q*).

At the beginning, try to obtain funding locally through local donors and at events such as dances, music festivals, community plays, raffles, or auctions. Ask a local musician or poet to contribute with a 'star appearance' at your event. You might enlist a renowned artist from another city. If such events prove successful you can slightly change and repeat them later. They are also a great boost for morale and solidarity, and can recruit more citizens to the cause.

As the campaign evolves, you may require funding for things like website construction and maintenance, printing, short video production, travel expenses, expert appraisals, and legal or other professional assistance. Obtaining outside funds can take time, but you may also find volunteers who are willing to help.

Contact national and international organizations to help identify possible funding sources, and look on the Internet.

Contact other communities and individuals fighting similar struggles; they might lead you to funders.

Although external funding can make it easier to carry out more activities against an extractive project, it is best not to rely on it completely. It is best to base your resistance mostly on your own resources. You should also be aware that the influx of large amounts of money might damage a weak organization or generate internal conflicts. In this case, take steps to protect your organization.

### **Create economic alternatives**

The struggle will gain more respect from the community if you help strengthen local self-determination and expand economic opportunities by creating projects that give people an alternative to being hired by the company. See examples in Appendix C-10. Support is available from Rainforest Alliance (Resources R).

Alternative economic projects are important, but remember that the companies can offer higher wages — at least for the short or medium term. In the end, social and environmental education about the long term devastating consequences of mining and the sustainability of the alternatives is crucial.

## **2C. Form Alliances and Organize Globally**

To help level the playing field between powerful corporations and local communities, wage the battle on several fronts at once. Do everything possible to spread the word and get support locally, regionally, nationally and internationally. Look for support from universities, local, regional and international non-governmental organizations (NGOs), social networks, and



possibly the media, local, and/or regional governments.

If the company and/or the state have the courts on their side, you can have the press, organizations, local communities, and hopefully local governments on yours. Global attention and the support of international organizations can play a decisive role.

As soon as the company or its representatives show up, form an alliance with a reputable human rights group such as Human Rights Watch, Amnesty International, or the International Federation for Human Rights (FIDH) and ask the group to publicize human rights abuses (*see Resources E and R*). This will force the company to tread carefully. Even better, a group might agree to send observers to witness, record, and denounce what is happening. When that happens, companies (and the government) have to be very careful indeed.

### Start with local alliances

Work to create a wide variety of local opposition. Reach out to landowners (especially collectives), religious and environmental organizations, local governments, regional and national governments, business and farmers' groups, and women's organizations – anyone whose well-being may be imperiled by an extractive project. Keep them informed and engaged.

Inform the local church or religious leaders about mining's impacts on the poor and marginalized, and the social havoc it often causes. The involvement of religious leaders, or of the church itself, may make all the difference in the outcome.

One strong ally might be the local or regional water board or its equivalent, when they

understand that an extractive activity can contaminate and/or dry up important water sources. Other allies could be farmers' groups located downstream, whose irrigation water would be contaminated and their health and crops impacted. Similarly, fish farmers, shrimp farm owners, and many others could become strong allies.

Form alliances with other affected communities. From some of them, you may get the information you need for educational purposes. Remember, communities downstream and downwind will also be affected by mining. So visit these communities and get them involved.

If actual or potential tourist attractions are threatened, seek out and try to work with tourism organizations (or individual tourism entrepreneurs) locally and/or nationally.

### Quickly expand your alliances

University students can sometimes become inspired by your struggle and offer free help. You or an acquaintance may know someone

at a university who can help arrange a meeting with friends, a university club, or department (biology, tourism, and hydrology). University professors are excellent allies. Ask to give presentations in their classes and recruit student help that way.

Professors may be willing to do research for your organization or community, or might ask students to do this work as part of a class assignment. You can also raise funds and increase publicity by asking professors and students to hold a forum or a conference about your struggle. This can generate media interest as well. (But be careful that they haven't been co-opted by the mining interests.)

***Wage the battle on multiple fronts: local, regional, national and international, and using multiple tactics.***



Potential allies within the national government could include the ombudsman, a human rights commissioner, the minister of tourism, natural resources and wildlife conservation departments, or a water agency. These will become allies only if they are truly independent from the powers who want to push through the project.

**NGOs:** National NGOs (non-governmental organizations) are also useful allies. Find which NGOs in the major cities are working on extractive industries and human rights or the environment. Try to enlist as many as possible and ask for their help gathering information from the government and other sources. These NGOs may fund workshops and information sessions on mining's impacts. See if any of the NGOs can provide you with free legal advice.

From the national level, move quickly to the international arena. Contact and develop good relationships with one or more international organizations. Be sure to involve MiningWatch Canada and Earthworks (*see Resources Q*) early in the process; they can be valuable and effective allies. If you have to confront state abuses, involve Amnesty International, Front Line Defenders, FIDH (International Federation on Human Rights), or other similar organizations. The abuses will need to be well documented. If protected areas or endangered species are directly or indirectly affected, you may find allies in international environmental organizations such as the International Union for Conservation of Nature (IUCN) or the Natural Resources Defense Council (NRDC).

### **Campaign in the country of origin**

Find helpful organizations in the country where the company is headquartered, such as MiningWatch in Canada, Earthworks and Oxfam America in the USA, Rainforest Information Centre in Australia, and the

London Mining Network in the UK. Keep them informed, and ask for assistance and information about the mining company and its investors and sources of funding. Use these alliances to launch letter-writing campaigns to denounce abuses and illegalities or highlight political, cultural or biological risks associated with the company's activities. Pressure investors and other funders to get rid of their stake in the company. These actions may help to drive down the price of the company's shares. Get them to help you publicize your story and shame the company at home, because that's where much of the power is concentrated.

Contact newspapers in the company's home country. Send denunciations and petitions to its government. If your information is reliable and the company wants to appear responsible, it may change its policy or drop the project altogether. (On the other hand, you may get an irresponsible company with no reputation to lose).

Have area residents send a personal message to the president of the company's home country to report illegal or aggressive tactics or other problems with the company. A nationally admired figure in that country might also be enlisted to add pressure.

If possible, partner with one or more in-country groups, and visit that home country to bring attention to your area's uniqueness and the problems that the company's activities are causing.

**Stock exchange:** Denounce the company to the Securities and Exchange Commission, or its equivalent in their home country. This may bar them from trading on the exchange or cause them to be better regulated. Point out any false or fraudulent information the company may be publishing. Keep a record of all communication with the Securities and Exchange Commission and share it with in-

country allies, the media, and/or higher bodies that regulate the stock markets.

**Investors and funders:** if a major loan from a bank or other funder can be prevented, that can have a very great impact on the project – it may kill it entirely. Buy some shares in the company so you can attend their shareholders' meetings. This will allow you to (a) talk directly with some of the bigger investors about what the company is doing, or point out to them the legal, environmental and social obstacles to the project, (b) submit a shareholder resolution that benefits the communities, and (c) find out more about what they are planning - information that otherwise may be hard to obtain.

Connect with socially responsible investor groups, such as faith-based organizations, pension funds, or social funds such as Calvert and Trillium.

This works best with investors who have some degree of social or environmental conscience. Others may only care about their profits. If they are publicized enough, your actions may help to scare off potential new investors.

If the company is listed on a stock exchange, it shouldn't be difficult to get the contact information for major investors. Possibilities include SEDAR (Canada), EDGAR (USA), Corp Watch (USA), and Rainforest Information Centre (Australia).

**Board members:** Since the board's input has weight with the CEO, try to make them aware of the situation: polite letters or personal visits if possible.

**Letter-writing campaigns:** Letter-writing campaigns which include letters from abroad can make it difficult for officials to gloss over the issue, and can draw their attention to a problem they may not be fully aware of. More importantly, the letters let officials know that people outside the local

communities are watching them. Letters can be sent to the company's leader, to a decision-maker in your country's government, to the president or congressmen of the company's home country, to major funders, and to important investors in the company – pick one or a few from that list. For letters in e-mail form, print them and send them along with the paper letters. The objective is to inundate the target with letters from everywhere.

Also, consider other approaches: the Internet (e.g. MoveOn.org, SumOfUs.org), letters from local people affected by the project, and phone calls or letters from a nationally admired figure.

**Anticipate questions:** In talking with (or writing to) leaders and officials at all levels from local to international, anticipate their arguments and proactively respond to them in advance.

**Make it personal:** Photos of devastation can be powerful. Consider bringing investors or board members face-to-face with a resident affected by mining. In all cases, letters and contacts should be calm and factual rather than angry, hostile, or inflammatory, which might only alienate your target.

## 2D. Use the Law and the Political Process

### Lawsuits and constitutional complaints

A legal challenge can be very effective. It sends a powerful message to the company, its shareholders, and their elected representatives. It can stop the project or delay it considerably, giving you time to organize better. Try to make the legal challenge as solid as possible, since if it's successful it can establish a legal precedent. You will probably have to rely on a national

or international NGO to help you, as it can be a complex and expensive process. Even if the local courts appear to be corrupt or co-opted by state authorities, you may still want to go ahead, because it is a necessary step before bringing your case before a regional or international court, such as the Inter-American Human Rights system or the Latin American Water Tribunal. They will ask you to show that you have exhausted all legal

Consider suing the company in the country where it is registered and/or suing the relevant stock exchange. Caution: this requires that you have close ties with one or several organizations in that country that can help – and money. Seek pro bono legal assistance (*see Resources G and Q*). The main objectives are to delist the company from the exchange, to draw public attention to how their stock exchanges are funding human

### ***Free, Prior, and Informed Consent***

*One of the most powerful tools to protect communities from the devastation caused by extractive projects is the right of communities to give or deny their consent. This is called the right to Free, Prior and Informed Consent (FPIC). The right was established for indigenous communities by the U.N., and some countries legally guarantee this right to all citizens. For it to be legitimate, consent needs to be given free from pressure, prior to the beginning of any activity that may impact the community, and it must be informed — with sufficient information delivered in a region’s native language (and in a culturally appropriate way) so that the community can make a proper decision.*

*All people have the right to live in a healthy environment. Communities have the right to know what is being proposed, and the right to say “No!”*

measures in your country. Although all of this can be frustrating, it is also indispensable if you want to try this option (and we highly recommend keeping the option open).

Carefully study the constitution and mining legislation, looking for opportunities. If you find that the company has made procedural mistakes, file a legal case to annul their concessions. If that fails, present a constitutional complaint against the mining company and/or the government, based on a legal or constitutional violation (examples: lack of consultation with the community, or taking property without fair compensation). If this fails, and if you have good arguments, you can sue the government for its violation of the mining legislation or other laws.

rights or environmental abuses, and to pressure the government to implement stronger standards to regulate the extractive companies operating abroad. Just the threat of a lawsuit like this can scare investors away.

Many communities are using the UN Declaration on the Rights of Indigenous Peoples (for FPIC), Agrarian Law, Municipal Law, and other tools to express their opposition to mine projects.

### **Referendums / local votes**

Local referendums have become a popular way to democratize the decision-making process. In almost every case, voters have overwhelmingly rejected extractive projects.

This approach is not always accepted by national governments and may not be legally binding. And, the company or the government may invest enough to throw the referendum their way. Nonetheless, referendums have political clout, and can derail projects, particularly those with funding from the World Bank or similar institutions that require projects to have broad community support. Many communities are holding referendums well before any project is developed and are developing local statutes or ordinances to reinforce their decisions.

To organize a local referendum in your community, the Environmental Defenders Law Centre is a good source for information and assistance. See "Resources G". (NOTE: the Compliance Adviser/Ombudsman's office of the World Bank is a possibility, but they do not have a good track record of fairly representing the interests of citizen's groups.)

## **2E. Challenge and Delay the Process**

Delays are very costly to the company. They also upset investors and give you more time to spread the word and organize resistance.

### **Take advantage of their mistakes.**

Keep on the lookout for mistakes the company or government might make, and pounce on them. If any misbehavior is proven, publicize it widely, report it to the proper authorities, and if appropriate take (or threaten) legal action.

Determine the procedures the company must follow. For example, companies may be legally required to share information and documents with the communities when requested, and to hold public forums and consultation to obtain community consent,

before concessions are granted. For required procedures in your country, see Resources B.

If concessions were given, look carefully for irregularities and illegalities. Investigate how they got the concessions, whether the company is legally constituted, and if there are conflicts of interest (e.g. if a public official is a shareholder).

If the company is untruthful about the nature of the mine or the permits obtained, or has illegally trespassed or appropriated land, or otherwise misbehaves, officially denounce this to the ombudsman, the Environmental Commission or its equivalent, the Ministry of Mines or equivalent, local, regional, and national press, the press in the company's home country, and allies overseas. Or take them to court. Contact the company president and present him/her with copies of the denouncement.

Demand details on how baselining was done. Exploration is often started prior to preparation of an Environmental Impact Assessment, so there may be hundreds or thousands of exploration boreholes and test pits already drilled. If a mining site has already been explored, point out that such activities often change the baseline for the quality and flow characteristics of ground waters, and sometimes surface waters. Demand detailed information on the number and location of boreholes, depths completed; evidence of ground water; evidence of sulphide minerals, and especially proof that they were adequately plugged, and that the regulators have actually evaluated the plugging and abandonment data and information.

### **Challenge and delay the TOR**

The Terms of Reference (TOR) should be made available to the public, and this could be another opportunity for the communities to learn more about the project and possible

impacts, and to intervene. In some countries, public hearings are required in order to determine which elements should be included in the TOR.

As soon as possible, get a copy of the TOR. Have it read by someone with experience and try to oppose it on legal and technical grounds in plenty of time before the government approves it. Technical grounds could include proposing inadequate or outdated procedures or equipment, leaving out key data such as endangered species, or using data from improperly located meteorological stations. If you find flaws, insist that it is incomplete and that other aspects should be considered (such as impacts on existing economic alternatives, protected species, and archaeological and culturally significant sites). If community consultation is required as part of the approval process, try to prove it was never legally carried out. The results of these actions will depend largely on the laws and the Constitution.

### **Challenge and delay the EIA**

Challenging the EIA (EIS, EA, ESIS) can be an excellent way to stop a project or reduce its damage. Finding illegalities or errors of substance in the EIA can provide legal grounds to file administrative or judicial actions. Or, if any procedure or action violates the Constitution, you can file a constitutional complaint or a similar legal measure.

The EIA often hides, leaves out, or minimizes negative impacts. It may ignore disturbing results from similar mines in the area or elsewhere. Sometimes it's simply a copy of another EIA, which renders it irrelevant. Usually the data are provided by the mining company itself and its validity is never truly

questioned by the regulatory agencies. Much of the data is not even available to the public. Observations, warnings, and stipulations, and other items that appear in the TOR and Environmental License or equivalent, may be omitted from the EIA and Management Plan. Often the Executive Summary is written by someone who is not technically qualified.

All of these provide opportunities for challenging the EIA. And always keep a paper trail of communications.

***If companies were forced to include the actual costs of cleanup, very few mining projects would be profitable.***

Demand to know the names and qualifications of authors of various sections of the EIA. Find out whether the company spends adequate time on certain studies, and where they are taking measurements — this may help you invalidate the EIA later. Those preparing the EIA are legally required to visit the area to be explored or

exploited. That usually requires permission from the landowners. Sometimes the community can block access to the project site to prevent the company from completing the EIA study. Document any trespass with photos or videos.

Demand that companies and regulators include observations from people or institutions selected by your community, including an expert in environmental health and social impacts. People you trust should be part of the sampling and data analysis teams. If an EIA or similar document is completed and was prepared without citizen oversight, demand a re-evaluation using a new team that includes independent parties. This is essential in countries with authoritarian regimes, or where there are no independent government bodies, where these studies are usually approved in spite of flaws.

EIAs often present rosy predictions rather than actual data. Disregard all predictions, and emphasize that *the public needs to see actual data* (such as water quality, aquifer tests, geochemical tests, historical seismic data, rainfall data)---NOT predictions! Best of all, collect your own data.

**Examples of errors** could be: areas they said they studied but didn't; incorrect data on elevation/rainfall; incorrect boundaries; incomplete list of chemicals; omitting streams or water sources that could be contaminated or depleted by the mining; inadequate social evaluation; overlooking threatened, endangered or rare species or important archaeological or spiritual sites; or neglecting an economic activity or planned activity that could be impacted. If you find flaws, summarize and distribute your findings to all relevant organizations and communities. Present your results to government officials and media and request the rejection of the EIA. Prepare a shortened version for the community, pointing out the flaws and impacts of the project.

In preparing your challenge, when possible, cite technical sources rather than NGO sources. Technical material adds weight - it may not ever be read, but it will make your arguments more believable.

During the socialization phase, the EIA is seldom made freely available to the public, but often must be studied at the company's offices. Don't accept this - demand that the company or government makes public its EIA and management plans and that they provide an effective complaint mechanism. If they refuse, file an official complaint with company headquarters, and send copies to organizations and media in the company's home country. Business & Human Rights is a good resource for this (*Resources Q*).

Most EIAs are compiled from other more technical reports, including technical and

financial feasibility studies. But the mining companies prefer that the public see only the EIAs, which are often written by a company hireling or by the company itself. With persistence, citizen groups can force these technical reports (which legally must contain accurate, unbiased information) to be made public and part of the EIA. (Often, these reports can also be found on security exchange websites.) Try to get exploration data included and made available to the public - it contains valuable information. Especially important is the water study.

If the EIA has been completed, obtain a copy and get it reviewed to detect errors and illegalities. You can conduct your own review, but it usually requires special expertise, perhaps by an organization that specializes in reviewing EIAs (*Resources D*), or by a lawyer experienced in mining law.

The Executive Summary is the only portion of the EIA most of the public will read, so it should summarize all of the most important data and issues. Often, the most important information is not mentioned in the Executive Summary in easily understandable ways, but instead is scattered throughout hundreds or thousands of pages, making it difficult for the public, or regulators, to understand. Insist that all critical findings be made clear in the summary in the form of tables, figures, graphs, and clear statements. Demand statistical summaries and check them for accuracy! And insist that the chemicals used during both exploration and exploitation be included in both the TOR and EIA.

**Closure:** The EIA or Management Plan should contain detailed plans on how the company will rehabilitate the impacted areas and resources and how it will be funded. Funding for this final step, cleanup and remediation, should be adequate and guaranteed, to ensure that the company doesn't abandon the mining areas without

rehabilitating them adequately. It can be very costly, and the company will likely resist allocating income or capital for these activities because they don't generate profit (if companies were forced to include the actual costs of remediation, very few mining projects would be profitable). Many countries require the companies to set aside large financial guarantees for this early in the project. However, often this is not done, or the company underestimates these costs. They must be forced through community pressure to implement an adequate remediation plan. If this is not done, the consequences will take a heavy toll on present and future generations.

If you are unable to stop EIA approval, exploration will probably begin. This can cause significant environmental and social damage (in spite of government or company claims). Demand access to the areas being explored to determine if the company is complying with the TOR, the EIA, and the management plan, or else get information from a company or contractor insider. Find out: Are they using streams that they aren't supposed to? Are they using more water than stipulated in the EIA? Did they build the access trail or road wider than specified? Are they dumping garbage or using different chemicals than the ones listed?) If so, denounce it to the media, local and national authorities, and your allies. For this work, form a citizen's auditing commission made up of respected community members not on the company's payroll. Try to find someone who will train the members in what to look for and how to document it correctly when inspecting the mining sites.

### **Withhold consent**

Resistance efforts that rely solely on legal and technical approaches will almost certainly lose the battle if they do not also have strong support from the local population and from

international allies. This is a political struggle; therefore, it is most important to prevent a company from buying or forcing consent from the community - in other words from obtaining the social license.

The company usually is required to accept comments from the community. If they delay notifying the public or impose a very short time period for comments, protest to the authorities and request an extended comment period.

A common company or government tactic is to buy off key people. They promise everything to everyone (such as medical services, new schools, high-paying jobs, roads, etc.) and they may (temporarily) hire local people even if it is not necessary, just to get them on their side.

To confront these strategies, create full public awareness of mining's true impacts, prevent company entry by all means possible (including not selling or renting land, declaring the community free of mining, and physically blocking entry to key areas), and develop plans to protect and improve local development projects.

## **2F. Publicity – Spread the Word**

Publicize their misbehaviors widely. Many companies are afraid of tarnishing their reputation because it affects their ability to attract funding. Get the story out as much as possible, locally, nationally and internationally. Highlight issues such as threats to indigenous cultures, pristine water sources, rich biodiversity, the presence of endangered species, nearby protected areas, old-growth forests, areas of archaeological, spiritual, and cultural significance, and places at risk of earthquakes. In other words, present as many hooks as possible for

organizations to get involved. If a proper EIA has been presented, it may be a good source for this information.

Focus on an aspect of the issue that will engage the largest number of people. For instance there may be a special “charismatic” species you can use as a rallying cry (Condor, Jaguar, Panda).

**Emphasize water!** Water is a compelling issue, sometimes even more than human rights or contamination.

Try to expose the political machinery at work behind the scenes – this can be very embarrassing!

If you think that the corporate science is not objective, a pre-emptive challenge may be possible through local, national, or international media. You may not even need proof - cover yourself by stating something like “company makes a dubious claim that...” or “there is strong suspicion that...”

You want your story to be heard by as many people as possible. The goals are: (1) to highlight the impacts on nature and society that a project may pose, and (2) to publicly shame a company and make it harder for them to obtain funding by discrediting them or casting doubts about the future of the project. The information must be 100% truthful so the press, government officials and/or investors can trust it.

Education can pay off. Public opinion can be the deciding factor in stopping projects.

### **Photos and videos**

Images and video clips are far more powerful than words, and their use is essential in documenting the struggle. Distribute images showing results of the company’s presence (violent confrontations, dead animals, contamination, environmental devastation, or a ruined community). Send these to

journalists and other public figures. If public officials are corrupt, send post-cards with images to members of the opposition in the Congress. (In Ecuador, the group DECOIN printed post-cards showing paramilitaries attacking the communities, and local people used them to write messages to Ecuador’s president.)

Newspapers, radio or TV stations will be much more willing to publicize your story if you give them good quality photos, audio recordings or video clips. Also give them to potential allies.

Video documentaries can be very short clips that you can upload to YouTube or similar sites, and thus reach those far from your area. They can be in both English and your native language. However, it takes time and resources and requires learning how to use the equipment. Perhaps you can find someone with experience to do it.

### **Media power**

It is essential to understand the power of the media and to develop the skills to use it well. Learn how to prepare press kits and press releases. Whenever possible, include good quality photographs, video clips, copies of documents and interviews, and always include your contact information in case they need more details.

Encourage reporters to visit the communities, giving one or a few the first shot (an exclusive) at reporting a story. Make sure they are there when something important happens so they can report it. Also, be sure to have one or more locals there with cameras.

Develop a relationship with a good journalist, and establish both local and international contacts (international journalists may be more likely to remain independent of company or government pressure). Supply them with a steady stream of factual



information on activities and the threats to the communities and the environment.

Always follow up a press release with an email or phone call.

Don't forget local resources. Try to find someone who can write and draw reasonably well. If not, befriend a supportive reporter who can help. If there are organizations that train community journalists, ask them for assistance. Also send out frequent news bulletins on the situation to all regional and national papers. Do local and regional radio spots on mining and the importance of conserving water, forests and biodiversity.

You may also be able to get a well-respected celebrity (such as a national hero or a TV/movie/sports star) to help publicize your cause. This can be a very effective and inexpensive publicity tool.

Another powerful way to pressure the governments and companies is to take out space in a regional newspaper (national media is even better but it is also more expensive). Taking out a half or full page denouncing damaging actions can succeed in moving the government to curb them where other denunciations fail. (NOTE: Be careful not to overstate or make false accusations.)

Create a buzz phrase (for example, refer to the "death company," or "destruction project") and relentlessly insert it into the media. You can also hold news conferences in a major city, inviting the press to a breakfast or lunch (making it more likely they'll show up).

You can also create and distribute posters, videos, brochures, and booklets on biodiversity, water, and the impacts of mining. You may find what you need already available on the internet

If the press shows no interest in reporting your story and won't respond to your calls and e-mails, then you might visit them at

their offices and convince them to listen to you. Emphasize that many of their readers/viewers/listeners are or will be affected by this or similar issues. And it may help to let the reporters and editors know that this is part of a growing national and global movement against destructive mining. Failing that, you may have to buy space in newspapers, on radio, or TV, to influence public opinion within or outside your immediate area. In any case, media exposure is crucial! (More in the supplement: Resources H and "Using Media.")

### **The Internet and social networks**

Social networks and the Internet are valuable and inexpensive resources, and help to expand the resistance. You might create a web page, blog or Facebook account where you can publish maps and project details, expose lies and misdeeds of the mining company, and pictures and videos about the resistance. Update it often to include such things as new developments, new allies, news from the local communities, new pictures and videos. To include input from others and avoid the effort of making a website, you can create a blog and update it frequently. Or do both.

If your community does not have access to the internet, try to contact an ally who has access, and who can help you spread the information. Try to widen the coverage of your struggle by creating accounts on sites such as Facebook, Instagram, Twitter and YouTube. Many anti-mining struggles have succeeded using these tools. Action alerts and petitions in which tens of thousands of people write to companies or their funders, or post thousands of messages to their Facebook pages, can be very powerful.

Mining companies are wealthy and can "green wash" their project. Your web page, Facebook, or videos in YouTube may be the only sources of information telling your side

of the story, so it is important to get as much accurate information as possible and spread it widely. Ask national and international organizations to post news of your campaign on their web sites. Creating an English version of your website will help. Try to have adequate cameras and training in their use.

### Marches and demonstrations

Demonstrations in main cities can be an effective way to broaden support for your cause and raise the profile of the problem, but can also be expensive. For demonstrations to have greatest impact it is important to involve people from the cities, and be sure to arrange media coverage for them. But if the demonstrations are manipulated and become violent, they will be counterproductive. If the government outlaws protest demonstrations, you can hold vigils and forums instead.

Perhaps a long march from the threatened community to the state or national capital can be arranged. Or a hunger strike - but it must be well orchestrated to provide the most benefit and not endanger the life of the participants.

### Play or puppet show

Putting on a play or puppet show to illustrate mining effects can be a great way to communicate, especially to a non-literate population. The plot can be simple: show the effects of mining, compare before and after, the promises vs. the reality, highlight the different ways the companies deceive people, and the impacts of divisions between neighbors and family members. This kind of street theatre typically involves one or two people who represent the community and one person who represents the company

and/or government. Some of the best street plays combine comedy with serious drama.

## 2G. Direct Action

Part of the struggle may involve direct action or civil disobedience to impede the exploration or exploitation process, to stop the company from performing the EIA or from gaining ground in other ways. The objective is to foster tension so that a company or government entity is forced to acknowledge the issue. Direct action can be empowering, and it can deepen connection to a threatened place and to the community of resistance.

***Blocking access roads, sit-ins, hunger strikes, and other actions of civil disobedience have been used successfully by well-organized communities everywhere. Choose what is best for your situation.***

Make every effort to *keep these measures non-violent*, even though it may take longer to reach your goal. Gandhi and Martin Luther King, among others, have demonstrated the effectiveness of non-violent direct action or civil disobedience, where people organize and intentionally break laws considered

unjust. Violence, in almost every case, is counterproductive, and often will only help justify the use of violence against you. It may turn public opinion against your struggle. Associated legal costs could put a severe drain on your coffer.

Companies might try to infiltrate your group and encourage violent actions in order to discredit your group and to land you and your colleagues in jail. When someone suggests violent actions, ask yourself who that person is and what their motives might be.

Direct action may or may not work depending on the level of local and national support for the mining project. It is a

particularly sensitive issue at this time in history, when governments can use the term 'terrorist' against you. If they make the label stick, the power of the state and military can come crashing down on your organization. Your leaders may be arrested or your campaign may lose essential backing. If the army is involved, it is best to hold off until you can learn more.

Despite the risks, there are times when direct action can galvanize local opposition, and it can become a powerful symbol of resistance. Blocking access roads to the mines, sit-ins, hunger strikes, and other creative forms of civil disobedience have been used successfully by well-organized communities all over the world. A simple tactic is to remove surveying stakes, flags, and other company markers.

Keep your goal in mind and choose the most promising tactics to gain support for your position. If you decide to go ahead with direct action, plan in advance, and in detail. Everyone involved should agree to a common set of principles, otherwise the media and police may focus on the conduct of a few participants rather than the original intent of the action. And be cautious about who you work with – watch out for provocateurs.

Here are some preliminary questions you should answer: What needs to be in place to obtain the greatest benefits (e.g. invite members of the press, human rights observers or a congressman)? What are possible negative consequences, and what can be done to neutralize or minimize them? What are the likely short, medium and long-range results? What follow-up activities need to be implemented so the actions are not wasted?

If, after careful consideration, you decide to engage in civil disobedience, it is important to train participants in the practice of non-

violent resistance. To minimize the legal impacts of a direct action, prior legal counsel is absolutely necessary – and it must be good legal counsel.

During the action, try to stand your ground. To break and run could defeat the purpose of your action and endanger others. Don't put yourself in a dangerous position unless you are personally willing to face danger. Otherwise, choose a less risky role in the action.

**Examples:** While the authors do not advocate the following types of direct action, it can be helpful to indicate what has worked in some situations: In Mexico, protesters seized mining machinery after it contaminated a river, then returned it to the company after the company was expelled. Another community used roadblocks to explain the situation to people in passing vehicles. Another group delivered an ultimatum to the mining company to leave the area within 24 hours, then closed roads and refused to feed foreign miners. In Chile, protesters physically removed company officials, geologists, the governor and his entourage, and others from the area. In Ecuador, local people twice burned down unoccupied mining camps to emphasize their resistance. See Resources J for more guidance and examples.

## 2H. If Mining Goes Forward or is Already Underway

Perhaps you are unable to stop the project, or it is already underway when you start to organize against it. However, with the help of a strong community organization that is independent from mining company interests, you can still reduce its impacts.

## Health precautions

If it appears that mining will go ahead, take steps to protect the health of local communities. Identify possible health threats and establish an independent system to monitor the toxic effects of mine contaminants on local populations. Try to get an initial baseline survey of human health and the environment (air, water, soil, food) to determine existing levels of heavy metals, arsenic, cyanide and other potential mine contaminants that are in water sources and bodies. Make sure it is done carefully, accurately, and independent of the company. The baselines will allow you to measure the impact of mining activities and perhaps to avoid them. This is a key responsibility of the mining company and it should also be a responsibility of the government – but don't trust them to do it. If it is not performed by a reliable entity it could be useless. You may want to monitor the measurement process.

Community members can set up a sampling program to establish baselines and track parameters such as water quality, airborne particulates, and health indicators. This is a powerful way to keep communities involved in the process and informed about risks, and to hold companies to account. The samples can be analyzed locally, or with the help of a sympathetic professional. Details in Section 2A.

Any plans to safeguard health must be tailored to how local people identify and prioritize their own health needs and access to health care. Their voices must be incorporated into any proposed health programs to guarantee its success.

## Compensation

Adequate funds should be earmarked to compensate local communities for treating health problems, death, loss of agricultural, fishing, and hunting capability, forced

relocation, the loss of livelihood that extractive projects cause, and other negative impacts. However, this almost never happens. Legal action may help in getting the damage addressed. And there might be a national office of environmental protection that requires companies to clean up sites before leaving, but their effectiveness depends on their independence from the project.

## Community oversight

To reduce the level of the social upheaval (even though it will not stop it) it helps to have a strong community organization that can negotiate infrastructure and services improvements, approve new company personnel (insist on police records and community endorsement) and new business establishments (deny brothels and cantinas). It can also demand evidence that promises were kept (for instance that exploration holes were plugged), and demand that the company implement more environmentally sound mining practices, use less toxic substances, find more appropriate disposal sites, or refrain from affecting certain resources or spiritual sites. If a single community-elected oversight committee is responsible for negotiating with the company, the company will be less able to divide and conquer by keeping the community fragmented. (This is also true for other organized groups such as women's organizations, conservation projects, or a group that seeks to establish a "municipal protected area.") While it's possible that the company will try to buy off the leaders or subject them to intimidation, it's still best to have a democratically elected community-based committee led by reliable individuals that remains independent and free to denounce irregularities or illegalities to the proper authorities. Power should be kept within the communities, preferably in the hands of long-term residents.

# 3. Conclusion



## Success is Possible.

Confronting powerful transnational corporations or extractive projects facilitated by the state could seem hopeless and a waste of time. However, there is a growing global trend of grassroots protest, and there are successful struggles everywhere. With hard work and persistence, communities can defend themselves from extractive projects and the impacts can be reduced. See Appendix C for examples of successful resistance.

Understand and use the Tipping Point concept: major changes frequently grow as undercurrents with little visible response, and actions seem to be futile. But with

persistent effort, the situation can reach a critical point and suddenly turn in the desired direction, seemingly out of nowhere.

The struggle can be long and difficult, but it's worth it. The reward is the continued good health of your community and your environment.

## **NEVER GIVE UP!**

*"There are no miraculous methods to overcome the problems we face, just the familiar ones: understanding, education, organization, action - and the kind of commitment that will persist despite failures, inspired by hope of a brighter future." (Noam Chomsky)*

# Appendix A: Company Tactics & Community Countermeasures

This section describes tactics used by some companies at certain points in the process. While not all may apply in your situation, it is good to be prepared for them in advance.

## Company Tactic 1 - Visit with false identity

The company has, or is applying for, concessions, and sends a team to assess the local situation. They want to find out the level of knowledge among the populace and the degree of opposition. They begin to identify local key persons in the community or local government, to get them on their side. They may come with a false identity (such as posing as an NGO representative or a missionary) in order to obtain information.

### Countermeasures

Be wary of people soliciting information without a good reason. Make sure strangers are who they say they are – get their ID information, telephone, and address to follow up. Write down what they are proposing or offering. If they are lying, you want to be able to prove it and expose them.

If you suspect that this may be a mining or other extractive project, study the legislation to see what their next obligatory steps are before they come back (*see Section 2A*).

## Company Tactic 2 - Company presentation

When they have found a local ally, the company or state officials may come in openly and meet with the local government or community to talk about the project, likely arranging meetings through “friendly” local

government or community officials. By this time local officials may have been promised some benefits, monetary or otherwise.

Mining companies generally have their presentations made by non-technical people, who might make technical claims which are later shown to be garbage. They won't mention any negative impacts. And they will avoid alarming words such as “cyanide” – they use euphemisms instead. They will play up economic fears with the familiar false argument: “your economy will collapse without this project!”

The company may boast that they have signed best practices agreements, such as the Voluntary Principles on Security and Human Rights. But they are meaningless: there's no enforcement mechanism.

### Countermeasures

It is most important to set the conditions for the meeting yourselves. **DON'T LET THEM TAKE THE LEAD.** First meet with the community to see if there is general agreement to allow the company to make a presentation. Then set the conditions. It is a good idea to tell them you will record or film the meeting. Query anyone who is making a presentation. Does he have the education and experience to support his technical statements?

You might insist that someone experienced in mining and environmental impacts, but not from the company, be present. If possible, arrange for someone from another village which is affected by mining to attend and speak – ideally a woman who can address

social and health issues. If the company balks at your conditions, they will be revealed for who they really are.

During the presentation, challenge rosy predictions. Ask difficult questions. Anticipate their arguments and be prepared in advance to refute false claims with photos and/or reliable data. For example, challenge the “your economy will collapse without us” argument. Challenge the “it’s perfectly safe” argument with examples from other similar mines.

Talk about baselining, and if necessary challenge their data. Talk about things like cyanide, other chemicals used, radioactivity, and water issues, and force them to acknowledge those issues. Point out past company lies, unfulfilled promises, and misbehavior, and show pictures. You can raise the prospect of sickness, drugs, social upheaval, and poisoned water and land. Point out that your quality of life, which would be destroyed by the project, is worth far more than money.

The mining spokespersons will try to avoid these questions but by doing so, people will see that they are not honest and open. Your job is to make this obvious.

### **Company Tactic 3 - Sham consultation**

Companies may use meetings as part of obtaining community acceptance of the project - the “social license” that they need. They may describe only the benefits of the project. They might not tell the participants the real objective of the meeting, and then later use it to claim that the community has consented to the project.

#### **Countermeasures**

Stop any possible misuse of community meetings by the company or the state. Whenever necessary, clarify that the meeting

is not for consultation, but for informing the community about the project, which is a necessary step prior to any consultation. The community should take the lead and establish its own conditions and rules for the process.

**Get information:** Keep your own minutes of the meeting, and ask the company to provide you with their minutes as well. Get as much information from the company as possible: names of company officials, addresses, telephone, where they are from, specifics on the concessions (concession code, boundaries, and physical extent in hectares), and a list of the properties, communities or communal assets within the concessions. Request a map showing concessions. In other words, take advantage of the situation to get helpful information for you and your community.

If the company representatives cannot or will not supply this information, it may be strategic to prevent the meeting until they supply all the information you need and show respect for the decisions of the community, and to ask the company representatives (publicly or in writing) to delay socializing the project for 3-6 months, or until the community is well informed about the implications of the proposed project. This will prevent early divisiveness within the community (which is a favorite company tactic). Meanwhile, you and your colleagues should get all the available information about the company and the proposed project, and present it to the community. Only when all the members of the community are fully informed should the consultation process be allowed.

### **Company Tactic 4 - False front organization**

The company may negotiate with a local group that it wants on their side but that does not genuinely represent the community’s

interests. If it cannot find a willing ally, it may create a new group composed of people who support the mining project. Or it may create a parallel governing structure, or empower a pro-company leader. Or it may simply corrupt the leader of an existing organization.

The company might do this with youth groups, farmers' groups, faith-based groups, indigenous groups, or women's groups. There may be a lot of money immediately available for this new group. In the case of state-supported projects, they could offer local officials desirable public works in order to get them on their side.

This group will be the company's public champion, defending and supporting the project, and implementing some of the company's social programs (and financially benefitting from the company's presence). All of this is divisive and is used to destabilize a community's defenses. It can drastically upset a community's power balance.

The company may do this before or after the EIA. Their objectives are (a) to create mistrust within the community and (b) to give the company the legitimacy it needs to convince investors, financial institutions, government officials, and the public that their project has obtained the necessary social license.

If your community defeats this tactic, the company and its false group may then approach nearby communities to try to turn them against your community, resulting in inter-community conflict and increased pressure on those resisting the project.

### **Countermeasures**

You need to be one step ahead and try to reach those influential people before the company recruits them. Give them reliable information about the proposed project in order to get them on your side. If that fails,

expose any conflict of interest they may have or other reasons to be suspicious. If you can, show that the mining company has been dishonest in the past. Point out that the company's real interest is extracting the resources and making money, and not the well-being of the community.

Before the company has a chance to create a false organization, educate community members about this tactic. If it's too late to stop it, denounce it to as many people and organizations as possible to prevent the false organization from signing contracts with other organizations or government institutions. Make sure the company's investors, other communities and government officials are aware that the false organization's statements of community support are just that: false.

### **Company Tactic 5 - Signing trick**

The company may send representatives to the homes of unemployed people, promising high - paying jobs if they sign a "job application" which is really a petition showing support for the proposed project, or an agreement to sell their land. In the Philippines, an extraction company deceived the indigenous people by having them sign a blank sheet of paper and later used it as "evidence" of their giving consent to the mining project. This signing trick is another form of "sham consultation".

### **Countermeasures**

Do not fall into this trap. Be careful before signing anything. If people cannot read, then have a trusted associate or friend read the document for them. *Never* sign a blank paper or anything that can be modified to show support for the mining project. Make sure the heading on the paper describes what your signature is needed for. Initial every page and/or take photographs of the signed pages.



## **Company Tactic 6 - Offers of gifts, services, projects and jobs**

The company will promise jobs and services and infrastructure projects such as roads, bridges, clinics, schools, a full time doctor and medical/ dental care, education scholarships. In offering high-paying jobs (that usually last for only a short time), they may single out certain influential individuals, thereby sowing resentment. They may also give out “gifts” such as laptops or smart-phones, directly or through a front organization or a foundation.

This is especially seductive in communities that are neglected by the government and/or have a high rate of unemployment. It divides the community between those who want to accept the company’s offers and those who question their generosity.

As the company starts spreading their money around, they will be implanting their idea of development and wealth, and tying it in to mining. Money, in their world, is synonymous with wealth and, if you don’t have much of it, you are poor. This often brings about a major change of values in rural communities and indigenous people who traditionally value other aspects of life as much or more than money - such as peaceful co-existence, healthy environment, and strong cultural identity.

For a state-supported project, state officials can seduce local officials by offering high political positions or public works that they can take credit for to help them remain in power. There is good logic behind the saying that “power corrupts.”

### **Countermeasures**

Before your community accepts handouts from companies, they should reflect profoundly. By now you should have distributed information about the company

and the project’s harmful impacts and enlisted the support of local, regional, national and international allies. Constantly remind people that extraction projects usually bring riches for a few, long term poverty for the majority, irreplaceable loss of social and cultural values, serious health impacts, and long-term environmental degradation. And that whatever the company is offering, it is not worth those permanent and devastating losses. If people value their community’s well-being in all its dimensions – not just the economic one – then they will oppose the company’s fake version of development and “well-being.”

Remind the community that while some promises are kept (at least in the beginning), many are not. If it becomes too expensive, their promises to resettle people from homes that are severely impacted by mines are often scrapped.

Most importantly, make people aware that this is a company strategy to divide the community and thus to help the project proceed. Your challenge is to ensure that every member of the community understands that if they accept these things, they will be helping the company achieve its final goal: extraction, with the resultant devastation of the community.

When the service functions of local government are replaced by the mining companies, it creates a dependence on the goods and services they provide, encourages corruption, and sets the society up for eventual collapse when the company leaves. Try to get national or local governments to provide the services or infrastructure offered by the extraction company – it’s the governments’ responsibility to provide public services.

## **Company Tactic 7 – Stalling tactics**

When mine sites are located in remote settings that are difficult to reach, it is common for companies to stall access to the operations by community oversight teams. They impose lengthy security checks, or require citizens to sit through lengthy PR and safety presentations. Or they may prohibit access to the project area completely. These tactics are intended partly to use up the team's limited time available so that little real field work / observation / sampling / measurement can be accomplished.

### **Countermeasure**

Remember that mining concessions usually do not include surface rights. If you are denied access to certain areas, talk to the owners of the land and obtain their permission. Become familiar with your constitutional and legal right to freedom of movement and to be informed, and challenge mining employees with law book and regulations in hand.

## **Company Tactic 8 - Infiltration and surveillance**

If the stakes are high enough, the company (or state) may resort to spying to learn about your plans and actions. They may set up hidden video cameras or recording equipment to monitor key spots and certain meetings. They may record phone conversations and intercept e-mail messages.

They may recruit or plant spies to gather information to use against you. The spy may become a core member of your group, joining protest actions and hosting action meetings. Usually the spy is there to gather information, but sometimes the spy may push the group into actions (usually illegal ones) that will damage your reputation or make your leaders end up in jail.

## **Countermeasures**

When discussing delicate matters, use the safest means of communication possible, such as face-to-face meetings in places unlikely to be monitored by the company or state, and only with people you trust. Land-line telephones are safer than cell-phones, but not completely. Emails are not safe. There are programs to encrypt email text. These are safer than regular email, but still not 100% safe. In some cases, a service such as privnote.com is best. In sharing sensitive documents digitally, it's best to send as encrypted PDF, or use Privnote (*Resources K*).

## **Company Tactic 9 - Company claims it's no use fighting**

The company may claim that with their great influence and power, it's no use fighting. They might claim that they can wait years to start their activities. They may claim that if you fight them off, another company that is even worse will come in. 'You are better off with us,' they claim. Such claims are nonsense.

### **Countermeasures**

This is a psychological tactic to discourage community leaders, create an environment of pessimism, and make them give up. Don't be fooled!

Let them know that any other company will be faced with the same opposition as the one you just mounted for them, and that they are dealing with communities whose knowledge and resistance are growing ever stronger. Continually pursue resistance actions and report them in national and international media. Shared leadership will reduce the stress of prolonged battle.

Remember that while prolonged struggle can be exhausting for the community, it is also very costly for the company. Investors and financial institutions may hesitate to invest in

a controversial project that is embroiled in social problems.

### **Company Tactic 10 - Lawsuits and trumped up charges**

If the company (or state) feels threatened by the resistance, it may start using more aggressive tactics, such as lawsuits and trumped-up charges to imprison resistance leaders.

In order to publicly discredit opposition leaders, they may spread false rumors or invent crimes that result in criminal trials – for instance paying someone to say they have been robbed or assaulted by resistance leaders, or paying girls to say they have been raped. Their intent is to get the leaders out of the way, to pressure the community into accepting the mining project, and to intimidate anti-mining activists elsewhere. In countries where the courts are not impartial, it is easier for them to criminalize the resistance.

Or they may file lawsuits to intimidate local opponents and to force them to spend time and money defending themselves.

#### **Countermeasures**

Leaders should be careful not to fall into these traps. Engage a good lawyer from the start, and try to form close alliances with well-known international organizations such as Amnesty International, Global Witness or Human Rights Watch, so that the company knows that if they take you on, they will have to deal with these organizations too. Lawsuits can be very draining, so make sure you and your colleagues don't give the company legal excuses to take you to court.

Denounce fraudulent use of the judicial system to national and international organizations and to relevant state entities, even if they are co-opted.

### **Company Tactic 11 - Security forces, paramilitaries, beatings, death threats**

In the face of significant opposition, companies may hire security firms to subdue the resistance. This is often intended only to intimidate, but the next step is often paramilitarization or militarization – a very serious stage of the struggle that could bring beatings, torture, rape, torture, and killings. The government might also use police or military to intimidate people into accepting the project..

#### **Countermeasures**

If you suspect this may happen, publicize the threat in advance. Many communities and governments will reject the presence of paramilitaries or private security forces. Check to see if these “security” companies are legitimate. Human rights organizations may be able to access information about them that you may not be able to.

Be prepared to document their activities and to refute false claims by company, government, or police with photos, video, audio recordings, and other reliable data. Immediately denounce threats to national and international human rights organizations and to relevant state entities, even if they are co-opted. Ask them to periodically visit your area and to produce reports that you can use at all levels to denounce the company's actions. Try to get international observers to live in the community and to record aggressive and/or illegal behavior. Providing high visibility in the local, national, and international media will greatly discourage this behavior.

If government forces are involved, try to obtain copies of contracts between them and the company (perhaps through the Public Defender or Ombudsman, a friendly Parliamentarian or Congress person, or the

courts). Publicize them along with videos of police/army action.

If key leaders receive death threats, they may have to be protected around-the-clock by other community members. You can seek protective measures beforehand if you can prove threats; this could force the country to put in place such measures, and also brings threats into the open and may help prevent crimes. An international letter campaign can also protect community leaders. (However, if resistance actions are seen as violent, it will be difficult to get this kind of support.)

You should already have arranged for leadership to be distributed among several people (or at least appear to be), to avoid presenting a single target for kidnapping, arrest, or worse. You may not want to publicize they are. And you may want to organize around-the-clock community lookouts (with camera) to alert the entire community to any impending threat.

**CAREFULLY DOCUMENT ABUSES AND ILLEGALITIES.** Keep notes, minutes of meetings, copies of documents, photographs – anything that you can use later in courts, to denounce and/or discredit the company, or prove rights violations.

**KEEP BACKUP COPIES** of important papers and/or computer files in a safe place (or in several safe places).

## **Company Tactic 12 - The company comes back**

If you succeed in your efforts to stop the project, the same company or a different company may come back later and try again, perhaps with different tactics or different partners.

### **Countermeasures**

Hopefully by the next time you will have identified key allies that should make the work easier, including effective lawyers, human rights and other non-governmental organizations, and friendly lawmakers.

Keep alert for any preliminary activity that would indicate another threat, and try to stop it before it gathers momentum. Keep checking the Internet for key information, such as the sale of concessions or projects to other companies (several internet search engines offer news alerts through use of keywords). Keep your web page updated, highlighting the investment risks. If you get news of a company interested in buying out the concessions, write to the main investors and financiers immediately, highlighting possible investment problems (risks of civil disorders, take-over of project facilities, possible protected species impacted, opposition of local communities and or government, etc). Also write the company itself.

# Appendix B: State Support of Extraction

National governments often see extraction as an easy route to economic well-being and actively promote and develop mining and other extractive projects. The costs to communities, people's health, and the environment are not part of that accounting. State support might include a wide range of activity: favorable investment policies (including weak protection for communities, workers, and the environment); subsidies and economic supports; harassment, marginalization, or criminalisation of critics and activists; and full or partial state ownership or partnership..

In some cases state ownership (nationalization) can help identify mining as being in the national interest, making it easier for the government to override community interests. In other cases it may help to ensure that development actually serves the public interest and is subject to some degree of public control and accountability. State-owned corporations may be mandated to maximize employment, for example, or to provide public services and infrastructure.

## What to expect

Unless you find otherwise, be very skeptical of both the company and the state. In many countries, both will try to convince you the project is necessary for the well-being of your region and country, both will promise lots of benefits and jobs, both will downplay the project's social and environmental impacts, and both will do almost anything to neutralize resistance to the project. There are also major differences: with the state, you are not fighting only a corporation, but rather an entity of which you are supposed to be a part.

It is another challenge altogether, so one must use different strategies.

There are other factors that will influence what you might expect, and the best way forward. For instance, how much political commitment is there towards extraction? Whether it's realistic or not, how strongly does the government argue that meeting the national budget depends on supplying cheap natural resources? Which branches of government support extractive development, which ones support communities and the environment, and what are their strengths and weaknesses? What provisions are contained in bilateral investment treaties, free trade agreements, or other agreements your government might have signed with foreign governments whose companies are interested in your territory, giving those companies additional leverage over the government? These factors can greatly increase pressure on a country to allow extractive projects, regardless of their human, cultural, social and environmental costs.

In general, if you live in a country plagued with some or many of the above conditions, you can expect some of the following:

- Swift approval of permitting documents such as EIAs, regardless of incorrect or inadequate information they may contain
- Requests for information about the project getting "lost", or required to be resubmitted over and over again, or tied up in red tape
- Sudden increase in public works (roads, education, drinking water systems, clinics) in order to secure community support (or to facilitate the project). These may be executed

directly by the extractive companies, or even by NGOs.

- Information and consultation limited and managed in such a way as to guarantee approval.

Depending on the importance of the project for the state and/or the level of resistance, you may also encounter the following:

- Orchestrated defamation campaigns
- The use of surveillance to collect information to use against you
- Arrests and incarceration of key leaders under false pretences (terrorism, sabotage) with the complicity of the district attorney and courts
- Attempt to place pro-mining individuals in key positions of political power
- Expropriation of key properties
- Militarization of the extractive zones with the ensuing erosion of civil liberties

The less separation of powers in the country, the more dangerous the situation can become. Threats, abuse, and even murder by company hirelings or 'independent' pro-mining thugs can go uninvestigated and unpunished. In extreme cases, the state itself could become involved in disappearances, torture or extrajudicial killings.

Your government may employ other tactics in the hope of neutralizing the opposition. It has the entire police force and other security forces at its disposal, as well as the army, military intelligence, government ministries, the tax bureau, and other institutions ready to apply pressure where needed. Aggressive tax-auditing is one example .

All in all, you will be reminded that you are struggling against the same entity that makes the laws, issues permits, provides security,

and collects taxes, and that is also responsible for protecting your civil liberties and collective rights, controlling industrial activities and protecting the environment. In short, the actor who makes the laws is in charge of prosecuting the violators – and may well violate its own laws, neglect to enforce them, or engage directly in criminal activity.

There is also the psychological effect on individuals, who may feel powerless knowing they are now fighting the entire state with all its institutions.

## What to do

It will be very difficult not to feel like giving up in the face of such a seemingly monstrous adversary. But remain strong and determined – don't give in to the sense of helplessness that may creep in. You can be encouraged by two things: (1) every adversary has its Achilles Heel, and (2) history is replete with David vs. Goliath stories in which a few were able to triumph over overwhelming forces. The successful struggle against Apartheid in South Africa, India's struggle for independence, and the Civil Rights movement in the United States are examples. You and your community can learn from and be inspired from other mining-related struggles that have succeeded. See examples in Appendix C-11.

There are actions that you can take, even in the face of such overwhelming odds. Many of these are described throughout the manual, but some will play a more prominent role than others. Recall the number one rule for confronting powerful interests: *the struggle cannot be waged on only one front - you must take multiple actions.*

If a state-supported extractive project threatens your community, your strategies will largely depend on your country's political situation. If, for example, you live in

a country with limited civil liberties, weak or nonexistent checks and balances (no real separation of power), or rampant corruption and impunity for government officials, the struggle will be more difficult.

**National Support:** Obtaining strong support at the national level, especially in your capital, may prove to be the most effective way to help counter the power imbalance. This means establishing contacts with diverse groups, speaking tours to the city (don't overlook universities) and visits to human rights and environmental organizations in your country. Work to establish a network of willing volunteers in the provincial and national capitals to help you spread the word, make denunciations, and help with social media.

If the legislative branch of your country has a human rights commission, it may be worth it to make contact with it to find out how receptive they are to receiving denunciations of human rights violations and acting on them. If the commission is made up mostly of members from the ruling party, that may be useless, and you may instead decide to go directly to a friendly member of this commission. With support from a well-recognized human rights organization, he or she can raise its profile within the legislative branch. This tactic also applies to other human rights entities, such as public ombudsmen, who may help you denounce the government's abuses. Again, the outcome will largely depend on their degree of independence. You will still have to work hard to provide the necessary arguments and documentation. Legal advice and assistance is probably essential.

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recognized human rights organization, he or she can raise its profile within the legislative branch. This tactic also applies to other human rights entities, such as the public ombudsmen, who may help you denounce the government's abuses. Again, the outcome will largely depend on their degree of independence.

**Media:** The government will use state media and pressure other media to promote a pro-industry perspective. They may paint anyone opposed to the project as a terrorist or anti-development troublemaker, perhaps even a traitor. In this scenario, you will need friendly press coverage. Persuade independent journalists to cover and report the truth. This may involve developing a support group in the country's capital or the relevant provincial capital to help you keep in constant contact with the media and to make sure the community's side of the story is heard.

Do not underestimate the power of the social media! Get volunteers and supply them with information (and photos when possible) on a regular basis.

**International support:** When the state itself, directly or through state-owned companies, is violating human rights or causing environmental devastation, the role of prestigious national and international human rights organizations will be especially important. The national organizations you work with must have strong ties to respected international human rights organizations, such as Human Rights Watch, Amnesty International, Global Witness, Survival International, or FIDH (International Federation on Human Rights), etc.. Keep the organizations informed of human rights violations occurring, and ask them to monitor the situation in person if possible. Likewise, contact highly respected international conservation organizations (especially if the

national ones have been co-opted by the government), and ask their help in raising the environmental threat profile of the project. In both cases, the violations or degradation must be documented by photos, videos, and/or other means.

**International Tribunals:** When the government itself is violating human rights, and when it is impossible to get a fair hearing in the country, the best route may be to exhaust the legal approach nationally as

quickly as possible, then take your case to international tribunals. Weigh the pros and cons of this; it may mean spending more funds that you have available. The international human rights tribunals' rulings are also not binding, so companies and governments can ignore them.

These are just suggestions; the specifics of each country will determine what strategies work best for each case. Employ the actions that you think will work best.

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## Appendix C: Examples

### Examples of Mining Impacts

**West Papua, New Guinea:** The destruction caused from the Grasberg copper and gold mining site is so massive that you can see it from space.

**Philippines:** Indigenous people were driven out of their homes at gunpoint by guards hired by a Canadian mining firm. Toxic mine wastes that spilled into the Mogpog flooded and destroyed the rich farming areas along the river. Deforestation resulting from large-scale mining caused so much destruction that several provincial governments banned these activities at above certain altitudes. In one area, indigenous residents who sold land to make way for mining were then swindled out of their money.

**Guyana:** A gold mine spilled four and a half million cubic meters of cyanide-contaminated

material into the Essequibo River. Eighty kilometres of the river were declared an environmental disaster zone.

**Russia:** Toxic gases from the nickel smelting plant of Norilsk have contaminated more than 350,000 hectares of forests.

**Peru:** In La Oroya, a majority of residents are contaminated by toxic gases from a smelting plant - lead, cadmium, arsenic and sulphur dioxide. 99% of the children in the area have dangerous levels of lead in their blood (an irreversible condition). **Peru:** Illegal artisanal mining has created problems ranging from organized crime to political corruption to black market trading. The illegal miners have pushed deep into the Amazon jungles, and an estimated 30 to 40 metric tons of highly toxic mercury, used to extract gold particles, are dumped into the environment annually.



**Chile:** Blowing dust contaminated by toxic material from a copper mine forced the entire city of Chuquicamata to be relocated.

**Ecuador:** In Intag, hundreds of policemen were used by the state mining company to drive off protesters and to illegally arrest one of the main activists.

**Canada:** The breach of a tailings pond at the Mount Polley copper mine released many millions of cubic meters of water, tailings and toxic slurry laden with arsenic, nickel and lead into rivers and streams, causing massive environmental destruction.

## Examples of Successful Resistance

The following stories of successful resistance, using many of the tactics discussed in this guide, are current as of mid-2015.

**1. Guatemala:** After three lawsuits were filed against HudBay Minerals, alleging murder and gang rapes by mine security personnel, HudBay was forced to sell its Fenix mine for ¼ its purchase price. The suits are proceeding.

**2. El Salvador:** In spite of enormous mining pressure, some governments are listening to their people. The tiny nation of El Salvador responded to popular concern over mining; three successive presidents have not issued any mining permits, despite sky-high gold prices and the argument that mining gold would boost short term economic growth. This was widely applauded, even in communities that might have gotten some mining jobs.

The majority of Salvadorans get water from one large river system, and gold mining

invariably pollutes nearby rivers and watersheds. Opposition to open-pit mining surged after an environmental "accident" that led to a mine closure. Local communities educated themselves about the gold mining, including by visiting affected communities in the neighboring countries of Honduras and Guatemala. Local organizing led to nationwide organizing, which has created a national movement involving a wide range of organizations, including conservative Catholic Church leaders. They are now calling for a permanent ban on mining.

**3. Romania:** The Rosia Montana mine would have been the biggest open-pit gold mine in Europe. However, for many years farmers' organizations, environmental organizations, universities and other groups have joined together to keep the project from going ahead. An important aspect of this resistance was the use of social networks to mobilize tens of thousands of mine opponents.

**4. Peru:** In 2005, the Manhattan Minerals Corporation announced plans to build a massive open-pit gold and copper mine in Tambogrande, Peru. Nearly 50% of the population would have been displaced. But community members were determined to protect their clean water source, their mango, papaya, and lemon harvests, and their way of life. After many demonstrations (some of them with ten thousand people), road blockades, and a popular referendum rejecting the company's proposals, the company finally withdrew its plan.

**5. Peru:** One indigenous Peruvian woman, Máxima Acuña de Chaupe, refused to allow a multinational corporation to turn her land into an open-pit gold mine.

When the company sought to buy her land in 2011, she refused, determined to protect the environment and her family's home. "I may

be poor. I may be illiterate, but I know that our mountain lakes are our real treasure," she told reporters. "Are we expected to sit quietly and just let them poison our land and water?"

She and her family have faced multiple violent eviction attempts by the company, aided by Peruvian police and soldiers - in one case a beating left Acuña de Chaupe and her daughter unconscious and landed her son in the hospital. This sparked outrage and support from regional and international organizations.

When Acuña de Chaupe refused to give in, Yanacocha sued her and her family on charges they were illegally occupying their own land. A judge sentenced four members of her family to two years and eight months of suspended imprisonment for not vacating the land, and ordered the family to pay nearly US\$2,000 in penalties. However, in the end, an appeals court ruling tossed out all of those sentences. The ruling is an important win in a case that has become a rallying point for local resistance to multinational plunder.

The mine (Conga, an extension of Yanacocha, mostly owned by Newmont Mining) is widely opposed by peasant, worker, and indigenous peoples in the region, who have protested it with mass marches and general strikes.

**6. U.S.:** The state of Wisconsin challenged the mining industry to give an example of a mine in metallic sulfides that had been safely operated and closed without polluting the environment. The mining industry was unable to document even one example. State regulators also searched for examples and were unable to document any successful metallic sulfide operation, which confirmed the industry's failed environmental track record.

As a result, in 1997 the Wisconsin State Legislature approved the Mining Moratorium Law, which limited mining to cases where it could be proven with the example of an operating mine, that the proposed mine would not contaminate water, either during the operation or up to 10 years after the mine's closure. In effect, this put a stop to mining in Wisconsin.

**7. India:** Nimmalapadu village in Andhra Pradesh is in a mostly tribal farming area with fertile land. The Indian company Birla Periclase was given a lease of 120 acres in Nimmalapadu in 1987 to extract calcite, and the state government acquired land to build a new road to the project site. The tribal Adivasis feared the many negative impacts of mining operations: environmental (wildlife, deforestation), economic (soil contamination, loss of livelihood, water pollution), and social (forced displacement, loss of land, social upheaval), and mobilized to stop the mining. They held street protests, blocked the building of the new road, and pursued legal action. After a 10-year struggle, the court found that the state had no constitutional right to grant leases in the area, and that only cooperative societies jointly run by tribals could mine in such areas. The project was cancelled.

**8. India:** In Odisha province in 2003, Vedanta Resources (UK) signed an agreement with the provincial government to construct an alumina refinery and coal thermal plant in the Kalahandi district. The Ministry of Environment and Forests gave environmental clearance to the company based on the company's assertion that it would not affect forestland. The project would require 3 million tons of bauxite yearly, to be obtained from the nearby Niyamgiri hills

Opposition was mobilized and included Indigenous groups or traditional

communities, local and international environmental justice organizations, affected communities, and ethnically/racially discriminated groups. The protests involved collective action, legal action, public campaigns, involvement of national and international NGOs, media based activism, blockades, referendums, and appeal to religion (Niyamgiri Hill is sacred to the local indigenous tribe). This prompted the violent targeting of protesters.

There was a ten-year long process of litigation. There were demonstrations at the Vedanta shareholders meeting in London. Finally, in 2013, India's Supreme Court applied the Forest Rights Act for the first time, saying that it was up to the local communities to decide whether the project should go forward. The villages rejected the project almost unanimously. The sacredness argument was decisive in the end. Thus a precedent was set for the first environmental referendum to decide a mining project in India

While the refinery in Lanjigarh has been built, it depends on bauxite brought by train and truck from far away, which prevents full operation. Vedanta has lost \$10 billion on the mine.

**9. Turkey:** Located in Turgutlu district, Caldag nickel mine sits on Turkey's biggest nickel reserve. However, the area is valued even more for its fertile soil and thriving agriculture.

In 2007, a European company moved in to start mining, whereupon the district organized and began their struggle to close the mine. The mine threatened great damage to the forests, water resources, clean air, and rich agricultural lands, as well as human and animal health. The planned open air acid leaching process would affect not only

Turgutlu but also the surrounding districts and provinces.

"When their pilot pool overflowed, our chicken and geese died," said a housewife in the area. "The company paid high prices for the land, but now villagers regret having sold it. They were not told the truth."

The issue quickly turned into a regional, then a national conflict. The struggle gained the support of The Turkish Foundation for Combating Soil Erosion, Reforestation, and the Protection of Natural Habitats (TEMA) who carried the struggle to the national and international level.

The struggle involved farmers, local environmental justice organizations, local government, professionals, religious groups, and national and international NGOs. Tactics included media based activism, petitions, street protests, judicial activism, public campaigns.

Finally, the company abandoned their efforts. In 2012 the project was officially stopped for good and the conflict ended. The struggle is continuing to prevent nickel mining anywhere in the region.

**10. Ecuador:** Twice, community activists forced transnational corporations to abandon their plans to create an open pit copper mine in the Intag region. DECOIN, a local environmental NGO, was the principal organization confronting the threat.

The company used paramilitaries, but activists filmed and photographed the violent encounter - a big company mistake. The photos and videos were widely circulated and used in several documentaries.

The local government passed a law declaring the county to be "ecological" and prohibiting most extractive operations in the area.

Economic alternatives to mining were created, including a shade-grown coffee association, ecological tourism initiatives (including one at the mining site), natural fiber handicraft groups, hand-made soap and shampoo, vegetable ivory (tagua nut) products, marmalade production, sustainable agricultural organizations, fish farming, and a proposed medium-size hydroelectric project controlled by the communities

DECOIN helped present five legal challenges. They did not succeed judicially, but they helped show the world that they tried every legal means to stop the project, and put potential investors on alert. DECOIN went to Canada to denounce the actions of the company before the Canadian Parliament, and gave radio and newspaper interviews. A farmers' group sued the company's stock exchange in Canada for violations of human rights it funded. This caused the company to be expelled from the stock exchange. After years of legal action and international denunciation, the company shares lost 98% of their value, and the company was eventually forced into bankruptcy.

A key to success in Intag was strong community organizations and winning the support of local governments. DECOIN said "We had to take the struggle beyond the local arena. We simultaneously worked on the local, regional, national and international levels. This included educating the local people and local government, involving local, regional and national allies, helping to create alternative economic activities, constantly informing the rest of the country and the world of the situation, presenting legal challenges to the project, and purchasing land within and around the concession and handing it over to communities. Now, the region is again under threat from a third attempt to mine.

**11. Panama:** To support mining, in 2008, the government enacted Law 30, which limited the right of workers to strike, granted immunity to police officers who violate the human rights of protesters, and eliminated the requirement for EIAs. In response, local protestors and their allies staged demonstrations. The government agreed to repeal Law 30 and to ban mining and hydroelectric dam construction in indigenous territory.

But then the government reneged and revoked the ban, passing a new law which allowed companies to undertake large mining projects without consulting with the indigenous inhabitants. In response, thousands of indigenous Ngöbe-Buglé came down from the hills to block the Pan-American Highway, bringing it to a standstill, and demanding new legislation.

The police responded with violence; two people were killed and dozens injured. The government cut off cell phone service so protesters couldn't communicate. This triggered widespread protest from civil society groups and other indigenous nations throughout Panama, with marches, vigils, and blockades of 15 highways. Protestors burned down police stations. In the capital city, universities were closed and students and unions joined indigenous protesters, marching almost daily on the residence of the Panamanian president. An international letter-writing campaign was organized to support the Ngöbe.

After months of protest, the government was forced to negotiate with the indigenous people, mediated by the Catholic Church and the United Nations. The Ngöbe developed their own proposal and went over it line by line with legislators. The Parliament passed that law but deleted some major provisions. But the Ngöbe refused to compromise and there were further protests, again blocking

the Pan-American Highway, and causing a huge economic impact. Finally, the legislators restored the provisions and the conflict ended. The new law ensures that mining is banned from the region and that dams may be constructed only after the approval of, and in collaboration with the natives: a major victory.

**12. Spain:** An open-pit gold mine was proposed in Galicia, in northwest Spain, next to the Allóns River, which was designated by the EU as a "Place of Community Importance." In 2012, the company's EIA was approved by the conservative regional government, which downplayed its environmental and social costs. The company falsely claimed that the project was greatly welcomed by the local population. It tried to divide the community with job offers, sponsorship of local football teams, and contributions to their annual parties.

People mobilized against the project. They saw that the company would exploit them, take the gold, and leave them with environmental destruction and a toxic future. Protesters developed a strong presence in the regional and national media. They developed a wide range of tactics: writing official complaint letters; bringing the case before the Ombudsman and before the European Parliament (European laws discourage the use of cyanide for mining extraction); gathering 230,000 signatures against the proposed mine; organizing massive demonstrations in the main cities; using international campaign tools such as change.org to make a viral YouTube clip against mining in Galicia; publishing a protest poetry book; organizing a street art competition; theatre plays; and a music festival. Over 200 experts and members of the regional government spoke out and signed petitions against the project.

The company's stock dropped more than 90%. Finally, the regional government reversed its position and announced that the license for the project would be cancelled. They claimed that the mining project lacked the necessary economic and technical requirements, but in fact, it was the mobilization against the project.

The environmental justice groups celebrate this victory, but are aware it may be only temporary, and remain ready to re-activate the struggle if necessary.

**13. Argentina:** In Patagonia, the town of Esquel halted a proposed open-pit gold mine only 7 kilometers upstream from the town.

In 2002, the town had no previous experience with large mining operations. That soon changed. Not satisfied with company reassurances about cyanide, some residents did their own research about the dangers, and publicly presented their findings. The mining company tried to play down the environmental impacts of the proposal with a flawed Environmental Impact Assessment. But an independent evaluation of the EIA revealed its inadequacies, stating that it failed to consider long-term consequences. An opposition group formed and began to organize demonstrations, which drew large crowds. The company organized a counterdemonstration in favor of the mine, but it was sparsely attended.

The resistance included traditional communities, local and international environmental justice groups, local government, and local scientists/professionals. The citizens suffered persecution, threats and layoffs for opposing the project. They were called "naive", "not wanting progress."

Anti-mining graffiti started appearing in town. The mayor authorized a public

referendum proposing a 3-year moratorium on the project. The moratorium passed almost unanimously, and the company was forced to suspend operations there. The provincial government then passed Law 5001, prohibiting mining in the province. Their experience with Esquel had a dramatic negative impact on the company's balance sheet.

At a celebration, this was said: "What is this day? Is it not a day of dignity? Is it not a day to be remembered, when a community with a majority of unemployed said no to the false bribery of jobs and wealth? Dignity exists and it is a human right!"

The threat remains, and residents know that they cannot lower their resistance. The ten-year anniversary was marked by talks, presentations, posters, banners, music, and a huge march, reaffirming their opposition to mining.

This community is a model for others facing similar assaults. Other Argentine provinces have now limited or prohibited large-scale mining, and three communities held similar votes opposing mining. However, this strategy depends on the political will of government representatives and may only last until the next elections. This is another reason to support the election of trustworthy people and to maintain organizing.

**14. Costa Rica:** Although this small country has faced mounting debt and persistent poverty, it successfully stood up for the environment against a multibillion dollar metal mining industry. In 2002, President Pacheco cancelled several mining contracts and decreed a ban on new open pit mining.

But Óscar Arias, who succeeded Pacheco as president, reversed the ban and allowed Infinito Gold, a local subsidiary of a Canadian company, to build an open pit gold

mine in Las Crucitas. Las Crucitas is one of the last homes to the Great Green Macaw, a highly endangered parrot, and the also endangered yellow almond tree provides its nesting sites.

Immediately, Infinito obtained permits and began cutting down yellow almond trees. At once, the Northern Union for Life, a powerful environmental group, filed a court appeal and the Constitutional Court delivered an injunction against the company for violating environmental laws. The appeal cited national laws protecting the green macaw and the almond trees as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Arias' successor, Laura Chinchilla, continued to promote the Crucitas project. "Poverty is high in the area," she pointed out, "and the 200 jobs, vocational training, educational support, and infrastructure promised by Infinito are enticing." On another occasion, she called on supporters of the project to "speak out against radical groups who want to protect the environment."

A broad coalition of research centers, experts from universities, political party leaders and representatives of affected communities petitioned vigorously to nullify the project and reinstate the ban through legislation. They had over 80 percent of the public on their side.

In November 2010, Infinito was handed its first defeat when a Costa Rican appeals court struck down the Crucitas mining project, stating that it had compromised the ecosystem, violated Costa Rican law and involved the complicity of public officials. And the legislature passed a law banning all new open pit metal mining projects.

Infinito then made three appeals to the Supreme Court, all of which were rejected. The company also sued two professors for maligning the company in a documentary film and for teaching about open pit mining. Infinito's request for \$1 million in compensation was denied in 2012. Instead, they were ordered to pay \$219,000 in court costs to the two professors.

Ever defiant, Infinito announced that it would take the case to the World Bank's International Centre for Settlement of Investment Disputes (ICSID), claiming that the Costa Rican government had violated the Costa Rica-Canada Bilateral Investment Treaty, costing it \$1 billion in lost profits. However, because of procedural requirements, it did not seem likely that ICSID would be an option.

The Costa Ricans' fight won support in Infinito's home country. Over 300,000 signatures were amassed on a Canadian petition calling for Infinito to drop its lawsuit. In a separate letter to the company president, eight high profile environmental groups in Canada called on Infinito to drop the threat of international arbitration, adhere to the decisions of the Costa Rican Supreme Court, and "respect the will of the vast majority of Costa Ricans."

Infinito finally called off its effort to sue the Costa Rican government. All of the company's officers and directors have resigned, and no new loans were offered to keep the struggling company on its feet. As of 2015, Costa Rica is seeking \$10 million in environmental damages against Infinito.

What enabled Costa Rica to enact this ban? Along with environmental organizations, pressure from the public was most important.



# Photos



1. Copper Mine in Peru. The rows of dots in the distance are enormous trucks. The white vehicle in foreground is a pickup truck. This is only a small part of the mine area.





2. Strip mining using explosives, another source of contamination. Millions of kg of explosives yearly are sometimes used. (Photo: Alabama, U.S.)



3. Copper smelter in Indonesia. Smelters release deadly poisons into the air, soil, and water.





4. This was once a luxuriant tropical forest, now poisoned by mine wastes.



5. Fish killed by contaminated water. (China Environmental News)





6. Village destroyed and people killed by poisonous mud from a collapsed mine tailings dam (Mariana, Brazil)





7. Police attacking mining resisters at Intag, Ecuador (photo: Carlos Zorrilla)



8. Indigenous people resisting mining operations in the Amazon, Peru





9. Resisting mining in Colombia.