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COALITION AGAINST THE MINING PANDEMIC

NO REPRIEVE

For life and territory:
COVID-19 and resistance to the mining pandemic





Collective research and advocacy on the intersection of mining and the COVID-19 pandemic.



About the coalition

The Coalition Against the Mining Pandemic works in global solidarity with communities, Indigenous Peoples, and workers to respond to mining abuses related to the COVID-19 pandemic. We work as a consensus-based coalition conducting collective research and advocacy on the intersection of mining and the COVID-19 pandemic.

About this report

This report is based on participatory case study research conducted in nine countries across Latin America: Mexico, Honduras, Panama, Colombia, Ecuador, Peru, Brazil, Chile and Argentina. Our research was directed by a working group made up of representatives from organizations in each of the nine countries involved in this report and members of the Coalition Against the Mining Pandemic's coordinating committees. Our findings stem from a number of research methods, including interviews conducted with local and national organizations and people from affected communities, desk research, and participatory validation processes,

Cover photo

President of the Pueblo Shuar Arutam (PSHA) of Ecuador, Josefina Tunki, during a protest along with other Shuar women. Credit: PSHA

Contributors

Argentina: Comunidad Mapuche Tehuelche Laguna Fría-Chacay Oeste, Asamblea de Vecinos Autoconvocados No a la Mina de Esquel and the Asamblea en defensa del territorio de Puerto Madryn

Brazil: Movimiento de Afectados/das por Represas (MAB)

Chile: Coordinadora Putaendo Resiste

Colombia: Fuerza de Mujeres Wayuú (Jakeline Romero Epiayu)

Ecuador: Pueblo Shuar Arutam (PSHA), Amazon Watch, Lluviacomunicación y Witness

Honduras: Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa (Juan Antonio López)

Mexico: Red Mexicana de Afectadas/os por la Minería (REMA); Frente Popular en Defensa del Soconusco '20 de junio', Chiapas; Acción Colectiva Socioambiental, A.C., Guanajuato; Comunidades Unidas de Zimapán y la Asociación por la Protección de la Tierra y el Bienestar de Epazoyucan A.C. (APTYBE) de Epazoyucan, Hidalgo; Articulación por la vida, contra la minería del valle de Ocotlán, Oaxaca; Ejido El Bajío, Sonora

Panama: Colectivo Voces Ecológicas-Radio Temblor (COVEC)

Peru: Derechos Humanos y Medio Ambiente (DHUMA) (Vito Yuganson Calderón Villanueva), Asociación de Mujeres defensoras del Territorio y la Cultura K'ana (Elsa Merma Ccahua)

Report Authors

Leny Olivera Rojas, TerraJusta

Jen Moore, Institute for Policy Studies – Global Economy Program

Regional Committee for the Coalition Against the Mining Pandemic

Aldo Orellana López & Leny Olivera Rojas, TerraJusta

Ennedith López & Jen Moore, Institute for Policy Studies – Global Economy Program

Jamie Kneen & Viviana Herrera Vargas, MiningWatch Canada

Guadalupe Rodríguez, Salva la Selva

Report Reviewers

Aldo Orellana López, TerraJusta

Ennedith López, Institute for Policy Studies – Global Economy Program

Guadalupe Rodríguez, Salva la Selva

Viviana Herrera Vargas, MiningWatch Canada

English Translation

Thomas Mc Donagh

Copy Editors

Adriana Montes Sánchez (Spanish)

Maddy Ryle (English)

Executive Summary

Two years into the global COVID-19 pandemic, frontline communities across much of Latin America have been living through multiple, deepening crises and an acceleration of violence linked to resource extraction.

The mining industry has received direct and indirect support from governments to maintain and even expand operations. Meanwhile communities must shoulder the simultaneous social, health and economic impacts of the virus; militarization and violence; and the direct environmental harms wreaked by mining in their territories. Even in the face of such serious threats, however, defenders of the environment and territory persist. Indeed, communities' land defense and mutual aid have been instrumental in keeping people as safe as possible during this time of crisis and in reinforcing the importance of protecting their water, food sovereignty and self-governance.

Economic and political power asymmetries between mining companies and local communities - which are at once racist, patriarchal, colonial, and imperialist - have deepened during the pandemic. The pandemic has placed new pressures on frontline communities while also creating opportunities for mining companies and governments to continue violating their rights. This has put members of frontline communities, including many Indigenous communities, at further risk of serious long-term harm so that a small handful of wealthy investors can get even richer.

The pandemic has placed new pressures on frontline communities while also creating opportunities for mining companies and governments to continuing violating their rights.

As a result, from the perspective of mining-affected people the pandemic has appeared tailored to fit the interests of mining companies. In general, those companies have been able to seize on the pandemic as a window of opportunity to push forward with projects that are opposed by local communities. Aside from brief pauses in their operations, mining activities were quickly declared "essential" for economic recovery and allowed to continue; companies have watched their profits rise as the price of metals soared. Analyzing a number of case studies, we also find that companies used their political influence and even the threat of lawsuits to argue that resource extraction is necessary or inevitable for economic recovery. The so-called energy transition has only served as further justification for sustaining or expanding mining activities. Needing little convincing, various states have further deregulated mining or created plans to stimulate their growth, while damages already caused by mining remain unaddressed. Companies have also played the card of mining being necessary for post-COVID recovery as a means to further divide communities and marginalize land defenders who oppose these narratives.

Indigenous and non-Indigenous frontline communities, meanwhile, faced tough restrictions on their ability to defend their territory against unwanted mining activity. Stay-at-home orders and the need to keep one another safe from the virus have made it difficult to gather in person, adding to the challenge of assembling, organizing, and

communicating internally and externally. In the context of lockdowns and restricted mobility, communities also faced intensifying violence and criminalization. Assassins acting in the interest of mining companies have taken advantage of peoples' isolation; violence against land defenders has reached record levels in some countries.

In this dangerous context, defense of land and a healthy environment has proven to be more essential than ever. Communities have continued to organize, with leaders speaking to the importance of preventing mining-related environmental damage, practicing mutual care, and defending local knowledge and practices based in food sovereignty, community health, and caring for local ecosystems. In addition, several organizers underscored the value of independent media and of rising to the challenge of adapting to online communications.

Even as the pandemic continues to rage, many land defenders have felt obliged to return to the streets, resume meetings, and continue exercising their right to self-determination – taking on considerable risk to their lives both from the virus and from violent repression. Despite the numerous threats, the interrelated crises have reinforced the importance of their struggle to keep fighting for clean water, air and land. Ultimately, one cannot “stay at home” if this means losing your territory, your water, your livelihood and your means of subsistence.



Photo: Protest against the Cerro de Gallo gold project in Guanajuato, Mexico in November 2021. Credit: Acción Colectiva SocioAmbiental A.C.

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Introduction

The outbreak of the COVID-19 pandemic in Latin America brought with it a fear of getting sick and dying,¹ but also a distinction between 'essential' and 'non-essential' activities. The need to stay at home for weeks or months eroded the family economy, affecting the vast majority of the population; as a result the gaps which already existed between mining companies and the communities affected by their operations were greatly exacerbated.

This was all happening in a context of economies marked by devastating inequity and precarity; health systems on the verge of collapse after years of neoliberal privatization and state corruption; high levels of violence and militarization, particularly in areas rich in minerals and other natural wealth; and high levels of impunity and complicity among a political class subservient to a model of corporate power that is increasingly enshrined in international free trade agreements and investment treaties, and which disadvantages Latin-American countries.

Many communities are currently in a worse situation than when the coronavirus first hit. In contrast, the mining sector seems to have weathered the pandemic without such consequences. In some countries in the region the pandemic caused a temporary suspension of mining operations and an initial sense of crisis - but this only briefly, and most sites continued to operate without interruption. Meanwhile the increase in the market prices for metals such as gold, (Vaghese, 2020; Hobson, 2020) silver (Ellyatt et al., 2021) and copper (Cecil et al., 2021) guaranteed the sector's prominent position, its rapid recovery, and indeed historic profits in several cases.

The characteristics of the extractivist mining model were already very clear. From Mexico to Argentina it brought high levels of contamination and resulted in disaster for many Indigenous peoples and other affected communities. Areas around metal mining operations were reporting contamination of land and water - both due to sudden waste spills, or more gradual processes of extraction of massive quantities of earth and rock to process and remove very small quantities of metals. These leave behind most of the toxic waste produced in local communities, while drying up some water sources and contaminating others.

In several of these places, communities were already resisting mining projects and had mobilized to demand accountability from mining companies and governments for these disastrous environmental damages. Some communities had carried out health studies showing the presence of toxic heavy metals in their bodies (Salcedo, 2021). These people faced the pandemic with existing serious health deficiencies, making them more vulnerable to the virus.

The mining model furthermore entails both militarization and criminalization of those who oppose it. This has resulted in several Latin American countries being among the most dangerous in the world for the defenders of their territories, water and environment. These include Colombia, Brazil, Mexico, and also Honduras and Guatemala.

According to the JHU (Johns Hopkins University) database, up to the start of March 2022² the nine Latin American countries featured in this report³ -

¹ Since the start of the pandemic, the region has at various times led the world in the number of daily COVID-19 deaths.

² Accessed 4 March 2022.

³ This report analyzes the incidence of the pandemic in the mining sector based on paradigmatic situations in Argentina, Chile, Brazil, Peru, Colombia, Ecuador, Honduras, Panama, and Mexico.

Argentina, Chile, Brazil, Peru, Colombia, Ecuador, Honduras, Panama, and Mexico - accounted for 13% of confirmed COVID-19 cases worldwide and 26% of people killed by the disease. Of these just three - Brazil, Mexico and Peru - account for 20% of deaths globally. Peru, Mexico and Ecuador are among the 10 countries with the highest levels of deaths per number of confirmed cases of COVID-19, while Peru, Brazil and Argentina are among the 20 countries with the most deaths per 100,000 inhabitants.

The region continues to reel from the anguish, pain and sadness of having to deal with so much illness and loss. Meanwhile Indigenous peoples and other mining-affected communities seeking to sustain or reactivate processes of territorial defense, or seeking accountability, have met with many obstacles. Whether it be governments making administrative or legislative reforms to favor mining, or the mining sector being positioned to play a major role in the so-called *economic recovery*, mining-affected populations now have to resume their processes of resistance in more adverse - in some cases much more risky and dangerous - conditions.

At the global level, the racist discrimination inherent in international capitalism has been vividly exemplified by the hoarding of vaccines by a few high-income countries, the blocking of vaccine production, and the distribution of vaccines in the interests of big pharmaceutical companies (Amnistía Internacional, 2021; Barberena, 2021; McKeever, 2022). There has been almost no consideration of additional more accessible and holistic ways of managing the spread of the virus.

In the mining sector, discourses proliferate about the inevitability and necessity of mining for economic recovery and the supposed energy transition - thus supporting an endless array of false solutions to climate change.

Meanwhile at the community level we can see more clearly than ever the importance of local organizing for territorial defense; of reaffirming the knowledge and practice of medicine and community health based on mutual care and solidarity; and of strengthening processes of autonomy, self-determination and food sovereignty. Despite the adverse conditions, popular resilience in order to ensure the well-being of future generations is what those resisting mining consider essential - to prevent the incursion of mining companies and the destruction of their livelihoods.



Photo: Planting seed potatoes in the province of Espinar, Peru. Credit: Elsa Merma Ccahua

Overview of case studies

This report is based on case studies carried out in nine Latin American countries: Mexico, Honduras, Panama, Colombia, Ecuador, Peru, Brazil, Chile and Argentina. The approach used included community workshops, desk research, and interviews with local and national organizations as well as people from affected communities.

What follows is an extensive analysis of the current extractivist model of mining and the favor it enjoys from governing authorities. We look at the growing imbalance between mining executives and affected populations; the prevalence of criminalization, repression, militarization and violence in a context that is now more adverse for community organizing; and the resilience and persistence of communities to sustain and strengthen their processes of territorial defense and demand accountability for the damages caused by mining projects.

TABLE 1

Cases from Latin America included in this report

	Company (Home Country) and Mining Project	Population
MEXICO	<ol style="list-style-type: none"> 1. La Purisima and El Espiritu Mining companies (Mexico) 2. El Puntal Mining Group (Mexico), Male Mining Group (Mexico) and others 3. Altos Hornos de México (Mexico) / Pachuca project - transport and reprocessing of mining tailings 4. Argonaut Gold (Canada) / Cerro de Gallo gold exploration project 5. Fortuna Silver Mines (Canada) / San José underground silver mine 6. Fresnillo plc (Penmont) (Mexico) / Dipolos gold mine and an extension of the La Herradura gold mine 	<ol style="list-style-type: none"> 1. Zimapan Municipality, Hidalgo 2. Small farmer communities organized as the 'June 20' Popular Front for the Defense of Soconusco, Acacoyagua and Escuintla municipalities in Chiapas 3. Epazoyucan Municipality in Hidalgo 4. Communities and organizations from the Independencia watershed in Guanajuato 5. Municipalities of San José del Progreso, Magdalena Ocotlán and other Zapotec communities downstream in the Ocotlán Valley, Oaxaca 6. The agrarian community authority (Ejido) in El Bajío, Sonora
HONDURAS	Los Pinares Investments & Ecoteck Investments (Honduras) / iron oxide project and pelletizing plant	Tocoa Municipality
PANAMA	<ol style="list-style-type: none"> 1. First Quantum Minerals (Canada) / Cobre Panama open pit copper mine 2. Orla Mining (Canada) / Cerro Quema gold project 3. Broadway Strategic Minerals (Canada) / Molejón gold project 	<ol style="list-style-type: none"> 1. Donoso and Omar Torrijos Herrera Districts in Colón province 2. Las Tablas, Macaracas and Tonosí Districts in Los Santos province 3. Townships of El Harino and Llano Norte in Coclé province; Townships of Nueva Esperanza, San Juan de Turbe and San José del General in Omar Torrijos district; Township of Coclé del Norte in Colón province.
COLOMBIA	BHP (Australia), Glencore (Switzerland) and Anglo American (UK) / Cerrejón open pit coal mine	Tamaquito 2 and Provincial Wayúu Indigenous Reserve and Afro Colombian community of Tabaco, in the municipality of Barrancas, department of La Guajira ⁴

	Company (Home Country) and Mining Project	Population
ECUADOR	<ol style="list-style-type: none"> 1. Solaris Resources (Canada) / Warintza copper exploration project 2. Other companies present in the territory: SolGold (Australia) / various copper and gold exploration projects 3. ExplorCobres EXSA (China and Canada) / San Carlos Panantza copper exploration project 4. Aurania Resources (Canada) / Lost Cities-Cutucú copper exploration project 	Shuar Arutam People (PSHA), made up of 47 communities organized in 6 Associations in Morona Santiago province
PERU	<ol style="list-style-type: none"> 1. Glencore (Switzerland) / Tintaya-Antapaccay copper, silver and gold mines, and Corocchohuayco expansion project 2. American Lithium (Canada) / Lithium and uranium projects: Falchani Lithium and Macusani Uranium 	<ol style="list-style-type: none"> 1. Espinar province in Cusco and the urban district of Yauri and nearby communities: Huano Huano, Huini Corocchohuayco, Pacopata, Alto Huancané and Huancané Bajo, Tintaya Marquiri, Alto Huarca, Cala Cala, Huarca, Suero y Cama, Huisa Ccollana, Huisa, Anta Ccollana and K'anamarca. 2. Corani and Macusani districts in the Carabaya Province, Department of Puno. Communities of Isibilla, Tantamaco, Chacaconiza, Quelcaya, Chimboya, Pacaje and Corani.⁵
BRAZIL	Equinox Gold (Canada) / Aurizona open pit gold mine	Aurizona Community, Godofredo Viana Municipality, State of Maranhão
CHILE	Los Andes Copper (Canada) / Las Vizcachitas copper exploration project	Putando Municipality, San Felipe de Aconcagua province, Valparaíso region
ARGENTINA	Pan American Silver (Canada) / Navidad silver exploration project	Mapuche Tehuelche Indigenous communities, Townlands of Gastre and Gan Gan; Citizen Assemblies of the Telsen region, Chubut Province

4 There are many communities that have been affected by Cerrejón. For this research, interviews were conducted with leaders of the three communities mentioned.

5 Human Rights and the Environment (DHUMA by their initials in Spanish) visited the communities of Tantamaco, Chacaconiza and Quelcaya, which will be directly affected by the lithium and uranium project.

1. Governments and companies protecting private interests

1.1 No lockdown for the mining sector

From the beginning of the pandemic mining was declared an essential or priority activity, or an activity in the public interest for the public good, in most of the countries included in this report. Health protocols were developed for workers - which did not, however, prevent outbreaks of COVID-19 in the mines or in surrounding communities (OCMAL, 2020).

In Colombia, Ecuador, Peru, Chile, Brazil and Argentina, mining companies were able to continue their activities with virtually no restrictions. In Honduras, Panama and Mexico, initial restrictions on mining activity were implemented, although few companies complied with the measures and the restrictions were lifted soon after.

All in all, with the exception of some brief pauses, the mining sector managed to get back on its feet quickly and, in many cases, take advantage of rising metal prices. According to one industry source, the “top 40 mining companies emerged from the COVID-19 storm of 2020 in excellent financial shape. Mining is one of the few industries that emerged in excellent financial and operational shape from the worst of the economic crisis caused by COVID-19. Indeed, 2020 was a bumper year for the mining sector” (PWC Global, 2021). In addition, experts affirm that a new “super cycle” of mineral production is emerging, similar to the one that Latin America experienced during the 2004-2013 period (OCM, 2021). This “bonanza” could be consolidated further as global demand increases.

Peru, one of the countries that allowed mining activity to continue uninterrupted at the start of the pandemic,

declared a national state of emergency due to COVID-19 on March 15, 2020, imposing a mandatory quarantine throughout the country (Presidencia de la República del Perú, 2020). The measure paralyzed the majority of economic activities, except those considered essential. The Ministry of Economy and Finance (MEF) and the Ministry of Energy and Mines (MINEM) authorized the continuation of so-called “critical” operations i.e. mining activity, including exploitation, storage, transportation, ongoing mine closure processes, as well as the construction of projects declared to be of national interest (DHSF, 2020).

This measure demonstrated the precarious conditions in which families in mining-affected communities find themselves. In the case of Espinar province, located in the department of Cusco in the south of the country, the population was obliged to respect mandatory lockdowns and a nationwide state of emergency. This resulted in the suspension of most productive activities, negatively affecting the most vulnerable families who do not make their living from mining activity.

Despite promises of development over four decades of copper, silver and gold mining by foreign companies in Espinar, many families in urban and rural areas lack basic drinking water and sewage services in their homes. For years communities have denounced this state of affairs while the mining industry has access to all the water it needs and continues to contaminate the main rivers in the area (DHSF, 2020) and contribute to water scarcity.

In a study carried out between 2018 and 2020 it was found that 78% of participants, from 11 Indigenous communities in Espinar, had levels of toxic substances above permitted levels in their bodies, representing a serious risk to their health (Amnistía Internacional, 2021). This is just a symptom of a larger problem. The Ministry of Health estimates that by 2020 more than 10 million people in Peru were at risk of exposure to heavy metals and other toxic substances, and more than 6 million at risk of being exposed to arsenic and other metalloids (Amnistía Internacional, 2021).

COVID-19 measures highlighted the deep inequalities that exist in Peru and other parts of Latin America. While company executives easily adapted to the tranquillity of working from home, the majority of the population that lives around the mines in Espinar did not have the material conditions to sustain a temporary or indefinite lockdown. A high percentage of local people do not have formal, stable jobs or fixed salaries and most have limited or no access to a quality health system.

While company executives easily adapted to the tranquillity of working from home, the majority of the population that lives around the mines in Espinar did not have the material conditions to sustain a temporary or indefinite lockdown.

Exemplifying the resource curse and the impoverishment experienced in mining areas, official data shows that 70% of households in the Espinar province suffer from poverty and extreme poverty, and 95% of the population (including in the district capital) do not make a living directly or indirectly from mining (Lapa Romero, 2020). An indicator of the seriousness of this situation is that Peru is in first place worldwide for the number of deaths from COVID-19 per capita, with 648.23 deaths per 100,000 people⁶ (Johns Hopkins University). Mining companies, meanwhile, did not stop the mineral extraction process even for a moment.

Among the countries that intended to suspend mining activities at the start of the pandemic, there was some inconsistency between these measures and what happened on the ground. Panama has only one mine in operation: the Cobre Panama mine owned by Canadian company First Quantum Minerals. This mine was initially given an exemption from the sanitary measures implemented on March 20 (Voices from the Ground, 2020). After a few weeks, due to the spread of COVID-19 among mine workers, the company received a resolution from the Health Ministry ordering its temporary suspension (First Quantum Minerals, 2020). Between April and May 2020, at least five workers died from COVID-19 (OCMAL, 2020). The company reported having complied with the suspension from April 6 to July 7 (First Quantum Minerals, 2020). However, organized workers stated that work at the mine continued (COVEC, 2020).

In Honduras mining activity was formally suspended from the beginning of the health emergency until June 2021. But the State continued to grant environmental licenses online, and affected communities

reported that some companies maintained their operations without interruption - such as the iron oxide project in the town of Tocoa, owned by Honduran company Los Pinares Investments.

In Mexico the political influence of the mining sector saw it receive, after an initial suspension, an exception from the general health measures imposed. Mining did not appear on the list of essential activities in the 'extraordinary measures to deal with the health emergency' published in the Official Gazette on March 31, 2020. Neither did the automotive or construction industries,⁷ (Secretaría de Salud, 2020).

⁶ Accessed 4 March 2022.

⁷ Although other projects with considerable territorial impacts such as the Mayan Train, the Transisthmian Corridor and the Dos Bocas Refinery were considered essential as part of President López Obrador's 2020/21 economic package.

However the official stoppage of the mining sector lasted only between six and nine weeks, the end of which coincided with a letter sent by eleven US senators to the then Secretary of State Michael Pompeo, asking him to put pressure on the Mexican government regarding this decision (El Financiero, 2020). This was done with the support of the US National Association of Manufacturers (National Association of Manufacturers, 2020).

For its part the Mexican Mining Chamber, whose members include large Mexican, American and Canadian companies, also took various steps - including writing to the United States Ambassador to Mexico Christopher Landau (Prominería, 2020) to request that mining be considered "essential". They highlighted their role as suppliers to the automotive, aerospace, agro-industrial and construction industries. They also emphasized the need to keep the mining industry open with the entry into force on July 1, 2020 (Olivera, 2020) of the renegotiated free trade agreement between Mexico, the United States

and Canada (T-MEC by its initials in Spanish). All of this resulted in mining, the automotive industry and construction being incorporated into the updated group of essential activities in Article 4 of the agreement published in the Official State Gazette on May 14, 2020 (Secretaría de Salud, 2020).

With or without a pause, the decisions made around the outbreak of the COVID-19 pandemic seemed tailor-made for the business interests of the mining sector, which in many cases managed not only to maintain but to advance its projects. Meanwhile, despite its bad record in contributing to local or national well-being, the mining sector was able to position itself in several Latin American countries (often with the support of national and foreign governments and international financial institutions) as a solution for economic recovery - more on this below. Regardless, for people organizing resistance to mining projects - including the communities directly affected - there were serious implications.

1.2 The Mining Industry vs. Communities: increasing power asymmetries

The already precarious health systems in Latin American countries were overloaded during COVID-19. The resulting loss - of loved ones and family members, as well as social leaders and fellow-activists - has meant a heavy blow for communities and social organizations in the region. For Indigenous peoples and other mining-affected communities the "stay at home" order was often impossible to fully comply with given local conditions. The roll-out of this policy made visible and deepened the existing asymmetries around access to information, mobility and the ability to meet, as well as the limits on internal and external communication activities. Denouncing illegal activities related to mining to the authorities was made even harder than before. Communities

found themselves being marginalized, threatened and repressed when trying to do so (a situation that is not entirely new to them).

Companies with mining projects not yet in operation took advantage of the social restrictions to continue trying to obtain new permits or renew those they already had, taking advantage of their close relationships with the authorities. Where mines were already in operation, in many cases the damage to the environment and health was already very clear. This was compounded by the new risks from the pandemic; further environmental damage and the erosion of the local economy placed communities in an altogether worsening situation. At the same

time mining companies exercised their power so as to avoid accountability for damages caused by their projects, using deceit and even threatening to initiate international lawsuits against the governments concerned.

In communities with an information-gathering process already underway on the impacts of mining, and where community organizing processes were already occurring, coordinated responses against the actions of the mining companies did take place despite the adverse conditions - thus demonstrating the strengths of community organization. The results of these actions varied: sometimes popular resistance resulted in more favorable outcomes, at other times less so. In particular, community efforts aimed at

getting authorities to pay attention to environmental damages were made very difficult (especially during the first year of the pandemic) because people weren't able to meet in person, combined with very slow responses from the authorities.

Online spaces for resolving problems had some disadvantages and severe limitations in terms of local access and participation. All in all attempts by Indigenous peoples and other mining-affected communities to demand respect for their rights or to hold companies responsible for the damage caused - something already very difficult in systems that often operate with impunity - were made even more difficult under the conditions brought about by the pandemic.

A) MINING PROJECTS NOT YET IN OPERATION

Los Pinares Investments (Honduras), Honduras

The COVID-19 pandemic is the best opportunity that multinationals and national companies could have hoped for to deepen the system of looting our countries' resources.⁸

– *Tocoa Municipal Committee for the Defense of the Natural and Public Commons*

The iron oxide project owned by Los Pinares Investments and Ecoteck Investments (from the same business consortium) consists of two mining concessions, ASP and ASP2. Each is 100 hectares and located within the Botaderos Mountain Carlos Escaleras National Park. The area is home to the headwaters of 34 rivers, and the project has generated widespread opposition amongst the populations living downstream (ACAFREMIN, 2020).

In order to secure mining concessions within a protected area, the limits of the central zone of the park were redrawn in 2013 in such a way that the project would remain in its buffer zone (Guapinol Resiste, 2021). In Honduras, 'non-metallic' mining is allowed in these buffer zone areas. Strangely this category includes iron oxide, despite it being metallic.

The project consists of an open pit mine, a pelletizing plant and an access road. The companies are owned by Lenir Pérez and Ana Facussé, members of the Honduran elite who reportedly received investment from the large US steel company Nucor. This company declared that it had ended its involvement in the project in 2019, although two Nucor executives still appear as directors of a Panamanian subsidiary that is part of the business group (Ávila, 2020; Mackey, 2020).

⁸ Personal communication, October 2021.

Due to their apparently very close relations with the dictatorial regime of Juan Orlando Hernández (until recently the President of Honduras), these companies would have been able to benefit from high levels of corruption, and continue to operate despite the many irregularities and illegalities associated with the project before and during the pandemic.

Despite the suspension of mining at the beginning of the pandemic, because the company's operations were a good distance from the nearest urban area they did not respect the sanitary measures introduced by Honduras' National System for Risk Management (SINAGER).

Their collusion with the authorities continued during the pandemic, with the Ministry of Natural Resources and the Environment renewing the environmental license for the ASP concession despite widespread social rejection of the project. In 2020 false information was added to the minutes of a town hall consultation held in Tocoa in 2016, indicating that the Guapinol community had participated in the meeting. In February 2021 the Tocoa Municipal Committee for the Defense of the Natural and Public Commons filed a complaint with the Special Prosecutor for Anti-Corruption Crimes, for acts of corruption and abuse of power by Ministry officials in allowing the submission of fraudulent documentation (Guapinol Resiste, 2021). The Committee is currently awaiting the report from the Special Environmental Prosecutor's Office (FEMA) based on two different technical inspections that it carried out on the ASP2 project and the pelletizing plant, after the complaint was received.

During this period, in ways that deepened social divisions and sought to control public opinion, the companies worked with public health officials on getting health equipment and emergency food rations to communities in which there is active resistance to their projects. While the company made progress, family incomes fell enormously and many small local businesses failed. This situation created a

very favorable context for mining companies, allowing them to justify their presence with promises of jobs, development and investment.

The company continued to work throughout 2020 and in early 2021, without having an environmental license, it brought the ASP2 project into operation. Immediately it began to generate heavy sedimentation in the water sources that serve the local population, destroying the San Pedro River. This was done with total impunity and backed up by a regime of private security combined with state and military power (see section 2.1).



Photos: Contamination of the Rio San Pedro, before and after. Credit: Guapinol Resiste

Solaris Resources (Canada), Ecuador

[The companies] never stopped, they did not comply with the measures and curfew decrees that the government imposed. I don't know why the law doesn't apply to them. Only for communities and Indigenous peoples. For the company, there is no law.⁹

– President of the Shuar Arutam People, Josefina Tunki.

In the Cordillera del Cóndor area, in the southern Ecuadorian Amazon, the Canadian mining company Solaris Resources was able to continue working without interruption and deepen its already advanced exploration activities. In the Amazonian province of Morona Santiago, the territory of the Shuar Arutam People (PSHA by their initials in Spanish) is made up of 47 Indigenous communities, organized into

six Associations. In their testimonies, they speak of increased conflict, social division and political pressure during the pandemic. The attempts to divide families, communities and organizations turned the period of the pandemic into one of the most difficult times for the PSHA's resistance against large-scale mining and in defense of its territory.

In 2019 Solaris Resources, a company created to manage the copper assets of another Canadian mining company, Equinox Gold (Equinox Gold Corp, 2018), began to reactivate the Warintza project in Shuar territory. The project had been paralyzed for many years due to the resistance of the PSHA which had managed to remove Lowell Copper, a subsidiary of Solaris, in 2006. Since then the PSHA has declared its territory free of mining.

⁹ Personal communication, 9 September 2021.

A year before the pandemic, Solaris seemingly initiated a strategy of social division through a “Strategic Alliance”¹⁰ (Solaris Resources, 2021) which the company set up with two of the 47 PSHA communities, Warints and Yawi. They argued that only these two communities are within the area of influence of the mining project, although it will in fact affect the entire territory. In March 2020 Solaris brought representatives from these two communities to the annual Prospectors and Developers Association of Canada (PDAC) mining show in Toronto, making it appear to investors that the project had local support. Journalist research and community reports reveal that when they returned home, these people brought the first cases of COVID-19 with them into the Shuar communities (Voices from the Ground, 2020).

When PSHA leaders requested support to care for the sick and gain access to COVID-19 tests with the assistance of their own territorial authorities, the governor of the province coordinated equipment donations and health staff with the Public Health Ministry, the mining company, and the army - without consulting the territorial authorities. In June 2021 the Ecuador Human Rights Alliance denounced the “discriminatory and unethical treatment by Solaris Resources, whose staff, together with the health authorities, were found to be vaccinating only in Indigenous communities that supported their operations. These selective acts by public authorities demonstrate that public goods and services are used to benefit the interests of large companies and become an instrument to further fragment the social fabric” (Alianza por los Derechos Humanos Ecuador, 2021).

The ‘Strategic Alliance’ of Solaris Resources with Warints and Yawi communities has also served to justify the militarization of PSHA territory since late November 2020, which we describe later in section 2.1 (c).



Photo: President of the Pueblo Shuar Arutam (PSHA) of Ecuador, Josefina Tunki, during a protest in Quito.
Credit: PSHA

¹⁰ Accessed 2 December 2021.

Los Andes Copper (Canada), Chile

During the whole lockdown period, the one productive sector that was almost completely unaffected by the lockdowns was definitely the mining sector. They kept working despite everything.¹¹

– Alejandro Valdes, member of the Putaendo Resiste Coordinating Group

Since 2015 the municipality of Putaendo, the last valley in the Central Zone of Chile, has declared itself free of large-scale mining (Putaendo Resiste). The population of 17,000 inhabitants mobilized in defense of its natural and cultural heritage - all while facing a 12-year drought which has resulted in the area being declared a disaster zone (Fundación Glaciares Chilenos, 2021).

In Putaendo, located north of Santiago de Chile, the Vizcachitas Mining Holding Company (a subsidiary of the Canadian company Los Andes Copper) has worked with the environmental authority to take advantage of the circumstances brought about by the pandemic to undermine resistance to mining and to acquire the permissions required for exploration. The pandemic generated new obstacles to social organizing for those pushing back against this process, given the difficulties in holding meetings and getting themselves heard by local authorities.

At the same time as the COVID-19 lockdowns began in April 2020, the Valparaíso Region Environmental Assessment Commission approved a project called “Las Tejas pre-feasibility mining drilling” for Los Andes Copper, to carry out a phase of mining exploration at its Vizcachitas project over the next four years. Vizcachitas Holding had submitted their request to the Environmental Assessment Service in May 2019. It was approved via an online seminar in April 2020, with low citizen participation due to its poor publicity

and in the context of people’s preoccupation at the time over the illness itself. This decision caused a dispute that is ongoing.

Despite lockdowns, the community took to the streets in April 2020 to express their rejection of the approved permit for 350 drillings. A large military contingent and special forces were present, causing great concern among the protesters and revealing the power of Canadian interests in extractive development in Chile. Thanks to these massive mobilizations and the use of legal strategies, the Supreme Court forced the project to be rolled back in September 2020 and ruled that the authorities must respect the right to citizen participation - as requested by more than two thousand people, but initially denied in the process.

It was difficult for the communities to prepare for the next environmental permit request given further challenges due to the limitations imposed by COVID-19. While digital methods were used, these don’t allow for the same level of interpersonal communication important to organizing processes, especially with larger groups. With authorities’ processes likewise hampered by the pandemic, communities also faced more challenges in submitting paperwork on time.

Regardless, and despite the Supreme Court decision in favor of citizen participation, the Environmental Assessment Commission’s publicizing of the project was limited and had very little reach. Meanwhile it was very difficult for technical teams to get into the field to carry out their own evaluations, and the observations presented by the [Putaendo Resiste] Coordinating Group and others were rejected. And again, this was all happening in a context of great fear of catching the virus. Therefore, based mainly

¹¹ Comunicación personal, 11 de septiembre del 2021.

on information provided by the company, the Commission unanimously re-approved the mining project in April 2021. To date there have been several appeals filed and the population continues to denounce the project and hold demonstrations, including the Third March for Life in September 2021 (G5 Noticias, 2021).

It should be further noted that the company tried to take advantage of the pandemic to portray itself as a socially responsible actor within the community by donating equipment. However, as Alejandro from Putaendo Resiste states:

the sanitary equipment... [is] already quite cheap... [these donations were] only for photo opportunities, in truth they only have one photo with a group of traders who agreed to take photos with them. [The company] is trying to take advantage of the needs and hardship of the people in its favor and to appear to be very well connected with the local people... and that they are good neighbors.



Photo: One of many banners around the community of Putaendo, Chile. It reads "Putaendo in Resistance: Expel Industrial Mining in favour of Land, Water and Life with Dignity". Credit: Putaendo Resiste

American Lithium (Canada), Peru

[They do not] accept being questioned by local people who are against mining activity, what the mining company says is law in Indigenous communities.¹²

– Macusani District Local Authority

The Falchani Lithium and Macusani Uranium projects are in exploration phase and located within a large concession area granted to Macusani Yellowcake, a subsidiary of the Canadian company American Lithium¹³ (Cassels, 2021). The company's concessions in the south of Peru cover an area of 93,000 hectares on and around the Quelccaya mountain, in the districts of Corani and Macusani in the province of Carabaya (Puno department), and part of the province of Canchis in the Cusco department.

The waters of the Quelccaya glacier contribute to the formation of lagoons, streams and rivers which supply fresh water to the people who live around the snow-capped mountain. It is also an important source of water for the Vilcanota River, which provides more than 50% of the drinking water for the Cusco region as well as electricity to Puno, Cusco and Apurímac during the dry season (DHUMA PUNO, 2021).

In this isolated area in the south of Peru, more than 4,500 meters above sea level, information on these two exploration projects was already scarce but it was made even more difficult to obtain during the pandemic.

Seven Quechua small farmer (campesino) communities live in the area considered to be directly impacted by the mining project. They make a living by raising alpacas and some artisanal activities working with the wool and meat from alpacas as well as other agricultural activities, such as growing bitter potatoes (papa amarga). Historically these communities have been abandoned by the Peruvian State, a situation made even worse by the measures introduced in the face of the health emergency. Community meetings couldn't be held for almost a year, worsening the already poor access to, and circulation of, information at local level.

Community divisions have arisen because of the "social responsibility" activities undertaken by the Macusani Yellowcake company. According to a member of the *Rondas Campesinas*¹⁴ that provide security in the area,¹⁵ the mining company carries out informative activities in the three small farmer communities that it considers to be directly impacted by the project, to the exclusion of the four others. The company also concentrates its social programs in those communities - such as the construction of the main square, a school, a medical center, a bullring and new synthetic grass soccer fields, all within the three communities of Isibilla, Chacaconiza and Quelccaya, deepening the divisions with the other communities in the area.

¹² Interview conducted by DHUMA in August 2021

¹³ Macusani Yellowcake was a subsidiary of Plateau Energy Metals, a Canadian company that was acquired by American Lithium.

¹⁴ Small Farmer (campesino) vigilance organizations initially created to guard against cattle rustling but which have subsequently assumed a wider range of governance, anti-subversion and even judicial roles.

¹⁵ Interview conducted by DHUMA in August 2021.

Three Mining Projects, Mexico

El Puntal Mining Group (Mexico), Male Mining Group (Mexico), Chiapas

The 'June 20' Popular Front for the Defense of Soconusco (FPDS) from Acacoyagua, Chiapas, was formed in 2015 to stop the exploitation of the Casas Viejas mine owned by Mexican company El Puntal Mining Group, and to prevent 20 more concessions authorized on their lands from advancing further.

It is not the first time mining has occurred in the region. Since 2012 several companies have requested authorizations from the agrarian community authority (Ejido), including Male Mining Group that managed to establish the Cristina ilmenite¹⁶ mine for three years.

After crushing the ore the mining company discharged its waste into the Cacaluta River. This is a river basin that is also contaminated by pesticides used in large scale mango, banana and oil palm production nearby.

In 2014, the inhabitants of the municipalities of Escuintla and Acacoyagua noticed different skin lesions linked to the use of water from the Cacaluta River, along with a significant increase in cancer and kidney disease. In 2016, they demanded a study from the public health sector and different water quality studies from the National Water Commission, none of which happened.

They also demanded that some of the mining company representatives prove the legality of their permits. Faced with obvious support for the company from the Chiapas government, and unresponsive federal institutions, the population decided to end the dialogue with the companies and institutions involved and began to organize a permanent sit-in

that managed to suspend the Casas Viejas project and force the Mina Cristina project not to resume exploitation.

During the pandemic mining activity was spotted in Acacoyagua in April 2020, coinciding with a national strategy announcement that declared mining a "non-essential" activity. With the help of the Chiapas government, the companies convened the communities under the pretext of "resuming dialogue". They summoned sixteen community leaders whom the companies had criminalized and delegitimized in 2017. At a time when schools were suspended and communities had forbidden entry to outsiders, in order to protect themselves from the pandemic, the state authorities persisted in convincing the inhabitants to establish communication with the companies.



Photo: Visit from the governor of Chiapas to Acacoyagua, Chiapas in 2017. The FPDS was called to carry out a dialogue. Credit: Luis Rojas Numura.

¹⁶ Interview conducted by DHUMA in August 2021.

At that time members of the FPDS warned of the ongoing risk of being criminalized and threatened by the companies again. The company then decided to carry out an information campaign, visiting some communities and promising roads and schools in order to be able to restart operations at the Cristina Mine. FPDS released a public statement saying that it was going to report local authorities to the Human Rights Defenders and Journalists Protection Mechanism, making them cease these activities.

Altos Hornos de México, Hidalgo

The Association for the Protection of the Land and the Wellbeing of Epazoyucan (APTyBE) from Epazoyucan, Hidalgo was set up to resist the Pachuca Project, owned by Minera del Norte - a subsidiary of the Mexican company Altos Hornos de México. This mining project, which was first announced in 2010, involves the transfer and deposit of 100 million tons of mining tailings from the municipalities of Pachuca de Soto and Mineral de la Reforma to the municipality of Epazoyucan through a network of pipelines 36 km long. In addition, it intends to occupy 417 hectares of land in Epazoyucan to build and operate a mineral processing plant and a tailings dam where the resulting waste would be deposited. In addition to materials from the Minera del Norte mines, it would also receive tailings transferred from other municipalities.

Up until now the APTyBE has managed to halt this project, declaring the municipality of Epazoyucan free of metal mining in 2018. However the threat remains latent, given that the company has continued to submit permit and authorization requests, as well as carrying out building work in the municipalities of Pachuca de Soto and Mineral de la Reforma, probably related to the Pachuca Project (Environmental Justice Atlas, 2020).

In November 2020 it was discovered that three employees of the mining company, working on the construction of a pipeline to connect with a tailings dam in Pachuca de Soto, died when they were buried four meters deep by a mudslide. The possible link with the Pachuca Project was a cause for concern, although the connection could not be verified and various media outlets indicated that the work was related to the construction of a storm drain for a shopping center. The owners of the shopping center denied that version of the story, saying the work was related to the construction of a pipeline for a mining company. The Attorney General's Office of the state of Hidalgo and Civil Protection Office of Pachuca gave only a very general description of the events and said they would take the necessary steps to rescue the bodies. So far APTyBE has not been able to clarify this situation.

As well as making access to information and documentation more difficult, the pandemic also slowed social organizing down. Despite the fact that Epazoyucan is a relatively small municipality, some members of APTyBE are older adults who, due to the risk of infection from COVID-19, had to stop meeting and temporarily cease communication with other communities and the municipal, state and federal authorities. Despite these preventive measures, some members of the Association and people close to them were infected and there were deaths. Most of the members of APTyBE were recently vaccinated and have been able to resume their activities. However, given the separation caused by the long period of confinement, the Association will have to re-establish relationships and resume processes of information gathering.

Argonaut Gold (Canada), Guanajuato

In the state of Guanajuato two organizations - the Collective for Socio-environmental Action and the Brotherhood of the Independencia Watershed - have come together to defend the territory known as the Independencia Watershed, which encompasses seven municipalities in the north of the state. Among them are Dolores Hidalgo, C.I.N. (The Cradle of National Independence) and San Miguel de Allende. This region has a population of approximately 680,000 inhabitants; they depend on a single underground aquifer, which is already seriously overexploited. Their situation will deteriorate further if the Canadian mining company Argonaut Gold manages to start up its Cerro de Gallo open pit gold mine.

Located in the rural community of San Antón de las Minas, in the municipality of Dolores Hidalgo, it would directly affect another 20 communities (Environmental Justice Atlas, 2021). Prior to the pandemic, the Ministry of the Environment and Natural Resources (SEMARNAT) had denied the environmental impact permit for this project on three different occasions (Environmental Justice Atlas, 2021). However the company submitted a new application in November 2020, taking advantage of the pandemic context.

Until the second half of 2021 it was impossible to hold meetings and assemblies, creating new obstacles for the members of the Brotherhood of the Watershed and among the small farmer communities. They were unable to request the public consultation required under Mexican law for an environmental impact assessment. It was only in April 2021 that they managed to have their first meeting; the social organizing process has revived somewhat since then.

In July 2021 there was concern when the company sent managers to meet with the state governor, Diego Sinhue Rodríguez Vallejo (Valadez, 2021). The governor, who does not have the power to grant

mining permits, put pressure on the municipality of Dolores Hidalgo to do so - even though they had given a verbal commitment to the movement in defense of the Independencia watershed not to issue any type of permit for the mine.

Given the greater economic precarity in rural areas due to the pandemic, communities were outraged at the fact that the company, together with a representative of the state government's public education secretariat, were able to distribute school supplies and backpacks to the children of San Antón de las Minas through its Argonaut Gold Scholars program. Despite this - and thanks to the continuous social mobilization of inhabitants of the affected communities throughout the Basin - in October and November 2021 the environmental authority again decided to reject the company's request for an environmental permit (SEMARNAT, 2021).

B) MINING PROJECTS ALREADY IN OPERATION

Glencore (Switzerland), BHP Billiton (Australia) and Anglo¹⁷ (UK), Colombia

The Indigenous Wayúu and Afro-descendant communities in the La Guajira region of Colombia have experienced serious impacts due to the presence of the Cerrejón mining complex, the largest open-pit thermal coal mine in Latin America. Cerrejón has been operating in their territory for more than 30 years. The mine is in a process of constant expansion, and includes a 150km¹⁸ railway to Puerto Bolívar international port. The mine was owned by three large transnational companies, Glencore, BHP Billiton¹⁹ and Anglo American, each with a 33.3% share (Solórzano, 2021). In 2021 BHP Billiton and Anglo American decided to sell their shares to Glencore, which is now the sole owner (Agencia EFE, 2022).

The affected local communities and civil society organizations have for decades documented and denounced human rights violations and environmental impacts related to coal extraction by the different companies in charge. They are now concerned that BHP Billiton and Anglo American will walk away without accountability for the dire social and environmental damages for which they have historical and ongoing responsibility (Prensa Cajar, 2021). Among other grave impacts, up to 35 Wayúu indigenous and Afro-descendant communities have been dispossessed or displaced from their ancestral territories, with irreparable cultural consequences. Furthermore 19 rivers and streams have been diverted and/or dried up (Christian AID, 2020), most of them tributaries of the Rancheria River, the main river in the region.

This already very difficult situation worsened for these communities over the course of the pandemic, during which the El Cerrejón mine did not stop operating. In Colombia mining was given general permission from the government to continue (Decree 457 of 2020, 'health emergency instructions for dealing with Coronavirus COVID-19 pandemic and the maintenance of public order'). In September 2020 the United Nations Special Rapporteur on Human Rights and the Environment, David Boyd, asked the Colombian government to at least temporarily suspend Cerrejón's operations - given that the lack of water, contamination and health impacts the communities already faced increased the risk of death from COVID-19 (United Nations, 2020).

Again the companies took advantage of the situation to present themselves as socially responsible, making donations of food and biosafety equipment and taking photos of residents that, according to testimonies collected, were then published without authorization. In their reports (Cerrejón, 2020) the companies claim to have provided water to the communities. However, Rapporteur Boyd (ONU, 2020) stated that water contamination has prevented Wayúu communities from having access to clean water since the start of the pandemic, leaving them even more exposed to the spread of the virus. During this time, moreover, new concessions started to be granted for copper mining projects in La Guajira,²⁰ (Pastrán, 2021) as well as the construction of new wind farms on Wayúu territory (Badia I Dalmases & Bernal Sánchez, 2021).

¹⁸ The railway line crosses the entire Wayúu territory that includes around 300 communities.

¹⁹ All three companies, including Swiss-based Glencore and Australian-based BHP, are listed on the London Stock Exchange.

²⁰ Colombian company CARBOMAS was awarded the first copper exploration and exploitation contract in the municipality of La Jagua del Pilar, in La Guajira. There are other processes under way, as a result of the so-called Mining Round (Ronda Minera) in Colombia, to promote the exploration of more mineral deposits in Colombia. See: La República, "The first Strategic Mining Area was awarded in La Jaguar de Pilar"

In interviews conducted during our investigations,²¹ community members spoke of how lockdown confinement caused physical and emotional health problems, with many people becoming ill and suffering from depression. They were unable to say goodbye to relatives who died during the pandemic, something highly important in Wayúu culture. The family economy was disrupted by not being able to sell their handicrafts or graze their animals.

The company's donations, while seeking to clean up their image, generated divisions and disagreements that were difficult to resolve given the internal problem-solving process is usually carried out in face-to-face meetings, which were now restricted. The Tamaquito 2 community, which usually meets fairly frequently with the company to discuss issues such as water management, reported that these meetings were postponed for months and, when they later began remotely, the company exercised greater control in deciding who could talk and for how long.

We can see an evident deepening of the enormous asymmetry between the communities affected and the companies responsible for the damage caused around El Cerrejón - particularly in terms of information, organization, and accountability on the part of the companies with respect to the possible expansion of the mine. After a historic rise in the price of coal in 2021 (Rincón, 2021) and given their high profits, there are plans to continue expanding its operations towards the so-called La Puente Pit, located at the mine's northern side (López, 2021). The Bruno Creek, diverted by the company a few years ago and currently the subject of international litigation, is in the same area.

There is also asymmetry in terms of justice. In 2017, Wayúu communities and civil society organizations obtained a sentence from the Colombian Constitutional Court recognizing that the company and the State had violated their rights to water, food sovereignty and health in authorizing the diversion of the Bruno Creek's natural course to expand coal extraction. Despite this ruling, (Prensa Territorio, 2021) which orders the suspension of the La Puente Pit mining works until a study is carried out to evaluate the social, environmental and cultural impacts of the diversion of the Bruno Creek, the communities have denounced the acceleration of work in the area. To date the Cerrejón company does not have permission to exploit the pit, but neither has it restored the natural course of the Bruno stream. These constantly delayed processes wear down the communities, placing them in a situation of permanent resistance due to the non-compliance by the company and also the Colombian State itself with legal rulings.

As if that were not enough the companies have yet other judicial resources that go beyond the Colombian justice system. In mid-2021 two of the three companies, Anglo American (ICSID, 2021) and Glencore (ICSID, 2021), initiated arbitration claims against Colombia at the International Centre for Settlement of Investment Disputes (ICSID), under the terms of bilateral international investment agreements with Switzerland and the United Kingdom, for not letting them exploit the La Puente pit (CIAR Global, 2021). These demands could lead to more pressure on communities seeking for the Bruno Creek to be returned to its natural course and a guarantee that coal won't be extracted from below the river bed.

21 During the month of October 2021, Jakeline Romero Epiayú, from Wayúu Women's Force, conducted interviews with defenders from the following communities: Tamaquito 2, a displaced community from Tabaco, and the Provincial Wayúu Indigenous Reservation in the municipality of Barrancas, La Guajira

Glencore (Switzerland), Peru

People were in need; as we were locked up there was no work, all their savings had run out, they had no money to buy what they needed, many families were suffering without food, they have had nothing to eat or cook with (...) they [the company] continued to work and the pandemic has not affected them at all, but they have locked us up. And due to the ways they were working, all that coming and going, the pandemic reached Espinar (...) We are a mining [province] but there is always poverty here in Espinar.²²

– Association of Women Defenders of the Territory and K'ana Culture (AMDTCK)

Espinar is a province of Cusco, in southern Peru, where there has been mining for almost four decades. Currently Glencore (one of the companies mentioned in the previous case and the third largest mining company in the world) operates the Antapaccay mine, a deposit rich in copper, silver and gold (TerraJusta, 2020); it also has an expansion project, not yet built, called Coroccohuayco.

For decades the Espinar communities have denounced the contamination of their water sources and the presence of toxic metals in the bodies of residents (Salcedo, 2021). Half of the families in Espinar do not have basic services or access to drinking water in their homes. Despite the long history of mining in the province, nine out of ten inhabitants do not make a living directly or indirectly from mining, but rather from agriculture, livestock, commerce and services (Lapa Romero, 2020). These

activities were paralyzed due to COVID-19 restrictions, with heavy impacts on household economies. Meanwhile mining continued without interruption.

Interviewees recounted how, in a petty gesture that only generated more problems, the company distributed “baskets with a few products” to communities at the beginning of the pandemic (for example a kilo each of rice, pasta and sugar, a liter of oil and a block of cheese). This didn't last long for a family with children - and moreover the baskets were not distributed equally, which generated complaints of corruption and suspicion towards the company because of its request for signatures from recipients.

In May 2020 the idea arose in Espinar of demanding a single payment of 1,000 soles in cash (approx. US\$250) to mitigate the impacts of the economic crisis, to be paid out of a fund that is part of a development agreement previously established between the mining company and the province, but which is administered by the company itself. Following the refusal of the company and the authorities, the population called for a mobilization that lasted 23 days (between July and August 2020) and which led to serious acts of repression (TerraJusta, 2020).

The company did not want to give in to the cash payment request, and instead distributed “multipurpose cards” worth 1,000 soles for the population to exchange for various products. This brought more problems: the cards could only be used to obtain non-essential items, thus forcing people to consume products that don't form part of the food or productive system of the communities.²³ According

²² Personal communication, August 2021.

²³ Several questions were raised by the communities, mainly about why local and communal products (e.g. from agriculture and livestock farming) were not purchased to offer in authorized stores. The economic benefit went to the owners of large stores who brought products in from other regions, to the detriment of local communities and production.

to the testimonies collected, these products were not available in the communities themselves but only at authorized points and supermarkets in the town of Espinar. Many people did not know how to use the cards and ended up selling them for less than their value. For many people it was “simply a deception”, since the main beneficiaries were not necessarily the communities affected by the mining company in Espinar.

In addition, there are irregularities in the consultation process for the expansion of the Antapaccay site by means of the Coroccohuayco copper project. According to the Modification of the Environmental Impact Study (MEIA) 13 communities will be affected in Espinar - although according to members of AMDTCK²⁴ a further five districts would be impacted, given the route of the river through the area.

These communities are divided as a result of the company's strategy to obtain their consent during the pandemic, which ignored outstanding lawsuits in relation to compensation for health and

environmental impacts on water sources and in the broader territory. “Our position is that, in order for Coroccohuayco to start, there must be compensation for the environmental and social damage caused by Antapaccay, so we ask for compensation” (AMDTCK, collective interview).

Since 2019 the Mining and Energy Ministry (MINEM) has implemented a prior consultation process for the Coroccohuayco Integration project in eleven of thirteen Indigenous communities (Salcedo, 2021). However there are communities which are not satisfied with the process. According to the women from AMDTCK “[...] that is why it has been rejected, because we are not prepared to participate in virtual consultation - in the communities it is difficult, the conditions are not in place to implement it.”²⁵

The State has been promoting virtual consultation during the pandemic, which has been rejected by several communities as well as being questioned for breaking the basic principles of Free, Prior and Informed Consent processes (Cruz, 2020).

²⁴ Personal communication, August 2021.

²⁵ Personal communication, July 2020.



Photo: Protest of 11 communities affected by irregularities in the consultation over the Coroccohuayco project, an expansion of the the Antapaccay mine. Credit: Elsa Merma Ccahua

Equinox Gold (Canada), Brazil

[The] rupture of the Equinox Gold tailings dam on March 25 [2021] happened when the pandemic was at its worst, at one of the worst possible moments in Brazil; and despite this mining activities continued, running nonstop as if nothing had happened.²⁶

– *Dalila Calisto, Movimento dos Atingidos por Barragens/Movement of People Affected by Dams (MAB)*

In northeastern Brazil, the Aurizona community has been living without an adequate or regular supply of drinking water since the rupture of a tailings dam at the Aurizona gold mine owned by Mineração Aurizona S.A. (MASA), a subsidiary of the Canadian firm Equinox Gold. On March 25 2021, the Lagoa do Pirocaua tailings dam (part of the mining facility) overflowed, contaminating nearby rivers. The families - around 4,000 people - were isolated for several days. The National Mining Agency of Brazil reports that the rupture affected drinking water reservoirs with sediment and rainwater collected for mineral processing (CDHAL, Earthworks & MiningWatch Canada, 2021). On April 4 the Agency suspended the use of the dam, which had not been duly registered with the authority.

This emergency took place just as the state of Maranhão was reporting the highest number of deaths from COVID-19 in a single day since the start of the pandemic (Coelho, 2021). The company met with community members a few days after the tailings dam overflowed and committed to providing drinking water for the affected population. However the Movement of People Affected by Dams (MAB by their initials in Portuguese) initially reported that the water distributed by the company was insufficient

and that the distribution was selective, leaving many families without access to water (CDHAL, Earthworks & MiningWatch Canada, 2021).

Almost a year after the spill, described as an “environmental crime” by the affected communities, the National Human Rights Council of Brazil concluded in a report that ‘the lack of access to drinking water continues to be a reality for the communities’ (MAB MA Colectivo de Comunicación, 2021). This is deepening the current environmental and health crisis in the region due to the pandemic. In late September 2021 community members reported that dirty, discolored and odorous water continued to come out of the taps. Neither the company nor the government have responded to the community’s requests to analyze the quality of the water so they have decided to carry out their own studies in collaboration with three Brazilian public universities (MAB 2022). The contamination of the mangrove swamp and the Tromai River, a salt water river, has also affected the local economy and subsistence activities (CDHAL et al., 2021).

Due to the frequency of this type of disaster in Brazil, MAB regards it not as an isolated incident, but part of the mining model that operates in the country - made even worse in the context of the pandemic.²⁷

²⁶ Personal Communication 28 July 2021.

²⁷ Personal Communication 28 July 2021.



Photo: Protest banner in Aurizona, Maranhão, Brazil. It reads: “The rupture of Equinox Gold’s dam in Aurizona is a crime that left 4,000 people without access to water.” Credit: MAB Brazil

Fortuna Silver Mines (Canada), Mexico

The different crises that occurred during the pandemic, at a personal level and at a social level, made organizational dynamics difficult for [our organization and] also for the [Indigenous] peoples.²⁸

—Collective for Life and Against Mining in the Ocotlán Valley

In the Ocotlán Valley, Oaxaca, the San José mine owned by Canadian company Fortuna Silver Mines began operating in 2011, and imposed repression and violence in the face of resistance by several Zapotec communities in 2009. Over the last thirteen years, the authorities of the San Pedro Apóstol municipality report that ‘serious problems have begun to arise due to environmental contamination: loss of flora and fauna, diseases and death of livestock, soil erosion and

loss of crops’, among other impacts (Ayuntamiento San Pedro Apóstol, 2021).

On October 8, 2018, a mining tailings spill occurred in the El Coyote River, exacerbating this situation and affecting seven Zapotec communities downstream. Since then, damage to fauna and an increase in gastrointestinal, liver, oral and dental health problems and skin allergies have been reported (Navarro & Bessi, 2021). Despite having laboratory evidence of contaminants in the Coyote River, the authorities exonerated the company. But at the local level, authorities and organizations such as the Articulation for Life group against mining in the Ocotlán Valley have been working to demand healthcare and environmental remediation.

²⁸ Comunicación personal, 18 de septiembre del 2021.

During the pandemic, their efforts were directed towards the Ministry of the Environment and Natural Resources (SEMARNAT) to demand a review of what happened and implement a remediation process. But SEMARNAT itself has delayed things, managing the conflict without making any significant progress. COVID lockdowns hampered resistance, with the company continuing to operate while government offices used it as a pretext for not dealing with the public, stalling the process for practically a year.

Newly introduced modes of dealing with the public via online platforms have ignored the impact of this on communities' recourse to justice: the difficulties of access, lack of skills and time, plus the basic lack of internet where these communities live. Thus the means for demanding company accountability and mitigating damages have become even more complex than before, and communities are now even less confident that the waters contaminated by Fortuna Silver Mines will be restored to clean health.

For its part, the company reports that it only had to stop working for eight weeks due to COVID-19 (Fortuna Silver Mines, Inc., 2020; Fortuna Silver Mines, Inc., 2020; Zavala, 2020). At the beginning of the pandemic, like many other companies, it distributed cleaning kits with soap and antibacterial gel, thus trying to clean up its public image at the same time (En Noticias, 2020; Diario Rotativo, 2020).

Throughout the pandemic the company remained ever present in the media, promoting itself as a development actor with the support of politicians from all parties, various municipal authorities and the state governor - with whom the company directors meet frequently. Lately however the interests of the firm have been called into question by SEMARNAT's denial, in July 2021, of its Environmental Impact Statement for the expansion of the mine. Tensions arose in the area due to various efforts by the company to generate pressure on the authorities in an attempt to reverse this decision. In December 2021 the company reported success in obtaining the extension of its environmental license for 12 years (Ganoza, 2021).

La Purisima and El Espiritu Mining companies (Mexico), Mexico

...it's the migrants who leave millions of pesos in the community, while what the mining companies leave behind are millions of tons of toxic waste.²⁹

– Alejandra Rojas, *United Communities of Zimapán*

In the community of San Miguel in the municipality of Zimapán, Hidalgo, residents express greater fear of getting ill as a result of their proximity to the mine's lead drying yard and tailings dams - full of arsenic, lead and other heavy metals - than of the possibility of catching COVID-19.

There has been silver, zinc and lead mining activity in Zimapán for centuries. Many mine operators and processing plants are small and medium-scale businesses and their owners are often members of local families with political roles, especially in the municipal council (Sánchez-Salazar & Flores Hernández, 2019). Since 1945 the large Mexican company Industrias Peñoles had operated the Zimapán mine - until at the beginning of the pandemic, in July 2020, it announced its sale to the Canadian company Santacruz Silver Mining (Santacruz Silver Mining Ltd., 2020).

²⁹ Personal communication, 10 October 2021.

In San Miguel the tailings dam of the local mining company Espiritu has been located a few meters from local peoples' homes since 2009 - exposing the population to noise, odors, smoke and dust, with serious health impacts that have been known about for years (Montoya, 2015). This and another dam owned by La Purísima mining company send their discharges into the nearby stream, and agricultural production in the fields downstream has been reduced.

The residents of San Miguel and other nearby communities are very much afraid of the windy season, when the situation worsens because the dust from the tailings becomes more volatile (Flores, 2020). According to one resident, if you leave the house at that time of year the dust gets into your mouth, eyes and nose. This exposure generates respiratory diseases, in addition to being a risk factor for several degenerative diseases already present in the community such as conjunctivitis, hypertension, diabetes, osteoporosis, and glaucoma.

The villagers have denounced this situation to the authorities for years, who should have already closed the Espiritu mining company's dam in 2017. However the companies manage to operate with impunity given the close relationship with the municipality and the lack of an effective response from the environmental authorities, with the excuse that the Federal Environmental Protection Agency has not had a representative in the state since 2019.³⁰ So despite the many irregularities, these mining operations have received the consent of local institutions.

Meanwhile the companies present themselves as the providers of jobs and livelihoods for the municipality. But in the words of Alejandra Rojas of United Communities of Zimapán, it is "the migrants who leave millions of pesos [in remittances] to the community, while what the mining companies leave behind are millions of tons of toxic waste." With the pandemic

- while long-term health impacts remain unanswered and despite the increase in deaths - the residents did not see the slightest response from the business owners to help them address their additional needs.

Instead of mitigating environmental impacts the two companies continue to work with backhoes on their tailings dams. They expose the population to this volatile toxic waste and have offered no more than one small campaign and a few supplies given to certain families.

³⁰ *Personal communication, 10 October 2021.*



Photo: Wind lifts mine tailings causing damage in Zimapán, Hidalgo, Mexico.

Credit: criteriohidalgo.com/noticias/aire-provoca-afectaciones-en-zimapan

1.3 Putting mining before life: economic recovery and energy transition

After being declared “essential” at the beginning of the pandemic by many of the countries featured in this research, there was further deregulation to facilitate mining operations and, in some places, mining activity gained even more support as an alleged force for economic recovery. In some cases this coincided with the boost that the energy transition is giving to the mining of metals such as copper and lithium. We must not forget that the economic crisis deepened with the pandemic.



Photo: Protest march in Putaendo, Chile.
Credit: Putaendo Resiste

A) Deregulation

Since the start of the pandemic in 2020, some countries have seen really blatant deregulation of the mining sector in ways that have relaxed environmental rulings as well as protections for Indigenous peoples and traditional communities. This happened very clearly in Brazil, where in addition to weakening the monitoring of the sector by public institutions (Zucarelli, Farias, & Wanderley, 2021), changes were made both to the mining code and to the Federal Constitution itself. This bonfire of regulations was intended to allow mining to continue operating in Indigenous territories during the pandemic, including the Amazon. For example Bill 191/2020, currently being processed, seeks to free up Indigenous territories for extractive projects. This could lead to an ethnocide of Indigenous peoples, including those living in voluntary isolation. In addition to the threats inherent in mining itself, this would also expose them to more COVID-19 infections (Articulación de los Pueblos Indígenas de Brasil APIB, 2021).

In the case of Chile, a year before the pandemic the path was being cleared to facilitate large mining investments and give investors greater security. The Environmental Impact Assessment System was reformed and a new Sustainable Projects Management Office was created, linked to the Economics Ministry, to expedite mining and other projects (Observatorio de Conflictos Mineros de América Latina OCMAL, 2020). This meant that the number of environmental impact assessments submitted to the Chilean authorities more than doubled during the first few months of the pandemic, compared to the previous year (Cuenca Berger, 2020).

Likewise, Putaendo Resiste reports that “During the whole pandemic and even now, [Los Andes Copper has maintained] radio propaganda announcing the [Las Vizcachitas] mining project as if it were almost a done deal that would generate a lot of employment in the area, even though many steps remain in the

process, some of which could take a very long time before that becomes a reality.” All of this is being done to paint itself as an essential actor in economic recovery, both regionally and nationally.³¹

An example of how government authorities promote the mining industry as a solution to the economic downturn occurred during the 2021 annual Prospectors and Developers Association of Canada mining fair. The then Chilean Mining Minister, Juan Carlos Jobet, stated during the event:

We are convinced that the economic recovery after COVID-19 will be based on responsible mining. [...] Today we reiterate our firm commitment to become one of the main mining districts for green investment [...] Thanks to the efforts of workers, executives, suppliers...and our government, Chile has built a resilient industry that has not stopped for a day during the current pandemic. Mining companies have made significant contributions to the health system and infections have been recorded at as low as 2%. This demonstrates a mature and resilient industry that prioritizes the safety and well-being of its workers and communities. In this crisis, mining once again has not failed Chile [...]³²

Meanwhile other countries offered new administrative and tax benefits for the mining sector.

In Honduras, the Ministry of Natural Resources and Environment issued a decree to accelerate the granting of environmental licenses online, and in October 2020 the legislature reformed the mining law to grant tax benefits to mining companies under the pretext of the pandemic (OCMAL, 2020).

In 2020 the Colombian government began to implement the so-called “sustainable recovery” policy, which includes a package of 35 mining, oil and electric power projects considered “strategic and priority” (Portafolio, 2020). Likewise the process of evaluating environmental permits was streamlined and transferred to an online platform, reducing taxes and extending the terms of payment for the use of water - while limiting the participation of the affected communities (Observatorio de Conflictos Mineros de América Latina OCMAL, 2020).

In Peru companies pushed to self-regulate their occupational health protocols. The country saw significant increases in COVID-19 cases, with devastating impacts on affected communities. In fact, during the aforementioned PDAC 2021 event in Canada, the executive director of the National Society of Mining, Petroleum and Energy of Peru stated in front of foreign investors that “the government hastened to impose various restrictions aimed at stopping the spread of the virus [at the beginning of the pandemic] ... Finally, the government relaxed the measures and we were able to recover mining activity in the country.”³³

Meanwhile a legislative decree was issued which reduced the environmental monitoring and control processes, and environmental procedures were transferred to online platforms (Observatorio de Conflictos Mineros de América Latina OCMAL, 2020). The high prices of minerals internationally encouraged the new Peruvian government in 2021 to review the tax framework of the sector in order to achieve greater mining income for use in “economic recovery”, although this remains to be seen (OCM, 2021).

³¹ Personal communication, Alejandra Rojas, 11 September 2021.

³² MiningWatch Canada transcript of remarks by the Chilean Minister of Mining on 9 March 2021 during PDAC 2021.

³³ MiningWatch Canada transcript 8 March 2021 during PDAC 2021.

B) Imposing mining as an economic solution

In some places where mining has faced great resistance to its advance for many years, at the provincial or national level, we see how the industry and political leaders connected to mining have taken advantage of the pandemic to try and position themselves as the economic solution and thereby advance their personal economic interests. This has generated high levels of community discord and resulted in significant social mobilization.

CHUBUT, ARGENTINA

We believe that the crisis that currently exists in Chubut, a province that has so many possibilities, is an intentionally designed crisis; a crisis that has been created precisely to try to impose this activity so that the people see no other way out than mining.³⁴ – Iván Paillalaf, member of the Mapuche-Tehuelche community of Laguna Fría Chacay Oeste

In the province of Chubut, Argentina, mining was prohibited by law almost two decades ago due to broad social rejection. The main Canadian companies which, despite this rejection, still hope to advance their projects in the province are Pan American Silver and Yamana Gold (Fahsbender, 2020). A People's [legislative] Initiative, which sought to reinforce the ban on the prospecting and exploration stages of mining and the ban on the methods and chemicals used was rejected in May 2021. For those who oppose mining, the collection of signatures for the People's Initiative was very difficult, since it was carried out

in the middle of the pandemic and during the harsh Patagonian winter (MiningWatch Canada, 2020). Despite these difficulties 30,916 signatures were gathered from the 48 communities in the province, more than double the 13,000 signatures required by law. But it was still rejected without debate, being treated as an "express agenda item" by the legislature during an online session.

In Argentina, unlike most of Latin America, mining laws are provincial, and in several provinces mining bans have been achieved. In the case of the province of Chubut, its laws have prohibited open pit mining and the use of cyanide since 2003. However the Mapuche-Tehuelche communities in the Meseta area recognize that the need for resistance to keep the territory protected from mining is permanent - otherwise it could have devastating impacts on their water sources. Every month for years they have organized a march to reaffirm their resistance to mining, and the People's Initiative that unleashed the recent conflict was intended to reinforce the current ban on mining by expressly prohibiting every stage involved in large-scale metal mining activity, including prospecting and exploitation.³⁵

"The legislators did not care, and from their comfortable homes they raised their hands and [...] voted against that bill," commented Ivan Paillalaf of the Mapuche-Tehuelche Community of Laguna Fría Chacay Oeste.³⁶ Demonstrating the collusion between the companies and politicians, days before the vote an Argentine constitutional lawyer came out arguing that the Popular Initiative was unconstitutional while also working as an advisor to Pan American Silver (Sur Actual, 2021).

³⁴ Personal communication, 22 July 2021.

³⁴ No a la mina Esquel. 10 May 2021. Enrique Viale en Foro 2021. [Archivo de video]. Youtube. <https://www.youtube.com/watch?v=CS-gYz7w0AU&t=4695s>

³⁶ Personal communication, 22 July 2021.



Photo: March in the Mapuche Tehuelche community of Gan Gan in the meseta (plateau) of Chubut, Argentina on August 4, 2020. Credit: Iván Paillalaf

Furthermore, on December 15, 2021 the mining lobby succeeded after several attempts to get the legislature to approve a Zoning Law, which would allow open-pit mining in the departments of Gastre and Telsen, on the Chubut plateau (MiningWatch Canada, 2021). The vote took place in a surprise session, and ignored citizen demands by allowing open pit mining in the region. With this zoning they intend to create a precedent that would undermine the general prohibition of mining at the provincial level. However this was quickly repealed after massive protests by citizens. The protests had national repercussions and increased local tensions and repression targeted against members of the Union of Community Assemblies of Chubut (UACCh) and the Mapuche-Tehuelche people who are mobilizing against the bill (see section 2.1). Once again citizens were on the streets demonstrating their discontent and indignation, in the face of police repression (MiningWatch Canada, 2021).

During the pandemic, together with the provincial government, the mining companies took advantage of the deepening economic crisis and lack of work in the province to further their own interests and make the case that,

mining is more necessary now; it is more necessary now that the security forces are on the streets, that the repressive forces of the State are on the streets; it is more necessary now to make these types of decisions because we are in really bad shape as a province.³⁷

Meanwhile in Ecuador and Panama - both countries with few industrial mines in operation due to widespread rejection by the affected populations - there have also been attempts to accelerate mining expansion.

³⁷ Ibid

ECUADOR

This decree has no benefit for us, for our members, for the Ecuadorian people... development is not just mining... Mining is going to poison our water.³⁸ – *President Josefina Tunki, Shuar Arutam People*

Since the pandemic began the Ecuadorian government, alongside mining companies with interests in the country, have positioned mining as a fundamental industry for “economic recovery.” Following the presidential elections of early 2021 this trend has been consolidated.

In Ecuador there is widespread opposition to mining in the country due to its impacts on water, the country’s exceptional biodiversity, and the well-being of small farmer and Indigenous communities. During his election campaign current President Guillermo Lasso promoted “human rights and the rights of nature... and the protection of the environment with a sustainable agenda” (Lasso, 2021). However, once he won the elections and took office in May 2021 he showed his true colors and his willingness to serve transnational mining interests. In June his newly formed administration signed back up to the Convention for the Settlement of Investment Disputes between States and Nationals of other States, in order to provide greater legal certainty to transnational investors (CIAR Global, 2021). Ecuador had left this Convention twelve years earlier as part of a review aimed at reasserting the country’s sovereignty, a move that also included the cancellation of a series of Bilateral Investment Treaties.

Shortly after this on August 5, President Lasso issued Executive Decree No. 151, an ‘Action Plan for the Ecuadorian Mining Sector’ (Lasso Mendoza, 2021), which seeks to accelerate mining in fragile ecosystems such as the Amazon and high-altitude

wetlands (paramos). It gives legal certainty to mining companies by providing a favorable environment for investors, indicating explicit respect for international agreements that favor corporate interests. It likewise proposes the acceleration of environmental permits for mining projects without taking into account the socio-environmental impacts. There is widespread rejection of this decree by social, environmental and Indigenous organizations - including the Shuar Arutam People, a grassroots organization and member of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), since it violates collective and constitutional rights. On December 23, 2021 CONAIE, together with the Confederation of Indigenous Nationalities of the Ecuadorian Amazon, the Ecuador Human Rights Alliance, and Amazon Frontlines filed a lawsuit calling the measures unconstitutional (Alianza por los Derechos Humanos, 2021).

Ecuadorian organization Acción Ecológica reports that Decree 15 “constitutes a roadmap for the implementation of the Action Plan for the mining sector” in the country. On top of all of this, it was revealed that the government has received a loan of US\$78.4 million from the Inter-American Development Bank for its financing, “which increases the external public debt, and ... [orients] public policy towards generating an investor-friendly environment for business” (Acción Ecológica, 2021). This loan had been announced on the eve of the pandemic (Inter-American Development Bank, 2020).

³⁸ Personal communication, 9 September 2021.



Photo: Protest led by the “Panama is Worth More Without Mining” Movement (MPVMSM) in Panama City.
Credit: Radio Temblor

PANAMÁ

On May 19, 2021 the Panamanian government presented its strategic plan to base its post-pandemic economic recovery on mining. Minister for Commerce and Industry, Ramón Martínez, spoke about the interest of foreign corporations in investing in the country. The government would pursue “the institutionalization” of mining (supposedly ensuring greater environmental and labor monitoring of the industry) so that it once again constitutes for Panama an economic pillar as important as the Interoceanic Canal, and with the intention of doubling its contribution to GDP to 8%³⁹ (Contraloría General de la República Panamá, 2021). He also argued that this would help stimulate employment, mitigate the crisis in the social security system and give liquidity to the public pension system, which would receive a contribution of 10% of the total gross income from mining concessions.

A few months earlier the Minister had announced the support of the Inter-American Development Bank (IDB) to strengthen the institutional framework for the mining sector (Ministerio de Comercio e Industrias, 2020), as laid out in the IDB’s Panama strategy published in May 2021 (IDB, 2021). In May the government also published resolutions 89 and 90, incorporating new zones up to a total of 25,599.72 hectares in the provinces of Coclé and Colón into the Mining Concessions Regime.

That was when Canadian company Broadway Strategic Minerals (Broadway Strategic Minerals SA, 2021) appeared on the scene with plans to exploit the defunct Molejón gold mine, near the concession area. Broadway Strategic Minerals would be a possible beneficiary of these resolutions, due to its interests in the area (Chandiramani, 2021). This transnational corporation is run by a member of the Panamanian

³⁹ The Government Accountability Office (Contraloría de la República) reported that the exploitation of mines and quarries represented 4.0% of GDP in 2020. In 2019, it was 2.4%.

elite with political connections (Jackson, 2021). The Molejón mine concession had been canceled in 2015 when another mining company, Petaquilla Gold, abandoned the project, leaving a trail of labor debts and environmental damage.

Given the prevalence of corruption and the constant violations of environmental regulations and the Constitution by mining in Panama, citizens see this mining stimulus plan as the government aiming to enrich itself. It is important to note that the current Vice President, José Gabriel Carrizo (Jackson, 2021), served as a lawyer for Petaquilla Gold and is a cousin of the Minister for Commerce and Industry.

Among the other companies that could benefit from the new strategic plan is Cobre Panama, a subsidiary of Canadian company First Quantum Minerals that operates the only active open-pit copper mine in Panama, and which has been greatly favored by successive governments. The contract that governs its operations was declared unconstitutional on December 21, 2017 and notification was sent to the parties involved in September 2018. However the Court's resolution was only published at the end of December 2021, leaving a legal vacuum that has allowed the government to enter into negotiations, still underway, to modify this law. Additionally, many examples of non-compliance have been documented in its environmental mitigation plan. Another company, Orla Mining from Canada, intends to open the Cerro Quema mine, an open pit gold project in the exploration phase (ORLA Mining, 2021).

Faced with the fallacy of national economic recovery through mining, the communities around the Cobre Panama project and civil society organizations have launched a national campaign platform called Panama Worth More Without Mining Movement (MPVMSM). This movement opposes mining and the renegotiation of the contract with Cobre Panama which they consider unconstitutional and that it

should be cancelled. It is made up of conservation and environmental organizations along with educators, professionals, workers, youth groups, small farmer and Indigenous communities.

As a reaction to the citizen mobilization, the mining sector organized a communications campaign in both traditional and social media, trying to discredit the position of civil society organizations and dismantle the protest movement. However, the Panamanian press recently published the results of a survey carried out in July 2021 that revealed that 60% reject mining activity in the country (Panamá América, 2021).

Even so, the government insists on continuing to promote initiatives that seem aimed at making way for mining expansion in the country. In October 2021 it issued Executive Decree 141, 'Accreditation Certificates for Land Use in Protected Areas', to facilitate the sale of small farmer lands in protected areas, especially in the Donoso District area, which could favor Cobre Panama (Radio Temblor, 2021). Although the decree was repealed on December 13, the affected social organizations and communities fear renewed efforts to negotiate another similar mechanism (Radio Temblor, 2021).

C) Sacrifice zones: mining for the energy transition

The government of Ecuador, the mining industry trade association and the mining companies themselves (such as Canada's Solaris Resources - see section 1.2.a) are promoting copper extraction in the Cordillera del Cóndor, going against the will of the Shuar Indigenous people and risking an Amazon area rich in water and biodiversity. Government and mining bodies are taking advantage of the fact that copper is considered one of the critical, highly demanded metals for low-carbon technologies for the energy transition (such as electric cars, solar panels and electricity grid infrastructure) and as a supposed way to fight climate change.

According to Ecuador's Ministry of Energy and Non-Renewable Natural Resources, "the rise in the price of copper, rooted in a 'bullish market with a tint of green'... will undoubtedly favor the countries that produce this metal. This is the case of Ecuador, whose profits will be reflected in higher royalty payments to the State for its copper" (Ministerio de Energía y Recursos Naturales No Renovables, 2021). Along the same lines Daniel Earle, president of Solaris Resources, has stressed that: "Ecuador has an important role to play in meeting the demand of the current energy transition in which copper is essential and increasingly scarce" (Luft, 2021).

In Panama the Canadian mining company First Quantum Minerals, through its subsidiary Cobre Panama, has been promoting its policy of corporate responsibility in the face of climate change, arguing that its copper mine is needed to serve the market for electric vehicles and renewable energy infrastructure. "Panama can make an important contribution to meet this global demand for more clean energy,

through the Cobre Panama mine. We are ready to continue providing sustained production" (La Estrella, 2021), said company manager Keith Green in an interview after the COP 26 Climate Summit in November 2021.

Despite weak environmental governance in Panama, and the mine being mainly located within the Mesoamerican Biological Corridor protected area and biodiversity hotspot, he insists that his company will avoid further environmental damage: "We have a complex system of environmental commitments and controls; as well as high-level conservation plans that are carried out together with highly renowned international scientific organizations" (La Estrella, 2021). This is cold comfort for concerned people and organizations in Panama given that 200 environmental violations have already been documented in relation to Cobre Panama⁴⁰ (Environmental Justice Atlas EJAtlas, 2021).

The state-owned Electric Transmission Company is in the process of developing the Fourth Electricity Transmission Line, a mega-project⁴¹ (ETESA, s.f.) extending along the country's Atlantic coastline⁴² (ETESA, s.f.) which is believed may provide energy to the controversial mining operation. Financing for this was provided by the International Finance Corporation (IFC), a private arm of the World Bank (Radio Temblor, 2020). In Chile, Los Andes Copper have also been trying to sell the Vizcachitas copper mine on the basis that it is "sustainable [...] for the green transition" (Los Andes Copper Ltd., 2021) and essential for post-pandemic economic recovery. However, according to Alejandro Valdés of Putaendo Resiste, the copper would be exploited "at

⁴⁰ Accessed 17 December 2021.

⁴¹ Accessed 6 January 2022.

⁴² Accessed 6 January 2022.

the cost of transforming a valley, its community and its ecosystem into a sacrifice zone”⁴³ (Environmental Justice Atlas EJAtlas, s.f.).

At the same time, as EJAtlas and MiningWatch Canada have documented, Chile’s outgoing government had begun to put a new spin on what it means to be the world’s leading copper exporter. According to Senator and President of the Future Challenges Commission:

I would transform copper, or the meaning of copper, not only as being good business for Chile or for some in Chile; I would transform it into a gigantic opportunity to help the transition that the planet has to make to renewable energy, because millions of devices are going to need copper. Chile could give energy to all of humanity. (Televisión del Senado, 2021).

This model of mining for the energy transition could be up for questioning with the election of President Gabriel Boric, who reiterated in his first presidential speech that there would be “No more sacrifice zones”. In addition, a new Chilean constitution is being written as a result of the social explosion of 2019. Some movements are pushing what they call an “Eco-Constitution”. They advocate the de-privatization of water, the rights of nature and the protection of glaciers⁴⁴ (Resumen, 2022).

For some years now the government of Peru has also talked up its potential role and, during the pandemic, enacted legislation aimed at facilitating the extraction of minerals considered “critical” for the energy transition. In 2018 the then Vice Minister of Mines spoke of how “lithium, as well as copper, are metals

of the future because they are part of the demand for new products that will be manufactured worldwide, such as electric cars and batteries” (El Comercio, 2018).

At the beginning of 2021, with the aim of facilitating lithium and uranium mining at projects such as Falchani and Macusani (see section 1.2.a), the Energy and Mines Commission of the Peruvian Congress proposed legislation that was accepted by Congress in July 2021. Law No. 31283 declared the exploration, exploitation and industrialization of lithium and its derivatives to be strategic resources of public necessity and national interest. This law was approved without the participation of affected communities, thus ignoring the provisions of Convention 169 of the International Labour Organization. According to the Ministry of Culture’s Database of Indigenous Peoples, the small farmer communities of Chacaconiza, Isibilla, Quelcaya and others in the area affected by the Falchani and Macusani mining projects in Puno are identified as part of the Quechua Indigenous people. However their right to participate as Indigenous people in the elaboration of government policies that affect them is being violated in this case.⁴⁵ Meanwhile, American Lithium promotes itself as a company “well positioned to play a key role in shifting society toward a new safe and sustainable energy paradigm in America.”⁴⁶ (American Lithium Corp, s.f.).

The Peruvian mining industry trade association also uses the discourse of the ‘energy transition’ to promote copper extraction. As does the government’s Supervisory Agency for Investment in Energy and Mining, which states that “the price of copper is on the rise, which encourages production and Peru plays a key role, due to its potential to produce the

43 Accessed 17 December 2021.

44 For the de-privatization of water, the rights of nature and the protection of glaciers: more than a thousand social organizations support the popular initiative for the new Constitution.

45 Human Rights and Environment (DHUMA) Puno

46 Accessed 17 December 2021.

red metal... This involves the energy transition...and this implies approving the development of copper projects in the country" (Belling, 2021).

One of these projects is Coroccohuayco, owned by Glencore in Espinar. Glencore presents itself to its investors as a mining company in an ideal position to capitalize on the demand for metals and minerals for the technologies necessary for the energy transition. In its 2021 investor update report, for example, the company includes Coroccohuayco in its climate action plan, as part of its portfolio of copper transition metals projects (Glencore, 2021). While the Swiss company promotes the project internationally as "green" mining, in Espinar it faces long-standing lawsuits. These have been filed by the affected communities and thus far the responsibility of several previous companies remains unaccounted for.

In Mexico, as part of an Electricity Reform Law, the president proposes that lithium exploitation should be nationalized but without affecting the interests of transnational companies that already hold such titles. President López Obrador has said: "We cannot put it on the market, it has to be a strategic mineral for the development of our country and we have to think about future generations."⁴⁷ (Forbes, 2021). The initiative has not yet been approved. The only project in the country at an advanced stage remains in the hands of the Gangfeng Lithium company from China⁴⁸ (Environmental Justice Atlas EJAtlas; Alliance News, 2021). The Mexican Network of People Affected by Mining has been a critical voice in the debate around lithium in the framework of the energy transition:

How can one speak of a transition, when what is sought is an accelerated increase in mining extraction, to increase profits for the companies that generate dispossession and

other impacts on Indigenous peoples and communities? It is the same capitalist model, which now wants to be painted green.

(Red Mexicana de Afectadas/os por la Minería REMA, 2020).

In addition to promoting these projects within the framework of mining for the energy transition, copper mining companies such as Solaris, Los Andes Copper and BHP are taking advantage of the current health crisis to highlight the antibacterial properties of copper and generate "new sources of demand" (Karina Fernandez-Stark et al, 2020). This despite the scientific consensus that COVID-19 is "transmitted mainly through the air" (Radio Canadá Internacional, 2021).

⁴⁷ "Lithium must remain under the control of the Nation, it will not be left to the market: AMLO."

⁴⁸ Accessed 17 December 2021.



Photo: The Soledad-Dipolos Mine, owned by the Mexican company Fresnillo plc on the territory of the ejido El Bajío, Sonora, Mexico. Credit: Ejido El Bajío

II. Communities, resistance and violence

2.1 Contingency measures in the face of increased repression, violence and militarization

Undoubtedly a marked characteristic of Latin America during the pandemic, along with the restrictions that the health emergency entailed, has been the continuation and even the intensification of violence by companies, states and other actors.

The murders of social leaders defending their territories from destruction has been continuous during the pandemic. According to the Global Witness 2020 annual report (Global Witness, 2021), 165 of the 227 murders of defenders of the earth (almost three out of every four registered attacks) occurred in Latin America. And of the ten countries with the highest number of registered attacks, seven are in Latin America. In Brazil and Peru, nearly three-quarters of the recorded attacks occurred in the

Amazon region of those countries (Global Witness, 2021). These already grave figures do not reflect the broader patterns of threats, attacks, criminalization and other forms of harassment and intimidation faced by communities and organizations involved in defending their territories.

Almost all the cases reviewed for this report, with the exception of Panama, show at least three patterns of territorial control implemented by force: a) the repression of social protest; b) threats, violence and criminalization of human rights defenders; and c) co-optation, militarization and generalized violence. The following examples reflect the continuation and intensification of these trends during the COVID-19 pandemic (Front Line Defenders, 2021).

A) Repression of social protest

In Espinar, in the Cusco region of southern Peru, when the population mobilized between July and August 2020 to demand a single payment of 1,000 soles to alleviate the impacts of the economic crisis⁴⁹ those protesting⁵⁰ (TerraJusta, 2020) suffered serious human rights violations. The police used excessive and disproportionate force - leaving three people with gunshot injuries, six injured by rubber bullets and several with bruises from being beaten (TerraJusta, 2020). Long before the pandemic the State had introduced a series of measures to guarantee private foreign investment and quell protests; one of them was to make “private” security services provided by the Peruvian police available to mining companies (EarthRights International et al. 2019).

In Chubut, Argentina, state repression has been increasingly heavy handed against local citizens and the Indigenous Mapuche Tehuelche people, who have demonstrated against attempts to impose a law that would allow mining activity in the province, despite it being prohibited by a highly popular law since 2003. In the face of these repeated attempts to change laws and create a mining area that would benefit companies like Pan American Silver, the population has increased its levels of mobilization since the beginning of the pandemic. Processes of defamation, arbitrary arrests, spying on local people involved in protests, the deployment of security forces to monitor the population, night-time raids and the use of rubber bullets have all been reported.

During the latest mobilizations – at the end of December 2021 against the approval of the new

zoning law – the police fired rubber bullets at peaceful protesters, resulting in at least seven people being arrested and more than 30 injured⁵¹ (Amnesty International Argentina, 2021; Mining WatchCanada, 2021). As pointed out by Flavia Nuñez from the Assembly in Defense of the Puerto Madryn Territory, a member group of the Union of Community Assemblies of Chubut, “the armed forces fired on protesters for 6 hours in a row, including children who were sheltering in the Hospital and Education Union of Chubut” (Personal communication, January 19, 2022). According to Ivan Paillalaf:

It's like democracy doesn't really exist because they lie to you; when you go through their institutional channels - and obviously institutional democracy is incomplete democracy - they don't respect you. Or if you express yourself, they persecute you, harass you, criminalize you, treat you as an eco-terrorist. [...] And obviously the mining companies, they are the terrorists, they are the ones who want to impose terror. This is why there are so many grassroots community members mobilizing.⁵²

In Ecuador civil society organizations have denounced the State for the militarization and repression in the country during the pandemic, in violation of the right of Indigenous peoples and small farmers to peaceful protest against the advance of extractive projects in their territories. In August 2020 the Ecuador Human Rights Alliance denounced the permanent ‘state of emergency’ decreed by the government since

49 Described above [Mining Projects Already in Operations - Glencore case, Peru]

50 The people involved in the struggle in Espinar have repeatedly made it clear that the Framework Agreement is not just an economic agreement, but also covers company commitments on environmental issues, human rights, labor, etc., that the company does not comply with. That is why the 2020 mobilization for the one-off payment also called for accountability for historical demands neglected by the company in these areas.

51 Amnesty International Argentina [@amnistiaar]. (19 December 2021). Represión, llamas y megaminería en #Chubut. ¿Qué pasa en esa provincia? [thread]. Twitter.

52 Personal Communication, 22 July 2021.

the beginning of the pandemic to “normalize the suspension of constitutional rights and the presence of the military on the streets” (Alianza por los Derechos Humanos Ecuador, 2020). This is on top of attempts by the Ecuadorian State over the two years of the pandemic to regulate for the “Rational, Progressive and Differentiated Use of Force by the Military”, such as allowing them to carry and use lethal weapons in peaceful demonstrations, although this was later deemed unconstitutional and suspended by the Constitutional Court (Alianza por los Derechos Humanos Ecuador, 2021). After fresh attempts by the Ecuadorian State to limit the rights of mobilization, resistance and social protest against decrees 95 and 151 - which allow for the expansion of the oil and mining frontiers respectively - CONAIE and civil society groups organized a protest in October 2021. As the PSHA says:

These repressive measures violate the collective rights and the exercise of the right to mobilization and resistance of the PSHA and other Indigenous peoples of Ecuador.⁵³

When environmental authorities in Putaendo, Chile, approved the Los Andes Copper exploration project at the beginning of the pandemic the citizens of the small municipality mobilized en masse despite the COVID-19 lockdown, due to its potential social and environmental impacts. In response, a military contingent as well as special forces were deployed to intimidate and provoke the people, causing much concern but failing to stop the march. According to Alejandro Valdés:

It was not only the people who arrived, but also a couple of military trucks turned up and passed through the crowd, they intervened in our protest and one soldier gets out. He approaches the stage, takes out his gun, leaves it on top of one of the speakers that



Photo: Protest in Quito against Mining Decree 151, October 2021. Banner reads: “Mining companies and the state loot us.” Credit: Comunicación Pueblo Shuar Arutam

we had there and starts talking to people. It was a very chaotic moment [...] and the truth is that with that military attitude he was preparing for what could have been a complicated situation for all of us... We didn't know what the reaction of the people would be. The truth is that the people reacted in a variety of ways, [...] on the one hand with a lot of anger, but at the same time with a lot of control. But this was clearly a provocation.⁵⁴

Likewise the current mayor of Putaendo, who has publicly expressed his opposition to large-scale mining in the local valley and has filed complaints against the Environmental Assessment Resolution that approved the Las Tejas Prefeasibility Drilling project, faced attempts to have him removed from office by the Canadian company. The company accused him of the “perversion of justice” for trying to fulfil his responsibility as mayor and carry out monitoring and supervision of activities that could destroy the environmental heritage of the region (Municipalidad de Putaendo, 2021).

⁵³ Personal Communication, 29 November 2021.

⁵⁴ Personal Communication, November 29 2021

B) Threats, violence, and criminalization of human rights defenders

In Peru, a country among the top ten for the number of murders in 2020, six environmental defenders were assassinated (Sierra Praeli, 2020). There are further unresolved crimes not included in any registry of deaths, but which also occurred during the pandemic and must be put in the context of resistance to extractive operations.⁵⁵ A couple of them occurred in Espinar.

On June 30, 2020 a young taxi driver, David Chullunquia, was murdered by the police, according to testimonies, for trying to avoid a police intervention during the curfew imposed by the pandemic (Derechos Humanos Sin Fronteras, 2020). According to a spokeswoman for the Association of Women Defenders of the Territory and K'ana Culture, four days later the president of the Huisapata community, Clara Chuctaya, was cruelly assassinated in the Ocoruro district of Spina (La República, 2020).

[...] a woman we know locally also turned up murdered, she was president of her community; and just days before that another murder happened here at the entrance to the town of Espinar, a young man was also killed... many things happening to divert the attention from our struggle. From then on people no longer wanted to [be involved], we had a set of six demands from the people, we had been mobilized for 24 days, the government did not listen to us.⁵⁶

The violence did not prevent people from mobilizing in Espinar, but instead provoked more popular indignation. Espinar is located in the so-called "mining corridor" of southern Peru, where there are

several important mining projects and roads through which minerals are transported to the coast. In this 'corridor' there are 37 affected Quechua small farmer communities and numerous socio-environmental conflicts.

As a result of these conflicts protest has been criminalized on many occasions, with human rights defenders facing distorted legal charges such as rioting, belonging to a criminal organization, obstruction of services and others. These defenders must then face long and costly judicial processes, with consequences for the economic and emotional stability of both themselves and their families. In Espinar over the years there have been several such cases of criminalization as a result of mining conflicts (Red Muqui, 2021).

In Brazil, ever since a dam at the Aurizona mine overflowed in March 2021 leaving thousands of residents without drinking water, Canadian mining company Equinox Gold has tried at all costs to criminalize the protest to prevent further mobilization. The company obtained a legal ruling that prohibits street blockades and has filed a lawsuit against five local leaders, including Dalila Alves Calisto, a member of the Movement of People Affected by Dams (MAB) in the state of Maranhão and part of the National Coordination of the MAB. Dalila points out that with the current government, mining companies feel empowered to act with violence:

The pandemic served to intensify the conflicts and violence in our territories caused by these companies, [there have been] many cases of threats, strengthening of the militias

⁵⁵ Mary Lawlor, United Nations (UN) Special Rapporteur on Human Rights Defenders, said in September 2021 that between 2015 and 2019, the Office of the UN High Commissioner for Human Rights recorded the murders of 24 human rights defenders in Peru. This figure is almost certainly lower than the actual number of all murders.

⁵⁶ Personal communication, August 2021.

[...] with a genocidal government like the one we have here, the mining companies undoubtedly feel very much entitled to act with violence.⁵⁷

Brazil is another of the countries with a high rate of threats and attacks and is among those with the highest murder rate in Latin America (Watts, 2021) with 20 killings registered in 2020. It is a high-risk context for human rights, land and environment defenders, especially Indigenous peoples, who argue that COVID-19 could lead to them facing genocide. "Three quarters of recorded attacks against environmental and land activists in 2020 occurred in Latin America" (Global Witness, 2021).

In Ecuador, the president of the Shuar Arutam People, Josefina Tunki, has been singled out by government officials and by the Canadian company Solaris Resources for her role in denouncing the COVID-19 infections that the company brought to Shuar territory; and for denouncing to an international body the violation of the right to self-determination of her people.

At the beginning of the pandemic, in her role as president, she denounced the high number of COVID patients after the return to their communities of seven people who attended the mining conference in Canada with the help of the company. Tunki then asked the Government of the province of Morona Santiago and the corresponding ministries for support from medical personnel to diagnose and assist sick people, as well as information on the health protocols to follow. In response to these requests, in April 2020, the governor called the president "irresponsible" and "a liar" at a press conference for, according to him, "having lied" about the presence of the pandemic within the Shuar territory. They also carried out a midnight raid on the home of another PSHA leader who had reported the first cases of

COVID-19 within his large family, seizing his cell phone.

In a country like Ecuador, where '449 people have been systematically threatened, harassed and persecuted by those seeking to access their territories in the last 10 years' (Morán, 2021), this type of public accusation in the midst of a pandemic was of great concern to the PSHA.

Then on November 6, 2020, just before filing a claim with the International Labour Organization (ILO) for violations of the territory and collective way of life of the PSHA, the president and a communications worker received a death threat from the Vice President of Operations of Solaris Resources, Federico Velásquez, by telephone. It should be noted that this threat was a "gendered threat." According to the president, the objective of the threat was to intimidate the PSHA and force them not to take the case to the ILO:

I did receive the threat. Velásquez threatened me and said that 'if next time I see more complaints at national or international level - because they have already published that Solaris is doing a lot of damage in this territory - I'm going to have to cut one of their throats'... to cut someone's throat, what does that mean? To kill them like a chicken. I have received other threats, disrespectful comments, they are looking for different ways to weaken us, not only me but the entire group of us who are defending our territory... Any leader who opposes them, whether male or female, is always persecuted, and threatened [...] I understand that it's not just me, my colleagues, other grassroots leaders, my women colleagues who resist, women in Maikiaunts and elsewhere are being threatened all the time.⁵⁸

⁵⁷ Personal communication, 28 July 2021.

⁵⁸ Personal communication, 9 September 2021.

A year later there were new complaints of intimidation and criminalization by political leaders, this time against lawyer Tarquino Cajamarca, who is part of the PSHA legal team (INREDH, 2021).

Neighboring country Colombia continues to be by far the most dangerous place for land, environment and human rights defenders. The 2020 Global Witness report mentioned above states that, of the 227 murders of human rights defenders registered globally, 65 occurred in Colombia. Of these a third were against Indigenous and Afro-descendant people.⁵⁹ They occur in a context of widespread violence and threats to community leaders, with criminal and paramilitary groups present in rural areas and Indigenous territories.

The COVID-19 pandemic aggravated this situation because the number of defenders receiving protection from the National Protection Unit (Front Line Defenders, 2021) was reduced, and during the lockdowns there were attacks on defenders in their homes.

In La Guajira, community organizations and leaders who denounce the impacts of the Cerrejón mine on their territories frequently receive anonymous death threats from armed criminal groups. The pandemic has been no different.

During the lockdown, in March 2020, pamphlets with death threats appeared signed by armed groups – The Black Eagles (Las Águilas Negras) - with the names of members of the Wayúu Women's Force. There were also threats made against their children and ultimatums for them to leave La Guajira (Sánchez, 2021). The threats have been denounced at the international level (Front Line Defenders, 2019) but they continue. This has been corroborated on the ground through testimonies collected in the region as part of the research process. One woman from the

Provincial Wayúu Indigenous Reservation in Barrancas told how she had had to change her phone number because she felt that her calls were being listened to and she had been threatened.⁶⁰

In Honduras, the authoritarianism of the narco-dictatorship regime of now former President Juan Orlando Hernández increased during the pandemic with the continuation of the militarization and criminalization of the population in the municipality of Tocoa, in favor of Los Pinares Investments. In particular, the arbitrary detention of eight innocent water defenders was prolonged and they faced serious health risks due to the already precarious conditions in the prisons, which have worsened during the pandemic and made it even more difficult for relatives to visit their loved ones. Seven of the defenders were detained in September 2019 and another in December 2018.

The UN Working Group on Arbitrary Detentions has labeled these as 'arbitrary' detentions and called for their immediate release given the risk of remaining in detention during the health crisis. There is an exhaustive and independent investigation ongoing into those responsible, including the Public Prosecutor's Office and the judiciary (Libertad para Guapinol, 2021).

The Tocoa Municipal Committee for the Defense of the Natural and Public Commons continues to argue for their release, insisting that their imprisonment cannot be separated from the struggle for life in their territories. However, in August the Supreme Court of Justice decided to further extend the arbitrary detention until February 2022 (Comité Municipal de Defensa de los Bienes Comunes y Públicos, 2021). On February 11, 2022, the appeals court ordered the release of six of the environmentalists and they were released two weeks later (Guapinol Resiste, 2022).

⁵⁹ Of the 65 people murdered in Colombia according to Global Witness, 9 were women and 56 were men.

⁶⁰ J. Romero. Personal communication, October 2021.

During this period, on October 13, 2020, Arnold Joaquin Morazán Erazo was murdered in the community of Guapinol. He, along with 32 other people, had been facing legal proceedings since September 2018 for the community's peaceful resistance in defense of the Guapinol River (Comité Municipal en Defensa de los Bienes Comunes y Públicos, 2020).

In Mexico violence in general, including towards environmental and territorial defense processes, continues to increase and is reaching record levels (Ángel, 2020). In Sonora, members of the community of El Bajío have faced violence since 2013, when they obtained a series of 67 favorable rulings that declared the land occupation agreements of the community members affected by the Mexican company Penmont (a subsidiary of Fresnillo plc) null and void. These rulings ordered compensation for the damage caused by the extraction of gold on community lands (Ejido El Bajío, 2021). However, justice has not been done and the risks for the community have intensified. Community members have been victims of violent acts such as kidnappings, forced disappearances and threats for which the Penmont mining company

(whose owner was the fourth richest businessman in Mexico, recently deceased) has denied responsibility, blaming organized crime and the "climate of violence" (La Jornada, 2021). This is on top of a smear campaign against the community.

The violence has not ceased during the pandemic. On April 27, 2021 (almost the same day as the retirement of Penmont and Fresnillo's then owner Alberto Baillères), José de Jesús Robles Cruz and María de Jesús Gómez Vega were murdered. The bodies of the couple were found beside a piece of cardboard on which the names of other community members were written (Bernal Avendaño, 2021). This shows how the obligation to stay home during lockdowns was fully exploited - in this case by mining activity and organized crime in collusion with the authorities - to intimidate community members. This case remains unpunished, like so many other murders of human rights defenders in Mexico. The state has not provided any protection to family members either - although it has constant patrols by the state police, National Guard and the army, to intimidate the population.



Photo: One of the many protests in Honduras during the pandemic by the Comité Municipal en Defensa de los Bienes Comunes y Públicos, calling for the release of eight water defenders standing up for the Guapinol and San Pedro rivers.

Credit: Guapinol Resiste

C) Co-optation, militarization and generalized violence

In the department of Puno in southern Peru, the strategy of the Macusani Yellowcake company (owned by Canadian American Lithium - formerly Plateau Energy) and the State to exercise control over the rural population has been to co-opt organizations and increase surveillance and territorial control.

One of the predominant organizations in the small farmer districts and communities are the *Rondas Campesinas*, whose main role is community vigilance and policing of their own territories. These organizations receive support from the district municipalities and the mining company. In this area the *Rondas Campesinas*, together with the municipal police, have now increased their presence and are better equipped at the different control points in communities where mining activity takes place.

Currently, to enter the communities where the company's lithium and uranium project is located the *Rondas Campesinas*, together with the municipal police, record the names of people who enter, the license plates of their vehicle, their destination and the reason for their visit. Recently they have also been equipped with video cameras (DHUMA, 2021).

In Ecuador, on the eve of a complaint being filed by the Shuar Arutam People (PSHA) with the International Labour Organization against the Ecuadorian State in November 2020, there was a military incursion into their territory. According to the Governor of the Province of Morona Santiago, this militarization was carried out in response to complaints from the Solaris Resources company. The term used was that of a 'Strategic Alliance' between the company and two of the 47 communities that make up the Shuar people. According to the Governor the Warints and Yawi communities had demanded "guarantees of protection" in the face of alleged threats that the Shuar people would invade Warints in order to remove the mining company.

In this way they justified military and police entry into the territory.

On another occasion, on September 8, 2021, the PSHA publicly denounced Solaris for once again attempting to violently bring heavy machinery into the Maikiuants community (where PSHA headquarters are located) for the construction of the Warints-Yawi road project. This time the community was accused of setting machinery on fire despite there being no evidence. There were reports at the time of aggression and threats against the women present. The State is using the fire to justify legal measures against PSHA leaders and threatening to militarize the territory.

In Honduras the military presence protecting Los Pinares Investments is very obvious. The militarization of the area is a highly charged issue, with the army being used to impose fear and social control in the territories. Since 2018 an increase in militarization has been documented in the area "which keeps the community and human rights defenders in constant anxiety and a state of terror" (Meza, 2018). During 2021 the military maintained operating units in the area, regularly coming and going from places where the company has current mining operations or exploration projects.

This combination of COVID-19, militarization, imprisonment, and media and judicial persecution have managed to subdue and repress social protest. Los Pinares Investments and Ecotek have benefited from this complex situation to advance their projects, implying a death sentence for the San Pedro River if the concessions are not reversed.

It is important to note that, as a result of the elections of November 27, 2021 in Honduras, the national party governing the country since the 2009 coup lost power. The social movement brought together in the Tocoa Municipal Committee for the Defense

of the Natural and Public Commons hopes that, as of February 2022, the new administration headed by Xiomara Castro will open up a debate and reassess decisions on the mining projects that have caused so much suffering to the communities of Tocoa. The environment, water and territory are constitutional rights included in the government plan approved by the Libre party for the 2022-2026 period.

In Mexico the main response to the serious levels of violence has been increased militarization, with the deployment of almost 100,000 National Guard troops in the country under the direction of the Ministry of National Defense (Ángel, 2020).

With respect to mining, while the risks increased for the communities and organizations that defend their land and territory with fewer and fewer protections, a special group called the Mining Police was inaugurated in 2020, aimed at protecting mining facilities. The recruitment of troops was announced for the first time in July of that year, during an online event entitled 'The reactivation of mining in the face of the new normality' (Outlet Minero, 2020). By the end of September 2020 the first 118 federal troops with military training (El Sur, 2021) had graduated under the direction of the Federal Protection Service and the Secretariat of Security and Citizen Protection (SSPC), which is supposed to be responsible for protecting public facilities, not private ones (Camacho, 2020).

The SSPC at that time was led by Alfonso Durazo Montaña, current governor of Sonora - the same state where all 118 of the graduates have been deployed to guard the La Herradura gold mine, owned by the Mexican company Fresnillo plc which is listed on the London Stock Exchange and owned by Industrias Peñoles (El Sur, 2021). This effort was justified by the government, who argued that "mining represents one of the key industries for the development of the country and for its economy, since Mexico is among the top producers in the world for various materials", and that such a measure would help reduce the

theft of minerals from mining facilities (Servicio de Protección Federal, 2020).

In contrast no measures have been taken to lower the levels of subjugation, extortion, forced displacement and violence against the communities that inhabit these same areas - such as the community of El Bajío, which neighbours the La Herradura mine, where the Penmont company from the same business group operated illegally until 2013. In addition, between 2020 and 2021 there were significant cuts in the budget of government entities responsible for environmental protection (De La Rosa, 2021); two environmental bodies were eliminated altogether (Laureles, 2021), and a State trust fund with resources for the protection of human rights and environmental defenders was removed (Artículo 19, 2020).



Photo: An attempt by Solaris Resources to forcibly bring in machinery to the community of Maikuantas in Ecuador, in August 2021. Credit: Comunicación Pueblo Shuar Arutam

2.2 Essential community responses

The economic impact of the pandemic and the barriers to mobilization hampered the work of human rights defenders who were forced to do what they needed to survive, thereby reducing their time and energy for human rights work (Front Line Defenders, 2021). But despite the pandemic, the deepening of health risks and the power asymmetry between companies and communities - and despite the continuation or intensification of repression, violence, criminalization and militarization - our research has also found that collective organizing in defense of territory, and efforts aimed at working and caring for the land and communal healthcare, have been more important than ever.

The experience of the last two years has confirmed what has been seen historically in the face of the impacts of mining: that those most affected are always the best defenders. The Mapuche Tehuelche and Laguna Fría Indigenous people of Chubut, Argentina

are very clear about this based on their experience of struggle against mining and the Pan American Silver company in particular. In the words of Iván Paillalaf:

... this fight also has to be anti-patriarchal, anti-colonial, anti-racist; it cannot continue to make Indigenous peoples voices invisible because we are the ones leading this struggle in powerful ways, and we are also the most affected.⁶¹

In addition, the importance of food sovereignty and medicinal and nutritional knowledge was reaffirmed when faced with the impacts of COVID-19, prioritizing care for community health. The need to adapt to different forms of communication and technology was also highlighted, in order to continue with social organizing work remotely - although this option was not always the most appropriate, nor a substitute for face-to-face work.

⁶¹ Personal communication, 22 July 2021.



Photo: A protest led by the Mapuche Tehuelche community of Laguna Fría-Chacay Oeste in Chubut, Argentina, against the temporary approval of a law to re-zone the province to allow for mining. December 2021. Credit: Ivan Paillalaf

A) The importance of community organization to prevent health damages from COVID-19 and mining

Faced with centralized and poorly thought-out government responses for rural and marginalized communities that oppose the imposition of mining activities, and despite the lack of adequate information, community organization was the best remedy to take care of community health in the face of mining damage.

Building on their experiences prior to the pandemic, the importance of exercising self-determination, permanent information processes, and experiences of resistance were highlighted. However several accompanying organizations were forced to suspend their work for periods of time (as in Mexico, for example in the states of Guanajuato, Hidalgo and Oaxaca). This was due to the high risk of being infected or community assemblies deciding to close their regions down themselves. Not seeing each other for more than a year in some cases has generated dislocation and discouragement that now needs to be healed.

In Chiapas, also in Mexico, the population in different parts of the state took it upon themselves to manage their health and try to prevent the coronavirus from reaching their communities. The Indigenous and small farmer communities closed their assemblies and controlled the entry and exit of people. The communities, organized civil society, and journalists went to great lengths to inform people well and to try to avert the risks in the national strategy being implemented. They felt it was ill-conceived and inappropriate for Indigenous communities living in rural contexts, and didn't take into account the flow of migrants coming from Mexico's southern border. All of this resulted in high mortality rates among frontline health staff and families, but also violent acts against medical personnel in health centers and

hospitals. In 2021, however, the State continued to provide little information on vaccines and, when community lockdowns were lifted, the coronavirus infected a larger part of the rural and Indigenous population than it had in 2020.

Previous organizing experience, as we have seen at the national level in Panama, Argentina and Chile, helped keep communities firm in their rejection of mining exploitation despite attempts during the pandemic to push mining projects or make policy changes.

[...] there you have it, one of the great strengths that our movement has had is that we are working a priori, before the damage is done, before people start getting sick.⁶²



Photo: A bicycle protest against mining.

Credit: Articulación por la vida, contra la minería del valle de Ocotlán, Oaxaca, Mexico

⁶² A. Valdés. *Personal communication*, 11 September 2021.

In places where mining already operates community organization has been essential during the pandemic for organizing mutual care amongst communities. It has also helped in dealing with the difficult issue of managing forms of compensation, albeit insufficient, from companies.

In La Guajira, Colombia, those affected by the Cerrejón project, which has been mining coal for decades, have in many cases been dispossessed of their territories, and this has taught them the importance of resistance and organization.

[...] the company has never done anything; the only things that got done were because of the complaints we made and the pressure we brought, at the national and international level, because here the company has not complied [...] the success of the resettlement of Tamaquito has been the unity that we have maintained, there has not been a split with in our organization nor at the family level within the community.⁶³

It is important to point out that if in some cases small amounts of compensation were obtained from the company - which is not equivalent to and does not compensate for the damages caused - it is thanks to the organization of the affected communities who would otherwise find themselves in even more precarious conditions. A clear example of this is the resettlement process mentioned, which happened before the pandemic but affects its current situation.

[...] we may have a home but the real damage caused by the company is at the social level, in terms of the spiritual and cultural damage caused, that cannot be repaired. This damage has continued to grow within the

community over the years, an example of this in terms of culture is that our elderly community members no longer dream.⁶⁴

In Espinar, Peru, the Association of Women Defenders of the Territory and K'ana Culture demonstrated the importance of being organized. During the pandemic they have been the ones who had to take on most of the physical and emotional workload, including all the care tasks required. This was in the midst of already precarious conditions with which they were dealing. Many of them have little access to water, and what they do have is contaminated. In many cases they are suffering the effects on their bodies of the presence of heavy metals.⁶⁵ As they say themselves:

[...] that is why we too, because we are organized, we have also obtained packages of supplies or payments, or support with seeds. This is the result of our constant struggle. We always have to take care of our seeds, of our food sovereignty, as caretakers of our bodies and territories.⁶⁶



Photo: Members of the Fuerza de Mujeres Wayuu.
Credit: Génesis Gutiérrez

⁶³ J. Fuentes Epiayu. Personal communication, 20 October 2021.

⁶⁴ J. Fuentes Epiayu. Personal communication, 20 October 2021.

⁶⁵ According to CENSOPAS studies in 2010, 506 people in Espinar were recorded as having heavy metals in their bodies

⁶⁶ Personal communication, August 2021

B) Food sovereignty and the importance of territory, land, water and air

Another essential theme that has been highlighted is the value of territory and water as vital common goods to resist the damage caused by mining companies: the very resources in dispute. In other words the fight for the defense of territory, for land with water that is suitable for human consumption and uncontaminated air, are all essential to counteract crises such as the COVID-19 pandemic and others. The value and the link between resistance, and ancient practices that guarantee forms of subsistence which do not degrade nature, has been reaffirmed. In their efforts to strengthen or rescue these practices communities face ongoing difficulties, some of which are getting worse - including violence, forced displacement, land contaminated by mining, and a market designed to serve large agribusinesses.

In Espinar, Peru, communities have resisted and survived in the face of the impacts of mining exploitation for decades, which has left their livelihoods badly weakened. Given the lack of employment and

income during the pandemic they ramped up food production for their own consumption. As part of the organizing by women in these mining-affected communities, they requested support to implement small gardens to produce vegetables. According to a representative of the Association of Women Defenders of the Territory and K'ana Culture:

[...] just about enough to live on, to buy the basics, that's how bad things are, but thanks to the fact that we farm, we can live on what we produce, cañihua, quinoa, potatoes, we plant and process freeze-dried potatoes too, that's all we have. Some of us have animals, we also slaughter animals for meat and just eat that; some of us sell what we have to buy a few vegetables, that's how things are. But some businessmen, like in the hotels, they continue to work, but poor people are locked up and the pandemic has affected us really badly.⁶⁷

67 Personal communication, August 2021.



Photo: Women members of the Asociación de Mujeres defensoras del Territorio y la Cultura K'ana harvesting potatoes in Espinar, Peru. Credit: Elsa Merma Ccahua

Glencore, health workers and the State encourage the communities to leave their territories in exchange for compensation, which in practice means drastic changes that degrade people's living conditions, as one of the women from the Association told us:

[...] you have to leave that community, you have to go to another, far away. Why are you still there?" That's what the doctors said. So it was totally embarrassing for us. How could I leave here? It's not easy [...] because [for] a community member this territory is like their capital, that's where they farm, where they take care of their cattle, where they spend time with their family.

In the La Guajira region of Colombia many affected communities have clearly lived through very painful experiences, having been displaced and practically forced out of their territories. They propose the recovery of land and seeds as an alternative.

That is, [in] the old Tamaquito there were many things that nature provided for us and here it's not the same, here there is no peace, but there are lots of risks. Today we realize that the State got one over on us. And today we think that we should have stayed in our territory to resist despite the contamination.⁶⁸

Similarly, communities in the Aguán region of Honduras are promoting diversified crops to respond to the food crisis that weighs heavily on the communities. Although the design of the commercial economy does not allow for the participation of the small farmer business model in the market that large companies dominate, with their ever-growing distribution chains and aggressive advertising.

Faced with this worrying scenario the communities are focused on strengthening their territory, slowly building their own initiatives, such as the *Milpa*,⁶⁹ as a comprehensive strategy for change. This involves food production to meet local needs as well as the struggle in defense of their territory, water, culture and health, among other fundamental rights. This strategy seeks to help the population and the small producers to guarantee their food needs and territorial sovereignty, through the strengthening of their community identity, their agroecological production systems, the conservation of their natural commons, their knowledge and their biodiversity.

On the coast of Chiapas, Mexico, the Soconusco Popular Front (FPDS) began its resistance to mining out of concern for the health of the town's inhabitants. Cancer cases, kidney diseases and skin lesions were what mobilized them in 2015 to begin their fight against mining and for the protection of their rivers.

Their struggle has generated awareness about socio-environmental health. During the pandemic it made sense to expand their work in defense of the territory, not only for the suspension of extractive projects but also opting to build ways of life that are in balance with their territory and the area's natural wealth; all of which implies deconstructing the idea of hegemonic development imposed by the extractive model and challenging the structures of domination on which it depends.

As in many states in Mexico, the pandemic saw both a marked increase in control of territory by criminal groups and an increase in corporate investments. On the southern border the national Transisthmian Corridor project has been advancing, with its connections to mango and banana monoculture production and export; while the pandemic has also seen an increase in palm oil processing plants.

68 J. Fuentes Epiayu. Personal communication, October 20 2021.

69 Traditional inter-cropping system used throughout Meso-America

When the FPDS saw this silent corporate advance into their territory and that the pandemic was causing long-term impacts on people's health, economic losses for families and a breakdown of organizing processes, it decided to strengthen its organization by calling on women to be trained in the use of traditional medicine. The objective was to raise awareness and bring about a renewed appreciation for community knowledge and the territory's natural wealth.

For the first time, women, girls and boys who are members of the FPDS learned how COVID-19 is transmitted or the difference between bacterial and

viral diseases. This experience led to other processes of recovering traditional knowledge regarding the sowing of the Milpa and awareness around healthy eating. Thus, while the WHO focused on conventional medicine to face COVID-19 and primary care health services were suspended during the pandemic, traditional medicine was the tool that was readily available for families to strengthen their immune systems and tend to their other illnesses, including chronic ones. Communities have depended more than ever on their territory to cover their basic health and food needs.

C) The importance of flexibility, adaptability and organizations' own communication media during the pandemic.

In terms of information-sharing process at the local level, despite the generally adverse context people resorted to their own communication strategies (e.g. community radio) in order to continue resisting. At the same time – depending on access to technology – it became clear that new forms of communication were needed, and that skills using new technologies also had to be learned.

In some cases more people joined local struggles this way, despite the difficulties during the pandemic. However it is important to note that these strategies are not suitable for all contexts - especially the most rural ones where working online cannot fully replace important face-to-face informative and organizational work. This has forced the resumption of many face-to-face meetings, despite the greater risks that this represents.

In Chile, the communities resisting the entry of Los Andes Copper into their territories developed educational events on Facebook Live. They organized

marches following biosafety protocols during lockdown such as the "car caravan" and set up a local radio station to broadcast their events and create social awareness about the possible effects of the mining project. According to Alejandro Valdés:

[...] one of the things we have worked hard on is getting people to understand and learn to value what we have, what we have as a territory, and how valuable it is to defend the ecosystem. And when people start to value this, commitments and concrete actions of resistance and organization are generated.⁷⁰

In Argentina, based on their experience of resistance over many years, the communities resisting Pan American Silver have shown the importance of generating communications alternatives in order to inform a wide audience about what is happening. As Ivan Paillalaf shared:

⁷⁰ Personal communication, 11 September 2021.

Critical voices like ours are made invisible. They don't interview us, we put out press releases and they never pick them up. So, luckily, we too are generating alternative communication networks so that people find out what is really happening.⁷¹

In Brazil the pandemic forced the communities in resistance against Equinox Gold to opt for creative ways to continue their struggles, especially in territories spread out over considerable geographical distance. According to Dalila Alves Calisto:

[...] people have to come up with ways of communication and forms of struggle both at a distance and also in face-to-face activities because there are times when they are

necessary; but we are very careful about this because we know that the company is monitoring us at all times [...] People understand that during the pandemic, it is possible to continue the activities, the process of struggle, of organization. So, the struggle is especially necessary at these junctures; we need daring, creativity, willingness, energy, and courage to continue building the struggle.⁷²

At the national level more than 100 Brazilian organizations launched a media campaign expressing their rejection of the privilege granted to the mining sector over the lives of the affected populations under the slogan: "Mining is not essential, life is!" (Zucarelli, Farias, & Wanderley, 2021).

71 Personal Communication 22 July 2021.

72 D. Alves Calisto. Personal communication 28 July 2021.



Photo: Demonstration in front of the Ministry of the Environment in Ecuador. October 2021. Credit: PSHA

Conclusion

Two years into the pandemic and at a time when new variants of COVID-19 continue to emerge, there is a sense that the handling of the COVID-19 pandemic was somehow designed to favor the mining sector, given that the impacts were so uneven.

Mining companies have given no reprieve. They have tried to move forward and/or continue operating projects while the communities have had to face new risks and threats as they try to keep up their truly essential work of caring for their territories, land, water and local organization processes.

At the same time, the governments of several countries have favored the industry with deregulatory and administrative changes that have facilitated the progress of mining projects; or new policies and plans to promote the sector as a driver of economic recovery; or taking advantage of the energy transition to justify their actions.

Meanwhile the struggles to defend territories have proven more essential than ever. The importance of preventing the damages caused by mining exploitation - before the entry of companies and their projects - was reaffirmed. As was the importance of mutual care, and of defending and using basic knowledge and understanding of food sovereignty, community health, and care for territory, nature and biodiversity.

The processes that proved the most resilient were those with a track record of organizing. During the pandemic many saw the need to adapt to new technologies, having to quickly introduce online

organizing into their worlds where conditions allowed, or in other cases reaffirming the value of their own social organizing practices.

Despite the pandemic, most were forced to take to the streets, resume their information dissemination processes and continue to exercise their rights to self-determination, thereby doubly risking their lives. They did it because they know that - in the face of the dispossession and ever-increasing expansion of extractive mining projects which intensified during the pandemic - if they don't, the cost will be even higher for future generations.

You cannot "stay at home" if this means losing your territory, your water, your livelihood and your means of subsistence.

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