

**Fourth Cycle of the United Nations Universal Periodic Review
Canada**

AMAZONIAN REPORT

**CANADA'S FAILURE TO UPHOLD EXTRATERRITORIAL OBLIGATIONS:
CORPORATE ABUSES BY CANADIAN COMPANIES IN THE AMAZON
RAINFOREST**

Organizations that endorse the report:

Amazon Watch (International); Asociación Ambiente y Sociedad (Colombia); Articulação dos Povos Indígenas do Brasil, APIB (Brazil); Asociación MINGA (Colombia); Alianza de Organizaciones por los Derechos Humanos de Ecuador; Associação Interamericana de Defesa Ambiental, AIDA (Regional); Centro de Información sobre Empresas y Derechos Humanos (International); Consejo Latinoamericano de Ciencias Sociales CLACSO - Grupo de Trabajo Ecologías Políticas desde el Sur/Abya Yala (Regional); Clínica de Direitos Humanos da Amazônia da Universidade Federal do Pará, CIDHA/UFGPA (Brazil); Comissão Pastoral da Terra, CPT Itaituba/PA (Brazil); Comitê Nacional em Defesa dos Territórios frente à Mineração (Brazil); Corporación Social para la Asesoría y Capacitación Comunitaria, COSPACC (Colombia); Corporación Acción Ecológica (Ecuador); Coordenação das Organizações Indígenas da Amazônia Brasileira, COIAB (Brazil); Confederación de Nacionalidades Indígenas del Ecuador, CONAIE (Ecuador); Earthworks (United States); FASE - Solidariedade e Educação (Brazil); Instituto Kabu (Brazil); Instituto Socioambiental, ISA (Brazil); London Mining Network, LMN (United Kingdom); MiningWatch Canada; Mesa por los Derechos Humanos frente al Poder Empresarial de Colombia; Movimento dos Atingidos por Barragens, MAB (Brazil); Movimento Xingu Vivo para Sempre (Brazil); OXFAM Perú; Organización de Pueblos Indígenas del Oriente, ORPIO (Peru); Perú Equidad; Pueblo Shuar Arutam (Ecuador); Pueblos Indígenas Amazónicos Unidos en Defensa de sus Territorios, PUINAMUDT (Regional); Society for Threatened Peoples, STP (International); Sustjust LLM Legal Clinic, University of Antwerp Faculty of Law (Belgium); Unión de Afectados y Afectadas por las Operaciones Petroleras de Texaco (Ecuador); Yasunidos Guapondelig, Cuenca (Ecuador).

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I. INTRODUCTION

1. Within Canada's Fourth (4th) Evaluation Cycle, civil society joined efforts to assess the impacts of Canadian companies in four countries of the Amazon Basin: Brazil, Ecuador, Colombia, and Peru. This report focuses on 11 Canadian extractive projects (7 mining and 4 oil) affecting fragile ecosystems, Indigenous peoples, and traditional communities. The analysis of these projects shows how Canadian companies currently or potentially violate human rights, disrespect the rule of law, and threaten the environment in the region with the world's highest biodiversity, which is critical for humanity's ability to contain the climate crisis, according to the Intergovernmental Panel on Climate Change (IPCC).¹
2. The Amazon is home to hundreds of distinct Indigenous peoples, its best stewards, and is the planet's largest tropical rainforest. A stabilizer of the global climate, it contains one-third of all species on Earth and a large percentage of the world's flowing fresh water. The forest and its peoples face grave threats due to deforestation, resource extraction, land grabs, and destructive development projects. According to the Science Panel for the Amazon, the Amazon rainforest is at a "tipping point" – after which ecosystem degradation is irreversible. The tipping point will be reached at 20-25% deforestation, not 40% as previously predicted.²³ The Canadian state must fulfill its international commitments and meet global efforts to avoid a climate catastrophe, particularly by being accountable for Canadian extractive companies' threats to the Amazon.
3. The report reasserts Canada's binding international commitment that the respect of human rights does not end at its territorial borders and insists that States "*must take the necessary measures to prevent human rights abuses abroad by companies domiciled in their territory and/or jurisdiction,*" regardless of the measures taken or not taken by host countries.⁴ Canadian companies' *modus operandi* in the Amazon is linked to and encouraged by the Canadian state's lack of proper regulation, oversight, and accountability. The latter has a legal and ethical obligation to regulate, mitigate, and prevent company' abuses and hold each accountable for its violations, which threaten planetary survival.⁵
4. In the 3rd evaluation cycle, Canada received six recommendations regarding its extraterritorial obligations: 142.91 (Thailand), 142.92 (Philippines), 142.93 (Brazil), 142.94 (Namibia), 142.95 (Azerbaijan), 142.97 (Syrian Arab Republic).⁶ Nevertheless, Canada still consistently fails to protect and respect human rights and the environment. Instead of regulating its companies' operations abroad,

¹ <https://archive.ipcc.ch/ipccreports/tar/wg2/index.php?idp=529>

² <https://www.pnas.org/doi/10.1073/pnas.1605516113>

³ <https://amazonwatch.org/news/2022/0905-amazonia-against-the-clock>

⁴ CESCR, General Comment No. 24 (2017) on States' obligations under the International Covenant on Economic, Social, and Cultural Rights in the context of business activities (E/C.12/GC/24), 2017, para. 26, <https://bit.ly/3WSRgMW>

⁵ <https://www.oc.eco.br/uma-questao-de-sobrevivencia/>

⁶ A/HRC/39/11/Add.1 – Parra. 32

Canada argues that it promotes responsible business conduct through voluntary guidelines and by implementing conflict resolution mechanisms. The evidence presented in this report confirms these mechanisms and policies are insufficient and ineffective, while the use of economic diplomacy strategies contributes to rights violations and environmental degradation in the Amazon.

II. CANADA'S EXTRATERRITORIAL OBLIGATIONS

5. Under the **International Covenant on Economic, Social, and Cultural Rights (ICESCR)**, Canada has the obligation to respect, protect, and fulfill individuals' ESC rights in a progressive, non-discriminatory manner and to the maximum extent of its available resources. **General Observation 24** of the CESCR, deepens the scope of these obligations to Canadian transnational corporations and financial investments, regardless of their location. In cases where international responsibility is not incurred, Canada would still be in breach of its obligations if it had not taken reasonable measures to prevent rights violations.⁷
6. Under the **Guiding Principles on Business and Human Rights**,⁸ state and non-state enterprises must respect and refrain from violating human rights. States must adopt measures to prevent human rights abuses by third parties recognized under their jurisdiction. Guiding Principle 14 emphasizes that all enterprises have the responsibility to respect human rights. The UN Working Group on Business and Human Rights has called on Canada to protect Human Rights Defenders and to develop training for public servants, trade officers, and guidance for companies related to the role of the private sector in ensuring respect for the rights of human rights defenders in the extractive sector.⁹
7. The **Maastricht Principles on Extraterritorial Obligations (ETOs) of States in the Area of Economic, Social, and Cultural Rights** established that states have the obligation to respect, protect and fulfill economic, social, and cultural rights both within and outside their territory, stating that state responsibility extends to "*acts and omissions of non-state actors acting on the instructions of, or under the direction or control of, the state in question; and acts and omissions of persons or entities other than state organs, such as commercial and other enterprises.*"¹⁰

III. CANADA'S ECONOMIC DIPLOMACY AND INTERNATIONAL STANDARDS: PRIORITIZING CORPORATE INTERESTS OVER HUMAN RIGHTS

8. The Canadian government's *Extractive Sector Corporate Responsibility Strategy*,¹¹ updated in 2014, aims to encourage companies to meet or exceed international standards of responsible business conduct. However, the effectiveness of this policy remains unclear. Instead, Canada prioritized economic incentives for extractive industry companies, which turned the country into a global mining hub. Three out of four of the world's mining companies operate out of Canada while conducting

⁷ Ibid. para 32.

⁸ Obligations arising from international treaties ratified by Canada, such as the ICESCR, are binding, unlike non-binding treaties such as the Guiding Principles.

⁹ Working Group on Human Rights Report, *supra* at para 44.

¹⁰ Published three months after the adoption of the Guiding Principles when a group of international experts systematized the customary and treaty standards relating to extraterritorial obligations under international law. See at: <https://bit.ly/3GyUoZd>

¹¹ <https://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/other-autre/csr-strat-rse.aspx?lang=eng>

exploration and extraction projects abroad. Currently, 50–70% of Latin American mining activity involves Canadian companies. Much of the reason behind Canada’s presence in Latin America – particularly the mining sector – can be attributed to the regulatory benefits that companies receive for their investments. Mining companies currently get a 15% tax break for exploration activities domestically or internationally, among other incentives and subsidies.¹²

9. Moreover, Canada’s economic diplomacy policy often appears to prioritize the interest of extractive industries operating abroad over international human rights obligations.¹³ Embassy officials have the mandate¹⁴ to promote and protect Canadian companies’ interests but no equally clear mandate nor binding legislation to protect Human Rights Defenders (HRDs) or the environment.
10. Between 2007 and 2016, UN treaty monitoring bodies¹⁵ and the Inter-American Commission on Human Rights (IACHR) have identified human rights violations by Canadian mining companies. In December 2015 the IACHR released a report¹⁶ calling on Canada to condition state support on corporate responsibility for human rights and to refrain from influencing the adoption of norms or policies that favor only the economic interests of corporations. In response, in 2016 *Voices at Risk: Canada's guidelines on supporting human rights defenders*¹⁷ was published. It focused on how Canadian embassies and government officials should support HRDs and promote responsible business conduct of companies operating abroad. However, there are numerous cases¹⁸ showing that companies systematically fail to follow these guidelines.
11. To encourage Canadian companies to follow UN Guiding Principles and the Organisation for Economic Cooperation and Development (OECD) guidelines, in 2019 Canada's Ombudsperson for Responsible Enterprise (CORE) was created to offer advice on responsible business practices, and examine complaints of possible human rights violations through informal mediation. However, Canadian civil society views CORE as weak and limited since it only provides recommendations, lacks the authority to investigate human rights abuses by Canadian companies operating abroad, and

¹²<https://natural-resources.canada.ca/science-data/science-research/earth-sciences/earth-sciences-resources/earth-sciences-federal-programs/mineral-exploration-tax-credit/8874>

¹³ CESCR describes the extraterritorial obligations of states to prevent third parties from violating human rights in other countries, “if they are able to influence these third parties by legal or political means.” Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), UNESCOR, 22nd Sess, UN Doc E/C.12/2000/4 (2000) at para 39, online (pdf): <refworld.org/pdfid/4538838d0.pdf> [perma.cc/ZF9D-54FB] [CESCR, General Comment No. 14].

¹⁴<https://www.international.gc.ca/global-affaires-affaires-mondiales/corporate-ministere/mandate-mandat/index.aspx?lang=eng>

¹⁵ To name a few, there are the 2007 and 2012 observations of the UN Committee on the Elimination of Racial Discrimination; in 2013 and 2016 the reports of the Inter-American Commission on Human Rights (IACHR); in 2015 the Report of the United Nations Human Rights Committee (OHCHR) and also in 2016 the observations of the International Committee on Economic, Social and Cultural Rights (CESCR).

¹⁶ IACHR, Indigenous Peoples, supra at paras 13, 79-81; See also Working Group on Transnational Corporations Report, supra at para 35.

¹⁷https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders-guide-defenseurs_droits_en.pdf

¹⁸ The IACHR report examined 22 mining projects operated by 20 Canadian companies in nine countries. See more at https://www.dplf.org/sites/default/files/informe_canada_resumen_ejecutivo.pdf

is not independent enough to handle sensitive cases.¹⁹ CORE's current process can put complainants at risk since there are no clear rules on confidentiality, which might expose their identity.²⁰

12. In 2021, Canada launched *Responsible Business Conduct Abroad: Canada's Strategy for the Future* setting out priorities for the Government of Canada to support Canadian companies active abroad.²¹ The main aim of the policy is to integrate the management of risks to the environment, people, and society within business activities, a strategy known as "derisking." However, critics argue that the policy was primarily designed for financial purposes and lacks data to prove its effectiveness in protecting HRDs.

IV. HUMAN RIGHTS AND ENVIRONMENTAL VIOLATIONS

13. This section shows how Canada's failure to take reasonable measures to regulate the conduct of Canadian companies abroad has contributed to the systematic violation of human and environmental rights in the Amazon. It documents the abuses and rights violations linked to 11 extractive projects (7 mining, 4 oil) controlled by 16 Canadian corporations and backed by Canadian banks. All of these projects are located in the **Amazon rainforest**: Brazil (4), Colombia (2), Ecuador (3), and Peru (2), impacting its people, biodiversity, forests, and water. Together, these countries account for 85% of the Amazon. Furthermore, 10 directly affect Indigenous peoples, with at least 16 impacted ethnicities. The projects also affect protected areas, land reform settlements, *campesinos*, and traditional peoples.

Brazil

14. **Aurizona Gold Mine** was established in 2007 by **Luna Gold** and later taken over by **Equinox Gold**. The mine has been operational since 2010, but in March 2021, a dam break left approximately 4,000 people without proper access to water. Community members were fined and criminalized for protesting.
15. **Belo Sun Mining Corp.** plans to establish the **Volta Grande Project (VGP)**, an open-pit gold mining project in Pará. The proposed mining site is located on the Xingu River, a cultural and biodiversity hotspot and home to Indigenous groups, *campesino* families, and riverine communities. The project's license is currently suspended, but if implemented, it would impact the Xingu River and its surrounding communities.
16. **Coringa Gold Project (CGP)** is located in an environmental preservation area of an ecological rural reform settlement adjacent to the Baú Indigenous Land of the Kayapó people. The project is owned by **Serabi Gold's** Brazilian subsidiary, but it was previously owned by Canadian companies for 10 years. The mine is situated at the headwaters of the Curuá River, which flows through the Baú, Xipaya, and Kuruáya Indigenous Lands.
17. **Autazes Project**, owned by **Canada's Brazil Potash**, is located in the Amazonas. The intended mining site and associated infrastructure are located above the Indigenous Lands of the Mura ethnic group, specifically the Soares/Urucurituba, Jauary, and Paracuhuba territories. While it is still in the development stage, if continued the project would severely impact these communities and the Madeira River, a key Amazonian tributary.

¹⁹ https://justice-project.org/wp-content/uploads/2022/12/2022-12-09_JCAP_TheTwoFacesofCanadianDiplomacy_Reduced-2.pdf

²⁰ <https://cnca-rcrce.ca/campaigns/ombuds-power2investigate/>

²¹ <https://www.international.gc.ca/trade-commerce/assets/pdfs/rbc-cre/strategy-2021-strategie-1-eng.pdf>

Colombia

18. **APE-La Cabaña Project** is an oil exploration project located in Putumayo, Colombia, operated by **Gran Tierra Energy Colombia**, a subsidiary of the Canadian company **Gran Tierra Energy**. The project was supported by the Royal Bank of Canada and operated from 2012 to 2022, leaving behind a severely impacted ecosystem and Indigenous communities seeking justice and reparations after the project's closure.
19. **Mocoa Project** is a copper and molybdenum mining project owned by the Canadian company **Libero Copper & Gold Corp.** Situated in Mocoa, Putumayo, the project is in the exploration phase and impacts the rights of the Nasa and Inga Indigenous peoples, *campesino* communities and the urban population of Mocoa.

Ecuador

20. **The Charapa, Chanangué, and Iguana Blocks** are oil extraction projects (concessions 50, 51, and 89 respectively) held by the Canadian company **Gran Tierra Energy** and operated by its subsidiary Gran Tierra Energy Colombia LLC. The three blocks overlap the titled territories of the Kichwa, Awá Indigenous peoples, and *campesino* communities who have expressed opposition to the projects. If advanced, drilling will affect primary tropical forests.
21. **Warintza Mining Project** in Morona Santiago, Ecuador, operated by **Solaris Resources Inc.**, explores copper, gold, and molybdenum reserves in the traditional territory of the Shuar Arutam Indigenous Peoples (PSHA). The project was suspended in 2006 after the PSHA forced the then-operator Lowell Mineral Exploration off their land. In 2019, Solaris Resources Inc. acquired the concession and has faced resistance from the PSHA.
22. **Fortuna Mining Project**, Azuay province, operated by **Lucky Minerals**, a subsidiary of the Canadian company **Golminde S.A.**, has twelve mining concessions that affect seventeen communities in Azuay (highlands); four communities in Morona Santiago (Amazon); and five communities in Zamora Chinchipe (Amazon). The project overlaps fragile ecosystems, primary forests, water sources, the high Andean *páramo*, and the Amazon.

Peru

23. **Block 192** is an oil concession with a significant environmental impact. It was operated by Frontera Energy del Perú, a subsidiary of the Canadian company **Frontera Energy**, from 2015 to 2021, causing over 105 oil spills that affected forests and rivers. The Canadian company did not fully remediate the spills and presented an Abandonment Plan without a budget or remediation plan.
24. **Block 95** is an oil concession operated by PetroTal Perú SRL, a subsidiary of the Canadian company **PetroTal Corp.** It is the most productive oil block in the area, but nearby Indigenous communities lack access to basic services. In 2020, a protest broke out, demanding greater social responsibility from the oil company and commitment from the government, resulting in three Indigenous people being killed by the police providing security for company installations and worker camps.

V. VIOLATIONS TO INDIGENOUS PEOPLES' RIGHTS

25. Indigenous rights violations are a systematic part of the Canadian mining and oil extraction companies' *modus operandi* in the Amazon region: 10 out of 11 cases.

Right to self-determination and Free, Prior, and Informed Consent (FPIC)

26. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes that Indigenous Peoples have the right to self-determination.²² One of the core mechanisms in its fulfillment is the right to FPIC.²³ Canadian mining projects have continuously ignored or covered up the existence of impacted Indigenous communities in their efforts to make Indigenous communities invisible throughout the projects' licensing and development.
27. **Brazil Potash** and **Belo Sun** are companies that do not acknowledge the Indigenous identity of certain communities. Brazil Potash refers to the Soares/Urucurituba Indigenous territory as a common village in its communications with investors, instead of recognizing it as Indigenous Land.²⁴ Belo Sun does not recognize the presence of Indigenous communities such as Xipaya and Kuruáya in the mining project's impact area and has not consulted with them.²⁵ In the **APE-La Cabaña** project, **Gran Tierra Energy** claimed that there were no impacted Indigenous communities, despite the presence of the Inga people.²⁶
28. Canadian companies also silence Indigenous communities, despite close proximity to the project sites, stating they will not be impacted and do not require consultation. This occurred in Brazil's **Coringa Gold** and **Belo Sun** projects, requiring court orders for consultation with the Kayapó, Juruna and Arara peoples. The oil exploration project in the **Charapa, Chanagué and Iguana Blocks in Ecuador**, carried out consultation processes through inadequate and bad faith procedures, utilizing divisive strategies among the communities and families; sharing inadequate, haphazard and unfounded information with the communities about the implications of the project; pressuring the communities to obtain their consent to the expansion of the oil activity; as well as issues not considered in the Environmental Impact Studies of the Gran Tierra company.²⁷

Right to lands, territories, and resources

29. The UNDRIP states the right of Indigenous peoples to the lands, territories, and resources they have traditionally owned, occupied, or otherwise used or acquired, and stipulates that “[s]tates shall give legal recognition and protection to these lands, territories, and resources.”²⁸ ILO Convention 169 establishes that their right to the ownership, possession, use, and conservation of their lands shall be recognized and respected, including rights to the natural resources that pertain to them.

²² UNDRIP, art. 3

²³ UNDRIP, art. 19

²⁴ <https://amazoniareal.com.br/especiais/the-potassium-war-in-autazes/>

²⁵ These cases stand for a common pattern of overlapping violations of Indigenous rights. At the same time that the territorial rights and all related rights are denied to Indigenous peoples through the lack of titling of their lands, the latter is then used to deny the Indigenous identity or even the existence of these communities, thereby excluding them from participation and consultation processes.

²⁶ <https://news.mongabay.com/2022/06/how-colombia-disenfranchised-indigenous-inga-communities-in-favor-of-oil/>

²⁷ <https://agenciaecologista.info/2022/05/20/la-petrolera-canadiense-gran-tierra-energy-opera-en-sucumbios-sin-consulta-y-con-mapas-alterados/>

²⁸ Resolution adopted by the General Assembly on 13 September 2007, UN Declaration on the Rights of Indigenous Peoples, A/RES/61/295, Articles 26, 27 and 28.

30. This report documents eight projects where Indigenous territorial rights were violated. **Brazil Potash** harassed the Mura of the Soares/Urucurituba Indigenous Land to sell their land²⁹ and threatened forced eviction for those who refused. **Belo Sun's Volta Grande Project** would harm the territories of several Indigenous communities, including those without titled land. Some communities located a few kilometers away from the projected mine will also be impacted. The **Mocoa Project** directly threatens the Inga and the Nasa Indigenous territories. In Peru, **Block 192** has had over 100 oil leakages, caused by operational flaws and infrastructure deterioration, contaminating the territories of Quechua, Achuar, and Kichwa Indigenous peoples.

VI. VIOLATION OF THE RIGHT TO A CLEAN, HEALTHY, AND SUSTAINABLE ENVIRONMENT

31. In July 2022, the UN General Assembly recognized the right to a clean, healthy, and sustainable environment as a human right.³⁰ The cases here demonstrate that this right is being undermined in the Amazon basin, a hotspot for biodiversity and essential for climate stability, which has reached a dangerous ecological tipping point, due largely to deforestation.³¹

Impact on protected areas rich in biodiversity: land, water, and air

32. The **Coringa Gold** project overlaps with an environmental preservation area and sits on the headwaters of the Curuá River, a regional waterway of vital importance. The project foresees the construction of a tailings dam and the use of cyanide.³² According to the **Volta Grande Project's** Environmental Impact Assessment (EIA), **Belo Sun** plans to store mine waste and water behind a tailings dam along the banks of the Xingu River. This dam has been designed without proper seismic safety criteria, and the recycling of cyanide leachate could pollute the tailings water with antimony, arsenic, and mercury. In a dam break scenario, the discharge of tailings could cover 41 kilometers of the Xingu River.³³ In the project exploitation phase, environmental impacts are higher. When the **Aurizona Gold Mine Project's** Pirocáua Lake tailings dam broke, it caused a flood of 10 million cubic meters of mud with toxic waste throughout local communities, contaminating the water reservoir that supplied the entire district. For months the population had no reliable access to clean water, and almost two years later the communities still have poor water quality.³⁴
33. The four concessions of the **Mocoa Project** overlap with the protected Forest Reserve Upper Mocoa River Basin. This area is susceptible to landslides and, therefore, could exacerbate flooding leading

²⁹ <https://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/apos-coacao-a-indigenas-e-liminar-sobre-demarcacao-de-terra-mpf-pede-suspensao-de-licenca-concedida-a-potassio-do-brasil-para-exploracao-mineral-em-autazes-am>

³⁰ Resolution A/76/L.75 adopted by the UN General Assembly on 26 July 2022, Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

³¹ <https://www.science.org/doi/10.1126/sciadv.aat2340>

³² Belo Sun. Feasibility Study on the Volta Grande Project, Pará, Brazil. NI 43-101 Technical Report. 05/08/2015. <https://belosun.com/staging/belosun.com/resources/Feasibility-Study-Volta-Grande-Project.pdf>

³³ Steven H. Emerman, Evaluation of the Tailings Dam, Cyanide Use and Water Consumption at the Proposed Volta Grande Gold Project, Pará, Northern Brazil. 06/01/2020. https://xinguvivo.org.br/wp-content/uploads/2020/06/Volta_Grande_Report_Emerman.pdf

³⁴ <https://mab.org.br/2022/03/25/estudos-apontam-contaminacao-na-agua-de-aurizona-ma-com-metais-pesados-por-conta-de-rompimento-de-barragem-da-equinox-gold/>

to avalanches.³⁵ The company's interventions in Putumayo represent imminent damage to the mountains, the rivers, and biodiversity in the Amazon. The **APE-La Cabaña** platform construction has led to security forces setting up a camp to guard it, limiting Indigenous access to traditional sites of hunting, fishing, and medicine collection.³⁶

34. The **Charapa, Chanagué and Iguana** EIA did not fully assess the real impacts of the project. It minimized exploration risks and contained false information regarding the location of rivers, estuaries, communities, families, farms, and schools.³⁷ The **Warintza Project** is in the advanced exploration stage and has caused the loss of primary forests and contamination of the water basins that feed the Zamora, Conangos, and Santiago rivers.³⁸
35. Operations in **Block 192** caused 105 oil spills contaminating rivers, lakes, groundwaters, and the air quality of 26 Indigenous communities.³⁹ At its departure, **Frontera Energy** presented its Closure Plan without contemplating the remediation of any site. The clean-up processes that Frontera claims to have done was not a remediation processes, and the spill's impacts persist.⁴⁰

VII. VIOLATION OF CIVIL AND POLITICAL RIGHTS

36. All documented cases show a violation of the civil and political rights recognized in the International Covenant on Civil and Political Rights.

Right to participation and environmental information

37. These rights have been violated in several projects analyzed in this report. The CESCR stated that individuals should be given full and equal access to information concerning water and the environment.⁴¹
38. **Equinox Gold** withheld information about its operations and impacts. According to Brazil's regulatory agency on mining,⁴² the company did not regularly submit inspection and monitoring reports about the Pirocáua Lake dam. The lack of transparency and access to information was such that local residents didn't know that this dam existed, as it was never properly reported to them or to Brazil's mining agency.⁴³ **Belo Sun** has violated local communities' right to information about the social, environmental, economic, and cultural impacts that the Volta Grande Project (VGP) would have on their livelihoods. In 2022 – 10 years after the VGP's environmental licensing process began – many families of the Ressaca land reform settlement and in nearby Indigenous and riverine communities were not aware that the project was being considered.

³⁵ <https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

³⁶ <https://es.mongabay.com/2022/04/colombia-el-pueblo-indigena-que-el-estado-invisibilizo-ante-la-petrolera-gran-tierra-energy/>

³⁷ <https://wambra.ec/comunidades-de-sucumbios-denuncian-ingreso-de-petrolera/>

³⁸ <https://amazonwatch.org/assets/files/2023-solaris-risk-assessment.pdf>

³⁹ <https://consultaprevia.cultura.gob.pe/proceso/lote-192-2019>

⁴⁰ <https://observatoriopetrolero.org/lote-192-frontera-energy-dejo-hace-8-dias-el-lote-192-sin-haber-presentado-un-plan-de-abandono/>

⁴¹ http://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf

⁴² ANM .SIGBM - Sistema Integrado de Gestão de Barragens de Mineração — Lagoa do Pirocáua. <https://app.anm.gov.br/SIGBM/BarragemPublico/Detalhar/C4C2A54786D3FB8F517314020C31910A1E30AD6C72A1C7EFA3719D74B1E38E4A>

⁴³ <https://www.mpf.mp.br/ma/sala-de-imprensa/noticias-ma/mpf-consegue-decisao-que-obriga-mineradora-aurizona-a-elaborar-planos-de-seguranca-das-suas-barragens-em-godofredo-viana-ma>

39. The **Gran Tierra Energy** consultation process for the **Charapa, Chanangué and Iguana** oil blocks also incurred similar violations. The company provided information that was inadequate and did not explain the processes that were going to occur. Moreover, there were topics that were not considered in its Environmental Impact Assessment nor in public hearings, such as the size of the project area; the possible disappearance of communities, estuaries, streams, and natural water sources; updated information regarding population density; and information about forest care and protection projects.

Right to life, integrity, liberty, and peaceful assembly

40. At least 7 documented cases report violations of these rights and/or criminalization against environmental defenders. In Ecuador, there are **currently 44 defenders criminalized**, with complaints promoted by companies and/or the state, for alleged acts of intimidation, extortion, theft and paralysis of public services, and damage to private property in contexts of resistance, confrontation, forced evictions, and territorial control.⁴⁴ Community leaders who resist and denounce the **Warintza Mining Project** face persecution, hacking, criminalization, and death threats by company officials and government agencies. The president of the Shuar Arutam People, Josefina Tunki, was threatened with a phone call by the vice president of operations at **Solaris Resources Inc.**⁴⁵ Additionally, the company has motivated the militarization of the territory,⁴⁶ with the support of government entities.
41. A series of protests in 2019 and 2020 demanded that the oil company **PetroTal**, operating at **Block 95**, take measures to guarantee local communities' right to water, sanitation, and health. In August 2020, the police guarding the oil camp fired at the demonstrators, killing three Indigenous people. Communities denounced that the crime scene was altered and the bodies were moved without the intervention of the Public Prosecutor.⁴⁷ The judicial process to achieve accountability clarifying responsibility continues to this day.
42. In October 2022, hundreds of people affected by **Equinox Gold** spent nine days protesting to demand that the company remedy the lack of drinking water caused by its dam break. In the negotiation meeting, Equinox Gold refused to settle and chose to criminalize and hinder the movement. In a decision, the court ruled in favor of the company prohibiting protests, under penalty of R\$500⁴⁸ a day for each affected person. Equinox asked the court to prevent the protests with "all other necessary measures, including the use of police force."⁴⁹

VIII. VIOLATION OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

43. The Amazon Rainforest is where Indigenous peoples and traditional communities built their homes, find their sources of food and water, collect plants for medical use, and where their spirits and deities

⁴⁴ See at: <https://www.facebook.com/CentrosShuarWarintsYawi/posts/549305686502949>

⁴⁵ According to the report of Josefina Tunki: Federico Velásquez, vice president of operations at Solaris Resources Inc. threatened her stating: "If you continue bothering me with national and international complaints, one of these heads will have to be cut off."

⁴⁶ <https://miningwatch.ca/node/10751>

⁴⁷ <http://www.orpio.org.pe/orpio-y-aidecobap-denuncian-penalmente-a-los-responsables-de-la-muerte-de-3-kukamas-en-el-lote95/>

⁴⁸ That would be around 132 CAD and 100 USD.

⁴⁹ <https://mab.org.br/2022/10/18/atingidos-por-barragem-da-mineradora-equinox-gold-protestam-por-agua-potavel-ha-uma-semana/>

live. Fishing and hunting are ancestral cultural activities. The violation of the right to a healthy environment also violates economic, social, and cultural rights such as food, adequate standard of living, health, culture, and association.

Right to food and water

44. In **Block 192**, the population continues consuming fish from polluted waters; eating animals that drink from the polluted rivers; and vegetables grown on contaminated lands. Similarly, operations in the **Charapa, Chanangué, and Iguana Blocks** have impacted agriculture activities traditionally carried out by the communities. In the **Belo Sun's Volta Grande** project, the installation of fences to separate the company's territory was enough to obstruct access to natural resources, directly affecting the access to river water, fishing, and low-impact extractive activities in the region, resulting in an obstruction in access to food, water, and the exercise of traditional economic activities.

Right to health

45. At least seven cases show current or potential impacts on the **right to health**. When the Canadian oil company Gran Tierra left the **APE-La Cabaña** project in 2023, it left pits in which water accumulated and enabled the reproduction of mosquitoes that carry diseases and threaten the health of surrounding communities. When the Pirocáua Lake dam of the **Aurizona Gold Mine** broke, contaminated water sources used for drinking and agricultural purposes posed severe health risks. In **Block 192**, frequent oil spills increased the presence of heavy metals in the blood of Indigenous communities.⁵⁰
46. In at least two documented cases, the COVID-19 pandemic represented another layer of impact on the health of Indigenous peoples. In **Belo Sun**, the consultation process during the pandemic placed Indigenous groups at risk of infection. In **Block 192, Frontera Energy** hoarded access to oxygen equipment during the pandemic, located inside the oil facilities, only granting access to Indigenous peoples accepting the restart of operations suspended to prevent infections.

Right to culture

47. Eight out of 11 cases show violations of the **right to culture**. The wetlands of the **APE-La Cabaña** project in which the Inga community collected their traditional medicine are now paved over, and the installation of security personnel facilities impacted sacred sites, disrupting territorial spirituality, and preventing community members from accessing medicinal plant gathering activities, as well as hunting and fishing grounds upstream and downstream of the Sambico and San Vicente ravines. In the **Mocoa Project**, the Indigenous peoples from Condagua argue that the project will impact the ancestral and sacred corridors of the Inga people, severing their spiritual connection with the mountain, on whose bond their ancestral traditions depend. In **Block 192**, the extended and systematic contamination, degradation, and destruction caused by the continuous oil spills have destroyed important cultural and historical sites like cemeteries and traditional hunting areas.

⁵⁰ <https://www.oxfamamerica.org/explore/stories/shredding-injustice-fight-hold-powerful-accountable-amazon/>

Right to association

48. Canadian companies have also contributed to the division of Indigenous communities and the breakdown of their forms of political organization in at least 5 cases. In the **Warintza Project** in Ecuador, **Solaris Resources Inc.** exploited weaknesses of the traditional organizational structure of the Shuar Arutam People to create divisions, violating the right to self-determination. **Libero Copper**, in charge of the **Mocoa Project**, is accused by the Inga reservation of Condagua of causing political conflicts near the extraction area, wherein the company convinced one municipal councilman in favor of the mining project to defend and promote the project, countering the collective decision of the other councilmen of the same municipality.
49. In the actions of **Gran Tierra Energy in the Charapa, Chanangué and Iguana Blocks** in Ecuador, the company created groups within the community structures, promoting the creation of parallel pro-oil leaders to break community resistance. Gran Tierra Energy generated pressure on the organizations that support the resistance with threats and in some cases even physical aggression against the leaders who oppose the entry of the oil company into their territories and remain firm in their resistance.⁵¹

IX. CONCLUSIONS AND RECOMMENDATIONS

50. The data and concrete cases illustrated here expose the *modus operandi* of several Canadian companies operating in the Amazon, clearly demonstrating the lack of mechanisms for environmental due diligence, protection, access to justice, and comprehensive reparation for all people affected by the abusive behavior of these companies while exposing the Canadian state's failure to uphold its extraterritorial obligations on human rights, environmental protection, and climate responsibility.
51. The undersigned organizations point to the limitations of the voluntary enforcement measures adopted by Canada. These have proven ineffective and insufficient, as evidenced by the lack of accountability and remediation for the 11 projects from 16 Canadian companies documented here alongside their multiple human rights and environmental violations. Therefore, we invite the states to make the following recommendations to the Canadian state to:
 - a. Take legal, administrative, or policy measures to implement the 23 targets of the Kunming-Montreal Global Biodiversity Framework to preserve biodiversity in the Amazon.
 - b. Establish a comprehensive and binding human rights and environmental due diligence law, according to international human rights standards, to prevent and sanction any form of corporate abuse of Canadian companies and their global supply chains, as well as banks financing those operations;
 - c. Regulate public and private credit and investment agencies that finance extractive activities in the Amazon, according to international human rights standards.
 - d. Withdraw all forms of diplomatic, economic, and financial support to Canadian companies and banks as a consequence for failing to take all reasonable steps to prevent human and Indigenous rights violations;
 - e. Adjust the CORE mechanism to international human rights standards by expanding its mandate, providing it with autonomy and resources to ensure the full protection of Human Rights

⁵¹ <https://fb.watch/jClayCMpMp/?mibextid=Zk9Zvk>

- Defenders, as well as the power to effectively sanction human rights violations committed by Canadian companies abroad;
- f. Ratify ILO Convention 169 on Indigenous and Tribal Peoples and the American Convention on Human Rights; and establish mechanisms for compliance with the Escazu Agreement;
 - g. Develop mechanisms with broad social participation and complaint processes, in order to establish more accessible channels of dialogue for affected communities, civil society organizations, and Human Rights Defenders, in Canada and in the host State, through diplomatic representations by the Government of Canada;
 - h. Adopt policies to eliminate and prevent the criminalization of defenders and protests, considering that Canadian extractive companies operating in the Amazon have encouraged this treatment. This is the case in Equinox Gold in Brazil, Solaris Resources in Ecuador, and Frontera Energy in Peru;
 - i. Establish independent and effective oversight, investigation, and accountability mechanisms to guarantee access to justice and full reparation for the people and communities directly and indirectly affected by Canadian operations in the Amazon. This applies to cases of environmental impacts and cases of criminalization, such as Block 192 (Frontera Energy), the Warinza Project (Solaris Resources Inc.), Aurizona (Equinox Gold), and Block 95 (Petrotal);
 - j. Investigate, hold accountable, and prevent the installation and operation of the Canadian corporations listed in this report that are still in the exploration phase given that, in these cases, significant social and environmental damages can still be prevented. This applies to: the Volta Grande Project (Belo Sun Mining Corp.), the Autazes Project (Brazil Potash), APE-La Cabaña Project (Gran Tierra Energy), the Mocoa Project (Libero Copper & Gold Corp.), the Warinza Project (Solaris Resources Inc.), La Fortuna (Goldmindex S.A.) and the Charapa, Chanangué e Iguana (Gran Tierra Energy);
 - k. Refrain from implementing, participating in, or financing projects in the Amazon when Indigenous peoples and local communities living in areas under the direct or indirect influence of the project have not given their Free, Prior, and Informed Consent (FPIC) in accordance with international human rights standards and other relevant international conventions;
 - l. Establish clear limits on investments in the Amazon, particularly limiting investments in extractive industries, energy, or infrastructure that operate or seek to operate in areas characterized by vulnerable populations whose cultural wealth is invaluable, such as Indigenous, black, and traditional communities; as well as, areas of biological importance that due to their high rate in biodiversity or endemism, are fundamental for the sustainability and balance of the global climate, such as: Amazon Biome, Ramsar zones and protected areas.

AMAZONIAN REPORT

CANADA'S FAILURE TO UPHOLD EXTRATERRITORIAL OBLIGATIONS: CORPORATE ABUSES BY CANADIAN COMPANIES IN THE AMAZON RAINFOREST



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Brief description of signatory organizations:

1. **Amazon Watch** (International) is a non-profit organization founded in 1996 to protect the rainforest and advance the rights of Indigenous peoples in the Amazon Basin. It partners with Indigenous, traditional and environmental organizations in campaigns for human rights, corporate accountability and the preservation of the Amazon's ecological systems.
2. The **Alianza de Organizaciones por los Derechos Humanos de Ecuador** is a coalition of 14 Ecuadorian civil society organizations that since 2019 has worked in a coordinated manner in pursuit of the defense and guarantee of human rights, collective rights and rights of nature.
3. The **Amazon Human Rights Clinic of the University of Pará** aims to contribute to research, extension and implementation of socio-environmental public policies and respect for human rights in the Amazon, uniting the practical part with research, involving undergraduate and graduate students, as well as professors from the Institute of Legal Sciences and academics from other UFPA Courses, who are related to the human rights area and/or projects that are being developed at CIDHA, in addition to contracted professionals.
4. The **Asociación Ambiente y Sociedad (Colombian)** seeks to generate positive changes in regulation, policies, decision-making and practices in environmental matters. To this end, it promotes the full application of participation rights, and access to information and transparency of public and private entities. We work hand in hand with communities affected by extractive projects, with youth and women's groups.
5. The **Asociación Minga (Colombia)**, organización defensora de Derechos Humanos que se articula al movimiento social y contribuye a crear condiciones de Vida Digna en los territorios y comunidades de Colombia. Para ello, promueve la participación social y política en la construcción de la paz, la democracia y la permanencia de las comunidades en sus territorios de manera autónoma, sustentada en planes alternativos de vida; y la incidencia de las organizaciones sociales en el mejoramiento del marco de protección y garantías de los derechos humanos en su integralidad.
6. The **Association of Brazil's Indigenous Peoples (Articulação dos Povos Indígenas do Brasil APIB)** is the national-level Indigenous organization in Brazil which seeks to promote and defend the rights of Indigenous peoples in the country through the coordination and union of Indigenous peoples and organizations from the different regions of the country.
7. The **Centro de Información sobre Empresas y Derechos Humanos, CIEDH** (Internacional), is an international and independent human rights NGO with offices in London, Berlin, Bogotá, New York and Sydney, which for 20 years has been monitoring the impacts on human rights (positive and negative) of more than 10,000 companies in more than 180 countries, facilitating access to information on its website in 10 languages, empowering and supporting civil society organizations and victims of corporate abuses.
8. The **Pastoral Land Commission** (Comissão Pastoral da Terra, CPT), is at the service of communities, the waters and the forests and works in the defense of land, territories and

human rights by providing legal advice, support for the strengthening of communities of rural, peasant, and Indigenous peoples, in the fight for their rights in defense of life and the environment.

9. The **Coordination of the Indigenous Organizations of the Brazilian Amazon** (Coordenação das Organizações Indígenas da Amazônia Brasileira - COIAB) (Brazil) is the Indigenous umbrella organization of the Brazilian Amazon. It seeks to defend Indigenous rights to land, health, education, culture and sustainability, to respect the diversity of peoples, and to foster their self-determination through political coordination and the strengthening of Indigenous organizations.
10. **The Confederation of Indigenous Nationalities of Ecuador, CONAIE (Spanish acronym)** is an organization that brings together the Indigenous Nationalities, Peoples, Communities, Centers and Associations of Ecuador.
11. The **Corporación Acción Ecológica** (Ecuador) is a civil society organization with more than 35 years of work in the country. Its objective is the defense of nature and its rights, as well as the human, social, environmental and cultural rights of Indigenous, Afro-Ecuadorian and peasant peoples and nationalities in face of territorial dispossession caused by oil, mining and agro-industry extractivism and the destruction.
12. **Earthworks** is a U.S. based organization that protects communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions
13. The **Grupo de Trabajo Ecologías Políticas desde el Sur/Abya Yala del Consejo Latinoamericano de Ciencias Sociales CLACSO**, which, since 2000 has been building a field of theoretical-practical knowledge among more than 200 academics, researchers and activists located in different countries of Central America, the Caribbean and South America, and a variety of collective subjects who are defending their livelihoods against the advance of capitalism, colonialism and patriarchy.
14. **Interamerican Association for the Defense of the Environment (AIDA)** is a regional non-governmental organization with 25 years of experience in the American continent, with the mission of strengthening the ability of people to guarantee their individual and collective right to a healthy environment through the development, application and effective enforcement of national and international legislation.
15. The **Instituto Kabu** was created in 2008 by three pioneering villages – Baú, Pukany and Kubemkokre – with the purpose of implementing the indigenous component of the Basic Environmental Plan (PBA) of the BR-163. Institute was named in honor of a bravewarrior from the past, whose history has been preserved by oral tradition. Headquartered in Novo Progresso, the Institute works on several fronts to defend the rights of the Kayapó Mekrãnotí, the integrity of the forest where they live and on which they are interdependent, and the need to create sustainable solutions to ensure better living conditions and the maintenance of their rich culture. Kayapó.

16. **London Mining Network (LMN)** seeks to tackle impunity and hold the mining industry to account, end unethical corporate practice, and to create an alternative narrative which respects the diverse cultures and cosmologies.
17. The **Mesa por los Derechos Humanos frente al Poder Empresarial de Colombia** is an autonomous space for environmental, social and human rights organizations of the Colombian civil society, for dialogue, discussion, mutual learning and the search for common proposals around the critical analysis of business conduct in the country.
18. **MiningWatch Canadá** works in solidarity with indigenous peoples and non-indigenous communities facing industrial mining projects or operations that affect their lives and territories, or the legacy of closed mines. At MiningWatch we work for a world in which indigenous peoples can effectively exercise their right to self-determination and communities give their consent before any mining activity takes place. To do this, we collaborate with national and international coalitions and networks.
19. **The Movement of Peoples Affected by Dams** (Movimento Atigidos por Barragens (MAB - Brazil) is an autonomous and mass-based national social movement which seeks to organize and strengthen communities and peoples affected by dams before, during or after the construction of the projects.
20. **Movimento Xingu Vivo para Sempre** is a social movement integrated by grassroots movements, traditional communities and national and international civil society organizations that defend the rights of the peoples and the ecosystem of the Volta Grande do Xingu against infrastructure projects, mining projects and other extractive activities. The MXV emerged in 2008 in the struggle against the construction of the Belo Monte dam.
21. **Sustjust LLM Legal Clinic**, University of Antwerp Faculty of Law, seeks to bring students as close as possible to concrete legal cases and to the reality of law in the context of human rights, environmental and global justice challenges. Students are divided into small groups, supported by a mentor from within the Law and Development Research Group, and put in direct contact with a 'client' or 'partner' of the clinic. Along the years, 'clients/partners' have been local communities, international and national NGOs, human rights law firms, United Nations treaty bodies and other actors who are promoting human and environmental rights, or asking for legal redress.
22. **The Pueblo Shuar Arutam**, or Shuar Arutam Peoples, are situated in the Cordillera del Condor, in the southeastern part of Ecuador, encompassing 4 cantons of the province of Morona Santiago. More than ten thousand people have organized around 45 Shuar centers, integrated into five associations: Mayaik, Nunkui, Sinip, Arutam and Santiago. They formed the Government Council of the Shuar Arutam People. They defend their right to life and territory in a democratic and participatory manner. Its territory is located in the extreme southeast of the province of Morona de Santiago, in the Cordillera del Cóndor located between the Kuankus and Cenepa rivers, in the Ecuadorian Amazon. This is one of the most diverse regions in Ecuador and in the world, as much for its biodiversity, water and mineral

resources as for the culture and associated knowledge of the Shuar peoples and the mestizos settled there. The Shuar Arutam people speak Shuar Chicham and Spanish.

23. **Unión de Afectados y Afectadas por las Operaciones Petroleras de Texaco** is a not-for-profit organization which fights for the defense, protection and conservation of the environment and for human and collective rights of those affected by Texaco.
24. **Yasunidos Guapondelig, Cuenca**, is an Ecologist collective integrated into the network of life/nature that is guided by the postulates of political ecology as a proposal for social transformation and respect, human rights and Nature. They care for, defend and protect ecosystems as a permanent learning process to walk towards a dignified life in harmony with all creatures. They are a group in permanent growth that has Nature as a source of learning in organization, politics, philosophy, art and communication, being part of the fabric of life as sentient beings.
25. The **Organización de Pueblos Indígenas del Oriente (ORPIO)**, is an indigenous organization that works in Loreto for the indigenous communities and citizens of 15 basins, 15 indigenous towns and 21 federations that it represents.
26. The **PUINAMUDT** platform is formed by five indigenous federations that bring together a total of 90 indigenous communities of Loreto that are within the sphere of direct and indirect influence of lots 192 and 8, as well as affected by the North Peruvian Pipeline and its branches.
27. **Peru Equidad** is a non-profit civil association that defends and promotes human rights and their full compliance, accompanying people and communities affected by their rights. PERU EQUIDAD's activity since 2009 until today revolves around well-defined counterparts: indigenous peoples; boys, girls and adolescents; LGBTI community; workers and workers; People with disabilities; and victims of negative impacts generated by business activities.
28. **Oxfam** is a global movement made up of people working together to combat inequality and thus end poverty and injustice. We work with thousands of partner and allied organizations in nearly 90 countries supporting communities to improve their lives, building resilience and protecting lives and livelihoods in times of crisis. Our work is grounded in our commitment to the universality of human rights and we apply a feminist perspective in all our analysis, actions and interactions.
29. **Corporación Social para la Asesoría y Capacitación Comunitaria, COSPACC** dedicates most of its efforts to the attention, organization and accompaniment of victims due to the high degree of human rights violations that occur in the areas where it works, concentrating especially on the departments of Tolima, Boyacá, Casanare, and the city of Bogota. All of this, without losing sight of the main objective, which is the reconstruction of the social fabric and ongoing training in the promotion and defense of human rights and international humanitarian law (IHL).

30. The **National Committee in Defense of Territories Against Mining** (Comitê Nacional em Defesa dos Territórios frente à Mineração) is a network of more than a hundred organizations and movements, formed in 2013 and which have at the center of its agenda the issue of mining expansion, the threat to the social and territorial rights of Indigenous peoples, traditional communities and vulnerable groups; the socio-environmental impacts in areas affected by mining projects and the reformulation of its regulatory framework.
31. The **Society for Threatened Peoples (STP)** is an international organization that defends the human rights of indigenous peoples and minorities. The STP documents human rights violations, informs and sensitizes public opinion, and represents the interests of the victims before the authorities. STP supports local efforts to strengthen the human rights of minorities and indigenous peoples and collaborates with national and international individuals and organizations for similar purposes. The STP has consultative status with the UN Economic and Social Council (ECOSOC) and the European Council.
32. **Instituto Socioambiental (ISA)** is a Brazilian non-profit that works to defend socio environmental diversity in Brazil, from the hallways of Brasília (capital) to the forests.
33. **FASE - Solidariedade e Educação** has been working for 61 years in defense of democracy and human rights, via popular education. With active presence in four of the five Brazilian regions, proposes another type of development for the country, based on four causes: Environmental Justice, Food and Nutritional Sovereignty, Right to the City and Women's Rights. Throughout its trajectory, it has been gathering advocacy actions, building networks and basic training.

ANNEX II
CASE SUMMARIES⁵²

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⁵² Cases from Brazil are in English while cases from Colombia, Ecuador and Peru are in Spanish. Both are UN official languages.

BRAZIL

Volta Grande Project, BELO SUN MINING CORP.

I. Summary of case information

Project name: Volta Grande Project (hereafter "VGP")

Location: Municipality of Senador José Porfírio, state of Pará, eastern Brazilian Amazon. The site is located in the Volta Grande - or "Big Bend"- of the Xingu region (hereafter "Volta Grande"), approximately 49 kilometers southeast of the town of Altamira and 11km downstream from Belo Sun's Pimena Dam.

Company: Belo Sun Mining Corp. / Belo Sun Mineração Ltda (Brazilian subsidiary)

Financial Institution: Royal Bank of Canada, among others

Sector: Gold mining

Project status: Installation license (second stage of three-tiered environmental licensing process) currently suspended, pending consultation with Indigenous communities and traditional riverine communities. The environmental licensing process is also being reviewed to decide whether it falls under state (Pará) or federal jurisdiction. If concluded that it is a matter of federal jurisdiction, the entire state licensing process could be declared null and void.

Affected peoples and communities: Belo Sun's VGP impacts several groups in the Big Bend region, such as Indigenous peoples (including the Juruna, Arara, Xipaia, Xikrin from the Trinchira Bacajá and Curuaia peoples), traditional communities (such as traditional riverine and fishing communities from the *Ilha da Fazenda*), local villages (Galo, Ouro Verde, and Ressaca) and peasant communities (including over 500 peasant families settled through the federal land reform programs⁵³).

Impacted ecosystem: The project impacts the Volta Grande⁵⁴ of the Xingu River, a key ecosystem along one of the longest and most important Amazonian rivers. The Volta Grande is an extremely important region for the conservation of the planet's social and biological diversity, and part of the priority areas for Biodiversity Conservation, indicated in a federal ordinance by the Brazilian Federal Ministry of Environment in 2007.

Main human rights abuses: Right to self-determination and to free, prior and informed consent of Indigenous Peoples and traditional communities; Right of peaceful assembly; Right to social participation; Freedom of movement; Right to land, housing, and livelihood; Right to a healthy environment, especially right to water; Right to territory of Indigenous peoples and traditional communities; Right to health; Right to food and freedom from hunger ; Right to culture; Right to life and to a life project. Children, women and elderly people would be particularly affected.

Organization that documented the case: Amazon Watch; University of Antwerp Law SustJust Legal Clinic and Interamerican Association for Environmental Defense

II. Brief description and importance of project

The **Volta Grande Project** ("VGP") is a proposed open-pit gold mining project that the company **Belo Sun Mineração Ltda** (Belo Sun)⁵⁵ plans to install in the municipality of Senador José Porfírio, in the Brazilian Amazon. The site is located in the *Big Bend of the Xingu* region, approximately 49 kilometers southeast of the town of Altamira (population 150,000). The Big Bend is a stretch of one of the largest and most important Amazonian rivers, an extremely important region for the conservation of the planet's biodiversity. The VGP **mining site is projected to occupy over**

⁵³ Belo Sun Mining Corp., *Annual Information Form of 2020* (English), Toronto, 24 March 2021, p. 16, available on <https://sec.report/otc/financial-report/279793>.

⁵⁴ <https://www.americanscientist.org/article/where-the-xingu-bends-and-will-soon-break>

⁵⁵ Belo Sun Mineração Ltda. is the Brazilian subsidiary of Belo Sun Mining Corporation, a mining company headquartered in Toronto, Canada. It trades in the Toronto Stock Exchange under the symbol "BSX".

2,000 ha of public land in the Big Bend, including part of a land reform settlement. The VGP is a small part of Belo Sun's much broader mining interests in the region, which comprise four mining concession applications, 58 exploration permits, and 16 exploration permits extension that have been required, covering a **total area of 172,631 hectares** within the “Tres Palmeiras” greenstone belt.⁵⁶ **This represents an area more than twice the size of New York City.** The initial plan includes two open-pit mines, a sanitary landfill, two water retention lakes, a tailings dam, an effluent treatment plant, lodging, internal access roads, an explosives storage facility near the Xingu River, a fuel supply station, a support structure and a water and effluent treatment plant.

The Big Bend is an environmentally and culturally unique territory because of its material and immaterial characteristics which, according to Brazilian authorities, deserve the highest degree of national and international protection.⁵⁷ There is wide evidence that the social and biological systems that characterize the Volta Grande are already collapsing since the construction of Belo Monte Hydropower Dam. The people and the environment need urgent protective measures against the severe impacts that they have already been experiencing after the construction of the Belo Monte, which drastically reduced the Xingu River's water levels in the region, damaged the webs of life to an extent that is still not fully understood, and radically affected the rights of people and the environment. The magnitude of the synergic damages that would be caused by Belo Sun and Belo Monte if the former were to be constructed is still unknown, and could lead to a tipping point for the region and its peoples - an eco-genocide in the making. The current state of humanitarian emergency on the ground, with indigenous people depending on canned food and riverine families suffering from unprecedented poverty, proves that the region cannot support another large infrastructure project. Despite all of this, the Canadian mining company insists on developing the VGP gold mining site, which will contribute to a complex process of eco-genocide in the Big Bend.

It is important to note that the indigenous groups situated closer to the VGP, the **Juruna from the Paquiçamba Indigenous Land and the Arara, who live in the Arara da Volta Grande Indigenous Land**, are going to suffer the highest negative impacts of the mining operations. In addition, the **Xikrin from the Trinchira Bacajá Indigenous Land**, the **Xipaia**, the **Curuaia** and other indigenous communities who live in territories which have not yet been recognized by the state, will be impacted by this mining project too.

Besides the indigenous peoples, at least 25 riverine communities that live in the margins of the river at the Big Bend are also going to be directly affected by the VGP. Those are traditional communities that live from and within nature, with their houses built in the margins of the river and in its islands, directly depending on the fisheries for their subsistence and economic autonomy.

The VGP will directly impact the peasant families who live in the Ressaca rural reform settlement (PA Ressaca), which was instituted in 1999 by the national agrarian reform agency, INCRA (Instituto Nacional de Colonização e Reforma Agrária). Belo Sun's mining project overlaps with the rural development area designated by INCRA. Over 500 families live there and will be drastically impacted by the project. In fact, these families are already being impacted by Belo Sun's illegal land purchases in the region and by the security company it placed in the territory, which hinders peasant families from accessing public areas used for fishing, small-scale forest extraction and leisure (more on this below).

⁵⁶ Belo Sun Mining Corp., *Annual Information Form of 2020* (English), Toronto, 24 March 2021, p. 21, available on <https://sec.report/otc/financial-report/279793>.

⁵⁷ Ministério Público Federal et ali., *Relatório de vistoria interinstitucional na Volta Grande do Xingu: garantia da vida e proteção do patrimônio natural e socioambiental da Volta Grande do Xingu*, Altamira, 2017.

The area where Belo Sun wants to implement the VGP is a traditional artisanal mining territory. There is evidence that small-scale mining has been practiced by families in the region at least since the mid-1930s, leading to the consolidation of three small villages called Galo, Ouro Verde and Ressaca. In 2016, Belo Sun communicated to the Environmental Agency of Pará, which is currently overseeing the VGP's licencing process, that a total of 813 people would have to be removed from these villages, 549 from the Vila Ressaca, 239 from Vila do Galo and 39 from Vila Ouro Verde. According to the information submitted by Belo Sun in the environmental licensing process, all of the families that live in these villages will need to be removed. No one will remain on the land.⁵⁸ The impacts of the project upon these families will be direct and systematic. They will have to leave their homes, their houses will be taken down, they will no longer have the ability to carry out artisanal mining, agriculture or fishing since the company intends to relocate them to a territory already occupied with other communities, without access to rivers and in a different state (Mato Grosso). Since a significant part of the agriculture from PA Ressaca is sold in these villages, their eradication will also negatively impact the families' right to livelihood, healthy environment, food, water and traditional knowledge.

The VGP is still in the environmental licensing stage, and even though mining operations have not yet begun, the human rights of the Big Bend's communities are already being systematically violated by the corporation by means of harassment, threats and evacuation of villages (see item below). These violations must be recognized, ceased and repaired, and further violations and damage must be prevented. Moreover, if the VGP begins to operate, it will be Brazil's largest open-pit gold mine, and thus one of the largest threats to the Amazon ecosystem. There is therefore no doubt that the existing livelihoods of its inhabitants, their rights, their culture, and the ecosystem will be irremediably affected. The Belo Sun investment poses a serious risk to the region as a whole, and more specifically to the populations in the project's areas of direct influence.

III. Main human rights violations:

Belo Sun's impacts in the Big Bend show us that Canadian extractivist corporations begin violating human rights far before they begin extracting minerals. In the case of the VGP, rights violations have been present since the announcement of the intended project and systematically constitute the environmental licensing process. The paragraphs below describe the main rights violations for which Belo Sun is responsible:

- i. **Right to information and participation.** Belo Sun has violated local communities' right to information about the social, environmental, economic and cultural impacts that the VGP will have on their livelihoods. It has done so in several ways. First, in the Environmental Impact Assessment, Belo Sun systematically underestimates the extension and the nature of the impacts that the mega mining operation is likely to cause, omitting aspects such as the probable rise in deforestation in a large radius around the mine, the impacts of the tailings dam and water reservation upon superficial and underground water levels, and the broader, systematic and irreversible social and ecosystemic transformations that the Big Bend region will undergo in case a new gold mining frontier is inaugurated. Both the installation and operation of the VGP will have direct impacts on terrestrial and semi-aquatic turtles. Studies show at least seven species that would be affected, none of them mentioned in the company's environmental assessment.⁵⁹ There is also a **high risk of toxic water being spilled into the**

⁵⁸ Cf. Integratio, Projeto Volta Grande Belo Sun Mineração Ltda., Plano de Controle Ambiental - 3.3.3 Relocation, Negotiation and Social Inclusion Programme, Oct. 2016.

⁵⁹ LOPES and PEZZUTI, "Parecer sobre o Estudo de Impacto Ambiental – Componente Indígena (EIA-CI) de Belo Sun junto à comunidade Juruna, Terra Indígena Paquicamba, sobre os recursos aquáticos e a pesca", at

Xingu which is not thoroughly acknowledged in the company's studies. The project anticipates that the cyanide leachate, a substance used to separate gold, will be recycled, which could create tailings water highly enriched with toxic elements such as arsenic and mercury. This tailings water would be highly toxic to aquatic organisms in the Xingu River in the event of dam failure or leak.⁶⁰

Second, Belo Sun has a field office in the Vila Ressaca, from where it disseminates often misleading information about the mining project. In a meeting with Public Defenders held in November 2022, members of the Vila Ressaca stated that Belo Sun consistently tells local communities that the VGP had already been approved, that the mine will soon start operating and that local communities would be employed by the company. These statements contradict the fact that the VGP has not yet been licensed, that there is no assurance that the mine will be installed and that, if mining begins, there will be little opportunity for local communities to find employment in the VGP, which will require a highly qualified workforce. Company representatives affirm that displaced community members will be well compensated for their houses, whereas the company's reallocation plan does not include such compensations.

The information provided by Belo Sun to local communities and to society in general are misleading in that they systematically underestimate the impacts of the mine and overestimate project benefits to local communities. Besides that, Belo Sun has tried to intimidate and shut public hearings and dialogue forums where organizations and the academia tried to discuss details of the project with the local communities. Furthermore, Belo Sun has actively denied complete information about its exploration plans to civil society, to the environmental agencies and to public prosecutors.

Lack of information is also a large problem. In 2022 - 10 years after the VGP's environmental licensing process began - many families of the PA Ressaca and in nearby agrarian reform settlements were not aware that the project was being discussed. Both misleading information and lack of information hinders communities (and society more generally) from exercising their right to evaluate and decide what is best for them, and to participate in decision-making processes that will directly affect their lives.

- ii. **Right to self determination and right to free, prior and informed consent of indigenous and traditional communities.** Belo Sun has systematically delayed, downplayed and disregarded Indigenous peoples' and traditional communities' right to self-determination and to free, prior and informed consent about projects that affect their lives and territories. Until today, only the Juruna and the Arara Indigenous peoples have begun to be consulted about the VGP, and this consultation took place after the installation license had been issued and under court order. The consultation took place during the Covid-19 pandemic, placing the indigenous groups under risk of contamination. The Xikrin from Trancheira Bacajá Indigenous Land and other indigenous communities from the Big Bend who live in territories which have not yet been demarcated were not consulted. Neither were the traditional fishing

https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/parecertecnico_ufpa-ufrn_eia-ci_de_belo_sun.pdf

⁶⁰ EMERMAN, Steven. Evaluation of the Tailings Dam, Cyanide Use and Water Consumption at the Proposed Volta Grande Gold Project, Pará, Northern Brazil, at http://xinguvivo.org.br/wp-content/uploads/2020/06/Volta_Grande_Report_Emerman.pdf

and riverine communities of the Big Bend. Several court orders have recognized the violation of these communities' right to consultation and consent.

- iii. **Violation of local communities' freedom of movement.** In 2013, a lawsuit was filed by the Public Defender's Office of the state of Pará against Belo Sun for hiring a group of armed security guards who had been threatening riverine populations, fishing communities, and artisanal miners who live in the Big Bend region. The community was being prevented from accessing public areas used for circulation, fishing and extractivism by the guards, as if these areas were already company property. The company is also responsible for the installation of signs in public areas prohibiting traditional subsistence activities of these communities, such as hunting, fishing, and gathering of nuts, and even access by locals. The Public Defender's Office filed charges with the Agrarian Court, which ordered the immediate suspension of any actions by Belo Sun and its agents that would prevent residents from having the freedom to come and go on public lands, as well as the removal of all signs installed without legal authorization. Despite this judicial decision, in 2021 Belo Sun hired the private security company Invictus to carry out the surveillance of the VGP site. Invictus began implementing the same measures that had been denounced in 2013, placing armed security guards in the territory, hindering local communities' movement and access to sites used for fishing, hunting and extractivism. Local communities denounce that the private guards walk around armed, questioning people and preventing them from passing through certain areas. They have also complained about the guards shooting up during the nights to scare local communities and to reinforce their presence on the ground. The military police was sent by the Defenders Office to check on it, but according to the communities when they patrol the area they say to the communities that the guards are acting accordingly with their duty to protect Belo Sun's property.
- iv. **Violation of the right to land, housing and livelihood.** As of 2022, Belo Sun had illegally acquired circa 2700 hectares of land within the Ressaca Agrarian Reform Settlement, displacing the families who lived on and off the land. The acquisition of public land destined for agrarian reform - for the settling of low-income peasants who want to produce on the land - is a violation of the right of peasant families to land and a violation of the Brazilian constitution, which institutes the agrarian reform program. Moreover, the implementation of the Volta Grande Project would result in the eviction of three villages – Ressaca, Galo, and Ouro Verde – and the shrinking of the Ressaca Agrarian Reform Settlement. The rights to housing and land of these communities, as determined under the Brazilian Federal Constitution, are under threat, and the details of Belo Sun's compensation and relocation plans remain unclear. The mentioned communities have a traditional connection with their land, which allows them to build lives around small agriculture, fishing, extractivism and artisanal mining. Their relationship with their lands cannot be defined from the proprietary point of view, but rather from the concept of territory designed by the Inter-American Court of Human Rights in the case of Pueblo LLakha Honhat Vs Argentina. The forced displacement that is being held upon these traditional riverine communities will lead to serious impacts in their livelihoods, imposing on them the abdication of a life organized around nature and its possibilities and requiring economic and cultural adaptations that the company has neither recognized or compromised to support. Furthermore, the compromising of their livelihoods would also result in economic vulnerability and falling into poverty.
- v. **Right to a healthy environment, to water and to health:** The VGP will irreparably impact the local rivers and creeks (two of them will be transformed into reservoirs, one into a tailings dam), and lower the underground water levels. Lower water levels are likely to negatively impact family agriculture. The VGP tailings dam poses significant concerns for its potential

for water contamination in the event of a tailings rupture or spill like we saw in Brumadinho in 2018. The mine is expected to generate 504 million tons of waste during its 18 years of production. In its 2012 Environmental Impact Assessment, the company said it would use a wet tailings system to store mine waste during production, storing 35.43 million cubic meters of mine tailings and water behind a 44- meter high tailings dam along the banks of the Xingu River. These types of tailings designs pose significant environmental risks related to their stability, location, and design, and is cause for significant concern for both the health of the Xingu River and the entire area – the Xingu River being a major tributary of the Amazon River. A 2020 study analysing Belo Sun’s proposed dam found significant cause for concern: “The recycling of the cyanide leachate between the tailings reservoir and the ore processing plant has the potential to enrich the tailings water in antimony, arsenic, and mercury. The dam has not been designed with any seismic safety criterion and with no study of local or regional seismicity. In the most likely failure scenario, the initial runout of tailings would cover 41 kilometres with significant impact on the Arara de Volta Grande do Xingu indigenous land.”⁶¹ The high risks of irreversible damages on the environment and the scientific questioning of the VGP are enough to demand States to act according to the prevention and precautionary principles, restraining the company’s actions and preventing any materialization of harm. We recall that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The contamination of the water of Xingu river would cause an environmental catastrophe, that would go from toxic water to massive death of flora and fauna in the middle of the Amazon. That would not only violate the right to a healthy environment for thousands of communities that live alongside the river, but it would also expose them to serious health hazard and even death from poisoning.

- vi. **Right to adequate food:** Open pit mining of gold means deforestation, explosives, contamination and privatisation of land. It will have an evident and irreparable impact on local fauna and flora, on the quality of the water, and on the immediate capacity of communities to access nutritious food in an adequate and dignifying way. As mentioned above, all the communities living in the area are deeply dependent on the access to the forest and the river for their livelihood. They are fisherfolks and hunters who need clean rivers and forests to feed themselves. They are small-scale farmers that need non- contaminated land and water to farm, extract and fish.
- vii. **An attack on the culture and forms of life of the Big Bend:** The scale of the planned operations, the proximity to the river and communities dependent on this unique and globally significant ecosystem is a pathway towards eco-genocide, i.e., to the systematic destruction of an ecosystem which is intertwined with destruction of the people, the communities and the material and immaterial forms of life which depend on it. As presented above, the Big Bend is home to a mosaic of indigenous Peoples, traditional communities and peasant communities, all of which depend on the Volta Grande and whose right to their forms of life, of social organization, and to culture will be violated with the construction of the VGP.

IV. Methodology

⁶¹ Steven H. Emerman, Ph.D., Malach Consulting, LLC, Evaluation of the Tailings Dam, Cyanide Use and Water Consumption at the Proposed Volta Grande Gold Project, Pará, Northern Brazil, Report written at the request of Amazon Watch, submitted June 1, 2020, available from https://xinguvivo.org.br/wp-content/uploads/2020/06/Volta_Grande_Report_Emerman.pdf

The case documentation responds to systematic monitoring in collaboration with national human rights organizations, grassroots movements and Indigenous allies. The research was conducted primarily through publicly available secondary sources on official websites such as the Ministry of the Environment, the Ministry of Mines and Energy, the National Foundation for Indigenous Peoples (FUNAI), the Federal Public Ministry, as well as media outlets, and investigative journalism that relies on verified data. The official site of the mining company Belo Sun Mining Corp. along with all the documentation related to the project in question was also thoroughly analyzed for the production of this material.

Potássio Autazes Project, BRAZIL POTASH

I. Summary case information:

Project Name: Potássio Autazes Project

Location: Municipality of Autazes, in the Brazilian state of Amazonas over the Soares/Urucurituba Indigenous Land of the Mura ethnic group.

Companies involved: Potássio do Brasil Ltda., controlled by the Canadian Brazil Potash⁶²

Financial Entity: Forbes & Manhattan

Sector: Mining

Project status: Environmental licensing process currently stalled due to irregularities, with the project's preliminary license (PL) suspended since 2017. Consultation process with Mura indigenous communities also stalled until the newly elected Brazilian federal government takes a stand on the Autazes Potash project. The following orders of the Federal Court must be complied with by the new Brazilian government:

1. decision of September 2022⁶³ - proceed with the necessary actions and studies to demarcate the Soares/Urucurituba Indigenous Land;
2. decision of February 2023⁶⁴ - formalize authority over the licensing process under federal jurisdiction (Ibama), which could lead to the nullity of the entire Brazil Potash process, including the cancellation of the PL acquired by the company through a state agency.

Populations and affected groups: Mura Indigenous communities (around 12,000 people) and riverine communities.

Main HR violations: Right to self-determination, right to a healthy environment, right to water, right to land, right to adequate processes of consultation, and to free, prior, and informed consent (FPIC)

Organizations responsible for case documentation: Amazon Watch and UNISINOS Center for Human Rights⁶⁵.

II. Brief description and importance of project:

Brazil Potash intends to install a port, an industrial mining plant, a connecting road, a water pipeline and a transmission line. These structures would be located precisely above the self-demarcated Soares/Urucurituba Indigenous Land, less than 3 km from the Jauary Indigenous Land and 6.33km from the Paracuhuba Indigenous Land⁶⁶ - all belonging to the Mura ethnic group, the last

⁶² This is standard practice for Canadian mining companies operating in Latin America, as will be seen in other cases submitted alongside this one. The creation of a subsidiary company in the country of interest, although common, leads to the misuse of the legal systems as a way to avoid responsibilities that should fall on the parent company controlling the project

⁶³ <https://drive.google.com/file/d/14IGuHL3jXuJMbbVcKVafJoi0RGVaYjMk/view?usp=sharing>

⁶⁴ <https://drive.google.com/file/d/1GjGTsTr06pduuHwDrRxKzSILDcyNihaO/view?usp=sharing>

⁶⁵ <http://unisinob.br/blogs/ndh/>

⁶⁶ According the Public Civil Action No. 0019192-92.2016.4.01.3200

two already officially recognized by the Brazilian State. The expected underground pit mine will be approximately 900 meters deep with a lifetime of at least 23 years.

In 2009, the mining company Brazil Potash began its activities by drilling wells and advancing into the region of Autazes by harassing local residents, in particular the Mura of the Soares/Urucurituba Indigenous Land, to sell their land to the company. Besides offering very low prices for their lands, traditionally occupied for centuries, there are also testimonies⁶⁷ of explicit threats of forced eviction for those who did not agree to sell them.

It was only in 2015 that the project's environmental impact study (EIA-RIMA)⁶⁸ was carried out, and in 2016 the licensing process was paralyzed by a federal court decision. The understanding was that the PL was issued irregularly given that the free, prior and informed consent and consultation with the riverine communities and with the Mura indigenous communities should have been carried out before that. The project's activities, however, were only truly suspended in 2017 when the Public Prosecutor's Office (MPF) took the case to court and reached a settlement⁶⁹.

This case provides elements to understand the modus operandi of Canadian companies in Latin America. Several maneuvers are adopted and most of the time carefully negotiated with government authorities and financial institutions, and the four years of the Bolsonaro government were a great example of this when it comes to the mining sector.

As mining on Indigenous lands is banned under Brazilian law, a discursive maneuver adopted by the Canadian mining company was to deny⁷⁰ the Indigenous identity of the Mura people of the Soares/Urucurituba land, who have been fighting for 20 years to demarcate their lands. In all its communications to investors including its Corporate Updates, this area is misleadingly referred to only as a common village, not as Indigenous Land. The Soares/Urucurituba Indigenous Land was self-demarcated in 2018 by the Mura themselves but this important information does not appear in the project's EIA-RIMA, which should have been updated accordingly. In September 2022 the Federal Court ordered⁷¹, at the request of the Federal Public Ministry, that FUNAI create a Working Group to study and finally demarcate the Soares/Urucurituba Indigenous Land. This information is also not available in the mining company's communication channels.

Another standard discursive maneuver identified is the political use of terms such as "sustainable development, national interest and public utility". This case involves two mega sectors of the Brazilian economy: mining and agribusiness. More than 90% of the potash that subsidizes Brazilian agriculture is still imported, mostly from Russia and Belarus. In this sense, the conflict between Russia and Ukraine was used politically⁷² by mining representatives and Brazilian authorities to advance the agenda of a National Fertilizer Plan⁷³ (whose raw material is salvinite, from which potassium is extracted). According to them, this plan to supply Brazilian agribusiness would be of

⁶⁷ <https://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/apos-coacao-a-indigenas-e-liminar-sobre-demarcacao-de-terra-mpf-pede-suspensao-de-licenca-concedida-a-potassio-do-brasil-para-exploracao-mineral-em-autazes-am>

⁶⁸ EIA <http://www.ipaam.am.gov.br/wp-content/uploads/2022/04/EIA-POTASSIO-DO-BRASIL-2015.pdf>; RIMA <http://www.ipaam.am.gov.br/wp-content/uploads/2022/02/Relatorio-de-Impacto-Ambiental-Pot%C3%A1ssio-do-Brasil-Mina-de-Silvinita-IPAAM-site.pdf>.

⁶⁹ MPF - Em acordo na Justiça, MPF/AM garante consulta prévia a comunidades sobre projeto de mineração em Autazes. <https://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/em-acordo-na-justica-mpf-am-garante-consulta-previa-a-comunidades-sobre-projeto-de-mineracao-em-autazes>

⁷⁰ <https://amazoniareal.com.br/especiais/the-potassium-war-in-autazes/>

⁷¹ <https://drive.google.com/file/d/14IGuHL3jXuJMbbVcKVafJoi0RGVaYjMk/view?usp=sharing>

⁷² <https://news.mongabay.com/2022/05/draft-push-for-potash-mine-in-brazils-amazon-looms-over-indigenous-people/>

⁷³ <https://oglobo.globo.com/economia/noticia/2023/02/lula-tera-de-decidir-sobre-exploracao-de-potassio-para-fertilizantes-perto-de-indigenas-na-amazonia.ghtml>

national interest and public utility as it would promote sustainable development in the Amazon⁷⁴. It is worth noting that while agribusiness is the backbone of the Brazilian economy, it is also one of the main drivers⁷⁵ of Amazon destruction and human rights violations in the region along with other extractive activities. This has been a tactic known to reinforce a manufactured notion of the essentiality of mining on economic or climate grounds without including the risks and costs of irreversible socio-environmental damage that derive from the misconduct of the permitting process and/or consultation with affected populations.

Brazil Potash has announced its intention to invest US\$2.5 billion once it gets the installation license after the reinstatement of its preliminary license, which they expect will happen in 2023. For this, the mining company has used the financial strategy of anticipated sales⁷⁶ as in the case of the agreement with Amaggi⁷⁷ - a giant Brazilian agribusiness company - to try to obtain this necessary investment volume. This attempt, however, is no guarantee since the purchase intention cannot be securitized. Combined with this scenario, the change in the Brazilian federal government, legal barriers in environmental licensing, and violations of Indigenous rights demonstrate the unfeasibility of yet another Canadian mining project being installed in the Amazon Rainforest.

III. Main rights violations:

The Autazes Potash Project represents a real threat to the Indigenous peoples and other traditional communities living in the region, as well as concrete threats to the balance and integrity of the Amazonian ecosystem.

Several impacts are already predicted in the EIA-RIMA conducted by Brazil Potash, including: risk of altered air quality, risk of erosion and altered noise levels, risk of altered surface and underground water quality; risk of reduced native plants, risk of increased deforestation and formation of forest islands resulting from surrounding vegetation suppression, reduction of local fauna animals that may suffer isolation, frightening, trampling and increased unauthorized hunting, risk of reduced aquatic species due to altered environment by potential water contamination and increased fishing, risk of increased incidence of disease-transmitting insects; unplanned population growth increasing pressure on already scarce public services, risk of intensification of social problems (violence, drug use, sexual exploitation, infectious diseases), real estate speculation and risk of irreversible destruction of archaeological sites.

The impact mitigation actions planned for these risks have not been technically evaluated based on local reality, and therefore remain inadequate to effectively reduce or reverse the high potential damage incurred. An example is the lack of a conclusive study on the soil's support capacity to withstand the dry residues deposited underground after processing sylvinitite for potash extraction.

The main violations resulting from this project of the Canadian mining company Brazil Potash deeply affect the Mura People. Some of them are listed below:

- i) **Right to self-determination.** The Canadian mining company interests and the complicity of politicians to subsidize agribusiness are leading to a total erasure of the Mura people living in the Soares/Urucurituba Indigenous Land and their right to self-determination as Indigenous

⁷⁴ <https://amazoniareal.com.br/wilson-lima-insiste-na-mineracao-no-amazonas/>

⁷⁵ [https://www.panda.org/discover/knowledge_hub/where_we_work/amazon/amazon_threats/unsustainable_cattle_ranching/#:~:text=Habitat%20conversion%2C%20commonly%20referred%20to,current%20deforestation%20\(Nepstad%20et%20al](https://www.panda.org/discover/knowledge_hub/where_we_work/amazon/amazon_threats/unsustainable_cattle_ranching/#:~:text=Habitat%20conversion%2C%20commonly%20referred%20to,current%20deforestation%20(Nepstad%20et%20al)

⁷⁶ <https://valor.globo.com/agronegocios/noticia/2023/02/03/brazil-potash-faz-nova-ofensiva-pelo-potassio-do-amazonas.ghtml>

⁷⁷ <https://www.reuters.com/markets/commodities/brazil-potash-amaggi-sign-offtake-marketing-agreements-amazon-mines-2022-10-03/>

people on their traditionally occupied lands. Canada's obligation to uphold the human rights of Indigenous peoples is asserted by the 2007 UN Declaration on the Rights of Indigenous Peoples, which includes due respect for the autonomy and self-determination of these populations. As the parent company of Potássio do Brasil LTDA, Brazil Potash bears direct responsibility for this violation and must be held accountable.

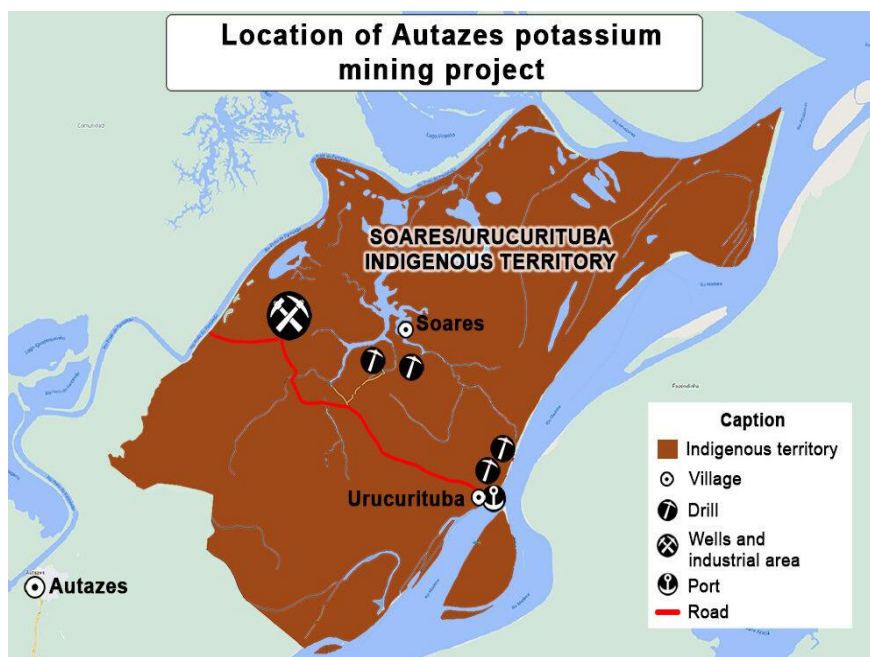
- ii) **Right to an adequate process of consultation and free, prior, and informed consent (FPIC).** Starting activities before ensuring that the Mura people have proper knowledge about the timeframe, intensity and size of the Autazes Potash project is a direct violation of their rights. Although Canada is not a signatory to Convention 169, Brazil has ratified it since 2002⁷⁸, and therefore Brazil Potash must comply with the regulations and laws of the country where it operates to properly ensure this right to local populations. A pattern of abuses is identified since the announcement of the intended project and systematically constitutes the project's environmental licensing process:
- a) Approach adopted by the Canadian mining company to co-opt members and fragment communities and families, in a classic "divide and conquer" strategy.
 - i) In March 2022, the Federal Court ordered the nullity of the land purchase made illegally by Brazil Potash, based on respect for tradition and territoriality of local populations⁷⁹
 - b) Lack of transparency towards communities and investors, with low-quality information and no comprehensive and/or up-to-date environmental impact studies.
 - c) Identification of coercive actions to force consent to the expansion of the mining company's activities, particularly intense during the COVID-19 pandemic period⁸⁰.
- iii) **Right to a healthy environment.** The project's EIA-RIMA also predicts direct impacts on the health of the affected environment, in particular on water courses with the injection of brine, and changes in the quality of groundwater in shallow aquifers near the tailings pile and industrial area. Studies conducted by experts monitoring the case for years show that "once the organisms of the river are adapted to the sweet water, the increase in salt concentration caused by potassium mining wastes has the potential to significantly change the rivers' ecosystems."⁸¹

⁷⁸ [https://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:2507317,en#:~:text=2,-The%20Indigenous%20and%20Tribal%20Peoples%20Convention%2C%201989%20\(No..in%20force%20in%20that%20country.](https://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50012:0::NO::P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:2507317,en#:~:text=2,-The%20Indigenous%20and%20Tribal%20Peoples%20Convention%2C%201989%20(No..in%20force%20in%20that%20country.)

⁷⁹ <https://drive.google.com/file/d/1la7nWglwxtOz5EY3Mv8YKwHqyMapNLp9/view?usp=sharing>

⁸⁰ <https://news.mongabay.com/2022/05/draft-push-for-potash-mine-in-brazils-amazon-looms-over-indigenous-people/>

⁸¹ Amazônia Real. A guerra do potássio em Autazes. March 2022. <https://amazoniareal.com.br/especiais/projeto-autazes/>



Map created and translated by Amazônia Real

IV. Methodology

The case documentation responds to systematic monitoring in collaboration with national human rights organizations and indigenous allies. The research was conducted primarily through publicly available secondary sources on official websites such as the Ministry of the Environment, the Ministry of Mines and Energy, the National Foundation for Indigenous Peoples (FUNAI), the Federal Public Ministry, as well as media outlets, and investigative journalism that relies on verified data. The official site of the mining company Brazil Potash along with all the documentation related to the project in question was also thoroughly analyzed for the production of this material.

Coringa Gold Project, CHAPLEAU MINING CORP.

I. Summary of case information

Project name: Coringa Gold Project (CGP)

Location: Municipalities of Novo Progresso and Altamira, at Pará state, Brazilian Amazon.

Company: The CGP was owned and developed by the Canadian mining company Chapleau Resources Ltd. and its Brazilian subsidiary Chapleau Mineral e Exploração Ltda. from 2006 to 2009. In 2009, Chapleau was acquired by the Canadian corporation Magellan Minerals Ltd., which undertook extensive exploration programs on the property. In May 2016, the Canadian company Anfield Gold Inc.⁸² acquired Magellan Minerals. In 2017, immediately after obtaining an environmental license, Anfield sold the CGP to Serabi Gold, a British company. Throughout these transactions, the national subsidiary has always been called Chapleau Mineral e Exploração Ltda. Even though the CGP has not been owned by a Canadian company since 2017, we have included it in this review as it portrays the *modus operandi* of Canadian mining companies in Brazil, which includes taking aggressive and often illegal measures to obtain environmental licenses and mining

⁸² Anfield was formerly named Anfield Nickel Corp. Upon completion of its acquisition of Magellan Minerals Ltd. (including Chapleau and the Coringa Gold Project) its name was changed to Anfield Gold Corp. on May 10th 2016.

permits; failure to consult with local communities and Indigenous peoples; striking deals with land grabbers in order to obtain land surface rights; fostering of disagreement and conflict upon affected communities; use of misleading information to attract and maintain investors; and subsequent selling of assets to larger companies, thus hindering corporate accountability for rights violations.

Sector: Gold mining

Project status: Since 2017, the CGP has been operating with a license for mineral research and "trial mining" (more on this below)⁸³. The license expired in August 2022 and, since December 2021, environmental and mining agencies have been prohibited by court order to issue any further licenses or authorizations to the project given the lack of studies showing how it will impact the Kayapó Indigenous peoples and their lack of free, prior and informed consultation and consent.⁸⁴

Affected peoples and communities: Circa 300 peasant families of the Terra Nossa Sustainable Development Project (PDS Terra Nossa), where the mining project is located; Kayapó Indigenous peoples from the Baú Indigenous Land (circa 500 inhabitants), situated 11 km from the mining site; possibly Kuruáya Indigenous peoples from the TI Kuruáya (circa 160 inhabitants) and Xipaya Indigenous Peoples from the Xipaya Indigenous Land (circa 170 inhabitants).⁸⁵

Impacted ecosystem: The CGP is located in the southwestern portion of Pará State, in the Brazilian Amazon. The project sits within the environmental preservation area of a federal land reform settlement - the Terra Nossa Sustainable Development Project (PDS Terra Nossa) - and on the headwaters of the Curuá River, a crucial water body that runs across the Kayapó, Xipaya and Kuruáya Indigenous Lands. In the early 1990s, the entire region where the CGP is today located was identified by federal ordinance as traditional territory of the Kayapó Indigenous peoples.⁸⁶ This ordinance was repealed in 2003 with no legal justification after intense mobilization of land grabbers and timber extractors in the region.⁸⁷ The arbitrary reduction of Indigenous lands is unconstitutional, and, in this case, favored the interests of those who pillage this threatened ecosystem.⁸⁸ With the reduction of the TI Baú, the headwaters of the Curuá River were left outside the Kayapó's formally recognized traditional territory, leaving these headwaters, and the Indigenous Peoples who depend on the Curuá, more vulnerable. In 2006, the Federal Government instituted in the same area the PDS Terra Nossa meant to strengthen the environmental protection of the area. Since its institution, land grabbers, miners and timber extractors have been trying to reduce or annul the PDS Terra Nossa. This would revert the PDS into undesignated federal public land, making it easier to appropriate and pillage.⁸⁹ Therefore, the CGP is located in a region of utmost social, cultural and environmental importance, upon the headwaters of the Curuá River, in an area that has been identified as the traditional territory of the Kayapó Indigenous Peoples and which today is the environmental preservation area of an environmentally differentiated land reform settlement.

Main human rights abuses: Violation of the Right to Participation, Autonomy and Consultation, Violation of the Right to Land and Territory; Violation of the Right to Live in a Healthy Environment.

⁸³ Operating License (Licença de Operação - LO) n.º 10.902 de 2017, issued by the Pará State Department of Environment and Sustainability (SEMAS/PA).

⁸⁴ See Public Civil Suit n. 0001592-34.2017.4.01.3908, Judge Souza Prudente. The first, monocratic, decision, was issued on December 21st 2021, and this decision was upheld by the Fifth Chamber of the Federal Court of Appeals of the 1st Region (TRF-1) on August 22nd, 2022. Available at: <https://www.mpf.mp.br/regiao1/sala-de-imprensa/docs/acordao-ti-bau>

⁸⁵ The Xipaya and the Kuruáya are further away than the Kayapó from the mining site, but the Curuá River runs through their land and there is the possibility they will be affected by the contamination or reservation of its headwaters. Thus far, no specific EIA has been carried out to assess these possible impacts.

⁸⁶ Federal Ordinance (Portaria) n.º 645/1991 of the Federal Ministry of Justice, available at: <https://acervo.socioambiental.org/sites/default/files/documents/MGD00034.pdf>

⁸⁷ Federal Ordinance (Portaria) n.º 1.487 of the Federal Ministry of Justice, signed by Minister Márcio Thomaz Bastos.

⁸⁸ Cf. *Dono é quem desmata*, pg. 105.

⁸⁹ On the illegal reduction of the PDS Terra Nossa in 2015, following an agreement between miners, land grabbers, and timber extractors, see INCRA, *Diagnóstico Fundiário do PDS Terra Nossa*, Santarém, 2018. Available at: <https://reporterbrasil.org.br/wp-content/uploads/2022/02/diagnostico-fundiario-do-pds-terra-nossa-2016.pdf>

Organization that documented the case: Amazon Watch

II. Brief description and importance of project

The Coringa Gold Project (CGP) is an underground gold mining project situated within the environmental preservation area (called "legal reserve") of the Terra Nossa Sustainable Development Project (PDS Terra Nossa), an environmentally-differentiated federal land reform settlement which is home to over 300 families.⁹⁰ The mine is located 11 kilometers from the Baú Indigenous Land, traditional territory of the Kayapó Indigenous peoples, and sits on the headwaters of the Curuá River, which runs through the Baú, Xipaya and Kuruáya Indigenous Lands before flowing into the Iriri River. The CGP consists of seven concessions totalling 13,647.78 ha.⁹¹ The concessions are today fully owned by Serabi through its 100% owned Brazilian subsidiary, Chapleau Exploração Mineral Ltda. (Chapleau). These concessions were previously owned and developed by the Canadian mining companies Chapleau Resources Ltd. (2006-2009), Magellan Minerals Limited (2009-2016) and Anfield Mining Inc. (2016-2017).

The mining project is situated in an extremely threatened and pillaged region of the Brazilian Amazon. It sits in the influence area of the Federal Highway BR-163, which, for the past decades, has been affected by different forms of organized plunder, including illegal timber extraction, land grabbing and illegal gold mining. The illegal organizations that thrive in the region have led to extreme violence against community leaders who denounce and resist their crimes. Since 2018, at least 4 people involved in the reporting and investigation of land grabbing in the legal reserve of the PDS Terra Nossa were murdered. Many others have suffered ongoing threats, intimidation and violence.⁹²

The CGP is part of and feeds into these circuits of violence and criminality, and Canadian companies have had a crucial role in its development from 2006 until 2017. Industrial mining is incompatible with a sustainable use land reform settlement, but the Canadian company Chapleau Resources Ltd. purchased the CGP mining interests in the area in 2006, *after* the PDS Terra Nossa had been instituted by the Federal Government. Chapleau did not have authorization from the National Land Reform Agency (INCRA), which is responsible for land reform policy and land settlements, to carry out prospection in the area, but it did so anyway. As of 2009, the mining project was purchased by the Canadian Magellan Minerals Ltd, which went on to carry out extensive exploration programmes on the land - all without the permission of Incra, the consent of Indigenous Peoples or the consent of families from the PDS Terra Nossa. Anfield Gold Corp., which purchased the CGP in 2016, carried out the same practices.

The CGP is situated within the legal reserve of the PDS Terra Nossa, an area that is legally destined for environmental preservation and for sustainable use by settled peasant families. The legal reserve is a communal area that occupies 80% of the PDS and cannot be privately appropriated. It is crucial for the PDS to function, since the settled families need this land for sustainable forest use. In the PDS Terra Nossa, the legal reserve is almost entirely encroached by illegal land grabbers. It is with these land grabbers that Magellan Minerals and later Anfield Gold Inc. (both Canadian

⁹⁰ For a detailed analysis of the PDS Terra Nossa, see INCRA, *Diagnóstico Fundiário do PDS Terra Nossa*, Santarém, 2018.

⁹¹ Anfield Gold, Coringa Mining Project Feasibility Study NI 43-101 Technical Report, 2017. Available at: <https://serabigold.wpenginepowered.com/wp-content/uploads/2018/02/Coringa-FS-43-101.pdf>

⁹² See: Torres, M.; Doblas, J. and Alarcon, D., *Dono é quem desmata: Conexões entre grilagem e desmatamento no sudoeste paraense*; and Human Rights Watch, *Máfias do Ipê: Como a Violência e a Impunidade Impulsionam o Desmatamento na Amazônia Brasileira*, available at <https://www.hrw.org/pt/report/2019/09/17/333519#:~:text=Todos%20os%20dias%2C%20muitas%20pessoas.dezenas%20desses%20defensores%20da%20floresta.>

companies) signed and maintained land acquisition agreements which enabled the prospecting and mining of gold.⁹³

In 2017, the Pará State Department for Environment and Sustainable Development (SEMAS) issued an environmental license authorizing Chapleau Ltda. (Brazilian subsidiary) to carry out "trial mining" of gold ore. This "trial mining" permit allows for the extraction of up to 50,000 tons of gold ore per year. The license, as well as the mining permits, were obtained without consulting Indigenous peoples and without the presentation of an environmental impact assessment (EIA), and therefore, without any clarity about how the mining activities would impact local communities, Indigenous peoples and the Curuá River headwaters.

In 2017, the Federal Public Prosecutors Office (MPF) filed a suit against Chapleau and the government of Pará, demanding that all mining activities stop and all environmental and mining permits be suspended until a proper EIA has been developed and until there is free, prior and informed consent of Indigenous communities. In 2021, the Federal Court of Appeals of the First Region (TRF-1) decided in favor of the MPF and ordered that no further licenses and permits be issued to Chapleau until it has submitted and EIA and until free, prior and informed consultation and consent are carried out with the Kayapó from the TI Baú. This decision is valid until today.

Right after Anfield obtained this license, it sold Chapleau, along with the Coringa Gold Project, to Serabi, which today is mining within the PDS Terra Nossa.

Throughout the licensing process, investors of the CGP were told misleading information, such as that the mine was "close" to a land reform settlement (and not blatantly within it), and that Indigenous peoples are "wards of the state" in Brazil, and need not be consulted if the federal government says consultation is unnecessary.⁹⁴ This information is false.

In a nutshell, the CGP is a case of three Canadian mining companies which have developed a gold mining project through blatant violation of Brazilian and international law. These companies - Chapleau, Magellan and Anfield - installed the CGP within a public area destined for land reform, environmental preservation and communal development; they have done this by acquiring land rights from illegal land grabbers and hindering local community access to the land; peasant families, traditional communities and Indigenous peoples were not consulted and did not consent to the project, and neither did INCRA, the federal agency to whom the PDS lands belong.

III. Main human rights violations:

- a. **Violation of the Right to Participation, Autonomy and Consultation:** The Canadian mining companies that owned and developed the CGP failed to implement environmental consultation processes aimed at the general population, as set out in Principle 10 of the Rio Declaration on Environment and Development. Nor did they follow processes of free, prior and informed consultation and consent with Indigenous groups meeting the standards established in Convention 169 of the ILO and in the UN Declaration on the Rights of Indigenous Peoples. These companies are notable for their failure to provide detailed environmental information. In 2017, Chapleau obtained a trial mining license **without having concluded an Environmental Impact Assessment (EIA)**, and installation of the mining infrastructure inside the environmental reserve of Terra Nossa occurred **without the**

⁹³ Such contracts were signed as of 2013 with people who have been formally identified as land grabbers within the PDS Terra Nossa. See: INCRA, *Relatório de Atividade Minerária da Empresa Chapleau Exploração Mineral Ltda. no PDS Terra Nossa*, 2017.

⁹⁴ All information found in Anfield Gold, Coringa Mining Project Feasibility Study NI 43-101 Technical Report, 2017. Available at: <https://serabigold.wpenginepowered.com/wp-content/uploads/2018/02/Coringa-FS-43-101.pdf>

acquiescence of the government agency with jurisdiction over the land and without informing settled families, who are directly impacted by the project.⁹⁵ Anfield Gold Inc. claimed that the CGP would not affect the Kayapó Indigenous Peoples - despite their land being only 11 km away from the mining site - and did not carry out specific Indigenous impact studies nor consultation process. In December 2021, a Federal Court of Appeals Judge recognized the illegality of this situation and ordered that government bodies not issue any licenses to the CGP until the company could effectively prove that Indigenous groups would not be impacted by the mine or until free, prior and informed consultation and consent was carried out with the Kayapó. This was ratified by the Fifth Chamber of the Court of Appeals in June 2022. It is important to consider that the mining activities will likely also impact other Indigenous peoples, such as the Kuruáya and the Xipaya, that depend on the Curuá River for their livelihoods, and who should therefore also be consulted.

- b. **Violation of the Right to Land, and territory:** The Canadian mining companies involved in the CGP have engaged in **irregular land acquisition practices** within the PDS Terra Nossa and **hindered community access to land**. In order to access the surface rights which are necessary for mineral prospecting and mining, Magellan and Anfield signed land use contracts with people who are illegally grabbing land within the environmental reserve of the PDS Terra Nossa. These land deals were done without consultation to INCRA, to whom the land belongs, or to local communities or Indigenous peoples affected by the mining project. Moreover, in order to carry out mine development, the Canadian mining companies **placed fences and armed security guards** at the gates of what they claim to be their estate - but which is really illegally encroached public land. Local communities cannot access the land for extraction, hunting, or other activities - they are deprived of their right to land. The encroachment of their communal lands lead to the impossibility of food extraction and production by the peasant families, therefore violating their human right to food.

The prospecting and trial mining in the PDS Terra Nossa are already affecting the families who are settled within the PDS. On a daily basis, heavy trucks transit across the settlement, passing in front of the settlement's primary school and putting the children and other inhabitants at risk.⁹⁶

Since Anfield did not carry out an EIA for the trial mining permit, it is impossible to say for sure how the current stage of mining development will affect the territories of the Kayapó, Kuruáya and Xipaya Indigenous peoples. Since they are closest to the mine, the Kayapó are probably the most impacted. These impacts involve the contamination of rivers with cyanide used in the mine, changes in the availability of fish in the rivers due to underground explosions, changes in the availability of game, amongst others. All of this will profoundly impact the material and immaterial forms of life of the Indigenous peoples affected by the mining project.

- c. **Violation of the Right to a Healthy Environment:** The Canadian mining companies involved in the development of the CGP contributed to the installation of a gold mine within an environmental preservation area and upon the headwaters of the region's most important river. Although these companies did not carry out the mining, they were crucial in generating,

⁹⁵ INCRA, *Relatório de Atividade Minerária da Empresa Chapleau Exploração Mineral Ltda. no PDS Terra Nossa*, 2017.

⁹⁶ Ação civil pública

often through illicit practices, the conditions for the mine to function. The CGP foresees the construction of a large tailings dam and the use of cyanite to open up the mining caves. These will have profound impacts on the surrounding environment.

IV. Methodology

This case study was systematized based on extensive secondary data and literature review (see references throughout the text) in addition to documents by the mining companies involved in the CGP (such as feasibility studies) and by government agencies (such as INCRA and Funai). These include mining feasibility studies, impact assessments, and official reports. Legal suits and court decisions, especially those regarding the illegal character of mining operations within the PDS Terra Nossa, were also thoroughly analyzed. Finally, the research team has been monitoring the situation of land grabbing and violence in the region, and its connections to the CGP, for about 2 years. This monitoring is done through interactions with community leaders and organizations that work in the region, such as the Comissão Pastoral da Terra (CPT).

Aurizona Gold Mine, EQUINOX GOLD CORP.

I. Summary of case information

Project name: Aurizona Gold Mine Project

Location: Aurizona district, in the Brazilian state of Maranhão, municipality of Godofredo Viana

Company: Mineração Aurizona S.A. (MASA), controlled by the Canadian company Equinox Gold Corp.

Sector: Gold mining

Project status: In production and in expansion⁹⁷

Affected peoples and communities: At least 4,000 people in Aurizona district

Impacted ecosystem: Brazilian Amazon Rainforest, an area of the Maranhão Legal Amazon between the watersheds of the Maracaçumé and Gurupi rivers

Main HR violations: Right to a healthy environment, right to water, right to information and participation, rights to peaceful assembly and of association, right to adequate housing

Organization that documented the case: Amazon Watch, Mining Watch Canada, Earthworks

II. Brief description and importance of project

Aurizona is an open-pit gold mine with an average gold production estimated at 130,000 ounces of gold per year. Its average 6.5 years lifetime has expansion potential up to 11 years⁹⁸. Today, it is one of the five largest gold mining projects in Brazil.

The installation of the Aurizona project for gold extraction began in 2007 through the subsidiary MASA, until then controlled by the Canadian company Luna Gold. The project implementation phase lasted from 2007 to 2010. The Vené tailings dam and the metallurgical plant were built in 2009 and the Aurizona Project started operations in 2010.

Equinox Gold took management of the Aurizona mine in 2016, completing the feasibility

⁹⁷ <https://equinoxgold.com/news/equinox-gold-files-technical-report-for-aurizona-gold-mine>

⁹⁸ Equinox Gold website. Aurizona Gold Mine. Producing Gold in Brazil. <https://equinoxgold.com/operations/operating-mines/aurizona-gold-mine/#overview>

study in 2017. It started construction in early 2018 and achieved commercial production in July 2019. According to company information, the deposit has reserves with more than 200 tons of gold⁹⁹.

In addition to the dam, at the mine site, there are piles of waste rock, which reach 30 meters in height. These are located very close to where the communities live. In November 2018, a waste rock landslide¹⁰⁰ blocked road access to the community and affected mangroves and natural water streams. The material swept the road away affecting a mangrove habitat of approximately 100 m² and devastating the landscape.

In March 2021, the company was responsible for the Pirocáua Lake **dam break** that flooded with 10 million m³ of mud with toxic waste throughout local communities, contaminating the largest water reservoir in the region that supplied the entire district of Aurizona. This was how the entire population remained with no reliable access to clean water for months, and almost 2 years later the communities still have very compromised access due to the poor quality of the water, still contaminated.

In September 2021, the Company completed another pre-feasibility outlining an expansion plan¹⁰¹ for the Aurizona mine despite all protests against rights violations and environmental damage caused by its operations. A new road was built and concluded in 2022 without any free, prior and informed consent (FPIC) or consultation with the already affected communities. The pre-feasibility study contemplates a three-year capital development and construction timeline for the underground mine. Sustaining capital for the life of mine is estimated at \$383 million.

III. Main human rights violations:

Equinox Gold has been operating in the region for more than 15 years, but to date, the over-promised benefits have not reached the communities. The affected families, a total of 4,000 people, have no access to one of the most basic human rights, the right to water. Access to water is, therefore, the backbone of the problem surrounding this mega-mining project in the middle of the Maranhão Amazon.

The Aurizona Project has caused severe damage to the population's health (e.g. skin and respiratory diseases caused by dust and mineral particles in the air, intestinal problems and mental health problems, caused by stress and intense noise from explosives in the mines); to the region's water bodies (contamination); to the city's well-being due to the unplanned population growth, increasing the pressure on already scarce public services, among many other problems.

The paragraphs below describe the main rights violations for which Equinox Gold is responsible:

i. Violation of the right to water and to a healthy environment:

- a. Two years after the Pirocáua Lake dam broke, the 4,000 people affected in Aurizona still have limited or no reliable access to clean water for their own consumption, domestic work, or production. Studies proved¹⁰² that the water accessed by the communities is contaminated with heavy and toxic metals.

⁹⁹ <https://www.equinoxgold.com/investors/financial-reporting/>

¹⁰⁰ <https://www.mamnacional.org.br/2018/11/09/o-ouro-e-o-esteril-na-zona-do-ouro-maranhense/>

¹⁰¹ <https://equinoxgold.com/operations/growth-projects/aurizona-expansion/>

¹⁰² https://www.researchgate.net/publication/367166201_ESTUDO_PRELIMINAR_DOS_IMPACTOS_AMBIENTAIS_CAUSADOS_PEL_O_ROMPIMENTO_DA_BARRAGEM_PIROCAUA_NO_DISTRITO_DE_AURIZONA_NA_CIDADE_DE_GOD_OFREDO_VIANA_AMAZONIA_MARANHENSE/link/63c4c526d7e5841e0bd0e901/download

- ii. **Violation of the right to information and participation** (social control): complete lack of transparency, both in the inspection and in the monitoring of the mine's operations.
 - a. Equinox Gold has repeatedly stated that the dam break's cause in March 2021 was “exceptionally heavy rain (more than 450 mm), described as a 1-in-10,000-years rain event.”¹⁰³ However, an independent review¹⁰⁴ conducted by Dr Steven Emerman found that “no location on the Atlantic coast of Maranhão received more than 150 mm of rainfall over March 24-28,” which are normal rainfall levels for the region. The review by Dr Emerman concluded that “the root cause of the failure should be regarded as systematic neglect.” Another finding of the same study was that until July 2021 no Declaration of Stability Condition was submitted by the company for the Pirocáua Lake dam, being only submitted in September 2021.
 - b. According to documents from Brazil's regulatory agency on mining (ANM)¹⁰⁵, until February 2023 there was no record of any emergency action plan for the dam nor did the company regularly submit inspection and monitoring reports. Even local residents didn't know that this dam existed, as no other dam besides the Vené dam was ever reported to them.
 - c. The causes of the 2018 landslide remain unclear. Also, according to local councilors and fishermen, leaking material from the mine site reached local streams in 2014, causing the death of the fish. It is not known from what infrastructure the material came from and further demonstrates the company's lack of social control and monitoring.
- iii. **Violation of the right to peaceful assembly and of association:**
 - a. In October 2022 hundreds of people affected in Aurizona spent 9 days protesting to demand that Equinox Gold solve the problem of lack of drinking water caused by the dam break. In the negotiation meeting, Equinox Gold refused to settle and chose to criminalize and hinder the struggle of the affected people. In a decision, the court favored the company prohibiting protests, under penalty of a daily fine of R\$500 for each affected person. Besides the fine, Equinox asks the court to prevent the protests with "all other necessary measures, including the use of police force."¹⁰⁶

IV. Methodology

The case documentation responds to systematic monitoring in collaboration with national human rights organizations and indigenous allies. The research was conducted primarily through publicly available secondary sources on official websites such as the Ministry of the Environment, the Ministry of Mines and Energy, the Federal Public Ministry, reports from the National Council on Human Rights (CNDH), also from media outlets, and investigative journalism that relies on verified data.

¹⁰³ <https://media.business-humanrights.org/media/documents/2021-05-06 - Business Human Rights - Equinox Gold.pdf>

¹⁰⁴ https://earthworks.org/assets/uploads/2021/09/Aurizona_Mine_Report_Emerman.pdf

¹⁰⁵ ANM .SIGBM - Sistema Integrado de Gestão de Barragens de Mineração — Lagoa do Pirocáua. <https://app.anm.gov.br/SIGBM/BarragemPublico/Detalhar/C4C2A54786D3FB8F517314020C31910A1E30AD6C72A1C7EFA3719D74B1E38E4A>

¹⁰⁶ <https://mab.org.br/2022/10/18/atingidos-por-barragem-da-mineradora-equinox-gold-protestam-por-agua-potavel-ha-uma-semana/>

The official site of the mining company Equinox Gold along with all the documentation related to the project in question was also thoroughly analyzed for the production of this material.

COLOMBIA

APE-La Cabaña, GRAN TIERRA ENERGY

I. Información resumida del caso:

Nombre del proyecto: Bloque PUT-1 (Proyecto APE-La Cabaña) en el Municipio de Villagarzón

Ubicación: Municipios de Puerto Caicedo y Villagarzón, departamento de Putumayo, Colombia

Empresas involucradas: Gran Tierra Energy Colombia LLC.

Entidad financiera: Scotiabank, Societé Generale, CIBC, HSBC, Royal Bank of Canada, Credit Suisse, US Bancorp, Bank of America, BBVA, Canaccord Genuity, Natixis (entre otras)

Sector: Petróleo

Estatus del Proyecto: Detenido. La empresa Gran Tierra Energy Colombia LLC se desistió del proyecto petrolero APE - La Cabaña

Población o grupos afectados: 10 comunidades del pueblo Indígena Inga del municipio de Villagarzón, pertenecientes a los Resguardos de: San Miguel de la Castellana, Wasipungo, Blasyaco, Nukanchipa Alpa Amukunapa Wasi, Chaluyaco, Cabildo Saladillo laco, Nucanchipa Alpa Amukunapa Wasi - cabildo menor Cachiyaco Andaqui, Nuncanchipa Alpa Amukunapa Wasi - cabildo menor Musu Waira Sacha Nukanchipa, Cabildo Sacha Wagra y tres comunidades afrodescendientes pertenecientes a ADENECPU¹⁰⁷ de las vereda La Cabaña y San Fidel, y la comunidad Afro Villa de la vereda San Fidel.

Ambiente natural impactado: Humedal del asentamiento San Miguel de La Castellana, en Villagarzón, Amazonía colombiana, ecosistema frágil biodiverso.

Principales abusos de DDHH: Derecho a la consulta y al consentimiento previo, libre e informado; derecho al debido proceso; derecho a la autonomía de la comunidad y al territorio.

Organización responsable de la documentación del caso: Asociación Ambiente y Sociedad / Amazon Watch (con fuentes secundarias)

Organizaciones que suscriben el informe: Ambiente y Sociedad, la Asociación de Cabildos Indígenas del Municipio de Villagarzón (ACIMVIP) y EarthRights International.

II. Breve descripción de la relevancia del proyecto:

El 2012, la empresa Gran Tierra Energy Colombia comenzó un proceso de consulta previa para operar en el Bloque PUT-1. Uno de los primeros pasos era la obtención de la licencia ambiental ante el ANLA (Autoridad Nacional de Licencias Ambientales), para lo cual era necesario acudir al Ministerio del Interior con el fin de obtener un certificado de presencia de grupos indígenas. El Ministerio del Interior respondió señalando que no había presencia de pueblos indígenas en los confines del proyecto, y, por lo tanto, no había necesidad de iniciar el proceso de consulta previa. Todo ello, negando la presencia ancestral de los resguardos Ingas dentro del territorio. El 2014, el ANLA aprobó la licencia ambiental¹⁰⁸ y la empresa realizó intentos fallidos de operación.

La Asociación de Cabildos Indígenas del Municipio de Villagarzón (ACIMVIP) interpuso una acción de tutela que fue ganada en el año 2015; en la decisión, el Tribunal Administrativo de

¹⁰⁷ Asociación de Desarrollo de Negritudes del Corregimiento de Puerto Umbria. Ver:

https://assets.ctfassets.net/27p7ivvb14bs/473AP7gKPSQ8QmoUGS6kGk/7a0aaacb4d9677736502ea748be8afb7/86_Putu_mayo_PDT_2016-2019.pdf

¹⁰⁸ Disponible en: https://drive.google.com/file/d/1dlMFbjHV3VsANQmju3SebSvtxhs_qSMj/view

Nariño¹⁰⁹ ordenó la suspensión de la licencia ambiental hasta que se verifique, por parte de las autoridades competentes, la presencia o no de comunidades indígenas Inga en el territorio donde se adelanta el proyecto APE-La Cabaña. No fue sino hasta el año 2021¹¹⁰ que la Dirección de la Autoridad Nacional de Consulta Previa (DANCP) confirmó la presencia del pueblo Inga, pero solo del resguardo San Miguel de La Castellana y no en los otros. Los indígenas de ACIMVIP¹¹¹ interponen en el 2023 un recurso de reposición en subsidio de apelación, por el desconocimiento de las afectaciones directas al pueblo Inga, así como el desconocimiento de la participación en el proceso de desmantelamiento y abandono del proyecto. Actualmente, se está surtiendo dicho procedimiento administrativo y se está a la espera de una decisión definitiva.

En la visita de verificación, en el asentamiento de San Miguel de La Castellana, las autoridades indígenas, médicos tradicionales e integrantes de la comunidad señalaron a los profesionales de la Autoridad Nacional de Consulta Previa que el territorio donde se construyó la plataforma de APE-La Cabaña de 1 hectárea con 300 m² era un humedal, que actualmente está deforestado y el área está rellena de cemento. En este lugar, la comunidad del pueblo Inga recolectaba la medicina tradicional como “el hombre solo” que se utilizaba para el tratamiento de enfermedades físicas como el cáncer. Asimismo, para brindar seguridad al personal la empresa aumentó el control territorial con la presencia de la fuerza pública que se ubica alrededor de la plataforma petrolera y las comunidades cercanas, donde hicieron acantonamiento, desembarcos de helicópteros en helipuertos improvisados o en potreros, patrullaje por los sitios de cacería y pesca, sitios sagrados, desarmonizado la espiritualidad territorial e impidiendo el acceso de los comuneros a las actividades de recolección de plantas medicinales, cacería y pesca aguas arriba y hacia abajo de la quebradas Sambico y San Vicente. Asimismo, se evidenció una disminución del caudal de la quebrada Nina Yaco. Alrededor de esta fuente de agua hay plantas medicinales, que solo se encuentran en su ribera.

III. Principales abusos a los DDHH:

Derecho a la consulta previa, libre e informada: Tanto el Estado colombiano como la empresa canadiense Gran Tierra Energy Colombia actuaron de mala fe. Durante el proceso de licenciamiento ambiental, el departamento del Putumayo advirtió de la presencia del Resguardo Albania del pueblo Inga y en 2013 solicitó a la empresa rectificar la información de la ubicación exacta del resguardo, para determinar la necesidad o no de la consulta previa. Posteriormente, en 2013, la ANLA solicitó presentar un nuevo certificado, a lo cual la empresa respondió solicitando no presentar nuevamente el certificado del Ministerio del Interior sobre la presencia de comunidades, ya que se había entregado anteriormente. Ante la insistencia, la empresa presentó un certificado señalando que no hay presencia de comunidades en el área. Sin embargo, este certificado se refería a las vías de acceso al proyecto, y no del área total en el que se desarrollará el proyecto¹¹².

Frente a los anteriores hechos y existiendo ese certificado, la comunidad radicó una acción de tutela solicitando la suspensión del proyecto. La justicia falló a favor del pueblo Inga, ordenando la realización de un nuevo proceso de verificación de presencia de comunidades indígenas para, así, surtir de manera correcta los requisitos previos a la licitación del proyecto. Para esa nueva verificación, fue necesario acudir a un documento de incidente de desacato ante las instancias judiciales y, aun cuando se materializó, la autoridad competente en sede administrativa negó la

¹⁰⁹ Disponible en: <https://acimvip.org/wp-content/uploads/2020/12/SENTENCIA-DE-1RA-INSTANCIA-No-2015-0559-00.pdf>

¹¹⁰ Disponible en: <https://www.mininterior.gov.co/wp-content/uploads/2022/09/Resolucion-Procendencia-de-Consulta-Previa-ST-0015-de-2022-1.pdf>

¹¹¹ Asociación de Cabildos Indígenas del municipio de Villagarzón

¹¹² Disponible en: https://www.ambienteysociedad.org.co/wp-content/uploads/2020/03/hidrocarburos_amazonia_bloques_petroleros_comunidades_indigenas_campesinos.pdf

procedencia de la consulta previa y el consentimiento a las comunidades étnicas por una interpretación errónea y una falsa motivación, al limitar su argumentación en un aspecto geográfico, sin tener en cuenta las representaciones cartográficas y los testimonios de las comunidades y sus autoridades.

Salud y vida: Una de las principales afectaciones fue la deforestación y negligencia de seguridad del área ya construida, debido a que los huecos hechos para el proyecto presentaban un riesgo a la salud pública por fomentar la reproducción de mosquitos, así como un riesgo a la vida por la alta accidentalidad que representaban.

Autonomía indígena y territorio: La resolución del 2021 de la DANCP sigue violando los derechos del pueblo Inga, ya que únicamente reconoce que procede la Consulta Previa Libre e Informada en el Resguardo San Miguel de La Castellana, ignorando los otros resguardos. Ello va en contra del entendimiento integral y holístico del concepto de territorio étnico, el cual va más allá de un espacio físico formalmente demarcado, como un resguardo, y se vincula a elementos culturales, ancestrales así como espirituales, los cuales deben ser reconocidos como territorio para determinar la afectación que tiene o no un proyecto extractivo.

IV. Metodología

La documentación de los casos responde a un seguimiento sistemático del caso por Ambiente y Sociedad, y la Asociación de Cabildos Indígenas del Municipio de Villagarzón (ACIMVIP)

Adicionalmente, se ha realizado una investigación de fuentes secundarias en páginas oficiales como Mongabay: [Los inga: el pueblo indígena que el Estado invisibiliza ante la petrolera Gran Tierra Energy](#), Cuestión Pública: [Los inga: el pueblo indígena que el Estado invisibiliza ante la petrolera Gran Tierra Energy](#), Ambiente y Sociedad: [Análisis sobre la Industria de Hidrocarburos en el Piedemonte Amazónico: Caso Putumayo](#). Además, se ha obtenido información de los procesos judiciales: [Sentencia del Tribunal Administrativo de Nariño](#) (15 julio 2015).

Proyecto Batolito Mocoa, LIBERO COPPER & GOLD CORP

I. Información resumida del caso:

Nombre del proyecto: Batolito Mocoa

Ubicación: Vereda Montclar, municipio Mocoa, Putumayo, Colombia

Empresas involucradas: Líbero Copper & Gold Corporation

Sector: Minería (pórfido de cobre y molibdeno)

Estatus del Proyecto: Exploración

Población/grupos afectados: Comunidades Campesinas, comunidades indígenas de los pueblos Inga (Resguardo Condagua) y Nasa, y población urbana del municipio de Mocoa.

Ambiente natural impactado: Reserva Forestal de la Cuenca Alta del Río Mocoa, humedales, bosques naturales, remanentes, bosques en riesgo de deforestación. Complejo de Páramos Doña Juana - Chimayoy, Área Forestal protectora; Rondas Hídricas y Áreas de Importancia Estratégica, las cuales poseen directrices de manejo claras para su restauración, protección y conservación. Se trata, en términos generales, de un territorio amazónico ubicado en el piedemonte andino, de cuyas cimas se originan en Colombia los principales afluentes del gran río Amazonas, los ríos Putumayo y Caquetá.

Principales abusos de DDHH: Derecho al agua; Derecho a la Consulta Previa Libre e Informada; Derecho a la salud; Derecho a un ambiente sano; Derechos territoriales y culturales

Organización responsable de la documentación del caso: Asociación MINGA

Organizaciones que suscriben el informe: Guardianes de la Amazonía (plataforma que reúne varias organizaciones y colectivos sociales); Resguardo Condagua del pueblo Inga Asociación de Mujeres

II. Breve descripción de la relevancia del proyecto:

En 1982, Ingeominas, entidad que en ese momento era la encargada de realizar el estudio de los recursos naturales y los riesgos de origen geológico en Colombia, descubrió el yacimiento más grande de cobre y molibdeno en el país, en el departamento del Putumayo, justo en las tierras que en Condagua consideran sagradas¹¹³.

Desde el inicio de la intervención realizada por Líbero Cooper en el territorio, la comunidad de Mocoa ha sido expectante de las convocatorias que realizó la empresa para la ejecución de la etapa exploratoria dentro del proceso minero. Las contrataciones con fines exploratorios se realizaron ante la inacción institucional, sin que se ejecutara control sobre las actividades iniciadas allí.

Se han proferido múltiples advertencias sobre el incumplimiento del acuerdo 020 de 2018 expedido por el Concejo Municipal de Mocoa, en el cual se prohíbe la megaminería en el municipio, especialmente los contundentes actos administrativos expedidos por la Agencia Nacional Minera aceptando la solicitud de suspensión de actividades de los títulos No. FJT 131, FJT 132, FJT 141 y FJT 142 como consecuencia de la vigencia del mencionado acuerdo. Pese a todo ello la empresa inició actividades sin los permisos ambientales que debía otorgar CORPOAMAZONIA, afectando 8 determinantes ambientales y bajo un título minero suspendido.

III. Principales abusos a los DDHH:

La intervención de la empresa viene causando fuertes **impactos ambientales** en su etapa exploratoria, como el daño inminente a la montaña, el agua y a la selva amazónica en su conjunto. De igual forma causa impactos sociales al provocar la ruptura de los tejidos comunitarios aplicando la estrategia de dividir a los pobladores del territorio con base en el ofrecimiento de prebendas a algunos de sus miembros, entre quienes aceptan la mina y quienes se manifiestan en defender la biodiversidad de la Amazonía.

Es por esta razón que se ha apelado al Derecho a la Consulta Previa sin que se haya obtenido respuesta favorable. El 19 de abril de 2022, las autoridades del Cabildo interpusieron una acción de tutela contra el Ministerio del Interior y Líbero Cobre. El 2 de mayo se falló a favor de la comunidad indígena, pero la minera impugnó alegando que en la zona de exploración y extracción no había presencia de comunidades indígenas. Dos meses después, entre el 21 y 24 de julio, la dirección de la autoridad nacional de consulta previa visitó la zona y el 26 de septiembre admitió que sí era necesario consultar a los pobladores indígenas. Sin embargo, se ha presentado una dilatación del asunto, por cuanto hasta el día hoy no se ha llevado a cabo el procedimiento ni hay una fecha programada para hacerlo.

Derecho al agua: Las acciones que hasta ahora viene realizando la empresa, están causando afectaciones a las fuentes hídricas y posible contaminación con metales pesados. Cabe anotar que en las actividades de exploración que se encuentran dentro del proceso minero indispensable para la etapa de explotación, se denotaron actividades de deforestación, contaminación de aguas y suelos, cooptación de aguas y utilización de químicos sin la debida diligencia, que se demuestran en los

¹¹³ <https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

conceptos técnicos presentados por CORPOAMAZONIA.

Es importante subrayar dos aspectos determinantes para la vida de la región con la continuidad del proyecto minero de la Líbero Cobre: el impacto ambiental sobre un ecosistema amazónico y el impacto sociopolítico en un territorio en disputa, cruzado por un conflicto armado ligado a intereses económicos, legales e ilegales, como es la característica en la historia de violencias que esta zona y el país en general.

Violación a los derechos culturales: El área de ejecución del proyecto son corredores ancestrales y sagrados para el pueblo Inga ubicado en el Resguardo Condagua, quienes plantean que se rompe su conexión espiritual con la montaña, de cuyo lazo dependen sus tradiciones ancestrales. El pueblo Inga recorre este corredor ancestral que deben recorrer para conseguir las plantas que usan en su medicina tradicional, frutos para sus rituales y elementos espirituales. En esas tierras siembran y pescan, actividades que combinan con la tradición de tejer en los telares de guanga, en red y anudados¹¹⁴. La empresa es acusada de causar [conflictos](#) en las comunidades cercanas al área de extracción, incluida la del resguardo inga de Condagua¹¹⁵.

IV. Metodología

La documentación responde a un seguimiento sistemático del caso por parte de Asociación MINGA junto con organizaciones sociales y líderes y lideresas que habitan la zona, a través de recorridos comunitarios e interdisciplinarios hechos en el territorio, el intercambio con experiencias de proyectos mineros similares en curso en otros lugares del país, las audiencias públicas realizadas en conjunto con la institucionalidad regional y los foros ciudadanos.

Adicionalmente, se ha realizado una investigación de fuentes secundarias en páginas oficiales como: Agencia Nacional de Licencias Ambientales ANLA, Agencia Nacional Minera, Corpoamazonia, el Concejo Municipal y la Fiscalía General de la Nación, en donde se ha hecho revisión de los títulos mineros, del Acuerdo 020 de 2018, del documento sobre el concepto técnico CT-DTP-196 de la corporación autónoma y de las acciones judiciales adelantadas por la Asociación MINGA¹¹⁶.

¹¹⁴ Disponible en: <https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

¹¹⁵ Disponible en: <https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

¹¹⁶ Disponibles en:

<https://www.paisminero.co/mineria/mineria-colombiana/24737-libero-cobre-reporta-resultados-de-exploracion>
<https://www.paisminero.co/mineria/oro-y-otros-minerales/23981-libero-copper-inicia-exploracion-en-mocoa>
<https://paisminero.com/mineria/mineria-colombiana/24456-libero-cobre-arranco-la-perforacion-para-exploracion-del-proyecto-de-cobre-molibdeno-en-mocoa-2>
<https://es.mongabay.com/2022/11/condagua-el-resguardo-indigena-que-se-resiste-a-perder-sus-montanas-sagradas-en-colombia/>

ECUADOR

La Fortuna Mining Project - GOLMINDEX S.A.

I. Información resumida del caso:

Nombre del proyecto: Proyecto Fortuna (8,9 y 10) / Golminindex S.A / LuckyMinerals

Ubicación: Provincia del Azuay del Cantón Nabón, colindando con las Provincias de Morona Santiago y Zamora Chinchipe

Empresas involucradas: Golminindex S.A.

Entidad financiera: De Lucky Minerals, Filial de Golminindex S.A.¹¹⁷

Sector: Minería Metálica a gran escala oro y plata

Estatus del Proyecto: Exploración Inicial

Población o grupos afectados: Pueblos Indígenas, campesinos y mestizos; personas adultas, mayores, Niños, Niñas y Adolescentes.

Ambiente natural impactado: Área de bosque y vegetación protectora subcuenca alta del río León. Bosques primarios, Ecosistemas frágiles, Fuentes Hídricas, Páramos.

Principales abusos de DDHH: Derecho a la Consulta y al consentimiento previo, libre e informado, derecho a la consulta ambiental. Derecho al ambiente sano, derecho al agua y derechos de la naturaleza. Derecho a la integridad personal.

Organización responsable de la documentación del caso: Alianza de organizaciones por los derechos humanos del Ecuador

Organizaciones que suscriben el informe: Colectivo de Lucha y Defensa por el Agua y la Vida del Cerro el Mozo¹¹⁸

II. Breve descripción de la relevancia del proyecto:

Las concesiones Fortuna 8 (código catastral 10000320), Fortuna 9 (código catastral 10000321) y Fortuna 10 (código catastral 10000322) de minería metálica (Gran Minería) se encuentran sobre el área de bosque y vegetación protectora subcuenca alta del río León¹¹⁹ (Área de bosque y vegetación protectora Shincata¹²⁰), perteneciente a las parroquias Nabón, Cochapata, cantón Nabón, provincia del Azuay, siendo este territorio una zona de páramo y que en dicho lugar existen canales de riego y obras de captación para la prestación de agua potable para las comunidades que habitan en la zona. Las tres concesiones Fortuna de Nabón son parte del proyecto “Fortuna” que se lleva a cabo en las provincias de Azuay, Zamora Chinchipe y Morona Santiago, que “se extiende sobre los 550 km² que conforman las 12 concesiones mineras adjudicadas sobre uno de los cinturones de oro menos explorados en esta parte del continente”¹²¹. Nabón tiene 76 comunidades. Sin embargo, las más

¹¹⁷ Lucky Minerals inc. Condensed interim consolidated financial statements nine months ended July 31, 2022 and 2021. Disponible en:

<https://static1.squarespace.com/static/5de195fa9ab6b86728f08bb1/t/63361e5fb424b77aca756c5e/1664491104090/LUCKY+FS+2022+07+31+FINAL.pdf>

¹¹⁸ Página oficial de Facebook: <https://www.facebook.com/profile.php?id=100080275645970>

¹¹⁹ Mediante Acuerdo Ministerial N° 40, de fecha 10 de marzo de 2010, suscrito por la Ministra del Ambiente Marcela Aguiñaga Vallejo, se declara como área de bosque y vegetación protectora a cincuenta y siete mil cuarenta y tres con sesenta y siete hectáreas que conforman el área ubicada en la Subcuenca alta del río León y microcuencas de los ríos San Felipe de Oña y Shincata localizada en las provincias del Azuay, Morona Santiago, Zamora Chinchipe y Loja

¹²⁰ Ver: <https://www.azuay.gob.ec/index.php/2021/06/16/prefecta-llama-a-la-conservacion-y-cuidado-de-las-fuentes-hidricas-de-la-provincia-del-azuay/>

¹²¹ Lucky avanza en financiamiento de perforación en proyecto Fortuna. 29 de mayo de 2022. Ver en: <http://www.viaminera.com/>

afectadas son Zhiña (comunidad indígena), La Cruz, Patadel, Nabón Centro, Taro, Casadel, Charcay de Nabón, Charqui, El Paso, Bayán, Belén, Jerusalén, Chalca, Tambiviejo, Cochapata Centro, Las Lajas, Ñamarín, Yanazacha, El Rodeo, Buravalle, Ulucata, María Auxiliadora, Canceco, Uduzhapa.

De acuerdo con información oficial del Gobierno Descentralizado del Cantón Nabón “(l)a minería de metales dentro de las áreas protegidas es una de las principales amenazas en el territorio. Existen concesiones mineras que se ubican en áreas de protección, generando un conflicto en el ámbito de conservación. El 79% del total de la superficie de las concesiones mineras corresponde a coberturas vegetales naturales y el 21% pertenece a coberturas vegetales de actividades antrópicas.”¹²²

III. Principales abusos a los DDHH:

Derecho a consulta ambiental. No se han desarrollado procesos de consulta ambiental, de acuerdo con las claras y expresas disposiciones constitucionales (art. 398 de la Constitución ecuatoriana), cuyos estándares de cumplimiento obligatorio han sido desarrollados por la Corte Constitucional del Ecuador en sentencias de 2021 y 2022.

Las autorizaciones para realizar la exploración inicial se emitieron sin procesos de información y menos de consulta a las comunidades afectadas. En 2019 los pobladores se enteraron de las concesiones por trabajos realizados en la zona de área protectora. La falta de consulta, en áreas de ecosistemas frágiles e incluso protegidas, ha significado que se articulen frentes de resistencia, lo que ha devenido en la criminalización de varias personas que se oponen a las actividades mineras.

Derecho al ambiente sano, derecho al agua y derechos de la naturaleza: El proyecto minero se realiza en zonas de ecosistemas frágiles y no ha cumplido con los procesos de consulta que, de acuerdo con la Corte Constitucional, son indispensables para garantizar los derechos al ambiente sano y los derechos de la naturaleza¹²³ y el principio precautorio.

Por otra parte, las y los comuneros que están en resistencia señalan que los trabajos de excavación que se han hecho se los habría realizado incluso con maquinaria de alta tecnología, que correspondería a exploración avanzada y no a exploración inicial. En referencia a esto, en enero de 2022, se informó de acuerdos empresariales para impulsar la perforación,¹²⁴ así como en abril de 2022, que Lucky perforará en el proyecto Fortuna en el segundo semestre de 2022 y que se está preparando para completar los “tres mil metros”.¹²⁵ Asimismo, difundió información sobre reuniones entre representantes de Lucky Minerals, de altos funcionarios del Estado¹²⁶ y dirigentes y representantes de tres comunidades (Bayán, el Paso y Charqui) de la provincia del Azuay para planificar “de manera conjunta el inicio de la campaña de perforación de 2022”¹²⁷; en mayo de 2022, el inversor Michael Gentile informó que “(...) el potencial de un “nuevo e importante descubrimiento es alto, ya que la

¹²²Reforma a la ordenanza que sanciona y pone en vigencia el plan de desarrollo y ordenamiento territorial y el plan de uso y gestión del suelo del Cantón Nabón, pág. 42. Disponible en: https://www.nabon.gob.ec/wp-content/uploads/2022/11/GAD_NABON_AA1.pdf

¹²³ Caso 1149-19-JP/21 Ver en: <https://www.corteconstitucional.gob.ec/index.php/boletines-de-prensa/item/1262-caso-nro-1149-19-jp-21-revisi%C3%B3n-de-sentencia-de-acci%C3%B3n-de-protecci%C3%B3n-bosque-protector-los-cedros.html>

¹²⁴ Lucky y Hubbard Drilling logran acuerdo para impulsar proyecto Fortuna. 29 de enero de 2023. Ver en: <http://www.viaminera.com/>

¹²⁵ Lucky perforaría en proyecto Fortuna en el segundo semestre. 2 de abril de 2022. Ver en <http://www.viaminera.com/>

¹²⁶ <https://twitter.com/RecNaturalesEC/status/1517202718808498177?s=20&t=Bnxa7TVpnJXCCAc-aWAWjw>

¹²⁷ Lucky Minerals. Autoridades nacionales y provinciales del Azuay reciben a dirigentes comunitarios, líderes y representantes de la sociedad civil del área de influencia del proyecto Fortuna, quienes se encuentran planificando de manera conjunta el inicio de la campaña de perforación 2022”. Boletín Vía Minera. 28 de abril de 2022

compañía comienza a perforar directamente bajo algunas de las trincheras amplias y de alta ley descubiertas en 2021 y 2022”.¹²⁸

Derecho a integridad personal: 23 personas que se oponen a las actividades mineras en zonas protegidas se encuentran criminalizadas, si bien hasta el momento no han sido detenidas, el que estén sometidas a procesos de investigación costosos y cuya resolución es incierta provoca en ellos y ellas y en sus familias profunda ansiedad e incertidumbre. Estas personas señalan la falta de recursos económicos, tanto para defenderse en los procesos penales, así como para desarrollar procesos encaminados a la defensa de su territorio. La criminalización de personas defensoras del medio ambiente incide en afectaciones a su integridad psíquica, así como en su vida familiar y comunitaria.

Derecho de asociación y participación: La población que se opone a las actividades mineras en zonas protegidas del proyecto Fortuna experimenta graves obstáculos para el acceso a la información y a la justicia, debido a barreras económicas y geográficas. Aquello las pone en una situación de desventaja frente a la empresa minera, que actúa en connivencia con el Estado y que desarrolla estrategias (incentivos económicos o de otra índole, como ofertas de trabajo) que buscan romper el tejido social de la población.

IV. Metodología

La información que sirvió de base para desarrollar esta ficha se obtuvo de documentos oficiales entregados por el Estado ecuatoriano, así como de fuentes de información de acceso público. Por otra parte, también se obtuvo de datos proporcionados directamente por miembros del colectivo “Lucha y Defensa por el agua y por la vida de El Mozo”. El caso fue documentado y sistematizado por la Alianza de Organizaciones por los Derechos Humanos de Ecuador.

¹²⁸ Lucky avanza en financiamiento de perforación en proyecto Fortuna. 29 de mayo de 2022. Ver en <http://www.viaminera.com/>

Bloque 50 (Charapa), Bloque 51(Chanangue) y Bloque 89 (Iguana) - GRAN TIERRA ENERGY

I. Información resumida del caso:

Nombre del proyecto: Bloque 50 (Charapa), Bloque 51(Chanangue) y Bloque 89 (Iguana)

Ubicación: Parroquias General Farfán, Pacayacu, Eno y Dureno del Cantón Lago Agrio, provincia de Sucumbíos, Amazonía ecuatoriana.

Empresas involucradas: Gran Tierra Energy Colombia, LLC. (Bogotá, Colombia) y Gran Tierra Energy (Alberta, Canadá)¹²⁹.

Entidad financiera: Las acciones ordinarias de la empresa se cotizan en NYSE American, la Bolsa de Valores de Londres y la Bolsa de Valores de Toronto, bajo los símbolos de cotización GTE.

Sector: Petróleo

Estatus del Proyecto: Exploración y Explotación

Población o grupos afectados:

Bloque 50: Comunidades campesinas e indígenas de las nacionalidades Kichwa y Awá, que incluyen a personas adultas, mayores, niños, niñas adolescentes, mujeres, personas con discapacidad y en estado de doble vulnerabilidad.

Bloque 51: Comunidades campesinas, que incluyen, mayores, niños, niñas adolescentes, mujeres, personas con discapacidad y en estado de doble vulnerabilidad.

Bloque 89: Comunidades campesinas e indígenas de la nacionalidad Kichwa, que incluyen a personas adultas, mayores, niños, niñas adolescentes, mujeres, personas con discapacidad y en estado de doble vulnerabilidad.

Ambiente natural impactado: Bosque húmedo tropical.

Principales abusos de DDHH e incumplimiento de normas: Derecho a la consulta ambiental y consulta previa libre e informada, derecho a un medio ambiente sano; derecho de la salud, a la vida digna y la integridad personal.

Organización responsable de la documentación del caso: Unión de Afectados por las Operaciones de Texaco -UDAPT; Amazon Watch, Acción Ecológica.

Organizaciones que suscriben el informe: Acción Ecológica, Unión de Afectados Por Las Operaciones de Texaco -UDAPT

II. Breve descripción de la relevancia del proyecto:

El Estado ecuatoriano adjudicó los Bloques 50, 51 y 89 a la Empresa Canadiense Gran Tierra Energy, tras ganar la oferta de licitación con una propuesta que prevé, la perforación de 30 pozos aproximadamente, entre exploratorios y de avanzada en los bloques descritos se plantea realizar una inversión en la etapa Exploratoria, sumaría unos 370 millones de dólares¹³⁰. Frente a este proceso, las comunidades afectadas por la adjudicación de los bloques, han denunciado ampliamente que sus derechos a la consulta previa, consulta ambiental, así como su derecho a un medio ambiente sano y ecológicamente equilibrado, ha sido vulnerado la vez la empresa también ha generado el incumplimiento de varias acciones, en el ámbito administrativo.

Por estas razones, se crean el frente de resistencia que conjuntamente con las más de 30 comunidades por bloque, generan acción de búsqueda de información, denuncias en que, los GAD tanto provincial como cantonal, en el ámbito administrativo y en los organismos de control como el Ministerio del

¹²⁹ Gran Tierra Energy es una compañía canadiense, con subsidiaria colombiana. Sus actividades se concentran en Colombia y Ecuador. Es la primera vez que opera en Ecuador en los bloques: Charapa, Chanangué e Iguana. Es una empresa de 570 millones de dólares de ganancias al año.

¹³⁰ Disponible en: <https://www.reuters.com/article/petroleo-ecuador-contratos-idLTAKCNIQU32C>

Ambiente, ya con la información adquirida y con el respaldo de las organizaciones, se levantan grandes luchas de resistencia social, procesos comunicacionales que permitan dar a conocer las acciones de la empresa y consolida su resistencia.

III. Principales abusos a los Derechos Humanos e incumplimiento de acciones administrativas:

Derecho a la consulta previa y ambiental: La empresa ha sostenido socializaciones, para supuestamente cumplir con las exigencias constitucionales e internacionales en torno al derecho de consulta previa y consulta ambiental. Sin embargo, el proceso de participación realizado en los bloques Charapa y Chanangué e Iguana, tuvo varias irregularidades entre ellas detallaremos las siguientes:

- La calidad de la “información” de los procesos de socialización carecieron información relevante sobre las implicaciones del proyecto en los 25 años de explotación petrolera, que se realizará en cada bloque. Así mismo, no se proporcionó explicaciones sobre los daños ambientales y las posibles afectaciones en la salud de los habitantes de cada uno de los bloques.

- Hubo asuntos no considerados en los Estudios de Impacto Ambiental de la empresa Gran Tierra, en sus socializaciones como:

- Desconocimiento del lugar a ser intervenido
- Desaparición de comunidades, recintos y sectores.
- Desaparición de esteros, riachuelos y nacimientos naturales de agua
- Presentar información desactualizada, en relación a la densidad poblacional
- Desconocer los proyectos de cuidado y protección de bosques

Derechos a un medio ambiente sano y ecológicamente equilibrado: El proyecto ha generado varias interrogantes entre quienes tradicionalmente se han dedicado a la agricultura como actividad principal. El ingreso de petroleras a esa zona implica cambiar la forma de vida de estas comunidades, ya que estas actividades, necesariamente, conllevan a la contaminación de aguas, de suelos, de aire, pérdida de la biodiversidad, conflictos sociales, como divisiones de las comunidades.

Además, es necesario recalcar que la gran cantidad de plataformas a construir ponen en riesgo las vertientes de agua naturales, los procesos de agroproductivos que se realizan en la zona y sobre todo el seguir fomentando la producción de orgánica en las diferentes fincas, pero esta idea se ve afectada, ya que al instalar más de 30 mecheros en las diferentes plataformas, generaría un impacto directo al área productiva de hasta 5000 mil metros a la redonda de los mecheros instalados y por instalarse.

Por otra parte, la afectación aparte de la contaminación del agua y del aire, se le sumaría la contaminación auditiva, que desde ya es evidente en lugares cercanos a la plataforma construida en el recinto Santa Marianita, ruido que es escuchado y que ya genera afectación hasta el sector de la poligonal, ruido que para una área agrícola sobre pasaría los niveles de decibeles, establecidos y sobre todo la exposición constante a este ruido genera una gran afectación a varias áreas a la redonda, generando así una vulneración directa a vivir en un ambiente ecológicamente equilibrado.

Los Estudios de Impacto Ambiental (EIA) además de minimizar los riesgos de las exploraciones, tienen errores e información falaz en cuanto a las reales afectaciones medioambientales para realizarse en el sector.

Derechos a la vida y la integridad personal: las acciones de esta empresa han generado grandes procesos de división social, revanchismo y discrepancias entre las personas de las diferentes

comunidades, creando grupos en todos los lugares donde ingresan, ya que, con mentiras, engaños y sobre todo, mediante manipulación intenta crear división donde y en algunos lugares hasta impulsan la creación de directivas paralelas pro petroleras, con el objetivo de seguir rompiendo la resistencia.

La empresa también a intentado lograr ser partícipe en los procesos electorales de las comunidades y hasta las elecciones seccionales, intentando así crear nuevos líderes que permitan mantener la impunidad y la presión sobre las organizaciones que respaldamos la resistencia con amenazas y en algunos casos llegando hasta a las agresiones físicas en contra de los dirigentes que se oponen al ingreso de la petrolera a sus territorios y mantiene en resistencia firme en contra de estas actitudes. Además de esto, comentar que desde las instituciones del estado y otras han logrado general las siguientes incidencias:

- El Estado, como sujeto consultante, impartió estrategias divisionistas de las comunidades y las familias, intentando ser un supuesto ente mediador que permite acuerdos en los cuales la mayor beneficiada era la empresa.
- Se registraron otras acciones posteriores de presión indebida para forzar el consentimiento a la expansión de actividades de la petrolera, creando grupos de habitantes que se opongan constantemente a los presidentes que mantienen la resistencia.
- Se registraron acciones de acoso y presión indebida para forzar el consentimiento al incremento de actividades en el bloque Chanangué por parte de la empresa en reacción a la resistencia.

IV. Metodología

La información fue obtenida de la revisión de la documentación que la empresa y el Estado entregaron a las comunidades. Entre estos documentos están: Estudios de Impacto Ambiental, Informes de consultoras, Contrato entre la empresa y el Estado, correspondencia entre la empresa, los ministerios y las comunidades organizadas en Bloques de Resistencia. La información también se obtuvo en reuniones y asambleas mantenidas con las comunidades de los dos bloques Chanangué y Charapa. También, se ha realizado una investigación de fuentes secundarias en páginas oficiales tanto de la Empresa Gran Tierra Energy como de los ministerios.

Proyecto Minero Warintza - SOLARIS RESOURCES INC.

I. Información resumida del caso:

Nombre del proyecto: Proyecto Minero Warintza

Ubicación: provincia de Morona Santiago, Ecuador.

Empresas involucradas: Solaris Resources Inc.

Sector: Minería a gran escala de cobre, oro y molibdeno

Estatus del Proyecto: Exploración Avanzada

Población o grupos afectados: Pueblo indígena Shuar Arutam, con especial énfasis en mujeres, niñas, niños, adolescentes y personas de la tercera edad.

Ambiente natural impactado: Reserva biológica El Cóndor, Amazonía.

Principales abusos de DDHH: Derecho a la consulta, Derecho de asociación y participación, Derecho a la integridad personal de personas defensoras, Derecho al territorio, Derecho a la cultura y la libre determinación, Derecho a un medio ambiente sano.

Organización responsable de la documentación del caso: Amazon Watch y MiningWatch Canadá

Organizaciones que suscriben el caso: Pueblo Shuar Arutam

II. Breve descripción de la relevancia del proyecto:

El Pueblo Shuar Arutam cuenta con un territorio amazónico de 230.000 hectáreas y está conformado por 47 comunidades (10.000 habitantes). La mayor parte de su territorio ha sido concesionado a empresas mineras, como: Solaris Resources (Canadá), SolGold (Australia), ExplorCobres S.A. EXSA (China) y Aurania Resources (Canadá).

Por la falta de cumplimiento de estándares en la garantía al derecho de consulta previa libre e informada, la empresa usa como estrategia de intervención la fragmentación de las estructuras organizativas tradicionales del Pueblo Shuar Arutam, vulnerando, a su vez, el derecho a la libre determinación y la cultura. Particularmente, la actuación empresarial de Solaris Resources Inc. ha generado que las comunidades se enfrenten, promoviendo estrategias de seguridad y autodefensa a favor de los intereses de la empresa, así como, la persecución, hostigamiento y amenazas a personas defensoras de la tierra que son parte del Consejo de Gobierno del Pueblo Shuar Arutam (PSHA) y sus centro comunitarios. Actualmente, el conflicto se encuentra en estado de escalamiento y las tensiones se manifiestan en enfrentamientos.

III. Principales abusos a los DDHH:

Derecho al consentimiento previo y libre determinación: La empresa canadiense Solaris Resources Inc. llega al territorio del PSHA en el 2019, luego de adquirir la concesión de su subsidiaria en Ecuador Lowell Mineral Exploration, con el fin de explotar los yacimientos de cobre y molibdeno del Proyecto Warintza. Por la reactivación del proyecto, el cual estuvo suspendido por 16 años, después que el PSHA expulsó a Lowell en el 2006, el PSHA reafirmó su derecho a la libre determinación realizando una consulta entre sus bases, durante el año 2019. En este contexto, se realizó la declaratoria de “PSHA como territorio de vida (TICCA)” y el lanzamiento de la campaña internacional “el PSHA ya decidió”. No obstante, la empresa sostiene que en este año realizó el proceso de consulta y consentimiento previo con las comunidades de Yawi y Warintza, irrespetando sus derechos de autodeterminación y estructuras organizativas.

Por todas las vulneraciones materiales e inmateriales a su territorio, el 29 de enero de 2021, el Consejo de Gobierno del PSHA, junto a la Internacional de Servicios Públicos (PSI) presentaron una queja ante la Organización Internacional del Trabajo en contra del Estado ecuatoriano por incumplimiento

del Convenio 169 y por no respetar los derechos colectivos al no ser consultados sobre proyectos que se realizan en su territorio¹³¹.

Derecho de asociación y a la cultura: Solaris Resources Inc. ha promovido estrategias divisionistas, fomentado la creación de Alianzas estratégicas entre Warits y Yawi (comunidades que se encuentran en el área de afectación del proyecto Warintza), y grupos autodefensa a favor de los intereses de la empresa. Así mismo, la empresa ha emprendido campañas para desacreditar a los dirigentes que resisten a la minería y son parte del Consejo de Gobierno del Pueblo Shuar Arutam (PSHA). Actualmente, el conflicto se encuentra en escalamiento y las tensiones se manifiestan en enfrentamientos entre comunidades, sobre todo por lo generado por el reconocimiento de la Red Ecuatoriana del Pacto Global (ONU) que desconoce la formal decisión de la Asamblea del PSHA de no dar paso a actividades mineras en su territorio. Este reconocimiento incluso ha dado lugar a la formación de guardias indígenas para proteger las actividades mineras.¹³²

Asimismo, la operación de la empresa ha causado fuertes divisiones en su tejido organizativo y un deterioro irreversible que contribuye a la pérdida de saberes ancestrales de sus centros comunitarios y que amenaza las formas y sistemas de vida y de sostenimiento colectivo. Sin embargo, lo más grave es la cooptación a comuneros y comunidades aisladas para que actúen a favor de las mineras, provocando división familiar, comunitaria, organizacional. Esto, además, genera dificultades en la reparación social, cultural y ambiental, que desvía de los mandatos de su Plan de Vida y obstaculizan la aplicación del modelo de vida que han elegido.

Derecho a la integridad personal de defensores: Por su resistencia a la minería, las personas dirigentes afrontan procesos de persecución, hackeo, discriminación y amenaza de muerte por funcionarios de las empresas, como lo ocurrido con Federico Velásquez, vicepresidente de operaciones de Solaris Resources Inc. Él amenazó por vía telefónica a Josefina Tunki, presidenta del PSHA, señalando: *“Si siguen molestándome con denuncias nacionales e internacionales, una cabeza de estas tendremos que degollar”*¹³³. El hecho está denunciado en la Fiscalía, sin que haya ninguna resolución al respecto. Además, la empresa ha motivado la militarización del territorio, con el apoyo de los entes gubernamentales. Ante estos atropellos, actualmente, las mujeres de los centros comunitarios del PSHA están resistiendo y han conformado una Guardia Indígena, como mecanismo de control territorial y defensa de sus derechos.

En este contexto, preocupa que existen 44 de defensores y defensoras criminalizados, con denuncias promovidas por las empresas y/o por el Estado, por supuestos hechos de intimidación, extorsión, robo y paralización de servicios públicos y daño a propiedad privada en contextos de resistencia, enfrentamiento, desalojos forzosos y control territorial. Asimismo, el abogado defensor Tarquino Cajamarca afronta una campaña de desprestigio mediante el uso de plataformas públicas pertenecientes al Gobierno Autónomo Descentralizado de Limón Indanza y afines a la empresa minera, cuyo propósito es establecer precedentes para la criminalización de su labor.¹³⁴¹³⁵

Pese a las múltiples denuncias públicas a nivel nacional e internacional, el 16 de marzo de 2022, Xavier Vera, viceministro de minas del Ministerio de Energía y Recursos Naturales no Renovables, visitó el proyecto Warintza, junto a Federico Velásquez, dando declaraciones públicas en las que

¹³¹ Véase en: <https://es.witness.org/2020/11/pueblo-shuar-arutam-anuncio-que-iniciara-demanda-ante-la-oit-en-contra-el-estado-ecuadoriano/>

¹³² Véase en: <https://www.facebook.com/CentrosShuarWarintsYawi/posts/548330326600485>

¹³³ Véase en: <https://ocaru.org.ec/2021/06/21/josefina-tunki-y-las-defensoras-atacadas-por-las-mineras-y-el-estado-ecuadoriano/>

¹³⁴ Véase en: <https://prensaminera.org/declaran-persona-no-grata-tarquino-cajamarca-la-parroquia-san-antonio-morona-santiago/>

¹³⁵ Véase en: <https://www.facebook.com/CentrosShuarWarintsYawi/posts/549305686502949>

señaló que el modelo de responsabilidad social que promueve Solaris Resources es un ejemplo para la gestión empresarial en el país.¹³⁶ Desconociendo, así, todo el proceso de lucha y denuncia que ha sostenido el PSHA dentro de sus mandatos y ejercicio de su libre determinación.

Derecho a un medio ambiente sano: a pesar de que el proyecto se encuentra en etapa de exploración avanzada, las comunidades han manifestado que son testigo de los impactos de los trabajos en el territorio, los cuales son visibles en la pérdida de bosques primarios y contaminación de los sistemas de cuencas y microcuencas que alimentan los ríos Zamora, Conangos y Santiago.

Incumplimiento de la política canadiense de Voces en riesgo por parte de la embajada canadiense: En agosto del 2020, a raíz de la amenaza de muerte en contra de la presidenta Josefina Tunki por parte del vicepresidente de operaciones de Solaris, el PSHA, junto con aliados nacionales e internacionales, enviaron una carta a la embajada canadiense en Quito, haciendo un llamado a la embajadora Sylvie Bédard para que, en su ejercicio de embajadora activara la política de *Voces en Riesgo* y se manifestara en favor de la protección de la presidenta de PSHA, una mujer defensora indígena, emitiendo una declaración pública formal condenando la amenaza de muerte, desistiera de emitir mensajes de apoyo a las empresas mineras canadienses en Ecuador, entre ellas Solaris Resources y le exigiera medidas de reparación y cumplimiento de mecanismos de debida diligencia a la empresa. La embajada ignoró su propia política de *Voces en Riesgo* y, por el contrario, ha seguido mostrando un apoyo público a la empresa canadiense en eventos y redes sociales, poniendo así la seguridad de una defensora indígena mujer aún en mayor riesgo.

IV. Metodología

La documentación de los casos responde a un seguimiento sistemático del caso en colaboración con organizaciones nacionales de derechos humanos y el Consejo de Gobierno del Pueblo Shuar Arutam. Adicionalmente, se ha realizado una investigación de fuentes secundarias en páginas oficiales como el Ministerio de Ambiente, Agua y Transición Ecológica, Ministerio de Energía y Minas, la Superintendencia de Compañías, entre otros portales oficiales que cuenta con información verificada y verificable que está debidamente citada en los pies de página. Además, de la revisión de documentación técnica y jurídica presentada como sustento de acciones de litigio estratégico de carácter constitucional patrocinadas por las organizaciones Amazon Watch, MiningWatch Canada, Fundación Tiam y los miembros de la Alianza de Organizaciones por los Derechos Humanos de Ecuador.

¹³⁶ Disponible en: <https://www.eluniverso.com/noticias/economia/el-viceministro-de-minas-xavier-vera-grunauer-visita-el-proyecto-minero-warintza-en-morona-santiago-nota/>

PERU

Lote 95 - PETRO TAL CORPORATION

I. Información resumida del caso:

Nombre del proyecto: Lote 95

Ubicación: Distrito de Puinahua, Provincia de Requena, región Loreto, Perú

Empresas involucradas: PetroTal Perú SRL (Lima, Peru), subsidiaria de PetroTal Corp (Alberta, Canadá)

Entidad financiera: PetroTal cotiza en las bolsas de Toronto, Canadá y Londres, Reino Unido

Sector: Hidrocarburos, Petróleo

Estatus del Proyecto: Concesión vigente

Población o grupos afectados: Pobladores Kukama, que habitan el distrito de Puinahua, departamento de Loreto

Ambiente natural impactado: Reserva Nacional Pacaya Samiria

Tipo de Afectación: Derecho a la vida, Derecho a la Protesta, Acceso a la Justicia, Criminalización de la Protesta, Violencia policial.

Organización responsable de la documentación del caso: ORPIO y Amazon Watch

II. Antecedentes y Descripción del Caso:

PetroTal Perú SRL (antes Gran Tierra Energy Perú SRL) obtuvo en el año 2005 la concesión del 100% del Contrato de Licencia para la exploración y explotación de hidrocarburos en el Lote 95, ubicado en la provincia de Requena, al sudeste de la Región Loreto y empezó la etapa de explotación en el año 2019; actualmente, es el Lote más productivo de la Amazonía peruana.

El 2019, las comunidades parte de la Asociación Indígena de Desarrollo y Conservación del Bajo Puinahua, AIDECOBAP iniciaron protestas y tomaron las instalaciones de la empresa petrolera. El Estado peruano negoció con las comunidades con el fin de desarrollar un Plan de Cierre de Brechas, revisar la ley de canon, promover una declaración de emergencia por los derrames del Oleoducto Norperuano, además de cubrir las necesidades de salud, energía eléctrica, agua y desagüe, salud¹³⁷.

Meses después, en el contexto del covid-19, estas necesidades se hicieron más fuertes y conllevó a diversas manifestaciones sociales apenas se relajaron las medidas de aislamiento social en Perú. En ese contexto, se generó una protesta social en el distrito de Puinahua, reclamando por la atención de los servicios esenciales de energía eléctrica, agua potable y atención médica; así como un mayor compromiso social de la empresa petrolera que opera en sus territorios¹³⁸.

El 8 agosto de 2020, en el contexto de las manifestaciones murieron tres miembros de la comunidad Kukama (Willian López Ijuma, Chemilton Flores Crispin y Elix Ruiz Ortiz) y se lesionaron una docena de manifestantes y tres policías¹³⁹. Según los informes de la prensa, más de 400 kukamas de 18 comunidades ingresaron al campo Bretaña, ubicado dentro del Lote 95, armados con lanzas y flechas. La policía, que vigilaba el campamento petrolero, disparó a los manifestantes y eso produjo la muerte de tres indígenas, además de 12 manifestantes y otros tres policías heridos. Una situación muy irregular fue que los cadáveres se mantuvieron por varias horas en las instalaciones de la empresa y, según lo manifestado por los abogados de las víctimas, se ha dificultado la reconstrucción de los hechos a lo largo de la investigación fiscal. El proceso judicial para aclarar la responsabilidad de estas muertes y las corresponsabilidades del personal de seguridad de la empresa continúan hasta el día de hoy.

¹³⁷ Disponible en: <https://www.anred.org/2020/08/16/masacre-en-la-amazonia-indigena-peruana/>

¹³⁸ Disponible en: <https://rpp.pe/peru/actualidad/loreto-walter-martos-anuncia-plan-de-cierre-de-brechas-para-25-distritos-de-la-region-noticia-1285748>

¹³⁹ <http://www.orpio.org.pe/orpio-y-aidecobap-denuncian-penalmente-a-los-responsables-de-la-muerte-de-3-kukamas-en-el-lote95/>

Posteriormente, el 28 febrero de 2022, 17 comunidades reiniciaron las protestas en contra de las actividades petroleras en la zona con el fin de cumplir con los compromisos asumidos por el estado. Este conflicto social duró varios meses hasta que se acordó entre el Estado, Empresa y Comunidades la creación de un “Fondo de Desarrollo del Distrito de Puinahua”, en el cual la empresa destina 2,5% de sus ganancias¹⁴⁰. Sin embargo, a pesar de la aquiescencia de las comunidades, el mantenimiento del fondo está condicionado a que los pobladores se comprometan a “mantener la paz social en la zona” y al “levantamiento de las medidas de fuerza de forma inmediata” con el fin de asegurar la continuidad de las operaciones de la empresa en el yacimiento Bretaña del Lote 95 y el libre tránsito del transporte de petróleo crudo en el distrito.

III. Principales abusos a los DDHH:

Derecho a la vida e integridad personal: En las manifestaciones del 8 agosto de 2020 murieron 3 indígenas, mientras que 12 resultaron heridos. Si bien la acusación fiscal atribuye los hechos estrictamente a funcionarios policiales, los representantes de los indígenas esperan que el proceso judicial aborde la denuncia por encubrimiento y complicidad de la empresa, que no fue considerada en la acusación fiscal.

Derecho al acceso a la justicia: Luego de más de 2 años de producidos los asesinatos, no se han sancionado responsables, no se ha culminado la investigación sobre la responsabilidad de los terceros; no se han establecido tampoco reparaciones para los deudos.

Derecho a la reparación: Reconocimiento de los deudos de defensores de Derechos Humanos, cuando el agresor es el Estado: En el Perú existe un Mecanismo Multisectorial de Protección de Personas defensoras de Derechos Humanos (D.S. 004-MINJUS-2021). Esta es una norma positiva en cuanto abre un conjunto de obligaciones compartidas de las instituciones del Estado para proteger a los defensores, y su registro de víctimas genera mecanismos de indemnización para las viudas e hijos menores de edad.

Sin embargo, ni en ésta ni en otras normas se especifica algún sistema de reparación con fondos públicos para aquellas víctimas que han sido materia de agresión policial. Los deudos de los 3 fallecidos de Puinahua han intentado durante años un reconocimiento estatal y aún no han sido considerados como beneficiarios de ningún programa o fondo estatal.

Derecho a la reunión pacífica: Criminalización de la protesta: Limitado y vulnerado no solo por la represión excesiva de la que fueron víctimas los Kukama, sino por la estrategia de condicionamiento político que se estaría aplicando de manera velada con el “Fondo de Desarrollo” (Cabe mencionar que en el Perú existen otros fondos similares y no condicionan su otorgamiento a la movilización o protesta de los pobladores de los distritos donde llegan estos fideicomisos.

Luego de los hechos trágicos del 2020, se abrió investigación signada con la Carpeta Fiscal N° 179-2020, a cargo de la Fiscalía Penal Corporativa Provincial de Requena. Los delitos investigados son: Lesiones Graves, Homicidio Culposo, Incumplimiento de Normas Sanitarias y disturbios. Claramente, la investigación fiscal estaba orientada a dejar impune a los autores de las muertes y heridos de bala ocurridos el 08 de agosto del 2020. Más bien, se pretendía que el objeto de la investigación penal sean los que ejercieron el derecho a la protesta y no los que usaron armas de fuego del Estado para matar a los indígenas que reclamaban sus derechos.

¹⁴⁰ Disponible en: <https://energiminas.com/retorna-la-paz-al-lote-95-petrotal-busca-concretar-adenda-al-contrato-para-crear-fondo-de-desarrollo-del-distrito-de-puinahua/>

Por su parte, las organizaciones indígenas y los familiares de los fallecidos y heridos, formularon una denuncia penal por crimen de estado, con fecha 16 de diciembre del 2020. Dicha acción legal ingresó a la 1ª Fiscalía Penal Corporativa de Maynas, signado con la Carpeta Fiscal N° 1011 – 2020: Los delitos solicitados a investigar fueron Homicidio Calificado, (Art. 108° del Código Penal), Lesiones Graves, (Art. 121° del Código Penal), Abuso de Autoridad (Art. 376° del Código Penal) y Encubrimiento Real, contra los trabajadores de la empresa (Art. 405° del Código Penal), esto último por haber alterado la escena del crimen y extraído los cuerpos de los fallecidos sin intervención Fiscal. Luego de más de dos años de litigio, las organizaciones indígenas han conseguido que se formalice acusación fiscal contra 40 efectivos policiales, por los delitos de abuso de autoridad por haber ejercido sus funciones excediendo el uso proporcional de la fuerza como establece la ley. Sin embargo, las organizaciones no han logrado que la Fiscalía acuse a los trabajadores de la empresa por complicidad y por el delito de encubrimiento real, toda vez que, según señalan, se han desaparecido las evidencias de la escena del crimen y se ha producido el traslado ilegal de los que fallecieron en las instalaciones de Petrotal.

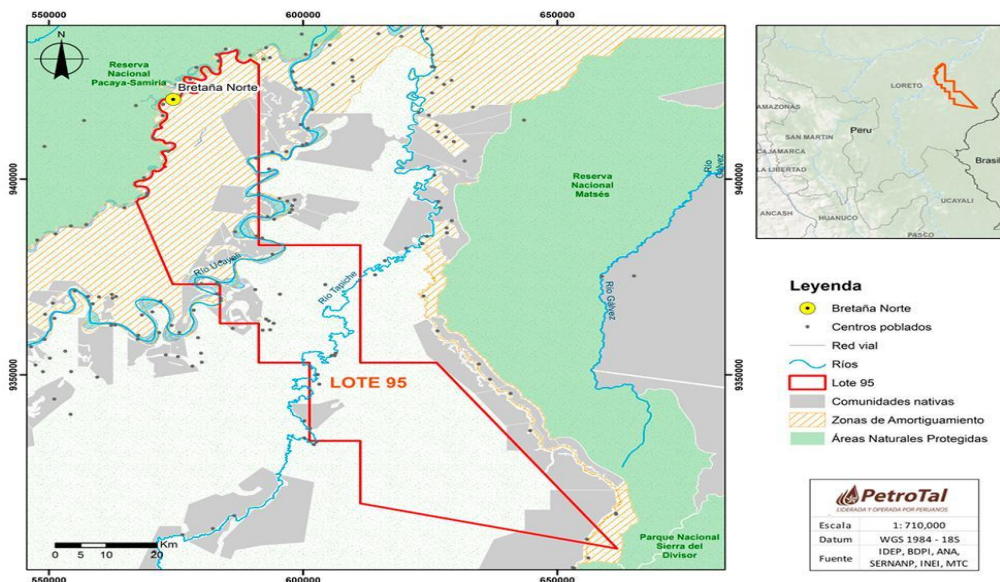
Derechos a la consulta y consentimiento, previo libre e informado y la libre determinación: El fondo de desarrollo creado por Petrotal es visto como un elemento positivo ante la opinión pública, dado que implica un nivel de compromiso económico adicional de parte de una empresa petrolera. Pero, como hemos señalado antes, la empresa y el Estado proponen este fondo de desarrollo como un sistema de condicionamiento inaceptable para las organizaciones sociales con el fin de presionarlas a no organizar nuevas protestas en defensa de sus derechos y los compromete con la continuidad de la actividad petrolera.

Este enfoque genera el riesgo de que los servicios de educación, salud, electricidad, etc., sean vistos como una contraprestación corporativa y no como un derecho, alterando completamente el rol del estado en la prestación de los servicios públicos.

Frente a una hipotética contaminación petrolera del Lote 95 en el futuro, los indígenas Kukama no podrían protestar porque se suspenderán los fondos para la atención de sus derechos básicos. En el momento actual, las organizaciones indígenas están discutiendo sobre la reglamentación de este fondo fideicomiso, para tratar de minimizar el control político de sus acciones en el futuro, tratando de tener una mayor participación en las decisiones y en la gestión del mismo.

IV. Metodología

La documentación del caso responde a los informes jurídicos alcanzados por los asesores de AIDECOBAP y ORPIO y a entrevistas con los líderes de ORPIO y AIDECOBAP, estos han sido resumidos por Amazon Watch en Perú.



Lote 192 - FRONTERA ENERGY

I. Información resumida del caso:

Nombre del proyecto: Lote 192 (ex Lote 1AB)

Ubicación: Distrito de Andoas, provincia Datem del Marañón; distritos Tigre y Trompeteros, provincia Loreto, región Loreto, Peru

Empresas involucradas: Frontera Energy del Perú SA (Lima, Perú), subsidiaria de Frontera Energy Corporation (Toronto, Canadá)

Entidad financiera: Citibank, Itaú y Credit Suisse son sus principales acreedores; y en inversionista la canadiense Catalyst Capital Group

Sector: Hidrocarburos, petróleo

Estatus del Proyecto: Finalizado, en espera de evaluación del Plan de Abandono.

Población o grupos afectados: Hay 27 comunidades en el área de influencia directa del lote. Principales afectados: Quechuas del Pastaza, Achuar de Corrientes y Kichwa del Tigre.

Ambiente natural impactado: Ríos y lagos [Ríos Pastaza, Corrientes, Tigre y sus tributarios], aguas subterráneas, y aire por el uso de mecheros de gas.

Principales abusos de DDHH: Derecho a la salud, derecho a un ambiente sano, derecho al agua, derecho a la alimentación, derechos culturales y religiosos, derecho a la libre determinación, derecho a la reparación, entre otros.

Organización responsable de la documentación del caso: PUINAMUDT, Perú Equidad y OXFAM Perú.

II. Breve descripción de la relevancia del proyecto:

El Lote petrolero 192 se ubica en la región de Loreto, en la Amazonía norte peruana. Se superpone al territorio ancestral de 26 comunidades indígenas de los pueblos Quechua del Pastaza, Achuar de

Corrientes y Kichwa del Tigre, en las cuencas de los ríos del Pastaza, Corrientes y Tigre¹⁴¹. Este lote es uno de los principales productores de petróleo de Perú y uno de los más antiguos en la Amazonía (1971). Desde agosto de 2015 hasta febrero del 2021 estuvo operado por la empresa Frontera Energy del Perú SA (antes denominada Pacific Stratus Energy del Perú), subsidiaria de la empresa canadiense Frontera Energy Corporation (antes denominada Pacific Exploration and Production) con sede en Toronto, Canadá¹⁴².

El lote 192 fue operado durante 50 años, dejando múltiples impactos negativos que han afectado a la vida, la salud, el ambiente sano y otros derechos de los pueblos indígenas. Este lote es uno de los que tiene más frecuencia de derrames¹⁴³. Durante los cinco años que Frontera Energy operó, se exacerbó aún más los impactos debido a que se produjeron 105 derrames de petróleo adicionales¹⁴⁴, siendo la principal causa las fallas operativas y la corrosión de la infraestructura utilizada por la compañía (el 70% de los casos del derrame)¹⁴⁵. Las autoridades ambientales peruanas le impusieron varias multas por estas infracciones, sumando más de 2.7 millones de soles (USD 720,000 aproximadamente)¹⁴⁶. Sin embargo, la empresa ha judicializado algunas de estas multas para evadir el cumplimiento de las sanciones económicas¹⁴⁷.

En agosto de 2021, Frontera Energy presentó su primer Plan de abandono al Ministerio de Energía y Minas (MINEM), pero fue devuelto con observaciones al no ajustarse a los requerimientos solicitados¹⁴⁸. El 19 de enero de 2022 se envió el plan subsanado que cuenta con 29 observaciones de parte de las autoridades peruanas¹⁴⁹. En este Plan, Frontera Energy no contempla la remediación de ningún sitio y tiene un presupuesto de sólo S/. 350,000. (92,100 USD aproximadamente)¹⁵⁰. Los monitores y monitoras ambientales de las federaciones indígenas han constatado que los daños generados por los derrames aún persisten en sus territorios. Existen evidencias de derrames que nunca fueron limpiados completamente, de centros de acopio con cientos de bolsas de petróleo que, por la irresponsabilidad de Frontera, el paso del tiempo y las condiciones climáticas amazónicas se rompen y vuelven a contaminar el territorio, sin que se estén tomando acciones de remediación al respecto.

¹⁴¹ Disponible en: <https://consultaprevia.cultura.gob.pe/proceso/lote-192-2019>

¹⁴² Es importante notar que esta empresa anteriormente se llamó desde el 2015 al 2017 Pacific Stratus Energy del Perú, subsidiaria de la Canadiense Pacific Exploration and Production. Disponible en: https://cdn.www.gob.pe/uploads/document/file/536012/DS_N_004-2020-EM.pdf?v=1583181607

¹⁴³ Leon, A. y Zuñiga, M. (2022). La sombra de los hidrocarburos en el Perú. Actualización de la información sobre sitios con daño hidrocarbúrico en el Perú: 1997-2021. Oxfam. Disponible en: https://oi-files-cng-prod.s3.amazonaws.com/peru.oxfam.org/s3fs-public/file_attachments/La-sombra-de-los-hidrocarburos-en-el-Peru%CC%81.pdf

¹⁴⁴ Lote 192: Frontera Energy dejó hace 8 días el lote 192 sin haber presentado un Plan de Abandono. Disponible en: <https://observatoriopetrolero.org/lote-192-frontera-energy-dejo-hace-8-dias-el-lote-192-sin-haber-presentado-un-plan-de-abandono/>

¹⁴⁵ Lote 192: Frontera Energy dejó hace 8 días el lote 192 sin haber presentado un Plan de Abandono. Disponible en: <https://observatoriopetrolero.org/lote-192-frontera-energy-dejo-hace-8-dias-el-lote-192-sin-haber-presentado-un-plan-de-abandono/>

¹⁴⁶ Los otros territorios impactados por el petróleo: el caso de Frontera Energy. Disponible en: <https://saludconlupa.com/noticias/los-otros-territorios-impactados-por-el-petroleo-el-caso-de-frontera-energy/>

¹⁴⁷ Los otros territorios impactados por el petróleo: el caso de Frontera Energy. Disponible en: <https://saludconlupa.com/noticias/los-otros-territorios-impactados-por-el-petroleo-el-caso-de-frontera-energy/>

¹⁴⁸ Ministerio de Energía y Minas, Proceso de revisión y Plan de Abandono de Frontera Energy en el lote 192: <https://www.minem.gob.pe/descripcion.php?idSector=22&idTitular=9980>

¹⁴⁹ Ministerio de Energía y Minas, Proceso de revisión y Plan de Abandono de Frontera Energy en el lote 192: <https://www.minem.gob.pe/descripcion.php?idSector=22&idTitular=9980>

¹⁵⁰ Ministerio de Energía y Minas, Proceso de revisión y Plan de Abandono de Frontera Energy en el lote 192: <https://www.minem.gob.pe/descripcion.php?idSector=22&idTitular=9980>

III. Principales abusos a los DDHH:

Derecho a la salud: Afectación a la salud de la población con evidente aumento de la presencia de metales pesados en la sangre, debido a los derrames de petróleo¹⁵¹.

Durante la pandemia por covid-19, la empresa condiciona el acceso de las comunidades a la planta de oxígeno, ubicadas dentro de las instalaciones petroleras, a que las comunidades aceptaran el reinicio de las operaciones suspendidas por la pandemia. Esta suspensión se dió con el fin de evitar o reducir el tránsito de trabajadores foráneos que podrían transmitir el virus¹⁵².

Derecho a un ambiente sano, agua y alimentación: El ecosistema donde vive la población está altamente degradado, por la presencia de sustancias tóxicas producto de los derrames petroleros e impactos acumulados de las operaciones petroleras.

Los principales recursos hídricos de la zona están contaminados como ríos y lagunas (cochas). La población sigue usando la mayoría de los ríos contaminados para diferentes fines, incluyendo su consumo para la alimentación.

Los principales recursos alimenticios de la población afectada por la contaminación son: peces, animales de monte (colpas), bosques y suelos, que afectan a la agricultura y, por ende, la alimentación no es suficiente y no es de adecuada calidad, produciendo desnutrición y mayor morbilidad y mortalidad.

Derecho a la libre determinación: La empresa no ha tenido una interlocución directa con las organizaciones representativas de las comunidades en el lote, buscando siempre espacios bilaterales con las comunidades por separado, sin contar con sus representantes.

Derechos culturales y religiosos: Contaminación, degradación (y destrucción) de sitios de importancia cultural e histórica que tienen valor sagrado para los pueblos indígenas, como cementerios o colpas (zonas de caza tradicionales).

Derecho a la compensación/indemnización: La empresa firmó acuerdos sociales con las comunidades que no ha cumplido en su totalidad, lo que también obligó a las comunidades a movilizarse para exigir el cumplimiento de dichos acuerdos¹⁵³. Así mismo, empresa no ha querido cumplir de oficio con el pago de indemnizaciones por derrame a las comunidades, obligando a estas a movilizarse para conseguir que la empresa les escuche¹⁵⁴.

IV. Metodología

¹⁵¹ Cristina O'Callaghan-Gordo, Jaime Rosales, Pilar Lizárraga, Frederica Barclay, Tami Okamoto, Diana M. Papoulias, Ana Espinosa, Martí Orta-Martínez, Manolis Kogevas, John Astete: *Blood lead levels in indigenous peoples living close to oil extraction areas in the Peruvian Amazon*. Environmental International, Volume 154, September 2021, 106639. <https://www.sciencedirect.com/science/article/pii/S0160412021002646>

¹⁵² Frontera Energy del Lote192 condiciona acceso de comunidades indígenas con Covid-19 a Planta de Oxígeno, a cambio de reiniciar sus actividades: <https://observatoriopetrolero.org/frontera-energy-del-lote192-condiciona-acceso-de-comunidades-indigenas-con-covid-19-a-planta-de-oxigeno-a-cambio-de-reiniciar-sus-actividades/>

¹⁵³ Más de 100 comunidades amazónicas denuncian abusos de la petrolera Frontera Energy: <https://wayka.pe/mas-de-100-comunidades-amazonicas-denuncian-abusos-de-la-petrolera-frontera-energy/>

¹⁵⁴ Achuares toman base de Dorissa para exigir remediación e indemnización por derrames de Frontera Energy: <https://observatoriopetrolero.org/achuares-toman-base-de-dorissa-para-exigir-remediacion-e-indemnizacion-por-derrames-de-frontera-energy/>

Este caso está siendo presentado por la Plataforma PUINAMUDT, que reúne a 4 organizaciones indígenas que representan a los pueblos afectados por las operaciones petroleras en los lotes 192 y 8, por lo que la información que se presenta se ha recogido y se le ha dado seguimiento tanto por estas organizaciones indígenas representativas, junto con sus aliados, Perú EQUIDAD y Oxfam en Perú, que llevan acompañando el proceso de las federaciones indígenas afectadas desde el año 2015.

Asimismo, la documentación del caso responde a una investigación realizada por un equipo de especialistas en temas socioambientales que trabajan con las federaciones indígenas afectadas, denominada "*Frontera Tóxica: Daños de la empresa Frontera Energy en territorio indígena en el Lote 192*", que se encuentra en edición para su publicación. La aproximación se basa en una revisión sistemática de fuentes de información de bibliografía académica, documentos/informes de organismos supervisores y fiscalizadores en materia ambiental y sectorial de hidrocarburos como OEFA, Osinergmin; así como jurisprudencia internacional y organismos internacionales como PNUD, CIDH, entre otros.

Finalmente, la identificación de financistas se realizó con el análisis de PROFUNDO, Research & advice, noviembre 2022.