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Gold for Export? ... or Water & Food for Life? The Case of Gold Mining in El Salvador

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Abstract

With the rapid expansion of gold mining, social movements in many countries have gathered force to oppose the mining. Environmental concerns have been central to this opposition. But the opposition has grown into a larger critique of “what is development?” posing corporate-led export growth against peasant-led local agriculture. Based on the authors’ field-research in 2011, 2012 and 2013, this paper analyzes the case study of El Salvador where a strong peasant-based social movement has built a national-level coalition to the extent that the national government banned gold mining starting in 2009. The analysis then moves to the global level where two global mining companies have filed investor-rights suits against the Salvadoran government in the World Bank investors-rights tribunal (ICSID) claiming that the national government does not have the right to privilege the local, non-extractive economy. This case study of the struggle against mining in El Salvador reveals a great deal about the dynamics of “food sovereignty” struggles at a local, national, and global level, and provides a dynamic study to compare and contrast with other case studies of land-grabbing that pit local small-scale farmers and food and water needs against the transnational “grabbing” of land and mineral rights.

The Context

Gold and other precious metals have been mined for centuries in different parts of the world. Over the past decade, there has been a rapid expansion of mining activities as the prices of most minerals have increased dramatically. Gold, for example, sold for under \$300 as recently as 2000, yet its price passed \$1,700 an ounce in 2012.¹ In this bonanza of skyrocketing prices, mining firms have looked back to many geographic areas that abandoned mining over the past century (including in the United States) to sign new concessions and to begin mining again.

With this rapid expansion of mining, social movements in many countries have gathered force to oppose the mining, from South Africa to the Philippines to Guatemala to Peru. They have raised many factors in their opposition. Paramount are issues related to what is now called “land grabbing” and the “development” questions related to land and water needed to feed local populations. There is a growing understanding that large-scale mining firms wreak environmental havoc on communities and nations. Most commercial mining requires large quantities of water. In addition, most large-scale gold mining also uses cyanide to separate the gold from the rest of the rock; cyanide is highly toxic and can contaminate both soil and water. The cyanide separation process also often releases toxic arsenic from the surrounding rock. A number of health problems often result. Unlike the struggle against fossil fuels, the mining struggles are not just or necessarily about climate change. Rather, the environmental

challenges from mining are more local and national, although they too can be trans-boundary. And, many communities pose small-scale farming, which is threatened by large-scale mining, as the livelihood alternative to mining.

There is also social and political fallout from mining activities. Mining firms often bring money into communities where they want to mine as a way to win over politicians and the public. That money, and the promise of more money once the mining starts, often creates conflict between the pro-mining and anti-mining forces. In some countries, people have been killed as the tensions rise. Some mining companies have also donated funds to politicians, which increases conflict as well.

El Salvador provides a fascinating case study of these conflicts.

The northern half of El Salvador is dominated by old volcanic mountains that contain a great deal of gold and other minerals. Foreign firms started mining this gold over a century ago, but much of the mining stopped in the 1930s when global mineral prices plunged.

In the mining boom of the 2000s, many Canadian and other mining firms expressed interest in dozens of potential mining sites. A number of these firms signed contracts with the Salvadoran government to explore for minerals with the hope that they could then actually mine the ore. Local groups began to oppose the mining after 2005 and, by 2007, one poll showed close to two-thirds of Salvadorans opposed to mining. The opposition was so strong that both major political parties in the 2009 elections said they would stop mining if elected.

The winner of that election, Mauricio Funes of the progressive FMLN party, kept his promise and has not issued any new mining permits since his election. Hence, El Salvador has become the first mineral rich country to “keep the gold in the ground,” at least for several years starting in 2009.² Whether Funes’ successor in 2014 will continue this policy remains to be seen.

The authors visited El Salvador in 2011, 2012 and 2013 to research the anti-mining movement and the government response. This case study of the struggle against metals mining in El Salvador reveals a great deal about the dynamics of “food sovereignty” struggles at a local, national, and global level, and provides a dynamic study to compare and contrast with other case studies of land-grabbing that pits local small-scale farmers and food needs against the transnational “grabbing” of land and mineral rights.

Water For Life

Thirty years ago, several thousand civilians in the northern Salvadoran community of Santa Marta quickly gathered a few belongings and fled the US-funded Salvadoran military as it

burned their houses and fields in an early stage of the country's twelve-year civil war. Dozens were killed as they crossed the Lempa River into refugee camps in Honduras.³

Today, residents of this area, some born in those Honduran refugee camps, are fighting US and Canadian mining companies eager to extract the rich veins of gold buried near the Lempa River, the water source for more than half of El Salvador's 6.2 million people.⁴ Once again, civilians have been killed or are receiving death threats.

The goal of groups opposing mining is to make El Salvador the first nation to ban gold mining. We traveled to El Salvador in April-May 2011 and again in July-August 2012 to find out if this struggle to keep gold in the ground can be won. Our investigation led us from rural communities in the country's gold belt to ministries of the new progressive government in San Salvador and ultimately to free trade agreements and a tribunal tucked away inside the World Bank in Washington, D.C.⁵

In 2011, we were greeted at the airport by Miguel Rivera, a quiet man in his early 30s whose face is dominated by dark, sad eyes. Miguel is the brother of anti-mining community leader Marcelo Rivera, who was disappeared—tortured and assassinated—in June 2009 in a manner reminiscent of the death squads of the 1980s civil war.⁶ We had first met Miguel in October 2009, when he and four others active in El Salvador's National Roundtable on Mining traveled to Washington to receive the Institute for Policy Studies' Letelier-Moffitt Human Rights Award, a prize that brought international recognition to this struggle.

As we drove on the mountainous roads that lead to Santa Marta and other towns in the northern department (equivalent of a U.S. state) of Cabañas, we commented on the starkly eroded parched hills that look like landslides waiting to happen. "We are the second most environmentally degraded country in the Americas after Haiti," Miguel explained through an interpreter.⁷ "How did you come to oppose mining?" we asked. Miguel pointed to our water bottle and said simply: "Just like you, water is our priority." Over the next days and again in 2012, we would hear testimonies from dozens of people in Cabañas, many of whom are risking their lives in the struggle against mining. Almost all started or ended their stories with some variation of Miguel's answer: "Water for life," for drinking, for fishing, for farming—and not just for Cabañas but for the whole country.

Miguel drove us to the office of his employer, ADES (the Social and Economic Development Association), where local people talked with us late into the night about how they had come to oppose mining. ADES organizer Vidalina Morales acknowledged that "initially, we thought mining was good and it was going to help us out of poverty...through jobs and development."

The mining corporation that had come to Cabañas was the Vancouver-based Pacific Rim, one of several dozen companies interested in obtaining mining “exploitation” permits in the Lempa River watershed. In 2002 Pacific Rim acquired a firm that already had an exploration license for a Cabañas site bearing the promising name El Dorado.⁸ That license gave Pacific Rim the right to use such techniques as sinking exploratory wells to determine just how lucrative the site would be.

Francisco Pineda, a corn farmer and charismatic organizer with the Environmental Committee of Cabañas, invited us to spend an afternoon with eighteen of his fellow committee members, some of whom had walked or been driven a long way to join us. One after another, each stood up to tell his or her story. Francisco, who received the 2011 Goldman Environmental Award⁹ (which some call the Environmental Nobel Prize), kicked off what became a five-hour session. He talked about watching the river near his farm dry up: “This was very strange, as it had never done this before. So we walked up the river to see why.... And then I found a pump from Pacific Rim that was pumping water for exploratory wells. All of us began to wonder, if they are using this much water in the exploration stage, how much will they use if they actually start mining?”

Francisco, Marcelo, Miguel, Vidalina and others then set out to learn everything they could about gold mining. From experience, they already knew that Cabañas was prone to earthquakes potentially strong enough to crack open the containers that mining companies build to hold the cyanide-laced water used to separate gold from the surrounding rock. Community members traveled to mining communities in neighboring Honduras, Costa Rica and Guatemala, returning home with stories about the contamination of rivers and lands by cyanide and other toxic chemicals. They learned that arsenic, another highly toxic substance, was often released into the ground or water as a result of the use of cyanide. They turned to water experts, university researchers and international groups like Oxfam. A number of people attended seminars on mining in San Salvador. They became water experts on top of their previous profession; Miguel, for instance, was an accountant; many were farmers.

They also discovered that only a tiny share of Pacific Rim’s profits would stay in the country, and that the El Dorado mine was projected to have an operational life of only about six years,¹⁰ with many of the promised jobs requiring skills that few local people had. And, as a study by the International Union for the Conservation of Nature pointed out, people in Cabañas “living near mining exploration activities began to notice environmental impacts from the mining exploration—reduced access to water, polluted waters, impacts to agriculture, and health issues.”¹¹

In community meetings, Pacific Rim officials claimed they would leave the water cleaner than they found it. (The Pacific Rim website is filled with promises about “social and environmental

responsibility.”¹²) But many local people were wary of the company’s intentions and honesty, given their new knowledge and expertise. Three people recounted how a Pacific Rim official boasted that cyanide was so safe that the official was willing to drink a glass of a favorite local beverage laced with the chemical. The official, we were told, backed down when community members insisted on authentication of the cyanide. “The company thought we’re just ignorant farmers with big hats who don’t know what we’re doing,” Miguel said. “But they’re the ones who are lying.”

Gold and Conflict

As the anti-mining coalition strengthened with support from leaders in the Catholic Church, small businesses and the general public (a 2007 national poll showed that 62.4 percent opposed mining¹³), tensions within Cabañas grew. These emerged in the context of other challenges, including the increasing use of Cabañas as an international drug trans-shipment route, with the attendant problems of corruption and violence. While questions remain, many activists believe that pro-mining forces—including local politicians who stood to benefit if Pacific Rim started mining—are ultimately responsible for the 2009 murder of Miguel’s brother, Marcelo Rivera. Marcelo, a cultural worker and popular educator from the Cabañas town of San Isidro, was an early and vibrant public face of the anti-mining movement.¹⁴

In San Isidro, Rina Navarrete, director of the Friends of San Isidro Association (ASIC), whose founders included Marcelo, stressed that his work lives on through the focus of local groups on cultural work and youth leadership development. Members of another citizens group, MUFRAS-32, led us on a walking tour of this small farming town. At the renamed Marcelo Rivera Community Center, a yellow and red mural with Marcelo’s face above a line of dancing children covers the front wall.

Four other murals painted by youths, on the outside walls of houses owned by sympathetic residents, make it impossible to forget Marcelo’s mission or his assassination. One, for example, offers a dramatic contrast between two alternative paths of development: On the mural’s right side, dark and gloomy “monster” projects, including gold mines, dump waste into a river that bisects the wall. On the other side of the mural’s river, sunlight bathes healthy agricultural land and trees.

ASIC, MUFRAS-32 and other groups continue to organize theater and artistic festivals. Jaime Sánchez, a former theater student of Marcelo’s now in his mid-20s, told us more: “We use theater, songs, murals and other cultural forms to show resistance. We use laughter.” Jaime described ADES’s creation of a radio station, Radio Victoria, which teaches young people to

become deejays, production engineers and the other roles of running a station. These young people also took courses on mining, and spread what they learned over the airwaves.

Over a six-day period in late 2009, two other local activists were killed, one a woman who was eight months pregnant; the 2-year-old in her arms was wounded.¹⁵ ADES's Nelson Ventura barely escaped an attack. Hector Berrios and Zenayda Serrano, lawyers and leaders of MUFRA-32, had their home broken into while they and their daughter slept, and documents related to their work were stolen.¹⁶ As Hector lamented, "Clandestine organizations still operate with impunity in this country."

One person told us he turned down a \$30-a-week offer to meet with representatives of Pacific Rim to inform on anti-mining activists. Mourned another: "Now in our communities, you don't trust people you've trusted your entire life. That's one of the things the mining companies have done."

Many of the people we interviewed, including youths at Radio Victoria, have received death threats. In May 2011, just after we returned home from our 2011 visit, the death threats against individual youths at Radio Victoria escalated, with such ominous untraceable text messages as: "look oscar we aren't kidding shut up this radio or you also die you dog..."¹⁷ And in June 2011, nearly two years after Marcelo Rivera's murder, the body of Juan Francisco Duran, a student volunteer with the Environmental Committee of Cabañas, was found; he had been assassinated execution-style, two bullets in his head. "The last time he was seen by fellow environmental activists was...distributing fliers against metallic mining in [Cabañas] in preparation for a public consultation about the mining sector taking place nearby," noted the Roundtable press release, with a title that implored: "Not another mine, not another death."¹⁸

"A Pact with the Devil"

In 2012, we travelled from Cabañas to the community of San Sebastian in the province of La Union in the northeast corner of El Salvador. "The water's bright orange," we exclaimed while balancing ourselves precariously on rocks alongside a spring. Above us stood a mountain with a prominent slash where firms from the U.S. and elsewhere have been mining gold for over a century. The mountain also happens to be a key watershed for this area.

"I've seen this water cranberry red and also bright yellow," our companion said before reminding us not to touch the water. "Last time I was here, I slipped and ended up with rashes all over my leg and stomach where I got wet." She did not need to remind us. Experts from the Salvadoran government's Ministry of Environment and Natural Resources (MARN) were here in July 2012 and found levels of cyanide and iron that were through the roof.¹⁹

What at first seems odd is that there has not been commercial gold-mining here for at least a decade – since Commerce Group, a U.S. company based in Milwaukee, left.²⁰

But, as we learned in San Sebastian, a decade or two can be a blink of an eye for the environmental havoc wreaked by gold mining. These ancient mountains contain not only gold and many other minerals, but also sulfide. Once mining excavations expose sulfide to the air and rain, it is converted to sulfuric acid. With each new rain, the acid unleashes new toxic substances that flow down the mountain and into the springs and streams. In the words of a local man whose father worked for Commerce Group: large-scale mining involved “making a pact with the devil.”

The now-orange spring water flows into a now lifeless stream that flows into the San Sebastian River that, in turn, flows into the Santa Rosa River. Along the way, the water is used by many before it enters the Gulf of Fonseca far to the south and continues its journey.

As with the water, so too “this land is heavily contaminated,” sighed Father Lorenzo, a handsome man in his early forties with an easy, dimpled smile, who is the priest from the nearby city of Santa Rosa de Lima.

The technical term for the environmental nightmare that is unfolding in front of us is “acid mine drainage” or “acid rock drainage.”²¹ Acid mine drainage has plagued mine sites from Pennsylvania to El Salvador for centuries. Indeed, as mining expert Robert Goodland stresses, some communities near ancient Roman mines in England and Spain continue to suffer the effects of acid mine drainage over *2,000 years* after the mines were closed.²² And remediation – or “clean up” – is technically and financially challenging. As a local college student who has become an expert on the San Sebastian situation sees it: even if the funding were available, “we wouldn’t be able to clean this up even in one hundred years.”²³ The mining thus creates not only the brutal violence of conflicts -- but also continuous destruction -- what Rob Nixon calls “slow violence” of people and their ecosystems for very, very long periods of time.²⁴

With Father Lorenzo, we hiked up the mountain to the site where Commerce Group mined. On the way, we walked by homes built on land covered by finely crushed rocks that are the “tailings” or what remains after the mining companies separate the gold from the surrounding rock. And we walked on roads and paths built from the tailings. As is the case with many gold mining operations, Commerce Group used cyanide to do this. And so, the cyanide is part of the tailings.

We found the mines near the summit: jagged holes carved into the mountain side, with piles of rock below. Here and there a glint suggested the ore that lies within.

It was not hard to figure out where Father Lorenzo now stood in terms of mining: a dramatic mural outside his church depicts a denuded landscape darkened by machinery and tailings.

But, we asked, how did Father Lorenzo and the community first come to understand that the mountain we are standing on was a toxic nightmare? Father Lorenzo began his answer by saying that he was not always against mining; indeed, his father was a miner in a nearby area. But then, eleven years ago, he was assigned to this parish, and he and others noted San Sebastian's high incidence of kidney failure, cancer, skin problems and nervous system disorders. "My first clue" he told us, "was that I would visit farms in this community, and I would wash my hands and notice that there were no suds from the soap. The water was too acidic to make suds. This is how we made the link between the mining and the water."

The environmental nightmare actually goes back to the original miner here, U.S. metallurgist Charles Butters. Butters commercialized the use of cyanide in gold extraction over a century ago. In 1927, Butters was kicked out of nearby Nicaragua by the revolutionary leader Augusto Sandino, but he had already found a much more compliant government in El Salvador. Butters purchased the San Sebastian mine in the early years of the 1900s for \$100,000 and within a year had mined \$1 million worth of gold. 24-carat, we are told. We could not help but admire Butter's gold-sourcing skills and his workers' stamina as we envision him searching for the vein and them hauling ore out of these steep mountains before any roads were built.²⁵

And thus began the sad saga.

The most recent company to extract gold from this mountain was Wisconsin-based Commerce Group, which first acquired the San Sebastian gold mine in 1968. Commerce Group made money off the gold for many years, stopping temporarily during El Salvador's civil war and ceasing mining activity by 1999 due primarily to the low price of gold. Yet, as gold prices skyrocketed over the past decade, Commerce Group filed for and was awarded a new mining license from the government. Then, in 2006, a study by the research group CEICOM found that the San Sebastian River was 100,000 times more acidic than uncontaminated bodies of water in the same region. This was so bad that the Environmental Ministry of El Salvador's then right-wing government revoked the company's environmental permit.²⁶

Democratic Spaces

We traveled from mining country to San Salvador, visiting the sprawling Cuscatlán Park. Along one wall is the Salvadoran version of the U.S. Vietnam Veterans Memorial, in this case etched with the names of about 30,000 of the roughly 75,000 killed in the civil war.²⁷ Thousands of them, including the dozens killed in the Lempa River massacre of 1981, were victims of

massacres perpetrated by the US-backed—often US-trained—government forces and the death squads associated with them.²⁸

Peace accords were signed in 1992, and successive elections delivered the presidency to the conservative and pro-free trade ARENA party until 2009, when the progressive Farabundo Martí Liberation Front (FMLN) won the largest bloc in the Congress and, two months later, the presidency.²⁹ (In the 2012 legislative elections, ARENA regained the largest number of seats.³⁰) Anti-mining sentiment was already so strong in 2009 that both the reigning ARENA president and the successful FMLN candidate, Mauricio Funes, came out against mining during the campaign.³¹

Much of the credit for this anti-mining sentiment goes to the National Roundtable on Mining, formed in 2005³² as leaders in Cabañas began meeting with groups from other departments where mining companies were seeking permits, as well as with research, development, legal aid and human rights groups in San Salvador. Roundtable facilitator Rodolfo Calles enumerated the goals they collectively agreed upon after arduous deliberations: to help resistance at the community level; to win a national law banning metals mining; to link with anti-mining struggles in Honduras and Guatemala, since the Lempa River also winds through those two countries; and to take on the international tribunal in which Pacific Rim and Commerce Group are suing El Salvador. Part of what moved the Roundtable to the “complete ban” position, Francisco Pineda explained, “... was the realization that the government lacked the ability to regulate the mining activities of giant global firms.”

We were eager to understand how the still relatively young FMLN-led government was deciding whether to ban metals mining. Roundtable members told us the Funes government had announced it would grant no new permits during his five-year term and that it was considering a permanent ban. They also told us the government had initiated a major “strategic environmental review” to help set longer-term policy on mining.

We visited the ministry of the economy, which, along with the environment ministry, led the 2011-12 review. In 2011, the man overseeing it, an engineer named Carlos Duarte, explained that the goal was to do a “scientific” analysis, with the help of a Spanish consulting firm (with Spanish funding). We pushed further, trying to understand how a technical analysis could decide a matter with such high stakes. On the one hand, we posed to Duarte, gold’s price has skyrocketed from less than \$300 an ounce at the turn of this century (and for much of the 1980s and 1990s) to more than \$1,500 an ounce then³³, increasing the temptation in a nation of deep poverty to consider mining. We quoted former Salvadoran finance minister and Pacific Rim economic adviser Manuel Hinds, who said, “Renouncing gold mining would be unjustifiable and globally unprecedented.”³⁴ On the other hand, we quoted the head of the human rights

group and Roundtable member FESPAD, Maria Silvia Guillen: “El Salvador is a small beach with a big river that runs through it. If the river dies, the entire country dies.”

In 2011-12, the Spanish firm, backed by four technical experts from other countries, had carried out a lengthy study of the issues and was consulting with people affected by mining, ranging from mining companies to the Roundtable groups. While he hoped this process would produce a consensus, Duarte admitted it was more likely the government and the firm would have to lay out “the interests of the majority,” after which the two ministries would then make their policy recommendation. (Roundtable members had told us that the first group consultation, about ten days earlier in San Salvador, had turned into a pitched debate between them and representatives of the mining companies.) “If new laws are necessary,” Duarte informed us, “then it will go to the legislature.”

We proceeded to the national legislature, its hallways a cacophony of red posters bearing the photos of FMLN leaders (and the ever-present martyr Archbishop Oscar Arnulfo Romero, assassinated in 1980 by the right) competing with offices adorned with posters of the leading opposition party, ARENA. We came to meet FMLN members of the legislature’s environment and climate change committee, including Lourdes Palacios, a three-term member from San Salvador with purple glasses and an easy smile. Palacios explained that they were ready with a bill to ban metals mining, but at the request of the executive branch, they were waiting for the outcome of the review before introducing it.

A representative from the department of Chalatenango, just west of Cabañas and an FMLN stronghold, expressed impatience at how long the review was taking and his conviction that “economic and political powers” were “putting pressure on non-FMLN legislators.” For the FMLN legislators, he stressed, “the pressure is the will of the people, and we are convinced that the majority of the people don’t want mining.” The FMLN does not have an absolute majority in the legislature; still, those present expressed confidence that the ban could pass if the executive branch recommended it. One legislator suggested that El Salvador might have an easier time saying no than countries already dependent on revenues from gold exports.

At the time of our visit in 2012, the strategic environmental review was completed and the Executive Branch submitted its proposed legislation to revise the country’s mining legislation to Palacios’s committee. [AUTHORS TO DO PRE-PUBLICATION: UPDATE ON STATUS OF THE MINING LEGISLATION].

Given the human rights situation in Cabañas, we also interviewed the government’s human rights ombudsman, a post created after the 1992 peace accords, to be selected by, and report directly to, the legislature. In 2011-13, the ombudsman was Oscar Luna, a former law professor

and fierce defender of human rights—for which he too has received death threats. We asked Luna if he agreed with allegations that the killings in Cabañas were “assassinations organized and protected by economic and social powers.” Luna replied with his own phrasing: “There is still a climate of impunity in this country that we are trying to end.” He is pressing El Salvador’s attorney general to conduct investigations into the “intellectual” authors of the killings. Several people were arrested in connection with Marcelo Rivera’s assassination, but the attorney general’s office appears to be dragging its feet in digging deeper into who ordered and paid for the killings. Three of the six who were convicted were already released by July 2012. Critics told us that the attorney general, appointed by the legislature as a compromise candidate between ARENA and the FMLN, had failed to investigate aggressively a number of sensitive cases involving politicians, corruption and organized crime.

Our interactions in Cabañas and San Salvador left us appreciative of the new democratic space that strong citizen movements and a progressive presidential victory have opened up, yet aware of the fragility and complexities that abound. The government faces an epic decision about mining, amid deep divisions and with institutions of democracy that are still quite young. As Vidalina reminded us when we parted, the “complications” are even greater than what we found in Cabañas or in San Salvador, because even if the ban’s proponents eventually win, “these decisions could still get trumped in Washington.”

A Tribunal That Can Trump Democracy

Protesters around the globe know the sprawling structures that house the World Bank in Washington, yet few are aware that behind these doors sits a little-known tribunal that will be central to the Salvadoran gold story. The Salvadoran government never approved Pacific Rim’s environmental impact study, and thus never gave its permission to begin actual mining.³⁵ In retaliation, the firm sued the government under the 2005 Central American Free Trade Agreement and El Salvador’s investment law.³⁶ Like other trade agreements, CAFTA allows foreign investors to file claims against governments over actions—including health, safety and environmental measures and regulations—that reduce the value of their investment. The affected farmers and communities are not part of the calculus. The most frequently used tribunal for such “investor-state” cases is the International Centre for Settlement of Investment Disputes, housed at the World Bank (but there are others such as UNCITRAL).³⁷

In the words of lawyer Marcos Orellana of the Center for International Environmental Law, who assisted the Roundtable in drafting an amicus brief for the tribunal, Pacific Rim “is trying to dictate El Salvador’s environment and social policy using CAFTA’s arbitration mechanism.” Pacific Rim’s “claim amounts to an abuse of process.” The brief methodically lays out how Canada-headquartered Pacific Rim first incorporated in the Cayman Islands to escape taxes,

then brazenly lobbied Salvadoran officials to shape policies to benefit the firm, and only after that failed, in 2007 reincorporated one of its subsidiaries in the United States to use CAFTA to sue El Salvador.³⁸

For this chapter, we attempted to interview Pacific Rim board chair Catherine McLeod-Seltzer, but her office steered us to the CEO of Pacific Rim’s US subsidiary, Thomas Shrake. In a tersely worded e-mail, he “respectfully denied” our request. We also attempted to interview PacRim’s Salvadoran-based vice-president Erica Colindres, who represented PacRim at the consultations, but she never responded.

Pacific Rim is demanding at least \$77 million in compensation,³⁹ increasing the amount to \$350 million as of mid-2013, to account to accrued profits lost. A case brought against El Salvador by Commerce Group, the U.S. company that had operated in San Sebastian, was dismissed in 2011 on a technicality, but ICSID still ruled that the government had to pay close to \$1 million in legal fees and for half of the arbitration costs.⁴⁰ And Commerce Group appealed the dismissal in July 2012, while demanding \$100 million from the government of El Salvador. [AUTHORS TO DO: UPDATE PRE-PUBLICATION]

Dozens of human rights, environmental and fair-trade groups across North America, from U.S.-El Salvador Sister Cities and the Committee in Solidarity With the People of El Salvador (CISPES) to Oxfam, Public Citizen, Mining Watch and the Institute for Policy Studies, are pressuring Pacific Rim to withdraw the case.

Many believe that even if Pacific Rim withdraws its case or loses in this tribunal, the very existence of “investor-state” clauses in trade agreements is an affront to democracy. “For democracy to prevail,” Sarah Anderson of IPS told us, “citizens’ movements and their allies in governments must work hard to eliminate these clauses from all trade and investment agreements.”[AUTHORS TO UPDATE PRE-PUBLICATION WITH TPP OR OTHER RELATED STRUGGLES.]

A People’s Economy Based on Food Sovereignty

Back in Santa Marta, citizen groups are building sustainable farming as an alternative economic base to mining. Their goal: a “solidarity economy,” or, as Vidalina termed it, a “people’s economy.” Explained Vidalina: “We reject the image of us just as anti-mining. We are for water and a positive future. We want alternatives to feed us, to clothe us.”⁴¹

Elvis Nataren, a philosophy student, led us to the riverbank and pointed to communal land where organic farms will be built. Three towering greenhouses already contain plump

hydroponic tomatoes, green peppers and other vegetables. Together these should make Santa Marta self-sufficient in corn, beans and vegetables. As Elvis explained, “food sovereignty” was even more urgent in the wake of CAFTA’s passage, given the cheap foreign produce that began to flood the Salvadoran market.

In the nearby province of Chalatenango, in the town of Buena Vista, we met community leaders in an open-air multi-purpose building surrounded by dresses made entirely of corn stalks that had been worn in the local corn festival contest. The leaders talked about the alternative local economy that they are constructing. A key first step was a community water system. Then, they built a cooperative where they process sugar cane and manage beehives for honey and a fish hatchery. The women of the town have organized themselves to plant corn and beans collectively, and they also produce shampoo and soap, alternative medicines (“so that we don’t have to run to a pharmacy”), and even a small massage business. Their farming is organic.

Elvis, Vidalina, Miguel, Francisco and others we met in Cabañas and Chalatenango were well aware that as they nurture farmlands and the river vital to this alternative future, their success also depends upon struggles and debates in San Salvador and Washington.

Conclusion

What happens in this tiny country the size of Massachusetts has importance far beyond its borders. If El Salvador is able to continue to prevent new metallic mining, that precedent opens possibilities for other countries. On the other hand, if El Salvador is forced to allow mining, if PacRim prevails in ICSID, if the Commerce Group is able to cut and run, then this will give greater power to the mining firms.

Other reflections on the broader implications of this case study: In business, academic and activist circles, there is a larger debate about whether large-scale mining can be done ethically, socially and environmentally responsibly -- or whether large-scale mining should be banned. Our conclusion from El Salvador is that the country is so environmentally fragile and already so environmentally-challenged, that the only environmentally and socially responsible policy option is to make the whole country a “no-go zone” for metals mining. Mining should simply be banned there.

So too does the evidence from El Salvador suggest that an effective “anti-” campaign must simultaneously be “pro-” something – in this case study, pro-water, pro-food sovereignty and, overall, as people in El Salvador term it, “pro-life.” In other words, in the struggle to ban gold mining in El Salvador, a politics of resistance has joined a politics of alternatives. So too does this appear to be the case with other “keep it in the ground” struggles.⁴²

In material terms, this Salvadoran “anti-mining ” case study is not really about gold, but about water and food (and, for that matter, soil, land, rights, etc.), just as the other anti-land grabbing or anti-mining fights are also about toxic accumulation, healthy ecosystems and, also, water.

Meanwhile, the streams and springs of San Sebastian continue to change color from cranberry red to KoolAid orange and yellow depending on the season. The overstressed Rio Lempa watershed continues to be near if not beyond its ecological limits. And, the violence introduced to Cabanas continues. On June 30, 2012, David Urias, the son of an anti-mining activist was brutally murdered as he walked alone on a dirt road, three years to the day from when Marcelo Rivera’s tortured body was found.

Yet, determined social movements and a brave government have shown the world that it is possible to choose water, food and life over dangerous mining and destroyed ecosystems. The Salvadoran “anti-gold mining” case study stands as one more example that a longer term vision of a better future is not only possible, it can prevail.

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Endnotes

¹ See http://www.itmtrading.com/historical_gold_prices/ [AU: IF UPDATE, SEE NOTE #33]

² Note that this refers to a comprehensive, national-level policy. A few other countries have more limited moratoria or bans. According to Robert Goodland, “El Salvador, Costa Rica, and the Philippines are examples where moratoria on mining are in place or proposed as the prudent course.” Robert Goodland, “Responsible Mining: The Key to Profitable Resource Development,” *Sustainability* 4, no. 9 (2012): 2099-2126. <http://www.mdpi.com/2071-1050/4/9/2099> [Date accessed: October 9, 2012].

Based on the current authors’ research, here is an update on the more limited moratoria or bans as of October 2012:

Costa Rica: Since November 2010, Costa Rica has had a legal ban (not just a moratorium) but only on new open-pit mines. See: Reuters [n.a.], “Costa Rica Lawmakers Vote to Ban Open-Pit Mining,” Reuters, November 10, 2010, <<http://af.reuters.com/article/metalsNews/idAFN0912629920101110>>

The Philippines: In July 2012, President Aquino issued an executive order (No. 79) that prohibits acceptance of new mining applications and the approval of new mining permits, but does not stop on-going mining. This is a temporary moratorium, in place until the Philippine Congress passes a new mining bill to replace the Mining Act of 1995. The main focus appears to be on negotiating better terms for the government in terms of royalties, taxes and other payments from mining companies. However, according to some sources, it is possible that in the medium-term, this would entail a review of existing contracts and mining operations that could lead to changes in current contracts keeping with whatever new law is passed. Perhaps the best summary of the executive order is: Congresswoman Kaka Bag-ao, “Extracting Good Policy from Bad Legislation?: A Review of Executive Order 79, Series of 2012,” Legal notes, Akbayan Party, July 13, 2012. For updates on this, see the web-site of the Alyansa Tigil Mina (ATM) in the Philippines at <<http://www.alyansatigilmina.net/>>. See also ABS-CBNnews.com on this including: ABS-CBNnews.com, “Q & A on Executive Order 79,” July 9, 2012; and Cathy Garcia, “Mining EO Out; Moratorium on New Mining Deals Stays,” ABS-CBNnews.com, July 9, 2012, <<http://www.abs-cbnnews.com/business/07/09/12/mining-eo-out-moratorium-stays>>

Guyana: Since July 2012, Guyana “has indefinitely banned all diamond and gold mining in rivers because of pollution, loose regulations and other concerns. Natural Resources Minister Robert Persaud says the government will take stock of the damage done so far. He said Friday that riverbanks have been damaged, several species of fish are dying and that large trees have fallen and blocked channels. The announcement comes as gold overtakes sugar as the country’s top export, generating more than US\$1 billion in revenue. The government said earlier this year that it would open offices in the country’s interior to cut down on gold smuggling and try to ensure miners’ safety.” Source: A.P. “Guyana Bans Gold, Diamond Mining In Rivers,” *Jamaica-Gleaner* Sunday July 8, 2012. <<http://jamaica-gleaner.com/gleaner/20120708/business/business85.html>>

[AUTHORS: UPDATE END-NOTE INFO AS NEEDED]

³ Unless otherwise noted, the information and quotes are from our interviews in El Salvador. We conducted field-research in El Salvador in April-May 2011 and July-August 2012.

⁴ For the 6.2 million figure, see World Bank, “Country at a Glance – El Salvador,” Washington, DC, 2011. Available at: <http://www.worldbank.org/en/country/elsalvador>

⁵ We conducted field-research in El Salvador in April-May 2011, July-August 2012 and May 2013.. These ranged from more formal interviews (especially the case with interviews conducted with government officials in various ministries in San Salvador) to informal, multiple-day participant observation outside of El Salvador, especially in the province of Cabañas.

⁶ The details on Marcelo's death were repeated to us numerous times. For written source, see, among others, Richard Steiner, "El Salvador: Gold, Guns, and Choice," IUCN and CEESP, February 2010, pp. 13, 40-44, <<http://www.walkingwithelsalvador.org/Steiner%20Salvador%20Mining%20Report.pdf>>. Marcelo was disappeared in mid-June 2009, and his body not found until June 30, 2009. For the June 30 figure, see: Committee in Solidarity with the People of El Salvador (CISPES). "Body of missing activist found with signs of torture; social organizations demand justice." Friday, 17 July 2009. Available at: <http://wetlands-preserve.org/phpUpload/uploads/CISPES%20on%20Mining.pdf>

⁷ More specifically, in terms of the #2 ranking: "...El Salvador is the second most deforested country in Latin America after Haiti. Almost 85 percent of its forested cover has disappeared since the 1960s" (p.143); and "El Salvador has the second highest economic risk exposure to two or more hazards, according to the Natural Disaster Hotspot study by the World Bank. The same study also ranks El Salvador second among countries with the highest percentage of total population considered at a 'Relatively High Mortality Risk from Multiple Hazards' (p.141). Source: Global Facility for Disaster Reduction and Recovery (GFDRR), *Disaster Risk Management in Latin America and the Caribbean Region: GFDRR Country Notes -- El Salvador*, World Bank, Washington, DC, 2011, pp. 141, 143.

Also note that El Salvador has been ranked number one among countries across the globe in terms of environmental vulnerability: "According to the Global Facility for Disaster Reduction and Recovery (GFDRR) and the United Nations Disaster Assessment and Coordination (UNDAC), El Salvador is recognized as the most vulnerable country in the world. The 2010 UNDAC report, *Assessment of the Capacity for Emergency Responses 2010*, states that almost 90 percent of the territory in El Salvador is located in an area of high risk. These areas are home to more than 95 percent of the country's population, and approximately 96 percent of the country's gross domestic product (GDP) is linked with these locations. According to studies from the Economic Commission for Latin America and the Caribbean (ECLAC), natural disasters have caused 6,500 deaths since 1972, with an economic cost of greater than 16 billion ... dollars. Of these impacts, more than 62 percent of the deaths and between 87 to 95 percent of the economic losses were related to climatic events." (Source: United Nations Development Programme, *Paving the Way for Climate-Resilient Infrastructure: Guidance for Practitioners and Planners*, New York, NY, United Nations Development Programme, 2011, vi.)

For more on El Salvador's environmental degradation, see: United Nations Disaster Assessment and Coordination, *Evaluación de la Capacidad Nacional para la Respuesta a Emergencias*, San Salvador, El Salvador, United Nations, 2010; United Nations Development Programme, El Salvador, *Informe anual PNUD El Salvador 2010*, San Salvador, El Salvador: Programa de las Naciones Unidas para el Desarrollo (PNUD), 2010; United Nations, Economic Commission for Latin America and the Caribbean (ECLAC), *The Economics of Climate Change in Central America: Summary*, United Nations, New York, NY; 2010; and Republic of El Salvador, Ministry of Environment and Natural Resources (MARN), *El Salvador. Resultados del Informe de la Calidad de Agua en los ríos de El Salvador*, San Salvador, El Salvador, 2010.

See also the work of Angel Ibarra, including Florian Erzinger, Luis Gonzales, and Angel M. Ibarra, *El Lado Oscuro del oro: Impactos de la minería metálica en El Salvador*, Caritas de El Salvador and Unidad Ecológica Salvadoreña (UNES), San Salvador, 2008.

⁸ For more on Pacific Rim's plans in El Salvador, see the website of Pacific Rim: <http://www.pacrim-mining.com/s/Home.asp>.

⁹ For more on the award, see website of Goldman Foundation Prize: www.goldmanprize.org.

¹⁰ On the 6 years, see Robert Moran, "Technical Review of the El Dorado Mine Project Environmental Impact Assessment, El Salvador," October 2005, p. 2. (Moran's report: Available at: http://www.votb.org/elsalvador/Reports/Technical_Review_El_Dorado_EIA.pdf)

¹¹ Steiner, p. 15.

¹² See Pacific Rim website: <http://www.pacrim-mining.com/s/Home.asp>.

¹³ For the poll, which was carried out by the University of Central America (UCA), see: <http://www.uca.edu.sv/publica/iudop/Web/2008/finalmineria040208.pdf>. The relevant question is question number 43 on p. 54. It asks: “Do you think El Salvador is an appropriate country for metallic mining? 62.4 percent say “no.”

¹⁴ This information comes from our interviews, but it is also in Steiner, p. 13.

¹⁵ Steiner, pp. 13-14.

¹⁶ This sentence and the prior one are from our interviews, but were also confirmed in a private communication (e-mail exchange) with Hector Berrios (original in Spanish).

¹⁷ Private communication (e-mail exchange) to authors from Cristina Starr, based on her first-hand knowledge from Cabañas.

¹⁸ CISPES. “Not another Mine, Not Another Death! Release from The National Anti-Mining Group In El Salvador,” June 16, 2011. Available at: <http://www.cispes.org/programs/anti-mining-and-cafta/not-another-mine-not-another-death-release-from-the-national-anti-mining-group-in-el-salvador/>

¹⁹ Republic of El Salvador, Ministry of Environment and Natural Resources (MARN), “MARN confirma presencia de cianuro y hierro en Rio San Sebastian, La Union,” 15 July 2012. Available at: http://www.marn.gob.sv/index.php?option=com_content&view=article&id=1462%3Amarn-confirma-presencia-de-cianuro-y-hierro-en-rio-san-sebastian-la-union&catid=1%3Anoticias-ciudadano&Itemid=77

²⁰ For more on Commerce Group, see <http://www.stopesmining.org/j25/index.php/commerce-groups> and http://www.minec.gob.sv/index.php?option=com_phocadownload&view=section&id=16:commerce-group-vrs-repblica-de-el-salvador&Itemid=63.

²¹ See Alan Septoff, “Acid Mine Drainage – Fact Sheet,” Earthworks, December 16, 2005, Available at: http://test.earthworksaction.org/index.php/library/detail/fact_sheet_acid_mine_drainage and “Acid Mine Drainage,” http://www.earthworksaction.org/issues/detail/acid_mine_drainage.

²² Robert Goodland, “Responsible Mining: The Key to Profitable Resource Development,” *Sustainability* 4, no. 9 (2012): 2099-2126. Available at: <http://www.mdpi.com/2071-1050/4/9/2099> [Date accessed: October 9, 2012].

²³ For more on the technical and financial challenges of AMD remediation, see the websites of Mining Watch <http://www.miningwatch.ca/> and Earthworks <http://www.earthworksaction.org/>. Note that English-language sources that directly address the AMD cleanup situation in Central America are more difficult to find than are Spanish language sources. Sources (available via the Mining Watch site) that address the question of whether AMD clean up is possible permanently or temporarily include: Environmental Mining Council of British Columbia (EMCBC), “Acid Mine Drainage: Mining and Water Pollution Issues in British Columbia,” Mining Watch Canada, [n.d. 2006?], and Environmental Mining Council of British Columbia. “[EMCBC Mining and the Environment Primer: Acid Mine Drainage](#),” March 31, 2006, accessed: November 3, 2012. The first report asserts (p. 8) that what makes AMD such a threat is the fact that modern technology actually cannot completely clean up this kind of pollution, thus “while Acid Mine Drainage is not the only threat to waterways from mining, it is the biggest threat...” The second is a brief article that states that AMD is the most significant environmental problem facing the mining industry and the areas in which mining takes place because of both technical difficulties and expense: “[AMD] is virtually impossible to reverse with existing technology, and once started, costs millions of dollars annually to treat and can continue for centuries.” See also Ata Akcil and Soner Koldas, “Acid Mine Drainage (AMD): Causes, Treatment and Case Studies,” *Journal of Cleaner Production*, 2006 (14).

Useful Spanish-language sources include:

- Comisión para la gestión integral del agua en Bolivia (CGIAB), “Agua, minería y comunidades locales,” Seminario Nacional, La Paz, Bolivia, November 21, 2008, which includes work presented at a 2008 seminar on “Water, Mining and Local Communities,” focusing primarily on Chilean and Bolivian case studies. For example, on page 8: “The characteristics of the [mining] contamination make it very difficult to reuse the [contaminated] water, and the possibility of returning the water to its prior ambient state is zero. Calculations have been done on the possibilities for cleaning or decontaminating a portion of the water contaminated by mining. Particularly difficult is acid drainage, which is not the direct product of the transformation of rock into mineral, but rather collateral contamination that has not been given sufficient attention.” [Translated by Rachel Nadelman].
- Iberoamericana Organización Red for Medio Ambiente Subterráneo Y Sostenibilidad (MASYS), “4^o Jornada Iberoamericana De Medio Ambiente Subterráneo Y Sostenibilidad Medio Ambiente Subterráneo: Contaminación De Aguas Subterráneas,” Reunión de Oruro–Bolivia, Noviembre 2011, Primera Edición 2011. [Translation: Organization of the Iberoamerican Network for the Sustainability of the Subterranean Environment, “4th Iberoamerican Conference for Environmental Sustainability and Subterranean Environment: Groundwater Contamination,” Meeting of Oruro-Bolivia, November 2011, First Edition.] This document contains the proceedings from a three- day workshop, with attendees from Argentina, Bolivia, Brazil, Chile, Cuba, Ecuador, Mexico, Venezuela, Spain, and Portugal.
- Verónica Odriozola, “[No todo lo que es oro brilla. Resumen de impactos ambientales de la minería de oro.](#)” Campaña de Tóxicos de Greenpeace, Argentina. January 2003. [Translation: “Not All That Is Gold, Shines: Summary of Environmental Impacts of Gold Mining,” Greenpeace’s Campaign on Toxics]. This report on AMD and other the environmental impacts of gold mining includes examples from across the world, and also goes into the question of what entities end up being responsible for clean-up costs: “Who pays the costs of remediation? One of the biggest problems is who will pay the costs of remediation (when it is possible to remediate) once the problems occur and the mine is no longer active or the company has left”. [Translation by Rachel Nadelman]

On arsenic and gold-mining, see Jochen Bundschuh et al., “One Century of Arsenic Exposure in Latin America: A Review of History and Occurrence from 14 Countries,” *Science of the Total Environment*, 429 (2012), 2-35. Note that coauthor geologist Dina L. Lopez, at Ohio University has other relevant publications.

²⁴ Rob Nixon, *Slow Violence and the Environmentalism of the Poor*, Boston: Harvard University Press, 2011.

²⁵ Our sources on Butters include: Thomas Rickard, *Interviews with Mining Engineers*, San Francisco: Mining and Scientific Press, 1922; “News Releases,” *Gold Reign Resources* September 2009, available at: <http://www.goldenreignresources.com/s/NewsReleases.asp?ReportID=365934& Title=San-Albino-Murra-Gold-Property-Nicaragua-Update>; “Proceedings of a workshop on Development of Mineral, Energy and Water Resources and Mitigation of Geologic Hazards in Central America.” *US Geological Survey*, 1987, p. 14; *Engineering and Mining Journal*, Volume 97 (no 1-13), New York: Hill Publishing, 1914, p. 140; and Percy Falke Martin, *Salvador of the Twentieth Century*, New York: Longmans, Green & Co., 1911. [Accessed April 12, 2011].

²⁶ CEICOM reports are available at <<http://www.ceicom.org.sv/index.php/en/>>.

²⁷ The 30,000 is inscribed on the wall. The 75,000 figure is also in Lonely Planet, *Central America on a Shoestring*, 2007, p. 207.

²⁸ For more on the role of the United States government in the Salvadoran civil war, see Cynthia Arnon, *Crossroads: Congress, the President, and Central America, 1876-1993* (New York: Pantheon Books, 1989; University Park, PA.: Pennsylvania State University Press, 1993, 2nd edition). See also Mark Danner, *The Massacre at El Mozote: A Parable of the Cold War* (New York: Vintage, 1994) ; James Chace, *Endless War: How We Got Ourselves*

Involved in Central America and What Can Be Done, New York: Vintage Books, 1984; and Raymond Bonner, *Weakness and Deceit: U.S. Policy and El Salvador*, New York: Times Books, 1984.

²⁹ See Steiner, p. 6; and Economic Intelligence Unit, “Country Report – El Salvador,” March 2011 on 35 out of 84 and Funes, p. 4.

³⁰ The next presidential election is in 2014.

³¹ Steiner, p. 16.

³² Steiner, p. 15.

³³ The \$1,500 is from: *Washington Post*, 21 April 2011, p. A12. On 13 September 2012, the price of gold was \$1,769 per ounce. See http://www.itmtrading.com/historical_gold_prices/

³⁴ Quote and Hind’s titles are from: Oxfam America, “Metals Mining and Sustainable Development in Central America,” 2009, p. 15. Available at: <http://www.oxfamamerica.org/publications/metals-mining-and-sustainable-development-in-central-america>)

³⁵ Steiner, pp. 7-8.

³⁶ Research suggests that El Salvador’s investment law was revised in 1999 in connection with World Bank structural adjustment lending. Two studies are particularly useful in linking that domestic law with the World Bank’s structural adjustment requirements: Maria Eugenia Ochoa, Oscar Dada Hutt and Mario Montecinos, “El Impacto De Los Programas De Ajuste Estructural Y Estabilizacion Economica En El Salvador” [“The Impact Of Structural Adjustment Programs and Economic Stabilization in El Salvador”], Structural Adjustment Participatory Review International Network (SAPRIN), December 2000 (see especially chapter 1, pp.12-14), <http://www.saprin.org/elsalvador/research/els_cover_index.html>; and Francis Montserrat Sanchez Garcia, Nancy Reyes Yolanda Nunez, and Mabel Denisse Velásquez Leiva, “Evaluación De Políticas De Inserción Laboral Y Su Impacto En Los Jóvenes” [“Evaluating Labor Market Integration Policy and Its Impact on Youth”], “José Simeón Cañas” Universidad Centroamericana, UCA, Graduation Work Prepared for the Faculty of Economics and Social Sciences, September 2010 (see especially pp. 5-8), http://www.uca.edu.sv/deptos/economia/media/archivo/b02a67_evaluaciondepoliticadeseinsercionlaboralysuimpactoenlosjovenes.pdf.

³⁷ For more on ICSID and UNCITRAL, see Sarah Anderson, Manuel Perez-Rocha, Rebecca Dreyfus and J. Alejandro Artigas-Purcell, *Mining for Profits in International Tribunals: How Transnational Corporations Use Trade and Investment Treaties as Powerful Tools In Disputes Over Oil, Mining, and Gas*, Institute for Policy Studies, Washington, DC, November 2011; and Michael Mortimer and Leonardo Stanley, *Justice Denied: Dispute Settlement in Latin America’s Trade and Investment Agreements*, Working Group on Development and Environment in the Americas, Discussion Paper Number 27, October 2009.

See also José Reyes, “El Salvador,” in *Latin American Investment Protections: Comparative Perspectives on Laws, Treaties, and Disputes for Investors, States and Counsel*, eds. Jonathon C. Hamilton, Omar E. Garcia Bolivar and Hernando Otero, Leiden: Martinus Nijhoff, 2012, chapter 9, pp. 293-316.

³⁸ The May 20, 2011 Amicus Brief on this case is: Center for International Environmental Law, “Pac Rim Cayman LLC v. Republic of El Salvador, ICSID Case No. ARB/09/12 Submission of AMICI CURIAE Brief,” May 20, 2011. See also Center for International Environmental Law, “Pac Rim Cayman LLC v. Republic of El Salvador, ICSID Case No. ARB/09/12 Application for Permission to Proceed as AMICI CURIAE,” March 2, 2011; and International Centre for Settlement of Investment Disputes (ICSID), “ICSID Case No. ARB/09/12 Between Pac Rim Cayman LLC v. The Republic of El Salvador: Decision on the Respondent’s Jurisdictional Objections,” June 1, 2012.

On the issue of re-incorporating a subsidiary in the US, see Public Citizen, “CAFTA Investor Rights Undermining Democracy and the Environment: Pacific Rim Mining Case,” May 2010, p. 3. Available at: http://www.citizen.org/documents/Pacific_Rim_Backgrounder1.pdf

³⁹ \$77 million is from e-mail from Meg Kinnear, head of ICSID, to Robin Broad, 6 June 2011.

⁴⁰ Sarah Anderson (saraha@igc.org), Institute for Policy Studies, 2011 interview. See also text of Public Citizen press release, dated 15 March 2011: <http://citizen.typepad.com/eyesontrade/2011/03/commerce-group-cafta-ruling-highlights-threat-of-foreign-investor-rules-also-included-in-korea-fta.html>.

⁴¹ See Santiago Humerto Ruiz Grandadino, *Estudio Comparativo del Impacto Economico de la Explotacion Minero Metalica vs el Impacto Economico de la Reactivacion Agropecuaria en la Zona Norte de El Salvador*, ADES, Cabañas, El Salvador, June 2012.

⁴² The El Salvador case is not unique here, as other case studies reveal. However, it seems that the mainstream media invariably plays up the “anti-” side rather than the positive alternatives being pushed.

FOOD SOVEREIGNTY: A CRITICAL DIALOGUE INTERNATIONAL CONFERENCE PAPER SERIES

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A fundamentally contested concept, food sovereignty has — as a political project and campaign, an alternative, a social movement, and an analytical framework — barged into global agrarian discourse over the last two decades. Since then, it has inspired and mobilized diverse publics: workers, scholars and public intellectuals, farmers and peasant movements, NGOs and human rights activists in the North and global South. The term has become a challenging subject for social science research, and has been interpreted and reinterpreted in a variety of ways by various groups and individuals. Indeed, it is a concept that is broadly defined as the right of peoples to democratically control or determine the shape of their food system, and to produce sufficient and healthy food in culturally appropriate and ecologically sustainable ways in and near their territory. As such it spans issues such as food politics, agroecology, land reform, biofuels, genetically modified organisms (GMOs), urban gardening, the patenting of life forms, labor migration, the feeding of volatile cities, ecological sustainability, and subsistence rights.

Sponsored by the [Program in Agrarian Studies at Yale University](#) and the [Journal of Peasant Studies](#), and co-organized by [Food First](#), [Initiatives in Critical Agrarian Studies \(ICAS\)](#) and the [International Institute of Social Studies \(ISS\)](#) in The Hague, as well as the Amsterdam-based [Transnational Institute \(TNI\)](#), the conference “Food Sovereignty: A Critical Dialogue” will be held at Yale University on September 14–15, 2013. The event will bring together leading scholars and political activists who are advocates of and sympathetic to the idea of food sovereignty, as well as those who are skeptical to the concept of food sovereignty to foster a critical and productive dialogue on the issue. The purpose of the meeting is to examine what food sovereignty might mean, how it might be variously construed, and what policies (e.g. of land use, commodity policy, and food subsidies) it implies. Moreover, such a dialogue aims at exploring whether the subject of food sovereignty has an “intellectual future” in critical agrarian studies and, if so, on what terms.

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