



FILM DISCUSSION GUIDE

**AMNESTY
INTERNATIONAL**



Gold Fever discussion guide

Thank you for agreeing to host a film screening of **Gold Fever**. Amnesty International Canada's Business and Human Rights program is working to bring people together to discuss State and corporate accountability for human rights and this film introduces viewers to some of the people and places affected by Canadian mining operations in Guatemala.

Canadian mining companies now operate some of the largest gold and silver projects in Guatemala. The Guatemalan government has not lived up to its human rights obligations in granting these licences and nearly a decade of mining-related conflict has resulted. For Mayan peoples in Guatemala, land and territory are fundamental to cultural identity and defence of their territories is central to their survival. Non-Indigenous communities also find their rights and freedoms under threat. This becomes painfully clear when they oppose unwanted mines.

The film



“Tragic and inspiring” describes the new documentary *Gold Fever* by Northland films. *Gold Fever* documents the impact of a massive Canadian gold mine on a remote Mayan community in Guatemala’s breathtaking highlands. 500 years after the colonization of Guatemala, Mayan community members find themselves in the midst of another struggle to protect their land and rights, this time as ‘stakeholders’ in a competitive globalized economy.

Their community, San Miguel Ixtahuacán, is divided between those who see the benefits the mine brings in terms of jobs and training and those who see the threats the mine poses to their ancestral lands, culture and rights. The film focuses on three courageous Mayan women - Diodora, Crisanta and Gregoria – who have each suffered serious consequences for defending their right to oppose the Marlin Mine.

Meanwhile, investors in the North are in a frenzy of gold speculation and buying. Advertisements featuring happy retired couples frolicking on warm beaches beckon to Canadians, asking them to invest their spare cash in gold mining stocks. The lives of contemporary Mayans who live alongside mines like Marlin are simply invisible to Canadians.

Commentators Noam Chomsky, Magalí Rey Rosa, and “economic hitman” John Perkins explore the connections between Wall Street and San Miguel Ixtahuacán, asking along the way: “what is the value of the one place we have to live?”

Questions for pre-viewing discussion:

- What impact do you imagine large-scale mining operations have on Indigenous communities in Central America and elsewhere?
- What say or control should Indigenous peoples have over oil, gas, and mining within their traditional territories?
- The Government of Canada supports Canadian mining overseas as part of its development strategy. The central argument of the policy is that mining investment alleviates poverty by creating jobs, improving infrastructure and delivering vital social programmes. What is your view on this?
- Should individuals and communities negatively affected by mining operations be allowed to take legal action in the home country of the mining company? Why or why not?

Questions for post-viewing discussion:

- Did the film change your answer to any of the pre-viewing questions? In what way?
- Do the stories told in *Gold Fever* support or reject the notion that foreign-owned mining projects alleviate poverty?
- What responsibilities do mining companies have for any negative impacts that their operations have on the lives and livelihoods of Indigenous and non-Indigenous communities?
- Do they have different responsibilities throughout the life of the project? For example, does a company bear the same responsibility to a community at the start of a project as it does one year after a project ends? 10 years? Forever?
- What protections should the government of Guatemala offer to activists speaking out on behalf of communities negatively affected by mining company operations?
- How has the concept of free, prior, and informed consent been applied, or not applied, in the situation described in the film? Who is responsible for implementing it?
- How are women impacted by mining operations and why do you think women like Diodora, Crisanta and Gregoria are at the forefront of the struggle documented in this film?
- Do you think that public pension funds, such as the Canada Pension Plan, or private pension funds, such as your church or union pension, should rethink their investments in mining companies with significant investments in overseas projects? What other lessons do you take from seeing this film?

Definition:

Free, prior and informed consent is the technical term describing the right of Indigenous peoples to make their own decisions on matters crucial to their lives, well-being and survival. The right of free, prior and informed consent is grounded in the universal right of all peoples to self-determination. In the case of Indigenous peoples, it is also a precautionary measure, based on recognition of the long history of harm that has been caused by decisions imposed on Indigenous peoples against their wishes. Free, prior and informed consent or FPIC requires a) transparent sharing of information so that Indigenous peoples can make the best decisions for their communities; 2) enough time for Indigenous peoples to carefully consider the options based on their own ways of making decisions; and 3) guarantees that they will not be subject intimidation, harassment or retaliation.

Resources

Amnesty International campaign materials:

<http://www.amnesty.ca>

Gold Fever promotional materials: <http://www.goldfevermovie.com/resources/>

UN Declaration on the Rights of Indigenous Peoples:

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Background:

Canada

Canada is a global mining heavy-weight and the Canadian Government is a strong promoter of Canadian mining interests abroad. Canadian overseas mining revenue in Latin America has been estimated at US\$19.4 billion in 2012. The Canadian government recently shifted Canada's foreign aid policy to help Canada's mining sector maintain a competitive global advantage in foreign markets. While acting as headquarters to more than 60% of the world's mining and exploration companies, the government of Canada maintains a business-friendly relationship with mining companies, helping them negotiate royalty agreements with local governments or providing funds for partnerships with development organisations to carry out social programmes. They call the strategy, "Building the Canadian Advantage". Canadians have called for laws to regulate the human rights performance of Canadian transnational mining companies, yet the Canadian government has chosen instead to encourage companies to adopt lighter, voluntary initiatives.

However, as Canada has strengthened its extractives sector, it has not created the laws necessary to hold Canadian corporations accountable for human rights harms committed overseas. This is referred to as the 'accountability gap'.

Guatemala

A disturbing pattern of violence and intimidation of human rights defenders opposed to mining developments has emerged in Guatemala. Amnesty International has documented threats, shootings, sexual assaults, and killings of human rights defenders who have raised concerns about several Canadian-operated mining projects.

Mining for construction materials, metals and non-metallic minerals is the foundation of Guatemala's economic development plan. To date, the State has granted hundreds of mining licenses. Total mining production in the country was valued at nearly US \$1billion in 2011¹.

There is widespread concern about metals mining in Guatemala. A 2012 national poll estimated that 2/3 of Guatemalans oppose mining. However, the issue is divisive: some residents support mining and the jobs mines bring to impoverished regions. Others oppose mining projects over concerns about environmental impacts or human rights harms.

Guatemalan civil society organisations have raised the following human rights concerns:

- failure by the Guatemalan state to consult with Indigenous and non-Indigenous peoples in areas of mining operations, and where required, failure to obtain the consent of affected Indigenous peoples. Guatemala has endorsed the UN Declaration on the Rights on Indigenous Peoples.
- Guatemalan state has continued to grant licenses to mining companies despite inadequate consultation processes, fuelling conflict throughout the country.
- potential environmental harms as a result of mining operations and the corresponding impact on right to health and livelihoods.
- lack of meaningful information about proposed mining developments necessary to make informed decisions about the projects
- failures of companies and the State to adequately plan and fund mine closure, remediation and post-closure monitoring.
- threats and attacks against human rights defenders or Indigenous community leaders opposed to mining.

The rights of Indigenous peoples in Guatemala are especially at risk. The UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern that, "indigenous peoples' right to be consulted prior to the exploitation of natural resources located in their territories is not fully respected in practice," and called on Guatemala to establish regulations in line with the country's international obligations to consult and obtain the free, prior, informed consent of affected Indigenous communities. The CERD has called on Canada to establish laws to prevent Canadian transnational companies from carrying out activities that harm the rights of Indigenous peoples outside Canada and to hold these companies to account when they do commit harms.

¹ In July of this year (2013), the President of Guatemala announced he was asking Congress to approve a 2-year moratorium on granting metals-mining licences. Government officials are seeking reforms to the country's 1997 Mining Law.

Why should I be concerned?

There are many reasons why Canadians should be concerned. Public funds are used to support the Canadian transnational mining sector through trade missions, aid and development projects, diplomatic support to Canadian companies in Guatemala, and global promotion of investment in the sector. Individual Canadians make contributions to the Canada Pension Plan, which are invested in many Canadian mining companies, including companies operating in Guatemala.

People whose human rights have been harmed by Canadian mining companies (or their subsidiaries or contractors) have not been very successful in holding the companies accountable. At the international level, there is agreement that companies have a responsibility to ensure that their operations respect human rights and that when those rights are violated, victims should be provided with remedy. When victims are unable to obtain adequate remedy in their home countries, they turn to Canada to seek justice. However, these attempts have been unsuccessful.

On October 22nd, 2013, Amnesty International, in collaboration with the Canadian Network on Corporate Accountability, will launch a new campaign called “Open for Justice”. This campaign calls for legislation in Canada that will allow foreign victims of corporate harms greater access to Canadian courts. It also calls for the creation of a mandatory Extractives Sector Ombudsperson to hear complaints about Canadian overseas mining operations. (For more information about the Open for Justice campaign, please visit www.amnesty.ca/openforjustice, on or after October 22nd).

Amnesty International Canada is calling on the Government of Canada to:

- at a minimum, implement the UN Guiding Principles on Business and Human Rights
- implement recommendations made by various UN bodies, such as the Committee for the Elimination of Racial Discrimination (CERD) regarding Canada’s extractives sector
- adopt legislation to create a mandatory Extractives Sector Ombudsperson with the power to independently investigate complaints, issue recommendations, make public its findings and if required, recommend the cessation of political, financial or diplomatic support from the Government of Canada to the company under investigation.
- legislate access to Canadian courts so victims of serious harms may bring forward civil lawsuits with the purpose of remedying the harm they experienced.

Pressure from concerned Canadians is crucial to ensure that: Guatemalans risking their lives to defend their rights are protected; the government of Canada enacts legislation to hold companies to account for human rights; and Canadian companies respect international human rights laws and standards wherever they do business.