

Large scale mining: unsustainable development on and on



In Ecuador's new constitution, which came into force in October 2008, the State's most important duty is to respect and enforce the population's human rights on the collective as well as the individual level. Besides this, the constitution also recognizes the rights of nature itself, or Pachamama. However, in spite of this most encouraging gesture, nothing has changed and the country is still wedded to an economic model based on mining and oil extraction.

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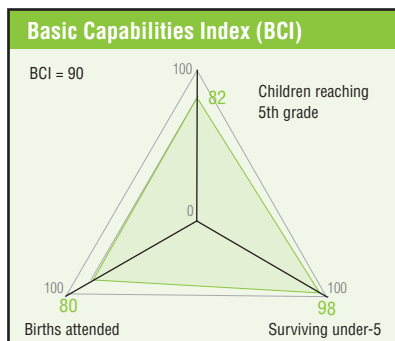
Article 71 of the Ecuador's new constitution recognizes the right of nature "to have its existence and the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes holistically respected,"¹ and individuals, communities, peoples and national groups have a legitimate right to demand that the political authorities comply with this disposition. This translates into a State obligation to care for and protect the natural environment and to restore degraded ecosystems, and it is quite apart from the established rights of individuals or groups to receive compensation when their human rights are violated.

The human right to live in a healthy and ecologically balanced environment, and to manage that environment in a way that is based on the principles of sustainable development, to some extent conflicts with the rights of nature itself, as recognized in the constitution, because nature is acknowledged as having intrinsic value over and above the goods and services that mankind may extract from it.

Sustainable development

The ever-accelerating exploitation of nature in 19th and 20th centuries has led to some resources, above all non-renewable ones, being over-exploited, and it is clear that in many areas the planet's physical capacity to serve mankind's rapacious production and consumption needs is now exhausted. This means ecosystems all over the world are becoming increasingly degraded because people are extracting natural resources more and more intensively to take maximum advantage of them. This is having a whole range of negative effects all over the world like soil degradation, the disappearance of entire species of flora and fauna, water pollution, high levels of air pollution, deforestation and desertification. Besides these impacts on nature, communities and people in all parts of the world are suffering social and cultural devastation, and the most extreme example of this is the actual extinction of some original indigenous peoples.

In the 1970s and 1980s there was growing concern with protecting the environment from the

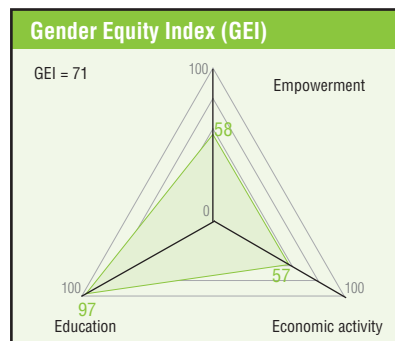


effects of unrestrained human activity and this went beyond policy discussions in international organizations and led some States to gradually start enacting environmental protection measures. These were linked to the recognition of people's right to live in a healthy and ecologically balanced environment, and to the development of environmental management. We shall now analyse how concern about the environment interconnects with the concept of development.

The right to live in a healthy and ecologically balanced environment

The concept of sustainable development is not in itself a criticism of the logic of capitalist accumulation as a structural cause of negative effects on the environment. However, one of the implications of the notion of sustainability is that people have the right to live in a healthy environment, and this has led to the emergence of environmental management, which takes different forms in different places and necessarily includes environmental impact evaluation processes as part of the mechanisms to reduce or eliminate unsustainable production and consumption systems. In some cases local people play a role in managing the environment, and this means they must be provided with adequate information about the problems involved and have the opportunity to take part in decision-making processes. In Ecuador today this is known as the right to environment consultation.

However, in practice, environmental management is not geared to protecting nature as such, it is not aimed at preserving ecosystems or the people who live in them because these spaces and communities have intrinsic value, rather it is a mechanism



to perpetuate the exploitation of these resources for the purposes of economic development. The focus is to implant systems that will allow these natural resources to be used more efficiently over time and will involve technical and scientific development so that more economic gain can be extracted per unit of the natural resource.

Large scale mining in Ecuador

In Ecuador large scale extraction, mainly the oil industry, is the paradigm case of how the exploitation of natural resources can cause the accelerated deterioration of ecosystems and of the conditions of life of the people who live in them. According to data from the Ecuador System of Social Indicators (SIISE),² most of the people in settlements near the oilfields are above the national average for poverty and their local environments are now being very seriously polluted.

One of most controversial issues in Ecuador today is the exploitation phase of the large scale mining of metals, which is due to start in the near future. Since the 1990s successive governments have been laying the foundations for this expansion of mining, and claiming it will generate large revenues for the State and enable the country to develop.

The Technical Assistance Project for Mining Development and Environmental Control (PRODEMINCA) and the 1991 Mining Law, both of which were carried through under the auspices of the World Bank, signalled the start of a State policy to gradually develop large scale mining. The main aim of this legal framework was to generate conditions favourable for private investment, and various transnational

1 Political Constitution of Ecuador, Article 71.

2 SIISE data can be downloaded from: <www.siise.gov.ec>.

companies acquired State concessions and began exploring and prospecting. By 2007 these activities had spread to some 2.8 million hectares of land, and nearly half of this activity involved the mining of metals.³

This has had serious negative social and environmental impacts including the pollution of land and water resources, and it has also led to land speculation, monopolies and outside control of the concession areas. However, in some cases local peasant and indigenous populations are fighting back, and the best-known example is the Íntag in the province of Imbabura. In 1997 the people of this community stopped the Japanese firm Bishimetals from going about their work, and in 2006 they did the same to the Canadian enterprise Ascendant Copper. In 2007⁴ direct action by this resistance movement, and by other groups in the provinces of Zamora Chinchipe and Morona Santiago, caused several transnational firms to suspend their activities.

The start of large scale mining and the resistance process

Several years ago the National Assembly enacted Constitutional Mandate No. 6 whereby under certain circumstances mining concessions would revert to the State, but in spite of this, when the country's new constitution came into force the Government submitted a new mining bill and identified five large scale mining projects as being strategically important for Ecuador's development plan, and this was passed by the National Assembly.

Ecuador now has a National Mining Development Plan 2011–2015 in which some 21 extensive mineral deposits in various provinces are earmarked for exploitation. The State's share in the revenues from mining is stipulated in a system of royalties and taxes the private companies have to pay, and environmental and social management policies for these activities have been established. The State has also consolidated the legal framework for these projects to go into operation⁵ and is currently negotiating five mining contracts with transnational companies, one of which has already been awarded its environmental licence for the exploitation phase.⁶

The indigenous and peasant communities that will suffer the direct impacts of these projects have mobilized resistance on a permanent basis, and the

THE EVIDENCE SOME WANT TO IGNORE

The Government of Ecuador and some social actors insist that the large scale mining model in place today is sustainable, but the evidence that is plain to see in the country's mining and oil producing regions tells quite a different story. According to a report on the sustainability of mining in Ecuador, the exploitation of the copper deposits at Mirador in the Cóndor mountain range by CCRCTongguan, a Chinese enterprise, will generate at least 326 million tons of waste, which is equivalent to four hills like El Panecillo in Quito or the volume of all the rubbish collected in Guayaquil for the next 405 years. Another example is at Fruta del Norte, where the extraction of 11.8 million ounces of gold will leave behind 384 million tons of waste. But the Government claims this policy is justified as the extractive sector's contribution the country's economy will grow to an estimated USD 37,000 million in the next twenty years.¹ This is the reality, and any official talk of alternative development is just rhetoric and hot air.

1 William Sacher and Alberto Acosta, ¿Puede ser sustentable la minería?, Report on mining conflicts in Latin America, (August 2011), <www.conflictosmineros.net/contenidos/12-ecuador/8199-ipuede-ser-sustentable-la-mineria>.

Government has kept them under constant pressure with arguments about the need for development and has accused them of political primitivism and of wanting to prevent the State from generating the financial resources needed for the country to grow economically.⁷ The authorities have also taken more direct action like using legal machinery to persecute these communities, and in the courts resistance efforts are being treated as terrorism and sabotage.⁸

An alternative view of development

The arrival of large scale projects to mine metals in Ecuador has provoked and is still provoking social mobilisation and resistance against the current and potential social and environmental impacts these kinds of operations cause. This tension and conflict between the Government and indigenous and peasant communities is being played out against a background of political debate about the development model the State is implementing.

The 2008 Political Constitution of Ecuador has dispositions that govern these matters, and this legislation should be analysed in a way that is holistic and goes beyond strictly legal interpretations and applications. Not only is it the State's inescapable duty to defend the rights of nature as well as human rights, both individual and collective, but the State should also design and construct an alternative policy that is radically different from today's development model in which the economic growth of society is tied almost exclusively to exploiting non-renewable natural resources.

The sustainable development philosophy cannot be considered an alternative or even a criticism of

the current model unless it questions the very ideology of economic progress. Without this dimension it can do no more than cover the prevailing capitalist model with a cloak of concern about the environment, because in this model nature is still regarded primarily as a source of resources. However, the defenders of the current sustainable development stance would say it is an attempt to use science and technology to preserve the environment for future generations.

To sum up, the start of large scale mining in Ecuador reawakened debate about sustainable development, but the only change from the previous raw neo-liberal approach is that now the State is taking a greater share of the profits. There has been no change whatsoever in the way these projects are carried out and private transnational companies are still operating without restraint. It is these firms that are causing devastating impacts on a whole range of ecosystems and on the lives of the people who live in them. These communities are demanding new alternatives to protect their ecosystems in a holistic way so that natural areas and the animal and plant species that live in them can be saved, and the human beings who have their homes there can lead decent lives.

The Government is projecting a false image on the international stage. It makes pronouncements about how it is planning to move beyond the extraction model, it has recognized in the country's constitution that nature itself has rights, it considers *sumak kawsay* and alternative development proposals, and there is even talk of not extracting the country's oil in exchange for economic compensation from the international community (as expressed in the Yasuni-ITT plan⁹), but in actual fact it is pushing the frontiers of extractive enterprises, especially mining, ever deeper into natural areas. This is making Ecuador even more dependent on the exploitation of non-renewable resources and perpetuating the violation of the human rights of the populations involved. But the Government justifies this on the grounds that it needs the revenues from these projects in order for the whole country to develop. ■

9 See: <www.yasuni-itt.gob.ec; www.amazoniaporlavida.org>.

3 CEDHU - FIDH, *Intervención minera a gran escala en Ecuador y vulneración de derechos humanos*, (Ecuador: Ecumenical Commission for Human Rights and the International Human Rights Federation, 2010) 13-15.

4 "Brief history of resistance to mining in Intag, Ecuador" <www.sloth.gr.jp/S-chapter/MINING%20RESISTANCE%20IN%20JUNIN-SUMMARY_esp.pdf>; "Anti-mining resistance in Morona Santiago" <www.olca.cl/oca/ecuador/mineras54.htm>; "Mining cannot operate in Zamora" *Diario La Hora*, (29 May 2007), <www.lahora.com.ec/index.php/noticias/show/575172/-1/Minera_no_puede_operar_en_Zamora.html>.

5 National Mining Sector Plan for Mining Development 2011-2015 <bit.ly/PlanMinero2011-2015>.

6 "Ecuacorrientes cerca de obtener permisos ambientales" Newspaper *El Hoy*, (6 October 2011), <www.hoy.com.ec/noticias-ecuador/ecuacorrientes-cerca-de-obtener-permisos-ambientales-505288.html>.

7 "Presidente Correa defiende minería responsable" *Ecuadorinmediato.com*, (25 September 2009), <bit.ly/rhESn3>; "Presidente Correa afirma que el Gobierno no acepta plazos de nadie" *Ecuadorinmediato.com*, (11 December 2009), <bit.ly/n6AwEt>; "La Minería" Ministry of Non-Renewable natural Resources <bit.ly/rgTbeb>.

8 Francisco Hurtado, "Análisis sobre la criminalización actual en Ecuador" (Ecuador: Report on Collective Rights of the Centre for Economic and Social Rights - CDES and Oxfam, 2011) <observatorio.cdes.org.ec/analisis/documentos-de-analisis.html>.