Defend El Salvador Against Gold Mining and CAFTA-DR
by Holly McDede of Global Justice for Animals and the Environment

PAC RIM

By joining with the NY Committee in Solidarity with the People in El Salvador, we could protest against the Pac Rim NAFTA case and address the horror within NAFTA’s investor rights with the goal of forcing Pac Rim to drop this case.

OVERVIEW

On August 3, 2010, an international tribunal of the Central American Free Trade Agreement agreed to allow a suite brought by Pac Rim against El Salvador in 2008. CAFTA-DR, like NAFTA, includes special rights for foreign investors that can be enforced by so-called “investor-state” tribunals. In this case, Pac Rim seeks compensation because El Salvador did not allow the mining firm to operate a large gold mine, called El Dorado, that would include cyanide ore processing in Rio Lempa, El Salvador’s largest rivers. Pacific Rim Mining Corp., a Canadian based multinational firm, did not even bother to complete the environmental study to obtain an operation permit. Instead, in 2007, a subsidiary of Pacific Rim Mining Corp in Cayman Islands challenged the Salvadoran government, threatening a CAFTA-DR claim under the name Pac Rim Cayman LLC. This case will likely cost El Salvador, one of the hemisphere’s poorest countries, millions of dollars simply to defend itself. This is the first environmental case filed through CAFTA-DR.

TACTICS AND STRATEGIES

During a protest held against this case in Washington DC, Vidalina Morales, a community leader from El Salvador, stated the destruction that the gold mine would have brought to her area when she explained, “Most people in our town are subsistence farmers who get by on the little that they can grow. If our lands are destroyed and our water is contaminated, we cannot survive.”

In New York and Boston, there were demonstrations condemning the Canadian consulates in these areas. In Washington, DC, the action was held in front of the offices of Crowell & Moring, the law firm representing Pacific Rim.

“In Seattle, dozens of demonstrators marched from Westlake Plaza to the office of Rep. Jim McDermott (D-WA) on Thursday afternoon to protest the Congressman’s ongoing refusal to endorse a trade policy reform bill currently before the Congress, and to disrupt a press conference held by Pacific Rim Mining Corporation honoring McDermott for his support of free trade.”

Because the primaries are approaching in New York, this would be a good opportunity to demonstrate near areas where Rangel is campaigning to protest his ongoing refusal to endorse the TRADE Act or the Bill to Repeal NAFTA, which essentially means he does not condemn the investor right provisions in NAFTA nor the Pac Rim CAFTA-DR case. This will help to bring special attention to our cause, as the media is paying special focus to Rangel, as well as make this issue local. In order to persuade Pac Rim to drop this case, we need as much opposition as possible. The more people know about this issue, the greater the opposition will be.

“Throughout the week leading up to the protest, hundreds responded to a CISPES Action Alert with phone calls and e-mails calling on Pacific Rim to “drop the suit!” Meanwhile, CISPES committees nationwide are using street theater, forums, presentations, and protests to begin the important work of educating supporters and community members about the threats posed to human life and the environment by the proposed mining projects in El Salvador.”

Our group would mimic this same tactic – street theater, forums, presentations, and protests. They had managed to cause hundreds to respond to the case, and we can too. Working with CISPES on this work is extremely important because, while it appears they are indeed incorporating these tactics and strategies nationwide, they need to be brought to the New York area to make it a stronger campaign nationwide. Street theater would work very well for our group, because it does not cost money, we do not need to book a place to do it, and it captures the public attention with its entertainment value. All we need to do is make Pac Rim seem like a villain, there is serious havoc brought to their

image, and it will not be worth the potential compensation for NAFTA to lose share holders based on their image. As for presentations, forums, and protests, p should take place at universities and at high schools to gain more youth supporters, which will be highly beneficial for our group as a whole for the sake of diversity and bringing in their new ideas. Libraries, parks, and other locations willing to host events will also help to gain more supporters against this case. The wider the movement, the stronger our group will be for future campaigns and the more letters, faxes, emails, and telephone calls will be made against our target, Pac Rim. We can have a strong influence on Pac Rim because, as their website indicates by mentioning how they are helping the environment, they are concerned with seeming environmentally friendly. Their involvement in this case, as we will make clear, will not go unnoticed.

Our main goal would be to put direct pressure on Pac Rim. We would send postcards, emails, faxes, and we could organize an entire day or week spent making phone calls to Pac Rim in order to overwhelm them with opposition. There need to be more protests in New York, and we would organize with the New York Chapter of CISPES to make this happen.

COMMERCE GROUP

The case against Commerce group is very similar to the Pac Rim case, but would be much easier to campaign against because Commerce is a United States company.
In fact, there is justification.

“If gold mines elsewhere are any indication, the mine in El Salvador could contaminate existing water supplies. Gold mines use cyanide heap leaching to extract gold from the ore. The process trickles cyanide-laced water down through piled up ore, pulling out the mineral as it filters through the heap. Mines elsewhere have leaked mercury, arsenic, zinc and aluminum, along with cyanide, into the ground water. The town of San Sebastian in eastern El Salvador continues to suffer from hazardous materials produced by a nearby mine operated from 1950 to the 1981 by the Commerce Group Corporation.”

CAMPAIGN:

Salvadoran President Mauricio Funes had stated in his campaign that he would commit to not allowing mining in El Salvador, but has made no public statements about mining whatsoever since taking office. We need to write letters to him to remind him that he is not meeting his pledge, and dissatisfaction with his policy has reached as far as environmental groups and Salvadoran activist groups in the United States.

Education Specifics

The anti-mining movement in El Salvador is growing strong. They have been working with Farabundo Martí National Liberation Front (FMLN) legislators to propose revisions to the current mining laws to restrict mining and provide more protection to affected communities. During the first week of June, the National Table Against Mineral Mining organized information sessions, press conferences, and mobilized a march against mining. They also got radio spots to explain the impacts of mining and the Commerce Group lawsuits, which are airing nationally. We could ask radio stations to talk about these cases as well in order to create awareness about CAFTA-DR and this case. Editorials to newspapers will also have this same effect. According to Public Citizen, “the recent Pacific Rim ruling is so controversial that it could help fuel demands for reforms of international investment rules, not only in CAFTA-DR-DR but also other U.S. trade agreements.”

When Americans learn that a United States company also seeks CAFTA-DR for millions of dollars, and that these cases will not stop at Pacific Rim, their outrage over investor-rights in CAFTA-DR will increase.

Educating people about the Commerce Group case means educating people on the horror of NAFTA and the devastating effect it can have on communities. By joining in solidarity with the National Table Against Mineral Mining to also organize information sessions, press conferences, and mobilized marches, we will make the campaign against NAFTA not simply about more jobs for Americans, but about the lives of those in El Salvador who would be hurt by mining projects such as the one led by Commerce Group.

Targeting Barrack Obama

“As a senator and on the presidential campaign trail, Barack Obama was critical of the existing trade and investment model. Obama opposed the CAFTA-DR-DR because it 'does little to address enforcement of basic environmental standards in the Central American countries and the Dominican Republic.' In 2008, during his campaign, Obama committed to making changes in investment rules, responding to a questionnaire on trade policy saying that "with regards to provisions in several FTAs that give foreign investors the right to sue governments directly in foreign tribunals, I will ensure that foreign investor rights are strictly limited and will fully exempt any law or regulation written to protect public safety or promote the public interest.' However, the Obama White House is now pushing for congressional approval of several trade agreements negotiated by the Bush administration that contain investment rules nearly identical to those in CAFTA-DR-DR.

The Commerce Group case demonstrates that CAFTA-DR must be overturned, and that Obama has not gone through with his word to limit foreign investor rights. We should write and petition to Obama to ask him to publicly denounce the Commerce Group case as an example of abusing investor rights. Obama once understood the importance of criticizing these investor rights, and now that another election is coming up, he will understand it once again.

Contact Information

Information about Commerce Group is available on their website and will be a vital part of our campaign, as we will right letters, send faxes, send petitions, and make phone calls to this corporation directly.

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Although the officers and directors are located in Utah, Wisconsin, and Nevada, a protest against this NAFTA case would also be a protest against CAFTA-DR, and therefore could take place in areas of New York visited by Obama. Just as with Pac Rim, our main goal would be to put pressure on Commerce Group Corporation until they drop this case. This would mean faxes, postcards, emails, letters, and phone calls on a massive scale to this corporation and to Obama. The educational campaign will include editorials, radio airings, demonstrations, information sessions, and press conferences. This campaign could stand on its own or be included in the Pac Rim campaign as a general campaign against NAFTA investor rights. Commerce Group, like Pac Rim, is concerned with seeming environmentally friendly, as is seen in their website and claims they have made. We can have a strong influence on them by informing them that the implications of working against the environment will lose them share holders, as it has in the past for companies such as Barrick Gold.

Taken from the 'Community' section of the Commerce Group webpage, which states, "We aim to decrease the distribution of waste in the environment and, as always, consistently honor all legal requirements."